

## BILL ANALYSIS

Senate Research Center  
78S10502 DRH-F

S.B. 48  
By: Wentworth  
Jurisprudence  
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As Filed

### DIGEST AND PURPOSE

As proposed, S.B. 48 establishes the Texas Congressional Redistricting Commission (commission) an independent, bipartisan citizens' redistricting commission which has the responsibility for drawing the district lines for congressional districts. The commission would be established in 2011, after the federal census in 2010.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Congressional Redistricting Commission in SECTION 1 (Section 307.007, Government Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle A, Title 3, Government Code, by adding Chapter 307 as follows:

#### CHAPTER 307. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION

Sec. 307.001. DEFINITIONS. Defines "commission" and "plan."

Sec. 307.002. TEXAS CONGRESSIONAL REDISTRICTING COMMISSION. Provides that the Texas Congressional Redistricting Commission (commission) exercises the legislative authority of this state to adopt redistricting plans for the election of the members of the United States House of Representatives elected from this state. Prohibits districts for that legislative body from being established while the commission has authority to act under this chapter.

Sec. 307.003. MEMBERSHIP; TERMS. (a) Provides that the commission consists of nine members selected in a certain manner.

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

(c) Requires each member of the commission to be a resident of this state. Provides that a person is not eligible to serve on the commission if the person meets certain conditions.

(d) Provides that the full term of a member of the commission is a two-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. Provides that at the conclusion of a member's two-year term, the authority of the commission to act under this chapter expires until the appointment of new members in the subsequent year ending in one.

(e) Provides that a vacancy on the commission is filled in the same manner as provided by this section for the original appointment, except that, if the commission is convened when the vacancy occurs or if the vacancy exists when the commission reconvenes, the supreme court shall fill the vacancy if the initial appointing authority fails to fill the vacancy on or before the 20th day after the

date the vacancy occurs or the commission reconvenes, as applicable. Requires the supreme court to fill the vacancy not later than the ninth day after the earliest date on which the supreme court may fill the vacancy, or as soon after the ninth day as possible. Authorizes the members of the Texas House of Representatives or Texas Senate authorized to appoint a member of the commission to meet as necessary to make an appointment or to fill a vacancy.

(f) Requires the members of the commission appointed under Subsections (a)(1) through (4) 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 (a)(5) to be appointed not later than the 30th day after the commission convenes under Section 307.008(b). 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, or as soon after the sixth day as possible.

Sec. 307.004. OATH. Requires each person appointed, before serving on the commission, to take and subscribe to the constitutional oath of office.

Sec. 307.005. POLITICAL ACTIVITIES PROHIBITED. Prohibits a member of the commission from taking certain actions.

Sec. 307.006. OPERATION OF COMMISSION. (a) Requires the legislature to appropriate sufficient money for the compensation and payment of the expenses of the commission members and any staff employed by the commission.

(b) Requires the commission to be provided access to statistical or other information compiled by the state or its political subdivisions as necessary for the commission's reapportionment duties.

(c) Requires the Texas Legislative Council, under the direction of the commission, to provide the technical staff and clerical services that the commission needs to prepare its plans.

Sec. 307.007. DUTIES. Requires the commission to adopt rules to administer this chapter and comply with Chapters 551 and 552.

Sec. 307.008. ADOPTION OF PLAN. (a) 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.

(b) 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 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 shall adopt the redistricting plan not later than the 90th day after the date the census is delivered.

(c) Provides that if the commission does not adopt a plan within the time required by Subsection (b), the commission's authority to adopt a plan is suspended and requires the supreme court to adopt the plan 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 (b), whichever date is later.

Sec. 307.009. MODIFICATION OF PLAN; ADDITIONAL ACTION. (a) Authorizes the commission to reconvene on the motion of at least four of its voting members filed with the secretary of state at any time after the adoption of the initial 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 chapter, but provides the commission is not limited to modifications necessary to correct legal deficiencies.

(b) Authorizes the commission to reconvene in the manner provided by Subsection (a) to adopt a redistricting plan if the supreme court does not adopt a plan for the applicable body in the time provided by Section 307.008(c), 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 Section 307.008(b).

Sec. 307.010. PLAN REQUIREMENTS. (a) Requires each district, in a redistricting plan or modification of a plan adopted under this chapter to be composed of contiguous territory, to contain a population, excluding nonresident military personnel, as nearly equal as practicable to the population of any other district in the plan, and to the extent reasonable, to be compact and convenient and be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries.

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

(c) Requires the commission, for each plan or modification of a plan adopted by the commission, to prepare and publish a report that includes certain information.

(d) Requires the commission to make a copy of a report prepared under this section available to the public.

Sec. 307.011. SUBMISSION OF PLAN. Requires the commission, on adoption of a plan or modification of a plan by the commission, to submit the plan or modification to the governor, the secretary of state, and the presiding officer of each house of the legislature.

Sec. 307.012. CESSATION OF OPERATIONS. (a) Requires the commission, following the initial adoption of the plan that the commission is required to adopt, to take all necessary steps to conclude its business and suspend operations until the commission reconvenes as provided by Section 307.009 if it does reconvene. Requires the committee, on expiration of the terms of the members of the committee, to suspend its operations until the appointment of new members in the subsequent year ending in one.

(b) Requires the commission to prepare a financial statement disclosing all expenditures made by the commission. Requires the official record of the commission to contain all relevant information developed by the commission in carrying out its duties, including maps, data, minutes of meetings, written communications, and other information.

(c) Provides that after the commission suspends operations, the secretary of state becomes the custodian of its official records for purposes of election administration. Provides that any unexpended money from an appropriation to the commission reverts to the general revenue fund.

Sec. 307.013. CHALLENGES TO PLAN. (a) Authorizes any person aggrieved by the plan or modification, after a plan or modification of a plan is adopted by the commission or supreme court, to file a petition with the supreme court challenging the plan.

(b) Provides that the supreme court has original jurisdiction to hear and decide cases involving congressional redistricting, including a case involving a redistricting plan adopted by the supreme court under this chapter. 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 may 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 or disqualification of a member of the court.

(c) Authorizes the supreme court to consolidate any or all petitions and requires the supreme court to give the petitions precedence over all other matters.

(d) Provides that this section does not limit the remedies available under other law to any person aggrieved by a plan.

SECTION 2. Effective date: January 1, 2005.