

By: Farabee

H.J.R. No. 93

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 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 10-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 next year ending in one. A vacancy on  
26 the commission is filled in the same manner as provided by this  
27 section for the original appointment, except that, if the

1 commission is convened when the vacancy occurs or if the vacancy  
2 exists when the commission reconvenes, the supreme court shall fill  
3 the vacancy if the initial appointing authority fails to fill the  
4 vacancy on or before the 20th day after the date the vacancy occurs  
5 or the commission reconvenes, as applicable. The supreme court  
6 shall fill the vacancy not later than the ninth day after the  
7 earliest date on which the supreme court may fill the vacancy, or as  
8 soon after the ninth day as possible. The members of the Texas  
9 House of Representatives or Texas Senate authorized to appoint a  
10 member of the commission may meet as necessary to make an  
11 appointment or to fill a vacancy.

12 (f) A member of the commission may not be a candidate in an  
13 election for the Texas Senate or Texas House of Representatives  
14 before the second anniversary of the date the commission adopts a  
15 redistricting plan or modification of a plan for that body during  
16 the person's service on the commission.

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

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

1 the last date on which the initial appointing authority could have  
2 made the appointment, or as soon after the sixth day as possible.

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

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

20 (k) The commission may reconvene on the motion of at least  
21 four of its voting members filed with the secretary of state at any  
22 time after the adoption of the initial state senate, state house, or  
23 congressional redistricting plan to modify that plan if the plan  
24 becomes unenforceable by order of a court or by action of any other  
25 appropriate authority or is subject to legal challenge in a court  
26 proceeding. In modifying a redistricting plan, the commission must  
27 comply with all applicable standards imposed by this section, other

1 provisions of this constitution, and laws enacted under this  
2 section but is not limited to modifications necessary to correct  
3 legal deficiencies.

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

11 (m) In a redistricting plan or modification of a plan  
12 adopted under this section:

13 (1) each district must be composed of contiguous  
14 territory;

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

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

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

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

1 applicable to redistricting plans.

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

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

15 (r) This section takes effect January 1, 2011. On that  
16 date, the Legislative Redistricting Board is abolished and Section  
17 28 of this article is repealed. The Texas Redistricting Commission  
18 shall convene for the first time on the first business day after  
19 January 31, 2011. This subsection expires January 1, 2012.

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

23 (e) Unless the legislature enacts a statewide  
24 reapportionment of the judicial districts following each federal  
25 decennial census, the board shall convene not later than the first  
26 Monday of June of the third year following the year in which the  
27 federal decennial census is taken to make a statewide

1 reapportionment of the districts. The board shall complete its  
2 work on the reapportionment and file its order with the secretary of  
3 state not later than August 31 of the same year. If the Judicial  
4 Districts Board fails to make a statewide apportionment by that  
5 date, the Texas [~~Legislative~~] Redistricting Commission [~~Board~~]  
6 established by Article III, Section 28a [~~28~~], of this constitution  
7 shall convene on September 1 of the same year to make a statewide  
8 reapportionment of the judicial districts not later than the 90th  
9 [~~150th~~] day after the final day for the Judicial Districts Board to  
10 make the reapportionment.

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

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

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