State of Arkansas

95th General Assembly

Regular Session, 2025 SJR 2

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 TO APPORTION DISTRICTS FOR THE HOUSE OF REPRESENTATIVES, THE SENATE, AND THE UNITED STATES HOUSE OF REPRESENTATIVES.

Subtitle

A CONSTITUTIONAL AMENDMENT TO CREATE THE ARKANSAS APPORTIONMENT COMMISSION TO APPORTION DISTRICTS FOR THE HOUSE OF REPRESENTATIVES, THE SENATE, AND THE UNITED STATES HOUSE OF REPRESENTATIVES.

BE IT RESOLVED BY THE SENATE OF THE NINETY-FIFTH 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 5, § 29, is amended to read as follows:

§ 29. Appropriations.

Except as provided in Arkansas Constitution, Article 8, § 8, and Article 19, § 31, no money shall be drawn from the treasury except in pursuance of specific appropriation made by law, the purpose of which shall be distinctly stated in the bill, and the maximum amount which may be drawn shall be specified in dollars and cents; and no appropriations made by the General Assembly after December 31, 2008, shall be for a longer period than one (1) fiscal year.

SECTION 2. 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 ~~representatives~~ Senators and Representatives of the General Assembly and Representatives of the United States House of Representatives from the State of Arkansas 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 members of the board shall appoint members to the Arkansas Apportionment Commission as provided in this article and approve or reject reports issued by the commission.

SECTION 3. Arkansas Constitution, Article 8, § 2, is amended to read as follows:

§ 2. ~~One hundred members in~~ House of Representatives districts — ~~Apportionment~~ One hundred members of House of Representatives.

~~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. Subject to the approval of the Board of Apportionment, the Arkansas Apportionment Commission shall divide the State into one hundred (100) House of Representatives districts as provided in this article. The districts shall have an equal population, or as nearly equal as practicable, in accordance with the population of the State as shown by the federal decennial census next preceding any apportionment under this article.

SECTION 4. 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. Subject to the approval of the Board of Apportionment, the Arkansas Apportionment Commission shall divide the State into thirty-five (35) Senate districts as provided in

this article. The districts shall have an equal population, or as nearly equal as practicable, in accordance with the population of the State as shown by the federal decennial census next preceding any apportionment under this article.

SECTION 5. 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 for Representatives to the House of Representatives, Senators to the Senate, and Representatives to the United States House of 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 ~~representatives~~ Representatives to the House of Representatives, Senators to the Senate, and Representatives to the United States House of Representatives~~;~~ and (b) the number of Representatives to the House of Representatives and Senators to the Senate assigned to each county~~; whereupon, after 30~~. After 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 6. 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 commission or the board in making such apportionment, and (c) to reapportion the State for Representatives to the House of Representatives, Senators to the Senate, and Representatives to the United States House of Representatives if the report of the commission is rejected three (3) times by the board; provided any such application for revision or reapportionment shall be filed with ~~said~~ the Supreme Court within ~~30~~ thirty (30) days after the ~~filing~~ acceptance or the third rejection of the report of apportionment by said board ~~with the Secretary of State~~; if revised or reapportioned by the court, a certified copy of its judgment shall be by the clerk thereof forthwith transmitted to the Secretary of State, and thereupon be and become a substitute for the apportionment made by the commission and the board.

SECTION 7. Arkansas Constitution, Article 8, is amended to add additional sections to read as follows:

§ 7. United States House of Representatives districts.

Subject to the approval of the Board of Apportionment, the Arkansas Apportionment Commission, as provided in this article, shall divide the state into the number of United States House of Representatives districts required by federal law. The districts shall have an equal population, or as nearly equal as practicable, in accordance with the population of the State as shown by the federal decennial census next preceding any apportionment under this article.

§ 8. Arkansas Apportionment Commission — Creation.

(a) There is created the Arkansas Apportionment Commission.

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

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

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

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

(B) At least one (1) member shall be an attorney who is licensed to practice in this state; and

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

(c) Each member of the commission shall be appointed on or before January 15 immediately following each federal decennial census and shall serve a term of ten (10) years with each term beginning on the January 15 immediately following the federal decennial census and ending on January 14 immediately following the next occurring federal decennial census.

(d) A vacancy on the commission shall be filled in the manner of the original appointment for the remainder of the term.

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

(f) A majority vote of the total membership of the commission is 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, an employee of a registered lobbyist, an elected official, an appointed federal or state official, an officer or employee of a political party, an officer or employee of a political campaign committee, or an officer or employee of a political action committee;

(3) Not have served in any of the positions listed in subdivision (h)(2) of this section within three (3) years of the date of his or her appointment to the commission; and

(4) Not be, by blood or marriage, the spouse, child, parent, or sibling of a person in any of the positions listed in subdivision (h)(2) of this section.

(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, 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 his or her 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)(1) The commission shall be entitled to funding in amounts sufficient to discharge the commission's duties under this article.

(2)(A) The General Assembly shall appropriate the amount necessary for the commission to accomplish the commission's duties under this article for:

(i) The fiscal year in which the federal decennial census is performed; and

(ii) The fiscal year immediately following the federal decennial census.

(B) The total amount under subdivision (l)(2)(A) of this section shall not be less than seven hundred fifty thousand dollars ($750,000).

(3) If the commission requires funds to discharge the commission's duties under this article before the convening of a legislative session in which the General Assembly can appropriate funds for the commission, the commission is entitled to and shall receive funds from the Constitutional Officers Fund or its successor fund in the amount necessary to discharge the commission's duties under this article until the General Assembly appropriates funds for the commission.

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

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

(o)(1) The commission shall retain all records related to reapportioning the State for Representatives to the House of Representatives, Senators to the Senate, and Representatives to the United States House of 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 Representatives, Senators, United States Representatives, or any combination of Representatives, Senators, and United States 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 Representatives, Senators, United States Representatives, or any combination of Representatives, Senators, and United States Representatives, the member or staff of the commission shall document the verbal communication in writing.

§ 9. 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 Representatives, Senators, and United States Representatives.

(B) 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 Representatives, Senators, and United States Representatives as soon as practicable.

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

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

(b) When reapportioning the State for Representatives, Senators, and United States Representatives, the commission shall consider the following criteria in the order stated in this subsection:

(1) Population equality;

(2) Any applicable federal civil rights laws;

(3) Contiguity;

(4) Avoiding the division of cities and counties;

(5) Avoiding the division of school districts;

(6) Compactness;

(7) Avoiding the division of areas marked by geographical features such as mountains or rivers; and

(8) The drawing of House of Representatives districts wholly within Senate districts.

(c) Unless otherwise required by law, the commission shall not consider any factors not identified in subsection (b) of this section when reapportioning the State for Representatives to the House of Representatives, Senators to the Senate, and Representatives to the United States House of Representatives, including without limitation:

(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 issue reapportionment maps as provided in this section.

(2) The commission shall establish multiple methods for the public to provide comments and propose alternative reapportionment maps for consideration by the commission.

(e)(1) The commission shall conduct at least one (1) hearing in each congressional district and shall publicly release at least three (3) different reapportionment maps for all state and federal districts for public comment at least thirty (30) days before the first hearing.

(2) If the commission revises a reapportionment map after the reapportionment map has been publicly released under subdivision (e)(1) of this section, the revised reapportionment map shall be publicly released at least thirty (30) days before a final vote on adoption of the revised reapportionment map by the commission.

(f)(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 Representatives, Senators, and United States Representatives; and

(B) The number of Representatives and Senators assigned to each county.

(3)(A) The board may choose to:

(i) Accept the report; or

(ii) Reject the report and request that the

commission make revisions.

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

(g) If the board rejects the report of the commission three (3) times, the apportionment shall be made by the Supreme Court following the requirements under subsections (b) and (c) of this section.

Section 8. EFFECTIVE DATE. This amendment is effective on and after January 1, 2027.

Section 9. 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 to Apportion Districts for the House of Representatives, the Senate, and the United States House of Representatives.".