

By: West, Johnson

S.J.R. No. 43

A JOINT RESOLUTION

1 proposing a constitutional amendment establishing the Texas  
2 Redistricting Commission and providing redistricting procedures  
3 for state legislative, state judicial, and congressional  
4 districts.

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

6 SECTION 1. Section 28, Article III, Texas Constitution, is  
7 amended to read as follows:

8 Sec. 28. (a) In this section:

9 (1) "Commission" means the Texas Redistricting  
10 Commission.

11 (2) "Majority party" means the political party with  
12 the most members among the combined membership of the Texas Senate  
13 and the Texas House of Representatives.

14 (3) "Minority party" means the political party with  
15 the second highest number of members among the combined membership  
16 of the Texas Senate and the Texas House of Representatives.

17 (b) Following ~~[The Legislature shall, at its first regular~~  
18 ~~session after]~~ the publication of each United States decennial  
19 census, ~~[apportion]~~ the state shall be apportioned into senatorial  
20 and representative districts, agreeable to the provisions of  
21 Sections 25 and 26 of this article ~~[Article]~~. The legislature and  
22 the Texas Redistricting Commission exercise the legislative  
23 authority of this state to adopt redistricting plans for the  
24 election of the Texas House of Representatives, the Texas Senate,

1 and the members of the United States House of Representatives  
2 elected from this state in the manner provided by this section and  
3 Section 28a of this article. Districts for those legislative  
4 bodies may not be established or changed except as provided by this  
5 section and Section 28a of this article.

6 (c) The commission consists of the following seven members:

7 (1) the governor;

8 (2) the comptroller;

9 (3) the secretary of state;

10 (4) one member appointed by the speaker of the Texas  
11 House of Representatives;

12 (5) one member appointed by majority vote of the party  
13 caucus for the political party with the most members in the Texas  
14 House of Representatives of which the speaker of the Texas House of  
15 Representatives is not a member;

16 (6) one member appointed by the president of the Texas  
17 Senate; and

18 (7) one member appointed by majority vote of the party  
19 caucus for the political party with the most members in the Texas  
20 Senate of which the president of the Texas Senate is not a member.

21 (d) An appointed member of the commission may not be a  
22 current member of Congress.

23 (e) Two members of the commission serve as co-chairs. One  
24 co-chair is selected by majority vote of the members of the Texas  
25 Senate and the Texas House of Representatives who belong to the  
26 majority party and one co-chair is selected by majority vote of the  
27 members of the Texas Senate and the Texas House of Representatives

1 who belong to the minority party.

2 (f) Except as otherwise provided by this section or Section  
3 28a of this article, a simple majority vote of the commission  
4 members is required for any action by the commission.

5 (g) Except as provided by Subsection (h) of this section, a  
6 majority vote of the members of the commission, including at least  
7 one member of the commission who belongs to the majority party and  
8 at least one member of the commission who belongs to the minority  
9 party, is required to:

10 (1) adopt rules of the commission;

11 (2) hire staff for the commission; or

12 (3) expend commission funds.

13 (h) If the commission is unable to agree, by the vote  
14 required under Subsection (g) of this section, on the manner in  
15 which commission funds should be expended, each co-chair has the  
16 authority to expend one-half of the funds appropriated to the  
17 commission.

18 (i) The affirmative vote of four members of the commission,  
19 including at least two members of the commission who belong to the  
20 majority party and two members of the commission who belong to the  
21 minority party, is required to adopt any redistricting plan for the  
22 Texas Senate or the Texas House of Representatives.

23 (j) For purposes of this section and Section 28a of this  
24 article:

25 (1) the governor is considered to belong to the  
26 governor's political party;

27 (2) the comptroller is considered to belong to the

1 comptroller's political party;

2 (3) the secretary of state is considered to belong to  
3 the political party to which the governor who appointed the  
4 secretary of state belongs;

5 (4) a member of the commission appointed by the  
6 president of the Texas Senate or the speaker of the Texas House of  
7 Representatives is considered to belong to the political party to  
8 which the person making the appointment belongs; and

9 (5) a member of the commission selected by vote of a  
10 political party caucus is considered to belong to that political  
11 party.

12 (k) At the first meeting of the commission, which the  
13 governor may convene following the publication of each United  
14 States decennial census, except as otherwise provided by this  
15 section, Section 28a of this article, and Section 7a, Article V, of  
16 this constitution, the commission shall set a schedule for the  
17 adoption of procedural rules for the operation of the commission.

18 (l) Before adopting, but after introducing, a proposed  
19 redistricting plan for the Texas Senate or the Texas House of  
20 Representatives, the commission shall conduct at least three public  
21 hearings across the state to present the proposed plan and shall  
22 seek public input regarding the proposed plan.

23 (m) All meetings of the commission are open to the public.  
24 The commission shall broadcast meetings by electronic means of  
25 transmission using a medium readily accessible by the general  
26 public.

27 (n) The commission shall adopt final redistricting plans

1 for the Texas Senate and the Texas House of Representatives not  
2 later than six months following the publication of the United  
3 States decennial census. After the commission adopts a final plan,  
4 the commission shall promptly file the plan with the secretary of  
5 state and [~~In the event the Legislature shall at any such first~~  
6 ~~regular session following the publication of a United States~~  
7 ~~decennial census, fail to make such apportionment, same shall be~~  
8 ~~done by the Legislative Redistricting Board of Texas, which is~~  
9 ~~hereby created, and shall be composed of five (5) members, as~~  
10 ~~follows: The Lieutenant Governor, the Speaker of the House of~~  
11 ~~Representatives, the Attorney General, the Comptroller of Public~~  
12 ~~Accounts and the Commissioner of the General Land Office, a~~  
13 ~~majority of whom shall constitute a quorum. Said Board shall~~  
14 ~~assemble in the City of Austin within ninety (90) days after the~~  
15 ~~final adjournment of such regular session. The Board shall, within~~  
16 ~~sixty (60) days after assembling, apportion the state into~~  
17 ~~senatorial and representative districts, or into senatorial or~~  
18 ~~representative districts, as the failure of action of such~~  
19 ~~Legislature may make necessary. Such apportionment shall be in~~  
20 ~~writing and signed by three (3) or more of the members of the Board~~  
21 ~~duly acknowledged as the act and deed of such Board, and,~~] when so  
22 [~~executed and~~] filed with the secretary of state [~~Secretary of~~  
23 ~~State~~], the plan shall have force and effect of law. The plan  
24 becomes [~~Such apportionment shall become~~] effective at the next  
25 succeeding statewide general election.

26 (o) If the commission does not adopt a redistricting plan  
27 for the Texas House of Representatives or the Texas Senate under

1 Subsection (n) of this section in the time prescribed, then the  
2 legislature shall adopt a plan for either or both legislative  
3 bodies, as necessary, in the form of a bill as soon as possible but  
4 not later than the first regular session following the publication  
5 of the United States decennial census.

6 (o-1) If the legislature adopts a plan under Subsection (o)  
7 of this section by the affirmative vote of at least three-fifths of  
8 the members of each house of the legislature, including the  
9 affirmative vote of at least one-third of the members of the  
10 majority party and at least one-third of the members of the minority  
11 party in each house, and the plan becomes law, the plan remains  
12 effective until the next year ending in the numeral one, except as  
13 provided in Subsection (u) of this section.

14 (o-2) If the legislature adopts a plan under Subsection (o)  
15 of this section by the affirmative vote of at least one-half of the  
16 members of each house of the legislature, but not by the vote  
17 required by Subsection (o-1) of this section, then the following  
18 requirements apply to the plan:

19 (1) the legislature may not adopt a plan that unduly  
20 favors or disfavors a political party or its incumbents;

21 (2) the legislature may not unduly split political  
22 subdivisions, giving preference to keeping counties whole, then to  
23 keeping municipalities whole;

24 (3) the legislature shall attempt to draw districts  
25 that are compact; and

26 (4) the legislature must include in the plan an  
27 explanation of the plan's compliance with Subdivisions (1), (2),

1 and (3) of this subsection.

2 (o-3) A plan adopted in the manner provided by Subsection  
3 (o-2) of this section that becomes law remains effective until two  
4 general elections for the legislative body to which the plan  
5 applies have occurred under the plan, except as provided in  
6 Subsection (u) of this section.

7 (p) Not later than the last day of May of the year after the  
8 year in which a plan expires under Subsection (o-3) of this section,  
9 the commission shall be reconstituted, reconvene, and adopt a plan  
10 by the affirmative vote of at least four members of the commission,  
11 including at least two members of the commission who belong to the  
12 majority party and at least two members of the commission who belong  
13 to the minority party. A plan adopted under this subsection takes  
14 effect upon filing with the secretary of state and remains  
15 effective until the next year ending in the numeral one, except as  
16 provided in Subsection (u) of this section. A plan adopted under  
17 this subsection must be drawn using the federal decennial census  
18 data or other data on which the previous redistricting was based.

19 (q) If the commission is required to but does not adopt a  
20 plan under Subsection (p) of this section on or before the last day  
21 of May of the year after the year in which a plan expires under  
22 Subsection (o-3) of this section, then the legislature shall adopt  
23 a plan in the form of a bill not later than the last day of June of  
24 that year. A plan adopted under this subsection must be drawn using  
25 the federal decennial census data or other data on which the  
26 previous redistricting was based.

27 (q-1) If the legislature adopts a plan under Subsection (q)

1 of this section by the affirmative vote of at least three-fifths of  
2 the members of each house of the legislature, including the  
3 affirmative vote of at least one-third of the members of the  
4 majority party and at least one-third of the members of the minority  
5 party in each house, and the plan becomes law, the plan remains  
6 effective until the next year ending in the numeral one, except as  
7 provided in Subsection (u) of this section.

8 (q-2) If the legislature adopts a plan under Subsection (q)  
9 of this section by the affirmative vote of at least one-half of the  
10 members of each house of the legislature, but not by the vote  
11 required by Subsection (q-1) of this section, then the following  
12 requirements apply to the plan:

13 (1) the legislature may not adopt a plan that unduly  
14 favours or disfavors a political party or its incumbents;

15 (2) the legislature may not unduly split political  
16 subdivisions, giving preference to keeping counties whole, then to  
17 keeping municipalities whole;

18 (3) the legislature shall attempt to draw districts  
19 that are compact; and

20 (4) the legislature must include in the plan an  
21 explanation of the plan's compliance with Subdivisions (1), (2),  
22 and (3) of this subsection.

23 (q-3) A plan adopted in the manner provided by Subsection  
24 (q-2) of this section that becomes law remains effective until the  
25 next year ending in the numeral one, except as provided in  
26 Subsection (u) of this section.

27 (r) Before the legislature adopts a plan under this section,



1 a joint committee of the legislature shall hold at least two public  
2 committee hearings concerning a proposed plan. The legislature and  
3 the commission shall facilitate and allow for the submission of  
4 proposed plans by members of the public in the manner provided by  
5 general law.

6 (s) For purposes of filing a plan with the governor or the  
7 secretary of state, a plan must include both a legal description of  
8 the boundaries of the districts for the Texas House of  
9 Representatives or the Texas Senate, as applicable, and all  
10 electronic data necessary to create a district map for the purpose  
11 of holding elections.

12 (t) When a plan ceases to be effective under this section,  
13 the district boundaries described in the plan continue in operation  
14 for the purpose of holding elections until a new plan takes effect  
15 in accordance with this section. If a vacancy occurs in a district  
16 that was created under the previous plan, the election to fill the  
17 vacancy for the remainder of the unexpired term shall be held using  
18 the previous plan.

19 (u) In the event that any subsection of this section  
20 relating to a redistricting plan for the Texas House of  
21 Representatives or the Texas Senate or any district or group of  
22 districts is challenged and is determined to be invalid by a final  
23 order of a court of competent jurisdiction not subject to appeal,  
24 then notwithstanding any other provisions of this section, the  
25 commission shall be reconstituted and reconvene and shall adopt a  
26 plan in accordance with the valid provisions of this section, to be  
27 used until the next time for redistricting under this section.

1       The commission shall adopt a plan under this subsection not  
2 later than the 30th day after the last day on which an appeal of the  
3 court order could have been filed or, if the order is not  
4 appealable, the 30th day after the day on which the order is issued.

5       If the commission does not adopt a new plan in accordance with  
6 this subsection, then not later than the 30th day after the deadline  
7 for the commission to adopt the plan, the legislature shall adopt a  
8 plan in accordance with the valid provisions of this section, to be  
9 used until the next time for redistricting under this section.

10       A plan adopted under this subsection must remedy any legal  
11 defects in the previous plan identified by the court but may not  
12 include changes to the previous plan other than those made in order  
13 to remedy those defects.

14       (v) Unless otherwise already convened, the legislature  
15 shall convene in special session on the first Tuesday that occurs  
16 during a period in which the legislature is required to adopt a plan  
17 under this section.

18       (w) The Supreme Court of Texas shall have jurisdiction to  
19 compel the commission [~~such Board~~] to perform its duties in  
20 accordance with the provisions of this section, Section 28a of this  
21 article, and Section 7a, Article V, of this constitution, by writ of  
22 mandamus or other extraordinary writs conformable to the usages of  
23 law.

24       (x) The legislature [~~Legislature~~] shall provide necessary  
25 funds for clerical and technical aid and for other expenses  
26 necessary or incidental to the work of the commission [~~Board, and~~  
27 the Lieutenant Governor and the Speaker of the House of

1 ~~Representatives shall be entitled to receive per diem and travel~~  
2 ~~expense during the Board's session in the same manner and amount as~~  
3 ~~they would receive while attending a special session of the~~  
4 ~~Legislature].~~

5 (y) Four weeks after adopting redistricting plans for the  
6 legislature and, if necessary, for members of the United States  
7 House of Representatives elected from this state, the commission is  
8 automatically dissolved. The commission shall be reconstituted and  
9 reconvene as provided by this section, Section 28a of this article,  
10 and Section 7a, Article V, of this constitution.

11 SECTION 2. Article III, Texas Constitution, is amended by  
12 adding Section 28a to read as follows:

13 Sec. 28a. (a) In this section:

14 (1) "Commission" means the Texas Redistricting  
15 Commission established under Section 28 of this article.

16 (2) "Majority party" means the political party with  
17 the most members among the combined membership of the Texas Senate  
18 and the Texas House of Representatives.

19 (3) "Minority party" means the political party with  
20 the second highest number of members among the combined membership  
21 of the Texas Senate and the Texas House of Representatives.

22 (4) "Plan" means a redistricting plan for the election  
23 of the members of the United States House of Representatives  
24 elected from this state, adopted as provided by this section.

25 (b) Except as otherwise provided in this section, the  
26 legislature is responsible for the congressional redistricting of  
27 this state based on the prescribed number of congressional

1 districts apportioned to the state under Section 2, Article I,  
2 United States Constitution.

3 (c) Not later than the last day of May of a year ending in  
4 the numeral one, the legislature shall adopt a plan in the form of a  
5 bill by the affirmative vote of at least three-fifths of the members  
6 of each house of the legislature, including the affirmative vote of  
7 at least one-half of the members of the majority party and at least  
8 one-half of the members of the minority party in each house. A plan  
9 that is adopted under this subsection and becomes law remains  
10 effective until the next year ending in the numeral one, except as  
11 provided in Subsection (p) of this section.

12 (d) If the legislature does not adopt a plan under  
13 Subsection (c) of this section on or before the last day of May of a  
14 year ending in the numeral one, the commission shall adopt a plan  
15 not later than six months following the publication of the United  
16 States decennial census by the affirmative vote of at least four  
17 members of the commission, including at least two members of the  
18 commission who belong to the majority party and at least two members  
19 of the commission who belong to the minority party. The plan takes  
20 effect upon filing with the secretary of state and remains  
21 effective until the next year ending in the numeral one, except as  
22 provided in Subsection (p) of this section.

23 (e) If the commission is required to but does not adopt a  
24 plan under Subsection (d) of this section in the time prescribed,  
25 then the legislature shall adopt a plan in the form of a bill as soon  
26 as possible but not later than the first regular session following  
27 the time prescribed.

1       (e-1) If the legislature adopts a plan under Subsection (e)  
2 of this section by the affirmative vote of at least three-fifths of  
3 the members of each house of the legislature, including the  
4 affirmative vote of at least one-third of the members of the  
5 majority party and at least one-third of the members of the minority  
6 party represented in that house, and the plan becomes law, the plan  
7 remains effective until the next year ending in the numeral one,  
8 except as provided in Subsection (p) of this section.

9       (e-2) If the legislature adopts a plan under Subsection (e)  
10 of this section by the affirmative vote of at least one-half of the  
11 members of each house of the legislature, but not by the vote  
12 required by Subsection (e-1) of this section, then the following  
13 requirements apply to the plan:

14               (1) the legislature may not adopt a plan that unduly  
15 favors or disfavors a political party or its incumbents;

16               (2) the legislature may not unduly split political  
17 subdivisions, giving preference to keeping counties whole, then to  
18 keeping municipalities whole;

19               (3) the legislature shall attempt to draw districts  
20 that are compact, but Subsection (m)(2) of this section does not  
21 apply; and

22               (4) the legislature must include in the plan an  
23 explanation of the plan's compliance with Subdivisions (1), (2),  
24 and (3) of this subsection.

25       (e-3) A plan adopted in the manner provided by Subsection  
26 (e-2) of this section that becomes law remains effective until two  
27 general elections for the United States House of Representatives

1 have occurred under the plan, except as provided in Subsection (p)  
2 of this section.

3 (f) Not later than the last day of May of the year after the  
4 year in which a plan expires under Subsection (e-3) of this section,  
5 the legislature shall adopt a plan in the form of a bill by the  
6 affirmative vote of at least three-fifths of the members of each  
7 house of the legislature, including the affirmative vote of at  
8 least one-half of the members of the majority party and at least  
9 one-half of the members of the minority party in each house. A plan  
10 adopted under this subsection that becomes law remains effective  
11 until the next year ending in the numeral one, except as provided in  
12 Subsection (p) of this section. A plan adopted under this  
13 subsection must be drawn using the federal decennial census data or  
14 other data on which the previous redistricting was based.

15 (g) If the legislature is required to but does not adopt a  
16 plan under Subsection (f) of this section on or before the last day  
17 of May of the year after the year in which a plan expires under  
18 Subsection (e-3) of this section, then the commission shall be  
19 reconstituted, reconvene, and adopt a plan not later than the last  
20 day of June of that year by the affirmative vote of at least four  
21 members of the commission, including at least two members of the  
22 commission who belong to the majority party and at least two members  
23 of the commission who belong to the minority party. A plan adopted  
24 under this subsection takes effect upon filing with the secretary  
25 of state and remains effective until the next year ending in the  
26 numeral one, except as provided in Subsection (p) of this section.  
27 A plan adopted under this subsection must be drawn using the federal

1 decennial census data or other data on which the previous  
2 redistricting was based.

3 (h) If the commission is required to but does not adopt a  
4 plan under Subsection (g) of this section on or before the last day  
5 of June of the year after the year in which a plan expires under  
6 Subsection (e-3) of this section, then the legislature shall adopt  
7 a plan in the form of a bill not later than the last day of July of  
8 that year. A plan adopted under this subsection must be drawn using  
9 the federal decennial census data or other data on which the  
10 previous redistricting was based.

11 (h-1) If the legislature adopts a plan under Subsection (h)  
12 of this section by the affirmative vote of at least three-fifths of  
13 the members of each house of the legislature, including the  
14 affirmative vote of at least one-third of the members of the  
15 majority party and at least one-third of the members of the minority  
16 party in each house, and the plan becomes law, the plan remains  
17 effective until the next year ending in the numeral one, except as  
18 provided in Subsection (p) of this section.

19 (h-2) If the legislature adopts a plan under Subsection (h)  
20 of this section by the affirmative vote of at least one-half of the  
21 members of each house of the legislature, but not by the vote  
22 required by Subsection (h-1) of this section, then the following  
23 requirements apply to the plan:

24 (1) the legislature may not adopt a plan that unduly  
25 favors or disfavors a political party or its incumbents;

26 (2) the legislature may not unduly split political  
27 subdivisions, giving preference to keeping counties whole, then to

1 keeping municipalities whole;

2 (3) the legislature shall attempt to draw districts  
3 that are compact, but Subsection (m)(2) of this section does not  
4 apply; and

5 (4) the legislature must include in the plan an  
6 explanation of the plan's compliance with Subdivisions (1), (2),  
7 and (3) of this subsection.

8 (h-3) A plan adopted in the manner provided by Subsection  
9 (h-2) of this section that becomes law remains effective until the  
10 next year ending in the numeral one, except as provided in  
11 Subsection (p) of this section.

12 (i) Before the legislature adopts a plan under this section,  
13 a joint committee of the legislature shall hold at least two public  
14 committee hearings concerning a proposed plan. Before the  
15 commission adopts a plan under this section, the commission shall  
16 hold at least two public hearings concerning a proposed plan. The  
17 legislature and the commission shall facilitate and allow for the  
18 submission of proposed plans by members of the public in the manner  
19 provided by general law.

20 (j) For purposes of filing a plan with the governor or the  
21 secretary of state, a plan must include both a legal description of  
22 the boundaries of the congressional districts and all electronic  
23 data necessary to create a congressional district map for the  
24 purpose of holding congressional elections.

25 (k) When a plan ceases to be effective under this section,  
26 the district boundaries described in the plan continue in operation  
27 for the purpose of holding elections until a new plan takes effect



1 in accordance with this section. If a vacancy occurs in a district  
2 that was created under the previous plan, the election to fill the  
3 vacancy for the remainder of the unexpired term shall be held using  
4 the previous plan.

5 (1) Each congressional district is entitled to a single  
6 representative in the United States House of Representatives in  
7 each Congress. The total population of the state, as determined by  
8 the federal decennial census or, if the federal decennial census is  
9 unavailable, another basis as directed by the legislature, shall be  
10 divided by the number of congressional districts apportioned to the  
11 state under Section 2, Article I, United States Constitution, and  
12 the quotient shall be the congressional ratio of representation for  
13 the next 10 years. Notwithstanding the fact that boundaries of  
14 counties or municipalities within a district may be changed,  
15 district boundaries shall be created by using the data from the most  
16 recent federal decennial census or from the basis directed by the  
17 legislature, as applicable.

18 (m) A plan must comply with all of the following  
19 requirements:

20 (1) the plan must comply with all applicable  
21 provisions of the constitutions of this state and the United States  
22 and of federal law, including federal laws protecting racial  
23 minority voting rights;

24 (2) each congressional district must be compact;

25 (3) each congressional district must be composed of  
26 contiguous territory, and the boundary of each district must be a  
27 single nonintersecting continuous line;

1           (4) except as otherwise required by federal law, in a  
2 county that contains a population that exceeds the congressional  
3 ratio of representation, the authority drawing the districts shall  
4 take the first of the following actions that applies to that county:

5           (A) if a municipality located in the county  
6 contains a population that exceeds the congressional ratio of  
7 representation, the authority shall attempt to include a  
8 significant portion of that municipality in a single district and  
9 may include in that district other municipalities that are located  
10 in that county and whose residents have similar interests as the  
11 residents of the municipality that contains a population that  
12 exceeds the congressional ratio of representation;

13           (B) if one municipality in that county contains a  
14 population of not less than 100,000 and not more than the  
15 congressional ratio of representation, that municipality may not be  
16 split; or

17           (C) if that county contains two or more  
18 municipalities described by Paragraph (B) of this subdivision, only  
19 the most populous of those municipalities may not be split;

20           (5) if a congressional district includes only part of  
21 the territory of a particular county, the part of that  
22 congressional district that lies in that particular county must be  
23 contiguous within the boundaries of the county;

24           (6) no two congressional districts may share portions  
25 of the territory of more than one county, except for a county whose  
26 population exceeds the congressional ratio of representation or as  
27 necessary to comply with federal law; and

1           (7) the authority drawing the districts must attempt  
2 to include at least one whole county in each congressional  
3 district, but this subdivision does not apply to a congressional  
4 district that is contained entirely within one county or that  
5 cannot be drawn in that manner while complying with federal law.

6           (n) In determining whether the population of a municipality  
7 exceeds the congressional ratio of representation for the purpose  
8 of Subsection (m)(4)(A) of this section, if the territory of that  
9 municipality completely surrounds the territory of another  
10 municipality, the territory of the surrounded municipality is  
11 considered part of the territory of the surrounding municipality.

12           (o) For purposes of this section, a county or municipality  
13 is considered to be split if, based on the census data used for the  
14 purpose of redistricting, any contiguous portion of its territory  
15 is not contained entirely within one district except that if a  
16 municipality has territory in more than one county, the contiguous  
17 portion of that municipality that lies in each county shall be  
18 considered to be a separate municipality for purposes of this  
19 section.

20           (p) In the event that any subsection of this section  
21 relating to congressional redistricting, any plan, or any  
22 congressional district or group of congressional districts is  
23 challenged and is determined to be invalid by a final order of a  
24 court of competent jurisdiction not subject to appeal, then  
25 notwithstanding any other provisions of this section, the  
26 legislature shall adopt a plan in accordance with the valid  
27 provisions of this section, to be used until the next time for

1 redistricting under this section.

2 The legislature shall adopt a plan under this subsection not  
3 later than the 30th day after the last day on which an appeal of the  
4 court order could have been filed or, if the order is not  
5 appealable, the 30th day after the day on which the order is issued.

6 If the legislature does not adopt a new plan in accordance  
7 with this subsection, then not later than the 30th day after the  
8 deadline for the legislature to adopt the plan, the commission  
9 shall be reconstituted and reconvene and shall adopt a plan in  
10 accordance with the valid provisions of this section, to be used  
11 until the next time for redistricting under this section.

12 A plan adopted under this subsection must remedy any legal  
13 defects in the previous plan identified by the court but may not  
14 include changes to the previous plan other than those made in order  
15 to remedy those defects.

16 (g) Unless otherwise already convened, the legislature  
17 shall convene in special session on the first Tuesday that occurs  
18 during a period in which the legislature is required to adopt a plan  
19 under this section.

20 SECTION 3. Section 7a, Article V, Texas Constitution, is  
21 amended by amending Subsections (e) and (i) and adding Subsection  
22 (j) to read as follows:

23 (e) Unless the legislature enacts a statewide  
24 reapportionment of the judicial districts following each federal  
25 decennial census, the board shall convene not later than the first  
26 Monday of June of the third year following the year in which the  
27 federal decennial census is taken to make a statewide

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

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

24 (j) Until January 1, 2031, a reference in this section to  
25 the Texas Redistricting Commission means the Legislative  
26 Redistricting Board established under Section 28, Article III, of  
27 this constitution. This subsection expires January 1, 2031.

1           SECTION 4.   This proposed constitutional amendment shall be  
2 submitted to the voters at an election to be held November 2, 2021.  
3 The ballot shall be printed to permit voting for or against the  
4 following proposition: "The constitutional amendment establishing  
5 the Texas Redistricting Commission and providing redistricting  
6 procedures for state legislative, state judicial, and  
7 congressional districts."