

By: Talarico

H.J.R. No. 28

A JOINT RESOLUTION

1 proposing a constitutional amendment establishing the Independent  
2 Citizen Redistricting Commission to redistrict the Texas  
3 Legislature, Texas congressional districts, and State Board of  
4 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 Independent Citizen  
10 Redistricting Commission described by Section 28b of this article  
11 shall adjust the boundary lines of the districts for the election of  
12 the members of the United States House of Representatives elected  
13 from this state, the members of the Texas Senate, the members of the  
14 Texas House of Representatives, and the members of the State Board  
15 of Education in accordance with the standards and process provided  
16 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 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 Independent Citizen Redistricting Commission shall  
17 be appointed and the commission shall commence the redistricting  
18 process for the districts described by Section 28a(a) of this  
19 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 five statewide  
7 primary elections preceding the member's appointment held by the  
8 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 five statewide  
17 primary elections preceding the member's appointment held by the  
18 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 of the five statewide

1 primary elections 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,  
21 state, county, or municipal office elected from this state. A  
22 commission member is ineligible for a period of five years  
23 beginning on the 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) all 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. The  
19 commission may not consider existing or previously used boundary  
20 lines for districts used to elect the members of the United States  
21 House of Representatives, the Texas Legislature, and the State  
22 Board of Education when drawing districts.

23 (m) Not later than September 15 of each year following a  
24 census year, the commission shall approve final maps that  
25 separately set forth the boundary lines of the districts for the  
26 election of the members of the United States House of  
27 Representatives elected from this state, the members of the Texas

1 Senate, the members of the Texas House of Representatives, and the  
2 members of the State Board of Education. On approval, the  
3 commission shall certify each final map to the secretary of state.

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

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

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

22 (q) The governor shall present to the legislature an  
23 estimate of the amount of money required for the purposes of this  
24 section and Sections 28a and 28c of this article. The legislature  
25 shall appropriate to the state auditor, the secretary of state, and  
26 the commission amounts sufficient to implement the redistricting  
27 process required by this section, Sections 28a and 28c of this

article, and general law. The amounts appropriated must provide adequate funding for a statewide outreach program to solicit broad public participation in the redistricting process, including the solicitation of applicants for commission membership. The office of the governor shall provide adequate office and meeting space for the commission's operations.

(r) Consistent with this section and Sections 28a and 28c of this article, the legislature by general law shall provide procedures for selecting the members of the commission and may provide provisions governing the powers, duties, and operations of the commission, the removal of a member of the commission for good cause, and the manner in which a vacancy on the commission is filled by a qualified person. After enactment, the legislature may not subsequently amend that general law unless:

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

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

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

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



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

3           Sec. 28c. (a) The Independent Citizen Redistricting  
4 Commission has sole standing to defend a legal challenge to a final  
5 map certified under Section 28b of this article. The legislature  
6 shall provide adequate funding and other resources to the  
7 commission to defend a certified final map. The attorney general  
8 shall, at the commission's request, represent the commission in  
9 defense of a certified final map. The commission may, in its sole  
10 discretion, retain legal counsel other than the attorney general to  
11 represent the commission in defense of a certified final map.

12           (b) Any registered voter in this state may file a petition  
13 for a writ of mandamus or writ of prohibition, not later than the  
14 45th day after a final map is certified to the secretary of state,  
15 to bar the secretary of state from implementing the map on the  
16 grounds that the map violates this constitution, the United States  
17 Constitution, or any federal or state statute.

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

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

25           (e) Unless the legislature enacts a statewide  
26 reapportionment of the judicial districts following each federal  
27 decennial census, the board shall convene not later than the first

1 Monday of June of the third year following the year in which the  
 2 federal decennial census is taken to make a statewide  
 3 reapportionment of the districts. The board shall complete its  
 4 work on the reapportionment and file its order with the secretary of  
 5 state not later than August 31 of the same year. If the Judicial  
 6 Districts Board fails to make a statewide apportionment by that  
 7 date, the Independent Citizen [~~Legislative~~] Redistricting  
 8 Commission [~~Board~~] established by Article III, Section 28b [~~28~~], of  
 9 this constitution shall convene on September 1 of the same year to  
 10 make a statewide reapportionment of the judicial districts not  
 11 later than the 90th [~~150th~~] day after the final day for the Judicial  
 12 Districts Board to make the reapportionment.

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

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

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

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 89th Legislature, 1st Called Session, 2025, establishing the Independent Citizen Redistricting Commission to redistrict the Texas Legislature, Texas congressional districts, and State Board of Education districts and revising procedures for redistricting.

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

(c) On January 1, 2031:

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

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

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

(4) the Legislative Redistricting Board is abolished.

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

SECTION 5. This proposed constitutional amendment shall be submitted to the voters at an election to be held May 2, 2026. The ballot shall be printed to permit voting for or against the following proposition: "The constitutional amendment establishing the Independent Citizen Redistricting Commission to redistrict the Texas Legislature, Texas congressional districts, and State Board of Education districts and revising procedures for redistricting."