

REFERENCE TITLE: legislative districts; population; census; citizenship

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HCR 2058

Introduced by
Representatives Heap: Chaplik, Gillette, Jones, Kolodin, Marshall, McGarr,
Parker B, Parker J, Smith

A CONCURRENT RESOLUTION

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

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

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

1 (4) The commission on appellate court appointments
2 shall nominate candidates for appointment to the independent
3 redistricting commission, except that, 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
9 court appointments' designee) the duty of nominating members
10 for the independent redistricting commission, and all other
11 duties assigned to the commission on appellate court
12 appointments in this section.

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

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

39 (7) Any vacancy in the above four independent
40 redistricting commission positions remaining as of March 1 of
41 a year ending in one shall be filled from the pool of nominees
42 by the commission on appellate court appointments or its
43 designee. The appointing body shall strive for political
44 balance and fairness.

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

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

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

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

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

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

4 (14) DURING EACH YEAR THAT ENDS IN ZERO, THE
5 INDEPENDENT REDISTRICTING COMMISSION OR OTHER OFFICER OR BODY
6 AS DESIGNATED BY THE LEGISLATURE SHALL TAKE A CENSUS. THE
7 CENSUS SHALL BE COMPLETED NOT LATER THAN DECEMBER 31 OF EACH
8 YEAR ENDING IN ZERO. THE CENSUS SHALL INCLUDE A TABULATION OF
9 THE NUMBER OF UNITED STATES CITIZENS RESIDING IN THIS STATE
10 AND ALL CITIZENS' RESIDENCES AND MAY BE CONDUCTED CONSISTENT
11 WITH THE PROCEDURES AND METHODS ADOPTED BY THE UNITED STATES
12 CENSUS BUREAU OR ITS SUCCESSOR AGENCY. THE INDEPENDENT
13 REDISTRICTING COMMISSION OR THE OFFICER OR BODY DESIGNATED BY
14 THE LEGISLATURE TO CONDUCT THE CENSUS MAY NOT EMPLOY FEDERAL
15 PRACTICES INCONSISTENT WITH THIS SUBSECTION. THE INDEPENDENT
16 REDISTRICTING COMMISSION SHALL USE THE DATA COLLECTED FROM THE
17 CENSUS TO DETERMINE THE CITIZEN POPULATION OF EACH LEGISLATIVE
18 DISTRICT. IF A CENSUS IS NOT COMPLETED BY THE INDEPENDENT
19 REDISTRICTING COMMISSION OR OTHER OFFICER OR BODY AS
20 DESIGNATED BY THE LEGISLATURE BY DECEMBER 31 OF ANY YEAR
21 ENDING IN ZERO, THE INDEPENDENT REDISTRICTING COMMISSION SHALL
22 USE THE MOST CURRENT DATA FROM THE UNITED STATES CENSUS BUREAU
23 OR ITS SUCCESSOR AGENCY TO DETERMINE THE CITIZEN POPULATION OF
24 EACH LEGISLATIVE DISTRICT.

25 ~~(14)~~ (15) The independent redistricting commission
26 shall establish congressional and legislative districts. The
27 commencement of the mapping process for ~~both~~ the congressional
28 ~~and legislative~~ districts shall be the creation of districts
29 of equal population in a grid-like pattern across the state.
30 THE COMMENCEMENT OF THE MAPPING PROCESS FOR THE LEGISLATIVE
31 DISTRICTS SHALL BE THE CREATION OF DISTRICTS OF EQUAL CITIZEN
32 POPULATION IN A GRID-LIKE PATTERN ACROSS THE STATE.
33 Adjustments to the ~~grid~~ GRIDS shall then be made as necessary
34 to accommodate the goals as set forth below:

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

37 ~~B.~~ (b) Congressional districts shall have equal
38 population to the extent practicable, and state legislative
39 districts shall have equal CITIZEN population to the extent
40 practicable. ~~;~~

41 ~~C.~~ (c) Districts shall be geographically compact and
42 contiguous to the extent practicable. ~~;~~

43 ~~D.~~ (d) District boundaries shall respect communities
44 of interest to the extent practicable. ~~;~~

1 ~~E.~~ (e) To the extent practicable, district lines shall
2 use visible geographic features, city, town and county
3 boundaries, and undivided census tracts. ~~F.~~

4 ~~F.~~ (f) To the extent practicable, competitive
5 districts should be favored where to do so would create no
6 significant detriment to the other goals.

7 ~~(15)~~ (16) Party registration and voting history data
8 shall be excluded from the initial phase of the mapping
9 process but may be used to test maps for compliance with the
10 above goals. The places of residence of incumbents or
11 candidates shall not be identified or considered.

12 ~~(16)~~ (17) The independent redistricting commission
13 shall advertise a draft map of congressional districts and a
14 draft map of legislative districts to the public for comment,
15 which comment shall be taken for at least thirty days. Either
16 or both bodies of the legislature may act within this period
17 to make recommendations to the independent redistricting
18 commission by memorial or by minority report, which
19 recommendations shall be considered by the independent
20 redistricting commission. The independent redistricting
21 commission shall then establish final district boundaries.

22 ~~(17)~~ (18) The provisions regarding this section are
23 self-executing. The independent redistricting commission shall
24 certify to the secretary of state the establishment of
25 congressional and legislative districts.

26 ~~(18)~~ (19) ~~Upon~~ ON approval of this amendment, the
27 department of administration or its successor shall make
28 adequate office space available for the independent
29 redistricting commission. The STATE treasurer ~~of the state~~
30 shall make \$6,000,000 available for the work of the
31 independent redistricting commission pursuant to the year 2000
32 census. Unused monies shall be returned to the state's
33 general fund. In years ending in eight or nine after the year
34 2001, the department of administration or its successor shall
35 submit to the legislature a recommendation for an
36 appropriation for adequate redistricting expenses and shall
37 make available adequate office space for the operation of the
38 independent redistricting commission. The legislature shall
39 make the necessary appropriations by a majority vote.

40 ~~(19)~~ (20) The independent redistricting commission,
41 with fiscal oversight from the department of administration or
42 its successor, shall have procurement and contracting
43 authority and may hire staff and consultants for the purposes
44 of this section, including legal representation.

1 ~~(20)~~ (21) The independent redistricting commission
2 shall have standing in legal actions regarding the
3 redistricting plan and the adequacy of resources provided for
4 the operation of the independent redistricting
5 commission. The independent redistricting commission shall
6 have sole authority to determine whether the Arizona attorney
7 general or counsel hired or selected by the independent
8 redistricting commission shall represent the people of Arizona
9 in the legal defense of a redistricting plan.

10 ~~(21)~~ (22) Members of the independent redistricting
11 commission are eligible for reimbursement of expenses pursuant
12 to law, and a member's residence is deemed to be the member's
13 post of duty for purposes of reimbursement of expenses.

14 ~~(22)~~ (23) Employees of the department of
15 administration or its successor shall not influence or attempt
16 to influence the district-mapping decisions of the independent
17 redistricting commission.

18 ~~(23)~~ (24) Each commissioner's duties established by
19 this section expire ~~उपरा~~ ON the appointment of the first
20 member of the next redistricting commission. The independent
21 redistricting commission shall not meet or incur expenses
22 after the redistricting plan is completed, except if
23 litigation or any government approval of the plan is pending,
24 or to revise districts if required by court decisions or if
25 the number of congressional or legislative districts is
26 changed.

27 2. Standing and enforcement

28 Any member of the legislature shall have standing to
29 initiate any action or proceedings to enforce the provisions
30 of this act.

31 3. Findings and declaration of purpose.

32 The legislature finds and declares as follows:

33 1. The 2020 federal census undercounted the population
34 of this state, depriving this state of an additional seat in
35 the United State House of Representatives and billions of
36 dollars in funding.

37 2. The rule of "one person, one vote" requires that
38 legislative districts contain approximately equal populations.
39 See *Reynolds v. Sims*, 377 U.S. 533 (1964).

40 3. Also fundamental is the principle that only United
41 States citizens may participate in the elections of this
42 state. See article VII, section 2, Constitution of Arizona.

43 4. The guarantees prescribed in paragraphs 3 and 4 of
44 this section are best harmonized by a redistricting process

1 that equalizes the citizen population across legislative
2 districts.

3 5. The United States supreme court has declined to
4 limit redistricting methods to any single specific population
5 metric and has expressly recognized the permissibility of
6 drawing districts on the basis of eligible voter populations.
7 *See Evenwell v. Abbott*, 578 U.S. 54 (2016); *see also Burns v.*
8 *Richardson*, 384 U.S. 73 (1966).

9 6. An Arizona specific decennial census of the citizen
10 population will ensure that redistricting determinations are
11 predicated on accurate and current data.

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