

By: West

S.B. No. 104

A BILL TO BE ENTITLED

AN ACT

relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

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. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION

Sec. 307.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Congressional Redistricting Commission.

(2) "Plan" means a redistricting plan for the Texas congressional districts adopted as provided by this chapter.

Sec. 307.002. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION. The Texas Congressional Redistricting Commission exercises the legislative authority of this state to adopt redistricting plans for the election of the members of the United States House of Representatives elected from this state. A plan for congressional districts may be established or modified only by the commission as provided by this chapter.

Sec. 307.003. MEMBERSHIP; TERMS. (a) The initial commission consists of nine members selected as follows:

(1) two members appointed by a majority vote of the members of the Texas House of Representatives belonging to the

1 political party with the most members in the house of  
2 representatives;

3 (2) two members appointed by a majority vote of the  
4 members of the Texas House of Representatives belonging to the  
5 political party with the second highest number of members in the  
6 house of representatives;

7 (3) two members appointed by a majority vote of the  
8 members of the Texas Senate belonging to the political party with  
9 the most members in the senate;

10 (4) two members appointed by a majority vote of the  
11 members of the Texas Senate belonging to the political party with  
12 the second highest number of members in the senate; and

13 (5) one member appointed by an affirmative vote of not  
14 fewer than five of the members of the commission selected under  
15 Subdivisions (1)-(4).

16 (b) The member appointed under Subsection (a)(5) is a  
17 nonvoting member and serves as presiding officer of the commission.

18 (c) Each member of the commission must be a resident of this  
19 state. At least one member appointed by the Texas House of  
20 Representatives and one member appointed by the Texas Senate must  
21 reside in a county not designated as a metropolitan statistical  
22 area as defined by the United States Office of Management and  
23 Budget. If the members of a house of the legislature entitled to  
24 make an appointment to the commission cannot agree on whether the  
25 members belonging to the political party with the most members or  
26 the political party with the second highest number of members will  
27 make the appointment required by this subsection, the presiding

1 officer of that house shall designate the members who must make the  
2 appointment required by this subsection.

3 (d) A person is not eligible to serve on the commission if  
4 the person:

5 (1) holds an elective public office;

6 (2) holds an office in a political party other than  
7 membership on a precinct committee;

8 (3) has served in a position described by Subdivision  
9 (1) or (2) within the two years preceding the date the person is  
10 appointed to the commission; or

11 (4) is required to register under Section 305.003 or  
12 was required to register under that section in the two years  
13 preceding the date the person is appointed to the commission.

14 (e) The full term of a member of the commission is a two-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 3.

18 (f) A vacancy on the commission is filled in the same manner  
19 as provided by this section for the original appointment. If the  
20 commission is convened when the vacancy occurs or if the vacancy  
21 exists when the commission reconvenes, the appointing authority  
22 shall fill the vacancy on or before the 20th day after the date the  
23 vacancy occurs or the commission reconvenes, as applicable. The  
24 members of the Texas House of Representatives or Texas Senate  
25 authorized to appoint a member of the commission may meet as  
26 necessary to make an appointment or to fill a vacancy.

27 (g) The members of the commission appointed under

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

6 Sec. 307.004. OATH. Before serving on the commission, each  
7 person appointed shall take and subscribe to the constitutional  
8 oath of office.

9 Sec. 307.005. POLITICAL ACTIVITIES PROHIBITED. A member of  
10 the commission may not:

11 (1) be a candidate for or campaign for elective office  
12 while a member of the commission; or

13 (2) actively participate in or contribute to the  
14 political campaign of a candidate for a state or federal elective  
15 office while a member of the commission.

16 Sec. 307.006. OPERATION OF COMMISSION. (a) The  
17 legislature shall appropriate sufficient money for the  
18 compensation and payment of the expenses of the commission members  
19 and any staff employed by the commission.

20 (b) The commission shall be provided access to statistical  
21 or other information compiled by the state or its political  
22 subdivisions as necessary for the commission's reapportionment  
23 duties.

24 (c) The Texas Legislative Council, under the direction of  
25 the commission, shall provide the technical staff and clerical  
26 services that the commission needs to prepare its plans.

27 Sec. 307.007. DUTIES. The commission shall:

1           (1) adopt rules to administer this chapter; and

2           (2) comply with Chapters 551 and 552.

3           Sec. 307.008. ADOPTION OF PLAN. (a) A redistricting plan  
4 or modification of a redistricting plan is adopted by a vote of not  
5 fewer than five members of the commission.

6           (b) The commission shall convene on the first business day  
7 after January 31 of each year ending in 1 and shall adopt a  
8 redistricting plan for the members of the United States House of  
9 Representatives elected from this state not later than August 31 of  
10 that year, unless the federal decennial census is delivered to the  
11 appropriate officials of this state after June 1 of that year, in  
12 which event the commission shall adopt the redistricting plan not  
13 later than the 90th day after the date the census is delivered.

14           Sec. 307.009. MODIFICATION OF PLAN; ADDITIONAL ACTION.

15 (a) Except as provided by Subsection (b), the commission may  
16 reconvene on the motion of at least four of its voting members filed  
17 with the secretary of state at any time after the adoption of the  
18 initial congressional redistricting plan to modify that plan if the  
19 plan becomes unenforceable by order of a court or by action of any  
20 other appropriate authority or is subject to legal challenge in a  
21 court proceeding. In modifying a redistricting plan, the  
22 commission must comply with all applicable standards imposed by  
23 this chapter, but is not limited to modifications necessary to  
24 correct legal deficiencies.

25           (b) The authority of the commission to act under this  
26 chapter expires on January 31 of the next year ending in 3 unless  
27 the final judgment of a court wholly or partly invalidates a plan

1 after that date.

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

4 (1) each district must be composed of contiguous  
5 territory;

6 (2) each district must contain a population, excluding  
7 nonresident military personnel, as nearly equal as practicable to  
8 the population of any other district in the plan; and

9 (3) to the extent reasonable, each district must be  
10 compact and convenient and be separated from adjoining districts by  
11 natural geographic barriers, artificial barriers, or political  
12 subdivision boundaries.

13 (b) For each plan or modification of a plan adopted by the  
14 commission, the commission shall prepare and publish a report that  
15 includes:

16 (1) for each district in the plan, the total  
17 population and the percentage deviation from the average district  
18 population;

19 (2) an explanation of the criteria used in developing  
20 the plan, with a justification of any population deviation in a  
21 district from the average district population;

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

23 (4) the estimated cost to be incurred by the counties  
24 for changes in county election precinct boundaries required to  
25 conform to the districts adopted by the commission.

26 (c) The commission shall make a copy of a report prepared  
27 under this section available to the public.

1       Sec. 307.011. SUBMISSION OF PLAN. On adoption of a plan or  
2 modification of a plan by the commission, the commission shall  
3 submit the plan or modification to the governor, the secretary of  
4 state, and the presiding officer of each house of the legislature.

5       Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the  
6 initial adoption of the plan that the commission is required to  
7 adopt, the commission shall take all necessary steps to conclude  
8 its business and suspend operations until the commission reconvenes  
9 as provided by Section 307.009 if it does reconvene.

10       (b) The commission shall prepare a financial statement  
11 disclosing all expenditures made by the commission. The official  
12 record of the commission shall contain all relevant information  
13 developed by the commission in carrying out its duties, including  
14 maps, data, minutes of meetings, written communications, and other  
15 information.

16       (c) After the commission suspends operations, the secretary  
17 of state becomes the custodian of its official records for purposes  
18 of election administration. Any unexpended money from an  
19 appropriation to the commission reverts to the general revenue  
20 fund.

21       Sec. 307.013. REAPPOINTMENT OF COMMISSION FOLLOWING COURT  
22 ACTION. (a) If the final judgment of a state or federal court  
23 invalidates all or part of a plan or otherwise makes the plan  
24 unenforceable and as of January 31 of the next year ending in 3 the  
25 commission has not modified the plan as authorized by Section  
26 307.009 in response to the judgment, a new commission shall be  
27 appointed in the manner provided by Section 307.003, except that

1 the appointments described by Sections 307.003(a)(1)-(4) must be  
2 made not later than the later of February 14 of that year or the 14th  
3 day after the date the judgment becomes final. The commission shall  
4 convene not later than the fifth day after the date the last  
5 appointment described by Sections 307.003(a)(1)-(4) is made, and  
6 the commission must make the appointment described by Section  
7 307.003(a)(5) not later than the fifth day after the date the  
8 commission convenes.

9 (b) A commission appointed under Subsection (a) has the same  
10 powers and duties under this chapter as a commission appointed  
11 under Section 307.003 except that the terms of the members of the  
12 commission and the authority of the commission to act under this  
13 chapter expire on the earlier of:

14 (1) the date a judgment of a court approving a new plan  
15 adopted by the commission becomes final; or

16 (2) the second anniversary of the date the commission  
17 first convenes under Subsection (a).

18 SECTION 2. This Act takes effect January 1, 2015.