

By: Zaffirini

S.B. No. 34

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Redistricting Commission.

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

SECTION 1. The heading to Title 5, Government Code, is amended to read as follows:

TITLE 5. OPEN GOVERNMENT; ETHICS; REDISTRICTING

SECTION 2. 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" means a calendar year in which the United States decennial census is taken.

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

SUBCHAPTER B. POWERS AND DUTIES

Sec. 581.051. POWERS AND DUTIES OF COMMISSION. The commission has the sole responsibility to create districts for the election of members of the United States House of Representatives, the Texas House of Representatives, and the Texas Senate.

SUBCHAPTER C. MEMBERSHIP

Sec. 581.101. ELIGIBILITY. (a) Except as otherwise

1 provided by this subchapter, a Texas voter who is older than 25  
2 years of age is eligible for membership on the commission.

3 (b) An applicant for appointment to the commission must  
4 submit an application to the secretary of state.

5 (c) An applicant for appointment by members of the  
6 legislature belonging to a political party must have voted in that  
7 party's previous four primary elections. An applicant for  
8 appointment as an independent member may not have voted  
9 consecutively in the same political party's primary election during  
10 the previous three primary elections.

11 (d) An applicant is ineligible for membership on the  
12 commission if the applicant:

13 (1) holds a public office;

14 (2) has held a public office in the four years  
15 preceding appointment to the commission;

16 (3) is running for public office;

17 (4) is working under an elected official;

18 (5) is working for a political campaign for state or  
19 federal office; or

20 (6) is a registered state or federal lobbyist.

21 (e) A commission member may not:

22 (1) run for public office during the member's term;

23 (2) run for public office during the two years  
24 following the adoption of a redistricting plan by the commission;

25 (3) work under an elected official during the member's  
26 term;

27 (4) work for or contribute to a campaign for state or

1 federal office during the member's term; or

2 (5) register as a state or federal lobbyist during the  
3 member's term.

4 Sec. 581.102. MEMBERSHIP AND TERMS. (a) The commission  
5 consists of nine members chosen from eligible applicants under  
6 Section 581.101.

7 (b) Eight members of the commission shall be appointed in a  
8 bipartisan manner by the legislature, as follows:

9 (1) two members are appointed by a majority vote of the  
10 members of the Texas House of Representatives belonging to the  
11 political party with the most members in the house of  
12 representatives;

13 (2) two members are appointed by a majority vote of the  
14 members of the Texas House of Representatives belonging to the  
15 political party with the second highest number of members in the  
16 house of representatives;

17 (3) two members are appointed by a majority vote of the  
18 members of the Texas Senate belonging to the political party with  
19 the most members in the senate; and

20 (4) two members are appointed by a majority vote of the  
21 members of the Texas Senate belonging to the political party with  
22 the second highest number of members in the senate.

23 (c) The ninth member of the commission shall be chosen from  
24 among the independent applicants by the eight members appointed by  
25 the legislature. The appointment requires at least five votes and  
26 shall be made not later than the 30th day after the commission  
27 convenes. The ninth member serves as a nonvoting presiding

1 officer, except that the member shall vote to break any tie vote on  
2 the final adoption of a redistricting plan.

3 (d) At least one member of the commission chosen by members  
4 of each chamber of the legislature must reside in a county that is  
5 not part of a metropolitan statistical area as defined by the United  
6 States Office of Management and Budget.

7 (e) Commission members serve three-year terms that begin on  
8 February 1 of the year following the census year. The commission may  
9 vote to:

10 (1) terminate their terms early and dissolve following  
11 the adoption of all redistricting plans; or

12 (2) extend their terms as necessary to fulfill the  
13 commission's obligations under the constitution.

14 (f) The commission shall convene on February 1 of the year  
15 following the census year and at other times necessary to fulfill  
16 its obligations under the constitution.

17 (g) Vacancies on the commission shall be filled not later  
18 than the 20th day after the vacancy occurs in the same manner as the  
19 vacated position is filled under Subsections (b) and (c).

20 (h) If the appointments under Subsection (b) are not made by  
21 February 1 of the year following the census year, the caucus of the  
22 political party whose members are responsible for the appointment  
23 shall appoint the commission member not later than February 11. If  
24 the commission fails to appoint its presiding officer when  
25 required, the supreme court shall make the appointment not later  
26 than February 11.

27 (i) Members of the commission must take a constitutional

1 oath of office.

2 SUBCHAPTER D. OPERATION OF THE COMMISSION

3 Sec. 581.151. FUNDING AND RESOURCES. (a) The legislature  
4 shall appropriate sufficient money for the compensation and payment  
5 of the expenses of commission members and any staff employed by the  
6 commission.

7 (b) The commission shall be provided access to statistical  
8 or other information compiled by the state or its political  
9 subdivisions as necessary to perform the commission's duties.

10 (c) The Texas Legislative Council shall provide the  
11 technical staff and clerical services that the commission needs to  
12 prepare redistricting plans.

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

18 Sec. 581.152. PROCEDURE. (a) The commission shall adopt  
19 its own procedural rules. The adoption of a final redistricting  
20 plan by the commission requires at least five votes.

21 (b) The commission shall adopt each redistricting plan not  
22 later than November 15 of the year following the census year.

23 (c) If the commission does not adopt a plan before November  
24 15 of the year following the census year, the Texas Supreme Court  
25 shall adopt a plan not later than December 30.

26 (d) The commission shall submit each adopted redistricting  
27 plan to the governor, the secretary of state, and the presiding

1 officer of each chamber of the legislature.

2 Sec. 581.153. CHALLENGES TO A PLAN. (a) After a  
3 redistricting plan has been adopted by the commission or the Texas  
4 Supreme Court, any aggrieved person may file a petition with the  
5 Texas Supreme Court to challenge the plan.

6 (b) If the final judgment of a state or federal court  
7 invalidates all or part of a redistricting plan or otherwise makes  
8 it unenforceable, the commission shall reconvene to modify and  
9 adopt a new plan before January 31 of the next year.

10 (c) The commission may reconvene on the motion of at least  
11 four members filed with the secretary of state any time after a  
12 redistricting plan has been adopted to modify the plan and at other  
13 times necessary to fulfill its obligations under the constitution.

14 Sec. 581.154. PLAN REQUIREMENTS. To the extent practicable  
15 to comply with federal law, redistricting plans adopted by the  
16 commission must be composed of:

- 17 (1) districts contiguous with one another;  
18 (2) districts of nearly equal population; and  
19 (3) districts that are compact and convenient, and  
20 separated from adjoining districts by natural geographic barriers,  
21 artificial barriers, or political subdivision boundaries.

22 Sec. 581.155. PLAN REPORT. (a) Each redistricting plan the  
23 commission adopts must include a report, given to the secretary of  
24 state, that includes:

- 25 (1) the total population of each district with its  
26 deviation from the average district population;

- 27 (2) an explanation of the criteria used for the

1 redistricting plan, with a justification of the deviation from the  
2 average district population for each district;

3 (3) a map for each district;

4 (4) a financial statement disclosing all expenditures  
5 made by the commission; and

6 (5) relevant information developed by the commission  
7 in carrying out its duties, including maps, data, meeting minutes,  
8 written communications, and other information.

9 (b) The secretary of state shall make a copy of the report  
10 available to the public.

11 SECTION 3. (a) Except as otherwise provided by Subsection  
12 (b) of this section, this Act takes effect January 1, 2030.

13 (b) This Act takes effect only if the constitutional  
14 amendment proposed by the 87th Legislature, 1st Called Session,  
15 2021, establishing the Texas Redistricting Commission to  
16 redistrict the United States House of Representatives and the Texas  
17 Legislature is approved by the voters. If that proposed  
18 constitutional amendment is not approved by the voters, this Act  
19 has no effect.