

**THE ARKANSAS CITIZENS' REDISTRICTING COMMISSION
AMENDMENT**

(1) Article 8, Section 1 of the Constitution of Arkansas is repealed and amended to state as follows:

Citizens' Redistricting Commission created – Membership

SECTION 1. Purpose.

A Commission of nine Commissioners to be regularly appointed in accordance with the provisions hereof and known as “The Citizens’ Redistricting Commission” is hereby created. It shall be the Commission’s imperative duty to apportion and redistrict districts for representatives in the United States House of Representatives, the state House of Representatives and the state Senate.

SECTION 2. Transparency.

The Commission shall protect the public trust and discharge its imperative duty through a transparent process. All meetings, whether formal or informal, special or regular, of the Commission shall be advertised and open to the public. The Secretary of State shall maintain and electronically publish as soon as practicable all Commission work product, and alternate and final maps. All records of communications of the Commissioners, and Commission staff and outside consultants, that relate to the Commission’s imperative duty shall be deemed public records. Any person who receives income or reimbursement to directly

or indirectly communicate with a Commissioner to influence Commission action shall publicly disclose such fact prior to taking such action.

SECTION 3. Eligibility requirements.

Each Commissioner shall be an Arkansas registered voter. No person may serve or continue to serve as a Commissioner if within the preceding five years the person:

1. has served as an elected federal, state, city, or county official;
2. has served as an appointed federal or state official;
3. has served as a registered lobbyist;
4. has served as an officer of a political party;
5. has served as an employee of a registered lobbyist, political party, political campaign committee, or political action committee; or
6. was, by blood or marriage, the spouse, child, parent, or sibling, of any of the foregoing.

SECTION 4. Application Process.

A. No later than January 1, 2023 and December 1 of the subsequent years concurrent with the federal census, the Chief Justice of the Arkansas Supreme Court shall designate a panel of three, and fill any vacancies thereof, to screen applicants for appointment to the Commission. In making appointments to the panel, the Chief Justice shall consider geographic, racial, and gender diversity. The panelists

shall be appointed from among retired Justices of the Supreme Court and retired Judges of the Court of Appeals, and if necessary to appoint three panelists, retired Judges of the Circuit Courts, who are able and willing to serve.

B. The Secretary of State shall advertise statewide the opportunity to serve on the Commission and develop an application form consistent with the provisions hereof no later than January 15, 2023 and subsequently January 15 of the year immediately following the federal census. The application form shall require the applicant to state under penalty of perjury (i) that the applicant is eligible to serve as a Commissioner, and (ii) the applicant's residential address, political party affiliation or lack of political party affiliation, age, gender, and race or ethnicity.

C. Eligible persons may apply to serve as a Commissioner no later than March 1, 2023 and subsequently March 1 of each year immediately following the federal census. No later than April 1, 2023 and subsequently April 1 immediately following the federal census, the panel shall by majority decision select thirty eligible applicants from each of the following three pools: one pool of applicants affiliated with the political party having the largest number of representatives in the General Assembly, one pool of applicants affiliated with the political party having the second-largest number of representatives in the General Assembly, and one pool of applicants affiliated with other political parties

or no political party. In selecting applicants for the pools, the panel shall make a good faith effort to ensure that the pools are, insofar as possible, geographically and demographically representative of the population of the state. The panel shall publish the name and application of each selected applicant. Within ten days thereafter, the below shall each, in the following descending order, have the right to eliminate no more than two applicants from each pool of applicants:

1. the Governor;
2. the parliamentary leader of the political party having the largest number of representatives in the state House of Representatives;
3. the parliamentary leader of the political party having the second-largest number of representatives in the state House of Representatives;
4. the parliamentary leader of the political party having the largest number of representatives in the state Senate; and
5. the parliamentary leader of the political party having the second-largest number of representatives in the state Senate.

D. The panel shall randomly draw three applicants from those remaining in each pool, for a total of nine. If the draw results in there being any congressional district in which no drawn applicant resides, then the panel shall conduct and repeat the following replacement draws as necessary to result in three Commissioners being selected from each

of the three pools, with at least one Commissioner residing in each congressional district:

1. The panel shall remove from consideration a randomly selected applicant from the congressional district (or districts) having the greatest number of drawn applicants.

2. The panel shall randomly draw from the same pool as the removed applicant a replacement applicant residing in an unrepresented congressional district.

Notwithstanding the foregoing, the panel shall not conduct, or shall cease conducting, replacement draws if there are not enough applicants from the unrepresented congressional district(s) to ensure the selection of at least one Commissioner from each congressional district.

E. The panel shall randomly select the Commissioners no later than May 1. The panel shall fill any vacancy on the Commission by majority decision from the applicants remaining in the pool with the vacancy, maintaining, to the extent possible, representatives from each congressional district, and shall reconvene as necessary until the next federal census.

SECTION 5. Office and tenure.

Each Commissioner shall take office upon taking the regular oath of office provided in the Constitution. Each Commissioner shall serve until a new Commission is convened following the next federal census. During the tenure of office and for three years thereafter, no Commissioner may

hold elected or appointed office in the legislative or executive branch or register as a lobbyist.

SECTION 6. Officers.

At the first meeting of the Commission the Commission shall elect one Commissioner to serve as Chair and another to serve as Vice-Chair. The Chair and Vice-Chair shall not have been selected from the same applicant pool.

SECTION 7. Meetings and Actions of the Commission.

A. Seven Commissioners, including at least the Chair or Vice-Chair, constitute a quorum at any meeting of the Commission. Commissioners must attend and vote in person, and not by proxy. Meetings shall be scheduled by the Chair or Vice-Chair as needed for the discharge of the Commission's duties.

B. Actions of the Commission require approval as follows:

1. Approval of a final district map requires six or more affirmative votes of the Commissioners, including at least two affirmative votes from Commissioners selected from each of the three pools.

2. All other actions of the Commission require six or more affirmative votes of the Commissioners.

(2) Article 8, Section 4 of the Constitution of Arkansas is repealed and amended to state as follows:

Duties of Commission

SECTION 1. Information.

The Secretary of State shall as soon as practicable provide to the Commission census and election data required to discharge its duties. All information provided by the Secretary of State shall be fair, impartial, and complete. The Secretary of State shall also establish multiple methods for the public to provide comments and propose alternate maps for consideration by the Commissioners.

SECTION 2. Basis of districts.

Each congressional district shall have a total population that is as nearly equal as practicable to the total population of the state reported in the federal census divided by the total number of districts to be established. Each state House of Representatives and state Senate district shall have a total population that does not vary by more than three percent from the total population of the state reported in the federal census divided by the total number of districts to be established for such house.

SECTION 3. District maps.

The Commission shall prepare for public comment three alternate maps for all state districts and three alternate maps for all federal districts based on the number of inhabitants. Districts shall not, when viewed on a statewide basis, unduly favor or disfavor any political party. To the extent practicable, the Commission shall establish districts using the criteria set forth in the following order of descending priority:

A. Districts shall be contiguous, bounded by an unbroken line, and consisting of undivided components that connect at more than a single point.

B. Districts shall not deny or abridge the right to vote on account of race or language.

C. Districts shall not divide counties or cities, except to the extent required to satisfy the requirements of Section 2 or subsections (A)-(E) of this Section.

D. Districts shall be reasonably compact.

E. Districts shall promote competition among political parties, where reasonably feasible after satisfaction of the preceding criteria.

SECTION 4. Public hearing and comments.

The Commission shall conduct at least one hearing in each congressional district and shall publicly release the three alternate maps for all state districts and three alternate maps for all federal districts for public comment at least thirty days before the first hearing. In addition, any revised maps shall be publicly released at least thirty days prior to a final vote on adoption. All maps released by the Commission, including any revised maps, shall be accompanied by a written report that explains the Commission's basis for the districts.

SECTION 5. Apportionment.

No later than November 1, 2023 and subsequently November 1 immediately following each federal census, the Commission shall

reapportion, report, and certify to the Secretary of State the district for each seat in the United States House of Representatives and the General Assembly, setting forth the population, boundaries, and map of each district. The apportionment shall become effective unless a proceeding for review is filed with the Supreme Court within thirty days of certification, in which case the apportionment shall become effective thirty days after the Commission reports and certifies to the Secretary of State any revision necessary to comply with the mandate of the Supreme Court.

SECTION 6. Fiscal Matters.

Panelists and Commissioners are eligible for reimbursement of expenses reasonably related to the discharge of their imperative duties and a per diem of up to \$200, which amount may be increased by the General Assembly upon an affirmative majority vote. The Commission shall be entitled to funding in amounts sufficient to discharge its imperative duties. The General Assembly shall appropriate moneys for (i) the years 2023 and 2024 (ii) the fiscal year in which the federal census is performed and (iii) the fiscal year immediately following the federal census, in such amounts as are necessary for the Commission to accomplish its tasks, but in no event shall such appropriations for each Commission's tenure total less than \$750,000. To the extent the Commission requires moneys to discharge its imperative duties prior to the convening of the legislative session in which the General Assembly

can next appropriate moneys, the Commission shall be entitled to and shall receive moneys from the Constitutional Officers Fund or its successor fund in such amounts necessary to discharge its imperative duties until the General Assembly duly appropriates moneys to the Commission.

(3) Article 8, Section 5 of the Constitution of Arkansas is repealed and amended to read as follows:

Mandamus to compel the Commission to act.

The Supreme Court shall have original jurisdiction to compel the Chief Justice, the panel, the Secretary of State, and Commission by mandamus to perform their respective duties on the application of any citizen and taxpayer.

(4) Each and every reference to “The Board of Apportionment” in the Constitution of Arkansas is repealed and replaced with “The Citizens Redistricting Commission.”

(5) Arkansas Code Annotated sections 7-2-101 through 105 are repealed.

(6) The provisions of this Amendment are severable, and if any part or provision hereof is held invalid by a final decision of a court of competent jurisdiction, the invalidity shall not affect any other part or provision of this Amendment.