

REFERENCE TITLE: legislature; ninety house districts

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

## SCR 1012

Introduced by  
Senator Mesnard

### A CONCURRENT RESOLUTION

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

(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  
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; 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~~ SENATE  
11 districts established pursuant to this section. EACH SENATE  
12 DISTRICT SHALL CONSIST OF EXACTLY AND ONLY THREE  
13 GEOGRAPHICALLY SEPARATE HOUSE OF REPRESENTATIVES DISTRICTS.

14 B. The house of representatives shall be composed of  
15 ~~two~~ NINETY members, ONE OF WHOM IS elected from each of the  
16 ~~thirty legislative~~ NINETY HOUSE OF REPRESENTATIVES districts  
17 established pursuant to this section.

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

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

1 a political party, or served as a registered paid lobbyist or  
 2 as an officer of a candidate's campaign committee.

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

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

24 ~~(6)~~ G. Appointments to the independent redistricting  
 25 commission shall be made in the order set forth below. ~~No~~ NOT  
 26 later than January 31 of years ending in one, the highest  
 27 ranking officer elected by the Arizona house of  
 28 representatives shall make one appointment to the independent  
 29 redistricting commission from the pool of nominees, followed  
 30 by one appointment from the pool made in turn by each of the  
 31 following: the minority party leader of the Arizona house of  
 32 representatives, the highest ranking officer elected by the  
 33 Arizona senate, ~~and~~ and the minority party leader of the Arizona  
 34 senate. Each such official shall have a seven-day period in  
 35 which to make an appointment. Any official who fails to make  
 36 an appointment within the specified time period will forfeit  
 37 the appointment privilege. ~~In the event that~~ IF there are two  
 38 or more minority parties within the house or the senate, the  
 39 leader of the largest minority party by statewide party  
 40 registration shall make the appointment.

41 ~~(7)~~ H. Any vacancy in the above four independent  
 42 redistricting commission positions remaining as of March 1 of  
 43 a year ending in one shall be filled from the pool of nominees  
 44 by the commission on appellate court appointments or its

1           designee. The appointing body shall strive for political  
2           balance and fairness.

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

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

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

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

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

44          ~~(13)~~ N. A commissioner, during the commissioner's term  
45          of office and for three years thereafter, shall be ineligible

1 for Arizona public office or for registration as a paid  
2 lobbyist.

3 ~~(14)~~ 0. The independent redistricting commission shall  
4 establish congressional and legislative districts. The  
5 commencement of the mapping process for both the congressional  
6 and legislative districts shall be the creation of districts  
7 of equal population in a grid-like pattern across the state.  
8 Adjustments to the grid shall then be made as necessary to  
9 accommodate the goals as set forth below:

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

12 ~~B.~~ 2. Congressional districts shall have equal  
13 population to the extent practicable, and state legislative  
14 districts shall have equal population to the extent  
15 practicable. ~~;~~

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

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

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

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

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

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

41 ~~(17)~~ R. The provisions regarding this section are  
42 self-executing. The independent redistricting commission  
43 shall certify to the secretary of state the establishment of  
44 congressional and legislative districts.

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

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

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

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

33           ~~(22)~~ W. Employees of the department of administration  
34 or its successor shall not influence or attempt to influence  
35 the district-mapping decisions of the independent  
36 redistricting commission.

37           ~~(23)~~ X. Each commissioner's duties established by this  
38 section expire ~~upon~~ ON the appointment of the first member of  
39 the next redistricting commission. The independent  
40 redistricting commission shall not meet or incur expenses  
41 after the redistricting plan is completed, except if  
42 litigation or any government approval of the plan is pending,  
43 or to revise districts if required by court decisions or if  
44 the number of congressional or legislative districts is  
45 changed.

1                   2. Applicability: 2032 election  
2                   This act applies to legislative terms of office that  
3                   begin in 2033 and later.  
4                   2. The Secretary of State shall submit this proposition to the  
5 voters at the next general election as provided by article XXI,  
6 Constitution of Arizona.