

13-1314 AZ STATE LEGISLATURE V. AZ INDEPENDENT REDISTRICTING

DECISION BELOW: 997 F.Supp.2d 1047

LOWER COURT CASE NUMBER: CV-12-01211-PHX-PGR-MMS-GMS

QUESTION PRESENTED:

In a provision added by citizen initiative, the Arizona Constitution removes all authority to prescribe legislative and congressional redistricting from the Arizona State Legislature and places it in an unelected commission. The Legislature challenges this provision as to congressional redistricting as a violation of Article I, section 4, the Elections Clause of the United States Constitution. In a 2-1 decision, a three-judge panel of the District Court for the District of Arizona ruled that removing the Legislature did not violate the Elections Clause. The question presented is:

Does the provision of the Arizona Constitution that divests the Arizona Legislature of any authority to prescribe congressional district lines violate the Elections Clause of the United States Constitution, which requires that the time, place, and manner of congressional elections be prescribed in each state by the "Legislature thereof"?

FURTHER CONSIDERATION OF THE QUESTION OF JURISDICTION IS POSTPONED TO THE HEARING OF THE CASE ON THE MERITS LIMITED TO THE FOLLOWING QUESTIONS: 1) DO THE ELECTIONS CLAUSE OF THE UNITED STATES CONSTITUTION AND 2 U.S.C. §2a(c) PERMIT ARIZONA'S USE OF A COMMISSION TO ADOPT CONGRESSIONAL DISTRICTS? 2) DOES THE ARIZONA LEGISLATURE HAVE STANDING TO BRING THIS SUIT?

JURISDICTION NOTED 10/2/2014