

By: Strama

H.J.R. No. 38

A JOINT RESOLUTION

1 proposing a constitutional amendment establishing the Texas
2 Redistricting Commission to redistrict the Texas Legislature and
3 Texas congressional districts and revising procedures for
4 redistricting.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article III, Texas Constitution, is amended by
7 adding Section 28a to read as follows:

8 Sec. 28a. (a) The Texas Redistricting Commission exercises
9 the legislative authority of this state to adopt redistricting
10 plans for the election of the Texas House of Representatives, the
11 Texas Senate, and the members of the United States House of
12 Representatives elected from this state. Districts for those
13 legislative bodies may not be established or changed except as
14 provided by this section.

15 (b) The commission consists of seven members selected as
16 follows:

17 (1) one member appointed by the member of the Texas
18 Senate with the most seniority, as defined by senate rules;

19 (2) one member appointed by the member of the Texas
20 Senate with the most seniority, as defined by senate rules, who is
21 of a different political party than the member described by
22 Subdivision (1) of this subsection;

23 (3) one member appointed by the member of the Texas
24 House of Representatives with the most seniority, as defined by

1 house rules;

2 (4) one member appointed by the member of the Texas
3 House of Representatives with the most seniority, as defined by
4 house rules, who is of a different political party than the member
5 described by Subdivision (3) of this subsection;

6 (5) one member appointed by an affirmative vote of not
7 fewer than three of the members of the commission selected under
8 Subdivisions (1) through (4) of this subsection; and

9 (6) two members appointed by the member appointed
10 under Subdivision (5) of this subsection, who must be retired
11 federal judges appointed to the federal bench by presidents of
12 different political parties.

13 (c) The member appointed under Subsection (b)(5) of this
14 section serves as presiding officer of the commission.

15 (d) Each member of the commission must be a resident of this
16 state. A person is not eligible to serve on the commission if the
17 person:

18 (1) holds an elective or appointive public office,
19 other than the office of retired federal judge if the member is
20 appointed under Subsection (b)(6) of this section or an office on
21 the governing body of a school district;

22 (2) holds an office in a political party;

23 (3) is employed by:

24 (A) an elected or appointed public official;

25 (B) a candidate for the legislature or the United
26 States Congress; or

27 (C) an entity whose principal purpose is to

1 support or oppose a candidate described by Paragraph (B) of this
2 subdivision;

3 (4) has served in a position described by Subdivision
4 (1), (2), or (3) of this subsection within the three years preceding
5 the date the person is appointed to the commission;

6 (5) is required by law to register with the Texas
7 Ethics Commission on account of the person's communications with
8 state officers to influence legislation or administrative action,
9 or was required to register in that capacity in the three years
10 preceding the date the person was appointed to the commission; or

11 (6) is related to an elected or appointed public
12 official within the second degree by consanguinity, as determined
13 under general law governing consanguinity.

14 (e) The full term of a member of the commission is a 10-year
15 term that begins on February 1 of the year ending in 1 in which the
16 initial appointment to the position is required to be made and
17 expires on January 31 of the next year ending in 1. A vacancy on the
18 commission is filled in the same manner as provided by this section
19 for the original appointment.

20 (f) A member of the commission may not be a candidate in an
21 election for the Texas Senate or Texas House of Representatives
22 before the third anniversary of the date the commission adopts a
23 redistricting plan or modification of a plan for that body during
24 the person's service on the commission.

25 (g) A redistricting plan or modification of a redistricting
26 plan is adopted by a vote of not less than five members of the
27 commission.

1 (h) The members of the commission appointed under
2 Subsections (b)(1) through (4) of this section shall be appointed
3 not earlier than January 25 or later than January 31 of each year
4 ending in 1. The member appointed under Subsection (b)(5) of this
5 section shall be appointed not later than the 15th day after the
6 commission convenes under Subsection (i) of this section. The
7 members appointed under Subsection (b)(6) of this section shall be
8 appointed not later than the 15th day after the date of an
9 appointment under Subsection (b)(5) of this section.

10 (i) The commission shall convene on the first business day
11 after January 31 of each year ending in 1 and shall adopt a
12 redistricting plan for the Texas Senate, the Texas House of
13 Representatives, and the members of the United States House of
14 Representatives elected from this state not later than July 1 of
15 that year, unless the federal decennial census is delivered to the
16 appropriate officials of this state after May 1 of that year, in
17 which event the commission shall adopt those redistricting plans
18 not later than the 90th day after the date the census is delivered.

19 (j) The commission shall reconvene to modify a
20 redistricting plan if the plan becomes unenforceable by order of a
21 court or by action of any other appropriate authority. In modifying
22 a redistricting plan, the commission must comply with all
23 applicable standards imposed by this section, other provisions of
24 this constitution, and laws enacted under this section but is not
25 limited to modifications necessary to correct legal deficiencies.

26 (k) In a redistricting plan or modification of a plan
27 adopted under this section:

1 (1) each district must be composed of contiguous
2 territory, and for purposes of this subdivision territory that is
3 adjoining only at a point is not considered contiguous;

4 (2) each congressional district must contain a
5 population as nearly equal as possible to the population of any
6 other district in the plan;

7 (3) in a legislative redistricting plan the overall
8 range of population deviation from the district with the largest
9 population to the district with the smallest population may not
10 exceed 2.5 percent;

11 (4) to the extent reasonable, district boundaries must
12 coincide with the boundaries of political subdivisions of the state
13 and divide the smallest number of counties, municipalities, and
14 school districts possible; and

15 (5) districts must be drawn in accordance with the
16 federal constitution and all applicable federal laws.

17 (1) If a political subdivision must be divided, the
18 commission shall give preference to dividing a more populous
19 political subdivision before a less populous one. This subsection
20 does not apply to a boundary drawn along a county line that divides
21 a municipality.

22 (m) The commission may not draw a redistricting plan
23 purposely to favor or discriminate against a political party or any
24 other group.

25 (n) The legislature shall enact laws consistent with this
26 section to implement this section. The laws may include additional
27 qualifications for commission members and additional standards

1 applicable to redistricting plans.

2 (o) The legislature shall appropriate money or otherwise
3 provide the commission sufficient facilities and personnel to
4 enable the commission to carry out its duties.

5 (p) This section takes effect January 1, 2021. On that
6 date, the Legislative Redistricting Board is abolished and Section
7 28 of this article is repealed. The Texas Redistricting Commission
8 shall convene for the first time on the first business day after
9 January 31, 2021. This subsection expires January 1, 2022.

10 SECTION 2. Section 7a, Article V, Texas Constitution, is
11 amended by amending Subsections (e) and (i) and adding Subsection
12 (j) to read as follows:

13 (e) Unless the legislature enacts a statewide
14 reapportionment of the judicial districts following each federal
15 decennial census, the board shall convene not later than the first
16 Monday of June of the third year following the year in which the
17 federal decennial census is taken to make a statewide
18 reapportionment of the districts. The board shall complete its
19 work on the reapportionment and file its order with the secretary of
20 state not later than August 31 of the same year. If the Judicial
21 Districts Board fails to make a statewide apportionment by that
22 date, the Texas [~~Legislative~~] Redistricting Commission [~~Board~~]
23 established by Article III, Section 28a [~~28~~], of this constitution
24 shall convene on September 1 of the same year to make a statewide
25 reapportionment of the judicial districts not later than the 90th
26 [~~150th~~] day after the final day for the Judicial Districts Board to
27 make the reapportionment.

1 (i) The legislature, the Judicial Districts Board, or the
2 Texas [~~Legislative~~] Redistricting Commission [~~Board~~] may not
3 redistrict the judicial districts to provide for any judicial
4 district smaller in size than an entire county except as provided by
5 this section. Judicial districts smaller in size than the entire
6 county may be created subsequent to a general election where a
7 majority of the persons voting on the proposition adopt the
8 proposition "to allow the division of _____ County into
9 judicial districts composed of parts of _____ County." No
10 redistricting plan may be proposed or adopted by the legislature,
11 the Judicial Districts Board, or the Texas [~~Legislative~~]
12 Redistricting Commission [~~Board~~] in anticipation of a future action
13 by the voters of any county.

14 (j) Until January 1, 2021, a reference in this section to
15 the Texas Redistricting Commission means the Legislative
16 Redistricting Board established under Article III, Section 28, of
17 this constitution. This subsection expires January 1, 2021.

18 SECTION 3. This proposed constitutional amendment shall be
19 submitted to the voters at an election to be held November 5, 2013.
20 The ballot shall be printed to permit voting for or against the
21 following proposition: "The constitutional amendment establishing
22 the Texas Redistricting Commission to redistrict the Texas
23 Legislature and Texas congressional districts and revising
24 procedures for redistricting."