

REFERENCE TITLE: independent redistricting commission; elected membership

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

HCR 2009

Introduced by
Representatives Petersen, Townsend, Senator Farnsworth D

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 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; independent redistricting
9 commission; election

10 Section 1. ~~(1)~~ A. The senate shall be composed of one
11 member elected from each of the thirty legislative districts
12 established pursuant to this section.

13 B. The house of representatives shall be composed of two
14 members elected from each of the thirty legislative districts
15 established pursuant to this section.

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

23 ~~(3)~~ D. ~~By February 28~~ BEGINNING ON THE SECOND MONDAY IN
24 JANUARY of each year that ends in one, an independent
25 redistricting commission ~~shall be~~ IS established to provide for
26 the redistricting of congressional and state legislative
27 districts. The independent redistricting commission shall
28 consist of five members, EACH OF WHOM SHALL SERVE A TERM OF TEN
29 YEARS. THE COMMISSION MEMBERS SHALL BE ELECTED AT THE REGULAR
30 GENERAL ELECTION HELD IN EACH YEAR THAT ENDS IN ZERO, IN THE
31 SAME MANNER AS OTHERWISE PROVIDED BY LAW FOR OTHER STATEWIDE
32 OFFICES, AND SHALL MEET THE SAME ELIGIBILITY REQUIREMENTS AS
33 PRESCRIBED IN THE CONSTITUTION AS FOR THE OFFICE OF GOVERNOR.

34 ~~No more than two members of the independent redistricting~~
35 ~~commission shall be members of the same political party. Of the~~
36 ~~first four members appointed, no more than two shall reside in~~
37 ~~the same county. Each member shall be a registered Arizona~~
38 ~~voter who has been continuously registered with the same~~
39 ~~political party or registered as unaffiliated with a political~~
40 ~~party for three or more years immediately preceding appointment,~~
41 ~~who is committed to applying the provisions of this section in~~
42 ~~an honest, independent and impartial fashion and to upholding~~
43 ~~public confidence in the integrity of the redistricting process.~~
44 ~~Within the three years previous to appointment, members shall~~
45 ~~not have been appointed to, elected to, or a candidate for any~~

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~~other public office, including precinct committeeman or committeewoman but not including school board member or officer, and shall not have served as an officer of a political party, or served as a registered paid lobbyist or as an officer of a candidate's campaign committee.~~

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

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

~~(6) Appointments to the independent redistricting commission shall be made in the order set forth below. No later than January 31 of years ending in one, the highest ranking officer elected by the Arizona house of representatives shall make one appointment to the independent redistricting commission from the pool of nominees, followed by one appointment from the pool made in turn by each of the following: the minority party leader of the Arizona house of representatives, the highest ranking officer elected by the Arizona senate, and the minority party leader of the Arizona senate. Each such official shall have a seven-day period in which to make an appointment. Any official who fails to make an appointment within the specified time period will forfeit the appointment privilege. In the event that there are two or more minority parties within the house or the senate, the leader of the largest minority party by statewide party registration shall make the appointment.~~

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

17 ~~(9)~~ E. The five commissioners shall ~~then~~ select by
18 majority vote one of their members to serve as ~~vice chair~~
19 **CHAIRPERSON AND ONE OF THEIR MEMBERS TO SERVE AS VICE**
20 **CHAIRPERSON.**

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 inability to~~
26 ~~discharge the duties of office.~~

27 ~~(11)~~ F. If a commissioner ~~or chair~~ does not complete the
28 term 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 occurs~~
31 **VACANCY SHALL BE FILLED AS OTHERWISE PROVIDED BY LAW. IF A**
32 **PERSON IS APPOINTED TO FILL ANY PORTION OF THE TERM,** the
33 ~~nominees~~ **PERSON APPOINTED** shall be of the same political party
34 or status as was the member who vacated the office at the time
35 of his or her appointment. ~~, and the appointment other than the~~
36 ~~chair shall be made by the current holder of the office~~
37 ~~designated to make the original appointment. The appointment of~~
38 ~~a new chair shall be made by the remaining commissioners. If~~
39 ~~the appointment of a replacement commissioner or chair is not~~
40 ~~made within fourteen days following the presentation of the~~
41 ~~nominees, the commission on appellate court appointments or its~~
42 ~~designee shall make the appointment, striving for political~~
43 ~~balance and fairness. The newly appointed commissioner shall~~
44 ~~serve out the remainder of the original term.~~

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

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

11 ~~(14)~~ H. The independent redistricting commission shall
12 establish congressional and legislative districts. The
13 commencement of the mapping process for both the congressional
14 and legislative districts shall be the creation of districts of
15 equal population in a grid-like pattern across the state.
16 Adjustments to the grid shall then be made as necessary to
17 accommodate the goals as set forth below:

18 ~~A.~~ 1. Districts shall comply with the United States
19 Constitution and the United States voting rights act. ~~;-~~

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

24 ~~C.~~ 3. Districts shall be geographically compact and
25 contiguous to the extent practicable. ~~;-~~

26 ~~D.~~ 4. District boundaries shall respect communities of
27 interest to the extent practicable. ~~;-~~

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

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

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

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

1 considered by the independent redistricting commission. The
2 independent redistricting commission shall then establish final
3 district boundaries.

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

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

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

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

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

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

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