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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CITY OF SAN JOSE, CALIFORNIA, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as President of the United States, et al.,

Defendants.

CASE NO. 5:20-cv-05167-LHK-RRC-EMC

SUPPLEMENTAL DECLARATION OF RODNEY ELLIS IN SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT AND IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR PARTIAL SUMMARY JUDGMENT

Date: October 8, 2020
Time: 1:30 p.m.
Place: Courtroom 8, 4th Floor
Judge: Honorable Richard R. Clifton
Honorable Lucy H. Koh
Honorable Edward M. Chen

DECLARATION OF RODNEY ELLIS

I, Rodney Ellis, hereby declare:

1. I am a Plaintiff in this action and a lifelong resident of Houston. I currently reside in Houston, within Precinct One in Harris County, Texas. The facts stated herein are true and correct based on my own personal knowledge.

2. I am the Commissioner of Precinct One on the Harris County Commissioner's Court. Prior to becoming Commissioner of Precinct One, I served as a Texas State Senator for 26 years, and served in Houston City Council for three terms.

3. With approximately 1.1 million residents, Harris County Precinct One is a diverse, urban precinct that covers 363 square miles. Precinct One, which includes 876 miles of road, stretches south to Brazoria County and reaches into eastern and northern sections of Harris County. The Precinct's territory also includes parts of the City of Houston, including a large portion of Downtown Houston. Precinct One includes multi-racial and multi-ethnic populations within Houston and Harris County, and is roughly 39 percent African American, 37 percent Latino, 18 percent Anglo, 5 percent Asian and 1 percent other.

4. As of August 17, 2020, Precinct One's Census Response Rate was only 56.8 %, with at least one tract reporting below 30%.

5. An undercount in Harris County, or in Houston, during the 2020 Census as compared to other metropolitan areas in the country, or as compared to the rest of the state of Texas, would cause harm to me and my community.

6. For instance, an undercount can lead to loss of crucial federal funds for programs that affect my daily life.

7. I have one child enrolled in the Houston Independent School District ("HISD") system. The HISD receives millions of dollars in essential federal funding. This includes Title I federal funding.

8. An undercount on the 2020 Census for Houston that results in decreased Title I funds for the HISD would deprive my child's school district of necessary funding.

9. I also routinely use roads and highways in Harris County. This includes driving and cycling along roads all throughout the county.

10. Again, Harris County depends on millions of dollars of federal funding to maintain roads and highways throughout the county.

11. An undercount on the 2020 Census for Harris County that results in decreased federal funding for roads and highways in the county would potentially lead to deterioration of roads that I use.

12. An undercount on the 2020 Census will also put me at serious risk of political underrepresentation in the U.S. Congress, and in the Texas legislature.

13. First, an undercount of the state of Texas relative to other states such that Texas loses a seat in Congress deprives me of my fair share of representation in the United States House of Representatives.

14. Second, Texas relies on census data to redistrict congressional and state legislative seats. An undercount of Harris County or Houston relative to the rest of the state will lead to the redistribution of seats and will deprive me of my fair share of representation in the state legislature.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 21, 2020 in Houston, Texas.

Rodney Ellis