

By: Menéndez

S.B. No. 1537

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Redistricting Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.032, Election Code, is amended to read as follows:

Sec. 42.032. REDISTRICTING: BOUNDARY CHANGES. If changes in county election precinct boundaries are necessary to give effect to a redistricting plan under Article III, Section 28a [28], of the Texas Constitution, each commissioners court shall order the changes before October 1 of the year in which the redistricting is done.

SECTION 2. The heading to Title 5, Government Code, is amended to read as follows:

TITLE 5. OPEN GOVERNMENT; ETHICS; REDISTRICTING

SECTION 3. Title 5, Government Code, is amended by adding Subtitle C to read as follows:

SUBTITLE C. REDISTRICTING

CHAPTER 581. TEXAS REDISTRICTING COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 581.001. DEFINITIONS. In this chapter:

(1) "Census year," "commission," and "statewide primary election" have the meanings assigned by Section 28b(a), Article III, Texas Constitution.

(2) "Immediate family member" means a person's spouse,

1 parent, child, sibling, in-law, or other individual with whom the
2 person has a bona fide family relationship established through
3 blood or legal relation.

4 Sec. 581.002. COMPUTATION OF TIME. For purposes of this
5 chapter, a day means a calendar day, except that if the final day of
6 a period within which an action may or must be performed is a
7 Saturday, Sunday, national holiday, or state holiday, the period is
8 extended to the next day that is not a Saturday, Sunday, or holiday.

9 Sec. 581.003. RETALIATION FOR ATTENDING COMMISSION MEETING
10 PROHIBITED. Notwithstanding any other law, an employer may not
11 discharge, threaten to discharge, intimidate, coerce, or retaliate
12 against an employee because of the employee's attendance or
13 scheduled attendance at any meeting of the commission.

14 SUBCHAPTER B. SELECTION OF COMMISSION MEMBERS

15 Sec. 581.051. APPLICATIONS. (a) Not later than August 15
16 of each year preceding a census year, the state auditor shall
17 initiate an application process for commission members.

18 (b) The process must be open to all registered voters of
19 this state and promote a diverse and qualified applicant pool.

20 Sec. 581.052. CONFLICTS OF INTEREST. (a) The state auditor
21 shall remove an applicant with a conflict of interest from the
22 applicant pool, including an applicant:

23 (1) who at any point during the 10 years preceding the
24 application date:

25 (A) was appointed or elected to, or was a
26 candidate for, federal or state office;

27 (B) served as an officer, employee, or paid

1 consultant of a political party or of the campaign committee of a
2 candidate for elective federal or state office;

3 (C) served as an elected or appointed member of a
4 political party's executive committee;

5 (D) was a registered lobbyist;

6 (E) served as a paid staff member for Congress or
7 the legislature; or

8 (F) contributed at least \$2,000 or the amount
9 provided by Subsection (b) to any congressional, state, or local
10 candidate for elective public office in any year;

11 (2) with an immediate family member who would be
12 disqualified as an applicant under Subdivision (1); or

13 (3) who is an employee of, a consultant to, party to a
14 contract with, or an immediate family member of the governor, a
15 member of the legislature, or a member of Congress.

16 (b) Beginning in 2029, on January 1 of each year ending in
17 the numeral 9, the contribution amount prescribed by Subsection
18 (a)(1)(F) is increased or decreased by an amount equal to the amount
19 prescribed by that paragraph on December 31 of the preceding year
20 multiplied by the percentage increase or decrease during the
21 preceding decade in the Consumer Price Index for All Urban
22 Consumers (CPI-U), U.S. City Average, as published by the United
23 States Bureau of Labor Statistics or its successor in function.

24 Sec. 581.053. SELECTION OF APPLICANT SUBPOOLS. (a) After
25 removing individuals with conflicts of interest from the applicant
26 pool under Section 581.052, the state auditor shall, not later than
27 March 15 of each census year, publicize the names of individuals in

1 the applicant pool.

2 (b) From the applicant pool described by Subsection (a), the
3 state auditor shall select:

4 (1) a majority subpool consisting of 20 of the most
5 qualified applicants who would qualify as majority party members
6 under Section 28b(e)(1), Article III, Texas Constitution;

7 (2) a minority subpool consisting of 20 of the most
8 qualified applicants who would qualify as minority party members
9 under Section 28b(e)(2), Article III, Texas Constitution; and

10 (3) an independent subpool consisting of 20 of the
11 most qualified applicants who would qualify as independent members
12 under Section 28b(e)(3), Article III, Texas Constitution.

13 (c) The state auditor shall select the members of the
14 applicant subpools based on relevant analytical skills, ability to
15 be impartial, and appreciation for this state's diverse
16 demographics and geography.

17 (d) Before drawing the members of the commission under
18 Section 581.054, the state auditor may not communicate with:

19 (1) a member, or a representative of a member, of the
20 senate, the house of representatives, or Congress about any matter
21 related to the selection process; or

22 (2) a member of the applicant pool, other than to
23 notify each member of the pool in writing whether the member was
24 selected for an applicant subpool.

25 Sec. 581.054. DRAWING TO SELECT FIRST EIGHT COMMISSION
26 MEMBERS. Not later than July 5 of each census year, the state
27 auditor shall select the first eight members of the commission by

1 randomly drawing:

- 2 (1) three applicants from the majority subpool;
- 3 (2) three applicants from the minority subpool; and
- 4 (3) two applicants from the independent subpool.

5 Sec. 581.055. APPOINTMENT OF SECOND SIX COMMISSION MEMBERS.

6 (a) Not later than August 15 of each census year, the eight
7 commission members selected under Section 581.054 shall review the
8 remaining names in each applicant subpool and appoint to the
9 commission:

- 10 (1) two remaining applicants from the majority
11 subpool;
- 12 (2) two remaining applicants from the minority
13 subpool; and
- 14 (3) two remaining applicants from the independent
15 subpool.

16 (b) An appointment under Subsection (a) must be approved by
17 at least five affirmative votes of commission members selected
18 under Section 581.054, including at least two votes of commission
19 members drawn from the majority subpool, at least two votes of
20 commission members drawn from the minority subpool, and at least
21 one vote of a commission member drawn from the independent subpool.

22 (c) In making appointments under Subsection (a), the
23 commission members shall ensure that the commission reflects this
24 state's diversity, including racial, ethnic, geographic, and
25 gender diversity. However, the legislature does not intend that
26 formulas or specific ratios be applied for this purpose.

27 (d) Appointments under Subsection (a) shall also be made

1 based on relevant analytical skills and the ability to be
2 impartial.

3 SUBCHAPTER C. ORGANIZATION OF COMMISSION

4 Sec. 581.101. OFFICERS. The commission shall select one
5 member as chair and one member as vice chair. The chair and vice
6 chair may not both be majority party members, minority party
7 members, or independent members as described by Section 28b(e),
8 Article III, Texas Constitution.

9 Sec. 581.102. REMOVAL OF COMMISSION MEMBER. (a) After
10 having been served written notice and provided with an opportunity
11 for a response, a commission member may be removed by the governor
12 with the concurrence of two-thirds of the members of the senate for
13 substantial neglect of duty, gross misconduct in office, or
14 inability to discharge the duties of office.

15 (b) A commission member removed for substantial neglect of
16 duty or gross misconduct in office may be referred to the attorney
17 general for criminal investigation or to an appropriate
18 administrative agency for investigation.

19 Sec. 581.103. VACANCY. (a) A vacancy on the commission
20 that occurs before December 31 of a year ending in the numeral 2
21 shall be filled, not later than the 30th day after the date the
22 vacancy occurs, by appointment by the commission of a remaining
23 applicant from the same applicant subpool as the vacating member.

24 (b) A vacancy on the commission that occurs on or after
25 December 31 of a year ending in the numeral 2 shall be filled, not
26 later than the 90th day after the date the vacancy occurs, by
27 appointment by the commission of a remaining applicant from the

1 same applicant subpool as the vacating member.

2 (c) If a vacancy on the commission occurs and no applicant
3 from the same applicant subpool as the vacating member is available
4 for appointment to the commission, the state auditor shall solicit
5 and select an appropriate number of new applicants for the
6 applicable subpool using, to the extent practicable, the procedures
7 provided by Sections 581.051, 581.052, and 581.053(a)-(c) but
8 disregarding the deadlines provided by those sections. The
9 commission shall fill the vacancy as soon as practicable by
10 appointment of one of the new applicants described by this
11 subsection.

12 SUBCHAPTER D. COMMISSION POWERS AND DUTIES

13 Sec. 581.151. OPEN MEETINGS. (a) The commission is a
14 governmental body for purposes of Chapter 551.

15 (b) Notwithstanding Chapter 551, the secretary of state
16 must post notice on the Internet of a meeting of the commission for
17 at least:

18 (1) 14 days before the date of a meeting, other than a
19 meeting described by Subdivision (2); or

20 (2) three days before the date of a meeting held in
21 August of a year following a census year.

22 (c) Except in a closed meeting authorized by Subchapter D,
23 Chapter 551, a member or employee of the commission may not
24 communicate with or knowingly receive communications about a
25 redistricting matter from anyone outside of an open meeting.

26 Sec. 581.152. PUBLIC INFORMATION. (a) The commission is a
27 governmental body for purposes of Chapter 552.

1 (b) The commission shall post information relating to
2 redistricting and all data considered by the commission in a manner
3 that ensures immediate and widespread public access.

4 Sec. 581.153. EMPLOYEES AND CONTRACTORS. (a) The
5 commission may hire employees and hire or contract with legal
6 counsel and consultants as needed in the manner provided by this
7 section.

8 (b) The commission must make hiring, removal, or
9 contracting decisions for employees, legal counsel, and
10 consultants by the affirmative vote of at least nine members,
11 including at least three majority party members, at least three
12 minority party members, and at least three independent members as
13 described by Section 28b(e), Article III, Texas Constitution.

14 (c) The commission shall ensure that at least one of the
15 legal counsel hired by the commission has demonstrated extensive
16 experience and expertise in implementing and enforcing the Voting
17 Rights Act of 1965 (52 U.S.C. Section 10101 et seq.).

18 (d) The commission shall establish for individuals
19 described by Subsection (a):

20 (1) clear criteria for hiring and removal;

21 (2) communication protocols; and

22 (3) a code of conduct.

23 (e) To the extent practicable, the commission shall avoid
24 selecting employees, legal counsel, or consultants who would be
25 disqualified from commission membership because of a conflict of
26 interest described by Section 581.052(a).

27 Sec. 581.154. PUBLIC OUTREACH. (a) The commission shall

1 establish and implement an open hearing process for public input
2 and deliberation that is subject to public notice and promoted
3 through a thorough outreach program to solicit broad public
4 participation in the redistricting public review process.

5 (b) The hearing process must include hearings to receive
6 public input before the commission draws any maps and hearings
7 following the drawing and display of any commission maps. The
8 commission shall hold at least one hearing in each senate district.
9 In addition, the commission shall supplement hearings with other
10 appropriate activities to further increase opportunities for the
11 public to observe and participate in the review process. The
12 commission shall broadcast live audio and video of each hearing on
13 the commission's Internet website or using a comparable means of
14 communicating with the public. The commission shall provide public
15 access to recorded audio and video of each hearing on the
16 commission's Internet website or using a comparable means of
17 communicating with the public for at least 10 years following the
18 hearing.

19 (c) The commission shall display maps for public comment in
20 a manner designed to achieve the widest public access reasonably
21 possible.

22 (d) The commission shall publicly display preliminary maps
23 for congressional, senate, and house of representatives districts
24 not later than July 1 of each year following a census year and shall
25 accept public comment for at least 14 days after the date the
26 preliminary maps are first publicly displayed. The commission may
27 not display any other maps for public comment during that 14-day

1 period.

2 (e) The commission shall publicly display any subsequent
3 version of a preliminary map for at least seven days and shall
4 accept public comment for at least seven days after the date the
5 subsequent version is first publicly displayed.

6 (f) The commission shall publicly display a final map for at
7 least three days and shall accept public comment for at least three
8 days after the date the final version is first publicly displayed.

9 (g) The commission shall maintain an Internet website or
10 comparable means of communicating with the public through which any
11 resident of this state may submit a proposed map, written comments,
12 or both, without attending a commission hearing.

13 Sec. 581.155. PROCUREMENT AND CONTRACTING. The commission,
14 with fiscal oversight from the comptroller, has procurement and
15 contracting authority.

16 SUBCHAPTER E. ADMINISTRATIVE SUPPORT AND OTHER RESOURCES

17 Sec. 581.201. ADMINISTRATIVE SUPPORT BY STATE AUDITOR.
18 Following the appointment of new commission members in each census
19 year, the state auditor shall provide administrative support to the
20 commission until the commission's staff and office are fully
21 functional.

22 Sec. 581.202. COMPUTER RESOURCES. The legislature shall
23 ensure that a complete and accurate computerized database is
24 available for redistricting and that procedures are in place to
25 provide the public with ready access to redistricting data and
26 computer software for drawing maps. The legislature shall
27 coordinate these efforts with the commission from the time the

1 commission is formed until the commission dissolves.

2 Sec. 581.203. PER DIEM AND EXPENSES. (a) A commission
3 member is entitled to a per diem of \$300 or the amount provided by
4 Subsection (b) for each day the member is engaged in commission
5 business.

6 (b) Beginning in 2030, on January 1 of each census year the
7 per diem amount prescribed by Subsection (a) is increased or
8 decreased by an amount equal to the amount prescribed by that
9 subsection on December 31 of the preceding year multiplied by the
10 percentage increase or decrease during the preceding decade in the
11 Consumer Price Index for All Urban Consumers (CPI-U), U.S. City
12 Average, as published by the United States Bureau of Labor
13 Statistics or its successor in function.

14 (c) A commission member is eligible for reimbursement of
15 expenses incurred in connection with the member's performance of
16 duties under this chapter and under Sections 28a, 28b, and 28c,
17 Article III, Texas Constitution.

18 (d) For purposes of calculating expense reimbursement, a
19 member's residence is considered to be the member's place of
20 employment.

21 SECTION 4. Section 24.945(e), Government Code, is amended
22 to read as follows:

23 (e) The legislature, the Judicial Districts Board, or the
24 Texas [Legislative] Redistricting Commission [Board] may not
25 redistrict the judicial districts to provide for any judicial
26 district smaller in size than an entire county except as provided by
27 this subsection. Judicial districts smaller in size than the

1 entire county may be created subsequent to a general election in
2 which a majority of the persons voting on the proposition adopt the
3 proposition "to allow the division of _____ County
4 into judicial districts composed of parts of _____
5 County." A redistricting plan may not be proposed or adopted by the
6 legislature, the Judicial Districts Board, or the Texas
7 ~~[Legislative]~~ Redistricting Commission ~~[Board]~~ in anticipation of
8 a future action by the voters of any county.

9 SECTION 5. Section [24.946](#)(a), Government Code, is amended
10 to read as follows:

11 (a) The board shall meet in accordance with its own rules.
12 The board shall meet at least once in each interim between regular
13 sessions of the legislature and shall exercise its reapportionment
14 powers only in the interims between regular legislative sessions.
15 Meetings of the board shall be subject to the provisions of Chapter
16 [551](#), except as otherwise provided by this subchapter. A
17 reapportionment may not be ordered in the interim immediately
18 following a regular session of the legislature in which a valid and
19 subsisting statewide reapportionment of judicial districts is
20 enacted by the legislature. Unless the legislature enacts a
21 statewide reapportionment of the judicial districts following each
22 federal decennial census, the board shall convene not later than
23 the first Monday of June of the third year following the year in
24 which the federal decennial census is taken to make a statewide
25 reapportionment of the districts. The board shall complete its
26 work on the reapportionment and file its order with the secretary of
27 state not later than August 31 of the same year. If the Judicial

1 Districts Board fails to make a statewide apportionment by that
2 date, the Texas [~~Legislative~~] Redistricting Commission [~~Board~~]
3 established by Article III, Section 28b [~~28~~], of the Texas
4 Constitution shall make a statewide reapportionment of the judicial
5 districts not later than the 90th [~~150th~~] day after the final day
6 for the Judicial Districts Board to make the reapportionment, and
7 that apportionment takes effect as provided by Sections 24.948 and
8 24.949.

9 SECTION 6. Section 2058.002(a), Government Code, is amended
10 to read as follows:

11 (a) The legislature or the Texas [~~Legislative~~]
12 Redistricting Commission [~~Board~~] under Article III, Section 28b
13 [~~28~~], of the Texas Constitution may officially recognize or act on a
14 federal decennial census before September 1 of the year after the
15 calendar year during which the census was taken.

16 SECTION 7. (a) Notwithstanding the deadline provided by
17 Section 581.051(a), Government Code, as added by this Act, the
18 state auditor shall initiate the initial application process
19 described by that subsection as soon as practicable after January
20 1, 2020.

21 (b) Notwithstanding the deadline provided by Section
22 581.053(a), Government Code, as added by this Act, the state
23 auditor shall publicize the names of individuals in the initial
24 applicant pool described by that subsection not later than May 1,
25 2020.

26 SECTION 8. (a) Except as otherwise provided by Subsections
27 (b) and (c) of this section, this Act takes effect January 1, 2020.

1 (b) Except as otherwise provided by Subsection (c) of this
2 section, Section 42.032, Election Code, as amended by this Act, and
3 Sections 24.945(e), 24.946(a), and 2058.002(a), Government Code,
4 as amended by this Act, take effect January 1, 2021.

5 (c) This Act takes effect only if the constitutional
6 amendment proposed by the 86th Legislature, Regular Session, 2019,
7 establishing the Texas Redistricting Commission to redistrict the
8 Texas Legislature and Texas congressional districts and revising
9 procedures for redistricting is approved by the voters. If that
10 proposed constitutional amendment is not approved by the voters,
11 this Act has no effect.