

By: Strama

H.B. No. 104

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the reapportionment of state legislative,
3 congressional, and judicial districts and the creation, function,
4 and duties of the Texas Redistricting Commission.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

8 CHAPTER 307. TEXAS REDISTRICTING COMMISSION

9 Sec. 307.001. DEFINITIONS. In this chapter:

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

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

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

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

23 Sec. 307.004. PROHIBITED ACTIVITIES. A member of the
24 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;

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

10 (4) perform an activity for which a person is required
11 to register under Section 305.003.

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

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

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

23 Sec. 307.006. DUTIES. The commission shall:

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

26 (2) act as the legislature's recipient of the official
27 census data and maps from the United States Census Bureau pursuant

1 to the federal decennial census.

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

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

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

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

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

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

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

20 (b) In developing a plan, the commission may not consider:

21 (1) the potential effects of the districts on
22 incumbents or potential candidates for office;

23 (2) the residence of any elected official or potential
24 candidate for office;

25 (3) any information involving the past political
26 performance of a specific geographic area, except as necessary to
27 comply with federal law; and

1 (4) data concerning party affiliation or voting
2 history, except as necessary to comply with federal law.

3 Sec. 307.009. HEARINGS. (a) After proposing an initial
4 plan or subsequent modification for each body for which the
5 commission is required to adopt a plan, the commission shall hold
6 public hearings in not less than four different geographic regions
7 to consider each plan or modification.

8 (b) The commission shall provide public notice of a hearing
9 not less than 14 days before the date of the hearing.

10 (c) After reviewing all information received at each
11 hearing, the commission shall make all necessary revisions of the
12 initial plan or modification before final adoption of a plan or
13 modification of a plan.

14 Sec. 307.010. DISCLOSURE OF DATA REQUIRED. The commission
15 shall make all plans submitted to the commission, including the
16 commission's initial plans and all subsequent modifications,
17 hearing transcripts, minutes of meetings, maps, narrative
18 descriptions of proposed district, and other data used by the
19 commission available to the public through the use of an Internet
20 website and other appropriate means.

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

25 Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the
26 initial adoption of all plans that the commission is required to
27 adopt, the commission shall take all necessary steps to conclude

1 its business and suspend operations until the commission reconvenes
2 as provided by Section 28a, Article III, or Section 7a, Article V,
3 Texas Constitution, if it does reconvene.

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

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

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

19 Sec. 307.014. RECONVENING OF COMMISSION FOR
20 REAPPORTIONMENT OF JUDICIAL DISTRICTS. (a) If the Judicial
21 Districts Board fails to make a statewide reapportionment of
22 judicial districts under Subchapter F, Chapter 24, unless the
23 commission is already reconvened, the commission shall reconvene on
24 September 1 of the year provided by Section 7a(e), Article V, Texas
25 Constitution, to make the statewide reapportionment as required by
26 Section 24.946(a).

27 (b) The commission shall complete the reapportionment of

1 judicial districts as soon as possible within the time provided by
2 Section 7a(e), Article V, Texas Constitution.

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

5 (d) Following the effective date of a reapportionment of
6 judicial districts, the commission shall take all necessary steps
7 to conclude its business and suspend operations in accordance with
8 Section 307.012. The commission shall suspend operations after the
9 90th day after the September 1 on which the commission's authority
10 to adopt a reapportionment plan for the judicial districts begins,
11 unless the supreme court grants the commission additional time to
12 conduct its activities.

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

15 (e) The legislature, the Judicial Districts Board, or the
16 Texas [~~Legislative~~] Redistricting Commission [~~Board~~] may not
17 redistrict the judicial districts to provide for any judicial
18 district smaller in size than an entire county except as provided by
19 this subsection. Judicial districts smaller in size than the
20 entire county may be created subsequent to a general election in
21 which a majority of the persons voting on the proposition adopt the
22 proposition "to allow the division of _____ County
23 into judicial districts composed of parts of _____
24 County." A redistricting plan may not be proposed or adopted by the
25 legislature, the Judicial Districts Board, or the Texas
26 [~~Legislative~~] Redistricting Commission [~~Board~~] in anticipation of
27 a future action by the voters of any county.

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

3 (a) The board shall meet in accordance with its own rules.
4 The board shall meet at least once in each interim between regular
5 sessions of the legislature and shall exercise its reapportionment
6 powers only in the interims between regular legislative sessions.
7 Meetings of the board shall be subject to the provisions of Chapter
8 551, except as otherwise provided by this subchapter. A
9 reapportionment may not be ordered in the interim immediately
10 following a regular session of the legislature in which a valid and
11 subsisting statewide reapportionment of judicial districts is
12 enacted by the legislature. Unless the legislature enacts a
13 statewide reapportionment of the judicial districts following each
14 federal decennial census, the board shall convene not later than
15 the first Monday of June of the third year following the year in
16 which the federal decennial census is taken to make a statewide
17 reapportionment of the districts. The board shall complete its
18 work on the reapportionment and file its order with the secretary of
19 state not later than August 31 of the same year. If the Judicial
20 Districts Board fails to make a statewide apportionment by that
21 date, the Texas [~~Legislative~~] Redistricting Commission [~~Board~~]
22 established by Article III, Section 28a [~~28~~], of the Texas
23 Constitution shall make a statewide reapportionment of the judicial
24 districts not later than the 90th [~~150th~~] day after the final day
25 for the Judicial Districts Board to make the reapportionment, and
26 that apportionment takes effect as provided by Sections 24.948 and
27 24.949.

1 SECTION 4. This Act takes effect January 1, 2011, but only
2 if the constitutional amendment proposed by the 81st Legislature,
3 Regular Session, 2009, establishing the Texas Redistricting
4 Commission to establish legislative and congressional districts
5 and revising constitutional redistricting procedures is approved
6 by the voters. If that proposed constitutional amendment is not
7 approved by the voters, this Act has no effect.