88R2141 BEF-F

By:  Howard H.B. No. 731

A BILL TO BE ENTITLED

AN ACT

relating to the reapportionment of state legislative, congressional, and judicial districts and the functions and duties of the independent redistricting commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subtitle A, Title 3, Government Code, is amended by adding Chapter 307 to read as follows:

CHAPTER 307. INDEPENDENT REDISTRICTING COMMISSION

Sec. 307.001.  DEFINITIONS. In this chapter:

(1)  "Commission" means the independent redistricting commission established under Article XVIII, Texas Constitution.

(2)  "Redistricting plan" has the meaning assigned by Section 1, Article XVIII, Texas Constitution.

Sec. 307.002.  OATH. Before serving on the commission, each person appointed shall take and subscribe to the constitutional oath of office.

Sec. 307.003.  ELIGIBILITY. The eligibility of a person to serve on the commission is as prescribed by Article XVIII, Texas Constitution.

Sec. 307.004.  OPERATION OF COMMISSION. (a) The legislature shall appropriate sufficient money for the compensation and payment of the expenses of the commission members and any staff employed by the commission.

(b)  The commission shall be provided access to statistical or other information compiled by the state or its political subdivisions as necessary for the commission's duties.

(c)  The Texas Legislative Council shall provide technical staff and clerical services at the commission's request.

Sec. 307.005.  DUTIES. The commission shall:

(1)  adopt rules to carry out the constitutional duties of the commission and to administer this chapter; and

(2)  act as the legislature's recipient of the official census and geographic data from the United States Census Bureau pursuant to the federal decennial census.

Sec. 307.006.  REDISTRICTING PLAN; FORM. The commission shall include with each report under Section 49(2), Article XVIII, Texas Constitution:

(1)  for each district in the redistricting plan, the total population and the percentage deviation from the average district population;

(2)  an explanation of the criteria used in developing the redistricting plan with a justification of any population deviation in a district from the average district population;

(3)  a map or maps of all the districts; and

(4)  the estimated cost to be incurred by the counties for changes in county election precinct boundaries required to conform to the districts adopted by the commission.

Sec. 307.007.  REDISTRICTING PLAN STANDARDS. (a) A redistricting plan adopted by the commission must conform to the standards provided by Article XVIII, Texas Constitution.

(b)  In developing a redistricting plan, the commission may not consider:

(1)  the potential effects of the districts on incumbents or potential candidates for office;

(2)  the residence of any elected official or potential candidate for office;

(3)  any information involving the past political performance of a specific geographic area, except as necessary to comply with federal law or Article XVIII, Texas Constitution; and

(4)  data concerning party affiliation or voting history, except as necessary to comply with federal law or Article XVIII, Texas Constitution.

Sec. 307.008.  DISCLOSURE OF DATA REQUIRED. The commission shall make all redistricting plans submitted to the commission, including the commission's preliminary redistricting plans, hearing transcripts, minutes of meetings, maps, narrative descriptions of proposed districts, and other data used by the commission available to the public through the commission's Internet website and other appropriate means.

Sec. 307.009.  SUBMISSION OF PLAN. On adoption of a preliminary or final redistricting plan by the commission, the commission shall submit the redistricting plan to the governor, the secretary of state, and the presiding officer of each house of the legislature.

Sec. 307.010.  OPERATIONS AFTER ADOPTION OF REDISTRICTING PLANS. (a) Following the adoption of all redistricting plans that the commission is required to adopt, the commission shall reduce or suspend its staff, contractors, and operations to the extent practicable.

(b)  The commission shall prepare a financial statement disclosing all expenditures made by the commission. The official record of the commission must contain all relevant information developed by the commission in carrying out its duties, including maps, data, minutes of meetings, written communications, and other information.

(c)  The secretary of state shall preserve the commission's records as provided by Section 16, Article XVIII, Texas Constitution.

(d)  Any unexpended money from an appropriation to the commission reverts to the general revenue fund.

Sec. 307.011.  CHALLENGES TO REDISTRICTING PLAN. After a final redistricting plan is adopted by the commission, any person aggrieved by the plan may file a petition with the supreme court challenging the plan.

Sec. 307.012.  CONVENING OF COMMISSION FOR REAPPORTIONMENT OF JUDICIAL DISTRICTS. (a) If the Judicial Districts Board fails to make a statewide reapportionment of judicial districts under Subchapter F, Chapter 24, the commission shall convene on September 1 of the year provided by Section 7a(e), Article V, Texas Constitution, to make the statewide reapportionment as required by Section 24.946(a).

(b)  The commission shall complete the reapportionment of judicial districts as soon as possible within the time provided by Section 7a(e), Article V, Texas Constitution.

(c)  The commission's reapportionment of judicial districts becomes effective as provided by Sections 24.948 and 24.949.

(d)  Following the effective date of a reapportionment of judicial districts, the commission shall reduce or suspend its operations to the extent practicable.

SECTION 2.  Section 42.032, Election Code, is amended to read as follows:

Sec. 42.032.  REDISTRICTING: BOUNDARY CHANGES. If changes in county election precinct boundaries are necessary to give effect to a redistricting plan under Article XVIII, [~~III, Section 28, of the~~] Texas Constitution, each commissioners court shall order the changes before October 1 of the year in which the redistricting is done.

SECTION 3.  Section 24.945(e), Government Code, is amended to read as follows:

(e)  The legislature, the Judicial Districts Board, or the independent redistricting commission [~~Legislative Redistricting Board~~] may not redistrict the judicial districts to provide for any judicial district smaller in size than an entire county except as provided by this subsection. Judicial districts smaller in size than the entire county may be created subsequent to a general election in which a majority of the persons voting on the proposition adopt the proposition "to allow the division of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County into judicial districts composed of parts of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County." A redistricting plan may not be proposed or adopted by the legislature, the Judicial Districts Board, or the independent redistricting commission [~~Legislative Redistricting Board~~] in anticipation of a future action by the voters of any county.

SECTION 4.  Section 24.946(a), Government Code, is amended to read as follows:

(a)  The board shall meet in accordance with its own rules. The board shall meet at least once in each interim between regular sessions of the legislature and shall exercise its reapportionment powers only in the interims between regular legislative sessions. Meetings of the board shall be subject to the provisions of Chapter 551, except as otherwise provided by this subchapter. A reapportionment may not be ordered in the interim immediately following a regular session of the legislature in which a valid and subsisting statewide reapportionment of judicial districts is enacted by the legislature. Unless the legislature enacts a statewide reapportionment of the judicial districts following each federal decennial census, the board shall convene not later than the first Monday of June of the third year following the year in which the federal decennial census is taken to make a statewide reapportionment of the districts. The board shall complete its work on the reapportionment and file its order with the secretary of state not later than August 31 of the same year. If the Judicial Districts Board fails to make a statewide apportionment by that date, the independent redistricting commission [~~Legislative Redistricting Board~~] established under [~~by~~] Article XVIII, [~~III, Section 28, of the~~] Texas Constitution, shall make a statewide reapportionment of the judicial districts not later than the 90th [~~150th~~] day after the final day for the Judicial Districts Board to make the reapportionment, and that apportionment takes effect as provided by Sections 24.948 and 24.949.

SECTION 5.  Section 2058.002(a), Government Code, is amended to read as follows:

(a)  The legislature or the independent redistricting commission established [~~Legislative Redistricting Board~~] under Article XVIII, [~~III, Section 28, of the~~] Texas Constitution, may officially recognize or act on a federal decennial census before September 1 of the year after the calendar year during which the census was taken.

SECTION 6.  This Act takes effect January 1, 2029, but only if the constitutional amendment proposed by the 88th Legislature, Regular Session, 2023, establishing an independent redistricting commission to establish districts for the election of the members of the United States House of Representatives elected from this state, the Texas Senate, and the Texas House of Representatives is approved by the voters. If that proposed constitutional amendment is not approved by the voters, this Act has no effect.