

No. 13-1314

In the
Supreme Court of the United States

ARIZONA STATE LEGISLATURE,
Appellant,

v.

ARIZONA INDEPENDENT REDISTRICTING
COMMISSION, et al.,
Appellees.

**On Appeal from the United States District
Court for the District of Arizona**

JOINT APPENDIX

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The following opinions, decisions, judgments, and orders have been omitted in printing this joint appendix because they appear on the following page in the appendix to the Jurisdictional Statement:

Appendix A

Order of the United States District Court for the District of Arizona (Feb. 21, 2012).. App.2

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Judgment of the United States District Court for the District of Arizona (Feb. 24, 2012) App.24

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

No. 12-cv-01211

ARIZONA STATE LEGISLATURE,

v.

ARIZONA INDEPENDENT
REDISTRICTING COMM'N, ET AL.,

RELEVANT DOCKET ENTRIES

Date Filed	#	Docket Text
6/7/2012	1	COMPLAINT. Filing fee received: \$350.00, receipt number PHX 0970-6862252, filed by Arizona State Legislature (submitted by Joshua Carden). (Attachments: #1 Exhibit, #2 Civil Cover Sheet) (REK) (Entered: 06/07/2012)
* * *		
6/8/2012	3	MOTION Motion to Convene a Three-Judge Statutory Court by Arizona State Legislature. (Carden, Joshua) (Entered: 06/08/2012)
* * *		
6/13/2012	7	ORDER that Plaintiff's Motion to Convene a Three-Judge Statutory Court (Doc. 3) is granted. IT IS FURTHER

Date Filed	#	Docket Text
<p>ORDERED that the Clerk of the Court shall notify the Honorable Alex Kozinski, Chief Judge of the Ninth Circuit Court of Appeals, of this Order so that he may designate the other two judges of the three-judge court as required by 28 U.S.C. § 2284(b)(1). Signed by Senior Judge Paul G Rosenblatt on 6/13/2012. (KMG) (Entered: 06/13/2012)</p>		
* * *		
6/27/2012	9	<p>MOTION for Reconsideration <i>OF THE COURTS JUNE 13, 2012 ORDER GRANTING PLAINTIFFS MOTION TO CONVENE A THREE-JUDGE STATUTORY COURT</i> by Arizona Independent Redistricting Commission, Scott D Freeman, Jose M Herrera, Colleen Mathis, Linda C McNulty, Richard Stertz. (Attachments: #1 Text of Proposed Order) (Windtberg, Kristin) (Entered: 06/27/2012)</p>
7/3/2012	10	<p>ORDER, plaintiff shall file its response to AIRC Defendants' Motion for Reconsideration 9 of the Court's June 13, 2012 Order Granting Plaintiff's Motion to</p>

Date Filed	#	Docket Text
		Convene a Three-Judge Statutory Court, no later than 7/20/12, defendants shall file their reply no later than 7/30/12. Signed by Senior Judge Paul G Rosenblatt on 7/3/12. (REW) (Entered: 07/03/2012)
7/20/2012	11	RESPONSE in Opposition re 9 MOTION for Reconsideration <i>OF THE COURTS JUNE 13, 2012 ORDER GRANTING PLAINTIFFS MOTION TO CONVENE A THREE-JUDGE STATUTORY COURT</i> filed by Arizona State Legislature. (Carden, Joshua) (Entered: 07/20/2012)
7/20/2012	12	AMENDED COMPLAINT <i>FIRST</i> against All Defendants, filed by Arizona State Legislature. (Attachments: #1 Exhibit A) (Carden, Joshua) (Entered: 07/20/2012)
7/30/2012	13	REPLY to Response to Motion re 9 MOTION for Reconsideration <i>OF THE COURTS JUNE 13, 2012 ORDER GRANTING PLAINTIFFS MOTION TO CONVENE A THREE-JUDGE STATUTORY COURT AIRC Defendant's Reply in Support of their Motion for Reconsideration</i>

Date Filed	#	Docket Text
		<i>of the Court's June 13, 2012 Order Granting Plaintiff's Motion to Convene a Three-Judge Statutory Court</i> filed by Arizona Independent Redistricting Commission, Ken Bennett, Scott D Freeman, Jose M Herrera, Colleen Mathis, Linda C McNulty, Richard Stertz. (OGrady, Mary) (Entered: 07/30/2012)
* * *		
8/10/2012	15	<i>Defendant Ken Bennett's ANSWER to 12 Amended Complaint (First) by Ken Bennett.</i> (Forney, Michele) (Entered: 08/10/2012)
8/10/2012	16	*MOTION to Dismiss Case by Arizona Independent Redistricting Commission, Scott D Freeman, Jose M Herrera, Colleen Mathis, Linda C McNulty, Richard Stertz. (Attachments: #1 Exhibit) (Kanefield, Joseph) *Modified to correct motion type on 8/13/2012 (TLJ). (Entered: 08/10/2012)
8/27/2012	17	RESPONSE to Motion re 16 MOTION to Dismiss for Failure to State a Claim filed by Arizona

Date Filed	#	Docket Text
		State Legislature. (Carden, Joshua) (Entered: 08/27/2012)
9/7/2012	18	REPLY to Response to Motion re 16 MOTION to Dismiss for Failure to State a Claim filed by Arizona Independent Redistricting Commission, Scott D Freeman, Jose M Herrera, Colleen Mathis, Linda C McNulty, Richard Stertz. (Attachments: #1 Exhibit) (Kanefield, Joseph) (Entered: 09/07/2012)
* * *		
8/14/2013	24	ORDER that Plaintiff's 23 Rule 1 Motion is denied as moot. ORDERED that the AIRC Defendants' 9 Motion for Reconsideration is denied. IT IS FURTHER ORDERED that the Clerk of the Court shall notify the Honorable Alex Kozinski, Chief Judge of the Ninth Circuit Court of Appeals, of this Order so that he may designate the other two judges of the three-judge court as required by 28 U.S.C. § 2284(b)(1). Signed by Senior Judge Paul G Rosenblatt on 8/12/2013.(LFIG) (Entered: 08/14/2013)

Date Filed	#	Docket Text
8/23/2013	25	ORDER Designating United States District Court Composed of Three Judges Pursuant to Section 2284, Title 28, U.S.C. Judge Mary M Schroeder designated and appointed to sit with Judge Paul G Rosenblatt and Judge G Murray Snow to hear and determine this matter as the District Court for the District of Arizona. Signed by Ninth Circuit Judge Alex Kozinski on 8/21/13. (REW) (Entered: 08/23/2013)
* * *		
10/3/2013	33	MOTION for Preliminary Injunction and for a Consolidated Hearing and Trial on the Merits and Request for Judicial Notice by Arizona State Legislature. (Attachments: #1 Appendix) (REW) (Entered: 10/03/2013)
* * *		
10/18/2013	36	NOTICE re No Position Regarding Plaintiff's Motion for Preliminary Injunction by Ken Bennett re 33 MOTION for Preliminary Injunction . (Forney, Michele) (Entered: 10/18/2013)

Date Filed	#	Docket Text
10/18/2013	37	<p>RESPONSE to Motion re 33 MOTION for Preliminary Injunction <i>[DEFENDANT ARIZONA INDEPENDENT REDISTRICTING COMMISSION AND DEFENDANT COMMISSIONERS RESPONSE TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION, CONSOLIDATION, AND JUDICIAL NOTICE]</i> filed by Arizona Independent Redistricting Commission, Scott D Freeman, Jose M Herrera, Colleen Mathis, Linda C McNulty, Richard Stertz. (Attachments: #1 Exhibit A, #2 Attachments) (OGrady, Mary) (Entered: 10/18/2013)</p>
10/28/2013	38	<p>REPLY to Response to Motion re 33 MOTION for Preliminary Injunction filed by Arizona State Legislature. (Carden, Joshua) (Entered: 10/28/2013)</p>
* * *		
12/19/2013	41	<p>ORDER: Motion for Leave to File Brief of Amici Curiae 39 is granted and the Clerk of the Court shall file the Brief of Amici Curiae (lodged Doc. 39-1). A</p>

Date Filed	#	Docket Text
		<p>response must be filed no later than Wednesday, January 8, 2014. Plaintiff's Request for Judicial Notice (part of Doc. 33) is granted. Plaintiff's Motion for a Consolidated Hearing and Trial on the Merits (part of Doc. 33) is granted as follows: The Court will hear counsels' oral argument on Defendants Arizona Redistricting Commission and Commissioners Mathis, McNulty, Herrera, Freeman, and Stertz's Motion to Dismiss 16 and Plaintiff's Motion for Preliminary Injunction (part of Doc. 33) on Friday, January 24, 2014, at 10:00 a.m. in Courtroom 601 of the Sandra Day OConnor United States Courthouse in Phoenix. Judges Schroeder and Snow concur in this Order. Signed by Senior Judge Paul G Rosenblatt on 12/18/2013. (ALS) (Entered: 12/19/2013)</p>
12/19/2013	42	<p>BRIEF OF AMICI CURIAE by Arizona Advocacy Network, Dennis Burke, Inter Tribal Council of Arizona Incorporated, League of Women Voters of</p>

Date Filed	#	Docket Text
		Arizona, Bart Turner. (ALS) (Entered: 12/19/2013)
12/23/2013	43	*MOTION to Dismiss for Lack of Jurisdiction <i>for Lack of Standing</i> by Arizona Independent Redistricting Commission, Scott D Freeman, Jose M Herrera, Colleen Mathis, Linda C McNulty, Richard Stertz. (OGrady, Mary) *Modified to correct Motion event on 1/21/2014* (REW). (Entered: 12/23/2013)
1/8/2014	44	RESPONSE BRIEF by Arizona State Legislature <i>PLAINTIFFS RESPONSE TO BRIEF OF AMICI CURIAE</i> . (Carden, Joshua) (Entered: 01/08/2014)
1/20/2014	45	*RESPONSE to Motion for Lack of Jurisdiction re 43 MOTION to Dismiss <i>for Lack of Standing</i> filed by Arizona State Legislature. (Carden, Joshua) *Modified to correct Response event on 1/21/2014* (REW). (Entered: 01/20/2014)
1/24/2014	46	MINUTE ENTRY for proceedings held before Senior Judge Paul G Rosenblatt: Three-Judge Court Hearing on pending motions held 1/24/2014.

Date Filed	#	Docket Text
		Oral argument presented. Motions to Dismiss 16 and 43 and Motion for Preliminary Injunction 33 are taken under advisement. (Court Reporter Candy Potter.) Hearing held 10:03 AM to 11:17 AM. (LMR) (Entered: 01/24/2014)
* * *		
1/30/2014	48	REPLY to Response to Motion re 43 MOTION to Dismiss for Lack of Jurisdiction filed by Arizona Independent Redistricting Commission, Scott D Freeman, Jose M Herrera, Colleen Mathis, Linda C McNulty, Richard Stertz. (Kanefield, Joseph) (Entered: 01/30/2014)
* * *		
1/30/2014	48	REPLY to Response to Motion re 43 MOTION to Dismiss for Lack of Jurisdiction filed by Arizona Independent Redistricting Commission, Scott D Freeman, Jose M Herrera, Colleen Mathis, Linda C McNulty, Richard Stertz. (Kanefield, Joseph) (Entered: 01/30/2014)
* * *		
2/21/2014	52	ORDER, Defendants' Motion to Dismiss for Failure to State a

Date Filed	#	Docket Text
		Claim 16 is granted; Defendants' Motion to Dismiss for Lack of Jurisdiction for Lack of Standing 43 is denied; Plaintiff's Motion for Preliminary Injunction 33 is denied as moot. Circuit Judge Mary M. Schroeder concurs with this Order. District Paul G. Rosenblatt concurs in part and dissents in part. Signed by Judge G Murray Snow on 2/21/14. (REW) (Entered: 02/21/2014)
2/24/2014	53	CLERK'S JUDGMENT – pursuant to the Court's Order of February 21, 2014, granting Defendants' Motion to Dismiss, judgment is hereby entered for Defendants. Plaintiff shall take nothing by way of the Amended Complaint. The Amended Complaint and this action are hereby dismissed. (REW) (Entered: 02/24/2014)
2/26/2014	54	NOTICE OF APPEAL to the Supreme Court re: 53 Clerks Judgment, 52 Order by Arizona State Legislature. (Carden, Joshua) *Modified to reflect Supreme Court appeal on 2/26/2014* (REW). (Entered: 02/26/2014)

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Date Filed	#	Docket Text
* * *		
5/20/2014	55	US Supreme Court Case Number re: 54 Notice of Appeal. Case number 13-1314, Supreme Court. (REW) Modified on 5/20/2014 (REW). (Entered: 05/20/2014)
10/6/2014	56	NOTICE of Entry of ORDER of Supreme Court, further consideration of the question of jurisdiction is postponed to the hearing of the case on the merits (see document for complete details), re: 13-1314 54 Notice of Appeal. (REW) (Entered: 10/07/2014)

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

No. CV-12-01211-PHX-PGR

ARIZONA STATE LEGISLATURE,
Plaintiff,

v.

ARIZONA INDEPENDENT REDISTRICTING COMMISSION,
AND COLLEEN MATHIS, LINDA C. McNULTY, JOSÉ M.
HERRERA, SCOTT D. FREEMAN, AND RICHARD STERTZ,
members thereof, in their official capacities;
KEN BENNETT, ARIZONA SECRETARY OF STATE,
in his official capacity,
Defendants.

Apportionment Matter: Three-Judge Panel
Requested Pursuant to 28 U.S.C. § 2248

Filed: July 20, 2012
Document: 12

FIRST AMENDED COMPLAINT

For its First Amended Complaint, the Arizona State Legislature alleges as follows:

NATURE OF THE ACTION

1. The Elections Clause of the United States Constitution delegates the authority over the redistricting of congressional districts to the Legislatures of the States. Contrary to this

constitutional delegation, Proposition 106 (adopted in 2000) amended the Arizona Constitution—removing that authority from the Arizona State Legislature (“Legislature”) and vesting it instead with the “Independent Redistricting Commission” (“IRC”). The Legislature brings this action requesting the Court to a) declare that Proposition 106 is unconstitutional to the extent it removes congressional-redistricting authority from the Legislature, b) declare that the congressional district maps adopted by the IRC are unconstitutional, and c) enjoin the Defendants from enforcing or implementing any congressional redistricting plan from the IRC beginning the day after the 2012 congressional election is held in Arizona. Though the Legislature seeks permanent injunctive relief, it does not seek immediate relief as to the 2012 congressional election because the current IRC plan has already been certified and the 2012 election cycle is already well underway.

PARTIES

2. Plaintiff Arizona State Legislature is the elected-representative portion of the legislative authority of the State of Arizona. Ariz. Const. art. IV, pt. 1 § 1. The Legislature consists of the thirty-member State Senate and the sixty-member House of Representatives. On May 2, 2012, both chambers authorized the filing of this action by majority vote. *See* Exhibit A (excerpts from the Journals of the Senate and House). The Legislature is directly elected by the People of Arizona.

3. Defendant IRC is a commission established “to provide for the redistricting of congressional and state legislative districts.” Ariz. Const. art IV, pt. 2, § 1 (¶ 3).

The IRC can sue and be sued in “legal actions regarding [its] redistricting plan.” *Id.* § 1 (¶ 20). The IRC consists solely of unelected appointees.

4. Defendants Colleen Mathis, Linda C. McNulty, José M. Herrera, Scott D. Freeman, and Richard Stertz currently hold office as members of the IRC and are named herein as defendants solely in their official capacities. All of these defendants reside within the District of Arizona.

5. Defendant Ken Bennett currently holds the office of Arizona Secretary of State, and is charged with certain official duties with respect to the conduct of Arizona elections, including receiving certified legislative and congressional districts from the IRC. Ariz. Const. art. IV, pt. 2, § 1 (¶ 17). Defendant Bennett is named herein solely in his official capacity in view of his election responsibilities.

JURISDICTION

6. This court has jurisdiction of this action under 28 U.S.C. §§ 1331, 1367, 2201, 2202, and 2284.

VENUE

7. Venue is proper in the District of Arizona under 28 U.S.C. § 1391.

THREE-JUDGE PANEL REQUESTED

8. Because this is an action “challenging the constitutionality of the apportionment of congressional districts,” the Legislature requests that a three-judge court be convened pursuant to 28 U.S.C. § 2284 to try this action and to conduct all other proceedings as required by law.

FACTS

Redistricting Prior to Proposition 106

9. The United States Constitution mandates that the times, places, and manner of congressional elections “shall be prescribed in each State by the Legislature thereof. . . .” U.S. Const. Art. I, § 4, cl. 1 (the “Elections Clause”).

10. From 1912 to 2000, the Arizona Constitution recognized that the responsibility and authority of establishing both congressional and legislative district lines resided in the Legislature. Ariz. Const. art. XXII, § 12; art. IV, pt. 1, § 1 (West Historical Notes).

11. Prior to 2000, the Legislature established congressional lines in the following manner:

- a. Redistricting measures were introduced as proposed legislation.
- b. The proposed redistricting legislation was reviewed, and debated in a bipartisan, joint committee on redistricting.
- c. The proposed redistricting legislation, along with any recommended committee amendments, was recommended to the body as a whole, which had the power to either approve the recommendations of the joint committee or make any other changes.
- d. Proposed redistricting legislation was read on three separate days on the floor, and after final passage, it was sent to the Governor for approval or disapproval, in accordance with Article IV, part 2, section 12 of the Arizona Constitution.

- e. The Governor had the authority to approve, disapprove, or take no action on redistricting legislation. Ariz. Const. art. IV, pt. 2, § 12; art. V, § 7.

12. Not since 1981 has an Arizona Governor disapproved of redistricting legislation. In that year, Governor Bruce Babbitt vetoed legislative and congressional district lines approved by the Legislature. The Legislature called itself into special session and overrode the Governor's veto, pursuant to Article V, section 7 of the Arizona Constitution.

In 2000, Proposition 106 Removed
the Legislature and the Governor
from the Redistricting Process

13. On September 13, 1999, an organization identified as "Fair Districts, Fair Elections c/o Arizona Common Cause, Inc." filed an application with the Office of the Arizona Secretary of State to circulate initiative petitions.

14. On July 6, 2000, "Fair Districts, Fair Elections" successfully filed its eponymous initiative petition with the Arizona Secretary of State. Arizona Secretary of State, 2000 General Election: Ballot Measures, "Fair Districts, Fair Elections" <http://www.azsos.gov/election/2000/General/ballot/measure.htm> (last visited June 4, 2012).

15. The application included the following short title:

This citizen-sponsored Arizona
Constitutional amendment will create a new
"citizens' independent redistricting
commission" to draw new legislative and

congressional district boundaries after each U.S. Census. This amendment takes the redistricting power away from the Arizona Legislature and puts it in the hands of a politically neutral commission of citizens who are not active in partisan politics and who will serve without pay to create fair districts that are not “gerrymandered” for any party’s or incumbent’s advantage.

Id.

16. The Arizona Secretary of State designated the measure as Proposition 106 (“Prop. 106”) and placed Prop. 106 on the 2000 general election ballot.

17. The measure passed with 56% of applicable votes cast. Arizona Secretary of State, *State of Arizona Official Canvass* (2000), <http://www.azsos.gov/election/2000/General/Canvass2000GE.pdf> (last visited June 7, 2012).

18. Prop. 106 amends Article IV, part 2, § 1 of the Arizona Constitution by striking language, adding language to pre-existing paragraphs, and inserting twenty-one new paragraphs. *See* Arizona Secretary of State, *Ballot Propositions & Judicial Performance Review: November 7, 2000 General Election 54-55* (2000), http://www.azsos.gov/election/2000/Info/pub_pamphlet/english/prop106.pdf (last visited June 7, 2012).

19. Prop. 106 removes entirely from the Legislature the authority to prescribe legislative and congressional district lines and reassigns that authority wholly to the IRC—a new entity created by Prop. 106.

20. Prop. 106 also prescribes the process by which the IRC members are appointed and the process and procedures by which the IRC is to establish legislative and congressional district lines.

21. Prop. 106 eliminates entirely the Legislature's prescriptive role in congressional redistricting, and creates a new and extremely limited role:

- a. An opportunity to submit nonbinding recommendations to the IRC (Ariz. Const. art. IV, pt. 2, § 1 (¶ 16)); and
- b. The obligation to make appropriations for the operation of the IRC (*Id.* at § 1 (¶ 18)).

22. Prop. 106 gives each of the individual leaders of the Legislature—the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the State Senate—one appointment to the five-member IRC. *Id.* at § 1 (¶ 6).

23. The four legislative leaders must choose their four appointments from a pool of only ten persons created by the Commission on Appellate Court Appointments (“Appellate Commission”). *Id.* at § 1 (¶ 5). The Commission on Appellate Court Appointments is an appointed body that exists to screen nominees to Arizona’s state-appellate courts, and submit those nominees to the Governor for appointment. Ariz. Const. art. VI. §§ 36 and 37.

24. If a legislative leader fails to make an appointment in the prescribed time frame, the Appellate Commission makes the appointment instead. Ariz. Const. art. IV, pt. 2, § 1 (¶ 7).

25. The four appointed members of the IRC must then choose their own fifth and final member from a

pool of only five persons created by the Appellate Commission. *Id.* at § 1 (¶ 8). If the four members of the IRC fail to select a fifth member, the Appellate Commission makes the selection instead. *Id.*

26. Once appointed, members of the IRC can only be removed by the Governor with concurrence of two-thirds of the Senate for “substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office.” *Id.* at § 1 (¶ 10).

The IRC Certifies a New Congressional District Map in Arizona For 2012 and Beyond

27. On January 17, 2012, the IRC approved a “final congressional map” and forwarded it to the U.S. Department of Justice for preclearance. The same day, the IRC certified the congressional districts to the Arizona Secretary of State.

28. On April 9, 2012, the Department of Justice precleared the IRC’s congressional maps.

29. Under the framework of Prop. 106, the Arizona Secretary of State must use the IRC’s congressional maps to conduct the congressional elections in 2012 and thereafter, until a new IRC is chosen in 2021. Ariz. Const. art. IV., pt. 2, § 1 (¶¶ 5, 17, and 23).

2012 Election Deadlines

30. The last day for candidates to file nomination petitions for the 2012 Primary Election was May 30, 2012. Ariz. Rev. Stat. § 16-311.

31. The Primary Election will be held on August 28, 2012. Early voting begins on August 2, 2012.

32. By law, the last day to transmit ballots to registered absent uniformed services voters and overseas voters is 45 days before the Primary Election, or July 14, 2012. Ariz. Rev. Stat. § 16-543.

CLAIM FOR RELIEF

33. Plaintiff adopts herein by reference all allegations of all preceding paragraphs.

34. An actual controversy exists within this Court's jurisdiction that would be resolved by a declaration of the rights and other legal relations of the parties in this action—namely, that Prop. 106 violates the Elections Clause of the United States Constitution.

35. The authority to prescribe the times, places, and manner of congressional elections arises exclusively under the Elections Clause of the United States Constitution. The States do not have the inherent authority to regulate federal elections.

36. The Constitution delegates and conveys the authority to prescribe the times, places, and manner of congressional elections only to “the Legislature” of “each state.” U.S. Const. art. I, § 4, cl. 1. This delegation is a broad grant of power to the Legislature to prescribe the means by which congressional elections are held.

37. The word “Legislature” in the Elections Clause means the representative body which makes the laws of the people.

38. No State can constitutionally divest its Legislature entirely of the redistricting authority conveyed by Article I, Section 4.

39. Yet Prop. 106 removes entirely the constitutionally-delegated authority over prescribing the boundaries of congressional districts from the Arizona Legislature. In so doing, Prop. 106 conflicts directly with the United States Constitution and is therefore preempted, null and void.

40. Plaintiff is therefore entitled to judgment declaring that the provisions of Proposition 106 concerning congressional redistricting are null and void.

41. Plaintiff is therefore further entitled to judgment declaring that the congressional district maps adopted by the IRC are null and void.

42. Plaintiff is further entitled to a permanent injunction restraining adoption, implementation, or enforcement of any congressional district map created under Prop. 106, beginning the day after the 2012 general election.

RELIEF REQUESTED

The Legislature respectfully requests that the Court award it the following relief against all Defendants by:

A. Declaring that Proposition 106 violates the Elections Clause of the United States Constitution insofar as it removes the authority to prescribe the times, places, and manner of congressional elections from the Arizona Legislature, and therefore is preempted, null and void;

B. Declaring that the congressional district maps adopted by the IRC are unconstitutional and therefore null and void;

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C. Enjoining Defendants and each of them permanently from adopting, implementing or enforcing any congressional map created under Proposition 106 beginning the day after the 2012 congressional election in Arizona, and

D. Awarding Plaintiff such other relief as is just, proper, or equitable under the facts and circumstances of this case.

DATED on July 20, 2012.

ARIZONA STATE LEGISLATURE

s/ _____

EXHIBIT A

JOURNAL OF THE SENATE

Wednesday, May 2, 2012

One Hundred Fifteenth Day

The Senate session convened at 10:00 a.m. with President Pierce presiding.

Senator McComish offered prayer.

Pledge of Allegiance to the Flag was led by Senator Barto.

The following Senators answered on roll call:

PRESENT: Aboud, Allen, Antenori, Barto, Biggs, Burges, Cajero Bedford, Crandall, Gallardo, Gould, Gray, Griffin, Jackson, Landrum Taylor, Lewis, Lopez, McComish, Melvin, Meza, Reagan, Schapira, Shooter, Smith, Yarbrough, President Pierce—25

EXCUSED: Driggs, Klein, Lujan, Murphy, Nelson—5

Senator Lujan was seated at 11:21 a.m.

Senators Klein and Nelson were seated at 1:34 p.m.

Senator Murphy was seated at 1:37 p.m.

Senator Driggs was seated at 1:42 p.m.

JOURNAL

The President announced that without objection, reading of the Journal of Tuesday, May 1, 2012 was dispensed with and approved as recorded by the Secretary.

MESSAGES FROM THE HOUSE

President Pierce announced that without objection, Messages from the House as listed on the calendar would not be read. The messages would be entered in the Journal.

(May 1, 2012)

House concurred in Senate amendments and passed on Final Reading House Bills 2466 (60-0-0); 2713 (60-0-0); 2794 (58-2-0)

COMMITTEE OF THE WHOLE

Upon motion of Senator Biggs and agreed to, the Senate at 10:08 a.m. resolved itself into Committee of the Whole for consideration of the bill on the calendar with Senator Crandall in the chair.

Senator Biggs moved that during Committee of the Whole the debate be limited to no more than three minutes per Senator, speaking once per motion. The motion carried.

At 11:21 a.m., the Committee of the Whole was dissolved and Senator Crandall submitted the following recommendation:

House Bill 2571, do pass amended

Senator Crandall moved the report of the Committee of the Whole be adopted and the bill be properly assigned. The motion carried and House Bill 2571 was placed under Third Reading of Bills.

MESSAGES FROM THE HOUSE

President Pierce announced that without objection, Messages from the House as listed on the calendar would not be read. The messages would be entered in the Journal.

(May 2, 2012)

House acceded to the Senate request and appointed Free Conference Committees to the following:

Senate Bill 1442 – Members Mesnard, Farley, Vogt

Senate Bill 1449 – Members Montenegro, Farley, Quezada

RECESS

At 11:24 a.m. the Senate stood at recess subject to the sound of the gavel.

RECONVENE

The President called the Senate to order at 1:39 p.m.

MESSAGES FROM THE HOUSE

President Pierce announced that without objection, Messages from the House as listed on the calendar would not be read. The messages would be entered in the Journal.

(May 2, 2012)

House adopted the Conference Committee Report on Senate Bill 1153

House passed on Third Reading Senate Bill 1407 (58-0-2) amended

House concurred in Senate amendments and passed on Final Reading House Bill 2503 (38-20-2); House Concurrent Resolution 2004 (38-20-2)

MOTION TO AUTHORIZE PRESIDENT PIERCE
AND SPEAKER TOBIN LITIGATION

Senator Biggs made the following motion:

Whereas, even though the Senate believes it is clear under the Senate Rules, the Arizona Constitution, and case law, that the President of the Senate is authorized to represent the entire body in various matters, including litigation, but nevertheless the Arizona Supreme Court in *Bennett v. Napolitano* did not recognize this authority;

Therefore, I move that the Senate, Fiftieth Legislature, join with the House to file suit, and join or intervene in any suit in both state and federal court to defend the authority of the Senate related to redistricting under the Constitutions of both the United States and the State of Arizona. To accomplish this purpose the Senate authorizes the President to represent the interests of the Senate and take all appropriate action, including the retention of outside counsel, on its behalf in any matter related to redistricting, including acting jointly with the Speaker of the House to act on behalf of the Legislature as a whole.

Senator Schapira requested a roll call vote. Request for a roll call vote was supported by Senator Landrum Taylor. The motion passed by the following vote:

AYES 21: Allen, Antenori, Barto, Biggs, Burges, Crandall, Driggs, Gould, Gray, Griffin, Klein, Lewis, McComish, Melvin, Murphy, Nelson, Reagan, Shooter, Smith, Yarbrough, President Pierce S

NOES 9: Aboud, Cajero Bedford, Gallardo, Jackson, Landrum Taylor, Lopez, Lujan, Meza, Schapira

THIRD READING OF BILLS

The following bill was read on Third Reading by number and title, passed on roll call and signed in open session:

House Bill 2571: An Act amending sections 3-107, 3-1003, 3-1003.02, 3-1211, 4-111, 4-112, 5-101.01, 5-105, 5-112, 5-224, 5-556, 5-604, 6-111, 6-112, 15-182, 15-203 and 15-543, ARS; repealing section 15-1331, ARS; amending sections 15-1626, 15-1852, 15-2002, 17-211, 17-231, 20-141, 20-148, 23-108, 23-108.02, 23-391, 23-406, 23-1501, 26-101, 26-102, 26-305, 27-122, 27-151, 28-363, 30-103, 30-108, 30-652, 31-401, 31-402, 32-106, 32-304, 32-503, 32-703, 32-802, 32-905, 32-1103, 32-1104, 32-1205, 32-1305, 32-1307, 32-1405, 32-1509, 32-1605.01, 32-1673, 32-1704, 32-1804, 32-1903, 32-1904, 32-2003, 32-2063, 32-2109, 32-2206, 32-2207, 32-2304, 32-2904, 32-2905, 32-3003, 32-3253, 32-3403, 32-3504, 32-3506, 32-3605, 32-3903, 32-3904, 35-196.01, 36-102, 36-103, 36-273, 36-446.03, 36-450.02, 36-1943, 36-2903.01, 36-2926, 37-132, 37-623.01, 37-1122, 38-401, 38-448, 38-532, 38-610.01, 38-610.02 and 38-611, ARS; amending title 38, chapter 4, article 1, ARS, by adding sections 38-611.01 and 38-611.02; amending sections 38-612, 38-654, 38-715, 38-848, 40-105, 40-108, 40-464, 41-121.02, 41-151.04, 41-151.05, 41-172, 41-192, 41-511.02, 41-511.05, 41-531, 41-542, 41-619.53 and 41-701, ARS; amending title 41, chapter 4, article 1, ARS, by adding sections 41-709, 41-710 and 41-711; amending title 41, chapter 4, ARS, by adding article 4; repealing title 41, chapter 4, article 5, ARS; amending title 41, chapter 4, ARS, by adding a new article 5; changing the designation of title 41, chapter 4, article 6, ARS, to “state personnel

board”; amending sections 41-781 and 41-782, ARS; repealing sections 41-783 and 41-784, ARS; transferring and renumbering section 41-785, ARS, for placement in title 41, chapter 4, article 6, as section 41-783; amending section 41-783, ARS, as transferred and renumbered by this act; repealing section 41-786, ARS; amending sections 41-821, 41-832, 41-902, 41-903, 41-941, 41-982, 41-1009, 41-1051, 41-1092.01, 41-1604, 41-1711, 41-1830.11, 41-1830.12 and 41-1830.13, ARS; repealing section 41-1830.14, ARS; amending section 41-1830.15, ARS; amending title 41, chapter 12, article 10, ARS, by adding section 41-1830.16; amending sections 41-1952, 41-1954, 41-2061, 41-2065, 41-2147, 41-2305, 41-2405, 41-2513, 41-2804, 41-2831, 41-3016.06, 41-3451, 41-3503, 41-3505, 41-3952, 41-4253, 41-4301, 41-4801, 42-1002, 42-1004, 42-1252, 42-16155, 45-104, 45-418, 49-103 and 49-1203, ARS; relating to the state personnel system.

AYES 21: Allen, Antenori, Barto, Biggs, Burges, Crandall, Driggs, Gould, Gray, Griffin, Klein, Lewis, McComish, Melvin, Murphy, Nelson, Reagan, Shooter, Smith, Yarbrough, President Pierce S

NOES 9: Aboud, Cajero Bedford, Gallardo, Jackson, Landrum Taylor, Lopez, Lujan, Meza, Schapira

ORDER OF BUSINESS

The President announced that without objection, the Senate would revert to the Order of Business, Committee of the Whole

COMMITTEE OF THE WHOLE

Upon motion of Senator Biggs and agreed to, the Senate at 2:33 p.m. resolved itself into Committee of the Whole for consideration of bills on the calendar with Senator Gray in the chair.

Senator Biggs moved that during Committee of the Whole the debate be limited to no more than three minutes per Senator, speaking once per motion. The motion carried.

At 2:55 p.m., the Committee of the Whole was dissolved and Senator Gray submitted the following recommendations:

House Bill 2745, do pass amended

House Concurrent Resolution 2060, do pass

Senator Gray moved the report of the Committee of the Whole be adopted and the bills be properly assigned. The motion carried and the bills reported do pass and do pass amended were placed under Third Reading of Bills.

CONFERENCE COMMITTEE REPORTS

Senator Biggs moved on behalf of the Chairman that the Senate adopt the following conference committee report:

Senators Biggs, McComish and Meza, Senate conferees, and Representatives Ugenti, Dial and Tovar, House conferees, submitted the following conference report on Senate Bill 1153:

That the Senate accept the House amendments with exceptions and the bill be further amended.

The motion carried and the Secretary notified the House.

FINAL READING OF BILLS

The following bill was read on Final Reading by number and title, passed on roll call and signed in open session:

Senate Bill 1153: An Act amending section 28-2166, ARS; relating to vehicle rental liability.

AYES 29: Allen, Antenori, Barto, Biggs, Burges, Cajero Bedford, Crandall, Driggs, Gallardo, Gould, Gray, Griffin, Jackson, Klein, Landrum Taylor, Lewis, Lopez, Lujan, McComish, Melvin, Meza, Murphy, Nelson, Reagan, Schapira, Shooter, Smith, Yarbrough, President Pierce S

NOES 1: Aboud

RECESS

At 3:04 p.m. the Senate stood at recess subject to the sound of the gavel.

RECONVENE

The President called the Senate to order at 3:26 p.m.

THIRD READING OF BILLS

The following bill was read on Third Reading by number and title, passed on roll call and signed in open session:

House Bill 2745: An Act amending sections 38-711, 38-714, 38-715 and 38-718, ARS; repealing section 38-719, ARS; amending sections 38-721, 38-740, 38-743, 38-744, 38-745 and 38-760, ARS; providing for the delayed repeal of section 38-761, ARS; amending sections 38-762, 38-783, 38-797.07 and 38-843.05, ARS; making an appropriation; relating to retirement systems.

AYES 30: Aboud, Allen, Antenori, Barto, Biggs, Burges, Cajero Bedford, Crandall, Driggs, Gallardo, Gould, Gray, Griffin, Jackson, Klein, Landrum Taylor, Lewis, Lopez, Lujan, McComish, Melvin, Meza, Murphy, Nelson, Reagan, Schapira, Shooter, Smith, Yarbrough, President Pierce S

CONCURRENCE OF BILLS

Senator Biggs moved that the Senate concur in the House amendments to Senate Bill 1407. The motion carried.

The bill was placed under Final Reading of Bills.

FINAL READING OF BILLS

The following bill was read on Final Reading by number and title, passed on roll call and signed in open session:

Senate Bill 1407: An Act amending sections 48-261, 48-262, 48-266, 48-851 and 48-853 ARS; relating to fire districts.

AYES 29: Aboud, Allen, Antenori, Barto, Biggs, Burges, Cajero Bedford, Crandall, Driggs, Gallardo, Gray, Griffin, Jackson, Klein, Landrum Taylor, Lewis, Lopez, Lujan, McComish, Melvin, Meza, Murphy, Nelson, Reagan, Schapira, Shooter, Smith, Yarbrough, President Pierce S

NOES 1: Gould

OTHER BUSINESS OF THE SENATE

EXECUTIVE CONFIRMATIONS

President Pierce announced that a group motion would be made for the confirmations unless a Senator requested a nomination to be considered separately.

The Committee on Commerce and Energy, Senator Melvin, Chairman, having had under consideration the matter of the Governor's appointment of Terry R. Gleeson as a member of the Board of Manufactured Housing for the term of office expiring January 19, 2015 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Commerce and Energy, Senator Melvin, Chairman, having had under consideration the matter of the Governor's appointment of Sharon L. Henry as a member of the Arizona Sports and Tourism Authority for the term of office expiring July 1, 2014 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Commerce and Energy, Senator Melvin, Chairman, having had under consideration the matter of the Governor's appointment of Zeek Ojeh as a member of the Board of Manufactured Housing for the term of office expiring January 19, 2015 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Commerce and Energy, Senator Melvin, Chairman, having had under consideration the matter of the Governor's appointment of Nicholas P. Scutari as a member of the Arizona State Lottery Commission for the term of office expiring January 16, 2017 submitted the following report: Your Committee recommends to the Senate the confirmation.

The President asked if the Senate would advise and consent to the nominations and it was agreed to.

The Committee on Education, Senator Crandall, Chairman, having had under consideration the matter of the Governor's appointment of Eldon E. Hastings as

a member of the Commission for Postsecondary Education for the term of office expiring January 19, 2015 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Education, Senator Crandall, Chairman, having had under consideration the matter of the Governor's appointment of Todd A. Juhl as a member of the State Board for Charter Schools for the term of office expiring January 19, 2015 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Education, Senator Crandall, Chairman, having had under consideration the matter of the Governor's appointment of Patricia J. Leonard as a member of the State Board for Private Postsecondary Education for the term of office expiring January 15, 2015 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Education, Senator Crandall, Chairman, having had under consideration the matter of the Governor's appointment of Jason D. Pistillo as a member of the State Board for Private Postsecondary Education for the term of office expiring January 19, 2015 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Education, Senator Crandall, Chairman, having had under consideration the matter of the Governor's appointment of Kathleen Player as a member of the Commission for Postsecondary Education for the term of office expiring January 21,

2013 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Education, Senator Crandall, Chairman, having had under consideration the matter of the Governor's appointment of Kathryn L. Senseman as a member of the State Board for Charter Schools for the term of office expiring January 20, 2014 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Education, Senator Crandall, Chairman, having had under consideration the matter of the Governor's appointment of Jeffrey J. Smith as a member of the School Facilities Board for the term of office expiring January 18, 2016 submitted the following report: Your Committee recommends to the Senate the confirmation.

The President asked if the Senate would advise and consent to the nominations and it was agreed to.

The Committee on Finance, Senator Yarbrough, Chairman, having had under consideration the matter of the Governor's appointment of Thomas J. Connelly as a member of the Arizona State Retirement System Board for the term of office expiring January 21, 2013 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Finance, Senator Yarbrough, Chairman, having had under consideration the matter of the Governor's appointment of William C. Davis as a member of the Public Safety Personnel Retirement System Board of Trustees for the term of office expiring January 16, 2017 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Finance, Senator Yarbrough, Chairman, having had under consideration the matter of the Governor's appointment of Derrick R.E. Doba as a member of the State Board of Tax Appeals for the term of office expiring January 21, 2013 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Finance, Senator Yarbrough, Chairman, having had under consideration the matter of the Governor's appointment of Gregory S. Ferguson as a member of the Public Safety Personnel Retirement System Board of Trustees for the term of office expiring January 16, 2017 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Finance, Senator Yarbrough, Chairman, having had under consideration the matter of the Governor's appointment of Steven R. Matthews as a member of the Family College Savings Program Oversight Committee for the term of office expiring January 18, 2016 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Finance, Senator Yarbrough, Chairman, having had under consideration the matter of the Governor's appointment of Michael J. Smarik as a member of the Arizona State Retirement System Board for the term of office expiring January 19, 2015 submitted the following report: Your Committee recommends to the Senate the confirmation.

The President asked if the Senate would advise and consent to the nominations and it was agreed to.

The Committee on Government Reform, Senator Murphy, Chairman, having had under consideration the matter of the Governor's appointment of Patrick J. Quinn as a member of the State Personnel Board for the term of office expiring January 19, 2015 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Government Reform, Senator Murphy, Chairman, having had under consideration the matter of the Governor's appointment of James V. Thompson as a member of the State Personnel Board for the term of office expiring January 19, 2015 submitted the following report: Your Committee recommends to the Senate the confirmation.

The President asked if the Senate would advise and consent to the nominations and it was agreed to.

The Committee on Healthcare and Medical Liability Reform, Senator Barto, Chairman, having had under consideration the matter of the Governor's appointment of James M. Gillard as a member of the Arizona Medical Board for the term of office expiring July 1, 2015 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Healthcare and Medical Liability Reform, Senator Barto, Chairman, having had under consideration the matter of the Governor's appointment of Harold Magalnick as a member of the Arizona Medical Board for the term of office expiring July 1, 2012 submitted the following report: Your Committee recommends to the Senate the confirmation.

The President asked if the Senate would advise and consent to the nominations and it was agreed to.

The Committee on Judiciary, Senator Gould, Chairman, having had under consideration the matter of the Governor's appointment of Charles A. Brown III as a member of the Commission on Trial Court Appointments, Maricopa County for the term of office expiring January 20, 2014 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Judiciary, Senator Gould, Chairman, having had under consideration the matter of the Governor's appointment of Nicholas Basil Simonetta as a member of the Urban Land Planning Oversight Committee for the term of office expiring January 18, 2016 submitted the following report: Your Committee recommends to the Senate the confirmation.

The President asked if the Senate would advise and consent to the nominations and it was agreed to.

The Committee on Natural Resources and Transportation, Senator Nelson, Chairman, having had under consideration the matter of the Governor's appointment of James V. Christensen as a member of the Arizona State Veterinary Medical Examining Board for the term of office expiring January 19, 2015 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Natural Resources and Transportation, Senator Nelson, Chairman, having had under consideration the matter of the Governor's appointment of Janet Kay Daggett as a member of the Arizona State Parks Board for the term of office

expiring January 15, 2018 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Natural Resources and Transportation, Senator Nelson, Chairman, having had under consideration the matter of the Governor's appointment of Rory S. Goree as a member of the Arizona Racing Commission for the term of office expiring January 16, 2017 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Natural Resources and Transportation, Senator Nelson, Chairman, having had under consideration the matter of the Governor's appointment of Donald R. Johnson as a member of the Arizona Game and Fish Commission Appointment Recommendation Board for the term of office expiring July 29, 2014 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Natural Resources and Transportation, Senator Nelson, Chairman, having had under consideration the matter of the Governor's appointment of Joseph E. La Rue as a member of the State Transportation Board for the term of office expiring January 15, 2018 submitted the following report: Your Committee recommends to the Senate the confirmation.

The President asked if the Senate would advise and consent to the nominations and it was agreed to.

The Committee on Veterans, Military and Government Affairs, Senator Driggs, Chairman, having had under consideration the matter of the

Governor's appointment of Richard A. Kochanski as a member of the State Fire Safety Committee for the term of office expiring January 21, 2013 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Veterans, Military and Government Affairs, Senator Driggs, Chairman, having had under consideration the matter of the Governor's appointment of Russell H. Louman as a member of the State Fire Safety Committee for the term of office expiring January 21, 2013 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Veterans, Military and Government Affairs, Senator Driggs, Chairman, having had under consideration the matter of the Governor's appointment of Patrick N. Moore as a member of the State Fire Safety Committee for the term of office expiring January 20, 2014 submitted the following report: Your Committee recommends to the Senate the confirmation.

The Committee on Veterans, Military and Government Affairs, Senator Driggs, Chairman, having had under consideration the matter of the Governor's appointment of Rick Alan Southey as a member of the State Fire Safety Committee for the term of office expiring January 21, 2013 submitted the following report: Your Committee recommends to the Senate the confirmation.

The President asked if the Senate would advise and consent to the nominations and it was agreed to.

The Secretary notified the Governor and the Secretary of State of the confirmations.

CONFERENCE COMMITTEE REPORTS

Senator Biggs moved on behalf of the Chairman that the Senate adopt the following conference committee report:

Senators Gray, Lopez and Yarbrough, Senate conferees, and Representatives Harper, Meyer and Yee, House conferees, submitted the following corrected conference report on House Bill 2093:

That the House accept the Senate amendments with exceptions and the bill be further amended.

The motion carried and the Secretary recorded the action and notified the House.

RECESS

At 3:48 p.m. the Senate stood at recess subject to the sound of the gavel.

RECONVENE

President Pro Tempore Allen assumed the chair and called the Senate to order at 4:46 p.m.

ADJOURNMENT

Upon motion of Senator Biggs and agreed to, the Senate adjourned at 4:46 p.m. until Thursday, May 3, 2012 at 10:00 a.m.

SYLVIA ALLEN

President Pro Tempore of the Senate

ATTEST:

CHARMION BILLINGTON

Secretary of the Senate

JOURNAL OF THE HOUSE

Wednesday, May 2, 2012

One Hundred Fifteenth Day

The session scheduled to convene at 10:00 a.m. was called to order at 10:40 a.m., Speaker Andrew M. Tobin presiding.

Attendance roll call was as follows:

PRESENT: Alston, Arredondo, Ash, Barton, Campbell, Chabin, Court, Crandell, Dial, Fann, Farley, Farnsworth, Fillmore, Fontana, Forese, Gallego, Gonzales, Goodale, Gowan, Gray R, Hale, Harper, Heinz, Hobbs, Jones, Judd, Kavanagh, Lesko, Lovas, McLain, Meyer, Miranda C, Montenegro, Olson, Pancrazi, Pierce, Pratt, Quezada, Reeve, Robson, Saldate, Seel, Smith D, Stevens, Tovar, Urie, Vogt, Weiers Jerry P, Wheeler, Williams, Yee, Speaker Tobin-52

ABSENT: Mesnard, Ugenti, Weiers Jim-3

EXCUSED: Ableser, Brophy McGee, Carter, McCune Davis, Proud-5

Members Ableser, Brophy McGee, Carter, McCune Davis and Proud were excused on personal business.

Members McCune Davis and Mesnard were seated at 11:15 a.m. Mrs. Ugenti was seated at 11:19 a.m. Mr. Jim Weiers was seated at 11:48 a.m. Mrs. Carter was seated at 11:50 a.m. Mrs. Brophy McGee was seated at 11:51 a.m.

Prayer was offered by Member Tom Forese.

The Pledge of Allegiance to the Flag was led by Member John Fillmore.

Without objection the reading of the Journal of Tuesday, May 15, 2012, was dispensed with and approved as written.

PERSONAL PRIVILEGE

Mrs. Yee expressed appreciation to staff, members and leadership of the House.

REPORTS OF SELECT COMMITTEES

The Free Conference Committee on Senate Bill 1153 reported:

That the Senate accept the House amendments with exceptions and the bill be further amended.

HOUSE CONFEREES: SENATE CONFEREES:

Michelle Ugenti

Andy Biggs

Jeff Dial

John McComish

Anna Tovay

Robert Meza

Motion by Mr. Court that the House adopt the Conference Committee Report on Senate Bill 1153. Carried.

BUSINESS ON THE SPEAKER'S DESK

Certificates of appreciation were presented to the following House pages:

Daniel Briggin	Kyle Briggin	Tara Chapman
Carissa Cortez	Rose Estes	Daniel Frank
Samantha Franklin	William Fry	Anadela Hogan
Bethany Hunter	Frank (Taylor) Larson	Esther Linkey
Adrian Luth	Brendan Melander	Megan O'Brien
Micah Palich	Devon Romo	Ben Scheel
Jessica Sornsinn	Charissa Wright	

Certificates of appreciation were presented to the following House interns:

Christopher Adams	Alexis Burkhart	Virginia Carico
Patrick Devine	Thomas Drogaris	Yijee Jeong
Bethan Jones	Tom Kwon	Traci Long
Stuart Luther	Kate Sommerville	
Chelsea Rubin	Casaundra Wallace	Katherine Adler
Elizabeth Bixby	Daniel Dominguez	Brian Holly
Lourdes Pena	Kimberley Pope	Tameka Spence
Nathan Wade	Krystle Fernandez	Paul Gales
Ryan McCarthy	Kyle LaRose	

UNFINISHED BUSINESS

Motion by Mr. Mesnard that the House accede to the Senate request and appoint a Free Conference Committee to consider the disagreement on House amendments to Senate Bill 1442. Carried, and Speaker Tobin appointed Members Mesnard, Farley and Vogt

Motion by Mr. Harper that the House accede to the Senate request and appoint a Free Conference Committee to consider the disagreement on House amendments to Senate Bill 1449. Carried, and Speaker Tobin appointed Members Montenegro, Farnsworth and Quezada

BUSINESS ON THE SPEAKER'S DESK

Motion by Mr. Farnsworth that, whereas, even though the House of Representatives believes it is clear under the House Rules, the Arizona Constitution, and case law, that the Speaker of the House of Representatives is authorized to represent the entire body in various matters, including litigation, but nevertheless the Arizona Supreme Court in *Bennett v. Napolitano* did not recognize this authority; therefore, I move that the House of Representatives, Fiftieth Legislature, join with the Senate to file suit, and join or intervene in any suit in both state and federal court to defend the authority of the House related to redistricting under the Constitutions of both the United States and of the State of Arizona. To accomplish this purpose the House authorizes the Speaker to represent the interests of the House of Representatives and take all appropriate action, including the retention of outside counsel, on its behalf in any matter related to redistricting, including acting jointly with the Senate President to act on behalf of the Legislature as a whole. Carried.

Speaker Tobin announced pursuant to House Rule 17E, that permission was granted for conference committees to meet through today, May 2, 2012.

THIRD READING OF BILLS

The following bills were read the third time by number and title, passed on roll call vote and signed in open session by Speaker Tobin:

Senate Bill 1407: An Act amending sections 48-261, 48-262, 48-266, 48-851 and 48-853 ARS; relating to fire districts.

AYES 58: Alston, Arredondo, Ash, Barton, Brophy Mcgee, Campbell, Carter, Chabin, Court, Crandell, Dial, Fann, Farley, Farnsworth, Fillmore, Fontana, Forese, Gallego, Gonzales, Goodale, Gowan, Gray R, Hale, Harper, Heinz, Hobbs, Jones, Judd, Kavanagh, Lesko, Lovas, McCune Davis, McLain, Mesnard, Meyer, Miranda C, Montenegro, Olson, Pancrazi, Pierce, Pratt, Quezada, Reeve, Robson, Saldade, Seel, Smith D, Stevens, Tovar, Ugenti, Urie, Vogt, Weiers J, Weiers Jp, Wheeler, Williams, Yee, Speaker Tobin

NOT VOTING 2: Ableser, Proud

UNFINISHED BUSINESS

Motion by Mrs. Yee that the House concur in the Senate amendments to House Bill 2503. Carried.

FINAL PASSAGE

The following bill, as amended by the Senate, was read the final time by number and title, passed on roll call vote and signed in open session by Speaker Tobin:

House Bill 2503: An Act amending title 12, chapter 6, article 9, ARS, by adding section 12-689; relating to product liability.

AYES 38: Barton, Brophy Mcgee, Carter, Chabin, Court, Crandell, Dial, Fann, Farnsworth, Fillmore, Forese, Goodale, Gowan, Gray R, Harper, Jones, Judd, Kavanagh, Lesko, Lovas, McLain, Mesnard, Montenegro, Olson, Pierce, Pratt, Reeve, Robson, Seel, Stevens, Ugenti, Urie, Vogt, Weiers J, Weiers Jp, Williams, Yee, Speaker Tobin

JA 48

NAYS 20: Alston, Arredondo, Ash, Campbell, Farley, Fontana, Gallego, Gonzales, Hale, Heinz, Hobbs, McCune Davis, Meyer, Miranda C, Pancrazi, Quezada, Saldade, Smith D, Tovar, Wheeler

NOT VOTING 2: Ableser, Proud

UNFINISHED BUSINESS

Motion by Mr. Crandell that the House concur in the Senate amendments to House Concurrent Resolution 2004. Carried.

FINAL PASSAGE

The following bill, as amended by the Senate, was read the final time by number and title, passed on roll call vote and signed in open session by Speaker Tobin:

House Concurrent Resolution 2004: A Concurrent Resolution proposing an amendment to the Constitution of Arizona; amending the Constitution of Arizona by adding article II.I; amending article XX, paragraphs 4 and 12, Constitution of Arizona; relating to state sovereignty.

AYES 38: Ash, Barton, Brophy Mcgee, Carter, Court, Crandell, Dial, Fann, Farnsworth, Fillmore, Forese, Goodale, Gowan, Gray R, Harper, Jones, Judd, Kavanagh, Lesko, Lovas, McLain, Mesnard, Montenegro, Olson, Pierce, Pratt, Robson, Seel, Smith D, Stevens, Ugenti, Urie, Vogt, Weiers J, Weiers Jp, Williams, Yee, Speaker Tobin

NAYS 20: Alston, Arredondo, Campbell, Chabin, Farley, Fontana, Gallego, Gonzales, Hale, Heinz, Hobbs, McCune Davis, Meyer, Miranda C,

JA 49

Pancrazi, Quezada, Reeve, Saldate, Tovar,
Wheeler

NOT VOTING 2: Ableser, Proud

Motion by Mr. Court that the House stand at recess
subject to the sound of the gavel. Carried at 12:45 p.m.

Speaker Tobin called the House to order at 3:54 p.m.

BILLS AND OTHER BUSINESS
FROM THE SENATE

HB 2571, passed amended, 21-9-0

SB 1153, passed on Final Passage, 29-1-0

Motion by Mr. Court that the House stand adjourned
until 10:00 a.m., Thursday, May 3, 2012. Carried at
3:55 p.m.

ANDREW M. TOBIN
Speaker of the House

ATTEST:

CHERYL LAUBE
Chief Clerk of the House

Proposition 106 2000 Ballot Propositions

General Election November 7, 2000

Spelling, grammar, and punctuation were reproduced as submitted in the “for” and “against” arguments.

PROPOSITION 106

OFFICIAL TITLE

AN INITIATIVE MEASURE

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO ENDING THE PRACTICE OF GERRYMANDERING AND IMPROVING VOTER AND CANDIDATE PARTICIPATION IN ELECTIONS BY CREATING AN INDEPENDENT COMMISSION OF BALANCED APPOINTMENTS TO OVERSEE THE MAPPING OF FAIR AND COMPETITIVE CONGRESSIONAL AND LEGISLATIVE DISTRICTS.

TEXT OF PROPOSED AMENDMENT

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA, IS AMENDED AS FOLLOWS IF APPROVED BY THE VOTERS AND UPON PROCLAMATION BY THE GOVERNOR:

1. Senate; house of representatives; members; special session upon 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 ~~by the legislature~~ PURSUANT TO THIS SECTION.

The house of representatives shall be composed of two members elected from each of the thirty legislative districts established ~~by the legislature~~ 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 ~~that he call~~ a special session of the legislature and designating the date of convening, the governor shall ~~forthwith~~ 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 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 MEMBERS. NO MORE THAN TWO MEMBERS OF THE INDEPENDENT REDISTRICTING COMMISSION SHALL BE MEMBERS OF THE SAME POLITICAL PARTY. OF THE FIRST FOUR MEMBERS APPOINTED, NO MORE THAN TWO 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, 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 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 OF YEARS ENDING IN ONE, 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 NOMINEES, WITH TEN NOMINEES FROM EACH OF THE TWO LARGEST POLITICAL PARTIES IN ARIZONA BASED ON PARTY REGISTRATION, AND FIVE 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 HIGHEST RANKING OFFICER ELECTED BY THE ARIZONA HOUSE OF REPRESENTATIVES SHALL MAKE ONE APPOINTMENT TO THE INDEPENDENT REDISTRICTING COMMISSION FROM THE POOL OF NOMINEES, FOLLOWED BY ONE APPOINTMENT FROM THE POOL MADE IN TURN BY EACH OF THE FOLLOWING: THE MINORITY PARTY LEADER OF THE ARIZONA HOUSE OF REPRESENTATIVES, THE HIGHEST RANKING OFFICER ELECTED BY THE ARIZONA SENATE, AND THE MINORITY PARTY LEADER

OF THE ARIZONA SENATE. EACH SUCH OFFICIAL SHALL HAVE A SEVEN-DAY PERIOD IN WHICH TO MAKE AN APPOINTMENT. ANY OFFICIAL WHO 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 THE LARGEST MINORITY PARTY BY STATEWIDE PARTY REGISTRATION SHALL MAKE THE APPOINTMENT.

(7) ANY VACANCY IN THE ABOVE FOUR INDEPENDENT REDISTRICTING COMMISSION POSITIONS REMAINING AS OF MARCH 1 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 INDEPENDENT REDISTRICTING COMMISSION MEMBERS SHALL SELECT BY MAJORITY VOTE FROM THE NOMINATION POOL A FIFTH 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 COMMISSIONERS FAIL TO APPOINT A FIFTH MEMBER WITHIN FIFTEEN DAYS, THE COMMISSION ON APPELLATE

COURT APPOINTMENTS OR ITS DESIGNEE, STRIVING FOR POLITICAL BALANCE AND FAIRNESS, SHALL APPOINT A FIFTH MEMBER FROM THE NOMINATION POOL, WHO SHALL SERVE AS CHAIR.

(9) THE FIVE COMMISSIONERS SHALL THEN SELECT BY MAJORITY VOTE ONE OF THEIR MEMBERS TO SERVE AS VICECHAIR.

(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 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 COMMISSIONERS, INCLUDING THE CHAIR OR VICE-CHAIR, CONSTITUTE A QUORUM. THREE 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 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 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. ADJUSTMENTS TO THE GRID SHALL THEN BE MADE AS NECESSARY TO ACCOMMODATE THE GOALS AS SET FORTH BELOW:

A. DISTRICTS SHALL COMPLY WITH THE UNITED STATES CONSTITUTION AND THE UNITED STATES VOTING RIGHTS ACT;

B. CONGRESSIONAL DISTRICTS SHALL HAVE EQUAL POPULATION TO THE EXTENT PRACTICABLE, AND STATE LEGISLATIVE DISTRICTS SHALL HAVE EQUAL POPULATION TO THE EXTENT PRACTICABLE;

C. DISTRICTS SHALL BE GEOGRAPHICALLY COMPACT AND CONTIGUOUS TO THE EXTENT PRACTICABLE;

D. DISTRICT BOUNDARIES SHALL RESPECT COMMUNITIES OF INTEREST TO THE EXTENT PRACTICABLE;

E. 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) PARTY REGISTRATION AND VOTING HISTORY DATA SHALL BE EXCLUDED FROM THE INITIAL PHASE OF THE 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) 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. 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) 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) 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) 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) 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.

(21) 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) 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) 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.

THE SECRETARY OF STATE SHALL SUBMIT THIS PROPOSITION TO THE VOTERS AT THE NEXT GENERAL ELECTION.

ANALYSIS BY LEGISLATIVE COUNCIL

Proposition 106 would amend the Arizona Constitution to establish an appointed Redistricting Commission to redraw the boundaries for Arizona's legislative districts (for the members of the Arizona Legislature) and to redraw the boundaries for the Congressional Districts (for Arizona's members of the United States Congress). Currently, state law provides that the Arizona Legislature draws the legislative and congressional district lines. These lines are usually redrawn every ten years, after the state receives the results of the U.S. Census. This proposition provides that the appointed Redistricting Commission shall first draw districts that are equal in population in a grid-like pattern across the state, with adjustments to meet the following goals:

1. Districts shall comply with the United States Constitution and the federal Voting Rights Act.
2. Both legislative and congressional districts shall be equal in population, to the extent practicable. This establishes a new strict population equality standard for legislative districts.
3. Districts shall be geographically compact and contiguous, as much as practical.
4. District boundaries shall respect "communities of interest," as much as practical.
5. District lines shall follow visible geographic features, and city, town and county boundaries and undivided "census tracts" as much as practical.

6. Political party registration, voting history data and residences of incumbents and other candidates may not be used to create district maps.

7. “Competitive districts” are favored if competitive districts do not significantly harm the other goals listed.

The Redistricting Commission would consist of five members, no more than two of whom can be from the same political party or the same county. Persons would be eligible for membership on the commission if they meet certain voter registration requirements, and if during the last three years, they have not been candidates for public office or appointed to public office, except for school board members or officers, have not served as an officer of a political party or as an officer of a candidate’s election committee and if they have not been a paid lobbyist. The Speaker of the Arizona House of Representatives, the Minority Party Leader of the Arizona House of Representatives, the President of the Arizona State Senate and the Minority Party Leader of the Arizona State Senate would each appoint one person to the Redistricting Commission. These four members of the Redistricting Commission would then meet and vote to appoint a fifth member to chair the commission. The commission would provide at least 30 days for the public to review the preliminary lines drawn by the commission, and then the commission would make the lines final, subject to approval by the United States Department of Justice.

Proposition 106 allocates \$6 million to the Redistricting Commission for use in the redistricting

process that begins in 2001 and allows additional money for later redistricting.

Proposition 106 Fiscal Impact Summary

Proposition 106 allocates \$6,000,000 from general state revenue to the redistricting commission for use in the redistricting process that begins in 2001. Redistricting expenses are incurred once every ten years after the completion of the decennial census. If the Proposition is not approved, the current method of redistricting will continue to require funding. The sum of \$3,000,000 has already been enacted into law for the current process.

ARGUMENTS “FOR” PROPOSITION 106

Every once in a while, an issue comes along that makes so much sense and so clearly embodies the basic principles of democracy, people put aside their partisan differences and take action to protect the collective interest of citizen self-government.

The Citizen’s Redistricting Commission Initiative is such an issue. A simple idea about giving citizens a central role in creating more representative democracy with so much common sense appeal that it enjoys the support of Arizonans statewide.

Amending the state constitution is no small matter and this is no minor issue.

Every 10 years, state legislators redraw the lines of Arizona’s legislative and congressional districts. It’s a once-a-decade political power struggle that has grown more important as the state has grown.

When legislators draw their own lines the result is predictable. Self-interest is served first and the public interest comes in a distant second. Incumbent

legislators protect their seats for today and carve out new congressional opportunities for their political future.

The legislature has created a system that distorts representative democracy. There is only a four-percent difference between the number of registered Republicans and registered Democrats in this state—yet out of 30 legislative districts, there is only one where the difference in party registration is within 5 percent.

Allowing legislators draw the lines is the ultimate conflict of interest.

I am lifelong Arizonan. I was born in Casa Grande. I attended the University of Arizona. I've built a business here and I've raised a family. There are thousands of Arizonans who share a similar background—and more who have chosen to move to Arizona and call it home.

Our voices cannot be heard in a system that distorts our representation. We share a responsibility to step forward and correct this systemic flaw.

Jim Pederson, Phoenix, Chairman,
Fair Districts, Fair Elections
Paid for by Fair Districts, Fair Elections

We need a simpler and fairer way to draw voting districts. Currently districts are drawn to promote single party dominance and protect incumbents resulting in reduced voter confidence. While the Legislature could create a simpler and less partisan way, it would require the members to voluntarily give up the power to control their own political fate. That has never happened in the past and is unlikely in the

future. The public will continue to be barred from meaningful participation in the process until we create an independent redistricting commission. Your YES vote can make that happen.

Two years ago Arizona had a record low number of legislative candidates. Nearly half of the districts had no choice of candidates and in most of the rest, the preponderance of a single party effectively pre-determined the election outcome.

Current district maps are contorted boundaries lacing together isolated pockets of special interests to form bulletproof districts for incumbents. Decisions, if any, are made in the primary elections. It recalls the political cartoon of the evil "Gerrymander" reptile that lent its name to such maps.

Opponents argue a redistricting commission would eliminate public accountability. To the contrary, there is no public accountability now.

District maps are secretly drawn by powerful party leaders, hidden from the public. Even other members of the legislature are barred from viewing the maps until they are essentially complete.

Voting districts are redrawn every ten years to ensure full representation of all voters. The issue is too important for petty partisan concerns. If a party's issues only have merit because they are able to manipulate and contort the process then their basic political philosophy is suspect. Healthy and competitive districts are far more likely to foster strong political debate.

We urge all Arizonans to VOTE YES on Proposition 106.

JA 66

Lisa Graham Keegan, Peoria,
Superintendent of Public Instruction
John C. Keegan, Peoria, Mayor of Peoria

The Citizens' Independent Redistricting Commission has put forth an initiative which is long overdue.

It allows you, the citizen, to have a voice in drawing the boundaries for your legislative and congressional districts. Through open meetings throughout the State—not backroom dealing—we will have a process run by the public.

This initiative takes redistricting out of the hands of incumbents who too often draw district lines to protect their seats rather than to create fair, competitive legislative and congressional districts.

This initiative is fair to all Arizonans because it opens up the system to public scrutiny; it eliminates conflicts of interest by taking the process of redistricting out of incumbents' hands; and, it just might encourage more people to run for public office.

We need a politically neutral commission to handle redistricting.

Join me in voting "Yes" on Proposition 106.

Janet Napolitano,
Phoenix, Arizona Attorney General

Common Cause urges Yes on Proposition 106, Fair Districts, Fair Elections, The Citizens Independent Redistricting Commission Initiative.

The present system of allowing incumbent politicians to redraw their own district boundaries is

“the ultimate conflict of interest,” according to Grant Woods, former Arizona Attorney General.

He is joined in his opinion, and in his endorsement of this initiative, by leaders from both parties, including Janet Napolitano, Sue Gerard, Rose Mofford, John and Lisa Keegan, Skip Rimsza, Polly Rosenbaum and many others, including the League of Women Voters. Why? Because, when incumbents remove areas from their district where competitors live, or where people from opposing parties live, districts become politically imbalanced and voters no longer have no real choices. This citizen initiative will create fair districts and fair elections in Arizona. We will see better candidates and better government as a result. Real competition is as good for government as it is for business.

Arizona Common Cause is a nonpartisan group of over 3,000 Arizona families with a long history of working for open, clean, and sensible self-government.

Dennis Burke, Executive Officer,
Arizona Common Cause, Phoenix
Miriam Neiman, Treasurer,
Arizona Common Cause, Sun City
Paid for by Arizona Common Cause

The Arizona School Boards Association supports Proposition 106 because it would remove the redrawing of legislative and congressional district boundaries from those with the greatest conflict of interest, incumbent legislators. This conflict of interest could be compared to the parable of the “fox guarding the hen house.” Instead, this “once every ten years” exercise under Proposition 106 would be in the

hands of an independent redistricting commission made up of ordinary citizens.

The Commission would have five members, one each selected by the House Speaker and minority leader and one each selected by the Senate President and minority leader, and these four appointees have to agree on the fifth member that is not from either major party. No two members can be from the same county and no more than two can be from the same political party. All members of the Commission must be selected from a pool of 25 candidates selected by a non partisan commission. No current elected officials, lobbyists or officers of a political party or precinct committeemen are eligible to serve as candidates.

This method would remove the temptation to determine boundaries based upon the numbers of political party registrants living within an area allowing the commission to concentrate on its mandate to create districts that: 1) comply with the U.S. Voting Rights Act; 2) have equal population; 3) are geographically compact and contiguous; 4) reflect communities of interest 5) to the extent possible, use visible boundary lines. Compare this process with the current method whereby legislators can create safe districts for themselves ensuring little competition.

This is an unparalleled opportunity to create a legislature more responsive to the priorities and concerns of Arizona's citizens. The Arizona School Boards Association, comprised of locally elected school board members, urges you to vote YES on Proposition 106.

Myrna Sheppard, President,
Arizona School Boards Association, Phoenix
Harry Garewal, Vice President,
Arizona School Boards Association, Phoenix
Paid for by Arizona School Boards Association, Inc.

Dear Arizona Voters:

No quotas for Democrats, no welfare for Republicans. That's the simple philosophy behind the Fair Districts Fair Elections citizen's initiative.

For too long, both parties have created legislative and congressional districts to protect their incumbents. Such "gerrymandering" eliminates real political competition and shortchanges all of us. Why?

Because good people don't run for office because they don't think they can win. Incumbents don't stay in touch with voters because no one challenges them.

Just think back to the lively Republican nomination fight between John McCain and George Bush. It resulted in a great debate between two capable people that excited voters all across the country. While Fair Districts Fair Elections can't promise you McCain vs. Bush, it can promise more balanced legislative and congressional districts that don't give such huge advantages to incumbents and to one party over another.

By transferring redistricting responsibility from self-interested politicians to an independent citizen's panel, Fair Districts Fair Elections will generate more competition, more accountability and better government for all Arizonans.

As long-time Republicans and public servants, we're proud to support this kind of reform for Arizona

along with the Honorable Lisa Keegan, Superintendent of Public Instruction; Honorable Jack Jewett, former Tucson legislator; Senator Sue Grace, District 24 and Honorable Jim Bruner, former Maricopa County Supervisor.

Susan Gerard, Phoenix, Representative, District 18
Grant Woods, Phoenix,
Former Arizona Attorney General
William A. Mundell, Phoenix,
Arizona Corporation Commissioner

The League of Women Voters works to encourage the informed and active participation of citizens in government. Looking for reasons why the number of people participating in the voting process has declined, we found the boundaries of legislative districts are drawn so that only one party's candidates have a realistic chance of winning. Also, many legislative candidates faced no opposition in their bid for office. We found citizens who saw no reason to vote when the outcome of an election seemed predetermined. And, we found legislators who, when they know they had no opposition, had no incentive to listen to their constituents.

We need competitive districts to encourage citizens to vote, people to run for office, and representatives to respond to constituents' concerns. Every election cycle the ballot is filled with initiatives because a "disconnect" exists between many legislators and their constituents. The Legislature consistently fails to adequately address issues that citizens care about, issues such as education and health care.

We believe that moving the power to draw congressional and legislative districts from the legislature to a citizens commission will change the system. We urge a “yes” vote on Proposition 106, the Citizens Independent Redistricting Commission Initiative.

Ann Eschinger, President,
League of Women Voters of Arizona, Phoenix
Willi Waltrip, 2nd Vice President,
League of Women Voters of Arizona, Phoenix
Paid for by League of Women Voters of Arizona

Dear Arizona Voters:

We are fortunate and honored to serve, and have served, as mayors in some of Arizona’s great cities. As a result, we know how important it is to stay in touch with you—the people who make our communities the outstanding places they are.

Being in touch, staying responsive—these are just two of the reasons we encourage you to vote “Yes” on Proposition 106, the Fair Districts Fair Elections Initiative.

Right now, legislative and congressional districts are drawn in a way that protects incumbents. The current system does not encourage candidate competition. Consequently, many legislators never face competition. When this happens, they get farther and farther away from the pulse of the community—farther away from your concerns.

Fair Districts Fair Elections responsibly reforms our redistricting system in a way that will create more competition for our elected officials, which in turn, will create better government for all of us.

Furthermore, Fair Districts will keep cities together within legislative and congressional districts. Right now, cities may have two, three or more districts running through their boundaries. This isn't right. To the fullest extent possible, cities should have more coherent representation so their concerns and issues can be more clearly expressed at the State Capitol and in Washington, D.C.

Whether you are the mayor of a city or simply a resident that wants more responsive government, Proposition 106 is one that clearly makes common sense.

Join us along with mayors: John Keegan, Peoria; Joan H. Shafer, Surprise; Robert Mitchell, Casa Grande; Edward Lowry, Paradise Valley; Skip Rimsza, Phoenix; Larry "Roach" Roberts, Wickenburg; George Miller, former Mayor of Tucson; Paul Johnson, former Mayor of Phoenix and Daniel Schweiker, Vice Mayor of Paradise Valley—VOTE YES ON 106.

Neil G. Giuliano, Mayor of Tempe, Tempe
Sam Campana,
former Mayor of Scottsdale, Scottsdale
Terry Goddard, former Mayor of Phoenix, Phoenix
Paid for by Fair Districts, Fair Elections

A fair and impartial system of redistricting the state and federal election districts is the right thing to do for Arizona's future.

Rebecca Rios, State Representative,
District 7, Phoenix

I support the Citizens Independent Redistricting Commission initiative because I think it will be good for rural Arizona. Under the current system many

small towns across the state get divided between two different legislative districts. When this happens our voice is diluted. This has been done not only to Sierra Vista but to towns all across the state—Casa Grande, Kingman, Gila Bend, Nogales, and even tiny towns like Tubac and Patagonia! Bullhead City is the worst example—split into *three* legislative districts!

Then, when legislators draw congressional district boundaries, rural voices are again diluted in districts which draw most of their voters from metropolitan Maricopa County (primarily) and Pima County. The attention of our Representatives is concentrated on the metropolitan area where the bulk of their constituents reside. This just doesn't seem fair; rural Arizona deserves at least some representation in Congress.

Carolyn Edwards, Sierra Vista

Why can't our legislators reach compromise on issues most important to mainstream Arizona?

Better legislative decisions are possible when the Legislature represents all citizens of Arizona in approximate proportion to their political beliefs. Most Arizonans are centrists—they generally support middle-of-the-road policies rather than those more extreme. In fact, there is only a 4% difference between the number of registered Democrats and registered Republicans in Arizona.

How is it then that we have been saddled with our current, ideologically polarized Legislature?

In Arizona, incumbent legislators redraw boundaries for legislative and congressional districts every ten years. Theoretically, this is done to maintain

a balance in population among the various districts. Unfortunately, our legislators have a history of manipulating the redistricting process by stacking “their” district with members of their own party and by drawing lines which move political opponents out of “their” districts. Often times in stacked districts, the minority party in that district doesn’t even field candidates for the General Election. When the General Election doesn’t count, 1) Parties are more likely to promote candidates farther to the right or left of center because they don’t need to worry about losing moderate and independent votes in the General Election, and 2) Voter turnout is lower leaving choices to the most heavily partisan voters in that district. In Arizona, only six of our thirty legislative districts are even remotely balanced in party registration.

Independent citizen’s commissions are a better way to draw political boundaries. Incumbent legislators, who *always* have a vested interest, can’t control the process. Currently, fourteen states have independent commissions draw their legislative district boundaries.

Arizona would have a better, more representative Legislature if more members were centrists and fewer were on either extreme.

Proposition 106 will surely be a giant step toward moderation and should be approved.

Joel Harnett, President,
Valley Citizens League, Phoenix
Bart Turner, Executive Director,
Valley Citizens League, Phoenix
Paid for by Valley Citizens League

ARGUMENTS “AGAINST” PROPOSITION 106

The redistricting commission amendment is a flawed proposition which will reduce the input of the will of the people of Arizona and vest disproportionate influence in the hands of bureaucratic Washington D.C. lawyers of the federal Justice Department. The people of Arizona have traditionally, through their elected representatives, drawn the lines from which the peoples’ elected officials will represent them. Yes, these plans have to be submitted to the federal Justice Department for approval. But it has been our plan they have had to review—our plan drawn by our representatives—our representatives who serve with the consent of the governed. Under a commission, as experience in other states suggests, the procedure will undoubtedly be to ask the bureaucratic Washington D.C. lawyers of the federal Justice Department to design and approve the parameters under which Arizona’s representatives will be elected. The Commission will be a conduit and a rubber stamp.

Arizonan’s must not give up our right to determine the lines from which our officials should be elected. Do not let the bureaucratic Washington D.C. lawyers of the federal Justice Department gain disproportionate influence over our election process. Maintain the right to oversee the electoral process of redistricting and reapportionment here in Arizona with the elected representatives of the people not an appointed inexperienced elite who will be the handmaidens of the government in Washington’s lawyers. Vote no on this proposition.

Barry M. Aarons, Senior Fellow
Americans for Tax Reform, Phoenix

The Arizona Chamber of Commerce recommends that voters *oppose Proposition 106 that WILL TURN OVER THE DRAFTING OF ARIZONA'S POLITICAL DISTRICTS TO A SMALL GROUP OF FIVE INDIVIDUALS WHO ARE NOT ACCOUNTABLE TO VOTERS.*

The proponents claim Proposition 106 makes the redistricting process fair and less political by creating a commission of five non-elected individuals to draw the district maps for the entire state.

We disagree. Proposition 106 empowers a commission of political appointees who are selected from at least two counties in Arizona to draw the legislative and congressional district lines. That means 10 to 12 of Arizona's 15 separate and unique counties won't have representation. The Arizona Chamber believes that fair representation would not deny a majority of voters a voice.

This initiative further proposes to mold Arizona's political districts into a grid-like pattern. Drawing such a grid across Arizona threatens rural representation. It denies a logical opportunity to ensure broad, legislative membership.

In the end, any redistricting plan must be approved by the U.S. Justice Department. If they do not approve, they will require changes to the plan that will result in a redesign. Federal law thus denies the process of fair districts.

Rather than turning over the reshaping of Arizona's political boundaries to an uninformed group of five individuals or even worse to the Justice Department, leave the future of our boundaries with

the 90 individuals of the State Legislature *elected* by you. *We urge you to vote NO on Proposition 106.*

Greg Denk, Chairman of the Board,
Arizona Chamber of Commerce, Phoenix
Samantha A. Fearn, VP of Public Affairs,
Arizona Chamber of Commerce, Phoenix
Paid for by Arizona Chamber of Commerce

Accountability. It is what you expect from your elected officials at all levels of government. And, it is the standard to which we hold ourselves—to be accountable to you.

Unfortunately, Prop. 106, the “Citizens Independent Redistricting Commission” lacks any accountability. It is an attempt by special interest groups who want to change the redistricting process because they do not like who you have elected to represent you. They want to change the process in their favor rather than participate in the democratic process of elections.

This measure is seriously flawed. Contrary to the arguments its proponents make, this initiative will make the redistricting process more secretive, more “backroom” and more political. Those who serve on the commission will have been selected for appointment by a small, powerful group of activist lawyers. That group, the Commission on Appellate Court Appointments will nominate members of the redistricting commission. While lawyers make up less than one-half of one percent of Arizona’s population, they make up more than 50% of this commission.

In short, unelected, unaccountable lawyers will have more power than anyone else in the redistricting

process. That will not empower the people of Arizona. It will empower lawyers and the Bar Association.

The Legislature is elected by you and represents every county in the state. The appointed Commission in the initiative is required to have representation from only *two* counties. No one will represent the people in the other thirteen counties.

This new Commission's price tag is \$6 million. We already have elected representatives to make decisions—why do we need a new \$6 million bureaucracy to do the same thing?

We urge you to reject this attempt to take power out of the people's hands. Vote No on Proposition 106.

Bob Stump, United States Congressman, Tolleson

Jim Kolbe, United States Congressman, Tucson

J.D. Hayworth, United States Congressman,
Cave Creek

Matt Salmon, United States Congressman, Mesa

John Shadegg, United States Congressman, Phoenix

Paid for by Bob Stump Election Committee

BALLOT FORMAT
PROPOSED AMENDMENT TO THE
CONSTITUTION BY THE INITIATIVE

OFFICIAL TITLE

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO ENDING THE PRACTICE OF GERRYMANDERING AND IMPROVING VOTER AND CANDIDATE PARTICIPATION IN ELECTIONS BY CREATING AN INDEPENDENT COMMISSION OF BALANCED APPOINTMENTS TO OVERSEE THE MAPPING OF FAIR AND COMPETITIVE CONGRESSIONAL AND LEGISLATIVE DISTRICTS.

DESCRIPTIVE TITLE

AMENDING ARIZONA CONSTITUTION TO CREATE A 5-MEMBER "CITIZENS' INDEPENDENT REDISTRICTING COMMISSION", WITH NO MORE THAN 2 MEMBERS FROM EACH POLITICAL PARTY AND NO MORE THAN 3 MEMBERS FROM EACH COUNTY, TO DRAW LEGISLATIVE AND CONGRESSIONAL DISTRICT BOUNDARIES AFTER EACH U.S. CENSUS; REMOVES REDISTRICTING AUTHORITY FROM THE ARIZONA LEGISLATURE.

PROPOSITION 106

<p>A “yes” vote shall have the effect of creating a 5-member “Citizens’ Independent Redistricting Commission” with no more than 2 members from each political party and no more than 3 members from each county, to draw legislative and congressional district boundaries and removing redistricting authority from the Arizona Legislature.</p>	<p>YES <input type="checkbox"/></p>
<p>A “no” vote shall have the effect that the Arizona Legislature shall continue to have the authority to redraw legislative and congressional district boundaries.</p>	<p>NO <input type="checkbox"/></p>