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4
5 By: Senator M. Johnson
6

A Bill

SENATE BILL 452

For An Act To Be Entitled

8 AN ACT TO REQUIRE THAT APPORTIONMENT OF WARDS BE
9 CONDUCTED BY THE COUNTY BOARDS OF ELECTION
10 COMMISSIONERS; TO AMEND THE LAW CONCERNING
11 DESIGNATION OF WARDS IN MUNICIPALITIES; AND FOR OTHER
12 PURPOSES.

Subtitle

16 TO REQUIRE THAT APPORTIONMENT OF WARDS BE
17 CONDUCTED BY THE COUNTY BOARDS OF
18 ELECTION COMMISSIONERS; AND TO AMEND THE
19 LAW CONCERNING DESIGNATION OF WARDS IN
20 MUNICIPALITIES.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25 SECTION 1. Arkansas Code § 14-43-307(b)(2), concerning the
26 establishment of wards of substantially equal population in cities that elect
27 council members by wards, is amended to read as follows:

28 (2)(A) All ~~such~~ cities choosing to elect ~~all~~ council members by
29 wards or in part by wards shall ~~provide,~~ request the county board of election
30 commissioners or county boards of election commissioners, if applicable,
31 servng the city to determine the wards for the city.

32 (B) The request to the county board of election
33 commissioners or county boards of election commissioners to redistrict wards
34 under this section shall include without limitation:

35 (i) A map depicting the current wards in the city;

36 (ii) The date of the next election at which the city



1 requests the redistricting to be effective; and

2 (iii) If the city is served by more than one (1)
 3 county board of election commissioners, a list of each county board of
 4 election commissioners that serves the city.

5 (C) The city clerk shall notify each county board of
 6 election commissioners that serves the city of the city's intent to be
 7 organized in whole or in part by ward.

8 (D) The county board of election commissioners that serves
 9 the city shall:

10 (i) Meet and divide the city into wards;

11 (ii) Provide, in the manner provided by law, for the
 12 establishment of wards of substantially equal population in order that each
 13 council member elected from each ward shall represent substantially the same
 14 number of people in the city; and

15 (iii) Notify the city clerk of the new ward
 16 designations no later than thirty (30) days before the filing period begins
 17 for the next city council election.

18 (E)(i) If the city is served by more than one (1) county
 19 board of election commissioners, the county boards of election commissioners
 20 serving the city shall meet together and determine the new wards by majority
 21 vote of the members present.

22 (ii) In the case of a tie vote under subdivision
 23 (b)(2)(E)(i) of this section, the mayor of the city being redistricted shall
 24 cast the deciding vote.

25
 26 SECTION 2. Arkansas Code § 14-43-311(a), concerning redistricting of
 27 wards for city council elections in cities of the first class, is amended to
 28 read as follows:

29 (a)(1)(A)~~(i) City councils in cities~~ A city council in a city of the
 30 first class may by resolution request that the county board of election
 31 commissioners that serves the city meet and redistrict the wards in ~~their~~ the
 32 city when ~~they determine~~ the city council determines that the people can best
 33 be served by adding wards, combining wards, or changing ward boundary lines
 34 to equalize the population in the various wards.

35 (ii) The resolution requesting redistricting under this
 36 section shall include without limitation:

1 (a) A map depicting the current wards in the city;

2 (b) The date of the next election at which the city
3 requests the redistricting to be effective; and

4 (c) If the city is served by more than one (1)
5 county board of election commissioners, a list of each county board of
6 election commissioners that serves the city.

7 (iii) The city clerk shall deliver a copy of the
8 resolution to the county board of election commissioners that serves the city
9 no sooner than ninety (90) days before the filing period begins for the next
10 election for city council at which the redistricted wards will be effective.

11 (B)(i) The ~~city council~~ county board of election
12 commissioners or county boards of election commissioners for the city, if
13 applicable, shall ensure:

14 (a) Designate the new wards of the city by
15 majority vote;

16 (b) Ensure that each ward has as nearly an
17 equal population as would best serve the interest of the people of the city;
18 and

19 (c) Notify the city clerk of the county board
20 of election commissioners' decision no later than thirty (30) days before the
21 filing period begins for the next election at which the new ward designations
22 will be effective.

23 (ii)(a) If the city is served by more than one (1)
24 county board of election commissioners, the county boards of election
25 commissioners serving the city shall meet together and determine the new
26 wards by majority vote of the members present.

27 (b) In the case of a tie vote under
28 subdivision (a)(1)(B)(ii)(a) of this section, the mayor of the city being
29 redistricted shall cast the deciding vote.

30 (2)(A) Within ninety (90) days after redistricting, if one
31 hundred (100) or more qualified electors in the city are dissatisfied with
32 the redistricting of the city into wards, the electors may petition the
33 circuit court.

34 (B) The circuit court, after due hearing, may redistrict
35 the city into such wards as the circuit court shall deem best if the court
36 finds that the redistricting action by the ~~city council~~ county board of

1 election commissioners was arbitrary and capricious.

2

3 SECTION 3. Arkansas Code §§ 14-44-101 and 14-44-102 are amended to
4 read as follows:

5 14-44-101. Creation of wards.

6 (a) As soon as practicable after an incorporated town becomes a city
7 of the second class, the city council shall form the city into the number of
8 wards that, to it, will seem to best serve the interests of the city.

9 ~~It shall be the duty of the council to see that each ward has as~~
10 ~~nearly an equal population to each of the other wards as would best serve the~~
11 ~~interests of the taxpayers of the city~~ The city council shall request that
12 the county board of election commissioners apportion the wards as required
13 under § 14-44-102.

14

15 14-44-102. Redistricting of wards.

16 ~~(a)(1) City councils in cities of the second class shall have the~~
17 ~~authority to redistrict the wards of their cities when they determine~~ If the
18 city council of a city of the second class determines that the people can
19 best be served by adding wards, combining wards, or changing ward boundary
20 lines to equalize the populations in the various wards, the city council
21 shall by resolution request that each county board of election commissioners
22 that serves the city or county boards of election commissioners that serve
23 the city, if applicable, divide the city into wards or redistrict the wards
24 of the city.

25 (2) The resolution requesting division of the city into wards or
26 redistricting the wards of the city under this section shall include without
27 limitation:

28 (A) A map depicting the current wards in the city, if any;

29 (B) The date of the next election when the city requests
30 the division or redistricting to be effective; and

31 (C) If the city is served by more than one (1) county
32 board of election commissioners, a list of the county boards of election
33 commissioners that serve the city.

34 (3) The city clerk shall deliver a copy of the resolution to
35 each county board of election commissioners that serves the city and shall
36 notify each county board of election commissioners that serves the city of

1 the city's intent to be organized in whole or in part by ward.

2 (b)(1) Each county board of election commissioners that serves the
3 city shall:

4 (A) Meet and divide the city into wards;

5 (B) Provide for the establishment of wards of
6 substantially equal population, according to the most recently published
7 federal decennial census of the population of the city, equal to the number
8 of members of the governing body to be elected from the wards; and

9 (C) Notify the city clerk of the new ward designations no
10 later than thirty (30) days before the filing period begins for the next
11 election for city council.

12 (2)(A) If the city is served by more than one (1) county board
13 of election commissioners, the county boards of election commissioners
14 serving the city shall meet and determine the new wards by majority vote of
15 the members present.

16 (B) In the case of a tie vote under subdivision (b)(2)(A)
17 of this section, the mayor of the city whose wards are being redistricted
18 shall cast the deciding vote.

19 (c)(1) Within ninety (90) days after redistricting, if fifty (50) or
20 more qualified electors in the city are dissatisfied with the division of the
21 city into wards, they shall have the authority to petition the circuit court.

22 (2) The circuit court, after due hearing, shall have
23 authority to redistrict the city into such wards as it shall deem best if it
24 finds that the redistricting action by the council was arbitrary and
25 capricious.

26
27 SECTION 4. Arkansas Code § 14-48-107 is amended to read as follows:

28 14-48-107. Division of city into wards.

29 (a)(1)(A) Following the adoption of the city administrator form of
30 government in any city and ~~prior to~~ before the special municipal election for
31 the initial membership of the board of directors and the mayor, the governing
32 body of the city, by ordinance, shall by resolution request the county board
33 of election commissioners that serves the city or the county boards of
34 election commissioners that serve the city, if applicable, to divide the city
35 into four (4) wards with each ward being composed of contiguous territory and
36 of substantially equal population and which shall be designated numbers one,

1 two, three, and four.

2 (B) The city administrator shall deliver a copy of the
3 resolution to the county board of election commissioners that serves the city
4 no sooner than ninety (90) days before the filing period begins for the next
5 election for city council at which the redistricted wards will be effective.

6 (C) Each county board of election commissioners that
7 serves the city shall:

8 (i) Meet and divide the city into wards;

9 (ii) Provide for the establishment of four (4) wards
10 of substantially equal population, according to the most recently published
11 federal decennial census of the population of the city; and

12 (iii) Notify the city clerk of the new ward
13 designations no later than thirty (30) days before the filing period begins
14 for the next election.

15 (D)(i) If the city is served by more than one (1) county
16 board of election commissioners, the county boards of election commissioners
17 serving the city shall meet and determine the new wards by majority vote of
18 the members present.

19 (ii) In the case of a tie vote under subdivision
20 (a)(1)(D)(i) of this section, the city administrator of the city whose wards
21 are being redistricted shall cast the deciding vote.

22 (2) The designation of wards shall be made not more than twenty
23 (20) days after the certification of results of the election to the Secretary
24 of State.

25 (b)(1) If the governing body of the city fails to request the county
26 board of election commissioners to act by resolution or if the county board
27 of election commissioners fails to act within the time prescribed, then any
28 elector of the city may present to the judge of the circuit court for the
29 county in which the city is situated a petition requesting a designation of
30 wards and asking for the appointment of three (3) commissioners to act in
31 relation thereto.

32 (2)(A) Within five (5) days after receipt of the petition, the
33 circuit judge shall appoint three (3) electors of the city to serve as a city
34 board of commissioners. It shall be this ~~board's~~ city board of commissioners'
35 duty to divide the city into four (4) wards, with each ward being composed of
36 contiguous territory and of substantially equal population, which shall be

1 designated numbers one, two, three, and four.

2 (B)(i) The city board of commissioners, by majority
3 action, shall make a report which shall designate the boundaries of the wards
4 and then file the report with the city clerk within fifteen (15) days after
5 the date of their appointment.

6 (ii)(a) If no report is filed within this time, that
7 city board of commissioners shall be automatically dissolved, and the circuit
8 judge, upon the filing of a petition reciting the failure of the board to
9 act, shall appoint a new city board of commissioners for the same purpose,
10 with the same authority, and with the same limitations.

11 (b) In the event of failure of the second city
12 board of commissioners to act, the process may be continued until a report is
13 filed.

14 (c)(1) The board of directors of the city under the city administrator
15 form of government shall by resolution request the county board of election
16 commissioners that serves the city or the county boards of election
17 commissioners that serve the city, if applicable, to review the apportionment
18 among the wards after each federal census in the city or in the event there
19 is an imbalance in population among the wards in excess of fifteen percent
20 (15%).

21 (2)(A) The board of directors may by resolution request the
22 county board of election commissioners that serves the city or the county
23 boards of election commissioners that serve the city, if applicable, to
24 reapportion the wards to maintain substantially equal population in each ward
25 whenever they deem necessary.

26 (B) In the event a redesignation of ward boundaries
27 results in director number one, two, three, or four residing outside the
28 boundary of the ward which he or she is representing, he or she shall
29 nonetheless continue in office until his or her regular term expires.

30
31 SECTION 5. Arkansas Code § 14-61-109 is amended to read as follows:
32 14-61-109. Determination of ward positions.

33 Ward positions and positions for larger designated districts that
34 overlap wards shall be determined as follows:

35 (1)(A) If a city affected by this chapter chooses to select some
36 of its members by ward, the governing body shall by resolution request the

1 county board of election commissioners that serves the city or the county
 2 boards of election commissioners that serve the city, if applicable, to
 3 divide the city into wards.

4 (B) The resolution requesting redistricting under this
 5 section shall include without limitation:

6 (i) If the city was previously divided into wards, a
 7 map depicting the current wards in the city;

8 (ii) The date of the next election at which the city
 9 requests the redistricting to be effective; and

10 (iii) If the city is served by more than one (1)
 11 county board of election commissioners, a list of each county board of
 12 election commissioners that serves the city.

13 (C) The city clerk shall deliver a copy of the resolution
 14 to each county board of election commissioners that serves the city no sooner
 15 than ninety (90) days before the filing period begins for the next election
 16 for city council at which the redistricted wards will be effective.

17 (2) The county board of election commissioners shall:

18 (A) ~~divide~~ Divide the territory of the city into the
 19 number of wards having substantially equal population, according to the most
 20 recently published federal decennial census of population in the city, equal
 21 to the number of members of the governing body to be elected from wards; and

22 ~~(2)(B)~~ If a city affected by this chapter chooses to select some
 23 of its members by larger designated districts that overlap wards, ~~the~~
 24 ~~governing body~~ county board of election commissioners shall divide the
 25 territory of the city into the number of districts having substantially equal
 26 population, according to the most recent federal decennial census, equal to
 27 the number of members of the governing body to be elected from districts;

28 (3) The ~~governing body~~ county board of election commissioners
 29 shall complete its apportionment of the respective districts or wards from
 30 which members of the governing body of the cities shall be elected and shall
 31 file it with the county clerk of the county and with the city clerk of the
 32 applicable city;

33 (4) The districts or wards so established, unless changed or
 34 modified by order of a court of competent jurisdiction or by ordinance
 35 approved by a two-thirds vote of the governing body of the city under § 14-
 36 61-107, shall be the districts or wards of the city from which each of the

1 respective members of the governing body of the city are to be elected;

2 (5) Following each federal decennial census of population and
3 following any special federal census of population within a particular city,
4 if there has been a substantial change in the population of the districts and
5 wards from the preceding federal census, the ~~governing body~~ county board of
6 election commissioners shall reapportion the districts and wards in each city
7 in the manner and procedure as provided in this section from which the
8 members of the governing body are to be elected; and

9 (6)(A) Notwithstanding the provisions of any other act, candidates for
10 ward positions shall be residents of the ward they wish to represent, and
11 candidates for district positions shall be residents of the district they
12 wish to represent.

13 (B) Unless the electors choose otherwise, only those qualified
14 electors residing in a ward may vote on a candidate from that ward.

15 (C) Unless the electors choose otherwise, all qualified electors
16 of the city may vote on candidates for each larger designated district that
17 overlaps a ward.

18
19 SECTION 6. TEMPORARY LEGISLATION. DO NOT CODIFY.

20 City wards existing on the effective date of this act shall remain in
21 effect until new city wards are established pursuant to:

22 (1) A resolution requesting redistricting that is adopted by the
23 city council; or

24 (2) A federal decennial census that requires reapportionment.
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