By: Menéndez, Gutierrez S.J.R. No. 9

A JOINT RESOLUTION

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

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

SECTION 1. Article III, Texas Constitution, is amended by adding Sections 28a, 28b, and 28c to read as follows:

Sec. 28a. (a) In the year following a year in which the United States decennial census is taken, the Texas Redistricting Commission described by Section 28b of this article shall adjust the boundary lines of the districts for the election of the members of the United States House of Representatives elected from this state, the members of the Texas Senate, and the members of the Texas House of Representatives in accordance with the standards and process provided by Section 28b of this article.

(b) Districts described by Subsection (a) of this section must be single-member districts, each entitled to elect one member of the United States House of Representatives, the Texas Senate, or the Texas House of Representatives, as applicable.

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

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

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

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

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

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

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

(c) The commission members shall:

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

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

(3) conduct themselves with integrity and fairness.

(d) The selection process for commission members is designed to produce a commission that is independent from legislative influence and reasonably representative of this

state's diversity.

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

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

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

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

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

(2) five minority party members who:

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

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

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

(3) four independent members who:

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

(B) voted in each of the four general elections preceding the member's appointment in which the office of governor

or President of the United States appeared on the ballot.

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

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

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

(i) A commission member is ineligible for a period of 10 years beginning on the date of appointment to hold a federal, state, county, or municipal office elected from this state. A commission member is ineligible for a period of five years beginning on the date of appointment to:

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

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

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

(A) a member of the United States Congress

elected from this state;

(B) the legislature; or

(C) a member of the legislature; or

(4) register as a lobbyist in this state.

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

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

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

(3) districts for the election of members of the Texas Senate and Texas House of Representatives must have reasonably equal population with other districts for the same office except where deviation is required to comply with the Voting Rights Act of 1965 (52 U.S.C. Section 10101 et seq.) or is allowable by law;

(4) all districts must comply with the Voting Rights Act of 1965 (52 U.S.C. Section 10101 et seq.);

(5) all districts must be geographically contiguous;

(6) the geographic integrity of each municipality, county, local neighborhood, and local community of interest must be respected in a manner that minimizes its division to the extent possible without violating the requirements of any of the preceding subdivisions of this subsection; and

(7) to the extent practicable and to the extent that compliance with this subdivision does not preclude compliance with

any of the preceding subdivisions of this subsection, districts must be drawn to encourage geographical compactness so that nearby areas of population are not bypassed for more distant population.

(k) For purposes of Subsection (j)(6) of this section, a community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of that population's effective and fair representation. Examples of shared social and economic interests are those interests common to an urban area, a rural area, an industrial area, or an agricultural area and those interests common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest may not be determined based on relationships with political parties, incumbents, or political candidates.

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

(m) To the extent practicable, districts should be numbered based on geography. Districts bordering Arkansas should be assigned the lowest district numbers, with districts to the west and south assigned progressively higher district numbers.

(n) Not later than August 15 of each year following a census year, the commission shall approve final maps that separately set forth the boundary lines of the districts for the election of the

members of the United States House of Representatives elected from this state, the members of the Texas Senate, and the members of the Texas House of Representatives. On approval, the commission shall certify each final map to the secretary of state.

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

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

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

(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

(5) the amendment is passed by the legislature in a year not ending in the numeral 9, 0, or 1.

Sec. 28c. (a) The Texas Redistricting Commission has sole standing to defend a legal challenge to a final map certified under

Section 28b of this article. The legislature shall provide adequate funding and other resources to the commission to defend a certified final map. The attorney general shall, at the commission's request, represent the commission in defense of a certified final map. The commission may, in its sole discretion, retain legal counsel other than the attorney general to represent the commission in defense of a certified final map.

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

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

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

SECTION 2. Section 7a, Article V, Texas Constitution, is amended by amending Subsections (e) and (i) 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 Texas [~~Legislative~~] Redistricting Commission [~~Board~~] established by Article III, Section 28b [~~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 Texas [~~Legislative~~] Redistricting Commission [~~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 Texas [~~Legislative~~] Redistricting Commission [~~Board~~] in anticipation of a future action by the voters of any county.

SECTION 3. Sections 25, 26, and 28, Article III, Texas 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 90th Legislature, Regular Session, 2027, establishing the Texas Redistricting Commission to redistrict the Texas Legislature and Texas congressional districts and revising procedures for redistricting.

(b) On January 1, 2029:

(1) Sections 28a, 28b, 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.

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

SECTION 5. 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 following proposition: "The constitutional amendment establishing the Texas Redistricting Commission to redistrict the Texas Legislature and Texas congressional districts and revising procedures for redistricting."