

By: Dutton

H.B. No. 293

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Redistricting Commission to redistrict Texas congressional districts.

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

SECTION 1. The heading to Title 5, Government Code, is amended to read as follows:

TITLE 5. OPEN GOVERNMENT; ETHICS; REDISTRICTING

SECTION 2. Title 5, Government Code, is amended by adding Subtitle C to read as follows:

SUBTITLE C. REDISTRICTING

CHAPTER 581. TEXAS REDISTRICTING COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 581.001. DEFINITIONS. In this chapter:

(1) "Census year," "commission," and "statewide primary election" have the meanings assigned by Section 28b(a), Article III, Texas Constitution.

(2) "Immediate family member" means a person's parent, child, sibling, in-law, or other individual with whom the person has a bona fide family relationship established through blood or legal relation.

Sec. 581.002. COMPUTATION OF TIME. For purposes of this chapter, a day means a calendar day, except that if the final day of a period within which an action may or must be performed is a Saturday, Sunday, national holiday, or state holiday, the period is

extended to the next day that is not a Saturday, Sunday, or holiday.

Sec. 581.003. RETALIATION FOR ATTENDING COMMISSION MEETING PROHIBITED. Notwithstanding any other law, an employer may not discharge, threaten to discharge, intimidate, coerce, or retaliate against an employee because of the employee's attendance or scheduled attendance at any meeting of the commission.

SUBCHAPTER B. SELECTION OF COMMISSION MEMBERS

Sec. 581.051. APPLICATIONS. (a) Not later than August 15 of each year preceding a census year, the state auditor shall initiate an application process for commission members.

(b) The process must be open to all registered voters of this state and promote a diverse and qualified applicant pool.

Sec. 581.052. CONFLICTS OF INTEREST. (a) The state auditor shall remove an applicant with a conflict of interest from the applicant pool, including an applicant:

(1) who at any point during the 10 years preceding the application date:

(A) was appointed or elected to, or was a candidate for, federal or state office;

(B) served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective federal or state office;

(C) served as an elected or appointed member of a political party's executive committee;

(D) was a registered lobbyist;

(E) served as a paid staff member for Congress or the legislature; or

1                   (F) contributed at least \$2,000 or the amount  
2 provided by Subsection (b) to any congressional, state, or local  
3 candidate for elective public office in any year;

4                   (2) with an immediate family member who would be  
5 disqualified as an applicant under Subdivision (1); or

6                   (3) who is an employee of, a consultant to, party to a  
7 contract with, or an immediate family member of the governor, a  
8 member of the legislature, or a member of Congress.

9                   (b) Beginning in 2039, on January 1 of each year ending in  
10 the numeral 9, the contribution amount prescribed by Subsection  
11 (a)(1)(F) is increased or decreased by an amount equal to the amount  
12 prescribed by that subsection on December 31 of the preceding year  
13 multiplied by the percentage increase or decrease during the  
14 preceding decade in the Consumer Price Index for All Urban  
15 Consumers (CPI-U), U.S. City Average, as published by the United  
16 States Bureau of Labor Statistics or its successor in function.

17                   Sec. 581.053. SELECTION OF APPLICANT SUBPOOLS. (a) After  
18 removing individuals with conflicts of interest from the applicant  
19 pool under Section 581.052, the state auditor shall, not later than  
20 March 15 of each census year, publicize the names of individuals in  
21 the applicant pool.

22                   (b) From the applicant pool described by Subsection (a), the  
23 state auditor shall select:

24                   (1) a majority subpool consisting of 20 of the most  
25 qualified applicants who would qualify as majority party members  
26 under Section 28b(e)(1), Article III, Texas Constitution;

27                   (2) a minority subpool consisting of 20 of the most

1 qualified applicants who would qualify as minority party members  
2 under Section 28b(e)(2), Article III, Texas Constitution; and

3 (3) an independent subpool consisting of 20 of the  
4 most qualified applicants who would qualify as independent members  
5 under Section 28b(e)(3), Article III, Texas Constitution.

6 (c) The state auditor shall select the members of the  
7 applicant subpools based on relevant analytical skills, ability to  
8 be impartial, and appreciation for this state's diverse  
9 demographics and geography.

10 (d) Not later than May 15 of each census year, the state  
11 auditor shall present the members of the applicant subpools to the  
12 state party chairs described by Section 581.054.

13 (e) Before presenting the applicant subpools as provided by  
14 Subsection (d), the state auditor may not communicate with:

15 (1) a member, or a representative of a member, of the  
16 senate, the house of representatives, or Congress about any matter  
17 related to the selection process; or

18 (2) a member of the applicant pool.

19 Sec. 581.054. STRIKES BY POLITICAL PARTY CHAIRS. (a) Not  
20 later than June 30 of each census year, the state party chairs of  
21 the political parties with the highest and second highest number of  
22 total votes cast in the four statewide primary elections preceding  
23 that year may each strike up to four applicants from each applicant  
24 subpool under Section 581.053(b), for a total of eight possible  
25 strikes per applicant subpool.

26 (b) After all strikes have been made as provided by  
27 Subsection (a), the state party chairs shall present the remaining

members of each applicant subpool to the state auditor.

Sec. 581.055. DRAWING TO SELECT FIRST EIGHT COMMISSION MEMBERS. Not later than July 5 of each census year, the state auditor shall select the first eight members of the commission by randomly drawing:

(1) three applicants from the majority subpool who were not struck under Section 581.054;

(2) three applicants from the minority subpool who were not struck under Section 581.054; and

(3) two applicants from the independent subpool who were not struck under Section 581.054.

Sec. 581.056. APPOINTMENT OF SECOND SIX COMMISSION MEMBERS.

(a) Not later than August 15 of each census year, the eight commission members selected under Section 581.055 shall review the remaining names in each applicant subpool and appoint to the commission:

(1) two remaining applicants from the majority subpool who were not struck under Section 581.054;

(2) two remaining applicants from the minority subpool who were not struck under Section 581.054; and

(3) two remaining applicants from the independent subpool who were not struck under Section 581.054.

(b) An appointment under Subsection (a) must be approved by at least five affirmative votes of commission members selected under Section 581.055, including at least two votes of commission members drawn from the majority subpool, at least two votes of commission members drawn from the minority subpool, and at least

1 one vote of a commission member drawn from the independent subpool.

2 (c) In making appointments under Subsection (a), the  
3 commission members shall ensure that the commission reflects this  
4 state's diversity, including racial, ethnic, geographic, and  
5 gender diversity. However, the legislature does not intend that  
6 formulas or specific ratios be applied for this purpose.

7 (d) Appointments under Subsection (a) shall also be made  
8 based on relevant analytical skills and the ability to be  
9 impartial.

10 SUBCHAPTER C. ORGANIZATION OF COMMISSION

11 Sec. 581.101. OFFICERS. The commission shall select one  
12 member as chair and one member as vice chair. The chair and vice  
13 chair may not both be majority party members, minority party  
14 members, or independent members as described by Section 28b(e),  
15 Article III, Texas Constitution.

16 Sec. 581.102. REMOVAL OF COMMISSION MEMBER. (a) After  
17 having been served written notice and provided with an opportunity  
18 for a response, a commission member may be removed by the governor  
19 with the concurrence of two-thirds of the members of the senate for  
20 substantial neglect of duty, gross misconduct in office, or  
21 inability to discharge the duties of office.

22 (b) A commission member removed for substantial neglect of  
23 duty or gross misconduct in office may be referred to the attorney  
24 general for criminal investigation or to an appropriate  
25 administrative agency for investigation.

26 Sec. 581.103. VACANCY. (a) A vacancy on the commission  
27 that occurs before December 31 of a year ending in the numeral 2

1 shall be filled, not later than the 30th day after the date the  
2 vacancy occurs, by appointment by the commission of a remaining  
3 applicant who was not struck under Section 581.054 from the same  
4 applicant subpool as the vacating member.

5 (b) A vacancy on the commission that occurs on or after  
6 December 31 of a year ending in the numeral 2 shall be filled, not  
7 later than the 90th day after the date the vacancy occurs, by  
8 appointment by the commission of a remaining applicant who was not  
9 struck under Section 581.054 from the same applicant subpool as the  
10 vacating member.

11 (c) If a vacancy on the commission occurs and no applicant  
12 from the same applicant subpool as the vacating member is available  
13 for appointment to the commission, the state auditor shall solicit  
14 and select an appropriate number of new applicants for the  
15 applicable subpool using, to the extent practicable, the procedures  
16 provided by Sections 581.051, 581.052, and 581.053(a)-(c) but  
17 disregarding the deadlines provided by those sections. The  
18 commission shall fill the vacancy as soon as practicable by  
19 appointment of one of the new applicants described by this  
20 subsection.

21 SUBCHAPTER D. COMMISSION POWERS AND DUTIES

22 Sec. 581.151. OPEN MEETINGS. (a) The commission is a  
23 governmental body for purposes of Chapter 551.

24 (b) Notwithstanding Chapter 551, the secretary of state  
25 must post notice on the Internet of a meeting of the commission for  
26 at least:

27 (1) 14 days before the date of a meeting, other than a

1 meeting described by Subdivision (2); or

2 (2) three days before the date of a meeting held in  
3 August of a year following a census year.

4 (c) Except in a closed meeting authorized by Subchapter D,  
5 Chapter 551, a member or employee of the commission may not  
6 communicate with or knowingly receive communications about a  
7 redistricting matter from anyone outside of an open meeting.

8 Sec. 581.152. PUBLIC INFORMATION. (a) The commission is a  
9 governmental body for purposes of Chapter 552.

10 (b) The commission shall post information relating to  
11 redistricting and all data considered by the commission in a manner  
12 that ensures immediate and widespread public access.

13 Sec. 581.153. EMPLOYEES AND CONTRACTORS. (a) The  
14 commission may hire employees and hire or contract with legal  
15 counsel and consultants as needed in the manner provided by this  
16 section.

17 (b) The commission must make hiring, removal, or  
18 contracting decisions for employees, legal counsel, and  
19 consultants by the affirmative vote of at least nine members,  
20 including at least three majority party members, at least three  
21 minority party members, and at least three independent members as  
22 described by Section 28b(e), Article III, Texas Constitution.

23 (c) The commission shall ensure that at least one of the  
24 legal counsel hired by the commission has demonstrated extensive  
25 experience and expertise in implementing and enforcing the federal  
26 Voting Rights Act (52 U.S.C. Sec. 10101 et seq.).

27 (d) The commission shall establish for individuals



described by Subsection (a):

(1) clear criteria for hiring and removal;

(2) communication protocols; and

(3) a code of conduct.

(e) To the extent practicable, the commission shall avoid selecting employees, legal counsel, or consultants who would be disqualified from commission membership because of a conflict of interest described by Section 581.052(a).

Sec. 581.154. PUBLIC OUTREACH. (a) The commission shall establish and implement an open hearing process for public input and deliberation that is subject to public notice and promoted through a thorough outreach program to solicit broad public participation in the redistricting public review process.

(b) The hearing process must include hearings to receive public input before the commission draws any maps and hearings following the drawing and display of any commission maps. In addition, the commission shall supplement hearings with other appropriate activities to further increase opportunities for the public to observe and participate in the review process.

(c) The commission shall display maps for public comment in a manner designed to achieve the widest public access reasonably possible.

(d) The commission shall publicly display a preliminary map for congressional districts not later than July 1 of each year following a census year and shall accept public comment for at least 14 days after the date the preliminary map is first publicly displayed. The commission may not display any other maps for public

1 comment during that 14-day period.

2 (e) The commission shall publicly display any subsequent  
3 version of a preliminary map for at least seven days and shall  
4 accept public comment for at least seven days after the date the  
5 subsequent version is first publicly displayed.

6 (f) The commission shall publicly display a final map for at  
7 least three days and shall accept public comment for at least three  
8 days after the date the final version is first publicly displayed.

9 Sec. 581.155. PROCUREMENT AND CONTRACTING. The commission,  
10 with fiscal oversight from the comptroller, has procurement and  
11 contracting authority.

12 SUBCHAPTER E. ADMINISTRATIVE SUPPORT AND OTHER RESOURCES

13 Sec. 581.201. ADMINISTRATIVE SUPPORT BY STATE AUDITOR.  
14 Following the appointment of new commission members in each census  
15 year, the state auditor shall provide administrative support to the  
16 commission until the commission's staff and office are fully  
17 functional.

18 Sec. 581.202. COMPUTER RESOURCES. The legislature shall  
19 ensure that a complete and accurate computerized database is  
20 available for redistricting and that procedures are in place to  
21 provide the public with ready access to redistricting data and  
22 computer software for drawing maps. The legislature shall  
23 coordinate these efforts with the commission from the time the  
24 commission is formed until the commission dissolves.

25 Sec. 581.203. PER DIEM AND EXPENSES. (a) A commission  
26 member is entitled to a per diem of \$300 or the amount provided by  
27 Subsection (b) for each day the member is engaged in commission

1 business.

2       (b) Beginning in 2040, on January 1 of each census year the  
3 per diem amount prescribed by Subsection (a) is increased or  
4 decreased by an amount equal to the amount prescribed by that  
5 subsection on December 31 of the preceding year multiplied by the  
6 percentage increase or decrease during the preceding decade in the  
7 Consumer Price Index for All Urban Consumers (CPI-U), U.S. City  
8 Average, as published by the United States Bureau of Labor  
9 Statistics or its successor in function.

10       (c) A commission member is eligible for reimbursement of  
11 expenses incurred in connection with the member's performance of  
12 duties under this chapter and under Sections 28, 28a, 28b, and 28c,  
13 Article III, Texas Constitution.

14       (d) For purposes of calculating expense reimbursement, a  
15 member's residence is considered to be the member's place of  
16 employment.

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

19       (e) The legislature, the Judicial Districts Board, or the  
20 Texas [~~Legislative~~] Redistricting Commission [~~Board~~] may not  
21 redistrict the judicial districts to provide for any judicial  
22 district smaller in size than an entire county except as provided by  
23 this subsection. Judicial districts smaller in size than the  
24 entire county may be created subsequent to a general election in  
25 which a majority of the persons voting on the proposition adopt the  
26 proposition "to allow the division of \_\_\_\_\_ County  
27 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 Texas ~~[Legislative]~~ Redistricting Commission ~~[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 Texas ~~[Legislative]~~ Redistricting Commission ~~[Board]~~ established by Article III, Section 28b ~~[28]~~, of the Texas Constitution shall make a statewide reapportionment of the judicial

1 districts not later than the 90th [~~150th~~] day after the final day  
2 for the Judicial Districts Board to make the reapportionment, and  
3 that apportionment takes effect as provided by Sections 24.948 and  
4 24.949.

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

7 (a) The legislature or the Texas [~~Legislative~~]  
8 Redistricting Commission [~~Board~~] under Article III, Section 28b  
9 [~~28~~], of the Texas Constitution may officially recognize or act on a  
10 federal decennial census before September 1 of the year after the  
11 calendar year during which the census was taken.

12 SECTION 6. (a) Notwithstanding the deadline provided by  
13 Section 581.051(a), Government Code, as added by this Act, the  
14 state auditor shall initiate the initial application process  
15 described by that subsection as soon as practicable after January  
16 1, 2030.

17 (b) Notwithstanding the deadline provided by Section  
18 581.053(a), Government Code, as added by this Act, the state  
19 auditor shall publicize the names of individuals in the initial  
20 applicant pool described by that subsection not later than May 1,  
21 2030.

22 SECTION 7. (a) Except as otherwise provided by Subsections  
23 (b) and (c) of this section, this Act takes effect January 1, 2030.

24 (b) Except as otherwise provided by Subsection (c) of this  
25 section, Sections 24.945(e), 24.946(a), and 2058.002(a),  
26 Government Code, as amended by this Act, take effect January 1,  
27 2031.

1           (c) This Act takes effect only if the constitutional  
2 amendment proposed by the 89th Legislature, 1st Called Session,  
3 2025, establishing the Texas Redistricting Commission to  
4 redistrict Texas congressional districts and revising procedures  
5 for redistricting is approved by the voters. If that proposed  
6 constitutional amendment is not approved by the voters, this Act  
7 has no effect.