

Honorable Robert M. Brutinel, Chief Justice, Chair
Commission on Appellate Court
Appointments, Petitioner
1501 West Washington Street
Phoenix, AZ 85007

SUPREME COURT OF ARIZONA

REVISED PETITION TO AMEND)
THE PROCEDURES FOR) Supreme Court No.
NOMINATIONS FOR THE) R-20-0035
INDEPENDENT REDISTRICTING) (Expedited Consideration Requested)
COMMISSION)
_____)

Pursuant to Arizona Supreme Court Rule 28, the Commissions on Appellate Appointments (“Commission”) requests this Court for expedited consideration to amend the Procedures for Nominations for the Independent Redistricting Commission. The proposed amendments concern most of the current rules of procedure; therefore, this petition submits the revisions as a new set of rules as opposed to individual rule amendments. Appendix A contains a clean version of the proposed rule amendments and Appendix B contains a strikethrough version.

I. Background and Purpose of the Proposed Rule Amendments.

Petitioner requests modifications to the Procedures for Nominations for the Independent Redistricting Commission. The proposed rule changes include substantive revisions, simple clarifications, deletions of obsolete rules, and updated

language to incorporate the use of previously unavailable online and electronic resources.

II. Explanation of Proposed Rule Changes.

RULE 126. PURPOSE

No proposed amendments.

RULE 127. COMMISSION CHAIR

No proposed amendments.

RULE 128. COMMISSION SECRETARY

Proposal to delete this rule to mirror the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments.

RULE 129. COMMISSIONER IMPARTIALITY

- a.** No proposed amendments only for organization purposes change this rule to 128.a.
- b.** Proposal to clarify this rule with a substantive change to mirror Rule 3(b) and (c) of the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments. Further, it is proposed to split this rule organizationally into 128(b) and 128(c) in the same manner as the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments.
- c.** Proposal to make non-substantive, grammatical corrections to this rule and to organizationally change it to Rule 128(d).

d. Proposal to make non-substantive corrections to mirror Rule 3(e) of the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 128(e).

RULE 130. COMMISSION MEETINGS

a. Proposal to make non-substantive changes that mirror Rule 4(a) of the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 129(a).

b. No proposed amendments only for organization purposes change this Rule to 129(b).

c. Proposal to make non-substantive changes that mirror Rule 4(d) of the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 129(c).

d. Proposal to make non-substantive changes that mirror Rule 4(f) of the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 129(d).

e. Proposal to make non-substantive changes that incorporate language changes of the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 129(e).

f. Proposal to make non-substantive changes that incorporate language changes of the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 129(f).

RULE 131. RECRUITMENT OF APPLICANTS

a. Proposal to make non-substantive changes that mirror rule 5.c. of the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 130(a).

b. Proposal to make non-substantive changes that mirror Rule 5(b) of the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 130(b).

c. No proposed amendments only for organization purposes change this Rule to 130(c).

RULE 132. APPLICATION

a. Proposal to make non-substantive changes that mirror part of Rule 6(a) of the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 131(a).

b. No proposed amendments only for organization purposes change this Rule to 131(b).

c. Proposal to add rule for retention of applications and documents stating, “All applications and documents received with respect to the person’s application shall

be retained at the Administrative Office of the Supreme Court until a new Independent Redistricting Commission is appointed.” and to organizationally change it to Rule 131(c).

d. Proposal to make non-substantive language changes that mirror Rule 6(d) of the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 131(d).

e. (1-2) Proposal to add rule language that mirrors Rule 6(d)(1) and (3) of the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change them to Rule 131(e)(1) and (2).

(3) Proposal to add rule stating “All procedural emails sent between commissioners” as part of the confidential information throughout the nomination process and to organizationally change it to Rule 131(e)(3).

RULE 133. SCREENING OF APPLICATIONS AND SELECTION OF NOMINEES

a. **Public Notice and Comment:** Proposal to make non-substantive language changes that mirror the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 132(a).

b. **Investigation of Applicants:** No proposed amendments only for organization purposes change this Rule to 132(b).

c. **Selection of Nominees:**

1. **General:** No proposed amendments only for organization purposes change this Rule to 132(c)(1).
 2. **Consideration of Applicants:** No proposed amendments only for organization purposes change this Rule to 132(c)(2).
 3. **Discretion to Interview Applicants:** Proposal to make non-substantive language changes that mirror the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 132(c)(3).
 4. **Conduct of Interviews:** Proposal to make non-substantive language changes that mirror the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 132(c)(4).
 5. **Selection of Nominees for Submission to Appointing Official(s):** Proposal to make non-substantive changes that mirror Rule 8(d)(7) of the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 132(c)(5).
- d. **Communication after Interview Meetings:** No proposed amendments only for organization purposes change this to Rule 132(d).

RULE 134. TRANSMITTAL TO APPOINTING OFFICIAL(S)

Proposal to make non-substantive language changes that mirror the Uniform Rules of Procedure for Commissions on Appellate and Trial Court Appointments and to organizationally change it to Rule 133.

III. Distribution and Comment.

The proposed changes have been Considered by the Commissions on Appellate Court Appointments. Expedited consideration and a shortened comment period are being requested so the rules can be in place before the next Commission meets in July.

IV. Conclusion.

The Commission respectfully requests that the Court adopt the proposed amended Procedures for Nominations for the Independent Redistricting Commission, with an immediate effective date.

Respectfully submitted this 2nd day of April, 2020.

BY: /S/ _____
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