

REFERENCE TITLE: legislative districts; single member

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HCR 2030

Introduced by
Representatives Chabin: Crump, Mason, Pratt, Senators Gould, Melvin,
Pierce S

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV,
PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO LEGISLATIVE
DISTRICTS.

(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 on petition of members; congressional and
8 legislative boundaries; citizen commissions

9 Section 1. (1) (a) The senate shall be composed of one
10 member elected from each of the thirty ~~legislative~~ SENATE
11 districts established pursuant to this section. EACH SENATE
12 DISTRICT SHALL CONSIST OF EXACTLY TWO ENTIRE AND CONTIGUOUS
13 HOUSE DISTRICTS.

14 (b) The house of representatives shall be composed of ~~two~~
15 ~~members~~ ONE MEMBER elected from each of the ~~thirty-legislative~~
16 SIXTY HOUSE districts established pursuant to this section.

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

24 (3) By February 28 of each year that ends in one, an
25 independent redistricting commission shall be established to
26 provide for the redistricting of congressional and state
27 legislative districts. The independent redistricting commission
28 shall consist of five members. No more than two members of the
29 independent redistricting commission shall be members of the
30 same political party. Of the first four members appointed, no
31 more than two shall reside in the same county. Each member
32 shall be a registered Arizona voter who has been continuously
33 registered with the same political party or registered as
34 unaffiliated with a political party for three or more years
35 immediately preceding appointment, who is committed to applying
36 the provisions of this section in an honest, independent and
37 impartial fashion and to upholding public confidence in the
38 integrity of the redistricting process. Within the three years
39 previous to appointment, members shall not have been appointed
40 to, elected to, ~~or~~ or a candidate for any other public office,
41 including precinct committeeman or committeewoman but not
42 including school board member or officer, and shall not have
43 served as an officer of a political party, or served as a
44 registered paid lobbyist or as an officer of a candidate's
45 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 a politically balanced
4 commission exists whose members are nominated by the commission
5 on appellate court appointments and whose regular duties relate
6 to the elective process, the commission on appellate court
7 appointments may delegate to such existing commission
8 (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.
17 The pool of candidates shall consist of twenty-five nominees,
18 with ten nominees from each of the two largest political parties
19 in Arizona based on party registration, and five who are not
20 registered with either of the two largest political parties in
21 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 elected by the Arizona house of representatives shall
26 make one appointment to the independent redistricting commission
27 from the pool of nominees, followed by one appointment from the
28 pool made in turn by each of the following: the minority party
29 leader of the Arizona house of representatives, the highest
30 ranking officer elected by the Arizona senate, ~~and~~ and the minority
31 party leader of the Arizona senate. Each such official shall
32 have a seven-day period in which to make an appointment. Any
33 official who fails to make an appointment within the specified
34 time period will forfeit the appointment privilege. In the
35 event that there are two or more minority parties within the
36 house or the senate, the leader of the largest minority party by
37 statewide party registration shall make the appointment.

38 (7) Any vacancy in the above four independent
39 redistricting commission positions remaining as of March 1 of a
40 year ending in one shall be filled from the pool of nominees by
41 the commission on appellate court appointments or its designee.
42 The appointing body shall strive for political balance and
43 fairness.

44 (8) At a meeting called by the secretary of state, the
45 four independent redistricting commission members shall select

1 by majority vote from the nomination pool a fifth member who
2 shall not be registered with any party already represented on
3 the independent redistricting commission and who shall serve as
4 chair. If the four commissioners fail to appoint a fifth member
5 within fifteen days, the commission on appellate court
6 appointments or its designee, striving for political balance and
7 fairness, shall appoint a fifth member from the nomination pool,
8 who shall serve as chair.

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

11 (10) After having been served written notice and provided
12 with an opportunity for a response, a member of the independent
13 redistricting commission may be removed by the governor, with
14 the concurrence of two-thirds of the senate, for substantial
15 neglect of duty, gross misconduct in office, or inability to
16 discharge the duties of office.

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

33 (12) Three commissioners, including the chair or
34 vice-chair, constitute a quorum. Three or more affirmative votes
35 are required for any official action. Where a quorum is
36 present, the independent redistricting commission shall conduct
37 business in meetings open to the public, with ~~48~~ FORTY-EIGHT or
38 more hours public notice provided.

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

42 (14) The independent redistricting commission shall
43 establish congressional and legislative districts. The
44 commencement of the mapping process for both the congressional
45 and legislative districts shall be the creation of districts of

1 equal population in a grid-like pattern across the state.
2 Adjustments to the grid shall then be made as necessary to
3 accommodate the goals as set forth below:

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

6 ~~B.~~ (b) Congressional districts shall have equal
7 population to the extent practicable, and state legislative
8 districts shall have equal population to the extent
9 practicable. ~~;~~

10 ~~C.~~ (c) Districts shall be geographically compact and
11 contiguous to the extent practicable. ~~;~~

12 ~~D.~~ (d) District boundaries shall respect communities of
13 interest to the extent practicable. ~~;~~

14 ~~E.~~ (e) To the extent practicable, district lines shall
15 use visible geographic features, city, town and county
16 boundaries, ~~;~~ and undivided census tracts. ~~;~~

17 ~~F.~~ (f) To the extent practicable, competitive districts
18 should be favored where to do so would create no significant
19 detriment to the other goals.

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

25 (16) The independent redistricting commission shall
26 advertise a draft map of congressional districts and a draft map
27 of legislative districts to the public for comment, which
28 comment shall be taken for at least thirty days. Either or both
29 bodies of the legislature may act within this period to make
30 recommendations to the independent redistricting commission by
31 memorial or by minority report, which recommendations shall be
32 considered by the independent redistricting commission. The
33 independent redistricting commission shall then establish final
34 district boundaries.

35 (17) The provisions regarding this section are
36 self-executing. The independent redistricting commission shall
37 certify to the secretary of state the establishment of
38 congressional and legislative districts.

39 (18) Upon approval of this amendment, the department of
40 administration or its successor shall make adequate office space
41 available for the independent redistricting commission. The
42 treasurer of the state shall make \$6,000,000 available for the
43 work of the independent redistricting commission pursuant to the
44 year 2000 census. Unused monies shall be returned to the
45 state's general fund. In years ending in eight or nine after

the year 2001, the department of administration or its successor shall submit to the legislature a recommendation for an appropriation for adequate redistricting expenses and shall make available adequate office space for the operation of the independent redistricting commission. The legislature shall make the necessary appropriations by a majority vote.

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

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

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

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

(23) Each commissioner's duties established by this section expire upon the appointment of the first member of the next redistricting commission. The independent redistricting commission shall not meet or incur expenses after the redistricting plan is completed, except if litigation or any government approval of the plan is pending, or to revise districts if required by court decisions or if the number of congressional or legislative districts is changed.

2. Applicability

This measure applies for the redistricting of legislative districts that begins in 2011 and shall be fully applicable for the legislative districts used in the 2012 general election and all subsequent legislative elections.

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