

By: González of Dallas

H.B. No. 3112

A BILL TO BE ENTITLED

AN ACT

relating to procedures for public involvement in redistricting of state legislative districts and congressional districts.

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

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

SUBTITLE D. REDISTRICTING

CHAPTER 331. PUBLIC INVOLVEMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 331.001. DEFINITIONS. In this chapter:

(1) "Council" means the Texas Legislative Council.

(2) "Redistricting plan" means a bill that establishes or modifies the boundaries of districts for the election of members of the Texas Senate, the Texas House of Representatives, or the United States House of Representatives who are elected from this state. The term includes a substitute for or other amendment to a bill.

(3) "Website" means an Internet website established under Subchapter B.

SUBCHAPTER B. REDISTRICTING WEBSITE

Sec. 331.051. ESTABLISHMENT OF WEBSITE. (a) As soon as practicable after a federal decennial census is taken but not later than February 1 of the year following the year in which that census is taken, the council shall establish an Internet website that

1 provides the public with information about the legislature's
2 redistricting activities based on that census.

3 (b) The website must be limited to the subject of
4 redistricting.

5 Sec. 331.052. CONTENT OF WEBSITE. (a) The council shall:

6 (1) continuously update the website to provide advance
7 notice of public hearings, committee meetings, and legislative
8 debates on redistricting plans;

9 (2) provide on the website the most recent available
10 information regarding voting age population, voter registration,
11 and election returns for election precincts and census tracts in
12 this state, including detailed maps depicting that information;

13 (3) allow individuals to submit through the website
14 comments on any redistricting plan being considered by the
15 legislature and questions, comments, and other information
16 regarding the legislature's redistricting activities; and

17 (4) include on the website any other information
18 required under this chapter.

19 (b) Except as provided by Subsection (c), the council shall
20 ensure that any comment submitted to the website by a member of the
21 public regarding a redistricting plan or otherwise related to
22 redistricting is publicly available on the website not later than
23 72 hours after submission.

24 (c) The council may exclude from the website obscene,
25 threatening, harassing, or similarly offensive comments and
26 comments unrelated to redistricting. The council shall provide
27 copies of those comments to adult members of the public on request.

1 Sec. 331.053. DURATION OF WEBSITE. The council shall
2 ensure that the information required to be included on the website
3 relating to the legislature's redistricting activities based on a
4 federal decennial census remains accessible to the public on that
5 website until the website relating to the legislature's
6 redistricting activities based on the next federal decennial census
7 is established.

8 SUBCHAPTER C. REQUIREMENTS FOR LEGISLATIVE COMMITTEES

9 CONSIDERING REDISTRICTING LEGISLATION

10 Sec. 331.101. REDISTRICTING CRITERIA AND PROCEDURES.
11 Before considering any redistricting plan, the standing committees
12 of the senate and the house of representatives with primary
13 jurisdiction over redistricting shall solicit input from members of
14 the public regarding the legislature's criteria and procedures for
15 considering redistricting plans by:

16 (1) holding the public hearings required by Section
17 331.102; and

18 (2) posting those criteria and procedures on the
19 website.

20 Sec. 331.102. COMMITTEE HEARINGS ON REDISTRICTING CRITERIA
21 AND PROCEDURES. (a) Before considering a redistricting plan, the
22 standing committees of the senate and the house of representatives
23 with primary jurisdiction over redistricting shall each hold at
24 least 10 public hearings to consider redistricting criteria and
25 procedures during the year before the final data from a federal
26 decennial census is published and at least five public hearings to
27 consider those criteria and procedures after that data is

1 published. The committees may hold the hearings jointly or
2 separately.

3 (b) The committees shall hold each hearing in a different
4 congressional district in this state, including one hearing in the
5 congressional district with the greatest change in population since
6 the previous congressional apportionment. The committees shall
7 consider holding other hearings in congressional districts that
8 have experienced large changes in population.

9 (c) The committees shall provide public notice at least
10 seven days before each hearing. The notice must include the time
11 and location of the hearing and notice that members of the public
12 may provide comments on the criteria and procedures the committees
13 will use to consider redistricting plans and on other issues
14 related to redistricting.

15 (d) The committees shall allow individuals at remote
16 locations throughout the state to view and provide public testimony
17 at the hearings by videoconference.

18 (e) A committee shall post on the website a transcript of or
19 link to a video recording of each hearing not later than the seventh
20 day after conclusion of the hearing.

21 Sec. 331.103. REDISTRICTING PLAN PROPOSED BY COMMITTEE.

22 (a) A committee of the senate shall post the information required
23 by this section at least 72 hours before reporting from the
24 committee a redistricting plan originating in the senate. A
25 committee of the house of representatives shall post the
26 information required by this section at least 72 hours before
27 reporting from the committee a redistricting plan originating in

1 the house.

2 (b) A committee shall post on the website:

3 (1) a map showing each district in the redistricting
4 plan reported from the committee;

5 (2) the total population and voting age population of
6 each district in the redistricting plan reported from the
7 committee, including a breakdown of those populations by race and
8 by membership in language minority groups;

9 (3) all data and other factual information, in written
10 or electronic form, in the possession of a member, delegation, or
11 caucus of the legislature that is:

12 (A) relevant to the redistricting plan reported
13 from the committee or another version of that plan; and

14 (B) in any way descriptive of a population
15 residing in a geographic area included in the plan;

16 (4) all factual information relevant to the
17 redistricting plan reported from the committee or another version
18 of that plan that is known by or obtained from a consulting expert,
19 attorney, or representative of an attorney, including any facts
20 determined through an analysis or test performed by a consulting
21 expert or attorney, but not including information that is
22 exclusively the mental impression, opinion, conclusion, or legal
23 theory of a consulting expert or attorney;

24 (5) all opinions, mental impressions, and conclusions
25 of an attorney or consulting expert retained by a member,
26 delegation, or caucus of the legislature that:

27 (A) are relevant to the redistricting plan

1 reported from the committee or another version of that plan; and

2 (B) have been disclosed to:

3 (i) an employee of the legislature, other
4 than an employee of a person who retained the attorney or consulting
5 expert; or

6 (ii) a member of the legislature who did not
7 retain the attorney or consulting expert or who is not a member of
8 the delegation or caucus that retained the attorney or consulting
9 expert;

10 (6) a statement explaining the committee's reasons for
11 proposing adoption of the redistricting plan reported from the
12 committee and reasons why the proposed adoption will best serve the
13 public interest;

14 (7) any dissenting statement provided by a member of
15 the committee who does not approve the redistricting plan reported
16 from the committee; and

17 (8) notice that members of the public may submit
18 comments regarding the redistricting plan reported from the
19 committee through the website, at a public hearing, or by any other
20 available means.

21 (c) A committee shall post on the website a machine-readable
22 file containing the information described by Subsections (b)(1) and
23 (2).

24 (d) Any information required to be posted under Subsection
25 (b) that originates in an electronic form, including a shapefile or
26 equivalency file, must be posted in:

27 (1) the original electronic form; and

1 (2) a form that is reasonably usable by and accessible
2 to the general public.

3 (e) A new or amended version of a redistricting plan is
4 subject to the requirements of Subsection (a), regardless of
5 whether the committee complied with those requirements with respect
6 to an earlier version of the plan, unless the committee determines
7 that compliance with those requirements is likely to prevent
8 adoption of the plan before the end of the legislative session.

9 Sec. 331.104. HEARINGS ON PLANS PROPOSED BY COMMITTEE. (a)
10 A committee of the senate shall hold at least two public hearings on
11 a redistricting plan after an affirmative vote to report the
12 redistricting plan from the committee and before the redistricting
13 plan is considered by the full senate.

14 (b) A committee of the house of representatives shall hold
15 at least two public hearings on a redistricting plan after an
16 affirmative vote to report the redistricting plan from the
17 committee and before the redistricting plan is considered by the
18 full house.

19 (c) Except as otherwise provided by this subsection, a
20 committee shall hold each hearing in a different congressional
21 district in this state, including one hearing in the congressional
22 district with the greatest change in population since the previous
23 decennial congressional apportionment. If the committee is unable
24 to hold hearings throughout the state, the committee shall allow
25 public participation in the hearings from various congressional
26 districts throughout this state by videoconference.

27 (d) A committee shall provide public notice at least 72

1 hours before each hearing. The notice must include the time and
2 location of the hearing, notice that members of the public may
3 attend the hearing and provide comments on the redistricting plan,
4 and notice that members of the committee will be available at the
5 hearing to explain the reasons why adoption of the plan will best
6 serve the public interest.

7 (e) A committee shall allow individuals at remote locations
8 throughout the state to view and provide public testimony at the
9 hearings by videoconference.

10 (f) A committee shall post on the website a transcript of or
11 link to a video recording of each hearing not later than 48 hours
12 after conclusion of the hearing.

13 SUBCHAPTER D. REDISTRICTING PLAN ENACTED BY LEGISLATURE

14 Sec. 331.151. INFORMATION REGARDING ENACTED REDISTRICTING
15 PLAN. Not later than the seventh day after the day the legislature
16 passes a bill enacting a redistricting plan, the council shall post
17 on the website and, if practicable, publish in newspapers of
18 general circulation throughout the state:

19 (1) a map showing each district in the plan;

20 (2) for each district in the plan:

21 (A) the total population and voting age
22 population of the district, including a breakdown of those
23 populations by race and by membership in language minority groups;
24 and

25 (B) the number of registered voters in the
26 district including, to the extent available, a breakdown of that
27 number by political party affiliation, race, and membership in

1 language minority groups;

2 (3) statements by the president of the senate and the
3 speaker of the house of representatives explaining the
4 legislature's reasons for adopting the plan and reasons why
5 adoption of the plan will best serve the public interest; and

6 (4) any dissenting statement provided by a member of
7 the legislature who did not approve the plan.

8 SECTION 2. Chapter 331, Government Code, as added by this
9 Act, applies only to a regular or special session of the legislature
10 that begins on or after the effective date of this Act.

11 SECTION 3. This Act takes effect September 1, 2021.