

## **BILL ANALYSIS**

Senate Research Center  
76R7563 JSA-D

S.J.R. 27  
By: Wentworth  
State Affairs  
4/28/1999  
As Filed

### **DIGEST**

Currently, under the Texas Constitution, the legislature is directed 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. This bill would require the submission to the voters of a constitutional amendment to create the Texas Redistricting Commission to establish legislative and congressional districts and to revise the constitutional redistricting provisions.

### **PURPOSE**

As proposed, S.J.R. 27 requires the submission to the voters of a constitutional amendment to create the Texas Redistricting Commission to establish legislative and congressional districts and to revise the constitutional redistricting provisions.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

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

Sec. 28. (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 U.S. House of Representatives elected from this state. Prohibits districts for those legislative bodies to be established or changed except by this section.

(b) Sets forth the selection requirements for the commission.

(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. Sets forth the conditions under which a person is not eligible to serve on the commission.

(e) Provides that the full term of a member of the commission 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. Provides that the supreme court fills a vacancy only if the initial appointing authority fails to fill the vacancy on or before the 20th day after the date the vacancy occurs.

(f) Prohibits a member of the commission to be 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 three members of the commission.

(h) Requires the members of the commission appointed under Subsections (b)(1)-(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) to be appointed by a certain date. Requires the supreme court to make the appointment by a certain date, if a member is not appointed in the time provided.

(i) Requires the commission to convene on the first business day after January 31 of each year ending in one and 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 by a certain date, unless the federal decennial census is delivered to the appropriate officials of this state after a certain date, in which event the commission shall adopt those redistricting plans by a certain date.

(j) Provides that if the commission does not adopt a plan within the time required by Subsection (i), the commission's authority to adopt a plan is suspended and the supreme court shall adopt a plan by a certain date.

(k) Authorizes the commission to reconvene under certain conditions. Requires the commission to comply with all applicable standards, constitutional provisions, and laws in modifying a redistricting plan, 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 in the provided time.

(m) Sets forth certain requirements for a redistricting plan or modification of a plan adopted under this section.

(n) Prohibits the commission or the 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 laws to include additional qualifications for the commission members and additional standards applicable to redistricting plans.

(p) Requires the legislature to appropriate funds 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. 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.

(r) Requires the commission to convene for the first time on the first business day after January 31, 2001. Prohibits the commission from exercising any power under this section before that date. Provides that this subsection expires January 1, 2002. Deletes existing text concerning congressional and state redistricting.

SECTION 2. Amends Sections 7a(e) and (i), Article V, Texas Constitution, to make conforming and nonsubstantive changes.

SECTION 3. Repealer: Section 26a, Article III, Texas Constitution (Counties with more than Seven Representatives).

SECTION 4. Requires this proposed constitutional amendment to be submitted to the voter at an election to be held November 2, 1999. Sets forth the required language for the ballot.