

By: Strama

H.J.R. No. 83

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, the
11 Texas 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 seven members selected as
16 follows:

17 (1) one member appointed by the member of the Texas
18 Senate with the most seniority, as defined by senate rules;

19 (2) one member appointed by the member of the Texas
20 Senate with the most seniority, as defined by senate rules, who is
21 of a different political party than the member described by
22 Subdivision (1) of this section;

23 (3) one member appointed by the member of the Texas
24 House of Representatives with the most seniority, as defined by

1 house rules;

2 (4) one member appointed by the member of the Texas
3 House of Representatives with the most seniority, as defined by
4 house rules, who is of a different political party than the member
5 described by Subdivision (3) of this section;

6 (5) one member appointed by an affirmative vote of not
7 fewer than three of the members of the commission selected under
8 Subdivisions (1) through (4) of this subsection; and

9 (6) two members, who must be retired federal judges
10 appointed by presidents of different political parties, appointed
11 by the member appointed under Subdivision (5) of this subsection.

12 (c) The member appointed under Subsection (b)(5) of this
13 section serves as presiding officer of the commission.

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

17 (1) holds an elective or appointive public office,
18 other than the office described by Subsection (b)(6) of this
19 section or an office on the governing body of a school district;

20 (2) holds an office in a political party;

21 (3) is employed by:

22 (A) an elected or appointed public official;

23 (B) a candidate for the legislature or the United
24 States Congress; or

25 (C) an entity whose principal purpose is to
26 support or oppose a candidate described by Paragraph (B) of this
27 subdivision;

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

4 (5) is required by law to register with the Texas
5 Ethics Commission on account of the person's communications with
6 state officers to influence legislation or administrative action,
7 or was required to register in that capacity in the three years
8 preceding the date the person was appointed to the commission.

9 (6) is related to an elected or appointed official
10 within the second degree by consanguinity, as determined under
11 Subchapter B, Chapter 573, Government Code.

12 (e) The full term of a member of the commission is a 10-year
13 term that begins on February 1 of the year ending in one in which the
14 initial appointment to the position is required to be made and
15 expires on January 31 of the next year ending in one. A vacancy on
16 the commission is filled in the same manner as provided by this
17 section for the original appointment.

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

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

26 (h) The members of the commission appointed under
27 Subsections (b)(1) through (4) of this section shall be appointed

1 not earlier than January 25 or later than January 31 of each year
2 ending in one. The member appointed under Subsection (b)(5) of this
3 section shall be appointed not later than the 15th day after the
4 commission convenes under Subsection (i) of this section. The
5 members appointed under Subsection (b)(6) of this section shall be
6 appointed not later than the 15th day after the date of an
7 appointment under Subsection (b)(5) of this section.

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) The commission shall reconvene to modify a
18 redistricting plan if the plan becomes unenforceable by order of a
19 court or by action of any other appropriate authority. In modifying
20 a redistricting plan, the commission must comply with all
21 applicable standards imposed by this section, other provisions of
22 this constitution, and laws enacted under this section but is not
23 limited to modifications necessary to correct legal deficiencies.

24 (k) In a redistricting plan or modification of a plan
25 adopted under this section:

26 (1) each district must be composed of contiguous
27 territory and areas which meet only at the point of adjoining

1 corners shall not be considered contiguous;

2 (2) each congressional district must contain a
3 population equal to the population of any other district in the
4 plan;

5 (3) in a legislative redistricting plan the overall
6 range of population deviation from the district with the most
7 population to the district with the least population may not exceed
8 2.5 percent;

9 (4) to the extent reasonable, district boundaries
10 shall coincide with the boundaries of political subdivisions of the
11 state and shall divide the smallest number of counties, cities, and
12 school districts possible. If local political subdivisions must be
13 divided, the more populous subdivisions shall be divided before the
14 less populous. This subdivision shall not apply to a legislative
15 district boundary drawn along a county line which passes through a
16 city that lies in more than one county.

17 (5) districts must be drawn in accordance with the
18 federal constitution and all applicable federal laws.

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

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

26 (n) The legislature shall appropriate money or otherwise
27 provide the commission sufficient facilities and personnel to

1 enable the commission to carry out its duties.

2 (p) This section takes effect January 1, 2011. On that
3 date, the Legislative Redistricting Board is abolished and Section
4 28 of this article is repealed. The Texas Redistricting Commission
5 shall convene for the first time on the first business day after
6 January 31, 2011. This subsection expires January 1, 2012.

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

10 (e) Unless the legislature enacts a statewide
11 reapportionment of the judicial districts following each federal
12 decennial census, the board shall convene not later than the first
13 Monday of June of the third year following the year in which the
14 federal decennial census is taken to make a statewide
15 reapportionment of the districts. The board shall complete its
16 work on the reapportionment and file its order with the secretary of
17 state not later than August 31 of the same year. If the Judicial
18 Districts Board fails to make a statewide apportionment by that
19 date, the Texas [Legislative] Redistricting Commission [Board]
20 established by Article III, Section 28a [28], of this constitution
21 shall convene on September 1 of the same year to make a statewide
22 reapportionment of the judicial districts not later than the 90th
23 [150th] day after the final day for the Judicial Districts Board to
24 make the reapportionment.

25 (i) The legislature, the Judicial Districts Board, or the
26 Texas [Legislative] Redistricting Commission [Board] may not
27 redistrict the judicial districts to provide for any judicial

1 district smaller in size than an entire county except as provided by
2 this section. Judicial districts smaller in size than the entire
3 county may be created subsequent to a general election where a
4 majority of the persons voting on the proposition adopt the
5 proposition "to allow the division of _____ County into
6 judicial districts composed of parts of _____ County." No
7 redistricting plan may be proposed or adopted by the legislature,
8 the Judicial Districts Board, or the Texas [~~Legislative~~]
9 Redistricting Commission [~~Board~~] in anticipation of a future action
10 by the voters of any county.

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

15 SECTION 3. This proposed constitutional amendment shall be
16 submitted to the voters at an election to be held November 8, 2005.
17 The ballot shall be printed to permit voting for or against the
18 following proposition: "The constitutional amendment establishing
19 the Texas Redistricting Commission in 2011 to redistrict the Texas
20 Legislature and Texas congressional districts and revising
21 procedures for redistricting."