The opinion upholds the constitutionality of the redistricting commission as a method to draw congressional and legislative redistricting lines after a Census.

The Supreme Court held that the Constitution protects the redistricting commission created by an Arizona public initiative vote and the map it created. The decision in the case Arizona State Legislature v. Arizona Independent Redistricting Commission (2015; Docket No. 13-1314) found that the initiative process adopted by the state allows for the Commission’s map to become the official map. While the Elections Clause refers to the “Legislature”, the Court found a more broad interpretation to include modern approaches to governance is acceptable as long as they are in accordance with federal and state provisions.

Justice Ginsburg wrote for the 5-4 majority, with Justice Kennedy joining liberal Justices Breyer, Sotomayor, and Kagan. In the Opinion of the Court, excluding the ability of the people to participate in the legislative process via an initiative where it is allowed is tantamount to excluding the actual legislature in its functions. In this case, where the State Constitution empowered Arizona residents with the initiative, having the State Legislature restrict the ability of the people because of harm and danger (which the Court differed from the lower courts on whether the Legislature had standing to sue) is not in line with the Constitution.

In 2000, Arizona voters chose to adopt Proposition 106, which would amend the Arizona State Constitution to authorize the Arizona Independent Redistricting Commission (AIRC) to decide the boundaries separating congressional and legislative lines after the once-a-decade Census was finished. Judges in the state would draw up a list of names for the party leaders in the Legislature to choose from (each party leader in each chamber was reserved a pick), and then the four would choose an independent chairperson as the leader. The AIRC held public meetings and received public input on the drawing of the maps, and upon final drafting, the Secretary of State had approval before the maps were implemented.

12 years after the vote to approve Proposition 106, the Arizona Legislature (acting as a whole body) filed a lawsuit against the Commission, claiming that the AIRC removed the Legislature’s right to determine the “times, places, and manners” of the election for Representatives, which the Legislature claimed is reserved to them in Article I, §4 of the U.S. Constitution, known as the Elections Clause. However, the AIRC believes that because the Arizona Constitution has an initiative process for the public to amend and adopt laws (like a legislature would), the public’s vote to create the AIRC is just as legal as the Legislature’s in the drawing of the maps.

The United States District Court for Arizona upheld the constitutionality of the AIRC, using precedent as far back as the 1910s to reason that the Elections Clause of the Constitution is not reserved literally to the state legislature, and that instead the lawmaking process of the initiative (whose byproduct is the AIRC) is valid equally to the Arizona Legislature in drawing the lines. Click here to read the District Court opinion.
States can use a variety of mechanisms for drawing congressional district lines or legislative district lines, and in some instances the mechanisms differ within the same state based on the map. Click on the graphic below to access an interactive infographic about the mechanisms for drawing congressional district lines used across the country by the states. [4]

Government reform groups voiced concern through amicus curiae briefs, saying that the commissions provide some more citizen engagement in the districting process, prevent overwhelmingly gerrymandered safe district construction, and force races to be more competitive, allowing for more balanced candidates to represent the electorate.

As states approach the 2020 Census and another round of district line construction in an ever-increasing politically polarized society, the ruling has signaled that alternative approaches for district line drawing are constitutionally viable.

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