

APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington, 7th Floor
Phoenix, AZ 85007

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The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

The purpose of this amendment to the Arizona Constitution is to ensure that congressional and legislative districts created by the Independent Redistricting Commission every ten years not only comply with the U.S. Constitution, other federal law and other provisions of the Arizona Constitution, but also that those districts are as competitive as practicable while respecting geography and community. It clarifies that competitiveness is a priority. It expands the size of the Commission and the way it is selected to make it more representative and it provides prompt judicial resolution of disputes arising out of the Commission's work.

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[Signature]
Signature of Applicant

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Date of Application March 20, 2007

Signatures Required 230,047

Deadline for Filing July 3, 2008

Serial Number Issued C-05-2008

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S.O.O. 200802883

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PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO THE INDEPENDENT REDISTRICTING COMMISSION.

Be it enacted by the People of the State of Arizona:

1. Article IV, part 2, section 1, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

1. Senate; house of representatives; members; special session on petition of members; congressional and legislative boundaries; citizen commissions

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

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

(2) Upon the presentation to the governor of a petition bearing the signatures of not less than two-thirds of the members of each house, requesting a special session of the legislature and designating the date of convening, the governor shall promptly call a special session to assemble on the date specified. At a special session so called the subjects which may be considered by the legislature shall not be limited.

(3) ~~By February 28 of~~ WITHIN SEVEN DAYS AFTER THE FINAL APPOINTMENT IS MADE PURSUANT TO SUBSECTION (8) IN each year that ends in one, an independent redistricting commission shall be established to provide for the redistricting of congressional and state legislative districts. The independent redistricting commission shall consist of ~~five~~ NINE members. No more than ~~two~~ FOUR members of the independent redistricting commission shall be members of the same political party. Of the first ~~four~~ EIGHT members appointed, no more than ~~two~~ FOUR shall reside in the same county. Each member shall be a registered Arizona voter who has been continuously registered with the same political party or registered as unaffiliated with a political party for three or more years immediately preceding appointment, AND who is committed to applying the provisions of this section in an honest, independent and impartial fashion and to upholding public confidence in the integrity of the redistricting process. Within the three years previous to appointment, members shall not have been appointed to, elected to, or a candidate for any other public office, including precinct committeeman or committeewoman but not including school board member or officer, and shall not have served as an officer of

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

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

(5) By ~~January 8~~ THE FIRST MONDAY IN DECEMBER of years ending in one ZERO, the commission on appellate court appointments or its designee shall establish a pool of persons who are willing to serve on and are qualified for appointment to the independent redistricting commission. The pool of candidates shall consist of ~~twenty-five~~ FORTY nominees, with ~~ten~~ SIXTEEN nominees from each of the two largest political parties in Arizona based on party registration, and ~~five~~ EIGHT NOMINEES who are not registered with either of the two largest political parties in Arizona.

(6) Appointments to the independent redistricting commission shall be made in the order set forth below. ~~No later than January 31 of years ending in one,~~ THE FIRST APPOINTMENT SHALL BE MADE NO EARLIER THAN THE SECOND MONDAY AND NO LATER THAN THE THIRD MONDAY IN JANUARY OF YEARS ENDING IN ONE. ~~The highest ranking officer~~ MAJORITY PARTY CAUCUS OF THOSE PERSONS elected by TO the Arizona house of representatives shall VOTE TO make one appointment to the independent redistricting commission from the pool of nominees, followed by A VOTE TO MAKE one appointment from the pool made in turn by each of the following: ~~the minority party leader of the~~ CAUCUS OF THOSE PERSONS ELECTED TO THE Arizona house of representatives, ~~the highest ranking officer~~ MAJORITY PARTY CAUCUS OF THOSE PERSONS elected by TO the Arizona senate, and ~~the minority party leader of~~ CAUCUS OF THOSE PERSONS ELECTED TO the Arizona senate. THE PARTY CAUCUSES SHALL REPEAT THE SELECTION PROCESS IN THE SAME ORDER PRESCRIBED UNTIL EIGHT PERSONS FROM THE POOL ARE APPOINTED. Each ~~such official~~ CAUCUS shall have a seven-day period in which to make an appointment. Any ~~official who~~ CAUCUS THAT fails to make an appointment within the specified time period will forfeit the appointment privilege. In the event that there are two or more minority parties within the house or the senate, the ~~leader of~~ CAUCUS OF the largest minority party by statewide party registration shall make the appointment.

(7) Any vacancy in the above ~~four~~ EIGHT independent redistricting commission positions remaining as ~~of March 1~~ AFTER THE THIRD MONDAY IN MARCH of a year ending in one shall be filled from the pool of nominees by the commission on appellate court appointments or its designee. The appointing body shall strive for political balance and fairness.

(8) At a meeting called by the secretary of state, the ~~four~~ EIGHT independent redistricting commission members shall select by majority vote from the nomination pool a ~~fifth~~ NINTH member who shall not be registered with any party already represented on the independent redistricting commission and who shall serve as chair. If the ~~four~~ EIGHT commissioners fail to appoint a ~~fifth~~ NINTH member within fifteen days, the commission on appellate court appointments or its designee, striving for political balance and fairness, shall appoint a ~~fifth~~ NINTH member from the nomination pool, WHO SHALL NOT BE REGISTERED WITH ANY PARTY ALREADY REPRESENTED ON THE INDEPENDENT REDISTRICTING COMMISSION AND who shall serve as chair.

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

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

(11) If a commissioner or chair does not complete the term of office for any reason, the commission on appellate court appointments or its designee shall nominate a pool of three candidates within the first thirty days after the vacancy occurs. The nominees shall be of the same political party or status as was the member who vacated the office at the time of his ~~or her~~ appointment, and the appointment other than the chair shall be made by ~~the current holder of the office~~ A VOTE OF THE LEGISLATIVE PARTY CAUCUS designated to make the original appointment. The appointment of a new chair shall be made by the remaining commissioners. If the appointment of a replacement commissioner or chair is not made within fourteen days following the presentation of the nominees, the commission on appellate court appointments or its designee shall make the appointment, striving for political balance and fairness. The newly appointed commissioner shall serve out the remainder of the original term.

(12) ~~Three~~ FIVE commissioners, including the chair or vice-chair, constitute a quorum. ~~Three~~ FIVE or more affirmative votes are required for any official action. Where a quorum is

present, the independent redistricting commission shall conduct business in meetings open to the public, with 48 FORTY-EIGHT or more hours public notice provided.

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

(14) The independent redistricting commission shall establish COMPETITIVE congressional and legislative districts. The commencement of the mapping process for both the congressional and legislative districts shall be the creation of districts of equal population in a grid-like pattern across the state. BEFORE THE COMMENCEMENT OF THE MAPPING PROCESS, THE COMMISSION SHALL ESTABLISH UNIFORM CRITERIA TO BE USED THROUGHOUT THE ENTIRE REDISTRICTING PROCESS IN COMPLYING WITH THE GOALS ESTABLISHED IN THIS SUBSECTION, AND adjustments to the grid shall then be made as necessary to accommodate the goals as set forth below:

A. (a) Districts shall comply with the United States Constitution and the United States voting rights act. +

B. (b) ~~Congressional districts shall have equal population to the extent practicable, and state legislative districts shall have equal population to the extent practicable~~ REQUIRED BY THE UNITED STATES CONSTITUTION AND THE CONSTITUTION OF THE STATE OF ARIZONA. +

(c) DISTRICTS SHALL BE COMPETITIVE IN GENERAL ELECTIONS, MEASURED BY VOTING HISTORY DATA, TO THE EXTENT PRACTICABLE.

C. (d) Districts shall be geographically compact and contiguous to the extent practicable. +

D. (e) District boundaries shall respect communities of interest to the extent practicable. +

E. (f) To the extent practicable, district lines shall use visible geographic features, city, town and county boundaries, and undivided census tracts. +

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

(15) THE GOAL IN SUBSECTION (14), PARAGRAPH (c) SHALL TAKE PRIORITY OVER THE GOALS IN SUBSECTION (14), PARAGRAPHS (d), (e) AND (f).

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

~~(16)~~(17) The independent redistricting commission shall advertise a draft map of congressional districts and a draft map of

legislative districts to the public for comment, which comment shall be taken for at least thirty days. THE DRAFT MAP SHALL BE CREATED IN ACCORDANCE WITH THE CRITERIA PRESCRIBED IN SUBSECTION (14), PARAGRAPHS (a) THROUGH (f). Either or both bodies of the legislature may act within this period to make recommendations to the independent redistricting commission by memorial or by minority report, which recommendations shall be considered by the independent redistricting commission. The independent redistricting commission shall then establish final district boundaries.

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

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

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

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

(22) THE ARIZONA SUPREME COURT HAS ORIGINAL AND EXCLUSIVE JURISDICTION TO HEAR CHALLENGES TO THE INDEPENDENT REDISTRICTING COMMISSION'S REDISTRICTING ACTIVITIES IF THOSE CHALLENGES ARE BASED ON THE ARIZONA CONSTITUTION.

(23) THE ARIZONA SUPREME COURT SHALL ISSUE ITS DECISION ON ANY CHALLENGES TO THE INDEPENDENT REDISTRICTING COMMISSION'S

ACTIVITIES WITHIN SIX MONTHS OF THE FILING OF THE CHALLENGE AND MAY APPOINT A SPECIAL MASTER TO ASSIST IN ITS DETERMINATIONS.

~~(21)~~(24) Members of the independent redistricting commission are eligible for reimbursement of expenses pursuant to law, and a member's residence is deemed to be the member's post of duty for purposes of reimbursement of expenses.

~~(22)~~(25) Employees of the department of administration or its successor shall not influence or attempt to influence the district-mapping decisions of the independent redistricting commission.

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

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