

SUPREME COURT OF ARIZONA

Arizona Minority Coalition for Fair Redistricting v. Arizona
Independent Redistricting Commission

220 Ariz. 587 (2009) (Ariz. 2009) · No. CV-08-0161-PR · Decided May 20, 2009

SUMMARY

The Supreme Court of Arizona reviewed challenges to the Arizona Independent Redistricting Commission’s legislative district map, focusing on the Commission’s constitutional obligations concerning competitiveness and other redistricting goals. The court held that the Commission acts as a legislative body and that courts must defer to its discretionary redistricting judgments while reviewing compliance with constitutionally mandated procedures and substantive requirements. The court concluded that the Commission engaged in the required deliberative process regarding competitiveness.

CASE DETAILS

COURT	Supreme Court of Arizona
WRITING FOR THE COURT	Chief Justice McGregor; Vice Chief Justice Rebecca White Berch; Justice Michael D. Ryan; Justice Scott Bales, recused; Judge Garye L. Vásquez, designated to sit
JURISDICTION	Arizona
DECIDED	May 20, 2009
DOCKET	CV-08-0161-PR
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Coalition challenged Arizona's legislative redistricting plan in superior court, alleging that the Commission failed to favor competitive districts as required by the Arizona Constitution. After a bench trial and proceedings on remand, the superior court ruled for the Coalition. The court of appeals reversed, and the Arizona Supreme Court granted review.
STANDARD OF REVIEW	A redistricting commission acts as a legislative body, so its legislative enactments receive substantial judicial deference. Courts review whether the Commission followed constitutionally mandated procedures and whether the final plan satisfies substantive constitutional requirements. For the substantive challenge here, the Coalition had to show that no reasonable redistricting commission

	could have adopted the plan. Courts may not substitute their judgment for the Commission's discretionary balancing of competing redistricting goals or choose a better alternative plan.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Arizona; decided en banc.
PARTIES	Arizona Independent Redistricting Commission, Steven W. Lynn, Andrea Minkoff, Daniel R. Elder, Joshua M. Hall, James R. Huntwork v. Arizona Minority Coalition for Fair Redistricting, Ramon Valadez, Peter Rios, Carlos Avelar, Mary Rose Garrido Wilcox, Esther Lumm, Virginia Rivera, Los Abogados

TOPICS

redistricting election law constitutional law separation of powers equal protection

PRACTICE AREAS

constitutional law election law redistricting

QUESTIONS PRESENTED

1. Whether the Independent Redistricting Commission acts as a legislative body for purposes of judicial review.
2. Whether the Commission must favor competitiveness under Article 4, Part 2, Section 1(14)(F) of the Arizona Constitution, or merely consider it.
3. Whether the Commission must consider all six constitutional redistricting goals before advertising a draft map for public comment.
4. Whether the Commission must make objective findings of significant detriment to other constitutional goals when rejecting more competitive plans.
5. Whether the trial court's factual findings were subject to review under the clearly erroneous standard.
6. Whether the final legislative redistricting plan lacked a reasonable constitutional basis.

HOLDINGS

1. The Commission acts as a legislative body because its redistricting decisions involve discretionary policymaking, carry the force of law, have prospective implications, and perform a function traditionally assigned to legislatures.
2. Courts must defer substantially to the Commission's legislative judgments and may not substitute a court's preferred redistricting plan for a plan adopted by the Commission.
3. Competitiveness is a mandatory but conditional constitutional goal: the Commission must favor creating competitive or more competitive districts when practicable and when doing so would not cause significant detriment to the other constitutional goals.

4. The Commission complied with the mandatory constitutional procedure because the record showed that it engaged in a deliberative effort to accommodate competitiveness while considering its effect on the other goals.
5. The Commission did not violate the Constitution by advertising an earlier draft map before considering competitiveness, because it later adjusted the plan after considering all six goals and advertised the resulting draft map for the required thirty-day public-comment period.
6. The Coalition failed to establish that no reasonable redistricting commission could have adopted the challenged plan; the existence of more competitive alternative plans did not establish a constitutional violation.

KEY QUOTATIONS

“We conclude that the Commission acts as a legislative body.” (at 684)

“The constitutional language means what it says: The Commission should favor creating more competitive districts to the extent practicable when doing so does not cause significant detriment to the other goals.” (at 686-687)

“Even if we accept those assertions as true, the fact that a “better” plan exists does not establish that this plan lacks a reasonable basis.” (at 689-690)

FACTUAL BACKGROUND

Arizona voters adopted Proposition 106, transferring responsibility for congressional and legislative redistricting from the legislature to the Independent Redistricting Commission and imposing specified procedural and substantive goals. The Commission initially developed a legislative map that addressed five constitutional goals but did not initially adjust for competitiveness; after the Department of Justice denied preclearance of the legislative plan under the Voting Rights Act, the Commission developed an interim plan and later adopted a revised final plan after considering all six goals, including competitiveness. The Coalition contended that more competitive alternative plans could have been adopted without significant detriment to the other constitutional goals.

PROCEDURAL HISTORY

The superior court initially found that the Commission had failed to favor competitiveness and ordered adoption of a more competitive plan. The court of appeals reversed and remanded for consideration of additional constitutional issues. On remand, the superior court again ruled for the Coalition, but the court of appeals again reversed, holding that the Commission's consideration of competitiveness was supported by substantial evidence. The Arizona Supreme Court vacated the court of appeals' opinion, reversed the superior court's judgment, and remanded with instructions to enter judgment for the Commission.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate the court of appeals' opinion, reverse the trial court's judgment, and remand to the trial court with instructions to enter judgment in favor of the Commission.

CASES CITED

- Beer v. United States, 425 U.S. 130, 141 (1976)
- Navajo Nation v. Arizona Independent Redistricting Commission, 230 F. Supp. 2d 998, 1000-01 (D. Ariz. 2002)
- Arizona Minority Coalition for Fair Redistricting v. Arizona Independent Redistricting Commission, 211 Ariz. 337, 121 P.3d 843 (App. 2005)
- Arizona Minority Coalition for Fair Redistricting v. Arizona Independent Redistricting Commission, 219 Ariz. 50, 192 P.3d 409 (App. 2008)
- Arizona Independent Redistricting Commission v. Fields, 206 Ariz. 130, 75 P.3d 1088 (App. 2003)
- Lake Country Estates, Inc. v. Tahoe Regional Planning Agency, 440 U.S. 391, 405 & n.30 (1979)
- Bogan v. Scott-Harris, 523 U.S. 44, 55-56 (1998)
- Wise v. Lipscomb, 437 U.S. 535, 539 (1978)
- Walters v. National Association of Radiation Survivors, 473 U.S. 305, 319-20 (1985)
- Turner Broadcasting System, Inc. v. FCC, 520 U.S. 180, 195-96 (1997)
- State v. Murphy, 117 Ariz. 57, 570 P.2d 1070 (1977)
- Rostker v. Goldberg, 453 U.S. 57, 64 (1981)
- Chevron Chemical Co. v. Superior Court, 131 Ariz. 431, 641 P.2d 1275 (1982)
- Reynolds v. Sims, 377 U.S. 533 (1964)
- Upham v. Seamon, 456 U.S. 37, 40-41 (1982)
- State v. Stummer, 219 Ariz. 137, 194 P.3d 1043 (2008)
- State v. Casey, 205 Ariz. 359, 71 P.3d 351 (2003)
- Aros v. Beneficial Arizona, Inc., 194 Ariz. 62, 977 P.2d 784 (1999)
- In re Colorado General Assembly, 828 P.2d 185, 189 (Colo. 1992)
- Jensen v. Kentucky State Board of Elections, 959 S.W.2d 771, 776 (Ky. 1997)
- Hartung v. Bradbury, 332 Or. 570, 33 P.3d 972, 980-81 (2001)
- In re Senate Bill 177, 132 Vt. 282, 318 A.2d 157, 159 (1974)
- League of United Latin American Citizens v. Perry, 548 U.S. 399 (2006)
- R.A.V. v. City of St. Paul, 505 U.S. 377, 382 (1992)
- Personnel Administrator of Massachusetts v. Feeney, 442 U.S. 256, 272 (1979)
- Kenyon v. Hammer, 142 Ariz. 69, 83, 688 P.2d 961, 975 (1984)