

By: Dutton

H.J.R. No. 36

A JOINT RESOLUTION

1 proposing a constitutional amendment establishing the Texas
2 Redistricting Commission to redistrict Texas congressional
3 districts and revising procedures for redistricting.

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

5 SECTION 1. Section 28, Article III, Texas Constitution, is
6 amended to read as follows:

7 Sec. 28. The Legislature shall, at its first regular
8 session after the publication of each United States decennial
9 census, apportion the state into senatorial and representative
10 districts, agreeable to the provisions of Sections 25 and 26 of this
11 Article. In the event the Legislature shall at any such first
12 regular session following the publication of a United States
13 decennial census, fail to make such apportionment, same shall be
14 done by the Texas [~~Legislative~~] Redistricting Commission
15 established by Section 28b of this article [~~Board of Texas, which is~~
16 ~~hereby created, and shall be composed of five (5) members, as~~
17 ~~follows: The Lieutenant Governor, the Speaker of the House of~~
18 ~~Representatives, the Attorney General, the Comptroller of Public~~
19 ~~Accounts and the Commissioner of the General Land Office, a~~
20 ~~majority of whom shall constitute a quorum]. The Texas
21 Redistricting Commission [~~Said Board~~] shall assemble in the City of
22 Austin within 90 [~~ninety (90)~~] days after the final adjournment of
23 such regular session. The commission [~~Board~~] shall, within 60
24 [~~sixty (60)~~] days after assembling for the purposes of this~~

1 section, apportion the state into senatorial and representative
2 districts, or into senatorial or representative districts, as the
3 failure of action of such Legislature may make necessary. Such
4 apportionment shall be in writing and signed by eight [~~three (3)~~] or
5 more of the members of the commission [~~Board~~] duly acknowledged as
6 the act and deed of the commission [~~such Board~~], and, when so
7 executed and filed with the Secretary of State, shall have force and
8 effect of law. Such apportionment shall become effective at the
9 next succeeding statewide general election. The Supreme Court of
10 Texas shall have jurisdiction to compel the commission [~~such Board~~]
11 to perform its duties in accordance with the provisions of this
12 section by writ of mandamus or other extraordinary writs
13 conformable to the usages of law. The Legislature shall provide
14 necessary funds for clerical and technical aid and for other
15 expenses incidental to the work of the commission for the purposes
16 of this section [~~Board~~], and the Lieutenant Governor and the
17 Speaker of the House of Representatives shall be entitled to
18 receive per diem and travel expense during the commission's
19 [~~Board's~~] session in the same manner and amount as they would
20 receive while attending a special session of the Legislature.

21 SECTION 2. Article III, Texas Constitution, is amended by
22 adding Sections 28a, 28b, and 28c to read as follows:

23 Sec. 28a. (a) In the year following a year in which the
24 United States decennial census is taken, the Texas Redistricting
25 Commission described by Section 28b of this article shall adjust
26 the boundary lines of the districts for the election of the members
27 of the United States House of Representatives elected from this

1 state in accordance with the standards and process provided by
2 Section 28b of this article.

3 (b) Districts described by Subsection (a) of this section
4 must be single-member districts, each entitled to elect one member
5 of the United States House of Representatives.

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

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

9 (2) "Commission" means the Texas Redistricting
10 Commission.

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

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

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

23 (b) Not later than December 31 of each census year, the
24 members of the Texas Redistricting Commission shall be appointed
25 and the commission shall commence the redistricting process for the
26 districts described by Section 28a(a) of this article in connection
27 with the census taken that year.

1 (c) The commission members shall:

2 (1) conduct an open and transparent process enabling
3 full public consideration of, and comment on, the drawing of
4 district lines;

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

7 (3) conduct themselves with integrity and fairness.

8 (d) The selection process for commission members is
9 designed to produce a commission that is independent from
10 legislative influence and reasonably representative of this
11 state's diversity.

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

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

14 (A) voted in at least three of the four statewide
15 primary elections preceding the member's appointment held by the
16 majority party;

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

20 (C) voted in each of the four general elections
21 preceding the member's appointment in which the office of governor
22 or President of the United States appeared on the ballot;

23 (2) five minority party members who:

24 (A) voted in at least three of the four statewide
25 primary elections preceding the member's appointment held by the
26 minority party;

27 (B) did not vote in any of the four statewide

1 primary elections preceding the member's appointment held by a
2 political party other than the minority party; and

3 (C) voted in each of the four general elections
4 preceding the member's appointment in which the office of governor
5 or President of the United States appeared on the ballot; and

6 (3) four independent members who:

7 (A) did not vote in any of the four statewide
8 primary elections preceding the member's appointment; and

9 (B) voted in each of the four general elections
10 preceding the member's appointment in which the office of governor
11 or President of the United States appeared on the ballot.

12 (f) The term of office of each commission member expires at
13 the time the first commission member is appointed in the next
14 census year.

15 (g) Nine commission members constitute a quorum. The
16 affirmative vote of at least nine commission members is required
17 for any official commission action. Each final redistricting map
18 must be approved by the affirmative vote of at least nine commission
19 members, including at least three majority party members, at least
20 three minority party members, and at least three independent
21 members, as provided by Subsection (e) of this section.

22 (h) Each commission member shall apply this section and
23 Sections 28a and 28c of this article in a manner that is impartial
24 and that reinforces public confidence in the integrity of the
25 redistricting process.

26 (i) A commission member is ineligible for a period of 10
27 years beginning on the date of appointment to hold a federal,

1 state, county, or municipal office elected from this state. A
2 commission member is ineligible for a period of five years
3 beginning on the date of appointment to:

4 (1) hold an appointed federal office representing this
5 state;

6 (2) hold an appointed state or local office in this
7 state;

8 (3) serve as a paid employee of or as a paid consultant
9 to:

10 (A) a member of the United States Congress
11 elected from this state;

12 (B) the legislature; or

13 (C) a member of the legislature; or

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

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

18 (1) all districts must comply with the United States
19 Constitution;

20 (2) districts for the election of members of the
21 United States House of Representatives must achieve population
22 equality as nearly as is practicable;

23 (3) all districts must comply with the federal Voting
24 Rights Act (52 U.S.C. Sec. 10101 et seq.);

25 (4) all districts must be geographically contiguous;

26 (5) the geographic integrity of each municipality,
27 county, local neighborhood, and local community of interest must be

1 respected in a manner that minimizes its division to the extent
2 possible without violating the requirements of any of the preceding
3 subdivisions of this subsection; and

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

9 (k) For purposes of Subsection (j)(5) of this section, a
10 community of interest is a contiguous population that shares common
11 social and economic interests that should be included within a
12 single district for purposes of that population's effective and
13 fair representation. Examples of shared social and economic
14 interests are those interests common to an urban area, a rural area,
15 an industrial area, or an agricultural area and those interests
16 common to areas in which the people share similar living standards,
17 use the same transportation facilities, have similar work
18 opportunities, or have access to the same media of communication
19 relevant to the election process. Communities of interest may not
20 be determined based on relationships with political parties,
21 incumbents, or political candidates.

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

26 (m) To the extent practicable, districts should be numbered
27 based on geography. Districts bordering Arkansas should be assigned

1 the lowest district numbers, with districts to the west and south
2 assigned progressively higher district numbers.

3 (n) Not later than August 15 of each year following a census
4 year, the commission shall approve final maps that separately set
5 forth the boundary lines of the districts for the election of the
6 members of the United States House of Representatives elected from
7 this state. On approval, the commission shall certify the final map
8 to the secretary of state.

9 (o) The commission shall issue, with the final map, a report
10 that explains the basis on which the commission made its decisions
11 in achieving compliance with the criteria listed in Subsection (j)
12 of this section and shall include definitions of the terms and
13 standards used in drawing the final map.

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

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

27 (r) The legislature shall appropriate to the state auditor

and the commission amounts sufficient to implement the redistricting 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, and provide adequate funding for office and meeting space for the commission's operations.

(s) 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. 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 12 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 9, 0, or 1.

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

12 (b) The Texas Supreme Court has original and exclusive
13 jurisdiction in all proceedings in which a certified final map is
14 challenged or is claimed not to have taken timely effect.

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

21 (d) The Texas Supreme Court shall give priority to ruling on
22 a petition for a writ of mandamus or a writ of prohibition filed
23 under Subsection (c) of this section. If the supreme court
24 determines that a final certified map violates this constitution,
25 the United States Constitution, or any federal or state statute,
26 the court shall fashion the relief that the court deems
27 appropriate, including the relief described by Section 28b(p) of

1 this article.

2 SECTION 3. Sections 7a(e) and (i), Article V, Texas
3 Constitution, are amended to read as follows:

4 (e) Unless the legislature enacts a statewide
5 reapportionment of the judicial districts following each federal
6 decennial census, the board shall convene not later than the first
7 Monday of June of the third year following the year in which the
8 federal decennial census is taken to make a statewide
9 reapportionment of the districts. The board shall complete its
10 work on the reapportionment and file its order with the secretary of
11 state not later than August 31 of the same year. If the Judicial
12 Districts Board fails to make a statewide apportionment by that
13 date, the Texas [Legislative] Redistricting Commission [Board]
14 established by Article III, Section 28b [29], of this constitution
15 shall convene on September 1 of the same year to make a statewide
16 reapportionment of the judicial districts not later than the 90th
17 ~~[150th]~~ day after the final day for the Judicial Districts Board to
18 make the reapportionment.

19 (i) 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 section. Judicial districts smaller in size than the entire
24 county may be created subsequent to a general election where a
25 majority of the persons voting on the proposition adopt the
26 proposition "to allow the division of _____ County into
27 judicial districts composed of parts of _____ County." No

1 redistricting plan may be proposed or adopted by the legislature,
2 the Judicial Districts Board, or the Texas [~~Legislative~~]
3 Redistricting Commission [~~Board~~] in anticipation of a future action
4 by the voters of any county.

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

7 TEMPORARY PROVISION. (a) This temporary provision applies to
8 the constitutional amendment proposed by the 89th Legislature, 1st
9 Called Session, 2025, establishing the Texas Redistricting
10 Commission to redistrict Texas congressional districts and
11 revising procedures for redistricting.

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

14 (c) On January 1, 2031:

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

17 (2) the amendments to Section 28, Article III, and
18 Section 7a, Article V, of this constitution take effect.

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

20 SECTION 5. This proposed constitutional amendment shall be
21 submitted to the voters at an election to be held May 2, 2026. The
22 ballot shall be printed to permit voting for or against the
23 following proposition: "The constitutional amendment establishing
24 the Texas Redistricting Commission to redistrict Texas
25 congressional districts and revising procedures for
26 redistricting."