

REFERENCE TITLE: independent redistricting commission; membership; chair

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

SCR 1043

Introduced by
Senator Quezada

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 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 upon petition of members; congressional
8 and 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 B. The house of representatives shall be composed of
13 two members elected from each of the thirty legislative
14 districts established pursuant to this section.

15 ~~(2)~~ C. ~~Upon~~ ON 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~~
18 the legislature and designating the date of convening, the
19 governor shall promptly call a special session to assemble on
20 the date specified. At a special session so called the
21 subjects which may be considered by the legislature shall not
22 be limited.

23 ~~(3)~~ D. By February 28 of each year that ends in one,
24 an independent redistricting commission shall be established
25 to provide for the redistricting of congressional and state
26 legislative districts. The independent redistricting
27 commission shall consist of ~~five~~ NINE members. ~~No~~ NOT more
28 than ~~two~~ THREE members of the independent redistricting
29 commission shall be members of the same political party. ~~Of~~
30 ~~the first four members appointed, no more than two~~ FOUR OF THE
31 MEMBERS shall reside in the ~~same~~ MOST POPULOUS county, TWO OF
32 THE MEMBERS SHALL RESIDE IN THE SECOND MOST POPULOUS COUNTY,
33 TWO OF THE MEMBERS SHALL RESIDE IN DIFFERENT COUNTIES OF THE
34 REMAINING COUNTIES AND THE FINAL MEMBER, WHO SHALL SERVE AS
35 THE INITIAL CHAIR, MAY RESIDE IN ANY COUNTY. Each member
36 shall be a registered Arizona voter who has been continuously
37 registered with the same political party or registered as
38 unaffiliated with a political party for three or more years
39 immediately preceding appointment, ~~AND~~ AND who is committed to
40 applying ~~the provisions of~~ this section in an honest,
41 independent and impartial fashion and to upholding public
42 confidence in the integrity of the redistricting
43 process. Within the three years previous to appointment,
44 members shall not have been appointed to, elected to, or a
45 candidate for any other public office, including precinct

1 committeeman or committeewoman but not including school board
 2 member or officer, ~~and~~ shall not have served as an officer of
 3 a political party, or served as a registered paid lobbyist or
 4 as an officer of a candidate's campaign committee AND SHALL
 5 NOT HAVE CONTRIBUTED \$500 OR MORE IN ONE YEAR TO ANY CANDIDATE
 6 FOR AN ELECTIVE OFFICE. THE SECRETARY OF STATE SHALL ADJUST
 7 THIS DOLLAR AMOUNT EVERY TWO YEARS BASED ON AN APPROPRIATE
 8 CONSUMER PRICE INDEX.

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

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

31 ~~(6)~~ G. Appointments to the independent redistricting
 32 commission shall be made in the order set forth below. ~~to~~ NOT
 33 later than January 31 of years ending in one, the highest
 34 ranking officer elected by the Arizona house of
 35 representatives shall make one appointment to the independent
 36 redistricting commission from the pool of nominees, followed
 37 by one appointment from the pool made in turn by each of the
 38 following: the minority party leader of the Arizona house of
 39 representatives, the highest ranking officer elected by the
 40 Arizona senate, ~~and~~ and the minority party leader of the Arizona
 41 senate. FOLLOWING THESE APPOINTMENTS, THE HIGHEST RANKING
 42 OFFICER ELECTED BY THE ARIZONA SENATE AND THE HIGHEST RANKING
 43 OFFICER OF THE ARIZONA HOUSE OF REPRESENTATIVES WHO IS A
 44 MEMBER OF THE SAME PARTY SHALL MAKE ONE APPOINTMENT JOINTLY
 45 AND THE MINORITY PARTY LEADER OF THE ARIZONA SENATE AND THE

1 HIGHEST RANKING OFFICER OF THE ARIZONA HOUSE OF
 2 REPRESENTATIVES WHO IS A MEMBER OF THE SAME PARTY SHALL MAKE
 3 ONE APPOINTMENT JOINTLY. Each such official shall have a
 4 seven-day period in which to make an appointment. EACH MEMBER
 5 APPOINTED MUST BE A MEMBER OF THE SAME POLITICAL PARTY AS THE
 6 PERSON WHO APPOINTS THE MEMBER. Any official who fails to
 7 make an appointment within the specified time period will
 8 forfeit the appointment privilege. ~~in the event that~~ IF there
 9 are two or more minority parties within the house or the
 10 senate, the leader of the largest minority party by statewide
 11 party registration shall make the appointment.

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

18 ~~(8)~~ I. At a meeting called by the secretary of state,
 19 the ~~four~~ SIX independent redistricting commission members
 20 shall select by majority vote from the nomination pool ~~a fifth~~
 21 ESTABLISHED BY THE COMMISSION ON APPELLATE COURT APPOINTMENTS
 22 TWO MEMBERS AND A FINAL member who shall not be registered
 23 with any party already represented on the independent
 24 redistricting commission and who shall serve as THE INITIAL
 25 chair. If the ~~four~~ SIX commissioners fail to appoint ~~a fifth~~
 26 THE TWO MEMBERS AND A FINAL member within fifteen days, the
 27 commission on appellate court appointments or its designee,
 28 striving for political balance and fairness, shall appoint a
 29 ~~fifth member~~ from the nomination pool MEMBERS FOR ANY
 30 POSITIONS NOT FILLED BY THE SIX COMMISSIONERS, ~~who~~ AND THE
 31 FINAL MEMBER shall serve as INITIAL chair. AFTER THE INITIAL
 32 APPOINTMENTS AND UNTIL THE COMMISSION CERTIFIES THE
 33 CONGRESSIONAL AND LEGISLATIVE DISTRICTS TO THE SECRETARY OF
 34 STATE, THE POSITION OF CHAIR SHALL ROTATE AT LEAST MONTHLY
 35 AMONG THE COMMISSIONERS.

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

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

1 ~~(11)~~ L. If a commissioner or chair does not complete
 2 the term of office for any reason, the commission on appellate
 3 court appointments or its designee shall nominate a pool of
 4 three candidates within the first thirty days after the
 5 vacancy occurs. The nominees shall be of the same political
 6 party or status as was the member who vacated the office at
 7 the time of ~~his or her~~ appointment, and the appointment other
 8 than the chair **OR OTHER COMMISSIONER APPOINTED PURSUANT TO**
 9 **SUBSECTION I OF THIS SECTION** shall be made by the current
 10 holder of the office designated to make the original
 11 appointment. The appointment of a new chair **OR OTHER**
 12 **COMMISSIONER APPOINTED PURSUANT TO SUBSECTION I OF THIS**
 13 **SECTION** shall be made by the remaining commissioners. If the
 14 appointment of a replacement commissioner or chair is not made
 15 within fourteen days following the presentation of the
 16 nominees, the commission on appellate court appointments or
 17 its designee shall make the appointment, striving for
 18 political balance and fairness. The newly appointed
 19 commissioner shall serve out the remainder of the original
 20 term.

21 ~~(12)~~ M. ~~Three~~ **FIVE** commissioners, ~~including the chair~~
 22 ~~or vice-chair~~, constitute a quorum. ~~Three~~ **FIVE** or more
 23 affirmative votes are required for any official action. Where
 24 a quorum is present, the independent redistricting commission
 25 shall conduct business in meetings open to the public, with ~~48~~
 26 **FORTY-EIGHT** or more hours public notice provided.

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

31 ~~(14)~~ O. The independent redistricting commission shall
 32 establish congressional and legislative districts. The
 33 commencement of the mapping process for both the congressional
 34 and legislative districts shall be the creation of districts
 35 of equal population in a grid-like pattern across the state.
 36 Adjustments to the grid shall then be made as necessary to
 37 accommodate the goals as set forth below:

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

40 ~~B.~~ 2. Congressional districts shall have equal
 41 population to the extent practicable, and state legislative
 42 districts shall have equal population to the extent
 43 practicable. ~~;~~

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

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

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

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

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

14 ~~(16)~~ Q. The independent redistricting commission shall
15 advertise a draft map of congressional districts and a draft
16 map of legislative districts to the public for comment, which
17 comment shall be taken for at least thirty days. Either or
18 both bodies of the legislature may act within this period to
19 make recommendations to the independent redistricting
20 commission by memorial or by minority report, which
21 recommendations shall be considered by the independent
22 redistricting commission. The independent redistricting
23 commission shall then establish final district boundaries.

24 ~~(17)~~ R. The provisions regarding this section are
25 self-executing. The independent redistricting commission shall
26 certify to the secretary of state the establishment of
27 congressional and legislative districts.

28 ~~(18)~~ S. ~~Upon~~ ON approval of this amendment, the
29 department of administration or its successor shall make
30 adequate office space available for the independent
31 redistricting commission. The STATE treasurer ~~of the state~~
32 shall make \$6,000,000 available for the work of the
33 independent redistricting commission pursuant to the year 2000
34 census. Unused monies shall be returned to the ~~state's~~ STATE
35 general fund. In years ending in eight or nine after the year
36 2001, the department of administration or its successor shall
37 submit to the legislature a recommendation for an
38 appropriation for adequate redistricting expenses and shall
39 make available adequate office space for the operation of the
40 independent redistricting commission. The legislature shall
41 make the necessary appropriations by a majority vote.

42 ~~(19)~~ T. The independent redistricting commission, with
43 fiscal oversight from the department of administration or its
44 successor, shall have procurement and contracting authority

1 and may hire staff and consultants for the purposes of this
2 section, including legal representation.

3 ~~(20)~~ U. The independent redistricting commission shall
4 have standing in legal actions regarding the redistricting
5 plan and the adequacy of resources provided for the operation
6 of the independent redistricting commission. The independent
7 redistricting commission shall have sole authority to
8 determine whether the Arizona attorney general or counsel
9 hired or selected by the independent redistricting commission
10 shall represent the people of Arizona in the legal defense of
11 a redistricting plan.

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

16 ~~(22)~~ W. Employees of the department of administration
17 or its successor shall not influence or attempt to influence
18 the district-mapping decisions of the independent
19 redistricting commission.

20 ~~(23)~~ X. Each commissioner's duties established by this
21 section expire ~~upon~~ ON the appointment of the first member of
22 the next INDEPENDENT redistricting commission. The
23 independent redistricting commission shall not meet or incur
24 expenses after the redistricting plan is completed, except if
25 litigation or any government approval of the plan is pending,
26 or to revise districts if required by court decisions or if
27 the number of congressional or legislative districts is
28 changed.

29 2. The Secretary of State shall submit this proposition to the
30 voters at the next general election as provided by article XXI,
31 Constitution of Arizona.