

By: González of Dallas

H.B. No. 165

A BILL TO BE ENTITLED

AN ACT

relating to procedures for public involvement in redistricting of judicial districts, state legislative districts, State Board of Education districts, and congressional districts.

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

SECTION 1. Title 3, Government Code, is amended by adding Subtitle D to read as follows:

SUBTITLE D. REDISTRICTING

CHAPTER 331. PUBLIC INVOLVEMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 331.001. DEFINITIONS. In this chapter:

(1) "Council" means the Texas Legislative Council.

(2) "Redistricting plan" means a bill that establishes or modifies the boundaries of districts for the election of judges, members of the Texas Senate, members of the Texas House of Representatives, members of the State Board of Education, or members of the United States House of Representatives who are elected from this state. The term includes a substitute for or other amendment to a bill.

(3) "Website" means the Internet website established under Subchapter B.

SUBCHAPTER B. REDISTRICTING WEBSITE

Sec. 331.051. ESTABLISHMENT OF WEBSITE. (a) As soon as practicable after a federal decennial census is taken but not later

1 than February 1 of the year following the year in which that census  
2 is taken, the council shall establish an Internet website that  
3 provides the public with information about the legislature's  
4 redistricting activities based on that census.

5 (b) The website must be limited to the subject of  
6 redistricting.

7 Sec. 331.052. CONTENT OF WEBSITE. (a) The council shall:

8 (1) continuously update the website to provide advance  
9 notice of public hearings, committee meetings, and legislative  
10 debates on redistricting plans;

11 (2) provide on the website the most recent available  
12 information regarding voting age population, voter registration,  
13 and election returns for election precincts and census tracts in  
14 this state, including detailed maps depicting that information;

15 (3) allow individuals to submit through the website  
16 comments on any redistricting plan being considered by the  
17 legislature and questions, comments, and other information  
18 regarding the legislature's redistricting activities; and

19 (4) include on the website any other information  
20 required under this chapter.

21 (b) Except as provided by Subsection (c), the council shall  
22 ensure that any comment submitted to the website by a member of the  
23 public regarding a redistricting plan or otherwise related to  
24 redistricting is publicly available on the website not later than  
25 72 hours after submission.

26 (c) The council may exclude from the website obscene,  
27 threatening, harassing, or similarly offensive comments and

1 comments unrelated to redistricting. The council shall provide  
2 copies of those comments to adult members of the public on request.

3 Sec. 331.053. DURATION OF WEBSITE. The council shall  
4 ensure that the information required to be included on the website  
5 relating to the legislature's redistricting activities based on a  
6 federal decennial census remains accessible to the public on that  
7 website until the website relating to the legislature's  
8 redistricting activities based on the next federal decennial census  
9 is established.

10 SUBCHAPTER C. REQUIREMENTS FOR LEGISLATIVE COMMITTEES

11 CONSIDERING REDISTRICTING LEGISLATION

12 Sec. 331.101. REDISTRICTING CRITERIA AND PROCEDURES.

13 Before considering any redistricting plan, the standing committees  
14 of the senate and the house of representatives with primary  
15 jurisdiction over redistricting shall solicit input from members of  
16 the public regarding the legislature's criteria and procedures for  
17 considering redistricting plans by:

18 (1) holding the public hearings required by Section  
19 331.102; and

20 (2) posting those criteria and procedures on the  
21 website.

22 Sec. 331.102. COMMITTEE HEARINGS ON REDISTRICTING CRITERIA

23 AND PROCEDURES. (a) Before considering a redistricting plan, the  
24 standing committees of the senate and the house of representatives  
25 with primary jurisdiction over redistricting shall each hold at  
26 least 10 public hearings to consider redistricting criteria and  
27 procedures during the year before the final data from a federal

1 decennial census is published and at least 5 public hearings to  
2 consider those criteria and procedures after that data is  
3 published. The committees may hold the hearings jointly or  
4 separately.

5 (b) The committees shall hold each hearing in a different  
6 congressional district in this state, including one hearing in the  
7 congressional district with the greatest change in population since  
8 the previous congressional apportionment. The committees shall  
9 consider holding other hearings in congressional districts that  
10 have experienced large changes in population.

11 (c) The committees shall provide public notice at least  
12 seven days before each hearing. The notice must include the time  
13 and location of the hearing and notice that members of the public  
14 may provide comments on the criteria and procedures the committees  
15 will use to consider redistricting plans and on other issues  
16 related to redistricting.

17 (d) The committees shall allow individuals at remote  
18 locations throughout the state to view and provide public testimony  
19 at the hearings by videoconference.

20 (e) A committee shall post on the website a transcript of or  
21 link to a video recording of each hearing not later than the seventh  
22 day after conclusion of the hearing.

23 Sec. 331.103. REDISTRICTING PLAN PROPOSED BY COMMITTEE.

24 (a) A committee of the senate shall post the information required  
25 by this section at least five days before reporting from the  
26 committee a redistricting plan originating in the senate. A  
27 committee of the house of representatives shall post the

1 information required by this section at least five days before  
2 reporting from the committee a redistricting plan originating in  
3 the house.

4 (b) A committee shall post on the website:

5 (1) a map showing each district in the redistricting  
6 plan reported from the committee;

7 (2) the total population and voting age population of  
8 each district in the redistricting plan reported from the  
9 committee, including a breakdown of those populations by race and  
10 by membership in language minority groups;

11 (3) all data and other factual information, in written  
12 or electronic form, in the possession of a member, delegation, or  
13 caucus of the legislature that is:

14 (A) relevant to the redistricting plan reported  
15 from the committee or another version of that plan; and

16 (B) in any way descriptive of a population  
17 residing in a geographic area included in the plan;

18 (4) all factual information relevant to the  
19 redistricting plan reported from the committee or another version  
20 of that plan that is known by or obtained from a consulting expert,  
21 attorney, or representative of an attorney, including any facts  
22 determined through an analysis or test performed by a consulting  
23 expert or attorney, but not including information that is  
24 exclusively the mental impression, opinion, conclusion, or legal  
25 theory of a consulting expert or attorney;

26 (5) all opinions, mental impressions, and conclusions  
27 of an attorney or consulting expert retained by a member,

1 delegation, or caucus of the legislature that:

2 (A) are relevant to the redistricting plan  
3 reported from the committee or another version of that plan; and

4 (B) have been disclosed to:

5 (i) an employee of the legislature, other  
6 than an employee of a person who retained the attorney or consulting  
7 expert; or

8 (ii) a member of the legislature who did not  
9 retain the attorney or consulting expert or who is not a member of  
10 the delegation or caucus that retained the attorney or consulting  
11 expert;

12 (6) a statement explaining the committee's reasons for  
13 proposing adoption of the redistricting plan reported from the  
14 committee and reasons why the proposed adoption will best serve the  
15 public interest;

16 (7) any dissenting statement provided by a member of  
17 the committee who does not approve the redistricting plan reported  
18 from the committee; and

19 (8) notice that members of the public may submit  
20 comments regarding the redistricting plan reported from the  
21 committee through the website, at a public hearing, or by any other  
22 available means.

23 (c) A committee shall post on the website a machine-readable  
24 file containing the information described by Subsections (b)(1) and  
25 (2).

26 (d) Any information required to be posted under Subsection  
27 (b) that originates in an electronic form, including a shapefile or

1 equivalency file, must be posted in:

2 (1) the original electronic form; and

3 (2) a form that is reasonably usable by and accessible  
4 to the general public.

5 (e) A new or amended version of a redistricting plan is  
6 subject to the requirements of Subsection (a), regardless of  
7 whether the committee complied with those requirements with respect  
8 to an earlier version of the plan, unless the committee determines  
9 that compliance with those requirements is likely to prevent  
10 adoption of the plan before the end of the legislative session.

11 Sec. 331.104. HEARINGS ON PLANS PROPOSED BY COMMITTEE. (a)  
12 A committee of the senate shall hold at least two public hearings on  
13 a redistricting plan after an affirmative vote to report the  
14 redistricting plan from the committee and before the redistricting  
15 plan is considered by the full senate.

16 (b) A committee of the house of representatives shall hold  
17 at least two public hearings on a redistricting plan after an  
18 affirmative vote to report the redistricting plan from the  
19 committee and before the redistricting plan is considered by the  
20 full house.

21 (c) Except as otherwise provided by this subsection, a  
22 committee shall hold each hearing in a different congressional  
23 district in this state, including one hearing in the congressional  
24 district with the greatest change in population since the previous  
25 decennial congressional apportionment. If the committee is unable  
26 to hold hearings throughout the state, the committee shall allow  
27 public participation in the hearings from various congressional

1 districts throughout this state by videoconference.

2 (d) A committee shall provide public notice at least five  
3 days before each hearing. The notice must include the time and  
4 location of the hearing, notice that members of the public may  
5 attend the hearing and provide comments on the redistricting plan,  
6 and notice that members of the committee will be available at the  
7 hearing to explain the reasons why adoption of the plan will best  
8 serve the public interest.

9 (e) A committee shall allow individuals at remote locations  
10 throughout the state to view and provide public testimony at the  
11 hearings by videoconference.

12 (f) A committee shall post on the website a transcript of or  
13 link to a video recording of each hearing not later than 48 hours  
14 after conclusion of the hearing.

15 SUBCHAPTER D. REDISTRICTING PLAN ENACTED BY LEGISLATURE

16 Sec. 331.151. INFORMATION REGARDING ENACTED REDISTRICTING  
17 PLAN. Not later than the seventh day after the date the legislature  
18 passes a bill enacting a redistricting plan, the council shall post  
19 on the website and, if practicable, publish in newspapers of  
20 general circulation throughout the state:

21 (1) a map showing each district in the plan;

22 (2) for each district in the plan:

23 (A) the total population and voting age  
24 population of the district, including a breakdown of those  
25 populations by race and by membership in language minority groups;  
26 and

27 (B) the number of registered voters in the



1 district including, to the extent available, a breakdown of that  
2 number by political party affiliation, race, and membership in  
3 language minority groups;

4 (3) statements by the president of the senate and the  
5 speaker of the house of representatives explaining the  
6 legislature's reasons for adopting the plan and reasons why  
7 adoption of the plan will best serve the public interest; and

8 (4) any dissenting statement provided by a member of  
9 the legislature who did not approve the plan.

10 SECTION 2. (a) Except as provided by Subsection (b) of this  
11 section, Chapter 331, Government Code, as added by this Act,  
12 applies only to a regular or special session of the legislature that  
13 begins on or after the effective date of this Act.

14 (b) The provision of Section 331.102(a), Government Code,  
15 as added by this Act, that requires the standing committees of the  
16 senate and the house of representatives with primary jurisdiction  
17 over redistricting to each hold at least 10 public hearings to  
18 consider redistricting criteria and procedures during the year  
19 before the final data from a federal decennial census is published  
20 applies beginning January 1, 2030.

21 SECTION 3. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect on the 91st day after the last day of the  
26 legislative session.