

BILL ANALYSIS

Senate Research Center
77R2478 JSA-D

S.J.R. 5
By: Wentworth
Redistricting
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As Filed

DIGEST AND PURPOSE

Currently, the Texas Constitution directs the legislature to apportion Texas into state senate and state representative districts at the legislature's first regular session after the publication of the United States decennial census. As proposed, S.J.R. 5 establishes an independent, bipartisan citizen's redistricting commission to draw district lines for congressional districts, state senate districts, and state representative districts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article III, Texas Constitution, to add Section 28a, as follows:

Sec. 28a. (a) Provides that the Texas Redistricting Commission (commission) exercises the legislative authority of this state to adopt redistricting plans for the election of the Texas House of Representatives, Texas Senate, and the members of the United States House of Representatives elected from this state. Prohibits districts for those legislative bodies from being established or changed except as provided by this section.

(b) Provides that the commission consists of nine members selected as follows: (1) two members appointed by a majority vote of the members of the Texas House of Representatives belonging to the political party with the most members in the house of representatives;

(2) two members appointed by a majority vote of the members of the Texas House of Representatives belonging to the political party with the second highest number of members in the house of representatives;

(3) two members appointed by a majority vote of the members of the Texas Senate belonging to the political party with the most members in the senate;

(4) two members appointed by a majority vote of the members of the Texas Senate belonging to the political party with the second highest number of members in the senate; and

(5) one member appointed by an affirmative vote of not less than five of the members of the commission selected under Subdivisions (1) through (4) of this subsection.

(c) Provides that the member appointed under Subsection (b)(5) of this section is a nonvoting member and serves as presiding officer of the commission.

(d) Requires each member of the commission to be a resident of this state. Provides that a person is ineligible to serve on the commission if the person: is an elected public officer; holds an office in a political party other than membership on a precinct committee; or has served in a position described by Subdivision (1) or (2) of this subsection within the two years preceding the date the person is appointed to the commission.

(e) Provides that the full term of a member of the commission is a 10-year term that begins on February 1 of the year ending in one in which the initial appointment to the position is required to be made and expires on January 31 of the next year ending in one. Provides that a vacancy on the commission is filled in the same manner as provided by this section for the original appointment. Authorizes the supreme court to fill a vacancy only when the initial appointing authority fails to fill the vacancy on or before the 20th day after the date the vacancy occurs. Authorizes the members of the Texas House of Representatives or Texas Senate authorized to appoint a member of the commission to convene as necessary to make an appointment or fill a vacancy.

(f) Prohibits a member of the commission from being a candidate in an election for the Texas Senate or Texas House of Representatives before the second anniversary of the last date the commission adopted a plan or modification of a plan for that body during the person's service on the commission.

(g) Provides that a redistricting plan or modification of a redistricting plan is adopted by a vote of not less than five members of the commission.

(h) Requires the members of the commission appointed under Subsections (b)(1) through (4) of this section to be appointed not earlier than January 25 or later than January 31 of each year ending in one. Requires the member appointed under Subsection (b)(5) of this section to be appointed not later than the 30th day after the commission convenes under Subsection (i) of this section. Requires the supreme court, if a member is not appointed in the time provided by this subsection, to make the appointment before the sixth day after the last date on which the initial appointing authority could have made the appointment.

(i) Requires the commission to convene on the first business day after January 31 of each year ending in one and to adopt a redistricting plan for the Texas Senate, Texas House of Representatives, and the members of the United States House of Representatives elected from this state not later than July 1 of that year, unless the federal decennial census is delivered to the appropriate officials of this state after May 1 of that year, in which event the commission is required to adopt those redistricting plans not later than the 90th day after the date the census is delivered.

(j) Provides that if the commission does not adopt a plan within the time required by Subsection (i) of this section, the commission's authority to adopt a plan is suspended and the supreme court is required to adopt a plan for the applicable legislative body not later than September 1 of the year in which the census is delivered, or the 60th day after the last date by which the commission is directed to adopt a plan under Subsection (i) of this section, whichever date is later.

(k) Authorizes the commission to reconvene on the motion of at least four of its voting members at any time after the adoption of the initial state senate, state house, or congressional redistricting plan to modify that plan if the plan becomes unenforceable by order of a court or by action of any other appropriate authority or is subject to legal challenge in a court proceeding. Requires the commission, in modifying a redistricting plan, to comply with all applicable standards imposed by this section, other provisions of this constitution, and laws enacted under this section but is not limited to modifications necessary to correct legal deficiencies.

(l) Authorizes the commission to reconvene to adopt a redistricting plan if the supreme court does not adopt a plan for the applicable body in the time provided by Subsection (j) of this section, if the supreme court is required to adopt a plan for that body because the commission did not adopt an initial plan for that body as required by Subsection (i) of this section.

(m) Provides that in a redistricting plan or modification of a plan adopted under this section, each district is required to contain a population, excluding nonresident military personnel, as nearly equal as practicable to the population of any other district in the plan. Requires each district, to the extent reasonable, to contain contiguous territory, be compact and convenient, and be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries.

(n) Prohibits the commission or supreme court from drawing a redistricting plan purposely to favor or discriminate against any political party or group.

(o) Requires the legislature to enact laws consistent with this section to implement this section. Authorizes the legislature to include in laws additional qualifications for commission members and additional standards applicable to redistricting plans.

(p) Requires the legislature to appropriate money to enable the commission to carry out its duties.

(q) Provides that the supreme court has original jurisdiction to hear and decide cases involving congressional or state legislative redistricting, including a case involving a redistricting plan adopted by the supreme court under this section. Provides that a member of the court is not disqualified from participating in a redistricting case because the member has participated or may participate in the adoption of a redistricting plan, but is authorized to recuse himself or herself from the case. Provides that this subsection supersedes any other law, including an applicable code of judicial conduct, with regard to conflicts of interest by a member of the court.

(r) Provides that this section takes effect January 1, 2011. Abolishes the Legislative Redistricting Board and repeals Section 28 of this article on that date. Requires the commission to convene for the first time on the first business day after January 31, 2011. Prohibits the commission from exercising any power under this section before that date. Provides that this subsection expires January 1, 2012.

SECTION 2. Amends Section 7a, Article V, Texas Constitution, by amending subsections (e) and (i) and adding Subsection (j), to require the commission established by Article III, Section 28a, of this constitution, if the Judicial Districts Board fails to make a statewide apportionment by a certain date, to convene on September 1 of the same year to make a statewide reapportionment of the judicial districts not later than the 90th, rather than the 150th, day after the final day for the Judicial Districts Board to make the reapportionment. Provides that until January 1, 2011, a reference in this section to the commission means the Legislative Redistricting Board established under Section 28, Article III, of this constitution. Provides that this subsection expires January 1, 2011. Makes conforming changes.

SECTION 3. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 6, 2001. Requires the ballot to be printed to permit voting for or against the following proposition: "The constitutional amendment establishing the Texas Redistricting Commission after the federal census for the year 2010 to redistrict the Texas Legislature and Texas congressional districts, and revising the redistricting provisions of the Texas Constitution."