

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas *As Engrossed: S3/7/23*

2 94th General Assembly

3 Regular Session, 2023

SJR 1

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5 By: Senator B. King

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**SENATE JOINT RESOLUTION**

8

AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO AMEND

9

CONSTITUTIONAL PROVISIONS CONCERNING APPORTIONMENT;

10

AND TO CREATE THE ARKANSAS APPORTIONMENT COMMISSION.

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**Subtitle**

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A CONSTITUTIONAL AMENDMENT TO AMEND

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CONSTITUTIONAL PROVISIONS CONCERNING

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APPORTIONMENT; AND TO CREATE THE ARKANSAS

17

APPORTIONMENT COMMISSION.

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20 BE IT RESOLVED BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE

21 STATE OF ARKANSAS, AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL

22 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

23

24 THAT the following is proposed as an amendment to the Constitution of

25 the State of Arkansas, and upon being submitted to the electors of the state

26 for approval or rejection at the next general election for Representatives

27 and Senators, if a majority of the electors voting thereon at the election

28 adopt the amendment, the amendment shall become a part of the Constitution of

29 the State of Arkansas, to wit:

30

31 SECTION 1. Arkansas Constitution, Article 8, § 1, is amended to read

32 as follows:

33 § 1. Board of ~~apportionment~~ Apportionment created – Powers and duties.

34 (a) A ~~Board~~ board to be known as "The Board of Apportionment",

35 consisting of the Governor (who shall be ~~Chairman~~ Chair), the Secretary of

36 State, and the Attorney General is hereby created and it shall be its



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

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

6  
7 SECTION 2. Arkansas Constitution, Article 8, § 2, is amended to read  
8 as follows:

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

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

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

25  
26 SECTION 3. Arkansas Constitution, Article 8, § 3, is amended to read  
27 as follows:

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

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

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

9  
 10       SECTION 4. Arkansas Constitution, Article 8, § 4, is amended to read  
 11 as follows:

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

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

26  
 27       SECTION 5. Arkansas Constitution, Article 8, § 5, is amended to read  
 28 as follows:

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

31       Original jurisdiction (to be exercised on application of any citizens  
 32 and taxpayers) is hereby vested in the Supreme Court ~~of the State~~ (a) to  
 33 compel (by mandamus or otherwise) the ~~board~~ Arkansas Apportionment Commission  
 34 and the Board of Apportionment to perform ~~its~~ their duties as here directed,  
 35 ~~and~~ (b) to revise any arbitrary action of or abuse of discretion by the board  
 36 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.

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

3       (h) Each member of the commission shall:

4           (1) Be a registered voter of the state;

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

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

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

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

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

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

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

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

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

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

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

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

10  
11 § 8. Powers and duties of Arkansas Apportionment Commission – Approval  
12 by Board of Apportionment.

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

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

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

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

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

28 (A) Population equality;

29 (B) Any applicable federal civil rights laws;

30 (C) Contiguity;

31 (D) Avoiding the division of cities and counties;

32 (E) Avoiding the division of school districts;

33 (F) Avoiding the division of areas marked by geographical  
34 features such as mountains or rivers;

35 (G) Compactness; and

36 (H) The drawing of House districts wholly within Senate

1 districts.

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

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

8 (i) Fairness;

9 (ii) Administrative efficiency; or

10 (iii) Both fairness and administrative  
11 efficiency.

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

15 (1) Political affiliation of residents;

16 (2) Previous election results;

17 (3) Residence of an incumbent elected official;

18 (4) Communities of interest; or

19 (5) Any demographic information other than population.

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

22 (2) The report shall include:

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

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

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

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

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

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

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36 SECTION 7. EFFECTIVE DATE. This amendment is effective on and after

1 January 1, 2025.

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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."

*/s/B. King*