1   State of Arkansas   *As Engrossed: S4/19/21*
2   93rd General Assembly   A Bill
3   Regular Session, 2021   SENATE BILL 452
4
5   By: Senator M. Johnson
6
7   **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.
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14
15   **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.
21
22
23   BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24
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   serving 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*;
15   *(iii) Accept recommendations from the city for*
16   *redistricting city ward lines;*
17   *(iv) Where practical, create consistency with other*
18   *political boundary lines;*
19   *(v) Use the most recent federal decennial census*
20   *data to establish the city ward lines;*
21   *(vi) Seek reimbursement from the city for the costs*
22   *associated with reapportionment or redrawing of city ward lines; and*
23   *(vii) Notify the city clerk of the new ward*
24   designations no later than thirty (30) days before the filing period begins
25   for the next city council election.
26   (E)(i) If the city is served by more than one (1) county
27   board of election commissioners, the county boards of election commissioners
28   serving the city shall meet together and determine the new wards by majority
29   vote of the members present.
30   (ii) In the case of a tie vote under subdivision
31   (b)(2)(E)(i) of this section, the mayor of the city being redistricted shall
32   cast the deciding vote.
33
34   SECTION 2. Arkansas Code § 14-43-311(a), concerning redistricting of
35   wards for city council elections in cities of the first class, is amended to
36   read as follows:

1   (a)(1)(A)(i) ~~City councils in cities~~ A city council in a city of the
2   first class may by resolution request that the county board of election
3   commissioners that serves the city meet and redistrict the wards in ~~their~~ the
4   city when ~~they determine~~ the city council determines that the people can best
5   be served by adding wards, combining wards, or changing ward boundary lines
6   to equalize the population in the various wards.
7   (ii)   The resolution requesting redistricting under this
8   section shall include without limitation:
9   (a)   A map depicting the current wards in the city;
10   (b)   The date of the next election at which the city
11   requests the redistricting to be effective; and
12   (c)   If the city is served by more than one (1)
13   county board of election commissioners, a list of each county board of
14   election commissioners that serves the city.
15   (iii)   The city clerk shall deliver a copy of the
16   resolution to the county board of election commissioners that serves the city
17   no sooner than ninety (90) days before the filing period begins for the next
18   election for city council at which the redistricted wards will be effective.
19   (B)(i)   The ~~city council~~ county board of election
20   commissioners or county boards of election commissioners for the city, if
21   applicable, shall ~~ensure~~:
22   (a)   Designate the new wards of the city by
23   majority vote;
24   (b)   ~~Ensure~~ that each ward has as nearly an
25   equal population as would best serve the interest of the people of the city;
26   *(c)   Accept recommendations from the city for*
27   *redistricting city ward lines;*
28   *(d)   Where practical, create consistency with*
29   *other political boundary lines;*
30   *(e)   Use the most recent federal decennial*
31   *census data to establish the city ward lines;*
32   *(f)   Seek reimbursement from the city for the*
33   *costs associated with reapportionment or redrawing of city ward lines; and*
34   *(g)   Notify the city clerk of the county board*
35   of election commissioners' decision no later than thirty (30) days before the
36   filing period begins for the next election at which the new ward designations

1   will be effective.
2   (ii)(a) If the city is served by more than one (1)
3   county board of election commissioners, the county boards of election
4   commissioners serving the city shall meet together and determine the new
5   wards by majority vote of the members present.
6   (b) In the case of a tie vote under
7   subdivision (a)(1)(B)(ii)(a) of this section, the mayor of the city being
8   redistricted shall cast the deciding vote.
9   (2)(A) Within ninety (90) days after redistricting, if one
10   hundred (100) or more qualified electors in the city are dissatisfied with
11   the redistricting of the city into wards, the electors may petition the
12   circuit court.
13   (B) The circuit court, after due hearing, may redistrict
14   the city into such wards as the circuit court shall deem best if the court
15   finds that the redistricting action by the city council county board of
16   election commissioners was arbitrary and capricious.
17
18   SECTION 3. Arkansas Code §§ 14-44-101 and 14-44-102 are amended to
19   read as follows:
20   14-44-101. Creation of wards.
21   (a) As soon as practicable after an incorporated town becomes a city
22   of the second class, the city council shall form the city into the number of
23   wards that, to it, will seem to best serve the interests of the city.
24   (b) It shall be the duty of the council to see that each ward has as
25   nearly an equal population to each of the other wards as would best serve the
26   interests of the taxpayers of the city The city council shall request that
27   the county board of election commissioners apportion the wards as required
28   under § 14-44-102.
29
30   14-44-102. Redistricting of wards.
31   (a)(1) City councils in cities of the second class shall have the
32   authority to redistrict the wards of their cities when they determine If the
33   city council of a city of the second class determines that the people can
34   best be served by adding wards, combining wards, or changing ward boundary
35   lines to equalize the populations in the various wards, the city council
36   shall by resolution request that each county board of election commissioners

1   that serves the city or county boards of election commissioners that serve

2   the city, if applicable, divide the city into wards or redistrict the wards

3   of the city.

4   (2)   The resolution requesting division of the city into wards or

5   redistricting the wards of the city under this section shall include without

6   limitation:

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

8   (B)   The date of the next election when the city requests

9   the division or redistricting to be effective; and

10   (C)   If the city is served by more than one (1) county

11 board of election commissioners, a list of the county boards of election

12 commissioners that serve the city.

13   (3)   The city clerk shall deliver a copy of the resolution to

14 each county board of election commissioners that serves the city and shall

15 notify each county board of election commissioners that serves the city of

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

17   (b)(1)   Each county board of election commissioners that serves the

18 city shall:

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

20   (B)   Provide for the establishment of wards of

21 substantially equal population, according to the most recently published

22 federal decennial census of the population of the city, equal to the number

23 *of members of the governing body to be elected from the wards;*

24   *(C)   Accept recommendations from the city for redistricting*

25 *city ward lines;*

26   *(D)   Where practical, create consistency with other*

27 *political boundary lines;*

28   *(E)   Use the most recent federal decennial census data to*

29 *establish the city ward lines;*

30   *(F)   Seek reimbursement from the city for the costs*

31 *associated with reapportionment or redrawing of city ward lines; and*

32   *(G)   Notify the city clerk of the new ward designations no*

33 later than thirty (30) days before the filing period begins for the next

34 election for city council.

35   (2)(A)   If the city is served by more than one (1) county board

36 of election commissioners, the county boards of election commissioners

1   serving the city shall meet and determine the new wards by majority vote of
2   the members present.
3   (B) In the case of a tie vote under subdivision (b)(2)(A)
4   of this section, the mayor of the city whose wards are being redistricted
5   shall cast the deciding vote.
6   (c)(1) Within ninety (90) days after redistricting, if fifty (50) or
7   more qualified electors in the city are dissatisfied with the division of the
8   city into wards, they shall have the authority to petition the circuit court.
9   (2) The circuit court, after due hearing, shall have
10 authority to redistrict the city into such wards as it shall deem best if it
11 finds that the redistricting action by the council was arbitrary and
12 capricious.
13
14   SECTION 4. Arkansas Code § 14-48-107 is amended to read as follows:
15   14-48-107. Division of city into wards.
16   (a)(1)(A) Following the adoption of the city administrator form of
17 government in any city and prior to before the special municipal election for
18 the initial membership of the board of directors and the mayor, the governing
19 body of the city, by ordinance, shall by resolution request the county board
20 of election commissioners that serves the city or the county boards of
21 election commissioners that serve the city, if applicable, to divide the city
22 into four (4) wards with each ward being composed of contiguous territory and
23 of substantially equal population and which shall be designated numbers one,
24 two, three, and four.
25   (B) The city administrator shall deliver a copy of the
26 resolution to the county board of election commissioners that serves the city
27 no sooner than ninety (90) days before the filing period begins for the next
28 election for city council at which the redistricted wards will be effective.
29   (C) Each county board of election commissioners that
30 serves the city shall:
31   (i) Meet and divide the city into wards;
32   (ii) Provide for the establishment of four (4) wards
33 of substantially equal population, according to the most recently published
34 *federal decennial census of the population of the city;*
35   *(iii) Accept recommendations from the city for*
36 *redistricting city ward lines;*

1   *(iv)   Where practical, create consistency with other*
2   *political boundary lines;*
3   *(v)   Use the most recent federal decennial census*
4   *data to establish the city ward lines;*
5   *   (vi)   Seek reimbursement from the city for the costs*
6   *associated with reapportionment or redrawing of city ward lines; and*
7   *(vii)   Notify the city clerk of the new ward*
8   designations no later than thirty (30) days before the filing period begins
9   for the next election.
10   (D)(i)   If the city is served by more than one (1) county
11   board of election commissioners, the county boards of election commissioners
12   serving the city shall meet and determine the new wards by majority vote of
13   the members present.
14   (ii)   In the case of a tie vote under subdivision
15   (a)(1)(D)(i) of this section, the city administrator of the city whose wards
16   are being redistricted shall cast the deciding vote.
17   (2)   The designation of wards shall be made not more than twenty
18   (20) days after the certification of results of the election to the Secretary
19   of State.
20   (b)(1)   If the governing body of the city fails to request the county
21   board of election commissioners to act by resolution or if the county board
22   of election commissioners fails to act within the time prescribed, then any
23   elector of the city may present to the judge of the circuit court for the
24   county in which the city is situated a petition requesting a designation of
25   wards and asking for the appointment of three (3) commissioners to act in
26   relation thereto.
27   (2)(A)   Within five (5) days after receipt of the petition, the
28   circuit judge shall appoint three (3) electors of the city to serve as a city
29   board of commissioners. It shall be this ~~board's~~ city board of commissioners'
30   duty to divide the city into four (4) wards, with each ward being composed of
31   contiguous territory and of substantially equal population, which shall be
32   designated numbers one, two, three, and four.
33   (B)(i)   The city board of commissioners, by majority
34   action, shall make a report which shall designate the boundaries of the wards
35   and then file the report with the city clerk within fifteen (15) days after
36   the date of their appointment.

1   (ii)(a) If no report is filed within this time, that

2   city board of commissioners shall be automatically dissolved, and the circuit

3   judge, upon the filing of a petition reciting the failure of the board to

4   act, shall appoint a new city board of commissioners for the same purpose,

5   with the same authority, and with the same limitations.

6   (b) In the event of failure of the second city

7   board of commissioners to act, the process may be continued until a report is

8   filed.

9   (c)(1) The board of directors of the city under the city administrator

10   form of government shall by resolution request the county board of election

11   commissioners that serves the city or the county boards of election

12   commissioners that serve the city, if applicable, to review the apportionment

13   among the wards after each federal census in the city or in the event there

14   is an imbalance in population among the wards in excess of fifteen percent

15   (15%).

16   (2)(A) The board of directors may by resolution request the

17   county board of election commissioners that serves the city or the county

18   boards of election commissioners that serve the city, if applicable, to

19   reapportion the wards to maintain substantially equal population in each ward

20   whenever they deem necessary.

21   (B) In the event a redesignation of ward boundaries

22   results in director number one, two, three, or four residing outside the

23   boundary of the ward which he or she is representing, he or she shall

24   nonetheless continue in office until his or her regular term expires.

25

26   SECTION 5. Arkansas Code § 14-61-109 is amended to read as follows:

27   14-61-109. Determination of ward positions.

28   Ward positions and positions for larger designated districts that

29   overlap wards shall be determined as follows:

30   (1)(A) If a city affected by this chapter chooses to select some

31   of its members by ward, the governing body shall by resolution request the

32   county board of election commissioners that serves the city or the county

33   boards of election commissioners that serve the city, if applicable, to

34   divide the city into wards.

35   (B) The resolution requesting redistricting under this

36   section shall include without limitation:

1   (i)   If the city was previously divided into wards, a
2   map depicting the current wards in the city;
3   (ii)   The date of the next election at which the city
4   requests the redistricting to be effective; and
5   (iii)   If the city is served by more than one (1)
6   county board of election commissioners, a list of each county board of
7   election commissioners that serves the city.
8   (C)   The city clerk shall deliver a copy of the resolution
9   to each county board of election commissioners that serves the city no sooner
10   than ninety (90) days before the filing period begins for the next election
11   for city council at which the redistricted wards will be *effective*;
12   (2)   The county board of election commissioners shall:
13   (A)   ~~divide~~ Divide the territory of the city into the
14   number of wards having substantially equal population, according to the most
15   recently published federal decennial census of population in the city, equal
16   to the number of members of the governing body to be elected from wards;
17   ~~(2)~~(B)   If a city affected by this chapter chooses to select some
18   of its members by larger designated districts that overlap wards, ~~the~~
19   ~~governing body~~ county board of election commissioners shall divide the
20   territory of the city into the number of districts having substantially equal
21   population, according to the most recent federal decennial census, equal to
22   *the number of members of the governing body to be elected from districts;*
23   *(C)   Accept recommendations from the city for redistricting*
24   *city ward lines;*
25   *(D)   Use the most recent federal decennial census data to*
26   *establish the city ward lines;*
27   *(E)   Seek reimbursement from the city for the costs*
28   *associated with reapportionment or redrawing of city ward lines; and*
29   *(F)   Where practical, create consistency with other*
30   *political boundary lines;*
31   (3)   The ~~governing body~~ county board of election commissioners
32   shall complete its apportionment of the respective districts or wards from
33   which members of the governing body of the cities shall be elected and shall
34   file it with the county clerk of the county and with the city clerk of the
35   applicable city;
36   (4)   The districts or wards so established, unless changed or

1   modified by order of a court of competent jurisdiction or by ordinance

2   approved by a two-thirds vote of the governing body of the city under § 14-

3   61-107, shall be the districts or wards of the city from which each of the

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

5   (5) Following each federal decennial census of population and

6   following any special federal census of population within a particular city,

7   if there has been a substantial change in the population of the districts and

8   wards from the preceding federal census, the ~~governing body~~ county board of

9   election commissioners shall reapportion the districts and wards in each city

10 in the manner and procedure as provided in this section from which the

11 members of the governing body are to be elected; and

12   (6)(A) Notwithstanding the provisions of any other act, candidates for

13 ward positions shall be residents of the ward they wish to represent, and

14 candidates for district positions shall be residents of the district they

15 wish to represent.

16   (B) Unless the electors choose otherwise, only those qualified

17 electors residing in a ward may vote on a candidate from that ward.

18   (C) Unless the electors choose otherwise, all qualified electors

19 of the city may vote on candidates for each larger designated district that

20 overlaps a ward.

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22   *SECTION 6. DO NOT CODIFY. EFFECTIVE DATE. This act is effective on*

23 *and after January 1, 2022.*

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25   */s/M. Johnson*

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