

BILL ANALYSIS

Senate Research Center

S.J.R. 2
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Jurisprudence
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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. 2, and proposed companion legislation S.B. 6, would establish a nine-member citizens' 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, by adding Section 28a, as follows:

Sec. 28a. (a) Provides that the Texas Redistricting Commission (TRC) 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) Sets forth the makeup of the nine-member commission.

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

(d) Requires each TRC member to be a resident of this state. Provides that a person is not eligible to serve on TRC under certain circumstances.

(e) Sets forth the full term of a TRC member as 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 TRC is filled in the same manner as provided by this section for the original appointment, except that, if TRC is convened when the vacancy occurs or if the vacancy exists when TRC reconvenes, the supreme court is required to 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 TRC 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 TRC member to meet as necessary to make an appointment or to fill a vacancy.

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

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

(h) Requires TRC members 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 TRC 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, or as soon after the sixth day as possible.

(i) Requires TRC 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, the 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 TRC is required to adopt those redistricting plans not later than the 90th day after the date the census is delivered.

(j) Provides that if TRC does not adopt a plan within the time required by Subsection (i) of this section, its 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 TRC is directed to adopt a plan under Subsection (i) of this section, whichever date is later.

(k) Authorizes TRC 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 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 TRC, 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 provides TRC is not limited to modifications necessary to correct legal deficiencies.

(l) Authorizes TRC to reconvene in the manner provided by Subsection (k) of this section 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 TRC did not adopt an initial plan for that body as required by Subsection (i) of this section.

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

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

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

(p) Requires the legislature to appropriate money or otherwise provide TRC sufficient facilities and personnel to enable it 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 authorizes a member 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 or disqualification of a member of the court.

(r) Provides that this section takes effect January 1, 2011, on which date the Legislative Redistricting Board is abolished and Section 28 (Time for Apportionment; Apportionment by Legislative Redistricting Board) of this article is repealed. Requires the Texas Redistricting Commission to convene for the first time on the first business day after January 31, 2011. 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 read as follows:

(e) and (i) Make conforming changes.

(j) Provides that until January 1, 2011, a reference in this section to the Texas Redistricting Commission means the Legislative Redistricting Board established under Section 28, Article III, of this constitution. Provides that this subsection expires January 1, 2011.

SECTION 3. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 2003. Sets forth the required content of the ballot.