

By: Anchia

H.J.R. No. 74

A JOINT RESOLUTION

1 proposing a constitutional amendment establishing the Texas
2 Redistricting Commission to redistrict the Texas Legislature and
3 Texas congressional districts and revising procedures for
4 redistricting.

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 subsection;

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 subsection;

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 appointed by the member appointed
10 under Subdivision (5) of this subsection who must be retired
11 federal judges appointed to the federal bench by presidents of
12 different political parties.

13 (c) The members of the commission shall appoint one of the
14 members to serve as presiding officer by an affirmative vote of a
15 majority of the members of the commission.

16 (d) Each member of the commission must be a resident of this
17 state and have relevant skills and abilities, including analytical
18 skills, the capacity for impartiality, and an appreciation for the
19 diverse demographics and geography of the state. A person is not
20 eligible to serve on the commission if the person:

21 (1) holds an elective or appointive public office,
22 other than the office of retired federal judge if the member is
23 appointed under Subsection (b)(6) of this section or an office on
24 the governing body of a school district;

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

26 (3) is employed by:

27 (A) an elected or appointed public official;

1 (B) a candidate for the legislature or the United
2 States Congress; or

3 (C) an entity whose principal purpose is to
4 support or oppose a candidate described by Paragraph (B) of this
5 subdivision;

6 (4) has served in a position described by Subdivision
7 (1), (2), or (3) of this subsection within the three years preceding
8 the date the person is appointed to the commission;

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

14 (6) is related to an elected or appointed public
15 official within the second degree by consanguinity, as determined
16 under general law governing consanguinity.

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

23 (f) A member of the commission may not be a candidate in an
24 election for the Texas Senate or Texas House of Representatives
25 before the third anniversary of the date the commission adopts a
26 redistricting plan or modification of a plan for that body during
27 the person's service on the commission.

1 (g) A member of the Texas House of Representatives, the
2 Texas Senate, or the United States House of Representatives may not
3 have contact, directly or indirectly, with a redistricting
4 commission member or with redistricting commission staff, with
5 respect to redistricting, except by testimony in a public hearing.
6 Redistricting commission members may not engage in any discussions,
7 directly or indirectly, regarding redistricting or the work of the
8 redistricting commission with members of the Texas House of
9 Representatives, the Texas Senate, or the United States House of
10 Representatives, except during a public hearing or by written
11 communication given to the entire commission. If a redistricting
12 commission member engages in a prohibited discussion or violates
13 state law regarding public meetings, the commission may, by
14 majority vote, remove the member from the commission.

15 (h) A redistricting plan or modification of a redistricting
16 plan is adopted by a vote of not less than five members of the
17 commission.

18 (i) The members of the commission appointed under
19 Subsections (b)(1) through (4) of this section shall be appointed
20 not earlier than January 25 or later than January 31 of each year
21 ending in 1. The member appointed under Subsection (b)(5) of this
22 section shall be appointed not later than the 15th day after the
23 commission convenes under Subsection (k) of this section. The
24 members appointed under Subsection (b)(6) of this section shall be
25 appointed not later than the 15th day after the date of an
26 appointment under Subsection (b)(5) of this section.

27 (j) As soon as practicable after the commission convenes,

1 all members of the commission must attend training provided by a
2 legislative agency that has provided redistricting services to the
3 legislature. The training must include:

4 (1) information on the demographics and geography of
5 the state;

6 (2) the responsibilities of the commission;

7 (3) information on the redistricting process; and

8 (4) redistricting software training.

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

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

25 (m) In a redistricting plan or modification of a plan
26 adopted under this section, the commission shall consider the
27 following criteria, giving priority to each criterion in the order

1 listed:

2 (1) districts must be drawn in accordance with the
3 federal constitution and all applicable federal laws, including the
4 federal Voting Rights Act of 1965 (52 U.S.C. Section 10101 et seq.);

5 (2) in addition to the requirements of federal law,
6 districts must be drawn in a manner that does not discriminate on
7 the basis of race, color, or membership in a language minority group
8 by ensuring the voting strength of racial, ethnic, and language
9 minorities in the districts is not diluted in a manner that deprives
10 minority voters of an equal opportunity to elect a candidate of
11 their choice;

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

15 (4) to the extent reasonable, district boundaries may
16 not divide a community of interest other than a community based on a
17 relationship with a political party or candidate for public office;

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

22 (6) each congressional district must contain a
23 population as nearly equal as possible to the population of any
24 other district in the plan; and

25 (7) in a redistricting plan for the Texas Senate or
26 Texas House of Representatives the overall range of population
27 deviation from the district with the largest population to the

1 district with the smallest population may not exceed 2.5 percent.

2 (n) If a political subdivision must be divided, the
3 commission shall give preference to dividing a more populous
4 political subdivision before a less populous one. This subsection
5 does not apply to a boundary drawn along a county line that divides
6 a municipality.

7 (o) The commission may not draw a redistricting plan
8 purposely to favor or discriminate against a political party or any
9 other group.

10 (p) The commission shall provide a process by which the
11 public may comment on a proposed redistricting plan or proposed
12 modification of a plan. The commission shall consider those
13 comments in the adoption or modification of a redistricting plan.

14 (q) For a reasonable period before the commission considers
15 a redistricting plan, including a modification of a redistricting
16 plan, the commission shall make available to the public:

17 (1) a report that identifies for each district in the
18 plan:

19 (A) boundaries;

20 (B) population;

21 (C) racial and ethnic composition;

22 (D) compactness measure;

23 (E) divided governmental units; and

24 (F) political performance indexes; and

25 (2) the total number of:

26 (A) governmental units of each type that are
27 divided;

1 (B) politically balanced districts; and
2 (C) districts anticipated to lean toward each
3 political party.

4 (r) The legislature shall enact laws consistent with this
5 section to implement this section. The laws may include additional
6 qualifications for commission members and additional standards
7 applicable to redistricting plans.

8 (s) The legislature shall appropriate money or otherwise
9 provide the commission sufficient facilities and personnel to
10 enable the commission to carry out its duties.

11 (t) This section takes effect January 1, 2021. On that
12 date, the Legislative Redistricting Board is abolished and Section
13 28 of this article is repealed. The Texas Redistricting Commission
14 shall convene for the first time on the first business day after
15 January 31, 2021. This subsection expires January 1, 2022.

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

19 (e) Unless the legislature enacts a statewide
20 reapportionment of the judicial districts following each federal
21 decennial census, the board shall convene not later than the first
22 Monday of June of the third year following the year in which the
23 federal decennial census is taken to make a statewide
24 reapportionment of the districts. The board shall complete its
25 work on the reapportionment and file its order with the secretary of
26 state not later than August 31 of the same year. If the Judicial
27 Districts Board fails to make a statewide apportionment by that

1 date, the Texas [~~Legislative~~] Redistricting Commission [~~Board~~]
2 established by Article III, Section 28a [~~29~~], of this constitution
3 shall convene on September 1 of the same year to make a statewide
4 reapportionment of the judicial districts not later than the 90th
5 [~~150th~~] day after the final day for the Judicial Districts Board to
6 make the reapportionment.

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

20 (j) Until January 1, 2021, a reference in this section to
21 the Texas Redistricting Commission means the Legislative
22 Redistricting Board established under Article III, Section 28, of
23 this constitution. This subsection expires January 1, 2021.

24 SECTION 3. This proposed constitutional amendment shall be
25 submitted to the voters at an election to be held November 7, 2017.
26 The ballot shall be printed to permit voting for or against the
27 following proposition: "The constitutional amendment establishing

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1 the Texas Redistricting Commission to redistrict the Texas
2 Legislature and Texas congressional districts and revising
3 procedures for redistricting."