

By: Howard

H.B. No. 731

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the reapportionment of state legislative,
3 congressional, and judicial districts and the functions and duties
4 of the independent redistricting commission.

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

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

8 CHAPTER 307. INDEPENDENT REDISTRICTING COMMISSION

9 Sec. 307.001. DEFINITIONS. In this chapter:

10 (1) "Commission" means the independent redistricting
11 commission established under Article XVIII, Texas Constitution.

12 (2) "Redistricting plan" has the meaning assigned by
13 Section 1, Article XVIII, Texas Constitution.

14 Sec. 307.002. OATH. Before serving on the commission, each
15 person appointed shall take and subscribe to the constitutional
16 oath of office.

17 Sec. 307.003. ELIGIBILITY. The eligibility of a person to
18 serve on the commission is as prescribed by Article XVIII, Texas
19 Constitution.

20 Sec. 307.004. OPERATION OF COMMISSION. (a) The
21 legislature shall appropriate sufficient money for the
22 compensation and payment of the expenses of the commission members
23 and any staff employed by the commission.

24 (b) The commission shall be provided access to statistical

1 or other information compiled by the state or its political
2 subdivisions as necessary for the commission's duties.

3 (c) The Texas Legislative Council shall provide technical
4 staff and clerical services at the commission's request.

5 Sec. 307.005. DUTIES. The commission shall:

6 (1) adopt rules to carry out the constitutional duties
7 of the commission and to administer this chapter; and

8 (2) act as the legislature's recipient of the official
9 census and geographic data from the United States Census Bureau
10 pursuant to the federal decennial census.

11 Sec. 307.006. REDISTRICTING PLAN; FORM. The commission
12 shall include with each report under Section 49(2), Article XVIII,
13 Texas Constitution:

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

17 (2) an explanation of the criteria used in developing
18 the redistricting plan with a justification of any population
19 deviation in a district from the average district population;

20 (3) a map or maps of all the districts; and

21 (4) the estimated cost to be incurred by the counties
22 for changes in county election precinct boundaries required to
23 conform to the districts adopted by the commission.

24 Sec. 307.007. REDISTRICTING PLAN STANDARDS. (a) A
25 redistricting plan adopted by the commission must conform to the
26 standards provided by Article XVIII, Texas Constitution.

27 (b) In developing a redistricting plan, the commission may

1 not consider:

2 (1) the potential effects of the districts on
3 incumbents or potential candidates for office;

4 (2) the residence of any elected official or potential
5 candidate for office;

6 (3) any information involving the past political
7 performance of a specific geographic area, except as necessary to
8 comply with federal law or Article XVIII, Texas Constitution; and

9 (4) data concerning party affiliation or voting
10 history, except as necessary to comply with federal law or Article
11 XVIII, Texas Constitution.

12 Sec. 307.008. DISCLOSURE OF DATA REQUIRED. The commission
13 shall make all redistricting plans submitted to the commission,
14 including the commission's preliminary redistricting plans,
15 hearing transcripts, minutes of meetings, maps, narrative
16 descriptions of proposed districts, and other data used by the
17 commission available to the public through the commission's
18 Internet website and other appropriate means.

19 Sec. 307.009. SUBMISSION OF PLAN. On adoption of a
20 preliminary or final redistricting plan by the commission, the
21 commission shall submit the redistricting plan to the governor, the
22 secretary of state, and the presiding officer of each house of the
23 legislature.

24 Sec. 307.010. OPERATIONS AFTER ADOPTION OF REDISTRICTING
25 PLANS. (a) Following the adoption of all redistricting plans that
26 the commission is required to adopt, the commission shall reduce or
27 suspend its staff, contractors, and operations to the extent

1 practicable.

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

8 (c) The secretary of state shall preserve the commission's
9 records as provided by Section 16, Article XVIII, Texas
10 Constitution.

11 (d) Any unexpended money from an appropriation to the
12 commission reverts to the general revenue fund.

13 Sec. 307.011. CHALLENGES TO REDISTRICTING PLAN. After a
14 final redistricting plan is adopted by the commission, any person
15 aggrieved by the plan may file a petition with the supreme court
16 challenging the plan.

17 Sec. 307.012. CONVENING OF COMMISSION FOR REAPPORTIONMENT
18 OF JUDICIAL DISTRICTS. (a) If the Judicial Districts Board fails
19 to make a statewide reapportionment of judicial districts under
20 Subchapter F, Chapter 24, the commission shall convene on September
21 1 of the year provided by Section 7a(e), Article V, Texas
22 Constitution, to make the statewide reapportionment as required by
23 Section 24.946(a).

24 (b) The commission shall complete the reapportionment of
25 judicial districts as soon as possible within the time provided by
26 Section 7a(e), Article V, Texas Constitution.

27 (c) The commission's reapportionment of judicial districts

1 becomes effective as provided by Sections 24.948 and 24.949.

2 (d) Following the effective date of a reapportionment of
3 judicial districts, the commission shall reduce or suspend its
4 operations to the extent practicable.

5 SECTION 2. Section 42.032, Election Code, is amended to
6 read as follows:

7 Sec. 42.032. REDISTRICTING: BOUNDARY CHANGES. If changes in
8 county election precinct boundaries are necessary to give effect to
9 a redistricting plan under Article XVIII, [~~III, Section 28, of the~~]
10 Texas Constitution, each commissioners court shall order the
11 changes before October 1 of the year in which the redistricting is
12 done.

13 SECTION 3. Section 24.945(e), Government Code, is amended
14 to read as follows:

15 (e) The legislature, the Judicial Districts Board, or the
16 independent redistricting commission [~~Legislative Redistricting~~
17 ~~Board~~] may not redistrict the judicial districts to provide for any
18 judicial district smaller in size than an entire county except as
19 provided by this subsection. Judicial districts smaller in size
20 than the entire county may be created subsequent to a general
21 election in which a majority of the persons voting on the
22 proposition adopt the proposition "to allow the division of
23 _____ County into judicial districts composed of
24 parts of _____ County." A redistricting plan may
25 not be proposed or adopted by the legislature, the Judicial
26 Districts Board, or the independent redistricting commission
27 [~~Legislative Redistricting Board~~] in anticipation of a future

1 action by the voters of any county.

2 SECTION 4. Section 24.946(a), Government Code, is amended
3 to read as follows:

4 (a) The board shall meet in accordance with its own rules.
5 The board shall meet at least once in each interim between regular
6 sessions of the legislature and shall exercise its reapportionment
7 powers only in the interims between regular legislative sessions.
8 Meetings of the board shall be subject to the provisions of Chapter
9 551, except as otherwise provided by this subchapter. A
10 reapportionment may not be ordered in the interim immediately
11 following a regular session of the legislature in which a valid and
12 subsisting statewide reapportionment of judicial districts is
13 enacted by the legislature. Unless the legislature enacts a
14 statewide reapportionment of the judicial districts following each
15 federal decennial census, the board shall convene not later than
16 the first Monday of June of the third year following the year in
17 which the federal decennial census is taken to make a statewide
18 reapportionment of the districts. The board shall complete its
19 work on the reapportionment and file its order with the secretary of
20 state not later than August 31 of the same year. If the Judicial
21 Districts Board fails to make a statewide apportionment by that
22 date, the independent redistricting commission [~~Legislative~~
23 ~~Redistricting Board~~] established under [~~by~~] Article XVIII, [~~III,~~
24 ~~Section 28, of the~~] Texas Constitution, shall make a statewide
25 reapportionment of the judicial districts not later than the 90th
26 [~~150th~~] day after the final day for the Judicial Districts Board to
27 make the reapportionment, and that apportionment takes effect as

1 provided by Sections 24.948 and 24.949.

2 SECTION 5. Section 2058.002(a), Government Code, is amended
3 to read as follows:

4 (a) The legislature or the independent redistricting
5 commission established [~~Legislative Redistricting Board~~] under
6 Article XVIII, [~~III, Section 28, of the~~] Texas Constitution, may
7 officially recognize or act on a federal decennial census before
8 September 1 of the year after the calendar year during which the
9 census was taken.

10 SECTION 6. This Act takes effect January 1, 2029, but only
11 if the constitutional amendment proposed by the 88th Legislature,
12 Regular Session, 2023, establishing an independent redistricting
13 commission to establish districts for the election of the members
14 of the United States House of Representatives elected from this
15 state, the Texas Senate, and the Texas House of Representatives is
16 approved by the voters. If that proposed constitutional amendment
17 is not approved by the voters, this Act has no effect.