

REFERENCE TITLE: **redistricting; criteria; population; compactness**

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SCR 1027

Introduced by
Senator Gray C

A CONCURRENT RESOLUTION

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

(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 proposed
4 to be amended as follows if approved by the voters and on proclamation of the
5 Governor:

- 6 1. Senate; house of representatives; members; special
7 session on petition of members; congressional and
8 legislative boundaries; citizen commission

9 Section 1. (1) The senate shall be composed of one member
10 elected from each of the thirty legislative districts
11 established pursuant to this section.

12 The house of representatives shall be composed of two
13 members elected from each of the thirty legislative districts
14 established pursuant to this section.

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

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

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

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

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

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

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

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

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

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

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

41 (13) A commissioner, during the commissioner's term of
42 office and for three years thereafter, shall be ineligible for
43 Arizona public office or for registration as a paid lobbyist.

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

8 ~~A. Districts shall comply with the United States~~
 9 ~~Constitution and the United States voting rights act;~~

10 ~~B. (a). Congressional districts shall have equal~~ NOT
 11 VARY IN population ~~to the extent practicable~~ BY MORE THAN
 12 ONE-HALF OF ONE PER CENT FROM THE TOTAL POPULATION OF THE STATE,
 13 AS DETERMINED BY THE MOST RECENT UNITED STATES DECENNIAL CENSUS,
 14 DIVIDED BY THE NUMBER OF CONGRESSIONAL DISTRICTS IN THE STATE,
 15 and state legislative districts shall ~~have equal~~ NOT VARY IN
 16 population ~~to the extent practicable;~~ BY MORE THAN ONE-HALF OF
 17 ONE PER CENT FROM THE TOTAL POPULATION OF THE STATE, AS
 18 DETERMINED BY THE MOST RECENT UNITED STATES DECENNIAL CENSUS,
 19 DIVIDED BY THE NUMBER OF LEGISLATIVE DISTRICTS IN THE STATE.

20 ~~C. (b) Districts shall be geographically compact and~~
 21 ~~contiguous to the extent practicable. ;-~~

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

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

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

35 ~~(16)~~ (15) The independent redistricting commission shall
 36 advertise a draft map of congressional districts and a draft map
 37 of legislative districts to the public for comment, which
 38 comment shall be taken for at least thirty days. Either or both
 39 bodies of the legislature may act within this period to make
 40 recommendations to the independent redistricting commission by
 41 memorial or by minority report, which recommendations shall be
 42 considered by the independent redistricting commission. The
 43 independent redistricting commission shall then establish final
 44 district boundaries.

1 ~~(17)~~ (16) The provisions regarding this section are
2 self-executing. The independent redistricting commission shall
3 certify to the secretary of state the establishment of
4 congressional and legislative districts.

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

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

24 ~~(20)~~ (19) The independent redistricting commission shall
25 have standing in legal actions regarding the redistricting plan
26 and the adequacy of resources provided for the operation of the
27 independent redistricting commission. The independent
28 redistricting commission shall have sole authority to determine
29 whether the Arizona attorney general or counsel hired or
30 selected by the independent redistricting commission shall
31 represent the people of Arizona in the legal defense of a
32 redistricting plan.

33 ~~(21)~~ (20) 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)~~ (21) Employees of the department of administration
38 or its successor shall not influence or attempt to influence the
39 district-mapping decisions of the independent redistricting
40 commission.

41 ~~(23)~~ (22) Each commissioner's duties established by this
42 section expire upon the appointment of the first member of the
43 next redistricting commission. The independent redistricting
44 commission shall not meet or incur expenses after the
45 redistricting plan is completed, except if litigation or any

1 government approval of the plan is pending, or to revise
2 districts if required by court decisions or if the number of
3 congressional or legislative districts is changed.

4 2. This proposition is intended to limit the independent redistricting
5 commission to the consideration of population and geographic compactness as
6 the sole criteria for establishing congressional and legislative districts.

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