

By: Rodriguez

S.B. No. 1556

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.

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

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

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

8       1. A plan shall respect the integrity of the state's basic  
9 geographic regions as delineated by its councils of governments.  
10 These councils shall be used to form the cores of districts  
11 individually or by combining or dividing as may be required to  
12 comply with Section 307.002.

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

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

24       4. A district shall be composed solely of undivided census  
25 tracts as the smallest unit of redistricting.

26       5. A district shall be geographically compact, composed of  
27 convenient contiguous territory, and based on a sense of community

1 enabled by reasonable availability and facility of transportation  
2 and communication between population centers and other inhabited  
3 areas. A district shall not be considered non-compact due solely to  
4 irregular natural geographic or political boundaries. A district  
5 is not contiguous unless all areas are joined by whole census  
6 tracts; areas that connect only at the points of adjoining corners  
7 are not contiguous.

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

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

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

25 Sec. 307.004. REGIONAL HEARINGS. (a) The legislature  
26 shall conduct public hearings regarding congressional  
27 redistricting in the various geographical regions of the state

1 beginning in the year in which the census is taken.

2 (b) At least one public hearing must be conducted within the  
3 boundaries of each regional planning commission whose  
4 participating local governments have a total population equal to or  
5 greater than the ideal district population.

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

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

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

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

23 (b) A legislative redistricting committee of either house  
24 must hold public hearings to consider legislation proposing a plan.  
25 The public must be allowed to provide testimony at a hearing under  
26 this subsection. A person may submit information to a  
27 redistricting committee that identifies boundaries of communities

1 of interest. A person may submit a plan to a redistricting  
2 committee at any time if the plan is based on census counts,  
3 conforms to the requirements of Sections 307.002 and 307.003, and  
4 provides relevant explanations for why each district is drawn as it  
5 is.

6 Sec. 307.006. TECHNICAL ASSISTANCE. (a) The Texas  
7 Legislative Council shall develop compactness tests based on  
8 prevailing optimal compactness models to measure relative  
9 compactness of individual districts and alternative plans.

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

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

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

1 a submitted plan in its entirety as the state's official plan.

2 (c) The legislature may not redistrict this state's  
3 congressional districts more than once following each census except  
4 to replace a plan ordered by a court with a plan enacted by the  
5 legislature.

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

10 SECTION 2. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2011.