

BILL ANALYSIS

S.B. 7
By: Huffman
Redistricting
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Following publication of the U.S. decennial census, as a practical matter the legislature must draw districts for the election of members of the State Board of Education (SBOE) before the candidates' filing period opens for the primary elections held in 2022. 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.

Based on the 2020 federal census, the total population of Texas is 29,145,505, and the ideal population of an SBOE district is 1,943,034. In S.B. 7 as engrossed, according to the 2020 census:

- the largest district, District 4, has a population of 1,952,470, or 0.49 percent more than the ideal district;
- the smallest district, District 3, has a population of 1,935,905, or 0.37 percent less than the ideal district; and
- the total range of deviation between the largest and smallest districts is 0.86 percent.

In the existing district plan for the SBOE, according to the 2020 census, the total range of deviation between the largest and smallest districts is 21.08 percent.

To establish districts that satisfy the requirement to be substantially equal in population and other state interests, S.B. 7 defines new districts for the election of members of the State Board of Education.

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. 7, in Article I, provides that the districts from which the members of the State Board of Education (SBOE) 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 and that the bill constitutes a decennial reapportionment for purposes of statutory requirements governing the terms of board members.

S.B. 7, in Article II, sets out the census geographic composition of each of the 15 SBOE districts, which are identified as PLANE2106 on the redistricting computer system operated by the Texas Legislative Council.

The boundaries of the districts in S.B. 7 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 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; and
- 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.

S.B. 7, in Article III, defines certain geographic terms used in the textual description of the districts 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 SBOE beginning with the primary and general elections in 2022 for members of the SBOE in 2023 and that the bill does not affect SBOE membership or districts before January 1, 2023.

S.B. 7 repeals Chapter 72 (H.B. 600), Acts of the 82nd Legislature, Regular Session, 2011.

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.

ATTACHMENTS