

REFERENCE TITLE: independent redistricting commission; nine members

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HCR 2002

Introduced by
Representative Fillmore

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,
2 the Senate concurring:

3 1. Article IV, part 2, section 1, Constitution of Arizona, is
4 proposed to be amended as follows if approved by the voters and on
5 proclamation of the 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
13 two members elected from each of the thirty legislative
14 districts 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
18 the legislature and designating the date of convening, the
19 governor shall promptly call a special session to assemble on
20 the date specified. At a special session so called the
21 subjects ~~which~~ THAT may be considered by the legislature shall
22 not be limited.

23 ~~(3)~~ D. By February 28 of each year that ends in one,
24 an independent redistricting commission shall be established
25 to provide for the redistricting of congressional and state
26 legislative districts. The independent redistricting
27 commission shall consist of ~~five~~ NINE members. No more than
28 ~~two~~ THREE members of the independent redistricting commission
29 shall be members of the same political party. Of the first
30 four members appointed, no more than two shall reside in the
31 same county. Each member shall be a registered Arizona voter
32 who has been continuously registered with the same political
33 party or registered as unaffiliated with a political party for
34 three or more years immediately preceding appointment, ~~AND~~ AND
35 who is committed to applying the provisions of this section in
36 an honest, independent and impartial fashion and to upholding
37 public confidence in the integrity of the redistricting
38 process. Within the three years previous to appointment,
39 members shall not have been appointed to, elected to, ~~or~~ or a
40 candidate for any other public office, including precinct
41 committeeman or committeewoman but not including school board
42 member or officer, and shall not have served as an officer of
43 a political party, ~~or~~ or served as a registered paid lobbyist.
44 ~~or as an~~ WITHIN THE SIX YEARS BEFORE APPOINTMENT, MEMBERS

1 SHALL NOT HAVE BEEN A MEMBER OR officer of a candidate's
2 campaign committee.

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

16 ~~(5)~~ F. By January 8 of years ending in one, the
17 CITIZENS CLEAN ELECTIONS commission ~~on appellate court~~
18 ~~appointments or its designee~~ shall establish a pool of persons
19 who are willing to serve on and are qualified for appointment
20 to the independent redistricting commission. The pool of
21 candidates shall consist of ~~twenty-five~~ THIRTY nominees, with
22 ten nominees from each of the two largest political parties in
23 Arizona based on party registration, and ~~five~~ TEN who are not
24 registered with either of the two largest political parties in
25 Arizona.

26 ~~(6)~~ G. Appointments to the independent redistricting
27 commission shall be made in the order set forth below. No
28 later than January 31 of years ending in one, the highest
29 ranking officer elected by the Arizona house of
30 representatives shall make one appointment to the independent
31 redistricting commission from the pool of nominees, followed
32 by one appointment from the pool made in turn by each of the
33 following: the minority party leader of the Arizona house of
34 representatives, the highest ranking officer elected by the
35 Arizona senate, ~~and~~ the minority party leader of the Arizona
36 senate, THE HIGHEST RANKING OFFICER ELECTED BY THE ARIZONA
37 HOUSE OF REPRESENTATIVES AND THE MINORITY PARTY LEADER OF THE
38 ARIZONA HOUSE OF REPRESENTATIVES. Each such official shall
39 have a ~~seven-day~~ THREE-DAY period in which to make an
40 appointment. Any official who fails to make an appointment
41 within the specified time period will forfeit the appointment
42 privilege. In the event that there are two or more minority
43 parties within the house or the senate, the leader of the
44 largest minority party by statewide party registration shall
45 make the appointment.

1 ~~(7)~~ H. Any vacancy in the above ~~four~~ SIX independent
2 redistricting commission positions remaining as of March 1 of
3 a year ending in one shall be filled from the pool of nominees
4 by the CITIZENS CLEAN ELECTIONS commission ~~on appellate court~~
5 ~~appointments or its designee~~. The appointing body shall
6 strive for political balance and fairness.

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

19 ~~(9)~~ J. The ~~five~~ NINE commissioners shall then select
20 by majority vote one of their members to serve as CHAIR AND
21 ONE TO SERVICE AS vice-chair.

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

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

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

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

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

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

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

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

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

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

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

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

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