UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANNE HARDING, et al., §

Plaintiffs, §

V. §

COUNTY OF DALLAS, TEXAS, et al., C.A. NO. 3:15-CV-00131-D

Defendants, §

PLAINTIFFS’ APPENDIX TO THEIR
BRIEF IN SUPPORT OF THEIR RESPONSE TO DEFENDANTS’
MOTION FOR SUMMARY JUDGMENT
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Dated December 22, 2017

Respectfully submitted,

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COUNSEL TO THE PLAINTIFFS

CERTIFICATE OF SERVICE

I certify that on December 22, 2017, I served a copy of this Plaintiffs’ Appendix to Their Brief in Support of Their Response to Defendants’ Motion for Summary Judgment on all counsel of record by email through the Court’s CM/ECF system.

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EXPERT REPORT OF M.V. HOOD III

I, M.V. Hood III, affirm the conclusions I express in this report are provided to a reasonable degree of professional certainty. I reserve the right to update the opinions contained herein prior to trial. In addition, I do hereby declare the following:
I. INTRODUCTION AND BACKGROUND

My name is M.V. (Trey) Hood III, and I am a tenured professor at the University of Georgia with an appointment in the Department of Political Science. I have been a faculty member at the University of Georgia since 1999. I also serve as the Director of the School of Public and International Affairs Survey Research Center. I am an expert in American politics, specifically in the areas of electoral politics, racial politics, election administration, and Southern politics. I teach courses on American politics, Southern politics, and research methods and have taught graduate seminars on the topics of election administration and Southern politics.

I have received research grants from the National Science Foundation and the Pew Charitable Trust. I have also published peer-reviewed journal articles specifically in the areas of redistricting and vote dilution. My academic publications are detailed in a copy of my vita that is attached to the end of this document. Currently, I serve on the editorial boards for Social Science Quarterly and Election Law Journal. The latter is a peer-reviewed academic journal focused on the area of election administration.


In assisting the Plaintiffs in analyzing Dallas County Commissioners Court districts, I am receiving $325 an hour for this work and $325 an hour for any testimony associated with this work. In reaching my conclusions, I have drawn on my training, experience, and knowledge as a social scientist who has specifically conducted research in the area of redistricting and vote dilution analyses. My compensation in this case is not dependent upon the outcome of the litigation or the substance of my opinions.
II. SCOPE AND OVERVIEW

I have been asked by counsel for the plaintiffs to provide an assessment of Dallas County Commissioners Court districts. More specifically, I have been asked to undertake a Section 2 analysis in order to determine if the Anglo vote in Dallas County Commissioners Court races is being diluted by the districting schemes in use (both past and present). In Section III of this report, I examine the second and third Gingles prongs in regard to County Commissioners Court districts in Dallas County, Texas. A synopsis of my overall conclusions in this matter is found in Section IV.
III. VOTE DILUTION ANALYSIS

A. Objective

In this section of my report I undertake a vote dilution analysis of contests for Dallas County Commissioners Court races. More specifically, I examine all general election contests for Dallas County Commissioners Court from the previous ten years that were two-party contested. From 2006 to 2016 there are eight such contests which are listed in Table 1 below.

In addition, I also analyze twelve exogenous, but closely related races. These elections are based on Dallas County Judge contests from 2006, 2010, and 2014. As the presiding officer of the County Commissioners Court, the County Judge is akin to the chair of a county commission in other parts of the country. In Dallas County, this office is elected on an at-large basis. For the County Judge contests analyzed, I have grouped the precinct-level election returns by County Commissioners Court districts. For example, I analyze the 2006 County Judge race for each of the four commission districts as they existed in that election-cycle.¹

Table 1 details the races I used for analysis along with the candidates, the actual vote returns for these contests, and the candidate’s race and political party.²

¹For the analyses related to these contests, the winning candidate is determined on a district-by-district basis (see Table 3).
²Candidates are classified as Anglo based on self-identification, photographs, journalistic or campaign resources, and/or local-level political knowledge of Dallas County elections.
Table 1. Summary—Contests Analyzed

<table>
<thead>
<tr>
<th>Election</th>
<th>Office</th>
<th>Vote</th>
<th>Candidate</th>
<th>Party</th>
<th>Race</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>CC-4</td>
<td>50.42%</td>
<td>Mayfield</td>
<td>Republican</td>
<td>Anglo</td>
<td>Table 2.a</td>
</tr>
<tr>
<td></td>
<td></td>
<td>49.58%</td>
<td>Renfroe</td>
<td>Democrat</td>
<td>Anglo</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>CC-4</td>
<td>46.05%</td>
<td>Mayfield</td>
<td>Republican</td>
<td>Anglo</td>
<td>Table 2.b</td>
</tr>
<tr>
<td></td>
<td></td>
<td>51.10%</td>
<td>Garcia</td>
<td>Democrat</td>
<td>Hispanic</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.85%</td>
<td>Miles</td>
<td>Libertarian</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>CC-1</td>
<td>38.01%</td>
<td>Miller</td>
<td>Republican</td>
<td>Anglo</td>
<td>Table 2.c</td>
</tr>
<tr>
<td></td>
<td></td>
<td>61.99%</td>
<td>Daniel</td>
<td>Democrat</td>
<td>Anglo</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>CC-3</td>
<td>28.67%</td>
<td>Lingerfelt</td>
<td>Republican</td>
<td>Anglo</td>
<td>Table 2.d</td>
</tr>
<tr>
<td></td>
<td></td>
<td>71.33%</td>
<td>Price</td>
<td>Democrat</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>CC-1</td>
<td>35.48%</td>
<td>Rayshell</td>
<td>Republican</td>
<td>Anglo</td>
<td>Table 2.e</td>
</tr>
<tr>
<td></td>
<td></td>
<td>64.52%</td>
<td>Daniel</td>
<td>Democrat</td>
<td>Anglo</td>
<td></td>
</tr>
<tr>
<td>2016</td>
<td>CC-3</td>
<td>27.37%</td>
<td>Russell</td>
<td>Republican</td>
<td>Black</td>
<td>Table 2.f</td>
</tr>
<tr>
<td></td>
<td></td>
<td>67.43%</td>
<td>Price</td>
<td>Democrat</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>5.20%</td>
<td>Hendricks</td>
<td>Green</td>
<td>Black</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>CJ</td>
<td>49.26%</td>
<td>Keliher</td>
<td>Republican</td>
<td>Anglo</td>
<td>Table 4.a</td>
</tr>
<tr>
<td></td>
<td></td>
<td>50.74%</td>
<td>Foster</td>
<td>Democrat</td>
<td>Anglo</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>CJ</td>
<td>46.90%</td>
<td>Emmert</td>
<td>Republican</td>
<td>Anglo</td>
<td>Table 4.b</td>
</tr>
<tr>
<td></td>
<td></td>
<td>49.57%</td>
<td>Jenkins</td>
<td>Democrat</td>
<td>Anglo</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.53%</td>
<td>Carlson</td>
<td>Libertarian</td>
<td>Unknown</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>CJ</td>
<td>43.25%</td>
<td>Natinsky</td>
<td>Republican</td>
<td>Anglo</td>
<td>Table 4.c</td>
</tr>
<tr>
<td></td>
<td></td>
<td>54.48%</td>
<td>Jenkins</td>
<td>Democrat</td>
<td>Anglo</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2.26%</td>
<td>Poulter</td>
<td>Libertarian</td>
<td>White</td>
<td></td>
</tr>
</tbody>
</table>

Note: Source for Election Returns: Dallas County Elections Department.
B. Testing for Vote Dilution

In *Thornburg v. Gingles* the Supreme Court created a three-part test to determine the existence of minority vote dilution. The three components are as follows:

1. The minority group must be of sufficient size and geographically compact enough to allow for the creation of a single-member district for the group in question.
2. It must be demonstrated that the minority group is politically cohesive.
3. It must also be demonstrated that the candidate of choice for the minority group is typically defeated by a majority voting bloc.

Anglo voters are typically considered the majority group in the context of vote dilution cases. In the present matter, however, I was asked by counsel for the plaintiffs to examine the vote dilution claim from the standpoint of Anglo voters. As such, I have adapted the three-part *Gingles* test described above to read as follows:

1. Anglo citizens must be of sufficient size and geographically compact enough to allow for the creation of a single-member district.
2. It must be demonstrated that Anglos are politically cohesive.
3. It must also be demonstrated that the candidate of choice for Anglos is typically defeated by a majority non-Anglo voting bloc (here composed primarily of Black and Hispanic voters).

My report will specifically concentrate on the extent to which Dallas County Commissioners Court elections meet the second and third prongs of the *Gingles* criteria as summarized above. In doing so, I rely on a set of conditions that must be met in order to establish the presence of vote dilution. In analyzing races for the Dallas County Commissioners Court, it is critical to ascertain if the following conditions are met for each contest analyzed:

---


6I use the term Anglo to refer to non-Hispanic whites.

7In fact, Anglos constitute a minority in Dallas County. According to the Census Bureau’s 2015 American Community Survey (five-year average), Anglos comprise 45.0\% of the citizen voting age population in Dallas County (figure calculated from Tables B05003, and B05003H).
1. Is there a clear candidate of choice for Anglo voters?\(^8\)

If Condition 1 is present, then:

2. Is the Anglo candidate of choice defeated by a majority non-Anglo bloc?

If Conditions 1 and 2 are met, then for the race in question there is evidence of Anglo vote dilution. Conversely, if only Condition 1 is present then evidence of Anglo vote dilution is not established. More specifically, Condition 1 relates to the second prong of the *Gingles* test and is designed to detect the presence of polarization between Anglo and non-Anglo voters. Note, however, that the presence of polarization between racial/ethnic groups alone is not enough to establish claims of minority vote dilution. To establish a vote dilution claim, Condition 2 must also be met. In Condition 2, if the Anglo candidate of choice wins (even in the presence of Condition 1), then claims of voter dilution have not been established. If the Anglo candidate of choice is defeated, then one must determine if the defeat is due directly to a majority bloc of non-Anglo voters favoring another candidate. To establish Condition 2, it must be shown that a non-Anglo voting bloc was able to defeat the candidate preferred by Anglos voters.

For a given election contest, the establishment of Conditions 1 and 2 are indicative of racial/ethnic vote dilution. One must also uncover a pattern of vote dilution across a number of elections, however, in order to establish this scenario as being the prevalent electoral condition for the geographic area under study. In other words, looking across the races analyzed, does the Anglo candidate of choice usually lose as a result of a non-Anglo bloc vote? This is the criteria established in the *Gingles* case and I will define the term usually to mean a condition that occurs more often than not. Empirically then, for a vote dilution claim to have any merit a numerical majority of cases would have to be classified by Conditions 1 and 2 as outlined above.

C. Data and Methods

The data utilized for the analysis presented in this report were obtained through counsel. These data include precinct-level election results from 2006 through 2016 and precinct-level data on voting age by race/ethnicity. In Texas, the race/ethnicity of registrants is not recorded. Therefore, one must use voting age population data from the Census Bureau to estimate vote choice by race/ethnicity.

The electorate in Dallas County includes more than one racial/ethnic group. Specifically, my analysis takes into account the voting behavior of Anglos, Blacks, Hispanics, and a fourth residual category. The residual category I label *Other* is composed of Asians/Pacific Islanders, American Indians, and voting age citizens classified as other or mixed race.

\(^8\)For the analyses presented, a clear Anglo candidate of choice is determined to be present in a race when a majority (>50%) of Anglo voters are shown to support a particular candidate. While most of the time one would expect the Anglo candidate of choice to be Anglo, it is certainly possible for an Anglo candidate of choice to be from another racial/ethnic group.
In order to estimate the share of each racial/ethnic group voting for a candidate in a specific contest I rely on two commonly used statistical techniques for evaluating Section 2 vote dilution claims: Ecological Regression (ER)\(^9\) and Ecological Inference (EI).\(^{10}\) These techniques allow one to decompose support for candidates by racial/ethnic group using aggregate-level data (precincts).

D. Findings

Tables 2a though 2f present the results of my endogenous race analysis for Dallas County Commissioners Court seats. Each of these tables provides a breakdown of votes cast in Dallas County Commissioners Court races by race/ethnicity. In the tables that follow, I report vote estimates derived from both ER and EI in order to demonstrate that either technique provides comparable and consistent estimates for Anglos, Blacks, and Hispanics.

Table 2a. 2006 County Commissioners Court Election, District 4

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Anglo</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>ER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mayfield*</td>
<td>76.6%</td>
<td>0.0%</td>
<td>20.6%</td>
<td>66.8%</td>
</tr>
<tr>
<td>Renfroe</td>
<td>23.4%</td>
<td>100%</td>
<td>79.4%</td>
<td>33.2%</td>
</tr>
<tr>
<td>EI</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mayfield*</td>
<td>75.6%</td>
<td>1.9%</td>
<td>19.0%</td>
<td>61.1%</td>
</tr>
<tr>
<td>Renfroe</td>
<td>24.4%</td>
<td>98.1%</td>
<td>81.0%</td>
<td>38.9%</td>
</tr>
</tbody>
</table>

\(^*\)=Winner.

The first race analyzed is the 2006 general election contest for County Commissioners Court District 4. This race consisted of two candidates: Mayfield, a Republican and Renfroe, a Democrat. Based on both the ER and EI estimates Mayfield was the candidate of choice for the Anglo community, receiving over 75% of the vote from this demographic. Conversely, large majorities of black and Hispanic voters cast their ballots for the Democratic candidate Renfroe.

\(^9\)For more information on techniques used to estimate vote outcomes by race, including Ecological Regression, see Appendix A in Charles S. Bullock, III and Ronald Keith Gaddie. 2009. *The Triumph of the Voting Rights Act in the South*. Norman, OK: University of Oklahoma Press. ER estimates for this report are estimated using the reg procedure in Stata 14.

Table 2b examines the 2010 County Commissioners Court election for District 4. This race featured three candidates. Ken Mayfield, an Anglo Republican, is estimated to have received 92% to 94% of the Anglo vote, making him the clear candidate of choice for this demographic. Black support for the Democratic candidate in the race was close to unanimous, while about three-quarters of Hispanics supported Elba Garcia.

Table 2b. 2010 County Commissioners Court Election, District 4

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Anglo</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>E.R.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mayfield</td>
<td>92.2%</td>
<td>0.0%</td>
<td>23.7%</td>
<td>46.1%</td>
</tr>
<tr>
<td>Garcia*</td>
<td>4.5%</td>
<td>100%</td>
<td>72.9%</td>
<td>50.1%</td>
</tr>
<tr>
<td>Miles</td>
<td>3.4%</td>
<td>0.3%</td>
<td>3.4%</td>
<td>3.8%</td>
</tr>
<tr>
<td><strong>E.I.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mayfield</td>
<td>93.5%</td>
<td>0.3%</td>
<td>20.4%</td>
<td>38.9%</td>
</tr>
<tr>
<td>Garcia*</td>
<td>3.6%</td>
<td>98.7%</td>
<td>75.6%</td>
<td>52.9%</td>
</tr>
<tr>
<td>Miles</td>
<td>2.9%</td>
<td>1.0%</td>
<td>4.0%</td>
<td>8.2%</td>
</tr>
</tbody>
</table>

*=Winner.

Table 2c. 2012 County Commissioners Court Election, District 1

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Anglo</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>E.R.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miller</td>
<td>69.9%</td>
<td>0.0%</td>
<td>25.2%</td>
<td>51.5%</td>
</tr>
<tr>
<td>Daniel*</td>
<td>30.1%</td>
<td>100%</td>
<td>74.8%</td>
<td>48.5%</td>
</tr>
<tr>
<td><strong>E.I.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miller</td>
<td>70.8%</td>
<td>0.8%</td>
<td>17.9%</td>
<td>47.6%</td>
</tr>
<tr>
<td>Daniel*</td>
<td>29.2%</td>
<td>99.2%</td>
<td>82.1%</td>
<td>52.4%</td>
</tr>
</tbody>
</table>

*=Winner.

The results of the District 1 race from the 2012 election-cycle are detailed in Table 2c. In this election 70% to 71% of Anglo voters were estimated to have cast a ballot for the Anglo Republican candidate Miller. Conversely, Black support for the Democratic nominee, Daniel, was estimated to be close to 100%. Depending on the estimation technique utilized, Hispanic support for Daniel ranged from 75% to 82%. As with the previous races analyzed, the District 1
contest from 2012 exhibits racially polarized bloc voting resulting in a clear candidate of choice for the Anglo community.

Table 2d. 2012 County Commissioners Court Election, District 3

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Anglo</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>E.R.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lingerfelt</td>
<td>85.0%</td>
<td>0.0%</td>
<td>22.2%</td>
<td>88.8%</td>
</tr>
<tr>
<td>Price*</td>
<td>15.0%</td>
<td>100%</td>
<td>77.8%</td>
<td>11.2%</td>
</tr>
<tr>
<td>E.I.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lingerfelt</td>
<td>81.1%</td>
<td>0.4%</td>
<td>22.4%</td>
<td>59.3%</td>
</tr>
<tr>
<td>Price*</td>
<td>18.9%</td>
<td>99.6%</td>
<td>77.6%</td>
<td>40.7%</td>
</tr>
</tbody>
</table>

*=Winner.

I also analyze the District 3 race from the 2012 election-cycle. In this case I estimate that between 81 to 85% of Anglos voted for the co-ethnic Republican candidate Lingerfelt. Black support for the Democratic candidate Price was again near unanimous, while just over three-quarters of Hispanic voters (78%) cast ballots for the Democrat. In the District 3 contest Lingerfelt is the clear candidate of choice for Anglos.

Table 2e. 2016 County Commissioners Court Election, District 1

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Anglo</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>E.R.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rayshell</td>
<td>63.0%</td>
<td>0.0%</td>
<td>21.5%</td>
<td>39.1%</td>
</tr>
<tr>
<td>Daniel*</td>
<td>37.0%</td>
<td>100%</td>
<td>78.5%</td>
<td>60.9%</td>
</tr>
<tr>
<td>E.I.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rayshell</td>
<td>62.0%</td>
<td>1.4%</td>
<td>21.1%</td>
<td>44.4%</td>
</tr>
<tr>
<td>Daniel*</td>
<td>38.0%</td>
<td>98.6%</td>
<td>78.9%</td>
<td>55.6%</td>
</tr>
</tbody>
</table>

*=Winner.

Two contests were analyzed from the most recent general election in 2016. The first examines the race for County Commissioners Court District 1. Just over three-fifths (62-63%) of Anglos
voted for Republican candidate Rayshell. Democratic nominee Daniel, on the other hand, was supported by 99 to 100% of Black voters and 78 to 79% of Hispanics. Again, a clear candidate of choice for Anglo voters emerges in this 2016 contest.

Table 2f. 2016 County Commissioners Court Election, District 3

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Anglo</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>E.R.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Russell</td>
<td>72.5%</td>
<td>0.0%</td>
<td>18.4%</td>
<td>100%</td>
</tr>
<tr>
<td>Price*</td>
<td>19.0%</td>
<td>99.7%</td>
<td>73.8%</td>
<td>4.1%</td>
</tr>
<tr>
<td>Hendricks</td>
<td>8.5%</td>
<td>2.8%</td>
<td>7.9%</td>
<td>0.0%</td>
</tr>
<tr>
<td>E.I.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Russell</td>
<td>77.6%</td>
<td>0.2%</td>
<td>13.3%</td>
<td>53.4%</td>
</tr>
<tr>
<td>Price*</td>
<td>14.9%</td>
<td>98.8%</td>
<td>76.5%</td>
<td>36.1%</td>
</tr>
<tr>
<td>Hendricks</td>
<td>7.5%</td>
<td>1.0%</td>
<td>10.2%</td>
<td>10.5%</td>
</tr>
</tbody>
</table>

*=Winner.

The final endogenous contest I analyze is the District 3 race from 2016. This election was a three-way contest that featured a Libertarian candidate. The results from Table 2f indicate that more than seven out of ten Anglo voters were estimated to have voted for the Republican nominee, Russell. The results for Black and Hispanic voters mirror that from other races analyzed with near unanimous support from the Black electorate and approximately three-quarters of Hispanics voting for the Democrat Price.

The next set of tables examine the results of the exogenous County Judge contests subset by Commissioners Court district. Table 3 below details the races analyzed along with the candidate vote share by political party for each of the four commission districts. The final column in the table summarizes which party nominee won (received the highest vote share) in each Commissioners Court district.
Table 3. District-Level County Judge Results

<table>
<thead>
<tr>
<th>Election</th>
<th>District</th>
<th>Republican</th>
<th>Democrat</th>
<th>Libertarian</th>
<th>Winner</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>1</td>
<td>62.2%</td>
<td>37.8%</td>
<td>----</td>
<td>R</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>57.4%</td>
<td>42.6%</td>
<td>----</td>
<td>R</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>20.6%</td>
<td>79.4%</td>
<td>----</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>50.4%</td>
<td>49.6%</td>
<td>----</td>
<td>R</td>
</tr>
<tr>
<td>2010</td>
<td>1</td>
<td>63.0%</td>
<td>33.1%</td>
<td>3.9%</td>
<td>R</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>57.3%</td>
<td>38.8%</td>
<td>3.9%</td>
<td>R</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>15.9%</td>
<td>82.0%</td>
<td>2.2%</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>47.2%</td>
<td>48.8%</td>
<td>4.0%</td>
<td>D</td>
</tr>
<tr>
<td>2014</td>
<td>1</td>
<td>39.7%</td>
<td>57.6%</td>
<td>2.7%</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>60.2%</td>
<td>37.4%</td>
<td>2.4%</td>
<td>R</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>25.4%</td>
<td>73.0%</td>
<td>1.6%</td>
<td>D</td>
</tr>
<tr>
<td></td>
<td>4</td>
<td>39.2%</td>
<td>58.3%</td>
<td>2.5%</td>
<td>D</td>
</tr>
</tbody>
</table>

Notes: Vote totals by commission district calculated from precinct data.

Tables 4a, 4b, and 4c detail the racial/ethnic vote estimates within each Commissioners Court district for the 2006, 2010, and 2014 County Judge contests respectively. Looking at Table 4a, one can see that for each of the four commission districts the Anglo Republican Keliher was the clear candidate of choice for the Anglo community, receiving between 61 and 77% of the vote from this demographic. In districts 1, 3, and 4 Black support for Foster, the Democrat, exceeded 95% regardless of the estimation technique. In district 2, Black support for Foster was lower, but still ranged between 70 to 77%. Hispanic support for Foster was likewise very high, ranging from 74 to 84% depending on the district and estimation technique. In summary, the examination of the 2006 county judge race reveals a clear candidate of choice for Anglos in each of the four districts analyzed.
Table 4a. 2006 County Judge Election

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Anglo</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>E.R.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>District 1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keliher*</td>
<td>74.6%</td>
<td>0.0%</td>
<td>25.7%</td>
<td>38.5%</td>
</tr>
<tr>
<td>Foster</td>
<td>25.4%</td>
<td>100%</td>
<td>74.3%</td>
<td>61.5%</td>
</tr>
<tr>
<td><strong>District 2</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keliher*</td>
<td>69.5%</td>
<td>30.3%</td>
<td>16.9%</td>
<td>55.6%</td>
</tr>
<tr>
<td>Foster</td>
<td>30.5%</td>
<td>69.7%</td>
<td>83.2%</td>
<td>44.4%</td>
</tr>
<tr>
<td><strong>District 3</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keliher</td>
<td>61.6%</td>
<td>1.7%</td>
<td>16.4%</td>
<td>17.4%</td>
</tr>
<tr>
<td>Foster*</td>
<td>38.4%</td>
<td>98.3%</td>
<td>83.6%</td>
<td>82.6%</td>
</tr>
<tr>
<td><strong>District 4</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keliher*</td>
<td>76.7%</td>
<td>0.0%</td>
<td>20.7%</td>
<td>72.1%</td>
</tr>
<tr>
<td>Foster</td>
<td>23.3%</td>
<td>100%</td>
<td>79.3%</td>
<td>27.9%</td>
</tr>
<tr>
<td><strong>E.I.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>District 1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keliher*</td>
<td>72.3%</td>
<td>4.8%</td>
<td>24.9%</td>
<td>36.0%</td>
</tr>
<tr>
<td>Foster</td>
<td>27.7%</td>
<td>95.2%</td>
<td>75.1%</td>
<td>64.0%</td>
</tr>
<tr>
<td><strong>District 2</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keliher*</td>
<td>68.2%</td>
<td>22.6%</td>
<td>16.0%</td>
<td>64.5%</td>
</tr>
<tr>
<td>Foster</td>
<td>32.0%</td>
<td>77.4%</td>
<td>84.0%</td>
<td>35.5%</td>
</tr>
<tr>
<td><strong>District 3</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keliher</td>
<td>60.9%</td>
<td>2.3%</td>
<td>15.8%</td>
<td>46.4%</td>
</tr>
<tr>
<td>Foster*</td>
<td>39.1%</td>
<td>97.7%</td>
<td>84.2%</td>
<td>53.6%</td>
</tr>
<tr>
<td><strong>District 4</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Keliher*</td>
<td>77.4%</td>
<td>1.6%</td>
<td>18.0%</td>
<td>55.0%</td>
</tr>
<tr>
<td>Foster</td>
<td>22.6%</td>
<td>98.4%</td>
<td>82.0%</td>
<td>45.0%</td>
</tr>
</tbody>
</table>

*=Winner by District.
Table 4b examines the 2010 County Judge race by district. Again, sub-setting this contest by Commissioners Court district one can see that a clear majority (74-94%) of Anglo voters preferred Anglo Republican candidate Emmert. On the other hand, upwards of ninety plus percent of Black voters cast ballots for Democratic nominee Clay Jenkins. Unlike the African American vote, Hispanic support for the Democratic candidate was wide-ranging, although in all cases more than a majority supported Jenkins.

Table 4b. 2010 County Judge Election

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Anglo</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>E.R.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emmert*</td>
<td>77.1%</td>
<td>0.0%</td>
<td>37.8%</td>
<td>48.1%</td>
</tr>
<tr>
<td>Jenkins</td>
<td>20.3%</td>
<td>100%</td>
<td>55.4%</td>
<td>38.2%</td>
</tr>
<tr>
<td>Carlson</td>
<td>2.6%</td>
<td>0.0%</td>
<td>6.8%</td>
<td>13.7%</td>
</tr>
<tr>
<td><strong>District 1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emmert*</td>
<td>74.6%</td>
<td>4.2%</td>
<td>36.9%</td>
<td>82.7%</td>
</tr>
<tr>
<td>Jenkins</td>
<td>21.8%</td>
<td>96.2%</td>
<td>56.7%</td>
<td>11.1%</td>
</tr>
<tr>
<td>Carlson</td>
<td>3.7%</td>
<td>0.0%</td>
<td>6.5%</td>
<td>6.2%</td>
</tr>
<tr>
<td><strong>District 2</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emmert*</td>
<td>74.1%</td>
<td>0.0%</td>
<td>11.3%</td>
<td>22.1%</td>
</tr>
<tr>
<td>Jenkins</td>
<td>20.1%</td>
<td>100%</td>
<td>85.3%</td>
<td>69.2%</td>
</tr>
<tr>
<td>Carlson</td>
<td>5.7%</td>
<td>0.0%</td>
<td>3.5%</td>
<td>8.8%</td>
</tr>
<tr>
<td><strong>District 3</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emmert</td>
<td>93.9%</td>
<td>0.0%</td>
<td>25.0%</td>
<td>45.0%</td>
</tr>
<tr>
<td>Jenkins*</td>
<td>2.2%</td>
<td>100%</td>
<td>69.1%</td>
<td>49.4%</td>
</tr>
<tr>
<td>Carlson</td>
<td>3.9%</td>
<td>0.1%</td>
<td>5.9%</td>
<td>5.5%</td>
</tr>
</tbody>
</table>
Table 4b. 2010 County Judge Election (Continued)

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Anglo</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>E.I.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>District 1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emmert*</td>
<td>76.6%</td>
<td>6.4%</td>
<td>30.9%</td>
<td>31.9%</td>
</tr>
<tr>
<td>Jenkins</td>
<td>20.1%</td>
<td>89.9%</td>
<td>62.7%</td>
<td>57.5%</td>
</tr>
<tr>
<td>Carlson</td>
<td>3.3%</td>
<td>3.6%</td>
<td>6.4%</td>
<td>10.5%</td>
</tr>
<tr>
<td><strong>District 2</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emmert*</td>
<td>74.8%</td>
<td>1.9%</td>
<td>32.5%</td>
<td>80.0%</td>
</tr>
<tr>
<td>Jenkins</td>
<td>21.4%</td>
<td>95.8%</td>
<td>61.8%</td>
<td>11.5%</td>
</tr>
<tr>
<td>Carlson</td>
<td>3.8%</td>
<td>2.4%</td>
<td>5.7%</td>
<td>8.5%</td>
</tr>
<tr>
<td><strong>District 3</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emmert</td>
<td>75.0%</td>
<td>0.1%</td>
<td>11.9%</td>
<td>17.7%</td>
</tr>
<tr>
<td>Jenkins*</td>
<td>18.8%</td>
<td>99.3%</td>
<td>84.2%</td>
<td>70.2%</td>
</tr>
<tr>
<td>Carlson</td>
<td>6.1%</td>
<td>0.5%</td>
<td>3.9%</td>
<td>12.1%</td>
</tr>
<tr>
<td><strong>District 4</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emmert</td>
<td>94.4%</td>
<td>0.3%</td>
<td>22.3%</td>
<td>40.0%</td>
</tr>
<tr>
<td>Jenkins*</td>
<td>2.4%</td>
<td>98.7%</td>
<td>71.7%</td>
<td>50.4%</td>
</tr>
<tr>
<td>Carlson</td>
<td>3.2%</td>
<td>1.0%</td>
<td>6.0%</td>
<td>9.5%</td>
</tr>
</tbody>
</table>

* = Winner by district.
The final exogenous race I analyzed was the most recent contest for County Judge in 2014. For each of the four Commissioners Court districts, the clear Anglo candidate of choice was the Anglo candidate Ron Natinsky. The Anglo vote for Natinsky ranged from 62.9% in District 1 to 75.1% in District 4 (EI estimates). Black support for incumbent candidate Clay Jenkins ranged from 85.2% in District 2 to 99.5% in Districts 3 and 4 (EI estimates). Across all four Commissioners Court districts, more than a majority of Hispanic voters also supported Democrat Clay Jenkins. These figures ranged from 59.1% in District 2 to a high of 83.1% in District 3 (EI estimates).

Table 4c. 2014 County Judge Election

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Anglo</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>E.R.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>District 1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natinsky</td>
<td>61.1%</td>
<td>0.0%</td>
<td>31.4%</td>
<td>64.5%</td>
</tr>
<tr>
<td>Jenkins*</td>
<td>35.9%</td>
<td>100%</td>
<td>65.8%</td>
<td>28.1%</td>
</tr>
<tr>
<td>Poulter</td>
<td>3.0%</td>
<td>0.2%</td>
<td>2.9%</td>
<td>7.4%</td>
</tr>
<tr>
<td><strong>District 2</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natinsky*</td>
<td>69.2%</td>
<td>10.0%</td>
<td>38.4%</td>
<td>54.9%</td>
</tr>
<tr>
<td>Jenkins</td>
<td>29.1%</td>
<td>86.9%</td>
<td>56.7%</td>
<td>40.6%</td>
</tr>
<tr>
<td>Poulter</td>
<td>1.6%</td>
<td>3.1%</td>
<td>4.8%</td>
<td>4.7%</td>
</tr>
<tr>
<td><strong>District 3</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natinsky</td>
<td>68.3%</td>
<td>0.0%</td>
<td>25.0%</td>
<td>100%</td>
</tr>
<tr>
<td>Jenkins*</td>
<td>28.1%</td>
<td>100%</td>
<td>73.3%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Poulter</td>
<td>3.7%</td>
<td>0.6%</td>
<td>1.7%</td>
<td>0.0%</td>
</tr>
<tr>
<td><strong>District 4</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natinsky</td>
<td>73.4%</td>
<td>0.0%</td>
<td>26.6%</td>
<td>67.7%</td>
</tr>
<tr>
<td>Jenkins*</td>
<td>24.1%</td>
<td>100%</td>
<td>70.5%</td>
<td>27.4%</td>
</tr>
<tr>
<td>Poulter</td>
<td>2.5%</td>
<td>0.2%</td>
<td>3.1%</td>
<td>5.0%</td>
</tr>
</tbody>
</table>
Table 4c. 2014 County Judge Election (Continued)

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Anglo</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>E.I.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>District 1</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natinsky</td>
<td>62.9%</td>
<td>0.2%</td>
<td>25.7%</td>
<td>56.4%</td>
</tr>
<tr>
<td>Jenkins*</td>
<td>33.7%</td>
<td>99.0%</td>
<td>71.1%</td>
<td>32.1%</td>
</tr>
<tr>
<td>Poulter</td>
<td>3.4%</td>
<td>0.8%</td>
<td>3.2%</td>
<td>11.5%</td>
</tr>
<tr>
<td><strong>District 2</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natinsky*</td>
<td>68.7%</td>
<td>9.6%</td>
<td>35.3%</td>
<td>50.5%</td>
</tr>
<tr>
<td>Jenkins</td>
<td>29.2%</td>
<td>85.2%</td>
<td>59.1%</td>
<td>43.0%</td>
</tr>
<tr>
<td>Poulter</td>
<td>2.0%</td>
<td>5.3%</td>
<td>5.6%</td>
<td>6.4%</td>
</tr>
<tr>
<td><strong>District 3</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natinsky</td>
<td>71.0%</td>
<td>0.1%</td>
<td>13.8%</td>
<td>70.6%</td>
</tr>
<tr>
<td>Jenkins*</td>
<td>24.8%</td>
<td>99.5%</td>
<td>83.1%</td>
<td>21.0%</td>
</tr>
<tr>
<td>Poulter</td>
<td>4.2%</td>
<td>0.4%</td>
<td>3.0%</td>
<td>8.4%</td>
</tr>
<tr>
<td><strong>District 4</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natinsky</td>
<td>75.1%</td>
<td>0.1%</td>
<td>23.3%</td>
<td>39.2%</td>
</tr>
<tr>
<td>Jenkins*</td>
<td>21.8%</td>
<td>99.5%</td>
<td>74.0%</td>
<td>52.2%</td>
</tr>
<tr>
<td>Poulter</td>
<td>3.1%</td>
<td>.04%</td>
<td>2.7%</td>
<td>8.6%</td>
</tr>
</tbody>
</table>

* = Winner by District.

E. Summary and Conclusions

Table 5 provides a set of summary results for the six County Commissioners Court races and the twelve County Judge races (by district) analyzed. The first panel of the table provides a summary for the endogenous County Commissioners Court elections. In six out of six cases (100%) there was clear candidate of choice for Anglo voters in these contests. Again, the clear candidate of choice is defined as a candidate receiving at least 50% of the vote from within the specific racial/ethnic group. In five of the six contests, the Anglo candidate of choice loses. So, in 83% of the endogenous races analyzed the Anglo candidate of choice is defeated by a non-Anglo majority voting bloc.

The next panel in Table 5 summarizes the results from the County Judge races examined. Again, there were three County Judge contests analyzed across four districts for a total of twelve races. For every one of the twelve district-level races analyzed, a clear candidate of choice for the
Anglo community emerged. In exactly half (50%) of these contests the Anglo candidate of choice was defeated.

The final panel combines the results of the six endogenous races and the twelve exogenous races subset by Commissioners Court district. An Anglo candidate of choice was identified in each of these eighteen contests. In eleven of these eighteen races, or 61.1% of the time, the Anglo candidate of choice was defeated by a non-Anglo, majority voting bloc in Dallas County.

Table 5. Summary of Results—Races Analyzed

<table>
<thead>
<tr>
<th>Contests</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Endogenous:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Races Analyzed</td>
<td>6</td>
<td>----</td>
</tr>
<tr>
<td>No Clear Anglo Candidate of Choice</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Clear Anglo Candidate of Choice</td>
<td>6</td>
<td>100%</td>
</tr>
<tr>
<td>Anglo Candidate of Choice Wins</td>
<td>1</td>
<td>16.7%</td>
</tr>
<tr>
<td>Anglo Candidate of Choice Defeated</td>
<td>5</td>
<td><strong>83.3%</strong></td>
</tr>
<tr>
<td><strong>Exogenous:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Races Analyzed</td>
<td>12</td>
<td>----</td>
</tr>
<tr>
<td>No Clear Anglo Candidate of Choice</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Clear Anglo Candidate of Choice</td>
<td>12</td>
<td>100%</td>
</tr>
<tr>
<td>Anglo Candidate of Choice Wins</td>
<td>6</td>
<td>50.0%</td>
</tr>
<tr>
<td>Anglo Candidate of Choice Defeated</td>
<td>6</td>
<td><strong>50.0%</strong></td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of Races Analyzed</td>
<td>18</td>
<td>----</td>
</tr>
<tr>
<td>No Clear Anglo Candidate of Choice</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td>Clear Anglo Candidate of Choice</td>
<td>18</td>
<td>100%</td>
</tr>
<tr>
<td>Anglo Candidate of Choice Wins</td>
<td>7</td>
<td>38.9%</td>
</tr>
<tr>
<td>Anglo Candidate of Choice Defeated</td>
<td>11</td>
<td><strong>61.1%</strong></td>
</tr>
</tbody>
</table>

Having analyzed eighteen total elections, what conclusions can be drawn specifically concerning the third prong of the Gingles test? In approximately three out of five (61%) of these contests the Anglo candidate of choice is defeated. In sum, Anglo candidates of choice running for office
within Dallas County Commissioners Court districts usually lose as a result of minority bloc voting.

IV. OVERALL CONCLUSION

Using the test to detect vote dilution established in the *Gingles* case, I determined that Anglo candidates of choice running for Dallas County Commissioners Court seats are typically defeated by a non-Anglo, majority voting bloc. It is my expert opinion, therefore, that assertions of Anglo vote dilution in Dallas County related to County Commissioners Court districts are empirically supported.
V. DECLARATION

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed on August 22, 2017.

___________________________________
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Curriculum Vitae
(Augusts 2017)

M.V. (Trey) Hood III

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Academic Positions
University of Georgia
   Professor, 2013-present
   Director, SPIA Survey Research Center, 2016-present.
   Director of Graduate Studies, 2011-2016.
   Associate Professor, 2005-2013
   Assistant Professor, 1999-2005.
Texas Tech University
   Visiting Assistant Professor, 1997-1999.

Education
Ph.D.  Political Science  Texas Tech University  1997
M.A.  Political Science  Baylor University  1993
B.S.  Political Science  Texas A&M University  1991

Peer-Reviewed Books
The Rational Southerner: Black Mobilization, Republican Growth, and the Partisan
(Quentin Kidd and Irwin L. Morris, co-authors).
[Softcover version in 2014 with new Epilogue]

Peer-Reviewed Publications
“Out of Step and Out of Touch: The Matter with Kansas in the 2014 Midterm.” Forthcoming
2017. The Forum. (Seth C. McKee and Ian Ostrander, co-authors).
“From Legal Theory to Practical Application: A How-To for Performing Vote Dilution
Analyses.” 2017. Social Science Quarterly. (Peter A. Morrison, coauthor).


[Winner of the 2014 Hahn-Sigelman Prize]


Invited Publications


Book Chapters


[Reprint of 2004 *APR* article with Epilogue containing updated analysis and other original material.]


Other Publications


Grant-funded Research (UGA)


Curriculum Grants (UGA)


Dissertation

“Capturing Bubba’s Heart and Mind: Group Consciousness and the Political Identification of Southern White Males, 1972-1994.”

Chair: Professor Sue Tolleson-Rinehart

Papers and Activities at Professional Meetings


Presentation made at the Time-Shifting The Vote Conference. Reed College, Portland, OR.


Midwest Political Science Association. Chicago.


“Capturing Bubba's Heart and Mind: Group Consciousness and the Political Identification of
Midwest Political Science Association. Chicago.

“Of Byrds[s] and Bumpers: A Pooled Cross-Sectional Study of the Roll-Call Voting Behavior of
Democratic Senators from the South, 1960-1995.” 1996. (With Quentin Kidd and Irwin
Morris). Paper presented to the Annual Meeting of the Southern Political Science
Association. Atlanta.

“Pest Control: Southern Politics and the Eradication of the Boll Weevil.” 1996. (With Irwin
Morris). Paper presented to the Annual Meeting of the American Political Science
Association. San Francisco.

“Fit for the Greater Functions of Politics: Gender, Participation, and Political Knowledge.” 1996.
(With Terry Gilmour, Kurt Shirkey, and Sue Tolleson-Rinehart). Paper presented to the
Annual Meeting of the Midwest Political Science Association. Chicago.

“¿Amigo o Enemigo?: Racial Context, Attitudes, and White Public Opinion on Immigration.”

“¡Quedate o Vente!: Uncovering the Determinants of Hispanic Public Opinion Towards
Meeting of the Southwestern Political Science Association. Houston.

“Downs Meets the Boll Weevil: When Southern Democrats Turn Left.” 1995. (With Irwin
Morris). Paper presented to the Annual Meeting of the Southern Political Science
Association. Tampa.

“¿Amigo o Enemigo?: Ideological Dispositions of Whites Residing in Heavily Hispanic Areas.”

Meeting of the Southwestern Political Science Association. Dallas.

“Death of the Boll Weevil?: The Decline of Conservative Democrats in the House.” 1995. (With
Kurt Shirkey). Paper presented to the Annual Meeting of the Southwestern Political Science
Association. Dallas.

“Capturing Bubba’s Heart and Mind: The Political Identification of Southern White Males.”
Political Science Association. Atlanta.
**Other Professional Presentations**

“Much Adieu About Nothing?: An Empirical Assessment of Georgia’s Voter Identification Statute.” 2010. Presentation made to the Department of Political Science, Texas Tech University. Lubbock, TX.


**Areas of Teaching Competence**

- American Politics: Behavior and Institutions
- Public Policy
- Scope, Methods, Techniques

**Teaching Experience**

University of Georgia, 1999-present.
- Graduate Faculty, 2003-present.
- Provisional Graduate Faculty, 2000-2003.
- Distance Education Faculty, 2000-present.

Texas Tech University, 1993-1999.
- Visiting Faculty, 1997-1999.
- Graduate Faculty, 1998-1999.
- Extended Studies Faculty, 1997-1999.
Courses Taught:
Undergraduate:
   American Government and Politics, American Government and Politics (Honors), Legislative Process, Introduction to Political Analysis, American Public Policy, Political Psychology, Advanced Simulations in American Politics (Honors), Southern Politics, Southern Politics (Honors)

Graduate:
   Election Administration and Related Issues (Election Sciences), Political Parties and Interest Groups, Legislative Process, Seminar in American Politics, Southern Politics; Publishing for Political Science

Editorial Boards

Social Science Quarterly. Member. 2011-present.


Institutional Service (University-Level)

University Program Review Committee, 2009-2011.
   Chair, 2010-2011
   Vice-Chair, 2009-2010.

Graduate Council, 2005-2008.
   Program Committee, 2005-2008.
   Chair, Program Committee, 2007-2008.


Search Committee for University Librarian and Associate Provost, 2014.
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
(DALLAS DIVISION)

ANNE HARDING, et al.,

Plaintiffs,

v.

COUNTY OF DALLAS, TEXAS, et al.,

Defendants.

Civil Action No. 3:15-cv-00131-D

REBUTTAL REPORT OF M.V. HOOD III

I, M.V. Hood III, affirm the conclusions I express in this report are provided to a reasonable
degree of professional certainty. I reserve the right to update the opinions contained herein prior
to trial. In addition, I do hereby declare the following:
I’d like to begin by pointing out that none of the plaintiffs’ experts conducted a standard vote dilution analysis pertaining to Anglo voters and Dallas County Commissioners Court districts. Therefore, the evidence produced by Professors Lichtman and Barreto or by Mr. Angle in no way rebuts the conclusion reached in my initial report in this matter, that being Anglo candidates of choice running for Dallas County Commissioners Court seats are typically defeated by a non-Anglo, majority voting bloc. In the following pages I respond to three issues raised by Professor Barreto, these being (1) voting cohesion within the Anglo community in Dallas County; (2) the relevancy of the racial/ethnic composition of the Dallas County Commissioners Court; and (3) gauging the functionality of Dallas County Commissioners Court districts.

Anglo Voting Cohesion

In his report, Professor Barreto states, “[O]verall, there is not a cohesive White political community that has a consistent candidate of choice.” This conclusion is not based on any analysis of Dallas County Commissioners Court races, but simply on a small subset of statewide primary races held in 2012 and 2014. Again, my analysis of Dallas County Commissioners Court elections over the last decade points in the opposite direction, the existence of very high levels of Anglo vote cohesion.

Professor Barreto contends that a split exists between Anglo voters in Republican primary elections, some of whom align themselves with Tea Party candidates and others who support establishment GOP candidates. More specifically, Professor Barreto examines six statewide primary contests subset for Dallas County, County Commissioners Court District 1, and County Commissioners Court District 2. In all, the results for six contests subset three ways are presented. It is interesting to note that in eleven of these races the Tea Party candidate (as identified by Professor Barreto) received a plurality of the vote. More than three-fifths (61.1%) of the time then the candidate with the highest vote total in this set of exogenous elections was from the Tea Party faction. In addition, the Tea Party candidate won six of nine (66.7%) primary run-off contests.

Laying aside arguments concerning Anglo cohesion in statewide GOP primaries, the question before the Court in this matter involves the Dallas County Commissioners Court and the constitutionality of its districting plan. From 2006 through 2014 there were only two Republican primary races held for County Commissioners Court seats. Of the nine seats up for election

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1Here, I am referring to an analysis that includes the three prongs of the Gingles test. For analysis of the first Gingles prong in this matter see the Expert Report of Dr. Peter Morrison. Harding v. County of Dallas, Texas [3:15-CV-00131-D]. August 22, 2017. To my knowledge, the plaintiffs have also failed to produce any type of vote dilution analysis in order to justify the current (2011-present) racial composition of County Commissioners Court districts.


during this time period, seven (77.8%) were, therefore, uncontested. Of the three contests I examined for county judge, none features a contested GOP primary. Again, in the six endogenous races and the twelve exogenous races I analyzed, a clear candidate of choice for the Anglo community could be identified 100% of the time.

In this report I provide an analysis of the two County Commissioners Court races that saw a contested Republican Primary. The two races are District 1 in 2012 and District 3 in 2016. Racial vote estimates for these two contests are presented in Tables 1a and 1b respectively. Analysis of these contests indicates that a majority of Anglo voters backed the same candidate in the primary and the subsequent general election. In the 2012 District 1 contest, Miller received an estimated 73.5% of the Anglo vote. In the general election contest Miller’s Anglo vote percentage was estimated at 69.9%. In the 2016 District 3 race, Russell’s share of the Anglo vote was estimated to be 60.5%. In the general election Russell is estimated to have received 72.5% of the Anglo vote. In both these cases as well, the Anglo candidate of choice was defeated by the Democratic nominee in the general election contest.

Table 1a. 2012 County Commissioners Court Election, District 1

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Anglo</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miller*</td>
<td>73.5%</td>
<td>70.3%</td>
<td>69.6%</td>
<td>40.7%</td>
</tr>
<tr>
<td>Fernandez</td>
<td>26.5%</td>
<td>29.7%</td>
<td>30.4%</td>
<td>59.3%</td>
</tr>
</tbody>
</table>

* = Actual Winner of GOP Primary.

Table 1b. 2016 County Commissioners Court Election, District 3

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Anglo</th>
<th>Black</th>
<th>Hispanic</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russell*</td>
<td>60.5%</td>
<td>46.7%</td>
<td>39.0%</td>
<td>47.2%</td>
</tr>
<tr>
<td>Fields</td>
<td>39.5%</td>
<td>53.3%</td>
<td>61.0%</td>
<td>52.8%</td>
</tr>
</tbody>
</table>

* = Actual Winner of GOP Primary.

In conclusion, Professor Barreto’s assertion that the Anglo vote in Dallas County is fractured to the extent to which a clear candidate of choice does not exist appears unfounded. The findings he presents from his analysis of statewide contests is certainly debatable on this point, and there

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5Election data from Dallas County Elections Department (http://www.dallascountyvotes.org/election-results-and-maps/election-results).
appears to be absolutely no evidence of this assertion when one examines the races for Dallas County Commissioners Court.

**Racial/Ethnic Composition of the Dallas County Commissioners Court**

In his report Professor Barreto conflates the racial/ethnic composition of the County Commissioners Court with the second and third prongs of the *Gingles* test. Professor Barreto states, “Whites enjoy higher than expected political representation and better political responsiveness than Blacks or Latinos.” Of course, this statement is only true if the three current Anglo members of the County Commissioners Court were all candidates of choice for the Anglo community. From my analysis, I can definitively state this is not the case. Two out of three current members of the County Commissioners Court are not the preferred candidate of choice for the Anglo community. In summary, the election of an Anglo candidate does not necessarily equate with the election of the preferred candidate of the Anglo community.

**District Functionality**

A third place where Professor Barreto’s report misses the mark concerns the topic of district functionality. Here, I am referring to the manner in which a district could be thought to operate under circumstances that mimic an actual election. Based on the measure being used, there can be a distinct difference when discussing the potential electoral capacity of a specific racial/ethnic group. For example, one can measure the size of such a group based on its total population, its voting age population, or its citizen voting age population. In the case of Dallas County, the measure that will yield the closest approximation of a group’s electoral clout would be citizen voting population. In his report, Professor Barreto relies solely on the total population sizes of racial and ethnic groups in Dallas County.

Table 2 below presents a comparison of total population and citizen voting age population for Anglos, Blacks, and Hispanics in Dallas County. Using total population as a measure of district functionality overestimates the potential voting strength of Hispanics by 17-points, while underestimating the potential voting strength of Anglos by 13-points and Blacks by 5-points. In his initial report in this matter, Dr. Morrison demonstrates that 70% of the Anglo citizen voting age population is confined to a single County Commissioners District. No other racial/ethnic group under the present districting configuration is packed into a single district to this extent. For example, while Blacks are a majority of District 3, they only comprise 52.3% of the district’s population.

---


citizen voting age population. Again, relying on the citizen voting age population Dr. Morrison also demonstrated in his first report that a hypothetical remedial plan could be created where Anglos could constitute a majority of two County Commissioners Court districts. Under this same hypothetical plan Blacks would also constitute a majority of another district and Hispanics would maintain a plurality in a fourth district.\textsuperscript{12}

Table 2. Racial/Ethnic Composition of Dallas County, 2015\textsuperscript{13}

<table>
<thead>
<tr>
<th>Group</th>
<th>Total Population</th>
<th>Citizen Voting Age Population</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anglo</td>
<td>30.5%</td>
<td>43.5%</td>
<td>13.0</td>
</tr>
<tr>
<td>Black</td>
<td>22.3%</td>
<td>27.3%</td>
<td>5.0</td>
</tr>
<tr>
<td>Hispanic</td>
<td>39.5%</td>
<td>22.7%</td>
<td>-16.8</td>
</tr>
</tbody>
</table>

\textsuperscript{12}Using citizen voting age population figures Hispanics do not comprise a majority of any of the County Commissioners Court districts even under the current districting scheme. Hispanics do make up a plurality of potential electors in District 1 (37.1\%). This level is maintained in Dr. Morrison’s remedial plan where Hispanics comprise 37.6\% in his proposed first district. See Expert Report of Dr. Peter Morrison. \textit{Harding v. County of Dallas, Texas} [3:15-CV-00131-D]. August 22, 2017. Tables 2 and 3.

\textsuperscript{13}Data collected from expert reports of Professor Barreto (Table 1) and Dr. Morrison (Table 1).
DECLARATION

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed on October 13, 2017.

___________________________________
M.V. (Trey) Hood III

Department of Political Science
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FAX: (706) 542-4421
E-mail: th@uga.edu
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANNE HARDING, et al, ) CASE NO.:
( ) 3:15-CV-001310-D

Plaintiffs, )

vs. )

COUNTY OF DALLAS, et al, )

Defendants. )

_______________________________

DEPOSITION OF
MATTHEW A. BARRETO
SANTA MONICA, CALIFORNIA
OCTOBER 24, 2017

REPORTED BY:
MONICA M. LAURO, CSR NO. 11550
JOB NO: 132761
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANNE HARDING, et al,
Plaintiffs,

vs.

COUNTY OF DALLAS, et al,
Defendants.

______________________________

Deposition of MATTHEW A. BARRETO, taken on behalf of the Plaintiffs, at 1299 Ocean Avenue, Suite 450, Santa Monica, California, commencing at 10:22 a.m., Tuesday, October 24, 2017, before Monica M. Lauro, CSR No. 11550.
APPEARANCES:

FOR PLAINTIFFS:

THE EQUAL VOTING RIGHTS INSTITUTE
BY: DAN MORENOFF, Esq.
P.O. Box 12207
Dallas, Texas 75225

LAW OFFICE OF ELIZABETH DIANE ALVAREZ
BY: ELIZABETH DIANE ALVAREZ, Esq.
555 Republic Drive
Plano, Texas 75074

FOR DEFENDANTS:

BRAZIL & DUNN
BY: CHAD DUNN, Esq.
4201 Cypress Creek Parkway
Houston, Texas 77068

ALSO PRESENT:
ROLANDO RIOS, Esquire (Telephonically)
BRYAN WILCOX
INDEX

WITNESS: MATTHEW A. BARRETO

EXAMINATION

By Ms. Alvarez 5

EXHIBITS

<table>
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<tr>
<th>NUMBER</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
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<tbody>
<tr>
<td>Exhibit 10</td>
<td>Curriculum vitae</td>
<td>208</td>
</tr>
<tr>
<td>Exhibit 11</td>
<td>Curriculum vitae</td>
<td>208</td>
</tr>
</tbody>
</table>

INFORMATION REQUESTED

(NONE)

QUESTIONS INSTRUCTED NOT TO ANSWER

(NONE)
SANTA MONICA, CA; TUESDAY, OCTOBER 24, 2017
10:22 a.m.

MATTHEW A. BARRETO,
the witness hereinbefore named, being first duly sworn
to tell the truth, the whole truth, and nothing but
the truth, was examined and testified as follows:

EXAMINATION

BY MS. ALVAREZ:

Q    Can you say and spell your name for the record, please.
A    Sure.

    My name is Matthew Barreto, M-a-t-t-h-e-w,
    B-a-r-r-e-t-o.

Q    And what is your current address?
A    My current home address?
Q    Yes.
A    6119 Heritage Drive, Agoura Hills,
    California 91301.
Q    Okay.

MS. ALVAREZ: And just for the record, can we get all the attorney's appearances and parties to go on the record so we have it on the transcript.

MR. DUNN: This is Chad Dunn on behalf of the
Q Right.

But what about later -- so how can Stephen Rayshell be the preferred candidate and Theresa Daniel also be a preferred candidate?

A Well, there's a sizable percentage of Anglos in Dallas County who vote Democrat.

Q Actually, don't you say in your report that she's the preferred candidate because she's Anglo?

A No.

She in the primary won a majority of the Anglo vote in the Democratic primary.

Q Okay.

And in the general election, majority of Anglos voted for who?

A What year?

Q In 2016, who did the majority of Anglos vote for in that district?

A According to this table we identified the Anglo preferred candidate in the general as Rayshell.

Q Okay.

And did he win?

A No.

That one of the two losses.

Q Right.

So they both ran in District 1.
Q  Okay.
A  Line 10 says 2016 District 1 general, I state Anglo preferred candidate lost, Rayshell.
Q  Uh-huh.
A  So I'm not stating in the general that Teresa Daniel was the Anglo preferred candidate.
Q  Right. I see that.
   But the line above that, you say in the primary that the Anglo preferred candidate won.
   So I guess what I'm asking you is: Isn't your analysis here tinged to demonstrate that Anglos are winning races that they're really not winning?
A  Well, she was the Anglo preferred candidate in the primary.
Q  In the Democratic --
A  Among Democratic Anglos.
Q  Right.
   In the general election you just told me that Stephen Rayshell was the Anglo preferred candidate who lost the general election; right?
A  Yes.
Q  Okay.
   And he was the preferred candidate of Anglos in the Republican primary?
A  Correct.
A In my opinion they're represented proportionate to their population.

Q So when you said Clay Jenkins earlier, you didn't mean him; right?

Because he's elected by a majority of non-Anglo minority voters?

A I believe Jenkins also received in the 30-ish percent range of Anglo support. So he represents some Anglos in Dallas.

Q But if 70 percent voted for Ron Natinsky, then the Anglo candidate of choice did not win?

A In the Jenkins, Natinsky match, correct.

Q Okay.

And in the other three districts besides District 2 with Mike Cantrell, the Anglo candidate of choice either there wasn't one. They didn't bother running anymore. Or they lost; correct?

A In which race?

Q In the District 1, 3 and 4, the commissioners court, are any of those currently serving an Anglo candidate of choice?

A In the general election, no.

Q Okay.

So you're saying that the population is sufficient to justify their one seat?
mobilization experience?

A  No.

You're talking about an outcome. And what I'm referring to here is sort of the underlying theoretical underpinnings of what could explain such an outcome.

There's a lot of reasons why there could be an outcome. But what we're trying to figure out is whether there is a cohesive community that thinks of itself as having shared experiences and needing to work together and all of those sorts of things.

And in this case I'm making the case that that doesn't exist for Anglos in Dallas.

Q  Okay.

Does it does exist for Anglos in Dallas? Or it doesn't exist for Anglos anywhere?

A  Well, in this report we're just looking at Anglos in Dallas.

Q  Can you give me an example of how Anglos anywhere might have a shared community identity?

A  We'd have to look at all the different sort of jurisdictions and cities and counties across the country to try to understand their history and how it's been racialized in order to do that.

Q  Okay.
the other groups.

Why would that be?

A Well, I explain that in Paragraphs 12 and 13.

That they historically have not been disadvantaged. And so the feeling of in-group attachment is typically a response for the need to mobilize, to seek representation and access to the political system.

So if historically you had more access to the political system or controlled it, you wouldn't have that need of needing to seek out other community members to band together.

So that's one of the reasons that we state that Anglos in Texas in particular in Dallas have not developed that sort of strong sense of group identity.

Q But in Dallas County, the Anglo preferred candidate of choice is only one county wide race wants in the past decade.

Isn't that true.

A That sounds about right.

Q Susan Hawk won the district attorney's race in 2014.

She was the Anglo candidate of choice.
She was the only one that's won a single county wide race in a decade in Dallas County. So that doesn't represent lack of access to the political system?

A No.

I mean, this is a -- you can describe that as a temporary and recent phenomenon. The development of group identity develops over many decades. And access to the political system is measured not only in terms of representatives, but also in terms of the other senate factors in terms of doing well financially, doing well in the educational system, having access to home ownership, health care.

Q But isn't that only as it relates to their ability to vote?

A No.

These are general measures of your overall incorporation and success in society. And so if on all of these measures, and let's say there's 10, one of them is county wide representation.

If on the other nine meaning income, home ownership, business ownership, access to health care, access to education, et cetera, you're at the absolute
top of the chart. Then we would describe that as a community that is doing well off and perhaps not find the need for banding together with other members of their community group to seek regress.

Q So this shared ethnic identity can only be created or experienced if you're disadvantaged?

A It's one of the -- theoretically it's one of the ingredients for why people would start to band together. It's for protection.

It goes all the way back to sort of theoretically in the development of social psychology to sort of nomadic tribes. And the reason you stick with your family unit and your tribe is for protection and you need to band together.

And the theory develops out of that sort of notion; why would there be some instances in which groups decide to stick more together and express that cohesiveness while other groups don't necessarily feel that sense.

Q What are some other ingredients that can lead to the development to this racial or ethnic identity?

A Common religion, common language, common culture.

In terms of Anglos there are some writings
access to power, to the economy, to the educational system, that they have not developed an in-group racial identity in the same way that much of the social science research on Blacks and Latinos suggest that those groups have.

Q    Okay.

Is it your testimony that without that shared identity, they can not be politically cohesive for the purposes of Gingles?

A    It's my contention that that's an important consideration in understanding why a group would be cohesive or not.

    That the expression of the cohesiveness is the result of some sort of psychological and emotional reaction to politics.

    That it's not just an end. It's not just an outcome. That something drove that to happen.

    And so for African Americans and Hispanics, there have been numerous studies to suggest there is this concept of group consciousness, of group identity. And that that explains why some people have high rates of support for ethnic candidates and a preference for those ethnic candidates. It's not just that outcome.

    So this is not the only factor at all and we
possible elections of the same level of Government?

A   Again, it sort of depends.

If the elections of the same level of Government hypothetically don't have contested elections or other sorts of outcomes, they may not tell you as much about vote preference as other elections do.

And so what I always try to do is provide a picture of what is the mood of voters in this community.

The endogenous elections are certainly warranted. But exogenous elections are also often quite relevant and might tell more in some instances.

There's no rule as to which one is better than the other. I think you want to look at each race to make your decision.

Q   Okay.

And how do you choose once you have finished -- I'm going to say it wrong.

The endogenous elections, how do you choose the exogenous election are appropriate? Just anyone? Or you're looking for something in particular?

A   Usually I'm looking for contested elections. Elections where there's opportunities for people to really make a meaningful vote.
And sometimes open elections or elections with weak incumbents -- something that makes the election contested are typically seen as more interesting than an election with a seven time incumbent who has high name recognition and draw a nobody challenger.

Q And has $800,000,000?
A And so the more contested, however we define that, we might say that's the more meaningful the vote preference is.

Because now your vote really starts to count.

Whereas if you know this person is going to win regardless, it can be harder to draw conclusions from those.

Q Okay.
I want to make sure I understand.

When you're looking for other election, you're trying to find one that are more informative?

A Right.

Q To find informative ones, it doesn't really mean anything if there's, like, an eight time congressional incumbent with a bunch of money and high name recognition and his opponent is a guy who signed up yesterday and has no campaign?
REPORTER'S CERTIFICATE

I, Monica M. Lauro, CSR No. 11550, a Certified Shorthand Reporter within and for the State of California, do hereby certify:

That prior to being examined, the witness solemnly stated that the testimony given in the deposition would be the truth, the whole truth, and nothing but the truth;

That the said deposition was taken down by me in Stenotype at the time and place therein stated and was thereafter transcribed under my direction;

That the said deposition is a true record of the testimony given by the witness.

I further certify that I am not of counsel or attorney for any of the parties hereto or in any way interested in the event of this cause, and that I am not related to any of the parties hereto.

Dated this 27th day of October, 2017 at San Pedro, California.

____________________________

Monica M. Lauro, CSR 11550
The Dallas County Administrative Code contains the employment policies and procedures for Dallas County. It is not to be construed as a contract of employment or to contain any provision guaranteeing a specific term or tenure or employment. The Dallas County Commissioners Court and/or Civil Service Commission may, at any time, unilaterally implement changes in employment conditions, rescind or add to any of the policies, benefits or practices contained within the Dallas County Administrative Code.
ARTICLE IX. EQUAL EMPLOYMENT OPPORTUNITY PLAN


Sec. 86-1041. Philosophy. (This section reflects recent court approved policy language: Court Ordn. No. 2011-776 April 26, 2011.)

Dallas County values the diverse backgrounds, experiences, knowledge and skills of all individuals, including applicants and employees. Treating individuals with dignity and respect is one of our core values. Our goal is to create and foster a work environment that offers equal employment opportunities and fair treatment to all applicants and employees without regard to race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation. This policy includes, but is not limited to, all decisions relating to the employment process (recruiting and hiring), employment actions, compensation, benefits, disciplinary actions, application of policies and procedures and any other terms or conditions of employment.

(Ord No 2009-0241, 2-3-2009)

Sec. 86-1042. General policy. (This section reflects recent court approved policy language: Court Ordn. No. 2011-776 April 26, 2011.)

(a) To provide an atmosphere of equality of opportunity for all applicants to, and employees of, the county in all phases of employment activities, including recruitment, hiring, job assignment, supervision, training, upgrading, transfers, compensation, benefits, educational opportunities, recreational activities or facilities, regardless of race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation, except where gender may be a bona fide occupational qualification and except where state or federal law may place minimum or maximum age limitations on employees.

(b) It is the responsibility of all county officials, supervisors and employees to conform to both the letter and spirit of such executive orders as may be legally enforced from time to time and all related civil rights orders and laws. The head of each department will be responsible for developing, coordinating and monitoring the equal employment opportunity programs, including the equal employment opportunity plan for the county. It is the responsibility of each elected official and department head to provide the supportive personnel functions, including the maintenance of appropriate records required to execute the equal employment opportunity programs.

Ord. No 2009-0241, 2-3-2009

Sec. 86-1043. The equal employment opportunity commission.

The 1964 Civil Rights Act, as amended, prohibits discrimination in the hiring of employees and in the terms and conditions of employment. The equal employment opportunity commission has the principal function of receiving and investigating complaints under the Civil Rights Act of 1964, as amended.

(Ord No 2009-0241, 2-3-2009)

Sec. 86-1044. County equal employment opportunity plan recruitment. (This section reflects recent court approved policy language: Court Ordn. No. 2011-776 April 26, 2011.)

(a) All recruitment practices will be reviewed by the human resources/civil service department to ensure that minorities and women in the county are notified regarding job opportunities and are encouraged to apply.

(b) Each department head shall communicate periodically to the human resources/civil service department all sources of recruitment, and the human resources/civil service department by letter, will communicate to each source the county's policy on equal employment opportunity. The letter shall follow the general form set out at the end of this section.

(c) The human resources/civil service department is a clearinghouse for applicants.

The civil service commission is authorized to appoint a director of human resources/civil service for the county to assist in carrying out these duties. The director of human resources/civil service shall be directly responsible and shall answer to the civil service commission.

(d) In order to ensure that all applicants are given consideration, the director of human resources/civil service will:

(1) Advertise in minority news media and thereby notify the minority community that the county is an equal opportunity employer; and

(2) Solicit assistance in recruitment from well known and predominantly minority and women's groups.

(e) Each department head shall notify the human resources/civil service department of all job openings by creating and submitting a vacancy through the recruitment system to initiate the recruitment/selective process.

(f) The program shall ensure that minorities and women are included in all phases of county employment with an absence of discrimination.

(g) Recruitment shall include only job qualifications. Although the potential employee must be able to do the job today, emphasis shall be placed on the potential of the applicant to fill the position.

(h) Adequate recruitment and interview records shall be maintained.

(i) All advertising for job openings in magazines, newspapers or other advertising...
media shall contain the statement: "an equal opportunity employer."

(i) Sample letter, recruitment.

TO WHOM IT MAY CONCERN,

The County of Dallas, Texas, has always considered itself an Equal Employment Opportunity employer.

Positions in the county will be filled by qualified individuals without regard to race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.

It is our understanding that you, as a potential source of recruitment for county employees, will also adhere to this equal employment opportunity when referring applicants to the county.

Sincerely,

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1645. Benefits. (This section reflects recent court approved policy language: Court Order# 2011 778 April 28, 2011.)

Benefits will be offered to employees as they qualify, regardless of race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1646. Promotional opportunities. (This section reflects recent court approved policy language: Court Order# 2011 778 April 28, 2011.)

All employees are eligible for promotion on an equal opportunity basis.

(b) Promotions will be based on performance, skill and potential job performance, and shall not be based on race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.

(c) Each department will develop career ladders, indicating entry levels and positions into which an employee could be promoted, to permit movement of capable lower level employees to higher positions.

(d) Each department shall make available counseling for career development.

(e) Promotional opportunities shall be posted on bulletin boards in the department and the human resources/civil service department via the Recruitment system during periods of recruitment.

(f) Any employee in a department may apply for a promotional opportunity, and there shall be no restrictions on the opportunity to apply.

(g) If an employee feels that he cannot apply for a promotion through his supervisor, he may bypass the supervisor and go directly to the head of the department or the elected official responsible for such department for consideration of promotional opportunity.

(h) Only job qualifications shall be considered in connection with promotional opportunities.

(i) Employee performance evaluations will be required on all individuals seeking promotion.

(j) Adequate justification must be given to employees who are passed over for promotion.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1647. Internal dissemination of article.

Each department head will take steps to ensure compliance with the equal employment opportunity plan, as amended, by disseminating this article to all employees under their supervision in order to ensure that females and minority employees are given opportunities to compete for vacancies and promotions.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1648. Transfers.

Employees will be considered for other positions within the department or other departments provided they are eligible for transfer. Employees must meet all requirements or meet the minimum requirements specified for the job and have the potential to be trained for the position.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1649. Salary raises. (This section reflects recent court approved policy language: Court Order# 2011 778 April 28, 2011.)

Departmental training programs will be carried out to develop the potential of all employees. An inventory of employees attending training programs will be maintained by each department. Opportunity for training shall be without race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.

(Ord. No. 2009-0241, 2-3-2009)

Sec. 86-1650. Training. (This section reflects recent court approved policy language: Court Order# 2011 778 April 28, 2011.)

Departmental training programs will be carried out to develop the potential of all employees. An inventory of employees attending training programs will be maintained by each department. Opportunity for training shall be without race, religion, color, national origin, sex (including pregnancy), age, disability, sexual orientation, transgender, gender identity, gender expression, or political affiliation.

(Ord. No. 2009-0241, 2-3-2009)
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANN HARDING, ET AL, )
) )
) )
) )
VS. ) CIVIL ACTION NUMBER:
) 3:15-CV-00131-D )
) )
COUNTY OF DALLAS, TEXAS, )
ET AL. )

**********************
VIDEOTAPED AND ORAL DEPOSITION OF
URMIT GRAHAM
March 9th, 2017
**********************

VIDEOTAPED AND ORAL DEPOSITION OF URMIT GRAHAM,
produced as a witness at the instance of the Plaintiffs, and
duly sworn, was taken in the above-styled and numbered cause on
March 9th, 2017, from 10:10 a.m. until 11:58 a.m., before Donna
Barr, Certified Shorthand Reporter in and for the State of
Texas, reported stenographically, at the offices of Simon
Greenstone Panatier Bartlett, 3232 McKinney Avenue, Suite 610,
Dallas, Texas 75204 pursuant to the Federal Rules of Civil
Procedure and the provisions stated on the record or attached
hereto.
PRELIMINARY PROCEEDINGS

THE VIDEOGRAPHER: We are now on the record for
the video deposition of Urmit Graham. The time is 10:10 a.m.
on March 9th, 2017. This is the matter of Ann Harding, et al,
versus the County of Dallas, Texas, et al., Civil Action Number
3:15-CV-00131-D. This is being held in the United States
District Court For the Northern District of Texas, Dallas
Division. The court reporter is Donna Barr. The videographer
is Will Rain. Both are representatives of DepoTexas.

And now will counsel please state your
appearances for the record.

MR. MORENOFF: Dan Morenoff on behalf of the
plaintiffs.

MR. RIOS: Rolando Rios on behalf of Dallas
County.

MR. DUNN: Chad Dunn on behalf of Dallas County
and all defendants.

MR. WAITE: Frank Waite, Dallas County.

(Witness sworn.)

URMIT GRAHAM,
having been first duly sworn, testified as follows:

EXAMINATION

QUESTIONS BY MR. MORENOFF:

Q. Okay. Sir, I think we just covered this, but could
you state your name for the record?
Q. Okay. Perfect. Did you review any materials that would relate to the entities from Exhibits 1 and 2 that you've told us have separate departments and do not use your office's services?

A. No. I wouldn't have -- I did not do that.

Q. Okay. Okay. Are you familiar with Dallas County's hiring and firing policies?

A. Yes.

Q. Promotional policies?

A. Yes.

Q. Okay. And I believe you've told me that your job involves enforcing and monitoring compliance with all those policies for the departments that we've discussed other than the ones you've carved out; is that true?

A. Yes.

Q. Okay. Where are those policies made available to the public?

A. They're actually in -- the policies are located on the Internet.

Q. Okay.

A. And you can access them through our website, dallascounty.org, human resources department, and also the muni code.

Q. Okay. Do the -- would those policies be the policies embodied in the Dallas County Administrative Code?
A. Yes.

Q. Okay.

A. Chapter 82 and Chapter 86 is the main policies that deal with human resource, employee relations, and HR functions.

Q. Okay. What is in Chapter 82?

A. Chapter 82 deals with -- Chapter 82 and 86 because both -- all of them deal with the HR functions. Specifically I do not know what's exactly in 82, but Chapter 82 and 86 deals with hiring, firing, employee relations, benefits, vacations, sick, promotions, demotions, disciplinary actions. Those areas.

Q. Wonderful. Your counsel had provided in discovery a copy of Chapter 86. They have not to date identified the Chapter 82 as also included additional policies?

MR. MORENOFF: Would y'all be willing to supplement with a copy of that?

MR. RIOS: Absolutely.

MR. MORENOFF: Okay. We're going to reserve our right to ask any additional questions, but I suspect that we're going to be able to cover this on 86, so that that should not pose a problem.

(Exhibit 5 marked.)

Q. (BY MR. MORENOFF) I'm now going to hand you what I've labeled Exhibit Number 5. I will represent to you -- because it's a long document and I don't want you to have to
flip through the entire thing to answer this -- that it is a

copy of Chapter 86, the Dallas County Administrative Code as
produced by your -- by Dallas' counsel.

MR. MORENOFF: Gentlemen, even though this is

not Bates labeled, you've told me you're going to provide a

Bates labeled version subsequently. This does have the

Attachment C that you had had on it when you produced it to us.

We have not altered it in any way. Fair? Okay.

Q. (BY MR. MORENOFF) I'd like you to start by flipping
to Section 86-54.

A. 86-54?

Q. Yes, sir.

A. I'm there.

Q. Okay. It discusses the appointment of a director of

human resources, civil service. Is that you?

A. Yes.

Q. Okay. With that established, now we're going to

jump to a different section. Could you jump to Section

86-1044?

A. 86-1044?

Q. Yes, sir, 1044.

A. (Witness complies.)

MR. RIOS: Is it way at the end or...

MR. MORENOFF: It is on Page 174. If you can

see in the little writing --
MR. RIOS: 174?

THE WITNESS: Yes.

MR. MORENOFF: Sorry. I should have told you that.

A. I'm there.

Q. (BY MR. MORENOFF) Okay. Section A requires your department to -- and you can read along if you like -- ensure that minorities and women in the county are notified regarding job opportunities and are encouraged to apply.

You're an HR guy; what do you understand that to mean?

A. That the HR department will notify or have available advertised positions that's available.

Q. Okay. What do you understand "minorities" in that phrase to refer to?

A. Blacks, Hispanics, non -- non-Hispanic whites basically. Minorities.

Q. Let me make sure that I understood that because I think you labeled three groups. Are you counting them all as minorities?

A. When I think of minorities, I think of blacks, Hispanics, and that group of people mainly, but --

Q. Okay.

A. -- it could be -- Asians could be a minority depending on area. I basically say non-Hispanic whites.
Q. What about non-Hispanic whites?
A. Well, they could -- from a definition of minority standpoint --
Q. Yes.
A. -- you know, I usually see -- non-Hispanic white is considered somewhat of a majority.
Q. Okay. Okay. So you understand non-Hispanic whites to be excluded from the term "minority" in this phrase?
A. No -- well, as far as advertising is concerned?
Excuse me.
Q. Please.
A. Let's see. "All recruiting practice will be reviewed by the human resource service department to ensure that" -- "that minorities and women in the county are notified regarding job opportunities and are encouraged to apply."
Minorities and women --
Q. Yes.
A. -- in this term. Minorities in the sense of definition of typical minority would have been basically blacks, Hispanics, and that group.
Q. Okay. Thank you.
A. Uh-huh.
Q. No, I appreciate that. How do you ensure that that notification occurs?
A. Well, we actually advertise for all positions on our
Dallas County website for any ethnic group.

Q. Okay. I'm going to ask you to skip ahead to Subsection D right there. It mentions -- or I think it requires you to advertise in minority news media and to -- skipping ahead a little -- "solicit assistance in recruitment from well-known and predominantly minority and women's groups."

Yes?

A. A number?

Q. I'm sorry. This is just Subsection D. It's like --

A. Oh, okay.

Q. -- three paragraphs down from where we were.

A. Yes, we have this on our website about Dallas County being an equal employment opportunity employer --

Q. Sure.

A. -- so it's outlined there --

Q. Sure.

A. -- as well.

Q. Sure.

A. But every now and then, we will advertise in various newspapers --

Q. Okay.

A. -- from the Dallas Morning News to Hispanic news papers or various different newspapers if needed.

Q. Okay. Well, what do you understand D(1) to require?

A. "Advertise in minority news media and thereby notify
the minority community that the County is an equal opportunity
employer." To me, we in doing this, we advertise in the Dallas
Morning News.

Q. Okay.

A. Sometimes we will advertise again in minority
newspapers. But we don't -- we don't advertise every
position --

Q. Sure.

A. -- because basically we advertise on the Dallas
County website. And by advertising on the Dallas County
website and having the information available to them about
we're an equal employment opportunity employer, then we
basically -- that's basically what we do.

Q. Okay. What minority news media do you advertise in?

A. We'll go through various organizations. We might go
through Hispanic Chamber of Commerce or the Black Chamber of
Commerce or those type things. And they would give us
locations of where do we need to advertise. Sometimes we would
advertise on the radio if need be. But mostly we advertise in
the Dallas Morning News.

Q. Okay. Okay. Thank you. I'm going to jump ahead to
F because I think you're already answering it as well.

A. Okay.

Q. It's just another two paragraphs down.

A. Okay.
Q. It requires the program to ensure that minorities and women are included in all phases of — I'm sorry. You know what? I skipped ahead and I shouldn't have. What groups do you work with? And this was still in D.

A. Uh-huh.

Q. Soliciting the assistance and recruitment from well-known and predominantly minority and women's groups, what groups do you work with? Is this the same ones you were just saying?

A. Yes, uh-huh. We typically go through the Chamber of Commerce because they're more familiar with —

Q. Yes.

A. -- the -- well, that group of people and they will give us indications. But actually, then that's what my recruiter does.

Q. Okay.

A. She typically would go to those different organizations. And we also will do job fairs with the various different minority organizations or regular organizations.

Q. And again, just to make sure I understand what we're talking about, which Chambers of Commerce and which community organizations are we talking about?

A. Oh, like, Hispanic Chamber of Commerce —

Q. Yeah.
A. -- Black -- Black His -- Chamber of Commerce.

Q. Yes.

A. Those type --

Q. Okay.

A. -- entities. And the --

Q. And the job fairs?

A. The job fairs would be similar. Those type job fairs are with the Dallas County Community College District.

Q. Okay.

A. Those. Those or regular job fairs. We'll do job fairs at the Kwanzaa fest. Those type things.

Q. Okay.

A. But regular job fairs that people request us or solicit to participate, we typically do.

Q. Okay.

A. Could be a number of different job fairs, but mostly they're from Dallas County Community College Districts or very local job fairs.

Q. Okay. So if we were specifically talking about predominantly minority and women's groups, those would be the Chambers of Commerce that we're talking about?

A. Yes.

Q. That's what you do to comply with that section?

A. Yes. We typically will get -- we will -- we use them to determine what avenues that we can use to --
Q. Thank you. I appreciate it.
A. If the information is available, yes.
Q. Okay. And if it isn't, you'll let us know?
A. Yes.
Q. Okay.

MR. DUNN: Can we get a time bracket for that?
MR. MORENOFF: Oh, of course. 2007 through the present. Thank you.

Q. (BY MR. MORENOFF) Okay. We're going to shift gears a moment. What records does Dallas keep about the ethnic makeup of its work force?
A. Yeah, it's in the system. Basically, the ethnicity, race, gender, all that stuff is in the system. And we can run reports from it. I have a report here if you want regarding that, the ethnic makeup of the County.

Q. And would that be something that could be determined on an annual basis? Looking back now, could you look back and say: This was the makeup in 2016, in 2015 --
A. Yes, I have that information.
Q. Okay. I ask because that has not been produced.
Would you be willing to give us copies of those reports by ethnicity and race from 2007 through the present?
A. Yes.

MR. DUNN: You have those here?
MR. RIOS: He has them here.
THE WITNESS: I don't have copies, but I have it here.

MR. DUNN: Can we just make it the next deposition exhibit number?

MR. MORENOFF: Sure. I don't know what exactly we're talking about in terms of what years this might be.

A. Actually, this report -- what did I do with it? I just had it. It actually goes back to 2001 to 2016.

Q. (BY MR. MORENOFF) Oh, wonderful. Annually?

A. Annually, yes.

Q. Okay. Yeah, please.

A. I just had it.

Q. I guess I should ask. Are there other documents you've brought with you that I should know about?

A. I just brought based on the question that was anticipated, I brought that one.

Q. Okay.

A. But I would not have remembered that --

MR. RIOS: Can we go ahead and put that in the deposition because I think he's got a spreadsheet that's got --

THE WITNESS: Here it is.

MR. DUNN: Let Mr. Rios take a look at that first.

THE WITNESS: (Complies.)

MR. RIOS: It's from 2001 to the present.
11:15 a.m.

(Recess was taken.)

THE VIDEOGRAPHER: We are back on the record at 11:24 a.m.

MR. MORENOFF: Okay. Welcome back. I'm glad to hear you weren't towed.

During the break, it was noticed that we have mislabeled one exhibit that we should not, in fact, two Exhibits 6. Accordingly, we have relabeled and are reintroducing the spreadsheet that Mr. Graham just gave to me. And I believe you have a copy as well. We're labeling that Exhibit Number 7. No objections; yes?

MR. RIOS: For the record, that's a race and ethnic makeup of the employees of Dallas County.

MR. MORENOFF: Yes.

MR. RIOS: From 2001 to the present.

MR. MORENOFF: Okay. Yes. Thank you for that clarification.

(Exhibit 7 marked.)

Q. (BY MR. MORENOFF) Mr. Graham, twice in the last year, including once in an article that actually quoted you, the Dallas Morning News has reported that more than 50 percent of Dallas County's work force is black. Are you aware of that?

A. It would be outlined on the --

Q. Forgive me. I did, of course, just get that. Yes,
it says 51.03. Do you have a copy also?

(Exhibits 8 and 9 marked.)

A. No. I just only had that copy.

Q. (BY MR. MORENOFF) Well, here, please --

A. Okay.

Q. -- keep it in front of you and --

A. Okay.

Q. -- I'm now handing to your counsel and to you what I've labeled Exhibits 8 and 9, which are the articles that I just referred to. Got another copy. On the basis of the fact that that seems to exactly correlate with the spreadsheet that you've given me, is it safe to assume they got that statistic from your office?

A. Yes.

Q. Okay. In one of those, I believe it's in the article entitled "The Color Gap," Exhibit 9, the Dallas Morning News calls that figure a disproportionately large share relative to the county's 22 percent black population.

You testified earlier to the specific efforts Dallas makes to publicize job vacancies in the African/American community, including reaching out to the Black Chamber of Commerce and publishing in the niche press, yes?

A. No, not niche press. Dallas Morning News --

Q. Yes.

A. -- or Hispanic Chamber of Commerce, those type --
Q. Oh, I'm sorry. And you're right. You were going to get back to me on what kinds of --

A. Right.

Q. -- minority media you had also used?

A. Yes.

Q. But you didn't say you did. You just said you know there's something and you'll let us know what?

A. Yes.

Q. Okay. Forgive me for misstating that. I'm sorry. Are those kinds of cooperation -- no, were those kinds of cooperative efforts with the chamber impacted in any way by the percentage of African/Americans in the County's work force becoming this disproportionate?

A. Not to my knowledge.

Q. Okay. In your opinion as an HR guy, do you understand that there's any level of disproportionateness at which an alteration would be necessary?

A. We, Dallas County --

Q. Yeah.

A. -- you know, we're trying to become more diversified, meaning we want to represent the makeup of Dallas County. That's the intent of Dallas County is to really to represent the makeup of Dallas County. So in looking at the numbers, this would -- the fact that if 21 percent of Dallas County is minority, black, and 51 percent of the workers in
Dallas County are black, then that would be considered a disproportionate amount.

Q. Okay. Are there any plans that you're aware of for your office to stop the kind of cooperative publication through specific affinity group Chambers of Commerce?

A. Well, currently, because Dallas County is basically billed as as far as positions is concerned --

Q. Okay.

A. -- mostly the only places we advertise now is in usually the Dallas Morning News, or we might advertise on other type medias for specialty positions like IT services or something of that nature. But mostly we advertise now is just Dallas Morning News because Dallas County have much less vacancies than they did before.

Q. Okay. You had spoken about these cooperative relationships with specific Chambers of Commerce. Are you still dealing with them; are you still talking to them?

A. I would have to go back and talk with my recruiter to what extent that we actually get involved with them now. But I know at one time, we used to contact them to get information about where we should be looking for certain groups, yes, as far as when we were needing certain -- needing to advertise in certain minority type medias. So I wouldn't know right now as to if we're actually that much involved in them now. I would have to talk with my -- our recruitment
specialists and --

Q. Okay. Could you talk to them and when you supplement this, include what you find?
A. All right. Yes. But this is only my -- I would assume that we're doing it very little because we're basically fill -- our positions are full.

Q. Okay. The Morning News also reported -- and you can find this, I'll tell you where to, you know -- I think it's the same information that's in your report, so I think you're familiar with it regardless of where they reported it. But it's on Page 8 of that same article.
A. Okay.

MR. RIOS: Let me just on the record, on Exhibits 7 and 8, we're not objecting to the examination of these exhibits at this point. But we do reserve the right to object to hearsay if this thing goes to trial and these exhibits are presented.

MR. DUNN: And you mean Exhibits 8 and 9.

MR. RIOS: 8 and 9, yes. True.

MR. MORENOFF: Okay.

Q. (BY MR. MORENOFF) The Morning News has reported that over the last 15 years, the percent of Dallas County's work force composed of non-Hispanic white employees dropped from 46 percent to 26 percent.

A. That's correct. That's --
Q. It's exactly what it says on your records as well?
A. Yes, uh-huh.

Q. Okay. They've also reported -- and I'm not expecting you to have an opinion on this -- that the white population of Dallas was 31 percent of the county's total population in 2014. Do you -- could you explain to me how the work force has gone from dramatically more non-Hispanic white than the general population to dramatically less non-Hispanic white in the general population in the 15 years you've been in the HR department?

A. I think it's actually the demographics of the county has changed.

Q. Okay.

A. And by change in the demographics of the county, makeup of the county, actually there's -- and especially for positions that we typically hire for -- sheriff's department, twenty some hundred positions; juvenile, a thousand plus, detention services and those type of positions, we see, basically, less non-Hispanic white applying for those type of positions and more minority that apply for those type positions. So I think the demographics of the county is changing that might have caused this change and the makeup of non-Hispanic whites.

Q. I know you've got the report that you've run in front of you. You can refer to it if you need to in answering
this. Obviously, it's an exhibit. Do you know how gradually
this change has occurred?

A. As far as -- well, it appears just looking at my --
Q. Yes.

A. -- chart from 2001 to 2007, the --
Q. I'm sorry. 2007?

A. Yes, to 2007 --
Q. Is that the last year on that report?
A. Oh, no. The last year is 2016.
Q. Okay.

A. It dropped 20 percent. Then from 2007 up to 2016,
it basically dropped another 20 percent. So over the last 16
years, it appears to have dropped a total of -- what's that?
16 -- what's that? That's 26 percent -- let me see. Dallas
County. Dallas County -- it's 26 percent now and it was 46.
So that's like 20 percent. It's done dropped 20 percent over
16 years, so basically it's done dropped 10 percent every
seven, eight years.

Q. Okay. So it looks to you like that's a pretty
even --
A. Yes. Uh-huh.

Q. Okay. Has there been any active recruitment of such
candidates?
A. Of non-Hispanic whites?
Q. Yes.
A. We advertise in -- like we do in -- for any other candidate, in the Dallas Morning News and other media outlets that we can get in, basically, truthfully, for free. If we can get free, we prefer that being County, but...

Q. Sure. I think everybody prefers free.

A. But mostly, we advertise in the Dallas Morning News.

Q. Okay. But there are no -- are there any groups in particular that you've reached out to to make sure that you're reaching such candidates?

A. Not in particular that I'm aware of, no.

Q. Okay. I'm going to call your attention to one more quote in this document. It's from Clay Jenkins, and it's on Page 6.

MR. RIOS: Which exhibit, please?

MR. MORENOFF: I'm sorry. You're right. I should tell you that.

MR. DUNN: I think it's this one.

MR. MORENOFF: I believe it's also in Exhibit 9. Let me make sure of that. Yes, it's at the bottom.

Q. (BY MR. MORENOFF) The Morning News has paraphrased Judge Jenkins saying that he wants to change managers' performance reviews to include whether they recruit, hire, and promote diverse candidates. And then actually quotes him saying: "You have to go out and find qualified candidates; not wait for them to come to us. You put that in a performance
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANN HARDING, ET AL,

VS.

CIVIL ACTION NUMBER:

COUNTY OF DALLAS, TEXAS, ET AL.

REPORTER'S CERTIFICATION
VIDEOTAPED AND ORAL DEPOSITION OF
URMIT GRAHAM
March 9th, 2017

I, Donna Barr, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, URMIT GRAHAM, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

I further certify that pursuant to FRCP Rule 30(f)(1) that the signature of the deponent:

____XXXXX_______was requested by the deponent or a party before the completion of the deposition and returned within 30 days from date of receipt of the transcript. If returned, the attached Changes and Signature Page contains any changes and the reasons therefor;
was not requested by the deponent or a party before the completion of the deposition.

I further certify that I am neither attorney nor counsel for, related to, nor employed by any of the parties to the action in which this testimony was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor am I financially or otherwise interested in the outcome of the action.

Subscribed and sworn to on this the 23rd day of March, 2017.

[Signature]

DONNA BARR, TEXAS CSR 3961
Expiration Date: 12-31-17
DepoTexas, Firm Registration #459
6500 Greenville Avenue, Suite 445
Dallas, TX 75206
214.373.4977

Job No. 319461
### Number of Filled Positions by Ethnicity (A,B,C,D,E,F) -- FY2001-2016 vs Dallas County Workforce

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A: American Indian/Alaskan Native  
B: Asian  
C: Black/African American  
D: Hispanic  
E: Native Hawaiian or Other  
F: Two or More Races  
G: White/Caucasian

3) Avg Ethnicity Demographics
IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SHANNON PEREZ, HAROLD
DUTTON, JR. and GREGORY TAMEZ,

Plaintiffs

v.

STATE OF TEXAS; RICK PERRY, in his
official capacity as Governor of the State of
Texas; DAVID DEWHURST, in his official
capacity as Lieutenant Governor of the State
of Texas; JOE STRAUS, in his official
capacity as Speaker of the Texas House of
Representatives; JOHN STEEN, in his
official capacity as Secretary of State of the
State of Texas,

Defendants

MEXICAN AMERICAN LEGISLATIVE
CAUCUS, TEXAS HOUSE OF
REPRESENTATIVES (MALC),

Plaintiffs

v.

STATE OF TEXAS; RICK PERRY, in his
official capacity as Governor of the State of
Texas; DAVID DEWHURST, in his official
capacity as Lieutenant Governor of the State
of Texas; JOE STRAUS, in his official
capacity as Speaker of the Texas House of
Representatives,

Defendants

CIVIL ACTION NO.
SA-11-CA-360-OLG-JES-XR
[Lead case]

CIVIL ACTION NO.
SA-11-CA-361-OLG-JES-XR
[Consolidated case]
TEXAS LATINO REDISTRICTING TASK FORCE, JOEY CARDENAS, ALEX JIMENEZ, EMELDA MENENDEZ, TOMACITA OLIVARES, JOSE OLIVARES, ALEJANDRO ORTIZ, REBECCA ORTIZ, FLORINDA CHAVEZ, ARMANDO CORTEZ, CESAR EDUARDO YEVENES, GREGORIO BENITO PALOMINO, RENATO DE LOS SANTOS, GILBERTO TORRES, SOCORRO RAMOS, SERGIO CORONADO and CYNTHIA VALADEZ,

Plaintiffs

v.

RICK PERRY, in his official capacity as Governor of the State of Texas; HOPE ANDRADE, in her official capacity as Secretary of State of the State of Texas,

Defendants

CIVIL ACTION NO. SA-11-CA-490-OLG-JES-XR [Consolidated case]

FOURTH AMENDED COMPLAINT OF PLAINTIFFS TEXAS LATINO REDISTRICTING TASK FORCE, ET AL.

TO THE HONORABLE UNITED STATES DISTRICT COURT:

I. INTRODUCTION

1. Plaintiffs are an association and individual registered voters that seek, on behalf of themselves and their members, declaratory and injunctive relief to enforce the Fourteenth and Fifteenth Amendments to the United States Constitution and the Voting Rights Act of 1965.

2. Plaintiffs seek a declaratory judgment that the 2011 Texas congressional (Plan C185) and Texas House of Representatives (Plan H283) redistricting plans and the alterations made
to House District (HD) 90 in the 2013 Texas House of Representatives redistricting plan (Plan H358) violate their civil rights by unlawfully diluting the voting strength of Latinos. Plaintiffs further seek a declaratory judgment that the 2011 Texas congressional and Texas House of Representatives redistricting plans and the alterations made to HD 90 in Plan H358 discriminate against them on the basis of race and national origin. Plaintiffs seek a permanent injunction prohibiting the calling, holding, supervising or certifying of any future congressional or Texas House elections under the 2011 redistricting plans or the 2013 Texas House of Representatives redistricting plan. Plaintiffs seek the creation of congressional and Texas House redistricting plans that will not cancel out, minimize or dilute the voting strength of Latino voters in Texas. Plaintiffs further seek an order subjecting Texas to the preclearance requirement of section 5 of the Voting Rights Act under 42 U.S.C. § 1973a(c) (section 3(c) of the Voting Rights Act). Plaintiffs also seek costs and attorneys' fees.

II. JURISDICTION

III. PLAINTIFFS

4. Plaintiff TEXAS LATINO REDISTRICTING TASK FORCE is an unincorporated association of individuals and organizations committed to securing fair redistricting plans for Texas. Organizational members of the Texas Latino Redistricting Task Force include Hispanics Organized for Political Education (HOPE), the Mexican American Bar Association of Texas, the National Organization for Mexican American Rights, Southwest Voter Registration Education Project, the William C. Velasquez Institute, and Southwest Workers’ Union. Individuals who are members of the Task Force member organizations include: Latino registered voters of Texas who are injured by the dilution of Latino voting strength statewide; Latino registered voters of Texas who reside in areas where Latino voting strength has been diluted by redistricting plans H283, C185 and H358; Latino registered voters of Texas who reside in districts that were subjected to race-based redistricting in violation of their rights; and Latino registered voters of Texas who reside in areas where Latino-majority districts should have been created but were not in plans H283 and C185.

5. Plaintiff Joe Cardenas III is Latino and a registered voter of Texas. He resides in Louise, Texas. In plans H283, C185 and H358, Plaintiff Cardenas resides in Texas House District 85 and Congressional District 27.

6. Plaintiff Florinda Chavez is Latina and a registered voter of Texas. She resides in Austin, Texas. In plans H283, C185 and H358, Plaintiff Chavez resides in Texas House District 49 and Congressional District 35.
7. Plaintiff Cynthia Valadez is Latina and a registered voter of Texas. She resides in Austin, Texas. In plans H283, C185 and H358, Plaintiff Valadez resides in Texas House District 51 and Congressional District 35.


13. Plaintiff Cesar Eduardo Yevenes is Latino and a registered voter of Texas. He resides in Corpus Christi, Texas. In plans H283, C185 and H358, Plaintiff Yevenes resides in Texas House District 32 and Congressional District 27. Plaintiff Yevenes is injured by having the congressional district in which he resides, Congressional District 27, altered so that it is no longer a Latino opportunity district. Plaintiff Yevenes no longer resides in a
congressional district in which he has the opportunity to elect his candidate of choice.

Plaintiff Yevenes is further injured by having the House District in which he resides reconfigured so that it is no longer a Latino opportunity district. Plaintiff Yevenes resided in Texas House District 33 in the 2010 benchmark House plan. Plaintiff Yevenes no longer resides in a Texas House district in which he has the opportunity to elect his candidate of choice.

14. Plaintiff Jose Olivares is Latino and a registered voter of Texas. He resides in Corpus Christi, Texas. In plans H283, C185 and H358, Plaintiff Olivares resides in Texas House District 34 and Congressional District 27. Plaintiff Olivares is injured by having the congressional district in which he resides, Congressional District 27, altered so that it is no longer a Latino opportunity district. Plaintiff Olivares no longer resides in a congressional district in which he has the opportunity to elect his candidate of choice.

15. Plaintiff Tomacita Olivares is Latina and a registered voter of Texas. She resides in Corpus Christi, Texas. In plans H283, C185 and H358, Plaintiff Olivares resides in Texas House District 34 and Congressional District 27. Plaintiff Olivares is injured by having the congressional district in which she resides, Congressional District 27, altered so that it is no longer a Latino opportunity district. Plaintiff Olivares no longer resides in a congressional district in which she has the opportunity to elect her candidate of choice.

16. Plaintiff Renato De Los Santos is Latino and a registered voter of Texas. He resides in Dallas, Texas. In plans H283, C185 and H358, Plaintiff De Los Santos resides in Texas House District 111 and Congressional District 6. Plaintiff De Los Santos is injured by the failure to create a Latino-majority congressional district in the Dallas-Fort Worth area.
that would provide him the opportunity to elect his candidate of choice to Congress.

Plaintiff De Los Santos is further injured by race-based redistricting in Plan C185.

17. Plaintiff Alex Jimenez is Latino and a registered voter of Texas. He resides in Fort Worth, Texas. In plans H283, C185 and H358, Plaintiff Jimenez resides in Texas House District 95 and Congressional District 12. Plaintiff Jimenez is injured by the failure to create a Latino-majority congressional district in the Dallas-Fort Worth area that would provide him the opportunity to elect his candidate of choice to Congress. Plaintiff Jimenez is further injured by race-based redistricting in Plan C185.

18. Plaintiff Gilberto Torres is Latino and a registered voter of Texas. He resides in Uvalde County, Texas. In plans H283, C185 and H358, Plaintiff Torres resides in Texas House District 80 and Congressional District 23 and is injured by having the congressional district in which he resides, Congressional District 23, altered so that it is no longer a Latino opportunity district. Plaintiff Torres no longer resides in a congressional district in which he has the opportunity to elect his candidate of choice. Plaintiff Torres is further injured by race-based redistricting in Plan C185.

19. Plaintiff Socorro Ramos is Latina and a registered voter of Texas. She resides in Socorro, Texas. In plans H283, C185 and H358, Plaintiff Ramos resides in Texas House District 75 and Congressional District 23. Plaintiff Ramos resided in Congressional District 16 in the 2010 benchmark congressional plan. Plaintiff Ramos is injured by having the congressional district in which she resides reconfigured so that she is now located in District 23, which is not a Latino opportunity district. Plaintiff Ramos no longer resides in a congressional district in which she has the opportunity to elect her candidate of choice. Plaintiff Ramos is further injured by race-based redistricting in Plan C185.
20. Plaintiff Sergio Coronado is Latino and a registered voter of Texas. He resides in Canutillo, Texas. In plans H283, C185 and H358, Plaintiff Coronado resides in Texas House District 78 and Congressional District 16. Plaintiff Coronado is injured by having the House District in which he resides configured so that it does not offer Latino voters the opportunity to elect their candidate of choice. Plaintiff Coronado does not reside in a Texas House district in which he has the opportunity to elect his candidate of choice. Plaintiff Coronado is further injured by race-based redistricting in Plan H283.

21. All plaintiffs are injured by the dilution of Latino voting strength statewide in plans H283, C185 and H358.

22. All plaintiffs are injured by race-based redistricting in plans H283, C185 and H358.

IV. DEFENDANTS

23. Defendant RICK PERRY is sued in his official capacity as Governor of Texas. Defendant PERRY is the Chief Executive Officer of the State of Texas.

24. Defendant JOHN STEEN is sued in his official capacity as Secretary of State of Texas. Defendant STEEN is the State’s election officer and as such is responsible for overseeing the conduct of elections within the State.

V. FACTS

25. According to the U.S. Census, in 2010 the population of Texas was 25,145,561 with a Latino population of 9,460,921 (38%). The Latino voting age population of Texas was 34% of the total voting age population. The Latino citizen voting age population of Texas was 25% of the total citizen voting age population. In 2012, the U.S. Census estimated that the population of Texas was 26,059,203 with a total Latino population of 38.2%.
Following the 2012 General Election, the Texas Legislative Council reported 13,122,046 registered voters in Texas; 10.3% of the voters are Spanish-surnamed.

26. According to the 2010 Census, approximately 65% of total population growth in Texas between 2000 and 2010 was comprised of Latinos.

27. The redistricting plan in place prior to the 2011 redistricting cycle (the “2010 state house benchmark”) for the Texas House of Representatives was ordered into effect on November 28, 2001 by the U.S. District Court for the Eastern District of Texas in *Balderas v. Texas* (No. 6:01CV158).

28. The 2011 redistricting plan for the Texas House of Representatives (Plan H283) was signed into law by Defendant PERRY on June 17, 2011.

29. The 2013 redistricting plan for the Texas House of Representatives (Plan H358) was signed into law by Defendant PERRY on June 26, 2013 and takes effect September 24, 2013.

30. The redistricting plan in place for Texas congressional districts prior to the 2011 redistricting cycle (the “2010 congressional benchmark”) was ordered into effect on August 4, 2006 by the U.S. District Court for the Eastern District of Texas in *LULAC v. Perry* (No. 2:03-00354).

31. The 2011 redistricting plan for Texas congressional districts (Plan C185) was signed into law by Defendant PERRY on July 19, 2011. The 2013 redistricting plan for Texas congressional districts (Plan C235) was signed into law by Defendant Perry on June 26, 2013 and takes effect September 24, 2013.
32. The historical background of Texas House and congressional redistricting includes federal court orders revising Texas’s redistricting plans, enacted in 2001 and 2003 respectively, to cure violations of the federal Voting Rights Act.

33. The Legislature’s adoption of plans C185 and H283 included departures from the normal procedural sequence and substantive departures from the factors usually considered important by the Legislature in redistricting.

34. During the 82nd Legislature’s Regular and Special Sessions, Latino and African American legislators serving on the House and Senate Redistricting Committees were excluded by legislative leadership from the process of drawing and negotiating plans C185 and H283.

35. During the 82nd Legislature’s Regular and Special Sessions, Latino and African American residents of Texas were denied the opportunity to analyze and comment on plans C185 and H283. The House and Senate Redistricting Committees did not hold public hearings following the public release of plans C185 and H283 and prior to voting on plans C185 and H283.

36. Despite the dramatic growth of the Latino population in Texas since 2000, Plan H283 contains one fewer Latino opportunity district when compared to the 2010 benchmark Texas House plan. Under Plan H283, Latinos have lost voting strength in Texas.

37. Plan H283 dilutes Latino voting strength statewide by “packing” Latino voters in El Paso, Cameron, Hidalgo and Nueces counties. Plan H283 fails to create at least three additional Latino-majority House districts that afford Latinos the opportunity to elect their preferred candidate. Plan C185 also uses race as a predominant factor to allocate Latino voters into and out of HD 117 and across districts in El Paso County.
38. On February 28, 2012, the U.S. District Court for the Western District of Texas ordered into effect interim redistricting plans H309 and C235 to address challenges to the 2011 enacted plans that presented a “likelihood of success on the merits” of statutory or constitutional claims or presented “not insubstantial” claims under section 5 of the Voting Rights Act, 42 U.S.C. 1973c. See Dkt. 690 and 691. Interim plans H309 and C235 were used by Texas for the 2012 election cycle. In the 2013 Regular Session, the Texas Legislature adopted redistricting plans H358 and C235. Enacted Plan C235 contained the same boundaries as interim plan C235. In Plan H358, the Texas Legislature made several changes to interim plan H309 including changes to the boundaries of HD 90.

39. The Legislature’s adoption of plan H358 included departures from the normal procedural sequence and substantive departures from the factors usually considered important by the Legislature in redistricting.

40. During the 83rd Legislature’s first Special Session, Plan H358 was adopted as an amendment to SB3 on June 20, 2013, on the floor of the Texas House without consideration of the amendment in committee and without the opportunity for public testimony.

41. The configuration of HD 90 in Plan H358 dilutes Latino voting strength and uses race as a predominant factor to allocate Latino voters into and out of HD 90. In H358, the Texas Legislature changed HD 90 to reduce the number of Latino registered voters and the strength of the Latino vote in HD 90. The changes to HD 90 also reduce the African American citizen voting age population of HD90. The changes to HD 90 in H358 reduce the ability of Latino voters to nominate their preferred candidate in subsequent elections.
42. The significant growth of the Latino population in Texas since 2000 allowed Texas to gain some, if not all of its four new congressional districts. Despite the growth of the Latino population, and the critical role it played in securing the four new congressional districts, Plan C185 contains the same number of Latino opportunity districts when compared to the 2010 benchmark congressional plan. Plan C185 uses race as a predominant factor to allocate Latino voters into and out of CD 23 and across districts in the Dallas-Fort Worth Metroplex. Plan also C185 dilutes Latino voting strength statewide by “packing” and “fracturing” Latino voters in South Texas, Houston and the Dallas-Fort Worth Metroplex.

43. For example, Plan C185 removes Nueces County, and its more than 200,000 voting-age Latinos, from the South Texas configuration of congressional districts and strands them in a district stretching northward in order to prevent Nueces County Latinos from electing their candidate of choice. In addition to stripping Latinos out of the South Texas configuration of congressional districts, Plan C185 altered Congressional District 23 to prevent Latinos from having the opportunity to elect their candidate of choice. Plan C185 fails to create nine Latino-majority congressional districts that afford Latinos the opportunity to elect their preferred candidate.

44. In the 2010 benchmark congressional plan, Latinos had the opportunity to elect their preferred candidate in 22% (7 of 32) of the state’s congressional districts. In Plan C185, Latinos have the opportunity to elect their preferred candidate in 19% (7 of 36) of the state’s congressional districts. Thus, despite their growth, in Plan C185 Latinos lost voting strength in Texas.
45. On September 25, 1975, section 5 of the Voting Rights Act of 1965 was extended and amended to cover the State of Texas. State and political subdivisions covered by the Act must comply with certain specific procedures. Among them is the requirement that all qualifications, prerequisites, standards, practices, or procedures with respect to voting different from those in effect on November 1, 1972 must be determined, either by the United States District Court for the District of Columbia or the United States Attorney General, not to have the purpose or effect of denying or abridging the right to vote on account of race, color or membership in a language minority group.


47. Section 3 (c) of the Voting Rights Act of 1965, 42 U.S.C. 1973a(c) authorizes a federal court, following a finding “that violations of the fourteenth or fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision,” may order that the jurisdiction preclear its election changes pursuant to section 5. Section 3 (c) is a permanent provision of the federal Voting Rights Act.

48. Section 2 of the Voting Rights Act of 1965, 42 U.S.C. 1973, applies nationwide and prohibits voting practices and procedures that result in the denial or abridgement of the right of any citizen to vote on account of race, color or membership in a language minority group. Section 2 is a permanent provision of the federal Voting Rights Act.
The 2010 Benchmark Texas Congressional Redistricting Plan

49. There were 32 districts in the 2010 benchmark congressional redistricting plan for Texas. Seven of the congressional districts in the 2010 congressional benchmark plan are Latino-majority and offer Latinos the opportunity to elect their candidate of choice.

50. Following the 2010 Census, Texas was apportioned 36 congressional districts.

The 2011 Congressional Redistricting Plan (C185)

51. Plan C185 contains 36 congressional districts and contains an overall population deviation of one.

52. Plan C185 contains 7 districts in which Latinos have the opportunity to elect their preferred candidate to Congress.

53. Plan C185 does not include a Latino-majority congressional district in the Dallas-Fort Worth area. Plan C185 also uses race as a predominant factor to allocate Latino voters across districts in the Dallas-Fort Worth Metroplex.

54. The Latino population of Dallas and Tarrant counties is sufficiently geographically compact to comprise the majority of the voting age persons in a congressional district. The Latino population of Dallas and Tarrant counties is also sufficiently geographically compact to comprise the majority of the citizen voting age persons in a congressional district.

55. A congressional district can be created in the Dallas-Fort Worth area that will afford Latino voters the opportunity to elect their candidate of choice.

56. Plan C185 includes only six congressional districts located in the southern and western portion of the state that offer Latinos the opportunity to elect their candidate of choice.
Plan C185 also uses race as a predominant factor to allocate Latino voters into and out of CD 23.

57. The Latino population of Texas is sufficiently geographically compact to comprise the majority of citizen voting age persons in at least seven congressional districts located in the southern and western portion of the state.

58. Seven congressional districts can be created in the southern and western portion of the state that offer Latino voters the opportunity to elect their candidate of choice.

59. Plan C185 includes one Latino-majority congressional district in Harris County.

60. The Latino population of Harris County is sufficiently geographically compact to comprise the majority of citizen voting age persons in one congressional district and the majority of voting age persons in a second congressional district. The Latino and African American population of Harris County is sufficiently geographically compact to comprise the majority of citizen voting age persons in one additional congressional district when compared to the benchmark congressional redistricting plan.

61. Two congressional districts can be created in Harris County that will afford Latino voters the opportunity to elect their candidate of choice.

62. Latinos in Texas, including the areas in which Latino-majority congressional districts can be created, are politically cohesive.

63. Anglos (White Non-Hispanics) vote sufficiently as a bloc to enable them – in the absence of special circumstances, such as the Latino candidate running unopposed – usually to defeat the Latino voters’ preferred candidates in Texas, including the areas in which Latino-majority congressional districts can be created.
64. Plan C185 interacts with social and historical conditions to cause an inequality in the opportunity of Latino voters to elect representatives of their choice as compared to Anglo voters.

**The 2011 Texas House of Representatives Plan (H283)**

65. Plan H283 contains a total of 150 House districts. In Plan H283, 34 House districts contain a majority Latino voting age population and 30 House districts contain a majority Latino citizen voting age population.

66. Plan H283 contains fewer districts in which Latinos have the opportunity to elect their candidate of choice when compared to the 2010 benchmark Texas House redistricting plan. Plan H283 offers less opportunity for Latinos to elect their preferred candidates to the Texas House of Representatives when compared to the 2010 benchmark plan.

67. Plan C185 also uses race as a predominant factor to allocate Latino voters into and out of HD 117 and across districts in El Paso County.

68. The Latino population of Texas is sufficiently geographically compact to comprise the majority of citizen voting age persons in at least 33 Texas House districts.

69. At least 33 Texas House districts can be created in the state that offer Latino voters the opportunity to elect their candidate of choice.

70. Latinos in Texas, including the areas in which Latino-majority Texas House districts can be created, are politically cohesive.

71. Anglos vote sufficiently as a bloc to enable them – in the absence of special circumstances, such as the Latino candidate running unopposed – usually to defeat the Latino voters’ preferred candidates in Texas, including the areas in which Latino majority Texas House districts can be created.
72. Plan H283 interacts with social and historical conditions to cause an inequality in the opportunity of Latino voters to elect representatives of their choice as compared to Anglo voters.

The 2013 Texas House of Representatives Plan (H358)

73. HD 90 is the only Latino opportunity House district in Tarrant County. In 2011, the Texas Legislature made changes to HD 90, at the urging of the Texas Latino Redistricting Task Force, to raise the Latino voting strength of HD 90. The Legislature's decision to increase the Latino voting strength of HD 90 was maintained by this Court in its interim redistricting plan for the 2012 elections.

74. In the 2012 Democratic Primary election, the Anglo incumbent of HD 90 was challenged by a Latino candidate. The Anglo incumbent prevailed in the Democratic Primary election by 159 votes and went on to win the General Election in November 2012.

75. Plan H358 changes the court-drawn interim plan by swapping precincts between HD 90 and HD 99.

76. Plan H358 moves 4,397 individuals out of interim HD 90 and places them into HD 99. The population removed from HD 90 is 44% Latino with a Spanish Surnamed Voter Registration (SSVR) of 20.6%.

77. Plan H358 then moves 4,621 individuals into HD 90 from HD 99. The population added to HD 90 is 33.8% Latino with an SSVR of only 8.5%.

78. The changes to HD 90 result in a decrease in the SSVR of HD 90 from 51.1% to 50.1%. The changes also reduce the African American citizen voting age percentage of HD 90 from 18% to 16%. Plan H358 also uses race as a predominant factor to allocate Latino voters into and out of HD 90.
79. Plans C185 and H283 and the alterations made to HD 90 in H358 operate to dilute the voting strength of Latinos in the State of Texas.

80. At all times relevant herein, Defendants have acted under color of State law.

VI. CAUSES OF ACTION

COUNT 1

Equal Protection Clause of the 14th Amendment to the U.S. Constitution

81. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

82. Plans C185, H283, and the alterations made to HD 90 in Plan H358 discriminate against Plaintiffs on the basis of race and national origin in violation of the 14th Amendment to the U.S. Constitution.

COUNT 2

15th Amendment to the U.S. Constitution

83. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

84. Plans C185, H283, and the alterations made to HD 90 in Plan H358 discriminate against Plaintiffs on the basis of race and national origin in violation of the 15th Amendment to the U.S. Constitution.

COUNT 3

Section 2 of the Voting Rights Act

85. Plaintiffs incorporate by reference all preceding paragraphs as if fully set forth herein.

86. Plans C185, H283, and the alterations made to HD 90 in Plan H358 result in a denial or abridgement of the right to vote of individual plaintiffs and organizational plaintiff’s members on account of their race, color, or ethnicity, by having the effect of canceling out or minimizing their individual voting strength as minorities in Texas. Plans C185,
H283, and the alterations made to HD 90 in Plan H358 do not afford individual plaintiffs and organizational plaintiffs’ members an equal opportunity to participate in the political process and to elect representatives of their choice, and denies individual plaintiffs and organizational plaintiff’s members the right to vote in elections without distinction of race, color or previous condition of servitude in violation of 42 U.S.C. Section 1973.

VII. REQUEST FOR THREE JUDGE COURT

87. Plaintiffs request a three-judge trial court pursuant to 28 U.S.C. Section 2284.

VIII. ATTORNEYS’ FEES

88. In accordance with 42 U.S.C. Sections 1973-1(e) and 1988, Plaintiffs are entitled to recover reasonable attorney’s fees, expenses and costs.

IX. PRAYER

89. WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that this Court:

(a) assume jurisdiction of this action and request a three-judge panel pursuant to 28 U.S.C. Section 2284;

(b) issue a declaratory judgment finding that Plans C185, H283, and the alterations made to HD 90 in Plan H358 illegally and unconstitutionally dilute the voting strength of Latino voters in Texas, violate section 2 of the Voting Rights Act and the 14th and 15th Amendments to the U.S. Constitution, and are unlawful, null and void;

(c) permanently enjoin Defendants from calling, holding, supervising or certifying any elections under Plans C185, H283, and H358. Plaintiffs have no adequate remedy at law other than the judicial relief sought herein, and unless the Defendants are enjoined from using Plans C185, H283 and H358, individual plaintiffs and organizational plaintiffs’ members will not have an equal opportunity to participate in the political process and to elect representatives of their choice in Texas.
organizational plaintiff's members will be irreparably harmed by the continued violation of their statutory and constitutional rights;

(d) pursuant to 42 U.S.C. 1973a(c), issue an order requiring Texas to preclear its election changes during the ten-year period following the issuance of such order;

(e) set a reasonable deadline for state authorities to enact or adopt redistricting plans for congressional and Texas House districts that do not dilute, cancel out or minimize the voting strength of Latino voters;

(f) if state authorities fail to enact or adopt valid redistricting plans by the Court’s deadline, order new redistricting plans for congressional and Texas House districts that do not dilute, cancel out or minimize the voting strength of Latino voters;

(g) adjudge all costs against Defendants, including reasonable attorneys fees and costs;

(h) retain jurisdiction to render any and all further orders that this Court may;

(i) grant any and all further relief to which Plaintiffs may show themselves to be entitled.

DATED: September 9, 2013

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

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EXHIBIT "F"
Certificate of Service

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court’s electronic filing system on the 9th day of September, 2013. The undersigned counsel hereby certifies that she caused a true and correct copy of the above and foregoing to be mailed to the persons listed below by the close of the next business day.

/s/ Karolina J. Lyznik
Karolina J. Lyznik

David Escamilla
Travis County Asst. Attorney
P.O. Box 1748
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DAN MORENOFF DOCUMENT SUPPORT DECLARATION

My name is Dan Morenoff. I am fully competent to make this declaration. The facts set forth herein are true and correct and are within my personal knowledge. I declare the following under penalty of perjury:

1. “Attached as Exhibit “A” is a true and correct copy of the Expert Report of M.V. Hood, III.

2. “Attached as Exhibit “B” is a true and correct copy of the Rebuttal Expert Report of M.V. Hood, III.
3. “Attached as Exhibit “C” is a true and correct copy of excerpts from the transcript of the deposition of Matthew A. Barreto, taken in this case in his capacity as one of the Defendants’ experts.

4. “Attached as Exhibit “D” is a true and correct copy of excerpts from a document produced by the Defendants in this action. The document self-identifies as Chapter 86 of the Dallas County Administrative Code.

5. “Attached as Exhibit “E” is a true and correct copy of excerpts from the transcript of the deposition of Urmit Graham, taken in this case in his capacity as a designated representative of the Defendants.

6. “Attached as Exhibit “F” is a true and correct copy of the Fourth Amended Complaint of Plaintiffs Texas Latino Redistricting Task Force, et al., on file in Perez v. Abbott, Case No. 5:11-cv-00360-OLG-JES-XR in the U.S. District Court for the Western District of Texas.

Daniel I. Morenoff

Plaintiffs' MSJ Response Appendix

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