

By: West

S.B. No. 209

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, 2019.