

BILL ANALYSIS

C.S.H.B. 1
By: Hunter
Redistricting
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Legislature is required to apportion state senate and house districts following publication of the U.S. decennial census. In 2021 the publication of the necessary 2020 decennial census data was delayed by approximately five months due to the COVID-19 pandemic. Consequently, the governor's call for the 87th Legislature, 3rd Called Session, identified apportionment legislation as the first item to be addressed in that session.

The U.S. Supreme Court has ruled that under the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution representative districts of a given type must be substantially equal in population. This is sometimes referred to as the one-person, one-vote principle. *White v. Regester*, 412 U.S. 755 (1973), set the following basic standard for the maximum acceptable population deviation for state legislative districts: the combined deviation of the most populous district and the least populous district from the ideal district population may not exceed 10 percent, and all other the other districts must fall within that narrow range.

Based on the 2020 federal census, the total population of Texas is 29,145,505, and the ideal population of a Texas House of Representatives district is 194,303. In C.S.H.B. 1, according to the 2020 census:

- the largest district, District 74, has a population of 203,974, or 4.98 percent more than the ideal district;
- the smallest district, District 37, has a population of 184,621, or 4.98 percent less than the ideal district; and
- the total range of deviation between the largest and smallest districts is 9.96 percent.

In the existing district plan for the Texas House of Representatives, according to the 2020 census, the total range of deviation between the largest and smallest districts is 77.6 percent.

To establish districts that satisfy the requirement to be substantially equal in population and other state interests, C.S.H.B. 1 defines new districts for the election of members of the Texas House of Representatives.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1, in Articles I and II, provides that the districts from which the members of the Texas House of Representatives are elected are the districts as provided by Article II of the bill and identified as PLANH2176 on the redistricting computer system operated by the Texas Legislative Council. The bill provides that one member is elected from each district established by the bill.

The boundaries of the districts are illustrated in the attached maps generated by the Texas Legislative Council's Redistricting Application (RedAppl). The demographic and other characteristics of each district are analyzed in the attached reports generated by RedAppl. The reports provide the following information:

- the report labeled Red-100T provides a population analysis of the proposed districts and shows:
 - whether any geography in the state is unassigned and whether the districts are contiguous;
 - the overall range of deviation for the plan, the population for the smallest and largest districts with the deviation of those districts from the ideal district population, and the average or mean district population and deviation;
 - for each district:
 - the total deviation and percentage deviation from the ideal district population; and
 - the total and voting age population for the district as a whole and for the district's Anglo, non-Anglo, Asian, Black, Hispanic, and Black + Hispanic populations, along with corresponding percentages; and
 - for each portion of a county contained in the district, the total, Anglo, non-Anglo, Asian, Black, Hispanic, and Black + Hispanic populations, along with corresponding percentages;
- the report labeled Red-202T provides, for each proposed district, the total deviation and percentage deviation from the ideal district population; the total and voting age population for the district as a whole and for the district's Anglo, non-Anglo, Asian, Black, Hispanic, and Black + Hispanic populations, along with corresponding percentages; and, for the years 2018 and 2020:
 - total voter turnout; and
 - total voter registration and non-suspense voter registration, each with the percentage of those registered voters with Spanish surnames and the percentage of those registered voters who turned out;
- the report labeled Red-350 provides a list of the proposed districts by district number and indicates the incumbent member or members whose residence is located in each district, if any; and
- the report labeled Red-116 shows, for each proposed district, the total and voting age populations from the 2020 census data and the following information from the 2015-2019 American Community Survey special tabulation of citizen voting age population (CVAP):
 - total CVAP with the numeric margin of error;
 - the percentage of Hispanic CVAP, with percent margins of error; and
 - a percentage breakdown of the following CVAP categories constituting the CVAP that is not Hispanic or Latino, with the corresponding percent margins of error: Black, Black + White, Black + American Indian, White, American Indian, Asian, Native Hawaiian, American Indian + White, Asian + White, and the remainder.

C.S.H.B. 1, in Article III, defines certain geographic terms used in the bill and provides legislative intent as to the erroneous omission of any geographic area. The bill specifies that it supersedes all previous enactments or orders adopting such districts and repeals all previous acts

of the legislature adopting such districts. The bill specifies that the districts established by the bill apply to the election of the members of the Texas House of Representatives beginning with the primary and general elections in 2022 for members of the 88th Legislature and that the bill does not affect the membership or districts of the Texas House of Representatives of the 87th Legislature.

C.S.H.B. 1 repeals Chapter 2 (S.B. 3), Acts of the 83rd Legislature, 1st Called Session, 2013 (Article 195a-13, Vernon's Texas Civil Statutes).

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute identifies the proposed districts as those described by a revised plan, PLANH2176, instead of PLANH2101, the plan identified by the introduced version.

The reports generated by RedAppl and attached to the substitute include the following reports that were not included with the introduced version:

- the report labeled Red-116, which shows, for each proposed district in the plan as substituted, the total and voting age populations from the 2020 census data and certain information from the 2015-2019 American Community Survey special tabulation of CVAP; and
- the report labeled Red-340T, which provides a means to compare districts in C.S.H.B. 1 (PLANH2176) with the districts contained in H.B. 1 as filed (PLANH2101) as follows:
 - for each proposed district in C.S.H.B. 1, the report shows the percentages of districts from H.B. 1 as filed that compose the district; and
 - for each proposed district in C.S.H.B. 1 and for the portion of each district in H.B. 1 as filed that is contained in a proposed district in the substitute, the report shows:
 - the total and voting age populations for the district or district portion, as applicable, and for the district's or portion's Anglo, non-Anglo, Asian, Black, Hispanic, and Black + Hispanic populations, along with corresponding percentages; and
 - for the 2020 general election, the total number of registered voters, with the percentage of those registered voters with Spanish surnames, and the total voter turnout, with the percentage of registered voters who turned out.

ATTACHMENTS