

By: Wentworth, et al.

S.B. No. 1404

A BILL TO BE ENTITLED

AN ACT

relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional 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 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 initial 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

1 political party with the most members in the house of
2 representatives;

3 (2) two members appointed by a majority vote of the
4 members of the Texas House of Representatives belonging to the
5 political party with the second highest number of members in the
6 house of representatives;

7 (3) two members appointed by a majority vote of the
8 members of the Texas Senate belonging to the political party with
9 the most members in the senate;

10 (4) two members appointed by a majority vote of the
11 members of the Texas Senate belonging to the political party with
12 the second highest number of members in the senate; and

13 (5) one member appointed by an affirmative vote of not
14 fewer than five of the members of the commission selected under
15 Subdivisions (1)-(4).

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

18 (c) Each member of the commission must be a resident of this
19 state. At least one member appointed by the Texas House of
20 Representatives and one member appointed by the Texas Senate must
21 reside in a county not designated as a metropolitan statistical
22 area as defined by the United States Office of Management and
23 Budget. A person is not eligible to serve on the commission if the
24 person:

25 (1) holds an elective public office;

26 (2) holds an office in a political party other than
27 membership on a precinct committee;

1 (3) has served in a position described by Subdivision
2 (1) or (2) within the two years preceding the date the person is
3 appointed to the commission; or

4 (4) is required to register under Section 305.003 or
5 was required to register under that section in the two years
6 preceding the date the person is appointed to the commission.

7 (d) The full term of a member of the commission is a 10-year
8 term that begins on February 1 of the year ending in one in which the
9 initial appointment to the position is required to be made and
10 expires on January 31 of the next year ending in one.

11 (e) A vacancy on the commission is filled in the same manner
12 as provided by this section for the original appointment, except
13 that, if the commission is convened when the vacancy occurs or if
14 the vacancy exists when the commission reconvenes, the supreme
15 court shall fill the vacancy if the initial appointing authority
16 fails to fill the vacancy on or before the 20th day after the date
17 the vacancy occurs or the commission reconvenes, as applicable.
18 The supreme court shall fill the vacancy not later than the ninth
19 day after the earliest date on which the supreme court may fill the
20 vacancy, or as soon after the ninth day as possible. The members of
21 the Texas House of Representatives or Texas Senate authorized to
22 appoint a member of the commission may meet as necessary to make an
23 appointment or to fill a vacancy.

24 (f) The members of the commission appointed under
25 Subsections (a)(1)-(4) shall be appointed not earlier than January
26 25 or later than January 31 of each year ending in one. The member
27 appointed under Subsection (a)(5) shall be appointed not later than

1 the 30th day after the commission convenes under Section
2 307.008(b). If a member is not appointed in the time provided by
3 this subsection, the supreme court shall make the appointment
4 before the sixth day after the last date on which the initial
5 appointing authority could have made the appointment, or as soon
6 after the sixth day as possible.

7 Sec. 307.004. OATH. Before serving on the commission, each
8 person appointed shall take and subscribe to the constitutional
9 oath of office.

10 Sec. 307.005. POLITICAL ACTIVITIES PROHIBITED. A member of
11 the commission may not:

12 (1) campaign for elective office while a member of the
13 commission; or

14 (2) actively participate in or contribute to the
15 political campaign of a candidate for a state or federal elective
16 office while a member of the commission.

17 Sec. 307.006. OPERATION OF COMMISSION. (a) The
18 legislature shall appropriate sufficient money for the
19 compensation and payment of the expenses of the commission members
20 and any staff employed by the commission.

21 (b) The commission shall be provided access to statistical
22 or other information compiled by the state or its political
23 subdivisions as necessary for the commission's reapportionment
24 duties.

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

1 Sec. 307.007. DUTIES. The commission shall:

2 (1) adopt rules to administer this chapter; and

3 (2) comply with Chapters 551 and 552.

4 Sec. 307.008. ADOPTION OF PLAN. (a) A redistricting plan
5 or modification of a redistricting plan is adopted by a vote of not
6 fewer than five members of the commission.

7 (b) The commission shall convene on the first business day
8 after January 31 of each year ending in one and shall adopt a
9 redistricting plan for the members of the United States House of
10 Representatives elected from this state not later than June 15 of
11 that year, unless the federal decennial census is delivered to the
12 appropriate officials of this state after May 1 of that year, in
13 which event the commission shall adopt the redistricting plan not
14 later than the 75th day after the date the census is delivered.

15 (c) If the commission does not adopt a plan within the time
16 required by Subsection (b), not later than the second day after the
17 date of the deadline for commission action prescribed by Subsection
18 (b), the chief justice of the supreme court shall appoint a person
19 to serve as an additional voting member of the commission. The
20 person appointed must be eligible to serve on the commission. The
21 term of a member appointed under this section expires on the same
22 day as the other voting members of the commission.

23 (d) Following appointment of a member under Subsection (c),
24 the commission shall adopt a redistricting plan not later than the
25 45th day after the date of the deadline for commission action
26 prescribed by Subsection (b).

27 (e) If the commission does not adopt a plan within the time

1 required by Subsection (d), the commission's authority to adopt a
2 plan is suspended and the supreme court shall adopt the plan not
3 later than the 45th day after the date of the deadline for
4 commission action prescribed by Subsection (d).

5 Sec. 307.009. MODIFICATION OF PLAN; ADDITIONAL ACTION.

6 (a) The commission may reconvene on the motion of at least four of
7 its voting members filed with the secretary of state at any time
8 after the adoption of the initial congressional redistricting plan
9 to modify that plan if the plan becomes unenforceable by order of a
10 court or by action of any other appropriate authority or is subject
11 to legal challenge in a court proceeding. In modifying a
12 redistricting plan, the commission must comply with all applicable
13 standards imposed by this chapter, but is not limited to
14 modifications necessary to correct legal deficiencies.

15 (b) The commission may reconvene in the manner provided by
16 Subsection (a) to adopt a redistricting plan if the supreme court
17 does not adopt a plan for the applicable body in the time provided
18 by Section 307.008(e), if the supreme court is required to adopt a
19 plan for that body because the commission did not adopt an initial
20 plan for that body as required by Section 307.008(d).

21 Sec. 307.010. PLAN REQUIREMENTS. (a) In a redistricting
22 plan or modification of a plan adopted under this chapter:

23 (1) each district must be composed of contiguous
24 territory;

25 (2) each district must contain a population, excluding
26 nonresident military personnel, as nearly equal as practicable to
27 the population of any other district in the plan; and

1 (3) to the extent reasonable, each district must be
2 compact and convenient and be separated from adjoining districts by
3 natural geographic barriers, artificial barriers, or political
4 subdivision boundaries.

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

8 (c) For each plan or modification of a plan adopted by the
9 commission, the commission shall prepare and publish a report that
10 includes:

11 (1) for each district in the plan, the total
12 population and the percentage deviation from the average district
13 population;

14 (2) an explanation of the criteria used in developing
15 the plan, with a justification of any population deviation in a
16 district from the average district population;

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

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

21 (d) The commission shall make a copy of a report prepared
22 under this section available to the public.

23 Sec. 307.011. SUBMISSION OF PLAN. On adoption of a plan or
24 modification of a plan by the commission, the commission shall
25 submit the plan or modification to the governor, the secretary of
26 state, and the presiding officer of each house of the legislature.

27 Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the

1 initial adoption of the plan that the commission is required to
2 adopt, the commission shall take all necessary steps to conclude
3 its business and suspend operations until the commission reconvenes
4 as provided by Section 307.009 if it does reconvene.

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

11 (c) After the commission suspends operations, the secretary
12 of state becomes the custodian of its official records for purposes
13 of election administration. Any unexpended money from an
14 appropriation to the commission reverts to the general revenue
15 fund.

16 Sec. 307.013. CHALLENGES TO PLAN. (a) After a plan or
17 modification of a plan is adopted by the commission or supreme
18 court, any person aggrieved by the plan or modification may file a
19 petition with the supreme court challenging the plan.

20 (b) The supreme court has original jurisdiction to hear and
21 decide cases involving congressional redistricting, including a
22 case involving a redistricting plan adopted by the supreme court
23 under this chapter. A member of the court is not disqualified from
24 participating in a redistricting case because the member has
25 participated or may participate in the adoption of a redistricting
26 plan, but may recuse himself or herself from the case. This
27 subsection supersedes any other law, including an applicable code

1 of judicial conduct, with regard to conflicts of interest by or
2 disqualification of a member of the court.

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

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

7 SECTION 2. This Act takes effect January 1, 2007.