

REFERENCE TITLE: independent redistricting commission; membership

State of Arizona  
Senate  
Fifty-second Legislature  
Second Regular Session  
2016

# SCR 1017

Introduced by  
Senator Dial

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 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 B. 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)~~ C. ~~Upon~~ ON 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~~ 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)~~ D. 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~~ EIGHT 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 members~~  
29 ~~appointed, no more than two~~ FOUR OF THE COMMISSIONERS shall  
30 reside in the ~~same~~ MOST POPULOUS county, TWO OF THE  
31 COMMISSIONERS SHALL RESIDE IN THE SECOND MOST POPULOUS COUNTY  
32 AND TWO OF THE COMMISSIONERS SHALL RESIDE IN ANY OF THE  
33 REMAINING COUNTIES. Each member shall be a registered Arizona  
34 voter who has been continuously registered with the same  
35 political party or registered as unaffiliated with a political  
36 party for three or more years immediately preceding  
37 appointment, ~~AND~~ AND who is committed to applying the provisions of  
38 this section in an honest, independent and impartial fashion and  
39 to upholding public confidence in the integrity of the  
40 redistricting process. Within the three years previous to  
41 appointment, members shall not have been appointed to, elected  
42 to, or a candidate for any other public office, including  
43 precinct committeeman or committeewoman but not including school  
44 board member or officer, and shall not have served as an officer

1 of a political party, or served as a registered paid lobbyist or  
2 as an officer of a candidate's campaign committee.

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

15 ~~(5)~~ F. By January 8 of years ending in one, the  
16 commission on appellate court appointments or its designee shall  
17 establish a pool of persons who are willing to serve on and are  
18 qualified for appointment to the independent redistricting  
19 commission. The pool of candidates shall consist of ~~twenty-five~~  
20 FORTY nominees, with ~~ten~~ FIFTEEN nominees from each of the two  
21 largest political parties in Arizona based on party  
22 registration, and ~~five~~ TEN who are not registered with either of  
23 the two largest political parties in Arizona. THE POOL SHALL  
24 INCLUDE TWENTY CANDIDATES FROM THE MOST POPULOUS COUNTY, TEN  
25 CANDIDATES FROM THE SECOND MOST POPULOUS COUNTY AND TEN  
26 CANDIDATES FROM THE REMAINING COUNTIES. EACH COUNTY-BASED POOL  
27 SHALL REFLECT A POLITICAL PARTY BALANCE THAT IS SUBSTANTIALLY  
28 SIMILAR TO THE POLITICAL PARTY BALANCE REQUIRED FOR THE ENTIRE  
29 POOL.

30 ~~(6)~~ G. Appointments to the independent redistricting  
31 commission shall be made in the order set forth below. No later  
32 than January 31 of years ending in one, the highest ranking  
33 officer elected by the Arizona house of representatives shall  
34 make one appointment to the independent redistricting commission  
35 from the pool of nominees, followed by one appointment from the  
36 pool made in turn by each of the following: the minority party  
37 leader of the Arizona house of representatives, the highest  
38 ranking officer elected by the Arizona senate, and the minority  
39 party leader of the Arizona senate. FOLLOWING THESE  
40 APPOINTMENTS, THE HIGHEST RANKING OFFICER ELECTED BY THE ARIZONA  
41 HOUSE OF REPRESENTATIVES AND THE HIGHEST RANKING OFFICER ELECTED  
42 BY THE ARIZONA SENATE WHO IS A MEMBER OF THE SAME POLITICAL  
43 PARTY AS THE HIGHEST RANKING OFFICER ELECTED BY THE ARIZONA  
44 HOUSE OF REPRESENTATIVES SHALL JOINTLY MAKE ONE APPOINTMENT AND

1 THE MINORITY PARTY LEADER OF THE ARIZONA HOUSE OF  
 2 REPRESENTATIVES AND THE HIGHEST RANKING OFFICER OF THE ARIZONA  
 3 SENATE WHO IS A MEMBER OF THE SAME POLITICAL PARTY AS THE  
 4 MINORITY PARTY LEADER OF THE ARIZONA HOUSE OF REPRESENTATIVES  
 5 SHALL JOINTLY MAKE ONE APPOINTMENT. Each such official shall  
 6 have a seven-day period in which to make an appointment. Any  
 7 official who fails to make an appointment within the specified  
 8 time period will forfeit the appointment privilege. In the  
 9 event that there are two or more minority parties within the  
 10 house or the senate, the leader of the largest minority party by  
 11 statewide party registration shall make the appointment.

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

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

29 ~~(9)~~ J. The ~~five~~ EIGHT commissioners shall then select by  
 30 majority vote ~~one~~ TWO of their members to serve as CHAIR AND  
 31 vice-chair.

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

38 ~~(11)~~ L. If a commissioner ~~or chair~~ does not complete the  
 39 term of office for any reason, the commission on appellate court  
 40 appointments or its designee shall nominate a pool of three  
 41 candidates within the first thirty days after the vacancy  
 42 occurs. The nominees shall be of the same political party or  
 43 status as was the member who vacated the office at the time of  
 44 his or her appointment, and the appointment ~~other than the chair~~

1 shall be made by the current holder of the office designated to  
 2 make the original appointment. The ~~appointment~~ DESIGNATION of a  
 3 new chair OR VICE-CHAIR shall be made by A MAJORITY VOTE OF the  
 4 ~~remaining~~ commissioners. If the appointment of a replacement  
 5 commissioner ~~or chair~~ is not made within fourteen days following  
 6 the presentation of the nominees, the commission on appellate  
 7 court appointments or its designee shall make the appointment,  
 8 striving for political balance and fairness. The newly  
 9 appointed commissioner shall serve out the remainder of the  
 10 original term.

11 ~~(12)~~ M. ~~Three~~ FIVE commissioners, ~~including the chair or~~  
 12 ~~vice-chair,~~ constitute a quorum. ~~Three~~ FIVE or more affirmative  
 13 votes are required for any official action. Where a quorum is  
 14 present, the independent redistricting commission shall conduct  
 15 business in meetings open to the public AND IN COMPLIANCE WITH  
 16 THE OPEN MEETING LAWS OF THIS STATE THAT ARE APPLICABLE TO  
 17 PUBLIC BODIES, EXCEPT with ~~48~~ FORTY-EIGHT or more hours public  
 18 notice provided.

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

23 ~~(14)~~ O. The independent redistricting commission shall  
 24 establish congressional and legislative districts. The  
 25 commencement of the mapping process for both the congressional  
 26 and legislative districts shall be the creation of districts of  
 27 equal population in a grid-like pattern across the state.  
 28 Adjustments to the grid shall then be made as necessary to  
 29 accommodate the goals as set forth below:

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

32 ~~B.~~ 2. Congressional districts shall have equal  
 33 population to the extent practicable, and state legislative  
 34 districts shall have equal population to the extent  
 35 practicable. ~~;~~

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

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

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

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

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

9           ~~(16)~~ Q. The independent redistricting commission shall  
 10 advertise a draft map of congressional districts and a draft map  
 11 of legislative districts to the public for comment, which  
 12 comment shall be taken for at least thirty days. Either or both  
 13 bodies of the legislature may act within this period to make  
 14 recommendations to the independent redistricting commission by  
 15 memorial or by minority report, which recommendations shall be  
 16 considered by the independent redistricting commission. The  
 17 independent redistricting commission shall then establish final  
 18 district boundaries **NOT LATER THAN THE BEGINNING OF THE NEXT**  
 19 **REGULAR LEGISLATIVE SESSION IN A YEAR THAT ENDS IN TWO. EXCEPT**  
 20 **AS PROVIDED IN SUBSECTION X OF THIS SECTION, IF THE INDEPENDENT**  
 21 **REDISTRICTING COMMISSION DOES NOT ESTABLISH FINAL DISTRICT**  
 22 **BOUNDARIES BY THE BEGINNING OF THE NEXT LEGISLATIVE SESSION, THE**  
 23 **COMMISSION IS TERMINATED AND THE LEGISLATURE SHALL ENACT FINAL**  
 24 **DISTRICT BOUNDARIES. WITHOUT REGARD TO WHETHER THE INDEPENDENT**  
 25 **REDISTRICTING COMMISSION ADOPTS FINAL DISTRICT BOUNDARIES, THE**  
 26 **LEGISLATURE MAY REFER TO A VOTE OF THE PEOPLE AN ALTERNATE**  
 27 **REDISTRICTING PLAN OR PLANS THAT, IF ADOPTED BY A VOTE OF THE**  
 28 **PEOPLE, SHALL CONSTITUTE THE FINAL DISTRICT BOUNDARIES.**

29           ~~(17)~~ R. The provisions regarding this section are  
 30 self-executing. The independent redistricting commission shall  
 31 certify to the secretary of state the establishment of  
 32 congressional and legislative districts.

33           ~~(18)~~ S. ~~Upon~~ **ON** approval of this amendment, the  
 34 department of administration or its successor shall make  
 35 adequate office space available for the independent  
 36 redistricting commission. The **STATE** treasurer ~~of the state~~  
 37 shall make \$6,000,000 available for the work of the independent  
 38 redistricting commission pursuant to the year 2000 census.  
 39 Unused monies shall be returned to the ~~state's~~ **STATE** general  
 40 fund. In years ending in eight or nine after the year 2001, the  
 41 department of administration or its successor shall submit to  
 42 the legislature a recommendation for an appropriation for  
 43 adequate redistricting expenses and shall make available  
 44 adequate office space for the operation of the independent

1           redistricting commission. The legislature shall make the  
2           necessary appropriations by a majority vote.

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

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

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

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

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

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