88R1327 BEF-D

By:  Talarico H.B. No. 2294

A BILL TO BE ENTITLED

AN ACT

relating to procedures for public involvement in redistricting of judicial districts, state legislative districts, State Board of Education districts, and congressional districts.

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

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

SUBTITLE D. REDISTRICTING

CHAPTER 331. PUBLIC INVOLVEMENT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 331.001.  DEFINITIONS. In this chapter:

(1)  "Council" means the Texas Legislative Council.

(2)  "Redistricting plan" means a bill that establishes or modifies the boundaries of districts for the election of judges, members of the Texas Senate, members of the Texas House of Representatives, members of the State Board of Education, or members of the United States House of Representatives who are elected from this state. The term includes a substitute for or other amendment to a bill.

(3)  "Website" means the Internet website established under Subchapter B.

SUBCHAPTER B. REDISTRICTING WEBSITE

Sec. 331.051.  ESTABLISHMENT OF WEBSITE. (a) As soon as practicable after a federal decennial census is taken but not later than February 1 of the year following the year in which that census is taken, the council shall establish an Internet website that provides the public with information about the legislature's redistricting activities based on that census.

(b)  The website must be limited to the subject of redistricting.

Sec. 331.052.  CONTENT OF WEBSITE. (a) The council shall:

(1)  continuously update the website to provide advance notice of public hearings, committee meetings, and legislative debates on redistricting plans;

(2)  provide on the website the most recent available information regarding voting age population, voter registration, and election returns for election precincts and census tracts in this state, including detailed maps depicting that information;

(3)  allow individuals to submit through the website comments on any redistricting plan being considered by the legislature and questions, comments, and other information regarding the legislature's redistricting activities; and

(4)  include on the website any other information required under this chapter.

(b)  Except as provided by Subsection (c), the council shall ensure that any comment submitted to the website by a member of the public regarding a redistricting plan or otherwise related to redistricting is publicly available on the website not later than 72 hours after submission.

(c)  The council may exclude from the website obscene, threatening, harassing, or similarly offensive comments and comments unrelated to redistricting. The council shall provide copies of those comments to adult members of the public on request.

Sec. 331.053.  DURATION OF WEBSITE. The council shall ensure that the information required to be included on the website relating to the legislature's redistricting activities based on a federal decennial census remains accessible to the public on that website until the website relating to the legislature's redistricting activities based on the next federal decennial census is established.

SUBCHAPTER C. REQUIREMENTS FOR LEGISLATIVE COMMITTEES CONSIDERING REDISTRICTING LEGISLATION

Sec. 331.101.  REDISTRICTING CRITERIA AND PROCEDURES. Before considering any redistricting plan, the standing committees of the senate and the house of representatives with primary jurisdiction over redistricting shall solicit input from members of the public regarding the legislature's criteria and procedures for considering redistricting plans by:

(1)  holding the public hearings required by Section 331.102; and

(2)  posting those criteria and procedures on the website.

Sec. 331.102.  COMMITTEE HEARINGS ON REDISTRICTING CRITERIA AND PROCEDURES. (a) Before considering a redistricting plan, the standing committees of the senate and the house of representatives with primary jurisdiction over redistricting shall each hold at least 10 public hearings to consider redistricting criteria and procedures during the year before the final data from a federal decennial census is published and at least 5 public hearings to consider those criteria and procedures after that data is published. The committees may hold the hearings jointly or separately.

(b)  The committees shall hold each hearing in a different congressional district in this state, including one hearing in the congressional district with the greatest change in population since the previous congressional apportionment. The committees shall consider holding other hearings in congressional districts that have experienced large changes in population.

(c)  The committees shall provide public notice at least seven days before each hearing. The notice must include the time and location of the hearing and notice that members of the public may provide comments on the criteria and procedures the committees will use to consider redistricting plans and on other issues related to redistricting.

(d)  The committees shall allow individuals at remote locations throughout the state to view and provide public testimony at the hearings by videoconference.

(e)  A committee shall post on the website a transcript of or link to a video recording of each hearing not later than the seventh day after conclusion of the hearing.

Sec. 331.103.  REDISTRICTING PLAN PROPOSED BY COMMITTEE. (a) A committee of the senate shall post the information required by this section at least five days before reporting from the committee a redistricting plan originating in the senate. A committee of the house of representatives shall post the information required by this section at least five days before reporting from the committee a redistricting plan originating in the house.

(b)  A committee shall post on the website:

(1)  a map showing each district in the redistricting plan reported from the committee;

(2)  the total population and voting age population of each district in the redistricting plan reported from the committee, including a breakdown of those populations by race and by membership in language minority groups;

(3)  all data and other factual information, in written or electronic form, in the possession of a member, delegation, or caucus of the legislature that is:

(A)  relevant to the redistricting plan reported from the committee or another version of that plan; and

(B)  in any way descriptive of a population residing in a geographic area included in the plan;

(4)  all factual information relevant to the redistricting plan reported from the committee or another version of that plan that is known by or obtained from a consulting expert, attorney, or representative of an attorney, including any facts determined through an analysis or test performed by a consulting expert or attorney, but not including information that is exclusively the mental impression, opinion, conclusion, or legal theory of a consulting expert or attorney;

(5)  all opinions, mental impressions, and conclusions of an attorney or consulting expert retained by a member, delegation, or caucus of the legislature that:

(A)  are relevant to the redistricting plan reported from the committee or another version of that plan; and

(B)  have been disclosed to:

(i)  an employee of the legislature, other than an employee of a person who retained the attorney or consulting expert; or

(ii)  a member of the legislature who did not retain the attorney or consulting expert or who is not a member of the delegation or caucus that retained the attorney or consulting expert;

(6)  a statement explaining the committee's reasons for proposing adoption of the redistricting plan reported from the committee and reasons why the proposed adoption will best serve the public interest;

(7)  any dissenting statement provided by a member of the committee who does not approve the redistricting plan reported from the committee; and

(8)  notice that members of the public may submit comments regarding the redistricting plan reported from the committee through the website, at a public hearing, or by any other available means.

(c)  A committee shall post on the website a machine-readable file containing the information described by Subsections (b)(1) and (2).

(d)  Any information required to be posted under Subsection (b) that originates in an electronic form, including a shapefile or equivalency file, must be posted in:

(1)  the original electronic form; and

(2)  a form that is reasonably usable by and accessible to the general public.

(e)  A new or amended version of a redistricting plan adopted by a committee is subject to the requirements of Subsection (a), regardless of whether the committee complied with those requirements with respect to an earlier version of the plan, unless the committee determines that compliance with those requirements is likely to prevent adoption of the plan before the end of the legislative session.

Sec. 331.104.  HEARINGS ON PLANS PROPOSED BY COMMITTEE. (a) A committee of the senate shall hold at least two public hearings on a redistricting plan after an affirmative vote to report the redistricting plan from the committee and before the redistricting plan is considered by the full senate.

(b)  A committee of the house of representatives shall hold at least two public hearings on a redistricting plan after an affirmative vote to report the redistricting plan from the committee and before the redistricting plan is considered by the full house.

(c)  Except as otherwise provided by this subsection, a committee shall hold each hearing in a different congressional district in this state, including one hearing in the congressional district with the greatest change in population since the previous decennial congressional apportionment. If the committee is unable to hold hearings throughout the state, the committee shall allow public participation in the hearings from various congressional districts throughout this state by videoconference.

(d)  A committee shall provide public notice at least five days before each hearing. The notice must include the time and location of the hearing, notice that members of the public may attend the hearing and provide comments on the redistricting plan, and notice that members of the committee will be available at the hearing to explain the reasons why adoption of the plan will best serve the public interest.

(e)  A committee shall allow individuals at remote locations throughout the state to view and provide public testimony at the hearings by videoconference.

(f)  A committee shall post on the website a transcript of or link to a video recording of each hearing not later than 48 hours after conclusion of the hearing.

SUBCHAPTER D. REDISTRICTING PLAN ENACTED BY LEGISLATURE

Sec. 331.151.  INFORMATION REGARDING ENACTED REDISTRICTING PLAN. Not later than the seventh day after the date the legislature passes a bill enacting a redistricting plan, the council shall post on the website and, if practicable, publish in newspapers of general circulation throughout the state:

(1)  a map showing each district in the plan;

(2)  for each district in the plan:

(A)  the total population and voting age population of the district, including a breakdown of those populations by race and by membership in language minority groups; and

(B)  the number of registered voters in the district including, to the extent available, a breakdown of that number by political party affiliation, race, and membership in language minority groups;

(3)  statements by the president of the senate and the speaker of the house of representatives explaining the legislature's reasons for adopting the plan and reasons why adoption of the plan will best serve the public interest; and

(4)  any dissenting statement provided by a member of the legislature who did not approve the plan.

SECTION 2.  (a) Except as provided by Subsection (b) of this section, Chapter 331, Government Code, as added by this Act, applies only to a regular or special session of the legislature that begins on or after the effective date of this Act.

(b)  The provision of Section 331.102(a), Government Code, as added by this Act, that requires the standing committees of the senate and the house of representatives with primary jurisdiction over redistricting to each hold at least 10 public hearings to consider redistricting criteria and procedures during the year before the final data from a federal decennial census is published applies beginning January 1, 2030.

SECTION 3.  This Act takes effect September 1, 2023.