

BILL ANALYSIS

Senate Research Center
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S.B. 1556
By: Rodriguez
Redistricting
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The United States Supreme Court has held that congressional redistricting is delegated to the states under Section 2, Article I, United States Constitution, and is authorized to be legislated through the general lawmaking authority of each state. Historically, in Texas, redistricting of congressional districts has been considered a legislative responsibility under the general legislative power granted by Section 1, Article III, of the Texas Constitution.

Currently, there are no specific Texas laws regarding congressional redistricting, neither in Texas statutes nor in the Texas Constitution.

S.B. 1556 establishes the legislature's authority over the redistricting of congressional districts and establishes fair redistricting principles and related procedures for the legislature. The goal of redistricting will be to provide fair and effective representation for the people of Texas in their communities of interest, from local to regional. Compliance with these principles will enhance public esteem for the legislature and maintain the public's confidence in the integrity of the redistricting process.

As proposed, S.B. 1556 amends current law relating to requirements for reapportionment of congressional 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 Subtitle A, Title 3, Government Code, by adding Chapter 307, as follows:

CHAPTER 307. CONGRESSIONAL REDISTRICTING PRINCIPLES AND PROCEDURES

Sec. 307.001. DEFINITIONS. Defines, in this chapter, "census," "district," "ideal district population," and "plan."

Sec. 307.002. REDISTRICTING PLAN REQUIREMENTS. (a) Requires that a plan comply with state and federal constitutional and statutory requirements.

(b) Requires the districts in a plan to be equal in population as nearly as practicable.

(c) Prohibits the districts in a plan from deviating from the ideal district population by one percent or more. Requires that any deviation from the ideal district population be in furtherance of a legitimate state objective or policy established by this chapter.

Sec. 307.003. REDISTRICTING PLAN PRINCIPLES. (a) Requires that a plan be based on the following principles to the extent practicable and authorized or required by law:

1. Requires that a plan respect the integrity of the state's basic geographic regions as delineated by its councils of governments. Requires these councils to be used to form the cores of districts individually or by combining or dividing as may be required to comply with Section 307.002.

2. Requires that a plan avoid unnecessarily dividing counties and municipalities in the formation of districts. Requires that district lines be coterminous with the boundaries of these political subdivisions. Prohibits municipal boundaries, which may be highly irregular, from being given priority over retaining a community of interest intact.

3. Requires that a plan keep intact any discrete and insular communities of interest that are readily identifiable, based on actual shared and relevant interests and common concerns. Requires communities of interest to be defined by social, economic, racial, ethnic, cultural, industrial, commercial, and geographic commonalities.

4. Requires that a district be composed solely of undivided census tracts as the smallest unit of redistricting.

5. Requires that a district be geographically compact, composed of convenient contiguous territory, and based on a sense of community enabled by reasonable availability and facility of transportation and communication between population centers and other inhabited areas. Prohibits a district from being considered non-compact due solely to irregular natural geographic or political boundaries. Provides that a district is not contiguous unless all areas are joined by whole census tracts; areas that connect only at the points of adjoining corners are not contiguous.

6. Requires that a plan be drawn totally and absolutely without regard or reference to partisan political effect or consequences of any kind. Provides that the following data are strictly prohibited and excluded from use in establishing districts: partisan data of any type, voting history and electoral data, and locations of the residences of incumbents, candidates, or any other specific persons.

(b) Provides that these principles are intended to recognize the primacy of recognizing communities of interest, from regional to local, in redistricting. Provides that, although population equality is the primary goal of redistricting, adjustments to equalize populations should be made with minimal disruption to communities of interest as articulated by these principles.

(c) Provides that the principles established by this section are interdependent, interrelated, and compatible. Requires that a conflict between principles when applied be resolved in favor of the principle or set of principles that produces a district that most fairly and effectively reflects the affected communities of interest.

Sec. 307.004. REGIONAL HEARINGS. (a) Requires the legislature to conduct public hearings regarding congressional redistricting in the various geographical regions of the state beginning in the year in which the census is taken.

(b) Requires that at least one public hearing be conducted within the boundaries of each regional planning commission whose participating local governments have a total population equal to or greater than the ideal district population.

(c) Requires that a notice of a public hearing be made in a manner that ensures notice to the public. Requires that a notice include the principles established by Sections 307.002 and 307.003.

(d) Requires that a public hearing be designed to promote public participation by providing citizens the opportunity to testify, especially regarding local and regional communities of interest.

(e) Requires each person testifying at a public hearing to be treated equally. Provides that a public official or other person may not be given special treatment at a hearing because of the person's official status, and the testimony of a public official may not be given special consideration. Requires that testimony be received in the order the witnesses appeared and registered to testify.

Sec. 307.005. LEGISLATIVE SESSIONS AND REDISTRICTING. (a) Requires that a plan be enacted by the legislature as provided by law, but not later than the 120th day before the date a person is required to file to be a candidate in a primary election in the year following the release of the census.

(b) Requires a legislative redistricting committee of either house to hold public hearings to consider legislation proposing a plan. Requires that the public be allowed to provide testimony at a hearing under this subsection. Authorizes a person to submit information to a redistricting committee that identifies boundaries of communities of interest. Authorizes a person to submit a plan to a redistricting committee at any time if the plan is based on census counts, conforms to the requirements of Sections 307.002 and 307.003, and provides relevant explanations for why each district is drawn as it is.

Sec. 307.006. TECHNICAL ASSISTANCE. (a) Requires the Texas Legislative Council (TLC) to develop compactness tests based on prevailing optimal compactness models to measure relative compactness of individual districts and alternative plans.

(b) Requires TLC to establish objective models to measure a plan's compliance with Sections 307.002 and 307.003. Requires TLC for that purpose, to prepare a comparative analysis and establish a qualitative rating for plans considered by a legislative redistricting committee or a house of the legislature. Requires that each analysis and rating be made available to the public for comment.

Sec. 307.007. CHALLENGES TO PLAN; COURT-ORDERED PLANS. (a) Provides that, except as provided by federal law, the Supreme Court of Texas has original jurisdiction of a legal challenge to a plan enacted by the legislature.

(b) Requires TLC to forward to the Supreme Court of Texas the five highest-rated plans presented to or considered by the legislature as determined under Section 307.006(b), and the highest-rated plan created by an individual who is not an employee or officer of the state, if an enacted plan is declared by the court to be invalid. Requires the court, not later than the 30th day after the date the court receives the plans, to adopt a submitted plan in its entirety as the state's official plan.

(c) Prohibits the legislature from redistricting this state's congressional districts more than once following each census except to replace a plan ordered by a court with a plan enacted by the legislature.

(d) Provides that it is the intent and will of the legislature that any plan ordered by a state or federal court comply with the standards and principles established by Sections 307.002 and 307.003 to the extent practicable.

SECTION 2. Effective date: upon passage or September 1, 2011.