

BILL ANALYSIS

S.B. 6
By: Huffman
Redistricting
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Legislature is required to apportion the state into congressional 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. Congressional districts, unlike state legislative districts, are usually drawn to be almost exactly the same in population according to the standard established by *Karcher v. Daggett*, 462 U.S. 725 (1983), in which the Supreme Court ruled that each deviation from the ideal district size must be justified on the basis of a rational state policy or found to be unavoidable despite a good faith effort to draw districts with equal population.

Based on the 2020 federal census, the total population of Texas is 29,145,505, and the ideal population of a Texas congressional district is 766,987. In S.B. 6 as engrossed, according to the 2020 census:

- the largest district, District 1, has a population of 766,987, or equal to the ideal district;
- the smallest district, District 16, has a population of 766,986, or one person less than the ideal district; and
- the total range of deviation between the largest and smallest districts is 0.0 percent.

In the existing district plan for the Texas delegation to the U.S. House of Representatives, according to the 2020 census, the total range of deviation between the largest and smallest districts is 34.53 percent.

To establish districts that satisfy the requirement to be substantially equal in population and other state interests, S.B. 6 defines new districts for the election of members to the U.S. House of Representatives from Texas.

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

S.B. 6, in Article I, provides that the districts from which the members of the Texas delegation to the U.S. House of Representatives are elected are the districts as provided by Article II of the bill. The bill provides that one member is elected from each district established by the bill.

S.B. 6, in Article II, sets out the census geographic composition of each of the 38 Texas congressional districts, which are identified as PLANC2135 on the redistricting computer system operated by the Texas Legislative Council.

The boundaries of the districts in S.B. 6 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 county or 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 2018 and 2020 general elections:
 - 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.

S.B. 6, 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 Texas congressional 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 delegation to the U.S. House of Representatives beginning with the primary and general elections in 2022 for members of the 118th Congress and that the bill does not affect the membership or districts of the 117th Congress.

S.B. 6 repeals Chapter 3 (S.B. 4), Acts of the 83rd Legislature, 1st Called Session, 2013.

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.