

By: Neave

H.J.R. No. 123

A JOINT RESOLUTION

1 proposing a constitutional amendment establishing the Texas
2 Redistricting Commission to redistrict the Texas Legislature,
3 Texas congressional districts, and State Board of Education
4 districts and revising procedures for 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 Sections 28a, 28b, and 28c to read as follows:

8 Sec. 28a. (a) In the year following a year in which the
9 United States decennial census is taken, the Texas Redistricting
10 Commission described by Section 28b of this article shall adjust
11 the boundary lines of the districts for the election of the members
12 of the United States House of Representatives elected from this
13 state, the members of the Texas Senate, the members of the Texas
14 House of Representatives, and the members of the State Board of
15 Education in accordance with the standards and process provided by
16 Section 28b of this article.

17 (b) Districts described by Subsection (a) of this section
18 must be single-member districts, each entitled to elect one member
19 of the United States House of Representatives, the Texas Senate,
20 the Texas House of Representatives, or the State Board of
21 Education, as applicable.

22 Sec. 28b. (a) In this section:

23 (1) "Census year" means a calendar year in which the
24 United States decennial census is taken.

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

3 (3) "Majority party" means, with respect to a
4 commission member, the political party with the most total votes
5 cast in the four statewide primary elections preceding the member's
6 appointment.

7 (4) "Minority party" means, with respect to a
8 commission member, the political party with the second highest
9 number of total votes cast in the four statewide primary elections
10 preceding the member's appointment.

11 (5) "Statewide primary election" means an election
12 held by a political party to select its nominee for governor or for
13 President of the United States. The term does not include a runoff
14 primary election.

15 (b) Not later than December 31 of each census year, the
16 members of the Texas Redistricting Commission shall be appointed
17 and the commission shall commence the redistricting process for the
18 districts described by Section 28a(a) of this article in connection
19 with the census taken that year.

20 (c) The commission members shall:

21 (1) conduct an open and transparent process enabling
22 full public consideration of, and comment on, the drawing of
23 district lines;

24 (2) draw district lines according to the redistricting
25 criteria specified in this section; and

26 (3) conduct themselves with integrity and fairness.

27 (d) The selection process for commission members is

1 designed to produce a commission that is independent from
2 legislative influence and reasonably representative of this
3 state's diversity.

4 (e) The commission consists of 14 members as follows:

5 (1) five majority party members, each of whom:

6 (A) voted in at least three of the four statewide
7 primary elections preceding the member's appointment held by the
8 majority party;

9 (B) did not vote in any of the four statewide
10 primary elections preceding the member's appointment held by a
11 political party other than the majority party; and

12 (C) voted in at least two of the three general
13 elections preceding the member's appointment in which the office of
14 governor or President of the United States appeared on the ballot;

15 (2) five minority party members who:

16 (A) voted in at least three of the four statewide
17 primary elections preceding the member's appointment held by the
18 minority party;

19 (B) did not vote in any of the four statewide
20 primary elections preceding the member's appointment held by a
21 political party other than the minority party; and

22 (C) voted in at least two of the three general
23 elections preceding the member's appointment in which the office of
24 governor or President of the United States appeared on the ballot;
25 and

26 (3) four independent members who:

27 (A) did not vote in any of the four statewide

1 primary elections preceding the member's appointment; and

2 (B) voted in at least two of the three general
3 elections preceding the member's appointment in which the office of
4 governor or President of the United States appeared on the ballot.

5 (f) The term of office of each commission member expires at
6 the time the first commission member is appointed in the next census
7 year.

8 (g) Nine commission members constitute a quorum. The
9 affirmative vote of at least nine commission members is required
10 for any official commission action. Each final redistricting map
11 must be approved by the affirmative vote of at least nine commission
12 members, including at least three majority party members, at least
13 three minority party members, and at least three independent
14 members, as provided by Subsection (e) of this section.

15 (h) Each commission member shall apply this section and
16 Sections 28a and 28c of this article in a manner that is impartial
17 and that reinforces public confidence in the integrity of the
18 redistricting process.

19 (i) A commission member is ineligible for a period of 10
20 years beginning on the date of appointment to hold a federal,
21 state, county, or municipal office elected from this state. A
22 commission member is ineligible for a period of five years
23 beginning on the date of appointment to:

24 (1) hold an appointed federal office representing this
25 state;

26 (2) hold an appointed state or local office in this
27 state;

1 (3) serve as a paid employee of or as a paid consultant
2 to:

3 (A) a member of the United States Congress
4 elected from this state;

5 (B) the legislature; or

6 (C) a member of the legislature; or

7 (4) register as a lobbyist in this state.

8 (j) The commission shall establish districts described by
9 Section 28a(a) of this article through a mapping process using the
10 following criteria in the following order of priority:

11 (1) all districts must comply with the United States
12 Constitution;

13 (2) districts for the election of members of the
14 United States House of Representatives must achieve population
15 equality as nearly as is practicable;

16 (3) districts for the election of members of the Texas
17 Senate, the Texas House of Representatives, and the State Board of
18 Education must have reasonably equal population with other
19 districts for the same office except where deviation is required to
20 comply with the federal Voting Rights Act (52 U.S.C. Sec. 10101 et
21 seq.) or is allowable by law;

22 (4) all districts must comply with the federal Voting
23 Rights Act (52 U.S.C. Sec. 10101 et seq.);

24 (5) all districts must be geographically contiguous;

25 (6) the geographic integrity of each municipality,
26 county, local neighborhood, and local community of interest must be
27 respected in a manner that minimizes its division to the extent

1 possible without violating the requirements of any of the preceding
2 subdivisions of this subsection; and

3 (7) to the extent practicable and to the extent that
4 compliance with this subdivision does not preclude compliance with
5 any of the preceding subdivisions of this subsection, districts
6 must be drawn to encourage geographical compactness so that nearby
7 areas of population are not bypassed for more distant population.

8 (k) For purposes of Subsection (j)(6) of this section, a
9 community of interest is a contiguous population that shares common
10 social and economic interests that should be included within a
11 single district for purposes of that population's effective and
12 fair representation. Communities of interest may not be determined
13 based on relationships with political parties, incumbents, or
14 political candidates.

15 (l) The place of residence of any incumbent or political
16 candidate may not be considered in the creation of a map. Districts
17 may not be drawn for the purpose of favoring or discriminating
18 against an incumbent, political candidate, or political party.

19 (m) Not later than September 15 of each year following a
20 census year, the commission shall approve final maps that
21 separately set forth the boundary lines of the districts for the
22 election of the members of the United States House of
23 Representatives elected from this state, the members of the Texas
24 Senate, the members of the Texas House of Representatives, and the
25 members of the State Board of Education. On approval, the
26 commission shall certify each final map to the secretary of state.

27 (n) The commission shall issue, with each of the four final

1 maps, a report that explains the basis on which the commission made
2 its decisions in achieving compliance with the criteria listed in
3 Subsection (j) of this section and shall include definitions of the
4 terms and standards used in drawing each final map.

5 (o) If the commission fails to approve a final map with the
6 vote and by the date required by this section, the secretary of
7 state shall immediately petition the Texas Supreme Court for an
8 order directing the appointment of special masters to adjust the
9 boundary lines of the districts required to be included in that map
10 in accordance with the redistricting criteria and requirements
11 provided by Subsections (j), (k), and (l) of this section. On
12 approval of the special masters' map, the Texas Supreme Court shall
13 certify the map to the secretary of state and the map constitutes
14 the certified final map for the districts included in the map.

15 (p) The boundary lines of the districts contained in a
16 certified final map apply beginning with the next statewide general
17 election and any corresponding primary elections.

18 (q) The governor shall present to the legislature an
19 estimate of the amount of money required for the purposes of this
20 section and Sections 28a and 28c of this article. The legislature
21 shall appropriate to the state auditor, the secretary of state, and
22 the commission amounts sufficient to implement the redistricting
23 process required by this section, Sections 28a and 28c of this
24 article, and general law. The amounts appropriated must provide
25 adequate funding for a statewide outreach program to solicit broad
26 public participation in the redistricting process, including the
27 solicitation of applicants for commission membership. The office

1 of the governor shall provide adequate office and meeting space for
2 the commission's operations.

3 (r) Consistent with this section and Sections 28a and 28c of
4 this article, the legislature by general law shall provide
5 procedures for selecting the members of the commission and may
6 provide provisions governing the powers, duties, and operations of
7 the commission. After enactment, the legislature may not
8 subsequently amend that general law unless:

9 (1) by the same vote required for the adoption of a
10 final map, the commission recommends amendment of that general law
11 to carry out the purpose and intent of this section and Sections 28a
12 and 28c of this article;

13 (2) the bill to enact the amendment is approved by a
14 vote of at least two-thirds of all the members elected to each house
15 of the legislature and becomes law in a manner described by Section
16 14, Article IV, of this constitution;

17 (3) the bill to enact the amendment is printed and
18 distributed in each house of the legislature at least 10 days before
19 final passage by the legislature;

20 (4) the amendment furthers the purposes of this
21 section and Sections 28a and 28c of this article; and

22 (5) the amendment is passed by the legislature in a
23 year not ending in the numeral 0 or 1.

24 Sec. 28c. (a) The Texas Redistricting Commission has sole
25 standing to defend a legal challenge to a final map certified under
26 Section 28b of this article. The legislature shall provide adequate
27 funding and other resources to the commission to defend a certified

1 final map. The attorney general shall, at the commission's request,
2 represent the commission in defense of a certified final map. The
3 commission may, in its sole discretion, retain legal counsel other
4 than the attorney general to represent the commission in defense of
5 a certified final map.

6 (b) Any registered voter in this state may file a petition
7 for a writ of mandamus or writ of prohibition, not later than the
8 45th day after a final map is certified to the secretary of state,
9 to bar the secretary of state from implementing the map on the
10 grounds that the map violates this constitution, the United States
11 Constitution, or any federal or state statute.

12 (c) If the court determines that a final certified map
13 violates this constitution, the United States Constitution, or any
14 federal or state statute, the court shall fashion the relief that
15 the court deems appropriate, including the relief described by
16 Section 28b(o) of this article.

17 SECTION 2. Section 7a, Article V, Texas Constitution, is
18 amended by amending Subsections (e) and (i) to read as follows:

19 (e) Unless the legislature enacts a statewide
20 reapportionment of the judicial districts following each federal
21 decennial census, the board shall convene not later than the first
22 Monday of June of the third year following the year in which the
23 federal decennial census is taken to make a statewide
24 reapportionment of the districts. The board shall complete its
25 work on the reapportionment and file its order with the secretary of
26 state not later than August 31 of the same year. If the Judicial
27 Districts Board fails to make a statewide apportionment by that

1 date, the Texas ~~[Legislative]~~ Redistricting Commission ~~[Board]~~
2 established by Article III, Section 28b ~~[28]~~, of this constitution
3 shall convene on September 1 of the same year to make a statewide
4 reapportionment of the judicial districts not later than the 90th
5 ~~[150th]~~ day after the final day for the Judicial Districts Board to
6 make the reapportionment.

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

20 SECTION 3. Sections 25, 26, and 28, Article III, Texas
21 Constitution, are repealed.

22 SECTION 4. The following temporary provision is added to
23 the Texas Constitution:

24 TEMPORARY PROVISION. (a) This temporary provision applies to
25 the constitutional amendment proposed by the 86th Legislature,
26 Regular Session, 2019, establishing the Texas Redistricting
27 Commission to redistrict the Texas Legislature, Texas

1 congressional districts, and State Board of Education districts and
2 revising procedures for redistricting.

3 (b) Section 28b, Article III, of this constitution takes
4 effect January 1, 2020.

5 (c) On January 1, 2021:

6 (1) Sections 28a and 28c, Article III, of this
7 constitution take effect;

8 (2) the amendments to Section 7a, Article V, of this
9 constitution take effect;

10 (3) Sections 25, 26, and 28, Article III, of this
11 constitution are repealed; and

12 (4) the Legislative Redistricting Board is abolished.

13 (d) This temporary provision expires January 1, 2022.

14 SECTION 5. This proposed constitutional amendment shall be
15 submitted to the voters at an election to be held November 5, 2019.
16 The ballot shall be printed to permit voting for or against the
17 following proposition: "The constitutional amendment establishing
18 the Texas Redistricting Commission to redistrict the Texas
19 Legislature, Texas congressional districts, and State Board of
20 Education districts and revising procedures for redistricting."