

REFERENCE TITLE: independent redistricting commission; revisions

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HCR 2048

Introduced by
Representatives Gallardo: Prezelski

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, the
2 Senate 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 upon petition of members; congressional and
8 legislative boundaries; citizen commissions

9 Section 1. (1) The senate shall be composed of one
10 member 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~~ NINE members. No more than ~~two~~ FOUR
27 members of the independent redistricting commission shall be
28 members of the same political party. Of the first ~~four~~ EIGHT
29 members appointed, no more than ~~two~~ FOUR shall reside in the
30 same county. Each member shall be a registered Arizona voter
31 who has been continuously registered with the same political
32 party or registered as unaffiliated with a political party for
33 three or more years immediately preceding appointment, ~~AND~~ who
34 is committed to applying the provisions of this section in an
35 honest, independent and impartial fashion and to upholding
36 public confidence in the integrity of the redistricting process.
37 Within the three years previous to appointment, members shall
38 not have been appointed to, elected to, ~~or~~ or a candidate for any
39 other public office, including precinct committeeman or
40 committeewoman but not including school board member or officer,
41 and shall not have served as an officer of a political party, or
42 served as a registered paid lobbyist or as an officer of a
43 candidate's 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~~ if a politically
 4 balanced commission exists whose members are nominated by the
 5 commission on appellate court appointments and whose regular
 6 duties relate to the elective process, the commission on
 7 appellate court appointments may delegate to such existing
 8 commission (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~~ FORTY nominees,
 18 with ~~ten~~ SIXTEEN nominees from each of the two largest political
 19 parties in Arizona based on party registration, and ~~five~~ EIGHT
 20 NOMINEES who are not registered with either of the two largest
 21 political parties in 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~~ MAJORITY PARTY CAUCUS OF THOSE PERSONS elected by TO the
 26 Arizona house of representatives shall VOTE TO make one
 27 appointment to the independent redistricting commission from the
 28 pool of nominees, followed by A VOTE TO MAKE one appointment
 29 from the pool made in turn by each of the following: the
 30 minority party ~~leader-of-the~~ CAUCUS OF THOSE PERSONS ELECTED TO
 31 THE Arizona house of representatives, the ~~highest-ranking~~
 32 ~~officer~~ MAJORITY PARTY CAUCUS OF THOSE PERSONS elected by TO the
 33 Arizona senate, and the minority party ~~leader-of~~ CAUCUS OF THOSE
 34 PERSONS ELECTED TO the Arizona senate. THE PARTY CAUCUSES SHALL
 35 REPEAT THE SELECTION PROCESS IN THE SAME ORDER PRESCRIBED UNTIL
 36 EIGHT PERSONS FROM THE POOL ARE APPOINTED. Each ~~such-official~~
 37 CAUCUS shall have a seven-day period in which to make an
 38 appointment. Any ~~official-who~~ CAUCUS THAT fails to make an
 39 appointment within the specified time period will forfeit the
 40 appointment privilege. In the event that there are two or more
 41 minority parties within the house or the senate, the leader of
 42 the largest minority party by statewide party registration shall
 43 make the appointment.

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

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

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

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

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

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

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

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

6 (14) The independent redistricting commission shall
 7 establish congressional and legislative districts. The
 8 commencement of the mapping process for both the congressional
 9 and legislative districts shall be the creation of districts of
 10 equal population in a grid-like pattern across the state. THE
 11 COMMISSION SHALL ESTABLISH CRITERIA TO BE USED IN COMPLYING WITH
 12 THE GOALS ESTABLISHED IN THIS SUBSECTION AND adjustments to the
 13 grid shall then be made as necessary to accommodate the goals as
 14 set forth below IN THE FOLLOWING ORDER OF PRIORITY:

15 ~~A.~~ (a) Districts shall comply with the United States
 16 Constitution and the United States voting rights act;

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

20 (c) DISTRICTS SHALL BE COMPETITIVE TO THE EXTENT
 21 PRACTICABLE.

22 ~~C.~~ (d) Districts shall be geographically compact and
 23 contiguous to the extent practicable;

24 ~~D.~~ (e) District boundaries shall respect communities of
 25 interest to the extent practicable;

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

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

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

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

independent redistricting commission shall then establish final district boundaries.

(17) 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.

(18) Upon approval of this amendment, the department of administration or its successor shall make adequate office space available for the independent redistricting commission. The 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~~ STATE 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.

(19) 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.

(20) 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.

(21) 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.

(22) 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.

(23) 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

1 redistricting plan is completed, except if litigation or any
2 government approval of the plan is pending, or to revise
3 districts if required by court decisions or if the number of
4 congressional or legislative districts is changed.
5 2. The Secretary of State shall submit this proposition to the voters
6 at the next general election as provided by article XXI, Constitution of
7 Arizona.