

REFERENCE TITLE: legislative redistricting; 2012 maps

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HCR 2052

Introduced by
Representative Tobin

A CONCURRENT RESOLUTION

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

(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 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 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)~~ B. Upon the presentation to the governor of a
16 petition bearing the signatures of not less than two-thirds of
17 the 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 C. FOR ELECTIONS FOR STATE LEGISLATIVE DISTRICTS
23 BEGINNING WITH THE 2012 PRIMARY AND GENERAL ELECTION AND
24 NOTWITHSTANDING ANY MAPS ADOPTED BY THE 2011 INDEPENDENT
25 REDISTRICTING COMMISSION, STATE LEGISLATIVE DISTRICT LINES SHALL
26 BE ENACTED AS FOLLOWS:

27 1. PASSAGE OF THIS AMENDMENT TO THE CONSTITUTION SHALL BE
28 ENACTMENT OF THE LEGISLATIVE DISTRICT LINES DESCRIBED IN THIS
29 AMENDMENT.

30 2. LEGISLATIVE DISTRICT LINES SHALL BE THE LINES AND
31 BOUNDARIES DESCRIBED IN HR _____ ENACTED BY THE FIFTIETH
32 LEGISLATURE, SECOND REGULAR SESSION, A COPY OF WHICH IS ON FILE
33 IN THE OFFICE OF THE SECRETARY OF STATE AND WHICH IS
34 INCORPORATED HEREIN BY THIS REFERENCE.

35 3. ON ALL LEGAL MATTERS RELATING TO THE LEGISLATIVE
36 DISTRICT LINES ENACTED BY THIS AMENDMENT, THE OFFICE OF THE
37 ATTORNEY GENERAL SHALL REPRESENT THE INTERESTS OF THIS STATE.

38 ~~(3)~~ D. By February 28 of each year that ends in one, an
39 independent redistricting commission shall be established to
40 provide for the redistricting of congressional and state
41 legislative districts. The independent redistricting commission
42 shall consist of five members. No more than two members of the
43 independent redistricting commission shall be members of the
44 same political party. Of the first four members appointed, no
45 more than two shall reside in the same county. Each member

1 shall be a registered Arizona voter who has been continuously
2 registered with the same political party or registered as
3 unaffiliated with a political party for three or more years
4 immediately preceding appointment, who is committed to applying
5 the provisions of this section in an honest, independent and
6 impartial fashion and to upholding public confidence in the
7 integrity of the redistricting process. Within the three years
8 previous to appointment, members shall not have been appointed
9 to, elected to, ~~or~~ or a candidate for any other public office,
10 including precinct committeeman or committeewoman but not
11 including school board member or officer, and shall not have
12 served as an officer of a political party, or served as a
13 registered paid lobbyist or as an officer of a candidate's
14 campaign committee.

15 ~~(4)~~ E. The commission on appellate court appointments
16 shall nominate candidates for appointment to the independent
17 redistricting commission, except that, if a politically balanced
18 commission exists whose members are nominated by the commission
19 on appellate court appointments and whose regular duties relate
20 to the elective process, the commission on appellate court
21 appointments may delegate to such existing commission
22 (hereinafter called the commission on appellate court
23 appointments' designee) the duty of nominating members for the
24 independent redistricting commission, and all other duties
25 assigned to the commission on appellate court appointments in
26 this section.

27 ~~(5)~~ F. By January 8 of years ending in one, the
28 commission on appellate court appointments or its designee shall
29 establish a pool of persons who are willing to serve on and are
30 qualified for appointment to the independent redistricting
31 commission. The pool of candidates shall consist of twenty-five
32 nominees, with ten nominees from each of the two largest
33 political parties in Arizona based on party registration, and
34 five who are not registered with either of the two largest
35 political parties in Arizona.

36 ~~(6)~~ G. Appointments to the independent redistricting
37 commission shall be made in the order set forth below. No later
38 than January 31 of years ending in one, the highest ranking
39 officer elected by the Arizona house of representatives shall
40 make one appointment to the independent redistricting commission
41 from the pool of nominees, followed by one appointment from the
42 pool made in turn by each of the following: the minority party
43 leader of the Arizona house of representatives, the highest
44 ranking officer elected by the Arizona senate, ~~and~~ and the minority
45 party leader of the Arizona senate. Each such official shall

1 have a seven-day period in which to make an appointment. Any
2 official who fails to make an appointment within the specified
3 time period will forfeit the appointment privilege. In the
4 event that there are two or more minority parties within the
5 house or the senate, the leader of the largest minority party by
6 statewide party registration shall make the appointment.

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

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

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

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

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

1 fairness. The newly appointed commissioner shall serve out the
2 remainder of the original term.

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

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

12 ~~(14)~~ O. The independent redistricting commission shall
13 establish congressional and legislative districts EXCEPT AS
14 PROVIDED IN SUBSECTION C OF THIS SECTION. The commencement of
15 the mapping process for both the congressional and legislative
16 districts shall be the creation of districts of equal population
17 in a grid-like pattern across the state. Adjustments to the
18 grid shall then be made as necessary to accommodate the goals as
19 set forth below:

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

22 ~~B.~~ 2. Congressional districts shall have equal
23 population to the extent practicable, and state legislative
24 districts shall have equal population to the extent
25 practicable. ~~;~~

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

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

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

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

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

41 ~~(16)~~ Q. The independent redistricting commission shall
42 advertise a draft map of congressional districts and a draft map
43 of legislative districts to the public for comment, which
44 comment shall be taken for at least thirty days. Either or both
45 bodies of the legislature may act within this period to make

1 recommendations to the independent redistricting commission by
2 memorial or by minority report, which recommendations shall be
3 considered by the independent redistricting commission. The
4 independent redistricting commission shall then establish final
5 district boundaries.

6 ~~(17)~~ R. The provisions regarding this section are
7 self-executing. The independent redistricting commission shall
8 certify to the secretary of state the establishment of
9 congressional and legislative districts.

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

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

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

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

41 ~~(22)~~ W. Employees of the department of administration or
42 its successor shall not influence or attempt to influence the
43 district-mapping decisions of the independent redistricting
44 commission.

1 ~~(23)~~ X. Each commissioner's duties established by this
2 section expire upon the appointment of the first member of the
3 next redistricting commission. The independent redistricting
4 commission shall not meet or incur expenses after the
5 redistricting plan is completed, except if litigation or any
6 government approval of the plan is pending, or to revise
7 districts if required by court decisions or if the number of
8 congressional or legislative districts is changed.
9 2. The Secretary of State shall submit this proposition to the voters
10 at a special election called to be held for that purpose on May 15, 2012 as
11 provided by article XXI, Constitution of Arizona.