

REFERENCE TITLE: independent redistricting commission; revisions

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HCR 2048**

Introduced by  
Representatives Gallardo: Prezelski

### A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO THE INDEPENDENT REDISTRICTING COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the  
2 Senate concurring:

3 1. Article IV, part 2, section 1, Constitution of Arizona, is proposed  
4 to be amended as follows if approved by the voters and on proclamation of the  
5 Governor:

6 1. Senate; house of representatives; members; special  
7 session upon petition of members; congressional and  
8 legislative boundaries; citizen commissions

9 Section 1. (1) The senate shall be composed of one  
10 member elected from each of the thirty legislative districts  
11 established pursuant to this section.

12 The house of representatives shall be composed of two  
13 members elected from each of the thirty legislative districts  
14 established pursuant to this section.

15 (2) Upon the presentation to the governor of a petition  
16 bearing the signatures of not less than two-thirds of the  
17 members of each house, ~~requesting~~ requesting a special session of the  
18 legislature and designating the date of convening, the governor  
19 shall promptly call a special session to assemble on the date  
20 specified. At a special session so called the subjects which  
21 may be considered by the legislature shall not be limited.

22 (3) By February 28 of each year that ends in one, an  
23 independent redistricting commission shall be established to  
24 provide for the redistricting of congressional and state  
25 legislative districts. The independent redistricting commission  
26 shall consist of ~~five~~ **NINE** members. No more than ~~two~~ **FOUR**  
27 members of the independent redistricting commission shall be  
28 members of the same political party. Of the first ~~four~~ **EIGHT**  
29 members appointed, no more than ~~two~~ **FOUR** shall reside in the  
30 same county. Each member shall be a registered Arizona voter  
31 who has been continuously registered with the same political  
32 party or registered as unaffiliated with a political party for  
33 three or more years immediately preceding appointment, ~~AND~~ **AND** who  
34 is committed to applying the provisions of this section in an  
35 honest, independent and impartial fashion and to upholding  
36 public confidence in the integrity of the redistricting process.  
37 Within the three years previous to appointment, members shall  
38 not have been appointed to, elected to, ~~or~~ or a candidate for any  
39 other public office, including precinct committeeman or  
40 committeewoman but not including school board member or officer,  
41 and shall not have served as an officer of a political party, or  
42 served as a registered paid lobbyist or as an officer of a  
43 candidate's campaign committee.

1 (4) The commission on appellate court appointments shall  
2 nominate candidates for appointment to the independent  
3 redistricting commission, except that, ~~if~~ if a politically  
4 balanced commission exists whose members are nominated by the  
5 commission on appellate court appointments and whose regular  
6 duties relate to the elective process, the commission on  
7 appellate court appointments may delegate to such existing  
8 commission (hereinafter called the commission on appellate court  
9 appointments' designee) the duty of nominating members for the  
10 independent redistricting commission, and all other duties  
11 assigned to the commission on appellate court appointments in  
12 this section.

13 (5) By January 8 of years ending in one, the commission  
14 on appellate court appointments or its designee shall establish  
15 a pool of persons who are willing to serve on and are qualified  
16 for appointment to the independent redistricting commission. The  
17 pool of candidates shall consist of ~~twenty-five~~ FORTY nominees,  
18 with ~~ten~~ SIXTEEN nominees from each of the two largest political  
19 parties in Arizona based on party registration, and ~~five~~ EIGHT  
20 NOMINEES who are not registered with either of the two largest  
21 political parties in Arizona.

22 (6) Appointments to the independent redistricting  
23 commission shall be made in the order set forth below. No later  
24 than January 31 of years ending in one, the ~~highest-ranking~~  
25 ~~officer~~ MAJORITY PARTY CAUCUS OF THOSE PERSONS elected by TO the  
26 Arizona house of representatives shall VOTE TO make one  
27 appointment to the independent redistricting commission from the  
28 pool of nominees, followed by A VOTE TO MAKE one appointment  
29 from the pool made in turn by each of the following: the  
30 minority party ~~leader-of-the~~ CAUCUS OF THOSE PERSONS ELECTED TO  
31 THE Arizona house of representatives, the ~~highest-ranking~~  
32 ~~officer~~ MAJORITY PARTY CAUCUS OF THOSE PERSONS elected by TO the  
33 Arizona senate, and the minority party ~~leader-of~~ CAUCUS OF THOSE  
34 PERSONS ELECTED TO the Arizona senate. THE PARTY CAUCUSES SHALL  
35 REPEAT THE SELECTION PROCESS IN THE SAME ORDER PRESCRIBED UNTIL  
36 EIGHT PERSONS FROM THE POOL ARE APPOINTED. Each ~~such-official~~  
37 CAUCUS shall have a seven-day period in which to make an  
38 appointment. Any ~~official-who~~ CAUCUS THAT fails to make an  
39 appointment within the specified time period will forfeit the  
40 appointment privilege. In the event that there are two or more  
41 minority parties within the house or the senate, the leader of  
42 the largest minority party by statewide party registration shall  
43 make the appointment.

1 (7) Any vacancy in the above ~~four~~ EIGHT independent  
2 redistricting commission positions remaining as of March 1 of a  
3 year ending in one shall be filled from the pool of nominees by  
4 the commission on appellate court appointments or its designee.  
5 The appointing body shall strive for political balance and  
6 fairness.

7 (8) At a meeting called by the secretary of state, the  
8 ~~four~~ EIGHT independent redistricting commission members shall  
9 select by majority vote from the nomination pool a ~~fifth~~ NINTH  
10 member who shall not be registered with any party already  
11 represented on the independent redistricting commission and who  
12 shall serve as chair. If the ~~four~~ EIGHT commissioners fail to  
13 appoint a ~~fifth~~ NINTH member within fifteen days, the commission  
14 on appellate court appointments or its designee, striving for  
15 political balance and fairness, shall appoint a ~~fifth~~ NINTH  
16 member from the nomination pool, who shall serve as chair.

17 (9) The ~~five~~ NINE commissioners shall then select by  
18 majority vote one of their members to serve as vice-chair.

19 (10) After having been served written notice and provided  
20 with an opportunity for a response, a member of the independent  
21 redistricting commission may be removed by the governor, with  
22 the concurrence of two-thirds of the senate, for substantial  
23 neglect of duty, gross misconduct in office, ~~or~~ or inability to  
24 discharge the duties of office.

25 (11) If a commissioner or chair does not complete the term  
26 of office for any reason, the commission on appellate court  
27 appointments or its designee shall nominate a pool of three  
28 candidates within the first thirty days after the vacancy  
29 occurs. The nominees shall be of the same political party or  
30 status as was the member who vacated the office at the time of  
31 ~~his or her~~ appointment, and the appointment other than the chair  
32 shall be made by the ~~current holder of the office~~ LEGISLATIVE  
33 PARTY CAUCUS designated to make the original appointment. The  
34 appointment of a new chair shall be made by the remaining  
35 commissioners. If the appointment of a replacement commissioner  
36 or chair is not made within fourteen days following the  
37 presentation of the nominees, the commission on appellate court  
38 appointments or its designee shall make the appointment,  
39 striving for political balance and fairness. The newly  
40 appointed commissioner shall serve out the remainder of the  
41 original term.

42 (12) ~~Three~~ FIVE commissioners, including the chair or  
43 vice-chair, constitute a quorum. ~~Three~~ FIVE or more affirmative  
44 votes are required for any official action. Where a quorum is  
45 present, the independent redistricting commission shall conduct

1 business in meetings open to the public, with ~~48~~ FORTY-EIGHT or  
2 more hours public notice provided.

3 (13) A commissioner, during the commissioner's term of  
4 office and for three years thereafter, shall be ineligible for  
5 Arizona public office or for registration as a paid lobbyist.

6 (14) The independent redistricting commission shall  
7 establish congressional and legislative districts. The  
8 commencement of the mapping process for both the congressional  
9 and legislative districts shall be the creation of districts of  
10 equal population in a grid-like pattern across the state. THE  
11 COMMISSION SHALL ESTABLISH CRITERIA TO BE USED IN COMPLYING WITH  
12 THE GOALS ESTABLISHED IN THIS SUBSECTION AND adjustments to the  
13 grid shall then be made as necessary to accommodate the goals as  
14 set forth below IN THE FOLLOWING ORDER OF PRIORITY:

15 ~~A.~~ (a) Districts shall comply with the United States  
16 Constitution and the United States voting rights act;

17 ~~B.~~ (b) Congressional districts shall have equal  
18 population to the extent practicable, and state legislative  
19 districts shall have equal population to the extent practicable;

20 (c) DISTRICTS SHALL BE COMPETITIVE TO THE EXTENT  
21 PRACTICABLE.

22 ~~C.~~ (d) Districts shall be geographically compact and  
23 contiguous to the extent practicable;

24 ~~D.~~ (e) District boundaries shall respect communities of  
25 interest to the extent practicable;

26 ~~E.~~ (f) To the extent practicable, district lines shall  
27 use visible geographic features, city, town and county  
28 boundaries, and undivided census tracts. ;-

29 ~~F. To the extent practicable, competitive districts  
30 should be favored where to do so would create no significant  
31 detriment to the other goals.~~

32 (15) Party registration and voting history data shall be  
33 excluded from the initial phase of the mapping process but may  
34 be used to test maps for compliance with the above goals. The  
35 places of residence of incumbents or candidates shall not be  
36 identified or considered.

37 (16) The independent redistricting commission shall  
38 advertise a draft map of congressional districts and a draft map  
39 of legislative districts to the public for comment, which  
40 comment shall be taken for at least thirty days. Either or both  
41 bodies of the legislature may act within this period to make  
42 recommendations to the independent redistricting commission by  
43 memorial or by minority report, which recommendations shall be  
44 considered by the independent redistricting commission. The

1 independent redistricting commission shall then establish final  
2 district boundaries.

3 (17) The provisions regarding this section are  
4 self-executing. The independent redistricting commission shall  
5 certify to the secretary of state the establishment of  
6 congressional and legislative districts.

7 (18) Upon approval of this amendment, the department of  
8 administration or its successor shall make adequate office space  
9 available for the independent redistricting commission. The  
10 treasurer of the state shall make \$6,000,000 available for the  
11 work of the independent redistricting commission pursuant to the  
12 year 2000 census. Unused monies shall be returned to the  
13 ~~state's~~ STATE general fund. In years ending in eight or nine  
14 after the year 2001, the department of administration or its  
15 successor shall submit to the legislature a recommendation for  
16 an appropriation for adequate redistricting expenses and shall  
17 make available adequate office space for the operation of the  
18 independent redistricting commission. The legislature shall  
19 make the necessary appropriations by a majority vote.

20 (19) The independent redistricting commission, with fiscal  
21 oversight from the department of administration or its  
22 successor, shall have procurement and contracting authority and  
23 may hire staff and consultants for the purposes of this section,  
24 including legal representation.

25 (20) The independent redistricting commission shall have  
26 standing in legal actions regarding the redistricting plan and  
27 the adequacy of resources provided for the operation of the  
28 independent redistricting commission. The independent  
29 redistricting commission shall have sole authority to determine  
30 whether the Arizona attorney general or counsel hired or  
31 selected by the independent redistricting commission shall  
32 represent the people of Arizona in the legal defense of a  
33 redistricting plan.

34 (21) Members of the independent redistricting commission  
35 are eligible for reimbursement of expenses pursuant to law, and  
36 a member's residence is deemed to be the member's post of duty  
37 for purposes of reimbursement of expenses.

38 (22) Employees of the department of administration or its  
39 successor shall not influence or attempt to influence the  
40 district-mapping decisions of the independent redistricting  
41 commission.

42 (23) Each commissioner's duties established by this  
43 section expire upon the appointment of the first member of the  
44 next redistricting commission. The independent redistricting  
45 commission shall not meet or incur expenses after the

1           redistricting plan is completed, except if litigation or any  
2           government approval of the plan is pending, or to revise  
3           districts if required by court decisions or if the number of  
4           congressional or legislative districts is changed.

5           2. The Secretary of State shall submit this proposition to the voters  
6           at the next general election as provided by article XXI, Constitution of  
7           Arizona.