

1-1 By: Wentworth S.B. No. 315  
1-2 (In the Senate - Filed November 21, 2008; February 11, 2009,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 March 13, 2009, reported favorably by the following vote: Yeas 6,  
1-5 Nays 3; March 13, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the reapportionment of congressional districts and the  
1-9 creation, function, and duties of the Texas Congressional  
1-10 Redistricting Commission.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle A, Title 3, Government Code, is amended  
1-13 by adding Chapter 307 to read as follows:

1-14 CHAPTER 307. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION

1-15 Sec. 307.001. DEFINITIONS. In this chapter:

1-16 (1) "Commission" means the Texas Congressional  
1-17 Redistricting Commission.

1-18 (2) "Plan" means a redistricting plan for the Texas  
1-19 congressional districts adopted as provided by this chapter.

1-20 Sec. 307.002. TEXAS CONGRESSIONAL REDISTRICTING  
1-21 COMMISSION. The Texas Congressional Redistricting Commission  
1-22 exercises the legislative authority of this state to adopt  
1-23 redistricting plans for the election of the members of the United  
1-24 States House of Representatives elected from this state. A plan for  
1-25 congressional districts may be established or modified only by the  
1-26 commission as provided by this chapter.

1-27 Sec. 307.003. MEMBERSHIP; TERMS. (a) The initial  
1-28 commission consists of nine members selected as follows:

1-29 (1) two members appointed by a majority vote of the  
1-30 members of the Texas House of Representatives belonging to the  
1-31 political party with the most members in the house of  
1-32 representatives;

1-33 (2) two members appointed by a majority vote of the  
1-34 members of the Texas House of Representatives belonging to the  
1-35 political party with the second highest number of members in the  
1-36 house of representatives;

1-37 (3) two members appointed by a majority vote of the  
1-38 members of the Texas Senate belonging to the political party with  
1-39 the most members in the senate;

1-40 (4) two members appointed by a majority vote of the  
1-41 members of the Texas Senate belonging to the political party with  
1-42 the second highest number of members in the senate; and

1-43 (5) one member appointed by an affirmative vote of not  
1-44 fewer than five of the members of the commission selected under  
1-45 Subdivisions (1)-(4).

1-46 (b) The member appointed under Subsection (a)(5) is a  
1-47 nonvoting member and serves as presiding officer of the commission.

1-48 (c) Each member of the commission must be a resident of this  
1-49 state. At least one member appointed by the Texas House of  
1-50 Representatives and one member appointed by the Texas Senate must  
1-51 reside in a county not designated as a metropolitan statistical  
1-52 area as defined by the United States Office of Management and  
1-53 Budget. If the members of a house of the legislature entitled to  
1-54 make an appointment to the commission cannot agree on whether the  
1-55 members belonging to the political party with the most members or  
1-56 the political party with the second highest number of members will  
1-57 make the appointment required by this subsection, the presiding  
1-58 officer of that house shall designate the members who must make the  
1-59 appointment required by this subsection.

1-60 (d) A person is not eligible to serve on the commission if  
1-61 the person:

1-62 (1) holds an elective public office;

1-63 (2) holds an office in a political party other than  
1-64 membership on a precinct committee;

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

2-4                   (4) is required to register under Section 305.003 or  
 2-5 was required to register under that section in the two years  
 2-6 preceding the date the person is appointed to the commission.

2-7                   (e) The full term of a member of the commission is a two-year  
 2-8 term that begins on February 1 of the year ending in one in which the  
 2-9 initial appointment to the position is required to be made and  
 2-10 expires on January 31 of the next year ending in three.

2-11                   (f) A vacancy on the commission is filled in the same manner  
 2-12 as provided by this section for the original appointment, except  
 2-13 that if the commission is convened when the vacancy occurs or if the  
 2-14 vacancy exists when the commission reconvenes, the supreme court  
 2-15 shall fill the vacancy if the initial appointing authority fails to  
 2-16 fill the vacancy on or before the 20th day after the date the  
 2-17 vacancy occurs or the commission reconvenes, as applicable. The  
 2-18 supreme court shall fill the vacancy not later than the ninth day  
 2-19 after the earliest date on which the supreme court may fill the  
 2-20 vacancy, or as soon after the ninth day as possible. The members of  
 2-21 the Texas House of Representatives or Texas Senate authorized to  
 2-22 appoint a member of the commission may meet as necessary to make an  
 2-23 appointment or to fill a vacancy.

2-24                   (g) The members of the commission appointed under  
 2-25 Subsections (a)(1)-(4) shall be appointed not earlier than January  
 2-26 25 or later than January 31 of each year ending in one. The member  
 2-27 appointed under Subsection (a)(5) shall be appointed not later than  
 2-28 the 30th day after the commission convenes under Section  
 2-29 307.008(b). If a member is not appointed in the time provided by  
 2-30 this subsection, the supreme court shall make the appointment  
 2-31 before the sixth day after the last date on which the initial  
 2-32 appointing authority could have made the appointment, or as soon  
 2-33 after the sixth day as possible.

2-34                   Sec. 307.004. OATH. Before serving on the commission, each  
 2-35 person appointed shall take and subscribe to the constitutional  
 2-36 oath of office.

2-37                   Sec. 307.005. POLITICAL ACTIVITIES PROHIBITED. A member of  
 2-38 the commission may not:

2-39                   (1) be a candidate for or campaign for elective office  
 2-40 while a member of the commission; or

2-41                   (2) actively participate in or contribute to the  
 2-42 political campaign of a candidate for a state or federal elective  
 2-43 office while a member of the commission.

2-44                   Sec. 307.006. OPERATION OF COMMISSION. (a) The  
 2-45 legislature shall appropriate sufficient money for the  
 2-46 compensation and payment of the expenses of the commission members  
 2-47 and any staff employed by the commission.

2-48                   (b) The commission shall be provided access to statistical  
 2-49 or other information compiled by the state or its political  
 2-50 subdivisions as necessary for the commission's reapportionment  
 2-51 duties.

2-52                   (c) The Texas Legislative Council, under the direction of  
 2-53 the commission, shall provide the technical staff and clerical  
 2-54 services that the commission needs to prepare its plans.

2-55                   Sec. 307.007. DUTIES. The commission shall:

2-56                   (1) adopt rules to administer this chapter; and

2-57                   (2) comply with Chapters 551 and 552.

2-58                   Sec. 307.008. ADOPTION OF PLAN. (a) A redistricting plan  
 2-59 or modification of a redistricting plan is adopted by a vote of not  
 2-60 fewer than five members of the commission.

2-61                   (b) The commission shall convene on the first business day  
 2-62 after January 31 of each year ending in one and shall adopt a  
 2-63 redistricting plan for the members of the United States House of  
 2-64 Representatives elected from this state not later than June 15 of  
 2-65 that year, unless the federal decennial census is delivered to the  
 2-66 appropriate officials of this state after May 1 of that year, in  
 2-67 which event the commission shall adopt the redistricting plan not  
 2-68 later than the 75th day after the date the census is delivered.

2-69                   (c) If the commission does not adopt a plan within the time

3-1 required by Subsection (b), not later than the second day after the  
 3-2 date of the deadline for commission action prescribed by Subsection  
 3-3 (b), the chief justice of the supreme court shall appoint a person  
 3-4 to serve as an additional voting member of the commission. The  
 3-5 person appointed must be eligible to serve on the commission. The  
 3-6 term of a member appointed under this section expires on the same  
 3-7 day as the other voting members of the commission.

3-8 (d) Following appointment of a member under Subsection (c),  
 3-9 the commission shall adopt a redistricting plan not later than the  
 3-10 45th day after the date of the deadline for commission action  
 3-11 prescribed by Subsection (b).

3-12 (e) If the commission does not adopt a plan within the time  
 3-13 required by Subsection (d), the commission's authority to adopt a  
 3-14 plan is suspended and the supreme court shall adopt the plan not  
 3-15 later than the 45th day after the date of the deadline for  
 3-16 commission action prescribed by Subsection (d).

3-17 Sec. 307.009. MODIFICATION OF PLAN; ADDITIONAL ACTION.

3-18 (a) Except as provided by Subsection (c), the commission may  
 3-19 reconvene on the motion of at least four of its voting members filed  
 3-20 with the secretary of state at any time after the adoption of the  
 3-21 initial congressional redistricting plan to modify that plan if the  
 3-22 plan becomes unenforceable by order of a court or by action of any  
 3-23 other appropriate authority or is subject to legal challenge in a  
 3-24 court proceeding. In modifying a redistricting plan, the  
 3-25 commission must comply with all applicable standards imposed by  
 3-26 this chapter, but is not limited to modifications necessary to  
 3-27 correct legal deficiencies.

3-28 (b) The commission may reconvene in the manner provided by  
 3-29 Subsection (a) to adopt a redistricting plan if the supreme court  
 3-30 does not adopt a congressional redistricting plan in the time  
 3-31 required by Section 307.008(e).

3-32 (c) The authority of the commission to act under this  
 3-33 chapter expires on January 31 of the next year ending in three  
 3-34 unless the final judgment of a court wholly or partly invalidates a  
 3-35 plan after that date.

3-36 Sec. 307.010. PLAN REQUIREMENTS. (a) In a redistricting  
 3-37 plan or modification of a plan adopted under this chapter:

3-38 (1) each district must be composed of contiguous  
 3-39 territory;

3-40 (2) each district must contain a population, excluding  
 3-41 nonresident military personnel, as nearly equal as practicable to  
 3-42 the population of any other district in the plan; and

3-43 (3) to the extent reasonable, each district must be  
 3-44 compact and convenient and be separated from adjoining districts by  
 3-45 natural geographic barriers, artificial barriers, or political  
 3-46 subdivision boundaries.

3-47 (b) For each plan or modification of a plan adopted by the  
 3-48 commission, the commission shall prepare and publish a report that  
 3-49 includes:

3-50 (1) for each district in the plan, the total  
 3-51 population and the percentage deviation from the average district  
 3-52 population;

3-53 (2) an explanation of the criteria used in developing  
 3-54 the plan, with a justification of any population deviation in a  
 3-55 district from the average district population;

3-56 (3) a map or maps of all the districts; and

3-57 (4) the estimated cost to be incurred by the counties  
 3-58 for changes in county election precinct boundaries required to  
 3-59 conform to the districts adopted by the commission.

3-60 (c) The commission shall make a copy of a report prepared  
 3-61 under this section available to the public.

3-62 Sec. 307.011. SUBMISSION OF PLAN. On adoption of a plan or  
 3-63 modification of a plan by the commission, the commission shall  
 3-64 submit the plan or modification to the governor, the secretary of  
 3-65 state, and the presiding officer of each house of the legislature.

3-66 Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the  
 3-67 initial adoption of the plan that the commission is required to  
 3-68 adopt, the commission shall take all necessary steps to conclude  
 3-69 its business and suspend operations until the commission reconvenes

4-1 as provided by Section 307.009, if it does reconvene.

4-2 (b) The commission shall prepare a financial statement  
 4-3 disclosing all expenditures made by the commission. The official  
 4-4 record of the commission shall contain all relevant information  
 4-5 developed by the commission in carrying out its duties, including  
 4-6 maps, data, minutes of meetings, written communications, and other  
 4-7 information.

4-8 (c) After the commission suspends operations, the secretary  
 4-9 of state becomes the custodian of its official records for purposes  
 4-10 of election administration. Any unexpended money from an  
 4-11 appropriation to the commission reverts to the general revenue  
 4-12 fund.

4-13 Sec. 307.013. CHALLENGES TO PLAN. (a) After a plan or  
 4-14 modification of a plan is adopted by the commission or supreme  
 4-15 court, any person aggrieved by the plan or modification may file a  
 4-16 petition with the supreme court challenging the plan.

4-17 (b) The supreme court has original jurisdiction to hear and  
 4-18 decide cases involving congressional redistricting, including a  
 4-19 case involving a redistricting plan adopted by the supreme court  
 4-20 under this chapter. A member of the court is not disqualified from  
 4-21 participating in a redistricting case because the member has  
 4-22 participated or may participate in the adoption of a redistricting  
 4-23 plan, but may recuse himself or herself from the case. This  
 4-24 subsection supersedes any other law, including an applicable code  
 4-25 of judicial conduct, with regard to conflicts of interest by or  
 4-26 disqualification of a member of the court.

4-27 (c) The supreme court may consolidate any or all petitions  
 4-28 and shall give the petitions precedence over all other matters.

4-29 (d) This section does not limit the remedies available under  
 4-30 other law to any person aggrieved by a plan.

4-31 Sec. 307.014. REAPPOINTMENT OF COMMISSION FOLLOWING COURT  
 4-32 ACTION. (a) If the final judgment of a state or federal court  
 4-33 invalidates all or part of a plan or otherwise makes the plan  
 4-34 unenforceable and as of January 31 of the next year ending in three  
 4-35 the commission has not modified the plan as authorized by Section  
 4-36 307.009 in response to the judgment, a new commission shall be  
 4-37 appointed in the manner provided by Section 307.003, except that  
 4-38 the appointments described by Sections 307.003(a)(1)-(4) must be  
 4-39 made not later than the later of the 14th day after the date the  
 4-40 judgment becomes final or February 14 of the next year ending in  
 4-41 three. The commission shall convene not later than the fifth day  
 4-42 after the date the last appointment described by Sections  
 4-43 307.003(a)(1)-(4) is made, and the commission must make the  
 4-44 appointment described by Section 307.003(a)(5) not later than the  
 4-45 fifth day after the date the commission convenes.

4-46 (b) A commission appointed under Subsection (a) has the same  
 4-47 powers and duties under this chapter as a commission appointed  
 4-48 under Section 307.003 except that the terms of the members of the  
 4-49 commission and the authority of the commission to act under this  
 4-50 chapter expire on the earlier of:

4-51 (1) the date a judgment of a court approving a new plan  
 4-52 adopted by the commission becomes final; or

4-53 (2) the second anniversary of the date the commission  
 4-54 first convenes under Subsection (a).

4-55 SECTION 2. This Act takes effect January 1, 2011.

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