

BILL ANALYSIS

S.B. 4
By: Seliger
Redistricting, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There remain outstanding legal questions regarding legislatively drawn maps adopted in 2011 that threaten to undermine the stability and predictability of the electoral process in Texas. In response to this circumstance, interested parties assert the Texas Legislature should ratify, as permanent maps, the interim state house, senate, and congressional maps exactly as drawn and implemented by the United States District Court for the Western District of Texas on February 28, 2012, which the court presumably ordered because they comply with the federal Voting Rights Act and the United States Constitution. Adopting these interim maps may avoid further expenditures of time and money, by all parties, in conjunction with ongoing litigation regarding the state house, senate, and congressional redistricting plans enacted by the 82nd Legislature. It may also avoid disruption to future election cycles and provide certainty to Texans regarding their legislative districts and the electoral process.

S.B. 4 amends current law relating to the composition of districts for the election of members of the United States House of Representatives from Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 4 provides for the ratification and adoption of the interim redistricting plan used to elect members of the United States House of Representatives from the State of Texas in 2012 ordered by the United States District Court for the Western District of Texas on February 28, 2012, in the case of *Perez, et al. v. Perry, et al.* (No. SA-11-CV-360), and identified as PLAN235 on the redistricting computer system operated by the Texas Legislative Council, as the permanent plan for districts used to elect members of the United States House of Representatives from the State of Texas.

S.B. 4 provides that the legislature finds that:

- the United States District Court for the Western District of Texas properly applied the decision of the United States Supreme Court on January 20, 2012, in *Perry, et al. v. Perez, et al.*, 565 U.S. ____ (2012) (per curiam), in the creation of the district court's interim plan for Texas' congressional districts for use in the 2012 elections;
- the district court's interim plan for Texas' congressional districts complies with all federal and state constitutional provisions or laws applicable to redistricting plans, including the federal Voting Rights Act; and
- the adoption of the district court's interim plan for Texas' congressional districts as a permanent plan by the Texas Legislature will:
 - diminish the expense of further time and money by

- all parties in Texas' ongoing redistricting litigation;
- avoid disruption of the upcoming election cycle;
and
- provide certainty and continuity to the citizens of Texas regarding the districts used to elect members of the United States House of Representatives from Texas.

S.B. 4 repeals Chapter 1 (S.B. 4), Acts of the 82nd Legislature, 1st Called Session, 2011 (Article 197j, Vernon's Texas Civil Statutes).

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, on the 91st day after the last day of the legislative session.