

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SHANNON PEREZ, ET AL.,	§	
	§	
v.	§	SA-11-CV-360
	§	
GREG ABBOTT, ET AL.,	§	

**PLAINTIFF MALC’S PLAINTIFF PEREZ’S ADVISORY TO THE COURT
RESPONSIVE TO COURT’S ORDER OF APRIL 5, 2017 (DKT 1352)**

On April 5, 2017 this Court ordered the parties to submit advisories to the Court by April 24, 2017. The Court instructed the parties to address and discuss the following issue: claims being pursued with regard to the 2013 Plans, linking specific claims to specific districts. MALC, joined by the Perez Plaintiffs, submits this to advise the Court of claims it is continuing to pursue with regard to the 2013 State redistricting plan for the United States House of Representatives, C235, and the Texas House of Representatives, H358.

I. United States House of Representatives

MALC contends the following congressional districts or regional areas in PLAN C235 continue to violate §2 of the Voting Rights Act, by intent or effect, and the U.S. Constitution: CD 23, 27, the Dallas/Fort Worth (DFW) area, Nueces County, South and West Texas, Travis County and Harris County. MALC believes that the remedy to court-found violations to CD 23, 27, Travis County/CD 35 and the DFW regional are ripe for remedy given the Court findings of intentional discrimination in these areas. With more timely data and targeted analysis concerning minority voting cohesion in Houston, MALC contends and intends to

prove that an additional § 2 district must be created that is majority-minority CVAP, geographically compact, and adheres to neutral redistricting principles. See Exhibit A.

A. South and West Texas

This Court has ruled, as to the 2011 Texas Congressional Plan, that Plaintiffs have established: “a § 2 violation, both in terms of intent and effect, in South/West Texas.” Order, March 10, 2017, (Dkt. 1339), Slip Op. p. 164. As part of this analysis, this Court determined that 7 compact majority-HCVAP districts should have been drawn in South/West Texas. *Id.* Currently, Plan C235, the current congressional redistricting plan for the State of Texas, continues to lack 7 compact, majority-HCVAP districts. It also continues the placement of Nueces County in a district that is intentionally discriminatory and continues to dilute the ability of Nueces County Latinos to elect candidates of their choice. This violation continues and is manifest in Plan C235.

MALC, therefore, pursues its claim as to C235, under Section 2 of the Voting Rights Act. Since C235 continues to have a discriminatory result and because it incorporates features in South/West Texas that were adopted with the intent to dilute minority political access and act as racial gerrymanders, C235 is infected with the statutory and constitutional violations found by this Court regarding the 2011 Congressional redistricting plan. MALC urges this Court to remedy this violation through a permanent injunction of plan C235 together with a remedial hearing on this issue or through a trial.

B. Congressional District 23

This Court found that: “Defendants’ manipulation of Latino voter turnout and cohesion in CD 23 denied Latino voters equal opportunity and had the intent and effect of diluting Latino voter opportunity.” Slip Op. p. 165. MALC maintained at the time this Court considered the use of the current configuration for CD 23 that it was insufficient to provide Latino voters an equal opportunity to participate in the political process; and, therefore, would inadequately remedy the violation this Court has now found. Dkt. 671, pp. 3-4. (performance levels for the district were lower than the benchmark contained in C100). Moreover, MALC maintained that then proposed district continued to use lower turnout precincts, thus infecting the proposed district with the map-drawers’ malevolent motives. In addition, interim remedies, like PLAN C235, may not completely cure a finding of intentional discrimination. *See e.g. N. C. State Conference of NAACP v. McCrory*, 831 F.3d 204, 240 (4th Cir. 2016). (“But, even if the State were able to demonstrate that the amendment lessens the discriminatory effect of the photo ID requirement, it would not relieve us of our obligation to grant a complete remedy in this case. That remedy must reflect our finding that the challenged provisions were motivated by an impermissible discriminatory intent and must ensure that those provisions do not impose any lingering burden on African American voters.”)

Recent election results from races in CD23 confirm MALC’s suspicions and fears about the inadequacy of CD23’s current configuration to solve the intentional discrimination that has been found by this Court. The candidate of

choice of the Latino community has lost in CD23 in each of the last two elections.¹

Thus, this Court's findings with regard to CD23 in the 2011 plan have carried forward to the CD23 in PLAN C235. MALC, therefore pursues its claim as to C235, with regard to CD23, under Section 2 of the Voting Rights Act. Since C235 continues to have a discriminatory result and because it incorporates features in CD23 that were adopted with the intent to dilute minority political access and act as a racial gerrymander, C235 is infected with the statutory and constitutional violations found by this Court regarding the 2011 Congressional redistricting plan. MALC urges this Court to remedy this violation and issue a permanent injunction of plan C235 together with a remedial hearing on this issue or through a trial.

C. CD 27 – Nueces County

This Court has found that: “Defendants’ decision to place Nueces County Latino voters in an Anglo district had the effect and was intended to dilute their opportunity to elect their candidate of choice.” Order, March 10, 2017 (Dkt. 1339), Slip Op. at 165. This Court concluded that Nueces County Hispanic voters proved their § 2 results and intentional vote dilution claims and that the configuration of CD 27 was invalid. *Id.*

¹ Plaintiff MALC, if permitted to do so, intends to offer the results of those two elections to the Court in any subsequent hearing, whether as a trial on the 2013 plan or in a remedial hearing showing the continuation of this Court's finding with regard to CD 23 in the 2011 plan in the 2013 plan.

There is no change in CD 27 between the 2011 plan and C235. Thus, this Court's findings with regard to CD27 in the 2011 plan have carried forward to the CD27 in C235. MALC, therefore, pursues its claim as to C235, with regard to CD27, under Section 2 of the Voting Rights Act. C235 continues to have a discriminatory result and intent in violation of Section 2 of the Voting Rights Act and the 14th Amendment because it maintains the identical configuration of CD27 that was adopted with the intent to dilute minority voting strength. Thus, C235 is infected with the statutory and constitutional violations found by this Court regarding the 2011 Congressional redistricting plan. MALC requests this Court remedy this violation either through a permanent injunction of plan C234 together with a remedial hearing on this issue or through a trial.

D. DFW

This Court has found that Plaintiffs have: "proved intentional vote dilution through packing and cracking in the DFW and also established a *Shaw*-type violation with regard to CD 26." Slip Op. p. 165.

Plaintiff, MALC, does not believe that the modifications to the DFW congressional district contained in C235 sufficiently address the packing and cracking of minority voters in the DFW area found by this Court and, therefore, continue to infect C235 in the Dallas/Fort Worth (DFW) congressional districts.

This Court's findings with regard to DFW congressional districts in the 2011 plan have carried forward in C235. MALC intends to pursue its claim as to C235 with regard to DFW under Section 2 of the Voting Rights Act and the 14th Amendment. Since C235 continues to have a discriminatory result and intent in

violation of Section 2 of the Voting Rights Act and the 14th Amendment, C235 is infected with the statutory and constitutional violations found by this Court regarding the 2011 Congressional redistricting plan. MALC urges this Court to remedy this violation through a permanent injunction of plan C235 together with a remedial hearing on this issue or through a trial regarding the 2013 plan.

In addition, if this Court finds that PLAN C235 sufficiently remediates the intentional discrimination found in PLAN C185, the 2011 plan, then MALC intends to prove that an additional § 2 district is nonetheless required pursuant to the Court's guidance in the opinion.

E. Harris County

In this opinion, this Court has made clear that it intends to follow the Fifth Circuit's direction concerning the creation of minority coalition districts. "[T]his Court follows the Fifth Circuit and holds that § 2 can require the creation of coalition districts, provided that the *Gingles* criteria (and totality of the circumstances) are satisfied as to the coalition." Slip. Op. p. 16. With this re-affirmation of the Fifth Circuit standard, MALC, if allowed, will seek to prove that a majority-minority CVAP district can be created in Harris County that meets all of the *Gingles* preconditions and the totality of circumstances, as well as, follows neutral redistricting principles.

F. CD 35 and Travis County

Although MALC did not allege that CD 35 was a *Shaw* style racial gerrymander, MALC did allege and assert that dividing the Latino community in Travis County from a district in which its candidate of choice was consistently

elected, violated § 2 of the VRA. MALC's Third Amended Complaint, Dkt. 897, p. 15. While this Court's ruling found no § 2 violation is possible with regard to the minority population of Travis County, because it found no racially polarized voting, it also determined that the use of race for the political purpose of eliminating Representative Doggett's Travis County congressional district was impermissible. *See*: Order, March 10, 2017, Slip Op. p. 46, 58, 165.

MALC, therefore, in any *Gingles* or remedial putative district will endeavor to include a district in Travis County that joins together the minority community of Travis County, with sufficient Travis County Anglo voters that support minority preferred candidates.

II. Texas House of Representatives²

MALC contends that the following districts or geographic areas in PLAN H358 continue to violate §2 of the Voting Rights Act, by intent or effect, and the U.S. Constitution: HD 33 & Nueces County, Harris County, Western Dallas County, Tarrant County (HDs 90 & 93), HD 54 and Bell County. In addition, MALC believes that the following districts or regional areas violated § 2 of the Voting Rights Act in effect: Ft. Bend County, Lubbock, and Midland/Odessa. MALC believes that given the court's opinion the following districts or regional areas are ripe for remedy without the necessity for trial on the merits on the 2013 plan because this Court has found a statutory and/or constitutional

² The Court has found that there is intentional discrimination in the creation of the El Paso County, Bexar County, HD 41 in Hidalgo County. MALC believes that the interim map sufficiently remedies these violations. The Court also found intentional discrimination in Harris County, and that all section 2 claims are moot as to Harris County. MALC believes that the interim map insufficiently cures the intentional discrimination found in Harris County.

violation and the districts or regional areas are unchanged or are insufficiently changed by PLAN H358: HD 33 & Nueces County, Harris County, Western Dallas County, Tarrant County, and HD 54 & Bell County. If this Court orders a trial on the 2013 plans, then MALC intends pursuant to the Court's guidance to prove that the following districts or geographic areas violate § 2 of the Voting Rights Act in effect: 1) Harris County, should the Court find that PLAN H358 remedies the finding of intentional discrimination, 2) Dallas County, should the Court find that PLAN H358 remedies the finding of intentional discrimination, 3) Tarrant County, should the Court find that PLAN H358 remedies the finding of intentional discrimination, 4) Bell County, 5) Ft. Bend County, and 6) Lubbock, 7) Midland/Odessa.³

A. Nueces County

This Court has ruled that with regard Nueces County: “the facts and evidence concerning the decision to eliminate HD33 in Nueces County demonstrate intentional vote dilution.” Order on Plan H283, 4-20-17, Slip Op. p. 37. Moreover, this Court ruled that “...the elimination of an existing Latino opportunity district and ensuing racial gerrymandering in Nueces County is

³ MALC is mindful of the Court's admonishment concerning the need to create geographically compact districts that do not connect disparate minority communities together seemingly based solely on the objective to create a district with a sufficient percentages to meet the standards for a majority-minority CVAP district. In any future court proceeding, MALC intends only to use demonstration districts that it believes will adhere to neutral redistricting principles. MALC will also endeavor to prove that any violation of Texas' Whole County Line rule is necessary to meet the mandates of federal law. As to demonstration districts in Harris, Dallas, Tarrant, McLennan, Bell, Ft. Bend Counties and in the Lubbock and Midland/Odessa regions, MALC needs time to evaluate whether or not sufficiently compact minority-majority districts can be created using the most recent ACS data and to analyze minority voter cohesion in those districts. It is only in the interest of not waiving any extant claim that MALC lists these districts.

intentional vote dilution in violation of § 2 of the VRA and the Fourteenth Amendment.”, *Id.* p. 40.

The current plan incorporates the Nueces County portion of Plan H283 without modification. *Id.* p.40. Therefore, the intentional vote dilution findings of this Court with regard to Nueces County infect the current plan and should be enjoined and remedied.

However, Plaintiff MALC’s § 2 results claims remain viable as to the 2013 plan, Plan H358. Plaintiff MALC intends to present evidence at trial on Plan H358 or at a remedial hearing on the violation already found as to Plan H283, that a Latino opportunity district that provides a “real electoral opportunity” can be drawn,⁴ and that maintaining two Latino opportunity districts in the Nueces County area can be accomplished and that would increase the net total Latino opportunity districts in the State by at least that one district. In other words, MALC intends to pursue its § 2 results claim as to Nueces County.

B. Dallas County

This Court determined that the improper use of race with the intent to dilute Latino voting strength “... in Dallas County violates § 2 and the Fourteenth Amendment.” Order on Plan H283, 4-20-17, Slip Op. p. 69. The court also determined that Plaintiffs’ § 2 results claims “are best addressed in the 2013 plan case.” *Id.*

⁴ Plaintiff MALC intends to present evidence that will clearly set out that only by opening the county boundary of Nueces County, can such a second Latino opportunity district be created.

Plaintiff MALC intends to present evidence at trial on Plan H358 or at a remedial hearing on the violation already found as to Plan H283, that an additional Latino/minority opportunity district that provides a “real electoral opportunity” can be drawn in Dallas County and that would increase the net total Latino opportunity districts in the State by, at least, one district. In other words, MALC intends to pursue its § 2 results claim as to Dallas County.

C. Bell County

In its evaluation of Plaintiffs’ claims as to Bell County, this Court determined that “...the splitting of the minority community was an effective way to dilute the minority vote and ensure that the bloc-voting Anglo majority would defeat the minority-preferred candidates.” Order on Plan H283, 4-20-17, Slip Op. p. 78. This fracturing of the minority community amounted to a “...violation of § 2 of the VRA and the Fourteenth Amendment”. *Id.* Although the court found the evidence fell short of proving a § 2 results violation, it found that evidence on this score “are better addressed in the 2013 trial”. *Id.* p. 75, n. 56.

Plaintiff MALC intends to present evidence at trial on Plan H358 or at a remedial hearing on the violation already found as to Plan H283, that carries forward unchanged in H358, that an additional minority opportunity district that provides a “real electoral opportunity” can be drawn in the Bell County area and that would increase the net total of minority opportunity districts in the State by at least one district. In other words, MALC intends to pursue its § 2 results claim as to Bell County.

D. Tarrant County

This Court determined that the districts in Tarrant County were drawn with the “...racially discriminatory intent to dilute Latino voting strength in Tarrant County.” The districts in H283 remained virtually the same in H358, with only very minor changes that appear to enhance not diminish the intentional discrimination found as to H283.

Plaintiff MALC, therefore intends to seek a remedy for this violation and reserves the right to present additional evidence to support its § 2 results claim as to H358 in Tarrant County.

E. The Remaining Counties

The Court found the Plaintiff had not proven any of their claims as to PLAN H283 for the following Geographic areas: McLennan County, Ft. Bend County, the Lubbock region, the Midland/Odessa region. MALC believes and intends to prove, if a trial is ordered on the 2013 maps, that some of these Counties or regions meet all of the Gingles preconditions and the totality of circumstances. As to the possible demonstration districts in Ft. Bend, MALC will endeavor to prove that a coalition of minority citizens in this county is geographically compact and politically cohesive. As to Lubbock and Midland/Odessa, MALC hopes that using the most recent ACS data that majority Latino districts that create a sufficient political opportunity to elect the candidates of minority choice can be created.

III. Fact Stipulations

MALC intends to seek a fact stipulation as to the following: 1) the unchanged aspects of PLANs C235 and H358 in respect to PLANs C185 and

H283, 2) the minimally changed aspects of PLANs C235 and H358 in relation to their 2011 cognate plans, 3) the presence of racially polarized elections in Texas elections to the extent found by this Court in its recent opinions, 4) the demographic and electoral data for all 2012, 2014, 2016 Voter Tabulation Districts and electoral precincts, 5) the citizenship data from the most recent ACS survey, 6) the exogenous election results for PLANs C235 and H358 for 2012, 2014, 2016 election years, 7) the endogenous election results for PLANs C235 and H358 for the same years, 8) the Census Designated Places split by PLANs C235 and H358, 9) the population deviations for PLANs C235 and H358, 10) the location of the incumbents for PLAN C235 and H358⁵, 11) the geographic compactness scores for PLANs C235 and H358.

IV. Need for Discovery

MALC currently believes the following areas are in need of discovery: 1) the degree of racial polarization in Dallas, Harris, Tarrant, Ft. Bend, McLennan, Bell, Counties, as well as the Lubbock and Midland/Odessa regions, 2) the citizenship voting age percentage for any proposed demonstration districts, 3) the candidate of Latino preference in CD 23 in the 2014 and 2016 elections, 4) the degree of multi-minority political cohesion in voting statewide and in Bell, Dallas, Harris, Ft. Bend, and Tarrant Counties, 5) the degree of cultural and geographic commonality between Latinos in the Lubbock region and the Midland/Odessa region, 6) the degree of cultural and geographic commonalties between any

⁵ The most recent version of Red Apl does not contain the location of any of the incumbents for State House or the U.S. Congress.

combination of Asian-American, African-American, and Latino Texans in Bell, Dallas, Ft. Bend, and Harris Counties.

DATED: April 24, 2017

Respectfully submitted,

_____/s/ Jose Garza_____

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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of April, 2017, I electronically filed the foregoing using the CM/ECF system which will send notification of such filing to all counsel of record who have registered with this Court's ECF system, and via first class mail to those counsel who have not registered with ECF.

_____/s/ Jose Garza_____
JOSE GARZA

EXHIBIT A

The claims concerning Congressional Districts that Plaintiff MALC intends to seek which can be addressed through Permanent Injunction and a remedy for Court-Ordered violations of law

District or Regional area	Existing Claim	Court Finding	Change in the Interim Map	Is more change required by law without trial on the merits for 2013 claims?
CD 23	§ 2, results and intent	“Including lower turnout Hispanics and excluding higher-turnout Hispanics (and fracturing politically cohesive and active Hispanic communities), while simultaneously including higher-turnout Anglos in the district ensures that Hispanics have less practical opportunity to elect.” Slip. Op. p. 29	Yes , there are boundary changes in the interim map adopted by this Court and enacted in law by PLAN C235.	Yes , MALC re-asserts its claim that the interim map does not fully remedy the intent finding of this Court, as highlighted by Dkt. 671.
CD 27 & South/West Texas	§ 2, results and intent	“Nueces County Hispanics ... have proved their § 2 results and intentional vote dilution claims.” Slip. Op. p. 165.	No . The discriminatory configuration of CD 27 exists in both the interim map ordered by this Court and PLAN C235.	Yes , the Hispanic Voters of Nueces County must be placed in one of seven minority opportunity districts in South and West Texas.
CD 26 & DFW	§2 & 14 th Amendment Intentional Vote Dilution: 1) “Cracking and Packing”; 2) Shaw-type racial gerrymander	“Plaintiffs have proved intentional vote dilution through packing and cracking in DFW and also establish a Shaw-type racial gerrymandering claim with regard to CD26.”	Yes , this Court altered the DFW congressional configuration, notably with the creation of majority minority district CD 33. This seat was enacted in law by PLAN C235.	Yes , interim remedies may not be sufficient to eliminate intentional discrimination. <i>See e.g. N. C. State Conference of NAACP v. McCrory</i> , 831 F.3d 204, 240 (4th Cir. 2016).

MALC claims concerning Congressional Districts that must be addressed through a trial on the 2013 map

District or Regional area	Existing Claim	Court Finding	Change in the Interim Map	Relied Sought
Houston	§2, effect	“Plaintiffs fail to proffer a demonstration plan	No change in the interim court-	With new more reliable CVAP data

		accompanied by sufficient evidence to demonstrate that additional compact minority districts could be drawn in DFW or Houston, taking into account traditional redistricting principles and communities of interest. However, they are not precluded from raising § 2 results claims with regard to Plan C235 during the trial on that plan.” Slip. Op. p. 165.	ordered map nor in C235.	and the necessary data to prove minority cohesion, MALC intends to prove the need for another § 2 district that is majority-minority CVAP, geographically compact, and adheres to neutral redistricting principles.
DFW	§2, effect	“Plaintiffs fail to proffer a demonstration plan accompanied by sufficient evidence to demonstrate that additional compact minority districts could be drawn in DFW or Houston, taking into account traditional redistricting principles and communities of interest. However, they are not precluded from raising § 2 results claims with regard to Plan C235 during the trial on that plan.” Slip. Op. p. 165.	Yes , this Court altered the DFW congressional configuration, notably with the creation of majority minority district CD 33. This seat was enacted in law by PLAN C235.	With new more reliable CVAP data and the necessary data to prove minority cohesion, MALC intends to prove the need for another § 2 district that is majority-minority CVAP, geographically compact, and adheres to neutral redistricting principles.
CD 25, CD 35 & Travis County	§2, effect and intent Elimination of effective crossover district 25 in Travis County is a retrogression, a retrogression is a § 2 violation	“The Legislature’s objective in drawing CD35 in Travis County was not to remedy a § 2 violation but to eliminate a Democratic district to offset the required creation of a new § 2 district, and the use of race for political advantage rather than compliance with the VRA cannot survive strict scrutiny.” Slip Op. p. 46	No change in the interim court	Latino voters in Travis County must be rejoined in a Travis County congressional district.

The claims concerning State House Districts that Plaintiff MALC intends to seek which can be addressed through Permanent Injunction and a remedy for Court-Ordered violations of law

District or Regional area	Existing Claim	Court Finding	Change in the Interim Map	Is more change required by law without trial on the merits for 2013 claims?

HD 33 & Nueces County	§2 & 14 th Amendment, intentional discrimination finding and §2 results claim. In addition, MALC has a <i>Larios</i> claim.	“With regard to the intentional vote dilution claims under § 2 and the Fourteenth Amendment, the Court finds that Plaintiffs proved their claims in ... Nueces County (the elimination of HD33 and the configuration of HD32 and HD34).” Slip. Op. p. 153.	No. The discriminatory configuration of HD 33 and Nueces County exists in both the interim map ordered by this Court and PLAN H358.	Yes. Even if the Plaintiffs have failed to prove the necessity of splitting the County Line to create a § 2 effects district, nonetheless, the intentional discrimination must be remedied and the <i>Larios</i> violation.
Harris County	§2 & 14 th Amendment, intentional discrimination finding	“With regard to the intentional vote dilution claims under § 2 and the Fourteenth Amendment, the Court finds that Plaintiffs proved their claims in ... Harris County.” Slip. Op. p. 153.	Yes. The Court-ordered plan includes the creation of a majority HCVAP district, HD 144 and the un-pairing of HDs 149 & 137. It also reverses the illegal packing of HD 148.	Yes, interim remedies may not be sufficient to eliminate intentional discrimination. <i>See e.g. N. C. State Conference of NAACP v. McCrory</i> , 831 F.3d 204, 240 (4th Cir. 2016).
Western Dallas County	§2 & 14 th Amendment, intentional discrimination finding and a §2 results claim	“With regard to the intentional vote dilution claims under § 2 and the Fourteenth Amendment, the Court finds that Plaintiffs proved their claims in ... western Dallas County (HD103, HD104, and HD105).” Slip. Op. p. 153.	Yes. PLAN H358 makes slight adjustments to HD 103, exchanging a few precincts with HD 115. It makes no changes to HD 104, and 105.	Yes. The small changes to HD 103 do not change the need to reverse the gerrymander and intentional discrimination claim in Wester Dallas County.
Tarrant County (HD 90, 93)	§2 & 14 th Amendment, intentional discrimination finding and a §2 results claim	“With regard to the intentional vote dilution claims under § 2 and the Fourteenth Amendment, the Court finds that Plaintiffs proved their claims in Tarrant County (HD90, HD93).” Slip. Op. p. 153.	Yes. There is a small change in the Tarrant County map in PLAN H358.	Yes. The small changes to Tarrant County do not obviate the need to reverse the intentional discrimination claim.
HD 54 & Bell County	§2 & 14 th Amendment, intentional discrimination finding and a §2 results claim. In addition,	“With regard to the intentional vote dilution claims under § 2 and the Fourteenth Amendment, the Court finds that Plaintiffs proved their claims in ... Bell County (HD54).”	No change in the legislatively-adopted map.	Yes, the intentional discrimination and <i>Larios</i> violation must be remedied.

	MALC has a <i>Larios</i> claim.			
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MALC claims concerning State House Districts that must be addressed through a trial on the 2013 map

District or Regional area	Existing Claim	Court Finding	Change in the Interim Map	Relief Sought
Harris County	§2, results claim	“With regard to the § 2 results claims, the Court finds that remedied claims are moot (specifically in El Paso, Bexar, and Harris Counties). With regard to non-remedied claims, the Court finds that Plaintiffs have either failed to prove a § 2 results claim as to Plan H283 or that such claims are best resolved in the 2013 plan case.” Slip. Op. p. 153.	Yes, this court created a majority HCVAP district, HD 144. This district was enacted by PLAN H358.	With new, more timely CVAP data and the necessary analysis to prove minority cohesion, MALC intends to prove the need for another § 2 district that is majority minority CVAP, geographically compact, and adheres to neutral redistricting principles. This district will likely be in Western Harris County and resemble HD 132 in PLAN H307.
Dallas County	§2, results claim	“With regard to the § 2 results claims, the Court finds that remedied claims are moot (specifically in El Paso, Bexar, and Harris Counties). With regard to non-remedied claims, the Court finds that Plaintiffs have either failed to prove a § 2 results claim as to Plan H283 or that such claims are best resolved in the 2013 plan case.” Slip. Op. p. 153.	Yes. PLAN H358 makes slight adjustments to HD 103, exchanging a few precincts with HD 115.	With new, more timely CVAP data and the necessary analysis to prove minority cohesion, MALC intends to prove the need for another § 2 district that is majority minority CVAP, geographically compact, and adheres to neutral redistricting principles.
Tarrant County	§2, results claim	“With regard to the § 2 results claims, the Court finds that remedied claims are moot (specifically in El	Yes. There is a small change in the Tarrant	With new, more timely CVAP data and the necessary analysis to prove

		Paso, Bexar, and Harris Counties). With regard to non-remedied claims, the Court finds that Plaintiffs have either failed to prove a § 2 results claim as to Plan H283 or that such claims are best resolved in the 2013 plan case.” Slip. Op. p. 153.	County map in PLAN H358.	minority cohesion, MALC intends to prove the need for another § 2 district that is majority minority CVAP, geographically compact, and adheres to neutral redistricting principles.
Ft. Bend County	§2, results claim	“With regard to the § 2 results claims, the Court finds that remedied claims are moot (specifically in El Paso, Bexar, and Harris Counties). With regard to non-remedied claims, the Court finds that Plaintiffs have either failed to prove a § 2 results claim as to Plan H283 or that such claims are best resolved in the 2013 plan case.” Slip. Op. p. 153.	No.	With new, more timely CVAP data and the necessary analysis to prove minority cohesion, MALC intends to prove the need for another § 2 district that is majority minority CVAP, geographically compact, and adheres to neutral redistricting principles.
Lubbock & Midland/Odessa	§2, results claim	“With regard to the § 2 results claims, the Court finds that remedied claims are moot (specifically in El Paso, Bexar, and Harris Counties). With regard to non-remedied claims, the Court finds that Plaintiffs have either failed to prove a § 2 results claim as to Plan H283 or that such claims are best resolved in the 2013 plan case.” Slip. Op. p. 153.	No.	With new, more timely CVAP data and the necessary analysis to prove minority cohesion, MALC intends to prove the need for another § 2 district that is majority minority CVAP, geographically compact, and adheres to neutral redistricting principles.

