

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 671

By: Senator M. Johnson

## For An Act To Be Entitled

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

## Subtitle

TO REQUIRE APPORTIONMENT OF WARDS BE CONDUCTED BY THE COUNTY BOARDS OF ELECTION COMMISSIONERS; AND TO AMEND THE LAW CONCERNING DESIGNATION OF WARDS IN MUNICIPALITIES.

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

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

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

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

- (i) A map depicting the current wards in the city;
- (ii) The date of the next election at which the city requests the redistricting to be effective; and
- (iii) If the city is served by more than one (1)



county board of election commissioners, a list of each county board of election commissioners that serves the city.

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

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

(i) Meet and divide the city into wards;

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

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

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

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

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

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

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

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

(b) The date of the next election at which the city

requests the redistricting to be effective; and

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

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

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

(a) Designate the new districts of the city by majority vote;

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

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

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

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

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

(B) The court, after due hearing, may redistrict the city into such wards as the court shall deem best if the court finds that the redistricting action by the ~~city council~~ county board of election commissioners was arbitrary and capricious.

SECTION 3. Arkansas Code § 14-44-101 is amended to read as follows:  
 14-44-101. Creation of wards.

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

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

SECTION 4. Arkansas Code § 14-44-102 is amended to read as follows:  
 14-44-102. Redistricting of wards.

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

(2) The resolution requesting to divide the city into wards or to redistrict the wards of the city under this section shall include without limitation:

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

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

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

(3) The city clerk shall deliver a copy of the resolution to and notify each county board of election commissioners that serves the city of the city's intent to be organized in whole or in part by ward.

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

(A) Meet and divide the city into wards;

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

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

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

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

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

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

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

If a city affected by this chapter chooses to select some of its members by ward, the ward positions shall be determined as follows:

(1)(A) The governing body shall ~~divide by resolution request the~~ county board of election commissioners that serves the city or the county boards of election commissioners that serve the city, if applicable, to divide the city into wards.

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

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

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

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

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

(2) The county board of election commissioners shall:

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

~~(2) The governing body shall complete its~~

(B) Complete the county board of election commissioners' apportionment of the respective districts from which members of the governing body of the ~~cities~~ city shall be elected and shall file it with the county clerk of the county and with the city clerk of the applicable city;

(3) The districts or wards so established, unless changed or modified by order of a court of competent jurisdiction, shall be the wards of the city from which each of the respective members of the governing body of the city are to be elected;

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

(5) Notwithstanding the provisions of any other act, candidates for ward positions shall be residents of the ward they wish to represent. Unless the electors choose otherwise, only those qualified electors residing in a ward may vote on a candidate from that ward.

SECTION 6. TEMPORARY LEGISLATION. DO NOT CODIFY.

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

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

(2) A federal decennial census that requires reapportionment.