

By: Wentworth, Ellis

S.B. No. 1068

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. A plan for congressional districts may be established or modified only by the commission as provided by 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. If the members of a house of the legislature entitled to  
24 make an appointment to the commission cannot agree on whether the  
25 members belonging to the political party with the most members or  
26 the political party with the second highest number of members will  
27 make the appointment required by this subsection, the presiding

1 officer of that house shall designate the members who must make the  
2 appointment required by this subsection.

3 (d) A person is not eligible to serve on the commission if  
4 the person:

5 (1) holds an elective public office;

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

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

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

14 (e) The full term of a member of the commission is a two-year  
15 term that begins on February 1 of the year ending in one in which the  
16 initial appointment to the position is required to be made and  
17 expires on January 31 of the next year ending in three.

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

1 the Texas House of Representatives or Texas Senate authorized to  
2 appoint a member of the commission may meet as necessary to make an  
3 appointment or to fill a vacancy.

4 (g) The members of the commission appointed under  
5 Subsections (a)(1)-(4) shall be appointed not earlier than January  
6 25 or later than January 31 of each year ending in one. The member  
7 appointed under Subsection (a)(5) shall be appointed not later than  
8 the 30th day after the commission convenes under Section  
9 307.008(b). If a member is not appointed in the time provided by  
10 this subsection, the supreme court shall make the appointment  
11 before the sixth day after the last date on which the initial  
12 appointing authority could have made the appointment, or as soon  
13 after the sixth day as possible.

14 Sec. 307.004. OATH. Before serving on the commission, each  
15 person appointed shall take and subscribe to the constitutional  
16 oath of office.

17 Sec. 307.005. POLITICAL ACTIVITIES PROHIBITED. A member of  
18 the commission may not:

19 (1) be a candidate for or campaign for elective office  
20 while a member of the commission; or

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

24 Sec. 307.006. OPERATION OF COMMISSION. (a) The  
25 legislature shall appropriate sufficient money for the  
26 compensation and payment of the expenses of the commission members  
27 and any staff employed by the commission.

1       (b) The commission shall be provided access to statistical  
2 or other information compiled by the state or its political  
3 subdivisions as necessary for the commission's reapportionment  
4 duties.

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

8       Sec. 307.007. DUTIES. The commission shall:

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

10          (2) comply with Chapters 551 and 552.

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

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

22       (c) If the commission does not adopt a plan within the time  
23 required by Subsection (b), not later than the second day after the  
24 date of the deadline for commission action prescribed by Subsection  
25 (b), the chief justice of the supreme court shall appoint a person  
26 to serve as an additional voting member of the commission. The  
27 person appointed must be eligible to serve on the commission. The

1 term of a member appointed under this section expires on the same  
2 day as the other voting members of the commission.

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

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

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

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

23 (b) The commission may reconvene in the manner provided by  
24 Subsection (a) to adopt a redistricting plan if the supreme court  
25 does not adopt a congressional redistricting plan in the time  
26 required by Section 307.008(e).

27 (c) The authority of the commission to act under this

1 chapter expires on January 31 of the next year ending in three  
2 unless the final judgment of a court wholly or partly invalidates a  
3 plan after that date.

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

6 (1) each district must be composed of contiguous  
7 territory;

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

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

15 (b) For each plan or modification of a plan adopted by the  
16 commission, the commission shall prepare and publish a report that  
17 includes:

18 (1) for each district in the plan, the total  
19 population and the percentage deviation from the average district  
20 population;

21 (2) an explanation of the criteria used in developing  
22 the plan, with a justification of any population deviation in a  
23 district from the average district population;

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

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

1       (c) The commission shall make a copy of a report prepared  
2 under this section available to the public.

3       Sec. 307.011. SUBMISSION OF PLAN. On adoption of a plan or  
4 modification of a plan by the commission, the commission shall  
5 submit the plan or modification to the governor, the secretary of  
6 state, and the presiding officer of each house of the legislature.

7       Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the  
8 initial adoption of the plan that the commission is required to  
9 adopt, the commission shall take all necessary steps to conclude  
10 its business and suspend operations until the commission reconvenes  
11 as provided by Section 307.009 if it does reconvene.

12       (b) The commission shall prepare a financial statement  
13 disclosing all expenditures made by the commission. The official  
14 record of the commission shall contain all relevant information  
15 developed by the commission in carrying out its duties, including  
16 maps, data, minutes of meetings, written communications, and other  
17 information.

18       (c) After the commission suspends operations, the secretary  
19 of state becomes the custodian of its official records for purposes  
20 of election administration. Any unexpended money from an  
21 appropriation to the commission reverts to the general revenue  
22 fund.

23       Sec. 307.013. CHALLENGES TO PLAN. (a) After a plan or  
24 modification of a plan is adopted by the commission or supreme  
25 court, any person aggrieved by the plan or modification may file a  
26 petition with the supreme court challenging the plan.

27       (b) The supreme court has original jurisdiction to hear and



1 decide cases involving congressional redistricting, including a  
2 case involving a redistricting plan adopted by the supreme court  
3 under this chapter. A member of the court is not disqualified from  
4 participating in a redistricting case because the member has  
5 participated or may participate in the adoption of a redistricting  
6 plan, but may recuse himself or herself from the case. This  
7 subsection supersedes any other law, including an applicable code  
8 of judicial conduct, with regard to conflicts of interest by or  
9 disqualification of a member of the court.

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

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

14 Sec. 307.014. REAPPOINTMENT OF COMMISSION FOLLOWING COURT  
15 ACTION. (a) If the final judgment of a state or federal court  
16 invalidates all or part of a plan or otherwise makes the plan  
17 unenforceable and as of January 31 of the next year ending in three  
18 the commission has not modified the plan as authorized by Section  
19 307.009 in response to the judgment, a new commission shall be  
20 appointed in the manner provided by Section 307.003, except that  
21 the appointments described by Sections 307.003(a)(1)-(4) must be  
22 made not later than the later of the 14th day after the date the  
23 judgment becomes final or February 14 of the next year ending in  
24 three. The commission shall convene not later than the fifth day  
25 after the date the last appointment described by Sections  
26 307.003(a)(1)-(4) is made, and the commission must make the  
27 appointment described by Section 307.003(a)(5) not later than the

1 fifth day after the date the commission convenes.

2 (b) A commission appointed under Subsection (a) has the same  
3 powers and duties under this chapter as a commission appointed  
4 under Section 307.003 except that the terms of the members of the  
5 commission and the authority of the commission to act under this  
6 chapter expire on the earlier of:

7 (1) the date a judgment of a court approving a new plan  
8 adopted by the commission becomes final; or

9 (2) the second anniversary of the date the commission  
10 first convenes under Subsection (a).

11 SECTION 2. This Act takes effect January 1, 2009.