

BILL ANALYSIS

Senate Research Center

S.B. 31
By: Seliger
Redistricting
7/21/2011
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Legislature is required to redistrict state senate and house of representatives districts in the first regular session following publication of the United States decennial census. Though no Texas constitutional or statutory provisions govern congressional and State Board of Education (SBOE) redistricting, as a practical matter, the legislature also must draw districts for the congressional seats apportioned to Texas and for SBOE before the candidates' filing period opens for the primary elections held in 2012.

The United States Supreme Court has ruled that under the Equal Protection Clause of the 14th Amendment of the United States Constitution, these districts must be substantially equal in population. This is sometimes referred to as the one-person, one-vote principle.

Based on the 2010 federal census, the total population of Texas is 25,145,561, and the ideal population of a Texas Senate district is 811,147. To establish districts that satisfy the requirement to be substantially equal in population and other state interests, S.B. 31 amends current law relating to the composition of the districts for the election of members of the Texas Senate.

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RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

ARTICLE I

SECTION 1. (a) Provides that the members of the Texas Senate are elected from the districts described by Article II of this Act.

(b) Provides that one member is elected from each district established by this Act.

(c) Provides that the districts established by this Act are identified as PLANS148 on the redistricting computer system operated by the Texas Legislative Council.

ARTICLE II

SECTION 1. Sets forth the composition of District 1.

SECTION 2. Sets forth the composition of District 2.

SECTION 3. Sets forth the composition of District 3.

SECTION 4. Sets forth the composition of District 4.

SECTION 5. Sets forth the composition of District 5.

SECTION 6. Sets forth the composition of District 6.

SECTION 7. Sets forth the composition of District 7.

SECTION 8. Sets forth the composition of District 8.

SECTION 9. Sets forth the composition of District 9.

SECTION 10. Sets forth the composition of District 10.

SECTION 11. Sets forth the composition of District 11.

SECTION 12. Sets forth the composition of District 12.

SECTION 13. Sets forth the composition of District 13.

SECTION 14. Sets forth the composition of District 14.

SECTION 15. Sets forth the composition of District 15.

SECTION 16. Sets forth the composition of District 16.

SECTION 17. Sets forth the composition of District 17.

SECTION 18. Sets forth the composition of District 18.

SECTION 19. Sets forth the composition of District 19.

SECTION 20. Sets forth the composition of District 20.

SECTION 21. Sets forth the composition of District 21.

SECTION 22. Sets forth the composition of District 22.

SECTION 23. Sets forth the composition of District 23.

SECTION 24. Sets forth the composition of District 24.

SECTION 25. Sets forth the composition of District 25.

SECTION 26. Sets forth the composition of District 26.

SECTION 27. Sets forth the composition of District 27.

SECTION 28. Sets forth the composition of District 28.

SECTION 29. Sets forth the composition of District 29.

SECTION 30. Sets forth the composition of District 30.

SECTION 31. Sets forth the composition of District 31.

ARTICLE III

SECTION 1. Defines "tract," "block group," and "block" in this Act.

SECTION 2. Provides that it is the intention of the Texas Legislature that, if any county, tract, block group, block, or other geographic area has erroneously been left out of this Act, a court

reviewing this Act should include that area in the appropriate district in accordance with the intent of the legislature, using any available evidence of that intent, including evidence such as that used by the Supreme Court of Texas in *Smith v. Patterson*, 111 Tex. 535, 242 S.W. 749 (1922).

SECTION 3. (a) Provides that this Act supersedes all previous enactments or orders adopting districts for the Texas Senate. Repealer: all previous acts of the legislature adopting districts for the Texas Senate.

(b)(1) Repealer: Chapter 342 (S.B. 547), Acts of the 59th Legislature, Regular Session, 1965 (Article 193a (Senatorial Districts), V.T.C.S.);

(2) Repealer: Chapter 892 (S.B. 31), Acts of the 72nd Legislature, Regular Session, 1991 (Article 193b (Senatorial Districts; 1991 Apportionment), V.T.C.S.); and

(3) Repealer: Chapter 218 (S.B. 715), Acts of the 75th Legislature, Regular Session, 1997 (Article 193d (Senatorial Districts; 1997 Apportionment), V.T.C.S.).

SECTION 4. Makes application of this Act prospective to the election of the members of the Texas Senate beginning with the primary and general elections of 2012 for members of the 83rd Legislature. Provides that this Act does not affect the membership or districts of the Senate of the 82nd Texas Legislature.

SECTION 5. Effective date: upon passage or the 91st day after the last day of the legislative session.