

By: Villarreal

H.J.R. No. 101

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 nine members selected as  
16 follows:

17 (1) eight members appointed by the Texas State  
18 Commission on Judicial Conduct:

19 (i) four judicial members, who shall have been  
20 retired at least four years at the time of consideration, shall be  
21 appointed by the Commission on Judicial Conduct and shall have been  
22 at one time elected as candidates of the political party that is the  
23 majority of the combined legislature as of January 31st of the most  
24 recent year ending in 1;

1 At least one member from the majority party shall have served  
2 as a judge on the federal level;

3 (ii) four judicial members, who shall have been  
4 retired a least four years at the time of consideration, shall be  
5 appointed by the Commission on Judicial Conduct and shall have been  
6 at one time elected as candidates of the political party that is the  
7 largest minority of the combined legislature as of January 31st of  
8 the year ending in 1;

9 At least one member from this minority party shall have  
10 served as a judge on the federal level.

11 (2) One member being a citizen member shall be the  
12 current or most recent past president of the Texas League of Women  
13 Voters as appointed by the League of Women Voters.

14 In the event the Texas League of Women Voters is unable to  
15 make such an appointment or declines to do so, the citizen member  
16 appointment shall be filled by the current president or the most  
17 recent past president of the State Bar of Texas as appointed by the  
18 State Bar organization.

19 (c)The citizen member shall be the Commission Chair and  
20 presiding officer for commission meetings, at its first meeting the  
21 commission shall elect a Vice Chair and other officers as they deem  
22 necessary to carry out the duties of the Commission.

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

26 (1) holds an elective or appointive public office,  
27 other than the office of retired federal judge if the member is

1 appointed under Subsection (b) (6) of this section or an office on  
2 the governing body of a school district;

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

4 (3) is employed by:

5 (A) an elected or appointed public official;

6 (B) a candidate for the legislature or the United  
7 States Congress; or

8 (C) an entity whose principal purpose is to  
9 support or oppose a candidate described by Paragraph (B) of this  
10 subdivision;

11 (4) has served in a position described by Subdivision  
12 (1), (2), or (3) of this subsection within the three years preceding  
13 the date the person is appointed to the commission;

14 (5) is required by law to register with the Texas  
15 Ethics Commission on account of the person's communications with  
16 state officers to influence legislation or administrative action,  
17 or was required to register in that capacity in the three years  
18 preceding the date the person was appointed to the commission; or

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

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 1 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 1. A vacancy on the  
26 commission is filled in the same manner as provided by this section  
27 for the original appointment.

1       (f) A member of the commission may not be a candidate in an  
2 election for the Texas Senate or Texas House of Representatives  
3 before the third anniversary of the date the commission adopts a  
4 redistricting plan or modification of a plan for that body during  
5 the person's service on the commission.

6       (g) A redistricting plan or modification of a redistricting  
7 plan is adopted by a vote of not less than two thirds (2/3) of the  
8 members of the commission present at an officially scheduled public  
9 meeting.

10       (h) The members of the commission appointed under  
11 Subsections (b) (1) through (4) of this section shall be appointed  
12 not earlier than January 25 or later than January 31 of each year  
13 ending in 1. The member appointed under Subsection (b) (5) of this  
14 section shall be appointed not later than the 15th day after the  
15 commission convenes under Subsection (i) of this section. The  
16 members appointed under Subsection (b) (6) of this section shall be  
17 appointed not later than the 15th day after the date of an  
18 appointment under Subsection (b) (5) of this section.

19       (i) The commission shall convene on the first business day  
20 after January 31 of each year ending in 1 and shall adopt a  
21 redistricting plan for the Texas Senate, the Texas House of  
22 Representatives, and the members of the United States House of  
23 Representatives elected from this state not later than July 1 of  
24 that year, unless the federal decennial census is delivered to the  
25 appropriate officials of this state after May 1 of that year, in  
26 which event the commission shall adopt those redistricting plans  
27 not later than the 90th day after the date the census is delivered.

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

8       (k) In a redistricting plan or modification of a plan  
9 adopted under this section:

10           (1) each district must be composed of contiguous  
11 territory, and for purposes of this subdivision territory that is  
12 adjoining only at a point is not considered contiguous;

13           (2) each congressional district must contain a  
14 population as nearly equal as possible to the population of any  
15 other district in the plan;

16           (3) in a legislative redistricting plan the overall  
17 range of population deviation from the district with the largest  
18 population to the district with the smallest population may not  
19 exceed 2.5 percent;

20           (4) to the extent reasonable, district boundaries must  
21 coincide with the boundaries of political subdivisions of the state  
22 and divide the smallest number of counties, municipalities, and  
23 school districts possible; and

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

26           (1) If a political subdivision must be divided, the  
27 commission shall give preference to dividing a more populous

1 political subdivision before a less populous one. This subsection  
2 does not apply to a boundary drawn along a county line that divides  
3 a municipality.

4 (m) The commission may not draw a redistricting plan  
5 purposely to favor or discriminate against a political party or any  
6 other group.

7 (n) The legislature shall enact laws consistent with this  
8 section to implement this section. The laws may include additional  
9 qualifications for commission members and additional standards  
10 applicable to redistricting plans.

11 (o) The legislature shall appropriate money or otherwise  
12 provide the commission sufficient facilities and personnel to  
13 enable the commission to carry out its duties.

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

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

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

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

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

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

27 SECTION 3. This proposed constitutional amendment shall be

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1 submitted to the voters at an election to be held November 6, 2007.  
2 The ballot shall be printed to permit voting for or against the  
3 following proposition: "The constitutional amendment establishing  
4 the Texas Redistricting Commission in 2011 to redistrict the Texas  
5 Legislature and Texas congressional districts and revising  
6 procedures for redistricting."