

REFERENCE TITLE: legislature; sixty house districts

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SCR 1039

Introduced by
Senator Quezada: Representative Andrade

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO LEGISLATIVE DISTRICTS.

(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
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~~ SENATE
11 districts established pursuant to this section. THE
12 BOUNDARIES OF EACH SENATE DISTRICT SHALL BE SEPARATE FROM AND
13 INDEPENDENT OF THE BOUNDARIES OF THE HOUSE OF REPRESENTATIVES
14 DISTRICTS.

15 B. The house of representatives shall be composed of
16 ~~two members~~ ONE MEMBER elected from each of the ~~thirty~~
17 ~~legislative~~ SIXTY HOUSE districts established pursuant to this
18 section.

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

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

1 member or officer, and shall not have served as an officer of
2 a political party, or served as a registered paid lobbyist or
3 as an officer of a candidate's campaign committee.

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

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

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

42 ~~(7)~~ H. Any vacancy in the above four independent
43 redistricting commission positions remaining as of March 1 of
44 a year ending in one shall be filled from the pool of nominees
45 by the commission on appellate court appointments or its

1 designee. The appointing body shall strive for political
2 balance and fairness.

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

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

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

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

38 ~~(12)~~ M. Three commissioners, including the chair or
39 vice-chair, constitute a quorum. Three or more affirmative
40 votes are required for any official action. Where a quorum is
41 present, the independent redistricting commission shall
42 conduct business in meetings open to the public, with ~~48~~
43 FORTY-EIGHT or more hours public notice provided.

44 ~~(13)~~ N. A commissioner, during the commissioner's term
45 of office and for three years thereafter, shall be ineligible

1 for Arizona public office or for registration as a paid
2 lobbyist.

3 ~~(14)~~ 0. The independent redistricting commission shall
4 establish congressional and legislative districts. The
5 commencement of the mapping process for both the congressional
6 and legislative districts shall be the creation of districts
7 of equal population in a grid-like pattern across the state.
8 Adjustments to the grid shall then be made as necessary to
9 accommodate the goals as set forth below:

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

12 ~~B.~~ 2. Congressional districts shall have equal
13 population to the extent practicable, and state legislative
14 districts shall have equal population to the extent
15 practicable. ~~;~~

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

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

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

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

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

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

41 ~~(17)~~ R. The provisions regarding this section are
42 self-executing. The independent redistricting commission
43 shall certify to the secretary of state the establishment of
44 congressional and legislative districts.

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

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

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

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

33 ~~(22)~~ W. Employees of the department of administration
34 or its successor shall not influence or attempt to influence
35 the district-mapping decisions of the independent
36 redistricting commission.

37 ~~(23)~~ X. Each commissioner's duties established by this
38 section expire ~~upon~~ ON the appointment of the first member of
39 the next redistricting commission. The independent
40 redistricting commission shall not meet or incur expenses
41 after the redistricting plan is completed, except if
42 litigation or any government approval of the plan is pending,
43 or to revise districts if required by court decisions or if
44 the number of congressional or legislative districts is
45 changed.

1 2. This measure applies for the redistricting of legislative
2 districts that begins in 2021 and shall be fully applicable for the
3 legislative districts used in the 2022 primary and general election and
4 all subsequent legislative elections.

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