

Senate redistricting
(SB 800 by Ogg)

DIGEST: SB 800 would have changed the boundaries of the 31 state Senate districts to reflect the population changes reported in the 1980 Census.

GOVERNOR'S
REASONS
FOR VETO:

SB 800 is unlawful under the U.S. and Texas Constitutions. It does not allow black citizens a fair opportunity, particularly in Dallas County, to elect a Senator who will best represent their interests. It divides historic communities of interest and gerrymanders district lines to pit rural voters against urban voters, especially in Dallas-Fort Worth, which the plan willy-nilly divides into districts reaching far out into rural areas. It makes no effort to comply with the Texas Constitution's Article III, Section 25 requirement that qualified electors be taken into consideration in drawing equal districts, not just total population. Finally, it does not take into account population growth trends that would cause the districts to become substantially unequal again in a short period. The Legislative Redistricting Board can correct these defects.

SPONSOR'S
VIEW:

Sen. Ogg called the veto "purely political and not justified on any legal ground." The Dallas district is 66 percent minority, clearly within any legal guideline for a minority district. The Governor's real objection is that the plan benefits Democrats more than Republicans, particularly since it pairs Republican Sens. Leedom and Travis in Dallas County. An Attorney General's opinion (MW-350) recently stated that the "qualified electors" basis for senatorial redistricting is "unconstitutional" on its face as inconsistent with the equal protection clause of the Fourteenth amendment to the U.S. Constitution. The opinion also stated that "no state or federal law prohibits the combination of rural and urban areas in a single senatorial district." Finally, while the U.S. Supreme Court has said that projected population shifts may be considered when they can be predicted with a high degree of accuracy, are thoroughly documented, and are relied upon throughout the state, there is certainly no requirement that population growth projections be taken into account, most especially if by doing so the district populations would not be as nearly equal as practicable.

NOTES:

The last redistricting plan passed by the Legislature that was vetoed was a Senate redistricting bill vetoed by Gov. Oscar B. Colquitt in 1911. The existing Senate districts were drawn by the Legislative Redistricting Board when the 1971 Legislature did not pass a Senate redistricting bill during the regular session.