

A BILL TO BE ENTITLED

AN ACT

relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

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

SECTION 1. Subtitle A, Title 3, Government Code, is amended by adding Chapter 307 to read as follows:

CHAPTER 307. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION

Sec. 307.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Congressional Redistricting Commission.

(2) "Plan" means a redistricting plan for the Texas congressional districts adopted as provided by this chapter.

Sec. 307.002. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION. The Texas Congressional Redistricting Commission exercises the legislative authority of this state to adopt redistricting plans for the election of the members of the United States House of Representatives elected from this state. Districts for that legislative body may not be established while the commission has authority to act under this chapter.

Sec. 307.003. MEMBERSHIP; TERMS. (a) The commission consists of nine members selected as follows:

(1) two members appointed by a majority vote of the members of the Texas House of Representatives belonging to the political party with the most members in the house of representatives;

1           (2) two members appointed by a majority vote of the  
2 members of the Texas House of Representatives belonging to the  
3 political party with the second highest number of members in the  
4 house of representatives;

5           (3) two members appointed by a majority vote of the  
6 members of the Texas Senate belonging to the political party with  
7 the most members in the senate;

8           (4) two members appointed by a majority vote of the  
9 members of the Texas Senate belonging to the political party with  
10 the second highest number of members in the senate; and

11           (5) one member appointed by an affirmative vote of not  
12 fewer than five of the members of the commission selected under  
13 Subdivisions (1) through (4).

14           (b) The member appointed under Subsection (a)(5) is a  
15 nonvoting member and serves as presiding officer of the commission.

16           (c) Each member of the commission must be a resident of this  
17 state. A person is not eligible to serve on the commission if the  
18 person:

19                   (1) holds an elective public office;

20                   (2) holds an office in a political party other than  
21 membership on a precinct committee; or

22                   (3) has served in a position described by Subdivision  
23 (1) or (2) within the two years preceding the date the person is  
24 appointed to the commission.

25           (d) The full term of a member of the commission is a two-year  
26 term that begins on February 1 of the year ending in one in which the  
27 initial appointment to the position is required to be made. At the

1 conclusion of a member's two-year term, the authority of the  
2 commission to act under this chapter expires until the appointment  
3 of new members in the subsequent year ending in one.

4 (e) A vacancy on the commission is filled in the same manner  
5 as provided by this section for the original appointment, except  
6 that, if the commission is convened when the vacancy occurs or if  
7 the vacancy exists when the commission reconvenes, the supreme  
8 court shall fill the vacancy if the initial appointing authority  
9 fails to fill the vacancy on or before the 20th day after the date  
10 the vacancy occurs or the commission reconvenes, as applicable.  
11 The supreme court shall fill the vacancy not later than the ninth  
12 day after the earliest date on which the supreme court may fill the  
13 vacancy, or as soon after the ninth day as possible. The members of  
14 the Texas House of Representatives or Texas Senate authorized to  
15 appoint a member of the commission may meet as necessary to make an  
16 appointment or to fill a vacancy.

17 (f) The members of the commission appointed under  
18 Subsections (a)(1) through (4) shall be appointed not earlier than  
19 January 25 or later than January 31 of each year ending in one. The  
20 member appointed under Subsection (a)(5) shall be appointed not  
21 later than the 30th day after the commission convenes under Section  
22 307.008(b). If a member is not appointed in the time provided by  
23 this subsection, the supreme court shall make the appointment  
24 before the sixth day after the last date on which the initial  
25 appointing authority could have made the appointment, or as soon  
26 after the sixth day as possible.

27 Sec. 307.004. OATH. Before serving on the commission, each

1 person appointed shall take and subscribe to the constitutional  
2 oath of office.

3 Sec. 307.005. POLITICAL ACTIVITIES PROHIBITED. A member of  
4 the commission may not:

5 (1) campaign for elective office while a member of the  
6 commission; or

7 (2) actively participate in or contribute to the  
8 political campaign of a candidate for a state or federal elective  
9 office while a member of the commission.

10 Sec. 307.006. OPERATION OF COMMISSION. (a) The  
11 legislature shall appropriate sufficient money for the  
12 compensation and payment of the expenses of the commission members  
13 and any staff employed by the commission.

14 (b) The commission shall be provided access to statistical  
15 or other information compiled by the state or its political  
16 subdivisions as necessary for the commission's reapportionment  
17 duties.

18 (c) The Texas Legislative Council, under the direction of  
19 the commission, shall provide the technical staff and clerical  
20 services that the commission needs to prepare its plans.

21 Sec. 307.007. DUTIES. The commission shall:

22 (1) adopt rules to administer this chapter; and

23 (2) comply with Chapters 551 and 552.

24 Sec. 307.008. ADOPTION OF PLAN. (a) A redistricting plan  
25 or modification of a redistricting plan is adopted by a vote of not  
26 less than five members of the commission.

27 (b) The commission shall convene on the first business day

1 after January 31 of each year ending in one and shall adopt a  
2 redistricting plan for the members of the United States House of  
3 Representatives elected from this state not later than July 1 of  
4 that year, unless the federal decennial census is delivered to the  
5 appropriate officials of this state after May 1 of that year, in  
6 which event the commission shall adopt the redistricting plan not  
7 later than the 90th day after the date the census is delivered.

8 (c) If the commission does not adopt a plan within the time  
9 required by Subsection (b), the commission's authority to adopt a  
10 plan is suspended and the supreme court shall adopt the plan not  
11 later than September 1 of the year in which the census is delivered,  
12 or the 60th day after the last date by which the commission is  
13 directed to adopt a plan under Subsection (b), whichever date is  
14 later.

15 Sec. 307.009. MODIFICATION OF PLAN; ADDITIONAL ACTION. (a)  
16 The commission may reconvene on the motion of at least four of its  
17 voting members filed with the secretary of state at any time after  
18 the adoption of the initial congressional redistricting plan to  
19 modify that plan if the plan becomes unenforceable by order of a  
20 court or by action of any other appropriate authority or is subject  
21 to legal challenge in a court proceeding. In modifying a  
22 redistricting plan, the commission must comply with all applicable  
23 standards imposed by this chapter, but is not limited to  
24 modifications necessary to correct legal deficiencies.

25 (b) The commission may reconvene in the manner provided by  
26 Subsection (a) to adopt a redistricting plan if the supreme court  
27 does not adopt a plan for the applicable body in the time provided

1 by Section 307.008(c), if the supreme court is required to adopt a  
2 plan for that body because the commission did not adopt an initial  
3 plan for that body as required by Section 307.008(b).

4 Sec. 307.010. PLAN REQUIREMENTS. (a) In a redistricting  
5 plan or modification of a plan adopted under this chapter:

6 (1) each district must be composed of contiguous  
7 territory;

8 (2) each district must contain a population, excluding  
9 nonresident military personnel, as nearly equal as practicable to  
10 the population of any other district in the plan; and

11 (3) to the extent reasonable, each district must be  
12 compact and convenient and be separated from adjoining districts by  
13 natural geographic barriers, artificial barriers, or political  
14 subdivision boundaries.

15 (b) The commission or supreme court may not draw a  
16 redistricting plan purposely to favor or discriminate against a  
17 political party or any other group.

18 (c) For each plan or modification of a plan adopted by the  
19 commission, the commission shall prepare and publish a report that  
20 includes:

21 (1) for each district in the plan, the total  
22 population and the percentage deviation from the average district  
23 population;

24 (2) an explanation of the criteria used in developing  
25 the plan, with a justification of any population deviation in a  
26 district from the average district population;

27 (3) a map or maps of all the districts; and

1           (4) the estimated cost to be incurred by the counties  
2 for changes in county election precinct boundaries required to  
3 conform to the districts adopted by the commission.

4           (d) The commission shall make a copy of a report prepared  
5 under this section available to the public.

6           Sec. 307.011. SUBMISSION OF PLAN. On adoption of a plan or  
7 modification of a plan by the commission, the commission shall  
8 submit the plan or modification to the governor, the secretary of  
9 state, and the presiding officer of each house of the legislature.

10           Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the  
11 initial adoption of the plan that the commission is required to  
12 adopt, the commission shall take all necessary steps to conclude  
13 its business and suspend operations until the commission reconvenes  
14 as provided by Section 307.009 if it does reconvene. On expiration  
15 of the terms of the members of the committee, the committee shall  
16 suspend its operations until the appointment of new members in the  
17 subsequent year ending in one.

18           (b) The commission shall prepare a financial statement  
19 disclosing all expenditures made by the commission. The official  
20 record of the commission shall contain all relevant information  
21 developed by the commission in carrying out its duties, including  
22 maps, data, minutes of meetings, written communications, and other  
23 information.

24           (c) After the commission suspends operations, the secretary  
25 of state becomes the custodian of its official records for purposes  
26 of election administration. Any unexpended money from an  
27 appropriation to the commission reverts to the general revenue

1 fund.

2 Sec. 307.013. CHALLENGES TO PLAN. (a) After a plan or  
3 modification of a plan is adopted by the commission or supreme  
4 court, any person aggrieved by the plan or modification may file a  
5 petition with the supreme court challenging the plan.

6 (b) The supreme court has original jurisdiction to hear and  
7 decide cases involving congressional redistricting, including a  
8 case involving a redistricting plan adopted by the supreme court  
9 under this chapter. A member of the court is not disqualified from  
10 participating in a redistricting case because the member has  
11 participated or may participate in the adoption of a redistricting  
12 plan, but may recuse himself or herself from the case. This  
13 subsection supersedes any other law, including an applicable code  
14 of judicial conduct, with regard to conflicts of interest by or  
15 disqualification of a member of the court.

16 (c) The supreme court may consolidate any or all petitions  
17 and shall give the petitions precedence over all other matters.

18 (d) This section does not limit the remedies available under  
19 other law to any person aggrieved by a plan.

20 SECTION 2. This Act takes effect January 1, 2005.