

State of Arkansas

94th General Assembly

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SJR 1

By: Senator B. King

SENATE JOINT RESOLUTION

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO AMEND
CONSTITUTIONAL PROVISIONS CONCERNING APPORTIONMENT;
AND TO CREATE THE ARKANSAS APPORTIONMENT COMMISSION.

Subtitle

A CONSTITUTIONAL AMENDMENT TO AMEND
CONSTITUTIONAL PROVISIONS CONCERNING
APPORTIONMENT; AND TO CREATE THE ARKANSAS
APPORTIONMENT COMMISSION.

BE IT RESOLVED BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE
STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

THAT the following is proposed as an amendment to the Constitution of
the State of Arkansas, and upon being submitted to the electors of the state
for approval or rejection at the next general election for Representatives
and Senators, if a majority of the electors voting thereon at the election
adopt the amendment, the amendment shall become a part of the Constitution of
the State of Arkansas, to wit:

SECTION 1. Arkansas Constitution, Article 8, § 1, is amended to read
as follows:

§ 1. Board of ~~apportionment~~ Apportionment created – Powers and duties.
(a) A ~~Board~~ board to be known as "The Board of Apportionment",
consisting of the Governor (who shall be ~~Chairman~~ Chair), the Secretary of
State, and the Attorney General is hereby created and it shall be its



imperative duty to ~~make~~ approve the apportionment of senators and
representatives in accordance with the provisions hereof; ~~the~~. The action of
a majority in each instance shall be deemed the action of said board.

(b) The board shall appoint members to the Arkansas Apportionment
Commission and approve or reject reports issued by the commission.

SECTION 2. Arkansas Constitution, Article 8, § 2, is amended to read
as follows:

§ 2. One hundred members in House of Representatives – Apportionment.

~~The House of Representatives shall consist of one hundred members and~~
~~each county existing at the time of any apportionment shall have at least one~~
~~representative; the remaining members shall be equally distributed (as nearly~~
~~as practicable) among the more populous counties of the State, in accordance~~
~~with a ratio to be determined by the population of said counties as shown by~~
~~the Federal census next preceding any apportionment hereunder~~

The House of Representatives shall consist of one hundred (100)
members. The Arkansas Apportionment Commission, subject to the approval of
the Board of Apportionment, shall from time to time divide the state into one
hundred (100) convenient House of Representatives districts.
The districts shall have an equal population, or as nearly equal as
practicable if consistent with the decisions of the Arkansas Apportionment
Commission under this article, in accordance with the population of the state
as shown by the federal census next preceding any apportionment under this
article.

SECTION 3. Arkansas Constitution, Article 8, § 3, is amended to read
as follows:

§ 3. Senatorial districts – Thirty-five members of Senate.

~~The Senate shall consist of thirty five members. Senatorial districts~~
~~shall at all times consist of contiguous territory, and no county shall be~~
~~divided in the formation of such districts. "The Board of Apportionment"~~
~~hereby created shall, from time to time, divide the state into convenient~~
~~senatorial districts in such manner as that the Senate shall be based upon~~
~~the inhabitants of the state, each senator representing, as nearly as~~
~~practicable, an equal number thereof; each district shall have at least one~~
~~senator~~

The Senate shall consist of thirty-five (35) members. The Arkansas Apportionment Commission, subject to the approval of the Board of Apportionment, shall from time to time divide the state into thirty-five (35) convenient Senate districts. The districts shall have an equal population, or as nearly equal as practicable if consistent with the decisions of the Arkansas Apportionment Commission under this article, in accordance with the population of the state as shown by the federal census next preceding any apportionment under this article.

SECTION 4. Arkansas Constitution, Article 8, § 4, is amended to read as follows:

§ 4. Duties of Arkansas Apportionment Commission and Board of Apportionment.

On or before February 1 immediately following each ~~Federal~~ federal decennial census, ~~said board~~ the Arkansas Apportionment Commission shall reapportion the ~~State~~ state for ~~Representatives, senators and~~ representatives. The commission shall issue a report to the Board of Apportionment, which shall either accept or reject the report. If the board accepts the report, and in each instance said the board shall file ~~its~~ the report with the Secretary of State, setting forth (a) the basis of population adopted for senators and representatives, ~~and~~ (b) the number of senators and representatives assigned to each county, ~~whereupon, after~~ After 30 thirty (30) days from such filing date, the apportionment thus made shall become effective unless proceedings for revision be instituted in the Supreme Court within said period.

SECTION 5. Arkansas Constitution, Article 8, § 5, is amended to read as follows:

§ 5. Mandamus to compel Arkansas Apportionment Commission and Board of Apportionment to act.

Original jurisdiction (to be exercised on application of any citizens and taxpayers) is hereby vested in the Supreme Court ~~of the State~~ (a) to compel (by mandamus or otherwise) the ~~board~~ Arkansas Apportionment Commission and the Board of Apportionment to perform ~~its~~ their duties as here directed, ~~and~~ (b) to revise any arbitrary action of or abuse of discretion by the board in making such apportionment, and (c) to reapportion the state for senators

1 and representatives if the report of the commission is rejected three (3)
 2 times by the board; provided any such application for revision or
 3 reapportionment shall be filed with said the Supreme Court within 30 thirty
 4 (30) days after the filing acceptance or the third rejection of the report of
 5 apportionment by said board with the Secretary of State; if revised or
 6 reapportioned by the court, a certified copy of its judgment shall be by the
 7 clerk thereof forthwith transmitted to the Secretary of State, and thereupon
 8 be and become a substitute for the apportionment made by the commission and
 9 the board.

10
 11 SECTION 6. Arkansas Constitution, Article 8, is amended to add
 12 additional sections to read as follows:

13 § 7. Arkansas Apportionment Commission – Creation.

14 (a) There is created the Arkansas Apportionment Commission.

15 (b)(1) The commission shall consist of nine (9) members.

16 (2) Three (3) members shall be appointed by the Governor, three
 17 (3) members shall be appointed by the Secretary of State, and three (3)
 18 members shall be appointed by the Attorney General.

19 (3) Of the nine (9) members of the commission:

20 (A) At least one (1) member shall be educated in the field
 21 of mathematics;

22 (B) At least one (1) member shall be a licensed attorney;
 23 and

24 (C) At least one (1) member shall be competent in the
 25 field of computer-assisted cartography.

26 (c) Members of the commission shall be appointed on or before January
 27 15 immediately following each federal decennial census and shall serve terms
 28 of ten (10) years, with each term beginning on the January 15 immediately
 29 following the federal decennial census and ending on the January 14
 30 immediately following the next occurring federal decennial census.

31 (d) Vacancies on the commission shall be filled in the manner of the
 32 original appointment for the remainder of the term.

33 (e) Five (5) members of the commission shall constitute a quorum for
 34 the purpose of transacting business.

35 (f) A majority vote of the total membership of the commission is
 36 required for any action of the commission.

(g) The office of the Secretary of State shall provide staff assistance as may be requested by the commission.

(h) Each member of the commission shall:

(1) Be a registered voter of the state;

(2) Not be a registered lobbyist at the state or federal level or have been registered as a lobbyist at the state or federal level within one (1) year of the date of his or her appointment to the commission; and

(3) Not be a current elected official, an elected state, district, or county political party official, or have served as an elected official or elected state, district, or county political party official within two (2) years of the date of appointment.

(i) A member of the commission shall not campaign for elected office or actively participate in or contribute to the campaign of a person running for a state or federal elected office during his or her term of office or for two (2) years after his or her term of office.

(j)(1) The commission, by a majority vote of the total membership of the commission cast during its first meeting following each federal decennial census, may authorize payment to its members of a stipend not to exceed eighty-five dollars (\$85.00) per day for each meeting attended or for any day while performing any proper business of the commission.

(2) Stipends shall be paid by the Auditor of State from funds available for that purpose.

(3) Members of the commission shall receive no other compensation, expense reimbursement, or in-lieu-of payments for their service on the commission.

(k) In addition to taking and subscribing to the oath under Arkansas Constitution, Article 19, § 20, each member of the commission shall take and subscribe to an oath of affirmation that their official decisions will be based on the values of political neutrality and the public interest and not on any attempt to further the interests of any particular private person, private interest, or political party.

(l) A person appointed to serve on the commission may be appointed to serve subsequent terms on the commission.

(m) The commission shall be subject to the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

(n)(1) The commission shall retain all records related to

reapportioning the state for senators and representatives, including without limitation all communications received by members of the commission and the commission's staff regarding how the state should be reapportioned for senators, representatives, or both senators and representatives.

(2) If a member of the commission or a member of the commission's staff receives a verbal communication regarding how the state should be reapportioned for senators, representatives, or both senators and representatives, the member or staff shall document the verbal communication in writing.

§ 8. Powers and duties of Arkansas Apportionment Commission – Approval by Board of Apportionment.

(a)(1)(A) On or before February 1 immediately following each federal decennial census, the Arkansas Apportionment Commission shall convene to reapportion the state for senators and representatives.

(B) The Governor shall call the first meeting of the commission following each federal decennial census.

(C) The commission shall elect a chair and other officers it deems necessary at its first meeting following each federal decennial census.

(2) If the population information resulting from the federal decennial census is not available on February 1 immediately following a federal decennial census, the commission shall convene to reapportion the state for senators and representatives as soon as practicable.

(b)(1) When reapportioning the state for senators and representatives, the commission shall consider the following criteria in the order stated in this subsection:

- (A) Population equality;
- (B) Any applicable federal civil rights laws;
- (C) Contiguity;
- (D) Avoiding the division of cities and counties;
- (E) Avoiding the division of areas marked by geographical features such as mountains or rivers;
- (F) Compactness; and
- (G) The drawing of House districts wholly within Senate districts.

(2)(A) The commission may consider the criteria stated under subdivision (b)(1) of this section in an order determined by the commission if it reasonably determines that the commission should deviate from the order stated in subdivision (b)(1) of this section.

(B) A determination to deviate from the order stated in subdivision (b)(1) of this section shall be based on:

- (i) Fairness;
- (ii) Administrative efficiency; or
- (iii) Both fairness and administrative efficiency.

(c) Unless otherwise required by law, the commission shall not consider the following when reapportioning the state for senators and representatives:

- (1) Political affiliation of residents;
- (2) Previous election results;
- (3) Residence of an incumbent elected official;
- (4) Communities of interest; or
- (5) Any demographic information other than population.

(d)(1) The commission shall prepare a report and submit the report to the Board of Apportionment.

(2) The report shall include:

(A) The basis of population adopted for senators and representatives; and

(B) The number of senators and representatives assigned to each county.

(3)(A) The board may choose to accept the report or reject the report and request that the commission make revisions.

(B) The board may reject the report no more than three (3) times.

(e)(1) If the board rejects the report of the commission three (3) times, the apportionment shall be made by the Supreme Court.

(2) If the board accepts the report, it shall file the report with the Secretary of State under Section 4 of this article.

SECTION 7. EFFECTIVE DATE. This amendment is effective on and after January 1, 2025.

SECTION 8. BALLOT TITLE AND POPULAR NAME. When this proposed amendment is submitted to the electors of this state on the general election ballot:

(1) The title of this Joint Resolution shall be the ballot title; and

(2) The popular name shall be "A Constitutional Amendment To Amend Constitutional Provisions Concerning Apportionment and to Create the Arkansas Apportionment Commission."