By: Howard H.J.R. No. 31

A JOINT RESOLUTION

proposing a constitutional amendment establishing an independent redistricting commission to establish districts for the election of the members of the United States House of Representatives elected from this state, the Texas Senate, and the Texas House of Representatives.

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

SECTION 1. Article III, Texas Constitution, is amended by adding Section 28a to read as follows:

Sec. 28a. The independent redistricting commission established under Article XVIII of this constitution exercises the legislative authority of this state to adopt redistricting plans for the election of members of the United States House of Representatives elected from this state, the Texas House of Representatives, and the Texas Senate. Districts for those legislative bodies may not be established or changed except as provided by that article.

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

(e) 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 independent redistricting commission [~~Legislative Redistricting Board~~] established under [~~by~~] Article XVIII [~~III, Section 28,~~] of this constitution shall convene on September 1 of the same year to make a statewide reapportionment of the judicial districts not later than the 90th [~~150th~~] day after the final day for the Judicial Districts Board to make the reapportionment.

(i) The legislature, the Judicial Districts Board, or the independent redistricting commission [~~Legislative Redistricting Board~~] may not redistrict the judicial districts to provide for any judicial district smaller in size than an entire county except as provided by this section. Judicial districts smaller in size than the entire county may be created subsequent to a general election where a majority of the persons voting on the proposition adopt the proposition "to allow the division of _____ County into judicial districts composed of parts of _____ County." No redistricting plan may be proposed or adopted by the legislature, the Judicial Districts Board, or the independent redistricting commission [~~Legislative Redistricting Board~~] in anticipation of a future action by the voters of any county.

SECTION 3. The Texas Constitution is amended by adding Article XVIII to read as follows:

ARTICLE XVIII. INDEPENDENT REDISTRICTING COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1. DEFINITIONS. In this article:

(1) "Commission" means the independent redistricting commission established under this article.

(2) "Nonpartisan agency" means the agency designated or established under Part 1, Subchapter E, of this article.

(3) "Redistricting plan" means a plan that establishes the boundaries of districts used for the election of the members of, as applicable:

(A) the United States House of Representatives elected from this state;

(B) the Texas Senate; or

(C) the Texas House of Representatives.

(4) "Select committee" means the committee appointed under Part 2, Subchapter E, of this article.

(5) "Selection pool" means the approved selection pool under Part 2, Subchapter C, of this article.

SUBCHAPTER B. COMMISSION

PART 1. APPOINTMENT OF MEMBERS

Sec. 2. APPOINTMENT. (a) The nonpartisan agency shall establish an independent redistricting commission for this state consisting of 15 members appointed under this section.

(b) Not later than October 1 of a year ending in the numeral zero, the nonpartisan agency shall, at a public meeting held at least 15 days after notice of the meeting is given to the public, appoint the following six commission members:

(1) two members chosen at random from the majority category of the selection pool;

(2) two members chosen at random from the minority

category of the selection pool; and

(3) two members chosen at random from the independent category of the selection pool.

(c) Not later than November 15 of a year ending in the numeral zero, the commission members appointed under Subsection (b) of this section shall, at a public meeting held at least 15 days after notice of the meeting is given to the public, appoint the following nine commission members:

(1) three members selected from the majority category of the selection pool;

(2) three members selected from the minority category of the selection pool; and

(3) three members selected from the independent category of the selection pool.

Sec. 3. RULES FOR APPOINTMENT OF CERTAIN MEMBERS. (a) The appointment of a commission member under Section 2(c) or 5(b) of this article and the selection of an alternate member under Section 4(b) of this article requires the affirmative vote of at least four of the members appointed under Section 2(b) of this article, including at least one member chosen from each category of the selection pool.

(b) In appointing commission members under Section 2(c) or 5(b) of this article and selecting alternate members under Section 4(b) of this article, the commission members appointed under Section 2(b) of this article shall ensure that the membership of the commission:

(1) is representative of the demographic groups,

including racial, ethnic, economic, and gender groups, and geographic regions of this state; and

(2) provides racial, ethnic, and language minorities protected under the Voting Rights Act of 1965 (52 U.S.C. Section 10301 et seq.) with a meaningful opportunity to participate in the development of this state's redistricting plans.

Sec. 4. DESIGNATION OF ALTERNATE MEMBERS. (a) When the nonpartisan agency appoints commission members under Section 2(b) of this article, the agency shall choose at random two other individuals from each category of the selection pool to serve as alternate members.

(b) When the commission members appointed under Section 2(b) of this article appoint the remaining commission members under Section 2(c) of this article, the members appointed under Section 2(b) shall select two other individuals from each category of the selection pool to serve as alternate members.

Sec. 5. APPOINTMENT OF ALTERNATE MEMBERS TO FILL VACANCIES. (a) If a commission member appointed under Section 2(b) of this article vacates the member's position, the nonpartisan agency shall choose at random one of the alternate members under Section 4(a) of this article to fill the vacancy from the same category of the selection pool as the vacating member. The agency shall also choose at random another individual from the same category of the selection pool to replace the alternate member.

(b) If a member appointed under Section 2(c) of this article vacates the member's position, the members appointed under Section 2(b) of this article shall select one of the alternate members under

Section 4(b) of this article to fill the vacancy from the same category of the selection pool as the vacating member. The members appointed under Section 2(b) shall also select another individual from the same category of the selection pool to replace the alternate member.

Sec. 6. REMOVAL OF COMMISSION MEMBER. A commission member may be removed by a majority vote of the remaining commission members if it is shown by a preponderance of the evidence that the person is not eligible to serve on the commission under Part 1, Subchapter C, of this article.

PART 2. PROCEDURES FOR CONDUCTING COMMISSION BUSINESS

Sec. 7. CHAIR. The commission members shall select by majority vote one member who was appointed from the independent category of the selection pool to serve as chair of the commission. The commission may not take any action to develop a redistricting plan for this state under Subchapter D of this article before the appointment of the chair.

Sec. 8. VOTE REQUIRED FOR CERTAIN ACTIONS. The commission may not publish and disseminate any preliminary or final redistricting plan, or take any other action, without the approval of at least:

(1) a majority of the members of the commission; and

(2) one commission member from each category of the selection pool.

Sec. 9. QUORUM. A majority of the members of the commission constitutes a quorum.

PART 3. STAFF; CONTRACTORS

Sec. 10. COMMISSION STAFF. The commission shall appoint and set the pay of technical experts, legal counsel, consultants, and other staff the commission considers appropriate, subject to general law. The application process must be public and all application materials must be made available for public inspection.

Sec. 11. CONTRACTORS. The commission may enter into contracts with vendors as the commission considers appropriate, subject to general law. A contract must be approved by a majority vote of the commission members, including at least one member from each category of the selection pool.

Sec. 12. REPORTS REGARDING POLITICAL EXPENDITURES. (a) In this section, "expenditure for political activity" means a disbursement for:

(1) an independent expenditure, as defined by Section 301(17) of the Federal Election Campaign Act of 1971 (52 U.S.C. Section 30101(17));

(2) an electioneering communication, as defined by Section 304(f)(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. Section 30104(f)(3)), or any other public communication, as defined by Section 301(22) of that Act (52 U.S.C. Section 30101(22)), that would be an electioneering communication if it were a broadcast, cable, or satellite communication; or

(3) any dues or other payments to a trade association or organization exempt from tax under Section 501(a) of the Internal Revenue Code of 1986 by reason of being listed under Section 501(c) of that code that are, or could reasonably be anticipated to be, used or transferred to another association or

organization for a use described by Section 501(c)(1), (2), or (3) of that code.

(b) Each individual who applies for a position as an employee of the commission and each vendor who applies for a contract with the commission shall, at the time of application, file with the commission a report summarizing:

(1) any expenditure for political activity made by the individual or vendor during the 10 most recent calendar years; and

(2) any income received by the individual or vendor during the 10 most recent calendar years that is attributable to an expenditure for political activity.

(c) Each employee or vendor of the commission shall, not later than the first anniversary of becoming an employee or vendor, file with the commission a report summarizing the expenditures and income described by Subsection (b) of this section during the 10 most recent calendar years. The employee or vendor shall file a subsequent report for each year during any part of which the person serves as an employee or a vendor.

Sec. 13. GOAL OF IMPARTIALITY. The commission shall take appropriate steps to ensure that any staff appointed under this part and any vendor with whom the commission enters into a contract under this part will work in an impartial manner. The commission may require an applicant for a staff position or contract to provide information on the person's history of political activity beyond the information required in the reports under Section 12 of this article, including donations to candidates, political committees, and political parties.

Sec. 14. DISQUALIFICATION; WAIVER. (a) The commission may not appoint an individual as an employee or enter into a contract with a vendor if the individual or vendor would be disqualified from serving as a commission member under Section 18 of this article.

(b) The commission may by unanimous vote of its members waive the application of Subsection (a) of this section to an individual or a vendor after receiving and reviewing the person's report under Section 12 of this article.

PART 4. TERMINATION OF COMMISSION

Sec. 15. TERMINATION. The terms of commission members expire on the earlier of:

(1) June 14 of the year ending in the numeral zero following appointment; or

(2) the day on which the nonpartisan agency submits a selection pool to the select committee under Section 21 of this article.

Sec. 16. PRESERVATION OF RECORDS. The legislature shall ensure that the records of the commission are retained in an appropriate state archive that allows this state to respond to any civil action brought with respect to congressional redistricting in this state.

SUBCHAPTER C. ESTABLISHMENT OF SELECTION POOL

PART 1. CRITERIA FOR ELIGIBILITY

Sec. 17. ELIGIBILITY. An individual is eligible to serve as a commission member if:

(1) on the date of appointment, the individual is registered to vote in elections for federal office held in this

state;

(2) during the three years preceding the date of appointment, the individual has been affiliated with only one political party or has not been affiliated with any political party; and

(3) the individual submits to the nonpartisan agency, at a time and in a form required by the agency, an application for inclusion in the selection pool under this subchapter and includes with the application a written statement, with an attestation under penalty of perjury, containing the following information and assurances:

(A) the individual's full current name, all of the individual's former names, and the individual's contact information including electronic mail address, residence address, mailing address, and telephone numbers;

(B) the individual's race, ethnicity, gender, age, date of birth, and household income for the most recent taxable year;

(C) the political party with which the individual is affiliated, if any;

(D) the reasons the individual desires to serve as a member of the commission, the individual's qualifications, and information relevant to the individual's ability to be fair and impartial including:

(i) any involvement with, or financial support of, a professional, social, political, religious, or community organization or cause; and

(ii) the individual's employment and educational history;

(E) an assurance that the individual will commit to carrying out the individual's duties under this article in an honest, independent, and impartial fashion and upholding public confidence in the integrity of the redistricting process; and

(F) an assurance that, during the covered periods described by Section 19 of this article, the individual has not taken and will not take any action that would disqualify the individual from serving as a commission member under Section 18 of this article.

Sec. 18. DISQUALIFICATIONS. An individual is not eligible to serve as a commission member if, during any of the covered periods described by Section 19 of this article:

(1) the individual or, in the case of the covered periods described by Sections 19(1) and (2) of this article, an immediate family member of the individual holds public office or is a candidate for election to public office;

(2) the individual or, in the case of the covered periods described by Sections 19(1) and (2) of this article, an immediate family member of the individual serves as an officer of a political party or as an officer, employee, or paid consultant of a campaign committee of a candidate for public office or of any political action committee, as determined under general law;

(3) the individual or, in the case of the covered periods described by Sections 19(1) and (2) of this article, an immediate family member of the individual holds a position as a

registered lobbyist under the Lobbying Disclosure Act of 1995 (2 U.S.C. Section 1601 et seq.) or an equivalent state or local law;

(4) the individual or, in the case of the covered periods described by Sections 19(1) and (2) of this article, an immediate family member of the individual is an employee of an elected public official, a contractor with this state, or a donor to the campaign of any candidate for public office or to any political action committee, other than a donor who, during any covered period, gives an aggregate amount of $1,000 or less to the campaigns of all candidates for all public offices and to all political action committees;

(5) the individual paid a civil penalty or criminal fine or was sentenced to a term of imprisonment for violating any provision of the Federal Election Campaign Act of 1971 (52 U.S.C. Section 30101 et seq.); or

(6) the individual or, in the case of the covered periods described by Sections 19(1) and (2) of this article, an immediate family member of the individual is an agent of a foreign principal under the Foreign Agents Registration Act of 1938 (22 U.S.C. Section 611 et seq.).

Sec. 19. COVERED PERIODS. In this part, "covered period" means, with respect to the appointment of a commission member:

(1) the 10-year period preceding the date of the member's appointment;

(2) the period beginning on the date of the individual's appointment and ending on August 14 of the next year ending in the numeral one; and

(3) the 10-year period beginning on the day after the last day of the period described by Subdivision (2) of this section.

Sec. 20. IMMEDIATE FAMILY MEMBER. In this part, "immediate family member" means, with respect to an individual, a father, stepfather, mother, stepmother, son, stepson, daughter, stepdaughter, brother, stepbrother, sister, stepsister, husband, wife, father-in-law, or mother-in-law.

PART 2. DEVELOPMENT AND SUBMISSION OF SELECTION POOL

Sec. 21. SELECTION POOL. Not later than June 15 of each year ending in the numeral zero, the nonpartisan agency shall develop and submit to the select committee a selection pool of 36 individuals who are eligible to serve as commission members. The selection pool must include:

(1) a majority category with 12 individuals who are affiliated with the political party whose candidate for the highest federal office on the ballot in the most recent statewide general election received the highest number of votes;

(2) a minority category with 12 individuals who are affiliated with the political party whose candidate for the highest federal office on the ballot in the most recent statewide general election received the second highest number of votes; and

(3) an independent category with 12 individuals who are not affiliated with either political party described by Subdivisions (1) and (2) of this section.

Sec. 22. FACTORS CONSIDERED IN DEVELOPING POOL. In selecting individuals for the selection pool under this part, the nonpartisan agency shall:

(1) ensure that the pool:

(A) is representative of the demographic groups, including racial, ethnic, economic, and gender groups, and geographic regions of this state; and

(B) includes applicants who would allow racial, ethnic, and language minorities protected under the Voting Rights Act of 1965 (52 U.S.C. Section 10301 et seq.) a meaningful opportunity to participate in the development of this state's redistricting plans; and

(2) take into consideration the analytical skills of the individuals selected in relevant fields, including mapping, data management, law, community outreach, demography, and the geography of this state, and their ability to work on an impartial basis.

Sec. 23. INTERVIEWS OF APPLICANTS. To assist the nonpartisan agency in developing the selection pool under this part, the nonpartisan agency shall conduct interviews of applicants under oath. If an individual is included in a selection pool developed under this part, all of the interviews of the individual shall be transcribed and the transcriptions made available on the nonpartisan agency's public Internet website at the same time the report under Section 26 of this article is released.

Sec. 24. POLITICAL PARTY AFFILIATION OF SELECTION POOL MEMBERS. For purposes of this subchapter, an individual is considered to be affiliated with a political party only if the nonpartisan agency is able to verify, to the greatest extent possible, the information the individual provides in the

application submitted under Section 17(3) of this article, including by considering additional information provided by other persons with knowledge of the individual's history of political activity.

Sec. 25. ENCOURAGING APPLICATIONS FOR POOL. The nonpartisan agency shall take steps necessary to ensure that residents of the state across various geographic regions and demographic groups are aware of the opportunity to serve as commission members, including publicizing the role of the commission and using newspapers, broadcast media, online sources, and ethnic media, to encourage individuals to apply for inclusion in the selection pool developed under this part.

Sec. 26. REPORT ON ESTABLISHMENT OF POOL. At the time the nonpartisan agency submits the selection pool to the select committee under Section 21 of this article, the nonpartisan agency shall publish and post on the agency's public Internet website a report describing the process by which the pool was developed, including a description of how the individuals in the pool meet the eligibility criteria of Part 1 of this subchapter and how the pool reflects the factors the agency is required to take into consideration under Section 22 of this article.

Sec. 27. PUBLIC COMMENT ON POOL. During the 14 days after the nonpartisan agency publishes the report under Section 26 of this article, the agency shall accept comments from the public on the individuals included in the selection pool. The agency shall post all comments on the agency's public Internet website as soon as practicable after receipt and shall transmit them to the select

committee at the end of the comment period.

Sec. 28. ACTION BY SELECT COMMITTEE. (a) The select committee shall, 15 to 21 days after receiving the selection pool from the nonpartisan agency under Section 21 of this article:

(1) approve the pool as submitted by the nonpartisan agency, in which case the pool becomes the approved selection pool for purposes of Section 2 of this article; or

(2) reject the pool, in which case the nonpartisan agency shall develop and submit a new selection pool as provided by Part 3 of this subchapter.

(b) If the select committee fails to approve or reject the pool by the deadline provided by Subsection (a) of this section, the pool is considered rejected under Subsection (a)(2) of this section.

PART 3. REPLACEMENT SELECTION POOL

Sec. 29. REPLACEMENT POOL. If the select committee rejects the selection pool submitted by the nonpartisan agency under Part 2 of this subchapter, the nonpartisan agency shall, not later than 14 days after the rejection, develop and submit to the select committee a replacement selection pool in the same manner provided for the development and submission of the selection pool under Sections 21 through 27 of this article. The replacement pool submitted under this section may include individuals who were included in the rejected selection pool submitted under Part 2 of this subchapter if at least one individual in the replacement pool was not included in the rejected pool.

Sec. 30. ACTION BY SELECT COMMITTEE. (a) Not later than 21

days after receiving the replacement selection pool from the nonpartisan agency under Section 29 of this article, the select committee shall:

(1) approve the pool as submitted by the nonpartisan agency, in which case the pool becomes the approved selection pool for purposes of Section 2 of this article; or

(2) reject the pool, in which case the nonpartisan agency shall develop and submit a second replacement selection pool as provided by Part 4 of this subchapter.

(b) If the select committee fails to approve or reject the pool by the deadline provided by Subsection (a) of this section, the pool is considered rejected under Subsection (a)(2) of this section.

PART 4. SECOND REPLACEMENT SELECTION POOL

Sec. 31. SECOND REPLACEMENT POOL. If the select committee rejects the replacement selection pool submitted by the nonpartisan agency under Part 3 of this subchapter, the nonpartisan agency shall, not later than 14 days after the rejection, develop and submit to the select committee a second replacement selection pool, in the same manner provided for the development and submission of the selection pool under Sections 21 through 27 of this article. The second replacement selection pool submitted under this section may include individuals who were included in the rejected selection pool under Part 2 of this subchapter or the rejected replacement selection pool under Part 3 of this subchapter if at least one individual in the second replacement pool was not included in either rejected pool.

Sec. 32. ACTION BY SELECT COMMITTEE. (a) On the 14th or 15th day after receiving the second replacement selection pool from the nonpartisan agency under Section 31 of this article, the select committee shall:

(1) approve the pool as submitted by the nonpartisan agency, in which case the pool becomes the approved selection pool for purposes of Section 2 of this article; or

(2) reject the pool.

(b) If the select committee fails to approve or reject the pool by the deadline provided by Subsection (a) of this section, the pool is considered rejected under Subsection (a)(2) of this section.

(c) If the select committee rejects the second replacement pool under Section 31 of this article, this state shall petition:

(1) a federal court to order a remedial redistricting plan for the election of members of congress; and

(2) a state or federal court to order a remedial redistricting plan for the election of members of the Texas Senate and Texas House of Representatives.

SUBCHAPTER D. CRITERIA FOR REDISTRICTING PLAN; PUBLIC NOTICE AND INPUT

PART 1. DEVELOPMENT OF REDISTRICTING PLAN

Sec. 33. CRITERIA. (a) In this section, "community of interest" means an area with recognized similarities of interests, including ethnic, racial, economic, tribal, social, cultural, geographic, or historic identities. The term may, in certain circumstances, include political subdivisions such as counties,

municipalities, tribal lands and reservations, or school districts. The term does not include common relationships with political parties or political candidates.

(b) A redistricting plan shall establish single-member districts using the following criteria in the following order of priority:

(1) districts shall comply with the United States Constitution, including the requirement that districts equalize total population;

(2) districts shall comply with the Voting Rights Act of 1965 (52 U.S.C. Section 10301 et seq.) and all applicable federal laws;

(3) districts for the election of members of the Texas Senate or Texas House of Representatives shall comply with all applicable laws of this state;

(4) districts shall provide racial, ethnic, and language minorities with an equal opportunity to participate in the political process and to elect candidates of choice and may not dilute or diminish their ability to elect candidates of choice whether alone or in coalition with others; and

(5) districts shall respect communities of interest, neighborhoods, and political subdivisions to the extent practicable and after compliance with the requirements of Subdivisions (1) through (4).

Sec. 34. NO FAVORING OR DISFAVORING OF POLITICAL PARTIES. (a) A redistricting plan may not, when considered on a statewide basis, unfairly favor or disfavor any political party.

(b) For purposes of Subsection (a) of this section, the determination of whether a redistricting plan has the effect of unfairly favoring or disfavoring a political party shall be based on the totality of circumstances, including whether the plan results in durable partisan bias as determined by scientifically accepted measures of partisan fairness and whether there are alternative plans that would have complied with the requirements of law and resulted in less durable levels of partisan bias. Notwithstanding this subsection, a redistricting plan may not be found to be in violation of Subsection (a) of this section because of application of the criteria provided by Sections 33(b)(1), (2), (3), and (4) of this article.

Sec. 35. FACTORS PROHIBITED FROM CONSIDERATION. In developing a redistricting plan, the commission may not take into consideration any of the following factors, except to the extent necessary to comply with the criteria provided by Sections 33(b)(1), (2), (3), and (4) and Section 34 of this article and to enable the redistricting plan to be measured against the external metrics described by Section 51 of this article:

(1) the residence of any member of the United States House of Representatives, the Texas Senate, or the Texas House of Representatives or a candidate for one of those offices; or

(2) the political party affiliation or voting history of the population of a district.

PART 2. PUBLIC NOTICE AND INPUT

Sec. 36. USE OF OPEN AND TRANSPARENT PROCESS. The independent redistricting commission shall hold each of its

meetings in public, shall solicit and take into consideration comments from the public, including proposed maps, throughout the process of developing a redistricting plan, and shall carry out its duties in an open and transparent manner that provides for the widest public dissemination reasonably possible of its proposed and final redistricting plans.

Sec. 37. WEBSITE. (a) The commission shall maintain a public Internet website that is not affiliated with or maintained by the office of any elected official and that includes the following features:

(1) general information on the commission, its role in the redistricting process, and its members, including contact information;

(2) an updated schedule of commission hearings and activities, including deadlines for the submission of comments;

(3) all preliminary redistricting plans developed by the commission under Part 3 of this subchapter, each final redistricting plan developed under Part 4 of this subchapter, and the written evaluation under Part 5 of this subchapter;

(4) all comments received from the public on the commission's activities, including any proposed maps submitted under Section 36 of this article;

(5) livestreaming of commission hearings and an archive of previous meetings, including any documents considered at any meeting, which the commission shall post not later than 24 hours after the conclusion of the meeting;

(6) access in an easily usable format to the

demographic and other data used by the commission to develop and analyze the proposed redistricting plans, together with access to any software used to draw maps of proposed districts and any reports analyzing and evaluating any redistricting maps;

(7) a method by which members of the public may submit comments and proposed maps directly to the commission;

(8) all records of the commission, including all communications to or from members, employees, and contractors regarding the work of the commission;

(9) a list of all contractors receiving payment from the commission, together with the annual disclosures submitted by the contractors under Section 12 of this article; and

(10) a list of the names of all individuals who submitted applications to serve on the commission, together with the applications submitted by individuals included in any selection pool, except that the commission may redact from applications any financial or other personally sensitive information.

(b) The commission shall ensure that all information posted and maintained on the website under this section, including information and proposed maps submitted by the public, be maintained in an easily searchable format.

(c) The commission shall ensure that the website under this section is operational, in at least a preliminary format, not later than January 1 of the year ending in the numeral one.

Sec. 38. PUBLIC COMMENT PERIOD. The commission shall solicit, accept, and consider comments from the public with respect to its duties, activities, and procedures at any time during the

period:

(1) beginning January 1 of the year ending in the numeral one; and

(2) ending seven days before the date of the meeting at which the commission votes on approving the final redistricting plans for enactment into law under Section 48 of this article.

Sec. 39. MEETINGS AND HEARINGS IN VARIOUS GEOGRAPHIC LOCATIONS. To the greatest extent practicable, the commission shall hold its meetings and hearings in various geographic regions and locations throughout this state.

Sec. 40. MULTIPLE LANGUAGE REQUIREMENTS FOR ALL NOTICES. The commission shall make each notice that is required to be posted and published under this subchapter available in any language in which this state, or any jurisdiction in this state, is required to provide election materials under Section 203, Voting Rights Act of 1965 (52 U.S.C. Section 10503).

PART 3. DEVELOPMENT AND PUBLICATION OF PRELIMINARY REDISTRICTING PLAN

Sec. 41. PRELIMINARY PLAN. Before developing and publishing a final redistricting plan under Part 4 of this subchapter, the commission shall develop and publish a preliminary version of the plan.

Sec. 42. HEARINGS AND COMMENT BEFORE DEVELOPMENT. (a) Before developing a preliminary redistricting plan under this part, the commission shall hold at least three public hearings at which members of the public may provide input and comments regarding the potential contents of redistricting plans for this state and the

process by which the commission will develop each preliminary plan under this part.

(b) At least 14 days before the date of each hearing held under this section, the commission shall post notices of the hearing on the website maintained under Section 37 of this article and shall provide for the publication of notices in newspapers of general circulation throughout this state. Each notice must specify the date, time, and location of the hearing.

(c) Any member of the public may submit maps or portions of maps for consideration by the commission. Each map shall be made publicly available on the commission's Internet website and open to comment as provided by Section 37(a) of this article.

Sec. 43. PUBLICATION OF PRELIMINARY PLAN. (a) The commission shall post each preliminary redistricting plan developed under this part, together with a report that includes the commission's responses to any public comments received under Section 38 of this article, on the website maintained under Section 37 of this article and shall provide for the publication of each plan in newspapers of general circulation throughout this state.

(b) At least 14 days before the date the commission posts and publishes the preliminary plans under this section, the commission shall notify the public through the website maintained under Section 37 of this article, as well as through publication of notice in newspapers of general circulation throughout this state, of the pending publication of the plans.

Sec. 44. PUBLIC COMMENT AFTER PUBLICATION. The commission shall accept and consider comments from the public, including

through the website maintained under Section 37 of this article, with respect to the preliminary redistricting plan published under Section 43 of this article, including proposed revisions to maps, for at least 30 days after the date on which the plan is published.

Sec. 45. HEARINGS AFTER PUBLICATION. (a) After posting and publishing the preliminary redistricting plans under Section 43 of this article, the commission shall hold at least three public hearings in different geographic areas of this state at which members of the public may provide input and comments regarding each preliminary plan.

(b) At least 14 days before the date of each hearing held under this section, the commission shall post notices of the hearing on the website maintained under Section 37 of this article and shall provide for the publication of notices in newspapers of general circulation throughout this state. Each notice must specify the date, time, and location of the hearing.

Sec. 46. MULTIPLE PRELIMINARY PLANS. At the option of the commission, after developing and publishing preliminary redistricting plans under this part, the commission may develop and publish subsequent preliminary redistricting plans. The process for the development and publication of each subsequent plan must meet the requirements of this part for the development and publication of the first preliminary redistricting plan.

PART 4. PROCESS FOR ENACTMENT OF FINAL REDISTRICTING PLAN

Sec. 47. FINAL PLAN. After taking into consideration comments from the public on any preliminary redistricting plan developed and published under Part 3 of this subchapter, the

commission shall develop and publish final redistricting plans.

Sec. 48. MEETING; FINAL VOTE. Not later than the deadline provided by Section 52 of this article, the commission shall hold a public hearing at which the members of the commission shall vote on approving each final redistricting plan for enactment into law.

Sec. 49. PUBLICATION OF PLAN AND MATERIALS. At least 14 days before the date of the meeting under Section 48 of this article, the commission shall provide the following information to the public through the website maintained under Section 37 of this article, as well as through newspapers of general circulation throughout this state:

(1) each final redistricting plan, including all relevant maps;

(2) a report by the commission to accompany each plan that provides the background for the plan and the commission's reasons for selecting the plan as the final redistricting plan, including responses to the public comments received on any preliminary redistricting plan developed and published under Part 3 of this subchapter; and

(3) any dissenting or additional views with respect to each plan by individual members of the commission.

Sec. 50. ENACTMENT. A final redistricting plan developed and published under this part becomes law on the 45th day after:

(1) the final plan is approved by a majority of the whole membership of the commission; and

(2) at least one commission member from each category of the selection pool approves the final plan.

PART 5. WRITTEN EVALUATION OF PLAN AGAINST EXTERNAL METRICS

Sec. 51. WRITTEN EVALUATION. The commission shall include with each redistricting plan developed and published under this subchapter a written evaluation that measures each plan against external metrics that cover the criteria provided by Section 33 of this article, including the impact of the plan on the ability of communities of color to elect candidates of choice, measures of partisan fairness using multiple accepted methodologies, and the degree to which the plan preserves or divides communities of interest.

PART 6. TIMING

Sec. 52. PERIOD FOR DEVELOPMENT OF PLAN. The commission may begin its work on a redistricting plan immediately on receipt of relevant population information from the United States Census Bureau. The commission shall approve each final redistricting plan each year ending in the numeral one on or before the later of:

(1) eight months after the date on which this state receives the state apportionment notice; or

(2) October 1.

SUBCHAPTER E. ESTABLISHMENT OF RELATED ENTITIES

PART 1. NONPARTISAN LEGISLATIVE AGENCY

Sec. 53. ESTABLISHMENT. The legislature by general law shall establish a nonpartisan agency in the legislative branch of state government to appoint the members of the commission as provided by Subchapter B of this article.

Sec. 54. NONPARTISANSHIP. For purposes of this part, an agency shall be considered to be nonpartisan if under law the

agency:

(1) is required to provide services on a nonpartisan basis;

(2) is required to maintain impartiality; and

(3) is prohibited from advocating for the adoption or rejection of any legislative proposal.

Sec. 55. TRAINING OF COMMISSION MEMBERS. Not later than January 15 of a year ending in the numeral one, the nonpartisan agency shall provide commission members with initial training on their obligations, including obligations under the Voting Rights Act of 1965 (52 U.S.C. Section 10301 et seq.) and other applicable laws.

Sec. 56. RULES. The nonpartisan agency shall adopt and publish rules, after notice and opportunity for comment, establishing the procedures that the agency will follow in fulfilling its duties under this article, including the procedures to be used in vetting the qualifications and political affiliation of applicants and in creating the selection pools, the randomized process to be used in selecting the initial commission members, and the rules the agency will apply to ensure that the agency carries out its duties under this article in a maximally transparent, publicly accessible, and impartial manner.

Sec. 57. DESIGNATION OF EXISTING AGENCY. The legislature by general law may designate an existing agency in the legislative branch of government to appoint the members of the commission under this article if the agency meets the requirements for nonpartisanship under this part.

Sec. 58. TERMINATION OF SPECIALLY ESTABLISHED AGENCY. If the legislature does not designate an existing agency under Section 57 of this article but instead establishes a new agency to serve as the nonpartisan agency under this subchapter, the new agency shall terminate on the enactment into law of all redistricting plans.

Sec. 59. PRESERVATION OF RECORDS. The legislature shall ensure that the records of the nonpartisan agency are retained in an appropriate state archive in a manner that enables the state to respond to any civil action brought with respect to congressional redistricting in the state.

Sec. 60. DEADLINE. The legislature shall meet the requirements of this part not later than October 15 of each year ending in the numeral nine.

PART 2. SELECT COMMITTEE ON REDISTRICTING

Sec. 61. SELECT COMMITTEE. The legislature shall appoint a select committee on redistricting to approve or disapprove a selection pool under Subchapter C of this article.

Sec. 62. APPOINTMENT. The select committee consists of the following four members:

(1) one member of the senate appointed by the most senior member of the senate who belongs to the political party with the most members in the senate;

(2) one member of the senate appointed by the most senior member of the senate who belongs to the political party with the second greatest number of members in the senate;

(3) one member of the house of representatives appointed by the most senior member of the house who belongs to the

political party with the most members in the house; and

(4) one member of the house of representatives appointed by the most senior member of the house who belongs to the political party with the second greatest number of members in the house.

Sec. 63. DEADLINE. The legislature shall meet the requirements of this part not later than January 15 of each year ending in the numeral zero.

SECTION 4. Section 28, Article III, Texas Constitution, is repealed.

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

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 90th Legislature, Regular Session, 2027, establishing an independent redistricting commission to establish districts for the election of the members of the United States House of Representatives elected from this state, the Texas Senate, and the Texas House of Representatives.

(b) On January 1, 2029:

(1) the amendments to Sections 7a(e) and (i), Article V, of this constitution take effect;

(2) the repeal of Section 28, Article III, of this constitution takes effect; and

(3) Section 28a, Article III, and Article XVIII of this constitution take effect.

(c) This temporary provision expires January 1, 2030.

SECTION 6. This proposed constitutional amendment shall be

submitted to the voters at an election to be held November 2, 2027. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment establishing an independent redistricting commission to establish districts for the election of the members of the United States House of Representatives elected from this state, the Texas Senate, and the Texas House of Representatives."