

By: Puente

H.B. No. 88

A BILL TO BE ENTITLED

AN ACT

relating to the reapportionment of state legislative, congressional, and judicial districts and the creation, function, and duties of the Texas 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 REDISTRICTING COMMISSION

Sec. 307.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Redistricting Commission established by Section 28a, Article III, Texas Constitution.

(2) "Plan" means a redistricting plan for the Texas Senate, Texas House of Representatives, or Texas congressional districts adopted as provided by Section 28a, Article III, Texas Constitution, and this chapter.

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

Sec. 307.003. ELIGIBILITY. The eligibility of a person to serve on the commission is as prescribed by Section 28a, Article III, Texas Constitution.

Sec. 307.004. POLITICAL ACTIVITIES PROHIBITED. A member of the commission may not:

1 (1) campaign for elective office while a member of the
2 commission;

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

6 (3) serve as or be a candidate to be a member of the
7 Texas Legislature before the second anniversary of the date the
8 commission adopted a redistricting plan for that body during the
9 member's service on the commission.

10 Sec. 307.005. OPERATION OF COMMISSION. (a) The
11 legislature shall appropriate sufficient money for the
12 compensation and payment of the expenses of the commission members
13 and any staff employed by the commission.

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

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

21 Sec. 307.006. DUTIES. The commission shall:

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

24 (2) act as the legislature's recipient of the official
25 census data and maps from the United States Bureau of the Census
26 pursuant to the federal decennial census; and

27 (3) comply with Chapters 551 and 552.

1 Sec. 307.007. REDISTRICTING PLAN; FORM. (a) For each plan
2 or modification of a plan adopted by the commission, the commission
3 shall prepare and publish a report that includes:

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

7 (2) an explanation of the criteria used in developing
8 the plan, with a justification of any population deviation in a
9 district from the average district population;

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

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

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

16 Sec. 307.008. REDISTRICTING PLAN STANDARDS. A plan adopted
17 by the commission must conform to the standards provided by
18 Sections 25, 26, and 28a, Article III, Texas Constitution.

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

23 Sec. 307.010. CESSATION OF OPERATIONS. (a) Following the
24 initial adoption of all plans that the commission is required to
25 adopt, the commission shall take all necessary steps to conclude
26 its business and suspend operations until the commission reconvenes
27 as provided by Section 28a, Article III, or Section 7a, Article V,

1 Texas Constitution, if it does reconvene.

2 (b) The commission shall prepare a financial statement
3 disclosing all expenditures made by the commission. The official
4 record of the commission shall 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) After the commission suspends operations, the secretary
9 of state becomes the custodian of its official records for purposes
10 of election administration. Any unexpended money from an
11 appropriation to the commission reverts to the general revenue
12 fund.

13 Sec. 307.011. CHALLENGES TO PLAN. (a) After a plan or
14 modification of a plan is adopted by the commission or supreme court
15 under Section 28a, Article III, Texas Constitution, any person
16 aggrieved by the plan or modification may file a petition with the
17 supreme court challenging the plan.

18 (b) The supreme court may consolidate any or all petitions
19 and shall give the petitions precedence over all other matters.

20 (c) This section does not limit the remedies available under
21 other law to any person aggrieved by a plan.

22 Sec. 307.012. RECONVENING OF COMMISSION FOR
23 REAPPORTIONMENT OF JUDICIAL DISTRICTS. (a) If the Judicial
24 Districts Board fails to make a statewide reapportionment of
25 judicial districts under Subchapter F, Chapter 24, unless the
26 commission is already reconvened, the commission shall reconvene on
27 September 1 of the year provided by Section 7a(e), Article V, Texas

1 Constitution, to make the statewide reapportionment as required by
2 Section 24.946(a).

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

6 (c) The commission's reapportionment of judicial districts
7 becomes effective as provided by Sections 24.948 and 24.949.

8 (d) Following the effective date of a reapportionment of
9 judicial districts, the commission shall take all necessary steps
10 to conclude its business and suspend operations in accordance with
11 Section 307.010. The commission shall suspend operations after the
12 90th day after the September 1 on which the commission's authority
13 to adopt a reapportionment plan for the judicial districts begins,
14 unless the supreme court grants the commission additional time to
15 conduct its activities.

16 SECTION 2. Section 24.945(e), Government Code, is amended
17 to read as follows:

18 (e) 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 subsection. Judicial districts smaller in size than the
23 entire county may be created subsequent to a general election in
24 which a majority of the persons voting on the proposition adopt the
25 proposition "to allow the division of _____ County
26 into judicial districts composed of parts of _____
27 County." A redistricting plan may not be proposed or adopted by the

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

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

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

1 for the Judicial Districts Board to make the reapportionment, and
2 that apportionment takes effect as provided by Sections 24.948 and
3 24.949.

4 SECTION 4. This Act takes effect January 1, 2005, but only
5 if the constitutional amendment proposed by the 78th Legislature,
6 1st Called Session, 2003, establishing the Texas Redistricting
7 Commission to redistrict the Texas Legislature and Texas
8 congressional districts and revising constitutional redistricting
9 procedures is approved by the voters. If that proposed
10 constitutional amendment is not approved by the voters, this Act
11 has no effect.