A Guide to the 87th Texas Legislative Session

José Menéndez
*The Senate of Texas, District 26*

Pearl D. Cruz
*The Senate of Texas, District 26*

Follow this and additional works at: [https://commons.stmarytx.edu/thescholar](https://commons.stmarytx.edu/thescholar)

Part of the American Politics Commons, Education Policy Commons, Election Law Commons, Law and Politics Commons, Law and Society Commons, Legal History Commons, Legislation Commons, and the State and Local Government Law Commons

**Recommended Citation**
Available at: [https://commons.stmarytx.edu/thescholar/vol23/iss3/2](https://commons.stmarytx.edu/thescholar/vol23/iss3/2)

This Article is brought to you for free and open access by the St. Mary's Law Journals at Digital Commons at St. Mary's University. It has been accepted for inclusion in The Scholar: St. Mary's Law Review on Race and Social Justice by an authorized editor of Digital Commons at St. Mary's University. For more information, please contact sfowler@stmarytx.edu.
[W]e will rebuild, reconcile and recover[,] and every known nook of our nation and[,] every corner called our country, our people diverse and beautiful will emerge, battered and beautiful[.]
When day comes we step out of the shade, aflame and unafraid[.]
The new dawn blooms as we free it.
For there is always light, if only we’re brave enough to see it[.]
If only we’re brave enough to be it[.]¹

I. CHALLENGES .............................................................................. 413
II. SOLUTIONS .................................................................................. 424

¹ The Honorable José Menéndez is a Texas State Senator serving District 26 since 2015. Senator Menéndez graduated from Central Catholic High School before earning degrees in Business Administration and Latin American Studies at Southern Methodist University.

Pearl D. Cruz is Chief of Staff and General Counsel for the Office of Texas State Senator José Menéndez. She earned her Doctor of Jurisprudence degree at St. Mary’s University School of Law in 2020 and served as the Volume 22 Editor in Chief of The Scholar: St. Mary’s Law Review on Race and Social Justice.

Now in 2021, our country enters a new era under the President Biden and Vice President Harris Administration. The new administration faces unprecedented challenges, including a divided nation and the continuing battle against and hopeful recovery from the COVID-19 pandemic. Within hours of taking their oaths, President Biden and Madam Vice President Harris issued several executive orders prioritizing our existing needs. Our country is ready for a new chapter.

Amidst this era, the Texas Legislature began the 87th Legislative Session on Tuesday, January 12, 2021. The Texas Legislature convenes for 140 days every odd-numbered year to discuss legislative priorities, with each member focusing on the particular needs of their individual

2. See Joseph R. Biden, Jr., President of U.S., Inaugural Address (Jan. 20, 2021) (setting the tone for the new Administration, stating, “My whole soul is in it. Today, on this January day, my whole soul is in this: Bringing America together. Uniting our people. And uniting our nation. I ask every American to join me in this cause. Uniting to fight the common foes we face: Anger, resentment, hatred. Extremism, lawlessness, violence. Disease, joblessness, hopelessness. With unity we can do great things. Important things. We can right wrongs.”) (transcript available at https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/01/20/inaugural-address-by-president-joseph-r-biden-jr/).

3. See id. (“This is a time of testing. We face an attack on democracy and on truth. A raging virus. Growing inequities. The sting of systemic racism.”).


5. See Biden, supra note 2 (signaling the need for a new chapter by proclaiming, “... unity is the path forward. And, we must meet this moment as the United States of America. If we do that, I guarantee you, we will not fail . . . And so today, at this time and in this place, let us start afresh.”).

6. See Tex. Const. art. III, § 5(a) (requiring the Legislature to convene every two years).
districts and constituencies. Thirty-one Senators and one hundred fifty members of the House of Representatives comprise the Texas Legislature. Ultimately, however, the Legislature need only pass one piece of legislation—the following biennium budget.

The Texas Legislature falls into a particularly difficult position, conducting this session during a global pandemic. In writing this article, we outline the expected challenges our Legislature will face and offer solutions to combat these challenges. Our government was created for the people, by the people, and we intend on ensuring all voices are heard.

I. CHALLENGES

During the first day of the Legislative Session, the respective chambers discussed their upcoming session rules. These rules encompassed how
the Legislature would conduct business.\textsuperscript{14} Typically, the first day of the
session is standard and discusses matters such as how to handle legislative concerns and newly elected members are sworn-in.\textsuperscript{15} In this
session, however, the chambers were quite stark in comparison, forcing members to decide how they would conduct business during a global pandemic.\textsuperscript{16} We would be remiss if we failed to mention the threats of
domestic terrorism that loomed over the Texas Capitol on opening day.\textsuperscript{17} With COVID-19 safety protocols encouraging social distancing,
avoiding large crowds, and wearing masks, conducting a legislative session in its midst seems like an oxymoron.\textsuperscript{18} The respective members

\textsuperscript{14} See Tex. S. Res. 2 (modifying legislative session procedures to increase safe practices during COVID-19. Some modifications include changing voting with five-ninths vote of members present rather than the usual three-fifths).

\textsuperscript{15} See Week in Review: A Digest of What Happened this Week at the Capitol, TEX. ASS’N OF COUNTIES (Jan. 15, 2021), https://www.county.org/News/County-Issues/2021/January/Week-in-Review-Jan-15 [https://perma.cc/2647-Y5F9] (discussing the first day of the 87th Legislative Session and how they were able to complete business, the procedures implemented for the safeguard of members, and newly elected representatives); see also Tex. S. Res. 1 (overviewing how each senator is allowed to have only one staff member on the floor while the Senate is in session).

\textsuperscript{16} See TEX. ASS’N OF COUNTIES, supra note 15 (addressing how the pandemic and siege of the U.S. Capitol on January 6, 2021 created unprecedented conditions for opening day); see also Tex. S. Res. 1, 87th Leg., R.S. (2021) (detailing the new protocols enacted in response to COVID-19 to ensure the safety of the members, including demonstrating a negative COVID-19 test to enter the gallery).

\textsuperscript{17} See Letter from Senator José Menéndez et al. to Governor Abbott et al. (Jan. 8, 2021) (on file with The Scholar: St. Mary’s Law Review on Race and Social Justice) (addressing the concerns of Senator Menéndez, Senator Alvarado, and Senator Eckhardt on the eve of opening day to the attack on the United States Capitol occurring on January 6, 2021); see also Patrick Svitek, Texas Legislative Session Begins with Heavy Security Presence Following U.S. Capitol Riot, TEX. TRIB. (Jan. 12, 2021, 3:00 PM), https://www.texastribune.org/2021/01/12/texas-legislature-first-day/ [https://perma.cc/62JC-P2CC] (demonstrating Texas Legislature’s concern over increasing security at the biennial session following the attack on the U.S. Capitol); cf. Lisa N. Sacco, Domestic Terrorism and the Attack on the U.S. Capitol, CONG. RSCH. SERV. (Jan. 13, 2021), https://crsreports.congress.gov/product/pdf/IN/IN11573 [https://perma.cc/XZ3H-JPGY] (discussing the definition of domestic terrorism, including whether or not the participants of breach of the United States Capitol are considered domestic terrorists).

in each chamber discussed the rules and ultimately made their decisions.\textsuperscript{19}

In addition to the global pandemic, both chambers discussed the Legislature’s rules on the House and Senate Redistricting committees.\textsuperscript{20} Redistricting, which takes place once every ten years, has been the subject of much litigation.\textsuperscript{21} In an effort to avoid future litigation, legislation discussed these rules at length.\textsuperscript{22} These respective rules passed as resolutions.\textsuperscript{23}

The intricacies of the Legislature unravel only slightly on day one.\textsuperscript{24} Under the constitutional rules, no committees are allowed to meet during the Legislature for the first thirty days.\textsuperscript{25} Moreover, during the first sixty

\begin{flushleft}
19. See S.J. of Tex., 87th Leg., R.S. 15 (2021) (first day proceedings) (transcribing a continuance of Day One of the 87th Legislative Session in the Texas Senate from January 12, 2021 with the voting of Senate Resolution 2. Senate Resolution 2 amended some rules and procedures due to COVID-19); see also Tex. S. Res. 1 (analyzing procedures that will both help reduce the spread of COVID-19 and allow the 87th Legislative Session to conduct business as usual); see generally Tex. S. Res. 2 (modifying legislative session procedures to better implement COVID-19 safe distancing and minimize virus transmission).

20. See Tex. S. Res. 4, 87th Leg., R.S. (2021) (overviewing the 87th Legislative Session’s decisions on redistricting committees and video conferencing testimonies).


22. See generally Tex. S. Res. 4, 87th Leg., R.S. (2021) (outlining the 87th Legislative Session’s decisions on redistricting, brought by the Special Committee on Redistricting).

23. See Tex. S. Res. 4, 87th Leg., R.S. (2021) (stating the rules of the Texas Senate redistricting committee, including the President designating the chair and vice-chair).

24. Compare Ross Ramsey, \textit{Analysis: Not Every Legislative Day in Texas is a Workday}, TEX. TRIB. (Jan. 29, 2021, 4:00AM), https://www.texastribune.org/2021/01/29/texas-legislature-pandemic/ [https://perma.cc/9VWC-MDQS] ("To get their work done, and to serve their constituents, members have to deal with each other across all sorts of differences—party, race, gender, geography, age. That’s much more difficult to do if they don’t have some kind of connection, and many of those connections are either created or renewed in the first weeks of a legislative session."); with KUT Staff, \textit{Today Was Opening Day of the 2021 Texas Legislative Session. Here’s What Happened.}, KUT 90.5 (Jan. 12, 2021, 8:57 AM), https://www.kut.org/politics/2021-01-12/its-opening-day-of-the-2021-texas-legislative-session [https://perma.cc/HA 9V-YJMA] (highlighting the legislative process of swearing in new senators and representatives, official protocols, and congressional activities).

25. See Tex. Const. art. III, § 5(b) ("When convened in regular Session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature.").
days, the only items discussed are emergency items set by the Governor. While the legislative session began January 12th, the Governor did not announce his legislative priorities until February 1st at the State of the State Address. Many anticipated the Governor’s priorities would include the shift of local police departments encompassed within the Texas Department of Public Safety. Moreover, the expected priorities were to include a response to the global pandemic.

In the Senate, the first thirty filed bills are reserved for the Lieutenant Governor’s priorities. As of today, however, Senate Bill 11 is the only bill filed. It is equally important to note that the Lieutenant Governor named the makeup of committee membership in the Senate. In doing

26. See Tex. Const. art. III, § 5(b) (“During the succeeding thirty days of the regular session of the Legislature the various committees of each House shall hold hearings to consider... such emergency matters as may be submitted by the Governor.”).

27. See Greg Abbott, Governor of Tex., State of the State Address (Feb. 1, 2021) (announcing that Texas’ legislative priorities include expanding broadband internet access, preventing cities from defunding the police, fixing the bail system, election integrity, and providing civil liability protections to businesses that were open during the pandemic); see also Patrick Svitek, Gov. Greg Abbott Unveils Legislative Priorities, Including Police Funding, “Election Integrity,” Expanding Broadband Access and More, TEX. TRIB. (Feb. 1, 2021, 9:00 PM), https://www.texastribune.org/2021/02/01/abbott-state-of-state-2021/ [https://perma.cc/CUC2-6LY4] (discussing Governor Abbott’s five legislative priorities which were announced during the State of the State address).

28. See generally Greg Abbott (@GregAbbott_TX), TWITTER (Dec. 21, 2020, 12:03 PM), https://twitter.com/GregAbbott_TX/status/1341081930641657856 [https://perma.cc/H7YY-A9SG] (hinting to a legislative priority for the upcoming legislative session, Governor Abbott posted: “Just in time for Christmas: The Legislative Council has sent draft language for a proposed law that would transfer control of the Austin Police Department to the Texas Department of Public Safety.”).


31. See Tex. S.B. 11, 87th Leg., R.S. (2021) (relating to the composition of the Texas Court of Appeals District Courts to be enacted September 1, 2021).

so, some committees were either dissolved or merged into other committees, while additional committees were created.

As mentioned previously, this session will be historic. The nature of the Texas Legislature meeting once every other year for 140 days highlights the importance of the session. Our country and the entire globe continues to battle the COVID-19 pandemic. We have witnessed


35. *Cf. Lt. Gov. Dan Patrick Announces Top 31 Priorities for the 2021 Session*, STATE TEX. LT. GOV. (Feb. 23, 2021), https://www.ltgov.texas.gov/2021/02/23/lt-gov-dan-patrick-announces-top-31-priorities-for-the-2021-session/ (announcing a number of bills which are the Lieutenant Governor’s top priority. Such bills include a bill designed to protect taxpayers during the rebuilding of the economy as a result of the pandemic and the February 2021 winter storm in Texas).

36. *See Frequently Asked Questions*, TEX. H.R., https://house.texas.gov/resources/frequently-asked-questions/ (describing how the Texas Legislature’s lawmaking process is similar to the U.S. Congress in that the process involves four steps: introduction, committee action, floor action, and enrollment).

that minority populations and people of color are experiencing higher rates of infection and death during this time. The disproportionate infection rates are attributed to the systemic disparities we face, which highlights our State’s lack of healthcare. The COVID-19 pandemic revealed the disparities we knew already existed, including the fact that healthcare should be and is a human right. This is an issue the Legislature must face head on as the pandemic has impacted every single Texan—from the uninsured person, to the undocumented worker, to the small business owner, and the parent who became a teacher overnight.

As we continue to battle this pandemic, we have moved into the vaccine distribution stage. Parties are going back and forth on the current distribution policies. The new administration has vowed to vaccinate


41. See Tex. S.B. 264, 87th Leg., R.S. (2021) (creating the Texas Research Consortium to Cure Infectious Diseases (TRANSCEND) for the purpose of ensuring a global pandemic, such as COVID-19, does not occur again. TRANSCEND accelerates advancements in treatment and prevention through innovative research and recruitment in established research locations).


100 million people in the first 100 days.44 Similarly, the Texas Legislature will vehemently work to address the COVID-19 pandemic and additional issues that must be resolved.45

An additional priority for this session will be to increase access to education.46 The pandemic directly and negatively impacted our education system.47 Our teachers, support staff, and students became frontline workers who lacked adequate guidance and protection.48 The digital divide was only exacerbated, and children were lost.49 To keep their staff and students safe, school districts continue to front costs that were not budgeted for.50 Last session, the Legislature passed a historic


45. Cf. Greg Abbott, Governor of Tex., State of the State Address (Feb. 1, 2021) (discussing how the COVID-19 pandemic will be a priority during the 87th session to build a “healthier, safer, freer, and more prosperous state.”).


47. See Aliyya Swaby, Many Texas Families Say Remote Learning Isn’t Working and They Want It Fixed, TEX. TRIB. (Nov. 20, 2020, 5:00 AM), https://www.texastribune.org/2020/11/20/texas-schools-remote-learning/ [https://perma.cc/9CLE-LZKL] (depicting the disturbing number of students failing classes due to the online learning environment).

48. See generally Aliyya Swaby & Stacy Fernández, Texas Teachers Caught in the Middle of Political Battles Over Schools Reopening, TEX. TRIB. (July 10, 2020, 12:00 PM), https://www.texastribune.org/2020/07/10/texas-reopening-schools-teachers-coronavirus/ [https://perma.cc/J3FG-GNS4] (illustrating the frustration teachers had with the State’s push for in-person education. Texas was not providing an option for teachers who felt unsafe to continue distant learning).

49. See Camille Phillips, San Antonio ISD Has Lost Contact With 25% of Its Elementary Students Since Spring Break, TEX. PUB. RADIO (Apr. 9, 2020, 6:07 PM) https://www.ipr.org/education/2020-04-09/san-antonio-isd-has-lost-contact-with-25-of-its-elementary-students-since-spring-break_?_amp=true [https://perma.cc/68BQ-WDCF] (reporting SAISD has lost contact with more than 9,300 students since March 16, 2020); see also Aliyya Swaby, Texas School Leaders Urge State Not to Cut Funding as They Struggle with Declining Enrollment, TEX. TRIB. (Dec. 15, 2020, 1:00 PM) https://www.texastribune.org/2020/12/15/texas-school-funding-enrollment/ [https://perma.cc/T9M9-7J9S] (stressing educators’ concerns that some students will be lost forever).

50. See Aliyya Swaby, Texas School Leaders Urge State Not to Cut Funding as They Struggle with Declining Enrollment, TEX. TRIB. (Dec. 15, 2020, 1:00 PM), https://www.texastribune.org/2020/12/15/texas-school-funding-enrollment/ [https://perma.cc/T9M9-7J9S] (grappling with the possibility of falling off a funding cliff due to enrollment in Texas schools plummeting as a result of COVID-19); cf. Aliyya Swaby, Many Texas Families Say Remote Learning Isn’t Working and They Want It Fixed, TEX. TRIB. (Nov. 20, 2020, 5:00 AM),
school funding bill and educators across the state fear that it will be undone due to the economic implications of COVID-19. The Legislature will grapple with education reform, funding, and protection for our educators, support staff, and students from this pandemic.

Our Legislature will also discuss criminal justice reform this session. Following the deaths of George Floyd, Sandra Bland, Ahmaud Aubrey, Breonna Taylor, and so many others, our community is vocalizing the need for comprehensive criminal justice reform. The push comes from the federal, state, and local levels. We witnessed millions of Americans and others across the globe marching for change to address the inequities in our systems.

The Texas Legislative Black Caucus will

https://www.texastribune.org/2020/11/20/texas-schools-remote-learning/ [https://perma.cc/9CLE-LZKL] (“But instead of trying to improve virtual learning, dozens of districts are already bringing all students back in person. Texas recently changed its guidance and allowed districts to require failing students to return in person or find another district.”).

51. See Tex. H.B. 3, 86th Leg., R.S. (2019) (revealing bipartisan, historic education reform and funding to Texas Schools); see, e.g., Aliyya Swaby, Texas School Leaders Urge State Not to Cut Funding as They Struggle with Declining Enrollment, TEX. TRIB. (Dec. 15, 2020, 1:00 PM), https://www.texastribune.org/2020/12/15/texas-school-funding-enrollment/ [https://perma.cc/T9M9-TJ9S] (reiterating the concern school administrators face regarding cuts in funding).


53. See Jolie McCullough, After Defeats in 2019, a Group of Texas Lawmakers is Teaming Up to Push Criminal Justice Reform, TEX. TRIB. (July 18, 2019, 12:00 PM), https://www.texastribune.org/2019/07/18/texas-house-criminal-justice-reform-caucus/ [https://perma.cc/J3HC-WN5B] (claiming a bipartisan group has banded together to form an uncommon, issue-based caucus focused on criminal justice reform during 2021).


be filing the George Floyd Act in hopes of it becoming law this upcoming session. There are clear systemic issues that our country faces. There is also a commonsense solution to these issues, and we will advocate to ensure a bipartisan solution is met.

A large focus of the session will be on voting and access to the polls. The last presidential election highlighted the importance of not only the value of your vote, but also access to the polls. Yet again, the pandemic highlighted the disparities our State has in accessing polling locations. We witnessed individuals with disabilities have even greater difficulties casting their vote because of the lack of resources provided to them. Elderly individuals or persons enduring chronic conditions feared casting

---

57. See Cassandra Pollock, Texas Legislative Black Caucus Unveils the George Floyd Act to Ban Chokeholds and Limit Police Use of Force, TEX. TRIB. (Aug. 13, 2020, 4:00 PM) https://www.texastribune.org/2020/08/13/texas-george-floyd-act/ (introducing the Texas Legislative Black Caucus who unified to lay out the George Floyd Act and articulated their efforts for criminal justice reform during the upcoming 87th Legislative Session).


62. See In re State, 602 S.W.3d 549, 561 (Tex. 2020) (holding that lack of immunity to COVID-19 is not a “disability” as defined by the election code).
their vote, for they did not want to be exposed to someone with the COVID-19 virus. Moreover, the prior administration engaged in dangerous rhetoric by questioning the integrity of our nation’s elections. Our ballots and access to them will be a focus of debate this session.

Directly connected to voting is the issue of redistricting. This issue comes up in the Legislature once a decade. The last time the Texas Legislature covered redistricting, we ended up in nearly ten years of litigation. As we face this next round of redistricting, it is seemingly clear to every legislator and advocacy group that we should be cognizant of our past to make a better future. On the first day of the legislative session, members discussed the best possible proposals to conduct


69. See generally Redistricting History, TEX. REDISTRICTING, https://redistricting.capitol.texas.gov/history [https://perma.cc/R8EQ-2AT6] (examining the lawsuits and cases that have occurred since 1980 over redistricting and census discrimination and pointing to the repeated history of discriminatory practices).
With the need to socially distance, while following precedent of the Supreme Court to ensure there is public input, the members had lengthy discussions on how to proceed. As this article is being reviewed, the redistricting hearings have commenced in the Senate. It is important to note, redistricting maps cannot be drawn without the census count. The census count is part of litigation and is prolonged due to the pandemic. Thus, the redistricting hearings that are conducted will be done prior to having census numbers.

70. See S.J. of Tex., 87th Leg., R.S. 15 (2021) (first day proceedings) (proclaiming rules of procedure to be observed by the Senate for consideration of redistricting during the 87th legislature. The redistricting committee is required to hold regional hearings to solicit public input, including local communities of interest.).


73. Cf. Redistricting and Use of Census Data, NAT’L CONF. OF STATE LEGISLATURES (Apr. 1, 2021), https://www.ncsl.org/research/redistricting/redistricting-and-use-of-census-data.aspx [https://perma.cc/4SF3-KQN7] (noting that although congressional apportionment is to be based on enumeration of the U.S. population, the Constitution is silent on what data is to be used for redistricting. Twenty-one states require the use of census data, seventeen states do not explicitly identify a source for congressional redistricting, and six states allow the census or other datasets for redistricting.)


75. See Hansi Lo Wang, Census Door Knocking Cut a Month Short Amid Pressure to Finish Count, NPR (July 30, 2020, 12:29 PM), https://www.npr.org/2020/07/30/896656747/when-does-census-counting-end-bureau-sends-alarming-mixed-signals [https://perma.cc/RL48-X2FT] (“It’s going to be impossible to complete the county in time,” said one of the bureau employees, an area manager who oversees local census offices. ‘I’m very fearful we’re going to have a massive undercount.’”); see also SENATE SPECIAL COMMITTEE ON REDISTRICTING REGIONAL HEARING DATES AND FOCUS AREAS, supra note 72 (indicating the schedule will begin prior to all individuals being counted in the census due to the COVID-19 pandemic).
The 87th Legislative Session will contain many issues. This article addresses only a couple in hopes of shedding light on what is to come; in the next section, we propose possible solutions.

II. Solutions

The public at large has the right to access their Legislature and participate in their government’s process. In particular, the Legislature faces the question of how the public’s right can be safely met amid a global pandemic. Who will be ultimately responsible if political participation at the Capitol becomes a super-spreader event? To ensure the public has input while simultaneously preventing a super-spreader event, we offer the solution of ensuring public access to committee hearings to assure the public has unfettered access to that testimony. This means taking unique steps to ensure public input. We face the looming issue of a large digital divide. Thus, we propose that localities assist in utilizing public libraries and courthouses to ensure access if a

---

76. See Aisha Ainsworth, What’s to Come in the 87th Legislative Session, TEX. HOSP. ASS’N, https://www.tha.org/TexasHospitalsMagazine/NovDec2020/Whats-to-Come-in-the-87th-Legislative-Session [https://perma.cc/WFF4-VRMY] (exploring a few issues that the 87th Legislature will discuss including election outcomes and health care coverage).

77. See generally Tex. S. Res. 2, 87th Leg., R.S. (2021) (allowing public seating during a legislative session).

78. See Tex. S. Res. 2 (creating detailed procedures related to COVID-19 that would allow for the continuation of public access to the legislature while in session).

79. Cf. Ross Ramsey, Analysis: A Government of, by and for—but Without the People, TEX. TRIB. (June 19, 2020, 4:00 AM), https://www.texastribune.org/2020/06/19/texas-capitol-legislature-coronavirus/ [https://perma.cc/3UBL-TFJX] (“[Y]ou can’t run a Legislature—a deeply social exercise between lawmakers, the public, interest groups and state agencies—without putting people together somehow.”); see also Alex Samuels et al., The Texas Legislature Convenes for Its 2021 Session Tuesday. Here Are 5 Things to Watch, TEX. TRIB. (Jan. 11, 2021, 8:00 PM), https://www.texastribune.org/2021/01/11/texas-legislature-2021/ [https://perma.cc/4KSF-THWT] (revealing that House members stated they would not attend the opening day of the legislative session, referring to the gathering as a “super spreader event”).

80. Cf. S.J. of Tex., 87th Leg., R.S. 15 (2021) (first day proceedings) (amending language to require hearings be held in order to solicit public input).

81. Cf. id. (recognizing efforts made by the redistricting committee to ensure public access to hearings).

member of the public chooses to testify. As of today, the Senate has not decided how they will conduct hearings.

Public access is imperative for all committees, especially the redistricting committee. As we face a new era of drawing maps for our districts, we must ensure that all constitutional precedents are followed. This includes the precedent of one person, one vote. Moreover, we must allow the public to have proper notice to be able to testify. In addition, we should rely on our advocates and learn from past litigation to prevent a repeat of our mistakes. When we draw lines, they must be drawn both fairly and accurately.

The biggest contrast between conducting the 87th Legislative Session and the sessions that came before are the barriers exacerbated by the

83. See Remote Hearing Toolkit, MD. CTS., https://www.mdcourts.gov/legalhelp/remote hearing [https://perma.cc/2Q8U-5HKB] (providing viable alternatives for those who do not have access to the internet or phone and are unable to attend their hearings by suggesting that an individual may be able to borrow a laptop and Wi-Fi through a Maryland public library).

84. See generally Tex. S. Res. 2 (laying out policies that do not address the format of hearings and do not indicate when such determinations will be made).


86. See, e.g., Cooper v. Harris, 137 S. Ct. 1455, 1463 (2017) (“A State may not use race as the predominant factor in drawing district lines . . . .”).

87. See, e.g., Gray v. Sanders, 372 U.S. 368, 381 (1963) (“The conception of political equality from the Declaration of Independence to Lincoln’s Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing—one person, one vote.”).

88. See Cassandra Pollock, Texas House Requires Masks for 2021 Legislative Session, Declines to Expand Virtual Testimony, TEX. TRIB. (Jan. 14, 2021, 5:00 PM), https://www.texastribune.org/2021/01/14/texas-house-virtual-testimony/ [https://perma.cc/C9Q8-VQWX] (alluding to the Texas Legislature’s decision to “not expand its virtual testimony options to allow members of the public . . . to testify at committee hearings remotely” as the new legislative session commenced).

89. See Abbott v. Perez, 138 S. Ct. 2305, 2315 (2018) (“Facing this legal obstacle course, the Texas Legislature in 2011 adopted new districting plans, but those plans were immediately tied up in litigation and were never used.”); see generally Michael Li, supra note 68 (noting the Texas decade-long, complicated redistricting litigation saga that ensued in 2011).

90. Cf. 7 Things to Know About Redistricting, BRENNAN CTR. (July 3, 2017), https://www.brennancenter.org/our-work/analysis-opinion/7-things-know-about-redistricting [https://perma.cc/RYE9-XNF7] (“Redistricting also affects whether the nation’s diverse communities are represented in its legislative bodies. Redistricting, for example, can ensure that communities of color have a fair shot at electing candidates who represent their worldview and will fight for their concerns. Or it can exclude them from having a seat at the table.”).
global pandemic.91 We must take all steps necessary to ensure public input.92 Our government was built by the people and for the people.93 It is up to each of us to ensure democracy is conducted in a fair, equitable, and transparent manner.94

91. See Alana Rocha et al., Watch: How Texas Lawmakers are Conducting a Session During a Pandemic, TEX. TRIB. (Jan. 27, 2021, 5:00 AM), https://www.texastribune.org/2021/01/27/texas-legislature-pandemic/ [https://perma.cc/W35Y-XP7L] (“The 2021 Texas legislative session will be unlike any other, as lawmakers work to get the people’s business done in the midst of a pandemic . . . . Days into the 2021 Legislature, several state lawmakers have already tested positive for COVID-19, forcing a few colleagues into quarantine.”).
92. See Cassandra Pollock, supra note 88 (“[S]tate Rep. Erin Zwiener, D-Driftwood, called it ‘a loss,’ saying lawmakers ‘need to hear from our communities who are most vulnerable to COVID-19 this session.’”).
93. See Tex. Const. art. I, § 2 (“[A]ll political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit.”).