

REFERENCE TITLE: house districts; four-year terms

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

## **HCR 2059**

Introduced by  
Representative Chabin

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 21, CONSTITUTION OF ARIZONA; RELATING TO THE LEGISLATURE.

(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~~ FORTY-FIVE  
11 SENATE districts established pursuant to this section. EACH  
12 SENATE DISTRICT SHALL CONSIST OF EXACTLY TWO ENTIRE AND  
13 CONTIGUOUS 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 NINETY 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  
35 votes 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

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

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

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

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

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

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

37 2. Article IV, part 2, section 21, Constitution of Arizona, is  
38 proposed to be amended as follows if approved by the voters and on  
39 proclamation of the Governor:

40 21. Term limits of members of state legislature

41 Section 21. A. The members of the first legislature  
42 shall hold office until the first Monday in January, 1913.  
43 THROUGH THE FIFTIETH LEGISLATURE, the terms of office of the  
44 members of ~~succeeding legislatures~~ THE HOUSE OF REPRESENTATIVES  
45 AND THE MEMBERS OF THE SENATE shall be two years. No state

1 senator shall serve more than four consecutive terms in that  
2 office, nor shall any state representative serve more than four  
3 consecutive terms in that office. This limitation on the number  
4 of terms of consecutive service shall apply to terms of office  
5 beginning on or after January 1, 1993. BEGINNING WITH THE  
6 FIFTY-FIRST LEGISLATURE IN 2013, THE TERMS OF OFFICE OF THE  
7 MEMBERS OF THE HOUSE OF REPRESENTATIVES AND THE MEMBERS OF THE  
8 SENATE SHALL BE FOUR YEARS. BEGINNING WITH THE FIFTY-FIRST  
9 LEGISLATURE IN 2013, A STATE SENATOR SHALL NOT SERVE MORE THAN  
10 FOUR CONSECUTIVE TERMS IN THAT OFFICE, NOR SHALL ANY STATE  
11 REPRESENTATIVE SERVE MORE THAN FOUR CONSECUTIVE TERMS IN THAT  
12 OFFICE. THIS LIMITATION TO FOUR CONSECUTIVE TERMS OF SERVICE  
13 APPLIES TO TERMS OF OFFICE THAT BEGIN ON OR AFTER JANUARY 1,  
14 2013. No legislator, after serving the maximum number of terms,  
15 which shall include any part of a term served, may serve in the  
16 same office until ~~he~~ THE LEGISLATOR has been out of office for  
17 no less than one full term.

18 B. THE INCREASE TO A FOUR-YEAR TERM BEGINNING WITH THE  
19 FIFTY-FIRST LEGISLATURE IN 2013 SHALL APPLY AS FOLLOWS:

20 1. A LEGISLATOR WHO SERVES THREE CONSECUTIVE TERMS IN ONE  
21 HOUSE OF THE LEGISLATURE AND WHOSE FIRST TERM BEGAN IN JANUARY,  
22 2007 IS ELIGIBLE TO SERVE ONE ADDITIONAL CONSECUTIVE TERM IN  
23 THAT HOUSE THAT BEGINS IN JANUARY, 2013 AND IS NOT ELIGIBLE FOR  
24 A FIFTH CONSECUTIVE TERM IN THAT HOUSE.

25 2. A LEGISLATOR WHO SERVES TWO CONSECUTIVE TERMS IN ONE  
26 HOUSE OF THE LEGISLATURE AND WHOSE FIRST TERM BEGAN IN JANUARY,  
27 2009 IS ELIGIBLE TO SERVE TWO ADDITIONAL CONSECUTIVE TERMS IN  
28 THAT HOUSE THAT BEGIN IN JANUARY, 2013 AND JANUARY, 2017 AND IS  
29 NOT ELIGIBLE FOR A FIFTH CONSECUTIVE TERM IN THAT HOUSE.

30 3. A LEGISLATOR WHO SERVES ONE TERM IN A HOUSE OF THE  
31 LEGISLATURE AND WHOSE FIRST TERM BEGAN IN JANUARY, 2011 WITHOUT  
32 PRIOR CONSECUTIVE SERVICE IN THAT HOUSE IS ELIGIBLE TO SERVE  
33 THREE ADDITIONAL CONSECUTIVE TERMS IN THAT HOUSE THAT BEGIN IN  
34 JANUARY, 2013, JANUARY, 2017 AND JANUARY, 2021.

35 3. Applicability

36 On adoption of section one of this measure, the independent  
37 redistricting commission shall promptly begin drawing legislative district  
38 lines as prescribed by this measure which shall be fully applicable for the  
39 legislative districts used in the 2014 general election and all subsequent  
40 legislative elections.

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