

BILL ANALYSIS

H.B. 1
By: Darby
Redistricting, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Though the Texas Legislature remains confident that the legislatively drawn maps adopted in 2011 are fair and legal and comply with all provisions of federal law, there remain several outstanding legal questions regarding these maps that undermine the stability and predictability of the electoral process in Texas. In response to this circumstance, it would be appropriate for the Texas Legislature to ratify, as permanent maps, the interim state house, senate, and congressional maps exactly as drawn and implemented by the United States District Court for the Western District of Texas on February 28, 2012, which the court presumably ordered because they comply with the federal Voting Rights Act and the United States Constitution. Adopting these interim maps avoids further expenditures of time and money, by all parties, in conjunction with ongoing litigation regarding the state house, senate, and congressional redistricting plans enacted by the 82nd Legislature. It also avoids disruption to future election cycles and provides certainty to Texans regarding their legislative districts and the electoral process.

H.B. 1 amends current law relating to the composition of districts for the election of members of the Texas Legislature and the United States House of Representatives from Texas.

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

H.B. 1 provides for the ratification and adoption of the interim redistricting plan used to elect members of the Texas House of Representatives in 2012 ordered by the United States District Court for the Western District of Texas on February 28, 2012, in the case of *Perez, et al. v. Perry, et al.* (No. SA-11-CV-360), and identified as PLANH309 on the redistricting computer system operated by the Texas Legislative Council, as the permanent plan for districts used to elect members of the Texas House of Representatives.

H.B. 1 provides that the interim redistricting plan used to elect members of the Texas Senate in 2012 ordered by the United States District Court for the Western District of Texas on February 28, 2012, in the case of *Davis, et al. v. Perry, et al.* (No. SA-11-CV-788), and identified as PLANS172 on the redistricting computer system operated by the Texas Legislative Council, is hereby ratified and adopted as the permanent plan for districts used to elect members of the Texas Senate.

H.B. 1 provides that the interim redistricting plan used to elect members of the United States House of Representatives from the State of Texas in 2012 ordered by the United States District Court for the Western District of Texas on February 28, 2012, in the case of *Perez, et al. v. Perry, et al.* (No. SA-11-CV-360), and identified as PLANC235 on the redistricting computer system operated by the Texas Legislative Council, is hereby ratified and adopted as the

permanent plan for districts used to elect members of the United States House of Representatives from the State of Texas.

H.B. 1 provides that the legislature finds that:

- the United States District Court for the Western District of Texas properly applied the decision of the United States Supreme Court on January 20, 2012, in *Perry, et al. v. Perez, et al.*, 565 U.S. ____ (2012) (per curiam), in the creation of the district court's interim plans for use in the 2012 elections;
- the district court's interim plans comply with all federal and state constitutional provisions or laws applicable to redistricting plans, including the federal Voting Rights Act; and
- the adoption of the district court's interim plans as permanent plans by the Texas Legislature will:
 - diminish the expense of further time and money by all parties in Texas' ongoing redistricting litigation;
 - avoid disruption of the upcoming election cycle; and
 - provide certainty and continuity to the citizens of Texas regarding the districts used to elect members of the legislature and the United States House of Representatives from Texas.

H.B. 1 repeals the following provisions:

- Chapter 1271 (H.B. 150), Acts of the 82nd Legislature, Regular Session, 2011 (Article 195a-12, Vernon's Texas Civil Statutes)
- Chapter 1315 (S.B. 31), Acts of the 82nd Legislature, Regular Session, 2011 (Article 193e, Vernon's Texas Civil Statutes)
- Chapter 1 (S.B. 4), Acts of the 82nd Legislature, 1st Called Session, 2011 (Article 197j, Vernon's Texas Civil Statutes)

EFFECTIVE DATE

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