

1-1 By: Wentworth S.B. No. 196
1-2 (In the Senate - Filed November 9, 2010; January 31, 2011,
1-3 read first time and referred to Select Committee on Redistricting;
1-4 May 5, 2011, reported favorably by the following vote: Yeas 9,
1-5 Nays 5; May 5, 2011, 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 1 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 3.

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. If the
 2-13 commission is convened when the vacancy occurs or if the vacancy
 2-14 exists when the commission reconvenes, the appointing authority
 2-15 shall fill the vacancy on or before the 20th day after the date the
 2-16 vacancy occurs or the commission reconvenes, as applicable. The
 2-17 members of the Texas House of Representatives or Texas Senate
 2-18 authorized to appoint a member of the commission may meet as
 2-19 necessary to make an appointment or to fill a vacancy.

2-20 (g) The members of the commission appointed under
 2-21 Subsections (a)(1)-(4) shall be appointed not earlier than January
 2-22 25 or later than January 31 of each year ending in 1. The member
 2-23 appointed under Subsection (a)(5) shall be appointed not later than
 2-24 the 30th day after the commission convenes under Section
 2-25 307.008(b).

2-26 Sec. 307.004. OATH. Before serving on the commission, each
 2-27 person appointed shall take and subscribe to the constitutional
 2-28 oath of office.

2-29 Sec. 307.005. POLITICAL ACTIVITIES PROHIBITED. A member of
 2-30 the commission may not:

2-31 (1) be a candidate for or campaign for elective office
 2-32 while a member of the commission; or

2-33 (2) actively participate in or contribute to the
 2-34 political campaign of a candidate for a state or federal elective
 2-35 office while a member of the commission.

2-36 Sec. 307.006. OPERATION OF COMMISSION. (a) The
 2-37 legislature shall appropriate sufficient money for the
 2-38 compensation and payment of the expenses of the commission members
 2-39 and any staff employed by the commission.

2-40 (b) The commission shall be provided access to statistical
 2-41 or other information compiled by the state or its political
 2-42 subdivisions as necessary for the commission's reapportionment
 2-43 duties.

2-44 (c) The Texas Legislative Council, under the direction of
 2-45 the commission, shall provide the technical staff and clerical
 2-46 services that the commission needs to prepare its plans.

2-47 Sec. 307.007. DUTIES. The commission shall:

2-48 (1) adopt rules to administer this chapter; and

2-49 (2) comply with Chapters 551 and 552.

2-50 Sec. 307.008. ADOPTION OF PLAN. (a) A redistricting plan
 2-51 or modification of a redistricting plan is adopted by a vote of not
 2-52 fewer than five members of the commission.

2-53 (b) The commission shall convene on the first business day
 2-54 after January 31 of each year ending in 1 and shall adopt a
 2-55 redistricting plan for the members of the United States House of
 2-56 Representatives elected from this state not later than August 31 of
 2-57 that year, unless the federal decennial census is delivered to the
 2-58 appropriate officials of this state after June 1 of that year, in
 2-59 which event the commission shall adopt the redistricting plan not
 2-60 later than the 90th day after the date the census is delivered.

2-61 Sec. 307.009. MODIFICATION OF PLAN; ADDITIONAL ACTION.

2-62 (a) Except as provided by Subsection (b), the commission may
 2-63 reconvene on the motion of at least four of its voting members filed
 2-64 with the secretary of state at any time after the adoption of the
 2-65 initial congressional redistricting plan to modify that plan if the
 2-66 plan becomes unenforceable by order of a court or by action of any
 2-67 other appropriate authority or is subject to legal challenge in a
 2-68 court proceeding. In modifying a redistricting plan, the
 2-69 commission must comply with all applicable standards imposed by

3-1 this chapter but is not limited to modifications necessary to
 3-2 correct legal deficiencies.

3-3 (b) The authority of the commission to act under this
 3-4 chapter expires on January 31 of the next year ending in 3 unless
 3-5 the final judgment of a court wholly or partly invalidates a plan
 3-6 after that date.

3-7 Sec. 307.010. PLAN REQUIREMENTS. (a) In a redistricting
 3-8 plan or modification of a plan adopted under this chapter:

3-9 (1) each district must be composed of contiguous
 3-10 territory;

3-11 (2) each district must contain a population, excluding
 3-12 nonresident military personnel, as nearly equal as practicable to
 3-13 the population of any other district in the plan; and

3-14 (3) to the extent reasonable, each district must be
 3-15 compact and convenient and be separated from adjoining districts by
 3-16 natural geographic barriers, artificial barriers, or political
 3-17 subdivision boundaries.

3-18 (b) For each plan or modification of a plan adopted by the
 3-19 commission, the commission shall prepare and publish a report that
 3-20 includes:

3-21 (1) for each district in the plan, the total
 3-22 population and the percentage deviation from the average district
 3-23 population;

3-24 (2) an explanation of the criteria used in developing
 3-25 the plan, with a justification of any population deviation in a
 3-26 district from the average district population;

3-27 (3) a map or maps of all the districts; and

3-28 (4) the estimated cost to be incurred by the counties
 3-29 for changes in county election precinct boundaries required to
 3-30 conform to the districts adopted by the commission.

3-31 (c) The commission shall make a copy of a report prepared
 3-32 under this section available to the public.

3-33 Sec. 307.011. SUBMISSION OF PLAN. On adoption of a plan or
 3-34 modification of a plan by the commission, the commission shall
 3-35 submit the plan or modification to the governor, the secretary of
 3-36 state, and the presiding officer of each house of the legislature.

3-37 Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the
 3-38 initial adoption of the plan that the commission is required to
 3-39 adopt, the commission shall take all necessary steps to conclude
 3-40 its business and suspend operations until the commission reconvenes
 3-41 as provided by Section 307.009, if it does reconvene.

3-42 (b) The commission shall prepare a financial statement
 3-43 disclosing all expenditures made by the commission. The official
 3-44 record of the commission shall contain all relevant information
 3-45 developed by the commission in carrying out its duties, including
 3-46 maps, data, minutes of meetings, written communications, and other
 3-47 information.

3-48 (c) After the commission suspends operations, the secretary
 3-49 of state becomes the custodian of its official records for purposes
 3-50 of election administration. Any unexpended money from an
 3-51 appropriation to the commission reverts to the general revenue
 3-52 fund.

3-53 Sec. 307.013. REAPPOINTMENT OF COMMISSION FOLLOWING COURT
 3-54 ACTION. (a) If the final judgment of a state or federal court
 3-55 invalidates all or part of a plan or otherwise makes the plan
 3-56 unenforceable and as of January 31 of the next year ending in 3 the
 3-57 commission has not modified the plan as authorized by Section
 3-58 307.009 in response to the judgment, a new commission shall be
 3-59 appointed in the manner provided by Section 307.003, except that
 3-60 the appointments described by Sections 307.003(a)(1)-(4) must be
 3-61 made not later than the later of February 14 of that year or the 14th
 3-62 day after the date the judgment becomes final. The commission shall
 3-63 convene not later than the fifth day after the date the last
 3-64 appointment described by Sections 307.003(a)(1)-(4) is made, and
 3-65 the commission must make the appointment described by Section
 3-66 307.003(a)(5) not later than the fifth day after the date the
 3-67 commission convenes.

3-68 (b) A commission appointed under Subsection (a) has the same
 3-69 powers and duties under this chapter as a commission appointed

4-1 under Section 307.003 except that the terms of the members of the
4-2 commission and the authority of the commission to act under this
4-3 chapter expire on the earlier of:

4-4 (1) the date a judgment of a court approving a new plan
4-5 adopted by the commission becomes final; or

4-6 (2) the second anniversary of the date the commission
4-7 first convenes under Subsection (a).

4-8 SECTION 2. This Act takes effect January 1, 2013.

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