

Senate Engrossed House Bill

~~governor; state of emergency~~  
(now: governor; emergency; powers)

**FILED**  
**ADRIAN FONTES**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

**HOUSE CONCURRENT RESOLUTION 2039**

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE V, SECTION 4, CONSTITUTION OF ARIZONA; RELATING TO THE GOVERNOR.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,  
2 the Senate 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; independent  
8 redistricting commission; congressional and  
9 legislative boundaries

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

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

16 ~~(2)~~ C. ~~Upon~~ ON the presentation to the governor of a  
17 petition bearing the signatures of ~~not less than~~ AT LEAST  
18 two-thirds of the members of each house, requesting a special  
19 session of the legislature and designating the date of  
20 convening, the governor shall promptly call a special session  
21 to assemble on the date specified. At a special session so  
22 called the subjects ~~which~~ THAT may be considered by the  
23 legislature shall not be limited. ON THE PRESENTATION TO THE  
24 GOVERNOR OF A PETITION BEARING THE SIGNATURES OF AT LEAST  
25 ONE-THIRD OF THE MEMBERS OF EACH HOUSE REQUESTING A SPECIAL  
26 SESSION OF THE LEGISLATURE FOR THE PURPOSE OF TERMINATING OR  
27 ALTERING THE EMERGENCY POWERS GRANTED TO THE GOVERNOR DURING A  
28 STATE OF EMERGENCY AND DESIGNATING THE DATE OF CONVENING, THE  
29 GOVERNOR SHALL PROMPTLY CALL A SPECIAL SESSION TO ASSEMBLE ON  
30 THE DATE SPECIFIED. AT A SPECIAL SESSION SO CALLED THE  
31 SUBJECTS THAT MAY BE CONSIDERED BY THE LEGISLATURE ARE LIMITED  
32 TO EMERGENCY POWERS GRANTED TO THE GOVERNOR DURING A STATE OF  
33 EMERGENCY.

34 ~~(3)~~ D. ~~By~~ ON OR BEFORE February 28 of each year that  
35 ends in one, an independent redistricting commission shall be  
36 established to provide for the redistricting of congressional  
37 and state legislative districts. The independent  
38 redistricting commission shall consist of five members. ~~Not~~  
39 NOT more than two members of the independent redistricting  
40 commission shall be members of the same political party. Of  
41 the first four members appointed, ~~not~~ NOT more than two shall  
42 reside in the same county. Each member shall be a registered  
43 Arizona voter who has been continuously registered with the  
44 same political party or registered as unaffiliated with a  
45 political party for three or more years immediately preceding

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

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

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

33 ~~(6)~~ G. Appointments to the independent redistricting  
34 commission shall be made in the order set forth below. ~~No~~ NOT  
35 later than January 31 of years ending in one, the highest  
36 ranking officer elected by the Arizona house of  
37 representatives shall make one appointment to the independent  
38 redistricting commission from the pool of nominees, followed  
39 by one appointment from the pool made in turn by each of the  
40 following: the minority party leader of the Arizona house of  
41 representatives, the highest ranking officer elected by the  
42 Arizona senate, and the minority party leader of the Arizona  
43 senate. Each such official shall have a seven-day period in  
44 which to make an appointment. Any official who fails to make  
45 an appointment within the specified time period will forfeit

1 the appointment privilege. ~~In the event that~~ IF there are two  
 2 or more minority parties within the house or the senate, the  
 3 leader of the largest minority party by statewide party  
 4 registration shall make the appointment.

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

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

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

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,  
 29 for substantial neglect of duty, gross misconduct in  
 30 office, or inability to discharge the duties of office.

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



1 shall make the appointment, striving for political balance and  
2 fairness. The newly appointed commissioner shall serve out  
3 the remainder of the original term.

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

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

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

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

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

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

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

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

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

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

43 ~~(16)~~ Q. The independent redistricting commission shall  
44 advertise a draft map of congressional districts and a draft  
45 map of legislative districts to the public for comment.

1 ~~, which~~ Comment shall be taken for at least thirty days.  
2 Either or both bodies of the legislature may act within this  
3 period to make recommendations to the independent  
4 redistricting commission by memorial or by minority report. ~~;~~  
5 ~~which~~ THE recommendations shall be considered by the  
6 independent redistricting commission. The independent  
7 redistricting commission shall then establish final district  
8 boundaries.

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

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

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

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

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

1           ~~(22)~~ W. Employees of the department of administration  
2 or its successor shall not influence or attempt to influence  
3 the district-mapping decisions of the independent  
4 redistricting commission.

5           ~~(23)~~ X. Each commissioner's duties established by this  
6 section expire ~~upon~~ ON the appointment of the first member of  
7 the next INDEPENDENT redistricting commission. The  
8 independent redistricting commission shall not meet or incur  
9 expenses after the redistricting plan is completed, except if  
10 litigation or any government approval of the plan is pending,  
11 ~~or~~ to revise districts if required by court decisions or if  
12 the number of congressional or legislative districts is  
13 changed.

14           2. Article V, section 4, Constitution of Arizona, is proposed to be  
15 amended as follows if approved by the voters and on proclamation of the  
16 Governor:

17           4. Governor; powers and duties; special sessions of  
18           legislature; message and recommendations;  
19           state of emergency

20           Section 4. A. The governor shall transact all  
21 executive business with the officers of the government, civil  
22 and military, and may require information in writing from the  
23 officers in the executive department ~~upon~~ ON any subject  
24 relating to the duties of their respective offices. ~~He~~ THE  
25 GOVERNOR shall take care that the laws ~~be~~ ARE faithfully  
26 executed. ~~He~~ THE GOVERNOR may convene the legislature in  
27 extraordinary session. ~~He~~ THE GOVERNOR shall communicate, by  
28 message, to the legislature at every session the condition of  
29 the state, and recommend such matters as ~~he shall deem~~ THE  
30 GOVERNOR DEEMS expedient.

31           B. IF ANY EMERGENCY POWERS ARE AUTHORIZED BY STATE LAW  
32 TO BE GRANTED TO THE GOVERNOR DURING A STATE OF EMERGENCY,  
33 UNLESS SUCH POWERS ARE FOR A STATE OF WAR EMERGENCY OR AN  
34 EMERGENCY ARISING FROM A FLOOD OR FIRE, THE EMERGENCY POWERS  
35 GRANTED TO THE GOVERNOR TERMINATE EITHER:

36           1. THIRTY DAYS AFTER THE DATE ON WHICH THE STATE OF  
37 EMERGENCY IS PROCLAIMED, UNLESS THE LEGISLATURE EXTENDS THE  
38 EMERGENCY POWERS GRANTED TO THE GOVERNOR DURING THE STATE OF  
39 EMERGENCY BY CONCURRENT RESOLUTION. IF THE LEGISLATURE DOES  
40 NOT EXTEND THE EMERGENCY POWERS GRANTED TO THE GOVERNOR DURING  
41 THE STATE OF EMERGENCY OR DECLARE BY CONCURRENT RESOLUTION THE  
42 EMERGENCY TO BE AT AN END, THE GOVERNOR MAY NOT PROCLAIM A NEW  
43 STATE OF EMERGENCY ARISING OUT OF THE SAME CONDITIONS FOR  
44 WHICH THE STATE OF EMERGENCY WAS PROCLAIMED. IF THE  
45 LEGISLATURE DOES EXTEND THE EMERGENCY POWERS GRANTED TO THE

1 GOVERNOR DURING THE STATE OF EMERGENCY, THE LEGISLATURE MAY  
2 ALSO ALTER OR LIMIT SUCH POWERS BY CONCURRENT RESOLUTION.

3 2. BY PROCLAMATION OF THE GOVERNOR TERMINATING THE  
4 STATE OF EMERGENCY OR BY CONCURRENT RESOLUTION OF THE  
5 LEGISLATURE DECLARING THE EMERGENCY POWERS GRANTED TO THE  
6 GOVERNOR TO BE AT AN END.

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

**PASSED BY THE HOUSE JUNE 13, 2023.**

**PASSED BY THE SENATE JUNE 12, 2023.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 13, 2023.**



Passed the House March 1, 20 23

Passed the Senate June 12, 20 23

by the following vote: 31 Ayes,

by the following vote: 16 Ayes,

28 Nays, 1 Not Voting

14 Nays, 0 Not Voting

[Signature]

Speaker of the House

Pro Tempore

[Signature]

President of the Senate

Pro Tempore

[Signature]

Chief Clerk of the House

Deputy Chief Clerk

[Signature]

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Resolution received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

H.C.R. 2039

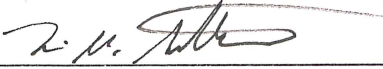
\_\_\_\_\_  
Secretary of State

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

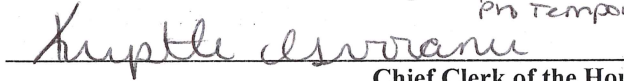
June 13, 2023,

by the following vote: 31 Ayes,

27 Nays, 2 Not Voting



Speaker of the House  
*pro tempore*

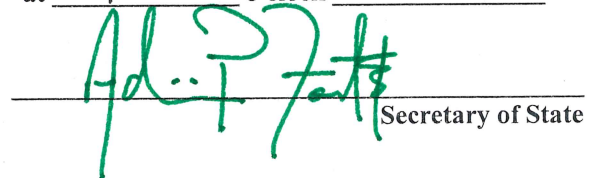
  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Resolution was received by the Secretary of State

this 13<sup>th</sup> day of June, 2023,

at 4:57 o'clock P. M.

  
Secretary of State

H.C.R. 2039