

1-1 By: Wentworth, et al. S.B. No. 1404
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read
1-3 first time and referred to Committee on State Affairs;
1-4 May 17, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 1; May 17, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1404 By: Madla

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the reapportionment of congressional districts and the
1-11 creation, function, and duties of the Texas Congressional
1-12 Redistricting Commission.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle A, Title 3, Government Code, is amended
1-15 by adding Chapter 307 to read as follows:

1-16 CHAPTER 307. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION

1-17 Sec. 307.001. DEFINITIONS. In this chapter:

1-18 (1) "Commission" means the Texas Congressional
1-19 Redistricting Commission.

1-20 (2) "Plan" means a redistricting plan for the Texas
1-21 congressional districts adopted as provided by this chapter.

1-22 Sec. 307.002. TEXAS CONGRESSIONAL REDISTRICTING
1-23 COMMISSION. The Texas Congressional Redistricting Commission
1-24 exercises the legislative authority of this state to adopt
1-25 redistricting plans for the election of the members of the United
1-26 States House of Representatives elected from this state. Districts
1-27 for that legislative body may not be established while the
1-28 commission has authority to act under this chapter.

1-29 Sec. 307.003. MEMBERSHIP; TERMS. (a) The initial
1-30 commission consists of nine members selected as follows:

1-31 (1) two members appointed by a majority vote of the
1-32 members of the Texas House of Representatives belonging to the
1-33 political party with the most members in the house of
1-34 representatives;

1-35 (2) two members appointed by a majority vote of the
1-36 members of the Texas House of Representatives belonging to the
1-37 political party with the second highest number of members in the
1-38 house of representatives;

1-39 (3) two members appointed by a majority vote of the
1-40 members of the Texas Senate belonging to the political party with
1-41 the most members in the senate;

1-42 (4) two members appointed by a majority vote of the
1-43 members of the Texas Senate belonging to the political party with
1-44 the second highest number of members in the senate; and

1-45 (5) one member appointed by an affirmative vote of not
1-46 fewer than five of the members of the commission selected under
1-47 Subdivisions (1)-(4).

1-48 (b) The member appointed under Subsection (a)(5) is a
1-49 nonvoting member and serves as presiding officer of the commission.

1-50 (c) Each member of the commission must be a resident of this
1-51 state. At least one member appointed by the Texas House of
1-52 Representatives and one member appointed by the Texas Senate must
1-53 reside in a county not designated as a metropolitan statistical
1-54 area as defined by the United States Office of Management and
1-55 Budget. A person is not eligible to serve on the commission if the
1-56 person:

1-57 (1) holds an elective public office;
1-58 (2) holds an office in a political party other than
1-59 membership on a precinct committee;

1-60 (3) has served in a position described by Subdivision
1-61 (1) or (2) within the two years preceding the date the person is
1-62 appointed to the commission; or

1-63 (4) is required to register under Section 305.003 or

2-1 was required to register under that section in the two years
 2-2 preceding the date the person is appointed to the commission.

2-3 (d) The full term of a member of the commission is a 10-year
 2-4 term that begins on February 1 of the year ending in one in which the
 2-5 initial appointment to the position is required to be made and
 2-6 expires on January 31 of the next year ending in one.

2-7 (e) A vacancy on the commission is filled in the same manner
 2-8 as provided by this section for the original appointment, except
 2-9 that, if the commission is convened when the vacancy occurs or if
 2-10 the vacancy exists when the commission reconvenes, the supreme
 2-11 court shall fill the vacancy if the initial appointing authority
 2-12 fails to fill the vacancy on or before the 20th day after the date
 2-13 the vacancy occurs or the commission reconvenes, as applicable.
 2-14 The supreme court shall fill the vacancy not later than the ninth
 2-15 day after the earliest date on which the supreme court may fill the
 2-16 vacancy, or as soon after the ninth day as possible. The members of
 2-17 the Texas House of Representatives or Texas Senate authorized to
 2-18 appoint a member of the commission may meet as necessary to make an
 2-19 appointment or to fill a vacancy.

2-20 (f) The members of the commission appointed under
 2-21 Subsections (a)(1)-(4) shall be appointed not earlier than January
 2-22 25 or later than January 31 of each year ending in one. The member
 2-23 appointed under Subsection (a)(5) shall be appointed not later than
 2-24 the 30th day after the commission convenes under Section
 2-25 307.008(b). If a member is not appointed in the time provided by
 2-26 this subsection, the supreme court shall make the appointment
 2-27 before the sixth day after the last date on which the initial
 2-28 appointing authority could have made the appointment, or as soon
 2-29 after the sixth day as possible.

2-30 Sec. 307.004. OATH. Before serving on the commission, each
 2-31 person appointed shall take and subscribe to the constitutional
 2-32 oath of office.

2-33 Sec. 307.005. POLITICAL ACTIVITIES PROHIBITED. A member of
 2-34 the commission may not:

2-35 (1) campaign for elective office while a member of the
 2-36 commission; or

2-37 (2) actively participate in or contribute to the
 2-38 political campaign of a candidate for a state or federal elective
 2-39 office while a member of the commission.

2-40 Sec. 307.006. OPERATION OF COMMISSION. (a) The
 2-41 legislature shall appropriate sufficient money for the
 2-42 compensation and payment of the expenses of the commission members
 2-43 and any staff employed by the commission.

2-44 (b) The commission shall be provided access to statistical
 2-45 or other information compiled by the state or its political
 2-46 subdivisions as necessary for the commission's reapportionment
 2-47 duties.

2-48 (c) The Texas Legislative Council, under the direction of
 2-49 the commission, shall provide the technical staff and clerical
 2-50 services that the commission needs to prepare its plans.

2-51 Sec. 307.007. DUTIES. The commission shall:

2-52 (1) adopt rules to administer this chapter; and

2-53 (2) comply with Chapters 551 and 552.

2-54 Sec. 307.008. ADOPTION OF PLAN. (a) A redistricting plan
 2-55 or modification of a redistricting plan is adopted by a vote of not
 2-56 fewer than five members of the commission.

2-57 (b) The commission shall convene on the first business day
 2-58 after January 31 of each year ending in one and shall adopt a
 2-59 redistricting plan for the members of the United States House of
 2-60 Representatives elected from this state not later than June 15 of
 2-61 that year, unless the federal decennial census is delivered to the
 2-62 appropriate officials of this state after May 1 of that year, in
 2-63 which event the commission shall adopt the redistricting plan not
 2-64 later than the 75th day after the date the census is delivered.

2-65 (c) If the commission does not adopt a plan within the time
 2-66 required by Subsection (b), not later than the second day after the
 2-67 date of the deadline for commission action prescribed by Subsection
 2-68 (b), the chief justice of the supreme court shall appoint a person
 2-69 to serve as an additional voting member of the commission. The

3-1 person appointed must be eligible to serve on the commission. The
3-2 term of a member appointed under this section expires on the same
3-3 day as the other voting members of the commission.

3-4 (d) Following appointment of a member under Subsection (c),
3-5 the commission shall adopt a redistricting plan not later than the
3-6 45th day after the date of the deadline for commission action
3-7 prescribed by Subsection (b).

3-8 (e) If the commission does not adopt a plan within the time
3-9 required by Subsection (d), the commission's authority to adopt a
3-10 plan is suspended and the supreme court shall adopt the plan not
3-11 later than the 45th day after the date of the deadline for
3-12 commission action prescribed by Subsection (d).

3-13 Sec. 307.009. MODIFICATION OF PLAN; ADDITIONAL ACTION.

3-14 (a) The commission may reconvene on the motion of at least four of
3-15 its voting members filed with the secretary of state at any time
3-16 after the adoption of the initial congressional redistricting plan
3-17 to modify that plan if the plan becomes unenforceable by order of a
3-18 court or by action of any other appropriate authority or is subject
3-19 to legal challenge in a court proceeding. In modifying a
3-20 redistricting plan, the commission must comply with all applicable
3-21 standards imposed by this chapter, but is not limited to
3-22 modifications necessary to correct legal deficiencies.

3-23 (b) The commission may reconvene in the manner provided by
3-24 Subsection (a) to adopt a redistricting plan if the supreme court
3-25 does not adopt a plan for the applicable body in the time provided
3-26 by Section 307.008(e), if the supreme court is required to adopt a
3-27 plan for that body because the commission did not adopt an initial
3-28 plan for that body as required by Section 307.008(d).

3-29 Sec. 307.010. PLAN REQUIREMENTS. (a) In a redistricting
3-30 plan or modification of a plan adopted under this chapter:

3-31 (1) each district must be composed of contiguous
3-32 territory;

3-33 (2) each district must contain a population, excluding
3-34 nonresident military personnel, as nearly equal as practicable to
3-35 the population of any other district in the plan; and

3-36 (3) to the extent reasonable, each district must be
3-37 compact and convenient and be separated from adjoining districts by
3-38 natural geographic barriers, artificial barriers, or political
3-39 subdivision boundaries.

3-40 (b) The commission or supreme court may not draw a
3-41 redistricting plan purposely to favor or discriminate against a
3-42 political party or any other group.

3-43 (c) For each plan or modification of a plan adopted by the
3-44 commission, the commission shall prepare and publish a report that
3-45 includes:

3-46 (1) for each district in the plan, the total
3-47 population and the percentage deviation from the average district
3-48 population;

3-49 (2) an explanation of the criteria used in developing
3-50 the plan, with a justification of any population deviation in a
3-51 district from the average district population;

3-52 (3) a map or maps of all the districts; and

3-53 (4) the estimated cost to be incurred by the counties
3-54 for changes in county election precinct boundaries required to
3-55 conform to the districts adopted by the commission.

3-56 (d) The commission shall make a copy of a report prepared
3-57 under this section available to the public.

3-58 Sec. 307.011. SUBMISSION OF PLAN. On adoption of a plan or
3-59 modification of a plan by the commission, the commission shall
3-60 submit the plan or modification to the governor, the secretary of
3-61 state, and the presiding officer of each house of the legislature.

3-62 Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the
3-63 initial adoption of the plan that the commission is required to
3-64 adopt, the commission shall take all necessary steps to conclude
3-65 its business and suspend operations until the commission reconvenes
3-66 as provided by Section 307.009 if it does reconvene.

3-67 (b) The commission shall prepare a financial statement
3-68 disclosing all expenditures made by the commission. The official
3-69 record of the commission shall contain all relevant information

4-1 developed by the commission in carrying out its duties, including
4-2 maps, data, minutes of meetings, written communications, and other
4-3 information.

4-4 (c) After the commission suspends operations, the secretary
4-5 of state becomes the custodian of its official records for purposes
4-6 of election administration. Any unexpended money from an
4-7 appropriation to the commission reverts to the general revenue
4-8 fund.

4-9 Sec. 307.013. CHALLENGES TO PLAN. (a) After a plan or
4-10 modification of a plan is adopted by the commission or supreme
4-11 court, any person aggrieved by the plan or modification may file a
4-12 petition with the supreme court challenging the plan.

4-13 (b) The supreme court has original jurisdiction to hear and
4-14 decide cases involving congressional redistricting, including a
4-15 case involving a redistricting plan adopted by the supreme court
4-16 under this chapter. A member of the court is not disqualified from
4-17 participating in a redistricting case because the member has
4-18 participated or may participate in the adoption of a redistricting
4-19 plan, but may recuse himself or herself from the case. This
4-20 subsection supersedes any other law, including an applicable code
4-21 of judicial conduct, with regard to conflicts of interest by or
4-22 disqualification of a member of the court.

4-23 (c) The supreme court may consolidate any or all petitions
4-24 and shall give the petitions precedence over all other matters.

4-25 (d) This section does not limit the remedies available under
4-26 other law to any person aggrieved by a plan.

4-27 SECTION 2. This Act takes effect January 1, 2007.

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