

REFERENCE TITLE: independent redistricting commission; nine members

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HCR 2028

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~~ NOT more
28 than ~~two~~ THREE members of the independent redistricting
29 commission shall be members of the same political party. Of
30 the first four members appointed, ~~no~~ NOT more than two shall
31 reside in the same county. Each member shall be a registered
32 Arizona voter who has been continuously registered with the
33 same political party or registered as unaffiliated with a
34 political party for three or more years immediately preceding
35 appointment, ~~AND~~ AND who is committed to applying the provisions
36 of this section in an honest, independent and impartial
37 fashion and to upholding public confidence in the integrity of
38 the redistricting process. Within the three years previous to
39 appointment, members shall not have been appointed to, elected
40 to, ~~or~~ or a candidate for any other public office, including
41 precinct committeeman or committeewoman but not including
42 school board member or officer, and shall not have served as
43 an officer of a political party, ~~or~~ or served as a registered
44 paid lobbyist. ~~or as an~~ WITHIN THE SIX YEARS BEFORE

1 APPOINTMENT, MEMBERS SHALL NOT HAVE BEEN A MEMBER OR officer
2 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
6 balanced commission exists whose members are nominated by the
7 commission on appellate court appointments and whose regular
8 duties relate to the elective process, the commission on
9 appellate court appointments may delegate to such existing
10 commission (hereinafter called the commission on appellate
11 court appointments' designee) the duty of nominating members
12 for the independent redistricting commission, and all other
13 duties assigned to the commission on appellate court
14 appointments in this section.

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

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

44 ~~(7)~~ H. Any vacancy in the above ~~four~~ SIX independent
45 redistricting commission positions remaining as of March 1 of

1 a year ending in one shall be filled from the pool of nominees
 2 by the commission on appellate court appointments or its
 3 designee. The appointing body shall strive for political
 4 balance and fairness.

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

16 ~~(9)~~ J. The ~~five~~ NINE commissioners shall then select
 17 by majority vote one of their members to serve as CHAIR AND
 18 ONE TO SERVE AS vice-chair.

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

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

42 ~~(12)~~ M. ~~Three~~ FIVE commissioners, ~~including the chair~~
 43 ~~or vice-chair~~, constitute a quorum. ~~Three~~ FIVE or more
 44 affirmative votes are required for any official action. Where
 45 a quorum is present, the independent redistricting commission

1 shall conduct business in meetings open to the public, with ~~48~~
2 FORTY-EIGHT or more hours public notice provided.

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

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

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

16 ~~B.~~ 2. Congressional districts shall have equal
17 population to the extent practicable, and state legislative
18 districts shall have equal population to the extent
19 practicable. ~~;~~

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

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

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

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

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

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

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

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

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

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

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

37 ~~(22)~~ W. Employees of the department of administration
38 or its successor shall not influence or attempt to influence
39 the district-mapping decisions of the independent
40 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.