

By: Anchia

H.J.R. No. 15

A JOINT RESOLUTION

1 proposing a constitutional amendment establishing the Texas
2 Redistricting Commission to redistrict the Texas Legislature and
3 Texas congressional districts and revising procedures for
4 redistricting.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article III, Texas Constitution, is amended by
7 adding Section 28a to read as follows:

8 Sec. 28a. (a) The Texas Redistricting Commission exercises
9 the legislative authority of this state to adopt redistricting
10 plans for the election of the Texas House of Representatives, the
11 Texas Senate, and the members of the United States House of
12 Representatives elected from this state. Districts for those
13 legislative bodies may not be established or changed except as
14 provided by this section.

15 (b) The commission consists of seven members selected as
16 follows:

17 (1) one member appointed by the member of the Texas
18 Senate with the most seniority, as defined by senate rules;

19 (2) one member appointed by the member of the Texas
20 Senate with the most seniority, as defined by senate rules, who is
21 of a different political party than the member described by
22 Subdivision (1) of this subsection;

23 (3) one member appointed by the member of the Texas
24 House of Representatives with the most seniority, as defined by

1 house rules;

2 (4) one member appointed by the member of the Texas
3 House of Representatives with the most seniority, as defined by
4 house rules, who is of a different political party than the member
5 described by Subdivision (3) of this subsection;

6 (5) one member appointed by an affirmative vote of not
7 fewer than three of the members of the commission selected under
8 Subdivisions (1) through (4) of this subsection; and

9 (6) two members appointed by the member appointed
10 under Subdivision (5) of this subsection who must be retired
11 federal judges appointed to the federal bench by presidents of
12 different political parties.

13 (c) The members of the commission shall appoint one of the
14 members to serve as presiding officer by an affirmative vote of a
15 majority of the members of the commission.

16 (d) Each member of the commission must be a resident of this
17 state and have relevant skills and abilities, including analytical
18 skills, the capacity for impartiality, and an appreciation for the
19 diverse demographics and geography of the state. A person is not
20 eligible to serve on the commission if the person:

21 (1) holds an elective or appointive public office,
22 other than the office of retired federal judge if the member is
23 appointed under Subsection (b)(6) of this section or an office on
24 the governing body of a school district;

25 (2) holds an office in a political party;

26 (3) is employed by:

27 (A) an elected or appointed public official;

1 (B) a candidate for the legislature or the United
2 States Congress; or

3 (C) an entity whose principal purpose is to
4 support or oppose a candidate described by Paragraph (B) of this
5 subdivision;

6 (4) has served in a position described by Subdivision
7 (1), (2), or (3) of this subsection within the three years preceding
8 the date the person is appointed to the commission;

9 (5) is required by law to register with the Texas
10 Ethics Commission on account of the person's communications with
11 state officers to influence legislation or administrative action,
12 or was required to register in that capacity in the three years
13 preceding the date the person was appointed to the commission; or

14 (6) is related to an elected or appointed public
15 official within the second degree by consanguinity, as determined
16 under general law governing consanguinity.

17 (e) The full term of a member of the commission is a 10-year
18 term that begins on February 1 of the year ending in 1 in which the
19 initial appointment to the position is required to be made and
20 expires on January 31 of the next year ending in 1. A vacancy on the
21 commission is filled in the same manner as provided by this section
22 for the original appointment.

23 (e-1) Notwithstanding Subsection (e) of this section, the
24 term of an initial member of the commission begins October 1, 2022,
25 and expires January 31, 2031. This subsection expires January 1,
26 2032.

27 (f) A member of the commission may not be a candidate in an

1 election for the Texas Senate or Texas House of Representatives
2 before the third anniversary of the date the commission adopts a
3 redistricting plan or modification of a plan for that body during
4 the person's service on the commission.

5 (g) A member of the Texas House of Representatives, the
6 Texas Senate, or the United States House of Representatives may not
7 have contact, directly or indirectly, with a redistricting
8 commission member or with redistricting commission staff, with
9 respect to redistricting, except by testimony in a public hearing.
10 Redistricting commission members may not engage in any discussions,
11 directly or indirectly, regarding redistricting or the work of the
12 redistricting commission with members of the Texas House of
13 Representatives, the Texas Senate, or the United States House of
14 Representatives, except during a public hearing or by written
15 communication given to the entire commission. If a redistricting
16 commission member engages in a prohibited discussion or violates
17 state law regarding public meetings, the commission may, by
18 majority vote, remove the member from the commission.

19 (h) A redistricting plan or modification of a redistricting
20 plan is adopted by a vote of not less than five members of the
21 commission.

22 (i) The members of the commission appointed under
23 Subsections (b)(1) through (4) of this section shall be appointed
24 not earlier than January 25 or later than January 31 of each year
25 ending in 1. The member appointed under Subsection (b)(5) of this
26 section shall be appointed not later than the 15th day after the
27 commission convenes under Subsection (k) of this section. The

1 members appointed under Subsection (b)(6) of this section shall be
2 appointed not later than the 15th day after the date of an
3 appointment under Subsection (b)(5) of this section.

4 (i-1) Notwithstanding Subsection (i) of this section, the
5 initial members of the commission appointed under Subsections
6 (b)(1) through (4) of this section shall be appointed not later than
7 October 31, 2022. This subsection expires January 1, 2032.

8 (j) As soon as practicable after the commission convenes,
9 all members of the commission must attend training provided by a
10 legislative agency that has provided redistricting services to the
11 legislature. The training must include:

12 (1) information on the demographics and geography of
13 the state;

14 (2) the responsibilities of the commission;

15 (3) information on the redistricting process; and

16 (4) redistricting software training.

17 (k) The commission shall convene on the first business day
18 after January 31 of each year ending in 1 and shall adopt a
19 redistricting plan for the Texas Senate, the Texas House of
20 Representatives, and the members of the United States House of
21 Representatives elected from this state not later than July 1 of
22 that year, unless the federal decennial census is delivered to the
23 appropriate officials of this state after May 1 of that year, in
24 which event the commission shall adopt those redistricting plans
25 not later than the 90th day after the date the census is delivered.

26 (k-1) Notwithstanding Subsection (k) of this section, the
27 initial commission established under this section shall convene

1 November 1, 2022. This subsection expires January 1, 2032.

2 (1) The commission shall reconvene to modify a
3 redistricting plan if the plan becomes unenforceable by order of a
4 court or by action of any other appropriate authority. In modifying
5 a redistricting plan, the commission must comply with all
6 applicable standards imposed by this section, other provisions of
7 this constitution, and laws enacted under this section but is not
8 limited to modifications necessary to correct legal deficiencies.

9 (m) In a redistricting plan or modification of a plan
10 adopted under this section, the commission shall consider the
11 following criteria, giving priority to each criterion in the order
12 listed:

13 (1) districts must be drawn in accordance with the
14 federal constitution and all applicable federal laws, including the
15 federal Voting Rights Act of 1965 (52 U.S.C. Section 10101 et seq.);

16 (2) in addition to the requirements of federal law,
17 districts must be drawn in a manner that does not discriminate on
18 the basis of race, color, or membership in a language minority group
19 by ensuring the voting strength of racial, ethnic, and language
20 minorities in the districts is not diluted in a manner that deprives
21 minority voters of an equal opportunity to elect a candidate of
22 their choice;

23 (3) each district must be composed of contiguous
24 territory, and for purposes of this subdivision territory that is
25 adjoining only at a point is not considered contiguous;

26 (4) to the extent reasonable, district boundaries may
27 not divide a community of interest other than a community based on a

1 relationship with a political party or candidate for public office;

2 (5) to the extent reasonable, district boundaries must
3 coincide with the boundaries of political subdivisions of the state
4 and divide the smallest number of counties, municipalities, and
5 school districts possible;

6 (6) each congressional district must contain a
7 population as nearly equal as possible to the population of any
8 other district in the plan; and

9 (7) in a redistricting plan for the Texas Senate or
10 Texas House of Representatives the overall range of population
11 deviation from the district with the largest population to the
12 district with the smallest population may not exceed 2.5 percent.

13 (n) If a political subdivision must be divided, the
14 commission shall give preference to dividing a more populous
15 political subdivision before a less populous one. This subsection
16 does not apply to a boundary drawn along a county line that divides
17 a municipality.

18 (o) The commission may not draw a redistricting plan
19 purposely to favor or discriminate against a political party or any
20 other group.

21 (p) The commission shall provide a process by which the
22 public may comment on a proposed redistricting plan or proposed
23 modification of a plan. The commission shall consider those
24 comments in the adoption or modification of a redistricting plan.

25 (q) For a reasonable period before the commission considers
26 a redistricting plan, including a modification of a redistricting
27 plan, the commission shall make available to the public:

1 (1) a report that identifies for each district in the
2 plan:

3 (A) boundaries;

4 (B) population;

5 (C) racial and ethnic composition;

6 (D) compactness measure;

7 (E) divided governmental units; and

8 (F) political performance indexes; and

9 (2) the total number of:

10 (A) governmental units of each type that are
11 divided;

12 (B) politically balanced districts; and

13 (C) districts anticipated to lean toward each
14 political party.

15 (r) The legislature shall enact laws consistent with this
16 section to implement this section. The laws may include additional
17 qualifications for commission members and additional standards
18 applicable to redistricting plans.

19 (s) The legislature shall appropriate money or otherwise
20 provide the commission with sufficient facilities and personnel to
21 enable the commission to carry out its duties.

22 (t) This section takes effect September 1, 2022. On that
23 date, the Legislative Redistricting Board is abolished and Section
24 28 of this article is repealed. The Texas Redistricting Commission
25 shall convene for the first time on November 1, 2022. This
26 subsection expires January 1, 2032.

27 SECTION 2. Section 7a, Article V, Texas Constitution, is

1 amended by amending Subsections (e) and (i) and adding Subsection
2 (j) to read as follows:

3 (e) Unless the legislature enacts a statewide
4 reapportionment of the judicial districts following each federal
5 decennial census, the board shall convene not later than the first
6 Monday of June of the third year following the year in which the
7 federal decennial census is taken to make a statewide
8 reapportionment of the districts. The board shall complete its
9 work on the reapportionment and file its order with the secretary of
10 state not later than August 31 of the same year. If the Judicial
11 Districts Board fails to make a statewide apportionment by that
12 date, the Texas [~~Legislative~~] Redistricting Commission [~~Board~~]
13 established by Article III, Section 28a [~~28~~], of this constitution
14 shall convene on September 1 of the same year to make a statewide
15 reapportionment of the judicial districts not later than the 90th
16 [~~150th~~] day after the final day for the Judicial Districts Board to
17 make the reapportionment.

18 (i) The legislature, the Judicial Districts Board, or the
19 Texas [~~Legislative~~] Redistricting Commission [~~Board~~] may not
20 redistrict the judicial districts to provide for any judicial
21 district smaller in size than an entire county except as provided by
22 this section. Judicial districts smaller in size than the entire
23 county may be created subsequent to a general election where a
24 majority of the persons voting on the proposition adopt the
25 proposition "to allow the division of _____ County into
26 judicial districts composed of parts of _____ County." No
27 redistricting plan may be proposed or adopted by the legislature,

1 the Judicial Districts Board, or the Texas [~~Legislative~~
2 Redistricting Commission [~~Board~~] in anticipation of a future action
3 by the voters of any county.

4 (j) Until September 1, 2022, a reference in this section to
5 the Texas Redistricting Commission means the Legislative
6 Redistricting Board established under Article III, Section 28, of
7 this constitution. This subsection expires January 1, 2032.

8 SECTION 3. This proposed constitutional amendment shall be
9 submitted to the voters at an election to be held May 7, 2022. The
10 ballot shall be printed to permit voting for or against the
11 following proposition: "The constitutional amendment establishing
12 the Texas Redistricting Commission to redistrict the Texas
13 Legislature and Texas congressional districts and revising
14 procedures for redistricting."