

# **EXHIBIT 6**

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

LULAC, *et al.*,

*Plaintiffs,*

v.

GREG ABBOTT, in his official capacity as  
Governor of Texas, *et al.*,

*Defendants.*

Case No.: EP-21-CV-00259-JES-JVB  
[Lead Case]

**DECLARATION OF MARK P. GABER**

Pursuant to 28 U.S.C. § 1746, I, Mark P. Gaber, declare that:

1. I am over 18 years of age and competent to testify.
2. I am counsel for Plaintiffs in this case.
3. I am also counsel for the Quesada Plaintiffs in the consolidated cases challenging the 2011 and 2013 Texas redistricting plans, *Perez v. Abbott*, No. SA-11-CA-OLG (W.D. Tex.), which is currently in the attorneys' fees phase of litigation. I served as lead trial counsel for the Quesada Plaintiffs in the trial regarding the 2013 plan, which occurred in the summer of 2017.
4. In the lead up to, and during, the 2017 *Perez* trial, Anna Mackin, then an attorney in the Office of the Attorney General, was the primary counsel for Defendants with whom I interacted on exhibit issues. For example, at 2:53 AM on July 9, 2017, Ms. Mackin emailed Plaintiffs' counsel transmitting Defendants' objections to Plaintiffs' trial exhibits. That email included an attached spreadsheet identifying which of Plaintiffs' exhibits Defendants objected to, and which they lodged no objection to. The metadata for that spreadsheet identifies the author as "Anne Marie Mackin," notes that the spreadsheet was created on July 8, 2017, at 11:21 PM, and

was last modified on July 9, 2017, at 2:44 AM, nine minutes before it was emailed to Plaintiffs' counsel. Attached as Exhibit A to my declaration is a true and correct copy of the email, the spreadsheet, and a screenshot I took of the spreadsheet metadata.

5. Attached as Exhibit B to my declaration are true and correct copies of several exhibits that were identified on the spreadsheet Ms. Mackin sent: Quesada-12, Quesada-15, Quesada-16, Quesada-17, and Quesada 18.

6. Attached as Exhibit C to my declaration is a true and correct copy of an email Ms. Mackin sent to Plaintiffs' counsel at 1:09 AM on July 14, 2017, identifying the exhibits Defendants might use at trial that morning. Attached as Exhibit D to my declaration is a true and correct copy one of the supplemental exhibits Ms. Mackin attached to that email, an April 18, 2013 letter from then-Attorney General Greg Abbott to the House and Senate Redistricting Committee Chairs and members.

7. The trial transcripts for the 2017 *Perez* trial note Ms. Mackin's appearance at trial each day.

8. Attached as Exhibit E to my declaration are true and correct copies of the minutes and transcript from a Senate Select Committee on Redistricting hearing that occurred on April 18, 2013, which were admitted as Joint Exhibits 19.2 and 19.3 in the *Perez* litigation.

9. Attached as Exhibit F to my declaration is a true and correct copy of a transcript of the May 30, 2013 hearing of the Senate Select Committee on Redistricting, which was admitted as Joint Exhibit 20.4 in the *Perez* litigation.

10. Attached as Exhibit G to my declaration is a true and correct copy of the Senate Journal, Eighty-Third Legislature – First Called Session, Second Day Continued, for Friday, June 14, 2013, which was admitted as Joint Exhibit 26.2 in the *Perez* litigation.

11. Attached as Exhibit H to my declaration is a true and correct copy of the Senate Journal, Eighty-Third Legislature – First Called Session, Third Day, for Friday, June 14, 2013, which was admitted as Joint Exhibit 26.3 in the *Perez* litigation.

12. Attached as Exhibit I to my declaration is a true and correct copy of the Senate Journal, Eighty-Seventh Legislature – Third Called Session, Third Day, for Monday October 4, 2021, which I obtained from Texas Senate’s Senate Journal Online website, <https://journals.senate.texas.gov/SJRNL/873/PDF/87S310-04-F1.PDF>.

13. Attached as Exhibit J to my declaration is a true and correct copy of the Senate Journal, Eighty-Seventh Legislature – Third Called Session, Fourth Day, for Monday, October 4, 2021, which I obtained from the Texas Senate’s Senate Journal Online website, <https://journals.senate.texas.gov/SJRNL/873/PDF/87S310-04-F.PDF>.

14. Attached as Exhibit K to my declaration is a true and correct copy of the Senate Journal, Eighty-Seventh Legislature – Third Called Session, Fourth Day Addendum, for Monday October 4, 2021, which I obtained from the Texas Senate’s Senate Journal Online website, <https://journals.senate.texas.gov/SJRNL/873/PDF/87S310-04-FA.PDF>.

15. Attached as Exhibit L to my declaration is a true and correct copy of the House Journal, Eighty-Seventh Legislature – Third Called Session, Sixth Day (Continued), for Friday October 15, 2021, which I obtained from the Texas House Journal Online website, <https://journals.house.texas.gov/HJRNL/873/PDF/87C3DAY06CSUPPLEMENT.PDF>.

16. Attached as Exhibit M to my declaration is a true and correct copy of the House Journal, Eighty-Seventh Legislature – Third Called Session, Seventh Day, for Friday, October 15, 2021, which I obtained from the Texas House Journal Online website, <https://journals.house.texas.gov/hjrnl/873/pdf/87C3DAY07FINAL.PDF#page=7>.



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

November 23, 2021

/s/ Mark P. Gaber  
Mark P. Gaber

# **EXHIBIT 6-A**



Mark Gaber <mark.gaber@gmail.com>

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## Conferring Re: Exhibits

1 message

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**Mackin, Anna** <Anna.Mackin@oag.texas.gov> Sun, Jul 9, 2017 at 2:53 AM  
To: "garzpalm@aol.com" <garzpalm@aol.com>, "martin.golando@gmail.com" <martin.golando@gmail.com>, "nperales@MALDEF.org" <nperales@maldef.org>, "eherrera@MALDEF.org" <eherrera@maldef.org>, Gerry Hebert <ghebert1949@icloud.com>, Mark Gaber <mark.gaber@gmail.com>, Renea Hicks <rhicks@renea-hicks.com>, "Khanna, Abha (Perkins Coie)" <AKhanna@perkinscoie.com>, "davidrichardsaustin@gmail.com" <davidrichardsaustin@gmail.com>, "AllisonRiggs@southerncoalition.org" <AllisonRiggs@southerncoalition.org>, "garybledsoe@sbcglobal.net" <garybledsoe@sbcglobal.net>, "Irvlaw@sbcglobal.net" <Irvlaw@sbcglobal.net>, "rrios@rolandorioslaw.com" <rrios@rolandorioslaw.com>, "chad@brazilanddunn.com" <chad@brazilanddunn.com>  
Cc: "Sweeten, Patrick" <Patrick.Sweeten@oag.texas.gov>, "Bitter, Adam" <Adam.Bitter@oag.texas.gov>, "Johnson, Seth" <John.Johnson@oag.texas.gov>, "Colmenero, Angela" <Angela.Colmenero@oag.texas.gov>, "Frederick, Matthew" <Matthew.Frederick@oag.texas.gov>, "Head, Melissa" <Melissa.Head@oag.texas.gov>, "Disher, Todd" <Todd.Disher@oag.texas.gov>, "Presnell, Parke" <Parke.Presnell@oag.texas.gov>, "Bowen, Marshall" <Marshall.Bowen@oag.texas.gov>

Dear Counsel,

Attached please find Defendants' objections to Plaintiffs' trial exhibits. Defendants are providing their objections to the exhibits identified on the exhibit lists filed by the parties, and have included objections to some of the supplemental exhibits. Defendants will provide their objections to additional supplemental exhibits on a rolling basis.

Thanks,

Anna

---

 **Defendants' Exhibit Objections.xlsx**  
25K

Plaintiff	Number	Basis for Objection
MALC	1	No objection
MALC	2	Hearsay; relevance
MALC	3	Hearsay
MALC	4	Hearsay
MALC	5	No objection
MALC	6	Hearsay
MALC	7	No objection
MALC	8	No objection
MALC	9	No objection
MALC	10	No objection
MALC	11	No objection
MALC	12	Not disclosed
MALC	13	Not disclosed
MALC	14	No objection
MALC	15	No objection
MALC	16	No objection
MALC	17	Hearsay
MALC	18	No objection
MALC	19	Hearsay
MALC	20	No objection
MALC	21	Hearsay
MALC	22	No objection
MALC	23	No objection
MALC	24	Foundation
MALC	25	Foundation
MALC	26	No objection
MALC	27	No objection
MALC	28	No objection

Plaintiff	Number	Basis for Objection
		<i>See</i> forthcoming deposition objections and
Task Force	1	counterdesignations
		<i>See</i> forthcoming deposition objections and
Task Force	2	counterdesignations
Task Force	3a	No objection
	3b	No objection
	3c	No objection
	3d	No objection
	3e	No objection
	3f	No objection
	3g	No objection
	3h	No objection
	3i	No objection
	3j	No objection
	3k	No objection
	3l	No objection
	3m	No objection
	3n	No objection
	3o	No objection
	3p	No objection
	3q	No objection
	3r	Hearsay
	3s	Hearsay
	3t	Hearsay
	3u	Hearsay
	3v	Hearsay
	3w	Hearsay; relevance
	3x	Hearsay; relevance
	3y	Hearsay; relevance
	3z	No objection
	3aa	No objection
	3ab	No objection
	3ac	No objection
	3ad	No objection
	3ae	Hearsay; relevance
	3af	Hearsay; relevance
	3ag	Hearsay; relevance
	3ah	Hearsay; relevance
	3ai	Hearsay; relevance
	3aj	Relevance
	3ak	Hearsay; relevance
	3al	Hearsay; relevance

	3am	Hearsay; relevance
	3an	Hearsay; relevance
	3ao	Hearsay; relevance
	3ap	Hearsay; relevance
		<i>See</i> forthcoming deposition objections and
Task Force	4	counterdesignations
		<i>See</i> forthcoming deposition objections and
Task Force	5	counterdesignations
		<i>See</i> forthcoming deposition objections and
Task Force	6	counterdesignations
		<i>See</i> forthcoming deposition objections and
Task Force	7	counterdesignations
		<i>See</i> forthcoming deposition objections and
Task Force	8	counterdesignations
Task Force	9	Hearsay
		<i>See</i> forthcoming deposition objections and
Task Force	10	counterdesignations
Task Force	11	No objection
		Foundation;
Task Force	12	authenticity
Task Force	13	No objection
Task Force	14	No objection
Task Force	15	No objection
		Foundation;
Task Force	16	authenticity
Task Force	17	Authenticity; hearsay
Task Force	18	Authenticity; hearsay
Task Force	19	Hearsay
Task Force	20	Hearsay
Task Force	21	Hearsay
Task Force	22	Relevance
Task Force	23(a)	No objection
Task Force	23(b)	No objection
Task Force	23(c)	No objection
Task Force	23(d)	No objection
Task Force	23(e)	No objection
Task Force	24(a)	No objection

Task Force 24(b)	No objection
Task Force 24(c)	No objection
Task Force 24(d)	No objection
Task Force 24(e)	No objection
Task Force 24(f)	No objection
Task Force 25(a)	No objection
Task Force 25(b)	No objection
Task Force 25(c)	No objection
Task Force 25(d)	No objection
Task Force 25(e)	No objection
Task Force 25(f)	No objection
Task Force 26(a)	No objection
Task Force 26(b)	No objection
Task Force 26(c)	No objection
Task Force 26(d)	No objection
Task Force 26(e)	No objection
Task Force 26(f)	No objection
Task Force 27	No objection
Task Force 28	No objection
Task Force 29	No objection
Task Force 30	No objection
Task Force 31	No objection
Task Force 32	No objection
Task Force 33	No objection
Task Force 34	No objection
Task Force 35	No objection
Task Force 36	No objection
Task Force 37	No objection
Task Force 38	No objection
Task Force 39	No objection
Task Force 40	No objection
Task Force 41	No objection
Task Force 42	No objection
Task Force 43	No objection
Task Force 44	No objection
Task Force 45	No objection
	See forthcoming deposition objections and
Task Force 46	counterdesignations
Task Force 47	No objection
	See forthcoming deposition objections and
Task Force 48	counterdesignations
Task Force 49	No objection

Task Force	Foundation; 50 authenticity
Task Force	Foundation; 51 authenticity
Task Force	Foundation; 52 authenticity
Task Force	Foundation; 53 authenticity
Task Force	Foundation; 54 authenticity
Task Force	Foundation; 55 authenticity
Task Force	Foundation; 56 authenticity
Task Force	Foundation; 57 authenticity
Task Force	Foundation; 58 authenticity
Task Force	Foundation; 59 authenticity
Task Force	Foundation; 60 authenticity
Task Force	Foundation; 61 authenticity
Task Force	Foundation; 62 authenticity



Plaintiff	Number	Basis for Objection
NAACP	1	No objection
NAACP	2	Hearsay
NAACP	3	No objection
NAACP	4	Hearsay
NAACP	5	No objection
NAACP	6	Hearsay
NAACP	7	Hearsay
NAACP	8	Hearsay
NAACP	9	Hearsay
NAACP	10	Hearsay
NAACP	11	Hearsay
NAACP	12	Hearsay
NAACP	13	Hearsay
NAACP	14	No objection
NAACP	15	No objection
NAACP	16	Hearsay; relevance; improper opinion
NAACP	17	Hearsay
NAACP	18	Hearsay
NAACP	19	Hearsay
NAACP	20	Hearsay
NAACP	21	Hearsay
NAACP	22	Hearsay
NAACP	23	Hearsay
NAACP	24	No objection
NAACP	25	Hearsay
NAACP	26	Hearsay
NAACP	27	Hearsay
NAACP	28	Hearsay; foundation
NAACP	29	No objection
NAACP	30	No objection
NAACP	31	No objection
NAACP	32	No objection
NAACP	33	No objection
NAACP	34	Hearsay; not properly disclosed; foundation; authenticity; improper opinion
NAACP	35	No objection
NAACP	36	No objection
NAACP	37	No objection
NAACP	38	No objection
NAACP	39	Hearsay; not properly disclosed; foundation; authenticity; improper opinion
NAACP	40	Hearsay; relevance

NAACP	41 Hearsay; relevance
NAACP	42 Hearsay
NAACP	43 Hearsay
NAACP	44 Hearsay; relevance
NAACP	45 Forthcoming

Plaintiff	Number	Basis for Objection
	QUESADA-2017-1	Hearsay
	QUESADA-2017-2	No objection
	QUESADA-2017-3	No objection
	QUESADA-2017-4	No objection
	QUESADA-2017-5	No objection
	QUESADA-2017-6	No objection
	QUESADA-2017-7	No objection
	QUESADA-2017-8	No objection
	QUESADA-2017-9	No objection
	QUESADA-2017-10	No objection
	QUESADA-2017-11	No objection
	QUESADA-2017-12	Foundation; authenticity
	QUESADA-2017-13	Foundation; authenticity
	QUESADA-2017-14	Foundation; authenticity
	QUESADA-2017-15	Foundation; authenticity
	QUESADA-2017-16	No objection
	QUESADA-2017-17	No objection
	QUESADA-2017-18	No objection
	QUESADA-2017-19	No objection
	QUESADA-2017-20	No objection
		No objection
	QUESADA-2017-22	No objection
	QUESADA-2017-23	No objection
	QUESADA-2017-24	No objection
	QUESADA-2017-25	No objection
	QUESADA-2017-26	No objection
	QUESADA-2017-27	No objection
	QUESADA-2017-28	No objection
	QUESADA-2017-29	No objection
	QUESADA-2017-31	Foundation; authenticity
	QUESADA-2017-32	Relevance
	QUESADA-2017-33	Hearsay
	QUESADA-2017-34	Hearsay
	QUESADA-2017-35	Hearsay
	QUESADA-2017-36	Hearsay
	QUESADA-2017-37	Hearsay
	QUESADA-2017-38	Hearsay; relevance
		Hearsay; relevance;
	QUESADA-2017-39	improper opinion
	QUESADA-2017-40	Hearsay; relevance
	QUESADA-2017-41	Hearsay; relevance
	QUESADA-2017-42	Hearsay; relevance
	QUESADA-2017-43	Hearsay; relevance
	QUESADA-2017-44	Hearsay; relevance
	QUESADA-2017-45	Hearsay; relevance
	QUESADA-2017-46	Hearsay; relevance

QUESADA-2017-47	Hearsay
QUESADA-2017-48	Hearsay; improper opinion
QUESADA-2017-49	No objection
QUESADA-2017-50	Hearsay; relevance
QUESADA-2017-51	Hearsay
QUESADA-2017-52	Hearsay; relevance
QUESADA-2017-53	Hearsay
QUESADA-2017-54	Hearsay
QUESADA-2017-55	Hearsay
QUESADA-2017-56	Hearsay
QUESADA-2017-57	No objection
QUESADA-2017-58	Hearsay
QUESADA-2017-59	Hearsay
QUESADA-2017-60	Hearsay; relevance
QUESADA-2017-61	Hearsay; relevance
QUESADA-2017-62	Hearsay; relevance
QUESADA-2017-63	Hearsay; relevance
QUESADA-2017-64	Relevance
QUESADA-2017-65	Hearsay; relevance
QUESADA-2017-66	Hearsay; relevance
QUESADA-2017-67	Hearsay; relevance
QUESADA-2017-68	Hearsay; relevance
QUESADA-2017-69	Hearsay; relevance
QUESADA-2017-70	Hearsay; relevance
QUESADA-2017-71	Hearsay; relevance
QUESADA-2017-72	Hearsay; relevance
QUESADA-2017-73	Hearsay; relevance


Plaintiff	Number	Basis for Objection
Rodriguez	955	Hearsay

Defendants' Exhibit Objections (2).xlsx - Excel

Info


Defendants' Exhibit Objections (2)

C: » Users » mgaber » Downloads



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Last Printed


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Author

Anne Marie Mackin

Add an author

Last Modified By

Anne Marie Mackin

Related Documents

Open File Location

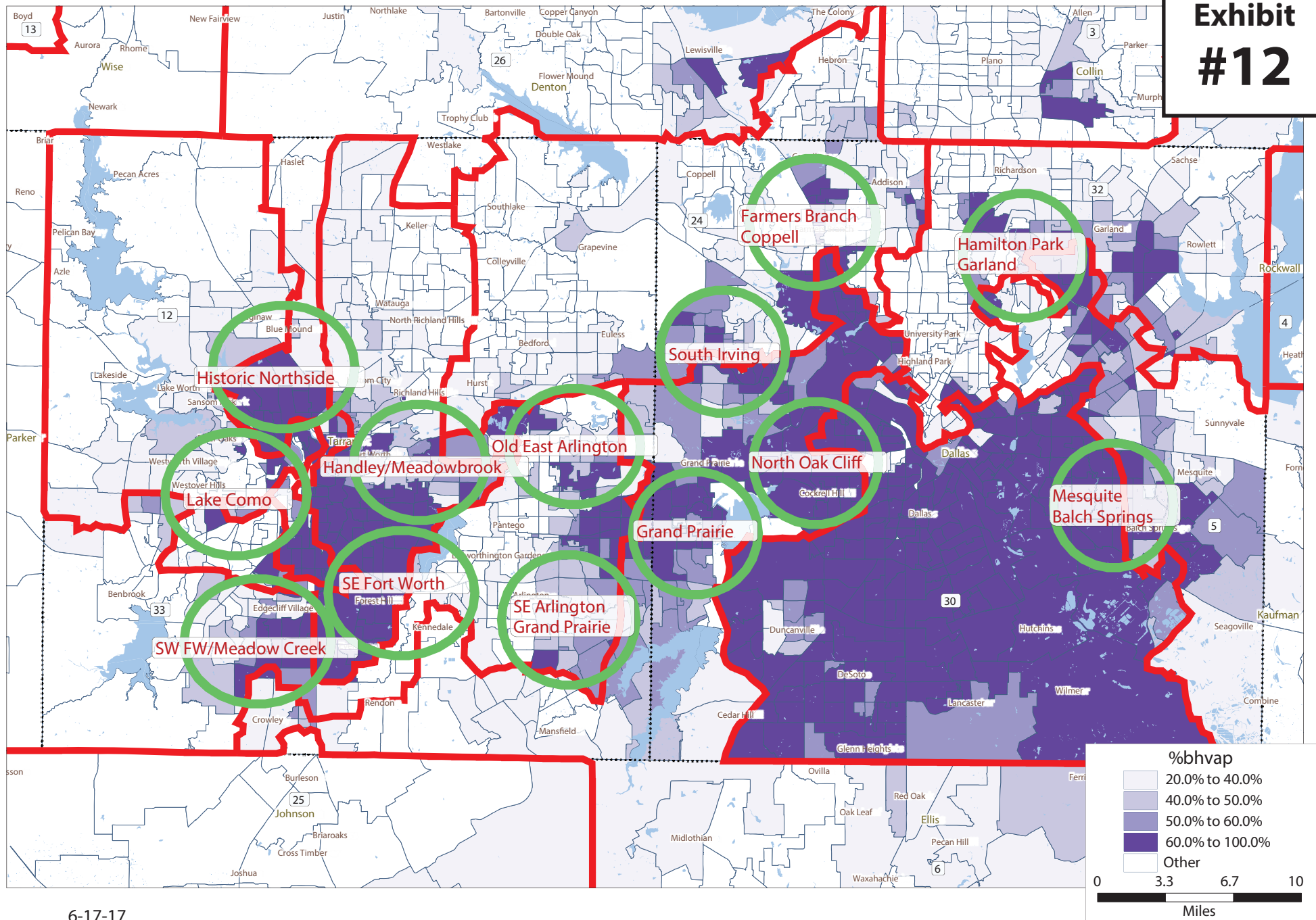
Show All Properties

# **EXHIBIT 6-B**

## **Part 1**

# 2017 Exhibit #12

## DFW Minority Neighborhoods Fractures in Plan C185





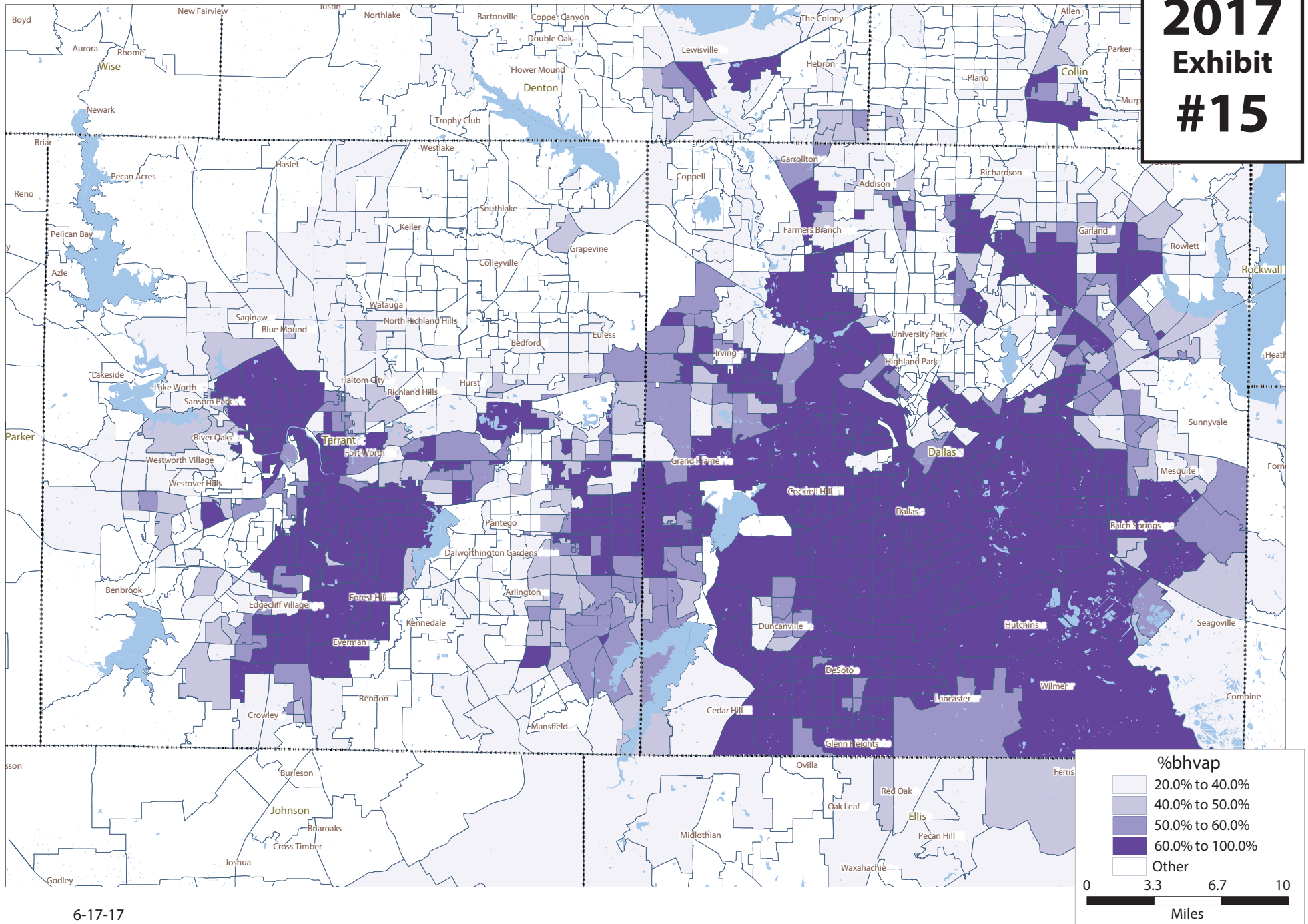
# **EXHIBIT 6-B**

## **Part 2**

# DFW - Black + Hispanic VAP Shading by Precinct

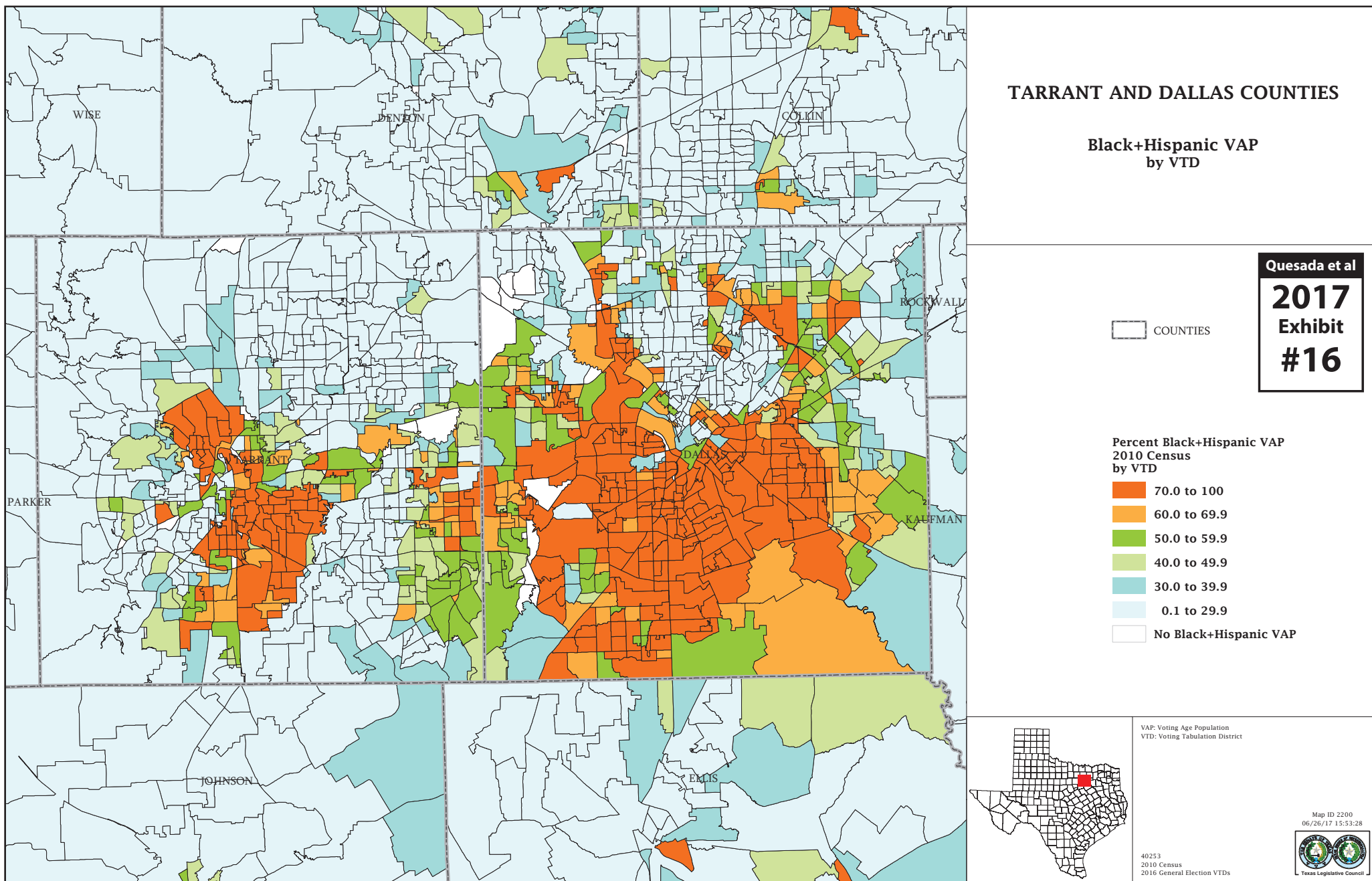
Quesada et al

**2017**  
**Exhibit**  
**#15**



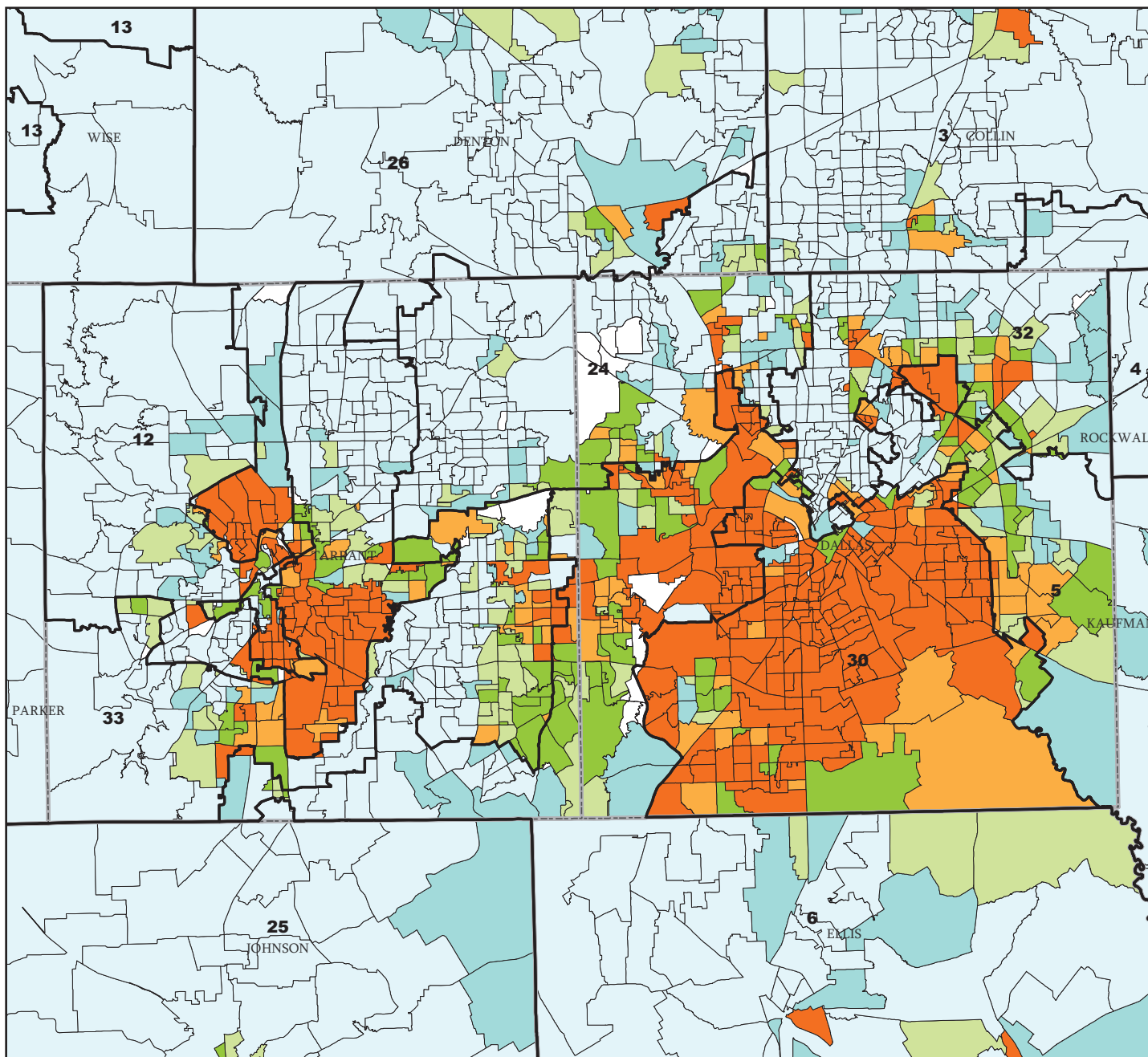
# **EXHIBIT 6-B**

## **Part 3**



# **EXHIBIT 6-B**

## **Part 4**



## TARRANT AND DALLAS COUNTIES

**Black+Hispanic VAP**  
by VTD

**U.S. Congressional Districts**  
Enacted by the 82nd Legislature, 2011  
**PLANC185**

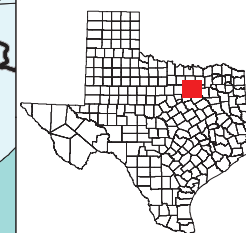
**PLANC185**  
 COUNTIES

**Percent Black+Hispanic VAP**  
2010 Census  
by VTD

70.0 to 100  
 60.0 to 69.9  
 50.0 to 59.9  
 40.0 to 49.9  
 30.0 to 39.9  
 0.1 to 29.9  
 No Black+Hispanic VAP

**Quesada et al**

**2017**  
**Exhibit**  
**#17**



VAP: Voting Age Population  
VTD: Voting Tabulation District

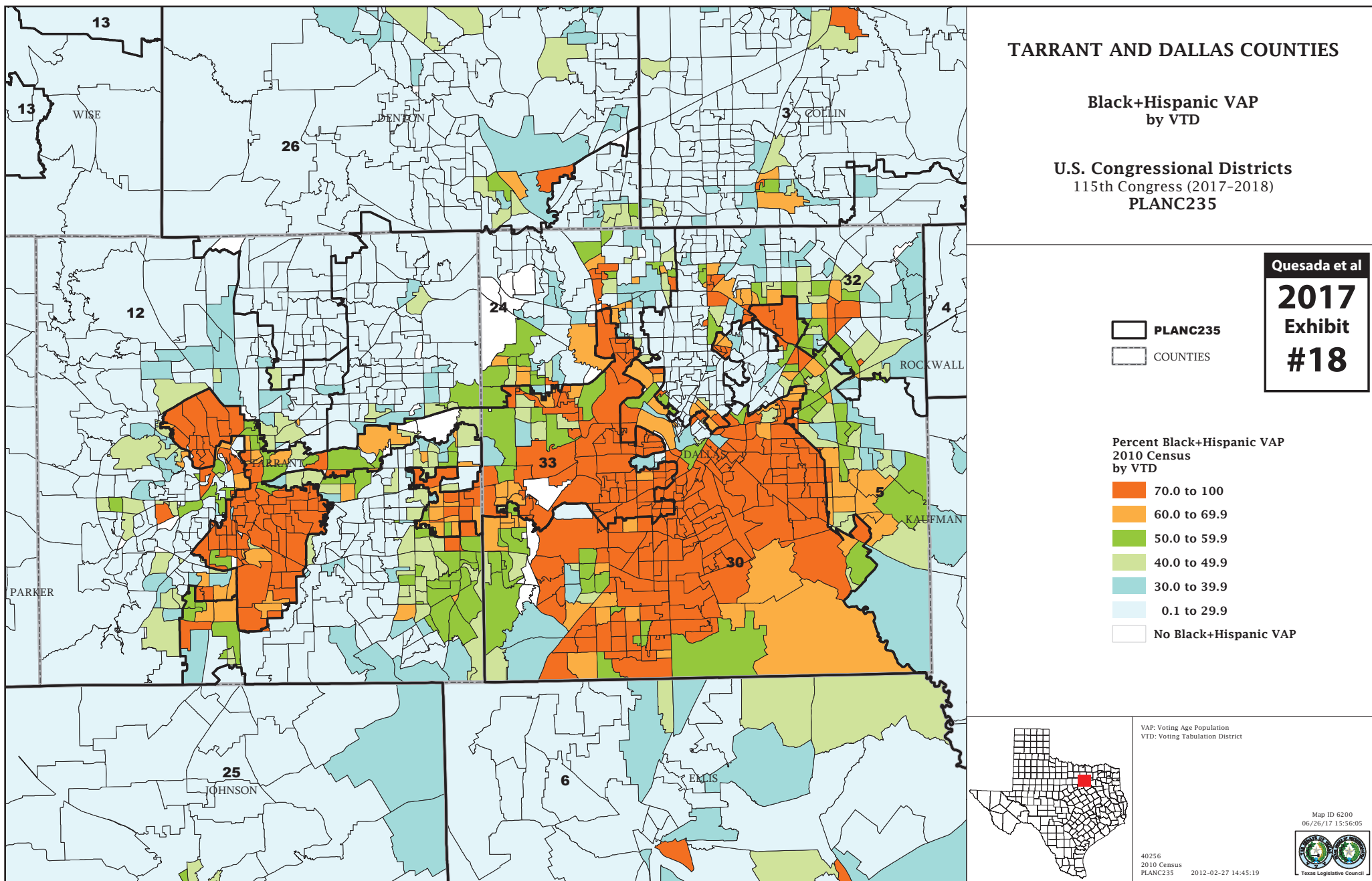
40257  
2010 Census  
PLANC185  
2011-06-15 10:04:31



# **EXHIBIT 6-B**

## **Part 5**







# **EXHIBIT 6-C**



Mark Gaber <mark.gaber@gmail.com>

## Exhibits for Tomorrow

1 message

**Mackin, Anna** <Anna.Mackin@oag.texas.gov>

Fri, Jul 14, 2017 at 1:09 AM

To: "Bitter, Adam" <Adam.Bitter@oag.texas.gov>, Martin Golando <martin.golando@gmail.com>, "ghebert@campaignlegalcenter.org" <ghebert@campaignlegalcenter.org>, "davidr@rrsfirm.com" <davidr@rrsfirm.com>, "lrvlaw@sbcglobal.net" <lrvlaw@sbcglobal.net>, "chad@brazilanddunn.com" <chad@brazilanddunn.com>, "eherrera@maldef.org" <eherrera@maldef.org>, "nperales@maldef.org" <nperales@maldef.org>, "rhicks@renea-hicks.com" <rhicks@renea-hicks.com>, "akhanna@perkinscoie.com" <AKhanna@perkinscoie.com>, "garzpalm@aol.com" <garzpalm@aol.com>, "garybledsoe@sbcglobal.net" <garybledsoe@sbcglobal.net>, "rrios@rolandorioslaw.com" <rrios@rolandorioslaw.com>, "allisonriggs@southerncoalition.org" <allisonriggs@southerncoalition.org>, "daverichards4@juno.com" <daverichards4@juno.com>, "Sweeten, Patrick" <Patrick.Sweeten@oag.texas.gov>, "Colmenero, Angela" <Angela.Colmenero@oag.texas.gov>, "Frederick, Matthew" <Matthew.Frederick@oag.texas.gov>, "Disher, Todd" <Todd.Disher@oag.texas.gov>, "Johnson, Seth" <John.Johnson@oag.texas.gov>, Mark Gaber <mark.gaber@gmail.com>

Dear Counsel,

Defendants may use the following exhibits with the following witnesses tomorrow:

Todd Hunter

DX-897

JX-106.3

DX-702

JX-107

JX-100.1

JX-105.1

DX-839

DX-942

Drew Darby

JX-1

JX-10.1

JX-10.4

JX-11.1  
JX-12.1  
JX-12.4  
JX-13.1  
JX-14.1  
JX-15.1  
JX-16.1  
JX-17.3  
JX-18.1  
DX-751  
DX-802  
DX-804  
DX-858  
DX-864  
DX-934  
DX-935  
DX-936  
DX-937  
DX-938  
DX-939  
DX-940  
DX-941

Several of these exhibits are supplements to our originally disclosed list. I have attached those here.

Thanks,

Anna

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**8 attachments**

 **DX-934\_Chris Turner Ltr to Darby 5.28.13.pdf**

485K

 **DX-935\_Drew Darby Ltr to Turner 5.30.13.pdf**  
458K

 **DX-936\_Darby Statement re Bill Release.pdf**  
423K

 **DX-937\_Drew Darby Ltr to TMF 6.10.13.pdf**  
463K

 **DX-938\_Drew Darby Ltr. Members 6.19.13.pdf**  
422K

 **DX-939\_H. Journal 5.28.13.pdf**  
49K

 **DX-940\_Prefiled Amends Calendar 6.20.13.pdf**  
10K

 **DX-941\_Greg Abbott Ltr to Darby Seliger et al 4 18 13.pdf**  
682K

# **EXHIBIT 6-D**



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

April 18, 2013

The Honorable Kel Seliger  
Texas Senate  
Post Office Box 12068  
Austin, Texas 78711

The Honorable Drew Darby  
Texas House of Representatives  
Post Office Box 2910  
Austin, Texas 78768

Dear Senator Seliger and Representative Darby:

You recently received a letter from Jose Garza, the Mexican-American Legislative Caucus's redistricting counsel, concerning pending legislative proposals to adopt the 2012 court-ordered interim redistricting plans as the State's permanent redistricting maps. Mr. Garza's letter contains multiple statements and misrepresentations that do not merit a response. But to prevent you from being misled, I will provide you more information about a few of the issues raised by Mr. Garza.

First, Mr. Garza notes that federal judges in Washington, D.C. have ruled that two of the redistricting plans adopted by the Legislature were created "with a discriminatory purpose." Indeed, they did. In fact, the D.C. court concluded that all three maps were tainted by evidence of discriminatory purpose. That is exactly why you should take action. The Legislature has both the opportunity and the obligation to remove that specter of discrimination. That is why I have been counseling leadership that the best way to remedy the violations found by the D.C. court is to adopt the court-drawn interim plans as the State's permanent redistricting maps.

Evidently Mr. Garza believes that the interim maps crafted by three federal judges are burdened by discriminatory purpose or other violations of the Voting Rights Act. The interim maps were not drawn by or voted on by the Texas Legislature. I don't believe – as Mr. Garza does – that the federal judges ordered the 2012 elections to proceed under maps that incorporated racial discrimination. And indeed, the interim maps remedy every legal violation found by the D.C. court.

Mr. Garza faults my proposed resolution to the protracted and contentious redistricting litigation, calling it an "end-run around the judicial process on redistricting." If he is accusing me of attempting to avoid further litigation, I confess.



April 18, 2013

Page 2

Far from being an “end-run around the judicial process,” my proposed solution recognizes that the Constitution gives to states the prerogative – and primary responsibility – for redistricting. The Supreme Court has repeatedly emphasized that redistricting is first and primarily a legislative function belonging to the states. *See, e.g., LULAC v. Perry*, 548 U.S. 399, 414-15 (2006). The Texas Legislature – not a federal court – should have the ultimate word on the State’s redistricting maps. You should reject Mr. Garza’s solicitation to abdicate Texas’ sovereign responsibility. You should not cede to federal courts a responsibility that is first and foremost yours. At this moment, you have control. After the session, you lose control.

Mr. Garza also states that enacting the interim plans would occur “without meaningful input from the minority community.” That is wrong. Mr. Garza ignores the fact that the interim maps were drawn with the input and approval of a significant number of the minority groups challenging the State’s redistricting maps – even if he himself held out for more. You should also know that Mr. Garza and MALC participated in the interim map-drawing process by submitting their own proposed interim plans – they were rejected by the federal court. Moreover, any legislative approval of the interim plans should – and will – be done through the normal legislative process, which will include full public notice and hearing for the very purpose of gaining “meaningful input” from all Texans, including the minority community.

He also suggests that passing the interim maps will inject additional delay and confusion into the election process. To the contrary, the interim maps have already met with the approval of the federal judges overseeing the redistricting litigation and are the very same maps that Texans voted under during the 2012 election cycle. On the other hand, MALC’s proposed interim plans, which if made permanent would significantly alter current legislative districts, have already been rejected by the federal judges who crafted the interim plans. If MALC continues to push for overreaching alterations to the maps, the only certainty is prolonged litigation.

Contrary to Mr. Garza’s suggestion, the surest way to ensure continuous redistricting litigation and inject further delay is for you to do nothing. If you fail to pass the interim maps, it will likely take several years to resolve the current redistricting litigation (and ensuing appeals), ensuring that Texas’ elections will for years to come be mired in confusion or delay or both. As I stated in my March 8 letter to House Speaker Joe Straus, the best way to decrease voter confusion and to end unnecessary litigation would be to enact legislation that makes the 2012 interim plans drawn by the San Antonio district court the State’s permanent redistricting maps.

Sincerely,



Greg Abbott  
Attorney General of Texas

cc: Lieutenant Governor David Dewhurst  
Speaker Joe Straus  
Senator Rodney Ellis  
Senator Sylvia Garcia

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Senator Juan "Chuy" Hinojosa  
Senator Eddie Lucio, Jr.  
Senator Jose Rodriguez  
Senator Carlos Uresti  
Senator Leticia Van de Putte  
Senator Royce West  
Senator Judith Zaffirini  
Senator Joan Huffman  
Senator Kirk Watson  
Senator Robert Duncan  
Representative Todd Hunter  
Representative Yvonne Davis  
Representative Brandon Creighton  
Representative Jim Keffer  
Representative Rene Oliveira  
Representative Joe Pickett  
Representative Senfronia Thompson  
Representative Sylvester Turner  
Representative Larry Gonzales  
Representative Trey Martinez Fischer



# **EXHIBIT 6-E**

**MINUTES**

**SENATE COMMITTEE ON STATE AFFAIRS**

Thursday, April 18, 2013

2:00 PM or upon adjournment

E1.004 (Auditorium)

\*\*\*\*\*

Pursuant to a notice posted in accordance with Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on State Affairs was held on Thursday, April 18, 2013, in the E1.004 (Auditorium).

\*\*\*\*\*

**MEMBERS PRESENT:**

Senator Robert Duncan, Chair  
Senator Bob Deuell, Vice Chair  
Senator Rodney Ellis  
Senator Troy Fraser  
Senator Joan Huffman  
Senator Eddie Lucio, Jr.  
Senator Robert Nichols  
Senator Tommy Williams

**MEMBERS ABSENT:**

Senator Leticia Van de Putte

\*\*\*\*\*

The chair called the meeting to order at 3:57 PM. There being a quorum present, the following business was transacted:

The chair laid out SB 1524 and recognized the author, Senator Seliger, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Ellis moved that SB 1524 be left pending; without objection, it was so ordered.

There being no further business, at 4:55 PM Senator Duncan moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

**Senate Committee on State Affairs**

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Senator Robert Duncan, Chair

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Kayli Ragsdale, Clerk

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(Senator Duncan in the Chair)

	:	(Inaudible, background conversation)
	:	(Laughter)
	:	(Inaudible, background conversation)
	:	(Background noise)
	:	Thank you.
	:	(Inaudible, background conversation)
	:	Yeah, she's comin' right back.
	:	Okay.
	:	Are you--
	:	Yeah.
	:	Uh, (inaudible) I put you down here?
	:	Reason, be actually--
	:	(Inaudible, background conversation)
	:	Yeah.
	:	That's--
	:	Yeah.
	:	(Inaudible, background conversation)
	:	I mean, it is, it is an auditorium.
	:	Yeah, I understand.
	:	(Inaudible, background conversation)
background conversation)--	:	Uh, I think that it's (inaudible,
	:	Tomorrow's my last day.
	:	(Inaudible, background conversation)
	:	Okay.
conversation)--	:	Where are you (inaudible, background
	:	And, and you wanna 'em there.
	:	Hi.
side.	:	So, one on the front row, on the other
	:	How are you?
	:	Fine, how you doin'?
	:	Good, how are you?
	:	All right.
	:	If someone passes you cards--
	:	I mean, I--
background conversation)--	:	Actually, wait, you two (inaudible,
	:	(Laughter)
	:	(Phil.)
	:	(Phil), can you be the guy that's

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outside?

: (Who?)  
: Right outside the front door here?  
: (Inaudible, background conversation)  
: Okay.  
: Okay.  
: Sure.  
: (Inaudible, background conversation)  
: Yeah, (it's like) (inaudible) (pass out.)  
: Uh-hum. (Can you)--  
: That guy will hand it to you to pass

out.

: Yep.  
: (Inaudible, background conversation)  
: (Inaudible) this side (inaudible,

background conversation)--

: Right.  
: It's kind of (inaudible, background

conversation)--

: Oh, yeah.  
: (Inaudible, background conversation)  
: Okay.  
: You gonna need this one.  
: That's fine.  
: Yeah, (you can) (inaudible,

background conversation)--

: Yeah.  
: Okay, so who, what if someone hands

me their written testimony? Well, it's same, the same general thing with the card?

: Yeah, (inaudible, background

conversation)--

: Okay, same, same as usual. Okay, and, so that's, that's (inaudible, background conversation)--

: Yeah, if they ask if they have written testimony or would (like to make sure comment card) (inaudible, background conversation)--

: Oh, you want it right away?  
: Yeah, they want it right away so that

it can stay with the card.

: Okay.  
: And, ah--  
: Oh, thank God, because that would be

(inaudible, background conversation)--

: --so, yeah, and then I (inaudible,



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background conversation)--

: Any problems?  
 : (Inaudible, background conversation)  
 : I'll wave it around and I guess I'll

(inaudible, background conversation)--

: (Laughter)  
 : None, I watch some TV.  
 : (Dallas.)  
 : (Laughter)  
 : Excellent.  
 : (Inaudible, background conversation)  
 : She's a good person to know.  
 : (Inaudible, background conversation)  
 : Yes, we--  
 : (Laughter)  
 : Please have a seat.  
 : (Inaudible, background conversation)--  
 : Yeah, well, that's good (inaudible,

background conversation)--

: (Congress?)  
 : Okay, yeah.  
 : (Inaudible, background conversation)  
 : 'Kay, I, I, basically, only just

(inaudible, background conversation) and you're here having to work on it.

: (Inaudible, background conversation)  
 : Oh.  
 : (That must not be a good deal.)  
 : (Inaudible, background conversation)  
 : (You're) not there.  
 : Yeah.  
 : That's right.  
 : (Inaudible, background conversation)  
 : (Just like coughing) (inaudible,

background conversation)--

: That, that's--  
 : (Laughter)  
 : --that's something I'd like to see.  
 : (Inaudible, background conversation)  
 : No, I think (inaudible, background

conversation)--

: Oh, really, that's great.  
 : (Laughter)  
 : (Inaudible, background conversation)  
 : Yeah.  
 : Yeah.

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conversation)--  
 : (Inaudible, background conversation)  
 : That's great.  
 : (Inaudible, background conversation)  
 : Congratulations.  
 : Hopefully, not (inaudible, background  
 conversation)--  
 : That'll be good.  
 : Perfect.  
 : Good for you.  
 : (Inaudible, background conversation)  
 : Oh, (inaudible, background  
 conversation)--  
 : Listen to you.  
 : Hey, (inaudible), great to see you  
 again.  
 : It's good to see you, too, Senator.  
 : You doin' all right?  
 : You, too, Senator.  
 : Yeah.  
 : Well, good. Oh, I just spent, had lunch  
 with your brother.  
 : Oh, really.  
 : Yeah.  
 : They were nice enough to (recognize)  
 (inaudible, background conversation)--  
 : How are you? Kirk Watson.  
 : (Inaudible, background conversation)  
 : Good to see you, I know.  
 : (Inaudible, background conversation)  
 : So.  
 : Hum.  
 : You doin' okay?  
 : (Inaudible, background conversation)  
 : Yeah.  
 : (Inaudible) a bit.  
 : (Inaudible, background conversation)  
 : No, but I'm gonna make some  
 appointments on behalf (inaudible, background conversation)--  
 : Good.  
 : (Laughter)  
 : (Well), h--how is (he)?  
 : Doin' very well here, (inaudible,  
 background conversation)--  
 : Monday.  
 : Yeah.



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conversation)--  
 conversation)--  
 background conversation)--  
 background conversation)--  
 conversation)--  
 conversation)--  
 background conversation)--  
 conversation)--  
 background conversation) is (inaudible) gonna be at the dinner tonight?  
 background conversation)--  
 conversation)--  
 long, long, long time.

: (Inaudible, background conversation)  
 : Sorry to inquire.  
 : But (inaudible, background  
 : Probably (inaudible, background  
 : Proposition one.  
 : I didn't have much time to (inaudible,  
 : (Laughter)  
 : Right, right, right.  
 : (Inaudible, background conversation)  
 : (Crooks.)  
 : Yeah, very nice (inaudible,  
 : Yeah, yeah, great, great to see you.  
 : Yeah. Glad you're here.  
 : Thank you for being here.  
 : (Inaudible) say that.  
 : (Inaudible, background conversation)  
 : (Background noise)  
 : Close the door.  
 : (Laughter)  
 : We'll see (inaudible, background  
 : (Laughter)  
 : (Inaudible, background conversation)  
 : Problem (inaudible, background  
 : Yeah, in fact, I think (inaudible,  
 : Yeah, (this) is for (inaudible,  
 : Oh, hi, Katie O'Brien.  
 : Hi.  
 : Katie O'Brien, (inaudible, background  
 : Nice to meet you.  
 : Hi.  
 : (Inaudible, background conversation)  
 : Nice to meet you.  
 : We've known each other also for a  
 : I, I sued the (inaudible) Mayor back--  
 : Yes.



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Senator. : Oh, okay.  
 : When he was mayor, before he was  
 : When I, over--  
 background conversation)-- : Single-member dis--(inaudible,  
 background conversation), uh. : --single-member dis--(inaudible,  
 : Yeah.  
 : Anyway.  
 : Uh, yeah.  
 : (Inaudible, background conversation)  
 : I'm glad you're here.  
 : It's all good.  
 : (Inaudible, background conversation)  
 : You doin' okay?  
 you doin'? : I'm good, it's good to see you? How are  
 : (Inaudible, background conversation)  
 : Good enough to say hi to me.  
 : Well, we'll see how it goes.  
 : Yeah.  
 : (Laughter)  
 : That's how I feel about it too.  
 : (Inaudible, background conversation)  
 : (Inaudible) ran into each other.  
 : (Inaudible, background conversation)  
 : Hey, man--  
 : Senator.  
 : --how are you?  
 : Pretty good man.  
 : (Inaudible, background conversation)  
 background conversation) Senator (inaudible, background conversation)-- : Oh, yeah. (Just got) (inaudible,  
 : Oh, Senator, yeah, turn right  
 (inaudible, background conversation)--  
 : Sure.  
 : Do I need to do anything, Senator?  
 : He's comin' late.  
 : Oh, (I'm sorry).  
 background conversation)-- : He's not sure that (inaudible,  
 background conversation)-- : There's a portion of it (inaudible,  
 : (Laughter)

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: (Inaudible, background conversation)  
 : Right.  
 : We need to call (inaudible, background conversation)--

CHAIRMAN : Members, I'm gonna kinda give everybody about a three or four minute warning. I know some other, there were other things goin' on and people were headed, hopefully headed this way. I'd like for, when we open, to have as many people here as we can have, so, please, and, give us a little patience and we'll get goin' here in just a second.

: (Inaudible, background conversation)  
 : Uh.  
 : (Inaudible, background conversation)  
 : Yeah, (inaudible, background conversation)--

: (Laughter)  
 : (Inaudible) very important.  
 : Oh, yeah, (inaudible, background conversation)--

: (Background noise)  
 : (Inaudible, background conversation)  
 : (Laughter)  
 : My well wishes.  
 : We found out yesterday (inaudible, background conversation)--

: I thought it was eliminated.  
 : (I called) (inaudible, background conversation)--

: Jose Rodriguez (inaudible, background conversation)--

: (Today) (inaudible, background conversation)--

: (Laughter)  
 : That's great.  
 : Yeah.  
 : I'm gonna use this.  
 : (Laughter)  
 : That was pretty funny.  
 : (Inaudible, background conversation)  
 : (Inaudible) (long time.)  
 : (I mean, cheeseburgers and whatnot.)  
 : (Inaudible, background conversation)  
 : Did you want cheese or not?  
 : Wait a minute.  
 : (Inaudible, background conversation)



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: (He wants a resolution that he)  
 (inaudible, background conversation)--  
 : (In fact, if people here think that)  
 (inaudible, background conversation)--  
 : (You good to go on all this?)  
 : Yeah.  
 : 'Kay.  
 : We've looked over these (inaudible,  
 background conversation)--  
 : I'm gonna be hiding up here, you may  
 have to signal, shoot up a flare if you need (inaudible, background  
 conversation)--  
 : Coward, coward.  
 : Yes.  
 : (Laughter)  
 : I'm sorry.  
 : Oh, no, no, (inaudible, background  
 conversation)--  
 : No, you need (inaudible, background  
 conversation)--  
 : It was, and it's funny.  
 : It's, it's over (inaudible, background  
 conversation) built up (inaudible, background conversation)--  
 : Good point.  
 : Good reminder.  
 : (Inaudible, background conversation)  
 : That's easy. Take (inaudible,  
 background conversation)--  
 : Yeah.  
 : Good (inaudible, background  
 conversation)--  
 : Probably a lot of that (inaudible,  
 background conversation)--  
 : I refer (inaudible, background  
 conversation)--  
 : Stuck. (I'm goin' home, but)  
 (inaudible, background conversation)--  
 : I'm alive now.  
 : (Inaudible, background conversation)  
 : It's just (inaudible, background  
 conversation)--  
 : Yeah.  
 : (Inaudible, background conversation)  
 : What, when you get done, to come up,  
 I just, since we, it's hard to see--

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background conversation)-- : Okay, just come up there (inaudible,  
 out here so we can all-- : --yeah, when you get done, but lay it  
 conversation)-- : --'kay, that's perfect--  
 : --um--  
 : (Inaudible, background conversation)  
 : (I don't think) (inaudible, background  
 conversation)-- :  
 : No, they don't.  
 : (Inaudible, background conversation)  
 : Oh.  
 : (Inaudible, background conversation)  
 : ('Kay, Senator Watson) (inaudible)  
 tryin' to get him to draw me out of your district.  
 : (Laughter)  
 : You're the only constituent that knew  
 me by name.  
 : (Laughter)  
 : (Figure, if we have this opportunity, I  
 might as well be) (inaudible, background conversation)--  
 : We Baylor people gotta stick together.  
 : (Beeping in background)  
 : You're right.  
 : (Beeping in background)  
 : We're--  
 : Sorry, (inaudible, background  
 conversation) (senior Senator from Travis County).  
 : (Laughter) Oh, now, listen to you.  
 : (Idn't) (sic) that cold.  
 : (Inaudible, background conversation)  
 : (Laughter)  
 : (Two parts) (inaudible, background  
 conversation)-- :  
 : (Inaudible, background conversation)  
 : Absolutely.  
 : I thought that was in the, I thought  
 that was (inaudible, background conversation)--  
 : (It was probable.)  
 : (Inaudible, background conversation)  
 : (Now, where is that?)  
 : (Inaudible, background conversation)  
 : (Decision-making time.)  
 : (Inaudible, background conversation)  
 : (You were?)



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: And that's when she said that.  
 : (She said that) (inaudible, background conversation)--

: (That's very clever, but that has nothing) (inaudible, background conversation) amendment (inaudible, background conversation)--

: (Oh, absolutely.)  
 : (No.)  
 : (Inaudible, background conversation)  
 : (Gavel)  
 : (Explain.)  
 : (Inaudible, background conversation)

CHAIRMAN : The Senate Committee on State Affairs will come to order. The purpose of the, this hearing is the posted Senate Bill 1524 by Seliger. We will hear that bill. That'll be all the business that we take up today. Just for the record, we have public notice of this meeting via our normal committee posting on Tuesday afternoon, April the 16th. We also sent notice to each Senator, via the Secretary of the Senate, Patsy Spaw, on Tuesday afternoon, April the 16th. Moreover, we sent notice to the service list in the San Antonio lawsuit, Perez versus, Perez, et al. versus Perry, et al., by the Committee Director E-mail, Tuesday afternoon on April the 6th. For those in the audience, or who may wish to have others view the hearing, it may be viewed on-line by the Senate's Web site, both now live and later archived. Following the hearing, the Secretary of Senate will prepare a transcript of the proceedings, and following the hearing, all written testimony will be posted on the State Affairs Web page.

LUCIO : Mr. Chairman.

CHAIRMAN : Yes, Senator Lucio.

LUCIO : Mr. Chairman, obviously, our offices have been contacted by those that we represent, and I would like very much, if it's Chair's intent, to allow us to make any, any remarks in (sic) behalf of those that we've heard from, from back in the district, as a matter of courtesy to them, so these coul--comments could be entered into the record this afternoon. Ah--

CHAIRMAN : Senator, it is the prerogative of each Member of this Committee to make a statement and, and it will be, certainly, part of the record, as well as any Member of the Legislature, or rather of the Senate who is here, who wishes to make a statement as well. We'll take up, first, statements by Members of the Committee, and then also statements by Members of the Le--of the Senate who are here to speak. And then, of course, any other person who would wish to give testimony. I will announce that we have in our (tipaculous) (sic), our typical standing rule in this Committee that we limit public testimony to three minutes. We don't do that to cut anybody off, we do that to allow more people to be able to testify in the limited time that we have in a legislative Session. So, we would certainly, and we will



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strictly enforce that. Our timer didn't make it, so Kay--Kayli here will be our time--timer, and she's pretty keen about keeping up, so, those of you in the audience who are behind, you'll be happy that we have a, a--a time limit, but I think we can certainly hear, and we will pay attention to each and every witness and understand the concerns ah--or the support that they have for this legislation. Senator Ellis, do you have--

ELLIS : Uh, I was just gonna--

CHAIRMAN : --comment?

ELLIS : --if I might, Mr. Chairman, my opening statement, I'm just gonna submit to the record, is that all right? Unless y'all, I mean, I know you all always enjoy hearin' from me, unless you just wanna hear from me da--this evening? You promise you'll read it?

: (Laughter)

ELLIS : I'll just submit my opening statement to the record.

CHAIRMAN : We will certainly read your statement, Senator Ellis. Okay, let me call the roll--

: (Inaudible, background conversation)

CHAIRMAN : --while we're ready to do that.

: (Inaudible, background conversation)

CHAIRMAN : Clerk will call the roll, please.

CLERK : Senator Duncan.

CHAIRMAN : Present.

CLERK : Senator Deuell. Senator Ellis.

ELLIS : Present.

CLERK : Senator Fraser. Senator Huffman.

HUFFMAN : Present.

CLERK : Senator Lucio.

LUCIO : Here.

CLERK : Senator Nichols.

NICHOLS : Here.

CLERK : Senator Van de Putte. Senator Williams.

WILLIAMS : Present.

: (Inaudible, background conversation)

CHAIRMAN : Quorum is present. Okay, Members, are there any other comments that would, any of you would like to, Senator Lucio.

LUCIO : Thank you, Mr. Chairman, and Members, and Ladies and Gentlemen, again, I find it, it is necessary and incumbent on me to be able to share with the Members of this Committee and those present, some overview points that have been shared with me by those back in my district that w--would like for me to reflect on at this time. A three-judge federal panel consistin' of two judges appointed by Republican Presidents and one by a Democratic President determine that, determine



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that the House, Senate and Congressional maps adopted by the Legislature failed to comply with Section 5 of the Voting Rights Act. Further, the court ruled that the Legislature drew the state Senate and Congressional plans with a discriminatory purpose. The court stated flatly that there was more evidence of intentional discrimination than they had room to print. The findings of retrogression of minority voting strength and intentional discrimination came after the San Antonio district court had already ordered the interim plans into effect. The San Antonio court never had the opportunity to hear the evidence and consider that state leaders intentionally discriminated against minority Texans in a cynical effort to expand the political power at the expense of Black and Latino voters. The citizens of Texas, particularly African-Americans and Latinos have every reason to question the intentions of this Committee, the Senate leadership and our statewide leaders, given their most recent history of intentional discrimination. Tragically, Texas is the only state in the entire country whose political leaders adopted redistricting plans that were determined by a federal court to intentionally discriminate against its minority citizens. They have put a stain on Texas that is very difficult, if not impossible, to wash away. Callin' a hearing on redistricting and providing the Members of the Senate and the citizens of the State of Texas no more than 48 hour notice, certainly does not show any desire to accommodate or even respect the views or concerns of minority Texans, or any Texans for that matter. It is even greater reason though, for Texans to doubt the intentions of the current state and legislative leadership. As we speak, the Attorney General of Texas, acting on behalf of Governor Perry, Lieutenant Governor Dewhurst and Speaker Straus, is asking the US Supreme Court to repeal Section 5 of the Voting Rights Act and to approve the State's request to go forward with the very maps that were ruled, and had been, had been drawn with the purpose of discriminating against minority citizens. The question becomes why should Texans trust the intentions of this Committee, or any legislative leadership while they continue to pursue a legal strategy to condone and promote intentional discrimination. Mr. Chairman, Members, I've had the pleasure of w--of working with many of you for many years, and I know you personally, and I--I--(onna) (sic) agree completely on some of what I read off right now, in terms of my personal relationship with each one of you, but I do find it necessary to share with you, at this time, what those in my district are reflecting on about this particular issue, which they really have great concerns with. And I, once again, want you all to know that, that I continue to do my best to find, always, in all issues, middle ground that we can all work with and appreciate each one of you as, as Members of this body we call the Senate, Texas Senate, that I've enjoyed wor--working with over the years, and I hope that at the end of this particular Session, this particular issue, we can find a, I wanna say happy ending, I don't think there's ever a happy ending for everyone, but one that we can all live with. Thank you, Mr. Chairman.



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CHAIRMAN : Members, any other comments from any Member of the Committee. All right, the Chair recognizes Senator Seliger to explain Senate Bill 1524. Senator Seliger.

SELIGER : Thank you, Mr. Chairman and Members. Senate Bill 1524 ratifies and adopts the three interim plans, S for Senate 172, H309 and C for Congressional 235, used for the 2012 election cycle. These maps were ordered by the three-judge panel from the United States District Court for the Western District of Texas in the Davis versus Perez lawsuits. The interim maps were necessary because the maps enacted by the Legislature had not and would not receive preclearance from a federal court in Washington, DC, in time for the 2012 elections. At the direction of the Supreme Court, the Court issued three plans, which (larg-ly) (sic) deferred to the maps drawn by the 82nd Legislature, only making changes that were necessary to comply with the Voting Rights Acts and the United States Constitution. Thus, the interim maps represent the District Court's best judgment as to those maps that would be fully legal, and constitutional redistricting plans. Subsequently, all three plans were denied preclearance and the District Court's interim plans were considered to be judicious ones. The interim plans remedied the legal flaws found by the federal court in Washington, DC. Enacting these lawful and constitutional interim plans will help bring to a close this chapter of redistricting. Enacting these plans will practically ensure that the ongoing litigation over Texas redistricting plans will be brought to a swift end and grant some surety for primary dates and elections ensuing. And because interim plans only alter the legislatively drawn lines were necessary to fix legal flaws, enacting interim plans will give effect to the will of the Legislature and the people of the State of Texas. In the Senate Plan 172, the Court retained 27 of the 31 districts as they passed to the State's enacted plan, S148. The remaining districts were changed with the agreement of the plaintiffs in the Davis versus Perry lawsuit, primarily related to Senate District 10. The DC Court denied preclearance because of the way in which Senate District 10 was drawn and the interim plans address this legal deficiency by restoring Senate District 10 to its benchmark configuration, and the Court redrew only three adjacent Senate districts as required to comply with one person, one vote principles. In a recently filed joint advisory to the Court, the Davis, Veasey, and LULAC plaintiffs all informed the Court that their, and I quote, there is no claim by plaintiffs that the interim plan for the State Senate violates the Voting Rights Act, or the United States Constitution. Indeed, both plaintiffs and defendants in the Senate case have previously filed advisory with this Court in which they agree that SC10, as drawn in the interim plan, does not vote--violate the Voting Rights Act and may become a final plan for purposes of the Senate case. In the state House plan, the DC District Court denied preclearance to the state House plan because it concluded that it eliminated four ability districts. The interim plan restores those four ability districts while configuring 122 of the 150 districts in the identical manner, as did the 82nd



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Legislature. The interim plan also garnered support from plaintiffs and defendants alike. Indeed, the Texas Latino Redistricting Task Force, which represents a statewide coalition of Texas Latino organizations in the State of Texas worked together on a compromise plan that was largely adopted by the Court. In the congressional plan, the interim congressional plan also addresses the legal flaws found (sic), found by the District of Columbia District Court. The District Court denied preclearance because the congressional plan lacked an additional minority district, excuse me. The interim plan remedies that legal problem. The DC District Court also found that the Legislature impermissibly excluded district offices, residents and certain economic engines from certain existing minority districts around Houston and Dallas. The interim plan restored those landmarks to those districts. Like the other interim plans, the interim congressional plan garnered significant support from some of the groups challenging Texas redistricting maps like the Latino Redistricting Task Force. The State of Texas has undergone extensive litigation on this matter, this legislation puts this state in the best possible position to move forward and provide the voters of Texas certainty as they head into the 2014 election cycle. I believe the public and the Members have had ample time to review this bill. As referred to previously, the 48 hours notice given for this hearing is consistent with notice given for hearings in the Texas Senate. It's important to note this legislation has been filed since March 8th. The maps codified within the bill have been publicly available since February 28th, 2012 and were fully implemented in the 2012 election cycle. They are the maps under which all 181 Members of the 83rd Legislature were elected. Because my goal as the author of this legislation is to simply enact the maps that were created by the three-judge panel, it is my intention not to accept any amendments to the bill. Any amendment would undercut the goal of simply adopting the interim maps, which are known to comply with the Voting Rights Act and the US Constitution, and accepting one amendment would open the flood gates for more. Thank you very much.

END OF SECTION I



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(Senator Duncan in the Chair)

CHAIRMAN : Thank you. Are there any questions of Senator Seliger? Le' me make one comment, I, I don't necessarily d--agree with, yeah it is, it's just I have a soft voice, unfortun--I don't necessarily agree with some of the statements made by Senator Lucio. But I do agree that this Committee, and this Legislature, and this Senate should discuss this issue. All 31 of us in this body ha--should have the opportunity to discuss whether or not these maps are fair, whether these maps will work for Texans in the future. So I appreciate you bringing this bill and I hope we have a (lively) discussion about it and determine the merits o--of the issue. Senator Ellis.

ELLIS : Coup--coupla' questions. Thank you, Senator.

SELIGER : Thank you.

ELLIS : Do, do you know how, just off the top again, how many times we have tag proofed the redistricting bill? You mentioned that the bill had been introduced some time ago.

SELIGER : I'm--

ELLIS : I noti--

SELIGER : --sorry--

ELLIS : --ced it was tag proofed.

SELIGER : --I don't re--I don't even recall if we tag proofed this one (inaudible, overlapping conversation)--

ELLIS : We did. This one was tag proofed.

SELIGER : --did (I)? Ah--

ELLIS : So you didn't request that.

SELIGER : --no, Sir.

ELLIS : 'Kay. And I--I just raise that to make a point that obviously there're a lot of bills, I saw our colleague down on the end askin' why all, everybody was on one side. I told him he'd been acting up today, he wanted more time to look at amendments. I just wanna make a point that once it was posted, I had to make calls to people who advise me on (these) subjects, on this subject, subjects meaning the maps for House, Senate, and, and the congressional lines. And, to be honest with you, some of 'em couldn't get here, being (there), just a few of the things they do, particular when I'm not payin' 'em for their advice, I'm just askin' what they think. I'd, I must say that I do agree with the comments made by Senator Lucio. I didn't hear all of 'em, but I--I'm familiar with what he was planning to say and I have some of those same concerns as well. In, in your bill it is your plan to move, you wanna move State House, State Senate, and congressional lines, right?

SELIGER : Those are in the, in the current map. If, if I could, Senator Ellis, it is my intention not to ask the Chair t--or the Committee to move these maps today, but to leave them out so people can call and discuss them. And, at a later date, take that input from Members of this



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Committee and the public, and offer a committee substitute, if need be, and make what changes that we think will be effective in this map, but not on the lines in the map.

ELLIS : 'Kay, so you will not offer a committee substitute today?

SELIGER : No, Sir, not today.

ELLIS : (You) askin' that hearing be left open, or was it your plan that we would do all this on the Floor?

SELIGER : It will be at--

: (Inaudible, overlapping conversation)

SELIGER : --the discretion of the Chair. It will be at the discretion of the Chair. I will simply inform the Committee that I don't intend to try to move this map today, this bill today.

ELLIS : 'Kay. But, so what I'm saying is, if the hearing is closed, it would have to be reopened, i--if there's input that you willing to accept, or we would have to do it on the Floor. And, just based on experience, don't bring it up on a Thursday afternoon.

SELIGER : Ah, if-if I were asked to make a recommendation to the Chair, it would not be to bring it up at the Floor, at, at th--the Chair's desk, or anything--

ELLIS : (But) make the changes.

SELIGER : --like that.

CHAIRMAN : Would you like the Chair to weigh in?

: Yes.

: Yeah.

: (Laughter)

CHAIRMAN : Okay.

ELLIS : That was what you call a subtle himp--hint, you know, when you have a gavel I don't wanna rile you up. People been--

: (Inaudible, overlapping conversation)

ELLIS : --tense--

CHAIRMAN : No, I'm--

ELLIS : --this week.

CHAIRMAN : --not tense today. I, I, I wanna have a good conversation about this today and hear from people, and then, obviously, if we lay out a substitute, we need to have a hearing on the substitute. So, I'm not willing to, ah--i--this needs to be a dialogue in this body, and that's why we're here today, and there's no intent here to do anything other than hear the bill. And, so, there will be no committee substitute laid out today, and I'm certainly not gonna ask you to vote today. So, we need to hear discussion about this and understand concerns that may be out there. So, that's the purpose today.

ELLIS : On Page 2, Line 14, Section 4, Subsection 2, the bill says the districts, the district courts interim plans



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comply with all federal, state, constitutional revisions and laws applicable, blah, blah, blah, Voting Rights Act. Is that based on just your opinion or is that based on what the Attorney General's office has told you or--

SELIGER : It is based upon the input of the Attorney General, based upon a map implemented by court order.

ELLIS : --okay. As it relates to the Senate lines, if you just had to give a rough estimate of the extent to which the Court changed those lines, would it be a 10 percent change, 20 percent change, 30 percent change, I think it's about, I think the map's about 90 percent what this Legislature approved.

SELIGER : I believe that to be correct and the, the lines changed were substantial but I don't know if they were as much as 30 percent in Senate District 10. And then I believe that it was in the surrounding three districts just to balance things for one man, one vote.

ELLIS : I think it's a--I think, I'm guessing, it was about 10 percent statewide. So, what the court put in place was about 90 percent of what we put in place. Di--if you don't know, don't worry about it, but do you know off top of (ya) head does--

SELIGER : I would not--

ELLIS : --that sound right?

SELIGER : --assert it but I would defer to your measurement.

ELLIS : Okay. I--I, I'm not gonna go through the testimony I submitted but I will state that I have the same concerns about these maps that I had when I went to the Justice Department, when I testified in, in court in, in the, in the opening statement that I won't read but that I submitted. I was not willing to spend a good million dollars, probably out of my campaign, in order to take those issues into the, the, the federal courts. But if given the opportunity again, if I think I can raise the resources to do that, I'd be willing to do that. And from my vantage point, in addition to those concerns about Senator Davis' district, the one that she represents--

SELIGER : Right.

ELLIS : --I forget the numbers. I do remember mine--

SELIGER : 10.

ELLIS : --I think it's 10. But as it relates to my district, in, in my opinion and based on th--people who advise me, I think there's a legitimate concern that my dish--my district was packed. It's a wonderful district. I love everybody in it, represent 'em all well. But I don't think that Rodney Ellis, or his successor, would need a 92, 93 percent minority district in order to continue to be elected to the, to the Legislature. I know they don--they don't have to elect me but whoever it is, I don't think those communities need 92 percent. I think we've reached a point in Texas in which a, a coalition would elect someone that would represent them well. So, in my opinion, I think it was intentional but, I think that my district was



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packed in order to dilute the voting strength of minorities in other districts. So, I, I won't, I don't wanna argue it with you, I just wanted to lay that out and make sure it's in the record, it's in my statement. But I do wanna make the point that if given the opportunity to go back to court with the resources, or if I just had a halo vision one night and decided I'd spend a million dollars on legal fees, I think I'd have a strong case in federal court on that. (Inaudible)--

SELIGER : Would that also be a, a good hundred, a good million or bad million?

ELLIS : --it a--it'd be a, a million that would hurt--

: (Laughter)

ELLIS : --if it comes out of my campaign. Thank you.

CHAIRMAN : All right, any other questions for Senator Seliger? All right, the Chair hears none. Let me show that Senator Fraser, he's here, he just stepped out for a moment, has checked in, and also Senator Deuell. 'Kay, Members, I think at this point and time, Senator Seliger, you're welcome to join us up here (inaudible, overlapping conversation)--

SELIGER : Well, thank you Mr. Chairman and Members.

CHAIRMAN : --taking testimony. Members, there are, we do have resource witnesses here for your, for your benefit and if you, I wi--identify them. If you have any questions, the resource witnesses, let me know. David R. Hanna with the Texas Legislative Council, and Keith Ingram with the Texas Secretary of State's, Election Division office. They will be here throughout the hearing and if e--if you have a need to clarify something technical, then they will be here for your, for your a--assistance. Okay, we're ready to do our public testimony. We'll start with a panel--

: (Background noise)

CHAIRMAN : --and I'll do, we don't have a panel table up here like we normally would in the, in the Chamber, so if you'll just come up to the front. Oh, that's right, I'm sorry--

: (Inaudible, background conversation)

CHAIRMAN : --I'm sorry, Senator. S--

: (Inaudible, background conversation)

CHAIRMAN : --excuse me. Thank you, Senator Ellis. I, I kinda got ahead of myself on that.

: Okay.

CHAIRMAN : I didn't intend to. I--

: I know.

CHAIRMAN : --recognize Senator Watson, (laughter), I'm sorry.

WATSON : All right, I appreciate that very much



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Mr. Chairman, and Members. I'm speak--my, for the record my name's Kirk Watson and I'm Chair of the Senate Democratic Caucus in the Texas Senate--

WATSON : (Inaudible, background conversation)  
 : --and am here today speaking on--  
 : (Background noise)

WATSON : --behalf of the Senate Democratic Caucus. And of course, it's not lost on anybody on, on, that are Members of this Committee, that redistricting is a famously divisive, partisan, and contentious issue. We should consider it a blessing that, as legislators, we're required to take it up just once a decade. And yet, since 2001, this is the fourth serious legislative effort to redraw district lines in Texas. It comes even as last Session's efforts continue to be litigated. It's disappointing to see this Committee, along with those in control of the Senate and the Capital, choosing to take up such a divisive issue when there's no need to. There are many problems with redistricting in Texas, but one of the biggest, frankly, is trust. And that's regrettable, since on other issues there's more than enough trust in the Senate for us to work together on the business of Texans. But redistricting, unfortunately, and as always, is different. This process necessarily creates winners and losers. And repeated efforts to deny certain voters the ability to elect the candidates of their choice has resulted in lawsuits and even broken quorums, all of which sought only to preserve the voice and voting strength of all voters in this State. For good reason, neither I nor my 11 colleagues who represent districts where minority voters have demonstrated the ability to elect their candidates of choice, can trust the redistricting process. We're less than a year since a three-judge panel in the Washington, DC Federal Court, after hearing evidence of purposeful discrimination, ruled that the House, Senate, and congressional maps adopted by the Legislature in 2011 violate Section 5 of the United States Voting Rights Act. More damning, as has been pointed out, they unanimously ruled that the Senate and the congressional plans were drawn with a discriminatory purpose. Texas was the only state in the nation subject to Section 5 of the Voting Rights Act that was found to have deliberately discriminated against African-American and Latino citizens. And this is not a distinction which Texas should be leading the country. And even now, Texas is arguing before the United States Supreme Court that these discriminatory maps should be reactivated. At the same time, Texas is asking the Court to repeal Section 5, which would take away the key protection that minority Texans have against the very type, this very type of purposeful discrimination. So in light of all this, it's only natural that neither I, nor my colleagues will support this or any legislative redistricting plan over the final 39 days of this Session. The process initiated with last year's discriminatory map should be given time to play out. Subjecting it to another session of politics and division would be a disservice to Democrats, Republicans, and all Texans. While Interim Senate Plan 172, which was ordered by the San Antonio Federal Court, reu--reunited the minority



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neighborhoods in Senate District 10, and removed the principle violations in the Senate map, the same is not true for the interim House and congressional maps. Those interim maps retain far too many of the features that rob African-American and Latino voters their full and fair voting strength. So my colleagues and I preemptively, and respectfully, will oppose even efforts to separate the Senate map from the House and congressional ones, and to move it as a stand-alone bill. Too much can go wrong and too much has gone wrong for anyone to trust that good faith efforts won't be corrupted. It's far too plausible that once the bill would clear the Senate, the House and congressional maps would be amended onto it, with the bill then returned the Senate for a simple majority vote. This, of course, would allow the House and congressional maps to bypass our Two-Thirds Rule, the only real legislative protection that African-Americans and Latino voters have in this process. And as long as Texas continues to argue before the United States Supreme Court that the State passed discriminatory maps, should be reinstated, and that the Voting Rights Act should be repealed, at least as it applies to Section 5, there is no reason to trust the purpose of moving forward. Instead of spending anymore time on this wrenching issue, we should work together, to improve schools, bolster healthcare, fund badly needed road and water infrastructure, and address the host of other issues facing Texans. Voters are not well served by another redistricting effort, especially one that is likely to undermine minority voting rights. We need to restore trust, not take an optional controversy that will only undermine it. Thank you, Mr. Chairman, and thank you, Members. And I'd be happy to answer any questions if anybody has any.

: (Yes, Sir.)

CHAIRMAN : Senator Ellis.

ELLIS : Quick question, Mr. Chairman.

Senator, I, I, in addition to the concerns you raise, in terms of our procedures, I also have a concern that if a bill were to come up, if, if there're not, two-thirds should bring a bill up on the House Floor--

: (Coughing in the background)

ELLIS : --that there could be a scenario similar to what happened with the budget last go-around. If something were to come out of the House there would be an attempt to do it on something called House Bill Day. Do you have those concerns as well?

WATSON : Certainly. I, I think e--moving any bill forward or a bill coming over that would undermine the ability for us to utilize the Two-Thirds Rule, which in this case would be the best mechanism for protecting minority voting rights when we're dealing with redistricting. Would it, not only would it undermine trust but it would undermine minority voting rights.

ELLIS : And it, is it your understanding that the federal Court paid close attention to the fact that in Texas they did circumvent the two-thirds tradition in this body in order to get maps enacted.



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And that's something that the Court focused on, on, as you know, shortly before you came here. That issue is something that led to a group of us breaking a quorum in the Senate and (it) leaving the state for a good period of time. And I guess the new, the new normal around here now is that in a Special Session you no longer recognize the two-thirds tradition, you just do it by a majority vote.

WATSON : I could see where a court, any court including any new court that might look at it, a--a--at what goes on, could look at the fact that a long-standing rule and tradition that protects and is built to protect the minority, when it is circumvented is some evidence and it would be my view some evidence of purposeful efforts to discriminate.

ELLIS : Thank you.

CHAIRMAN : Any other questions?

WATSON : Mr. Chairman, I appreciate your allowing me to address the Committee--

CHAIRMAN : Well, and I'm sorry I moved a little quickly there (inaudible, overlapping conversation)--

WATSON : --(inaudible) it's, no problem at all--

CHAIRMAN : --I'm just tryin' to get--

WATSON : --I don't, I, I, I don't take offense at all.

CHAIRMAN : --I know you don't.

WATSON : Thank y'all.

END OF SECTION II



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(Senator Duncan in the Chair)

CHAIRMAN : Are there any other Members of the Senate who would like to address the Committee today? All right, we'll certainly open it up if somebody comes in later on and would like to do that. Okay, let's go ahead with our first panel and let's see if we can, let's call everybody up here and just sit in the front row in the order that you're called. Glen Maxey, the Texas Democratic Party. Dana Frandsen, representing himself. Commissioner Roy C. Brooks, Tarrant County, Precinct 1. Becky Moeller, Texas AFL-CIO (sic). Joe Garza, MALC. Joe Burns, Council Member, Constituents of Fort Worth District 9, and Stewart Snider, Common Cause, that's just a group, if you can sit up on the front row, then--

: (Inaudible, not speaking into the microphone) accident, not (inaudible, not speaking into the microphone)--

ELLIS : Oh, he does, (Maxey) (inaudible, background conversation)--

CHAIRMAN : Oh, Glen is not, Glen, you're not testifying, is that right? Okay. Glen is registering a, a position against the bill but does not wish to testify. Dana Frand--Frandsen is rec--is, is not testifying but registering against the bill. Okay, the first then oral testimony we'll have is Commissioner Roy C. Brooks. Mr. Brooks, you wanna, and just for the record state your name and who you're representing in your testimony.

BROOKS : Thank you, Chairman Duncan, and my good friend, Senator Rodney Ellis, the Members of the State Affairs Committee. Good afternoon, my name is Roy C. Brooks. I currently serve as Tarrant County Commissioner in Precinct 1 and I am an African-American. I wholeheartedly agree with the remarks by Senators Lucio and Watson, but in the interest of making a complete record on this issue I may end up touching on some of the same things. I have represented Commissioners Court in Precinct 1 for over eight years and have been directly involved for many years in the ongoing efforts to assure fair and legal Senate, congressional and State House Redistricting plans that accurately reflect the population of our region and our State. Tarrant County contains the third largest confrin--concentration of African-American residents in Texas and continues to grow at a rapid pace. The Latino population in Tarrant County is also large and growing. My precinct contains virtually every predominately African-American neighborhood in the county and many Latino neighborhoods as well. I have scrambled and altered my schedule to be here today after receiving barely 48 hours notice, it is not the first time. In fact, it appears to be the sad practice of the legislative leadership to avoid any opportunity for the public to provide meaningful comment on redistricta--redistricting plans. And, only when compelled to hold public hearings, does so, here in Austin, far away from the people I represent and with the shortest possible notice. I know my duty to, however, is to be here and speak for the many citizens and community leaders in my region whom you were not willing to provide a



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realistic opportunity to speak for themselves. I must tell you that ca--the current Texas legislative and statewide leaders have exhausted any reservoir or trust that had existed prior to the 2011 Redistricting. The Texas House, the Texas Senate adopted, Governor Perry signed and the Attorney General Abbott is currently defending Senate, congressional and State House maps that were intentionally drawn to discriminate against African-American and Latino voters and have been found to be in violation of Section 5 of the Voting Rights Act. The congressional and Senate plans passed and signed into law by the Governor were determined by the unanimous ruling of three federal judges, two appointed by a Republican president and one by a Democratic president, to be drawn with a racially discriminatory purpose. In Texas we have not come very far in terms of racial fairness and equality when legislative leaders engage in purposeful dimas--dimeth--discrimination to harm minority voters. Shamefully, only Texas has been found to be in that position.

CHAIRMAN : Thank you, Mr. C--Commissioner, I, I don't, your time has expired, but if you need to wrap up or conclude, you're--

BROOKS : I will wrap up.

CHAIRMAN : --welcome to do that.

BROOKS : I will wrap up and thanks for the opportunity. I don't have an objection to the current configuration of Senate District 10 and if you were to just pass on to the House a bill on Senate lines I would be fine with that, except that we don't trust the House as Senate, Senator Watson said the bill would probably come back to the Senate loaded with the congressional lines, which are flawed, and the House lines, which are also flawed. We, in Tarrant County, had been able to demonstrate that District 10 is a coalition district that has allowed us to elect the candidate of our choice. It's a shame that if Senator Davis was Black or La--Latino, there never would've been an effort to tear apart that district in the first place. But, the protections under the Voting Rights Act are for the voters not for the office holders and race, the race of the office holder--

CHAIRMAN : Senator Ellis--

BROOKS : --should not--

CHAIRMAN : --had a question--

BROOKS : --be--

CHAIRMAN : --I believe.

BROOKS : --a factor.

CHAIRMAN : Commissioner, Senator Ellis had a--

ELLIS : (Yeah), Commission--

CHAIRMAN : --question.

ELLIS : --I, I wa--I, I wanna thank you for comin', I know all of us appreciate the work that you're doin', the time you would come, you, you take away from your schedule to be here. I think the Chairman will also permit you to submit your statement in its entirety for the--

CHAIRMAN : (Inaudible)--



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ELLIS : --record as well.  
 CHAIRMAN : --wo--we wish you would.  
 BROOKS : I will do that.  
 CHAIRMAN : And you can conclude, I'm not, we're  
 not tryin' to rush you here.  
 BROOKS : Final, well, finally, if there is any  
 interest among legislative leaders to regain some of the trust lost by  
 intentionally discriminating against minority v--residents, y--you would  
 immediately and publicly insist that Attorney General Abbott withdraw his  
 appeal before the US Supreme Court to approve the discriminatory maps  
 adopted by the Legislature in 2011 and withdraw all arguments for repeal of  
 Section 5 of the Voting Rights Act. We are all proud Texans. Our State is  
 large, it is diverse, and we have enormous challenges that must be met if our  
 children are to inherit a state as strong and as good as they deserve. I  
 sincerely call on you to abandon the current strategy of open hostility to the  
 growing African-American and Latino population in Texas so that we can  
 work together constructively for the good of the next generation of Texans.  
 CHAIRMAN : Thank you--  
 BROOKS : Thank you for (inaudible, overlapping  
 conversation)--  
 CHAIRMAN : --very much, Commissioner.  
 BROOKS : --thank you.  
 CHAIRMAN : Members, any other questions? All  
 right, the Chair hears none. If you would submit your written testimony for  
 the record we would appreciate it, Commissioner. We have Becky, Becky  
 Moeller has written testimony against the bill and I assume that's been  
 submitted to the, to the Members of the Committee. Jose Garza with MALC.  
 : (Pause)  
 GARZA : Mr. Chairman, Members of the  
 Committee, first let me thank you for allowing me the opportunity to talk on  
 this very important issue. I'd like to address some of the things that  
 Senators (sic) Seliger talked about in terms of the technical aspects of the  
 interim plans that are being considered by this Committee and by this  
 Legislature. First, I'd like to start with reminding the Committee of two very  
 important thoughts that were issued by pol--politicians on different sides of  
 the political spectrum. First, Ronald Reagan's description of the Voting  
 Rights Act extension during his presidency. He called it the crown jewel of  
 American Civil Liberties laws. And, Ann Richards, who said, life's not fair  
 but government oughta be fair, and what we have today in these plans is not  
 fair. The Texas court did not attempt to implement a complete remedy, so I  
 disagree respectfully with Senator Seliger when he says that these plans  
 have addressed the issues before the Texas federal district court. The, the  
 plan as, as was a--a--announced earlier by Senator Lucio, the interim  
 plans were issued by the federal court before there was judgment issued and  
 a ruling made from the DC District Court, from the DDC. In the DDC, the  
 court found a violation of Section 5 in the Texas House plan. And, although it



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didn't find a violation regarding intentional discrimination under Section 5, it reserved that, it said although we need not reach this issue, at minimum, the full record strongly suggest that the retrogressive affect we found may not have been accidental. The evidence that was presented both to the district court in DC and the district court in Texas was compelling on the issue of, of, of intentional discrimination. The interim plan did not fully address the retrogression aspects of it and didn't address, at all, the potential for intentional discrimination. The interim plan, for instance, created no replacement district for District 33, that the state has conceded was the elimination of which was a retrogressive feature of that, of that plan. Speaking here on behalf of the Mexican-American Legislative Caucus, we as-- we have focused on the Texas House plan and the congressional plan, and similarly with, as, as I've discussed with the Texas House plan, the congressional plan was not fully remedied by the interim plan. In fact, the district court in, in, in Texas said that this was not a, a remedial plan, that its intention was not to remedy all the violations but to simply address the, within the constrained of the Supreme Court, a plan that could be used on an interim basis. It felt constrained from going forward and reviewing plaintiff's evidence on a number of issues under Section 2 and under the Constitution.

CHAIRMAN : Mr. Garza, your time has expired, but I, go ahead and, and, and--

GARZA : And I'll--

CHAIRMAN : --complete your testimony--

GARZA : --I'll end with two points--

CHAIRMAN : --just complete your testimony.

GARZA : --Mr. Chair, two, Chair, Mr.

Chairman, two points. One is, if the, if the Legislature is truly interested in putting redistricting behind it, then it must adopt a plan that is remedial in all aspects. And it can do that by engaging the minority members of the Legislature, both in the Senate and in the House, to discuss ways that it can fully address the violations that were found by the DDC and the evidence that was presented to the district court in Texas. If the Texas Attorney General is truly interested in reaching a conclusion to this, it can engage the plaintiffs in an arm's length negotiation about addressing fully a remedial plan that addresses both the DDC findings and the evidence presented to the, to the district court in Texas. And I ask the Committee to, to seriously consider these, these problems with the interim plan before it moves forward.

CHAIRMAN : All right, thank you very much, Senator Ellis.

ELLIS : J--J--Just, just quickly, I wanna make sure that you're comfortable with your statement and if there's anything else that you think you need to put into the record to make your case to go to court, I can go through (Q and A), or I'm sure the Chair will be more than happy to let you submit it, but I wanna make sure that you, you think you developed an adequate record knowing that this issue will end up in



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litigation.

GARZA : I appreciate that, Senator, we did have an abbreviated time to prepare for today, but we'd be a--appreciative of an opportunity to submit written testimony and we'd be glad to do that. To expand on the issues regarding each of the violations found by the DDC, the evidence presented by the plaintiffs and how the interim plan does or does not address those issues.

ELLIS : What, I'd like to ask (you) (inaudible, not speaking into the microphone)--

: Senator.

ELLIS : --I'd like to ask you, Mr. Chairman, if, if you would permit that, you know, there some timetable, but just knowing it'll end up in court, I, I could keep us here all night goin' through ke--me tryin' to figure what all to ask (inaudible, not speaking into the microphone)--

CHAIRMAN : Wh--I, I agree, and what, I think we should continue to, w--we're not--

ELLIS : --okay.

CHAIRMAN : --this is the first dialogue we've had publically about this bill, and so, obviously, we will permit persons to put (peak) things in the record and we don't have that many people here today so I'm, that's why I'm kind of not goin' through, time management is not necessarily a problem for anybody here today, I think if you, well, I'm letting people go past the time limit, which we don't normally do in this Committee--

ELLIS : But so, you're saying you'd like to--

CHAIRMAN : --(so)--

ELLIS : --submit something later, the Chairman and I, I guess most of us have missed our flights, so we're gonna be here anyway, but I just as soon go to dinner with the Chairman or some of you all, but so I guess you (sic) askin', can you submit testimony next week?

CHAIRMAN : He certainly can, we, we're, we're not gonna take this up on Monday even, so, (pause), I'm, I'm advised that you didn't state your name for the record, so we oughta do that--

GARZA : I apologize.

CHAIRMAN : --but I did for you, but you need to do it at the, (inaudible) we close for--

GARZA : I--I understand.

CHAIRMAN : --want you say that, and then let me look at the calendar and before we close out today I will give a deadline for, you gotta draw a line at some point in time, and so, if you're like me I normally work all the way up until the deadline and then I get it, turn it in. So, why don't we, let's look at the calendar and give a deadline--

ELLIS : Very good.

CHAIRMAN : --and get a consensus among the Members of when that deadline should be and then I'll try to post it at the end of their, announce it at the end of the day.

GARZA : All right. And, my name is Jose



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Garza--

: (Inaudible)

GARZA : --and I'm here on behalf of the  
Mexican American Legislative Caucus.

CHAIRMAN : All right. Thank you, Jose, good to see  
you. Okay. Joel Burns, Council Member Constituents of Fort Worth District  
9. And, Joel, just, yeah, state your name and who you represent.

BURNS : Yes, Sir, thank you, Mr. Chairman  
and Members of the Committee. My name is Joel Burns and I serve on the  
Fort Worth City Council. I represent a minority, majority district that  
includes downtown and TCU, about 90 percent of which is in Senate District  
10, and a majority of my district is in Congressional District 33. I am proud  
to have been the candidate of choice for my minority, majority district  
constituency for the last four elections now. Today, I learned of this hearing  
and this morning cleared my schedule at City Hall so that I could come down  
here. It also looks increasingly likely that I'm going to miss my speaking  
opportunity tonight at the Crowley First United Methodist Church where I'm  
supposed to keynote a, a event, chaired by one (Jeanette) Burns, who  
happens to be my mother and will not be happy about that. I say that  
because I take seriously the need to be here at this hearing even with such  
short notice. I am here representing the people who couldn't take off for the  
day and be away from their families to be here to testify, those people are my  
constituents and those people, at least 90 percent of them, are constituents in  
Senate District 10. There is great reason for all of us, my constituents, I, and  
other Texans to question the intentions of the current state and legislative  
leadership. As mentioned by Senator Lucio, the Attorney General acting on  
behalf of Governor Perry, Lieutenant Governor Dewhurst and Speaker  
Straus is asking the US Supreme Court to repeal Section 5 of the Voting  
Rights Act and to approve the State's request to go forward with the very  
maps that were ruled by the DC courts to have been drawn with the purpose  
of discriminatory r--with the purpose of discriminating against minority  
citizens. And, as referenced by my county commissioner, Texas is the only  
state with that sad distinction. Why should we Texans trust the institutions  
of this body or any legislative leadership, while they continue to pursue a  
legal strategy to condone and promote intentional discrimination? On the  
issue of Senate District 10, it was retained as a district where minority voters  
can elect the ca--their candidate of choice. It reso--resolves the Section 5  
violations by returning to the same exact configuration as before the 2012  
elections. Just like in 2018 (sic), in the 2012 elections African-Americans and  
Hispanic voters in District 10 formed a committed coalition to elect State  
Senator Wendy Davis, who is clearly their candidate of choice. Senate  
District 10 is an effective minority ability to elect a district and is properly  
retained as such in interim maps. It would appear by the placement of both  
the House and the congressional maps, and by some of the testimony here  
today, that the House and congressional maps will also be taken up with this  
bill as it goes back and forth from the Senate to the House and back to the



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Senate, so I'd also like to touch on a couple of congressional points. Make no mistake, the interim congressional plan retains much of the offensive, discriminatory features of the State's original plan. Interim Plan C235, while better than the intentionally discriminatory pan-plan, passed by the Legislature and signed by Governor Perry still does not fairly reflect the minority population growth in Texas over the past decade. Under the interim congressional plan, District 33 in North Texas was created as a minority opportunity district and in 2012 African-American voters elected their candidate of choice in Congressman Marc Veasey. Under the interim congressional plan North Texas now has two African-American districts, District 30 represented by Congresswoman Eddie Bernice Johnson, and 33 represented by Congressman Veasey, both these districts should be retained as districts in which Black voters clearly have shown the ability to elect the candidate of their choice. However, in Dallas and Tarrant counties there are nearly 2.3 million African-Americans and Latinos. There are over 1.2 million Latinos alone. Clearly, the Black, and Latino populations in Dallas and Tarrant County is large enough, compact enough and votes cohesively enough for there to be three minority ability to elect districts. Several plans accomplish this goal and they were presented to the Legislature and rejected in 2011. If this Legislature is truly interested in adopting a plan that fairly reflects the diverse population of Texas, it will pass a plan that retains District 30 and 33 congressional districts as Black ability to elect districts and then can figure a new Latino opportunity district in North Texas. I appreciate all of you taking the time to allow me to be here tonight.

CHAIRMAN : Senator Deuell.

DEUELL : Mr. Burns, what's your ethnicity?

BURNS : I am Anglo.

DEUELL : Yeah, and you have a minority majority district?

BURNS : That is correct. It's about 58 percent Hispanic, about 6 percent African-American, 6, 5 percent Asian and the remainder 30 percent is Anglo. So, I had to have a coalition of minorities in order for me to be able to serve on the floor of city council.

DEUELL : You feel you represent them equability and fairly?

BURNS : I do my very best.

DEUELL : What do you think Senator Davis represents her district equability and fairly?

BURNS : I believe she does.

DEUELL : Thank you.

CHAIRMAN : Senator Ellis.

ELLIS : I'm just curious. How large are your council districts? I was a council member (inaudible, not speaking into the microphone)--

BURNS : City of Fort Worth is--

ELLIS : --back when I was young and had hair



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like you.

BURNS : --the City (laughter) of Fort Worth is almost 800,000 people and we have eight single-member districts, so we are representing just, just south of 100,000 people, about 93, 94,000 in my district.

ELLIS : Good, well thank you for comin' in.

BURNS : Happy to be here, thank you.

ELLIS : Tell your mother we're sorry we pulled you away.

BURNS : I'll let, I'll let you tell her that.

: (Laughter)

: Thank you.

: (Inaudible, background conversation)

CHAIRMAN : Stewart Snider, of Common Cause, Stewart, please state your name and who you represent.

STEWART : (Boy), you're tall. My name is Stewart Snider, I'm representing Common Cause of Texas. We're a 43-year-old organization, we've always believed that redistricting should level the playing field, not tilt it. We've heard today, address the, the discriminatory issues about the, the interim plans, and I wanna touch on just the, the general feeling that Common Cause has about redistricting. We're active in fair redistricting across the country in many states. We, the, we believe the interim maps are not in the best interests of Texas. We think that competitive districts are a good thing and not something that should be drawn in contrary to. We were particularly disappointed last week when a bill that would have created a bipartisan independent redistricting commission was withdrawn. We believe that the existing maps are not worthy of endorsement of this body and would urge you g--vote against SB 1524. Thank you, that's all.

CHAIRMAN : (Pretty good), are there any questions that anyone would have of Mr. Snider? All right, thank you for your appearance here--

SNIDER : Thank you.

CHAIRMAN : --today. All right, Chair calls Yannis Banks, Texas NAACP.

: (Pause)

BANKS : Good afternoon, Yannis Banks, Texas NAACP. Of course, here on behalf NAACP and, and President Bledsoe (clears throat) excuse me, who wasn't able to make it due to a court case down in San Antonio, he had to do. And, I find it interesting that on, this a gloomy day here in Austin, we're talking about redistricting, which is just so, so divisive and I think all of y'all have received a letter from us yesterday, and, so, I won't g--I won't be long, I won't go into it since y'all have it and we, we may update it, but I did wanna highlight, I guess, a few things and definitely, everything has pretty much been said that needs to be said as far as how the maps are not really intended to be used as a permanent fix, the



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court said so when they drew the maps. I, and as a part of what we sent you last night, it says as to the current interim plans, they are established for use only in one election cycle for each map the court specified that the top general plan was for the districts that usually elect representatives in 2012. So the court never drew these to be a, a permanent remedy to say we'll go on and move on from it. And then, even when you look at the congressional maps, and I, I don't think I E-mailed this to you, but we can get this to you. It's a map that we had done by Richard, Dr. Richard Murray, who was our expert during the case, and it lays out all the issues with the congressional map, how there should be another minority influence district up in the Dallas-Fort Worth area. We know we have one now that's (reported) by Congressman Veasey, but we've shown that we implemented maps to show you can have three districts up in the area as, as been stated, and within the population shows as such. And I just wanted to update, there is a part in the letter I did wanna update, 'cause I did talk to President Bledsoe. And when, I think, in the letter it stated that we didn't have a problem with the, with the Senate map, but we do wanna make sure that we don't think they should go into effect, there are some packing issues. I, I think that Senator Ellis did mention down in Houston that, that's a concern of ours and the only thing we should just go forward with the Senate map, so, we would oppose doing that as well. Thank you.

CHAIRMAN : 'Kay. Very good. Are there any questions for Mr. Banks? All right. Thank you, Mr. Banks. Sondra Haltom, Empower The Vote Texas. Oh, she is not testifying but wishes to register a position in opposition to Senate Bill 1524. Okay, if we have, just let me have just one second here, I don't have any other cards, so let me ask this, is there anyone else out there who would wish to testify for, against, or on Senate Bill 1524? What, I'm sorry, what I'll do is, did everyone hear that, I thought, I thought the mic was on. I, I'm gonna go ahead and for today close public testimony on Senate Bill 1524. However, when we open, reopen the testimony, or when we, if there is a substitute that's laid out, we will reopen the testimony on the subject too. I anticipate that the substitute would include only the Senate map, so, that would be the case. Now, let me offer to the Committee this deadline for written comments, would be on the bill, on SB 1524 as laid out today, would be Wednesday, April the 24th at 5:00 p.m.. Is that acceptable to the Members of the Committee?

: (Inaudible)

CHAIRMAN : All right, so, I will now announce a deadline for written comments on Senate Bill 1524, Wednesday, April 24th at 5:00 p.m. and those need to be addressed to the Senate State Affairs Committee and then we will distribute them to the Members of the Committee and any other Member of the Senate who wishes to have them or the media. Okay. So, I will for the day, close the public testimony. Members, there bein' no further business to come before the Senate State Affairs Committee, we'll stand in recess subject to the call of the Chair. Thank you for bein' here. (Gavel)



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: On Monday morning--  
: Great.  
: --(do we) (inaudible, background  
conversation)--  
: Yeah.  
: (Inaudible, background conversation)  
: I think it has a statement (for you) to  
read (inaudible, background conversation)--  
CHAIRMAN : Okay. (Okay.)  
: (She just walked in) (inaudible,  
background conversation)--  
: And you still have your (phone),  
tonight? You (wanted) (inaudible, background conversation) I do have bills to  
go through (inaudible, background conversation)--  
: We're good now.  
: (Laughter)  
: I'm (wearing down) (inaudible,  
background conversation)--  
: We advise no such (inaudible,  
background conversation)--  
: I tried to (inaudible, background  
conversation)--  
: Yeah.  
: (Inaudible, background conversation)  
: (Laughter)  
: Yeah, yeah, (inaudible, background  
conversation)--  
: (Laughter)  
: Oh, do you, yes (inaudible, background  
conversation)--  
: Right.  
: --(inaudible, background  
conversation)--

END OF MEETING

# **EXHIBIT 6-F**

## **Part 2**

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be able to answer, having been in the courtroom, Senator West's question regarding the submission of updated Census data.

WEST : That's exact w--Mr. Chairman.

CHAIRMAN : Senator West.

WEST : As I was gonna ask you that question.

PERALES : Yes, so, excuse me, the parties on the plaintiffs side of the courtroom asked the Court if it would reopen the record to take in certain new evidence, including updated Census data under the American Community Survey, which would update citizen voting age population. It would not update, obviously, the decennial 2010 Census. It was noted for the Court's information, that that data is already available in the Texas Legislative Council database. So, when anybody on the Committee or in the Legislature request reports, including the most updated CVAP data on any plan, that it would be included already. The Court said that it would like to take briefing on the question whether it should reopen the record to take that new information, as well as, information related to the results of the 2012 election. The Court did instruct us, however, to begin work on designating those portions of the Washington DC evidentiary record, that we would like to, essentially, roll into the record in front of the San Antonio Court.

WEST : W--let me ask this question. Given that the Court has not made any decisions on use of the, of the ACS, or what parts of the DC opinion, can, that they're going to consider, is it advisable for us, as a policy body, to go forth and make decisions without knowing exactly how the San Antonio Court is going to rule, as, in terms of the use of the data and some of the findings and conclusions, findings that was made by the DC Court?

PERALES : Senator, I think that the Committee and the Legislature are best served by using all of the available data and the most recent and reliable data. The District Court cannot constrain the Legislature in terms of what it considers--

: (Inaudible, background conversation)

PERALES : --when it, when it makes the plans or adopts the plans. The Court, I think, was concerned about whether to look at updated data when evaluating the problems in the 2011 Plans. Which under certain scenarios, our Court might still end up having to do. So, for example, if there, if the interim plans are not adopted by the Legislature, and we get certain kinds of spes--outcomes from the US Supreme Court in the Shelby Case, it is possible, there is a scenario under which the San Antonio Court would have to make final conclusions regarding the 2011 Plan.

WEST : So, one way, the other, in all probability, if one of the objectives is to reduce the expense of litigation, the reality is, we're gonna still be back in court, on these issues.

PERALES : It seems from the way the hearing went yesterday that i--that folks are expecting to be back in court, and, and



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the panel itself is trying to prepare for whatever next steps it might need to take.

WEST : W--W--L--L--Two questions. As it relates to, the Court's asked both sides to brief the issue as to whether or not we should be using updated data. When is that due? When is the--

PERALES : Next Wednesday, Senator.

WEST : --next Wednesday. And, and I know how courts act sometime, h--h--how long do you think it's gonna be before the Court makes determination as to whether or not updated, that updated data should be, updated population data should be used?

PERALES : I do not know, Senator.

WEST : Yeah, I know it. And, and so, as it relates to adopting a permanent plan, it seems as though it would be advisable to wait until we get some nod from the Court to determine whether or not updated population information should be used. Unless, unless we're just gonna ratify, quote, unquote, ratify and adopt the interim plan. What are your thoughts?

PERALES : Well, Senator, my perspective is slightly different. I think if you're going to be looking at amendments, and you're going to be looking at the interim plans, you should look at them using the most recent and reliable data available. Which would include the updated ACS and the 2012 election analysis, which I believe is all going to be available to you.

WEST : I'm sorry, I didn't, I, hear you. Say that again.

PERALES : I believe that if the Legislature is going to undertake this task, that it should rely on the most recent and reliable evidence available to it. I don't think you have to worry about a scenario in which a, the court later on says that you are wrong to rely on updated ACS data, or 2012 elections, in considering any new enactment.

WEST : So, that's a, that's advisable to do that, in other words?

PERALES : Yes, I would. I don't advise the Legislature, but if--

WEST : I understand.

PERALES : --if--

WEST : I understand.

PERALES : --if I were, then I would advise you to rely on the most updated data that you had.

WEST : Okay, I just wanted to get your opinion on that. Thank you, Mr. Chairman.

CHAIRMAN : Senator Duncan.

DUNCAN : Just a coupla questions, and one is--

: (Background noise)

DUNCAN : --I've been around here a while and



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I've never seen legislation come out of here that's perfect, unless it's mine of course, but--

: (Laughter)

DUNCAN : --w--you, you would agree that that's, that's a pretty high bar to have a perfect map, because it just depends on who you are, or what you're, what you're position is, so.

PERALES : Yes, Senator. Beauty is in the eye of the beholder, and, and--

DUNCAN : Correct.

PERALES : --I'm sure the Latino Task Force would assert that its maps were perfect, and other maps might not be perfect, but our observation on the interim plans is that we did not draw them and they are not perfect.

DUNCAN : The, a--and I just wanna just understand and ask you to expand a little bit on the Redistricting Task Force. That is a statewide coalition of different Latino advocacy organizations. When you say statewide, d--does that or--d--did your coalition represent Latinos from all across Texas?

PERALES : Yes, it does. A, a number of the organizations in the coalition are membership organizations that have members that live in every part of the state, and they are Latino members living in every part of the state.

DUNCAN : 'Kay. Southwest Voter Registration Education Project, what, what organization is that?

PERALES : That is a non-profit, non-partisan organization that is dedicated to improving Latino civic engagement, through voter registration, primarily focused on the Latino community and Get Out The Vote drives.

DUNCAN : And the Mexican-American Bar Association of Texas?

PERALES : That is a membership organization of Mexican-Americans and non-Mexican-Americans in the legal field.

DUNCAN : And Texas HOPE?

PERALES : Texas HOPE is also a statewide membership organization. Hispanics Organized for Political Education, I believe is what the acronym stands for, and is also focused on Latino civic engagement, as well as, issues involving education and other issues of concern to that organization.

DUNCAN : The William C. Velasquez Institute?

PERALES : The William C. Velasquez Institute is a nonprofit, nonpartisan research organization that disseminates information about voting patterns, including in the Latino community, in Texas and nationwide. And I wanted to note that the Legislature, in the Regular Session, did enact a law, that I believe is waiting for the Governor's signature, or may have been signed by the Governor, establishing a William



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C. Velasquez Day, in honor of his great work.

DUNCAN : And then, NOMAR?

PERALES : That is also a Latino membership organization that is primarily comprised, I believe, of Latino federal employees.

DUNCAN : And then, Southwest Workers' Union?

PERALES : Also, a Latino membership organization, advocates on behalf of issues of concern to the Latino community.

DUNCAN : Is that a statewide organization?

PERALES : You know, I am not sure if it is regional or statewide. I did wanna note that these organizations came together at the very beginning of the redistricting cycle, out of an awareness that Latinos have struggled in past redistricting cycles, to achieve fair plans. And, the coalition formed to advocate and then, hopefully not, but if they had to, to litigate these issues and to really be thoughtful about the process.

DUNCAN : So, MALDEF then, I guess, represents and speaks for that coalition, is that correct?

PERALES : Yes, Senator.

DUNCAN : Thank you, very much.

CHAIRMAN : Thank you. Any other questions of Ms. Perales?

: (Inaudible, not speaking into the microphone)

: (Background noise)

CHAIRMAN : Zaffirini.

ZAFFIRINI : Thank you. To follow up on Senator Duncan's questions, do all of these organizations have Texas offices?

PERALES : Yes.

ZAFFIRINI : Where is the Willie Velasquez Institute Texas office?

PERALES : In San Antonio.

ZAFFIRINI : Thank you. Where is the Southwest Voter Registration Education Project office?

PERALES : In San Antonio.

ZAFFIRINI : Where is the Mexican-American Bar Association office?

PERALES : Probably, their headquarters are in Austin, if they don't move around with whoever is the president.

ZAFFIRINI : But they don't have an official office, physical office?

PERALES : I'm not sure, Senator, because when I communicate with them, I do that largely either in person, by phone, or an E-mail. And, I have to confess that I have not addressed a letter to them. That is done by staff at MALDEF.



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office? ZAFFIRINI : Okay. Where is the HOPE Texas  
PERALES : I believe it's based in either  
Austin, Texas or Edna, Texas.  
ZAFFIRINI : And NOMAR?  
PERALES : San Antonio.  
ZAFFIRINI : And Southwest Workers' Union?  
PERALES : San Antonio.  
ZAFFIRINI : The, most of these offices, most of  
these organizations are headquartered in San Antonio?  
PERALES : I would say or Austin, Senator, yes.  
ZAFFIRINI : Thank you.  
CHAIRMAN : Any other questions of this witness?  
Thank you very much.

END OF SECTION I

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(Senator Uresti in the Chair)

CHAIRMAN : Corena White.  
: Thank you--  
: (Inaudible, background conversation)  
WHITE : --Senators, thank you, Mr. Chairman.

I am representing no group. I am actually an instructor of government. I teach at one of the North Texas community colleges. I won't say which one. But let me just tell you one of the things that I try to instill in my students is how important it is to know who represents them in the Texas House and in the Texas Senate, along at the national level, because you are the ones who have their voices. Also, the maps have their voices. I currently disagree with the interim maps. If, if my word means anything to you as an instructor of government, I would just encourage you to reconsider these maps. While I talk about the Civil Rights Movement, I talk about how important the Voting Rights Act was, and although that's not your decision to make on the Voting Rights Act, that'll be up to the Supreme Court, it certainly plays a huge role in the matter of the maps. And the very fact that the DC Court ruled parts of, um, excuse me, ruled the maps as unconstitutional, that's very concerning to me because I tell my students just how important the Constitution is, as far as listing their rights, listing who is going to represent them, so, please, just consider redrawing the maps. As Ms. (Collier) said, you had to be a political junkie to know that the Legislature was going into Special Session. I'm a political junkie, my students would say that. I didn't know that the Legislature was going into Special Session. I would also encourage more field testimonies. I know, certainly, some of my students who are starting to get involved, some of them have, don't have the means to travel to Austin, certainly, don't have the means to travel outside of the central Fort Worth area, so, also, please, consider setting up some field offices. And, thank you for your time.

CHAIRMAN : Thank you for your patience. Any questions of Ms. White? Thank you for being here. Okay, so, I believe those are the only cards we have for witnesses wishing to testify on all four bills, Senate Bill 1, 2, 3, and 4, is there anyone else that wish to testify on all four bills? Okay, did you turn in your card, Ma'am?

CHAIRMAN : I turned in four cards.  
: Okay.  
: (Laughter)  
: (Inaudible)

CHAIRMAN : What is your name?

HALTOM : Sondra Haltom, Empower the Vote

Texas.

CHAIRMAN : Sondra. Last name?

HALTOM : Haltom. H-A-L--

CHAIRMAN : Haltom.



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HALTOM : --T-O-M.  
 CHAIRMAN : Okay. Anyone else that wants to  
 testify on all four bills? Go (ahead) (inaudible), have a seat. Your name  
 again?  
 : (I'm here.)  
 BANKS : (I sent in) four cards, Yannis Banks.  
 CHAIRMAN : Last name?  
 BANKS : Banks.  
 CHAIRMAN : Banks.  
 BANKS : Texas NAACP.  
 CHAIRMAN : Okay.  
 : (Inaudible) we get in trouble  
 (inaudible, not speaking into the microphone) turn in one card.  
 CHAIRMAN : That's all right.  
 : (Laughter)  
 : (Inaudible, background conversation)  
 : (Background noise)  
 CHAIRMAN : Sir, did you turn in a card on all four?  
 PENA : Senator, my apologies, I should've w--  
 designated all four, instead of just one, my apology.  
 CHAIRMAN : Okay, that's fine. Last name again.  
 PENA : Pena.  
 CHAIRMAN : Pena.  
 : (Inaudible, background conversation)  
 CHAIRMAN : Very well.  
 SELIGER : (Let me get), call on her first.  
 CHAIRMAN : Yes, Sir.  
 SELIGER : Okay.  
 CHAIRMAN : Okay, come on down, and then, if  
 there's anyone else, if you'd see one of the Sergeants over here. Sondra  
 Haltom, Haltom. We're gonna start with you.  
 SELIGER : What organization do--  
 CHAIRMAN : Senator Seliger.  
 SELIGER : --you represent, Ma'am?  
 HALTOM : My name is Sondra Haltom with  
 Empower the Vote Texas.  
 : Okay.  
 CHAIRMAN : Okay.  
 HALTOM : Testifying against the adoption of the  
 interim maps, so, essentially, on all four bills.  
 CHAIRMAN : And I'm gonna remind all our  
 witnesses, you're limited to three minutes. Go 'head.  
 HALTOM : Thank you. I don't wanna beat a dead  
 horse, so I will say that a lot of the same points that I was planning to make  
 have already been made by several other witnesses. Yannis probably plans



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to make some of the same exact points. Senator Uresti's statement covered a lot of the same points that I want to make about the maps.

WEST : Excuse me for one second--

CHAIRMAN : Senator West.

WEST : --Mr. Chairman, Nina Perales, before y--before you get ready to leave, I, I've got one other question, but I know that we have a witness right there, so, before you leave, I, I need to ha--have you come back up.

CHAIRMAN : Well, we'll call her up after this witness.

WEST : Yes.

: (Inaudible, background conversation)

CHAIRMAN : She's not leaving, okay. Go ahead, Sandra (sic).

HALTOM : Um--

: (Inaudible)

HALTOM : --just meshing that a lot of the other witnesses who have already testified and probably several others who will testify, making the same points, that the interim maps were drawn before the DC Court issued its opinion, finding the legislatively drawn maps as intentionally discriminatory. The intentional discrimination was not something that the San Antonio Court had heard evidence on, or addressed in the interim maps because the DC Court's findings came after the Court had already ordered those interim plans into effect for the 2012 election, so that we could have 2012 elections at all. S--they were always meant to be a temporary measure. Before the San Antonio Court, because the San Antonio Court did not have the benefit of the DC Court's findings, the interim maps contain some of the discriminatory features of the State's original plans. Most notably, as has already been mentioned, the lack of appropriate representation for minority voters, who made up 89 percent of Texas' population growth in the last decade. And, of course, now we're here in a Special Session and the Governor has issued a very specific call asking this Legislature to meet and adopt the interim maps without correcting any of their flaws. Not only are the flaws in the maps still exist in, but this process itself, so far, has already started off on the wrong foot. E--initially there were only going to be three hearings, I appreciate that there will now be some additional hearings to give folks additional time and opportunity to come to Austin and voice their opinions, however, I agree, that there should be field hearings. We should go to the people and give the people the opportunity to make their voices heard when we're talking about drawing maps that fairly represent the people of Texas. Additionally, choosing in the Senate to not have a blocker bill and basically not have the Two-Thirds Rule was something that the DC Court found to be problematic as part of the process. That that prevented minority legislators p--and those who represent minority districts, from having their voice heard in the process. And we have to



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remember that it's not just the final product, it's also the process that courts take into account when determining whether or not this redistricting process was fair and legal. The Attorney General continues to put forward this idea that the Legislature should just adopt these interim maps as permanent under the auspices that will somehow make all the State's redistricting issues magically go away, that there's not gonna be anymore court cases, all of the litigation will disappear, and I like to refer to this as Greg Abbott's redistricting unicorn, because it simply doesn't exist. It's a fantasy, as was somewhat mentioned by Nina, but mentioned in the court hearings yesterday, there are other plaintiffs in this case who recognize that just, if we adopt the interim maps, there are still problems with the constitutionality--

: (Inaudible, background conversation)

HALTOM : --of those maps, and they will likely be challenged again in court.

CHAIRMAN : Okay. Thank you very much. Any questions of this witness? Great. Thank you very much for your testimony.

HALTOM : Thank you.

CHAIRMAN : Okay, we're gonna, Gentlemen, if y'all don't mind, if you'll indulge Senator West, Ms. Perales, could you come forward, please? And you'll have to reidentify yourself.

PERALES : Nina Perales, with the Mexican American--

CHAIRMAN : Senator--

PERALES : --Legal Defense--

CHAIRMAN : --West.

PERALES : --and Educational Fund.

WEST : M--Ms. Perales, as it relates to the Two-Thirds Rule in the DC opinion, was, did the Court mention anything about the Two-Thirds Rule, the lack thereof?

PERALES : I do remember that the Court extensively reviewed procedural deviations in its analysis of the facts surrounding the adoption of the 2011 Redistricting Plan. And I remember that we submitted quite a few of them in DC, but I actually don't remember the Court's discussion of the Two-Thirds Rule. I know there was quite a bit about the timing of hearings, the location of hearings, the availability of recording equipment, the treatment of amendments, I would not be surprised if there was discussion of the Two-Thirds Rule.

WEST : Could you review that and kinda provide the Committee what you believe to be the Court's discussion on that?

PERALES : I can do that. In fact, I have the decision with me. I'll do that immediately. To spare myself writing another letter, could I correct an earlier misstatement I did wanna correct for Senator Zaffirini, that the Mexican American BAR Association is headquartered in Houston, Texas, and I will provide a letter to the Committee excerpting the Court's discussion of the Two-Thirds Rule in the DDC.



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WEST : B--one other question. How long you've been involved in this type of litigation?

PERALES : This is my third round, if you count 2001 and 2003 as two separate rounds.

WEST : Okay, and I--I'm, obviously, you're an expert in this particular area. Do you know of any other entity, governmental entity, that has been placed on an interim plan that subsequently considers and passed interim plan as the permanent plan?

PERALES : No, Senator West, I think we are definitely in an unusual territory. I did wanna note for the record, that Texas is the only state that enacted redistricting plans in the 2011 cycle that were found to be discri--

PERALES : (Background noise)  
: --minatory on a statewide basis?  
: (Background noise)

WEST : Know, based on the many years you've been involved in this type of litigation, you know of no other entity that is under an interim plan, and then subsequently passed the interim plan as their permanent plan.

PERALES : I know of no such other fact pattern in other cases.

WEST : All right, so this, this may be a Texas first, also, right?

PERALES : Yeah, Senator.

WEST : Be interestin'--  
: (Background noise)

WEST : --s--see what the Supreme Court says about it.

SELIGER : (Ask a)--

CHAIRMAN : Senator Seliger.

SELIGER : --Ms. Perales, as you review the, the procedural elements, going forward, if it would not be too much of an imposition, if redistricting was taken up in Special Session, d--in th--after the Census in 1990 and 1980, would you check and see, specifically, the procedural question of whether the blocker bill was used at that time in Special Session regarding redistricting?

PERALES : I will include that in my letter--

SELIGER : Thank--

PERALES : --letter, Senator, yes.

SELIGER : --you very much.

WEST : An--And can I add on that? As you're reviewing those areas--

: (Laughter)

WEST : --find out whether or not there was any issue raised by any legislators concerning the use of the block (sic) bill



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too.

PERALES : I will, Senator.

CHAIRMAN : Anyone else have any requests of Ms. Perales? Senator Duncan.

: It's getting bigger and bigger.

DUNCAN : In, in the past, when the Courts have redrawn the lines, didn't they do that in '91?

PERALES : Our courts have redrawn Texas redistricting lines in every decade--

DUNCAN : Yeah.

PERALES : --since Texs--Texas--

DUNCAN : Congressional--

PERALES : --was--

DUNCAN : --and, and then in, and also House and Senate, is that, is that s--

PERALES : --one or more, Senator, in each cycle, but not always all three, but since Texas was obliged to do the redistricting since Reynolds versus Sims in the one-person, one-vote cases beginning with 1972 in White versus Regester, in each cycle, Texas has been forced to redraw one or more plans as a result of discrimination against minority voters.

DUNCAN : --'kay, then that's been with whether the, back in the '90s and '80s, the Democrats controlled the House and the Senate, is that right?

PERALES : That's right, Senator.

DUNCAN : Now, the question though, I have though, in follow up, in Sen--in Senator West's question, is the fact that once those lines were drawn, Texas continued to operate under those lines without redrawing them, correct?

PERALES : Subject to appeals, in 2001, we had a court-drawn plan that was in subsequently legislatively redrawn in 2003, is subject of an appeal that we finally won in 2006, which resulted in another set of court-drawn plans.

DUNCAN : 'Kay, but we, we continue t--to operate under those court-drawn plans?

PERALES : Unless they are enjoined or redrawn by the Court (inaudible, overlapping conversation)--

DUNCAN : Just tryin' to get a little history on that, (inaudible) understand.

PERALES : --it's been very varied over the decades.

DUNCAN : Thank you.

CHAIRMAN : Any other questions? Senator Zaffirini. This is round two for you--

PERALES : Thank--

CHAIRMAN : --Ms. Perales.

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PERALES : --you, Senator--  
 : (Laughter)  
 PERALES : --I, I, it's a privilege to testify.  
 CHAIRMAN : Thank you.  
 ZAFFIRINI : We, didn't we also have several rounds  
 of maps drawing in the '90s, after the 1990 Session?  
 PERALES : Yes.  
 ZAFFIRINI : We had, the Legislature adopted a  
 map, and then the Court redrew it, and then we came back and the  
 Legislature drew another map.  
 PERALES : Yes, Senator.  
 ZAFFIRINI : There were three rounds. Thank you.  
 CHAIRMAN : Any other questions this--  
 WEST : Uh--  
 CHAIRMAN : --witness?  
 WEST : --just (inaudible)--  
 CHAIRMAN : Senator West.  
 ZAFFIRINI : One for Senator--  
 CHAIRMAN : I'm sorry, Senator--  
 ZAFFIRINI : --West.  
 CHAIRMAN : --Zaffirini.  
 ZAFFIRINI : I have one for Senator West. Senator  
 West, what was your original question? I di--I heard the answer, but I didn't  
 hear the question.  
 WEST : Ah--  
 ZAFFIRINI : To--  
 WEST : --original--  
 ZAFFIRINI : --to Ms. Perales.  
 WEST : --question?  
 ZAFFIRINI : Your first question when Ms. Perales  
 came back.  
 PERALES : I believe it was related to the blocker  
 bill.  
 WEST : Oh, the blocker bill, yes.  
 ZAFFIRINI : That what it was, okay.  
 PERALES : And, and, specifically, for me to  
 provide and cite the Cour--the DDC Court opinion, discussion of the Two-  
 Thirds Rule in the, in the Session that resulted in the 2011 enacted plans.  
 ZAFFIRINI : Thank you, thank you, Mr. Chair.  
 CHAIRMAN : Senator West, do you have any more  
 questions?  
 WEST : No, I, I'll hold off at--  
 CHAIRMAN : All right--  
 WEST : --this point.  
 CHAIRMAN : --great. Thank you again.



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PERALES : Thank you.

CHAIRMAN : Members, we, just so you'll know, we're gonna break at 11:30, we go into Session at 12:00 and if we're not done, then we'll reconvene after--

: (Coughing in background)

CHAIRMAN : --that. Yannis Banks. Good morning.

BANKS : Good morning, Yannis Banks with the Texas NAACP. So, course, we're, we're against, I guess, all four of the bills. I know President Bledsoe had meant to be here today, but was unable to make it, so I do have some thoughts from him, as well as just various conversations we had. And, w--one of the reasons we allow, or many of the reasons we're against this bill, we, we had a expert testimony, Dr. Richard Murray, some of y'all may know him, professor down at, he's the professor down in Houston. He had looked over the court-drawn maps and he did, his report that said, this was what s--still wha--what was wrong with those maps. And when he looked at it, he said, CD 23 is unnecessarily marginal, Latino opportunity district that made too easily go against the wishes of the Latino population, now house there--therein. When he looked at the Dallas and Tarrant Coun--County area, the Black and Latino populations combined, increased by 608,000 persons, while the Anglo population decreased by 156,000 persons over the last decade. One district, CD 30, involves packing of minorities in one district so they will have less influence elsewhere. Another new district, which is just, now held by Congressman Marc Veasey, but it has five Anglo districts in the area, CDs 5, 6, 12, 24 and 32, that snake in and out of the Dallas and Tarrant Counties. Durin' the, durin' the Court hearings and some of the maps we've drawn, we actually did draw two dis--two new--

: (Background noise)

BANKS : --sorry, two new additional districts in the Dallas-Fort Worth, two additional minority districts in the Dallas-Fort Worth area, one being in Tarrant and one being in Dallas County. We showed that you can draw two there and th--so you can increase the vo--the min--minority population as the data shows. CD 27, from Corpus, w--was an ability to elect district for Latinos, that was close to optimal size, but a new and completely different district was formed that dissected the minority population of Corpus, and connected it up with the--with the exurbs of Houston. The previous district was 69.2 percent Hispanic VAP. And, when he looked at the Section 5 (opinion), you will see that Blacks make up 12.9 percent of the Texas Citizen Voting Age Population and such a proportion to number of seats would be 4.6 percent, percent, which we do currently have with the e--election of Congressman Marc Veasey. Hispanics make up 26.4 percent of the State's Citizen Voting Age Population and as such, a proportion of number seats would be 9.5 percent. The total of Black and Hispanic combined would be 14 plus seats, excluding the influence districts formally held by Lloyd Doggett. CD 25, held by Doggett in the past, is a protected seat, in as such, should not been dismantled. The Court held that



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there was intentional discrimination in the State's fashioning of the congressional map. They relied mostly on the treatment of African-American congressional districts in (conger--al) (sic) persons, congresspersons to reach this conclusion. The panel said that the Black congresspersons along with one Latino had their offices removed from their districts, but this did not happen to any White congressperson. They also concluded that when White congressperson had issues regarding their districts, the records show that they were accommodated. One wanted the grandkids' schools to be put in their district, another wanted a country club. The panel also concluded that the economic guts were removed from the African-American ability to elect districts. The Court also said that, in a way, that minority members of the Legislator (sic) were treated (didn't have) the desire for input, was not open, or as it had been in the past, that this supported this finding. I think that goes to some of the earlier conversations that you were having, I believe it's Senator Uresti and even Senator West had brought it up. In regards to the State House of Representatives, we can clearly, we can say clearly that the compromised plan does not correct all the problems and that the NAACP, TLBC, LULAC, MALC, and others, want it, but it also failed to correct problems that were identified in Section 5 opinion.

CHAIRMAN : Mr. Banks, I need you to wrap up your--

BANKS : Oh, yes, this is my last, I guess, sentence right here. Also, it is important to note that one of the findings of the panel was that the State House map-drawer, crack (VTDs) along with racial lines, to dilute minority voting power.

CHAIRMAN : Very good. Any questions of Mr. Banks? Thank you, Sir, for being here.

BANKS : No problem.

CHAIRMAN : Mr. Pena.

PENA : Mr. Chair, Honorable Senators, my name is Gustavo Almaguer Pena, proud native East Austinite, proud United States Marine Corps Veteran, served in Vietnam, and Semper Fi to you, Senator Hinojosa, and also Senator Uresti.

: (Inaudible)

PENA : I thank you for the help that you've given all the Veterans, Sir. You have been there for us. Honorable Senators, I testified before this elected body last Session and I still love you, Senator Zaffirini, you're still part of Austin, Travis County, but I will say this, an-- Senator West, and this young lady here to my right, I apologize, I don't remember your name, (said it), articulated the, the cause very, very clearly. How can I, as a military Veteran, come over here and allow discrimination to, to remain rampant? As Veterans fought for equality, the right of liberty, justice and to, to state our, our positions. This gentleman, young gentleman back here, failed to give the Chair, I ran for City Council and Justice of the Peace, was endorsed by all law enforcement o--associations. I'm also a



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member, Senator Seliger, I spoke to you last Session, I'm also a former EEO Discrimination Complaints Investigator, Department of Treasury and Justice, and I wish the young man would've given you this, 'cause it's on there. So, I wanna tell you this ver--this much, that, I, as a trained in--investigator, against discrimination, I find some of these things unacceptable, these, these bills and the, the manner in which some of the state elected officials are going to, and it is discriminatory. I have kids. I, I, I am a former (ESO) instructor for the IRCA, the Immigration Reform and Control Act of 1986, the, the Amnesty Program. And I have a lot of people that, I don't represent anybody, although I have a lot of following of Veterans. We have a new group called, VETS, VETS, V-E-T-S, and we're not supportive of this. And I, I, I stand by what Senator West said, we will see you at the Supreme Court. I told this elected body last Session that we'll take you to court. I just got out of the hospital myself. I had spine and neck surgery, and I can't speak very well, but I wanted to be here. My wife said, no, you're not gonna go anywhere. Usually, I, I do what my wife tells me, 95 percent of the time.

: (Laughter)

PENA : But this, (laughter) this time, I can't. How can I allow this to go, as--forward as, it is discriminatory. Senator Duncan, I respect you. I, I met your, your, your people in office, y'all, y'all welcome me very, even though I'm a Democrat, you know, we're cool, y'all cool, but th--I cannot le--allow this t--

: (Laughter)

PENA : --(laughter) allow this, and I say respectfully, allow this to continue to occur. You know, it's discriminatory. I have a lot of people, and I had to bring my notes, because I came from Brackenridge Hospital, they just did X-ray, but the issue is this, how can we stand for this to continue? You mentioned back in the '90s, I understand that, but we're in 2013 and discrimination is rampant. You know, I'm here, and a native of East Austin, and I cannot allow this to occur. I'm gonna keep it short, because really, I'm not prepared, but I'm on heavy medications, Dilaudid, I'm not supposed to be here. But the issue is this, we will see you in the Supreme Court. It's still highly discriminatory. That's why I'm here. And to say all four of these, some of these are discriminatory and not acceptable to us, your Honorable Senators. Thank you very much for allowing me the time--

WEST : Mr.--

CHAIRMAN : Thank you for your--

WEST : --Mr. Chairman--

CHAIRMAN : --testimony, Mr. Pena. Senator West.

WEST : --Mr. Pena, is discrimination by the Democratic Party or the Republican Party any different?

PENA : Uh--w--w--

WEST : It's still discrimination, (right)?

PENA : --it's still discrimination, the way you



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describe it, I'll tell you what, and I mean no disrespect to any party, but, we, in the Democratic Party, we're tryin' to do more for the people, and in my opinion, that it's more appropriate, more acceptable, and I'll tel--y--a lot of immigrants are angry and they said, Mr. Pena, we represented, I said, no. And to answer your question wi--along with the answer--

WEST : Discrimination is discrimination?

PENA : --yes, Sir.

WEST : All right, thank--

PENA : The D--

WEST : --you.

PENA : --is a D and I hate the Ds. Either way you look at it, discrimination an--and it's not acceptable.

WEST : Thank you.

CHAIRMAN : Thank you for your testimony. Thank you--

PENA : Thank you--

CHAIRMAN : --for your--

PENA : --Sir.

CHAIRMAN : --service. Any other questions of Mr. Pena?

: Thank you (inaudible, overlapping conversation)--

: Thank you, Sir.

CHAIRMAN : 'Kay. The following have turned in cards to testify on Senate Bill 1. Marion Mlotok.

: Oh, that's fantastic. You're the first one--

CHAIRMAN : Well, you hear that, Mr. Chairman.

SELIGER : I, I heard that.

CHAIRMAN : Keith Ingram and Mike Dominguez. If y'all would come forward?

: (Inaudible, background conversation)

: You were filled in before the (inaudible, background conversation)--

CHAIRMAN : M--Ms. Mlotok, you can go ahead.

MLOTOK : Thank you for the opportunity to testify. My name is Marion Mlotok and I live in Austin. How do the words to that song go, there's a problem right here in River City? I w--w--was just about going blind last night looking at the maps, and I'm talking particularly about the US Congressional map. There's like these snakes on the warpath is how the maps look like for Austin. Austin's and Travis Con--County, Austin's divided into six districts. We have enough population to be one compact district, plus, maybe another little bit, with some other compact area next to it, and we have one district that snakes all the way over to Houston. Another two different districts that snake down to San Antonio. Another



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district that snakes up to Fort Worth, and one that stops, I think, just short of Laredo, and another one that's part of 31 in Williamson County. What that amounts to is that Austin, with a population of almost 800,000 and the 11th largest city in the country, does not have a representative in the US Congress. We've been divided into six different districts. I have, I think, Lamar Smith as my Representative, but I still tell Lloyd Doggett, whenever I communicate, that he's really still my Representative, because, like Doggett, is really the Representative for Austin. You folks have been here often enough and long enough to know that Austin is really different than the rest of Texas, it's not the same. We vote differently, we think differently, we behave differently and we need our own representative. When we talk about a, a perfect map, we don't have a perfect map here. We have, in relation to Austin, and I'm not talking about the minority issues, which I find important, but I haven't examined the map from that perspective. Given that, we had very short notice. I'm a political junkie, as well, so I found out about this hearing, but most people had no idea this hearing was happening, and I found out about it because i--of House Democrats. N--Nobody mentioned that the Senate was also having a hearing, so I just accidentally sort of found out that the Senate was also having a hearing, and then I start--stayed up until about 3:30 last night, looking at all the maps, and looking at the bills, and looking at what they said--

CHAIRMAN : Ms. Mlotok, I hate to cut off witnesses, but your--you wanna wrap up your comments.

MLOTOK : --yes. I would like to see field hearings. I would like to see the maps completely withdrawn. I don't accept any of these maps. Thank you.

CHAIRMAN : Very well, thank you so much. Are there any questions of this witness? Thank you. Mike Dominguez.

: Hi.

: (Inaudible, background conversation)

DOMINGUEZ : Hi. Mike Dominguez. Travis County Republican Party, Director of Special Projects. Just thank you, Senators, for, for having me here today. Just wanted to say that I do believe that discrimination is discrimination regardless of party. Austin, being the 11th largest city in the United States, the demographics have changed. I am in favor of SB 1, and just wanted to make my voice heard today. So, thank you for hearing.

CHAIRMAN : Thank you, Mr. Dominguez. I'm gonna change your card to oral testimony. I think you had checked not testifying. If that's okay with you?

DOMINGUEZ : Yes, Senator, thank you.

CHAIRMAN : Okay. Is there anyone that h-- questions of Mr. Dominguez?

ZAFFIRINI : Mr. Chairman.

CHAIRMAN : Senator Zaffirini.



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ZAFFIRINI : You say you were for or against?  
 DOMINGUEZ : For.  
 ZAFFIRINI : For Senate Bill 1?  
 DOMINGUEZ : Yes, Ma'am.  
 ZAFFIRINI : Thank you.  
 CHAIRMAN : Any other questions? Thank you, Mr.  
 Dominguez. Now, we have Keith Ingram, Director of Elections Division, on  
 the bill. Are you gonna testify, Mr.--  
 : I'm available to answer any questions  
 y'all have. If I were to testify, I would, I would plead, plead, plead for y'all to  
 go quickly--  
 CHAIRMAN : --I guess you--  
 : --have everything in place--  
 CHAIRMAN : --just testified.  
 : --(by) September 1st.  
 : (Laughter)  
 CHAIRMAN : Before September 1st?  
 : Yes, Sir.  
 CHAIRMAN : Okay.  
 : Want (him) to just register (inaudible,  
 background conversation)--  
 CHAIRMAN : Any questions of Mr. Ingram with the  
 Secretary of State's Office? Great, thank you. Dr. Rosemary Edwards, M--  
 shh--Ms., Dr. Edwards here? Okay, I have the card. She's for the b--bill,  
 Senate Bill 1. She's registering the position not testifying. She's the  
 Chairman of Travis County Republican Party. She did not testify. Is there  
 anyone else that wishes to testify on, for, or against Senate Bill 1? Okay,  
 Ma'am, come on down.  
 : That's actually testimony for Senate  
 Bill 1, 2, 3, 4.  
 CHAIRMAN : Ma'am, did you fill out a card?  
 VASQUEZ : I did.  
 CHAIRMAN : Okay, and your name, please.  
 VASQUEZ : Celina Vasquez.  
 CHAIRMAN : Ms. Vasquez. And are you testifying  
 on Senate Bill 1--  
 VASQUEZ : Um, yes--  
 CHAIRMAN : --or all four?  
 VASQUEZ : --I, actually, the congressional and the  
 Texas House Redistricting bills, please. Good morning--  
 CHAIRMAN : Hold on--  
 VASQUEZ : --Mr. Chairman.  
 CHAIRMAN : --one second. I'm sorry, if you don't  
 mind. Let me see if I have your card.  
 SELIGER : Is he gonna testify too?



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CHAIRMAN : He says yes, okay.  
 : (Laughter)  
 CHAIRMAN : So, is it, it's Celina Vasquez.  
 VASQUEZ : Yes.  
 CHAIRMAN : Okay, you may proceed.  
 VASQUEZ : Thank you. Good morning, Cha-

Chairman and Members of the Senate Select Committee on Redistricting. My name is Celina Vasquez. I am the mother of five-year-old (Diego Fernando) Vasquez. We drove this morning from Tarrant County and we're very excited to be here with you all. I am also a wife and a government teacher at th--a local community college in North Texas, and a community activist. I could no longer sit at home and follow the c--proceedings, and was compelled to weigh in on this important issue that is going to affect my son, Diego, through his educational development from (kinnegarden) (sic) through 8th grade. The following are the reasons why we oppose SB 1 and the congressional and the Texas House redistricting bills. Redistricting will determine the State's political boundaries for the next 10 years, and my son's interests on the most important issues related to his development. The interim maps discriminate and should not be adopted. As the mother of a bilingual, bicultural child, my son deserves advocates who are culturally competent and that reflect the demographic changes occurring in our community. The legacy of Latino political exclusion in Tarrant County is so pervasive that it has affected the way Latinos and Latino candidates are perceived by non-Latinos, but also by the way Latinos perceive their own ability to participate in the political process. As a government teacher, we talk about voting as the most fundamental right, and our Legislatures should never suppress our right, or limit the ability of any Texan, Latino, minority or not, to participate in the political process. Again, we believe, I believe, as a community activist, a mother, and a government teacher, that these interim maps discriminate and should not be adopted. I hope that the Committee strives for fair and legal redistricting maps that reflect the diversity of our growing state and of our region in North Texas. I thank you, Mr. Chairman, and thank you, Committee Members for all of your hard work this week. We know that it's a difficult task, but again, I'm here this morning, left at 4:00 o'clock in the morning from Fort Worth in Tarrant County with my son, because we believed this issue was important enough for us to be here. Thank you.

CHAIRMAN : Thank you, Ms. Vasquez. And, just to be clear, on your card, do you want me to list 1, 2, 3 and 4?

VASQUEZ : Yes, that's fine. Thank you.

CHAIRMAN : Are there any questions of Ms. Vasquez? And we appreciate you making the trip with Diego.

VASQUEZ : Thank you.

CHAIRMAN : Thank you.

VASQUEZ : Thank you for having us.



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CHAIRMAN : Okay. As a resource witness, we have Keith Ingram, Director of Elections Division, Secretary of State. He says we need to hurry up. We have Dr. Rosemary Edwards for the bill, not testifying, the Chair of the Travis County Republican Party, that's for Senate Bill 2. An--Anyone else that wish t--to testify on, for, or against Senate Bill 2? And, if not, we'll move on to Senate Bill 3.

: (Inaudible, background conversation)

CHAIRMAN : Keith Ingram on the bill for Senate Bill 3, the resource witness, Director of E--Elections Division, Texas Secretary of State. Any questions of him? Dr. Rosemary Edwards, for the bill, not wishing to testify. She is the Chair of the Travis County Republican Party. Anyone else that wishes to testify on, for, or against Senate Bill 3? Chair sees none, we will move on to Senate Bill 4. We have Marion Mlotok.

: I think I (inaudible, not speaking into the microphone)--

CHAIRMAN : And I have a card then, that you are against the bill, not wishing to testify, that correct? John-Michael Cortez. Mr. Cortez, if you'd come forward. We have Deece Eckstein. Deek (sic), if you'd come forward, Deece, if you'd come forward. As they're coming down, we have Keith Ingram on Senate Bill 4 as a resource. He is the Director of Elections Division for the Texas Secretary of State. And, also, Dr. Rosemary Edwards, not wishing to testify on Senate Bill 4. She is for the bill, she is the Chair of the Travis County Republican Party. And if there's anyone else that wants to testify on Senate Bill 4, please, fill out a card and bring it forward. We will start Deece, next time, we'll start with you.

ECKSTEIN : Thank you, Chairman Uresti. Chairman Seliger, Members of the Committee--

: (Background noise)

ECKSTEIN : --thank you very much for the opportunity to visit with you this morning. I--I'll be very brief, my remarks. There's a--

CHAIRMAN : Can you--

ECKSTEIN : --one--

CHAIRMAN : --identify yourself one more time--

ECKSTEIN : --right.

CHAIRMAN : --and who you represent?

ECKSTEIN : I'm Deece Eckstein. I'm the Intergovernmental Relations Officer for Travis County and I'm here testifying on behalf of the Travis County Commissioners Court. We have a handout that I passed out to you, and the Commissioners Court has adopted a position that we, that it supports redistricting plans that meet three criteria. One, it respects the one person, one vote Constitutional standard. Two, it respects the integrity of Travis County, as a community of interest, as much as possible. And, three, it preserves the right of Travis County minority voters to joining coalition with other like-minded voters to elect the



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candidates of their choice. Unfortunately, the Congressional Plan, Plan C235, as contained in Senate Bill 1 and Senate Bill 4, does not meet that test. P--Plan C235 divides Travis County into five different congressional districts, and in none of those districts, do Travis County voters make up, have sufficient numbers to determine the outcome of an election. In fact, in none of those districts do Travis County voters become 35 percent or more of the population of that district. So, the effect of that is that Travis County really cannot control the outcome of any congressional election. Now, I've had people tell me, oh, my gosh, you're so lucky, you have five congresspeople to, to work for you.

: Hum.

ECKSTEIN : And unfortunately, it just doesn't work that way. I gi--Senate Estes, I know you agree with that, with that thought. We do have good congresspeople representin' Travis County, and we're glad of that, but none of them have Travis County as an anchor, or as a place that is really their base. And what happens? Well, uh--Senator, excuse me, Representative Bill Flores, who represents Waco, and parts of Central Texas, is a part of our congressional delegation. He's on the Veterans Affairs Committee and when he's making decisions about placement of Veterans' clinics, or giving input about that, he's probably worried more about the people in McLennan County than he is about the people in Travis County, and so on down the line.

: (Uh-hum.)

ECKSTEIN : S--S--Chairman Lamar Smith is Chairman of the Science and Technology Committee in the US Congress. Science and technology's (sic) a big part of what we do here in Travis County, but when he's making decisions about allocation of resources, funding grants and so forth, not, an--I--not just makin' decisions, but giving input, he's probably thinkin' about Bexar County more than he's thinkin' about Travis County, and so on down the line. So, the point we wanna make to you is that we believe that the, th--the maps are defective in that take Travis County, which is one of the, the fifth largest county in Texas. The City of Austin, which we now know is the 11th largest city in the country, and divide it up, and, and frankly, deprived of congressional representation. We think that's unfair, we think that some--that we hope the Legislature will address in this process moving forward. I'm happy to answer any questions you have.

CHAIRMAN : Thank you, Sir. Senator West.

WEST : S--thank you very much, Mr. Chairman. And, maybe you can get back with me on this, Austin is now the 11th largest city in the country.

ECKSTEIN : Yes, Sir.

WEST : As it relates to the, the 10 that are ahead of Austin, do they have a congressional district that's 50 percent or more that's anchored in, in the main city of that county?

ECKSTEIN : I can't speak to the, to the other ones



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that are outside of the State of Texas (inaudible, overlapping conversation)--

WEST : I'm talkin' now--

ECKSTEIN : --(I know) (inaudible, overlapping conversation)--

WEST : --I'm talkin' about in the State of Texas.

ECKSTEIN : --but the ones that are here in Houston, a--a--obviously, the City of Houston, the City of Dallas, and the City of San Antonio are all larger than the City of Austin here in the State of Texas. And all of them, the counties that are in, at least, anchor at least one congressional district. In the case of Harris County, it anchors five congressional districts. Dallas County anchors three congressional districts, and Bexar County anchors two congressional districts.

WEST : A--A--As it relates to previous elections, did Travis County have a congressperson that was anchored in Travis County?

ECKSTEIN : Yes, Sir. Until this, until this redistricting go-round, tra--tr--the majority of the district that was previously represented by Congressman Lloyd Doggett was in Travis County, and, in fact, going back, you know, several generations we have a cong--all the way back to Congressman Lyndon Johnson, Austin and Travis County had been the anchor of a congressional district.

WEST : And, as it relates to the three prongs that you talked about here, respect one person, one vote, respect integrity, Travis County preserves the right of Travis County minority voters--

: (Inaudible, background conversation)

WEST : --did that his--wer--were those three criterion--

: Hum.

WEST : --respected previous, prior to the 2011 maps?

ECKSTEIN : We believe they were, Senator. And, we believe that in the current map, at least criterion two and three are not respected.

WEST : Okay, thank you.

CHAIRMAN : Senator Estes.

ESTES : Hi, Deece.

ECKSTEIN : Senator, good morning.

ESTES : I've known you a long time, hadn't I?

ECKSTEIN : Yes, Sir.

ESTES : Not followin' your logic, but you're saying, you think that anyone of these five congressmen (dudn't) (sic) care about Austin and Travis County, because it's not the majority of their people. Do you have any empirical evidence that any congressman ever saying, I really don't care about Travis County, 'cause I live in Waco, or I live



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wherever?

ECKSTEIN : No, I don't--

ESTES : (What)--

ECKSTEIN : --Senator.

ESTES : --you know, to me, you're, you're makin' a broad accusation there that didn't have any fa--have any facts behind it, in my opinion.

ECKSTEIN : Senator--

ESTES : Uh--

ECKSTEIN : --th--le' me (sic), le' me, let me be clear, I'm not a--

ESTES : --did I think (up)--

ECKSTEIN : --I'm sorry (inaudible)--

ESTES : --they probably don't care about us, 'cause, you know, they've got other people in other places. I just, I'm just not followin' your logic. I--you know, we can have the debate about whether you should have five congressmen or just one all day long, a--frankly, there's advantages and disadvantages on both sides, but just to sit there and say, categorically, they don't care about a part of their district, I think, is judging their motives in a most unfair way.

ECKSTEIN : --and I do not mean to suggest they don't care about a part of their district. I mean to suggest that like any smart politicians, they are aware of where their voters are, they're aware of what constituencies help get them into office, and help keep them in office, and they are bound to be influenced, a--at some level, at least, Senator, by considerations of where the po--populations concen--concentrations are in their district.

ESTES : And you--you see no benefit to having five individual voices in al--in all different areas of the federal government, that have representation here? I mean, there's n--there's no benefit to havin' five?

ECKSTEIN : I think there's more benefit in having one--

ESTES : That's fair.

ECKSTEIN : --whose primary concern is the people of our community.

ESTES : But show me empirical evidence where any congressman, Republican or Democrat, has said, I don't really care that much about Travis County, 'cause they're not the largest part of my district, i--it doesn't exist, I don't think.

ECKSTEIN : I don't think it exists.

ESTES : 'Kay, thank you.

CHAIRMAN : Any other questions of this witness?

ZAFFIRINI : Mr. Chairman.

: Couple of questions.



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CHAIRMAN : Senator Zaffirini.  
ZAFFIRINI : Thank you, Mr. Chairman. Mr.  
(Epstein) (sic), you testified about the congressional map--  
ECKSTEIN : Yes.  
ZAFFIRINI : --which divides Travis into five  
districts, but you didn't say anything about the Senate map, which divides  
Travis into four districts. Do you have an opinion about that?  
ECKSTEIN : The Commissioners Court does not  
have an opinion about that. As with our congressional delegation, we're  
delighted to have some very strong members in our senatorial delegation  
here, including yourself, and Senator Fraser. But the Court does not have an  
opinion as to the con--as to the State Senate map as con--tr--contrasted with  
the congressional map.  
ZAFFIRINI : But there you do have the anchor in  
one district.  
ECKSTEIN : Yes, we do.  
ZAFFIRINI : So that would be the main--  
ECKSTEIN : And that--  
ZAFFIRINI : --difference--  
ECKSTEIN : --changes.  
ZAFFIRINI : --perhaps?  
ECKSTEIN : Right. That changes the calculus of  
the Court.  
ZAFFIRINI : You have the anchor in one of the four  
senatorial districts, but not in the other three.  
ECKSTEIN : That's correct.  
ZAFFIRINI : Thank you. Thank you, Mr.  
Chairman.  
CHAIRMAN : Senator Garcia.  
GARCIA : Um, just to follow what I consider was,  
actually, part of the question I was gonna ask is, you, you, you talked about  
SB 1, which is really all, all of the maps in SB 4. But you really, the  
Commissioners Court only has taken a position on the congressional maps.  
ECKSTEIN : Yes, Ma'am.  
GARCIA : And has the Commissioners Court  
suggested an alternative map, or suggested any amendments to anybody?  
ECKSTEIN : Travis County is a litigant in the  
litigation down in San Antonio, wi--with respect to the Section 2 preclearance  
of the maps. And our, our contributions, if any, with that, in that, in that  
respect, are being done in that venue.  
GARCIA : So you--  
ECKSTEIN : But I don't think we proposed a  
distinct Travis County map.  
GARCIA : --there, is there a, a particular plan  
that you all favor of all the maps that have been, that are in the record,



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'cause, as you know, we adopted all the record from the previous hearing, so is there a map that you all preferred?

ECKSTEIN : I don't have that in front of me, if, if there is one, Senator. I'd be happy to respond to you--

GARCIA : Well, if you would--

ECKSTEIN : --if (inaudible, overlapping conversation)--

GARCIA : --'cause I would be interested, 'cause if, obviously, you're not happy with SB 4--

ECKSTEIN : --right.

GARCIA : --I would like to see just what y'all would recommend, or what alternative you might propose.

ECKSTEIN : I'll be glad to get back with you on, with the Members of the Committee about that.

GARCIA : Right, but, but your, but your whole-- the whole point of your, your complaint is about Travis County itself, and it has, not with respect to minority representation, or any other community of interest?

ECKSTEIN : Our, our concern at this point is with the, the fracturing of Travis County into five different districts, and none of which Travis County voters have an opportunity to really decide the outcome of an election.

GARCIA : All right, thank you.

CHAIRMAN : Any other questions of this witness? Thank you, Deece. Mr. Cortez, I guess you gotta wrap it up. Identify yourself and who you're with.

CORTEZ : Many thanks, Senator. Again, my name is John-Michael Cortez, and I'm here representing myself, but will draw upon my perspective as a resident here of Travis County, specifically of East Austin here, just on the other side of the highway. And also, as a longtime community, and public servant, and a local elected official. I would like to start by saying that I applaud Senator Seliger's statements earlier about his intent to ensure that this is an open and transparent process, that there will be more hearings. I would also implore the Committee to ensure that there are some field hearings held, because th--the, the process, as it stands now, is, is far from ideal. It concerned me greatly that this Senate hearing was called with less than 48-hours' notice and the House had not much more notice than that. The timing seems to not be designed to really encourage public input, and even more concerning, of course, as has been mentioned, that the limited scope of the Governor's call to consider legislation, which ratifies and adopts the interim redistricting plans, does not appear to leave any room to entertain anybody else's point of view. It seems to send a clear message that this game is fixed. It does not suggest that there is meaningful or fair consideration of ideas to improve representation of all Texans, specifically minority Texans. And, more pointedly, and for my own



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part, it seems to be a process that is designed to accommodate, which has become a new Texas tradition of denying myself and my neighbors of all ethnicities, socioeconomic statuses, etcetera, the ability to come together and elect a representative of our choice. Hastily making the San Antonio Court's interim congressional plan the permanent plan should be rejected out of hand. The San Antonio interim plan was issued several months before the DC Court unanimously denied preclearance based on the extensive record of intentional discrimination and retrogression. The DC Court wrote that there was more evidence of (discriminory) (sic) intent than we have space or need to address here. When the San Antonio Court issued an interim map, it made clear that its order was not a final ruling on the merits of any claims asserted by the plaintiffs in this case, or any of the other cases consolidated with this case. It is highly likely that the San Antonio Court would not have drawn the interim plan at a consideration today, as it did, if it had the benefit of the unanimous DC Court ruling that rejected the State map, from which the interim map is largely drawn. The DC Court ruling denying preclearance found legal problems with specific aspects of the 2011 enacted plan that were incorporated into the 2012 interim plan. In other words, the interim congressional map retains many of the characteristics of the discriminatory map rejected by the DC Court. None of these legal flaws would be remedied by a legislative adoption of this interim plan for Congress, which really seems to be the intent of the Governor's call of this, for this Special Session. The DC Court found--

CHAIRMAN : (Inaudible, overlapping conversation)  
 I'm, I'm sorry, I need you to go 'head and wrap up your comments.

CORTEZ : --the DC Court found that intentional racial discrimination in, in the process of enactment, the public, minority legislators and Members of Congress seem to be, have been entirely frozen out of the process of developing the map and left with no input. So, I, I would just wrap up by saying that rushing passage of this interim map is, certainly, not in, in our interest here in, in my local community, and I do not believe it's in the best interest of the State as well.

CHAIRMAN : Any questions of Mr. Cortez?

SELIGER : (I do.)

CHAIRMAN : Senator Seliger.

SELIGER : Mr. Cortez, you said that there was barely 48-hours' notice to this, for this hearing, correct?

CORTEZ : Well, I, I certainly didn't have 48 hours' notice, but perhaps--

SELIGER : Or, do you insist that you should be notified personally about a hearing?

CORTEZ : --no, but the notification should be made in such a fashion, I think it's been expressed by others, in such a fashion that the average citizen would have sig--the significant, or adequate enough notice to be able to make arrangements. Fortunately, I have the



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means and the wherewithal to be here this morning, but I know many of my neighbors (did not)--

SELIGER : But since your testimony was that there was barely 48 hours, and when the announcement was made at about 5:30 on Monday, and, and Thursday, at 9:00 is about 62 hours, your statement was false?

CORTEZ : I, I suppose it was, if that is, indeed, the case. It was a federal holiday, so I doubt many folks, including myself, were watching the postings. So, I would retract that if that is, is a, is a true statement.

CHAIRMAN : Senator--

CORTEZ : But I--

CHAIRMAN : --West.

CORTEZ : --I would stress that legal notice is not the same as adequate notice.

CHAIRMAN : Senator West.

WEST : A--a cup--a coupla questions. The greatest increase in Texas population durin' the last census was ethnic minority, is that correct?

CORTEZ : That's my understanding, Sir.

WEST : (Right), an--an--and to the extent that you do not agree with what I'm about to say, obviously, I don't think you'll have a problem saying that you do not agree, but if you do agree, make, make it known by purposes of the record, okay.

CORTEZ : Yes, Sir.

WEST : You agree with me that the greatest increase in population in the State of Texas was the ethnic minorities in the State of Texas.

CORTEZ : Yes, Sir.

WEST : You agree with me that the greatest number of individuals that are in p--poverty pro rata would be ethnic minorities, would you--

CORTEZ : Yes--

WEST : --agree with that?

CORTEZ : --Sir.

WEST : Would you agree with me that the mo--that the greatest number of Texans that are transit dependent are ethnic minority, would you not?

CORTEZ : Yes, Sir.

WEST : Okay. Would you agree with me that given the fact that if the greatest increase was in the ethnic minority population in the State of Texas, that ethnic minorities are transit dependent, then, in order for government to really be responsive to the, to the needs of those ethnic minorities, specifically, getting input to them, then y--sh--you should take government to where those people are, is that correct?



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CORTEZ : Absolutely.  
WEST : You would agree with me that most of those individuals that I just mentioned are in urban centers and also in South Texas, is that correct?  
CORTEZ : Many of them, yes, Sir.  
WEST : You would agree with me that based on the postings that you've heard about, as it relates to where these hearings will be held, as of today, all of them are in Austin. Would you?  
CORTEZ : That's what I heard earlier today (inaudible, not speaking into the microphone)--  
WEST : Okay. Would you agree with me that by having all of the hearings in Austin, that it virtually makes it impossible, save and except, written testimony for those Texans that represent the great majority of the increase in the population in the State of Texas, will have an opportunity to participate in the dis--discussion that we're having about redistricting?  
CORTEZ : I would agree with that.  
WEST : Thank you.  
CHAIRMAN : (Well), any other questions of Mr. Cortez?  
GARCIA : Um--  
CHAIRMAN : Senator--  
GARCIA : --no, but--  
CHAIRMAN : --Garcia.  
GARCIA : --I have a couple of questions and point of clarification about the posting.  
CHAIRMAN : Of Mr. Gar--of Mr. Cortez, or Senator Seliger?  
GARCIA : Yea--of, of--  
CHAIRMAN : Okay, will you hold on--  
GARCIA : --the author.  
CHAIRMAN : --one second. Or let me, I wanna excuse the witness, (or), if there are no other questions of Mr. Cortez. Very well. Thank you two, gentlemen, for being here. Senator Garcia.  
GARCIA : Thank you. Senator Seliger, when was the hearing posted and the time for the hearing on the Texas Legislative online Web site?  
SELIGER : Um, I-I'm not advised. The announcement was made at 5:30 on Monday.  
GARCIA : Well, I know it was announced on the Senate Floor, so, unless somebody was watching us, they probably d--couldn't, they probably h--got no notice. But, Mr. Chairman, I'd like to find out exactly when it was pos--es--posted for public notice on the Legislative Web site.  
SELIGER : Are you interested, also, in knowing



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when it was revealed by media in Travis County, and, and elsewhere, that there was going to be a hearing?

GARCIA : Absolutely.

SELIGER : Okay.

GARCIA : And, how was your community informed, in addition to post it on the Web site about the hearings for today, and how will they be notified of the two subsequent hearings that you have announced this morning?

SELIGER : I'm not advised on the ways that the public is advised.

GARCIA : Who is advised? Your staff, or, I mean, who--

SELIGER : Well, th--the--

GARCIA : --I--

SELIGER : --news media will do what they will do. The posting will be made by the, the Senate, as is required by law.

GARCIA : --but who actually does it? I, I just don't know. I'm asking, 'cause this is the first time I've been through a hearing, so--

SELIGER : I, I think you would be well-advised to ask the Senate office how they advise and form and post such a notice, and you can ask the media how they, how they intend to run it on the news.

GARCIA : --okay, are you advised as to where the meetings will be? Will they be here in this room at the same time as today or--

SELIGER : I, I cannot inform you as to where the meeting will be (clears throat) the hearing will be, th--where we are going to join the House on Saturday. I assume House Appropriations. Ah, the Senate meetings, unless there is a change, we'll have them in this room.

GARCIA : --both the one for the 6th and the 12th?

SELIGER : Th--That's the tentative plan right now.

GARCIA : All right. Thank you, Sir.

CHAIRMAN : The Chair would like to recognize the presence of Senator Williams, by the way, and we have a card from Linda Magid, who is against the bill. Is she still here?

: (Yes, Sir.)

CHAIRMAN : Okay, um, you didn't mention which bill number. Is there a particular bill number, or all bill--all four (of 'em).

: All four (inaudible, not speaking into the microphone)--

CHAIRMAN : All four bills?

: (Inaudible, background conversation)

CHAIRMAN : If you, (if) it's okay, I'm gonna put that



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on your card. Senate Bill 1, 2, 3, and 4. She's rec--i--representing herself. Now, is there anyone else that wishes to testify on, for, or against either Senate Bill 1, Senate Bill 2, Senate Bill 3, Senate 4, or all (the) Senate bills? Chair sees none, we're gonna close public (gavel) testimony and, Mem-- Senator, are there any--

WEST : Uh--

CHAIRMAN : --Senator West.

WEST : --uh, I was wonderin' whether Ms. Perales had response to--

: Uh.

: (Senator.)

: (Laughter)

CHAIRMAN : Ms. Perales, if you'll come forward, please, for the third time.

PERALES : Thank you for the opportunity. Thank you for the opportunity. We are currently searching the DDC opinion, and haven't found it yet. I have a really smart intern from Harvard who's working on it very hard. Yes, Senator--

: (Inaudible, background conversation)

PERALES : --you know the young man in question. We will find it if it's in there.

WEST : All right, thank you.

CHAIRMAN : Thank you. Um, by the way, is anyone from the Attorney General's Office here to answer any questions? Chair sees none. Okay, I have four more cards from Cynthia F--Flint, representing herself on Senate Bill 1, 2, 3, and 4, and she is against those bills. Members, with that, the S--Senate Select Committee on Redistricting will stand in recess, pending the call of the Chair. (Gavel)

: Thank you.

: (Wasn't) that funny?

: Yeah.

: (Enforce that.)

: Yeah.

: (Inaudible, background conversation)

: (Be sure.)

END OF MEETING

# **EXHIBIT 6-G**



# SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — FIRST CALLED SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## ADDENDUM

(SECOND DAY CONTINUED — Friday, June 14, 2013)

### REMARKS REGARDING SENATE BILL 2 AND SENATE BILL 4 ORDERED PRINTED

#### Remarks Regarding Senate Bill 2

The following remarks regarding **SB 2** were ordered reduced to writing and printed in the *Senate Journal*:

**Senator Seliger:** Thank you, Mr. President. Senate Bill 2 is the first of three redistricting bills. With the indulgence of the Senate, I would like to comment before I lay out the bill, that everyone on this floor has been very patient. The Members, the 15 Members of the Committee, Republicans and Democrats, really knocked themselves out to be active participants and to go on the road and to take the discussion of redistricting to the State of Texas, along with our colleagues in the House of Representatives, and I appreciate that very much. And the exchange has been a very good and valuable one. Senate Bill 2 ratifies and adopts the Senate plans, the map is S172, used for the 2012 election cycle that was ordered by the three-judge panel from the United States District Court for the Western District of Texas, in the Davis and Perez lawsuits. The court retained 27 of the 31 districts passed in the state's enacted plan, and the remaining districts were changed with the agreement of plaintiffs and defendants in the Davis versus Perry lawsuit, primarily related to District 10. In a recently filed joint advisory to the court in San Antonio, the Davis, Veasey, and LULAC plaintiffs all informed the court that there is no claim by plaintiffs that the interim plan for the State Senate violates the Voting Rights Act or the United States Constitution. I believe Senator Zaffirini has an amendment, but she's on phone a friend at the moment.

**President:** Members, I'm going to lay out an amendment by Senator Zaffirini. It's being passed out to you as we speak. The Chair lays out Floor Amendment Number 1 by Senator Zaffirini. The Secretary will read the amendment.

**Secretary of the Senate:** Floor Amendment Number 1 by Zaffirini, West, and Ellis.

**President:** Chair recognizes Senator Zaffirini to explain the resolution.

**Senator Zaffirini:** Thank you, Mr. President. Mr. President and Members, this amendment simply removes a section that would direct itself to legislative findings that the interim maps are in compliance with federal and state constitutional provisions and laws applicable to redistricting plans. It only removes the language and it does not change any part of the bill, and I believe it is acceptable to the author.

**President:** Chair recognizes Senator Seliger on the amendment.

**Senator Seliger:** Thank you, Mr. President. The amendment does just remove a statement on the bill, and a statement that was, probably be effectively replaced by discussion that we've been having on the floor, that would reflect the letter written by the Davis, Veasey, and Perez amendments, I'm sorry, plaintiffs, and it is acceptable to the author.

**President:** Chair recognizes Senator Zaffirini to close.

**Senator Zaffirini:** Thank you, Mr. President. I move adoption.

**President:** Members, you've heard the motion by Senator Zaffirini, is there objection from any Member? Hearing no objection from any Member, Floor Amendment Number 1 is adopted.

**Senator Zaffirini:** Thank you.

**President:** Chair recognizes Senator Seliger for a motion.

**Senator Seliger:** Mr. President, I move passage to engrossment of Senate Bill 2.

**President:** Senator Davis, for what purpose do you rise?

**Senator Davis:** I'd like to make a comment on the bill, if I may—

**President:** You're—

**Senator Davis:** —Mr. President.

**President:** —recognized.

**Senator Davis:** Thank you. Members, as you recall, we're here today having this conversation because the court denied preclearance to the last session's state-adopted Senate plan, having found intentional discrimination in the process used to adopt it. As a result, the 2012 election in District 10 was conducted with the current court-ordered boundaries to protect minority voting rights. It's important to note, however, that since the court's opinion was issued, minority voters in Senate District 10 have again demonstrated their ability to elect their candidate of choice, so that district has now established historical success by demonstration of successfully making that choice in two separate election cycles. The map for Senate District 10 in Senate Bill 2 contains none of the illegal retrogression or other violations of the Voting Rights Act or the U.S. Constitution of the original map as it pertains to the drawing of that district. There is broad agreement among all groups that this plan is fair and legal as it pertains to Senate District 10, and I'm calling on you to adopt the interim State Senate redistricting plan as the final plan. Thank you, Members. Thank you, Senator Seliger.

**President:** Thank you, Senator Davis. Senator Ellis, for what purpose do you rise?



**Senator Ellis:** Just to make a brief statement, Mr. President, on the bill.

**President:** You're recognized.

**Senator Ellis:** Thank you, Mr. President and Senator Seliger. As I mentioned to you briefly on the floor, I did submit a record to the statement, a statement to the record, but I know y'all haven't seen me in a few days, so, I'll just make a few brief points. And I made these when the initial redistricting came up on the Senate floor at the end of the last session at some point. I'm going to, I voted, I will vote for this plan today, primarily to protect the changes that the court made in Senator Wendy Davis' area. I did not file a lawsuit about my belief that there was retrogression in the Harris County area, particularly in Harris County, because I didn't want to spend a million-plus on legal fees, as Senator Davis did, to get us to where we are today. I think that if I had gotten lawyers to represent me and been willing to pay the legal expenses, that you all would've made some of the changes that I think should be made in Harris County area. As it relates to my district in particular, I think it was packed. And as I understand the Voting Rights Act, it has a negative impact on minority voting strength, both when you crack minorities up in such a way that you dilute their strength, but it is also possible to pack them into certain districts. And we've had such tremendous growth in Harris County, particular, over 1.8 million Latinos, 930,000 African Americans in Harris County and Fort Bend County combined. If you add our Asian Americans and other minority residents in the two counties, overall total is about 3.5 million minorities, compared to 1.5 million Anglos. Under the interim map configuration, which maintains all Senate boundaries as drawn by the Legislature in 2011, every part of the state except the DFW region, those minority residents are packed into three Senate districts and then cracked among several areas, several others. My Senate district has a Black plus Hispanic population of nearly 90 percent, and I'm proud to represent all of them, but I think that their views would be represented even if you didn't have someone representing a district with a 90 percent African American and Hispanic population. Senate District 6 has a non-Anglo population of 88 percent. Senate District 15 has a combined Black, Hispanic population of 72 percent. Obviously, all three districts are overwhelmingly Democratic. The other five Senate districts are very carefully constructed to absorb some minority population, but not too much, certainly not enough to protect the minority voters to elect their candidate of choice. In each of these districts, the combined population is always over 30 percent, but just under the barely 50 percent. In each one, minority voters are overwhelmed by Anglo voters who bloc vote against minority-preferred candidates by design. I'm not going to read all of my statement. I put it into the record, but just to sum it up, I just want to make the case, I think that those districts were in, my district was intentionally packed, so were the others, to dilute the minority voting strength and the power that they would've had in those other districts. I do appreciate the time that the Committee put into having these hearings around the state. I went to the hearing in Harris County. I didn't pack the hearing with a lot of my constituents on very short notice, to go in and make these points, but I can assure you, they are concerned about them. And I just wanted to make sure that I put this in the record. Thank you very much. I will vote for this bill. I do regret that I wouldn't have had the ability to have my voice heard even more if we'd been voting with the two-thirds tradition. But I will vote for this bill.

**Senator Seliger:** Thank you.

**President:** Senator Whitmire, for what purpose do you rise, Sir?

**Senator Whitmire:** I'd like to speak on the issue before us.

**President:** You're recognized.

**Senator Whitmire:** Mr. President, Members, Senator Seliger, a lot of recognition for your hard work and transparency, and I think you've done the very best you could under the circumstances. Mr. President, I would like to vote "no" against the Senate plan that we are ratifying today, in protest of the change of the rules, which took place so we can even have this conversation today. But for a change in the rules, it would be my opinion that we would not be having a special session. So, where I would like to vote "no" in protest, Senator Seliger, I had to place this matter in what I, in my life, I call the greater good test. Even though I'd like to protest us being here in special session for a very political matter that would've not been brought up in a regular session, we're here. So, then, I have to look at the greater good of protesting my vote with a "no," Senator Seliger, or voting for it, which I intend to do, out of respect for each of the 31 Members and the integrity of their districts and the voters that have sent them here for this process. Even though I often don't agree with some of these individual Members, in fact, I do disagree strongly with some Members' positions, I respect the process that got them here, the redistricting process which allowed us to represent over 800,000 people. Particularly, the greater good would be for me to vote to protect those districts and the integrity of the voters' decisions, as it relates to Senator Davis, who, I think, we'd all have to agree, got unusual attention in the redistricting process by this body and, ultimately, the federal courts. I respect the choice of her district and intend to vote to protect those lines, or certainly make that statement confirming those lines, out of respect for her voters in that process. But I have to make a statement that I still strongly disagree with taking up this issue, because, Members, hopefully each of you that have spent one day in this deliberative body knows how important the two-thirds vote is. Senator Patrick, whether it's your education issues, Senator Huffman, whether it's how you use the two-thirds to block some criminal justice issues that you strongly oppose, whether it's an outstanding transportation plan that Senator Nichols has designed, with Senator Williams' assistance in the great budget that represented the diverse views of this body, whether it's going to allow Texans to once and for all have a water plan, the two-thirds plan works and builds consensus on behalf of the people of Texas. And each time we come into a special session, Mr. President, and we waive that two-thirds, we destroy that two-thirds, we're chipping away at a fundamental procedure that I, after 30 years, know works for the people of Texas. So, where I would like to vote "no" in protest for us being here on a very political, partisan matter, I can vote in good conscience for it because this Senate plan would've passed under a two-thirds rule in a regular session. It was only when we lump it with the congressional and the House that you got the resistance based on a two-thirds rule. So, yes, I'm going to vote for the plan under protest of doing away with the two-thirds because I think it's the greater good for this body and the people of Texas, and I respect the political process that sent each of these 31 Members here from their diverse districts. Thank you.



**Senator Seliger:** I appreciate and respect your views on all of the issues on the floor today, Dean Whitmire.

#### **Remarks Regarding Senate Bill 4**

The following remarks regarding **SB 4** were ordered reduced to writing and printed in the *Senate Journal*:

**Senator Seliger:** Senate Bill 4 adopts the congressional map. The map is C235, used for the 2012 election cycle that was ordered by the three-judge panel for the United States District Court for the Western District of Texas in the Davis versus Perez lawsuits. Subsequently, all three plans were denied preclearance, and the district court's interim plans were proven to be judicious. The interim plans remedy, we believe, the legal flaws found in the federal court in D.C., and it is because of that, that they were implemented, and everyone currently serving Texas in the U.S. Congress was elected. Enacting those plans will help bring a close this chapter of redistricting. They will almost ensure that the ongoing litigation over the redistricting plans will be brought to a swift end and will ensure that the confusion and any delay associated with the 2012 election cycle will not repeat itself, at least, for this decade. And because interim plans only alter the legislatively drawn lines were necessary to fix legal flaws with the agreement of the litigants involved, enacting the interim plans will give effect to the will of the Legislature and the people of Texas. The interim congressional plan addresses the legal flaws found by the D.C. district court, and the D.C. district court denied preclearance because the congressional plan lacked an additional minority district. The interim plan also remedies that legal challenge. The District of Columbia district court also found that the Legislature impermissibly excluded district offices, residences, and certain economic engines from certain existing minority districts. It's important to note at this point that the most recent contact with our Legislative Council to Members of Congress for district offices and residences and things went largely unanswered, and so there's some information lacking because it was not offered. Like other interim plans, the interim congressional plan garnered significant support or lack of challenge from some groups challenging Texas redistricting maps. And it's interesting to note that the Latino Redistricting Task Force, which is made up of a number of Latino advocacy, election advocacy groups, like the GI Forum, like MALDEF, and others, have not contested and have not protested, to the best of my knowledge, this plan.

**President:** Senator West, for what purpose do you rise, Sir?

**Senator West:** Question of the author.

**President:** Will Senator Seliger yield?

**Senator Seliger:** I do.

**Senator West:** Senator Seliger, thank you, first of all, for taking the, realistically, we've gone all over the State of Texas, all except Dallas.

**Senator Seliger:** Yes, Sir.

**Senator West:** And I requested several times to have a hearing in the Dallas-Fort Worth area. Is that correct?

**Senator Seliger:** Yes, Sir.

**Senator West:** And you as Chairman, denied that, denied that request?

**Senator Seliger:** Yes, Sir.

**Senator West:** Okay. In terms of the San Antonio court, did the court basically say that it would be, this, the interim map was just basically a preliminary determination and it could be revised upon full analysis? Do you recall them saying that?

**Senator Seliger:** I'm not aware of the court characterizing them as temporary, but as interim maps.

**Senator West:** Okay, are you familiar with the language then, the court explicitly, does it tell you that its process was expedited and that it was, it was able to make only preliminary conclusions that may be revised upon full analysis? Did anyone inform you of that quote by the court?

**Senator Seliger:** Not specifically of that quote, but the sentiment that they were, indeed, interim maps, yes, Sir.

**Senator West:** Had you known that the court had made that statement, would you have looked, done further analysis of the interim maps to see whether or not they comply with the Voting Rights Act, specifically Section 5?

**Senator Seliger:** That examination and opinion was done largely by the Texas Attorney General, who felt that the court approved these maps because they felt that they were compliant with the Constitution and with Section 2 of the Voting Rights Act.

**Senator West:** That's the same Attorney General's office that took the congressional map to the D.C. court for preclearance, too. Is that correct?

**Senator Seliger:** Yes, Sir.

**Senator West:** And that, so, and that's the same Attorney General that got the opinion back from the D.C. court that basically said that Texas had engaged in intentional discrimination.

**Senator Seliger:** That is the same Attorney General's office.

**Senator West:** Okay, so, we're relying upon that advice, and we've had some good advice from the Attorney General's office on other areas, but we're relying upon that advice that led us to the D.C. court, as opposed to the Justice Department, and we got this opinion back basically saying that Texas has engaged in intentional discrimination.

**Senator Seliger:** In truth, it's the only Attorney General that we have. And if some of their opinions and decisions are not infallible, then so be it. But I think that you would agree that's probably true of any attorney or group of attorneys in almost any sort of testimony.

**Senator West:** I agree with you wholeheartedly. I've been on both sides of an issue myself, sometimes. But the reality is that given that the San Antonio court made its decision prior to the D.C. court, it seems as though that would've given us pause to



look at exactly what the San Antonio court said about doing a full analysis of the preliminary plan, prior to us passing this partisan plan again. Would you agree with that?

**Senator Seliger:** I think possibly in principle, but I think as time goes by, and there has been further analysis and discussion, I think it's not unreasonable for me to assume that that opinion is better developed now than from the day when the court issued the statement to which you refer.

**Senator West:** Okay, now, just kind of, let's look at Texas' history, as it relates to elections. Okay. Voting rights, the voter ID bill, that's the same Attorney General that is taking on that challenge, right, and basically, the Supreme Court hadn't ruled on that, the same Attorney General that's trying to get Section 5 of the Voting Rights Act set aside.

**Senator Seliger:** Yes, Sir.

**Senator West:** Okay, these are the facts. Alright, now let me ask this. It's your intention, is it your intention on the floor today not to accept any amendments offered by anyone to this preliminary matter?

**Senator Seliger:** If the amendments are not compelled by the Constitution or the Voting Rights Act, it is my intention not to accept them.

**Senator West:** How do we make a determination as to whether or not it's compelled by that, by the Voting Rights Act or the Constitution?

**Senator Seliger:** I think all of the amendments that will be offered on the floor were offered by yesterday, subject to my request, which I appreciate very much, by the way, and have been reviewed by the Attorney General's office and by the Committee counsel and Legislative Council.

**Senator West:** And all of those individuals that have reviewed the proposed amendments have said what?

**Senator Seliger:** They have submitted notes to me based upon the assertions made by changes in the map, whether they are or are not compelled by Section 2, the same sort of advice—

**Senator West:** Section 2 or Section 5?

**Senator Seliger:** —in this case, Section 2, as it relates to the court. I don't have, there are some things related to Section 5 in this, but the primary focus has been the San Antonio court.

**Senator West:** Okay, so, help me understand this. So, the analysis that you have gone by is a Section 2 analysis, not a Section 5 analysis?

**Senator Seliger:** There are some notes here, and I will make some comments based upon Section 5 going forward, but the majority of the analysis has been accorded, has been about Section 2.

**Senator West:** So, if Section 5 is upheld, what impact would that have on your consideration of amendments to this particular map?

**Senator Seliger:** If Section 5 is upheld by the Supreme Court and this bill passes, it is my understanding that it will have to then be submitted to the court for preclearance.

**Senator West:** And so, given Section 5 analysis, you feel as though the amendments that would be offered would not be applicable because, that the map would satisfy the Constitution and also the Voting Rights Act, specifically Section 5?

**Senator Seliger:** Would you say that again, please?

**Senator West:** Yes, there're amendments that individuals have, frankly, they offered in the Committee and may offer on the floor, in order to make certain that the mandates of Section 5 and the Voting Rights Act are complied with. It's my understanding that what you, based on your previous statement, that you don't intend to accept any of those amendments because you believe that if, indeed, Section 5 is upheld, that the map that you are offering, the preliminary map, comports with the requirements of Section 5 in the Voting Rights Act.

**Senator Seliger:** Well, that, I think, is what's going to be asserted by our attorneys. I make no such assertion on my own, but I think, right now, references to Section 5 are relevant, certainly, in some context because it is still the law of the land.

**Senator West:** Okay, and so all of your work, so for purposes of this record, all of your work and stewardship of this particular bill has been done pursuant to current law?

**Senator Seliger:** Keep in mind also that I don't practice law, and so, has my work been done to apply the law to these, as you would? No, Sir, I can't say that.

**Senator West:** What would you say then?

**Senator Seliger:** I would say that I've taken the information given me, as we analyzed each particular amendment and sought that professional advice. Am I compelled, or are we compelled by either Section 2 or Section 5 to allow certain amendments? I make no legal judgments of my own.

**Senator West:** Let me make certain I understand this then, that the advice that you've received has been based on making certain that whatever we pass out of this, out of this body, as we have done in other areas, comport with current law.

**Senator Seliger:** You are asking me how both our Committee counsel and the Attorney General have reached the conclusions that worked our way through notes, I can't answer that. That's for them to answer.

**Senator West:** Well, I'm asking you how would they have advised you as the Chair of the Committee? That's what I'm asking.

**Senator Seliger:** I think a lot of that is covered by attorney-client privilege and wouldn't care to share it, only that I have sought their advice on all the amendments.

**Senator West:** Okay, so this bill does or does not comport with current law, that's all I'm asking.

**Senator Seliger:** You're asking for a legal decision, and I don't make those, Senator West. I'm not a lawyer.



**Senator West:** Okay, well, let me ask the question this way. In drafting the map and presenting it to this body, is it your intent that this particular map comport with current law?

**Senator Seliger:** I didn't draft this map. It was a product of the negotiation of the litigants, and I think largely the Davis lawsuit, and approved under which we could hold elections in 2012. I didn't draw these lines.

**Senator West:** In authoring this map, is it your intent that it comport with current law?

**Senator Seliger:** It is my intention that it should, yes, Sir.

**Senator West:** Okay. And so, any amendments that are offered, you have scrutinized those amendments through the process that you engaged in, in order to author this particular bill. Is that correct?

**Senator Seliger:** I think that's a reasonable assessment, and that being said, let me say that I think the amendments that have been offered, the ones that were offered in Committee, I think they, in largest part, were legal. Were they compelled, as I asked each offerer, by Section 2, or were they proscribed in different context by Section 5?

**Senator West:** Oh, okay, well, the analysis, the Section 2 analysis, I don't recall hearing that in Committee, and I think I was at all the meetings. You asked the authors of the amendments as whether or not they comply with Section 2?

**Senator Seliger:** Not whether they complied with Section 2—

**Senator West:** But whether—

**Senator Seliger:** —whether they were compelled by Section 2. And correct me if I'm wrong, because you and I have been to the same redistricting things. Section 2 makes certain, absolute requirements. And so, my questions of the people who offered those amendments were, is this required by Section 2, not necessarily are they legal under Section 2 or the Constitution, but are they compelled.

**Senator West:** What do you see the Section 2 requiring?

**Senator Seliger:** Here's the way I, here's a layperson's assessment—

**Senator West:** Okay, sure—

**Senator Seliger:** —and I think this is sort of a statement, and you grade the paper, that if a Legislature can create a district in which a historically underrepresented minority can elect a candidate of its choice, then the Legislature must do that.

**Senator West:** —okay, alright.

**Senator Seliger:** That is a layperson's understanding of Section 2.

**Senator West:** What about Section 5?

**Senator Seliger:** Section 2 requires preclearance—

**Senator West:** Section 5.

**Senator Seliger:** —Section 5, I'm sorry. Section 5, once again, as I understand it, one, requires preclearance, not only of maps and elections but the lines drawn for school districts and cities and things like that, and as I understand Section 5, it also proscribes retrogression in maps. And as I understand that, that is lessening the ability of a minority-represented candidate of choice where it existed previously.

**Senator West:** Okay, so, let me just make sure I understand. If, indeed, there was an amendment that allowed for minority underrepresented groups to elect a candidate of its choice, you would be supportive of that?

**Senator Seliger:** No, Sir, not necessarily. Not unless it is required by the law.

**Senator West:** Under what conditions would it be required by the law?

**Senator Seliger:** As I have pointed out, if, let's say, under Section 2, that it is required to draw a certain district to make the change in the existing map, then it's required.

**Senator West:** Do you find that in any instance in the map that you currently have before us that there's a requirement under Section 2 to draw such a district?

**Senator Seliger:** I don't make those judgments. I believe that the map that has been offered today does comply, and the reason I reach that conclusion is, it is the product of negotiation of litigants and approved for elections by not just a federal district court but by a three-judge panel.

**Senator West:** Of some litigants, not all litigants.

**Senator Seliger:** Not all—

**Senator West:** Right—

**Senator Seliger:** —litigants.

**Senator West:** —and so, again, based on that product by those litigants, you don't plan to offer or accept anything, I should say, from anyone else that would kind of make it a better product?

**Senator Seliger:** Better product is in the eye of the beholder, and I feel the persons who offered the amendments will feel certain that it improves the map. It's not a question of improve, it's that's, it's not art, it's whether they are required by law.

**Senator West:** No, I should say, under the language by the San Antonio court, that would assist them in a fuller analysis of compliance with Section 5 and Section 2 of the Voting Rights Act.

**Senator Seliger:** I'm sorry, I don't understand the significance of a—

**Senator West:** What I'm, what I'm saying is this. You said the litigants, some of the litigants signed off on this preliminary map, and you recognize that the decision by the D.C. court was subsequent to the San Antonio court drawing up this particular map, and there's language in that opinion basically saying that it's a preliminary map subject to further analysis. And so, the litigants signed off on a preliminary map that was subject to further analysis, and based on what I'm hearing you say, is that you are okay, you feel as though that there's no need for further analysis of this map by the Legislature.



**Senator Seliger:** I didn't say that.

**Senator West:** Is that correct?

**Senator Seliger:** I did not say that.

**Senator West:** Do you think that there should be further analysis by the Legislature of the preliminary map?

**Senator Seliger:** I think that analysis is inevitable. It doesn't matter whether I approve of it or not. I think it'll take place, quite often, and quite likely, in the context of further litigation. That's up to the discretion of the court.

**Senator West:** Maybe, and you missed my question on that. I said, do you believe that the Legislature, even given that the litigants, some of the litigants came up with an agreement for the preliminary map, whether the Legislature, independent of the litigants, still do further analysis compliant with what the Supreme, the San Antonio court said that it would do?

**Senator Seliger:** I'm sorry, would you say that again?

**Senator West:** The San Antonio court made a statement that it was a preliminary map subject to further analysis. We have not, we, as the legislative body, have not done further analysis. Would you agree with that?

**Senator Seliger:** This body has not done further analysis?

**Senator West:** Right.

**Senator Seliger:** Well, that's not quite true, because as we look at laying out these bills—

**Senator West:** I'm talking—

**Senator Seliger:** —and—

**Senator West:** —about this, uh, what's this—

**Senator Seliger:** —yes, I think—

**Senator West:** —court.

**Senator Seliger:** —that we have done some analysis with our lawyers in a discussion of these maps and are they compliant with the law, yes, that analysis has gone on. It's not really my analysis.

**Senator West:** Okay, so the only analysis that has been done, for purposes of this record, has been with the lawyers?

**Senator Seliger:** In largest part, yes.

**Senator West:** Has there been any further analysis done with the Members of this body?

**Senator Seliger:** Oh, I think a lot of the Members of the body have done analysis, yourself included—

**Senator West:** No.

**Senator Seliger:** —did all that analysis confirm that these ought to be the maps, no, but there're disagreement on maps all the time.

**Senator West:** Okay, let me ask this question. Has there been any further analysis done in conjunction with the Members of this body, of the Committee I should say, of the Committee and the lawyers?

**Senator Seliger:** I have spoken with lawyers at the Attorney General's office and the Committee counsel. What other consultation has gone on between other Members of the Committee and lawyers outside or with Committee counsel or Attorney General, I do not know.

**Senator West:** Okay, but you would agree with me, there has not been a meeting of the lawyers, a private meeting to do the analysis with the lawyers of the Committee, yourself, and Members of the Committee?

**Senator Seliger:** No, we have not had any group meetings.

**Senator West:** So then, for purposes of the record, the only real analysis that you're talking about is the analysis with the attorneys of the Committee, attorneys of the Committee. Is that correct?

**Senator Seliger:** I'm, I'm sorry, say that again.

**Senator West:** For purposes of this record, the analysis that you're referring to is the analysis that you did with the attorneys for the Committee?

**Senator Seliger:** Correct.

**Senator West:** Okay.

**Senator Seliger:** That's not entirely the entire case, though. If you will recall, I announced, I think, in a week and a half ago, that all of the advocacy groups that wanted to come by my office were more than welcome to come by and analyze, as you say, and talk about the maps and changes. We sent, we contacted, I think, 40 different entities, or some number thereby. One came by. One. And they were groups that absolutely have done analysis and things like that, and had the opportunity to come by my office and share that analysis. One did.

**Senator West:** And you contacted those advocacy groups, and which advocacy group came by?

**Senator Seliger:** The Hispanic redistricting task force.

**Senator West:** And that's the only group that came by.

**Senator Seliger:** That's the only one.

**Senator West:** Okay. Is the NAACP in support of this map?

**Senator Seliger:** I have no idea. They didn't come by my office. Did you ask them to?

**Senator West:** Is the, is LULAC supportive of this map?

**Senator Seliger:** I do not know. They didn't come by my office.



**Senator West:** So, again, thank you for your response on the full analysis, but I would ask that you look at the creation of another district in the Dallas-Fort Worth area. That was one of the reasons I wanted to have a hearing in the Dallas-Fort Worth area, so you could kind of look at whether or not it would be comport, and whether or not it would be legally required to have another congressional district in North Central Texas.

**Senator Seliger:** And I appreciate that. And you and I have had this discussion and disagree with our colleagues in the House, with the exact same map, went to Dallas, and their record is going to be available to us for analysis going forward, and it's going to be available to courts going forward, as we look at the Dallas-Fort Worth area. But the subject of a hearing, whether it was House or Senate, is exactly the same because the maps are exactly the same.

**Senator West:** Okay, so, let's explore whether or not that's the normal procedure. Could you tell the Members and myself whether historically, during the regular process of redistricting or just the regular process of this body, that in passing a Senate bill, we relied on information received from the House?

**Senator Seliger:** I would like to think that if we're to make informed decisions about almost any subject, and we make them about important subjects, that we use all the information, that we not take such a parochial or self-centered view, that only the information that we ourselves generate are valid to our discussion. I would say, again, because our colleagues in the House went to the Dallas-Fort Worth area with the exact same map that as we have here today, that I should imagine that testimony and its sentiment and the intensity of it is exactly the same.

**Senator West:** Okay, so, you answered my question, as we have done that in the past?

**Senator Seliger:** I've been here through one redistricting cycle, Senator West, I can't tell you.

**Senator West:** Okay, so, if we haven't done that in the past, then that would be different from what you're doing now.

**Senator Seliger:** Are—

**Senator West:** That—

**Senator Seliger:** —you—

**Senator West:** —correct?

**Senator Seliger:** —saying the only acceptable or good ideas are those things that were done in the past?

**Senator West:** No, no, no, no, no, I'm talking about changes in the process, that's what I'm talking about. And so, what I'm saying and what I heard you say, is that you don't know whether or not in the past we have looked to the House for information in order to pass a Senate bill. That's what I just heard you say, correct me if I'm wrong.

**Senator Seliger:** Well, that may be what you thought you heard me say—

**Senator West:** That's what I'm trying—

**Senator Seliger:** —but it may—

**Senator West:** —to make sure—

**Senator Seliger:** —not be what I thought I said for you to hear me say.

**Senator West:** —okay, what did you say then?

**Senator Seliger:** I think all that information is perfectly relevant.

**Senator West:** Okay—

**Senator Seliger:** The fact that there may be some sort of departure in some context, and I'm not familiar with it, I don't necessarily, makes the process flawed.

**Senator West:** So, you don't know whether or not this is a departure or not?

**Senator Seliger:** I do not. Like I say, I've been here through, you've been here through more redistricting that I have.

**Senator West:** Let me suggest to you it is. Now, let me ask this. You're telling the Members of the body that in making your decision about what to do in North Central Texas, is based on your reading of a transcript from what, the hearing that took place by the House in the Dallas-Fort Worth area?

**Senator Seliger:** I have not seen such a transcript. I expect it.

**Senator West:** Okay, so, if you haven't seen the transcript, how in the world can we take into consideration, even if it's the normal practice, what the House town hall meeting or committee meeting offers for this particular map?

**Senator Seliger:** Because that reading of the transcript at the House hearing, while I think it is useful, is not an absolute requirement. I would point out that we had no hearing whatsoever in El Paso, in Amarillo, in Lubbock, in Tyler. Are all of them essential? You're asserting here that the lynchpin of this entire discussion is a transcript generated in Dallas, and I'm not sure that that's the case.

**Senator West:** Well, again, I'm talking about North Central Texas. I'm not talking about El Paso or Lubbock, any place like that, and you're saying that the House went there and that we should be able to use that in our consideration of this particular map. And what you're telling me now, is that you haven't even read the transcript or had a briefing of the transcript from the House, and you're not taking that into consideration in passage of this map and in determining whether or not an amendment that would offer another congressional district in North Central Texas should, in fact, be considered and supported by you as the author? That's what I'm hearing.

**Senator Seliger:** You're free to, however your hearing works, is fine—

**Senator West:** I'm free. Okay, thank you. Well, I plan on offering a map for North Central Texas, and I look forward to further debate concerning that particular amendment.

**Senator Seliger:** Thank you—

**Senator West:** Thank you—

**Senator Seliger:** —I look forward to—



**Senator West:** —Mr. President.

**Senator Seliger:** —it.

**President:** Senator Garcia, for what purpose do you rise?

**Senator Garcia:** Question of the author, please.

**President:** Will Senator Seliger yield?

**Senator Seliger:** I do.

**Senator Garcia:** Senator, thank you so much for coming to Houston. And, first, let me just also say that I concur with a lot of the comments that my colleague and also Member of the Committee, Senator West, has made. And I, too, am concerned about the court's, San Antonio court's comments that it was an interim preliminary map and also a need for full analysis. So, I wanted to just ask you, first of all, what, in your mind, is a full analysis?

**Senator Seliger:** Senator Garcia, I appreciate the question, but as I said, this is my first redistricting session, and I make no legal analyses because I'm not a lawyer. And so, the procedure that I follow, it's probably not so different than what you do, is look at a map, in this case the interim map, and sit down and talk with our attorneys, look at amendments, look at, look at exceptions to the map and say, what is illegal? What is legal? What is absolutely required? What is not a change made by, that is, is determined by Section 2 of the Voting Rights Act, in this case, but is simply a partisan change, designed to add a chair for partisan reasons, which is never required by law, at least that is my understanding.

**Senator Garcia:** Well, I don't think it's required by law to have partisan considerations interjected into this any more than incumbency is.

**Senator Seliger:** But I—

**Senator Garcia:** But—

**Senator Seliger:** —insist they have been, Senator Garcia, and that's the reality.

**Senator Garcia:** —right, well, but, I guess, I'm, do you think that the hearings were part of that analysis?

**Senator Seliger:** I think we can split hairs. Are they analytical or are they not? Are they partisan, in which case, to what role do they play in analysis? I think the hearings have some value. I think it's important to listen to the people in the State of Texas. It is impossible, I think, as Senator West asserts, to listen to all the people, or the ones that are selected, especially for that. But I think it's all part of the process.

**Senator Garcia:** But wouldn't you agree that the Houston hearing was probably the best attended, higher attendance and more people testifying than any other hearing that we held?

**Senator Seliger:** I thought it was very well attended. I also had the impression that a lot of the turnout was stimulated for partisan reasons. But that's part of the consideration, too. People are welcome to come and provide that testimony that they

think is valuable to them and their communities. I think it's all far, part of the process. Part of the, part of that process is analytical, or something else, I don't know that I can determine that, but I'm not sure anyone else can.

**Senator Garcia:** Right, and by our count, there was about 73 out of 80 people there that testified that asked for an additional minority-opportunity district in Harris County. Did you hear that?

**Senator Seliger:** I don't know what the number is, but what I heard just as often is people who asked for another or more districts represented by Democrats.

**Senator Garcia:** Well, I was at the same hearing, and I didn't quite hear it that way, but the bottom line was that—

**Senator Seliger:** Then we—

**Senator Garcia:** —there was—

**Senator Seliger:** —disagree—

**Senator Garcia:** —about—

**Senator Seliger:** —profoundly—

**Senator Garcia:** —73 of those people who testified asked for an additional district. And do you think the interim map now accurately reflects the population growth of Latinos, in particular, in Harris County?

**Senator Seliger:** Senator, population growth is one thing, and it's a consideration, obviously. And we know about the Latino growth in Harris County, but don't you agree, as you read through this, and you read it in a different context than I do, since you're an attorney—

**Senator Garcia:** Oh, I thought maybe it was because I was Latina.

**Senator Seliger:** —no, it's because you very well wear the colors of Senator Duncan's beloved Texas Tech, if we're going that far—

**Senator Garcia:** Alright.

**Senator Seliger:** —but what we often discuss, and as I read things that come down from the court, seldom, it seems to me, do we read things that are just raw population numbers, but we read things like Hispanic citizens of voting age population, Hispanic voting age population, Black citizens, generally it's Black voting age population, because there's a different context for Black citizens voting age population and Spanish surname voting age registration. And so, it's not just raw population numbers, it's about those people who can and do go vote.

**Senator Garcia:** Oh, I totally agree with you, and if you would've looked at our, both the map that we presented in Committee, you would've noticed that we also were referring to CVAP numbers, not just population numbers. The population numbers just underscore the point. But I guess, my bigger concern is that, did you really seriously consider any other map or any other testimony that was given at any of the hearings because, quite frankly, we haven't changed anything.



**Senator Seliger:** We haven't changed anything, and in the context of other legislation, one could ask on every bill to be introduced, do you take into account everybody's viewpoint that impinges upon that legislation, and things like that. I believe that the map that we're looking at today is a fair and a legal one.

**Senator Garcia:** And you don't think that it was a deviation from our procedures to look at the amendments and adopt and vote on the amendments before we even heard people testify here in Austin this week?

**Senator Seliger:** I'm sorry, was it a departure? We vote in that order on amendments all the time. Normally, we amend the bill and then open the floor to public testimony, if that's what you mean.

**Senator Garcia:** Well, that's what I mean, but to me, if we were really trying to hear from the public, we would've heard from the public before we voted on the amendments.

**Senator Seliger:** But we did. Before there were any amendments offered—

**Senator Garcia:** Well, not after we—

**Senator Seliger:** —just a second—

**Senator Garcia:** —remember we—

**Senator Seliger:** —just a second, before any amendments were offered, we had two hearings in Austin, we had a hearing in Corpus Christi, and we had a hearing in Houston. So, most emphatically, we did take public testimony before any amendments were offered.

**Senator Garcia:** Well, that's the point. We had our amendments due by noon on Monday, and then we voted on Wednesday. I'm not sure that the public had a chance to really look at those amendments or speak to them, because, then, when we had the hearing on Wednesday, we voted on the amendments and then took testimony, that's the point that I'm trying to make. And it seems to me that that's not a process that's really looking for public input, and my biggest—

**Senator Seliger:** That—

**Senator Garcia:** —concern—

**Senator Seliger:** —is your—

**Senator Garcia:** —has been—

**Senator Seliger:** —opinion.

**Senator Garcia:** —from the beginning, if you'll remember in my opening remarks. I mean, what is the rush?

**Senator Seliger:** You sit in a lot of committees right now. Don't you normally take the amendments and then take public testimony in hearing?

**Senator Garcia:** Quite frankly, I think sometimes it depends on the Chair, but I, for this—

**Senator Seliger:** Oh—

**Senator Garcia:** —type—

**Senator Seliger:** —then it's—

**Senator Garcia:** —well—

**Senator Seliger:** —not out of the—

**Senator Garcia:** —well—

**Senator Seliger:** —ordinary.

**Senator Garcia:** —because for this, it's not the ordinary course of business. I mean, this is about the maps that we will be using for a decade. I mean, this is about due process, this is about one person, one vote. I mean, to me, this kind of committee is, should be held to a higher standard, particularly, when you've got multiple court cases looking at our, everything that we're doing.

**Senator Seliger:** When you say that's not the usual process, how was it done in 2011 and 1991?

**Senator Garcia:** Now, I was not there. I have no idea, I—

**Senator Seliger:** Well then, so it may not be the usual process?

**Senator Garcia:** —I don't know.

**Senator Seliger:** Okay.

**Senator Garcia:** But I would've preferred a more robust process, and you're absolutely right, we didn't go to El Paso, we didn't go to Laredo, we didn't go to Harlingen, and I say, why not?

**Senator Seliger:** I asked for a quorum of Members to go to Harlingen, and I find no blame, people are very busy, and they've got a lot of things to do this time of year, but without a quorum going to Harlingen, I felt that there would be criticism, quite frankly, for going to Corpus Christi with a quorum and going to Houston with a quorum and not going to Harlingen with a quorum. And those folks have every consideration everywhere else. This is, when you talk about what's the hurry, I think this bill was filed March the 8th. It's had a hearing in the State Affairs Committee. There's nothing new here.

**Senator Garcia:** Well, that's kind of like, was going to be my last comment, that last time around there was four maps presented that would've created a new minority-opportunity district for Congress by Alvarado, my predecessor, Senator Gallegos, by MALDEF, and by Dukes. My map was not really a new map, it was just a reintroduced map. And I'm just really disappointed that, my impression is, that it was not seriously considered by the Chair nor the Committee, and it fails to really acknowledge the population growth, the voting age population growth of Latinos in a particularly minority congressional district where you can get the African American, Asian, and Latino voters who have historically worked together in Harris County. So, that's my final statement, and I'm sure you have a response, and, but, thank you for giving me the opportunity to ask you a few questions.



**Senator Seliger:** Senator, kind of what you're saying is that you had an amendment or a bill that didn't pass, and so your feeling is, it was not seriously considered. And I respect that view, but don't you think that on this floor, almost everybody here could say that we have had a bill, some of them important bills and significant bills that have not been approved, and then we, too, can say, well, the only reason it didn't pass, because it was not seriously considered?

**Senator Garcia:** No, Sir, because I think this is totally different. This different situation, when I've had some Members of the Committee even indicate to me in private that they really were, they listened, but they were not open to making any changes—

**Senator Seliger:** I—

**Senator Garcia:** —because that—

**Senator Seliger:** —I—

**Senator Garcia:** —was not the—

**Senator Seliger:** —I respect—

**Senator Garcia:** —direction from the leadership, and I'm just telling you what I've been told. So—

**Senator Seliger:** —I respect that—

**Senator Garcia:** —thank you so much.

**Senator Seliger:** —opinion.

**Senator Garcia:** Thank you, Mr. President.

**President:** Thank you, Senator. Senator Rodríguez, for what purpose do you rise, Sir?

**Senator Rodríguez:** To offer a few comments to the author and—

**President:** You—

**Senator Rodríguez:** —on Senate—

**President:** —you're recognized.

**Senator Rodríguez:** —Bill 4. Mr. President, thank you, and, Members, I rise to express my concerns with the proposed congressional map on Senate Bill 4. Members, we all know what happened during the last session, leading to the embarrassing spectacle of the Legislature's maps being redrawn by the courts. And now, we are spending taxpayers' money to fight the Voting Rights Act, the federal law that gives us the tools to ensure that minorities are not being deprived of their constitutional rights. Nonetheless, this Legislature appears bent on repeating history. We all know what happened to open this special session, where the majority decided not to adhere, as the Dean pointed out, to the Two-Thirds Rule, the traditional operating procedure that protects minorities, and not, by the way, based on racial or on ethnic purposes, a minority, whether Republican or Democrat alike, and has been the hallmark of the Texas Senate, the Senate's distinction as the most deliberative body on Earth, as some people like to say. I will restate this because it cannot be emphasized

enough, Senator Seliger, minorities and, in particular, Hispanics make up almost 90 percent of the state's population since 2000, and I don't think that's disputed. In this new Texas, and I emphasize, new Texas, that we are building together, we gained four congressional seats based on the increased population in the Latino community, but only two of those were majority-minority under this proposal. You cannot draw maps to exclude minorities from opportunity. This is what happened in 2011, and while the court stepped in with an interim solution, it was stated very clearly at the time that the court's maps did not fully address all the constitutional issues. These were just interim maps, temporary maps. I believe what has happened is that one side of this discussion has looked at the facts and realized that they could not do better for their side, but I think we can do better in Texas, and we must. For once, in redistricting, Members, Texas should do the right thing. We should allow everyone to fully participate in this process and pass maps that accurately reflect the demographics of this state. And I'm afraid that this map does not do so because as it has been acknowledged, it pretty much remains the same as it was when the courts, at least the court up in Washington, D.C., the federal court in D.C., found purposeful discrimination. And I think that, while I understand that that's on appeal, that is the current finding of the federal courts. And I'm afraid that with today's passage of this particular Senate Bill 4, that there will be similar finding in the future. Thank you, Mr. President and Senator Seliger.

**Senator Seliger:** Senator Rodríguez, when you say for once this body ought to do the right thing—

**Senator Rodríguez:** Yes.

**Senator Seliger:** —are you stating unequivocally that in the past, 2001, 1991, 1981, 1971, which was the first redistricting cycle after the Voting Rights Act, that everything the Legislature did was the right thing?

**Senator Rodríguez:** I believe that every single time that Texas has done redistricting since the period that you're talking about, the courts have found problems with the maps. There have—

**Senator Seliger:** So, then the—

**Senator Rodríguez:** —been challenges.

**Senator Seliger:** —Legislature didn't do the right thing, did they?

**Senator Rodríguez:** Well, it did not.

**Senator Seliger:** But you're saying that now, for the—

**Senator Rodríguez:** I say for—

**Senator Seliger:** —first—

**Senator Rodríguez:** —once.

**Senator Seliger:** —time—

**Senator Rodríguez:** Yes, I'm—

**Senator Seliger:** —the Legislature—



**Senator Rodríguez:** —saying—

**Senator Seliger:** —ought to do the right thing. Then you acknowledge that the Legislature's not been doing the right thing going back to 1971—

**Senator Rodríguez:** —no, I'm—

**Senator Seliger:** —which—

**Senator Rodríguez:** —I'm—

**Senator Seliger:** —is it?

**Senator Rodríguez:** —I'm saying, simply, the Legislature has not been doing the right thing on these maps and that for once, today, this time, we ought to draw maps that comport with the constitutional requirements. That's what I'm saying.

**Senator Seliger:** Thank you.

**Senator Rodríguez:** Thank you.

**President:** Senator Watson, for what purpose do you rise, Sir?

**Senator Watson:** Question of the author.

**President:** Will Senator Seliger yield?

**Senator Seliger:** Yes, I will.

**Senator Watson:** Thank you, Mr. President, and thank you, Senator. I want to follow up on a couple of things that, when Senator West was asking you questions, and make sure I understood. First of all, the counsel that you refer to, that you have met with and discussed these maps, is that the counsel that, is that Mr. Heath?

**Senator Seliger:** Yes, he is the Committee counsel.

**Senator Watson:** And when you say Committee counsel and you're asserting a privilege, is he your counsel as Chair of the Committee, or was he counsel to the entire Committee, so that the privilege would extend to people like Senator West and other Members of the Committee?

**Senator Seliger:** He is the counsel to the Committee, individually and collectively.

**Senator Watson:** Thank you. As I understood you in your answers to Senator West's questions, you indicated that you would be willing to take an amendment only if compelled by Section 2 of the Voting Rights Act. Did I understand that correctly?

**Senator Seliger:** No, I don't think so, completely, because I think when it comes to questions of retrogression, under current law, we can't ignore Section 5.

**Senator Watson:** Okay. So, but you're looking at it only from the standpoints of Section 5 and Section 2? Section—

**Senator Seliger:** No, Sir.

**Senator Watson:** —2 for, we, the, I'm trying, didn't help me with that. I'll go back to my original question. Are you going to take amendments only if compelled by Section 2 of the Voting Rights Act?

**Senator Seliger:** I don't think exclusively, no.

**Senator Watson:** What would be the other situations where you would be willing to take an amendment to Senate Bill 4?

**Senator Seliger:** I think that if there were a compelling argument under Section 5 provisions of the Constitution, and I can't tell you what they are. Are there other requirements of the law? I can tell you that most of the review that I have looked at, primarily, are around those subjects.

**Senator Watson:** Alright. So, you would agree with me that in order for this body to do its legal duty and do right, we would need to make sure not only that there was compliance with the Voting Rights Act but also compliance with the United States Constitution.

**Senator Seliger:** I think in such other provisions or law that Members of this body think are relevant and wish to discuss or introduce, things absolutely that I'm not aware of, but the body's free to discuss whatever they want.

**Senator Watson:** But certainly one of those requirements would be that this body follow the United States Constitution.

**Senator Seliger:** I think that's probably a good guideline all the time.

**Senator Watson:** Well, fair enough. We'll talk a little more about that then. With that being the case, you agree with me, don't you, Mr. Chairman, that there can be situations where this map can violate provisions of the United States Constitution, even if it is not violative of Section 2 or Section 5 of the Voting Rights Act?

**Senator Seliger:** You're asking me for a legal judgment, Senator, and I make no such thing.

**Senator Watson:** Do you, as Chair, have a position on whether or not this map can be violative of the United States Constitution in some particular, even though it doesn't violate Section 2 or Section 5 of the Voting Rights Act?

**Senator Seliger:** You are asking me, can I make a judgment if this is violative of the Constitution even if it conforms with Section 2 and Section 5. Once again, you're asking me for legal judgment, and I don't make them.

**Senator Watson:** I'm not asking you for a judgment. I'm asking you for, as this map gets laid out, as you lay out this map, as the author of the map, and you ask Members to vote on it, are you considering whether there are aspects of the map that violate the Constitution independently of violating the Voting Rights Act?

**Senator Seliger:** I will, I'll accept any argument anybody wants to make, but as I said before that I believe this map is fair and legal.

**Senator Watson:** So, you won't answer my question on whether or not you believe that it must, that there could be violations of the Constitution even though it doesn't violate the Voting Rights Act.

**Senator Seliger:** I don't determine whether provisions are, or things are offered are violative of any part of the Constitution, that's a question for lawyers. And as it's made very clear that this bill is going to be seen by a lot of lawyers, I don't make those judgments.

**Senator Watson:** The amendment that I offered in Committee, you were not at that time willing to accept that amendment, and I take it you would not be willing to accept that amendment on the floor.

**Senator Seliger:** I am not.

**Senator Watson:** During the regular session that was just completed, you had filed a version, it was not SB 4, I don't remember what the number was, but it was the same bill as what we're seeing with this congressional bill. Is that right?

**Senator Seliger:** Yes.

**Senator Watson:** Alright, so—

**Senator Seliger:** It's exact same bill, exact same map.

**Senator Watson:** —and during the regular session of the Legislature, at that point in time, that bill was blocked from coming to the floor.

**Senator Seliger:** I'm not aware of a block or anything else. All I'm aware is, was, I was given a hearing in front of the State Affairs Committee, there was not a vote taken in the State Affairs Committee, and what went into that consideration I was not privy to.

**Senator Watson:** Oh, so you don't know whether there was a block on the congressional map during the regular session of the Legislature?

**Senator Seliger:** No, I suspect you'd be the authority on that, but nobody said anything to me about it.

**Senator Watson:** Okay. During this special session of the Legislature, we are not following the tradition that is typically followed of having a blocker bill and allowing of, or require, having a requirement that there be a motion to suspend, requiring a vote of two-thirds of the Members of the Senate. Is that correct?

**Senator Seliger:** True.

**Senator Watson:** And so, this bill, SB 4, is on the floor today without the necessity of there being a motion to suspend the regular order of business and have a two-thirds vote of the Members.

**Senator Seliger:** That's true.

**Senator Watson:** Mr. Chairman, you're aware that the Democratic Members of the Senate represent over 60 percent of the Hispanic population of the State of Texas under the map that we were elected under in the last election. Is that correct?

**Senator Seliger:** I believe that to be true. I don't have the figure sitting in front of me.

**Senator Watson:** You're also aware as Chair of the Senate Committee on, the Special Committee on Redistricting, that the Democratic Senators in the Texas Senate elected under the map that we were all elected under in the last cycle, we represent a majority of the Black and Hispanic citizens of the State of Texas.

**Senator Seliger:** I believe that to be true.



**Senator Watson:** You're also aware, I think, that the Democratic Members of the Senate make up at least one-third of this Senate. Is that correct?

**Senator Seliger:** I believe that's true and are still decidedly in the minority.

**Senator Watson:** That, while that may be true, if the regular rule that requires there to be, or tradition that requires there to be a motion to suspend the rules in order to take up a bill, what we typically and traditionally refer to as the Two-Thirds Rule, those that represent over 60 percent of the Hispanic population and a majority of the Black and Hispanic population would be in a position to prevent such a bill coming to the floor if that tradition were being followed. Is that correct?

**Senator Seliger:** I think that's true, but it brings up another issue that's particularly important. That unless I'm mistaken, in the past there have been Lieutenant Governors who are Democrats who have also presided over special sessions in which there is no blocker bill. Now, I'm sure they had a far better reason, but the fact remains is that the same situation has existed other times in this body under a different sort of leadership, at least party.

**Senator Watson:** My question, that's obviously not an answer to my question, so let me ask my question again. My question is, that if those who represent over 60 percent of the Hispanic population and represent over 50 percent of the Black and Hispanic population in the state believed that this bill improperly impacted the Voting Rights Act, the voting rights of those individuals, if we were following the tradition of the Two-Thirds Rule with a blocker bill, those representing those individuals would be in a position to block this bill.

**Senator Seliger:** As would it have been the capability of the Republican minority in years gone by when this body was presided over by a Democrat.

**Senator Watson:** So, the answer's yes, huh?

**Senator Seliger:** The answer is the one I gave.

**Senator Watson:** Alright. Do you know whether in the past, in the Republican minority you were just talking about, the Republican minority represented a majority of the protected racial class in this state?

**Senator Seliger:** I do not.

**Senator Watson:** Under Section 2, one of the things that needs to be addressed is avoiding the dilution of minority voting strength. Is that correct, Mr. Chairman?

**Senator Seliger:** That's the way I understand it, yes.

**Senator Watson:** What is your definition of packing minority voters, and how that has an impact under Section 2?

**Senator Seliger:** With the caveat that mine is a layman's definition, packing is to put so many members of a minority in a certain district that it lessens the ability to elect the candidate of their choice in another or adjacent district. And fracturing is to fracture such a population so it cannot come together and so it will not be a voting bloc that can elect the candidate of their choice. And I apologize for any inadequacies there in the legal description.

**Senator Watson:** Under the concept of fracturing, would you also include in that the same definition with regard to cracking or splitting a minority population?

**Senator Seliger:** I'm sorry, if there are any subtleties or differences in those definitions, I don't know them.

**Senator Watson:** But basically you would put it in the same category as fracturing.

**Senator Seliger:** Once again, I'm not going to make that judgment.

**Senator Watson:** Was there any analysis done during this special legislative session with regard to Senate Bill 4 on whether there was packing, cracking, fracturing, or splitting of the map that you're asking us to vote on?

**Senator Seliger:** As we discuss this, I believe, given the legal advice that I have been given, no, there's not.

**Senator Watson:** There's not been that analysis?

**Senator Seliger:** I don't know if anybody's done the analysis or not, I'm telling you about the information that I have received. I did not do such an analysis.

**Senator Watson:** And your Committee did not do such an analysis.

**Senator Seliger:** Members may very well have, because a lot of folks were represented by a lot of different lawyers. I assume people have addressed it.

**Senator Watson:** But let me ask the question specifically. The Committee itself did not do an analysis of whether there is packing, cracking, fracturing, or splitting of minority populations in Senate Bill 4?

**Senator Seliger:** I am aware of none.

**Senator Watson:** Thank you, Mr. President. Mr. President. Thank you, Mr. Chairman, too, Chairman Seliger.

**Senator Seliger:** Thank you.

**Senator Watson:** Mr. President, I would move that the dialogue between Chairman Seliger and Senators West, Garcia, Rodriguez, and myself be reduced to writing and placed in the Journal.

**President:** That's fine. Members, you've heard the motion by Senator Watson. Is there objection from any Member? Chair hears no objection, and the exchange between the different Senators and Senator Seliger will be inserted in the Journal. Chair lays out Floor Amendment Number 1 by Senator Zaffirini. The Secretary will read the amendment.

**Secretary of the Senate:** Floor Amendment Number 1 by Zaffirini.

**President:** The Chair recognizes Senator Zaffirini to explain Floor Amendment 1.

**Senator Zaffirini:** Thank you, Mr. President. Mr. President and Members, this is the identical amendment that I offered for Senate Bill 2, and that was adopted, I believe, unanimously by the Texas Senate. Basically it removes the section regarding legislative findings that the interim maps are in compliance with federal and state

constitutional provisions and laws applicable to redistricting plans. So, it's the identical amendment. It would simply strike the identical language that we just removed from Senate Bill 2, and I move adoption.

**President:** The Chair recognizes Senator Seliger on Floor Amendment 1.

**Senator Seliger:** Thank you, Mr. President. This amendment is different because it takes on a different context in this map. What the statement is on the bill is it simply says that this bill, these maps satisfy the requirements to be legal maps. Certainly there is disagreement. There will be a split vote on that, but the majority will determine what the sentiment is expressed in that bill. And so, while I will not ask to table the amendment, it is my intention to vote against the amendment and would ask the Members to do the same.

**President:** Chair recognizes Senator Zaffirini to close.

**Senator Zaffirini:** Thank you, Mr. President. Mr. President and Members, as we saw with the originally passed maps that were found to be in violation by the U.S. district court in D.C., this Legislature has a poor track record of accurately determining what is constitutionally and statutorily required of the redistricting process and of redistricting maps. Whether court decisions are properly applied or redistricting maps are in compliance with constitutional and statutory requirements is not in the purview of the Legislature but rather that of the judicial system, which currently's in the process of reviewing the most recent Texas redistricting actions and the resulting maps. What's more, even our own Legislative Council, at a House redistricting hearing in Houston on Wednesday, pointed out that by quoting the San Antonio court that the interim maps are, quote, not a final ruling. These are preliminary determinations on the merits of Section 2. We are only looking at claims that are not insubstantial. These are difficult and unsettled legal issues, unquote. The court made it explicitly clear that these were interim maps. The representative from the Legislative Council went on to say that when the court said there were unsettled legal issues, they meant that they didn't have time to look at all of them. Making these determinations requires a very extensive fact finding, region by region. While the two field hearings at the San Antonio, at the Senate Redistricting Committee held in Corpus Christi and Houston were welcome, they did not allow for testimony from anywhere on the Border, West Texas, East Texas, Central Texas, or the Dallas-Fort Worth Metroplex. And since the maps remain unchanged, it can be assumed that whatever information gathered at the two field hearings was not seriously considered. This limited and restrictive process during a special session designed only to rubber stamp the interim maps is not sufficient for a confident finding, underscore finding, that the maps meet constitutional and statutory muster. The provision in the bills could be interpreted to seek to undermine and cut off the judicial process inappropriately, ultimately would be ineffective, and could serve to complicate the ongoing court cases and increase the time and cost of the litigation. My amendment simply would remove this provision from the bill. It also would result in a revised bill analysis that would not erroneously state that the Legislature is confident that the maps adopted in 2011 are fair and legal and compliant with federal law. Mr. President, I move adoption of my amendment.



**President:** Members, the issue before us is the adoption of Floor Amendment Number 1, which is opposed by the bill sponsor. The Secretary will call the roll.

**Secretary of the Senate:** Birdwell—

**Senator Seliger:** Mr. President, I'm sorry. Is it customary for the author of the bill to close before the vote's taken on the amendment?

**President:** Yes, it is. Chair recognizes Senator Seliger.

**Senator Seliger:** Thank you. And what I would like to say is, Senator Zaffirini is absolutely right. The court said these are interim maps, and the reason they said they are interim maps are there are no permanent maps. This is to be that permanent map that takes into account some of the litigants and the defendants who agreed to this map, and it was put in place by a three-judge panel. And I think that from what I've been told, that is kind of a compelling way to put together a permanent map. When Senator Zaffirini says that on the surface of it the input of the public is not considered by that Committee, I think the only time that some people would be satisfied if what went into the bill is what they want. And it doesn't necessarily work that way, that it will be determined by not individual preferences but by a vote of this body.

**President:** The Secretary will call the roll.

**Secretary of the Senate:** Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodriguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

**President:** There being 15 nays and 11 ayes, the Floor Amendment 1 fails.

**Senator Zaffirini:** Mr. President.

**President:** Senator Zaffirini—

**Senator Zaffirini:** Mr. President—

**President:** —for what purpose?

**Senator Zaffirini:** —I would move that my statement be reduced to writing and entered into the Journal.

**President:** Members, you've heard the motion by Senator Zaffirini. Is there objection from any Member? Chair hears no objection, and the motion is adopted.

**Senator Zaffirini:** Thank you, Mr. President and Members.

**President:** The Chair lays out Floor Amendment Number 2 by Senator Watson. The Secretary will read the amendment.

**Secretary of the Senate:** Floor—

**President:** Think it's being passed out right now.

**Secretary of the Senate:** —Floor Amendment Number 2 by Watson.

**President:** Chair recognizes Senator Watson to explain Floor Amendment 2.

**Senator Watson:** Thank you, Mr. President. Members, today I have a floor amendment that affects only Central and South Texas. I've included the statewide map only as a way to show context, and I anticipate that other amendments that attempt to remedy other flaws in SB 4 would be offered by others. I simply put it in a statewide so that you can see the context. It only impacts Central and South Texas. The interim plan, as has been discussed on the floor already, was entered by the federal district court in San Antonio in February of 2012. As has also been noted, and I think everybody is aware, notably, the D.C. federal court issued its preclearance decision based on Section 5 of the Voting Rights Act in August of 2012. As a result, and despite claims that we've heard today and by others leading up to today, the interim plan, SB 4, does not address, quote, every legal flaw, close quote, that was identified by the D.C. court. This Legislature can remedy this problem given the time, if we're given the appropriate time and if we're given the opportunity. I don't believe that there has been sufficient analysis, in light of the D.C. court, to be saying that SB 4 is what we should be voting on today. I am laying this amendment out. I will not, I will pull the amendment back down because I know in, as we had the dialogue with Senator Seliger, this amendment will not be accepted. And I believe that the die is cast that when the original proclamation for this special session was called, we were going to, this Legislature and this Senate was only going to pass the interim maps. But I do want the opportunity to stress that the Senate and the Legislature can do better, in fact, in my opinion, can do it right. It was not done, in my mind, Senate Bill 4 has not been done with the further analysis that it should have. Members, this amendment is a least-change option. In other words, it's the least disruptive to the interim plan. It's not necessarily what I would write if I got to write it and made no changes. It doesn't necessarily reflect my political preferences, but it's the least disruptive to the interim plan. It also restores a constitutionally protected crossover district in Travis County. And at the same time it adds a new Latino opportunity district, which you will see as Congressional District 34, and it strengthens two existing opportunity districts in order to maintain the same number of opportunity districts in the region as I believe is prescribed by Section 2 of the Voting Rights Act. Members, this amendment fixes a core constitutional defect in the interim plan. This is something that I asked Chairman Seliger about because it's very important to note. This plan can violate the United States Constitution, even independently of whether it meets certain requirements or doesn't need to have certain things happen under the Voting Rights Act. This restores, this amendment restores a crossover district centered in Travis County that the interim plan, SB 4, by simply adopting the 2011 legislatively enacted map destroyed. In the 2009 United States Supreme Court case of *Bartlett versus Strickland*, Justice Anthony Kennedy, in a very lengthy discussion related to crossover districts, defined a crossover district and confirmed that if a state purposefully dismantled such a district, it would raise serious constitutional questions under the 14th and 15th amendments. And, Members, that's exactly what happened in Travis County. In August 2012, the D.C. court held that the 2011 enacted map, and therefore the interim map, and therefore SB 4, had destroyed an existing tri-ethnic crossover district. That district was the former Congressional District 25, anchored in Travis County. This map remedies that constitutional violation by reconstituting the tri-ethnic coalition as the centerpiece of a district centered in Travis County. And this district in the map is

numbered CD 35. There has been no argument placed forward at any point that I know of in this special session as to why this Legislature would not fix these constitutional concerns. In addition, this amendment adheres to Section 2 of Voting Rights Act. As the San Antonio court continues to consider the Section 2 case against the State of Texas, it's important that we also continue to pay attention to this critical component. This map adds a new Hispanic opportunity district in Central and South Texas which is shown as CD 34. The new CD 34 would run from Nueces County into Bexar. And the Hispanic voting age population, commonly referred to as HCVAP, is 58.3 percent, which is well above the threshold required by Section 2 and above the current CD 35. The map also reverses some of the intentional discrimination displayed in the drawing of Congressional District 20. Senator, Chairman Seliger noted when he laid out SB 4 that some of the findings of the federal court in D.C. were that iconic places and economic drivers had been moved out of some congressional districts. He pointed out that some of that had been corrected. In Congressional District 20, they have not been corrected. So, in San Antonio, the legislatively enacted map, which is, was adopted in the interim map and is now part of SB 4, removed historic landmarks and removed economic generators from CD 20. Landmarks like the Alamo, City Hall, the Henry B. Gonzalez Convention Center were taken out of the district previously represented by Congressman Gonzalez and now Congressman Castro. The D.C. court noted that the parties provided more evidence of discriminatory intent than we have space or need to address, and my proposal remedies this. Finally, Members, I would point out that this proposal supports Congressional District 23 as a Latino opportunity district. The interim map made modest improvements in the enacted map, but I believe Section 2 requires more. This proposal that I'm laying out slightly increases the Hispanic CVAP in CD 23 and improves upon the estimated election performance for candidates of choice in that district. Members, as I've indicated, the die has been cast. But what I want to lay out, the reason I want to lay out this amendment is I want to show a proposal that demonstrates that the Legislature does not, in fact, have a false choice between restoring a constitutionally protected district in Travis County and maintaining Latino opportunity districts to the south. Now, I know there are aspects of this that could be changed and could be tweaked or made to be better. If we were following a process that was to allow for that, I believe we could get to a point where we could have a restored district that was not unconstitutional in Travis County and do what we need to do under Section 2 of the Voting Rights Act. However, as I've indicated, from the time the Governor laid down his call by his proclamation, to where we are today, we knew what the result was going to be. We do not have to meet that false choice. This map shows how we do not have to meet this false choice. And I appreciate the fact that you've allowed me to lay this out. And at this time, Mr. President, I will pull down my Floor Amendment Number 2.

**President:** Thank you, Senator Watson. Senator Watson pulls down Floor Amendment 2. I'm going to—

**Senator Seliger:** May I simply say, Mr. President—

**President:** —the Chair recognizes—



**Senator Seliger:** —since the amendment is coming down, as we are custom to the work and scrutiny of this, put in by Senator Watson, is, as we've come to expect, both exhaustive and expert. I don't necessarily agree with it all, but I agree with the quality of the analysis and the exhaustiveness of that analysis.

**Senator Watson:** Thank you, Mr. Chairman.

**President:** —Senator Williams, for what purpose do you rise?

**Senator Williams:** I believe that once we've got the motion before us, it's, I've still got the right to ask a question about this before he pulls it down, don't I? It's customary.

**President:** It's customary. Yes, Sir.

**Senator Williams:** Okay. Well, that's the purpose that I'm rising is to ask the author of the amendment some questions.

**President:** Will Senator Watson yield?

**Senator Watson:** Be happy to.

**Senator Williams:** Senator Watson, is this the same amendment that you offered in the Redistricting Committee—

**Senator Watson:** It is.

**Senator Williams:** —a few days ago? And did we vote on that amendment in the Committee?

**Senator Watson:** No, at that time it was pulled down as well.

**Senator Williams:** And why did you pull it down at that time?

**Senator Watson:** Because, as I've indicated, I believe that the votes of the majority of the Committee would not be there.

**Senator Williams:** Is that what you said in Committee the other day?

**Senator Watson:** I don't think I even gave an explanation. If you remember, I'm not on the Committee.

**Senator Williams:** Yeah.

**Senator Watson:** Senator West pulled it down—

**Senator Williams:** Yeah.

**Senator Watson:** —but I was in agreement with that.

**Senator Williams:** Yeah. Well, I think I just want to make sure that it's a part of the record that, you know, we had a discussion about this, and you didn't attend the hearing in Corpus Christi, is that correct?

**Senator Watson:** Yeah, as I told you that day, I did not.

**Senator Williams:** Yeah. Well, what you've done is you've shifted and substituted your political judgment about what ought to happen in Travis County with what ought to happen in Nueces County. And this is, clearly, the testimony that we had from both Democrats and Republicans would have been opposed to anything like this. I'm not

sure that you even had all the Democratic support on the Committee for what you're trying to do here. So, I just think that's an important part of the record that needs to be made here is that this, we had extensive testimony from both Republicans and Democrats, Anglos and Hispanics and African Americans that they liked the arrangement of their congressional districts, and what you've done here is, really, you've split Nueces County up into three different congressional districts where they are the anchor of a congressional district, so that you could change the boundaries in Travis County. Isn't that what's really going on here?

**Senator Watson:** No. Would you like for me to explain?

**Senator Williams:** You can try, but I mean—

**Senator Watson:** Well—

**Senator Williams:** —it's prima facie—

**Senator Watson:** —I know I'm not going to convince you, Mr. Chairman. You've made that very clear with your constitutional analysis, but let me say what this bill does. What this amendment proposes to do is not only does it restore what I believe to be a constitutionally protected district, it creates, it makes sure that we have the same number of Latino opportunity districts. And with regard to Nueces County, I would say two things. One is that what it does is, right now in Nueces County there are over 200,000 Latino voters who are placed into a congressional district where their voice pretty much doesn't—let me, let me, let me finish.

**Senator Williams:** We didn't hear that, though.

**Senator Watson:** Well—

**Senator Williams:** You're asserting something that was, that we received no testimony to that effect in Corpus Christi.

**Senator Watson:** —well, what I, what I'm suggesting to you is that that's the case if you look at the voting patterns in Nueces County. The other thing that I would say about, so, one of the things I think is what this map would do is, it would create a greater opportunity for those voices to be heard. But what I've also said, and what I think in, is a problem with the current SB 4, is that I'm showing that we can make those changes in a way that would meet the Constitution and the Voting Rights Act. Sure, and I've always said, there may be changes that need to be made to the map to meet other needs, but I wanted to show a demonstration that it could be done. We're not engaged in a process that's really allowing for that sort of analysis to occur, where you and I and others might be able to get together and try to make some additional changes that would meet different needs in different parts of the state. Instead, what we're engaged in is a process outside the traditional rules of the Senate so that we can pass through a map that the Governor placed on the call exactly the way he wanted it to be passed. And that's what we're going to do here today. We're not engaged in the kind of thoughtful process that you seem to be suggesting we should.

**Senator Williams:** Well, Senator Watson, you won't even give us an opportunity to vote on your amendment. You've pulled it down in Committee, and you've pulled it down here on the floor. And I would say this is exactly the kind of debate that we're talking about, and you've preordained the outcome of that, not me and not Senator

Seliger and not anybody else on this floor. And what I would further point out is that the Parliamentarian has already ruled that any matter dealing with redistricting, there's no narrowness to the call. The Governor can't keep us from considering these amendments. That has nothing to do with whether or not this amendment is being considered or not. The simple fact of the matter is that you've run it up the flagpole and you've pulled it down. And I suspect from the, you know, what, the chat that I hear on the floor is you don't have the support from a lot of people in your own party about this.

**Senator Watson:** Well, I appreciate your political advice, and as always, you're always helpful in that regard, Mr. Chairman. And what I would suggest to you is when I say, when I say that the process is preordained, I don't think there's anybody on this floor that doesn't understand that the process is preordained as a practical matter. And I don't think there's anybody on this floor, that if they're candid, they're honest, and they're forthright, wouldn't say that they know what the outcome was going to be from the very beginning of this legislative session. And regardless of the Parliamentarian's statements, as a practical matter, what has not been occurring is something that didn't occur during the last legislative session. And that is that we actually came together and worked on different aspects of the map as a group, and instead SB 4 has worked its way all the way through the process. The bottom line is the courts will have an opportunity to determine whether or not this body is, in fact, failing in its constitutional obligation with regard to Travis County. And I believe that it will ultimately determine that it has failed.

**Senator Williams:** Well, and we clearly disagree about that. I don't believe that there's a constitutional problem with the maps in Travis County. But setting that issue aside, what I really take issue with, Senator Watson, is that you're saying that it's preordained when you won't even let your own amendment be voted on. And this is exactly the deliberative process that our body goes through. What you're concerned about is you're not going to get the outcome that you would like to have. It's not a matter of whether the issues are being considered or not, clearly they are.

**Senator Watson:** Well, we also disagreed during the last session of the Legislature when these maps were passed. I believed that they were a violation of Voting Rights Act, you believed they were not. I believe they were passed with discriminatory intent, you believed they were not. And the federal court, of course, found that they were passed with discriminatory purpose, and that's one of the reasons that we have had the lawsuits. So, you're right, we do disagree. And we will continue to disagree, like we did in the past, where the district court ruled that, in fact, there was discriminatory purpose. Thank you, Mr. President.

**President:** The Chair recognizes Senator Seliger for a motion.

**Senator Seliger:** I have no other comment here. I believe there are other amendments—

**President:** Excuse me.

**Senator Seliger:** —before I move—

**President:** Excuse—



**Senator Seliger:** –passage.

**President:** –me. I've been told that we were through with amendments. The Chair lays out Floor Amendment Number 3 by Senator West. The Secretary will read the amendment.

**Secretary of the Senate:** Floor Amendment Number 3 by West.

**President:** Chair recognizes Senator West to explain Floor Amendment 3.

**Senator West:** Thank you very much, Mr. President and Members. We only get the opportunity to deliberate at this point, and we're going to get the opportunity to vote on this amendment to see exactly how it fares in this deliberative body. As, when you're looking at this particular map, we submitted it to Lege Council, and as it relates to the map, the underlying map, it actually works with the underlying map. This is not a statewide amendment. It's an amendment for North Central Texas. It was not considered by the Committee because it wasn't ready at that time. And we filed it, I believe it was yesterday. Members, what this particular map does, it creates a Hispanic congressional district in North Central Texas. Why is that important? Well, let me just talk to you about, briefly, about the increase in population in the State of Texas. All of us know that we have had about, what, about 5.2 million new residents, most of that being ethnic minority. When you begin to look at North Central Texas, what you begin to see, that the increase in North Central Texas, of the increase in Dallas and Tarrant County, which was about 700, about 668,000 persons, that the majority of that was, in fact, ethnic minorities. Interestingly, when you begin to look at the, Senator Seliger, when you begin to do a further analysis of the population in North Central Texas, and you know that you have two African American congressional districts there that obviously are being retained in your map, but we also have room to develop an Hispanic district. And what is the rationale for that? When you begin to look at the population changes in Dallas County, we lost about 191,000 Anglo voters, citizens in Dallas County between 2000 and 2011. The population increase for Hispanic voters was some 277,000 and for African Americans some 78,000. When you look at Tarrant County, you had an increase of Anglo citizens of about 53,000, but you had an increase of Hispanic residents of some 220,000, African Americans about 86,000. So, you can see there's room for another congressional district that favors Latinos if we have the political will to do it as part of this deliberative process. I want you to come with me one moment and look at districts surrounding Dallas County and also Tarrant County. When you begin to look at some of those districts, first of all, CD 6, that's in the benchmark plan. In the benchmark plan that is anchored in heavily Anglo counties of Ellis and Navarro, and I hadn't looked at the statistics, but I will be willing to bet you that those districts have increased in Anglo populations. But what ends up happening, that the district reaches into Dallas County and Tarrant County to include heavily Hispanic neighborhoods in Dallas, in Dallas County and areas of Tarrant County with rapidly growing Hispanic and African American population. The benchmark has a combined Black and Hispanic citizen voting age population in CD 6, some 38.6 percent. You look at CD 12 and see kind of the same, you look at CD 30, you look at CD 26, it's anchored in Denton County, kind of the same. You look at the Congressional District 26, the statistics may be different, but they end up having odd shapes, and they take in consideration, Senator Seliger, higher minority populations

than are necessary. They kind of dart into the urban counties and take up that population. And when you begin to look at whether or not those representatives represent those citizens by their votes, and let me give you an example, the Affordable Care Act, as one example, which is a big example, those representatives were not supportive of the Affordable Care Act, which was important to many of the Hispanic and African American residents of those particular districts. And so, we have the ability to, under Section 2 and also under Section 5, to create a congressional district where Latinos have an opportunity of electing a candidate of their choice. And so, I would move adoption of the amendment.

**(Senator Eltife in Chair)**

**Presiding Officer:** Senator Seliger on Floor Amendment Number 3.

**Senator Seliger:** Senator West, are you familiar with a rubber band score?

**Senator West:** I'm sorry, say that again.

**Senator Seliger:** A rubber band score that scores the compactness of a district?

**Senator West:** I'm sorry, I didn't hear you.

**Senator Seliger:** Are you familiar with what's considered a rubber band score that scores the compactness of a district?

**Senator West:** A rubber band?

**Senator Seliger:** A rubber band score.

**Senator West:** No, I'm not.

**Senator Seliger:** Okay.

**Senator West:** What is—

**Senator Seliger:** Because there's a—

**Senator West:** —what does that mean?

**Senator Seliger:** —well, there's some details about it I don't understand, and I was going to ask you the question, in Congressional District 33—

**Senator West:** Okay.

**Senator Seliger:** —under this map.

**Senator West:** Yes.

**Senator Seliger:** Are you saying that Congressional District 33 is going to elect an African American candidate of choice?

**Senator West:** Yes. Because we increase, there were some stranded African Americans in one of the other contiguous districts, we're taking those in my map and putting in that particular district.

**Senator Seliger:** Would you define a stranded population, please?

**Senator West:** A, basically, they're in a district that does not represent their interests. I mean—

**Senator Seliger:** So, you're saying—

**Senator West:** –hold on, hold on, let me finish, let me finish, let me finish. And when you begin to look at the voting record of that representative, it's inconsistent with the interest of those individuals.

**Senator Seliger:** –and so, you're saying that Africans Americans in a district are not represented by the representative who is elected in that district, unless that representative is an African American.

**Senator West:** What? Say that again.

**Senator Seliger:** Is that what you're saying?

**Senator West:** I didn't hear what you said.

**Senator Seliger:** Are you saying that, take an African American population, what you call a stranded population, that they cannot be adequately or well represented by a congressman–

**Senator West:** No, no, I'm–

**Senator Seliger:** –or congresswoman–

**Senator West:** –I'm, no–

**Senator Seliger:** –who's not of that race?

**Senator West:** –I would never say that. I think you have to look at the person's record that–

**Senator Seliger:** Then, how are they stranded?

**Senator West:** –let me, let me finish. I think you have to look at the person's record to make a determination. Whether they're Black, White, purple, or pink as to whether or not they have a similar interest for the constituents for that particular area.

**Senator Seliger:** And I'm afraid I don't understand that because what you're talking about is they have a voting record that is not consistent with that so-called stranded population in that district. How is that judgment made?

**Senator West:** Based on the voting record, you look at the voting record to determine whether or not they have used an objective criteria. The objective criteria is, in fact, what the citizens in that particular area, geographical area, what those citizens are interested in, politically, and then look at the voting record of the individuals that represent them to make a determination as to whether or not they're voting their interests has, in fact, been considered and voted upon favorably by the representative. Those, I mean, it's objective. Would you not agree?

**Senator Seliger:** I don't know whether I agree or not. It seems to be such a subjective matter, and in preparing here, I don't think anybody has ever told me that that consideration was part of Section 2 when it comes to demands that it makes on a district. But I have another question. Am I correct in assuming that if one has a Black voting age population, or a Black citizen voting age population, that if one were to reduce those populations in favor of something else, it's my understanding that that is the very definition of retrogression under Section 5.



**Senator West:** I think that what you have, if indeed there had not been a determination of intentional discrimination, you'd probably be right.

**Senator Seliger:** And that leads me to another question, I think, because in Plan C235, the one described in Senate Bill 4, the Black voting age population is 46.4 percent, and the Black citizen voting age population is 53.5 percent.

**Senator West:** What district are you referring to, 33?

**Senator Seliger:** Plan 235, which is the plan offered by Senate Bill 4.

**Senator West:** Right.

**Senator Seliger:** Well now, in Plan C248, in the amendment that you have just offered, the Black voting age population drops a full five points to 41.8 percent, and the Black voting citizens age population drops to 58 percent, to 48 percent, I'm sorry, from 53.5. If I drew that map—

**Senator West:** I would support you.

**Senator Seliger:** —well, I wonder if you—

**Senator West:** Would you—

**Senator Seliger:** —would because—

**Senator West:** —co-author, would you co-author this with me?

**Senator Seliger:** —because what—

**Senator West:** Would you co-author—

**Senator Seliger:** —no, because—

**Senator West:** —this with me?

**Senator Seliger:** —I believe that my basing—

**Senator West:** I would, I would work—

**Senator Seliger:** —I'm sorry, may I finish now?

**Senator West:** —yes, you, yes, you can.

**Senator Seliger:** This appears to me to be the sort of retrogression that we must avoid, and yet you put it in your map.

**Senator West:** May I respond?

**Senator Seliger:** Well, let me ask you a question, though. Is retrogression okay if it's proposed by you, but not okay if it's proposed by me?

**Senator West:** Let me respond to you. If you decide to co-author this particular amendment, it's not retrogressive, not whatsoever. If you decide to co-author this, or if you say, Senator West, I want to submit this amendment, I'd pull mine down and co-author yours. Because the reality is, is what we're doing is maintaining two African American districts up here, where Eddie Bernice Johnson in Congressional District 30, she's been elected 11 times. Marc Veasey's in 33, he would be elected under this particular map also. And on top of that, we take some of those funny looking districts that kind of, where the core of the district is in suburban counties,

where you have an increase in Anglo population, because again you've got to look at the totality of the circumstances. In Dallas County you lost, we lost 191,000 Anglo citizens in Dallas County. Tarrant County, you didn't have a substantial growth in Anglo population so the Anglo population is going somewhere, and so where are they going? They're going to counties outside of Tarrant and Dallas. What counties are contiguous with those counties, with Dallas and Tarrant? Denton, Ellis, that's where they're going. Where are the core of those congressional districts? CD 6, I believe, it's in Ellis or Navarro. And then you look at Denton, and so, and what those districts are doing that are contiguous to 33 and 30, they're darting in, taking ethnic minority population that would be of no political consequences to them because of the sheer numbers. It's the only thing I'm saying is that given that we've had sufficient population growth, we've had sufficient population growth in North Central Texas. This gives us an opportunity to create a Latino district that won't be retrogressive of minority districts. And I'm willing to pull this amendment down if you're willing to author the amendment yourself, and I would co-author it with you. Would you do that, Sir?

**Senator Seliger:** I will not support a district that I think is retrogressive. I think it's the wrong thing to do, but what I will do because I think it does just that, is move to table the amendment.

**Senator West:** Well, let me ask you this before you move to table the amendment.

**Senator Seliger:** No, I've already moved to table.

**Senator West:** Would you allow me to ask you a question before you do that?

**Senator Seliger:** Please.

**Senator West:** Okay. Why do you think it's retrogressive?

**Senator Seliger:** Because, as I've said, it reduces the, what did I say, the Black citizen voting age population in, from 46 point, I'm sorry, the Black voting age population from 46.4 to 41.8, and reduces the Black citizen voting age population from 53.5 to 48 percent.

**Senator West:** Do you agree with me in a Section 5 analysis that you must go beyond mere population data to include such factors as minority voter registration, minority voter turnout, election history, and majority, minority-majority voting behaviors?

**Senator Seliger:** Ah, I am, I'm sorry, I neither agree or disagree but certainly agree that it is your assertion. At the same time, I think that there could be accusation that it's retrogressive and, therefore, I must move to table the amendment.

**Senator West:** And as you're moving to table the amendment, I think that what Senator Watson said a few moments ago, this is, I won't say it was preordained, I'll say it's been predetermined. And so, I'd move to, that we do not amend, that we do not grant your motion to table. So, I'm against it.

**Presiding Officer:** Thank you, Senator West. Thank you, Senator Seliger. Before we take up the motion on the amendment, we have a Motion In Writing by Senator Whitmire to excuse Senator Van de Putte on matters of important business. Is there

objection? Hearing none, motion is adopted. Thank you, Members. The motion is now by Senator Seliger to table Floor Amendment Number 3. Members, you're voting to table Floor Amendment Number 3. Secretary, please call the roll.

**Secretary of the Senate:** Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

**Presiding Officer:** 16 ayes, 11 nays, the motion to table prevails. Thank you, Senator West. Thank you, Senator Seliger. Senator Seliger, you're recognized for a motion.

**Senator Seliger:** Mr. President, I move the passage to engrossment of Senate Bill 4.

**Presiding Officer:** Senator Seliger now moves passage to engrossment. Secretary, would you please call the roll.

**Secretary of the Senate:** Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

**Presiding Officer:** 16 ayes, 11 nays, SB 4 is passed to engrossment. Senator West, for what purpose? Thank you.

**Senator Seliger:** I assume that Senator West was going to ask unanimous consent to reduce these comments and debate to writing.

**Senator West:** That's exactly right, plus I want to make a motion before, I want to set something in the record before final passage.

**Senator Seliger:** I would also move that any pictures taken during that time be only of Senator West.

**Presiding Officer:** Well, at this point, we don't have a motion, we just have mind reading going on. Is there a motion on the floor?

**Senator West:** There's a motion to reduce all comments, my comments, Senator Watson's comments, Senator Seliger's comments for sure.

**Presiding Officer:** Now we have a motion. Members, you've heard the motion by Senator West to reduce the comments made to writing. Is there any objection? Chair hears none, motion adopted. Thanks, Senator West.

**Senator West:** Mr. Chairman. There's—

**Presiding Officer:** Senator West, you're recognized.

**Senator West:** I'd like to speak before final passage.

**Presiding Officer:** Yes, Sir. We're stopping here right now.

**Senator West:** Oh.

**Presiding Officer:** We're going to another bill at this point. Then, we'll come back to that later.



### THIRD DAY

(Friday, June 14, 2013)

**President:** The Chair recognizes Senator Seliger for, no, the Chair lays out on third reading and final passage Senate Bill 4. The Secretary will read the caption.

**Secretary of the Senate:** Senate Bill 4, relating to the composition of districts for the election of Members of the United States House of Representatives from Texas.

**President:** Senator West, for what purpose do you rise, Sir?

**Senator West:** I'd like to speak on final passage of the bill.

**President:** Alright, I'll call on you in just a moment.

**Senator West:** Yes, Sir.

**President:** The Chair recognizes Senator Seliger for a motion.

**Senator Seliger:** Members, this is Senate Bill 2, I'm sorry, Senate Bill 4 is the map for the Texas congressmen. It passed a little while ago, and with a split vote, and since it did pass then, now is a great opportunity to let "Kum Ba Yah" ring all over the State of Texas and all vote for Senate Bill 4. I move final passage, Mr. President.

**President:** The Chair recognizes Senator West.

**Senator West:** Thank you very much, Mr. President. And I'm, I will be voting against final passage of this particular bill, Members, and the reason I'm voting against final passage of this particular bill is because I firmly believe in my heart that there has not been a full discussion of the deliberative process that includes input from all of the Members of the Committee yet, Members of this particular body. I think that the San Antonio court indicated that the congressional map was a preliminary map and gave us the ability to do a little bit more so they could fully analyze it once it's sent back to them. In my estimation, based on the Committee meetings that I participated, the field hearings that I requested, and the field hearings that I've attended, I do not believe that once you look at the evidence in this particular record that there has been full consideration of it. The only thing we're doing is what the Governor asked us to do in the first place. That is to, what was that, Kirk, modify, no, ratify and adopt this particular map.

**President:** Members, the issue before us is the adoption of Senate Bill 4. The Secretary will call the roll.

**Secretary of the Senate:** Birdwell, Campbell, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

**President:** Members, there being 16 ayes and 11 nays, Senate Bill 4 is finally passed.



# **EXHIBIT 6-H**



# SENATE JOURNAL

**EIGHTY-THIRD LEGISLATURE — FIRST CALLED SESSION**

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**AUSTIN, TEXAS**

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**PROCEEDINGS**

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## **THIRD DAY**

(Friday, June 14, 2013)

The Senate met at 1:02 p.m. pursuant to adjournment and was called to order by Senator Eltife.

The roll was called and the following Senators were present: Birdwell, Campbell, Davis, Ellis, Eltife, Estes, Fraser, Garcia, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Patrick, Paxton, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Watson, West, Whitmire, Williams, Zaffirini.

Absent-excused: Carona, Deuell, Duncan, Van de Putte.

The Presiding Officer announced that a quorum of the Senate was present.

Senator Kelly Hancock offered the invocation as follows:

Heavenly Father, we praise You for the opportunity to be in this place and to be used as Your instruments to fulfill the goodwill to the citizens of the great State of Texas. God, we pray as we move forward in deliberation and agreement and disagreement, that we would remember Your scriptures that tell us that we are to be wise, not as the unwise, that we are to make the most of every opportunity. And I pray that today as we go about our business and Your business as You work through us, that we would do just that, that we use the wisdom that You provide, make the most of the opportunities both for our constituents but also for the great State of Texas. In Your name, I pray. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

## **LEAVES OF ABSENCE**

On motion of Senator Whitmire, Senator Carona was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Deuell was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Duncan was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Van de Putte was granted leave of absence for today on account of important business.

**(President in Chair)**

**INTRODUCTION OF  
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

**CONCLUSION OF MORNING CALL**

The President at 1:05 p.m. announced the conclusion of morning call.

**SENATE BILL 2 ON THIRD READING**

The President laid before the Senate **SB 2** by Senator Seliger at this time on its third reading and final passage:

**SB 2**, Relating to the composition of districts for the election of members of the Texas Senate.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Carona, Deuell, Duncan, Van de Putte.

**SENATE BILL 4 ON THIRD READING**

The President laid before the Senate **SB 4** by Senator Seliger at this time on its third reading and final passage:

**SB 4**, Relating to the composition of districts for the election of members of the United States House of Representatives from Texas.

The bill was read third time and was passed by the following vote: Yeas 16, Nays 11.

Yeas: Birdwell, Campbell, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Nays: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Absent-excused: Carona, Deuell, Duncan, Van de Putte.

**STATEMENT REGARDING SENATE BILL 4**

Senator Garcia submitted the following statement regarding **SB 4**:

I proposed amendments in the Senate Select Committee on Redistricting that are labeled C243 and C244 and available online on District Viewer. First I want to make

clear that I would never support a map or plan that retrogresses or harms the integrity of an African American or an Hispanic opportunity district anywhere in Texas, and especially in Harris County.

My plan C243 is an attempt to remove the fracturing that is created by CD 2 inserting itself into inner Houston and an attempt to unpack the three existing minority opportunity districts to create an additional Hispanic opportunity district that reflects the tremendous minority growth in Harris County.

In our election analysis of all four minority opportunity districts created by plan C243, Congressional Districts 9 and 18 will still easily perform as African American opportunity districts. Congressional District 9 goes from 39.6% Black Voting Age population to 35.1% and from 34% Hispanic Voting Age Population to 29.7%. In 2012 President Obama received over 70% of the vote in CD 9 in this configuration down from 78% in the court ordered interim map. U.S. Senate candidate Paul Sadler received 76% of the vote in this configuration.

Congressional District 18 goes from 41.4% Black Voting Age population to 39.4%. and from 34.5% Hispanic Voting Age population to 26.2%. In 2012 President Obama received 71% of the Vote in CD 18 in this configuration down from 78% in the Court ordered interim map. U.S. Senate candidate Paul Sadler received 74% of the vote in 2012 in this configuration.

There is no doubt that all four Congressional districts will remain effective minority opportunity districts and I would not pursue this if I was not completely confident in the performance levels for both the African American and the Latino communities.

In the Houston field hearing on June 8, 2013 at the University of Houston nearly all of the 73 witnesses opposing the map supported additional representation for minority candidates of choice in the Harris County area. Nearly all the growth in Harris County was attributable to Latinos, Blacks and Asian Americans, but minority representation in Congress made no gains in Harris county.

I believe it's time I set the record straight in the Texas Senate on the need for additional minority representation in Harris that reflects the growth over the last decade. I intend to keep working with the NAACP, MALDEF, LULAC and other minority voting rights advocates to pursue representation that does not dilute the voice of Blacks and Latinos in Texas and in Harris County.

GARCIA

### SENATE BILL 3 ON THIRD READING

The President laid before the Senate **SB 3** by Senator Seliger at this time on its third reading and final passage:

**SB 3**, Relating to the composition of districts for the election of members of the Texas House of Representatives.

The bill was read third time.



Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 1 on Third Reading**

Amend **SB 3** (senate committee printing) on third reading by striking SECTION 2 of the bill (page 1, lines 36 through 57) and renumbering the remaining SECTIONS of the bill accordingly.

ZAFFIRINI  
ELLIS  
WEST

The amendment to **SB 3** was read.

On motion of Senator Seliger, Floor Amendment No. 1 on Third Reading was tabled by the following vote: Yeas 16, Nays 11.

Yeas: Birdwell, Campbell, Eltife, Estes, Fraser, Hancock, Hegar, Huffman, Nelson, Nichols, Patrick, Paxton, Schwertner, Seliger, Taylor, Williams.

Nays: Davis, Ellis, Garcia, Hinojosa, Lucio, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

Absent-excused: Carona, Deuell, Duncan, Van de Putte.

**SB 3** was finally passed by the following vote: Yeas 16, Nays 11. (Same as previous roll call)

**REMARKS ORDERED PRINTED**

On motion of Senator Zaffirini and by unanimous consent, the remarks by Senators Zaffirini and Seliger regarding Floor Amendment No. 1 to **SB 3** were ordered reduced to writing and printed in the *Senate Journal*.

The remarks were printed in an addendum to this day's Journal.

**STATEMENT REGARDING SENATE BILL 3 AND SENATE BILL 4**

Senator Zaffirini submitted the following statement regarding **SB 3** and **SB 4**:

Today I voted against SB 3 and SB 4 because they do not reflect a prudent approach to the redistricting process. The legal issues related to Texas redistricting are complex and continue to be litigated in the federal court system. Meanwhile, this Legislature has a poor track record of determining accurately what is constitutionally and statutorily required. I am very concerned about the Legislature's approving these maps, especially because of the number and scope of pending legal cases that could have an impact on them.

SB 3 and SB 4 each contain a problematic section that would enact legislative findings that the interim maps are in compliance with federal and state constitutional provisions and with federal and state laws applicable to redistricting plans. Whether court decisions are applied properly or redistricting maps comply with constitutional and statutory requirements is not in the purview of the Legislature, but rather in that of the judicial system.

The prudent approach would have been to wait for guidance from the courts before moving forward. The San Antonio U.S. District Court said the interim maps were by no means a final ruling on the merits of challenges to the discriminatory maps passed by the Legislature in 2011. In fact, the court said its interim district lines were based on "preliminary conclusions that may be revised upon full analysis."

That full analysis is ongoing in the courts system, and the Legislature should let it play out, instead of wading in prematurely and potentially making the situation worse.

These interim maps were implemented by the San Antonio court before it was established by the D.C. federal court that the original maps implemented by the Legislature reflected retrogression and did not comply with Section 5 of the Voting Rights Act. As the D.C. court rightly found, there was more evidence of discriminatory intent in those maps than the court had the space to address in its opinion. All along, the interim maps were understood to be a temporary—not permanent—solution to the problematic maps created during the 2011 redistricting process.

Part of the problem in 2011 was that minority groups were not listened to during the process. Now, in 2013, it appears that the Legislature is still not listening to minority groups. While the two field hearings the Senate Redistricting Committee held in Corpus Christi and Houston were welcome, they did not allow for testimony from anywhere on the Border, West Texas, East Texas, Central Texas, or the Dallas-Ft. Worth Metroplex. What's more, none of the suggested changes provided by witnesses—minority or otherwise—were adopted, and since the maps remain unchanged, it can be assumed that information gathered at the two field hearings was not seriously considered.

Indeed, the Legislature has squandered an opportunity to use that feedback to draw maps that are fair and not discriminatory and that address all the deficiencies identified by the courts thus far. Accordingly, I voted against Senate Bills 3 and 4.

ZAFFIRINI

### SENATE BILL 23 ON THIRD READING

The President laid before the Senate **SB 23** by Senator Huffman at this time on its third reading and final passage:

**SB 23**, Relating to the punishment for a capital felony committed by an individual younger than 18 years of age.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent-excused: Carona, Deuell, Duncan, Van de Putte.

### SENATE RULE 14.02 (Notice Rule)

Senator Hegar moved to suspend Senate Rule 14.02 as it relates to notice given for nominations.

The motion prevailed without objection.

## **SESSION TO CONSIDER EXECUTIVE APPOINTMENTS**

The President announced the time had arrived to consider executive appointments to agencies, boards, and commissions.

Senator Hegar moved confirmation of the nominees reported today by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

## **NOMINEES CONFIRMED**

The following nominees, as reported by the Committee on Nominations, were confirmed by the following vote: Yeas 27, Nays 0.

Absent-excused: Carona, Deuell, Duncan, Van de Putte.

Commissioner of Insurance: Julia Jeffrey Rathgeber, Travis County.

Members, Board of Directors, Lower Colorado River Authority: Pamela Jo Ellison, Washington County; Robert D. Lewis, Bastrop County; Thomas Michael Martine, Blanco County; Franklin Scott Spears, Travis County; Timothy Theodor Timmerman, Travis County.

## **MOTION TO RECESS**

On motion of Senator Whitmire and by unanimous consent, the Senate at 1:41 p.m. agreed to recess, in memory of Ramiro Muñoz, pending the introduction of bills and resolutions on first reading, the receipt of messages, and the receipt of committee reports, until 11:00 a.m. Tuesday, June 18, 2013.

## **RECESS**

Pursuant to a previously adopted motion, the Senate at 5:00 p.m. Monday, June 17, 2013, recessed, in memory of Ramiro Muñoz, until 11:00 a.m. Tuesday, June 18, 2013.

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## **APPENDIX**

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## **COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

June 14, 2013

FINANCE — **CSSJR 2**

HEALTH AND HUMAN SERVICES — **CSSB 5, SB 24, CSSB 13, CSSB 18**



# **EXHIBIT 6-I**

# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — THIRD CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRD DAY

(Continued)

(Monday, October 4, 2021)

AFTER RECESS

The Senate met at 1:36 p.m. and was called to order by the President.

Senator Paxton offered the invocation as follows:

Our Father in heaven, thank You for the opportunity to gather here together to do the work of representing our fellow Texans, to protect the rights that are not given by government, but are given by You, Father, among them life, liberty, and the pursuit of happiness. And as we deliberate today, would You not only give us wisdom, but give us the courage that comes from love to do what is good in Your sight. It's in the name of Jesus that I pray. Amen.

## MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, October 4, 2021 - 1

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 10**

Guerra

In memory of former state representative Roberto Gutierrez of McAllen.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE BILL ON FIRST READING**

The following bill was introduced, read first time, and referred to the committee indicated:

**SB 10** by Hughes

Relating to increasing the criminal penalty for committing certain offenses relating to elections.

To Committee on State Affairs.

**SENATE RULE 2.02 SUSPENDED  
(Restrictions on Admission)  
(Motion In Writing)**

Senator Hall offered the following Motion In Writing:

Mr. President:

I move suspension of the Senate's admission rules to grant floor privileges to a staff member from each Senator's office during the deliberations on C.S.S.B. 4 and S.B. 7.

HALL

The Motion In Writing was read and prevailed without objection.

**SENATE RULE 7.12(a) SUSPENDED  
(Printing of Bills)  
(Motion In Writing)**

Senator Huffman offered the following Motion In Writing:

Mr. President,

Pursuant to Senate Rule 7.12(a), the Printing Rule, I move that the Senate order C.S.S.B. 4 and S.B. 7 not printed.

HUFFMAN

The Motion In Writing was read and prevailed without objection.

**AT EASE**

The President at 1:41 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

The President at 3:51 p.m. called the Senate to order as In Legislative Session.

**(Senator Birdwell in Chair)**

**COMMITTEE SUBSTITUTE  
SENATE BILL 4 ON SECOND READING**

The President laid before the Senate **CSSB 4** by Senator Huffman at this time on its second reading:

**CSSB 4**, Relating to the composition of districts for the election of members of the Texas Senate.

The bill was read second time.



Monday, October 4, 2021

SENATE JOURNAL

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Senator Huffman offered the following amendment to the bill:

**Floor Amendment No. 1**

PLAN NUMBER: PLANS2149

DISTRICTS AMENDED: 9, 10, 19, 22, 24, and 25

REGIONS AFFECTED: METROPLEX, CENTRAL TEXAS, and TEXAS-MEXICO BORDER

Amend **CSSB 4** (PLANS2130) by striking Districts 9, 10, 19, 22, 24, and 25 as established by PLANS2130 and substituting Districts 9, 10, 19, 22, 24, and 25 as established by PLANS2149.

The amendment to **CSSB 4** was read.

**(President in Chair)**

Senator Powell offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 2**

PLAN NUMBER: PLANS2132

DISTRICTS AMENDED: 9, 10, 12, 22, 23, and 30

REGIONS AFFECTED: METROPLEX, NORTH TEXAS, and CENTRAL TEXAS

Amend Floor Amendment No. 1 by Huffman (PLANS2149) to **CSSB 4** (PLANS2130) as follows:

(1) Strike District 9, 10, and 22 as established by PLANS2149 and substitute District 9, 10, and 22 as established by PLANS2132.

(2) Strike Districts 12, 23, and 30 as established by PLANS2130 and substitute Districts 12, 23, and 30 as established by PLANS2132.

The amendment to Floor Amendment No. 1 to **CSSB 4** was read and failed of adoption by the following vote: Yeas 14, Nays 17.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, Seliger, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Springer, Taylor.

Senator Powell offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 3**

PLAN NUMBER: PLANS2134

DISTRICTS AMENDED: 9, 10, 12, 22, and 30

REGIONS AFFECTED: METROPLEX, NORTH TEXAS, and CENTRAL TEXAS

Amend Floor Amendment No. 1 by Huffman (PLANS2149) to **CSSB 4** (PLANS2130) as follows:

(1) Strike Districts 9, 10, and 22 as established by PLANS2149 and substitute District 9, 10, and 22 as established by PLANS2134.

(2) Strike Districts 12 and 30 as established by PLANS2130 and substitute Districts 12 and 30 as established by PLANS2134.

The amendment to Floor Amendment No. 1 to **CSSB 4** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Question recurring on the adoption of Floor Amendment No. 1 to **CSSB 4**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 as amended except as follows:

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Present-not voting: Hinojosa.

Senator Creighton offered the following amendment to the bill:

**Floor Amendment No. 4**

PLAN NUMBER: PLANS2137

DISTRICTS AMENDED: 4, 7, and 18

REGION AFFECTED: SOUTHEAST TEXAS

Amend **CSSB 4** (PLANS2130) by striking Districts 4, 7, and 18 as established by PLANS2130 and substituting Districts 4, 7, and 18 as established by PLANS2137.

The amendment to **CSSB 4** was read.

Senator Creighton withdrew Floor Amendment No. 4.

Senator Zaffirini offered the following amendment to the bill:

**Floor Amendment No. 5**

PLAN NUMBER: PLANS2139

DISTRICTS AMENDED: 14, 19, 21, and 29

REGIONS AFFECTED: SOUTH, CENTRAL, and WEST TEXAS

Amend **CSSB 4** (PLANS2130) by striking Districts 14, 19, 21, and 29 as established by PLANS2130 and substituting Districts 14, 19, 21, and 29 as established by PLANS2139.

The amendment to **CSSB 4** was read.

Senator Zaffirini offered the following amendment to Floor Amendment No. 5:

**Floor Amendment No. 6**

PLAN NUMBER: PLANS2164

DISTRICTS AMENDED: 19, 24, and 25

REGIONS AFFECTED: CENTRAL AND SOUTHWEST TEXAS

Amend Amendment No. 5 by Zaffirini (PLANS2139) to **CSSB 4** (PLANS2130) as follows:

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(1) Strike District 19 as established by PLANS2139 and substitute District 19 as established by PLANS2164.

(2) Strike Districts 24 and 25 as established by PLANS2130 and substitute Districts 24 and 25 as established by PLANS2164.

The amendment to Floor Amendment No. 5 to **CSSB 4** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 6.

Question recurring on the adoption of Floor Amendment No. 5 to **CSSB 4**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 5 as amended.

The President announced that Floor Amendment No. 7 by Senator Huffman and Floor Amendment No. 8 by Senator Seliger were submitted after the filing deadline. He then asked if there was objection to the consideration of these amendments.

There was no objection.

Senator Huffman offered the following amendment to the bill:

**Floor Amendment No. 7**

PLAN NUMBER: PLANS2167

DISTRICTS AMENDED: 20 and 27

REGIONS AFFECTED: SOUTH TEXAS

Amend **CSSB 4** (PLANS2130) by striking Districts 20 and 27 as established by PLANS2130 and substituting Districts 20 and 27 as established by PLANS2167.

The amendment to **CSSB 4** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 7 except as follows:

Nays: Eckhardt, Gutierrez.

Senator Seliger offered the following amendment to the bill:

**Floor Amendment No. 8**

PLAN NUMBER: PLANS2135

DISTRICTS AMENDED: 28 and 31

REGIONS AFFECTED: PANHANDLE AND NORTH WEST TEXAS

Amend **CSSB 4** (PLANS2130) by striking Districts 28 and 31 as established by PLANS2130 and substituting Districts 28 and 31 as established by PLANS2135.

The amendment to **CSSB 4** was read.

Senator Seliger withdrew Floor Amendment No. 8.

Senator Gutierrez offered the following amendment to the bill:

**Floor Amendment No. 9**

PLAN NUMBER: PLANS2129



DISTRICTS AMENDED: ALL – COMPLETE SUBSTITUTE

REGIONS AFFECTED: ALL – COMPLETE SUBSTITUTE

Amend **CSSB 4** (PLANS2130) by striking each district as established by PLANS2130 and substituting each district as established by PLANS2129.

GUTIERREZ  
ECKHARDT

The amendment to **CSSB 4** was read and failed of adoption by the following vote: Yeas 10, Nays 19, Present-not voting 2.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Lucio, Menéndez, Miles, Powell, West, Whitmire.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor, Zaffirini.

Present-not voting: Hinojosa, Johnson.

Senator Menéndez offered the following amendment to the bill:

**Floor Amendment No. 10**

PLAN NUMBER: PLANS2142

DISTRICTS AMENDED: ALL – COMPLETE SUBSTITUTE

REGIONS AFFECTED: ALL – COMPLETE SUBSTITUTE

Amend **CSSB 4** (PLANS2130) by striking each district as established by PLANS2130 and substituting each district as established by PLANS2142.

The amendment to **CSSB 4** was read and failed of adoption by the following vote: Yeas 9, Nays 20, Present-not voting 2.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Lucio, Menéndez, Powell, Whitmire.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor, West, Zaffirini.

Present-not voting: Johnson, Miles.

**CSSB 4** as amended was passed to engrossment by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Springer, Taylor, Zaffirini.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, Seliger, West, Whitmire.

**SENATE BILL 7 ON SECOND READING**

The President laid before the Senate **SB 7** by Senator Huffman at this time on its second reading:

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**SB 7**, Relating to the composition of districts for the election of members of the State Board of Education.

The bill was read second time.

Senator Campbell offered the following amendment to the bill:

**Floor Amendment No. 1**

PLAN NUMBER: PLANE2105

DISTRICTS AMENDED: 5 and 10

REGIONS AFFECTED: CENTRAL TEXAS

Amend **SB 7** (PLANE2103) by striking Districts 5 and 10 as established by PLANE2103 and substituting Districts 5 and 10 as established by PLANE2105.

The amendment to **SB 7** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Present-not voting: Johnson.

Senator Gutierrez offered the following amendment to the bill:

**Floor Amendment No. 2**

PLAN NUMBER: PLANE2104

DISTRICTS AMENDED: ALL – COMPLETE SUBSTITUTE

REGIONS AFFECTED: ALL – COMPLETE SUBSTITUTE

Amend **SB 7** (PLANE2103) by striking each district as established by PLANE2103 and substituting each district as established by PLANE2104.

The amendment to **SB 7** was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

**SB 7** as amended was passed to engrossment by the following vote: Yeas 21, Nays 10.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor, Zaffirini.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West, Whitmire.

**CO-AUTHOR OF SENATE BILL 1**

On motion of Senator Bettencourt, Senator Hughes will be shown as Co-author of **SB 1**.

**CO-AUTHOR OF SENATE BILL 3**

On motion of Senator Perry, Senator Hughes will be shown as Co-author of **SB 3**.

**CO-AUTHOR OF SENATE BILL 11**

On motion of Senator Hall, Senator Springer will be shown as Co-author of **SB 11**.

**CO-AUTHOR OF SENATE BILL 20**

On motion of Senator Hall, Senator Springer will be shown as Co-author of **SB 20**.

**CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 1**

On motion of Senator Hall, Senators Eckhardt and Johnson will be shown as Co-authors of **SCR 1**.

**CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 3**

On motion of Senator Nichols, Senators Birdwell and Blanco will be shown as Co-authors of **SCR 3**.

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolution**

**HCR 10** (Hinojosa), In memory of former state representative Roberto Gutierrez of McAllen.

**Congratulatory Resolutions**

**SR 47** by West, Recognizing Tom Hart on the occasion of his retirement.

**SR 48** by Campbell, Recognizing the Guadalupe Valley Young Marines for their commitment to reducing drug usage and trafficking.

**SR 49** by Zaffirini, Creighton, Eckhardt, Huffman, Perry, and Springer, Recognizing David W. Slayton for his service to the Office of Court Administration.

**ADJOURNMENT**

On motion of Senator Whitmire, the Senate at 7:13 p.m. adjourned until 7:14 p.m. today.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:



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REDISTRICTING — **CSSB 6**

TRANSPORTATION — **SCR 3**

**BILLS ENGROSSED**

October 4, 2021

**SB 4, SB 7**

**RESOLUTIONS ENROLLED**

October 4, 2021

**SR 47, SR 48, SR 49**



# **EXHIBIT 6-J**



# SENATE JOURNAL

**EIGHTY-SEVENTH LEGISLATURE — THIRD CALLED SESSION**

**AUSTIN, TEXAS**

**PROCEEDINGS**

**FOURTH DAY**

(Monday, October 4, 2021)

The Senate met at 7:14 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

President Pro Tempore Campbell offered the invocation as follows:

Gracious heavenly Father, the Lord of Abraham, Isaac, and Jacob and Jesus Christ of Nazareth, it is a new day for us, but for You, whether it's a new day or an old day, You're the same yesterday, today, and tomorrow. We ask for Your favor in Jesus' name. Thank you. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

## **INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

There was no objection.

## **CONCLUSION OF MORNING CALL**

The President at 7:20 p.m. announced the conclusion of morning call.

## **COMMITTEE SUBSTITUTE SENATE BILL 4 ON THIRD READING**

The President laid before the Senate **CSSB 4** by Senator Huffman at this time on its third reading and final passage:

**CSSB 4**, Relating to the composition of districts for the election of members of the Texas Senate.

The bill was read third time and was finally passed by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Springer, Taylor, Zaffirini.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, Seliger, West, Whitmire.

#### **REASON FOR VOTE**

Senator Eckhardt submitted the following reason for vote on **CSSB 4**:

CSSB 4 perpetuates the state's failure to uphold the legal and moral principle of "one person one vote" by willfully ignoring our history of suppressing minority voting strength and rushing through a map with a slim window for input which strategically removed race from consideration just as many parts of the state approach or obtain crossover, coalition or even single racial majority strength. I vote against CSSB 4 today and will continue to work with my colleagues for a future that reflects the present and future reality in Texas.

First, we will not meet the legal and moral principle of "one person one vote" by maintaining conscious indifference to our history or our present. The Texas Legislature has never produced districting maps that resulted in representation at the state or U.S. Congressional level that is accurately reflective of the State's diversity. This explains why we have been in almost continual litigation since the passage of the Voting Rights Act.

At the local level, we see positive signs of change with growing instances of crossover, coalition and single-race voting strength selecting candidates of their choice. Other members of this body will attest to this in their own areas. In Central Texas a cross-over coalition in Travis County elected State Senator Gonzalo Barrientos (a Hispanic born in Bastrop County) despite Travis County being approximately 21% Hispanic at the time. Cross-over coalitions in both counties within the current Senate District 14 have elected African American County Judges (the chief executive officer of the county) in recent history despite Travis County being 8% African American at that time and Bastrop County being 7.3% African American at that time. The cross-over coalitions of black, white, Hispanic and Asian voters that produced these results have been predominantly Democrats but not exclusively. The African American former Bastrop County Judge Ronnie McDonald was elected and reelected in a county that was and continues to be predominantly Republican. I am a Democrat, but, as a Travis County Commissioner, Travis County Judge and now as a State Senator for both Travis and Bastrop counties, I routinely win many Republican precincts.

Under CSSB 4 (Plan 2130), the existing voting coalitions of SD 14 have been packed, cracked and tacked to reduce their influence on State House, State Senate and US Congressional contests. The black, white, Hispanic and Asian coalition has been packed as tightly as possible into the new SD14- at 74.4% for Biden, tight packing will reduce the overall voting strength of SD 14. The Hispanic majority in Eastern Travis County has been cracked by being assigned to SD 21 where it is paired with

Laredo Hispanics. Although these constituencies share race (which was purportedly not considered in the creation of the map) the Central Texas and South Texas constituencies share little common experience or understanding of each other's needs or preferences for transportation, reproductive healthcare, and border security just to name a few. The Bastrop coalition of white, black and Hispanic voters capable of electing an African American chief county executive is tacked onto SD 5 which is overwhelmingly white and Republican and anchored outside of the Austin MSA, sharing little common experience or understanding of Bastrop's stake in the Austin MSA economy, groundwater preservation, maintaining downstream water interests in the Colorado River, SH 71 improvements, or urban/wildland fire mitigation.

The author of CSSB 4 (Plan 2130) has claimed color blindness to race. However, one cannot unsee what has been provided by the Texas State Demographer and the U.S. Census Bureau. As predicted by the State Demographer and corroborated by the 2020 Census, Texas added 3,999,944 residents, an increase of 15.91%. Texans of color accounted for 95% of the state's growth. Hispanic Texans increased from 37.6% to 39.3%. Black Texans increased from 11.5% to 11.8%. Asian Texans increased from 3.8% to 5.4%. Non-Hispanic white Texans now make up just 39.7% of the state's population — down from 45.3% in 2010. Even though the 2020 Census was fraught with issues leading to a probable undercount of Hispanics due to the perceived threat of the proposed citizenship question as well as the coronavirus, Hispanics may already be or will soon become the majority race in Texas.

By far the fastest growing Metropolitan Statistical Area in the country, the Austin MSA is now of a size and sustained growth so as to merit multiple representatives at the Texas House, Texas Senate and U.S. Congressional level anchored in the Austin MSA. But, CSSB 4 (Plan 2130) draws only SD-14 anchored in the Austin MSA. SD-21 is intended to be anchored in Laredo/Webb County. SD-5 comprises a majority of non-Austin MSA counties. SD-25 is anchored in the San Antonio MSA. And SD-24 is anchored in Bell County.

It is also noteworthy that a good part of the rapid growth of Central Texas is in our Asian communities. Statewide, the Asian community accounts for about 5% of the population but they are the fastest-growing ethnic group in the state. Over the last decade, the Asian population of Travis County was the only racial group that gained in overall percentage in the county's population. In the last decade, Travis County's Anglo population declined ~2% to 47%, the Hispanic population declined 3% to 32.5% of population, the Black population declined by 1% to 7%, while the Asian population increased from 6% to 9% of population. 33% of Travis County children under 18 are Anglo, and 67% are Non-Anglo. This growth has been driven by Asian children and multiracial children, while there has been a drop in Hispanic and Black children from 2010-2020. The packing, cracking and tacking of Central Texas Asians greatly reduces the probability of Asians successfully collaborating with other interest groups to elect candidates of their choice. Additionally, the cracking and tacking of the Austin MSA Asian population reduces the likelihood of accessing services or influencing issues specific to Asian communities regarding healthcare, education, immigration, language access, and Asian targeted crime or discrimination.



Second, the Senate Special Redistricting Committee process itself evinces continuing conscious indifference to our changing demographics. At the opening of the September 24, 2021 Senate Select Committee on Redistricting's hearing on CSSB 4, its author stated their goals and priorities in drawing the map. Specifically, CSSB 4's author listed their goals and priorities in the following order: abiding by all applicable law, equalizing population across districts, preserving political subdivisions and communities of interest wherever possible, preserving the cores of previous districts to extent possible, avoiding pairing incumbent members, achieving geographic compactness when possible, and accommodating incumbent priorities when possible. However, CSSB 4's author did not commit to or reveal any priority among these goals, the measure of achieving these goals or any balancing test for competing goals. Other than the bare assertion by the author of compliance with the Voting Rights Act, no other analysis has been provided to support the assertion. But the Princeton Gerrymandering Project did analyze SB 4 (Plan 2101) and gave the proposed Senate Map an "F" overall as well as for Compactness, Competitiveness, Geographic Features, and County Splits.

This failing grade may have been avoided had the committee process allowed for adequate time to analyze, make comment on and craft amendments to the proposed map. But the process was rushed. This important once-in-a-decade decision was assigned to a Special Session limited to 30 days. The Texas Constitution states, "The Legislature shall, at its first regular session after the publication of each United States decennial census, apportion the state into senatorial and representative districts." Texas Constitution Art. III, § 28. Regular Session would afford 140 days. The Texas Legislature does not have the authority to District until the next regular legislative session in 2023. This question is currently being litigated.

The only time there were regional hearings was before the 2020 Census results were returned. So, not only were there no maps, there weren't even any official numbers to comment on. When a map was finally available on which to comment, the time from publishing the draft map, to analyzing it, and providing comment was just 1 week. Assuming all committee members saw the full map for the first time on 9/18, committee members had just 10 days to deliberate and decide on a committee recommendation to move to the floor.

Finally, I urge an independent redistricting commission to prioritize the rights of voters over the interests of incumbent or parties. As evidence of this need I note my own reluctance as an interested party to ask the tough questions regarding extreme political gerrymandering for the benefit of some of my colleagues. That reluctance was in all probability the same reason that none of the bills proposing such a commission received a single hearing in the Senate during the 87th Regular Session. In closing, I am respectfully voting against CSSB 4 today because I cannot legally or morally participate in continued conscious indifference to minority voting strength and certainly not when that minority has become or is rapidly becoming the majority.

ECKHARDT

#### REASON FOR VOTE

Senator Johnson submitted the following reason for vote on **CSSB 4**:

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The proposed maps under CSSB 4 do exactly what they were expected to do: they make districts more partisan, and – if not invalidated by a court challenge – they effectively eliminate a Democratic seat.

The result is bad for everyone (other than for, perhaps, incumbents). The intensified partisan composition of districts means that primary elections, not general elections, will dictate final outcomes. Productive bi-partisan collaboration in the Legislature will be discouraged; partisan rhetoric and intransigence will be encouraged. We can expect next session to be as partisan and rancorous as the last; maybe more.

To make matters worse, the elimination of a Democratic senate seat renders the Senate even less representative of the state than it was before.

Legislators should not draw legislative maps. Enabling the majority party to draw maps with the aim of ensuring their continued grip on power – irrespective of how their policies may increasingly diverge from the majority of Texas voters – creates a structural conflict of interest. And it undermines the legitimacy of the democratic process.

It's mind-boggling, really, that we continue to adhere to this antiquated re-districting approach. It's long past time to take legislators out of the map-drawing process. It will take an act of sober courage for the majority party to do what so many Democratic legislators have sought to do by filing (as I have) bills to create non-partisan or bi-partisan redistricting commissions. Out of respect for the value of democracy, they should.

JOHNSON

#### REASON FOR VOTE

Senator Alvarado, joined by Senators, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Menéndez, Miles, Powell, West, Whitmire, and Zaffirini, submitted the following reason for vote on **CSSB 4**:

Each of us represents majority-minority districts in which minority citizens have demonstrated the ability to elect their candidates of choice. We recognize and accept our special responsibility to protect the voting rights of the minority citizens we represent as well as minority citizens in every part of Texas. In light of this, we want to make clear that any vote by any of us to suspend rules or a vote in support of CSSB 4, either on passage to engrossment or on final passage, should not be interpreted as endorsement of the configuration of the plan in all parts of our state. To the contrary, we unanimously oppose specific aspects of the plan, most notably, the decimation of Senate District 10.

According to the 2020 Census, Texas gained nearly four million new residents. Notably, persons of color accounted for 95 percent of this growth, including nearly two million Hispanics. Non-Hispanic white Texans now comprise only 39.7 percent of the state's population—down significantly from 45.3 percent in 2010. In contrast, the Hispanic population increased from 37.6 percent to 39.3 percent, the Black population increased from 11.5 percent to 11.8 percent, and the Asian population increased from 3.8 percent to 5.4 percent.

The CSSB 4 proposed plan fails to reflect this growth and, in fact, dilutes the number of minority opportunity districts. In the proposed plan, 19 of the 31 Senate districts, or approximately 60 percent, in effect would be controlled by Anglos, who comprise less

than 40 percent of our current population. If the racial and ethnic makeup of the body reflected that of the state, we would have 12 districts in which Hispanic voters could elect candidates of their choice, four districts in which African American voters could elect candidates of their choice, and at least one district in which Asian Americans could elect candidates of their choice. In total, the Senate would have 17 districts in which Texans of color elected candidates of their choice. CSSB 4 falls far short of this bare minimum mark.

The redistricting process should be an accurate reflection of who lives in our state. In spite of the growing number and proportion of persons of color, if this plan is enacted, our state will go potentially 30 years without adding an Hispanic opportunity district. Worse yet, rather than expanding the opportunity for these growing minority populations, this proposal does the opposite by either slicing them up and placing the pieces in majority Anglo districts or packing them together in fewer and fewer districts. Such actions are deliberate, they are illegal, and they are discriminatory. Given these deliberate actions, it is no surprise that CSSB 4 does not comply with the requirements of the Voting Rights Act. While the Voting Rights Act requires additional minority opportunity districts to be drawn, CSSB 4 does the opposite by dismantling Senate District 10 (SD 10) in north Texas. The current SD 10 has evolved over the last two decades into an effective coalition crossover district in which minority citizens have demonstrated the ability to elect their candidate of choice, as was intended by the Legislative Redistricting Board when the lines were developed in 2001. Additionally, under the current Senate District 10 benchmark, some Anglo voters have joined with politically cohesive minority voters to elect a candidate of choice.

Under CSSB 4, the voting strength of minority citizens in SD 10 are intentionally destroyed, and rural Anglo voters are installed as the controlling majority in the district. Not only would minority voters in SD 10 no longer have an effective opportunity to elect a candidate in the district, they would have no voice at all.

While claims that this new configuration of SD 10 is required due to population changes in the region, amendments offered by members of this body demonstrate that is simply false. SD 10 can be drawn to maintain its ability for minorities to elect their candidates of choice while also more closely preserving the current geographies of nearby districts.

In addition to the dismantling of SD 10, this map systematically diminishes the ability of African Americans, Hispanics, Asians, and other minorities to have electoral power in Texas. Under the current statewide Senate map, 15 districts have majority-minority populations, and in 12 of these districts, including SD 10, minority citizens have demonstrated the ability to elect their candidate of choice. Under the proposed Senate plan, only 12 districts would have majority-minority populations, despite these populations accounting for nearly all the growth this last decade.

Unfortunately, Texas has a long history of denying minority citizens their rights under the Voting Rights Act and the U.S. Constitution. What has become increasingly clear is that state leaders will stop at nothing to deny minorities in this state from wielding their electoral strength. Regardless of claims that race was completely ignored in creating this map, no senator can claim after multiple hearings and today's debate that they do not know the harmful effects this map will have on racial minorities across



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Texas. Texans deserve better than to have maps that perpetuate decades of suppressing minority voters.

ALVARADO	MENÉNDEZ
BLANCO	MILES
ECKHARDT	POWELL
GUTIERREZ	WEST
HINOJOSA	WHITMIRE
JOHNSON	ZAFFIRINI
LUCIO	

#### REMARKS ORDERED PRINTED

On motion of Senator Johnson and by unanimous consent, the remarks regarding **CSSB 4** on second reading were ordered reduced to writing and printed in the *Senate Journal*.

The remarks will be printed in an addendum to this day's Journal.

#### SENATE BILL 7 ON THIRD READING

The President laid before the Senate **SB 7** by Senator Huffman at this time on its third reading and final passage:

**SB 7**, Relating to the composition of districts for the election of members of the State Board of Education.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Hinojosa, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor, Zaffirini.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West, Whitmire.

#### REASON FOR VOTE

Senator Miles submitted the following reason for vote on **SB 7**:

I voted against SB 7 because it reduces the ability of African Americans to elect a candidate of their choosing to the State Board of Education. Currently District 4 is currently represented by an African American and the district is made up of voters from Harris and Ft. Bend Counties. SB 7 removes the precincts from Ft. Bend County from District 4. Removing these precincts from District 4 will reduce the ability of African Americans to elect a candidate of their choosing. As a result, I cannot vote for this plan.

MILES

**SENATE RULES SUSPENDED  
(Posting Rule and Tag Rule)**

On motion of Senator Hughes and by unanimous consent, Senate Rule 11.18(a) and Senate Rule 11.19(a) were suspended in order that the Committee on State Affairs might meet and consider **SB 10** upon recess in the Betty King Committee Room, 2E.20.

**MOTION TO RECESS**

On motion of Senator Whitmire and by unanimous consent, the Senate at 7:26 p.m. agreed to recess, pending the receipt of committee reports, until 1:00 p.m. tomorrow.

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**APPENDIX**

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**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

October 4, 2021

STATE AFFAIRS — **SB 47, SB 10, SB 9**

# **EXHIBIT 6-K**



# SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — THIRD CALLED SESSION

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AUSTIN, TEXAS

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PROCEEDINGS

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## ADDENDUM

(FOURTH DAY — Monday, October 4, 2021)

The following remarks regarding **CSSB 4** were ordered reduced to writing and printed in the *Senate Journal*.

**Secretary of the Senate:** Committee Substitute Senate Bill 4 relating to the composition of districts for the election of Members of the Texas Senate.

**President:** Senator Huffman, you're recognized to explain the bill.

**Senator Huffman:** Thank you, Mr. President and Members. Members, this is the Senate bill which draws our new lines for the entire Senate. We're going to call this, it's officially called PLANS2130 if you're looking in DistrictViewer. This plan was developed after the committee heard many hours of public testimony and after I listened to each Member's priorities and input about their respective district. My goals and priorities in developing this proposed plan included first and foremost following all applicable law, equalizing population across districts, preserving political subdivisions and communities of interest when possible, preserving the cores of previous districts to the extent possible, avoiding pairing incumbent Members, achieving geographic compactness, and accommodating incumbent priorities to the extent that I could. I also looked at and considered public plans which were submitted through the portal process that has been open for several months now, and some Members of the public have submitted those plans as well as some of the different organizations and groups. In the plan before us today, PLANS2130, the total deviation between the smallest district and the largest district is 6.13 percent. I would also like to point out that this plan does not split one single voting tabulation district, also known as VTD, in the entire state. When developing the Senate proposal, I made every effort to accommodate Member requests, and I'm pleased that I was able to accept many of your requests in the plan before you today, not all but many. I know that every Member of this body, including myself, would prefer to make certain adjustments to the proposed plan. But unfortunately changing as little as one precinct sometimes has an impact upon at least one other district and typically has ripple effects that impact multiple districts or sometimes even the entire state. Before we get to individual amendments also want to inform this body about my thought process in assessing each amendment that was filed. First, the amendment, as it interacts with the statewide plan, must abide by all applicable law. I sought legal advice and reviewed relevant information with my committee staff to satisfy myself that whatever map we vote off of this floor today will be legal. Second, I prefer that an amendment does not

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increase the plan's overall deviation as we have worked hard to keep district populations relatively similar and legal. Third, at this point in the process it's my goal that changes to districts involved in an amendment be agreed to deals between Members to as much as was possible. Finally, I've always kept in mind the redistricting objectives and priorities I've laid out above. Since filing this plan, I've done my best to work with Members involved in specific changes to districts they represent. Therefore, I don't think it's fair to this body to abandon that strategy now, also do not want to put this body in the position of having to choose between colleagues and friends when there is a disagreement. Therefore, if an amendment is not agreed upon by all Members involved I will be voting against the amendment and will leave it to the will of the body. And with that I lay out the Committee Substitute to Senate Bill 4 and happy to answer any questions.

**President:** Senator Powell, you're recognized. For what purpose?

**Senator Powell:** To ask questions of the author.

**President:** Do you yield?

**Senator Huffman:** Of course.

**Senator Powell:** Senator Huffman, I'd like to better understand the process by which the Senate map was drawn. At the September 24th hearing, you told me that the three people responsible for drawing the Senate plan were you and your aides, Anna Mackin and Sean Opperman. Is that right?

**Senator Huffman:** Correct.

**Senator Powell:** Who actually sat at the computer and physically constructed this map?

**Senator Huffman:** Anna Mackin, who's sitting here to my left and Sean Opperman were the people actually using the computer. I sat in the room with them at all times and directed them as they went through the mechanical process, so to speak.

**Senator Powell:** So, the three of you took turns.

**Senator Huffman:** I didn't touch the computer to be honest but I gave direction to them, yes.

**Senator Powell:** And so, roughly what percentage of the time was it Anna versus Sean?

**Senator Huffman:** Anna probably was doing it most, but we were always all three in the room, yeah.

**Senator Powell:** Okay, so you were all three always present when Anna and Sean were drawing the district lines.

**Senator Huffman:** Anna and Sean did not do anything without my direction.

**Senator Powell:** And so, you, did you ever draw any lines outside of their presence?

**Senator Huffman:** I, no. Actually don't know how to even log in to RedAppl, to be honest.

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**Senator Powell:** Okay. And so, did Anna or Sean discuss map ideas they generated outside of their meetings with you?

**Senator Huffman:** With other people? Not to my knowledge.

**Senator Powell:** And so, what computer or program did they use to generate this map?

**Senator Huffman:** RedAppl, the—

**Senator Powell:** Okay.

**Senator Huffman:** —provided by Texas Legislative Council.

**Senator Powell:** And up, how many hours did it take to construct this district plan?

**Senator Huffman:** I wouldn't want to begin to guess but countless, many, many hours. Yeah.

**Senator Powell:** And when did you begin to draw the map for this plan?

**Senator Huffman:** After the numbers came out.

**Senator Powell:** Okay.

**Senator Huffman:** I don't remember that exact date, was August.

**Senator Powell:** And so it—

**Senator Huffman:** August.

**Senator Powell:** —it was you and Anna and Sean who sat at the computer and physically drew the boundaries for SD 10, for my map?

**Senator Huffman:** Yes.

**Senator Powell:** And the three of you all were in the room together when that occurred.

**Senator Huffman:** Yes, as I've said, yes, Ma'am.

**Senator Powell:** Alright. Did anyone besides Anna Mackin and Sean Opperman and you provide input on the boundaries of SD 10?

**Senator Huffman:** Occasionally the Lieutenant Governor would come in but very rarely. Came in once or maybe two or three times through, during the entire process, as I'm sure any Lieutenant Governor in the history of Texas would, took it, took a, take an interest in the redrawing of Senate redistricting maps.

**Senator Powell:** So, did anyone other than you and Anna and Sean and the Lieutenant Governor suggest the boundaries of SD 10 should be altered from the current configuration today?

**Senator Huffman:** Could you repeat the question? Want to make sure I understand specifically.

**Senator Powell:** Is there anyone else, other than you and Anna Mackin or Sean Opperman who suggested that the boundaries of SD 10 should be altered from its current configuration today, as I serve in SD 10?



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**Senator Huffman:** I'm sure I've had conversations with people over the months but I do not recall a specific conversation where that specific discussion was had.

**Senator Powell:** Not one?

**Senator Huffman:** Not that I recall a specific discussion. As I said, I'm sure I've had discussion with Members in general about that SD 10 had changed or was changing, but I cannot recall a specific conversation.

**Senator Powell:** Alright. A specific single person that you might have had a conversation with about redrawing the boundaries of Senate District 10.

**Senator Huffman:** Not that I recall, no.

**Senator Powell:** Did anyone ever suggest to you that SD 10 be expanded beyond Tarrant County?

**Senator Huffman:** Not that I recall.

**Senator Powell:** Was any other, anyone other than a legislator or legislative staff member ever present when you were working on drawing this Senate map?

**Senator Huffman:** A legislator or legislative staff member, no.

**Senator Powell:** Okay.

**Senator Huffman:** Other than, I guess, is the Lieutenant Governor, he's a statewide elected official. So, he's not really a legislator, but.

**Senator Powell:** Was, and so, what computer program again did you use to draw this map?

**Senator Huffman:** RedAppl.

**Senator Powell:** At any time was any other program consulted such as Maptitude or Dave's Redistricting App or Districtr or others?

**Senator Huffman:** Not to my knowledge, no.

**Senator Powell:** In January, on, on January 22nd, 2021, in an interview with Fox 26 out of Houston, you explained that American Community Survey estimates were available and they gave you an idea of where the growth was in Texas. At any point, prior to the census data release on August the 12th, did you use ACS estimates of total population to begin drafting potential district lines?

**Senator Huffman:** Not that I recall.

**Senator Powell:** Did Anna Mackin or Steve, or Sean Opperman create draft district lines using ACS estimates?

**Senator Huffman:** I honestly don't know. I would assume that they were probably practicing how to use RedAppl but there were no instructions, there were no numbers, they may have been playing with the, with the system, I don't know, but there was nothing and, and we never used ACS because ACS was not in RedAppl I believe, yeah, we just didn't use it, yeah.

**Senator Powell:** Anyone else involved in that process that might—

**Senator Huffman:** In which process, I'm sorry.

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**Senator Powell:** In creating this, this draft of district lines—

**Senator Huffman:** No, I've stated—

**Senator Powell:** —using ACS.

**Senator Huffman:** —who was involved.

**Senator Powell:** Alright. Were you provided a map created by anyone else at all based on ACS estimates prior to the census data release in August?

**Senator Huffman:** I never received anything, any kind of map on ACS data. If it came in from the public or something, I never saw it but I was never made aware or looked at anything. Sometimes things, you know, come into your office via mail or email that I never see, but to my knowledge, no.

**Senator Powell:** Alright. Once the census data was released in August, did you use the draft plan based on population estimates as the starting point to draw the Senate plan?

**Senator Huffman:** Once the numbers were loaded into RedAppl, that is when we began the process, yes.

**Senator Powell:** Were the current Senate districts displayed on the screen or on another screen when the Senate plan was being drawn?

**Senator Huffman:** I don't remember.

**Senator Powell:** Were there any printed maps used to compare?

**Senator Huffman:** I think that we had many printed maps there in the redistricting office that had been prepared for the eventuality of having public hearings. In fact, we still have boxes full of printed maps but because the public hearings were not held, we had an excessive number of printed maps. So, yeah, there were printed maps around. Sometimes I keep one, even on my desk to look at as we go through the process because it's a quick reference. Some of them have population numbers by county, you know, and other useful information that is a quick reference while performing the job.

**Senator Powell:** In terms of data that you consulted, RedAppl has a statistics tab that allows the user to choose which electoral and demographic data to display on the screen while the map is being drawn. Is that correct?

**Senator Huffman:** Correct, yes.

**Senator Powell:** Which fields were displayed while the Senate plan was being drawn?

**Senator Huffman:** It, it changed. Sometimes we looked at county lines, sometimes precinct, actual the precincts highlighted. Sometimes we have it shaded for cities and sometimes we had it shaded for partisan numbers, sometimes they were Trump numbers, sometimes we had several political elections up from different years that we looked at and population numbers were almost always there. One thing we never had was racial shading.

**Senator Powell:** So, did you have anything about total population on the screen?

**Senator Huffman:** Yes.

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**Senator Powell:** And any deviation percentages?

**Senator Huffman:** Yes. There was a, kind of a column in the left-hand side that as you proceeded, you could see what it did to the statewide deviation. I think they may have had to click on another button to see it, but it was there on the left-hand column.

**Senator Powell:** And how about demographic data?

**Senator Huffman:** There was no demographic data provided. Just, as I said, sometimes partisan numbers, total population, city shading, things like that.

**Senator Powell:** Okay. You, you mentioned that election data was displayed.

**Senator Huffman:** Sometimes, yeah.

**Senator Powell:** And so, let me ask you specifically about these particular election data. How about the 2020 presidential election?

**Senator Huffman:** Yes.

**Senator Powell:** How about the 2020 Senate election?

**Senator Huffman:** Sometimes, yes.

**Senator Powell:** The 2018 Senate election.

**Senator Huffman:** Is, was that the Cruz election? Is that the Cruz, Beto?

**Senator Powell:** Yes.

**Senator Huffman:** That was up there sometimes. Sometimes we took, looked at it as a reference but it wasn't always up there.

**Senator Powell:** How about the 2018 Governor election?

**Senator Huffman:** Abbott, yes.

**Senator Powell:** And the 2016 presidential election?

**Senator Huffman:** It was, I don't think we had that up there very often. Maybe occasionally but I don't recall, that was not one of the main elections that we looked at. I'd like to say we never looked at that, but it was not one of the main ones.

**Senator Powell:** Okay. Any other election that maybe I didn't think to ask you here?

**Senator Huffman:** No. I think, you know, the 2020 Trump, the Abbott election, Lieutenant Governor Patrick's election, and Cruz, Beto were really the main ones that we focused on, yeah.

**Senator Powell:** Okay. RedAppl has a shading tab that allows voter tabulation districts to be colored based on a selected type of statistic. Is that right?

**Senator Huffman:** I don't know which ones you're referring to. As I said, we looked at the partisan shading and that's the only shading we looked at other than the ones that would shade municipalities—

**Senator Powell:** Okay.

**Senator Huffman:** —or yeah. Just other parts of ci— annexation areas and so forth.

**Senator Powell:** So, going back to the election data that was displayed, were those displayed in shading?



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**Senator Huffman:** Were those what?

**Senator Powell:** Were those displayed in shading maps?

**Senator Huffman:** Yes. We had it—

**Senator Powell:** And do you recall—

**Senator Huffman:** —colored, so teal was more Republican Trump and sort of a orangish color was Biden and they sort of would shade darker, lighter, depending upon the, the percentage and the heaviness of the, the height. The low percentage would be lighter and the higher would be darker, to my understanding. I mean it was sort of subjective when you look at it but generally that's how it works.

**Senator Powell:** Okay. At the September 24th hearing you introduced the Senate plan by reading aloud written and prepared remarks, kind of like you did here today. Is that correct?

**Senator Huffman:** Don't recall but I assumed I probably did, yes.

**Senator Powell:** Well, you said the following, and I'm going to quote this from your comments. Quote, my goals and priorities in developing these proposed plans include first and foremost abiding by all applicable law, equalizing population across districts, preserving political subdivisions and communities of interest when possible, preserving the cores of previous districts to the extent possible, avoiding pairing incumbent Members, achieving geographic compactness when possible, and accommodating incumbent priorities, also when possible, end quote. These were the goals that you followed in drawing the districts. Is that correct?

**Senator Huffman:** Literally speaking, yes.

**Senator Powell:** Well, in the, in the written statement that you read aloud on that September 24th hearing I believe that you did not say anything about partisan considerations. That those were parts of your goals and principles. Did it?

**Senator Huffman:** I did not recall if I stated that at that time. I don't.

**Senator Powell:** Well, and after the plan was written and after you heard all the public testimony, I believe you added a new dis—redistricting criteria. And I'd like to walk through some of these goals and how they were applied to the drawing of Senate District 10.

**Senator Huffman:** Okay.

**Senator Powell:** In terms of legal compliance, you said that ensuring legal compliance was the first and foremost goal. And I'd like to ask today how did you satisfy that goal? Did you get legal advice about how to draw the lines from the Attorney General's Office before you undertook to draw the districts?

**Senator Huffman:** No.

**Senator Powell:** And how did you transmit the draft maps to the Attorney General's Office? Did you do that by email? Did you do it by a link to RedApp?

**Senator Huffman:** I don't remember specifically. I think it was via email but I don't recall specifically.

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**Senator Powell:** And were those PDFs of the map or were they—

**Senator Huffman:** Are you talking about after we filed it or are you talking about during the process? I just want to make sure I understand your question.

**Senator Powell:** This was after the September 24th hearing.

**Senator Huffman:** Let, let us look. I don't remember specifically the filing versus the hearing. So, give us, give me a second. I want to make sure I give you correct information, because I, I really don't recall, to be honest.

**Senator Powell:** Okay. And I would ask you this, too. What reports or data accompanied those maps that you sent to the AG's office?

**Senator Huffman:** As I stated before, I received legal advice from counsel which I'm not going to comment on, but I did believe that the maps did, were legal and complied with the Voting Rights Act. Since then, since the maps have been drawn, amendments taken care of, and so forth, I have looked at some data to reassure myself of that as well.

**Senator Powell:** So, when you sent those maps over to the AG's office did you also send any American Community Survey CVAP data or any other demographic data?

**Senator Huffman:** No data whatsoever, just the map as the, as I had drawn the map.

**Senator Powell:** And do, do you recall or can you speak to today when you sent the draft map to the Attorney General's Office for review?

**Senator Huffman:** I don't recall the exact date, no.

**Senator Powell:** Did the Attorney General's Office advise you to make any changes to the map after they reviewed it for legal compliance?

**Senator Huffman:** I'm, I'm not going to comment on my discussions with my attorney.

**Senator Powell:** And so, I would take that to mean that you are not going to tell us in a public format today what changes they may have suggested that you make.

**Senator Huffman:** It's not, I'm not going to discuss any legal advice I received. I will say that I believe the maps before you are legally compliant with Section 2 under the Voting Rights Act.

**Senator Powell:** Did the Attorney General's Office advise you that the State Senate plan you drafted was not intentionally racially discriminatory?

**Senator Huffman:** Again, I'm not going to discuss specific discussions I had with my attorney. I will say that I believe, today, that these maps are legally compliant and lawful under the Voting Rights Act.

**Senator Powell:** And I will also further ask you, did the Attorney General's Office advise you that the State Senate plan you drafted complies with the Voting Rights Act? Or do you—

**Senator Huffman:** I believe the maps—

**Senator Powell:** —just believe—

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**Senator Huffman:** –before me–

**Senator Powell:** –that it is?

**Senator Huffman:** –today are legally compliant.

**Senator Powell:** So, you've, you've said that the Attorney General's Office told you SD 10, as proposed in your plan, is lawful. So, is that a correct statement?

**Senator Huffman:** My statement today is I'm not going to discuss what I talked about with my lawyer. I will tell you as I stand before you today I believe that the map before you is legally compliant and does not violate Section 2 of the Voting Rights Act.

**Senator Powell:** Do you believe that you received quality legal services from the Attorney General's Office?

**Senator Huffman:** I'm not going to discuss the quality or the content of my legal discussions with my lawyer.

**Senator Powell:** Have you sought legal advice from the Attorney General's Office via email?

**Senator Huffman:** Again, I'm not going to discuss the, the means by which I received legal advice. I will tell you that I believe the maps are legally compliant.

**Senator Powell:** Did you discuss with the Attorney General's Office the fact that SD 10 exists in its current form today because a federal court ruled that the Legislature intentionally discriminated against minorities by attempting to dismantle the map in 2011?

**Senator Huffman:** Again, I'm not going to discuss what I talked about with my lawyer.

**Senator Powell:** And have you read the 2012 preclearance decision from the D.C. federal court in the Texas versus United States case?

**Senator Huffman:** Have I read it? I probably have in the past. I don't want to say definitively because I don't recall if it's one I read.

**Senator Powell:** Well, I would add here that I provided a copy of that decision to you when we met to preview our proposed map. Is that correct?

**Senator Huffman:** I recall you handing me a legal document, yes.

**Senator Powell:** And you were on the Redistricting Committee and voted to permanently adopt the court-ordered plan. Is that correct?

**Senator Huffman:** Are you talking about back in 20– yes, I was on the Redistricting Committee last time it came before the Senate in that year. Yes.

**Senator Powell:** And, and you voted to adopt the court-ordered plan. Is that correct?

**Senator Huffman:** I did vote for the map. Yes, I did.

**Senator Powell:** Alright. Have you read the San Antonio federal court's opinion in *Perez v. Abbott* regarding the 2011 congressional and statehouse plans?

**Senator Huffman:** I've read the synopsis.



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**Senator Powell:** Okay. Then the next criterion that you mention is equalizing population. The next priority you listed was that equalizing population. SD 10, as it is currently drawn, is just .57 percent above the ideal population as it currently exists. Is that correct?

**Senator Huffman:** I don't have the numbers in front of me but that sounds if, I'm sure you do, so I won't question you on that.

**Senator Powell:** Thank you. In the plan that we have before us today only three districts, SD 14, SD 18, and SD 22 have deviations that are below .57. Is that correct?

**Senator Huffman:** I don't know. Let me pull the chart out because I don't know that, have that, I don't have that memorized.

**Senator Powell:** Well, I will just go on then and say that if left unchanged from its current configuration, SD 10 is closer to the equal population than 27 other districts in the plan before us today. No changes, and I believe I suggested this to you at our meeting, no changes were needed in order for SD 10's to, to have a legally permissible total population. Would you agree that's right?

**Senator Huffman:** Not necessarily because as you know we had to look at the state holistically, and just because one district may have been close to ideal doesn't mean that it wasn't going to be changed to accommodate a statewide plan.

**Senator Powell:** Well, at the September 28th committee hearing, you said that SD 10 needed to be changed because of the nearby districts, because of SD 8, which is Senator Paxton's district, because of SD 12, Senator Nelson's district, and SD 30, Senator Springer's district, that they were overpopulated, is that correct?

**Senator Huffman:** I know that Senator Nelson's district was overpopulated and I believe, I don't think SD 30 was overpopulated but I could be wrong on that.

**Senator Powell:** Well, you cited that day that SD 8 is overpopulated by about—

**Senator Huffman:** It is overpopulated, I'm sorry, I stand corrected, yes.

**Senator Powell:** I'm, I'm sorry go ahead.

**Senator Huffman:** I just wanted to say, yes, SD 30 was overpopulated. I see Senator Springer shaking his head yes. And so, was, and so was 12. Twelve, I have the chart in front of me now, was 146,201 over. Senator Springer's district was 87,087. Senator Paxton's was 57,955.

**Senator Powell:** Alright. SD 8, Senator Paxton's district, is based in Collin and Dallas counties, and it actually borders SD 16, Senator Johnson's—

**Senator Huffman:** Yes.

**Senator Powell:** —district, which itself borders SD 23. Is that correct?

**Senator Huffman:** That is correct.

**Senator Powell:** Both SD 16 and SD 23 in Dallas County are under populated in the current plan and SD 23 is overpopulated by about 53,000 votes. Is that correct?

**Senator Huffman:** In the current plan?

**Senator Powell:** In the current plan.

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**Senator Huffman:** Correct. Yes. Not the proposed plan, the current plan, yes.

**Senator Powell:** So, in reality it was not necessary to alter SD 10 in order to balance the population of SD 8. Isn't that right?

**Senator Huffman:** I believed it was necessary to balance, looking at it holistically.

**Senator Powell:** Well, you also stated the fact that SD 30, Springer, Senator Springer's district, is overpopulated by about 87,000 people.

**Senator Huffman:** Correct.

**Senator Powell:** And Senator Nelson's by 146,000 people, I think that's what you just said.

**Senator Huffman:** Yes.

**Senator Powell:** But SD 28, Senator Perry's district, which adjoins Senator Springer's district, SD 30, was underpopulated by 144,000.

**Senator Huffman:** Correct.

**Senator Powell:** And SD 31, Senator Seliger's district, which adjoins Senator Perry, was underpopulated by about 71,000. Isn't that correct?

**Senator Huffman:** Correct, yes.

**Senator Powell:** So, shifting population from the overpopulated districts, 12 and 30, into the underpopulated districts, 28 and 31, would've completely resolved the population imbalance in the districts 12 and 30 to well within permissible deviation. Correct?

**Senator Huffman:** I disagree, well, I disagree with that conclusion. I mean, you could look at all the numbers of all the districts and say if I just move 10,000 here and 10,000, there it would work, but as you know it does not, it's not that simple.

**Senator Powell:** Well, I believe it was not necessary to make a single change to the borders of SD 10 in order to balance the population of Senate District 12 or Senate District—

**Senator Huffman:** And that would have been—

**Senator Powell:** —30.

**Senator Huffman:** —the only Senate district in the State of Texas that was not changed.

**Senator Powell:** In fact, Senator Alvarado's sponsor— Alvarado sponsored a committee amendment for me that restored SD 10 to its current configuration and ensured that SD 8, Senator Paxton's district, SD 30, Springer's district, and SD 12, Senator Nelson's, had balanced populations. Is that correct?

**Senator Huffman:** I don't recall if it balanced populations. I do recall that she did have an amendment, yes.

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**Senator Powell:** So, I, it's not true that you needed to change the boundaries of SD 10 in order to balance the population of other DFW area districts. In fact, your Senate proposal, in your Senate proposal, SD 10 goes from being 53,018 people above the ideal population to now being over 21,000 people above ideal. Isn't that correct?

**Senator Huffman:** I don't know the exact numbers.

**Senator Powell:** So, you effectuated your goal of balancing the population by redrawing SD 10 so that its population deviation is now four times greater than it is today.

**Senator Huffman:** Again, we look at it statewide and that's the goal, is a statewide goal.

**Senator Powell:** Well, let's move on to preserving the political subdivision in communities of interest.

**Senator Huffman:** Okay.

**Senator Powell:** The proposed Senate plan splits the City of Arlington with a population of 394,000 into four Senate districts. Is that correct?

**Senator Huffman:** I don't recall but that sounds right. I'm not sure.

**Senator Powell:** What community of interest does the City of Fort Worth and the City of Arlington have with Brown County, Callahan County, Shackelford County, Stephens County, Palo Pinto County, Parker County, and Johnson County's that are all rural counties.

**Senator Huffman:** Well, Senator Powell, as you know we have a very large state with, with thousands, probably tens of thousands, if not hundreds of thousands of communities of interest. So, it's very normal for there to be many communities of interest within a Senate district. I'm sure if we sat here and talked to every Senator they could tell you about different communities of interest within their Senate district. And sometimes they're shared even if they are far away. Senator Zaffirini has spoken eloquently about her community of interest that goes down I-35 from Webb County all the way to Travis County. I'm sure you've heard her speak of that. She speaks quite eloquently on it. There are others that believe that it's a small town that very interested in a lake in their area, so there can be many communities of interest within a Senate district. Simply because a city is separated into separate Senate districts does not necessarily mean that these are not communities that can still work together to have their goals met by their elected representative.

**Senator Powell:** So, does Senator Hancock's SD 9 district have any rural counties associated with it?

**Senator Huffman:** No.

**Senator Powell:** It's a Tarrant County district.

**Senator Huffman:** No, Ma'am. It doesn't.

**Senator Powell:** Not one. This proposed plan splits the historic North Side from the historic Southside in Fort Worth. Is that correct?



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**Senator Huffman:** I don't know exactly how Fort Worth is divided through their historic areas.

**Senator Powell:** Well, I would remind this body that we heard testimony that the Latino community in the historic North Side and the historic Southside of Fort Worth form a single community of interest and they're joined together in the current SD 10. But in this new plan they are cracked apart. Is that correct?

**Senator Huffman:** I do not, if they, how they are separated in the plan, specifically as you're describing it.

**Senator Powell:** Multiple witnesses told you and the committee that the Latino communities in the north and south sides of Fort Worth share a single community of interest. Is that correct?

**Senator Huffman:** There was a lot of testimony. I don't recall with specificity what areas were testified to, standing here today because there was a lot of testimony. A lot of it virtual and some of it in person, so I couldn't look at a map and point out to you where a specific way they testified where they were living.

**Senator Powell:** So, I believe what you're saying to us today is that if citizens or Members of this Senate inform you about neighborhoods that form a single cultural community of interest that you are unwilling to modify the map to accommodate that community of interest.

**Senator Huffman:** That is not what I said.

**Senator Powell:** I'm sorry, I didn't finish my question.

**Senator Huffman:** Oh, I apologize.

**Senator Powell:** If those citizens, I mean, let me say that again.

**Senator Huffman:** Okay.

**Senator Powell:** That you are unwilling to modify the map to accommodate that community of interest if those citizens explained that they share racial or cultural ties with one another.

**Senator Huffman:** We listened to what everyone had to say who came before us or anything that was submitted through the portal. I think you could understand that we have heard a lot of testimony about what constitutes a community and people have different opinions about that. And many people come forward and, and have concerns about issues. We listen to what everyone has to say and then holistically we put it together and tried to draw a legal map which is what we did here but, yes, we do listen to everyone, listening to their concerns, but again, sometimes that's in conflict, but we do listen to that.

**Senator Powell:** So, you're aware that the Supreme Court has ruled that absent a compelling reason, race cannot be the predominant consideration in drawing a district line. Is that correct?

**Senator Huffman:** Repeat the beginning please. Abs—

**Senator Powell:** The Supreme Court has ruled that absent a compelling reason, race cannot be the predominant consideration in drawing district lines. Is that correct?

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**Senator Huffman:** I'm not sure that's exactly what the Supreme Court has said. I believe that to draw a district based on race, unless there is a strong basis and evidence to believe the districting decision is required under Section 2 of the Voting Rights Act, then it is a racial gerrymander to do otherwise.

**Senator Powell:** Alright. Can you point out for me then today where the Supreme Court has ever ruled or said that a state cannot accommodate the shared cultural or heritage and community interests of two particular neighborhoods within a 940,000-person district.

**Senator Huffman:** I do not believe the Supreme Court has ever said that.

**Senator Powell:** How would accommodating these two neighborhoods, as was asked over and over and over again during testimony, these two neighborhoods have shared Hispanic culture and heritage, make the predominant consideration in the drawing of Senate District 10?

**Senator Huffman:** As I said, we considered many factors in drawing these lines. Racial constituencies was not one of them.

**Senator Powell:** Well, wouldn't preserving the existing district be the predominant consideration if we did accommodate those requests?

**Senator Huffman:** Say the beginning again.

**Senator Powell:** If—

**Senator Huffman:** Wouldn't.

**Senator Powell:** —in fact, wouldn't preserving the existing district be the predominant consideration if these requests were accommodated? The request to keep Senate district intact.

**Senator Huffman:** Not necessarily, no.

**Senator Powell:** Alright then. I'm going to move on to your criterion of preserving the core of previous districts.

**Senator Huffman:** Okay.

**Senator Powell:** Brown, Callahan, Shackelford, Stephens, Palo Pinto, Parker, and Johnson counties are not part of the core of existing SD 10. Is that correct?

**Senator Huffman:** There are new areas to Senate District 10, yes.

**Senator Powell:** And so, how does adding these seven rural counties serve your goal of preserving the core of Senate District 10?

**Senator Huffman:** The core is still there in Senate District 10. I believe your home is in Senate District 10. Is it not, Senator Powell? I'm pretty sure you believe you lived in the heart and soul of Senate District 10. So, your, the, the core, in my belief, is still there. It is a Tarrant County-based Senate district.

**Senator Powell:** With seven rural counties added to that urban area.

**Senator Huffman:** Correct.

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**Senator Powell:** So, talking then about geographic compactness. What metrics did you use to assess the geographic compactness of districts?

**Senator Huffman:** Basically, we just tried to look for population. We used all the considerations that I spoke of previously and drew the map along those lines. As I said, it's a big state and there's some big Senate districts out there.

**Senator Powell:** The Reock compactness score commonly used by courts to assess compactness, for the proposed SD 10 is 25 percent lower than the score for the existing SD 10. Did you know that?

**Senator Huffman:** No.

**Senator Powell:** Well, now you do.

**Senator Huffman:** Yes.

**Senator Powell:** Well, then making SD 10 less compact does not advance your compactness criteria, does it?

**Senator Huffman:** I'm sorry, repeat that. I'm, I apologize. I was talking to Anna.

**Senator Powell:** So, then knowing that the Reock compactness score for proposed Senate District 10 is 25 percent lower—

**Senator Huffman:** Yes.

**Senator Powell:** —than the compactness score for the existing Senate District 10. Are you making Senate District 10 less compact in this new map? Does that advance your criteria for compactness?

**Senator Huffman:** I would say there are multiple compactness scores, and I'm not going to focus on one that, frankly, I've never heard of before. Maybe it's very reputable, I just, I don't know. So, I'm not going to comment on some organization's score. I learned not to do that a long time ago.

**Senator Powell:** So, just looking at the map, would you assess that SD 10, in its current configuration, is more compact than an SD 10 that goes nearly to Abilene and all the way to Brownwood, is that, is that more compact than SD 10 is today?

**Senator Huffman:** It again depends how you define compactness and what the goals of the redistricting process were, how much population you needed, where you could find the population, other incumbents surrounding you and their interests had to be taken to, into account as well. And—

**Senator Powell:** Even if you didn't need any population.

**Senator Huffman:** Pardon.

**Senator Powell:** Even if you didn't need any population.

**Senator Huffman:** Well, we believed you needed population.

**Senator Powell:** Well, let's move on.

**Senator Huffman:** Okay.



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**Senator Powell:** At the September 28th committee hearing, you said you were voting against my amendment, sponsored by Senator Alvarado, to restore SD 10 in order to accommodate your redistricting criteria. So, which of the redistricting criteria that we just discussed were you referring to when you said that?

**Senator Huffman:** All of them.

**Senator Powell:** All of them. Which redistricting criteria do you think was served by voting against that district?

**Senator Huffman:** I'm sorry, which—

**Senator Powell:** Which, which redistricting criteria do you think was served by voting against my amendment—

**Senator Huffman:** All of them.

**Senator Powell:** —to keep SD 10 the same?

**Senator Huffman:** All of them were considered.

**Senator Powell:** All of them. Well, what is the main reason, then, that you changed SD 10 from its current configuration where it's based solely in Tarrant County and largely in urban areas of Fort Worth and Arlington to one that includes now seven counties, seven additional counties?

**Senator Huffman:** All of the redistricting priorities that I previously stated, that you have stated as well.

**Senator Powell:** Senator Huffman, at the seven, at the September 28th hearing you read aloud written prepared remarks in order to, quote, remind Senators of the redistricting criteria that you followed in drawing the map. Do you recall that?

**Senator Huffman:** I don't recall specifically the date, but, yes, I do recall having some remarks, yes.

**Senator Powell:** And your September 28th written scripted criteria were the same as your September 24th written, scripted criteria with one exception. On September 28th, after the maps were drawn and after the testimony had been received, you read aloud from a piece of paper that, quote, partisan considerations were also one of the redistricting criteria that you followed in the drawing of the map. Do you recall that?

**Senator Huffman:** I don't recall there being a difference but I do recall that being one of the considerations, yes.

**Senator Powell:** And did someone tell you to add that new criteria of partisan considerations—

**Senator Huffman:** No.

**Senator Powell:** —after you heard the public testimony?

**Senator Huffman:** No.

**Senator Powell:** Alright then. You've claimed that this map was drawn blind to race. Is that correct?

**Senator Huffman:** That is the, the absolute truth as God as my witness.

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**Senator Powell:** So, in fact when, when we had our committee discussion on September 24th you told me, and I quote this today, to this day I have not looked at any racial data.

**Senator Huffman:** Correct.

**Senator Powell:** When we met before you released the proposed Senate plan, I showed you a map of SD 10 showing colored shading. In fact, I showed you a number of maps that were shading maps where the district's minority populations were located, and you initialed every single one of those maps with the date on it. Is that correct?

**Senator Huffman:** Senator Powell, now we're going to, we're going to, I'm going to take you to task on this because you and I both know I made it perfectly clear that I was not considering racial data. You sat down and you handed me a document. I glanced at it for less than a second, I did not know what it was. When I turned the page, I realized it had racial data. I turned it over flat and I said, I will not look at this. You had four others, no, I'm going to finish, and I had you initial it. I initialed it. I put it into a folder. My staff did not look at it. I did not look at it, and I turned that d- that folder over to the Attorney General's Office. Okay? You're the one who gave it to me.

**Senator Powell:** That is correct.

**Senator Huffman:** I did not look at it. I did not read it. And I did not glean one bit of information from it. So-

**Senator Powell:** Alright.

**Senator Huffman:** -I'm trying to be very transparent here, completely honest, but you need to be so, too.

**Senator Powell:** Oh, I am being honest.

**Senator Huffman:** Okay, well-

**Senator Powell:** I am being honest.

**Senator Huffman:** -just want to make it clear.

**Senator Powell:** I absolutely-

**Senator Huffman:** Thank you, Senator Powell.

**Senator Powell:** -laid those in front of you-

**Senator Huffman:** Absolutely.

**Senator Powell:** -and we-

**Senator Huffman:** Thank you.

**Senator Powell:** -dated them and initialed those, both of, both of us did.

**Senator Huffman:** Correctly, yes.

**Senator Powell:** Alright. You, you chaired a series of Redistricting Committee hearings in February of this year in which the Texas Demographer, Dr. Potter, gave a powerful presentation on the American Community Survey estimates and the census data for different regions of the state. Is that correct?

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**Senator Huffman:** He, he testified at many of the hearings, yes. The virtual hearings that we held, I guess it were, was it late January, February, yeah. I think he testified at all of them.

**Senator Powell:** And you, do you recall chairing one of those hearings in the Dallas-Fort Worth area on February the 4th?

**Senator Huffman:** The one held here at the Capitol but kind of regionally dedicated—

**Senator Powell:** Umh hmm.

**Senator Huffman:** —yes.

**Senator Powell:** And Dr. Potter provided a verbal presentation at that hearing. Is that correct?

**Senator Huffman:** Again, I think he did at all of them. I don't recall that specific testimony. His testimony tended to be pretty repetitive those, he did focus a little bit on the, the regional areas, yeah.

**Senator Powell:** And a PowerPoint was provided as—

**Senator Huffman:** Yes.

**Senator Powell:** —well.

**Senator Huffman:** Dr. Potter had that part of his Zoom presentation because he actually testified via, well I don't know if it was Zoom, but through the process, yeah.

**Senator Powell:** And then, so you had testified here or you have answered my question here that that same similar demographic presentation was done for regions across the state.

**Senator Huffman:** Yes.

**Senator Powell:** In a similar way.

**Senator Huffman:** It was.

**Senator Powell:** That he—

**Senator Huffman:** Umh hmm.

**Senator Powell:** —testified and there was a PowerPoint presentation that was on the screen for everyone to see.

**Senator Huffman:** Yes.

**Senator Powell:** Alright. And Dr. Potter explained that the population growth in urban DFW Senate districts would require making the districts geographically smaller. Do you recall that?

**Senator Huffman:** No.

**Senator Powell:** Well, Dr. Potter's verbal and PowerPoint presentations also explored population changes by race in Texas. Isn't that correct?

**Senator Huffman:** I don't recall the specifics of his testimony.



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**Senator Powell:** Well, and he explained in that testimony that the population growth in Texas, based on the American Community Survey data at the time, showed that over 83 percent of Texas population growth was driven by minority populations. Correct?

**Senator Huffman:** I don't recall that specific testimony. I think the data now is all out there from the census and readily available to the public.

**Senator Powell:** And Dr. Potter testified again at our September 25th hearing in response to questions from Senator Alvarado. Isn't that correct?

**Senator Huffman:** I don't, I don't recall. Again, he was testify— we didn't have census data at that point so he was testifying from ACS data, I believe. I will point out the ACS data was not exactly accurate. For example, at the time we thought that Senator Nelson's district was the largest. They were off by quite a bit. It was actually Senator Campbell's district. So, yes, we had, there were, I guess that's why they call them estimates.

**Senator Powell:** Well, Dr. Potter testified that Texas added nearly 4 million people between 2010 and 2020. Does that sound about right?

**Senator Huffman:** I don't know what Dr. Potter testified. They were based on estimates. The actual census numbers have since been returned and those were the actual numbers that we worked with at this point.

**Senator Powell:** Well, Dr. Potter also testified that a little over 95 percent of that 4 million number was attributable to minorities. Is that correct?

**Senator Huffman:** I don't remember what Dr. Potter said. Again, there's been testimony since then from the hard census numbers that I would tend to think would be the most accurate for our purposes.

**Senator Powell:** Well, and Dr. Potter also testified that fewer than 200,000 of the 4 million were non-Hispanic, white Texans. Does that sound about right to you?

**Senator Huffman:** I think Dr. Potter said something similar to that when he was here in the Senate Chamber and Senator Alvarado was asking him some questions last week, I think. Yes.

**Senator Powell:** Okay. Well, now in the current Senate map, 16 districts are a majority-minority by voting age population. Are you aware of that?

**Senator Huffman:** No.

**Senator Powell:** Well, I'm presenting that to you today, and I hope that you would assume that maybe I—

**Senator Huffman:** I just, I don't agree with that analysis. You can present it. Just, I'll accept that you are presenting it.

**Senator Powell:** Do you have any reason to think that I'm wrong about it?

**Senator Huffman:** I don't think the numbers show that but maybe it's just terminology that's different.

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**Senator Powell:** In the new Senate plan that you have proposed, the number of majority-minority districts by voting age population actually has decreased now from 16 to 15. Do you have any reason—

**Senator Huffman:** I don't think—

**Senator Powell:** —to believe—

**Senator Huffman:** —we're speaking—

**Senator Powell:** —that I'm wrong about that?

**Senator Huffman:** —I don't think we're speaking the same language. Are you talking about protected minority opportunity districts under the Voting Rights Act or you talking about something else?

**Senator Powell:** I'm just talking about our census data.

**Senator Huffman:** Well, then I don't know, I don't know.

**Senator Powell:** Okay. So, you said this plan was drawn blind to race and I'm trying to understand how the Texas minority population increased by 3.8 million and its Anglo population increased by only 200,000. Yet without looking at race, you somehow drew a map that ended up decreasing the number of majority-minority districts. How did that happen?

**Senator Huffman:** I don't believe that we have decreased. I know we haven't decreased the number of districts that are protected under the Voting Rights Act.

**Senator Powell:** Alright.

**Senator Huffman:** Name them for you if you'd like.

**Senator Powell:** So, would you, would you say here then that minority voters have less influence in your proposed plan despite accounting for 95 percent of the Texas population growth since 2010?

**Senator Huffman:** I'm not saying that.

**Senator Powell:** Senator Huffman, you have served on the Redistricting Committee the past two cycles. I believe you agree.

**Senator Huffman:** Correct. I served my first, no, would actually been my second session, yes.

**Senator Powell:** Okay. And you've read and you're aware of the various court decisions from the D.C. district court, the Texas district courts, and the United States Supreme Court about Texas redistricting. Correct?

**Senator Huffman:** I am familiar with some of the cases, not all of the cases. But I am familiar with some of them, yes.

**Senator Powell:** You've read the *Cooper v. Harris* decision from the Supreme Court. Is that correct?

**Senator Huffman:** No. I might have, I just don't know the names so I'm not going to say yes and pretend to be an expert because I don't know that specific case.

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**Senator Powell:** So, are you aware, then, that, that the courts have repeatedly said that voting in Texas is racially polarized with Anglo voters mostly supporting Republicans and minority voters mostly supporting Democrats?

**Senator Huffman:** I don't know that the courts have said that.

**Senator Powell:** Okay. So, I hear you say that you didn't look at racial data, but you would agree that urban areas in Fort Worth and Dallas have large concentrations of minority voters. Wouldn't you?

**Senator Huffman:** I am not going to make assumptions based on race, period. Alright. I have followed the law and I'm, I'm not going to get into that racial discussion with you. I followed the law, I've done what it's required me to do and what I wanted to do, and I'm going to leave it at that.

**Senator Powell:** So, you're basically saying that despite serving on the Redistricting Committee for the past two cycles and chairing the committee this cycle, and listening to witnesses who have testified from both redistricting cycles that you came to the process completely unaware that minority voters are concentrated in urban areas of Dallas and Fort Worth.

**Senator Huffman:** Senator Powell, of course, I have an awareness that there are minorities that live all over this state. Alright? But I blinded myself to that as I drew these maps and did not make map decisions based on racial determinations, period, right.

**Senator Powell:** Well, let's take a look at where minority population's increased and decreased in your Senate proposal.

**Senator Huffman:** Okay.

**Senator Powell:** Five of the districts with the largest increases in their minority population were Districts 3, 18, 22, and then 24 and 30. All of which, that's really five districts, isn't it? All of which today are Anglo majority or super majority districts. And all of which have been won by Anglo Republican candidates by large margins. So, let me, let me just say that again.

**Senator Huffman:** I don't know the question. So, what's the question?

**Senator Powell:** Alright. Five of the districts with the largest increases in their minority population.

**Senator Huffman:** And what are you calling minority population? How do you define that? Talk about majority-minority, just—

**Senator Powell:** I would say—

**Senator Huffman:** —minorities.

**Senator Powell:** —Hispanic, Asian Americans, African Americans, those are minority populations.

**Senator Huffman:** Well, I do know what minority populations are, Senator. My question was when you call it a minority district, I was wondering what you're, were referring to so that I could answer the question legally, appropriately.



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**Senator Powell:** What I, what I said was five of the districts with the largest increases in their minority populations and I would say a combined minority population.

**Senator Huffman:** In which districts did you name in?

**Senator Powell:** They are District 3 Senator Nichols, 18 Senator Kolkhorst, 22 Senator Birdwell, 24 Buckingham, and 30 Senator Springer's district.

**Senator Huffman:** None of those are protected districts under the VRA.

**Senator Powell:** Well, then I would ask you of these five districts how did it happen that these five districts, safe Republican districts, dominated by Anglo voters, under your proposal now see some of their largest increases in minority voters?

**Senator Huffman:** I told you, Senator Powell, I drew blind to race. I would suggest to you that there are, it's a very rich, diverse state and there are minorities that live throughout our state and we're blessed by that. I drew blind to race so naturally there were going to be differences—

**Senator Powell:** So, just—

**Senator Huffman:** — the state.

**Senator Powell:** —by chance or by coincidence that, that those Anglo dominated Senator, Senate districts now see increases of minority voters.

**Senator Huffman:** I told you how I drew the maps, Ma'am.

**Senator Powell:** Okay. By the proposed map a number of Senate districts saw their minority populations decrease even though minorities were responsible for almost 4 million people in growth in Texas. So, in the proposed map five seats saw their minority voting age population decrease by more than 5 percentage points. Those were districts like Senator Hancock's District 8, Senator Hanco— Senator Hancock's District 9. Let me say that again because I think I didn't say it right. Those districts were Senator Paxton's District 8, Senator Hancock's 9, 10, your district Senate 17, and Senator Campbell's District 25. District 9, Senator Hancock, has a 12 percentage point decrease. District 10 has roughly a 10 percentage point decrease and your district, Senator Huffman, has a 5.6 percentage point decrease in minority voters. Would you—

**Senator Huffman:** I have not looked at that number.

**Senator Powell:** Okay. Well, I've, I showed you maps that illustrated those, those shaded maps that in— illustrated voter population.

**Senator Huffman:** Did not look at the shaded maps, and you know I did not look at the shaded maps, so please do not corrupt the record by saying I looked at the shaded maps.

**Senator Powell:** Well, I can tell you that I was elected by the votes of minority voters in my district. Would you agree that that's correct?

**Senator Huffman:** I don't know who voted for you, Senator Powell.

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**Senator Powell:** You heard quite a bit of testimony that I was the candidate of choice for minority voters in Tarrant County. Would you agree with that?

**Senator Huffman:** I did hear a county commissioner say that, yes.

**Senator Powell:** So, SD 10 is a district in which minority voters are currently succeeding in electing their candidate of choice. And I would assume that, that after hearing testimony that you would agree with that.

**Senator Huffman:** I don't know that. I do know that the county commissioner said he had come to you and asked you to run.

**Senator Powell:** That's right.

**Senator Huffman:** That they really liked you. I remember that, yes.

**Senator Powell:** Thank you.

**Senator Huffman:** Yeah. Had very nice things to say about you.

**Senator Powell:** And you would agree that Districts 8, 9, and 17 in the current map are among the districts where minority voters are on the verge of electing their preferred Senators? And, in fact, minority preferred candidates like President Biden carried those districts. That's 8, 9, and 17.

**Senator Huffman:** Know nothing about that. I have not looked at those numbers. I don't agree with you. Don't know those numbers.

**Senator Powell:** So, it's hard for me to understand and maybe you can explain it to me how it came to be that you didn't have any racial data before you, yet you somehow randomly came up with a district plan in which minority populations increased in districts where Anglo control is safely established and those same minority populations decreased in districts where minority voters either controlled or were close to controlling their electoral results.

**Senator Huffman:** I blew the, I drew the maps blind to race.

**Senator Powell:** So, again, is blind to race just by chance or coincidence that you have drawn a map that disenfranchises majority-minority voters?

**Senator Huffman:** Well, I disagree with your assessment of how I drew the map. I told you I drew blind to race and that is what I did.

**Senator Powell:** Alright. Does it concern you at all that minority voters constituted nearly all of the population increase in Texas over the past decade? And you heard from many of them during the process yet you've drawn a plan that reduces the number of districts in which minority voters can elect their preferred candidates.

**Senator Huffman:** I do not know that to be the case. I don't, I don't agree with that statement.

**Senator Powell:** Does it concern you, then, that Tarrant County is majority-minority, yet your plan provides zero Senate districts in which Tarrant County minority voters would ever elect their candidate of choice.

**Senator Huffman:** I have followed the law. I drew blind to race. I believe the maps I've drawn are compliant under the Voting Rights Act.

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**Senator Powell:** Would you agree that in Texas a voter's political party is a strong proxy for a race or vice versa?

**Senator Huffman:** Not necessarily. I don't know that to be the case.

**Senator Powell:** So, when you, you say you used politics not race to draw these district, districts but the result is less minority empowerment, are you okay with the fact that you, the plan you drew reduces the number of districts in which minority voters in Texas can elect their preferred candidates?

**Senator Huffman:** I'm not agreeing with your statement. You are making a statement that assumes all minorities vote the same.

**Senator Powell:** No, I don't believe—

**Senator Huffman:** So—

**Senator Powell:** —that's what I'm saying.

**Senator Huffman:** —well that's what it sounds like—

**Senator Powell:** There's a—

**Senator Huffman:** —you're saying.

**Senator Powell:** —I'm not saying that all.

**Senator Huffman:** Okay.

**Senator Powell:** Do you think that district lines should reflect the state's population growth?

**Senator Huffman:** And they do, yes.

**Senator Powell:** So, I along with other witnesses have repeatedly quoted for you the Supreme Court's warning in *Bartlett v. Strickland* that destroys, that destroying an effective crossover district raises serious constitutional concerns. Do you recall that?

**Senator Huffman:** I recall your concerns. I do not share your concerns, nor do many legal scholars, but I do understand your concern that you have articulated previously. Yes, Ma'am.

**Senator Powell:** Was that quote from *Bartlett v. Strickland* in the letter that I sent to you following our meeting to preview the lines?

**Senator Huffman:** I don't recall.

**Senator Powell:** And are you aware that the Supreme Court in *Bartlett* said that the Voting Rights Act doesn't require the creation of new crossover districts but that dismantling existing ones is suspicious and may be unlawful.

**Senator Huffman:** I believe that the maps we have drawn are legal and are compliant under the Voting Rights Act and under *Bartlett v. Strickland*.

**Senator Powell:** Are you aware that the *Bartlett* court decision expressly said it was, quote, was not deciding whether coalition districts are required under Section 2 of the Voting Rights Act?



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**Senator Huffman:** I think we could, I just disagree with you and your lawyers on your analysis of *Bartlett v. Strickland*. I could also quote from them saying nothing in Section 2 grants special protection to a minority group's right to form political coalitions. So, again, we can interpret the law differently. I've been assured, I've studied it, that the maps are in compliance and that we have followed the requirements under *Bartlett v. Strickland*.

**Senator Powell:** And are you also then aware, just moving on away from that, that the Fifth Circuit, for example, in the *Campos v. City of Baytown* case, has held that coalition districts can be required under Section 2 of the Voting Rights Act?

**Senator Huffman:** What year was that case decided?

**Senator Powell:** You know, I don't have that.

**Senator Huffman:** Yeah, well, I believe it was previous to *Bartlett v. Strickland*.

**Senator Powell:** Okay. Do you think that ruling—

**Senator Huffman:** I'm—

**Senator Powell:** —is binding on Texas?

**Senator Huffman:** —I'm sorry. I think what?

**Senator Powell:** Do you think that ruling is binding on Texas?

**Senator Huffman:** *Bartlett v. Strickland* of the—

**Senator Powell:** Umh hmm.

**Senator Huffman:** —United States Supreme Court, yes, I do.

**Senator Powell:** Okay. And then my last question and then I am—

**Senator Huffman:** Yes, Ma'am.

**Senator Powell:** —I am done here.

**Senator Huffman:** Okay. Sure others have questions as well.

**Senator Powell:** What have you done to determine whether Section 2 requires the creation of a new Black and Hispanic coalition Senate district in Tarrant County?

**Senator Huffman:** We, as I said, the maps that we drew we submitted to the Attorney General and we were, as I said, advised that the maps were in compliance. We also ran checks on every proposed map that has come to us whether it be through another Senate Member or members of the public who posted it public on DistrictViewer. And I have said repeatedly in this process to please bring me anything, any maps that you believe is necessary to comply with the Voting Rights Act. We all got the numbers on the same day, we're all working on the same timeline. And I have always been very open to, to have any map analyzed to determine the requirements under the Voting Rights Act.

**Senator Powell:** Did the Attorney General's Office provide you with any opinion as to whether a new Black and Hispanic coalition district was required to be drawn in Tarrant County?

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**Senator Huffman:** As I said, I'm not going to discuss any discussions I have other than to say that I have completely complied with the Voting Rights Act and have done everything in my power to make sure that the law is followed in the Constitution.

**Senator Powell:** Well, thank you, Senator Huffman, for answering my questions today.

**Senator Huffman:** My pleasure, Senator Powell. Thank you very much.

**President:** Thank you, Senator Powell. Senator Menéndez, for what purpose?

**Senator Menéndez:** Thank you, Mr. President. Would the Senator—

**President:** Do you yield?

**Senator Huffman:** Of course.

**Senator Menéndez:** —yield for questions? Thank you, Mr. President. Thank you, Senator Huffman. I, many of my questions have been addressed—

**Senator Huffman:** Okay.

**Senator Menéndez:** —by Senator Powell. But I do have a few. And so, Senator, I've heard you repeatedly say that you did not take race into consideration when drawing these maps. Correct?

**Senator Huffman:** That's correct, Senator Menéndez.

**Senator Menéndez:** I also recall that during the, I think it was 15 virtual hearings that we had where the State Demographer, Mr. Lloyd Potter, Dr. Potter, where he testified and then later the census data verified that 95 percent of our growth in the last 10 years has been from the minority populations. Is that not correct?

**Senator Huffman:** I believe that's what Mr. Potter said. Again, I'd rather rely on the census numbers because—

**Senator Menéndez:** Sure.

**Senator Huffman:** —the ACS numbers are different. But Dr. Potter has testified as an invited witness during some of the hearings. I believe it was the Congressional hearing actually, and Senator Alvarado asked him a series of questions that touched on that issue. I don't remember the exact specifics but certainly that sounds close to what he said. Yes.

**Senator Menéndez:** So, my understanding too that prior to this census, the prior census, 2000-2010, people of color accounted for 89 percent of the population growth in the State of Texas.

**Senator Huffman:** And I don't have that number, but if you have it in front of you—

**Senator Menéndez:** I do.

**Senator Huffman:** —correct. I'm sure it's correct.

**Senator Menéndez:** I do. And so, my concern, Senator, is that the maps that are being proposed are not an accurate reflection of the growth in the State of Texas. And so, I know you've said that you have drawn these without any race of, input of any kind of race. But if over the last 20 years, 89 to 95 percent of our growth has been

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from the minority population, and we have not had a new minority opportunity Senate district drawn, how can we justify the lines that we have if over 90 percent of the growth in 20 years and yet we don't have a new minority opportunity district? How is that possible?

**Senator Huffman:** Well, Senator Menéndez, as, as you well know, I've stated several times I drew blind to race and we did preserve all the current, both Black opportunity districts and Hispanic or Latino opportunity districts in the existing plan. I have repeatedly said, and I think I just said this to Senator Powell, for any group to bring us something that we didn't see, something that we missed. We were more than willing to run a VRA analysis on that, which in fact we have done with everything submitted. And nothing submitted has indicated to us that another minority opportunity district is required to be drawn under the law. As you understand, of course, that it would be racial gerrymandering to just draw a map based on race unless there is a strong basis in evidence to believe the districting decision is required in order to comply with Section 2 of the Voting Rights Act.

**Senator Menéndez:** You mentioned earlier that you had several points that you took into consideration. I think I heard compactness, I heard preserving communities of interest, jurisdictional lines, political jurisdictions, et cetera, et cetera. Senator, so, you've also mentioned that you have been assured that the maps are compliant with case law and the Voting Rights Act. Was it the Attorney General's Office or some other outside counsel who helped assure you?

**Senator Huffman:** The Attorney General.

**Senator Menéndez:** The Attorney General's Office. And so, do you or the Attorney General, do you expect the redistricting process will come under the subject of litigation as it has in the past?

**Senator Huffman:** I would expect probably so. Yes, Senator Menéndez. Which, in fact, I think there's already a couple of Senators already filed something, so.

**Senator Menéndez:** Well, I think that there have been, but you're right. I think I'll yield the floor and I, and listen to more of the other questions that may come up. Thank you very much.

**Senator Huffman:** Thank you very much, Senator Menéndez. Happy to answer your questions.

**President:** Senator Gutierrez, for what purpose? Perfect timing.

**Senator Huffman:** He likes to make an entrance.

**Senator Gutierrez:** Thank you, Mr. President. And thank you, Senator.

**President:** Would you like to state your purpose just for the record?

**Senator Gutierrez:** Yes. Thank you, Mr. President. Just to ask a few questions of the author of the bill.

**President:** Do you yield?

**Senator Huffman:** Yes.

**President:** You're recognized.



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**Senator Gutierrez:** Thank you, Mr. President. Senator, first off, I know that this was tremendously, it's a hard exercise. And so, you and I have had our ups and downs on this, but you are, you rightly made some corrections because you very early on told us that changes would be made by neighbor to neighbor and there was some misunderstanding I think on our part. You owned up to that and I appreciate that. I just wanted to let you know that.

**Senator Huffman:** Yes, I did. And I think I fixed my mistake.

**Senator Gutierrez:** Yes, Ma'am. And I can tell you that, you know, I have learned a lot in the last few weeks, and you've been doing this for a few months now and so, you know, I understand that there is a lot to do here and certainly it is a hard process. So, I commend you on that. I do, obviously, we do have some differences on how some of these maps play out, and that's what we're going to talk about a little bit.

**Senator Huffman:** Okay.

**Senator Gutierrez:** My first question is, did you begin drawing in August or September?

**Senator Huffman:** I started drawing after the data became, it was loaded into RedAppl, which I think took almost a week after we received the numbers, could have been a little less than a week.

**Senator Gutierrez:** Okay. I—

**Senator Huffman:** Late August, probably.

**Senator Gutierrez:** Yeah. And for purposes of, for the group, I'm not going to get into any of the questions that have already been asked. So, we're going to eliminate that so we can kind of keep going here a little bit. So, I do have some questions just on process here. So—

**Senator Huffman:** Sure.

**Senator Gutierrez:** —are your thoughts, are counties political subdivisions? I guess more substance than process.

**Senator Huffman:** Under the law?

**Senator Gutierrez:** Yes, Ma'am.

**Senator Huffman:** Yeah, I think they are a political subdivision. Yes.

**Senator Gutierrez:** Very good. How many counties does SB 4 currently split up?

**Senator Huffman:** I don't know the answer to that but there will be several. I've never counted to be honest.

**Senator Gutierrez:** We went through the data. Would 23, would that be?

**Senator Huffman:** Anna's going to look it up so I can confirm, but I, she's going to check. But if you've counted, then it's probably 23.

**Senator Gutierrez:** Okay. And I'll submit to you that it's 23, and we did this by verifying and looking at RedAppl, and any county that is not 100 percent is cut. That's correct. Right?

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**Senator Huffman:** Yes.

**Senator Gutierrez:** Very good. And the counties that are cut, just for your edification are Collin, Dallas, Ellis, Jefferson, Galveston, Harris, Montgomery, Williamson, Tarrant, Parker, Brazoria, Denton, Travis, Fort Bend, Waller, Atascosa, Guadalupe, Bexar, Hidalgo, Hays, Nueces, San Patricio, and Wichita. Just—

**Senator Huffman:** That sounds about right.

**Senator Gutierrez:** And I think there might be some amendments down the road that might—

**Senator Huffman:** Yeah.

**Senator Gutierrez:** —cut up a county or two. Alright. And so, if a plan split fewer than 23 counties, would that be better or worse?

**Senator Huffman:** I don't have an opinion on that, it would depend upon the political makeup of the, looking at the whole map statewide, the numbers, the concerns of incumbents, constituencies, so I don't have a general answer for that.

**Senator Gutierrez:** Okay. If that plan were to be, one could consider it, and at least, I guess, it's all in the eye of the beholder I suppose, but keeping counties whole would be a better proposition I would take.

**Senator Huffman:** Well, as you know sometimes that's the case, sometimes it's not.

**Senator Gutierrez:** Okay.

**Senator Huffman:** Couldn't, couldn't agree with that across the board for you because it's such an impossibility in many situations that it's hard for me to agree with you on that.

**Senator Gutierrez:** Alright. Are cities political subdivisions?

**Senator Huffman:** I believe that they are. Yes.

**Senator Gutierrez:** Alright. How many cities are split by SB 4?

**Senator Huffman:** Oh, probably quite a few. We did go back and try to clean up some of the smaller municipalities, in fact I have an amendment that cleans up in your district—

**Senator Gutierrez:** That's right.

**Senator Huffman:** —Seguin and—

**Senator Gutierrez:** Atascosa—

**Senator Huffman:** —Jourdanton, forgot the name of the town.

**Senator Gutierrez:** In Atascosa County.

**Senator Huffman:** Jourdanton, a city up there, what's the name of that city?

**Senator Gutierrez:** I think McGregor possibly.

**Senator Huffman:** Mansfield in Tarrant County.

**Senator Gutierrez:** Mansfield, that's right.

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**Senator Huffman:** And I think we cleaned up a couple in an earlier amendment on the committee. I think it was Kyle and another one. But there are still, of course especially the major cities like San Antonio, Fort Worth, Houston, Dallas, et cetera, which have multiple Senators because of the vast population.

**Senator Gutierrez:** That's right. Well, I'll submit to you that about 164 cities were actually cut—

**Senator Huffman:** Okay.

**Senator Gutierrez:** —and I'm definitely not going to read off 164 cities.

**Senator Huffman:** Good.

**Senator Gutierrez:** But that's just data that we've gotten from RedAppl. And I'm not doing this to, or saying this to be critical, just trying to point out that making a statewide map is difficult, and some large counties and cities need to be, needed to be split to comply with one person, one vote. And so, we do understand that. Some cities are split by making a policy choice not to split certain districts and some splits don't matter because they have zero population. And so, let's talk about geographic compactness. How do you measure geographic compactness?

**Senator Huffman:** I think it just depends on the circumstances of the district, the area, how big the Senate district is, how the population is dispersed, where you're looking for population, it really varies on specific circumstances.

**Senator Gutierrez:** And is it your opinion that the districts that you're offering in SB 4 are geographically compact?

**Senator Huffman:** I believe they are compact when you look at the map as a whole, yes. As a statewide whole, I should say.

**Senator Gutierrez:** Did you measure the geographic compactness of these districts using the Red-315 Report by the TLC?

**Senator Huffman:** No.

**Senator Gutierrez:** Was that a yes?

**Senator Huffman:** The staff may have looked at it, I didn't look at it. I'm checking now, I don't, I don't know. I don't think we looked at it, maybe someone looked at it. I don't know.

**Senator Gutierrez:** Okay. So, there are three measures on compactness, and they're, they measure different kinds of compactness. Correct?

**Senator Huffman:** What are you referring to specifically. Some, a program or a—

**Senator Gutierrez:** No. Just the measures within RedAppl itself and the law itself. There's area to rubber band compactness. Correct? This is in RedAppl.

**Senator Huffman:** Yeah. I didn't, I didn't look at that completely. No.

**Senator Gutierrez:** And, and that's fair.

**Senator Huffman:** Is that your question, did I look at it? The answer's no.

**Senator Gutierrez:** Well, that's fair.

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**Senator Huffman:** That's the honest answer.

**Senator Gutierrez:** But your staff probably did.

**Senator Huffman:** They probably did but I don't recall.

**Senator Gutierrez:** Just for your edification and for the body's, area to rubber band is the ratio of the area of the district to the area of the smallest convex polygon in closing district. This is why I got to commend you because this is really boring.

**Senator Huffman:** You can see why I didn't look at it. Yeah.

**Senator Gutierrez:** Yeah. It's boring stuff, I get it. And then there's perimeter to area, it excites this guy.

**Senator Huffman:** Yeah, yeah.

**Senator Gutierrez:** It excites the young lady next to you.

**Senator Huffman:** Probably, probably.

**Senator Gutierrez:** They get very excited about this stuff. Perimeter to area is the ratio of the area of a circle with the same perimeter as a district to the area of the district.

**Senator Huffman:** There's a reason why I became a lawyer, Senator Gutierrez.

**Senator Gutierrez:** Yes. Yeah, there's a reason why you and I don't do redistricting on a daily basis. Population rubber band is the ratio of the population for all census blocks contained in the smallest convex polygon enclosing the district to the population of the district. Your staff probably saw that—

**Senator Huffman:** They may have, I didn't look at it.

**Senator Gutierrez:** —so those are the three different types of compactness. When they explained it to me, 20 times, I said, okay, that's jaggedness. And then we started kind of talking about those things. Just out of curiosity, last question I mentioned census block, I had a question that I thought of earlier. Did you utilize census block group data when you were shading?

**Senator Huffman:** We only shaded for partisan, as I've explained, not racial. But, yes, it was, yeah, I wanted to, I want to make sure I understand the question. Did we do it by census block when we did a shading?

**Senator Gutierrez:** Did you, yes, did you use census block group data when you were doing your shading?

**Senator Huffman:** No, we didn't go down to the block level, we did precinct level.

**Senator Gutierrez:** Okay. The block group level?

**Senator Huffman:** The precinct level.

**Senator Gutierrez:** Alright.

**Senator Huffman:** The VTD, which can get confusing because my understanding is the way that that could be that in a few instances it's more than one precinct or part of another precinct.

**Senator Gutierrez:** Right. Did you use partisan shading by municipality?



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**Senator Huffman:** No, I don't even know if you can do that, but we didn't do it. Or we didn't know how to do it.

**Senator Gutierrez:** Okay. So, looking at the Red-315 Report, it looks under the area to rubber band measure, the least compact district in SB 4 is SD 24. Is that correct?

**Senator Huffman:** I don't know since I didn't look at that report. I'll just, you could just tell me that and then we'll verify. But I have no reason to doubt you, Sir.

**Senator Gutierrez:** I'll submit to you that SD 24's ratio is .473.

**Senator Huffman:** Okay.

**Senator Gutierrez:** In your opinion, SD 24 and SB 4, is it your opinion that it's compact according to the area rubber band measure?

**Senator Huffman:** It looks, are you talking about SD 24 or SD 4? Because you—

**Senator Gutierrez:** SD 24.

**Senator Huffman:** —24.

**Senator Gutierrez:** Senate District 24.

**Senator Huffman:** Yes. I think SD 24 is compact when you look at the constituencies that, the way we drew it and to get the population numbers that we needed, it was as compact as we could get it.

**Senator Gutierrez:** You bring up a good point. I'll refer to Senate Bill 4 so we don't get—

**Senator Huffman:** Okay, I'm sorry. I thought you were—

**Senator Gutierrez:** —confused. It was my bad.

**Senator Huffman:** —Senate District 4.

**Senator Gutierrez:** No, my bad. I did say Senate District 24, you're correct. If there was a district that was created that had an area to rubber band that was higher than a district in Senate Bill 4 then that district would be more compact, or at least according to that measure. Is that a fair statement?

**Senator Huffman:** I just can't agree because I, no. I don't know what you're saying, so I'm not going to agree to something I don't understand what you're saying.

**Senator Gutierrez:** Alright. If there was a district that was created that had an area to rubber band that was higher than a district in Senate Bill or—

**Senator Huffman:** I don't know what rubber band means.

**Senator Gutierrez:** —I got it. Okay. We can move on.

**Senator Huffman:** Okay.

**Senator Gutierrez:** Let's—

**Senator Huffman:** I know what rubber band means, I just don't know what it means in the context of—

**Senator Gutierrez:** That's fine. Let's move on to perimeter to area measure. It looks like Senate District 6 in Senate Bill 4 has a measure of .070. Is that correct?

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**Senator Huffman:** You know, I didn't look at these reports, Senator Gutierrez. I'm not going to be able to agree or disagree. As you know, compactness is just one of the issues we look at as we draw these maps. So, if you want to state something that's in your opinion for the record, but I can't, I'm not going to agree because I'm just not familiar with what you are referring to or getting at.

**Senator Gutierrez:** I guess what I'm asking, and we can probably summarize many of these questions along those lines, is if we find, if there are plans out there where there is greater compactness, are those districts, would that plan be considered more fair if you have better compactness?

**Senator Huffman:** I would not say that is necessarily so. It would depend on all the facts and circumstances of the map or maps.

**Senator Gutierrez:** If there was a plan that had more districts that met or exceeded the compactness measures of SB 4, in other words, we have all these compactness measures that you and I, you know, we struggle with but we kind of get it some. Right? But if we had another plan that had more Senate districts that met or exceeded the compactness measures of Senate Bill 4, would that plan be more compact than Senate Bill 4? In other words, that's kind of an obvious statement. Right? If someone drew a plan that was more compact than the Senate Bill 4 plan, then that other plan would be more compact. Simple statement.

**Senator Huffman:** Well, compactness is not the only criteria. So, we would have to look at the map holistically to determine the benefits of that.

**Senator Gutierrez:** I understand that there's some other criteria.

**Senator Huffman:** Umh hmm.

**Senator Gutierrez:** But this hypothetical plan that I'm suggesting, if it's more compact than the Senate Bill 4 plan, would be more compact. I mean, that's kind of a, yeah.

**Senator Huffman:** Well, Senator Gutierrez, I'm really not going to engage in hypotheticals. We have a map before us that we need to get through here. So, I will say that, again, compactness is not the only criteria, it's something to be considered when looking holistically at the entire map.

**Senator Gutierrez:** Very good. And I'm almost done here.

**Senator Huffman:** Okay.

**Senator Gutierrez:** How many current elected Senators have announced retirement or plans to run for another office? Senator Nelson, correct?

**Senator Huffman:** Senator Nelson, yeah. Trying to think of any, I think Senator, oh—

**Senator Gutierrez:** Senator Buckingham.

**Senator Huffman:** —Senator Buckingham, of course. She's not retiring, though.

**Senator Gutierrez:** She's running for another office, that's right.

**Senator Huffman:** She's moving on.

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**Senator Gutierrez:** I think she described her district as a giving tree earlier today. So, we have 29 Senators at this point who are incumbents. We should thank Senator Nelson and Senator Buckingham for coming and helping us out today. Assuming no one loses in a primary, how many of those incumbents would be returning under your proposed plan?

**Senator Huffman:** Well, I can't predict how voters will vote. I think that every Senator on this floor will have to get out and campaign and convince their constituents they are deserving of another chance to serve. So, I'm not going to speculate on who is going to come back and who's not.

**Senator Gutierrez:** Under your plan, I think that we've already determined that Senate District 10 would probably not be returning Senator Powell. Is that accurate?

**Senator Huffman:** I do not know who the voters of Senate District 10 will vote for.

**Senator Gutierrez:** If there was a plan that crea— that brought back every incumbent, all 29 that we've suggested earlier, I mean, I think you, I think the obvious answer to this is, yes, you're right. That plan would be better for incumbents than Senate Bill 4?

**Senator Huffman:** Say that again. I'm not sure. If, what now? If map—

**Senator Gutierrez:** If a plan was created that brought back all 29 incumbents—

**Senator Huffman:** Yes.

**Senator Gutierrez:** —that hypothetical plan would be better than SB 4 for all those 29 incumbents. Correct?

**Senator Huffman:** Again, I'm not going to engage in hypotheticals with you. If you want to ask me a direct question, I'll answer it.

**Senator Gutierrez:** No, I think that's, it's a hypothetical plan. I'm just saying if there was a plan that was created that brought back all the incumbents, would that plan be better for all the incumbents, 29?

**Senator Huffman:** No, I think it's better for us to have to get out there and work and earn the vote of our constituents.

**Senator Gutierrez:** Okay. Is it true that you made a concerted effort to reduce population deviation in the State Senate map? You didn't rely on the 10 percent safe harbor?

**Senator Huffman:** I tried to make it, I don't think it's a safe harbor, but I did try to, to be as consistently, as low as we could get and follow all the redistricting general priorities, objectives, I should say.

**Senator Gutierrez:** That's true. I'll represent to you that you sought a lower deviation, no doubt. Did you feel that a map with a lower deviation would be more fair?

**Senator Huffman:** I don't know if it necessarily would be more fair. It was something that we achieved, we tried to do to have legal compliance.

**Senator Gutierrez:** And your overall deviation of your plan as far as we know right now is about 6.14. Is that?

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**Senator Huffman:** It's something like that, but there are a couple of amendments and they may change them slightly so I don't want to say that's exactly it. If it is, if it does change it, it would be, it would be slightly.

**Senator Gutierrez:** Okay. And I'm using more fair because these are words that you've used in previous hearings and what not.

**Senator Huffman:** Okay.

**Senator Gutierrez:** If there was a plan that had a lower deviation than the 6.14, would that plan be more fair, at least as to population deviation, than your plan?

**Senator Huffman:** Again, I can't say that. A lot of it has to do with, you know, the growth possibilities in certain districts and other issues. So, fair is kind of a tough word to just associate when you don't know the facts.

**Senator Gutierrez:** What was the name of the consultants that you used?

**Senator Huffman:** I have not used any consultants.

**Senator Gutierrez:** There is no law firm that you used, outside law firm?

**Senator Huffman:** There was one law firm, but they were used very minimally. They did not consult on the drawing of the maps, just on legal issues.

**Senator Gutierrez:** Thank you, Mr. President. Thank you, Senator.

**(Senator Birdwell in Chair)**

**Presiding Officer:** Senator Eckhardt, for what purpose?

**Senator Eckhardt:** To ask some brief questions of the author.

**Presiding Officer:** Do you yield, Senator Huffman?

**Senator Huffman:** Of course.

**Presiding Officer:** You're recognized, Senator Eckhardt.

**Senator Eckhardt:** Thank you so much, Senator Huffman. And I'm going to follow on pretty much where Senator Gutierrez left off.

**Senator Huffman:** Okay.

**Senator Eckhardt:** And perhaps it's just that I didn't hear it, you had mentioned that you had engaged a private law firm?

**Senator Huffman:** There was a private law firm who was engaged, they were used very, in a very limited manner. They did not draw the maps or assist in the drawing of the maps.

**Senator Eckhardt:** I'm sorry—

**Senator Huffman:** They did not assist in the drawing of the maps.

**Senator Eckhardt:** —I see. When did the map that you and staff drew, with the possible assistance of the Lieutenant Governor, at least input of the Lieutenant Governor, when was that map sent over to any legal counsel?

**Senator Huffman:** I don't remember.



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**Senator Eckhardt:** Was it sent, you had mentioned it was sent to the Attorney General's Office, was it sent to this private law firm as well?

**Senator Huffman:** It was not.

**Senator Eckhardt:** What is the name of the private law firm?

**Senator Huffman:** Lehotsky Keller.

**Senator Eckhardt:** Lehotsky Keller. Now, I completely respect that I would not want to, and you wouldn't respond to the question in any case, get into what Lehotsky Keller—

**Senator Huffman:** Keller.

**Senator Eckhardt:** —had advised you. That's attorney-client privilege. But who paid Lehotsky Keller?

**Senator Huffman:** There is a, through Texas Legislative Council.

**Senator Eckhardt:** So, they were—

**Senator Huffman:** A fund, I think, I mean, or it's, I'm not sure exactly. I mean, the Legislature appropriates the funds and the Texas Legislative Council disperses the funds.

**Senator Eckhardt:** Did Texas Legislative Council manage that contract?

**Senator Huffman:** Yes.

**Senator Eckhardt:** Okay. Do you know who at Legislative Council managed that contract?

**Senator Huffman:** No.

**Senator Eckhardt:** And was Lege Council specifically the client, or was the committee the client?

**Senator Huffman:** Lege Council is not the client. I'm sorry, I'm just getting, Texas Lege Council is not the client, no. They just managed the contract, I think, as you stated. It's probably a fair way of saying it.

**Senator Eckhardt:** Do you know who the client was?

**Senator Huffman:** The client was both me and the Lieutenant Governor.

**Senator Eckhardt:** Did you ask Lehotsky and Keller to do the voting rights analysis of the map?

**Senator Huffman:** Again, I'm not going to get into any conversation that I had with my attorney. But again, they were not involved in the drawing of the maps.

**Senator Eckhardt:** And I wasn't asking about the drawing of the map, I was asking about the voting rights analysis.

**Senator Huffman:** No.

**Senator Eckhardt:** Did you receive a voting rights analysis from Lege Council?

**Senator Huffman:** No.

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**Senator Eckhardt:** Did you receive a voting rights analysis from the Attorney General's Office?

**Senator Huffman:** I received legal advice from the Attorney General's Office.

**Senator Eckhardt:** When you received this legal advice from the Attorney General's Office, was it in written format or oral briefing?

**Senator Huffman:** It was all verbal.

**Senator Eckhardt:** All verbal?

**Senator Huffman:** Yes.

**Senator Eckhardt:** And who else received the briefing along with you?

**Senator Huffman:** Most of the time it was Anna Mackin, my two lawyers, and Sean Opperman.

**Senator Eckhardt:** Were any other Senators involved in the briefing?

**Senator Huffman:** No, I don't believe there was ever anyone else present.

**Senator Eckhardt:** Was the Lieutenant Governor involved in the briefing?

**Senator Huffman:** No.

**Senator Eckhardt:** You, you have mentioned and been very assiduous about this, that you are colorblind in your dealings with the map.

**Senator Huffman:** Yes, Ma'am.

**Senator Eckhardt:** Who advised you and your committee to never open the racial shading of RedAppl?

**Senator Huffman:** Again, I'm not going to discuss any, you know, specifics, discussions I have with attorneys. But I have read the law and I know the law, and I believe the law to require me to draw the maps blind to race unless, again, there is a strong basis in evidence to believe the districting decision is required to comply with the Voting Rights Act, Section 2. To do otherwise would be a racial gerrymander.

**Senator Eckhardt:** But you do know that counsel must have looked at the racial shading in order to determine its compliance with the Voting Rights Act and the laws related to redistricting. Correct?

**Senator Huffman:** I don't know what specifically they looked at nor will I go into that discussion. I received legal advice from the Attorney General's Office and proceeded based on legal advice.

**Senator Eckhardt:** Well, as a lawyer, how else would a law firm determine the legality of the map without looking at the racial shading of the map?

**Senator Huffman:** Again, I'm not going to comment on that. I told you how I proceeded, and that's how I'm going to answer the question.

**Senator Eckhardt:** Do you yourself believe that, given the current state of the law and the current facts with regard to growing minority populations in Texas, that the law would require preservation of our current minority opportunity districts?

**Senator Huffman:** Of current minority, yes, I believe the law requires that.

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**Senator Eckhardt:** Do you believe that the current state of the law and the current facts with regard to growing minority opportunity districts requires drawing additional minority opportunity districts?

**Senator Huffman:** If the Section 2 factors are met under *Gingles* and the evidence is there as I stated before, then, yes.

**Senator Eckhardt:** Thank you so much.

**Senator Huffman:** Umh hmm.

**Presiding Officer:** Senator West, for what purpose?

**Senator West:** Questions of the author.

**Presiding Officer:** Do you yield, Senator Huffman?

**Senator Huffman:** Yes.

**Presiding Officer:** You're recognized, Senator West.

**Senator West:** And I'm not going to be repetitive, okay. In terms of the issue of consideration of race—

**Senator Huffman:** Yes.

**Senator West:** —you've said that you have not considered it—

**Senator Huffman:** Yes.

**Senator West:** —for any purposes. But it just seems ironic that going back to questions asked by Senator Powell that there were decreases and increases of minorities in districts where minority voters were electing voters of their choice, in Senate District 10, I'm talking, let me just talk Senate District 10. And then in other Republican districts there was an increase in minorities being placed in those particular districts. And all of this was done, race, there was, no one applied race to any of these things. It just seems kind of ironic that that ended up being the occurrence and outcome when race was never considered at all. It just seems ironic to me. Now, you mentioned a second ago that race should only be considered when there's a strong base that would require you to look at race. Were there any strong basis in your drafting of this map that you thought that race should be looked at?

**Senator Huffman:** There has been none. As I said, we drew the maps blind to race, then we asked the Attorney General for a legal analysis, whether we had followed the Voting Rights Act. We were assured that we did, and then I continued to say if someone has something to bring me that would lead us to believe there was a strong basis in evidence, then we would proceed accordingly. We also made sure that, oh, yes, and we also made sure that we looked at, once the maps were drawn, and I was assured that the, both the two Black opportunity districts in the existing plan and the seven Hispanic or Latino opportunity districts in existing plan, had been honored and was assured by legal counsel that we had complied with all laws.

**Senator West:** And again, I'm not going to go back over the analysis of 10. Did you consider Senate District 10 a crossover or a coalition district?

**Senator Huffman:** We did not consider race in the drawing of Senate District 10.

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**Senator West:** Okay, so in terms of, what is a coalition district?

**Senator Huffman:** Well, you know, there's, believe it's when you, it's, again, not required I believe under the law, but I believe it has been defined previously as in different minority groups that band together to elect their candidate of choice. That's how it has been used in the past. Whereas a crossover district is when the majority in the district crosses over to vote with the minorities to help the minorities elect, yeah, to form a political coalition to elect their candidate of choice.

**Senator West:** So then, in terms of your drawing and your staff's drawing of this map, you didn't take into consideration at all whether or not they were coalition or crossover districts?

**Senator Huffman:** I did not look at that. No, Sir. Because that would have been considering racial data improperly and illegally.

**Senator West:** I'm sorry.

**Senator Huffman:** And illegally.

**Senator West:** Alright. And so, as it relates to the Voting Rights Act, race was never considered at all? I just want to make certain.

**Senator Huffman:** That's not what I said. I said—

**Senator West:** I, don't—

**Senator Huffman:** —we drew the maps blind and then I looked at some data myself after everything was done. In fact, that was I think yesterday, if not the day before, think it was yesterday. But I had been advised that I had complied with the Voting Rights Act as they apply to the minority opportunity districts that currently exist in the State of Texas, like your district, Senator West. And as you know, I worked with you when you came to me with some tweaks you wanted with precincts, I was very committed to working with you, with your, with your communities.

**Senator West:** So, race was never considered at all for Voting Rights Act compliance—

**Senator Huffman:** As I said, after—

**Senator West:** —Other than, other than as it relates to the existing districts?

**Senator Huffman:** —to verify that in fact that we had honored the Voting Rights Act under Section 2, to honor the existing minority opportunity districts in the State of Texas.

**Senator West:** And that's, that is all that was required. Correct?

**Senator Huffman:** I'm sorry?

**Senator West:** And that's all that was required of you?

**Senator Huffman:** We just wanted to get this straight, we were also advised whether or not additional districts needed to be drawn. And we have moved forward without drawing any, but we continue to look at all proposed plans to determine whether or not a draw is required under the Voting Rights Act, which would be, again, the strong basis in evidence to believe that the districting decision should be done.



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**Senator West:** Did I hear you say that you were advised as to whether or not any additional districts, minority opportunity districts, were required?

**Senator Huffman:** Just ask the question again, one more time. Was I advised, what was the question?

**Senator West:** I thought I heard you say that you were advised as to whether any other additional minority opportunity districts were required.

**Senator Huffman:** We, again, I don't want to get into my discussions with the attorney, I will say that I was told that I have complied with the Voting Rights Act, Section 2, by the map that you have before you, this plan. So.

**Senator West:** So, I misunderstood you when you said that?

**Senator Huffman:** I don't know if you misunderstood me, I don't know. I'm just telling you that's what happened.

**Senator West:** Okay. So—

**Senator Huffman:** Yeah.

**Senator West:** —if you said that then it was some Freudian slip?

**Senator Huffman:** No.

**Senator West:** Okay, it was not. Alright, thank you.

**Senator Huffman:** And you're mumbling, I can't hear you, so.

**Senator West:** I said, excuse me—

**Senator Huffman:** I'm sorry.

**Senator West:** —if you said that, it was some Freudian slip then. Right?

**Senator Huffman:** I don't think it was a slip. It was just me trying to answer your question but not understanding your question perfectly.

**Senator West:** For purposes of Senate District 10, we know that there was a court decision back in 2012, as it relates to Senate District 12, Senate District 10. Did you take that court decision into consideration in drawing, or redrawing, Senate District 10?

**Senator Huffman:** No, Sir.

**Senator West:** Why is that?

**Senator Huffman:** I didn't think it was required for me to do so.

**Senator West:** Okay. You didn't think it was required?

**Senator Huffman:** Correct.

**Senator West:** Okay. Are you familiar with the concept of cracking a district?

**Senator Huffman:** Yes.

**Senator West:** Is that permissible under the Voting Rights Act?

**Senator Huffman:** I don't believe that it is.

**Senator West:** Are you familiar with the concept of packing?

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**Senator Huffman:** Yes.

**Senator West:** Is that permissible under the Voting Rights Act?

**Senator Huffman:** I don't think any of these are Voting Rights Act terms. They're just general terms sometimes used in redistricting.

**Senator West:** That again—

**Senator Huffman:** But I will say that I am familiar with what the terms mean, I just don't think they're, in relation to the Voting Rights Act are they applicable.

**Senator West:** —or any other federal law or constitutional law? I mean, you, you would agree that—

**Senator Huffman:** I'm aware of packing and cracking, yes.

**Senator West:** —you've heard of packing and cracking has been used in litigation in order to try to get districts declared constitutional, unconstitutional. Correct?

**Senator Huffman:** I have heard those terms. Yes, Senator. Yeah.

**Senator West:** And packing and cracking did not occur in this particular map. Is that correct?

**Senator Huffman:** I do not believe that neither of those occurred. Correct, Sir.

**Senator West:** You do not believe?

**Senator Huffman:** Yes.

**Senator West:** Okay. If it did, if it did occur, and you said you do not believe it did occur, but if it occurred, it may raise a constitutional question. Correct?

**Senator Huffman:** I'm sure that people will have issues that they bring before the courts. I believe that I followed the law and drew these maps blind to race.

**Senator West:** Okay. Thank you very much.

**Senator Huffman:** Thank you, Senator West.

**Presiding Officer:** Senator Gutierrez, for what purpose?

**Senator Gutierrez:** Three short questions, possibly four. Very short.

**Presiding Officer:** Do you yield, Senator Huffman?

**Senator Huffman:** Yes.

**Presiding Officer:** You're recognized, Senator Gutierrez.

**Senator Gutierrez:** Thank you, Senator. I'll be real brief. Todd Disher, Matthew Frederick, I imagine those are the attorneys at the Lehotsky and Keller that you're talking to. Is that accurate?

**Senator Huffman:** I don't, I don't remember their names. I'm sorry. We really only talked to them once or twice to be honest.

**Senator Gutierrez:** You don't remember the name of the lawyers that you spent time with?

**Senator Huffman:** Didn't actually ever spend time with them to be honest.

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**Senator Gutierrez:** Or on the phone or on Zoom?

**Senator Huffman:** I know one is named Scott, and one is named Todd. I don't remember—

**Senator Gutierrez:** Todd Disher, Todd Disher is a hell of a lawyer, by the way.

**Senator Huffman:** Yeah. I don't remember Matt, but maybe he was there.

**Senator Gutierrez:** Good lawyer, you picked a good one. Let me ask you, with regards to when did you begin that representation, approximately what month did you begin talking to Mr. Disher?

**Senator Huffman:** I don't remember. Maybe someone here—

**Senator Gutierrez:** Was it the springtime?

**Senator Huffman:** —they're going to look and see if we can come up with it. I don't remember the date, but they're looking.

**Senator Gutierrez:** While they're looking, how many times did you have communications with Mr. Disher or the other lawyer, Scott?

**Senator Huffman:** I met them one time in person just to have a very general kind of interview type, but we didn't talk about anything. And I believe I was in the room one time when Anna was talking to them on the phone, and I was talking to them on the phone. I believe that's the only contact that I had with them.

**Senator Gutierrez:** Is it fair that, would you think that you met them in the springtime?

**Senator Huffman:** I don't want to guess. I'd rather look up the date of the contract and tell you so that I give you a definitive answer. I think that's fair for everyone.

**Senator Gutierrez:** That is more than fair and that would be my last question. Yes, Ma'am, as soon as we get an answer to that, I'm done.

**Senator Huffman:** Okay. I think they're looking now.

**Senator Gutierrez:** We're waiting on an answer, Sir.

**Senator Huffman:** Contract was signed on April the 13th of 2021.

**Senator Gutierrez:** April the 13th. And I guess that call happened thereafter. After the—

**Senator Huffman:** The call that I had was, yeah, sometimes thereafter, probably sometimes in August or September. I don't recall.

**Senator Gutierrez:** Okay.

**Senator Huffman:** But we had very little contact with them.

**Senator Gutierrez:** Thank you, Senator.

**Senator Huffman:** Would be evidenced by their bill, if you wanted to look at it.

**Senator Gutierrez:** Thank you, Senator, and—

**Senator Huffman:** Okay.

**Senator Gutierrez:** —thank you, Mr. President.

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**Presiding Officer:** Members, any other questions of Senator Huffman? Hearing and seeing none, there is an amendment. Secretary will read the amendment.

**Secretary of the Senate:** Floor Amendment No. 1 by Huffman, Plan No. 2149.

**Presiding Officer:** Senator Huffman, you're recognized on the amendment.

**Senator Huffman:** Thank you, Members. Since this plan has been filed, we have listened to public testimony and reviewed some com— many comments submitted to the public input portal. There was some concern that we heard about splitting the smaller municipalities. I think Senator Gutierrez has referred to that a little. So, we've reviewed the plan for municipalities that are currently split to see if we could make them whole without having a significant impact on the districts involved. During the committee process, after hearing public testimony, I amended the map to make the cities of Magnolia and Kyle whole. The amendment before us today furthers this goal by making the cities of Mansfield, Seguin, and Jourdan whole. I appreciate the Senators involved in these. All the Senators that are touched upon by this have agreed upon these changes. They're pretty minor for everyone. I'm happy to answer any questions, but I do move adoption of Floor Amendment No. 1.

**Presiding Officer:** Members, the following amendment to the amendment. The Secretary will read the amendment to the amendment.

**Secretary of the Senate:** Floor Amendment No. 2 by Powell, Plan No. 2132.

**Presiding Officer:** Senator Powell, you're recognized on the amendment.

**Senator Powell:** Thank you, Mr. President. Members, this amendment will restore Senate District 10 to its benchmark as passed by the Legislature in 2013. This amendment will change Districts 9, 10, 12, 22, 23, and 30, in Plan Number 2149 to configurations drawn under S2132. In 2011, the Legislature passed maps that federal courts found to be intentionally discriminatory against African American, Hispanic, and Asian American Texans within Senate District 10. The court-ordered map I am offering today is the same map passed by the Legislative Redistricting Board in 2001. In 2001, the LRB intentionally drew Senate District 10 to allow minority Texans the ability to unite and elect candidates of their choice. The LRB defended their 2001 drawing of Senate District 10 by telling the Department of Justice SD 10 had a chance to become a coalition district. Texas wrote, quote, the voting strength of these minority communities in the future will depend on the cohesion within and between Black and Hispanic voters and the ability of such voters to form coalitions with other racial or ethnic groups in support of their preferred candidates. At the same time the LRB drew Senate District 10, the Senate District 10 population was 56.6 percent Anglo, and today that number has decreased to 39.5 percent Anglo. According to the 2020 census, the population of SD 10 has increased, especially among African American, Latino, and Asian American Texans. At the same time, the Anglo population has decreased. As these population changes have occurred, the voting strength of minority Texans within Senate District 10 has become stronger, showing both the cohesion and the ability to form strong coalitions as envisioned by the Legislative Redistricting Board when the district was formed in 2001. Along with some crossover, Anglo voters, the coalition of minority voters in SD 10 has never been stronger. This amendment, proposal S2132, is drawn with respect to many of the



redistricting objections, objectives outlined by the Chairwoman at the Senate committee hearing on September 24. This plan restores most of the boundaries of the cities of Benbrook, Mansfield, Weatherford, which are split in half under Plan 2149. Plan 2132 also reunites communities of interest that are split under PLANS2149. This amendment reunites Fort Worth's North Side and Southside Hispanic neighborhoods and are drawn together in both the current and proposed State House plans. The City of Mansfield, which is a community of interest with southeast Fort Worth and other parts of Tarrant County, as described by the Mayor of Mansfield during committee testimony, is reunited under 2132, under a configuration that will not place the city in a rural district. Finally, the historic core of the City of Fort Worth will remain intact under this plan, instead of being split across the middle, from east to west, as is done under Plan 2149. Finally, S2132 recognizes both the 2011 federal court ruling and significant population changes in the DFW region by restoring SD 10 to its benchmark and making the necessary adjustments to surrounding districts to ensure they remain within a legal deviation. Members, this amendment respects the federal court order which made clear any attempts to dilute minority votes in Tarrant County with rural, Anglo voters is discriminatory, both in intent and in effect. To put it plainly, S2149 is a repeat of the same, illegal attempts to redraw Senate District 10 that we saw in 2011. S2149 tears apart a performing crossover district at odds with a Supreme Court ruling in *Bartlett v. Strickland*. That is why I am demonstrating with this amendment that restoring SD 10 to the benchmark plan as ordered by the federal court in 2011, is possible even with population, with the population growth across North Texas. I am open for any questions from Members on this.

**(President in Chair)**

**President:** Senator Menéndez, what purpose?

**Senator Menéndez:** Would the gentlelady yield for questions?

**President:** Do you yield, Senator Powell?

**Senator Powell:** Yes, thank you.

**Senator Menéndez:** Thank you, Mr. President. Senator Powell, I want to thank you for offering this amendment. As you know, I'm the Chair of the Senate Hispanic Caucus and I have expressed to you my concern on the lack of representation in the proposed map. And so, my question for you is that after listening to you and hearing testimony, I am well aware that there are many historic, Hispanic communities in your district. And in your layout you mentioned that they are split apart. Isn't another term for that is that they are being cracked? And so, because I've heard that that term has come up, it's something that's used often in redistricting. The communities are being cracked and therefore their influence is being divided. Is that not correct?

**Senator Powell:** Senator Menéndez, that is correct. The, the historic community of North Side Fort Worth has been voting predominantly Hispanic for many years now. They are being cracked apart from Southside area where there's a large settlement of the Hispanic population. In fact, I testified during committee that in the Southside there is a huge plaza that used to be a shopping center, as a matter of fact, I watched that shopping be, shopping center be constructed as I was a small child. And I've watched that major shopping center change from an Anglo consumer to a Hispanic

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population over the course of my own lifetime. The North Side and the Southside communities share many of the same characteristics. Many of the interests, same interests in economic issues, in issues that certainly are related to education and to public education specifically, and a broad range of many other topics. Certainly on the Fort Worth ISD School Board, both of these communities have elected Latino representatives to the school board. The State House District 90, represented by Ramon Romero, represents these communities. So there, there is no doubt that the north and south sides of Fort Worth have an interest based on similar cultural and demographic similarities.

**Senator Menéndez:** Have you heard from Latino leaders in your district, if, are they concerned with the proposed map that's basically cracking their communities apart? Have you heard from any Latino leaders in your community?

**Senator Powell:** Absolutely. During testimony we heard from Justice of the Peace, Judge De Leon who came to testify. We received written testimony from many of the Hispanic community leaders across the district, to talk about the fact that they will no longer have a voice in either, in order to elect their representative of choice either in SD 10 or SD 9.

**Senator Menéndez:** They wouldn't have a voice because in the proposed map Tarrant County would be diluted by the rural counties are being added to that. Is that correct?

**Senator Powell:** That is correct.

**Senator Menéndez:** So, in essence the proposed map dilutes the Latino electoral community's power?

**Senator Powell:** It absolutely does. Under the Senate's proposal there is a jagged gash across the new proposed district, from east to west, along and just south of Interstate 30. North of that gash, voters are added to Senate District 9, which is served by Senator Hancock, and then the area to the south will be drawn into SD 10 and now put into the same district with seven rural counties. North of the gash, that population is over 130,000 people, 58.1 percent of that population is Hispanic. These are people who would previously have been in Senate District 10 but are now in Senate District 9.

**Senator Menéndez:** So, we heard earlier that these maps have been drawn blind to race, therefore if race is not being used and your amendment would restore these communities of interest, there shouldn't be a problem. Because you're just bringing back together communities of interest and you're doing it out of respect for the testimony that we've heard to restore the power, and in essence, stop the dilution of the Hispanic, Latino voters' influence in these elections. Is that not correct?

**Senator Powell:** That's absolutely correct, Senator Menéndez.

**Senator Menéndez:** Thank you for bringing this amendment forward. I look forward—

**Senator Powell:** Thank you.

**Senator Menéndez:** —to supporting it.

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**Senator Powell:** Thank you.

**President:** Senator Miles, for what purpose?

**Senator Miles:** Questions to my colleague from Tarrant County, Mr. President.

**President:** Do you yield, Senator Powell?

**Senator Powell:** I do. Thank you, Mr. President.

**Senator Miles:** Thank you, Mr. President. Senator Powell, kind of along the same lines as Senator Menéndez went down, you mentioned issues that are issues that matter to Tarrant County portion of the district. How do they differ with the new added part of your district in context of what this amendment will do to change? Do you understand my question?

**Senator Powell:** I think I do. The easiest way, maybe, is to compare communities of interest. To compare—

**Senator Miles:** Communities of color, are you referring to communities of color, Ma'am?

**Senator Powell:** Yes.

**Senator Miles:** Okay. African American and Hispanic?

**Senator Powell:** Pardon me?

**Senator Miles:** African American and Hispanic?

**Senator Powell:** African American and Hispanic voters. Yes, Sir. In the southern portion of SD 10, which is going to be placed into that, into the new district with seven other rural counties, the percentage of that population that's Black, that's Black and Hispanic, is over 60 percent. In the new counties being added to the district now, the white population is over 70 percent. So, now we are submerging our majority-minority district into Anglo counties which will completely dilute their ability to elect their representative of choice.

**Senator Miles:** And if I could interrupt you here, as I look at the map, the proposed map, it appears that those urban, suburbia are going to be overtaken by rural—

**Senator Powell:** That's exactly, that's exactly what happens.

**Senator Miles:** —as I look at the map. Is that correct?

**Senator Powell:** That's exactly what happens under this map.

**Senator Miles:** Yeah, so if I'm correct then, we're going to get a conflict on community interest and what's important from a rural community to an urban community. Is that correct?

**Senator Powell:** That's absolutely correct. Yes, Sir. And I think that is, there are a number of things there that I think we have to consider, that certainly those rural counties don't have the same issues that people in an urban county have, whether it's education or transportation or commerce. In Tarrant County our economic development is driven largely, in part, by entertainment, by the travel industry. In rural areas, their interests are more related to raising crops and cattle. The interest for how

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we educate our children is different in urban areas. The needs are different for children who are being educated in rural areas than are being educated in urban areas. The, just the general interests in life are completely different.

**Senator Miles:** And my last question, and it's a direct question. How will your amendment bring communities of interest or restore the communities of interest that are involved in what, this is clearly, Royce, Senator West, I think you were trying to get a definition for cracking, I think what we're seeing here is definitely a definition of cracking. So, show me, tell me how your amendment will correct this.

**Senator Powell:** This amendment restores the lines of the district to what the existing lines are today. I think it's important to note that the folks who came and testified with regard to Senate District 10 and talked about their fears of no longer having representation at the ballot box were largely from the African American community, from the Hispanic community, and a large segment of the people who testified were from the Asian American community, which we also serve in the Arlington portion of our district. So this puts those voters back into a position to be able to elect their candidate of choice. And as Senator Huffman stated earlier, one after another, members, people who live in Senate District 10 came to testify about the fact that they had elected me as their candidate of choice. In fact, I was recruited to run for the State Senate by an African American Commissioner for Tarrant County. And so, I'm convinced, as I hope that everyone here is, that by restoring the boundaries of Senate District 10 to the current configuration, it will once again allow our majority-minority population in Tarrant County to have the opportunity to elect a candidate of their choice.

**Senator Miles:** Sounds like you have a good amendment here, Senator Powell. Senate District 13 will be voting with you.

**Senator Powell:** Thank you so much, Senator Miles.

**President:** Senator Johnson, for what purpose?

**Senator Johnson:** Questions of the author of the amendment.

**President:** Do you yield?

**Senator Powell:** Yes, I'm sorry. Yes, I do.

**Senator Johnson:** Thank you, Mr. President. Thank you, Senator Powell. You've indicated that the, the benchmark of Senate District 10 is that it's a crossover district. What does that mean that the benchmark of Senate District 10 is that it's a crossover district?

**Senator Powell:** A crossover district, Senator Johnson, as I know that you well know, is where a coalition of minority voters come together to elect their candidate of choice, with some Anglo voters as well who join that minority in support of a candidate of choice.

**Senator Johnson:** And what does, what does crossover refer to?

**Senator Powell:** It refers to those Anglo voters who cross over to join the minority-majority voters.



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**Senator Johnson:** So generally, you have a, you're saying that in your existing district, Senate District 10, you had a number of Anglo voters who would vote in kind of an identifiable group with non-Anglo, Black, Hispanic, Asian voters in your district?

**Senator Powell:** Yes, that's true, Senator Johnson.

**Senator Johnson:** Thank you. And what difference in particular, you have white crossover and Anglo, white crossover voters in your district. What difference do they make in election outcomes in a district like yours?

**Senator Powell:** Well, I think it's interesting to note that, that all of the races came together to elect me. I couldn't have been elected in Senate District 10 without the combination of all those votes to give me the majority in that election.

**Senator Johnson:** If you lose any ethnic or identifiable demographic group in a tight race like Senate District 10, you lose. Right?

**Senator Powell:** That's right.

**Senator Johnson:** But with that coalition together, they represent a majority of voters in your district.

**Senator Powell:** That's exactly right.

**Senator Johnson:** And we're losing that under the proposed maps.

**Senator Powell:** We are losing that with the new maps.

**Senator Johnson:** But your amendment restores it?

**Senator Powell:** It does restore it to the existing boundaries that we see today.

**Senator Johnson:** Thank you, Senator Powell.

**Senator Powell:** Thank you, Mr. Johnson, Senator Johnson.

**President:** Senator West, for what purpose? Good to have you back, by the way.

**Senator West:** It's great to be back, Mr. President and Members. Questions of Senator Powell.

**President:** Do you yield?

**Senator Powell:** Yes. Thank you.

**Senator West:** Senator Powell, let me get this straight. Senate District 10 is a urban-suburban district. Correct?

**Senator Powell:** That's correct.

**Senator West:** Crossover district.

**Senator Powell:** That's right.

**Senator West:** We have seen a trend in your district of the persons there voting Democratic. Correct?

**Senator Powell:** That's correct. We have.

**Senator West:** And that's been over the last, how many elections? Since 2016, somewhere off in there.

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**Senator Powell:** I think that's true, since 2016.

**Senator West:** We even seen even more African Americans elected in your district. Is that correct?

**Senator Powell:** We absolutely have.

**Senator West:** And Latinos. Correct?

**Senator Powell:** We have seen—

**Senator West:** I mean Devan Allen is now a County Commissioner.

**Senator Powell:** —county commissioner.

**Senator West:** And she was elected by that coalition of Blacks, whites, Hispanics, and Asians. Is that correct?

**Senator Powell:** That is correct.

**Senator West:** We've also seen an increase in ethnic minorities in your district. Correct?

**Senator Powell:** That is correct.

**Senator West:** Okay. We've seen decrease in Anglos in your district. Is that correct?

**Senator Powell:** Yes, Sir. That's correct.

**Senator West:** Okay. Hmm—

**Senator Powell:** Hmm—

**Senator West:** —we've seen an increase in the number of minorities that are being elected. We've seen an increase in the number, an increase in the minority population in your district, reduction in Anglo population. Do you think your district is being targeted? For elimination?

**Senator Powell:** Well, one would suspect that—

**Senator West:** No, no, no—

**Senator Powell:** —you think.

**Senator West:** —no, well, hold on for one second. This is going to be a part of the record. We know we're going to lose this particular vote. It's been said that Senate District 10 was going to flip. Okay?

**Senator Powell:** That's exactly right.

**Senator West:** So, let's get it on the record, do you believe that your district is being intentionally targeted for elimination as it being a Democratic trending district?

**Senator Powell:** Absolutely. Absolutely, Senator West, and it goes back to a question that Chairman Huffman asked me the day that we had our meeting. When I sat down and she put the proposed map up onto the screen, she said do you have any questions for me, and I answered to her, no, I have no questions because I can clearly see by this map what you're attempting to do.

**Senator West:** Do you know of any other urban-suburban trending districts in the State of Texas that have been, frankly, gerrymandered like yours has been?

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**Senator Powell:** I know of no other district that has been gerrymandered in this fashion where we have cracked apart the minority voters in a district and submerged them into a highly Anglo rural population.

**Senator West:** Now, and let me say this, and I want to be real clear about this. Mr. President, I am not demeaning any of my Members, any of my fellow Members here in the Chamber, but I need to go here for purposes of the record. Now, your district, as it currently is constituted obviously you represent the interest of those persons there, provide casework services for those persons also. Is that correct?

**Senator Powell:** I absolutely do, yes, Sir.

**Senator West:** Alright. When we begin to look at the district as it would be constituted under this particular map, what other senatorial districts would now frankly have parts of your current district? Let me, let's, let—

**Senator Powell:** It would—

**Senator West:** —the question was wrong. The question was wrong. How far south does your district go?

**Senator Powell:** This district would go as far south as Brownwood. The proposed district would go as far south as Brownwood and as far to the west as very near Abilene.

**Senator West:** Okay, and do you know what Senators currently represent those areas? Not off the top of your head.

**Senator Powell:** Not off the top of my head. I know that Senator Perry may represent a portion of that. Senator Springer and Senator Birdwell.

**Senator West:** Okay, and so the reality is that there's persons already lining up in order to run in this particular district. Is that correct?

**Senator Powell:** Absolutely. There have been a number of candidates drawn in and drawn out.

**Senator West:** Drawn in and drawn out.

**Senator Powell:** That's right. Drawn in and drawn out who have expressed their interest in running, and I believe that, that the House member from Weatherford, Phil King, has announced his candidacy for SD 10 and has been endorsed already by the Lieutenant Governor.

**Senator West:** Okay. Do you know what his track record is as it relates to issues that are important to constituents in the current district?

**Senator Powell:** I do.

**Senator West:** What is that track record?

**Senator Powell:** It is not consistent with a representative, a representation that will impact the majority-minority members of Senate District 10 with consideration.

**Senator West:** Are you aware, I'm sorry, were you finished?

**Senator Powell:** No, go ahead.

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**Senator West:** Are you aware of any casework that Representative King, who I've been knowing for a long time, has done for minorities within his district.

**Senator Powell:** I am not aware of any.

**Senator West:** We're not saying that he has not—

**Senator Powell:** No—

**Senator West:** —but you're—

**Senator Powell:** —I'm not—

**Senator West:** —just not aware it.

**Senator Powell:** —I'm not aware of any.

**Senator West:** You think by having a person on your staff, is it indicia of being sensitive to issues of individuals from minority groups?

**Senator Powell:** I do think that it's an indication.

**Senator West:** Are you aware of whether or not he has any minorities currently on his staff?

**Senator Powell:** I am not aware.

**Senator West:** Not saying that he does, not saying that he doesn't. But, that would be an indication of a person's willingness to make certain that they represent the constituents of—

**Senator Powell:** I would agree—

**Senator West:** —their district.

**Senator Powell:** —with that.

**Senator West:** Okay, now do you think that that should in fact be something that's taken under consideration? Let me specific, that a person has the ability to represent the interest of persons in their district through casework and other methods such as that.

**Senator Powell:** I absolutely do.

**Senator West:** That's very important, isn't it?

**Senator Powell:** It is. It's very important.

**Senator West:** And that should, in fact, be something that we take into consideration in deciding what happens to Senate District 10.

**Senator Powell:** It is, Senator West. I agree with you.

**Senator West:** Let me, I'm getting ready to sit down. So, we've got an increase of minorities in your district. We have a district that's trending Democratic with individuals that of African and Hispanic descent that are being elected, but your district now is being terminated. Correct?

**Senator Powell:** That's correct.

**Senator West:** Intentionally, would you agree?



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**Senator Powell:** I would agree.

**Senator West:** Thank you.

**Senator Powell:** Thank you, Senator West.

**President:** Senator Eckhardt, for what purpose?

**Senator Eckhardt:** To ask brief questions of the author.

**President:** Do you yield?

**Senator Powell:** I do, thank you, Mr. President.

**Senator Eckhardt:** Thank you, so much, Senator Powell. I believe that the map that was taken in committee was published on September 18th. Did you get an opportunity to see the full map before September 18th, or did—

**Senator Powell:** I did not—

**Senator Eckhardt:** —you only see it after that date?

**Senator Powell:** —I did not. I saw it after that date.

**Senator Eckhardt:** When you did see the map, did you use the racial shading as part of your analysis of the impact of the map on your communities of interest within your constituency?

**Senator Powell:** I absolutely did, yes.

**Senator Eckhardt:** Were you advised by counsel as you evaluated the map?

**Senator Powell:** Yes.

**Senator Eckhardt:** Did counsel at any time advise you that it was in any way illegal or imprudent to consider race in your analysis?

**Senator Powell:** Ask that question again, please, Senator.

**Senator Eckhardt:** Were you ever advised that it was illegal or in any way imprudent to consider race as part of your analysis of the impact of the map on your community and constituency?

**Senator Powell:** No, no.

**Senator Eckhardt:** Did you seek legal analysis under the Voting Rights Act from the Attorney General's Office?

**Senator Powell:** No, I did not.

**Senator Eckhardt:** Did you seek legal analysis under the Voting Rights Act from Legislative Council?

**Senator Powell:** No, we did not.

**Senator Eckhardt:** Did you seek or even know about a contract with Lehotsky Keller?

**Senator Powell:** No, no.

**Senator Eckhardt:** Thank you.

**Senator Powell:** Thank you, Senator Eckhardt.

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**President:** Senator Seliger, for what purpose?

**Senator Seliger:** A couple of questions of the author of the amendment, please.

**President:** Do you yield?

**Senator Powell:** Yes, thank you.

**Senator Seliger:** Senator Powell, currently what is a percentage respectively in Senate District 10 of the percentage of African American population of voting age and Hispanic?

**Senator Powell:** Let's see here. I think that's currently, the African American makes up 21.5 percent—

**Senator Seliger:** It's the voting age population, specifically.

**Senator Powell:** —oh, I'm sorry. Specifically, the voting age population is, I'm sorry, the African American is 20.3. Is that the question? I'm sorry.

**Senator Seliger:** If that is the percentage of voting age population of African American, that's exactly.

**Senator Powell:** Yes.

**Senator Seliger:** And Latino.

**Senator Powell:** The Latino voting age population is 28.8 percent.

**Senator Seliger:** And in the new District 10 as written in this map respectively, what are those percentages?

**Senator Powell:** The white voting age population is 53.3 percent. The African American voting age population goes down to 16.6 percent. The Hispanic voting age population goes to 24.7 percent and the Asian voting age population goes down to 3.3 percent.

**Senator Seliger:** So, there is a substantial decrease in the district in the voter, the voting age population of Hispanic and African American voters.

**Senator Powell:** That's absolutely true.

**Senator Seliger:** Did you do any sort of regression analysis on this district? Not that you would normally be expected to, but I assume that attorneys suggested it.

**Senator Powell:** No. No, Sir.

**Senator Seliger:** Okay. Thank you.

**Senator Powell:** Thank you.

**President:** Chair recognizes Senator Huffman on the amendment.

**Senator Huffman:** Members, and thank you very much Senator Powell for your presentation, but I will be respectfully voting against this amendment for several reasons. First, it proposes changes to multiple districts in the DFW area without the agreement of all impacted Members. In fact, it jeopardizes the ability of a Republican candidate to continue to be elected in Senate District No. 9. I do not believe Senator Hancock was consulted or spoken with about this amendment. Second, it maintains SD 10's current configuration which limits the adjustments we can make throughout

the DFW area to accommodate statewide growth over the past decade and other redistricting priorities and objectives. Third, PLANS2132 by Senator Powell overpopulates SD 9 at 983,861, which is more than 40,000 above the ideal district size and SD 30 at 971,291, which is more than 30,000 above the ideal district size. Finally, with all due respect to those who have argued in favor of selecting SD 10's configuration of the basis of race, I do not believe that we can or should make redistricting decisions based on race, unless we have a legally sufficient justification. In addition to seeking legal advice, the substance of which I cannot comment on, I undertook my own review of the facts and the data, and I find no basis in evidence to believe that Section 2 of the Voting Rights Act requires the configuration of SD 10 that is proposed in PLANS2132. This is because in this proposed SD 10, Asian voting age population is 5.5 percent, Black voting age population is 20.3 percent, and Hispanic voting age population is 28.8 percent. As no minority group forms a majority that could control the outcome of an election in the proposed district, the threshold requirement for a Section 2 required district is not met. I will also add, that because there has been some commentary about the number of people in Tarrant County, I want to make it clear that in this, in the Senate's proposed map, 627,530 of 961,525 do reside in Tarrant County. That is 65.3 percent of the population will be in Tarrant County. Because I do not believe the proposed changes are required by law and because I want to accommodate the objectives in redistricting I've discussed throughout this process, I am respectfully voting no on this amendment.

**President:** The secretary will call the roll.

**Secretary of the Senate:** Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, and Zaffirini.

**President:** There being 14 yes votes, 17 no votes, the amendment fails. The following amendment to the amendment. Secretary will read the amendment to the amendment.

**Secretary of the Senate:** Floor Amendment No. 3 by Powell, Plan No. 2134, amending Floor Amendment No. 1.

**President:** Senator Powell, you're recognized on your amendment to the amendment.

**Senator Powell:** Thank you, Mr. President. Members, this amendment, PLANS2134 amends the PLANS2149, by redrawing the lines of Senate District 10 while ensuring that minority voters in Tarrant can continue to come together to elect a candidate of their choice. It has been suggested that because of population growth in DFW area and surrounding districts, the boundaries of Senate District 10 must change. I object to this off- this argument because it's clearly possible to maintain SD 10's benchmark boundaries while making necessary changes to the surrounding districts as I have shown with plans S2132 and S2119, which can be seen on DistrictViewer. However, if you operate under the premise, with which I disagree, that SD 10's boundaries must change, this amendment shows how it's possible to change the boundaries while still maintaining a Tarrant County based district where African American, Latino, and Asian American voters can continue to unite and elect candidates of their choice. Plan

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2134 reconfigures Senate District 10 to include communities of interest not currently in SD 10 under the benchmark plan, including River Oaks, which shares many of the same characteristics of Fort Worth's northside neighborhoods. S2134 brings the Woodhaven neighborhood into SD 10 to join similar communities located just across Interstate 30, such as Meadowbrook, such as the Meadowbrook neighborhood. The plan also unites the Como neighborhood with historically Black communities in southeast Fort Worth. This request was noted in a letter to the committee by members of the Fort Worth City Council. S2134 not only allow minority communities to continue to elect their candidates of choice, it enhances this coalition by uniting historic, like-minded Tarrant County communities that are fractured under the benchmark proposal. After uniting these communities of interest, the plan results in further solidifying a coalition district where African American and Latino voters make up over 52 percent of the citizen voting age population. S2134 makes adjustments to surrounding districts with respect to many of the redistricting principles outlined by the Chair at the September 24th committee hearing. For example, the plan reunites subdivisions split in half or three ways even under Senate, under S2149, under, excuse me. For example, the plan reunites subdivisions split in half or three ways under S2149. Under S2134, the City of Mansfield is reunited and Bedford is no longer split into three districts, as was voiced as a concern during the committee process. If adjustments are truly necessary to Senate District 10, based on regional growth, this amendment demonstrates it is possible to make the necessary changes to SD 10 and surrounding districts without diluting the voices of African American, Latino, and Asian voters in Tarrant County who represent 100 percent of the growth of the county over the past 10 years, Members. Thank you.

**President:** Senator Huffman, on— I'm sorry.

**Senator Huffman:** Thank you.

**President:** I'm sorry, I did not see Senator West's light.

**Senator West:** Thank you.

**President:** For what purpose?

**Senator West:** A question of the author.

**President:** Do you yield?

**Senator Powell:** Yes, Sir.

**President:** Senator Powell.

**Senator West:** Senator Powell, the last amendment because of it's impact on other districts, surrounding districts, as part of the reason that there was a vote against it. As it relates to this particular amendment right here, how does it impact the surrounding districts? Do you know?

**Senator Powell:** SD 9 takes in the Mid-Cities and then heads to the west. Takes in the fast growing northern Tarrant County suburbs, including Watauga, Saginaw, and the lake communities in the northwest portion of the county. Then, the district will head south to take in pieces of west Fort Worth, outside the Loop. It takes in, also, Parker County to meet those population requirements that you're talking about. Then



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the changes in SD 12 brings into Tarrant County on the northeast boundary to take in Colleyville, Grapevine area. But it does not make any changes to the district in Denton, Dallas, or Wise County. SD 22 takes into Tarrant County from Johnson County to take in the Rendon, Kennedale, Dalworthington Gardens, Pantego, and parts of Arlington. The district will then come into the county to take in Crowley and traditional Benbrook communities. Other rural communities, other than adding Johnson, are unchanged.

**Senator West:** Okay, well, in, in terms of when we do this redistricting, we have a range of what, 10 percent, 5 one way and 5 the other. Is that correct?

**Senator Powell:** I'm sorry.

**Senator West:** We have a range, a deviation of 5 percent, 10 percent. Correct?

**Senator Powell:** Correct.

**Senator West:** Okay. Now would, would it surprise you that this particular map is well within that deviation? That, based on my analysis, that if this were adopted, that Senate District 12 would be like 3.4 percent. Senate District 9 would be a minus .5 percent. Senate District 30 would be 3.3 percent. Senate District 22 would be 2.4 percent, and your district would be .4 percent. Would that surprise you?

**Senator Powell:** No, it would not surprise me at all.

**Senator West:** That's well within the, that's well within the standard deviation.

**Senator Powell:** That's right. That's right.

**Senator West:** Alright. Thank you.

**Senator Powell:** Thank you, Senator West.

**President:** Senator Huffman, you're recognized on the amendment.

**Senator Huffman:** Thank you.

**President:** I'm sorry, I'm sorry. Lights are coming on late. Sorry. Members, if you could get your lights sooner, it's helpful. Senator Lucio, for what purpose?

**Senator Lucio:** Senator yield for a question?

**Senator Powell:** Certainly.

**President:** Do you yield?

**Senator Powell:** Certainly.

**Senator Lucio:** In this amendment, what other senatorial districts are impacted and how many, let's say, polling places or boxes are affected in those other senatorial districts?

**Senator Powell:** Well, I would say that Senate District 9 is impacted.

**Senator Lucio:** Who, who represents that one?

**Senator Powell:** Kelly Hancock. Senator Kelly Hancock.

**Senator Lucio:** Okay. And how many polling places in those areas that are impacted in Senator Hancock's district are impacted?

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**Senator Powell:** I don't think I can speak to that authoritatively in, I can tell you that—

**Senator Lucio:** When you, when you draw up lines in districts, you know what areas you're bringing in and the population and also the voting boxes that you're bringing in. I'd like to, to find out how many senatorial districts you're impacting, whose districts you're impacting, and if those were not part of your original, your original district.

**Senator Powell:** —well, Senate District 9, which, Senate District 12 and Senate District 22—

**Senator Lucio:** Who's—

**Senator Powell:** —are—

**Senator Lucio:** —in 12?

**Senator Powell:** —impacted.

**Senator Lucio:** Who's Senator in 12?

**Senator Powell:** Senate District 12 is Senator Nelson. Senate District 9 is Senator Hancock and Senate District 22 are Senator Birdwell's districts.

**Senator Lucio:** Okay. And so, you're, you're impacting three different senatorial districts—

**Senator Powell:** That's right.

**Senator Lucio:** —and any of those areas, were they in your district originally? And this district. The present district you're—

**Senator Powell:** The current district—

**Senator Lucio:** —you're serving in now.

**Senator Powell:** —not, no. In, in the areas—

**Senator Lucio:** Those are—

**Senator Powell:** —that I talk—

**Senator Lucio:** —new areas—

**Senator Powell:** —about the impact—

**Senator Lucio:** —those are new areas.

**Senator Powell:** —this is a new. It is, this is a demonstration map which depicts how the, how the lines could be drawn and, yes, it takes in a portion of the area that I currently serve. It also takes some out and adds a little bit into it.

**Senator Lucio:** Okay, so you are embarking and taking in new areas that you presently don't have in your district right now.

**Senator Powell:** That's true. That's true.

**Senator Lucio:** From other, from other, that's all I needed to know. Thank you.

**Senator Powell:** Okay. Thank you.

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**President:** Any more lights? Nope. Senator Huffman.

**Senator Huffman:** Thank you, Mr. President and Members. I will be respectfully voting no to this Plan 2134. It's very similar, like my reasons for voting no like in S2132. This map proposes changes to multiple districts in the DFW area without the agreement of all impacted Members. It overpopulates several districts, SD 12, plus 30 and proposes a race-based draw without a legally sufficient justification. Reviewing the data, we have determined there no minority group forms a majority that could control the outcome of an election in the proposed district. The threshold requirement for a Section 2 require district is not met. Thus, in order to accommodate redistricting objectives, I have discussed throughout the process for much of the same reasons I voted against PLANS2132, I will be respectfully voting against the amendment as well.

**President:** Secretary will call the roll.

**Secretary of the Senate:** Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, and Zaffirini.

**President:** Thirteen ayes, 18 nays. The amendment to the amendment fails. Members, the question now is on Floor Amendment No. 1. Is there objection? Hearing none. The following amendment, Secretary will read the amendment.

**Secretary of the Senate:** Floor amendment No. 4 by Creighton—

**President:** Senator—

**Secretary of the Senate:** —Plan 2137.

**President:** Alright. You're recognized on your amendment, Senator Creighton.

**Senator Creighton:** Members, this amendment ensures that all of Montgomery County would fall within Senate District 4. We've worked quite a bit through the process and certainly the people of Magnolia, The Woodlands, the Woodforest community, Montgomery, East Montgomery County, Conroe, Conroe ISD. You know they'd like to stay together. We go to church together. We watch ball games together. We built one of the fastest growing communities in the state and nation together. With that, I lack the votes necessary to pass the amendment, so I'll continue to work on my votes and respectfully at this time, I'll pull down my amendment until I'm successful in doing so and thank you, Members, for your indulgence. Thank you, Mr. President.

**President:** Members, Floor Amendment No. 4 is pulled down. The following amendment, Secretary will read the amendment.

**Secretary of the Senate:** Floor Amendment No. 5 by Zaffirini, Plan 2139.

**President:** Senator Zaffirini, on your amendment.

**Senator Zaffirini:** Thank you, Mr. President. Mr. President and Members. This amendment makes changes to Senate Districts 14, 19, 21, and 29 and is agreed on, upon by the Senators impacted. It would move Dimmit County from Senate District 19 back to Senate District 21, where it had been for 110 years before the last redistricting, reflecting its historical community of interest with the six other counties

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that have been part of SD 21 for more than 100 years. To accommodate this shift in population, the amendment also moves two large precincts to Senate District 14 from Senate District 21, moves one small precinct to Senate District 21 from Senate District 14, which is necessary to balance the numbers. It also moves Terrell County and two precincts in Brewster County from Senate District 29 to Senate District 19. Because Senator Huffman's amendment to make cities whole throughout the state, there is an amendment to this amendment.

**President:** We're going to pass out the amendment to the amendment. The following amendment to the amendment. Oh, Secretary will read the amendment to the amendment.

**Secretary of the Senate:** Floor Amendment No. 6 by Zaffirini amending Floor Amendment No. 5, Plan No. 2164.

**President:** Senator Zaffirini.

**Senator Zaffirini:** Thank you, Mr. President. Mr. President and Members. This amendment to the amendment resolves a conflict in Senate District 19 with the amendment by Chair Huffman we adopted earlier. It would ensure that adopting the amendment does not nullify any aspects of her amendment. Mr. President, I move adoption of the amendment to the amendment.

**President:** Senator Huffman.

**Senator Huffman:** Mr. President and Members. I have no objection to the amendment to the amendment nor to the amendment.

**President:** Members, anyone else have an objection? I would think not. No objection to the amendment to the amendment. It is adopted. Now the motion is on the amendment. Any objections? Hearing none, Senator Zaffirini, two for two there.

**Senator Zaffirini:** Thank you, Mr. President and Members and the Members impacted by this amendment to Senator Huffman.

**President:** Members, we have two amendments that were submitted after the filing deadline. An amendment by Senator Seliger affects Senate Districts 28 and 31. An amendment by Huffman affects Senate 20 and 27. Are there any objections to the consideration of these amendments? Hearing none, the amendments are eligible for consideration. I'm going to give you a few moments to look at the amendments. The following amendment, Secretary will read the amendment.

**Secretary of the Senate:** Floor amendment No. 7 by Huffman. That's Plan 2167.

**President:** Senator Huffman, you're recognized.

**Senator Huffman:** Thank you, Mr. President and Members. Members, this amendment affects two Senate districts, Senate District 20 and Senate District 27. Senator Lucio and Senator Hinojosa, two very fine gentlemen and very fine Senators, and I'm pleased to offer this. SD 20 takes all the City of Pharr from SD 27. SD 27 takes all of Bee and San Patricio counties. SD 27 takes two BTDS from SD 20 in Nueces counties. Their population works, and I believe it is agreeable to the two Senators involved in this, so I would move adoption of Floor Amendment No. 7.

**President:** Senator Hinojosa.



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**Senator Hinojosa:** Just a couple of comments and questions, if I may, Mr. President.

**President:** You're recognized. Do you yield?

**Senator Huffman:** Of course.

**Senator Hinojosa:** And you know, Senator Huffman, dis— redistricting is always a very difficult process and in the whole State of Texas, we gain additional 4 million increase in population. And as we try to move forward, I would rather see Nueces County stay whole—

**Senator Huffman:** Yes.

**Senator Hinojosa:** —but I know that as we went through the discussions and we looked at the Voting Rights Act, we looked at the one person, one vote, and we also looked at minority opportunity districts and the population increase. There's an increase of over 100,000 people in the Rio Grande Valley. I think Nueces County was only 13,000. We had to factor all that in to be able to make sure that we were in compliance. And I know that some of my constituents will be disappointed, but we'll deal with the reality of what the Voting Rights Acts requires and sometimes having to make very difficult decisions. But at the end of the day, this amendment goes on. It will allow for Nueces County to have two Senators and at the same time, I get to keep all the major institutions in Nueces County, such as the port, A&M, Corpus Christi, Del Mar, and the state aquarium. So, I'm okay with the amendment.

**Senator Huffman:** Thank you, Senator Hinojosa. Thank you for working with me.

**President:** Senator Lucio, what purpose?

**Senator Lucio:** Does Chairman Huffman yield?

**President:** Do you yield, Senator Huffman?

**Senator Huffman:** Yes.

**Senator Lucio:** I just, today I just want to make it clear that this is your amendment, we negotiated it between two Senators, and I agreed to go ahead and proceed and will be supporting this amendment and the changes made to both districts. I do want to say that I think Senator Hinojosa is going to be thrilled to be able to represent what I consider one of the most proactive communities in my district, one of the best mayors in the state, and an incredible, you know, city commission, and many, many people in that area that really care for their community. So, I wish him well. I, for one, have received a lot of wonderful phone calls from Nueces County and those areas that I will be going into, and they have indicated that they're very, very pleased that I am coming into their area. Many agree with all the policy making that is taking place and the votes that I've cast that affects those communities as well, so I feel confident that this is going to be good for both of us. But more importantly, it's going to be good for the people in those areas to be able to have two individuals represent them in this Chamber. I really feel that the areas that were affected are important areas, especially in the Mid-Valley or upper Mid-Valley where a tremendous population has grown and would be lopsided. Right now, Hidalgo County is the seventh largest county in the state and certainly there should be a Senator anchored there. Just like Cameron County, the 13th, maybe the 12th largest county in Texas now, and they should have a

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Senator anchored there. This is my fourth redistricting effort that I've been involved with, and I can tell you a lot of things have changed, but one thing that will never change is the fact that we need to continue to do our best to set up districts that will bring opportunities for their voters to elect people that they feel represent their issues. So, I feel comfortable with this. I want to thank Governor Patrick, as always, championing each cause that comes before this Chamber. Every major issue, you've been at the forefront, and I appreciate you very, very much and the Members who were going to be supportive other, other amendments that I was looking at. Another amendment, but I pulled it down because I think this is the right way to go, and I think at the end of the day, we're going to be able to see a good redistricting plan in that area of the state. Thank you.

**President:** Senator Lucio. Senator Huffman.

**Senator Huffman:** I move adoption of Floor Amendment 7.

**President:** Are there any objection? Hearing none, amendment is adopted. Thank you. The following amendment, Secretary will read the amendment.

**Secretary of the Senate:** Floor Amendment No. 8 by Seliger, Plan 2135.

**President:** Senator Seliger, you're recognized on your amendment.

**Senator Seliger:** Thank you, Mr. President. This amendment only impacts Senate District 31 and the neighboring District 28. And I have discussed all these changes with Senator Perry, and he will comment as he will, but they involve counties that he already represents and I already represent. In about the 527 town hall meetings that I have had, both virtually and in person, the people of Gray, Wheeler, Donley, and Collingsworth County have been enthusiastic participants and don't like this change, don't like being yanked out of the Panhandle where they exist and are located today and put in another district, though they would be very ably represented, but that's not the question. The discussion that we had earlier this afternoon about compactness, the importance of compactness, surely no one took that discussion seriously. When you take those four counties out of the Panhandle and you take this District 31 from Midland County and Howard County and go down to Schleicher County. From Dallam County to Schleicher County is about 400 miles. Not the least bit compact, so we can get past that discussion. The only reason verbalized to me in my meeting by the Chairman was a desire to provide distinct oil and gas districts and distinct agricultural districts, and I'm going to point out to you why this doesn't do that at all, and is not really intended to do that. And we'll discuss it, we'll discuss that, too. Clearly in District 31 is the Permian Basin, probably the third largest reservoir in the world after Saudi Arabia and Russia. It's a great area to represent and a great economic area to represent. But to say then, and there's a lot of oil and gas in the Panhandle field, but there's nothing like the Permian almost anywhere else in the world. But if you look at the oil and gas production in District 28, the State of Texas would not be in nearly the shape it's in with that production. That is not just an agricultural district, District 31 is not just an oil and gas district. If I was to ask you to guess where the highest count of cattle and calves are in feed, what would you guess? I hope Senate District 31. And does anybody think these are not agricultural pursuits? Not oil and gas, even though we won't discuss the production of methane. Where's

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the largest production of milk and cheese in the State of Texas? Thirty-first District. Once again, an agricultural endeavor, not oil and gas. Hogs? Thirty-first District. Where would you guess the largest production of peanuts are in the State of Texas? Thirty-first District. I hope you remember that the next time you have a Snickers or a PayDay because they probably came from somewhere around Seminole. As much cotton is produced in the 28th District, what is the largest cotton producing county in the State of Texas? Gaines County in the 31st District, not oil and gas industry. I believe, Members, that really what this is about is to take counties out of the Panhandle and move them closer to Midland because a member of board of Texas Public Policy Foundation is running. This is about compactness. It's not about agricultural or oil and gas. I appreciate the, I appreciate your attention.

**President:** Senator Huffman on the amendment.

**Senator Huffman:** Yes, thank you, Mr. President and Members. I will say that this amendment is not acceptable to the other Senator who is affected by this amendment. I would point out to the Members that after the 2020 census, both SD 28 and SD 31 were underpopulated, so we were forced to add more counties to both districts. SD 28 needed 144,171 to reach ideal district size. SD 31 needed 70,909 to reach the ideal district size. There were also some changes that happened in Central Texas. Other areas of Senator Perry's district, like Wichita Falls, and affecting Senator Springer, so there are many issues that were involved, factors involved in formulating these districts. Senator Seliger, I still believe you have a very compact district, considering the population and the breadth of West Texas and the beauty of West Texas. You also still have the most Republican Senate District in the State of Texas. And with that I will respectfully oppose the amendment, Sir.

**President:** You don't have a chance to close.

**Senator Seliger:** No, I was going to say that rather than having the Members take a difficult vote on this, I will pull down the amendment at this time. Is this the appropriate time?

**President:** Yes, it is.

**Senator Seliger:** Okay. Thank you.

**President:** Thank you, Senator. Floor Amendment No. 8 is withdrawn. Following amendment, Secretary will read the amendment.

**Secretary of the Senate:** Floor Amendment No. 9 by Flores and Eckhardt, Plan No. 2129.

**President:** Senator Gutierrez, you're recognized.

**Senator Gutierrez:** Thank you, Mr. President. I appreciate that. Members, Senator Eckhardt and I have really gotten together over the course of the last few weeks, and we've tried to come up together with a plan with an aim whose end is that, to end to any possible litigation that might occur from adopting Senator Huffman's plan. I want to repeat to you, this amendment would put an end to any possible litigation that might occur. PLANS2139 is better at incumbent protection. I repeat to you, it's better at incumbent protection. It brings back all Senators who want to come back to the Texas Senate. With the two people retiring, we create one very Republican district and

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one Latino opportunity district that is a majority HCVAP. My plan cuts fewer, I take it back, our plan, sorry Senator Eckhardt, cuts fewer counties than Senator Huffman's plan. Our plan cuts fewer cities than Huffman's plan. Be glad to answer those questions if you have any as to how many we do. My plan has a lower deviation than Senator Huffman's. Hers is currently a 6.1. Ours is at 2.45. The best way, if you want to avoid litigation is to adopt a plan that has a minority opportunity district in it, which we are able to do in the DFW area. The second best way to avoid liability is not to reject an amendment that enhances minority opportunity and accomplishes the stated legislative goals more effectively, more effectively than that proposed plan by Senator Huffman. And I yield to any questions. Thank you, Mr. President.

**President:** Senator Huffman.

**Senator Huffman:** Thank you, Mr. President and Members. I will be opposing this amendment. This plan impacts every district in the state except for SD 16, which remains the same as its configuration in PLANS2130. Unlike my Senate plan, where each Member had an opportunity to provide input, all Members did not have an opportunity to give input on this proposal. This plan also jeopardizes the ability of several incumbents to win reelection. Additionally, the proposed SD 24 is nothing like any of the districts in the benchmark or file plan. It is not compact and combines communities that have not been jointly represented in the Senate in previous years. This, along with what I have heard from Members about this plan, suggest that SD 24 is a racial gerrymander that attempts to create a new Hispanic opportunity district in the DFW area. You all know the top, my top priority throughout the process has been following the law, so in addition to seeking legal advice on this proposal, I performed my own factual inquiry into whether the proposed SD 24 is a legally required district. I observed that the Hispanic citizen voting age population, or the HCVAP and the proposed SD 24, is just above 50 to 50.1, to be exact. Additionally, Spanish surname voter registration, SSVR is only 43.6 in the proposed SD 24. This suggests that Hispanic voters could not control electoral outcomes in this district. Based on my discussions with counsel, which I can't comment on, and my review of the facts and data, I do not believe that Section 2 of the Voting Rights Acts require the creation of SD 24 as proposed in PLANS2129. Since Plan 2129 is a significant departure from the plan that I have been moving through the Senate with input from Members and because I do not believe we are legally required to adopt PLANS2129 and based on all of the other redistricting criteria that I have explained today and repeatedly throughout this process, I will respectfully be voting against the amendment.

**President:** Secretary will call the roll.

**Secretary of the Senate:** Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, and Zaffirini.

**President:** There being 10 yes votes and 19 no votes, the amendment fails. Following amendment, Secretary read the amendment.

**Secretary of the Senate:** Floor Amendment No. 10 by Menéndez, Plan 2142.

**President:** Senator Menéndez, you're recognized.



**Senator Menéndez:** Thank you, Mr. President. Mr. President and Members, and I want to thank Chairwoman Huffman for the opportunity to present this and the conversations we've had today around redistricting and all the time that she and her staff have put in. Members, as you know, I chair the Senate Hispanic Caucus, and therefore I take it very seriously that we as a body do everything that we can to ensure that the Latino community be accurately represented in this state. And as we've discussed are earlier, from 2000 to 2010, the census showed that people of color accounted for 89 percent of the growth in Texas, and Latinos made up 65 percent of that, 89 percent of the growth. From 2010 to 2020, the census data confirmed that Texas population growth, that minorities accounted for 95 percent of that growth with Hispanics making up 50 percent of that growth. The current proposed maps, as we have heard, by Chairwoman Huffman were race blind as she drew them. Therefore, they are not reflective of the growth, and instead they dilute the number of Hispanic opportunity districts. In spite of the growing number of Latinos without any changes to this current map, the State of Texas could potentially go 30 years, think about that, three decades, without having added an Hispanic or Latino opportunity district. The Texas Senate Hispanic Caucus has worked with civil rights groups, the staff of caucus Members, to create a map, which is before you, that would be a fair reflection of the 2020 census. As you might expect, when not accounting accurately for growth of minorities over the past 20 years and in our attempt to address this dilution, we are all directly affected by this proposal. Mr. President and Members, Section 2 of the Voting Rights Act, we've heard a lot about today. But it establishes protection against minority voters from being provided less opportunities to elect the candidates of their choice, primarily by prohibiting the cracking and the packing of these voters. Under the VRA to determine if a group of voters has a Section 2 right, the Supreme Court has established a three-part test known as a Gingles factor. First, a minority group must constitute a geographically compact population sufficient to constitute a majority in a single member district, for purpose of drawing legislative district. That means you have to show that the citizen voting age population of the minority group in a proposed district is greater than 50 percent. Second, the minority group in question must vote cohesively and third, and finally, the majority, or white voters must vote as a block to defeat the minority candidates of choice. This task requires that mapmakers do a thorough analysis of areas with significant minority populations in order to ensure that they're not being denied the opportunity to elect candidates of their choice. We did so in drawing this proposed map. We looked at the areas of the state that have both significant minority population, as well as growth among these populations that would demand an additional opportunity district to match this growth. And after performing this analysis, we determined that there was sufficient growth in the Texas Latino community that would require a new Hispanic opportunity district drawn under Section 2 of the Voting Rights Act. I'd like to quote Michael Li, Senior Counsel to Brennan Center. He was cited in his testimony, I quote him, Texas' obligation does not end with creating Section 2 districts under the Voting Rights Act. Like all states, Texas has a constitutional obligation to avoid intentional discrimination against racial and ethnic minorities. The Supreme Court has made it clear that the liability for intentional discrimination can exist even when no liability exists under Section 2 of the Voting Rights Act, explaining that if there were a showing that the state

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intentionally drew district lines in order to destroy otherwise effective crossover districts, that would raise serious concerns under both the 14th and 15th Amendments, end quote. For these purposes, Members and Mr. President, I believe strongly that the map offers an accurate reflection of the state's growth in compliance with the Voting Rights Act. Additionally, we made every effort to ensure that current constituencies and districts remained as compact as possible. Mr. President and Members, it is my hope that this map would be reviewed as a reasonable alternative to the current proposed maps as I believe it will accurately account for the growing Latino community in our state. I sent every one of you a letter. In that letter, it detailed the exact impacts it made to every district in the state that it did, and we tried to be as cohesive and as respectful of communities of interest. Thank you, Mr. President and Members, for your attention and for allowing us to present amendment, Floor Amendment No. 10.

**President:** Senator Huffman.

**Senator Huffman:** Thank you, Mr. President and Members. Members, this proposal impacts the entire state and reflects a dramatic restructuring of both the current map and my file proposal including by pairing incumbent Members, Senator Perry and Senator Seliger. This amendment would also place several incumbents at risk of losing reelection. This plan also proposes a new SD 24 in the DFW area, which is nearly identical to the proposed SD 24 in Plan 2129. For the same reasons that I could not support this change in PLANS2129, authored by Senator Gutierrez, I cannot support it in this amendment either. The dramatic restructuring the San Antonio area is also cause for concern. Particularly with respect to proposed Senate District 21, but also in many other areas of the state, this proposal is not compact and combines communities that have not been jointly represented in the Senate in previous years. While the proposed SD 19, 24, and 31 appear to be attempts to create new Hispanic opportunity districts, I have not seen evidence that these districts would consistently be controlled by Hispanic voters. In addition to my previous remarks regarding proposed SD 24, I note that as proposed in PLANS2142, SD 19 and 31 have an HCVAP below 51 percent and only have around 41 percent SSVR. The committee has not been provided with evidence that these proposed districts with these demographic characteristics would be consistently controlled by Hispanic voters, and I have not seen any such evidence. As a result, I do not believe we have a strong basis in evidence for the proposed race-based draw. I will be voting no on the Floor Amendment No. 10.

**President:** Secretary will call the roll.

**Secretary of the Senate:** Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez—

**President:** There being 9 ayes, 20 noes, the amendment fails. Members there are no other amendments. You're recognized for a motion, Senator Huffman.

**Senator Huffman:** I move passage to engrossment of the Committee Substitute Senate Bill 4.

**President:** Secretary will call the roll.

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87th Legislature — Third Called Session

4th Day

**Secretary of the Senate:** Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Menéndez, Miles, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

**President:** There're 20 ayes, 11 nays. Bill passes to engrossment. We'll hold there.

# **EXHIBIT 6-L**



# HOUSE JOURNAL

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EIGHTY-SEVENTH LEGISLATURE, THIRD CALLED SESSION

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## SUPPLEMENT

SIXTH DAY (CONTINUED) — FRIDAY, OCTOBER 15, 2021

### **CSSB 1 DEBATE - SECOND READING (Meyer - House Sponsor)**

**CSSB 1**, A bill to be entitled An Act relating to the provision of direct relief from ad valorem taxes to certain property owners in this state through the distribution of certain federal economic assistance money received by the state and a study of the provision of additional ad valorem tax relief; making an appropriation.

REPRESENTATIVE MEYER: **CSSB 1** appropriates \$3 billion of the American Rescue Plan Act funds to the comptroller to make equal payments to each residence homestead owner in the state. **CSSB 1** requires the comptroller to divide that \$3 billion by the total number of residence homesteads, which will equal about \$525 per resident. **CSSB 1** also establishes a joint interim committee on property tax relief. Members, this bill provides immediate property tax relief to households and works to identify long-term solutions to lower property taxes for all Texans. I do have one perfecting amendment.

[Amendment No. 1 by Meyer was laid before the house.]

MEYER: This is a perfecting amendment from the comptroller's office to help them administer the bill.

[Amendment No. 1 was adopted.]

[Amendment No. 2 by Wu was laid before the house.]

REPRESENTATIVE WU: The money that was sent down from Washington is meant to support and help Texans across the board with COVID-19, with the issues of the pandemic, with economic downturn, with people losing their jobs, with many other things. And what this amendment does is saying, look, if you're going to spend this money to provide tax relief to homeowners, let's provide that tax relief to the homeowners who are in the most need. Then, if that money doesn't get used up, let's send it to use it in other places because we still have five percent cuts across the state agencies. If the money can go back to the other homeowners, homeowners who own properties of less than \$1 million, if your property is worth less than \$1 million, maybe you should get a bigger relief.

But I'm just saying in this amendment, if you own property that you're paying on and that property is worth more than \$1 million, you should not get additional help from the state, from the federal government. That money should either go back to the state or go back to the people who own homes of less than \$1 million. Provide that money to the people who need it the most, who are the most likely to be negatively affected by COVID-19, who are the most likely to be

working hourly jobs, who are the most likely to have been laid off because businesses shut down. And that, I think, is a fair thing for this body to do. That is a righteous thing for this body to do—that if you're going to provide relief, provide relief to the people who need it the most and not people who own million-dollar houses or five-million-dollar houses or ten-million-dollar houses or fifty-million-dollar houses. Provide it to the people who need it the most.

REPRESENTATIVE LANDGRAF: What's so special about this \$1 million threshold?

WU: I think it is an easy to understand threshold. It is an easy cap to grasp. It is a nice, clean, even number for most people to understand. I think it is a number for tax assessors to understand. And I think most people would say if you own a million-dollar-house—a \$1 million-dollar-house—people would say you're doing all right.

LANDGRAF: What if somebody said that you own an \$815,000 or \$400,000 house?

WU: I think that should be addressed, too, but we don't have the capacity right now to deal with it. I'm just trying to do this one cutoff. If you want to modify these, I would think you should offer an amendment to say if you have between a \$1 million and \$850,000 property you should maybe get only 80 percent of this \$500 relief. And if it's less than that, if your property is between \$800,000 and \$500,000, maybe you should only get 50 percent.

LANDGRAF: But Mr. Wu, it's your amendment. You set this threshold in your amendment at \$1 million. I'm just curious. Would you with your homestead actually benefit from this? By decreasing the number of eligible homestead holders, would that increase the pot of money for the homestead that you have?

WU: Is the tax assessor listening or not?

LANDGRAF: I'm sorry?

WU: Is the Harris County tax assessor listening? I'm not sure.

LANDGRAF: Is the Harris County tax assessor?

WU: It's a joke.

LANDGRAF: Based on the Harris County appraisal district's records, your home would be considered to be eligible for this property tax assistance.

WU: It's possible.

LANDGRAF: Yes. I mean, under the amendment that you've crafted and setting the threshold where you have, it would be.

WU: It's possible, yes.

LANDGRAF: Is that intentional ? Is that deliberate?

WU: Absolutely.

LANDGRAF: Okay.

WU: Would your home be in it?

LANDGRAF: Yes, mine would, but I'm not offering the amendment.

WU: Would you be happier if I reduced this to \$500,000?

LANDGRAF: You set it where you set it.

WU: Yes, absolutely. I set it where I've set it. If you're unhappy with where I've set it, I can make it lower.

LANDGRAF: I'm unhappy that we're picking winners and losers here. This is designed to be property tax assistance.

WU: Oh, winners and losers—that's a really good point. Because here's the thing. This money only goes to people who own their property, right? Here's the problem. One-third of Texans don't own their property. So none of this \$3 billion would go to the one-third of Texans who rent, not a penny.

LANDGRAF: Let me ask it this way, Mr. Wu. Would you personally financially benefit from your amendment?

WU: Absolutely, as would anyone in here—well, except for a few.

LANDGRAF: **CSSB 1** is designed to provide property tax assistance for all homestead owners in the state. It's not designed to pick winners and losers. There's a reason why there's not a threshold amount in the bill, and that's why we don't need an amendment to set one where it's arbitrarily set and where certain members of the legislature would benefit and others wouldn't. Look, I would benefit from it. I'm still going to vote against this amendment because it's not the right thing for us to do to pick winners and losers and operate in our financial interest. This is designed to be equitable across the state for everybody who is eligible in that class, in that category, and that's why I'm going to urge all of you to oppose this amendment.

WU: This money, as it is stated in the caption of the bill, is about direct relief for economic assistance. And what I'm saying in this amendment is that if you own a \$1 million property, your need for assistance, economic assistance, is not as great as those who own properties that are less than \$1 million.

REPRESENTATIVE MURPHY: Representative Wu, you're looking at this amendment as a chance to take money away from these homeowners hoping to maybe provide more relief to the lower end of the scale.

WU: Correct.

MURPHY: In this program where it's a flat amount—it's not a percentage—the people on the upper end of home values are going to receive a far smaller percentage of their taxes paid as a result of the existing bill. Are you aware of that?

WU: Yes.

MURPHY: And so in the democrat world, you all call that progressive and tend to support those kinds of policies, correct?

WU: Absolutely, and what I'm saying is there should be a hard cutoff at \$1 million.

MURPHY: I don't know that I agree with that. We'll leave it to the house to decide. But are you also aware that renters have already received direct funds from the federal government? And you mentioned it was about a third of people that rent?

WU: A third of Texans.

MURPHY: And they've received about a billion dollars, so it seems to me we're right at a pro rata share. That seems reasonable that the state's going to do something that the federal government has not for people who've also been hurt by the COVID epidemic. So I don't think there's any reason to cut anybody out or, as we heard, pick winners and losers. I think we have a bad amendment here.

WU: Again, the point is the people who own properties in the \$50,000 range, in the \$100,000 range. If somebody owns a \$150,000 home, they're far more likely to not only need this but need additional support. And I'm just saying in this amendment, if you have a property that's over \$1 million, you don't need the support as much as a person who has a \$50,000 house, a \$100,000 ranch house. Somebody who in my district is living in a \$70,000 home built in the 1950s, they need that relief more than you or more than someone who is in a million-dollar, wealthy estate.

[Amendment No. 2 failed of adoption by Record No. 84.]

[Amendment No. 3 by Wu was laid before the house.]

[Representative Cain raised a point of order against further consideration of Amendment No. 3 under Rule 11, Section 2, of the House Rules on the grounds that the amendment is not germane. The point of order was withdrawn.]

[Amendment No. 3 was withdrawn.]

WU: Mr. Meyer, this is property tax relief, correct?

MEYER: We're providing relief to homestead owners in the State of Texas.

WU: By reducing their property tax load.

MEYER: By providing them assistance from the American Rescue Plan Act. Yes, sir.

WU: So the point of the COVID-19 funds is to provide assistance to Texans.

MEYER: Yes, correct.

WU: In general.

MEYER: Correct.

WU: The purpose of that relief is that COVID-19 has been a particularly burdensome crisis for the whole nation. Would that be fair?

MEYER: Yes, sir.

WU: And people from across socioeconomic spectrums have been affected by it. Would that be fair?

MEYER: Yes.



WU: Would it be fair to say that people who work hourly wages, people who are not owners of companies, people who are low salary, that they have been hit harder than people who maybe are owners of a company and who have lots of wealth saved up?

MEYER: I think everyone has been hit very hard, Mr. Wu, by the pandemic.

WU: But you don't think that, let's say, the waitress at Chili's or the usher who works at the movie theater or any number of people who live paycheck to paycheck have been hit proportionately harder than people with greater wealth, with personal assets in the millions. Would that be a fair statement?

MEYER: I think everyone has been hit hard by the pandemic, Mr. Wu—everyone.

WU: So you think they got hit equally hard.

MEYER: I think everyone has been hit hard by the pandemic, Mr. Wu—everyone.

WU: And this is an appropriation of \$3 billion, correct?

MEYER: Yes, sir.

WU: Out of the 16 that the state received.

MEYER: Yes, sir.

WU: It's not an insignificant amount of money.

MEYER: Correct.

WU: Do you think that maybe there are better ways to directly support Texans in this difficult time?

MEYER: I think it's important to provide relief to our homestead owners in the State of Texas.

WU: And for example, we could've taken this money and put it into SNAP funds for people around your district and around my district who are on food stamps and who may need more support. We could've done that, correct?

MEYER: I think it's important to provide relief to our homestead owners in the State of Texas.

WU: I mean, we could've provided child care to all the millions of Texans who went on unemployment and who are now out looking for jobs but may not be able to because they're now taking care of their kids. We could've done that, correct?

MEYER: I think it's important to provide relief to our homestead owners in the State of Texas.

WU: And you know that right now we're still in an eviction moratorium. Did you know that?

MEYER: I do.

WU: And the funds that we appropriated to assist apartment renters—the one-third of Texans who rent, who survive from month to month—that money is long, long gone. Did you know that?

MEYER: I think it's important to provide assistance to both renters and those who own homes in the State of Texas.

WU: And this \$3 billion could have gone in part at least to assist those same people who are still suffering again and provide them with just a little bit more support. We could've done that, right?

MEYER: We already have rental assistance programs, Mr. Wu, and this bill is designed to provide relief to homestead owners in the State of Texas.

WU: Do you know that the way this bill is structured, it says that a person who is "not an eligible property owner, including an eligible property owner's agent or mortgage servicer" who receives a payment—they have to forward it to the person who's supposed to get it, right?

MEYER: Yes, sir. I believe that's how the bill is written.

WU: Is there any way to enforce that?

MEYER: I'm not aware of an enforcement mechanism within the bill, Mr. Wu.

WU: Okay, so if someone gets the check and they're not really the property owner—or maybe like me, I just sold a house. I just sold a house a couple of weeks ago. Should I keep that check since I paid for most of the property taxes that year?

MEYER: I would suggest not committing a crime, Mr. Wu, and I believe that if someone were to cash a check that they were not entitled to, that would be a crime.

WU: Is there any support for that mechanism?

MEYER: I don't have the criminal statutes, but you yourself as a criminal lawyer should probably know those fairly well. But we could certainly go to the criminal statutes to see that cashing a check that is not intended for you is, in fact, theft. However, I'm not a criminal lawyer, but you are.

WU: And average people just know whether they're the rightful recipient of this check or not? And even if it's their name on it?

MEYER: I believe that people understand if their name is on a check and to what they're entitled, sir. I obviously have much higher belief in all Texans than maybe you do, but yes, I do believe they're very, very capable.

WU: Why does this not take effect immediately? Why does this only take effect in May of 2022?

MEYER: We actually amended it to move it up to March, and what happens then is it takes the comptroller time to be able to process the checks and see about the homestead exemption. And quite frankly, we wanted to be able to make sure that

those who have purchased their homes this year are included in this. Whereas if it was not pushed until the following year, sir, then they wouldn't be included. So we wanted to make sure they were included.

WU: So you're saying that it was impossible to carry it out in March?

MEYER: I didn't say that.

WU: I'm sorry. I didn't understand your explanation, then. So you're saying the comptroller told you they could not be able to take these funds out and issue these checks earlier in the year. It had to be in May.

MEYER: No. I said we moved it from May to March per my amendment. And I said the reason that we put it in March of the following year was to make sure that homeowners—people who purchase their homes this year—benefit from this program.

WU: Wait, I'm sorry. Does the bill currently say May of 2022 or March of 2022?

MEYER: It currently says May sir, but I filed an amendment to move it to March.

WU: Okay, fair. My apologies.

MEYER: No problem. No problem at all.

WU: It went very quickly, and I didn't see that's what it was.

MEYER: Yes, sir.

REPRESENTATIVE HOWARD: I'm just still trying to figure this out in terms of, for one thing, I understand that the federal funds cannot be used for pensions and tax cuts. So this is being framed as what?

MEYER: The ARPA allows the state to use the funds to respond to the public health emergency with respect to COVID or its negative economic impacts, including assistance to households, and that's what we're doing.

HOWARD: So it's assistance to households based on whether or not you're a homeowner but it's not considered a reduction in your property taxes.

MEYER: Yes, ma'am, based on the fact that you're a homeowner.

HOWARD: And you've already answered the question about you're not going to be waiting until the fall to disperse these. These could be a couple of months earlier because you're moving the May date for the comptroller to March, so these funds could get to the homeowners sooner. If they need them for relief, they need it as quickly as they can get it.

MEYER: Yes, ma'am.

HOWARD: Is the intention to restore funds to the relief fund, to No. 325, if you have returned, undeliverable checks that have been mailed out?

MEYER: I'm sorry, ma'am, can you please restate your question?

HOWARD: If you're having checks that have been mailed out to households where the homeowners are no longer there and so the checks are returned as undeliverable mail, would those funds be returned to the Coronavirus Relief Fund?

MEYER: They would be returned, I believe, to general revenue. Yes, ma'am.

HOWARD: Well, if they're being expended from the Coronavirus Relief Fund, they should be coming back to that, right?

MEYER: They will be returned to the source. So if it's the Coronavirus Relief Fund, yes, ma'am.

HOWARD: And just to clarify, too, what we're talking about because I know that Chairman Murphy brought this up. I believe y'all have said that there were five million homeowners that were benefitting from this. Is that correct?

MEYER: Yes, ma'am. I believe it's actually close to 5.6 million and maybe by the time this goes into effect, 5.7.

[CSSB 1, as amended, was passed to third reading.]

**SB 7 DEBATE - SECOND READING**  
**(Hunter - House Sponsor)**

**SB 7**, A bill to be entitled An Act relating to the composition of districts for the election of members of the State Board of Education.

REPRESENTATIVE HUNTER: We're at this time laying out the State Board of Education redistricting, and I'm going to give you some layout information, and then I'll take questions as best I can. We're here today to lay out the State Board of Education plan. The plan I'm about to lay out was adopted by the state senate this month as **SB 7**. The House Committee on Redistricting held a hearing on this senate plan in October. At the hearing we heard from several witnesses. At that hearing I laid out what the senate said its priorities were in drawing this plan. The senate said its priorities were following all applicable law, equalizing population across districts, preserving political subdivisions and communities of interest when possible, preserving the cores of previous districts to the extent possible, and achieving geographic compactness. As you know, amendments to the plan were due last evening.

There are 15 SBOE—that's State Board of Education—districts. And members, in comparison to a state house map, the ideal district size of a State Board of Education is 1,943,043 people. The plan before you has a deviation of .86 percent. The senate plan, according to the senate, doesn't split the VTDs. The plan contains four majority-minority HVAP districts: 1, 2, 3, and 4. District 4 has an HCVAP below 50 percent but its political performance strongly elects a democrat. The map has one pairing in District 4 and an open seat in District 7. I've been asked to give you a history. I think if you check the bill out, I believe in the Senate Redistricting Committee, the bill was voted out 14-0, and on the senate vote, it was 21-10. So I'll be urging you to adopt this plan by the senate as the Texas House of Representatives.



REPRESENTATIVE ANCHIA: During the committee hearing on October 12, I asked you a couple of questions and you mentioned you were going to try to verify some of the answers. So I'd like to ask them before the body. You pointed out that Districts 1, 2, 3, and 4 were Hispanic majority VAP districts, is that right?

HUNTER: That is what the report from the senate gave us, yes.

ANCHIA: Thank you. So I wanted to ask specifically about District 3. Is it correct that the SBOE map that is proposed today would lower the Spanish Surname Voter Registration in District 3 by over 10 percent from 59 percent to 48.8 percent?

HUNTER: I cannot confirm that. No, sir.

ANCHIA: Okay. And would it lower the Spanish Surname Voter Registration in District 1 from 65 percent in the current plan down to 60 percent?

HUNTER: I cannot confirm that.

ANCHIA: Thank you, Mr. Chairman. Is it correct that it would also lower the non-Anglo population in District 6 by nearly 10 percent from 62 percent people of color down to 53.6 percent?

HUNTER: And I cannot confirm that, Mr. Anchia.

ANCHIA: Okay. And so just as District 6 is about to become a performing minority coalition district, this map would take it apart and move portions into predominantly Anglo Montgomery County. Is that your understanding as well?

HUNTER: I cannot confirm that as well either, sir.

ANCHIA: Thank you. In your analysis of this map, was it possible or indeed required by the Voting Rights Act to draw a majority Hispanic Citizen Voting Age Population district in Harris County while also drawing an African American opportunity district in Harris County?

HUNTER: I'm not able to specifically answer but I can only tell you, as I indicated before, I'm relying on the information from the senate. Thank you, sir.

[Amendment No. 1 by Anchia was laid before the house.]

ANCHIA: Here we are again considering an electoral map that fails to reflect the diversity of the great State of Texas. The State Board of Education has an important role to play in the lives and learning of all our children. Their duties are to set curriculum standards in our neighborhood classrooms, and they pick the textbooks our students need to be successful in school. In fact, decisions made by the State Board of Education often have ramifications far beyond Texas. Because we are such a big state—the 10th largest economy in the world—the textbooks that we adopt often inform the content of the textbooks across the country. While what the State Board of Education does impacts millions of Texas families, oftentimes Texans don't know it. But we do. We as policy makers do. That's why it's incumbent for us as policy makers to make sure that the diversity of the State Board of Education approximates, in some way, the diversity of not only the schoolchildren that are impacted by the decisions that that organization makes but also of the state at large.

You know, it took years. It took years and years and years of MALC members fighting alongside some SBOE members to adopt a curriculum that was historically accurate for the Mexican American Studies program. I'm really pleased to say my daughter is taking that class as a senior. And that's a really important step that's critical in allowing more children to learn and appreciate the cultural heritage and contributions of the Mexican American community to this state. And I say all this because with the Hispanic population now surpassing the Anglo population, according to our state demographer, there remains only three out of 15, or one-fifth, of the districts in the State Board of Education that are Latino opportunity districts. And there are eight Anglo majority districts and another two near-Anglo majority districts. And that's just not representative. That just fails the basic test of proportionality—doesn't even come close to proportionality.

So rather than reflecting our collective diversity, the map drawers clearly chose to shore up a partisan majority. It fails to create a new Latino opportunity district even though one can be drawn in Harris County. It fails to provide representative choices for heavily Latino areas in Central Texas. And it weakens District 3, the district that stretches from the Rio Grande Valley to San Antonio, by lowering the Spanish surname turnout and by pairing heavily Latino areas from Hidalgo County through parts of Bexar County with Anglo areas such as Lavaca, Goliad, and Wilson Counties. Similarly, District 2, which is another South Texas anchor district, is stretched all the way to Matagorda, Wharton, and Jackson Counties with what appears to be the intent to dilute the voting strength of the Latino population in that district.

While the rules in a special may allow a bare minimum of 24 hours of notice, they don't mandate it. We had this discussion in committee. This has certainly been a very fast process. And while we're meeting the minimum requirement of 24 hours' notice, the public, when testifying before our committee, asked for much longer on all the redistricting maps, including the State Board of Education map. Regardless of which body originated these lines and drafted this map, each chamber is independently responsible for what ultimately passes. We own it, essentially. And so if we rubber-stamp a discriminatory map, it's just as bad as drawing them.

With that, I ask you reject these maps and allow an opportunity to consider maps that truly represent that great diversity of our state—the 50 percent of Texas growth that was driven by the Latino community and that is not reflected in the current document. So members, this amendment strikes the enacting clause. It would send this bill back to the drawing board, and I ask for your favorable consideration.

HUNTER: As you've heard, it strikes the enacting clause, which basically ends the bill. I respectfully ask you to vote no on this amendment.

ANCHIA: We'll be asking for a record vote on this. With the student population in the State of Texas and the growth that the Latino community represents, the fact that it has allowed us to import congressional districts from other states because of that growth, the fact that 95 percent of all the growth in this state are people of color, and yet this map has three performing Latino majority districts

out of 15 and a fourth that is sort of janky and kind of on the edge, this just isn't proportional. It's not even close to being proportional given the composition of our state. And so I'd ask that we start again, that the house offer its approach and not simply take the senate's approach to this matter. I would ask that we reject the senate map that comes before us because it just doesn't reflect the diversity of this great state.

REPRESENTATIVE C. TURNER: Chairman Anchia, basically the premise behind your amendment is you think we could come up with a better product than what we have here today. Is that right?

ANCHIA: I think rubber-stamping this bill is just as bad as having drawn it originally. We can do better. We can achieve more fairness in this bill. I'll have subsequent amendments to do so. But this isn't the product—simply because the senate drew it, this isn't the product we should be adopting as the house. The house's should be a representative reflection and should express its own sense of what the SBOE districts should look like. It should express its own sense of how we honor the Latino growth in this state. Because this isn't the answer.

C. TURNER: Do you think this map fairly represents the fact that 95 percent of the growth in the last decade is minority growth—Hispanic, African American, Asian American?

ANCHIA: No, it doesn't even approximate it.

C. TURNER: When you think about what this bill is about, it's the State Board of Education, an important body that oversees many aspects of public education in our state. When you think about the ethnic makeup of Texas public school students, does this map fairly represent them and their interests?

ANCHIA: No, not even close. I mean, children of color are by far the majority in this state. Latino students alone became the majority of Texas public school children all the way back in 2011. I will point out that the composition of our school student population is not required to be reflected. It's not a requirement, certainly, but it's an interesting mile marker to measure representation generally. What is, I think, an even better mile marker are communities of interest, right? I mean, what the Voting Rights Act cares about are voters. Under this map, Latino voters and voters of color do not have the ability to elect a candidate of their choice in an overwhelming majority of these districts.

C. TURNER: Well, I think you have a good amendment. I agree with your premise. I think the house could come up with a better product if we spent a little more time on it than we've had to devote to this senate bill over the last four days or so. I hope the body will support your amendment.

[Amendment No. 1 failed of adoption by Record No. 85.]

[Amendment No. 2 by Anchia was laid before the house.]

ANCHIA: This amendment provides an option for remedying the underrepresentation of Latinos in the SBOE map and ameliorating the delusion of people of color's voting power in majority-minority SBOE districts that cover Central, South, and Southeast Texas. On the whole, the current and proposed

maps are among the least represented of maps in our state. Despite accounting for roughly half of eligible voting population, non-Anglo voters only make up majorities in five out of 15 State Board districts. Just think about that for a second. Ninety-five percent of the growth are people of color. It's a minority-majority state. Yet non-Anglo voters only make up majorities in five out of 15 of the districts. It's not even close to being representative. And **SB 7** takes that baseline and makes the underrepresentation even worse.

The State Board of Education is incredibly important, as I stated earlier. And not only does **SB 7** fail to account for the exponential growth in communities of color across the state, but it dilutes the voting strength of Latino residents in SBOE Districts 2 and 3, and importantly, it takes a minority coalition district in District 6 in Harris County and it slices and dices it up into Montgomery County to dilute that vote even further, Ms. T. A preliminary analysis demonstrates that there's still significant racially polarized voting in minority-majority SBOE districts with Latinos and African Americans consistently preferring democratic candidates, and **SB 7** would dilute the votes of those groups by pairing them with high-turnout Anglo areas with which they have little in common, such as Lavaca, Goliad, Jackson, and other counties. At a time when state legislators in Austin are doing all they can to control how students learn in classrooms—and we saw that during the regular session—it's more important than ever that we have representation on the State Board of Education, and my amendment allows for just that.

HUNTER: Based again on the information we provided in the layout, I respectfully ask you to vote no on this amendment.

ANCHIA: If you want more representation that reflects the diversity of our state, vote aye. If you don't, vote no.

[Amendment No. 2 failed of adoption by Record No. 86.]

[Amendment No. 3 by Bonnen was laid before the house.]

REPRESENTATIVE BONNEN: This amendment will move a portion of the city of Friendswood that is within Galveston County into the State Board of Education District 7, which currently includes the vast majority of Galveston County. This edit keeps the district within the standard deviation allowed for the SBOE districts.

[Amendment No. 3 was adopted by Record No. 87.]

HUNTER: I request you to vote yes on this bill.

[**SB 7**, as amended, was passed to third reading by Record No. 88.]

**SB 4 DEBATE - SECOND READING**  
**(Hunter - House Sponsor)**

**SB 4**, A bill to be entitled An Act relating to the composition of districts for the election of the Texas Senate.



REPRESENTATIVE HUNTER: This time I'm laying out the senate bill and map. We are here today to lay out the plan for the Texas Senate. The plan I am about to lay out was adopted by the senate in October as **SB 4**. The House Committee on Redistricting held a hearing on this senate plan in October. At the hearing we heard testimony from many witnesses. At that hearing I laid out what we heard the senate's goals and priorities were, including following all applicable law, equalizing population across districts, preserving political subdivisions and communities of interest when possible, preserving the cores of previous districts to the extent possible, avoiding pairing incumbents, achieving geographic compactness, and accommodating incumbent priorities to the extent possible. Proposed amendments to the plan were due last evening.

There are 31 senate districts. The ideal size is 940,178. The plan before you has an overall deviation of 6.14 percent. Senator Huffman also pointed out in her layout of this plan that it avoids splitting the VTDs. The plan contains seven majority-minority HVAP districts which are also majority HCVAP districts: Districts 6, 19, 20, 21, 26, 27, and 29. The map has one pairing in District 25 that includes Dawn Buckingham, who is not seeking reelection. District 24 in the plan has no incumbent. In the Redistricting Committee in the senate, it indicates the vote was 12-2. In the senate, the voting was 20-11. I urge the house to adopt the plan by the senate.

REPRESENTATIVE ANCHIA: Is it correct that the proposed senate map creates no new Latino opportunity districts despite the fact that Latinos accounted for nearly half of the entire growth in the state last decade?

HUNTER: Based on the information I gave you, the understanding that I have is what Senator Huffman said. Whether it fits the exact definition or not, I can't confirm.

ANCHIA: Okay. When you listed the majority Hispanic Citizen Voting Age Populations, there were seven, so it does appear that a new one was created. Is it correct that the plan dismantles existing Senate District 10, which has been performing to elect the Latino or black candidate of choice in general elections?

HUNTER: As indicated before, I am not able to confirm that information.

ANCHIA: Okay. I would like to draw the members' attention to publicly submitted maps S2162, S2161, and S2125 submitted by the Latino Task Force and Ric Galvan. You can see these in District Viewer, members. These plans demonstrate that it's possible to draw a Latino opportunity district in Dallas and Tarrant County and to draw either one or two additional opportunity districts in the South Texas/Bexar County area. Did you or anybody on your staff analyze whether the Voting Rights Acts requires the drawing of these additional districts?

HUNTER: I can tell you that we've looked at some of the aspects but I can't confirm the specifics, Mr. Anchia.

ANCHIA: Would you agree that Hispanics and Anglos, based on our state demographer's reporting, it's suggested that they are equal portions in the plurality that is the Texas population, with Latinos at this point in time probably being slightly higher than the Anglo population? Do you recall that testimony?

HUNTER: Are you talking about statewide?

ANCHIA: Yes, statewide.

HUNTER: On the growth side I think the indication from the demographer said you are correct.

ANCHIA: So you correctly pointed out that there were seven Hispanic CVAP districts. Do you know how many of the districts are majority Anglo Citizen Voting Age Population in the plan?

HUNTER: I'm not able to confirm that specifically.

ANCHIA: There are 20. So even though we have equal population, roughly equal with Hispanics being a little bit more, there are seven Hispanic Citizen Voting Age Population districts and 20 Anglo Citizen Voting Age Population districts. So there are nearly three times as many districts that are majority white compared to majority Hispanic. Are you aware of that?

HUNTER: Not until you just told us the information.

ANCHIA: Do you recall that Senator Huffman said that these maps were drawn race blind? Do you remember that from her testimony?

HUNTER: I do not.

ANCHIA: And is it not true that under Section 2 of the Voting Rights Act, Texas has an affirmative legal obligation to avoid drawing district lines in a way that dilutes the votes of minority voters, thus making a race blind effort at drawing a map almost de facto in violation of Section 2?

HUNTER: Not able to tell in the specifics, but I do know the protections built in the section. Yes, sir.

ANCHIA: And you would agree that Texas has a constitutional obligation to avoid intentional discrimination against racial and ethnic minorities?

HUNTER: Yes, that's right.

ANCHIA: Are you aware of the Fifth Circuit precedent in *U.S. v. Brown* that informs us that in gauging whether there is discriminatory intent, a state's awareness that a state's action bears "more heavily on one race than another" is a key factor that courts will consider?

HUNTER: I cannot recall that particular case but would be glad to take a look. Thank you, sir.

ANCHIA: Thank you. Some quick questions just on kind of the conclusions related to this map and that is, do you know if this map was drawn without racial or ethnic data?

HUNTER: I am not aware of the specifics.

ANCHIA: If it was drawn without racial or ethnic data, given the requirements of Section 2 of the Voting Rights Act, or if it was blind to race, as Senator Huffman said in her layout, and the state later becomes aware of a disparate impact or if the

state ignores its obligation to carefully consider whether it is diluting minority voting power, then that would also be a violation of the Voting Rights Act. Are you aware of that?

HUNTER: I'm not able at this time to hear what you said.

[Amendment No. 1 by C. Turner was laid before the house.]

REPRESENTATIVE C. TURNER: The 2020 census revealed tremendous population growth among African American, Hispanic, and Asian American communities in both Dallas and Tarrant Counties. At the same time, the Anglo population of Dallas County decreased by 5.4 percent and in Tarrant County by 8.9 percent. This proposed senate plan creates zero additional minority opportunity districts in either Dallas or Tarrant Counties. In fact, it eliminates the only Tarrant County district in which African Americans and Hispanic Texans can come together to elect the candidates of their choice, and that district is Senate District 10. Overall, minority opportunity districts in the Dallas-Fort Worth metroplex go from three to two.

Now, if you feel like you've heard some of this before, it's because in 2011, just like today, the legislature proposed and ultimately passed a senate map that dismantled Senate District 10 and submerged Tarrant County minority voters into an Anglo-controlled rural district. A federal court found that the 2011 senate map was intentionally discriminatory. And in fact, not only was the district restored to allow voters of color to continue to have the opportunity to elect the candidate of their choice, but the State of Texas—the taxpayers—were forced to pay over a million dollars in attorney's fees to former Senator Wendy Davis' attorneys in that case.

But despite minority population growth in both Dallas and Tarrant Counties and a federal court ruling in 2011 making clear that submerging Tarrant County minority residents into an Anglo-controlled district violates the law, the senate again has sent us a map that does the same thing and is discriminatory in intent and effect. And what's worse is this time the legislature has the benefit of that 2011 court ruling saying we cannot do this. In 2011, they hadn't seen it before. But in 2011, they ruled you can't do this, and here we are in 2021 proposing to do the exact same thing—republicans are.

This senate map proposal puts Tarrant County minority residents in not one but two rural districts. District 22, anchored in rural counties that goes south of Waco, comes into the eastern side of Tarrant County by shoving a crooked billy club into the county to grab 359,560 Tarrant County residents with a black and Hispanic Voting Age Population of 51.6 percent. The plan then takes more than 600,000 people—601,874 people—in southern Tarrant County with a combined black and Hispanic Voting Age Population of 52.2 percent into a new rural-based SD 10 that winds as far west as Shackelford and Callahan Counties. It does this by drawing a jagged gash across Tarrant County south of Interstate 30. North of this jagged gash, the historic Hispanic Northside community in Fort Worth is then joined with Anglo voters in a suburban-based Tarrant County District 9.

Now, members, to help you in this geography lesson of Tarrant County, on your desks I have provided you maps showing the combined Hispanic and African American Voting Age Populations in the benchmark plan, the current plan, and in the proposed plan in **SB 4**. And if you look at the large map on the easel over here, you will see that the current boundary of SD 10 includes all of Southeast Fort Worth and South Fort Worth, predominately African American and Hispanic neighborhoods, and the north side of Fort Worth, predominately Hispanic neighborhoods—all of those communities are collectively represented by Representatives Collier and Romero—and a growing and emerging African American population in Southeast Tarrant County in the Mansfield area in South Arlington. That's in the current SD 10.

Now, if you'll turn your attention to the proposed SD 10, you see those communities are cracked apart. The new boundary of SD 10 cuts this jagged gash across the middle of Tarrant County on an east-west basis, severing Representative Romero's district in half, cutting across part of Chair Collier's district, and cutting out the growing African American population in Southeast Tarrant County in Mansfield. You can see how, with precision, the senate map drawers cracked the minority communities of Fort Worth, Arlington, and Mansfield. Additionally, all of you received an e-mail from Senator Beverly Powell of Senate District 10 last night that included her letter to the House Committee on Redistricting that contains additional maps with more detail and highlights additional areas of concern.

So my amendment respects the minority growth in North Texas by restoring SD 10, a third minority opportunity district in the region, and it also creates a new Hispanic opportunity district, one that has been called for by Hispanic leaders and should be created based on tremendous Hispanic population growth. We heard a lot of testimony about this in the Redistricting Committee, that the combined Latino population of Dallas and Tarrant Counties demands that a new district be created. Under this amendment, Senate District 23, held by Senator Royce West, is retained as a Dallas County district in which African Americans can continue to elect the candidate of their choice. In both Dallas and Tarrant Counties, a new District 12 is drawn that unites communities of interest and historic Hispanic communities to create a new Hispanic opportunity district. In Tarrant County, SD 10 is retained as a coalition district.

In **SB 4**, I should note, Senate District 23 is drawn into Tarrant County for the first time that I can ever recall, and I raised some issues about this in committee. The Tarrant County population of SD 23 is also overwhelmingly minority and the Texas Legislative Council reports that the combined black and Hispanic population there is over 66 percent. As drawn today in the benchmark plan, SD 23 performs solidly as a black opportunity district, and adding thousands of new residents from Tarrant County—predominately minority residents—is nothing more than old-fashioned packing. It's also worth noting that local elected officials in Southeast Tarrant County provided testimony and statements to the senate and house committees that they want to be in a Tarrant County-centered district where they continue to have the opportunity to elect



candidates of their choice. And despite this testimony, the senate scooped up African American and Hispanic voters and cracked them into multiple districts, then packs them into SD 23.

So this amendment will rectify all those problems and will address many of the concerns raised by community leaders. Most importantly, it will allow minority voters of Senate District 10 to continue to elect the candidates of their choice.

ANCHIA: I wanted to focus on Tarrant County real quick because when you hear it in committee and you hear it described like this on the floor and you look at the data, if you didn't know, now you know. Because it's so overwhelming. When you look at Tarrant County, much of the growth in Tarrant County was driven by communities of color, was it not?

C. TURNER: Absolutely. In fact, Tarrant County lost Anglo population last decade.

ANCHIA: In fact, the Anglo population shrunk by about three percent while the Asian population grew by 56 percent, the African American population grew by 40 percent, and the Latino population grew by 29 percent. Isn't that right?

C. TURNER: That's right, and that's why we've seen over and over again the minority voters in Tarrant County increasingly have the ability to coalesce and elect candidates of their choice.

ANCHIA: And they did previously in Senate District 10. In the redistricting of the last decade, they were split apart, and a court said no, you can't do that. And a court drew it back together—required it to be drawn back together. Is that correct?

C. TURNER: That's absolutely correct.

ANCHIA: And now, despite all of this growth during the last decade, Tarrant County is cracked between SD 9, SD 10, and SD 22 and then packed into SD 23, which comes in from Dallas County. Is that correct?

C. TURNER: That's exactly right. Three crackings and one packing—that's what we have here.

ANCHIA: And if we look at your backyard, the area that you represent in Arlington, the black population has been split into multiple senate districts. Isn't that correct?

C. TURNER: That's exactly right. The population is split between Senate Districts 10, 22, and 23.

ANCHIA: Right, right. And so while the non-Anglo population of Senate District 10 increased by exactly 134,124 people, of whom 51 percent were Latino, 25 percent were black, and 11 percent were Asian, and the Anglo population fell by 22,893 people, which is a decrease of nearly six percent—so what we're talking about is SD 10, not Tarrant County—this proposed map cracks it up. It

breaks it up. After all of that growth and a demonstration that SD 10 could elect the person of the minority community's choice, they are rewarded for this growth by being cracked into multiple districts and packed into the 23rd, right?

C. TURNER: That's exactly right.

HUNTER: I respectfully request that this amendment be voted no.

C. TURNER: I did not hear a reason why you should vote no. I've given you a lot of reasons why you should vote yes. This amendment undoes a great injustice and reverses a terrible mistake that the senate has made in this map by destroying a protected coalition district, Senate District 10. And again, this was done 10 years ago. It was done in 2011, and the federal courts ruled that it was unlawful. It was intentionally discriminatory. It was a violation of the Voting Rights Act and the Constitution, and they ordered the state to remedy it by restoring the boundaries to Senate District 10 as they had existed before. And that's what this map seeks to address, is to correct that, to restore Senate District 10 to an effective coalition district so that minority voters can continue to have the opportunity to elect the candidate of their choice.

ANCHIA: I wanted to get through just sort of an analysis of other parts of the Metroplex because we oftentimes talk about the Latino community and African American community, but we saw explosive growth in the Asian American population growth in North Texas. Is that not right?

C. TURNER: That's absolutely correct.

ANCHIA: In fact, 87 percent growth. Isn't that correct?

C. TURNER: That's correct.

ANCHIA: The interesting thing about the Asian American population in DFW is that it is geographically compact. It's close together. And so the AAPI community could be drawn into one district where they have the opportunity to exert their electoral power and elect the person of their choice. Why do you think that was not done?

C. TURNER: Well, Chairman Anchia, I can't say for certain, but clearly as a pattern with a lot of these redistricting plans that we've seen over the course of this week and certainly with this senate proposal is that minority communities are intentionally cracked to dilute their voting strength and dilute their ability to elect the candidate of their choice. And what's one of the great features of this amendment that I hope the house will adopt is if you look at how Tarrant County is drawn, we do have a thriving Asian American community that I have the privilege of representing a large part of in Southeast Tarrant County. They're largely consolidated into Senate District 10 where they can be part of this effective coalition district. In Dallas County, which you represent, Senate District 16 is drawn in a way that many of those voters will have the opportunity to be together in a district.

ANCHIA: And just to make it clear to the membership—in case they say, hey, well, I don't know—the Senate District 10 in the proposed map goes from Tarrant County and takes these voters of color and pairs them all the way down with residents in rural counties that ends in Brown County. Is that not right?

C. TURNER: That's correct. That's correct—all the way out to Brown County, nearly to Abilene.

ANCHIA: And Asian American population growth, it looks like, is aggressively cracked between Senate District 2, Senate District 8, Senate District 12, and Senate District 30 in North Texas. Is that your understanding of how the underlying map is? And your map would seek to remedy part of that, correct?

C. TURNER: Yes, I think that's an accurate characterization of what **SB 4** would do if we don't fix it. And my amendment would address many of those flaws in the map that you just pointed out.

ANCHIA: And just one final point about the Hispanic residents in Tarrant County. It's not a small number. It's about 600,000 people, right?

C. TURNER: Right. That's right.

ANCHIA: And what justification exists for eliminating the only district where those 600,000 people in Tarrant County can elect the candidate of their choice?

C. TURNER: There is zero justification for it and what's worse is we know it is intentionally discriminatory. The courts have found that to be the case before. The courts will find that to be the case again if we do not adopt this amendment.

ANCHIA: Thank you, Mr. Chairman.

C. TURNER: Thank you, Chairman Anchia. Members, lastly, I'll just say that I know that some of you are saying, well, it's tradition that the senate passes the house district map unchanged and the house passes the senate district map unchanged. What I would say to you is that tradition does not trump the Voting Rights Act. Tradition does not trump the Constitution. Tradition does not trump what's right and wrong. So I ask that you vote yes on this amendment.

[Amendment No. 1 failed of adoption by Record No. 89.]

[Amendment No. 2 by Romero was laid before the house.]

REPRESENTATIVE ROMERO: This amendment makes adjustments to Senate District 10 and the surrounding districts. We're all aware that minority communities in Tarrant County have been intentionally targeted under **SB 4** by cracking apart historic Hispanic and African American communities and submerging these communities into Anglo-controlled rural and suburban districts. This is most evident in the tearing apart of Senate District 10 and, very specifically, my district in District 90.

We heard about it through our house maps. You guys know that HD 90 is and has been 75 percent Latino. SD 10 splits it right in half, east to west. We're fortunate to have these maps. If you look at what's happened to the communities of color in Tarrant County, they're in 9, they're in 10, they're in 23, 22. And in Tarrant County—which is, just Latino alone, 25 percent Latino—40 percent of

Fort Worth is now Latino, and we're being split apart into four different senate maps. Make no mistake. By cracking 10 the way these proposed maps have done, in effect you will take away the opportunity for Latino representation—people of color's representation—in the senate for many years to come.

Senator Huffman argued that Senate District 10 was required to change due to population growth in the DFW area. This suggestion is incorrect. The district was only .57 percent over the ideal population. Even if changes were required to the district, adding seven—seven—rural counties was absolutely not necessary, seven rural counties that now stretch almost to Abilene, Texas. For those of you that are in Abilene, what do your rural roads and your oil and gas industry really have in common with the people of Southeast Fort Worth and Stop Six and Poly and Morningside? Are your issues our issues? Are your concerns our concerns? Are our concerns of mobility within an urban area the same as your issues of connectivity in your rural areas?

Even if changes were required in this district, the addition of seven rural counties is a repeat of the same illegal action you just heard from Chairman Turner. Intentionally discriminatory tactics used to dismantle SD 10 in 2011, federal courts, you already heard, found illegal. The state was forced to pay over \$1 million in attorney's fees to Senator Davis and her attorneys. I'm sure that's fiscally responsible for all of those who like to use that term.

This amendment demonstrates that it's possible to change the boundaries of SD 10, as Senator Huffman suggested was required, without dismantling a performing majority-minority district and diluting Tarrant County voters of color by submerging us into a rural-anchored district that stretches, again, over 100 miles away. This amendment redraws District 10 to include communities of interest not in this proposed SD 10 which you've heard me talk about: Como, Diamond Hill, Northside, Meadowbrook, and Woodhaven on the east side of town.

SD 10, like all of Tarrant County, saw incredible growth among Hispanic, African American, and Asian American residents during the last decade. District 10 saw the white population decline by over eight percent according to the 2020 census. In the house, we recognized this growth in Tarrant County by creating a new coalition district along the eastern boundary of the county, yet the senate is intentionally diluting the growth. This amendment enhances an already performing crossover and coalition district by strengthening the coalition even further by uniting communities of interest. After uniting communities of interest, District 10 Citizen Voting Age Population becomes over 52 percent African American and Hispanic. This amendment makes adjustments by surrounding districts, making the surrounding districts generally stronger for incumbents.

I've heard arguments that hey, it doesn't matter what you want to do, house members. They've got to get to 19 over there on the other side. There's a cost. When I came to the house it was 55-95. When I got back home I'd say, I don't think this is the way our democracy was intended, for it to be one-third–two-thirds. There's not a lot of debate between us anymore. Certainly in the eight years that I've been here, I've seen the debate decline more and more year over year. It's unfortunate, because in my 47 years of life, in the time that I



decided that I wanted to run for office, I never thought that this was what it would be like—when it's a matter of winning. Last night, that's all that we heard. It's about winning. And that's what this Senate District 10 map is. It's about winning. What's the margin of victory that you guys need that you would silence an entire community of Tarrant County?

ANCHIA: Representative Romero, thanks for walking us through that. You talked about debate. There are some facts that are not even up for debate, right? I'd like to walk through some of them with you. SD 10, after being cracked during the last redistricting cycle, was put back together by a court, was it not?

ROMERO: Correct.

ANCHIA: And that court drew it so that minority communities could elect the person of their choice. Correct?

ROMERO: That's correct.

ANCHIA: And since then, we took a census, did we not, that showed massive growth in communities of color in Tarrant County. Correct?

ROMERO: That's fact.

ANCHIA: And the facts are that Tarrant County is now a minority-majority county, is it not?

ROMERO: That is also correct.

ANCHIA: Is it also not fact that while the Anglo population shrunk during this last census by three percent, the Asian, African American, and Latino populations blew up by 29, 40, and 56 percent respectively. Is that not right?

ROMERO: That's also fact.

ANCHIA: And the response—well, let me offer up another fact. SD 10 was fine. SD 10 was right around the deviation, not even close to being as under- or overpopulated as many other districts around this state. Is that not correct?

ROMERO: .5 percent.

ANCHIA: .5 percent.

ROMERO: .57 percent.

ANCHIA: So you didn't even really need to touch it. You could just play with it around the edges and it would've been fine for the people of color to elect the candidate of choice, right?

ROMERO: It was within the deviation.

ANCHIA: Within the deviation, yet SD 10 residents are now placed in districts that extend all the way down to Falls County, 143 miles away. Is that not right?

ROMERO: That's correct, within blocks of Abilene.

ANCHIA: Say it again?

ROMERO: Within blocks of Abilene, Texas.

ANCHIA: That's right. And in Falls County, which is south along I-35, there's a town there called Rosebud. It's, well, over 1,000 people, but now the residents of SD 10 that you represent are included in the same district as they are. And you talked about communities of interest. What could be the justification for the people that you represent—same people who were in SD 10—to be placed in a district with the people in Rosebud in Falls County? Can you think of one?

ROMERO: That's the point that I was making. Those of us that have seen debates between rural and urban—and anyone that represents a rural community should understand this—it's hard to know the day-to-day lives of urban areas, and we've shown it here on the floor. And it's hard for us to understand what you're dealing with on your farm-to-market roads, what you deal with with oil and gas industry and their traffic, and with the farms and your cotton farmers, and all of the issues that those communities face—their schools where, occasionally, thank God that we occasionally get on the same page. But right now, how often are we going to come together? That's the benefit of being in an urban area like Tarrant County where two districts could've completely been drawn almost wholly within Tarrant County. We wouldn't have to drive 140 miles to get to our neighbors that live within that same senate district.

ANCHIA: And not only does it impact the voters, which is what the Voting Rights Act is focused on, but let's just talk about beyond that. What does it do to the business community? What does it do to representation of Tarrant County down here in Austin? What does it do to how Tarrant County performs in this building when you crack their representation that was anchored in Tarrant County?

ROMERO: It is hard for me to believe, Chairman Anchia, that Fort Worth, Texas—the county seat of Tarrant County—with this map will not have a representative that lives in Fort Worth and have a bond with its chambers of commerce and its Hispanic chambers and black chambers and understanding the needs—not the wants, but the needs—of Fort Worth and Tarrant County and its surrounding communities.

ANCHIA: It just kind of blows my mind. SD 10 required really no adjustment at all.

ROMERO: It did not.

ANCHIA: The people of Fort Worth wanted it that way. The people of color in Tarrant County wanted it that way. They testified as much. Yet it is cracked into four different districts. What do you think is the possible justification for that? And by the way, at the same time that we learn that Tarrant County just became minority-majority—coincidence?

ROMERO: I don't think so. You know, we hear it all the time, and that's why I said "winning," Chairman Anchia. This is a matter of winning. We've heard that these elections have consequences, but the only people that are suffering here are the people in my district and District 90 by being split in half, by not being able to vote for the same senator. The fact is Senate District 10 was a competitive seat. If republicans would've worked a little bit harder, they potentially would've won

that seat and Senator Powell wouldn't be our senator. Konni Burton was the senator in that map. It was a competitive seat. It could've remained a competitive seat. But we don't want a win—we want an easy win.

HUNTER: I respectfully request no on the amendment.

[Amendment No. 2 failed of adoption by Record No. 90.]

[Amendment No. 3 by Collier was laid before the house.]

REPRESENTATIVE COLLIER: Members, this amendment will restore Senate District 10 to its benchmark as passed by the legislature in 2013. In 2011, the state legislature passed a state senate map that federal courts found to be intentionally discriminatory against blacks, Hispanics, and Asian Americans. As you heard before, the state was ordered to pay over \$1 million in attorney's fees to then Senator Wendy Davis' attorneys. Similar to what was done in 2011, the proposed Senate District 10 map under **SB 4** intentionally destroys a performing coalition and crossover district by submerging minority voters in southern Tarrant County into a rural district with seven rural counties over 100 miles away.

Now, there's one thing I want you to remember. This is the same configuration of SD 10 where the coalition of voters and crossover voters chose to elect republican Konni Burton and at the next election they chose to elect democrat Beverly Powell. But **SB 4** takes that choice away from them because that coalition, which also includes crossover voters, will no longer have a choice.

The voters in SD 10, which is currently wholly contained in Tarrant County, have worked to form coalitions based on shared interests and shared concerns. Tarrant County is considered to be an urban area, whereas the counties of Palo Pinto, Stephens, Shackelford, Callahan, and Brown are all considered to be rural. Some of the main economic engines for Tarrant County include aerospace, technology, and the automotive industries. The main economic engines for those rural counties are different. Tarrant County residents must contend with high traffic, environmental issues, and access to affordable housing, to name a few. However, the rural counties do not share the same challenges. In fact, the largest employer in Palo Pinto County is the general hospital—the 99-bed general hospital. Stephens County enjoys a large oil and gas presence as well as agriculture. In fact, many of these rural communities, beautiful as they are, focus on agriculture. So lumping Tarrant County in with these rural counties reduces the ability of achieving coalitions between voters who have traditionally formed communities of interest in the county since their interests are not aligned, their challenges are not the same, and some live over 100 miles away.

Why take that away from them? Don't we trust the coalition and crossover voters in SD 10 to make their own choice of who their candidate will be? The decision has already been made for them by this legislature because they will no longer have the collective power to elect a candidate of their choice like they have in the past. This is because voters to the north, who are overwhelmingly Hispanic, and the growing communities to the east where I live, which have growing African American and Asian American populations, are drawn into other rural and suburban Anglo-controlled districts in order to dilute our voices.

This amendment simply restores SD 10 to its current boundaries and makes necessary adjustments to surrounding districts. The currently drawn SD 10 is only .57 percent over deviation and requires no changes to the district to meet the legal population requirements. This amendment respects the federal court order which made it abundantly clear any attempts to dilute minority votes in Tarrant County with rural Anglo voters is discriminatory both in intent and effect. Lastly, this current configuration of SD 10 which is also the same as seen in this amendment received bipartisan support. In fact, the 2011 chair of the Senate Redistricting Committee voted for this amendment along with every elected minority candidate of choice in the Texas Senate. So with that, I'll answer questions.

C. TURNER: I want to just ask you a couple of questions about your amendment to make sure the body understands. Your amendment is different from the amendment that Representative Romero offered and then the other amendment that I offered, right?

COLLIER: That's correct.

C. TURNER: My amendment a few minutes ago would have created a new—in addition to restoring Senate District 10 as a minority coalition district—it would have also created a new Hispanic opportunity district between Dallas and Tarrant Counties. Your amendment simply seeks to restore the current boundaries of Senate District 10. Is that right?

COLLIER: Yes, but while I appreciate your amendment, which shows the possibilities that are available to the State of Texas to create minority opportunity districts, this amendment just restores it, puts it back to where it was before we started today.

C. TURNER: Right, absolutely. So at a bare minimum, if the legislature can't bring itself to create new minority opportunity districts even though 95 percent of our growth over the last decade has been minority, at a bare minimum you're saying we ought to preserve an effective performing coalition district in Senate District 10.

COLLIER: Absolutely, because there's no need to change it. The population numbers are there.

C. TURNER: Absolutely. I know in the map I left up there, I pointed out earlier how your district, your House District 95, in Senator Huffman's map, **SB 4**, actually the boundary between Senate Districts 10 and 9 really kind of cuts off the top of your district, does it not? Am I right about that?

COLLIER: That is correct, yes.

C. TURNER: So some portion of your constituents in House District 95 would be submerged in Senate District 9, primarily a suburban district, an Anglo majority district, while the majority of your constituents would be submerged in a rural-based district. Is that fair to say?

COLLIER: That is so fair, yes.



C. TURNER: In thinking about your district and the great communities you represent, thinking about Stop Six, Forest Hill, Everman, and Meadowbrook, do any of those neighborhoods and the good people who live there, do they share a lot of commonality with the good people of Shackelford County or Callahan County or Brown County?

COLLIER: No. In fact, when we talked to the constituents after this map was passed in the senate, I shared with them some of the economic engines in these rural communities, and while we try to create community gardens, we don't have a large agricultural presence in Tarrant County like they do in those rural communities, and our challenges are different. So they could not understand it. They were dismayed and disappointed that they would have to be thrust into areas that they have nothing to do with and no connection with.

C. TURNER: You mentioned, and I'm glad you brought this up, that this amendment, in fact, in the senate had bipartisan support, right? Senator Seliger voted in favor of it. Is that right?

COLLIER: That's correct.

C. TURNER: And as you said, Senator Seliger was the chair of the Senate Redistricting Committee 10 years ago in 2011, right?

COLLIER: That is correct.

C. TURNER: And it's my understanding that when the legislature in that session dismantled Senate District 10—again, to dilute the impact of minority voters—Senator Seliger testified in that trial and ultimately that court ruled that the legislature's action was unlawful. It was intentionally discriminatory. And I think sometimes the legislature and our colleagues don't necessarily understand this, but it is against the law. What they did was against the law. Is that right?

COLLIER: That's right. It is a violation of the law, absolutely.

C. TURNER: Thank you.

COLLIER: Members, if it was good then, it's good now.

HUNTER: Members, I respectfully request no on the amendment. Vote no.

[Amendment No. 3 failed of adoption by Record No. 91.]

HUNTER: I respectfully request you vote yes.

[SB 4 was passed to third reading by Record No. 92.]



# **EXHIBIT 6-M**

# HOUSE JOURNAL

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EIGHTY-SEVENTH LEGISLATURE, THIRD CALLED SESSION

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## PROCEEDINGS

SEVENTH DAY — FRIDAY, OCTOBER 15, 2021

The house met at 5:17 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 93).

Present — Mr. Speaker(C); Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Coleman; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guillen; Harless; Harris; Harrison; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Absent, Excused — Guerra; Hernandez.

## **LEAVES OF ABSENCE GRANTED**

On motion of Representative Metcalf and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

## **GENERAL STATE CALENDAR**

### **HOUSE BILLS**

### **THIRD READING**

The following bills were laid before the house and read third time:



**HB 160 ON THIRD READING**  
**(by Wilson, et al.)**

**HB 160**, A bill to be entitled An Act relating to making supplemental appropriations for education initiatives, institutions, and related agencies and giving direction regarding appropriations.

**Amendment No. 1**

Representative Wilson offered the following amendment to **HB 160**:

Amend **HB 160** on third reading in the SECTION of the bill added by Amendment No. 15 by Gates, as amended by Amendment No. 16 by Zwiener, on second reading making an appropriation to Austin Community College as follows:

(1) In the heading to the SECTION adding the appropriation to Austin Community College, strike "ADULT EDUCATION CENTER" and substitute "TEXAS INNOVATIVE ADULT CAREER EDUCATION (ACE) GRANT PROGRAM".

(2) In the SECTION adding the appropriation to Austin Community College, strike "funding an adult education center" and substitute "the Texas Innovative Adult Career Education (ACE) Grant Program".

Amendment No. 1 was adopted.

**HB 160**, as amended, was passed by (Record 94): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Coleman; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ferro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guillen; Harris; Harrison; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guerra; Hernandez.

Absent — Bell, K.; Harless; Rodriguez; Turner, C.; Zwiener.

The chair stated that **HB 160** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

### STATEMENTS OF VOTE

When Record No. 94 was taken, I was in the house but away from my desk. I would have voted yes.

K. Bell

When Record No. 94 was taken, I was absent because of important business in the district. I would have voted yes.

Harless

### HB 161 ON THIRD READING

(by Capriglione, Rose, Dean, Raney, Anderson, et al.)

**HB 161**, A bill to be entitled An Act relating to making supplemental appropriations relating to health and human services and giving direction regarding appropriations.

**HB 161** was passed by (Record 95): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Coleman; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guillen; Harris; Harrison; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Lucio; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Wiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guerra; Hernandez.

Absent — Bell, C.; Harless.

The chair stated that **HB 161** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

## STATEMENT OF VOTE

When Record No. 95 was taken, I was absent because of important business in the district. I would have voted yes.

Harless

### SB 1 - RULES SUSPENDED HOUSE SPONSOR AUTHORIZED

Representative Meyer moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representatives Anderson, Ashby, K. Bell, Biedermann, Bonnen, Buckley, Burrows, Button, Capriglione, Cook, Cyrier, Darby, Davis, Dean, Geren, Gervin-Hawkins, Goldman, Guillen, Harris, Hefner, Holland, Hull, J.E. Johnson, Kacal, P. King, Klick, Krause, Landgraf, Leach, Leman, Lozano, Metcalf, Middleton, Minjarez, E. Morales, Morrison, Murphy, Noble, Oliverson, Parker, Patterson, Paul, Perez, Raney, Raymond, Rogers, Schofield, Shaheen, Shine, Slaton, Slawson, Smith, Spiller, Stephenson, Stucky, E. Thompson, S. Thompson, Toth, VanDeaver, Vasut, White, and Wilson as house sponsors and co-sponsors to **SB 1**.

The motion prevailed.

### GENERAL STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

#### SB 1 ON THIRD READING (Meyer - House Sponsor)

**SB 1**, A bill to be entitled An Act relating to the provision of direct relief from ad valorem taxes to certain property owners in this state through the distribution of certain federal economic assistance money received by the state and a study of the provision of additional ad valorem tax relief; making an appropriation.

**SB 1** was passed by (Record 96): 140 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Coleman; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, M.; Goodwin; Guillen; Harris; Harrison; Hefner; Herrero; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose;

Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Zwiener.

Nays — González, J.; Hinojosa; Lopez; Wu.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guerra; Hernandez.

Absent — Harless; Lucio.

The chair stated that **SB 1** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

### STATEMENT OF VOTE

When Record No. 96 was taken, I was absent because of important business in the district. I would have voted yes.

Harless

### SB 8 - RULES SUSPENDED HOUSE SPONSOR AUTHORIZED

Representative Bonnen moved to suspend Rule 8, Section 5(d), of the House Rules to designate Representatives Anderson, Biedermann, Burrows, Button, Capriglione, Cyrier, Darby, Davis, Dean, Dominguez, Geren, M. González, Landgraf, Leman, Lozano, Murphy, Parker, Paul, Perez, Raney, Raymond, Rogers, Stucky, E. Thompson, S. Thompson, VanDeaver, Walle, White, Wilson, and Zwiener as house sponsors and co-sponsors to **SB 8**.

The motion prevailed.

### SB 8 ON THIRD READING (Bonnen - House Sponsor)

**SB 8**, A bill to be entitled An Act relating to making supplemental appropriations and giving direction regarding appropriations.

**SB 8** was passed by (Record 97): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Buckley; Bucy; Burns; Burrows; Button; Cain; Campos; Canales; Capriglione; Cason; Clardy; Cole; Coleman; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton; Ferro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guillen; Harris; Harrison; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Meza; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond;



Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guerra; Hernandez.

Absent — Harless; Lucio.

The chair stated that **SB 8** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

### **STATEMENT OF VOTE**

When Record No. 97 was taken, I was absent because of important business in the district. I would have voted yes.

Harless

### **SB 7 ON THIRD READING (Hunter - House Sponsor)**

**SB 7**, A bill to be entitled An Act relating to the composition of districts for the election of members of the State Board of Education.

**SB 7** was passed by (Record 98): 84 Yeas, 61 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Guillen; Harris; Harrison; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Price; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Campos; Cole; Coleman; Collier; Cortez; Crockett; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Herrero; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; King, T.; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.; Morales Shaw; Muñoz; Neave; Ordaz Perez; Ortega; Perez; Ramos; Raymond; Reynolds; Rodriguez; Romero; Rose; Rosenthal; Sherman; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guerra; Hernandez.

Absent — Harless.

## **STATEMENT OF VOTE**

When Record No. 98 was taken, I was absent because of important business in the district. I would have voted yes.

Harless

## **HOUSE AT EASE**

At 5:31 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 5:55 p.m.

## **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

## **BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

## **HOUSE AT EASE**

At 5:56 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 6:02 p.m.

## **SB 4 ON THIRD READING (Hunter - House Sponsor)**

**SB 4**, A bill to be entitled An Act relating to the composition of districts for the election of members of the Texas Senate.

**SB 4** was passed by (Record 99): 81 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Allison; Anderson; Ashby; Bailes; Bell, C.; Bell, K.; Biedermann; Bonnen; Buckley; Burns; Burrows; Button; Cain; Canales; Capriglione; Cason; Clardy; Cook; Craddick; Cyrier; Darby; Dean; Frank; Frullo; Gates; Geren; Goldman; Guillen; Harris; Harrison; Hefner; Holland; Huberty; Hull; Hunter; Jetton; Kacal; King, K.; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Leach; Leman; Longoria; Lozano; Metcalf; Meyer; Middleton; Morrison; Murphy; Murr; Noble; Oliverson; Paddie; Parker; Patterson; Paul; Raney; Rogers; Sanford; Schaefer; Schofield; Shaheen; Shine; Slaton; Slawson; Smith; Spiller; Stephenson; Stucky; Swanson; Thompson, E.; Tinderholt; Toth; VanDeaver; Vasut; White; Wilson.

Nays — Allen; Anchia; Beckley; Bernal; Bowers; Bucy; Cole; Coleman; Collier; Cortez; Davis; Deshotel; Dominguez; Dutton; Fierro; Gervin-Hawkins; González, J.; González, M.; Goodwin; Herrero; Hinojosa; Howard; Israel; Johnson, A.; Johnson, J.D.; Johnson, J.E.; King, T.; Larson; Lopez; Lucio; Martinez; Martinez Fischer; Meza; Minjarez; Moody; Morales, C.; Morales, E.;

Muñoz; Neave; Ordaz Perez; Ortega; Perez; Price; Ramos; Raymond; Rodriguez; Romero; Rose; Rosenthal; Sherman; Smithee; Talarico; Thierry; Thompson, S.; Turner, C.; Turner, J.; Vo; Walle; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guerra; Hernandez.

Absent — Campos; Crockett; Harless; Morales Shaw; Reynolds.

### STATEMENT OF VOTE

When Record No. 99 was taken, I was absent because of important business in the district. I would have voted yes.

Harless

### REASON FOR VOTE

Representative Canales submitted the following reason for vote to be printed in the journal:

My vote in support of **SB 4** should not be interpreted as total support for the full statewide senate map. 95% of our state's growth is from people of color and I do not believe that the final map properly demonstrates that. However, I felt duty bound to protect my constituents and the communities of interest in Hidalgo County to ensure that they remain represented by the candidates of their choice.

### HOUSE AT EASE

At 6:07 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 6:10 p.m.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

### MOTION IN WRITING

#### SB 7 - HOUSE RECEDES

Representative Bonnen offered the following motion in writing:

Mr. Speaker:

I move that the house recede from Amendment No. 1 to **SB 7** and declare that **SB 7** passed the house in the same form in which it was received by the house from the senate and that the senate be notified of this action.

Bonnen

The motion was read and prevailed by (Record 100): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Allison; Anchia; Anderson; Ashby; Bailes; Beckley; Bell, C.; Bell, K.; Bernal; Biedermann; Bonnen; Bowers; Bucy; Burns; Burrows; Button; Cain; Capriglione; Cason; Clardy; Cole; Coleman; Collier; Cook; Cortez; Craddick; Crockett; Cyrier; Darby; Davis; Dean; Deshotel; Dominguez; Dutton;

Fierro; Frank; Frullo; Gates; Geren; Gervin-Hawkins; Goldman; González, J.; González, M.; Goodwin; Guillen; Harris; Harrison; Hefner; Herrero; Hinojosa; Holland; Howard; Huberty; Hull; Hunter; Israel; Jetton; Johnson, A.; Johnson, J.D.; Johnson, J.E.; Kacal; King, K.; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Larson; Leach; Leman; Longoria; Lopez; Lozano; Martinez; Martinez Fischer; Metcalf; Meyer; Middleton; Minjarez; Moody; Morales, C.; Morales, E.; Morrison; Muñoz; Murphy; Murr; Neave; Noble; Oliverson; Ordaz Perez; Ortega; Paddie; Parker; Patterson; Paul; Perez; Price; Ramos; Raney; Raymond; Reynolds; Rodriguez; Rogers; Romero; Rose; Rosenthal; Sanford; Schaefer; Schofield; Shaheen; Sherman; Shine; Slaton; Slawson; Smith; Smithee; Spiller; Stephenson; Stucky; Swanson; Talarico; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Toth; Turner, C.; Turner, J.; VanDeaver; Vasut; Vo; Walle; White; Wilson; Wu; Zwiener.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Guerra; Hernandez.

Absent — Buckley; Campos; Canales; Harless; Lucio; Meza; Morales Shaw.

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

#### **SB 1 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Meyer, the house granted the request of the senate for the appointment of a Conference Committee on **SB 1**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1**: Meyer, chair; Bonnen, Button, Guillen, and Raymond.

#### **SB 8 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Bonnen, the house granted the request of the senate for the appointment of a Conference Committee on **SB 8**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 8**: Bonnen, chair; Capriglione, M. González, Walle, and Wilson.

#### **COMMITTEES GRANTED PERMISSION TO MEET**

Representative Metcalf moved that the house grant permission for all committees and subcommittees to meet while the house is in session, until 4 p.m. tomorrow, pursuant to their committee postings.

Permission to meet was granted.



### **PROVIDING FOR RECESS**

At 6:34 p.m., Representative Metcalf moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the receipt of messages from the senate, and administrative matters, the house recess until 4 p.m. tomorrow.

The motion prevailed.

### **Saturday, October 16**

The chair called the house to order at 9:36 a.m.

### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1 - October 16).

### **RECESS**

In accordance with a previous motion, the house, at 9:37 a.m. Saturday, October 16, recessed until 4 p.m. today.

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### **ADDENDUM**

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### **REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

#### **List No. 1**

**SB 52** to Appropriations.

### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

#### **Message No. 1**

#### **MESSAGE FROM THE SENATE**

**SENATE CHAMBER**

Austin, Texas

Friday, October 15, 2021 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 52**

Creighton

Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, October 15, 2021 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 1**

Hunter

SPONSOR: Huffman

Relating to the composition of districts for the election of members of the Texas House of Representatives.

**HCR 14**

Craddick

SPONSOR: Nelson

Congratulating Dr. Jonathan J. Sanford on his inauguration as the 10th president of the University of Dallas.

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, October 15, 2021 - 4

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS REFUSED TO CONCUR IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 1**

Senate Conferees:

**SB 8**

Senate Conferees: Nelson - Chair/Creighton/Huffman/Kolkhorst/Nichols

Respectfully,

Patsy Spaw

Secretary of the Senate

**Message No. 1** - October 16

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Saturday, October 16, 2021

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 25**

Swanson

SPONSOR: Perry

Relating to requiring public school students to compete in interscholastic athletic competitions based on biological sex.

(Amended)

Respectfully,

Patsy Spaw

Secretary of the Senate

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**APPENDIX**

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**SENT TO THE GOVERNOR**

**October 14 - HCR 10**