

2021 Pulaski County Redistricting Information

✓ INTRODUCTION AND GENERAL INFORMATION

By Arkansas law, the political subdivisions of the State are required to review the boundary lines of various election districts after each decennial census. This ensures the citizens of the county are equally represented by their elected officials. This process is widely known as redistricting.

In accordance with Arkansas Code Annotated (A.C.A.) §14-14-403, the county board of election commissioners (CBEC) are responsible for the apportionment of quorum court districts after the federal decennial census.

The 14th Amendment to the U.S. Constitution-the Equal Protection Clause (one-person, one-vote requirement), mandates that election districts be of substantially equal population. The objective of apportionment and redistricting derives from this mandate. In order to meet his objective, courts have generally held that population among election districts must not deviate more than ten percent (10%).

✓ POPULATION INFORMATION FOR QUORUM COURT DISTRICTS

DISTRICT	Population	Target	Dev.	Difference
1	30,730	26,608	▼15.5%	4,122
2	26,921	26,608	1.18%✓	313
3	24,475	26,608	-8.0%▲	-2,133
4	25,404	26,608	-4.52%✓	-1,204
5	24,954	26,608	-6.2%▲	-1,654
6	22,939	26,608	-13.8%▲	-3,669
7	30,149	26,608	▼13.3%	3,541
8	28,045	26,608	▼5.4%	1,437
9	22,824	26,608	-14.2%▲	-3,784
10	23,101	26,608	-13.2%▲	-3,507
11	26,079	26,608	-1.99%✓	-529
12	27,242	26,608	2.38%✓	634
13	28,056	26,608	▼5.4%	1,448
14	31,143	26,608	▼17.0%	4,535
15	27,063	26,608	1.71%✓	455

Variance Key

Population - High

Population - Low

Population - Acceptable

✓ SCHEDULE

Deadline	Action	A.C.A	Status/Notes
10/04/21	Federal Census Information to the CBEC	§14-14-404	
12/01/21	Deadline for CBEC to Approve School Board Zone Maps	§6-13-631	
01/03/22	Deadline for CBEC to establish Quorum Court Districts	§14-14-403	
01/18/22	Deadline for County Clerk to publish Quorum Court District Map in Newspaper	§14-14-405	15 days after CBEC approves Map
02/17/22	Deadline for Contest of Quorum Court Districts	§14/14/401	30 Days from the date of publication of Map
N/A	County Judge to establish Constable Districts	§14-14-401	1 day after the deadline for contest of Quorum Court Districts
02/22/22	Filing Begins for Primary	§7-7-203	
02/24/22	Deadline for County Clerk to file a certified copy of the QC District Maps with the Secretary of State's Office	§14-14-407	7 days after the deadline for contest of Quorum Court Districts
03/01/22	Filing Ends for Primary	§7-7-203	
04/07/22	Absentee Ballots for Primary Due		

✓ STATE LAW REQUIREMENTS FOR THE CBEC and County Clerk

§14-14-403 Apportionment of Districts

(a) The county board of election commissioners in each county shall be responsible for the apportionment of the county into quorum court districts. Until otherwise changed in the method set forth in this subchapter, the districts of each county shall consist of the territory of the township established by the county board of election commissioners on or before November 3, 1975, pursuant to the provisions of Acts 1975, No. 128 [repealed]. Thereafter, districts shall be apportioned on or before the first Monday after January 1, 1982, and each ten (10) years thereafter.

(b) All apportionments shall be based on the population of the county as of the last federal decennial census, and the number of districts apportioned shall be equal to the number to which the county is entitled by law.

(c) The provisions of this subchapter shall not be construed to affect the composition of the county committees of the political parties, and the county committee of each political party shall designate the geographic area within the county from which county committee members shall be selected.

§14-14-405 Filing and Publishing of Plan

(a) Not later than the date set for the apportionment of county quorum court districts, the county board of election commissioners shall file its report with the clerk of the county court, setting forth the district boundaries and the number of inhabitants within them.

(b) Within fifteen (15) days of the filing of an apportionment plan, the clerk of the county court shall cause to be published in a newspaper of general circulation in the county the district boundaries apportioned and the number of inhabitants within them.

§14-14-406 Contest of Apportionment

Original jurisdiction of any suit to contest the apportionment made for county quorum court districts by a county board of election commissioners is vested in the circuit court of the affected county. Any such contest shall be filed with the circuit court within thirty (30) days following the date publication appears in a newspaper of general circulation.

§14-14-407. Certification of Plan

The clerk of the county court, within seven (7) calendar days following the expiration of the time period provided for the filing of contest of an apportionment plan, shall transmit to the Secretary of State a certified copy of the record made of an apportionment plan.

✓ CBEC RESPONSIBILITY FOR SCHOOL DISTRICT MAPS AND ZONES

§6-14-102 Annual School Election Date – Special School Election [Effective January 1, 2022]

(B)(i) A school district shall adopt a policy setting forth which election date under subdivision (a)(1)(A) of this section the school district chooses to hold the annual school election upon.

(ii) At least one hundred (100) days before the first day of the respective candidate filing period set forth in § 6-14-111(e)(1)(A), a school district shall provide a copy of the policy under subdivision (a)(1)(B)(i) of this section to:

(a) The county board of election commissioners of the county in which the school district is domiciled for administrative purposes; and

(b) The county clerk of each county within the school district's boundaries.

§7-7-203 Dates

(a) The general primary election shall be held:

(1) For years in which the office of Governor will appear on the ballot at the general election, on the third Tuesday in June preceding the general election; and

(2) For years in which the office of President of the United States will appear on the ballot at the general election, on the Tuesday four (4) weeks following the preferential primary election.

(b) The preferential primary election shall be held:

(1) For years in which the office of Governor will appear on the ballot at the general election, on the Tuesday four (4) weeks before the general primary election; and

(2) For years in which the office of President of the United States will appear on the ballot at the general election, on the first Tuesday after the first Monday in March.

(c)(1) The party filing period shall be a one-week period beginning and ending on the following dates and times:

(A) For years in which the office of Governor will appear on the ballot at the general election, beginning at 12:00 noon one (1) week prior to the first day in March and ending at 12:00 noon on the first day in March; and

(B) For years in which the office of President of the United States will appear on the ballot at the general election, beginning at 12:00 noon on the first Monday in November preceding the general primary election and ending at 12:00 noon on the seventh day thereafter.

§6-13-631 Effect of Minority Population on Election

- (a) The qualified electors of a school district having a ten percent (10%) or greater minority population out of the total population, as reported by the most recent federal decennial census information, shall elect the members of the board of directors as authorized in this section, utilizing selection procedures in compliance with the federal Voting Rights Act of 1965, as amended.
- (b) (1) At least one hundred twenty (120) days before the annual school election held in the second year after the federal decennial census, the local board of directors shall:
- (A) By resolution, choose to elect members of the board of directors from five (5) or seven (7) single-member zones or from five (5) single-member zones and two (2) at large; and
- (B) With the approval of the controlling county board of election commissioners, divide each school district having a ten percent (10%) or greater minority population into five (5) or seven (7) single-member zones in accordance with the federal Voting Rights Act of 1965, as amended.
- (2) Zones shall have substantially equal population, with boundaries based on the most recent available federal decennial census information.
- (c) A board of directors choosing to elect members of the board of directors by five (5) single-member zones and two (2) at-large positions may fill the two (2) at-large positions by drawing lots from among the current members of the board of directors.
- (d)(1)(A) A candidate for election from a single-member zone must be a qualified elector and a resident of the zone.
- (B) A candidate for an at-large position must be a qualified elector and a resident of the school district.
- (2)(A) Except as provided in subsection (e) of this section, a member of a school district board of directors shall serve a five-year term.
- (B) A term shall commence when the county court declares the results of the election by an order entered of record.
- (e) At the first meeting of a new board of directors, the members shall establish initial terms by lot so that, to the extent possible, an equal number of positions are filled each year and not more than two (2) members' terms expire each year.
- (f)(1) At least ninety (90) days before the filing deadline for the annual school election held in the second year after each federal decennial census, the school district board of directors, with the approval of the county board of election commissioners of the county where the school district is administratively domiciled, shall:
- (A) Divide each school district having a ten percent (10%) or greater minority population into single-member zones; and
- (B)(i) File a copy of the plan with the county clerk of the county where the school district is administratively domiciled.
- (ii) The plan filed with the clerk shall include a map showing the boundaries of the zones and documentation showing the population by race in each zone.
- (2) The zones shall be based on the most recent federal decennial census information and be substantially equal in population.
- (3) At the annual school election following the rezoning, a new school district board of directors shall be elected in accordance with procedures set forth in this section.

✓ REDISTRICTING CRITERIA APPROVED BY THE COURTS

The following points are a general description of legal principles for redistricting. In the redistricting context, what is or is not permissible often depends on a variety of factors that are unique to any given situation.

- **One-person, One-vote:** Equal Population within constitutional variances
- **Legislative Districts:** The Equal Protection Clause of the 14th Amendment of the United States Constitution governs legislative districts and the Courts have held that an “overall range” of 10% or less is presumptively constitutional. For example, if the ideal district size is 100 people then it would be possible to have the smallest district in the state contain only 95 people while the largest district could contain up to 105 people – an overall range of 10% or less
- **Compliance with the Voting Rights Act of 1965:** Don’t discriminate against racial or language minorities. This federal law states that any practice or procedure that has a discriminatory effect on racial or language minorities is illegal. A common example of a discriminatory practice or procedure would be districts that are drawn, intentionally or not, so that minorities do not have an equal opportunity to elect a candidate of their choice.
- **Compliance with the Equal Protection Clause of the 14th Amendment:** Don’t draw districts based solely or primarily on race. The United States Supreme Court has held that districts should not be defined exclusively by race; although, it is allowable to take race into account (i.e., “be race conscious”) while drawing district boundaries. There are possible exceptions where drawing a district based primarily on race might be done. Possible exceptions are avoiding a violation of the Voting Rights Act of 1965 – either §2 or §5. Or to remedy past discrimination.
- **Geographically Contiguous Districts:** The Courts have held that districts must be geographically contiguous. The entire district must be connected in some way. In other words, it would not be permissible to have a portion of a district that was an “island” and not connected geographically to the rest of the district.
- **Geographically Compact Districts:** The Courts have held that geographically compact districts are ideal. For example, a district shaped like a circle, or a square would be “geographically compact.” In practice, most districts have some irregularity in shape; nevertheless, the more bizarre the district shape the less likely it is to be approved by the Courts
- **Minimize Splitting Political Subdivision:** The Courts have held that where possible, it is preferable to minimize splitting political subdivisions such as counties, cities and voting precincts. In other words, where it is possible, it is better to keep whole counties, cities and voting precincts intact.
- **Maintain Core of Existing Districts where possible:** Preservation of the “cores” of existing districts is a redistricting principle. When district lines are re-drawn, the mapmakers can take into account the existing districts, their geographic location, and the current population. It is better to keep the core of an existing district where possible.
- **Maintain Continuity of Representation where possible:** It is permissible to avoid making current office holders run against other incumbents by not putting them in the same district. The rationale for this principle is that voters who have already chosen a candidate should be able to continue to choose that same candidate. At the same time, it is also possible that two incumbents might be placed in the same district if necessary.

- **Maintain Communities of Interest where possible:** Preservation of communities of interest describes the goal of maintaining a group of people in a specific geographic area where those individuals share common interest, i.e., common economic, social, cultural, ethnic, religious or even political interests.
- **Minimize Partisan Gerrymanders:** A gerrymander is a district drawn to favor one group over another. All the criteria listed above have been created by the Courts as limitations to prevent one group from taking unfair advantage of another group in redistricting. With respect to partisan gerrymanders, the United States Supreme Court has indicated that it is possible to bring a lawsuit regarding partisan gerrymanders: however, the Supreme Court has not identified what is or is not legal with respect to partisan gerrymanders. As a result, there is a great deal of uncertainty about partisan gerrymanders and, as such, they should be minimized.

