

By: Johnson

S.J.R. No. 54

A JOINT RESOLUTION

1 proposing a constitutional amendment establishing an independent
2 redistricting commission to establish districts for the election of
3 the members of the United States House of Representatives elected
4 from this state, the Texas Senate, and the Texas House of
5 Representatives.

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

7 SECTION 1. Article III, Texas Constitution, is amended by
8 adding Section 28a to read as follows:

9 Sec. 28a. The independent redistricting commission under
10 Article XVIII of this constitution exercises the legislative
11 authority of this state to adopt redistricting plans for the
12 election of members of the United States House of Representatives
13 elected from this state, the Texas House of Representatives, and
14 the Texas Senate. Districts for those legislative bodies may not be
15 established or changed except as provided by that article.

16 SECTION 2. Sections 7a(e) and (i), Article V, Texas
17 Constitution, are amended to read as follows:

18 (e) Unless the legislature enacts a statewide
19 reapportionment of the judicial districts following each federal
20 decennial census, the board shall convene not later than the first
21 Monday of June of the third year following the year in which the
22 federal decennial census is taken to make a statewide
23 reapportionment of the districts. The board shall complete its
24 work on the reapportionment and file its order with the secretary of

1 state not later than August 31 of the same year. If the Judicial
2 Districts Board fails to make a statewide apportionment by that
3 date, the independent redistricting commission [~~Legislative~~
4 ~~Redistricting Board~~] established by Article XVIII [~~III, Section~~
5 ~~28,~~] of this constitution shall convene on September 1 of the same
6 year to make a statewide reapportionment of the judicial districts
7 not later than the 90th [~~150th~~] day after the final day for the
8 Judicial Districts Board to make the reapportionment.

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

22 SECTION 3. The Texas Constitution is amended by adding
23 Article XVIII to read as follows:

24 ARTICLE XVIII. INDEPENDENT REDISTRICTING COMMISSION

25 SUBCHAPTER A. GENERAL PROVISIONS

26 Sec. 1. DEFINITIONS. In this article:

27 (1) "Commission" means the independent redistricting

1 commission established under this article.

2 (2) "Nonpartisan agency" means the agency designated
3 or established under Part 1, Subchapter E, of this article.

4 (3) "Redistricting plan" means a plan that establishes
5 the boundaries of districts used for the election of the members of,
6 as applicable:

7 (A) the United States House of Representatives
8 elected from this state;

9 (B) the Texas Senate; or

10 (C) the Texas House of Representatives.

11 (4) "Select committee" means the committee appointed
12 under Part 2, Subchapter E, of this article.

13 (5) "Selection pool" means the approved selection pool
14 under Part 2, Subchapter C, of this article.

15 SUBCHAPTER B. COMMISSION

16 PART 1. APPOINTMENT OF MEMBERS

17 Sec. 2. APPOINTMENT. (a) The nonpartisan agency shall
18 establish an independent redistricting commission for this state
19 consisting of 15 members appointed under this section.

20 (b) Not later than October 1 of a year ending in the numeral
21 zero, the nonpartisan agency shall, at a public meeting held at
22 least 15 days after notice of the meeting is given to the public,
23 appoint the following six commission members:

24 (1) two members chosen at random from the majority
25 category of the selection pool;

26 (2) two members chosen at random from the minority
27 category of the selection pool; and

1 (3) two members chosen at random from the independent
2 category of the selection pool.

3 (c) Not later than November 15 of a year ending in the
4 numeral zero, the commission members appointed under Subsection (b)
5 of this section shall, at a public meeting held at least 15 days
6 after notice of the meeting is given to the public, appoint the
7 following nine commission members:

8 (1) three members selected from the majority category
9 of the selection pool;

10 (2) three members selected from the minority category
11 of the selection pool; and

12 (3) three members selected from the independent
13 category of the selection pool.

14 Sec. 3. RULES FOR APPOINTMENT OF CERTAIN MEMBERS. (a) The
15 appointment of a commission member under Section 2(c) or 5(b) of
16 this article and the selection of an alternate member under Section
17 4(b) of this article requires the affirmative vote of at least four
18 of the members appointed under Section 2(b) of this article,
19 including at least one member chosen from each category of the
20 selection pool.

21 (b) In appointing commission members under Section 2(c) or
22 5(b) of this article and selecting alternate members under Section
23 4(b) of this article, the commission members appointed under
24 Section 2(b) of this article shall ensure that the membership of the
25 commission:

26 (1) is representative of the demographic groups,
27 including racial, ethnic, economic, and gender groups, and

1 geographic regions of this state; and

2 (2) provides racial, ethnic, and language minorities
3 protected under the Voting Rights Act of 1965 (52 U.S.C. Section
4 10301 et seq.) with a meaningful opportunity to participate in the
5 development of this state's redistricting plans.

6 Sec. 4. DESIGNATION OF ALTERNATE MEMBERS. (a) When the
7 nonpartisan agency appoints commission members under Section 2(b)
8 of this article, the agency shall choose at random two other
9 individuals from each category of the selection pool to serve as
10 alternate members.

11 (b) When the commission members appointed under Section
12 2(b) of this article appoint the remaining commission members under
13 Section 2(c) of this article, the members appointed under Section
14 2(b) shall select two other individuals from each category of the
15 selection pool to serve as alternate members.

16 Sec. 5. APPOINTMENT OF ALTERNATE MEMBERS TO FILL VACANCIES.

17 (a) If a commission member appointed under Section 2(b) of this
18 article vacates the member's position, the nonpartisan agency shall
19 choose at random one of the alternate members under Section 4(a) of
20 this article to fill the vacancy from the same category of the
21 selection pool as the vacating member. The agency shall also choose
22 at random another individual from the same category of the
23 selection pool to replace the alternate member.

24 (b) If a member appointed under Section 2(c) of this article
25 vacates the member's position, the members appointed under Section
26 2(b) of this article shall select one of the alternate members under
27 Section 4(b) of this article to fill the vacancy from the same

1 category of the selection pool as the vacating member. The members
2 appointed under Section 2(b) shall also select another individual
3 from the same category of the selection pool to replace the
4 alternate member.

5 Sec. 6. REMOVAL OF COMMISSION MEMBER. A commission member
6 may be removed by a majority vote of the remaining commission
7 members if it is shown by a preponderance of the evidence that the
8 person is not eligible to serve on the commission under Part 1,
9 Subchapter C, of this article.

10 PART 2. PROCEDURES FOR CONDUCTING COMMISSION BUSINESS

11 Sec. 7. CHAIR. The commission members shall select by
12 majority vote one member who was appointed from the independent
13 category of the selection pool to serve as chair of the commission.
14 The commission may not take any action to develop a redistricting
15 plan for this state under Subchapter D of this article before the
16 appointment of the chair.

17 Sec. 8. VOTE REQUIRED FOR CERTAIN ACTIONS. The commission
18 may not publish and disseminate any draft or final redistricting
19 plan, or take any other action, without the approval of at least:

- 20 (1) a majority of the members of the commission; and
21 (2) one commission member from each category of the
22 selection pool.

23 Sec. 9. QUORUM. A majority of the members of the commission
24 constitutes a quorum.

25 PART 3. STAFF; CONTRACTORS

26 Sec. 10. COMMISSION STAFF. The commission shall appoint
27 and set the pay of technical experts, legal counsel, consultants,

1 and other staff the commission considers appropriate, subject to
2 general law. The application process must be public and all
3 application materials must be made available for public inspection.

4 Sec. 11. CONTRACTORS. The commission may enter into
5 contracts with vendors as the commission considers appropriate,
6 subject to general law. A contract must be approved by a majority
7 vote of the commission members, including at least one member from
8 each category of the selection pool.

9 Sec. 12. REPORTS REGARDING POLITICAL EXPENDITURES. (a)
10 Each individual who applies for a position as an employee of the
11 commission and each vendor who applies for a contract with the
12 commission shall, at the time of application, file with the
13 commission a report summarizing:

14 (1) any expenditure for political activity made by the
15 individual or vendor during the 10 most recent calendar years; and

16 (2) any income received by the individual or vendor
17 during the 10 most recent calendar years that is attributable to an
18 expenditure for political activity.

19 (b) Each employee or vendor of the commission shall, not
20 later than the first anniversary of becoming an employee or vendor,
21 file with the commission a report summarizing the expenditures and
22 income described by Subsection (a) of this section during the 10
23 most recent calendar years. The employee or vendor shall file a
24 subsequent report for each year during any part of which the person
25 serves as an employee or a vendor.

26 (c) In this section, "expenditure for political activity"
27 means a disbursement for:

1 (1) an independent expenditure, as defined by Section
2 301(17) of the Federal Election Campaign Act of 1971 (52 U.S.C.
3 Section 30101(17));

4 (2) an electioneering communication, as defined by
5 Section 304(f)(3) of the Federal Election Campaign Act of 1971 (52
6 U.S.C. Section 30104(f)(3)), or any other public communication, as
7 defined by Section 301(22) of that Act (52 U.S.C. Section
8 30101(22)), that would be an electioneering communication if it
9 were a broadcast, cable, or satellite communication; or

10 (3) any dues or other payments to a trade association
11 or organization exempt from tax under Section 501(a) of the
12 Internal Revenue Code of 1986 by reason of being listed under
13 Section 501(c) of that code that are, or could reasonably be
14 anticipated to be, used or transferred to another association or
15 organization for a use described by Section 501(c)(1), (2), or (3)
16 of that code.

17 Sec. 13. GOAL OF IMPARTIALITY. The commission shall take
18 appropriate steps to ensure that any staff appointed under this
19 part and any vendor with whom the commission enters into a contract
20 under this part will work in an impartial manner. The commission
21 may require an applicant for a staff position or contract to provide
22 information on the person's history of political activity beyond
23 the information required in the reports under Section 12 of this
24 article, including donations to candidates, political committees,
25 and political parties.

26 Sec. 14. DISQUALIFICATION; WAIVER. (a) The commission may
27 not appoint an individual as an employee or enter into a contract

1 with a vendor if the individual or vendor would be disqualified from
2 serving as a commission member under Section 18 of this article.

3 (b) The commission may by unanimous vote of its members
4 waive the application of Subsection (a) of this section to an
5 individual or a vendor after receiving and reviewing the person's
6 report under Section 12 of this article.

7 PART 4. TERMINATION OF COMMISSION

8 Sec. 15. TERMINATION. The terms of commission members
9 expire on the earlier of:

10 (1) June 14 of the year ending in the numeral zero
11 following appointment; or

12 (2) the day on which the nonpartisan agency submits a
13 selection pool to the select committee under Section 21 of this
14 article.

15 Sec. 16. PRESERVATION OF RECORDS. The legislature shall
16 ensure that the records of the commission are retained in an
17 appropriate state archive that allows this state to respond to any
18 civil action brought with respect to congressional redistricting in
19 this state.

20 SUBCHAPTER C. ESTABLISHMENT OF SELECTION POOL

21 PART 1. CRITERIA FOR ELIGIBILITY

22 Sec. 17. ELIGIBILITY. An individual is eligible to serve as
23 a commission member if:

24 (1) on the date of appointment, the individual is
25 registered to vote in elections for federal office held in this
26 state;

27 (2) during the three years preceding the date of

1 appointment, the individual has been a member of only one political
2 party or has not been a member of any political party; and

3 (3) the individual submits to the nonpartisan agency,
4 at a time and in a form required by the agency, an application for
5 inclusion in the selection pool under this subchapter and includes
6 with the application a written statement, with an attestation under
7 penalty of perjury, containing the following information and
8 assurances:

9 (A) the individual's full current name, all of
10 the individual's former names, and the individual's contact
11 information including electronic mail address, residence address,
12 mailing address, and telephone numbers;

13 (B) the individual's race, ethnicity, gender,
14 age, date of birth, and household income for the most recent taxable
15 year;

16 (C) the political party with which the individual
17 is affiliated, if any;

18 (D) the reasons the individual desires to serve
19 as a member of the commission, the individual's qualifications, and
20 information relevant to the individual's ability to be fair and
21 impartial including:

22 (i) any involvement with, or financial
23 support of, a professional, social, political, religious, or
24 community organization or cause; and

25 (ii) the individual's employment and
26 educational history;

27 (E) an assurance that the individual will commit

1 to carrying out the individual's duties under this article in an
2 honest, independent, and impartial fashion and upholding public
3 confidence in the integrity of the redistricting process; and

4 (F) an assurance that, during the covered periods
5 described by Section 19 of this article, the individual has not
6 taken and will not take any action that would disqualify the
7 individual from serving as a commission member under Section 18 of
8 this article.

9 Sec. 18. DISQUALIFICATIONS. An individual is not eligible
10 to serve as a commission member if, during any of the covered
11 periods described by Section 19 of this article:

12 (1) the individual or, in the case of the covered
13 periods described by Sections 19(1) and (2) of this article, an
14 immediate family member of the individual holds public office or is
15 a candidate for election to public office;

16 (2) the individual or, in the case of the covered
17 periods described by Sections 19(1) and (2) of this article, an
18 immediate family member of the individual, serves as an officer of a
19 political party or as an officer, employee, or paid consultant of a
20 campaign committee of a candidate for public office or of any
21 political action committee, as determined under general law;

22 (3) the individual or, in the case of the covered
23 periods described by Sections 19(1) and (2) of this article, an
24 immediate family member of the individual, holds a position as a
25 registered lobbyist under the Lobbying Disclosure Act of 1995 (2
26 U.S.C. Section 1601 et seq.) or an equivalent state or local law;

27 (4) the individual or, in the case of the covered

1 periods described by Sections 19(1) and (2) of this article, an
2 immediate family member of the individual, is an employee of an
3 elected public official, a contractor with this state, or a donor to
4 the campaign of any candidate for public office or to any political
5 action committee, other than a donor who, during any of the covered
6 periods, gives an aggregate amount of \$1,000 or less to the
7 campaigns of all candidates for all public offices and to all
8 political action committees;

9 (5) the individual paid a civil penalty or criminal
10 fine or was sentenced to a term of imprisonment for violating any
11 provision of the Federal Election Campaign Act of 1971 (52 U.S.C.
12 Section 30101 et seq.); or

13 (6) the individual or, in the case of the covered
14 periods described by Sections 19(1) and (2) of this article, an
15 immediate family member of the individual, is an agent of a foreign
16 principal under the Foreign Agents Registration Act of 1938 (22
17 U.S.C. Section 611 et seq.).

18 Sec. 19. COVERED PERIODS. In this part, "covered period"
19 means, with respect to the appointment of a commission member:

20 (1) the 10-year period preceding the date of the
21 member's appointment;

22 (2) the period beginning on the date of the
23 individual's appointment and ending on August 14 of the next year
24 ending in the numeral one; and

25 (3) the 10-year period beginning on the day after the
26 last day of the period described by Subdivision (2) of this section.

27 Sec. 20. IMMEDIATE FAMILY MEMBER. In this part, "immediate

1 family member" means, with respect to an individual, a father,
2 stepfather, mother, stepmother, son, stepson, daughter,
3 stepdaughter, brother, stepbrother, sister, stepsister, husband,
4 wife, father-in-law, or mother-in-law.

5 PART 2. DEVELOPMENT AND SUBMISSION OF SELECTION POOL

6 Sec. 21. SELECTION POOL. Not later than June 15 of each
7 year ending in the numeral zero, the nonpartisan agency shall
8 develop and submit to the select committee a selection pool of 36
9 individuals who are eligible to serve as commission members. The
10 selection pool must include:

11 (1) a majority category with 12 individuals who are
12 affiliated with the political party whose candidate received the
13 most votes in the most recent statewide election for federal office
14 held in this state;

15 (2) a minority category with 12 individuals who are
16 affiliated with the political party whose candidate received the
17 second most votes in the most recent statewide election for federal
18 office held in this state; and

19 (3) an independent category with 12 individuals who
20 are not affiliated with either political party described by
21 Subdivisions (1) and (2) of this section.

22 Sec. 22. FACTORS CONSIDERED IN DEVELOPING POOL. In
23 selecting individuals for the selection pool under this part, the
24 nonpartisan agency shall:

25 (1) ensure that the pool:

26 (A) is representative of the demographic groups,
27 including racial, ethnic, economic, and gender groups, and

1 geographic regions of this state; and

2 (B) includes applicants who would allow racial,
3 ethnic, and language minorities protected under the Voting Rights
4 Act of 1965 (52 U.S.C. Section 10301 et seq.) a meaningful
5 opportunity to participate in the development of this state's
6 redistricting plans; and

7 (2) take into consideration the analytical skills of
8 the individuals selected in relevant fields, including mapping,
9 data management, law, community outreach, demography, and the
10 geography of this state, and their ability to work on an impartial
11 basis.

12 Sec. 23. INTERVIEWS OF APPLICANTS. To assist the
13 nonpartisan agency in developing the selection pool under this
14 part, the nonpartisan agency shall conduct interviews of applicants
15 under oath. If an individual is included in a selection pool
16 developed under this subchapter, all of the interviews of the
17 individual shall be transcribed and the transcriptions made
18 available on the nonpartisan agency's public Internet website at
19 the same time the report under Section 26 of this article is
20 released.

21 Sec. 24. POLITICAL PARTY AFFILIATION OF SELECTION POOL
22 MEMBERS. For purposes of this subchapter, an individual is
23 considered to be affiliated with a political party only if the
24 nonpartisan agency is able to verify, to the greatest extent
25 possible, the information the individual provides in the
26 application submitted under Section 17(3) of this article,
27 including by considering additional information provided by other

1 persons with knowledge of the individual's history of political
2 activity.

3 Sec. 25. ENCOURAGING APPLICATIONS FOR POOL. The
4 nonpartisan agency shall take steps necessary to ensure that
5 residents of the state across various geographic regions and
6 demographic groups are aware of the opportunity to serve as
7 commission members, including publicizing the role of the
8 commission and using newspapers, broadcast media, online sources,
9 and ethnic media, to encourage individuals to apply for inclusion
10 in the selection pool developed under this part.

11 Sec. 26. REPORT ON ESTABLISHMENT OF POOL. At the time the
12 nonpartisan agency submits the selection pool to the select
13 committee under Section 21 of this article, the nonpartisan agency
14 shall publish and post on the agency's public Internet website a
15 report describing the process by which the pool was developed,
16 including a description of how the individuals in the pool meet the
17 eligibility criteria of Part 1 of this subchapter and how the pool
18 reflects the factors the agency is required to take into
19 consideration under Section 22 of this article.

20 Sec. 27. PUBLIC COMMENT ON POOL. During the 14 days after
21 the nonpartisan agency publishes the report under Section 26 of
22 this article, the agency shall accept comments from the public on
23 the individuals included in the selection pool. The agency shall
24 post all comments on the agency's public Internet website as soon as
25 practicable after receipt and shall transmit them to the select
26 committee at the end of the comment period.

27 Sec. 28. ACTION BY SELECT COMMITTEE. (a) The select

1 committee shall, 15 to 21 days after receiving the selection pool
2 from the nonpartisan agency under Section 21 of this article:

3 (1) approve the pool as submitted by the nonpartisan
4 agency, in which case the pool becomes the approved selection pool
5 for purposes of Section 2 of this article; or

6 (2) reject the pool, in which case the nonpartisan
7 agency shall develop and submit a new selection pool as provided by
8 Part 3 of this subchapter.

9 (b) If the select committee fails to approve or reject the
10 pool by the deadline provided by Subsection (a) of this section, the
11 pool is considered rejected under Subsection (a)(2) of this
12 section.

13 PART 3. REPLACEMENT SELECTION POOL

14 Sec. 29. REPLACEMENT POOL. If the select committee rejects
15 the selection pool submitted by the nonpartisan agency under Part 2
16 of this subchapter, the nonpartisan agency shall, not later than 14
17 days after the rejection, develop and submit to the select
18 committee a replacement selection pool in the same manner provided
19 for the development and submission of the selection pool under
20 Sections 21 through 27 of this article. The replacement pool
21 submitted under this section may include individuals who were
22 included in the rejected selection pool submitted under Part 2 of
23 this subchapter if at least one individual in the replacement pool
24 was not included in the rejected pool.

25 Sec. 30. ACTION BY SELECT COMMITTEE. (a) Not later than 21
26 days after receiving the replacement selection pool from the
27 nonpartisan agency under Section 29 of this article, the select

1 committee shall:

2 (1) approve the pool as submitted by the nonpartisan
3 agency, in which case the pool becomes the approved selection pool
4 for purposes of Section 2 of this article; or

5 (2) reject the pool, in which case the nonpartisan
6 agency shall develop and submit a second replacement selection pool
7 as provided by Part 4 of this subchapter.

8 (b) If the select committee fails to approve or reject the
9 pool by the deadline provided by Subsection (a) of this section, the
10 pool is considered rejected under Subsection (a)(2) of this
11 section.

12 PART 4. SECOND REPLACEMENT SELECTION POOL

13 Sec. 31. SECOND REPLACEMENT POOL. If the select committee
14 rejects the replacement selection pool submitted by the nonpartisan
15 agency under Part 3 of this subchapter, the nonpartisan agency
16 shall, not later than 14 days after the rejection, develop and
17 submit to the select committee a second replacement selection pool,
18 in the same manner provided for the development and submission of
19 the selection pool under Sections 21 through 27 of this article.
20 The second replacement selection pool submitted under this section
21 may include individuals who were included in the rejected selection
22 pool under Part 2 of this subchapter or the rejected replacement
23 selection pool under Part 3 of this subchapter if at least one
24 individual in the second replacement pool was not included in
25 either rejected pool.

26 Sec. 32. ACTION BY SELECT COMMITTEE. (a) On the 14th or
27 15th day after receiving the second replacement selection pool from

1 the nonpartisan agency under Section 31 of this article, the select
2 committee shall:

3 (1) approve the pool as submitted by the nonpartisan
4 agency, in which case the pool becomes the approved selection pool
5 for purposes of Section 2 of this article; or

6 (2) reject the pool.

7 (b) If the select committee fails to approve or reject the
8 pool by the deadline provided by Subsection (a) of this section, the
9 pool is considered rejected under Subsection (a)(2) of this
10 section.

11 (c) If the select committee rejects the second replacement
12 pool under Section 31 of this article, this state shall petition:

13 (1) a federal court to order a remedial redistricting
14 plan for the election of members of congress; and

15 (2) a state or federal court to order a remedial
16 redistricting plan for the election of members of the Texas Senate
17 and Texas House of Representatives.

18 SUBCHAPTER D. CRITERIA FOR REDISTRICTING PLAN; PUBLIC NOTICE AND

19 INPUT

20 PART 1. DEVELOPMENT OF REDISTRICTING PLAN

21 Sec. 33. CRITERIA. (a) A redistricting plan shall
22 establish single-member districts using the following criteria in
23 the following order of priority:

24 (1) districts shall comply with the United States
25 Constitution, including the requirement that districts equalize
26 total population;

27 (2) districts shall comply with the Voting Rights Act

1 of 1965 (52 U.S.C. Section 10301 et seq.) and all applicable federal
2 laws;

3 (3) districts for the election of members of the Texas
4 Senate or Texas House of Representatives shall comply with all
5 applicable laws of this state;

6 (4) districts shall provide racial, ethnic, and
7 language minorities with an equal opportunity to participate in the
8 political process and to elect candidates of choice and may not
9 dilute or diminish their ability to elect candidates of choice
10 whether alone or in coalition with others; and

11 (5) districts shall respect communities of interest,
12 neighborhoods, and political subdivisions to the extent
13 practicable and after compliance with the requirements of
14 Subdivisions (1) through (4).

15 (b) In this section, "community of interest" means an area
16 with recognized similarities of interests, including ethnic,
17 racial, economic, tribal, social, cultural, geographic or historic
18 identities. The term may, in certain circumstances, include
19 political subdivisions such as counties, municipalities, tribal
20 lands and reservations, or school districts. The term does not
21 include common relationships with political parties or political
22 candidates.

23 Sec. 34. NO FAVORING OR DISFAVORING OF POLITICAL PARTIES.

24 (a) A redistricting plan may not, when considered on a statewide
25 basis, unfairly favor or disfavor any political party.

26 (b) For purposes of Subsection (a) of this section, the
27 determination of whether a redistricting plan has the effect of

1 unfairly favoring or disfavoring a political party shall be based
2 on the totality of circumstances, including whether the plan
3 results in durable partisan bias as determined by scientifically
4 accepted measures of partisan fairness and whether there are
5 alternative plans that would have complied with the requirements of
6 law and resulted in less durable levels of partisan bias.
7 Notwithstanding this subsection, a redistricting plan may not be
8 found to be in violation of Subsection (a) of this section because
9 of application of the criteria provided by Sections 33(a)(1), (2),
10 (3), and (4) of this article.

11 Sec. 35. FACTORS PROHIBITED FROM CONSIDERATION. In
12 developing a redistricting plan, the commission may not take into
13 consideration any of the following factors, except to the extent
14 necessary to comply with the criteria provided by Sections
15 33(a)(1), (2), (3), and (4) and Section 34 of this article and to
16 enable the redistricting plan to be measured against the external
17 metrics described by Section 51 of this article:

18 (1) the residence of any member of the United States
19 House of Representatives, the Texas Senate, or the Texas House of
20 Representatives or a candidate for one of those offices; or

21 (2) the political party affiliation or voting history
22 of the population of a district.

23 PART 2. PUBLIC NOTICE AND INPUT

24 Sec. 36. USE OF OPEN AND TRANSPARENT PROCESS. The
25 independent redistricting commission shall hold each of its
26 meetings in public, shall solicit and take into consideration
27 comments from the public, including proposed maps, throughout the

1 process of developing a redistricting plan, and shall carry out its
2 duties in an open and transparent manner which provides for the
3 widest public dissemination reasonably possible of its proposed and
4 final redistricting plans.

5 Sec. 37. WEBSITE. (a) The commission shall maintain a
6 public Internet website which is not affiliated with or maintained
7 by the office of any elected official and which includes the
8 following features:

9 (1) general information on the commission, its role in
10 the redistricting process, and its members, including contact
11 information;

12 (2) an updated schedule of commission hearings and
13 activities, including deadlines for the submission of comments;

14 (3) all draft redistricting plans developed by the
15 commission under Part 3 of this subchapter, each final
16 redistricting plan developed under Part 4 of this subchapter, and
17 the written evaluation under Part 5 of this subchapter;

18 (4) all comments received from the public on the
19 commission's activities, including any proposed maps submitted
20 under Section 36 of this article;

21 (5) livestreaming of commission hearings and an
22 archive of previous meetings, including any documents considered at
23 any meeting, which the commission shall post not later than 24
24 hours after the conclusion of the meeting;

25 (6) access in an easily usable format to the
26 demographic and other data used by the commission to develop and
27 analyze the proposed redistricting plans, together with access to

1 any software used to draw maps of proposed districts and any reports
2 analyzing and evaluating any redistricting maps;

3 (7) a method by which members of the public may submit
4 comments and proposed maps directly to the commission;

5 (8) all records of the commission, including all
6 communications to or from members, employees, and contractors
7 regarding the work of the commission;

8 (9) a list of all contractors receiving payment from
9 the commission, together with the annual disclosures submitted by
10 the contractors under Section 12 of this article; and

11 (10) a list of the names of all individuals who
12 submitted applications to serve on the commission, together with
13 the applications submitted by individuals included in any selection
14 pool, except that the commission may redact from applications any
15 financial or other personally sensitive information.

16 (b) The commission shall ensure that all information posted
17 and maintained on the website under this section, including
18 information and proposed maps submitted by the public, be
19 maintained in an easily searchable format.

20 (c) The commission shall ensure that the website under this
21 section is operational, in at least a preliminary format, not later
22 than January 1 of the year ending in the numeral one.

23 Sec. 38. PUBLIC COMMENT PERIOD. The commission shall
24 solicit, accept, and consider comments from the public with respect
25 to its duties, activities, and procedures at any time during the
26 period:

27 (1) beginning January 1 of the year ending in the

1 numeral one; and

2 (2) ending seven days before the date of the meeting at
3 which the commission votes on approving the final redistricting
4 plans for enactment into law under Section 48 of this article.

5 Sec. 39. MEETINGS AND HEARINGS IN VARIOUS GEOGRAPHIC
6 LOCATIONS. To the greatest extent practicable, the commission
7 shall hold its meetings and hearings in various geographic regions
8 and locations throughout this state.

9 Sec. 40. MULTIPLE LANGUAGE REQUIREMENTS FOR ALL NOTICES.
10 The commission shall make each notice which is required to be posted
11 and published under this subchapter available in any language in
12 which this state, or any jurisdiction in this state, is required to
13 provide election materials under Section 203, Voting Rights Act of
14 1965 (52 U.S.C. Section 10503).

15 PART 3. DEVELOPMENT AND PUBLICATION OF PRELIMINARY REDISTRICTING
16 PLAN

17 Sec. 41. PRELIMINARY PLAN. Before developing and
18 publishing a final redistricting plan under Part 2 of this
19 subchapter, the commission shall develop and publish a preliminary
20 version of the plan.

21 Sec. 42. HEARINGS AND COMMENT BEFORE DEVELOPMENT. (a)
22 Before developing a preliminary redistricting plan under this part,
23 the commission shall hold at least three public hearings at which
24 members of the public may provide input and comments regarding the
25 potential contents of redistricting plans for this state and the
26 process by which the commission will develop each preliminary plan
27 under this part.

1 (b) At least 14 days before the date of each hearing held
2 under this section, the commission shall post notices of the
3 hearing on the website maintained under Section 37 of this article
4 and shall provide for the publication of notices in newspapers of
5 general circulation throughout this state. Each notice must specify
6 the date, time, and location of the hearing.

7 (c) Any member of the public may submit maps or portions of
8 maps for consideration by the commission. Each map shall be made
9 publicly available on the commission's Internet website and open to
10 comment as provided by Section 37(a) of this article.

11 Sec. 43. PUBLICATION OF PRELIMINARY PLAN. (a) The
12 commission shall post each preliminary redistricting plan
13 developed under this part, together with a report that includes the
14 commission's responses to any public comments received under
15 Section 38 of this article, on the website maintained under Section
16 37 of this article and shall provide for the publication of each
17 plan in newspapers of general circulation throughout this state.

18 (b) At least 14 days before the date the commission posts
19 and publishes the preliminary plans under this section, the
20 commission shall notify the public through the website maintained
21 under Section 37 of this article, as well as through publication of
22 notice in newspapers of general circulation throughout this state,
23 of the pending publication of the plans.

24 Sec. 44. PUBLIC COMMENT AFTER PUBLICATION. The commission
25 shall accept and consider comments from the public, including
26 through the website maintained under Section 37 of this article,
27 with respect to the preliminary redistricting plan published under

1 Section 43 of this article, including proposed revisions to maps,
2 for at least 30 days after the date on which the plan is published.

3 Sec. 45. HEARINGS AFTER PUBLICATION. (a) After posting and
4 publishing the preliminary redistricting plans under Section 43 of
5 this article, the commission shall hold at least three public
6 hearings in different geographic areas of this state at which
7 members of the public may provide input and comments regarding each
8 preliminary plan.

9 (b) At least 14 days before the date of each hearing held
10 under this section, the commission shall post notices of the
11 hearing on the website maintained under Section 37 of this article
12 and shall provide for the publication of notices in newspapers of
13 general circulation throughout the state. Each notice must specify
14 the date, time, and location of the hearing.

15 Sec. 46. MULTIPLE PRELIMINARY PLANS. At the option of the
16 commission, after developing and publishing preliminary
17 redistricting plans under this part, the commission may develop and
18 publish subsequent preliminary redistricting plans. The process
19 for the development and publication of each subsequent plan must
20 meet the requirements of this part for the development and
21 publication of the first preliminary redistricting plan.

22 PART 4. PROCESS FOR ENACTMENT OF FINAL REDISTRICTING PLAN

23 Sec. 47. FINAL PLAN. After taking into consideration
24 comments from the public on any preliminary redistricting plan
25 developed and published under Part 3 of this subchapter, the
26 commission shall develop and publish final redistricting plans.

27 Sec. 48. MEETING; FINAL VOTE. Not later than the deadline

1 provided by Section 52 of this article, the commission shall hold a
2 public hearing at which the members of the commission shall vote on
3 approving each final redistricting plan for enactment into law.

4 Sec. 49. PUBLICATION OF PLAN AND MATERIALS. At least 14
5 days before the date of the meeting under Section 48 of this
6 article, the commission shall provide the following information to
7 the public through the website maintained under Section 37 of this
8 article, as well as through newspapers of general circulation
9 throughout the state:

10 (1) each final redistricting plan, including all
11 relevant maps;

12 (2) a report by the commission to accompany each plan
13 which provides the background for the plan and the commission's
14 reasons for selecting the plan as the final redistricting plan,
15 including responses to the public comments received on any
16 preliminary redistricting plan developed and published under Part 3
17 of this subchapter; and

18 (3) any dissenting or additional views with respect to
19 each plan by individual members of the commission.

20 Sec. 50. ENACTMENT. A final redistricting plan developed
21 and published under this part becomes law on the 45th day after:

22 (1) the final plan is approved by a majority of the
23 whole membership of the commission; and

24 (2) at least one commission member from each category
25 of the selection pool approves the final plan.

26 PART 5. WRITTEN EVALUATION OF PLAN AGAINST EXTERNAL METRICS

27 Sec. 51. WRITTEN EVALUATION. The commission shall include

1 with each redistricting plan developed and published under Sections
2 33 through 52 a written evaluation that measures each plan against
3 external metrics which cover the criteria provided by Section 33 of
4 this article, including the impact of the plan on the ability of
5 communities of color to elect candidates of choice, measures of
6 partisan fairness using multiple accepted methodologies, and the
7 degree to which the plan preserves or divides communities of
8 interest.

9 PART 6. TIMING

10 Sec. 52. PERIOD FOR DEVELOPMENT OF PLAN. The commission may
11 begin its work on a redistricting plan immediately on receipt of
12 relevant population information from the United States Census
13 Bureau. The commission shall approve each final redistricting plan
14 each year ending in the numeral one on or before the later of:

15 (1) eight months after the date on which this state
16 receives the state apportionment notice; or

17 (2) October 1.

18 SUBCHAPTER E. ESTABLISHMENT OF RELATED ENTITIES

19 PART 1. NONPARTISAN LEGISLATIVE AGENCY

20 Sec. 53. ESTABLISHMENT. The legislature by general law
21 shall establish a nonpartisan agency in the legislative branch of
22 state government to appoint the members of the commission as
23 provided by Subchapter B of this article.

24 Sec. 54. NONPARTISANSHIP. For purposes of this part, an
25 agency shall be considered to be nonpartisan if under law the
26 agency:

27 (1) is required to provide services on a nonpartisan

1 basis;

2 (2) is required to maintain impartiality; and

3 (3) is prohibited from advocating for the adoption or
4 rejection of any legislative proposal.

5 Sec. 55. TRAINING OF COMMISSION MEMBERS. Not later than
6 January 15 of a year ending in the numeral one, the nonpartisan
7 agency shall provide commission members with initial training on
8 their obligations, including obligations under the Voting Rights
9 Act of 1965 (52 U.S.C. Section 10301 et seq.) and other applicable
10 laws.

11 Sec. 56. RULES. The nonpartisan agency shall adopt and
12 publish rules, after notice and opportunity for comment,
13 establishing the procedures that the agency will follow in
14 fulfilling its duties under this article, including the procedures
15 to be used in vetting the qualifications and political affiliation
16 of applicants and in creating the selection pools, the randomized
17 process to be used in selecting the initial commission members, and
18 the rules the agency will apply to ensure that the agency carries
19 out its duties under this article in a maximally transparent,
20 publicly accessible, and impartial manner.

21 Sec. 57. DESIGNATION OF EXISTING AGENCY. The legislature
22 by general law may designate an existing agency in the legislative
23 branch of government to appoint the members of the commission under
24 this article if the agency meets the requirements for
25 nonpartisanship under this part.

26 Sec. 58. TERMINATION OF SPECIALLY ESTABLISHED AGENCY. If
27 the legislature does not designate an existing agency under Section

1 57 of this article but instead establishes a new agency to serve as
2 the nonpartisan agency under this subchapter, the new agency shall
3 terminate on the enactment into law of all redistricting plans.

4 Sec. 59. PRESERVATION OF RECORDS. The legislature shall
5 ensure that the records of the nonpartisan agency are retained in an
6 appropriate state archive in a manner that enables the state to
7 respond to any civil action brought with respect to congressional
8 redistricting in the state.

9 Sec. 60. DEADLINE. The legislature shall meet the
10 requirements of this part not later than October 15 of each year
11 ending in the numeral nine.

12 PART 2. SELECT COMMITTEE ON REDISTRICTING

13 Sec. 61. SELECT COMMITTEE. The legislature shall appoint a
14 select committee on redistricting to approve or disapprove a
15 selection pool under Subchapter C of this article.

16 Sec. 62. APPOINTMENT. The select committee consists of the
17 following four members:

18 (1) one member of the senate appointed by the most
19 senior member of the senate who belongs to the political party with
20 the most members in the senate;

21 (2) one member of the senate appointed by the most
22 senior member of the senate who belongs to the political party with
23 the second greatest number of members in the senate;

24 (3) one member of the house of representatives
25 appointed by the most senior member of the house who belongs to the
26 political party with the most members in the house; and

27 (4) one member of the house of representatives

1 appointed by the most senior member of the house who belongs to the
2 political party with the second greatest number of members in the
3 house.

4 Sec. 63. DEADLINE. The legislature shall meet the
5 requirements of this part not later than January 15 of each year
6 ending in the numeral zero.

7 SECTION 4. Section 28, Article III, Texas Constitution, is
8 repealed.

9 SECTION 5. The following temporary provision is added to
10 the Texas Constitution:

11 TEMPORARY PROVISION. (a) This temporary provision applies
12 to the constitutional amendment proposed by the 87th Legislature,
13 Regular Session, 2021, establishing an independent redistricting
14 commission to establish districts for the election of the members
15 of the United States House of Representatives elected from this
16 state, the Texas Senate, and the Texas House of Representatives.

17 (b) On January 1, 2029:

18 (1) the amendments to Sections 7a(e) and (i), Article
19 V, of this constitution take effect;

20 (2) the repeal of Section 28, Article III, of this
21 constitution takes effect; and

22 (3) Section 28a, Article III, and Article XVIII of
23 this constitution take effect.

24 (c) This temporary provision expires January 1, 2030.

25 SECTION 6. This proposed constitutional amendment shall be
26 submitted to the voters at an election to be held November 2, 2021.
27 The ballot shall be printed to permit voting for or against the

1 proposition: "The constitutional amendment establishing an
2 independent redistricting commission to establish districts for
3 the election of the members of the United States House of
4 Representatives elected from this state, the Texas Senate, and the
5 Texas House of Representatives."