SENATE CONCURRENT RESOLUTION 1018

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)
Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. Legislative findings; purposes
   A. The legislature finds that:
      1. Nearly twenty years have passed and two redistricting cycles have occurred since Arizona voters approved Proposition 106, known as Fair Districts, Fair Elections.
      2. Although advertised as creating a commission of balanced appointments with fair districts, the commission composition and process have been fraught with controversy. Democrats, Republicans and independents have all criticized the commission process and some of its results.
      3. The population deviations as high as 8.8 percent in the 2012 redistricting maps, coupled with some of the largest legislative districts by population in the country, led to differences in district population as high as 18,707 persons. This extreme variation in population does not provide fair representation for Arizona citizens.
   B. Based on the findings provided in subsection A of this section, the legislature’s purposes in adopting this act include creating fairer legislative districts by equalizing the populations of legislative districts to give all Arizona citizens equal representation, while still requiring the commission to comply with the United States Constitution and the United States voting rights act.

2. Article IV, part 2, section 1, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:
   1. Senate; house of representatives; members; special session on petition of members; congressional and legislative boundaries; citizen commissions
      Section 1. (1) A. The senate shall be composed of one member elected from each of the thirty legislative districts established pursuant to this section.
      B. The house of representatives shall be composed of two members elected from each of the thirty legislative districts established pursuant to this section.
      C. Upon the presentation to the governor of a petition bearing the signatures of not less than two-thirds of the members of each house requesting a special session of the legislature and designating the date of convening, the governor shall promptly call a special session to assemble on the date specified. At a special session so called the subjects which may be considered by the legislature shall not be limited.
D. By February 28 of each year that ends in one year, an independent redistricting commission shall be established to provide for the redistricting of congressional and state legislative districts. The independent redistricting commission shall consist of five members. No more than two members of the independent redistricting commission shall be members of the same political party. Of the first four members appointed, no more than two shall reside in the same county. Each member shall be a registered Arizona voter who has been continuously registered with the same political party or registered as unaffiliated with a political party for three or more years immediately preceding appointment, AND who is committed to applying the provisions of this section in an honest, independent and impartial fashion and to upholding public confidence in the integrity of the redistricting process. Within the three years previous to appointment, members shall not have been appointed to, elected to, or a candidate for any 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.

E. 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.

F. 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) G. 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 if 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.

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

(8) I. At a meeting called by the secretary of state, the four independent redistricting commission members shall select by majority vote from the nomination pool a fifth member who shall not be registered with any party already represented on the independent redistricting commission and who shall serve as chair. If the four commissioners fail to appoint a fifth member within fifteen days, the commission on appellate court appointments or its designee, striving for political balance and fairness, shall appoint a fifth member from the nomination pool, who shall serve as chair.

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

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

(11) L. If a commissioner or chair does not complete the term of office for any reason, the commission on appellate court appointments or its designee shall nominate a pool of three candidates within the first thirty days after the
vacancy occurs. The nominees shall be of the same political
party or status as was the member who vacated the office at
the time of his or her appointment, and the appointment other
than the chair shall be made by the current holder of the
office designated to make the original appointment. The
appointment of a new chair shall be made by the remaining
commissioners. If the appointment of a replacement
commissioner or chair is not made within fourteen days
following the presentation of the nominees, the commission on
appellate court appointments or its designee shall make the
appointment, striving for political balance and fairness. The
newly appointed commissioner shall serve out the remainder of
the original term.

M. Three commissioners, including the chair or
vice-chair, constitute a quorum. Three or more affirmative
votes are required for any official action. Where a quorum is
present, the independent redistricting commission shall
conduct business in meetings open to the public, with
FORTY-EIGHT or more hours public notice provided.

N. A commissioner, during the commissioner's term
of office and for three years thereafter, shall be ineligible
for Arizona public office or for registration as a paid
lobbyist.

O. The independent redistricting commission shall
establish congressional and legislative districts. The
commencement of the mapping process for both the congressional
and legislative districts shall be the creation of districts
of equal population in a grid-like pattern across the state.
Adjustments to the grid shall then be made as necessary to
accommodate the goals as set forth below:

1. Districts shall comply with the United States
Constitution and the United States voting rights act.

2. Congressional districts shall have equal
population to the extent practicable, and state legislative
districts shall have equal population to the extent
practicable so that the population of the largest legislative
district by population shall not exceed the population of the
smallest legislative district by population by more than five
thousand persons.

3. Districts shall be geographically compact and
contiguous to the extent practicable.

4. District boundaries shall respect communities of
interest to the extent practicable.
5. To the extent practicable, district lines shall use visible geographic features, city, town and county boundaries and undivided census tracts.

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

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

Q. The independent redistricting commission shall advertise a draft map of congressional districts and a draft map of legislative districts to the public for comment, which comment shall be taken for at least thirty days. Either or both bodies of the legislature may act within this period to make recommendations to the independent redistricting commission by memorial or by minority report, which recommendations shall be considered by the independent redistricting commission. The independent redistricting commission shall then establish final district boundaries.

R. The provisions regarding this section are self-executing. The independent redistricting commission shall certify to the secretary of state the establishment of congressional and legislative districts.

S. Upon approval of this amendment, the department of administration or its successor shall make adequate office space available for the independent redistricting commission. The STATE treasurer of the state shall make $6,000,000 available for the work of the independent redistricting commission pursuant to the year 2000 census. Unused monies shall be returned to the state's general fund. In years ending in eight or nine after the year 2001, the department of administration or its successor shall submit to the legislature a recommendation for an appropriation for adequate redistricting expenses and shall make available adequate office space for the operation of the independent redistricting commission. The legislature shall make the necessary appropriations by a majority vote.

T. The independent redistricting commission, with fiscal oversight from the department of administration or its successor, shall have procurement and contracting authority and may hire staff and consultants for the purposes of this section, including legal representation.
U. The independent redistricting commission shall have standing in legal actions regarding the redistricting plan and the adequacy of resources provided for the operation of the independent redistricting commission. The independent redistricting commission shall have sole authority to determine whether the Arizona attorney general or counsel hired or selected by the independent redistricting commission shall represent the people of Arizona in the legal defense of a redistricting plan.

V. Members of the independent redistricting commission are eligible for reimbursement of expenses pursuant to law, and a member's residence is deemed to be the member's post of duty for purposes of reimbursement of expenses.

W. Employees of the department of administration or its successor shall not influence or attempt to influence the district-mapping decisions of the independent redistricting commission.

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

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