

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

State of Arkansas
93rd General Assembly
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As Engrossed: S4/19/21
A Bill

SENATE BILL 452

By: Senator M. Johnson

For An Act To Be Entitled

AN ACT TO REQUIRE THAT 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 THAT 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,~~ 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 request to the county board of election commissioners or county boards of election commissioners to redistrict wards 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;

(iii) Accept recommendations from the city for redistricting city ward lines;

(iv) Where practical, create consistency with other political boundary lines;

(v) Use the most recent federal decennial census data to establish the city ward lines;

(vi) Seek reimbursement from the city for the costs associated with reapportionment or redrawing of city ward lines; and

(vii) 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 (1) county board of election commissioners, the county boards of election commissioners 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 wards 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;

(c) Accept recommendations from the city for redistricting city ward lines;

(d) Where practical, create consistency with other political boundary lines;

(e) Use the most recent federal decennial census data to establish the city ward lines;

(f) Seek reimbursement from the city for the costs associated with reapportionment or redrawing of city ward lines; and

(g) Notify the city clerk of the county board of election commissioners' 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 (1) county board of election commissioners, the county boards of election commissioners 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 circuit court, after due hearing, may redistrict the city into such wards as the circuit 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 and 14-44-102 are 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.

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, divide the city into wards or redistrict the wards of the city.

(2) The resolution requesting division of the city into wards or redistricting 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 each county board of election commissioners that serves the city and 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.

(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;

(C) Accept recommendations from the city for redistricting city ward lines;

(D) Where practical, create consistency with other political boundary lines;

(E) Use the most recent federal decennial census data to establish the city ward lines;

(F) Seek reimbursement from the city for the costs associated with reapportionment or redrawing of city ward lines; and

(G) 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 4. Arkansas Code § 14-48-107 is amended to read as follows:

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

(a)(1)(A) Following the adoption of the city administrator form of government in any city and ~~prior to~~ before the special municipal election for the initial membership of the board of directors and the mayor, the governing body of the city, by ordinance, shall 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 four (4) wards with each ward being composed of contiguous territory and of substantially equal population and which shall be designated numbers one, two, three, and four.

(B) The city administrator 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.

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

(i) Meet and divide the city into wards;

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

(iii) Accept recommendations from the city for redistricting city ward lines;

(iv) Where practical, create consistency with other political boundary lines;

(v) Use the most recent federal decennial census data to establish the city ward lines;

(vi) Seek reimbursement from the city for the costs associated with reapportionment or redrawing of city ward lines; and

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

(D)(i) 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.

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

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

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

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

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

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

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

(c)(1) The board of directors of the city under the city administrator form of government shall 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 review the apportionment among the wards after each federal census in the city or in the event there is an imbalance in population among the wards in excess of fifteen percent (15%).

(2)(A) The board of directors may 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 reapportion the wards to maintain substantially equal population in each ward whenever they deem necessary.

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

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

14-61-109. Determination of ward positions.

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

(1)(A) If a city affected by this chapter chooses to select some of its members by ward, the governing body shall 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~~ Divide the territory of the city into the number of wards having substantially equal population, according to the most recently published federal decennial census of population in the city, equal to the number of members of the governing body to be elected from wards;

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

(C) Accept recommendations from the city for redistricting city ward lines;

(D) Use the most recent federal decennial census data to establish the city ward lines;

(E) Seek reimbursement from the city for the costs associated with reapportionment or redrawing of city ward lines; and

(F) Where practical, create consistency with other political boundary lines;

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

(4) The districts or wards so established, unless changed or

modified by order of a court of competent jurisdiction or by ordinance approved by a two-thirds vote of the governing body of the city under § 14-61-107, shall be the districts or wards of the city from which each of the respective members of the governing body of the city are to be elected;

(5) 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 districts and wards from the preceding federal census, the ~~governing body~~ county board of election commissioners shall reapportion the districts and wards in each city in the manner and procedure as provided in this section from which the members of the governing body are to be elected; and

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

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

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

SECTION 6. DO NOT CODIFY. EFFECTIVE DATE. This act is effective on and after January 1, 2022.

/s/M. Johnson