

REFERENCE TITLE: congressional redistricting; 2012 maps

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

# HCR 2053

Introduced by  
Representative Tobin

## A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO CONGRESSIONAL DISTRICT BOUNDARIES.

(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 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)~~ B. Upon the presentation to the governor of a  
16 petition bearing the signatures of not less than two-thirds of  
17 the members of each house, 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 C. FOR ELECTIONS FOR CONGRESSIONAL DISTRICTS BEGINNING  
23 WITH THE 2012 PRIMARY AND GENERAL ELECTION AND NOTWITHSTANDING  
24 ANY MAPS ADOPTED BY THE 2011 INDEPENDENT REDISTRICTING  
25 COMMISSION, CONGRESSIONAL DISTRICT LINES SHALL BE ENACTED AS  
26 FOLLOWS:

27 1. PASSAGE OF THIS AMENDMENT TO THE CONSTITUTION SHALL BE  
28 ENACTMENT OF THE CONGRESSIONAL DISTRICT LINES DESCRIBED IN THIS  
29 AMENDMENT.

30 2. CONGRESSIONAL LINES SHALL BE THE LINES AND BOUNDARIES  
31 DESCRIBED IN HR \_\_\_\_\_ ENACTED BY THE FIFTIETH LEGISLATURE,  
32 SECOND REGULAR SESSION, A COPY OF WHICH IS ON FILE IN THE OFFICE  
33 OF THE SECRETARY OF STATE AND WHICH IS INCORPORATED HEREIN BY  
34 THIS REFERENCE.

35 3. ON ALL LEGAL MATTERS RELATING TO THE CONGRESSIONAL  
36 DISTRICT LINES ENACTED BY THIS AMENDMENT, THE OFFICE OF THE  
37 ATTORNEY GENERAL SHALL REPRESENT THE INTERESTS OF THIS STATE.

38 ~~(3)~~ D. By February 28 of each year that ends in one, an  
39 independent redistricting commission shall be established to  
40 provide for the redistricting of congressional and state  
41 legislative districts. The independent redistricting commission  
42 shall consist of five members. No more than two members of the  
43 independent redistricting commission shall be members of the  
44 same political party. Of the first four members appointed, no  
45 more than two shall reside in the same county. Each member



1 shall be a registered Arizona voter who has been continuously  
2 registered with the same political party or registered as  
3 unaffiliated with a political party for three or more years  
4 immediately preceding appointment, who is committed to applying  
5 the provisions of this section in an honest, independent and  
6 impartial fashion and to upholding public confidence in the  
7 integrity of the redistricting process. Within the three years  
8 previous to appointment, members shall not have been appointed  
9 to, elected to, ~~or~~ or a candidate for any other public office,  
10 including precinct committeeman or committeewoman but not  
11 including school board member or officer, and shall not have  
12 served as an officer of a political party, or served as a  
13 registered paid lobbyist or as an officer of a candidate's  
14 campaign committee.

15 ~~(4)~~ E. The commission on appellate court appointments  
16 shall nominate candidates for appointment to the independent  
17 redistricting commission, except that, if a politically balanced  
18 commission exists whose members are nominated by the commission  
19 on appellate court appointments and whose regular duties relate  
20 to the elective process, the commission on appellate court  
21 appointments may delegate to such existing commission  
22 (hereinafter called the commission on appellate court  
23 appointments' designee) the duty of nominating members for the  
24 independent redistricting commission, and all other duties  
25 assigned to the commission on appellate court appointments in  
26 this section.

27 ~~(5)~~ F. By January 8 of years ending in one, the  
28 commission on appellate court appointments or its designee shall  
29 establish a pool of persons who are willing to serve on and are  
30 qualified for appointment to the independent redistricting  
31 commission. The pool of candidates shall consist of twenty-five  
32 nominees, with ten nominees from each of the two largest  
33 political parties in Arizona based on party registration, and  
34 five who are not registered with either of the two largest  
35 political parties in Arizona.

36 ~~(6)~~ G. Appointments to the independent redistricting  
37 commission shall be made in the order set forth below. No later  
38 than January 31 of years ending in one, the highest ranking  
39 officer elected by the Arizona house of representatives shall  
40 make one appointment to the independent redistricting commission  
41 from the pool of nominees, followed by one appointment from the  
42 pool made in turn by each of the following: the minority party  
43 leader of the Arizona house of representatives, the highest  
44 ranking officer elected by the Arizona senate, ~~and~~ and the minority  
45 party leader of the Arizona senate. Each such official shall



1 have a seven-day period in which to make an appointment. Any  
2 official who fails to make an appointment within the specified  
3 time period will forfeit the appointment privilege. In the  
4 event that there are two or more minority parties within the  
5 house or the senate, the leader of the largest minority party by  
6 statewide party registration shall make the appointment.

7 ~~(7)~~ H. Any vacancy in the above four independent  
8 redistricting commission positions remaining as of March 1 of a  
9 year ending in one shall be filled from the pool of nominees by  
10 the commission on appellate court appointments or its designee.  
11 The appointing body shall strive for political balance and  
12 fairness.

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

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

25 ~~(10)~~ K. After having been served written notice and  
26 provided with an opportunity for a response, a member of the  
27 independent redistricting commission may be removed by the  
28 governor, with the concurrence of two-thirds of the senate, for  
29 substantial neglect of duty, gross misconduct in office, or  
30 inability to discharge the duties of office.

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



1 fairness. The newly appointed commissioner shall serve out the  
2 remainder of the original term.

3 ~~(12)~~ M. Three commissioners, including the chair or  
4 vice-chair, constitute a quorum. Three or more affirmative  
5 votes are required for any official action. Where a quorum is  
6 present, the independent redistricting commission shall conduct  
7 business in meetings open to the public, with ~~48~~ FORTY-EIGHT or  
8 more hours public notice provided.

9 ~~(13)~~ N. A commissioner, during the commissioner's term of  
10 office and for three years thereafter, shall be ineligible for  
11 Arizona public office or for registration as a paid lobbyist.

12 ~~(14)~~ O. The independent redistricting commission shall  
13 establish congressional and legislative districts EXCEPT AS  
14 PROVIDED IN SUBSECTION C OF THIS SECTION. The commencement of  
15 the mapping process for both the congressional and legislative  
16 districts shall be the creation of districts of equal population  
17 in a grid-like pattern across the state. Adjustments to the  
18 grid shall then be made as necessary to accommodate the goals as  
19 set forth below:

20 ~~A.~~ 1. Districts shall comply with the United States  
21 Constitution and the United States voting rights act. ~~;~~

22 ~~B.~~ 2. Congressional districts shall have equal  
23 population to the extent practicable, and state legislative  
24 districts shall have equal population to the extent  
25 practicable. ~~;~~

26 ~~C.~~ 3. Districts shall be geographically compact and  
27 contiguous to the extent practicable. ~~;~~

28 ~~D.~~ 4. District boundaries shall respect communities of  
29 interest to the extent practicable. ~~;~~

30 ~~E.~~ 5. To the extent practicable, district lines shall  
31 use visible geographic features, city, town and county  
32 boundaries, and undivided census tracts. ~~;~~

33 ~~F.~~ 6. To the extent practicable, competitive districts  
34 should be favored where to do so would create no significant  
35 detriment to the other goals.

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

41 ~~(16)~~ Q. The independent redistricting commission shall  
42 advertise a draft map of congressional districts and a draft map  
43 of legislative districts to the public for comment, which  
44 comment shall be taken for at least thirty days. Either or both  
45 bodies of the legislature may act within this period to make



1 recommendations to the independent redistricting commission by  
2 memorial or by minority report, which recommendations shall be  
3 considered by the independent redistricting commission. The  
4 independent redistricting commission shall then establish final  
5 district boundaries.

6 ~~(17)~~ R. The provisions regarding this section are  
7 self-executing. The independent redistricting commission shall  
8 certify to the secretary of state the establishment of  
9 congressional and legislative districts.

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

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

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

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

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



1                   ~~(23)~~ X. Each commissioner's duties established by this  
2                   section expire upon the appointment of the first member of the  
3                   next redistricting commission. The independent redistricting  
4                   commission shall not meet or incur expenses after the  
5                   redistricting plan is completed, except if litigation or any  
6                   government approval of the plan is pending, or to revise  
7                   districts if required by court decisions or if the number of  
8                   congressional or legislative districts is changed.  
9                   2. The Secretary of State shall submit this proposition to the voters  
10                  at a special election called to be held for that purpose on May 15, 2012 as  
11                  provided by article XXI, Constitution of Arizona.