

By: Hochberg

H.J.R. No. 5

A JOINT RESOLUTION

1 proposing a constitutional amendment establishing the Texas
2 Congressional Redistricting Commission to redistrict congressional
3 districts.

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

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

7 Sec. 28a. (a) The Texas Congressional Redistricting
8 Commission exercises the legislative authority of this state to
9 adopt redistricting plans for the election of the members of the
10 United States House of Representatives elected from this state
11 during the period the commission is authorized to act under this
12 section. Congressional districts may not be established by the
13 legislature or a court while the commission has authority to act
14 under this section.

15 (b) The commission consists of nine members selected as
16 follows:

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

21 (2) two members appointed by a majority vote of the
22 members of the Texas House of Representatives belonging to the
23 political party with the second highest number of members in the
24 house of representatives;

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

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

7 (5) one member appointed by an affirmative vote of not
8 less than five of the members of the commission selected under
9 Subdivisions (1) through (4) of this subsection.

10 (c) The member appointed under Subsection (b)(5) of this
11 section is a nonvoting member and serves as presiding officer of the
12 commission.

13 (d) Each member of the commission must be a resident of this
14 state. A person is not eligible to serve on the commission if the
15 person:

16 (1) holds an elective public office;

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

19 (3) has served in a position described by Subdivision
20 (1) or (2) of this subsection within the two years preceding the
21 date the person is appointed to the commission.

22 (e) The full term of a member of the commission is a two-year
23 term that begins on February 1 of the year ending in one in which the
24 initial appointment to the position is required to be made and
25 expires on January 31 of the following year ending in three. At the
26 expiration of the members' two-year terms, the authority of the
27 commission to act under this section expires until the appointment

1 of new members in the subsequent year ending in one.

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

15 (g) A redistricting plan or modification of a redistricting
16 plan is adopted by a vote of not less than five members of the
17 commission.

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

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

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

17 (k) During the terms of the members of the commission
18 prescribed by Subsection (e) of this section, the commission may
19 reconvene on the motion of at least four of its voting members filed
20 with the secretary of state at any time after the adoption of the
21 initial congressional redistricting plan to modify that plan if the
22 plan becomes unenforceable by order of a court or by action of any
23 other appropriate authority or is subject to legal challenge in a
24 court proceeding. In modifying a redistricting plan, the
25 commission must comply with all applicable standards imposed by
26 this section, other provisions of this constitution, and laws
27 enacted under this section but is not limited to modifications

1 necessary to correct legal deficiencies.

2 (1) The commission may reconvene in the period and in the
3 manner prescribed by Subsection (k) of this section to adopt a
4 redistricting plan if the supreme court does not adopt a plan for
5 the applicable body in the time provided by Subsection (j) of this
6 section, if the supreme court is required to adopt a plan for that
7 body because the commission did not adopt an initial plan for that
8 body as required by Subsection (i) of this section.

9 (m) In a redistricting plan or modification of a plan
10 adopted under this section:

11 (1) each district must be composed of contiguous
12 territory;

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

16 (3) to the extent reasonable, each district must be
17 compact and convenient and be separated from adjoining districts by
18 natural geographic barriers, artificial barriers, or political
19 subdivision boundaries.

20 (n) The commission or supreme court may not draw a
21 redistricting plan purposely to favor or discriminate against a
22 political party or any other group.

23 (o) The legislature shall enact laws consistent with this
24 section to implement this section. The laws may include additional
25 qualifications for commission members and additional standards
26 applicable to redistricting plans.

27 (p) The legislature shall appropriate money or otherwise

1 provide the commission sufficient facilities and personnel to
2 enable the commission to carry out its duties.

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

13 (r) This section takes effect January 1, 2011. The Texas
14 Congressional Redistricting Commission shall convene for the first
15 time on the first business day after January 31, 2011. This
16 subsection expires January 1, 2012.

17 SECTION 2. This proposed constitutional amendment shall be
18 submitted to the voters at an election to be held November 2, 2004.
19 The ballot shall be printed to permit voting for or against the
20 following proposition: "The constitutional amendment establishing
21 the Texas Congressional Redistricting Commission in 2011 to
22 redistrict Texas congressional districts."