

Texas Redistricting Act

HB 10 - SB 26

Bill Text

A BILL TO BE ENTITLED AN ACT

relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 3, Government Code, is amended by adding Chapter 307 to read as follows:

CHAPTER 307. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION

Sec. 307.001. DEFINITIONS. In this chapter:

- (1) "Commission" means the Texas Congressional Redistricting Commission.
- (2) "Plan" means a redistricting plan for the Texas congressional districts adopted as provided by this chapter.

Sec. 307.002. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION. The Texas Congressional Redistricting Commission exercises the legislative authority of this state to adopt redistricting plans for the election of the members of the United States House of Representatives elected from this state. A plan for congressional districts may be established or modified only by the commission as provided by this chapter.

Sec. 307.003. MEMBERSHIP; TERMS. (a) The initial commission consists of nine members selected as follows:

- (1) two members appointed by a majority vote of the members of the Texas House of Representatives belonging to the political party with the most members in the house of representatives;
 - (2) two members appointed by a majority vote of the members of the Texas House of Representatives belonging to the political party with the second highest number of members in the house of representatives;
 - (3) two members appointed by a majority vote of the members of the Texas Senate belonging to the political party with the most members in the senate;
 - (4) two members appointed by a majority vote of the members of the Texas Senate belonging to the political party with the second highest number of members in the senate; and
 - (5) one member appointed by an affirmative vote of not fewer than five of the members of the commission selected under Subdivisions (1)-(4).
- (b) The member appointed under Subsection (a)(5) is a nonvoting

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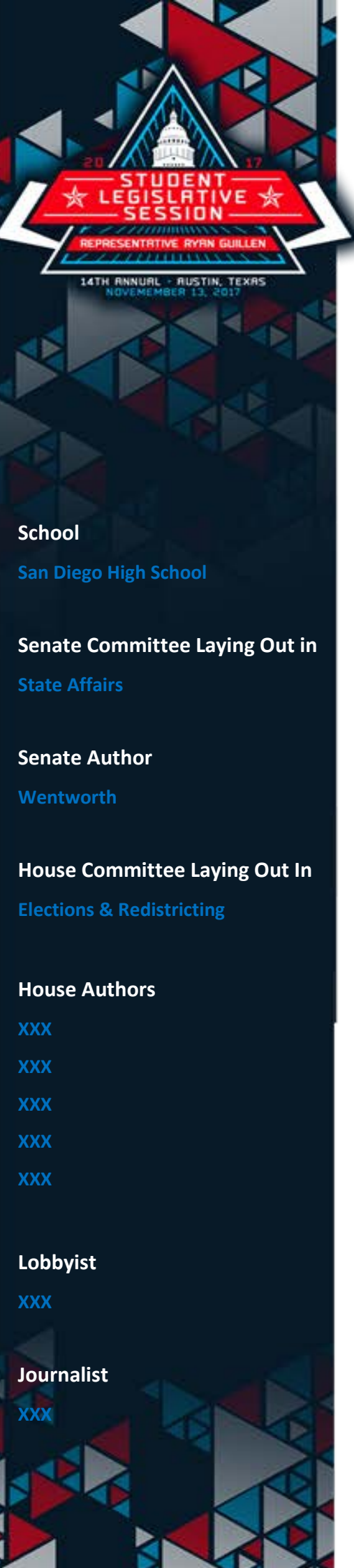
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member and serves as presiding officer of the commission.

(c) Each member of the commission must be a resident of this state. At least one member appointed by the Texas House of Representatives and one member appointed by the Texas Senate must reside in a county not designated as a metropolitan statistical area as defined by the United States Office of Management and Budget. If the members of a house of the legislature entitled to make an appointment to the commission cannot agree on whether the members belonging to the political party with the most members or the political party with the second highest number of members will make the appointment required by this subsection, the presiding officer of that house shall designate the members who must make the appointment required by this subsection.

(d) A person is not eligible to serve on the commission if the person:

(1) holds an elective public office; (2) holds an office in a political party other than membership on a precinct committee; (3) has served in a position described by Subdivision (1) or (2) within the two years preceding the date the person is appointed to the commission; or (4) is required to register under Section 305.003 or was required to register under that section in the two years preceding the date the person is appointed to the commission.

(e) The full term of a member of the commission is a two-year term that begins on February 1 of the year ending in 1 in which the initial appointment to the position is required to be made and expires on January 31 of the next year ending in 3.

(f) A vacancy on the commission is filled in the same manner as provided by this section for the original appointment. If the commission is convened when the vacancy occurs or if the vacancy exists when the commission reconvenes, the appointing authority shall fill the vacancy on or before the 20th day after the date the vacancy occurs or the commission reconvenes, as applicable. The members of the Texas House of Representatives or Texas Senate authorized to appoint a member of the commission may meet as necessary to make an appointment or to fill a vacancy.

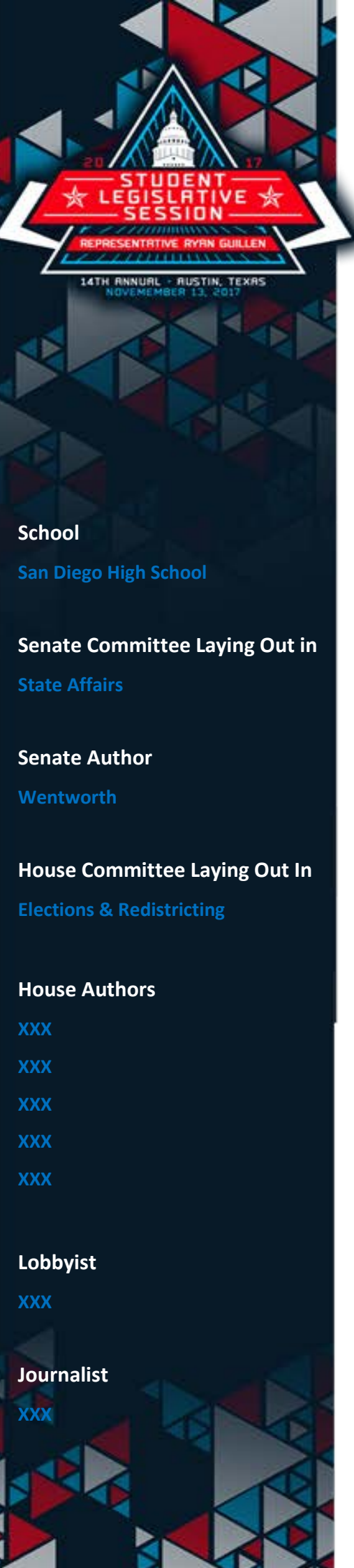
(g) The members of the commission appointed under Subsections (a)(1)-(4) shall be appointed not earlier than January 25 or later than January 31 of each year ending in 1. The member appointed under Subsection (a)(5) shall be appointed not later than the 30th day after the commission convenes under Section 307.008(b).

Sec. 307.004. OATH. Before serving on the commission, each person appointed shall take and subscribe to the constitutional oath of office.

Sec. 307.005. POLITICAL ACTIVITIES PROHIBITED. A member of the commission may not:

(1) be a candidate for or campaign for elective office while a member of the commission; or (2) actively participate in or contribute to the political campaign of a candidate for a state or federal elective office while a member of the commission.

Sec. 307.006. OPERATION OF COMMISSION. (a) The



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legislature shall appropriate sufficient money for the compensation and payment of the expenses of the commission members and any staff employed by the commission.

(b) The commission shall be provided access to statistical or other information compiled by the state or its political subdivisions as necessary for the commission's reapportionment duties.

(c) The Texas Legislative Council, under the direction of the commission, shall provide the technical staff and clerical services that the commission needs to prepare its plans.

Sec. 307.007. DUTIES. The commission shall: (1) adopt rules to administer this chapter; and (2) comply with Chapters 551 and 552.

Sec. 307.008. ADOPTION OF PLAN. (a) A redistricting plan or modification of a redistricting plan is adopted by a vote of not fewer than five members of the commission.

(b) The commission shall convene on the first business day after January 31 of each year ending in 1 and shall adopt a redistricting plan for the members of the United States House of Representatives elected from this state not later than August 31 of that year, unless the federal decennial census is delivered to the appropriate officials of this state after June 1 of that year, in which event the commission shall adopt the redistricting plan not later than the 90th day after the date the census is delivered.

Sec. 307.009. MODIFICATION OF PLAN; ADDITIONAL ACTION. (a) Except as provided by Subsection (b), the commission may reconvene on the motion of at least four of its voting members filed with the secretary of state at any time after the adoption of the initial congressional redistricting plan to modify that plan if the plan becomes unenforceable by order of a court or by action of any other appropriate authority or is subject to legal challenge in a court proceeding. In modifying a redistricting plan, the commission must comply with all applicable standards imposed by this chapter, but is not limited to modifications necessary to correct legal deficiencies.

(b) The authority of the commission to act under this chapter expires on January 31 of the next year ending in 3 unless the final judgment of a court wholly or partly invalidates a plan after that date.

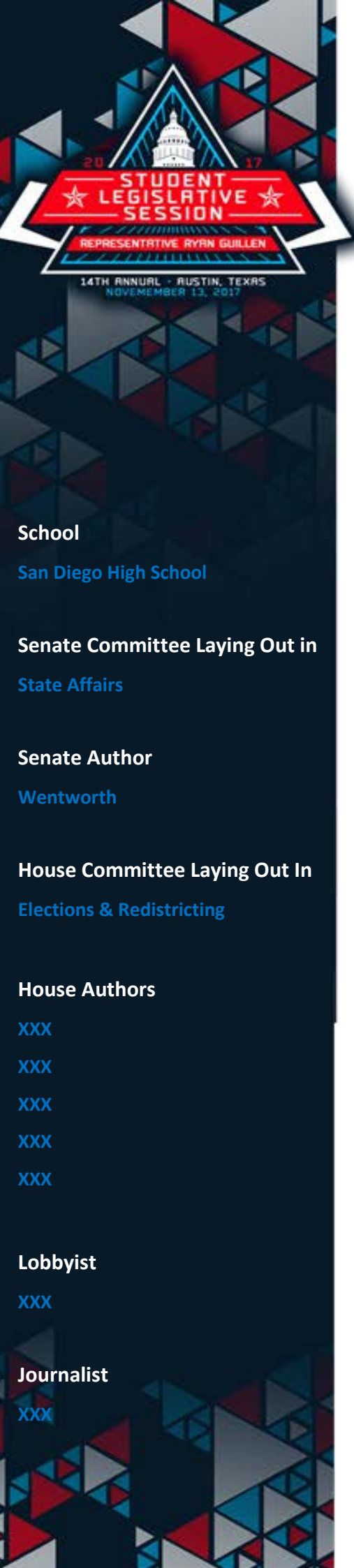
Sec. 307.010. PLAN REQUIREMENTS. (a) In a redistricting plan or modification of a plan adopted under this chapter:

(1) each district must be composed of contiguous territory; (2) each district must contain a population, excluding nonresident military personnel, as nearly equal as practicable to the population of any other district in the plan; and (3) to the extent reasonable, each district must be compact and convenient and be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries.

(b) For each plan or modification of a plan adopted by the commission, the commission shall prepare and publish a report that includes:

(1) for each district in the plan, the total population and the percentage deviation from the average district population;

(2) an explanation of the criteria used in developing the plan, with a



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justification of any population deviation in a district from the average district population; (3) a map or maps of all the districts; and (4) the estimated cost to be incurred by the counties for changes in county election precinct boundaries required to conform to the districts adopted by the commission.

(c) The commission shall make a copy of a report prepared under this section available to the public.

Sec. 307.011. SUBMISSION OF PLAN. On adoption of a plan or modification of a plan by the commission, the commission shall submit the plan or modification to the governor, the secretary of state, and the presiding officer of each house of the legislature.

Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the initial adoption of the plan that the commission is required to adopt, the commission shall take all necessary steps to conclude its business and suspend operations until the commission reconvenes as provided by Section 307.009 if it does reconvene.

(b) The commission shall prepare a financial statement disclosing all expenditures made by the commission. The official record of the commission shall contain all relevant information developed by the commission in carrying out its duties, including maps, data, minutes of meetings, written communications, and other information.

(c) After the commission suspends operations, the secretary of state becomes the custodian of its official records for purposes of election administration. Any unexpended money from an appropriation to the commission reverts to the general revenue fund.

Sec. 307.013. REAPPOINTMENT OF COMMISSION FOLLOWING COURT ACTION. (a) If the final judgment of a state or federal court invalidates all or part of a plan or otherwise makes the plan unenforceable and as of January 31 of the next year ending in 3 the commission has not modified the plan as authorized by Section 307.009 in response to the judgment, a new commission shall be appointed in the manner provided by Section 307.003, except that the appointments described by Sections 307.003(a)(1)-(4) must be made not later than the later of February 14 of that year or the 14th day after the date the judgment becomes final. The commission shall convene not later than the fifth day after the date the last appointment described by Sections 307.003(a)(1)-(4) is made, and the commission must make the appointment described by Section 307.003(a)(5) not later than the fifth day after the date the commission convenes.

(b) A commission appointed under Subsection (a) has the same powers and duties under this chapter as a commission appointed under Section 307.003 except that the terms of the members of the commission and the authority of the commission to act under this chapter expire on the earlier of: (1) the date a judgment of a court approving a new plan adopted by the commission becomes final; or (2) the second anniversary of the date the commission first convenes under Subsection (a).

SECTION 2. This Act takes effect January 1, 2019.