BILL ANALYSIS

BACKGROUND AND PURPOSE

The Texas Legislature is required to redistrict state senate and house 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 the 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. In the current plan, according to the 2010 census, the largest district, District 3, has a population of 843,567, or 4.00 percent over the ideal district. The smallest district, District 28, has a population of 778,341, or 4.04 percent less than the ideal district. The total range of deviation between the largest and smallest districts is 8.04 percent. To establish districts that satisfy the requirement to be substantially equal in population and other state interests, S.B. 31 defines new districts for the election of members of the Texas Senate.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 31, in Article I, provides that the districts from which the members of the Texas Senate are elected are the districts as provided by Article II of this bill and identified as PlanS148 on the redistricting computer system operated by the Texas Legislative Council. The bill provides that one member is elected from each district established by the bill.

S.B. 31, in Article II, sets out the census geographic composition of each of the 31 Texas Senate districts in Texas. The boundaries of the districts in the bill are illustrated in the attached maps generated by the Texas Legislative Council's Redistricting Application (REDAPPL). The demographic and other characteristics of each district in the bill are analyzed in the attached reports generated by the Texas Legislative Council's reporting system (TREAD). The reports provide the following information:

- The report labeled Red-100 provides a population analysis of the districts contained in the bill and shows the overall range of deviation for the plan, the population for the smallest and largest districts and, for each district, the deviation from the ideal district population and the average or mean district population and deviation. The report also shows whether any geography in the state is unassigned and whether the districts are contiguous. For each district, the report shows the district's total population and voting

age population and shows for those populations the Anglo, Black, Hispanic, Black plus Hispanic, and Other population, along with corresponding percentages. For each portion of a county contained in the district, the report shows the total, Anglo, Black, Hispanic, Black plus Hispanic, and Other population, along with corresponding percentages. For each district, the report also shows the total deviation and percentage deviation from the ideal district population.

- The report labeled Red-202 provides, for each district in the bill, the total deviation and percentage deviation from the ideal district population; the total population and total voting age population; the percentage of the district's total population that is Anglo, Black, Hispanic, Black plus Hispanic, and Other; and, for the years 2008 and 2010, total voter turnout, total voter registration with the percentage of registered voters with Spanish surnames and the percentage of registered voters who turned out, and non-suspense voter registration with the percentage of non-suspense registered voters with Spanish surnames and the percentage of non-suspense registered voters who turned out.

- The report labeled Red-350 provides a list of the proposed new districts by district number and indicates the incumbent member or members whose residence is located in each district, if any.

S.B. 31, in Article III, defines certain geographic terms used in the textual description of the districts and provides legislative intent as to the omission of any geographic area. The bill specifies that it supersedes all previous enactments or orders adopting such districts and repeals all previous acts of the legislature adopting such districts. The bill specifies that the districts established by the bill apply to the election of the members of the Texas Senate beginning with the primary and general elections in 2012 for member of the 83rd Legislature and that the bill does not affect the membership or districts of the Senate of the 82nd Texas Legislature.

S.B. 31 repeals the following statutes:

- Chapter 342 (S.B. 547), Acts of the 59th Legislature, Regular Session, 1965 (Article 193a, Vernon's Texas Civil Statutes)

- Chapter 892 (S.B. 31), Acts of the 72nd Legislature, Regular Session, 1991 (Article 193b, Vernon's Texas Civil Statutes)

- Chapter 218 (S.B. 715), Acts of the 75th Legislature, Regular Session, 1997 (Article 193d, Vernon's Texas Civil Statutes)

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, 91st day after the last day of the legislative session.