

REFERENCE TITLE: independent redistricting commission; population standards

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

SCR 1018

Introduced by
Senators Mesnard: Allen S, Borrelli, Boyer, Carter, Fann, Farnsworth D,
Farnsworth E, Gowan, Gray, Kerr, Leach, Livingston, Pace, Pratt;
Representatives Barto, Bolick, Roberts, Weninger

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 Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Legislative findings; purposes

4 A. The legislature finds that:

5 1. Nearly twenty years have passed and two redistricting cycles
6 have occurred since Arizona voters approved Proposition 106, known as Fair
7 Districts, Fair Elections.

8 2. Although advertised as creating a commission of balanced
9 appointments with fair districts, the commission composition and process
10 have been fraught with controversy. Democrats, Republicans and
11 independents have all criticized the commission process and some of its
12 results.

13 3. The population deviations as high as 8.8 percent in the 2012
14 redistricting maps, coupled with some of the largest legislative districts
15 by population in the country, led to differences in district population as
16 high as 18,707 persons. This extreme variation in population does not
17 provide fair representation for Arizona citizens.

18 B. Based on the findings provided in subsection A of this section,
19 the legislature's purposes in adopting this act include creating fairer
20 legislative districts by equalizing the populations of legislative
21 districts to give all Arizona citizens equal representation, while still
22 requiring the commission to comply with the United States Constitution and
23 the United States voting rights act.

24 2. Article IV, part 2, section 1, Constitution of Arizona, is
25 proposed to be amended as follows if approved by the voters and on
26 proclamation of the Governor:

27 1. Senate; house of representatives; members; special
28 session on petition of members; congressional and
29 legislative boundaries; citizen commissions

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

33 B. The house of representatives shall be composed of
34 two members elected from each of the thirty legislative
35 districts established pursuant to this section.

36 ~~(2)~~ C. ~~Upon~~ ON the presentation to the governor of a
37 petition bearing the signatures of not less than two-thirds of
38 the members of each house, requesting a special session of
39 the legislature and designating the date of convening, the
40 governor shall promptly call a special session to assemble on
41 the date specified. At a special session so called the
42 subjects ~~which~~ THAT may be considered by the legislature shall
43 not be limited.

1 ~~(3)~~ D. By February 28 of each year that ends in one,
 2 an independent redistricting commission shall be established
 3 to provide for the redistricting of congressional and state
 4 legislative districts. The independent redistricting
 5 commission shall consist of five members. ~~no~~ NOT more than
 6 two members of the independent redistricting commission shall
 7 be members of the same political party. Of the first four
 8 members appointed, ~~no~~ NOT more than two shall reside in the
 9 same county. Each member shall be a registered Arizona voter
 10 who has been continuously registered with the same political
 11 party or registered as unaffiliated with a political party for
 12 three or more years immediately preceding appointment, ~~AND~~
 13 who is committed to applying ~~the provisions of~~ this section in
 14 an honest, independent and impartial fashion and to upholding
 15 public confidence in the integrity of the redistricting
 16 process. Within the three years previous to appointment,
 17 members shall not have been appointed to, elected to, ~~or~~
 18 a candidate for any other public office, including precinct
 19 committeeman or committeewoman but not including school board
 20 member or officer, and shall not have served as an officer of
 21 a political party, or served as a registered paid lobbyist or
 22 as an officer of a candidate's campaign committee.

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

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

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

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

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

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

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

42 ~~(11)~~ L. If a commissioner or chair does not complete
43 the term of office for any reason, the commission on appellate
44 court appointments or its designee shall nominate a pool of
45 three candidates within the first thirty days after the

1 vacancy occurs. The nominees shall be of the same political
 2 party or status as was the member who vacated the office at
 3 the time of ~~his or her~~ appointment, and the appointment other
 4 than the chair shall be made by the current holder of the
 5 office designated to make the original appointment. The
 6 appointment of a new chair shall be made by the remaining
 7 commissioners. If the appointment of a replacement
 8 commissioner or chair is not made within fourteen days
 9 following the presentation of the nominees, the commission on
 10 appellate court appointments or its designee shall make the
 11 appointment, striving for political balance and fairness. The
 12 newly appointed commissioner shall serve out the remainder of
 13 the original term.

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

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

24 ~~(14)~~ O. The independent redistricting commission shall
 25 establish congressional and legislative districts. The
 26 commencement of the mapping process for both the congressional
 27 and legislative districts shall be the creation of districts
 28 of equal population in a grid-like pattern across the state.
 29 Adjustments to the grid shall then be made as necessary to
 30 accommodate the goals as set forth below:

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

33 ~~B.~~ 2. Congressional districts shall have equal
 34 population to the extent practicable, and state legislative
 35 districts shall have equal population to the extent
 36 practicable SO THAT THE POPULATION OF THE LARGEST LEGISLATIVE
 37 DISTRICT BY POPULATION SHALL NOT EXCEED THE POPULATION OF THE
 38 SMALLEST LEGISLATIVE DISTRICT BY POPULATION BY MORE THAN FIVE
 39 THOUSAND PERSONS. ~~;~~

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

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

1 ~~F.~~ 5. To the extent practicable, district lines shall
2 use visible geographic features, city, town and county
3 boundaries, ~~and undivided census tracts.~~

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

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

12 ~~(16)~~ Q. The independent redistricting commission shall
13 advertise a draft map of congressional districts and a draft
14 map of legislative districts to the public for comment, which
15 comment shall be taken for at least thirty days. Either or
16 both bodies of the legislature may act within this period to
17 make recommendations to the independent redistricting
18 commission by memorial or by minority report, which
19 recommendations shall be considered by the independent
20 redistricting commission. The independent redistricting
21 commission shall then establish final district boundaries.

22 ~~(17)~~ R. The provisions regarding this section are
23 self-executing. The independent redistricting commission
24 shall certify to the secretary of state the establishment of
25 congressional and legislative districts.

26 ~~(18)~~ S. ~~Upon~~ ON approval of this amendment, the
27 department of administration or its successor shall make
28 adequate office space available for the independent
29 redistricting commission. The STATE treasurer ~~of the state~~
30 shall make \$6,000,000 available for the work of the
31 independent redistricting commission pursuant to the year 2000
32 census. Unused monies shall be returned to the ~~state's~~ STATE
33 general fund. In years ending in eight or nine after the year
34 2001, the department of administration or its successor shall
35 submit to the legislature a recommendation for an
36 appropriation for adequate redistricting expenses and shall
37 make available adequate office space for the operation of the
38 independent redistricting commission. The legislature shall
39 make the necessary appropriations by a majority vote.

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

1 ~~(20)~~ U. The independent redistricting commission shall
2 have standing in legal actions regarding the redistricting
3 plan and the adequacy of resources provided for the operation
4 of the independent redistricting commission. The independent
5 redistricting commission shall have sole authority to
6 determine whether the Arizona attorney general or counsel
7 hired or selected by the independent redistricting commission
8 shall represent the people of Arizona in the legal defense of
9 a redistricting plan.

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

14 ~~(22)~~ W. Employees of the department of administration
15 or its successor shall not influence or attempt to influence
16 the district-mapping decisions of the independent
17 redistricting commission.

18 ~~(23)~~ X. Each commissioner's duties established by this
19 section expire ~~upon~~ ON the appointment of the first member of
20 the next redistricting commission. The independent
21 redistricting commission shall not meet or incur expenses
22 after the redistricting plan is completed, except if
23 litigation or any government approval of the plan is pending,
24 or to revise districts if required by court decisions or if
25 the number of congressional or legislative districts is
26 changed.

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