

By: Rodriguez

H.J.R. No. 64

A JOINT RESOLUTION

1 proposing a constitutional amendment establishing the Texas
2 Redistricting Commission to establish legislative and
3 congressional districts and revising constitutional redistricting
4 procedures.

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

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

8 Sec. 28a. (a) The Texas Redistricting Commission exercises
9 the legislative authority of this state to adopt redistricting
10 plans for the election of the Texas House of Representatives, Texas
11 Senate, and the members of the United States House of
12 Representatives elected from this state. Districts for those
13 legislative bodies may not be established or changed except as
14 provided by this section.

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

17 (1) one member appointed by the speaker of the Texas
18 House of Representatives;

19 (2) one member appointed by the chair of the party
20 caucus of the members of the Texas House of Representatives who
21 belong to the political party with the most members in the house,
22 other than the party to which the speaker belongs;

23 (3) one member appointed by the lieutenant governor;

24 (4) one member appointed by the chair of the party

1 caucus of the members of the Texas Senate who belong to the
2 political party with the most members in the senate, other than the
3 party to which the lieutenant governor belongs; and

4 (5) one member appointed by unanimous vote of the
5 members of the commission selected under Subdivisions (1) through
6 (4) of this subsection.

7 (c) The member appointed under Subsection (b)(5) of this
8 section may not be affiliated with a political party and serves as
9 presiding officer of the commission.

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

13 (1) holds an elective public office, other than an
14 office on the governing body of a school district;

15 (2) is employed by:

16 (A) an elected public official;

17 (B) a candidate for the legislature or the United
18 States Congress; or

19 (C) an entity whose principal purpose is to
20 support or oppose a candidate described by Paragraph (B) of this
21 subdivision;

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

25 (4) is required by law to register with the Texas
26 Ethics Commission on account of the person's communications with
27 state officers to influence legislation or administrative action,

1 or was required to register in that capacity in the two years
2 preceding the date the person was appointed to the commission.

3 (e) The full term of a member of the commission is a 10-year
4 term that begins on February 1 of the year ending in one in which the
5 initial appointment to the position is required to be made and
6 expires on January 31 of the next year ending in one. A vacancy on
7 the commission is filled in the same manner as provided by this
8 section for the original appointment, except that, if the
9 commission is convened when the vacancy occurs or if the vacancy
10 exists when the commission reconvenes, the supreme court shall fill
11 the vacancy if the initial appointing authority fails to fill the
12 vacancy on or before the 20th day after the date the vacancy occurs
13 or the commission reconvenes, as applicable. The supreme court
14 shall fill the vacancy not later than the ninth day after the
15 earliest date on which the supreme court may fill the vacancy, or as
16 soon after the ninth day as possible.

17 (f) A member of the commission may not be a candidate in an
18 election for the Texas Senate or Texas House of Representatives
19 before the second anniversary of the date the commission adopts a
20 redistricting plan or modification of a plan for that body during
21 the person's service on the commission.

22 (g) A redistricting plan or modification of a redistricting
23 plan is adopted by a vote of not less than three members of the
24 commission.

25 (h) The members of the commission appointed under
26 Subsections (b)(1) through (4) of this section shall be appointed
27 not earlier than January 25 or later than January 31 of each year

1 ending in one. The member appointed under Subsection (b)(5) of this
2 section shall be appointed not later than the 30th day after the
3 commission convenes under Subsection (i) of this section. If a
4 member is not appointed in the time provided by this subsection, the
5 supreme court shall make the appointment before the sixth day after
6 the last date on which the initial appointing authority could have
7 made the appointment, or as soon after the sixth day as possible.

8 (i) The commission shall convene on the first business day
9 after January 31 of each year ending in one and shall adopt a
10 redistricting plan for the Texas Senate, the Texas House of
11 Representatives, and the members of the United States House of
12 Representatives elected from this state not later than July 1 of
13 that year, unless the federal decennial census is delivered to the
14 appropriate officials of this state after May 1 of that year, in
15 which event the commission shall adopt those redistricting plans
16 not later than the 90th day after the date the census is delivered.

17 (j) If the commission does not adopt a plan within the time
18 required by Subsection (i) of this section, the commission's
19 authority to adopt a plan is suspended and the supreme court shall
20 adopt a plan for the applicable legislative body not later than
21 September 1 of the year in which the census is delivered, or the
22 60th day after the last date by which the commission is directed to
23 adopt a plan under Subsection (i) of this section, whichever date is
24 later.

25 (k) The commission may reconvene on the motion of at least
26 three of its voting members filed with the secretary of state at any
27 time after the adoption of the initial state senate, state house, or

1 congressional redistricting plan to modify that plan if the plan
2 becomes unenforceable by order of a court or by action of any other
3 appropriate authority or is subject to legal challenge in a court
4 proceeding. In modifying a redistricting plan, the commission must
5 comply with all applicable standards imposed by this section, other
6 provisions of this constitution, and laws enacted under this
7 section but is not limited to modifications necessary to correct
8 legal deficiencies.

9 (1) The commission may reconvene in the manner provided by
10 Subsection (k) of this section to adopt a redistricting plan if the
11 supreme court does not adopt a plan for the applicable body in the
12 time provided by Subsection (j) of this section, if the supreme
13 court is required to adopt a plan for that body because the
14 commission did not adopt an initial plan for that body as required
15 by Subsection (i) of this section.

16 (m) In a redistricting plan or modification of a plan
17 adopted under this section:

18 (1) each district must be composed of contiguous
19 territory;

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

23 (3) to the extent reasonable, each district must be
24 compact and convenient and be separated from adjoining districts by
25 natural geographic barriers, artificial barriers, or political
26 subdivision boundaries.

27 (n) The commission or supreme court may not draw a

1 redistricting plan purposely to favor or discriminate against a
2 political party or any other group.

3 (o) The legislature shall enact laws consistent with this
4 section to implement this section. The laws may include additional
5 qualifications for commission members and additional standards
6 applicable to redistricting plans.

7 (p) The legislature shall appropriate money or otherwise
8 provide the commission sufficient facilities and personnel to
9 enable the commission to carry out its duties.

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

20 (r) This section takes effect January 1, 2011. On that
21 date, the Legislative Redistricting Board is abolished and Section
22 28 of this article is repealed. The Texas Redistricting Commission
23 shall convene for the first time on the first business day after
24 January 31, 2011. This subsection expires January 1, 2012.

25 SECTION 2. Section 7a, Article V, Texas Constitution, is
26 amended by amending Subsections (e) and (i) and adding Subsection
27 (j) to read as follows:

1 (e) Unless the legislature enacts a statewide
2 reapportionment of the judicial districts following each federal
3 decennial census, the board shall convene not later than the first
4 Monday of June of the third year following the year in which the
5 federal decennial census is taken to make a statewide
6 reapportionment of the districts. The board shall complete its
7 work on the reapportionment and file its order with the secretary of
8 state not later than August 31 of the same year. If the Judicial
9 Districts Board fails to make a statewide apportionment by that
10 date, the Texas [~~Legislative~~] Redistricting Commission [~~Board~~]
11 established by Article III, Section 28a [~~28~~], of this constitution
12 shall convene on September 1 of the same year to make a statewide
13 reapportionment of the judicial districts not later than the 90th
14 [~~150th~~] day after the final day for the Judicial Districts Board to
15 make the reapportionment.

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

1 by the voters of any county.

2 (j) Until January 1, 2011, a reference in this section to
3 the Texas Redistricting Commission means the Legislative
4 Redistricting Board established under Section 28, Article III, of
5 this constitution. This subsection expires January 1, 2011.

6 SECTION 3. This proposed constitutional amendment shall be
7 submitted to the voters at an election to be held November 8, 2005.
8 The ballot shall be printed to permit voting for or against the
9 following proposition: "The constitutional amendment establishing
10 the Texas Redistricting Commission in 2011 to redistrict the Texas
11 Legislature and Texas congressional districts and revising
12 procedures for redistricting."