

Amend CSHB 7 by adding the following appropriately numbered Article and renumbering the remaining articles as appropriate:

ARTICLE ____ . TEXAS CONGRESSIONAL
REDISTRICTING COMMISSION

SECTION ____ .01. 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. Districts for that legislative body may not be established while the commission has authority to act under this chapter.

Sec. 307.003. MEMBERSHIP; TERMS. (a) The 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) through (4).

(b) The member appointed under Subsection (a)(5) is a nonvoting member and serves as presiding officer of the commission.

(c) Each member of the commission must be a resident of this state. 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;

(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; or

(5) is currently receiving or has received in the two years preceding the date the person is appointed to the commission compensation that is required to be reported as a campaign or officeholder expenditure under Title 15, Election Code.

(d) The full term of a member of the commission is a two-year term that begins on February 1 of the year ending in one in which the initial appointment to the position is required to be made. At the conclusion of a member's two-year term, the authority of the commission to act under this chapter expires until the appointment of new members in the subsequent year ending in one.

(e) A vacancy on the commission is filled in the same manner as provided by this section for the original appointment, except that, if the commission is convened when the vacancy occurs or if the vacancy exists when the commission reconvenes, the supreme court shall fill the vacancy if the initial appointing authority fails to fill the vacancy on or before the 20th day after the date the vacancy occurs or the commission reconvenes, as applicable. The supreme court shall fill the vacancy not later than the ninth day after the earliest date on which the supreme court may fill the vacancy, or as soon after the ninth day as possible. 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.

(f) The members of the commission appointed under Subsections (a)(1) through (4) shall be appointed not earlier than January 25 or later than January 31 of each year ending in one. 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). If a member is not appointed in the time provided by this subsection, the supreme court shall make the appointment before the sixth day after the last date on which the initial appointing authority could have made the appointment, or as soon after the sixth day as possible.

(g) A person may not, for the two-year period following the conclusion of the person's service on the commission:

(1) perform an activity for which registration is required under Chapter 305; or

(2) receive compensation that is required to be reported as a campaign or officeholder expenditure under Title 15, Election Code.

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) 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 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 one and shall adopt a redistricting plan for the members of the United States House of Representatives elected from this state not later than July 1 of that year, unless the federal decennial census is delivered to the appropriate officials of this state after May 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.

(c) If the commission does not adopt a plan within the time required by Subsection (b), the commission's authority to adopt a plan is suspended and the supreme court shall adopt the plan not later than September 1 of the year in which the census is delivered, or the 60th day after the last date by which the commission is directed to adopt a plan under Subsection (b), whichever date is later.

Sec. 307.009. MODIFICATION OF PLAN; ADDITIONAL ACTION. (a) 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 commission may reconvene in the manner provided by Subsection (a) to adopt a redistricting plan if the supreme court does not adopt a plan for the applicable body in the time provided

by Section 307.008(c), if the supreme court is required to adopt a plan for that body because the commission did not adopt an initial plan for that body as required by Section 307.008(b).

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) The commission or supreme court may not draw a redistricting plan purposely to favor or discriminate against a political party or any other group.

(c) 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 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.

(d) 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. On expiration of the terms of the members of the commission, the commission shall suspend its operations until the appointment of new members in the subsequent year ending in one.

(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. CHALLENGES TO PLAN. (a) After a plan or modification of a plan is adopted by the commission or supreme court, any person aggrieved by the plan or modification may file a petition with the supreme court challenging the plan.

(b) The supreme court has original jurisdiction to hear and decide cases involving congressional redistricting, including a case involving a redistricting plan adopted by the supreme court under this chapter. A member of the court is not disqualified from participating in a redistricting case because the member has participated or may participate in the adoption of a redistricting plan, but may recuse himself or herself from the case. This subsection supersedes any other law, including an applicable code of judicial conduct, with regard to conflicts of interest by or disqualification of a member of the court.

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

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

SECTION ____.02. This article takes effect January 1, 2005.