SUBJECT:	Enacting modified court-ordered redistricting plan for congressional districts
COMMITTEE:	Redistricting — committee substitute recommended
VOTE:	7 ayes — D. Jones, Glaze, Giddings, Hightower, Kubiak, Price, Wilson
	2 nays — Grusendorf, Marchant
	2 absent — Hunter, Moreno
WITNESSES:	For — None
	Against — None
	On — Rick Gray; David Hanna, Texas Legislative Council
BACKGROUND:	The *Vera v. Richards* (CA No. H-94-0277) challenge to the Texas congressional districts drawn in 1991 was filed in U.S. district court in January 1994 by seven registered voters from Houston and Dallas who claimed that the plan was an "effort to segregate the races for purposes of voting" and thus racially gerrymandered. The suit was filed following a key U.S. Supreme Court decision on racial gerrymandering, *Shaw v. Reno*, 113 S. Ct. 2816, handed down in June 1993, which held that redistricting plans could be challenged under the equal protection clause of the U.S. Constitution's 14th Amendment when a district's geographic irregularities and "bizarre" shape appear racially based and when such segregation disregards traditional redistricting principles and is not justified by compelling state interests.

A previous Republican Party claim that Texas congressional district were politically gerrymandered to help incumbents and to discriminate against minority groups had been rejected by a federal panel in Austin.

The plaintiffs in *Vera v. Richards* lawsuit won a preliminary victory on August 17, 1994, when a three-judge Houston panel ruled that congressional Districts 18, 29 and 30 were "conceived for the purpose of providing 'safe' seats in Congress" for two African-American and one Hispanic representative and were therefore unconstitutional racial gerrymanders. On

June 13, 1996, the U.S. Supreme Court upheld the Houston panel's decision, now titled *Bush v. Vera* (116 S. Ct. 1941), and remanded the case to the Houston panel.

The Houston court panel — Fifth U.S. Circuit Judge Edith H. Jones and U.S. District Judges Melinda Harmon and David Hittner — drew a map in August 1996 for the November election based on a plan submitted by Speaker Laney and Lt. Gov. Bullock that had proposed changing nine districts. The court plan altered 13 districts — seven in Harris County and six in Dallas and Tarrant counties — for the 1996 elections only and gave the Legislature until June 30, 1997, to redraw districts for the 1998 and 2000 election cycles.

The Houston panel voided the March 1996 primary elections and required U.S. House members to be chosen at the November 5 election, with runoff elections on December 10.

Congressional districts, unlike legislative districts, are required to have zero population deviation.

(For additional background, see House Research Organization Focus Report Number 74-16, *State, Congressional Redistricting Update*, October 6, 1995, and Number 74-27, *Redistricting: Courts Say Try Again Before Next Census*, October 15, 1996.)

DIGEST: CSHB 772 would enact the court-ordered congressional district lines, with adjustments to eliminate deviations in the population in the 13 districts redrawn by the court. The districts would be used in the 1998 and 2000 election cycles and would not affect members or districts for the 105th Congress.

The bill would repeal the congressional district plan enacted by the Legislature in 1991 on January 1, 1999.

CSHB 772 would take immediate effect is finally passed by a two-thirds record vote of the membership of each house.

NOTES: The original version of the bill was the court-ordered plan, including population deviations.

The companion bill, SB 714 by Barrientos, passed the Senate Committee of the Whole on April 23 by 26-5. It was withdrawn from the Senate intent calendar on April 25.

Yesterday the House adopted a rule proposed by the Calendars Committee providing that an amendment to HB 772 will be in order only if it was prepared using the Texas Legislative Council's Redistricting Application Computer System (REDAPPL).