

By: Neave

H.J.R. No. 118

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. The Citizens Redistricting Commission  
9 (hereinafter the "commission") shall: (1) conduct an open and  
10 transparent process enabling full public consideration of and  
11 comment on the drawing of district lines; (2) draw district lines  
12 according to the redistricting criteria specified in this article;  
13 and (3) conduct themselves with integrity and fairness. (c)(1) The  
14 selection process is designed to produce a Citizens Redistricting  
15 Commission that is independent from legislative influence and  
16 reasonably representative of this State's diversity. (2) The  
17 Citizens Redistricting Commission shall consist of 14 members, as  
18 follows: five who have voted exclusively in the primary of the  
19 largest political party in Texas based on general election results,  
20 five who have voted exclusively in the primary of the second largest  
21 political party in Texas based on general election results, and  
22 four who have not voted in the primaries of either of the two  
23 largest political parties in Texas based on general election  
24 results. (3) Each commission member shall be a voter who has been

1 continuously registered in Texas who has voted in the same  
2 political party's primaries or not voted in a political party  
3 primary and who has not voted in another political party's primary  
4 for five or more years immediately preceding the date of his or her  
5 appointment. Each commission member shall have voted in two of the  
6 last three statewide general elections immediately preceding his or  
7 her application. (4) The term of office of each member of the  
8 commission expires upon the appointment of the first member of the  
9 succeeding commission. (5) Nine members of the commission shall  
10 constitute a quorum. Nine or more affirmative votes shall be  
11 required for any official action. The three final maps must be  
12 approved by at least nine affirmative votes which must include at  
13 least three votes of members registered from each of the two largest  
14 political parties in Texas based on the most recent general  
15 election results and three votes from members who have not voted in  
16 either of these two political parties' primaries. (6) Each  
17 commission member shall apply this article in a manner that is  
18 impartial and that reinforces public confidence in the integrity of  
19 the redistricting process. A commission member shall be ineligible  
20 for a period of 10 years beginning from the date of appointment to  
21 hold elective public office at the federal, state, or county level  
22 in Texas. A member of the commission shall be ineligible for a  
23 period of five years beginning from the date of appointment to hold  
24 appointive federal, state, or county public office, to serve as  
25 paid staff for the Legislature or any individual legislator or to  
26 register as a federal, state, or local lobbyist in this State. (d)  
27 The commission shall establish single-member districts for the

1 United States Congress, Texas Senate, Texas House, and State Board  
2 of Education pursuant to a mapping process using the following  
3 criteria as set forth in the following order of priority: (1)  
4 Districts shall comply with the United States Constitution. U.S.  
5 Congress, Senate, House, and State Board of Education districts  
6 shall have reasonably equal population with other districts for the  
7 same office, except where deviation is required to comply with the  
8 federal Voting Rights Act or allowable by law. (2) Districts shall  
9 comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and  
10 following). (3) Districts shall be geographically contiguous. (4)  
11 The geographic integrity of any city, county, city and county,  
12 neighborhood, or community of interest shall be respected to the  
13 extent possible without violating the requirements of any of the  
14 preceding subdivisions. Communities of interest shall not include  
15 relationships with political parties, incumbents, or political  
16 candidates. (5) To the extent practicable, and where this does not  
17 conflict with the criteria above, districts shall be drawn to  
18 encourage geographical compactness such that nearby areas of  
19 population are not bypassed for more distant population. (6) The  
20 place of residence of any incumbent or political candidate shall  
21 not be considered in the creation of a map. Districts shall not be  
22 drawn for the purpose of favoring or discriminating against an  
23 incumbent, political candidate, or political party.  
24 By January 1 in 2020, and in each year ending in the number zero  
25 thereafter, the State Auditor shall initiate an application  
26 process, open to all registered Texas voters in a manner that  
27 promotes a diverse and qualified applicant pool. (2) The State

1 Auditor shall remove from the applicant pool individuals with  
2 conflicts of interest including: (A) Within the 10 years  
3 immediately preceding the date of application, neither the  
4 applicant, nor a member of his or her immediate family, may have  
5 done any of the following: (i) Been appointed to, elected to, or  
6 have been a candidate for federal or state office. (ii) Served as  
7 an officer, employee, or paid consultant of a political party or of  
8 the campaign committee of a candidate for elective federal or state  
9 office. (iii) Served as an elected or appointed member of a  
10 political party central committee. (iv) Been a registered federal,  
11 state, or local lobbyist. (v) Served as paid congressional,  
12 legislative, or State Board of Education staff. (vi) Contributed  
13 two thousand dollars (\$2,000) or more to any congressional, state,  
14 or local candidate for elective public office in any year, which  
15 shall be adjusted every 10 years by the cumulative change in the  
16 Texas Consumer Price Index, or its successor. (B) Staff and  
17 consultants to, persons under a contract with, and any person with  
18 an immediate family relationship with the Governor, a Member of the  
19 Legislature, a member of Congress, or a member of the State Board of  
20 Education, are not eligible to serve as commission members. As used  
21 in this subdivision, a member of a person's "immediate family" is  
22 one with whom the person has a bona fide relationship established  
23 through blood or legal relation, including parents, children,  
24 siblings, and in-laws. (b) The State Auditor shall establish an  
25 Applicant Review Panel, consisting of three qualified independent  
26 auditors, to screen applicants. The State Auditor shall randomly  
27 draw the names of three qualified independent auditors from a pool

1 consisting of all auditors employed by the state and licensed by the  
2 Texas Board of Accountancy at the time of the drawing. The State  
3 Auditor shall draw until the names of three auditors have been drawn  
4 including one who is registered with the largest political party in  
5 Texas based on party registration, one who is registered with the  
6 second largest political party in Texas based on party  
7 registration, and one who is not registered with either of the two  
8 largest political parties in Texas. After the drawing, the State  
9 Auditor shall notify the three qualified independent auditors whose  
10 names have been drawn that they have been selected to serve on the  
11 panel. If any of the three qualified independent auditors decline  
12 to serve on the panel, the State Auditor shall resume the random  
13 drawing until three qualified independent auditors who meet the  
14 requirements of this subdivision have agreed to serve on the panel.  
15 A member of the panel shall be subject to the conflict of interest  
16 provisions set forth in paragraph (2) of subdivision (a). (c)  
17 Having removed individuals with conflicts of interest from the  
18 applicant pool, the State Auditor shall no later than August 1 in  
19 2020, and in each year ending in the number zero thereafter,  
20 publicize the names in the applicant pool and provide copies of  
21 their applications to the Applicant Review Panel. (d) From the  
22 applicant pool, the Applicant Review Panel shall select 60 of the  
23 most qualified applicants, including 20 who are registered with the  
24 largest political party in Texas based on registration, 20 who are  
25 registered with the second largest political party in Texas based  
26 on registration, and 20 who are not registered with either of the  
27 two largest political parties in Texas based on registration.

1 These subpools shall be created on the basis of relevant analytical  
2 skills, ability to be impartial, and appreciation for Texas's  
3 diverse demographics and geography. The members of the panel shall  
4 not communicate with any State Board of Education member, Senator,  
5 House Member, congressional member, or their representatives,  
6 about any matter related to the nomination process or applicants  
7 prior to the presentation by the panel of the pool of recommended  
8 applicants to the Secretary of the Senate and the Chief Clerk of the  
9 House. (e) By October 1 in 2020, and in each year ending in the  
10 number zero thereafter, the Applicant Review Panel shall present  
11 its pool of recommended applicants to the Secretary of the Senate  
12 and the Chief Clerk of the House. No later than November 15 in 2020,  
13 and in each year ending in the number zero thereafter, the President  
14 pro Tempore of the Senate, the Minority Floor Leader of the Senate,  
15 the Speaker of the House, and the Minority Floor Leader of the House  
16 may each strike up to two applicants from each subpool of 20 for a  
17 total of eight possible strikes per subpool. After all legislative  
18 leaders have exercised their strikes, the Secretary of the Senate  
19 and the Chief Clerk of the House shall jointly present the pool of  
20 remaining names to the State Auditor. (f) No later than November 20  
21 in 2020, and in each year ending in the number zero thereafter, the  
22 State Auditor shall randomly draw eight names from the remaining  
23 pool of applicants as follows: three from the remaining subpool of  
24 applicants registered with the largest political party in Texas  
25 based on registration, three from the remaining subpool of  
26 applicants registered with the second largest political party in  
27 Texas based on registration, and two from the remaining subpool of

1 applicants who are not registered with either of the two largest  
2 political parties in Texas based on registration. These eight  
3 individuals shall serve on the Citizens Redistricting Commission.  
4 (g) No later than December 31 in 2020, and in each year ending in the  
5 number zero thereafter, the eight commissioners shall review the  
6 remaining names in the pool of applicants and appoint six  
7 applicants to the commission as follows: two from the remaining  
8 subpool of applicants registered with the largest political party  
9 in Texas based on registration, two from the remaining subpool of  
10 applicants registered with the second largest political party in  
11 Texas based on registration, and two from the remaining subpool of  
12 applicants who are not registered with either of the two largest  
13 political parties in Texas based on registration. The six  
14 appointees must be approved by at least five affirmative votes  
15 which must include at least two votes of commissioners registered  
16 from each of the two largest parties and one vote from a  
17 commissioner who is not affiliated with either of the two largest  
18 political parties in Texas. The six appointees shall be chosen to  
19 ensure the commission reflects this state's diversity, including,  
20 but not limited to, racial, ethnic, geographic, and gender  
21 diversity. However, it is not intended that formulas or specific  
22 ratios be applied for this purpose. Applicants shall also be chosen  
23 based on relevant analytical skills and ability to be impartial.  
24 Citizens Redistricting Commission Vacancy, Removal, Resignation,  
25 Absence. (a) In the event of substantial neglect of duty, gross  
26 misconduct in office, or inability to discharge the duties of  
27 office, a member of the commission may be removed by the Governor

1 with the concurrence of two-thirds of the Members of the Senate  
2 after having been served written notice and provided with an  
3 opportunity for a response. A finding of substantial neglect of  
4 duty or gross misconduct in office may result in referral to the  
5 Attorney General for criminal prosecution or the appropriate  
6 administrative agency for investigation. (b) Any vacancy, whether  
7 created by removal, resignation, or absence, in the 14 commission  
8 positions shall be filled within the 30 days after the vacancy  
9 occurs, from the pool of applicants of the same voter registration  
10 category as the vacating nominee that was remaining as of November  
11 20 in the year in which that pool was established. If none of those  
12 remaining applicants are available for service, the State Auditor  
13 shall fill the vacancy from a new pool created for the same voter  
14 partisanship category.

15 Citizens Redistricting Commission Compensation. Members of the  
16 commission shall be compensated at the rate of three hundred  
17 dollars (\$300) for each day the member is engaged in commission  
18 business. For each succeeding commission, the rate of compensation  
19 shall be adjusted in each year ending in nine by the cumulative  
20 change in the Texas Consumer Price Index, or its successor. Members  
21 of the panel and the commission are eligible for reimbursement of  
22 personal expenses incurred in connection with the duties performed  
23 pursuant to this act. A member's residence is deemed to be the  
24 member's post of duty for purposes of reimbursement of expenses.  
25 Citizens Redistricting Commission Budget, Fiscal Oversight. (a) In  
26 2019, and in each year ending in nine thereafter, the Governor shall  
27 include in the Governor's Budget submitted to the Legislature



1 pursuant to Section 12 of Article IV of the Texas Constitution  
2 amounts of funding for the State Auditor, the Citizens  
3 Redistricting Commission, and the Secretary of State that are  
4 sufficient to meet the estimated expenses of each of those officers  
5 or entities in implementing the redistricting process required by  
6 this act for a three-year period, including, but not limited to,  
7 adequate funding for a statewide outreach program to solicit broad  
8 public participation in the redistricting process. The Governor  
9 shall also make adequate office space available for the operation  
10 of the commission. The Legislature shall make the necessary  
11 appropriation in the Budget Act, and the appropriation shall be  
12 available during the entire three-year period.

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

16 (e) Unless the legislature enacts a statewide  
17 reapportionment of the judicial districts following each federal  
18 decennial census, the board shall convene not later than the first  
19 Monday of June of the third year following the year in which the  
20 federal decennial census is taken to make a statewide  
21 reapportionment of the districts. The board shall complete its  
22 work on the reapportionment and file its order with the secretary of  
23 state not later than August 31 of the same year. If the Judicial  
24 Districts Board fails to make a statewide apportionment by that  
25 date, the Texas [~~Legislative~~] Redistricting Commission [~~Board~~]  
26 established by Article III, Section 28a [~~28~~], of this constitution  
27 shall convene on September 1 of the same year to make a statewide

1 reapportionment of the judicial districts not later than the 90th  
2 ~~[150th]~~ day after the final day for the Judicial Districts Board to  
3 make the reapportionment.

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

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

21 SECTION 3. This proposed constitutional amendment shall be  
22 submitted to the voters at an election to be held November 7, 2017.  
23 The ballot shall be printed to permit voting for or against the  
24 following proposition: "The constitutional amendment establishing  
25 the Texas Redistricting Commission to redistrict the Texas  
26 Legislature and Texas congressional districts and revising  
27 procedures for redistricting."