

By: Howard of Travis

H.B. No. 65

A BILL TO BE ENTITLED

AN ACT

relating to requirements for reapportionment of congressional districts.

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. CONGRESSIONAL REDISTRICTING

PRINCIPLES AND PROCEDURES

Sec. 307.001. DEFINITIONS. In this chapter:

(1) "Census" means the most recent federal decennial census.

(2) "District" means a proposed or enacted congressional district.

(3) "Ideal district population" means the population calculated by dividing the total state population according to the census by the total number of congressional districts apportioned to this state.

(4) "Plan" means a proposal or enactment that establishes or modifies the state's congressional districts.

Sec. 307.002. REDISTRICTING PLAN REQUIREMENTS. (a) A plan must comply with state and federal constitutional and statutory requirements, including the federal Voting Rights Act of 1965 (42 U.S.C. Section 1973 et seq.).

(b) The districts in a plan must be equal in population as

1 nearly as practicable.

2 (c) The districts in a plan may not deviate from the ideal  
3 district population by one percent or more. Any deviation from the  
4 ideal district population must be in furtherance of a legitimate  
5 state objective or policy established by this chapter.

6 Sec. 307.003. REDISTRICTING PLAN PRINCIPLES. (a) A plan  
7 must be based on the following principles to the extent practicable  
8 and authorized or required by law:

9 1. A plan shall avoid unnecessarily dividing counties and  
10 municipalities in the formation of districts. District lines shall  
11 be coterminous with the boundaries of these political subdivisions.  
12 Municipal boundaries, which may be highly irregular, shall not be  
13 given priority over retaining a community of interest intact.

14 2. A plan shall keep intact any discrete and insular  
15 communities of interest that are readily identifiable, based on  
16 actual shared and relevant interests and common concerns.  
17 Communities of interest shall be defined by social, economic,  
18 racial, ethnic, cultural, industrial, commercial, and geographic  
19 commonalities.

20 3. A district shall be composed solely of undivided census  
21 tracts as the smallest unit of redistricting.

22 4. A district shall be geographically compact, composed of  
23 convenient contiguous territory, and based on a sense of community  
24 enabled by reasonable availability and facility of transportation  
25 and communication between population centers and other inhabited  
26 areas. A district shall not be considered non-compact due solely to  
27 irregular natural geographic or political boundaries. A district

1 is not contiguous unless all areas are joined by whole census  
2 tracts; areas that connect only at the points of adjoining corners  
3 are not contiguous.

4 5. A plan shall be drawn totally and absolutely without  
5 regard or reference to partisan political effect or consequences of  
6 any kind. The following data are strictly prohibited and excluded  
7 from use in establishing districts: partisan data of any type,  
8 voting history and electoral data, and locations of the residences  
9 of incumbents, candidates, or any other specific persons.

10 (b) These principles are intended to recognize the primacy  
11 of recognizing communities of interest, from regional to local, in  
12 redistricting. Although population equality is the primary goal of  
13 redistricting, adjustments to equalize populations should be made  
14 with minimal disruption to communities of interest as articulated  
15 by these principles.

16 (c) The principles established by this section are  
17 interdependent, interrelated, and compatible. A conflict between  
18 principles when applied must be resolved in favor of the principle  
19 or set of principles that produces a district that most fairly and  
20 effectively reflects the affected communities of interest.

21 Sec. 307.004. REGIONAL HEARINGS. (a) The legislature  
22 shall conduct public hearings regarding congressional  
23 redistricting in the various geographical regions of the state  
24 beginning in the year in which the census is taken.

25 (b) At least one public hearing must be conducted within the  
26 boundaries of each regional planning commission whose  
27 participating local governments have a total population equal to or

1 greater than the ideal district population.

2 (c) Notice of a public hearing must be made in a manner that  
3 ensures notice to the public. Notice must include the principles  
4 established by Sections 307.002 and 307.003.

5 (d) A public hearing must be designed to promote public  
6 participation by providing citizens the opportunity to testify,  
7 especially regarding local and regional communities of interest.

8 (e) Each person testifying at a public hearing shall be  
9 treated equally. A public official or other person may not be given  
10 special treatment at a hearing because of the person's official  
11 status, and the testimony of a public official may not be given  
12 special consideration. Testimony must be received in the order the  
13 witnesses appeared and registered to testify.

14 Sec. 307.005. LEGISLATIVE SESSIONS AND REDISTRICTING. (a)  
15 A plan must be enacted by the legislature as provided by law, but  
16 not later than the 120th day before the date a person is required to  
17 file to be a candidate in a primary election in the year following  
18 the release of the census.

19 (b) A legislative redistricting committee of either house  
20 must hold public hearings to consider legislation proposing a plan.  
21 The public must be allowed to provide testimony at a hearing under  
22 this subsection. A person may submit information to a  
23 redistricting committee that identifies boundaries of communities  
24 of interest. A person may submit a plan to a redistricting  
25 committee at any time if the plan is based on census counts,  
26 conforms to the requirements of Sections 307.002 and 307.003, and  
27 provides relevant explanations for why each district is drawn as it

1 is.

2 Sec. 307.006. TECHNICAL ASSISTANCE. (a) The Texas  
3 Legislative Council shall develop compactness tests based on  
4 prevailing optimal compactness models to measure relative  
5 compactness of individual districts and alternative plans.

6 (b) The Texas Legislative Council shall establish objective  
7 models to measure a plan's compliance with Sections 307.002 and  
8 307.003. For that purpose, the council shall prepare a comparative  
9 analysis and establish a qualitative rating for plans considered by  
10 a legislative redistricting committee or a house of the  
11 legislature. Each analysis and rating must be made available to the  
12 public for comment.

13 Sec. 307.007. CHALLENGES TO PLAN; COURT-ORDERED PLANS. (a)  
14 Except as provided by federal law, the Supreme Court of Texas has  
15 original jurisdiction of a legal challenge to a plan enacted by the  
16 legislature.

17 (b) The Texas Legislative Council shall forward to the  
18 Supreme Court of Texas the five highest-rated plans presented to or  
19 considered by the legislature as determined under Section  
20 307.006(b), and the highest-rated plan created by an individual who  
21 is not an employee or officer of the state, if an enacted plan is  
22 declared by the court to be invalid. The court shall, not later  
23 than the 30th day after the date the court receives the plans, adopt  
24 a submitted plan in its entirety as the state's official plan.

25 (c) The legislature may not redistrict this state's  
26 congressional districts more than once following each census except  
27 to replace a plan ordered by a court with a plan enacted by the

1 legislature.

2       (d) It is the intent and will of the legislature that any  
3 plan ordered by a state or federal court comply with the standards  
4 and principles established by Sections 307.002 and 307.003 to the  
5 extent practicable.

6       SECTION 2. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect on the 91st day after the last day of the  
11 legislative session.