

By: Talarico

H.J.R. No. 4

A JOINT RESOLUTION

1 proposing a constitutional amendment establishing the Texas
2 Independent Citizen Redistricting Commission to redistrict the
3 Texas Legislature, Texas congressional districts, and State Board
4 of Education districts and revising procedures for redistricting.

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

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

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

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

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

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

1 (2) "Commission" means the Texas Independent Citizen
2 Redistricting Commission.

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

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

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

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

20 (c) The commission members shall:

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

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

26 (3) conduct themselves with integrity and fairness.

27 (d) The selection process for commission members is

1 designed to produce a commission that is independent from
2 legislative influence and reasonably representative of this
3 state's diversity.

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

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

6 (A) voted in at least two of the statewide
7 primary elections in the five years preceding the member's
8 appointment held by the majority party;

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

12 (C) voted in at least two of the three general
13 elections preceding the member's appointment in which the office of
14 governor or President of the United States appeared on the ballot;

15 (2) five minority party members who:

16 (A) voted in at least two of the statewide
17 primary elections in the five years preceding the member's
18 appointment held by the minority party;

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

22 (C) voted in at least two of the three general
23 elections preceding the member's appointment in which the office of
24 governor or President of the United States appeared on the ballot;

25 and

26 (3) four independent members who:

27 (A) did not vote in any statewide primary

1 elections in the five years preceding the member's appointment; and

2 (B) voted in at least two of the three general
3 elections preceding the member's appointment in which the office of
4 governor or President of the United States appeared on the ballot.

5 (f) The term of office of each commission member expires at
6 the time the first commission member is appointed in the next census
7 year.

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

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

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

24 (1) hold an appointed federal office representing this
25 state;

26 (2) hold an appointed state or local office in this
27 state;

1 (3) serve as a paid employee of or as a paid consultant
2 to:

3 (A) a member of the United States Congress
4 elected from this state;

5 (B) the legislature; or

6 (C) a member of the legislature; or

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

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

11 (1) districts must comply with the United States
12 Constitution;

13 (2) districts for the election of members of the
14 United States House of Representatives must achieve population
15 equality as nearly as is practicable;

16 (3) districts for the election of members of the Texas
17 Senate, the Texas House of Representatives, and the State Board of
18 Education must have reasonably equal population with other
19 districts for the same office except where deviation is required to
20 comply with the federal Voting Rights Act of 1965 (52 U.S.C. Section
21 10101 et seq.) or is allowable by law;

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

24 (5) all districts must be geographically contiguous;

25 (6) the geographic integrity of each municipality,
26 county, local neighborhood, and local community of interest must be
27 respected in a manner that minimizes its division to the extent

1 possible without violating the requirements of any of the preceding
2 subdivisions of this subsection; and

3 (7) to the extent practicable and to the extent that
4 compliance with this subdivision does not preclude compliance with
5 any of the preceding subdivisions of this subsection, districts
6 must be drawn to encourage geographical compactness so that nearby
7 areas of population are not bypassed for more distant population.

8 (k) For purposes of Subsection (j)(6) of this section, a
9 community of interest is a contiguous population that shares common
10 social and economic interests that should be included within a
11 single district for purposes of that population's effective and
12 fair representation. Communities of interest may not be determined
13 based on relationships with political parties, incumbents, or
14 political candidates.

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

19 (m) Commissioners must start from scratch and not redraw
20 based on existing district lines.

21 (n) Not later than September 15 of each year following a
22 census year, the commission shall approve final maps that
23 separately set forth the boundary lines of the districts for the
24 election of the members of the United States House of
25 Representatives elected from this state, the members of the Texas
26 Senate, the members of the Texas House of Representatives, and the
27 members of the State Board of Education. On approval, the

1 commission shall certify each final map to the secretary of state.

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

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

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

20 (r) The governor shall present to the legislature an
21 estimate of the amount of money required for the purposes of this
22 section and Sections 28a and 28c of this article. The legislature
23 shall appropriate to the state auditor, the secretary of state, and
24 the commission amounts sufficient to implement the redistricting
25 process required by this section, Sections 28a and 28c of this
26 article, and general law. The amounts appropriated must provide
27 adequate funding for a statewide outreach program to solicit broad

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

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

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

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

19 (3) the bill to enact the amendment is printed and
20 distributed in each house of the legislature at least 10 days before
21 final passage by the legislature;

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

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

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

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

8 (b) Any registered voter in this state may file a petition
9 for a writ of mandamus or writ of prohibition, not later than the
10 45th day after a final map is certified to the secretary of state,
11 to bar the secretary of state from implementing the map on the
12 grounds that the map violates this constitution, the United States
13 Constitution, or any federal or state statute.

14 (c) If the court determines that a final certified map
15 violates this constitution, the United States Constitution, or any
16 federal or state statute, the court shall fashion the relief that
17 the court deems appropriate, including the relief described by
18 Section 28b(o) of this article.

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

21 (e) Unless the legislature enacts a statewide
22 reapportionment of the judicial districts following each federal
23 decennial census, the board shall convene not later than the first
24 Monday of June of the third year following the year in which the
25 federal decennial census is taken to make a statewide
26 reapportionment of the districts. The board shall complete its
27 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 Texas Independent Citizen [~~Legislative~~] Redistricting
4 Commission [~~Board~~] established by Article III, Section 28b [~~28~~], of
5 this constitution shall convene on September 1 of the same year to
6 make a statewide reapportionment of the judicial districts not
7 later than the 90th [~~150th~~] day after the final day for the Judicial
8 Districts Board to make the reapportionment.

9 (i) The legislature, the Judicial Districts Board, or the
10 Texas Independent Citizen [~~Legislative~~] Redistricting Commission
11 [~~Board~~] may not redistrict the judicial districts to provide for
12 any judicial district smaller in size than an entire county except
13 as provided by this section. Judicial districts smaller in size
14 than the entire county may be created subsequent to a general
15 election where a majority of the persons voting on the proposition
16 adopt the proposition "to allow the division of _____ County
17 into 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 Texas [~~Legislative~~]
20 Redistricting Commission [~~Board~~] in anticipation of a future action
21 by the voters of any county.

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

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

26 TEMPORARY PROVISION. (a) This temporary provision applies
27 to the constitutional amendment proposed by the 88th Legislature,

1 Regular Session, 2023, establishing the Texas Independent Citizen
2 Redistricting Commission to redistrict the Texas Legislature,
3 Texas congressional districts, and State Board of Education
4 districts and revising procedures for redistricting.

5 (b) Section 28b, Article III, of this constitution takes
6 effect January 1, 2030.

7 (c) On January 1, 2031:

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

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

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

14 (4) the Legislative Redistricting Board is abolished.

15 (d) This temporary provision expires January 1, 2032.

16 SECTION 5. This proposed constitutional amendment shall be
17 submitted to the voters at an election to be held November 7, 2023.
18 The ballot shall be printed to permit voting for or against the
19 following proposition: "The constitutional amendment establishing
20 the Texas Independent Citizen Redistricting Commission to
21 redistrict the Texas Legislature, Texas congressional districts,
22 and State Board of Education districts and revising procedures for
23 redistricting."