

BILL ANALYSIS

C.S.H.B. 4
By: Hunter
Congressional Redistricting, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The governor's call for the 89th Legislature, 2nd Called Session, identified congressional redistricting legislation as an item to be addressed in that session. In the 3rd Called Session of the 87th Legislature in 2021, the Texas Legislature enacted Senate Bill 6, which altered the districts for the election of members of the U.S. House of Representatives from Texas following the decennial census. In the intervening presidential election, the Republican nominee increased his share of the statewide vote from 52.06 percent to 56.14 percent according to Secretary of State records. C.S.H.B. 4 seeks to revise the composition of the districts for the election of members of the U.S. House of Representatives from Texas by replacing the 2021 map with a new map to reflect the increased statewide vote for the Republican presidential nominee.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4, in Article I, establishes that the members of the U.S. House of Representatives from the State of Texas are elected from the districts described by Article II of the bill. The bill establishes that one member is elected from each district established by the bill.

C.S.H.B. 4, in Article II, establishes that the districts for members of the U.S. House of Representatives from the State of Texas are as described by PLAN2333 on the redistricting computer system operated by the Texas Legislative Council.

The boundaries of the districts are illustrated in the attached maps generated by the Texas Legislative Council's Redistricting Application (RedAppl). The demographic and other characteristics of each district are analyzed in the attached reports generated by RedAppl. The reports provide the following information:

- the report labeled Red-100T provides a population analysis of the proposed districts and shows:
 - whether any geography in the state is unassigned and whether the districts are contiguous;
 - the overall range of deviation for the plan, the population for the smallest and largest districts with the deviation of those districts from the ideal district population, and the average or mean district population and deviation;
 - for each district:

- the total deviation and percentage deviation from the ideal district population; and
 - the total and voting age population (VAP) for the district as a whole and for the district's Anglo, Non-Anglo, Asian, Black, Hispanic, and Black + Hispanic (B+H) populations, along with corresponding percentages; and
- for each portion of a county contained in the district, the total, Anglo, Non-Anglo, Asian, Black, Hispanic, and Black + Hispanic (B+H) populations, along with corresponding percentages;
- the report labeled Red-202T provides, for each proposed district, the total deviation and percentage deviation from the ideal district population; the total and voting age population for the district as a whole and corresponding percentages for the district's Anglo, Non-Anglo, Asian, Black, Hispanic, and Black + Hispanic (B+H) populations; and, for the 2022 and 2024 general elections:
 - total voter turnout; and
 - total voter registration and non-suspense voter registration, each with the percentage of those registered voters with Spanish surnames (SSVR) and the percentage of those registered voters who turned out (TO/VR);
- the report labeled Red-116 shows, for each proposed district, the total and voting age populations from the 2020 census data and the following information from the 2019-2023 American Community Survey special tabulation of citizen voting age population (CVAP):
 - total CVAP with the numeric margin of error;
 - the percentage of Hispanic CVAP, with percent margins of error; and
 - a percentage breakdown of the following CVAP categories constituting the CVAP that is not Hispanic or Latino, with the corresponding percent margins of error: Black Alone, Black + White, Black + American Indian, White Alone, American Indian Alone, Asian Alone, Native Hawaiian Alone, American Indian + White, Asian + White, and Remainder 2 or More Other;
- the report labeled Red-350 provides a list of the proposed districts by district number and indicates the incumbent member or members whose residence is located in each district, if any; and
- the report labeled Red-340T provides a means to compare districts in C.S.H.B. 4 (PLANC2333) with the districts contained in H.B. 4 as filed (PLANC2331) as follows:
 - for each proposed district in C.S.H.B. 4, the report shows the percentages of districts from H.B. 4 as filed that compose the district; and
 - for each proposed district in C.S.H.B. 4 and for the portion of each district in H.B. 4 as filed that is contained in a proposed district in the substitute, the report shows:
 - the total and voting age populations for the district or district portion, as applicable, and corresponding percentages for the district's or portion's Anglo, Non-Anglo, Asian, Black, Hispanic, and Black + Hispanic (B+H) populations; and
 - for the 2024 general election, the total number of registered voters, with the percentage of those registered voters with Spanish surnames (SSVR-T), and the total voter turnout, with the percentage of registered voters who turned out (TO/VR).

C.S.H.B. 4, in Article III, defines "tract," "block group," and "block" as the geographic areas identified by those terms on the 2020 Census TIGER/Line Shapefiles, prepared by the U.S. Census Bureau for the Twenty-fourth Decennial Census of the United States, enumerated as of April 1, 2020. The bill establishes legislative intent that if any county, tract, block group, block, or other geographic area has erroneously been left out of the bill, a court reviewing the bill should include that area in the appropriate district in accordance with the intent of the legislature, using any available evidence of that intent, including evidence such as that used by the Texas Supreme Court in *Smith v. Patterson*, 111 Tex. 535, 242 S.W. 749 (1922). The bill establishes that it supersedes all previous enactments or orders adopting Texas congressional

districts and repeals all previous acts of the legislature adopting such districts. The bill establishes that the districts described by Article II of the bill apply to the election of the members of the U.S. House of Representatives from the State of Texas beginning with the primary and general elections in 2026 for members of the 120th Congress and that the bill does not affect the membership or districts of the 119th Congress.

C.S.H.B. 4 repeals Chapter 7 (S.B. 6), Acts of the 87th Legislature, 3rd Called Session, 2021.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute identifies the proposed districts as those described by a revised plan, PLANC2333, instead of PLANC2331, the plan identified by the introduced version.

The reports generated by RedAppl and attached to the substitute include the report labeled Red-340T, which was not included with the introduced version. This report provides a means to compare districts in C.S.H.B. 4 (PLANC2333) with the districts contained in H.B. 4 as filed (PLANC2331) as follows:

- for each proposed district in C.S.H.B. 4, the report shows the percentages of districts from H.B. 4 as filed that compose the district; and
- for each proposed district in C.S.H.B. 4 and for the portion of each district in H.B. 4 as filed that is contained in a proposed district in the substitute, the report shows:
 - the total and voting age populations for the district or district portion, as applicable, and corresponding percentages for the district's or portion's Anglo, Non-Anglo, Asian, Black, Hispanic, and Black + Hispanic (B+H) populations; and
 - for the 2024 general election, the total number of registered voters, with the percentage of those registered voters with Spanish surnames (SSVR-T), and the total voter turnout, with the percentage of registered voters who turned out (TO/VR).