

By: Menéndez

S.J.R. No. 28

A JOINT RESOLUTION

1 proposing a constitutional amendment establishing the Texas
2 Redistricting Commission to redistrict the Texas Legislature and
3 Texas congressional districts and revising procedures for
4 redistricting.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article III, Texas Constitution, is amended by
7 adding Sections 28a, 28b, and 28c to read as follows:

8 Sec. 28a. (a) In the year following a year in which the
9 United States decennial census is taken, the Texas Redistricting
10 Commission described by Section 28b of this article shall adjust
11 the boundary lines of the districts for the election of the members
12 of the United States House of Representatives elected from this
13 state, the members of the Texas Senate, and the members of the Texas
14 House of Representatives in accordance with the standards and
15 process provided by Section 28b of this article.

16 (b) Districts described by Subsection (a) of this section
17 must be single-member districts, each entitled to elect one member
18 of the United States House of Representatives, the Texas Senate, or
19 the Texas House of Representatives, as applicable.

20 Sec. 28b. (a) In this section:

21 (1) "Census year" means a calendar year in which the
22 United States decennial census is taken.

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

1 (3) "Majority party" means, with respect to a
2 commission member, the political party with the most total votes
3 cast in the four statewide primary elections preceding the member's
4 appointment.

5 (4) "Minority party" means, with respect to a
6 commission member, the political party with the second highest
7 number of total votes cast in the four statewide primary elections
8 preceding the member's appointment.

9 (5) "Statewide primary election" means an election
10 held by a political party to select its nominee for governor or for
11 President of the United States. The term does not include a runoff
12 primary election.

13 (b) Not later than December 31 of each census year, the
14 members of the Texas Redistricting Commission shall be appointed
15 and the commission shall commence the redistricting process for the
16 districts described by Section 28a(a) of this article in connection
17 with the census taken that year.

18 (c) The commission members shall:

19 (1) conduct an open and transparent process enabling
20 full public consideration of, and comment on, the drawing of
21 district lines;

22 (2) draw district lines according to the redistricting
23 criteria specified in this section; and

24 (3) conduct themselves with integrity and fairness.

25 (d) The selection process for commission members is
26 designed to produce a commission that is independent from
27 legislative influence and reasonably representative of this

1 state's diversity.

2 (e) The commission consists of 14 members as follows:

3 (1) five majority party members, each of whom:

4 (A) voted in at least three of the four statewide
5 primary elections preceding the member's appointment held by the
6 majority party;

7 (B) did not vote in any of the four statewide
8 primary elections preceding the member's appointment held by a
9 political party other than the majority party; and

10 (C) voted in each of the four general elections
11 preceding the member's appointment in which the office of governor
12 or President of the United States appeared on the ballot;

13 (2) five minority party members who:

14 (A) voted in at least three of the four statewide
15 primary elections preceding the member's appointment held by the
16 minority party;

17 (B) did not vote in any of the four statewide
18 primary elections preceding the member's appointment held by a
19 political party other than the minority party; and

20 (C) voted in each of the four general elections
21 preceding the member's appointment in which the office of governor
22 or President of the United States appeared on the ballot; and

23 (3) four independent members who:

24 (A) did not vote in any of the four statewide
25 primary elections preceding the member's appointment; and

26 (B) voted in each of the four general elections
27 preceding the member's appointment in which the office of governor

1 or President of the United States appeared on the ballot.

2 (f) The term of office of each commission member expires at
3 the time the first commission member is appointed in the next census
4 year.

5 (g) Nine commission members constitute a quorum. The
6 affirmative vote of at least nine commission members is required
7 for any official commission action. Each final redistricting map
8 must be approved by the affirmative vote of at least nine commission
9 members, including at least three majority party members, at least
10 three minority party members, and at least three independent
11 members, as provided by Subsection (e) of this section.

12 (h) Each commission member shall apply this section and
13 Sections 28a and 28c of this article in a manner that is impartial
14 and that reinforces public confidence in the integrity of the
15 redistricting process.

16 (i) A commission member is ineligible for a period of 10
17 years beginning on the date of appointment to hold a federal,
18 state, county, or municipal office elected from this state. A
19 commission member is ineligible for a period of five years
20 beginning on the date of appointment to:

21 (1) hold an appointed federal office representing this
22 state;

23 (2) hold an appointed state or local office in this
24 state;

25 (3) serve as a paid employee of or as a paid consultant
26 to:

27 (A) a member of the United States Congress

1 elected from this state;

2 (B) the legislature; or

3 (C) a member of the legislature; or

4 (4) register as a lobbyist in this state.

5 (j) The commission shall establish districts described by
6 Section 28a(a) of this article through a mapping process using the
7 following criteria in the following order of priority:

8 (1) all districts must comply with the United States
9 Constitution;

10 (2) districts for the election of members of the
11 United States House of Representatives must achieve population
12 equality as nearly as is practicable;

13 (3) districts for the election of members of the Texas
14 Senate and Texas House of Representatives must have reasonably
15 equal population with other districts for the same office except
16 where deviation is required to comply with the Voting Rights Act of
17 1965 (52 U.S.C. Section 10101 et seq.) or is allowable by law;

18 (4) all districts must comply with the Voting Rights
19 Act of 1965 (52 U.S.C. Section 10101 et seq.);

20 (5) all districts must be geographically contiguous;

21 (6) the geographic integrity of each municipality,
22 county, local neighborhood, and local community of interest must be
23 respected in a manner that minimizes its division to the extent
24 possible without violating the requirements of any of the preceding
25 subdivisions of this subsection; and

26 (7) to the extent practicable and to the extent that
27 compliance with this subdivision does not preclude compliance with

1 any of the preceding subdivisions of this subsection, districts
2 must be drawn to encourage geographical compactness so that nearby
3 areas of population are not bypassed for more distant population.

4 (k) For purposes of Subsection (j)(6) of this section, a
5 community of interest is a contiguous population that shares common
6 social and economic interests that should be included within a
7 single district for purposes of that population's effective and
8 fair representation. Examples of shared social and economic
9 interests are those interests common to an urban area, a rural area,
10 an industrial area, or an agricultural area and those interests
11 common to areas in which the people share similar living standards,
12 use the same transportation facilities, have similar work
13 opportunities, or have access to the same media of communication
14 relevant to the election process. Communities of interest may not
15 be determined based on relationships with political parties,
16 incumbents, or political candidates.

17 (l) The place of residence of any incumbent or political
18 candidate may not be considered in the creation of a map. Districts
19 may not be drawn for the purpose of favoring or discriminating
20 against an incumbent, political candidate, or political party.

21 (m) To the extent practicable, districts should be numbered
22 based on geography. Districts bordering Arkansas should be assigned
23 the lowest district numbers, with districts to the west and south
24 assigned progressively higher district numbers.

25 (n) Not later than August 15 of each year following a census
26 year, the commission shall approve final maps that separately set
27 forth the boundary lines of the districts for the election of the

1 members of the United States House of Representatives elected from
2 this state, the members of the Texas Senate, and the members of the
3 Texas House of Representatives. On approval, the commission shall
4 certify each final map to the secretary of state.

5 (o) The commission shall issue, with each of the three final
6 maps, a report that explains the basis on which the commission made
7 its decisions in achieving compliance with the criteria listed in
8 Subsection (j) of this section and shall include definitions of the
9 terms and standards used in drawing each final map.

10 (p) If the commission fails to approve a final map with the
11 vote and by the date required by this section, the secretary of
12 state shall immediately petition the Texas Supreme Court for an
13 order directing the appointment of special masters to adjust the
14 boundary lines of the districts required to be included in that map
15 in accordance with the redistricting criteria and requirements
16 provided by Subsections (j), (k), (l), and (m) of this section. On
17 approval of the special masters' map, the Texas Supreme Court shall
18 certify the map to the secretary of state and the map constitutes
19 the certified final map for the districts included in the map.

20 (q) The boundary lines of the districts contained in a
21 certified final map apply beginning with the next statewide general
22 election and any corresponding primary elections.

23 (r) The legislature shall appropriate to the state auditor
24 and the commission amounts sufficient to implement the
25 redistricting process required by this section, Sections 28a and
26 28c of this article, and general law. The amounts appropriated must
27 provide adequate funding for a statewide outreach program to

1 solicit broad public participation in the redistricting process,
2 including the solicitation of applicants for commission
3 membership, and provide adequate funding for office and meeting
4 space for the commission's operations.

5 (s) Consistent with this section and Sections 28a and 28c of
6 this article, the legislature by general law shall provide
7 procedures for selecting the members of the commission and may
8 provide provisions governing the powers, duties, and operations of
9 the commission. After enactment, the legislature may not
10 subsequently amend that general law unless:

11 (1) by the same vote required for the adoption of a
12 final map, the commission recommends amendment of that general law
13 to carry out the purpose and intent of this section and Sections 28a
14 and 28c of this article;

15 (2) the bill to enact the amendment is approved by a
16 vote of at least two-thirds of all the members elected to each house
17 of the legislature and becomes law in a manner described by Section
18 14, Article IV, of this constitution;

19 (3) the bill to enact the amendment is printed and
20 distributed in each house of the legislature at least 12 days before
21 final passage by the legislature;

22 (4) the amendment furthers the purposes of this
23 section and Sections 28a and 28c of this article; and

24 (5) the amendment is passed by the legislature in a
25 year not ending in the numeral 9, 0, or 1.

26 Sec. 28c. (a) The Texas Redistricting Commission has sole
27 standing to defend a legal challenge to a final map certified under

1 Section 28b of this article. The legislature shall provide adequate
2 funding and other resources to the commission to defend a certified
3 final map. The attorney general shall, at the commission's request,
4 represent the commission in defense of a certified final map. The
5 commission may, in its sole discretion, retain legal counsel other
6 than the attorney general to represent the commission in defense of
7 a certified final map.

8 (b) The Texas Supreme Court has original and exclusive
9 jurisdiction in all proceedings in which a certified final map is
10 challenged or is claimed not to have taken timely effect.

11 (c) Any registered voter in this state may file a petition
12 for a writ of mandamus or writ of prohibition, not later than the
13 45th day after a final map is certified to the secretary of state,
14 to bar the secretary of state from implementing the map on the
15 grounds that the map violates this constitution, the United States
16 Constitution, or any federal or state statute.

17 (d) The Texas Supreme Court shall give priority to ruling on
18 a petition for a writ of mandamus or a writ of prohibition filed
19 under Subsection (c) of this section. If the supreme court
20 determines that a final certified map violates this constitution,
21 the United States Constitution, or any federal or state statute,
22 the court shall fashion the relief that the court deems
23 appropriate, including the relief described by Section 28b(p) of
24 this article.

25 SECTION 2. Section 7a, Article V, Texas Constitution, is
26 amended by amending Subsections (e) and (i) to read as follows:

27 (e) Unless the legislature enacts a statewide

1 reapportionment of the judicial districts following each federal
 2 decennial census, the board shall convene not later than the first
 3 Monday of June of the third year following the year in which the
 4 federal decennial census is taken to make a statewide
 5 reapportionment of the districts. The board shall complete its
 6 work on the reapportionment and file its order with the secretary of
 7 state not later than August 31 of the same year. If the Judicial
 8 Districts Board fails to make a statewide apportionment by that
 9 date, the Texas [~~Legislative~~] Redistricting Commission [~~Board~~]
 10 established by Article III, Section 28b [~~28~~], of this constitution
 11 shall convene on September 1 of the same year to make a statewide
 12 reapportionment of the judicial districts not later than the 90th
 13 [~~150th~~] day after the final day for the Judicial Districts Board to
 14 make the reapportionment.

15 (i) The legislature, the Judicial Districts Board, or the
 16 Texas [~~Legislative~~] Redistricting Commission [~~Board~~] may not
 17 redistrict the judicial districts to provide for any judicial
 18 district smaller in size than an entire county except as provided by
 19 this section. Judicial districts smaller in size than the entire
 20 county may be created subsequent to a general election where a
 21 majority of the persons voting on the proposition adopt the
 22 proposition "to allow the division of _____ County into
 23 judicial districts composed of parts of _____ County." No
 24 redistricting plan may be proposed or adopted by the legislature,
 25 the Judicial Districts Board, or the Texas [~~Legislative~~]
 26 Redistricting Commission [~~Board~~] in anticipation of a future action
 27 by the voters of any county.

SECTION 3. Sections 25, 26, and 28, Article III, Texas Constitution, are repealed.

SECTION 4. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 87th Legislature, Regular Session, 2021, establishing the Texas Redistricting Commission to redistrict the Texas Legislature and Texas congressional districts and revising procedures for redistricting.

(b) On January 1, 2022:

(1) Sections 28a, 28b, and 28c, Article III, of this constitution take effect;

(2) the amendments to Section 7a, Article V, of this constitution take effect;

(3) Sections 25, 26, and 28, Article III, of this constitution are repealed; and

(4) the Legislative Redistricting Board is abolished.

(c) This temporary provision expires January 1, 2023.

SECTION 5. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to permit voting for or against the following proposition: "The constitutional amendment establishing the Texas Redistricting Commission to redistrict the Texas Legislature and Texas congressional districts and revising procedures for redistricting."