

By: Wentworth, et al.

S.B. No. 1404

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 initial 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

1 political party with the most members in the house of  
2 representatives;

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

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

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

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

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

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

21 (1) holds an elective public office;

22 (2) holds an office in a political party other than  
23 membership on a precinct committee;

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

27 (4) is required to register under Section 305.003 or

1 was required to register under that section in the two years  
2 preceding the date the person is appointed to the commission.

3 (d) 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.

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

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

1 appointing authority could have made the appointment, or as soon  
2 after the sixth day as possible.

3 Sec. 307.004. OATH. Before serving on the commission, each  
4 person appointed shall take and subscribe to the constitutional  
5 oath of office.

6 Sec. 307.005. POLITICAL ACTIVITIES PROHIBITED. A member of  
7 the commission may not:

8 (1) campaign for elective office while a member of the  
9 commission; or

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

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

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

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

24 Sec. 307.007. DUTIES. The commission shall:

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

26 (2) comply with Chapters 551 and 552.

27 Sec. 307.008. ADOPTION OF PLAN. (a) A redistricting plan

1 or modification of a redistricting plan is adopted by a vote of not  
2 fewer than five members of the commission.

3 (b) 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 members of the United States House of  
6 Representatives elected from this state not later than June 15 of  
7 that year, unless the federal decennial census is delivered to the  
8 appropriate officials of this state after May 1 of that year, in  
9 which event the commission shall adopt the redistricting plan not  
10 later than the 75th day after the date the census is delivered.

11 (c) If the commission does not adopt a plan within the time  
12 required by Subsection (b), not later than the second day after the  
13 date of the deadline for commission action prescribed by Subsection  
14 (b) not more than two persons may be nominated to be selected as an  
15 additional voting member to the commission. To be effective, a  
16 person's nomination must be approved by at least three of the four  
17 voting members of the commission appointed by the senators or  
18 representatives of the same political party. The nonvoting member  
19 who serves as presiding officer shall write the name of each person  
20 nominated under this subsection on a separate piece of paper. The  
21 papers shall be folded to conceal the name of the nominee, and the  
22 presiding officer shall randomly select one piece of paper and read  
23 the name contained on the paper aloud. If the person whose name is  
24 read is eligible to serve on the commission, the person is appointed  
25 to serve as an additional voting member of the commission. If the  
26 person is not eligible, the remaining nominee is appointed to serve  
27 as an additional voting member if that nominee is eligible. If

there is no remaining nominee who is eligible to serve, the nomination and selection procedures prescribed by this subsection shall be repeated until a person who is eligible to serve on the commission is selected. The term of a member appointed under this section expires on the same day as the other voting members of the commission.

(d) Following appointment of a member under Subsection (c), the commission shall adopt a redistricting plan not later than the 45th day after the date of the deadline for commission action prescribed by Subsection (b).

(e) If the commission does not adopt a plan within the time required by Subsection (d), the commission's authority to adopt a plan is suspended and the supreme court shall adopt the plan not later than the 45th day after the date of the deadline for commission action prescribed by Subsection (d).

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

(b) The commission may reconvene in the manner provided by Subsection (a) to adopt a redistricting plan if the supreme court

1 does not adopt a plan for the applicable body in the time provided  
2 by Section 307.008(e), if the supreme court is required to adopt a  
3 plan for that body because the commission did not adopt an initial  
4 plan for that body as required by Section 307.008(d).

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

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

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

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

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

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

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

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

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

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

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

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

11           Sec. 307.012. CESSATION OF OPERATIONS. (a) Following the  
12 initial adoption of the plan that the commission is required to  
13 adopt, the commission shall take all necessary steps to conclude  
14 its business and suspend operations until the commission reconvenes  
15 as provided by Section 307.009 if it does reconvene.

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

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

27           Sec. 307.013. CHALLENGES TO PLAN. (a) After a plan or



1 modification of a plan is adopted by the commission or supreme  
2 court, any person aggrieved by the plan or modification may file a  
3 petition with the supreme court challenging the plan.

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

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

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

18 SECTION 2. This Act takes effect January 1, 2007.