

REFERENCE TITLE: independent redistricting commission; revisions

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

# SCR 1011

Introduced by  
Senator Gallardo

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 Senate of the State of Arizona, the House of  
2 Representatives 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~~ 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 ~~two~~ **five** NINE members. No more than ~~two~~ **three**  
27 members of the independent redistricting commission shall be  
28 members of the same political party. Of the first ~~four~~ **six**  
29 members appointed, no more than ~~two~~ **three** 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~~ 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.

44 (4) The commission on appellate court appointments shall  
45 nominate candidates for appointment to the independent

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

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

20           (6) Appointments to the independent redistricting  
 21          commission shall be made in the order set forth below. No later  
 22          than January 31 of years ending in one, the ~~highest-ranking~~  
 23          ~~officer~~ MAJORITY PARTY CAUCUS OF THOSE PERSONS elected ~~by~~ TO the  
 24          Arizona house of representatives shall VOTE TO make one  
 25          appointment to the independent redistricting commission from the  
 26          pool of nominees, followed by A VOTE TO MAKE one appointment  
 27          from the pool made in turn by each of the following: the  
 28          minority party ~~leader-of-the~~ CAUCUS OF THOSE PERSONS ELECTED TO  
 29          THE Arizona house of representatives, the ~~highest-ranking~~  
 30          ~~officer~~ MAJORITY PARTY CAUCUS OF THOSE PERSONS elected ~~by~~ TO the  
 31          Arizona senate, and the minority party ~~leader-of~~ CAUCUS OF THOSE  
 32          PERSONS ELECTED TO the Arizona senate. THE MAJORITY PARTY  
 33          CAUCUS OF THE HOUSE OF REPRESENTATIVES, IN COMBINATION WITH THE  
 34          CAUCUS OF THAT POLITICAL PARTY IN THE SENATE, SHALL JOINTLY VOTE  
 35          TO SELECT A FIFTH MEMBER, FOLLOWED BY THE MINORITY PARTY CAUCUS  
 36          OF THE HOUSE OF REPRESENTATIVES, IN COMBINATION WITH THE CAUCUS  
 37          OF THAT POLITICAL PARTY IN THE SENATE, WHICH SHALL JOINTLY VOTE  
 38          TO SELECT A SIXTH MEMBER. Each ~~such-official~~ CAUCUS shall have  
 39          a seven-day period in which to make an appointment. Any  
 40          ~~official-who~~ CAUCUS THAT fails to make an appointment within the  
 41          specified time period will forfeit the appointment privilege.  
 42          In the event that there are two or more minority parties within  
 43          the house or the senate, the leader of the largest minority  
 44          party by statewide party registration shall make the  
 45          appointment.

1 (7) Any vacancy in the above ~~four~~ SIX 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~~ SIX independent redistricting commission members shall  
9 select by majority vote from the nomination pool ~~a fifth member~~  
10 THREE MEMBERS who shall not be registered with any party already  
11 represented on the independent redistricting commission and ~~who~~  
12 ONE OF WHOM shall serve as chair. If the ~~four~~ SIX commissioners  
13 fail to ~~appoint a fifth member~~ SELECT THREE MEMBERS within  
14 fifteen days, the commission on appellate court appointments or  
15 its designee, striving for political balance and fairness, shall  
16 appoint ~~a fifth member~~ THE THREE MEMBERS from the nomination  
17 pool, ~~who shall~~ AND SHALL DESIGNATE ONE OF THE THREE TO serve as  
18 chair.

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

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

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

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

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

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

19 ~~A-~~ (a) Districts shall comply with the United States  
20 Constitution and the United States voting rights act;

21 ~~B-~~ (b) Congressional districts shall have equal  
22 population to the extent practicable, and state legislative  
23 districts shall have equal population to the extent practicable;

24 (c) ~~DISTRICTS SHALL BE COMPETITIVE TO THE EXTENT~~  
25 ~~PRACTICABLE;~~

26 ~~C-~~ (d) Districts shall be geographically compact and  
27 contiguous to the extent practicable;

28 ~~D-~~ (e) District boundaries shall respect communities of  
29 interest to the extent practicable;

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

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

41 (16) 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) 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) Upon approval of this amendment, the department of  
11 administration or its successor shall make adequate office space  
12 available for the independent redistricting commission. The  
13 treasurer of the state shall make \$6,000,000 available for the  
14 work of the independent redistricting commission pursuant to the  
15 year 2000 census. Unused monies shall be returned to the  
16 ~~state's~~ STATE general fund. IN 2019, THE TREASURER SHALL MAKE  
17 AVAILABLE THE SUM OF \$10,000,000 FROM THE STATE GENERAL FUND FOR  
18 THE WORK OF THE INDEPENDENT REDISTRICTING COMMISSION PURSUANT TO  
19 THE 2020 CENSUS. In years ending in eight or nine after the  
20 year ~~2001~~ 2021, the department of administration or its  
21 successor shall submit to the legislature a recommendation for  
22 an appropriation for adequate redistricting expenses and shall  
23 make available adequate office space for the operation of the  
24 independent redistricting commission. The legislature shall  
25 make the necessary appropriations by a majority vote.

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

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

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

44 (22) Employees of the department of administration or its  
45 successor shall not influence or attempt to influence the

1 district-mapping decisions of the independent redistricting  
2 commission.

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

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