

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA,)
and ERIC H. HOLDER, JR. in his)
official capacity as Attorney General)
of the United States,)
)
Defendants,)
)
)
WENDY DAVIS, <i>et al.</i> ,)
)
Defendant-Intervenors.)

Case No. 11-CV-01303
(RMC-TBG-BAH)
[Three-Judge Panel]

**PLAINTIFF STATE OF TEXAS' NOTICE OF FILING OF DIRECT WRITTEN
TESTIMONY**

**EXHIBIT 2
Direct Testimony of Burt Solomons**

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Case No. 11-01303 RMC

DIRECT TESTIMONY OF BURT SOLOMONS

My name is Burt Solomons and I am over the age of 18 and fully competent to make this declaration. I live in Carrollton, Texas in Denton County.

Background

1. I have been a member of the Texas Legislature since 1995 representing House District 65. During my tenure in the Texas House of Representatives, I have chaired several committees, including the Committee on House Redistricting, which I currently chair.

Until this past session, I had never served on the Redistricting Committee for the House.

2. I became the Chair of the Committee on House Redistricting in February, 2011 when Speaker Straus asked me to serve in this capacity. I believe that he asked me to chair the redistricting committee because I have experience chairing large committees and he knew I would work diligently to get the redistricting legislation passed. My goal as the Chair of the Committee on House Redistricting was to pass a fair map that complied with the Voting Rights Act as well as the Texas Constitution. I was the author of HB 150, the House Redistricting Plan and SB 400, the State Board of Education Plan. I was the House

Sponsor of SB 31, the Senate Redistricting Plan and SB 4, the Congressional Redistricting Plan.

3. I was a member of the Texas House of Representatives in 2001 and was disappointed that the Legislature was unable to pass a House redistricting bill. I regarded it as a failure of the Texas Legislature that the Legislative Redistricting Board (LRB) was needed. The LRB is a constitutional entity consisting of the Attorney General, the Comptroller, the Land Commissioner, the Speaker of the House and the Lieutenant Governor and comes into existence when the Legislature cannot pass state house or state senate redistricting legislation during the First Regular Legislative Session following the U.S. Census.

4. I believe that the Speaker also chose me to chair the Redistricting Committee because he thought I could pass the bill through the House and avoid the involvement of the LRB.

5. After I was named Chair of the Committee, I assembled a committee staff to assist me during the session. That staff included my office Chief of Staff, Bonnie Bruce to perform the function of Committee Clerk, and Committee Counsel, Ryan Downton. I also regularly consulted with Gerardo Interiano, Special Counsel to the Speaker, and through my staff the Texas Legislative Counsel, the Office of the Attorney General and outside counsel retained by the Speaker.

6. After I was named Chair of the Committee, I authorized my staff to visit with any member of the public, the State Legislature, or the United States Congress regarding redistricting. I personally had an open-door policy for all members of the Legislature and United States Congress as well as any advocacy groups or individuals who wanted to meet with me.

7. Speaker Straus enjoys bipartisan support in the Texas House (all 49 Democrats voted for him as Speaker). As part of his leadership team (consisting of 24 Republican and 9 Democratic Committee Chairmen), I viewed it as very important to engage with both Republicans and Democrats on redistricting and I was particularly interested in hearing from my colleagues representing minority communities. I knew from the U.S. Census that there had been because of the growth of the minority population in Texas. The Latino community in particular is important to the future of my own party, the Republican Party.

8. To the best of my recollection, during the legislative session only two Democratic Congresspersons ever requested a personal meeting with me – Gene Green and Sheila Jackson Lee. However, these meetings were more of a “meet and greet,” neither of the congresspersons provided me with any details requesting specific changes to their districts. I specifically remember discussing Medicaid grants with Congresswoman Sheila Jackson Lee. Had they made requests concerning their districts, I would have instructed my staff to try to assist them if their requests did not legally impair the Congressional maps in any way.

Process

9. After I was named Chair, I went to the House floor to explain to members that I wanted this to be a member-driven process. I encouraged members of various county delegations where the counties contained a whole number of districts to work together as a delegation to come up with agreed to maps. We called these “drop in” counties. Counties where members of a delegation ultimately submitted unanimous or majority-

agreed upon maps included Bexar County, El Paso County, Tarrant County, Denton County, Travis County and Nueces County.

10. Many Democrats actively participated in the redistricting process. The Vice-Chairman of the Redistricting Committee, Representative Mike Villarreal, a Latino Democrat, drafted the Bexar County map with the help of his delegation. Representative Joe Pickett, a member of the Redistricting Committee and an Anglo Democrat, took the lead in drafting the El Paso County map. Representative Eddie Rodriguez, a Latino Democrat, took the lead in drawing the Travis County map.

11. Although my staff and I spent a lot of time preparing in February, we were unable to begin drawing maps until the 2010 Census data was loaded into the RedAppl software on February 21, 2011.

12. The Texas Legislative Council (TLC) was a trusted resource to me and my staff throughout the 82nd Legislative Session. In particular, David Hanna of the TLC staff advised us on the application of Article 3, Section 26 of the Texas Constitution – more commonly known as the County Line Rule. David Hanna advised us that due to Harris County's growth lagging behind statewide growth, it was legally correct to assign Harris County with 24, rather than 25 seats. As Chairman of the Committee, it was my job to determine how many House districts there would be in Harris County and I decided to assign Harris County 24 seats on the advice of David Hanna.

13. David Hanna also assisted us in evaluating the decision to assign two rather than three whole seats to Nueces County. Due to lagging population growth, Nueces County was only entitled to 2.02 house seats. We believed it would be a violation of the state constitution to assign three seats to Nueces County unless the Voting Rights Act required

it. TLC determined that it would not be possible to draw two Hispanic protected districts in Nueces County and therefore the better approach would be to draw one protected district, which we did. TLC's advice was communicated to me by Gerardo Interiano and Ryan Downton.

14. In accordance with TLC advice, my staff and I relied in the first instance on demographic data in determining whether a seat was protected and performing under the Voting Rights Act. But we did not rely exclusively on demographic data.

15. Early in the session, I visited with staff from the Office of the Attorney General (OAG). They indicated that they were available to assist with reports that the TLC did not produce. These reports consisted of a regression analysis on proposed districts based on 10 statewide elections. My staff reviewed the summaries and we relied on their results throughout the legislative process.

16. Members of the public were given ample opportunity to review and comment on proposed House maps, given the constraints of our 140-day Legislative Session.

17. The House Committee on Redistricting held two public hearings on the proposed House map. My staff and I decided to hold one hearing during the week and one during the weekend so members of the public could attend a hearing that was convenient for their work or home schedules. The committee substitute was published in advance of the hearing. Publishing committee substitutes is not a process commonly used during session due to time restraints; however, we chose to do that to give the public additional time to review the proposal because it was redistricting.

18. All Rules of the House of Representatives were strictly adhered to on this particular piece of legislation. Had there been any inappropriate deviation from the rules,

the legislation would have been subject to a point of order and would have been prevented from advancing through the legislative process.

19. The 2nd Reading floor debate on the House Redistricting plan was lengthy – the session that day lasted over 15 hours and it was the only major piece of legislation addressed that day. Members who wished to have an amendment heard were allowed to do so, and we fully debated over 30 amendments.

20. If an amendment did not directly impact the legality of the map, I generally neither supported nor opposed the amendment and it was left up to the will of the House to determine if the amendment should be successful or not. Both Democrats and Republicans had amendments placed on the bill and both Democrats and Republicans had amendments fail.

21. We stopped the entire debate for approximately 3 hours to address concerns of several African American members in Harris County. During this time, we worked to make changes to the map because of the concerns of these members. All members of the Harris County delegation approved of the amendment that changed the House map.

22. When challenged by members during the debate about the standards we were using to draw the maps, I repeatedly tried to explain that while we did use demographics data, percentages of voting age population, and Spanish Surname Voter Registration, we also utilized regression analysis to determine who was the minority candidate of choice and whether they would prevail in the new districts.

23. On the final vote two Hispanic Democrats, Representatives Guillen and Lozano, voted for the plan as well as all five of the Hispanic Republican members.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 9th day of January, 2012.



Burt Solomons