

EXHIBIT 14

TRANSCRIPT

Texas Senate Special Committee on Redistricting
September 24, 2021

Transcript Produced by Rebecca Farris

1 SENATOR HUFFMAN: The Senate Special Committee
2 on Redistricting will come to order. Clerk, please call
3 the roll.

4 THE CLERK: Alvarado. Bettencourt. Birdwell.
5 Campbell. Hancock. Hughes. Lucio. Nichols. Paxton.
6 Perry. West. Whitmire. Zaffirini. Hinojosa. Huffman.

7 SENATOR HUFFMAN: Thank you, members.
8 Senator Birdwell asked me to please announce that he is
9 not present today because he has been exposed to COVID,
10 and he's following protocols, so at his request I have
11 stated that.

12 I'd like to welcome everyone to today's
13 hearing where the committee will receive and consider
14 input on proposed plans for the Texas Senate and state
15 Board of Education districts. We have invited witnesses
16 today that will appear before the committee. They were
17 recommended directly by members of this committee, and I
18 was pleased to invite each witness that was recommended
19 by the members. Public testimony will begin after
20 invited testimony concludes. I want to highlight that
21 our hearing posted for tomorrow will provide another
22 opportunity for members of the public to provide
23 testimony on the proposed plans before us today. I also
24 want to point out that the committee will not be taking
25 any action on the proposed plans before us today. The

1 committee will not be voting on any potential amendments
2 or bills. Today's hearing is intended to provide an
3 opportunity to hear input on the proposed plans.

4 Committee members and other senators will have the
5 opportunity to ask questions of witnesses, both public
6 and invited. And in regards to the committee amendment
7 process, I first want the committee to hear directly from
8 invited witnesses and the public so that their input
9 may be considered prior to consideration of any potential
10 amendments. Therefore, committee amendments, including
11 the corresponding reports from legislative counsel are
12 due to the committee by September the 26th, 2021, at
13 10:00 a.m. Legislative counsel is asking that committee
14 amendments be substituted to them by 5:00 p.m. on
15 September 25th in order for them to have sufficient time
16 to process and produce the amendment packet. They will,
17 however, do their best to process amendments submitted to
18 them after that time.

19 At next week's hearings, we will vote on each
20 amendment and the proposed plans before us today. I also
21 want to make everyone aware that I published an amendment
22 reflecting our continued work with members since the plan
23 was filed. That amendment was published last night and
24 was posted on District Viewer for all members and the
25 public to review.

1 Before we continue today, I want to review the
2 redistricting process thus far. Since this committee was
3 created, we've done our best to remain open and
4 transparent about the process, and we have actively
5 collected input from Texans and interested parties across
6 the state through many different avenues. The committee
7 established a public input portal on its website for any
8 interested party to submit written comments and
9 materials, which are shared with each committee member
10 and also publicly available on the committee's website.
11 This portal will remain open throughout the redistricting
12 process. It's open as we speak.

13 In addition, though the pandemic prevented us
14 from traveling the state to hold in-person regional
15 hearings as the legislature has done in past
16 redistricting cycles, we still have heard from Texans in
17 all parts of the state about their communities and what
18 they believe the legislature should take into
19 consideration during redistricting. These public input
20 hearings, both before and after the 2020 census release,
21 enabled Texans to provide input virtually via Zoom.
22 We've also offered individual meetings with senators to
23 discuss their parties and respective districts, and I
24 thank all the members for their participation and input
25 in this process and was happy to meet with members and

1 will be continued to be happy to meet with members who
2 have concerns, interests, or thoughts.

3 I have kept interested parties that have
4 contacted the committee and congressional and SBO members
5 apprised of the process as well. Over the past year we
6 have sent letters and e-mails to these individuals and
7 groups keeping them informed of the committee's plan and
8 inviting their participation in the process.

9 Members, today there are two proposed plans
10 before the committee, the Senate and the state Board of
11 Education. These plans were developed after the
12 committee heard many hours of public testimony and after
13 we've talked to members about their perspective district.
14 My goals and priorities in developing these proposed
15 plans include first and foremost abiding by all
16 applicable law, equalizing population across districts,
17 preserving political subdivisions and communities of
18 interest when possible, preserving the cores of previous
19 districts to the extent possible, avoiding pairing
20 incumbent members, achieving geographic compactness when
21 possible, and accommodating incumbent priorities also
22 when possible.

23 In the Senate Proposal, the total deviation
24 between the smallest district and the largest district is
25 5.5 percent. The total deviation for the SBOE Proposal

1 is less than 1 percent at 0.91 percent.

2 When developing the Senate Proposal, I have
3 had made every effort to accommodate members' requests.
4 We were able to accommodate most of the requests in the
5 plan before you today, not all. And we will continue to
6 work with members as we work through this process. There
7 is a -- still a committee process as I explained
8 previously. I look forward to continuing to work
9 collaboratively with each one of you during the process.
10 As we -- I know we all share the goal of passing fair and
11 legal maps that will allow Texas's upcoming election
12 cycle to proceed as smoothly as possible. And I am going
13 to ask Senator Hinojosa to come preside so he can lay out
14 the bills for me and then we will get started.

15 SENATOR HINOJOSA: Good morning, everyone. At
16 this time the Chair will lay out Senate Bill 4, which
17 deals with Texas Senate redistricting and lay out
18 Senate Bill 7, which deals with the state Board of
19 Education and recognized its author, Senator Huffman.

20 SENATOR HUFFMAN: Thank you, Mr. President,
21 and Mr. -- excuse me. I'm used to talking to
22 Mr. President from here. Mr. Chairman, thank you.
23 Members, I am not going to have a traditional layout
24 because these are clearly bills, but I do propose to you
25 the two senate bills that were just laid out. One, being

1 the map for the State Senate, the other for the state
2 Board of Education. The maps have been posted online to
3 the public and for you to see now. And with that, I am
4 happy to answer any questions that members may have.

5 SENATOR HINOJOSA: Senator Gutierrez?

6 SENATOR GUTIERREZ: Thank you. Thank you,
7 Madam Chairwoman. I know you've been working hard on
8 this. You suggested last night that there was an
9 amendment that was created; is that correct?

10 SENATOR HUFFMAN: That there was a --

11 SENATOR GUTIERREZ: On the Senate maps you
12 suggested that was --

13 SENATOR HUFFMAN: That there was an amendment
14 published last night, yes, that is -- there was one, and
15 it is available to the public. Yes.

16 SENATOR GUTIERREZ: And that was available as
17 of, what, about 9:30 last night?

18 SENATOR HUFFMAN: I think it was a little
19 earlier, but it could have been. That's probably a good
20 estimation.

21 SENATOR GUTIERREZ: As a matter of fact, this
22 larger map that we see up here doesn't incorporate those
23 changes, does it?

24 SENATOR HUFFMAN: I do not -- I can't see it
25 from here, but I doubt if it does because I don't think

1 they would have had time to publish something.

2 SENATOR GUTIERREZ: This larger map is
3 essentially your the previous map that still has
4 Maverick County in Senate District 19, correct?

5 SENATOR HUFFMAN: It is -- if it is the old
6 version -- again, I can't see from here -- but it would
7 have Maverick County in it, that's correct.

8 SENATOR GUTIERREZ: Senate District 19 has had
9 Maverick County in its core, I think that was one of your
10 ideal goals that you just mentioned earlier, it had it in
11 its core since 1992; is that correct? Since 1994, I'm
12 sorry.

13 SENATOR HUFFMAN: I don't know the answer to
14 that.

15 SENATOR GUTIERREZ: I would submit to you that
16 since 1994 Maverick County has been in
17 Senate District 19, and that's probably without dispute,
18 so that's for 27 years Maverick County has had it in its
19 core. Do you understand that?

20 SENATOR HUFFMAN: I do not know that to be a
21 fact, sir.

22 SENATOR GUTIERREZ: Okay. Well, I'll
23 represent to you that that is the facts.

24 SENATOR HUFFMAN: All right.

25 SENATOR GUTIERREZ: Now, you've also suggested

1 to us that during this process, the changes during the
2 maps would be done neighbor to neighbor and would be done
3 communicated with one another, or we could send your
4 staff an e-mail and that would -- that would -- would
5 effectuate a change, correct?

6 SENATOR HUFFMAN: That's what we attempted to
7 do.

8 SENATOR GUTIERREZ: Did anybody call my office
9 about creating this change?

10 SENATOR HUFFMAN: I don't know.

11 SENATOR GUTIERREZ: Did your staff call my
12 office?

13 SENATOR HUFFMAN: I don't know. Senator
14 Gutierrez, it's my understanding that you're agreeable to
15 this amendment. If you are not agreeable to the
16 amendment, we will talk to you and Senator Zaffirini and
17 work with both of you to reach a compromise. Okay. Just
18 like we've done with every other member. I apologize to
19 you if you feel -- I misunderstood. I thought you were
20 agreeable to the amendment, so take it -- that's --
21 that's the truth. Take it for what it is. And I am
22 telling you we'll keep working with you.

23 SENATOR GUTIERREZ: Fair enough, but you and I
24 never spoke, right?

25 SENATOR HUFFMAN: I have not spoken to you.

1 SENATOR GUTIERREZ: Someone else -- someone
2 else suggested to you that I was agreeable. That's all I
3 wanted to --

4 SENATOR HUFFMAN: Another senator, yes.

5 SENATOR GUTIERREZ: Fair enough. I'm not
6 agreeable and neither are the people of Maverick County,
7 but, thank you, Senator.

8 SENATOR HUFFMAN: And we will keep working on
9 it, sir.

10 SENATOR HINOJOSA: Are there any other members
11 who wish to ask questions? Senator Powell.

12 SENATOR POWELL: Thank you, Chairman Hinojosa.
13 So as you might well guess, I'm a little whiplashed this
14 morning after having seen the proposal for the new maps
15 for Senate District 10 about 9:00 last night. Could you
16 walk us through those changes to Senate District 10 that
17 dropped around 9:00 last night?

18 SENATOR HUFFMAN: Let me just look at my notes
19 so that I can be specific with you. Give me just a
20 second. You're asking for the changes from the initial
21 proposed map, Senator?

22 SENATOR POWELL: Yes, ma'am.

23 SENATOR HUFFMAN: All right. In the new
24 proposed amendment, you -- the Senate did District 10
25 loses 70 percent of Parker County. As you know,

1 Parker County was added to Senate District 2 in the
2 original proposed map. And so Senate District 10 would
3 now have 30 percent of Parker, which would be 44,027
4 people. In Parker County, it adds the VTD 215, 230, 235,
5 loses VTD 305, 430 and SD10 picks up additional whole
6 counties of Palo Pinto, Young, Stephens, Shackelford,
7 Callahan and Brown counties.

8 SENATOR POWELL: Thank you, Madam Chairman.
9 And who -- can you tell -- tell me and those folks that
10 are here today from Senate District 10 --

11 SENATOR HUFFMAN: Yes, ma'am.

12 SENATOR POWELL: -- who represents those areas
13 now?

14 SENATOR HUFFMAN: I believe Senator Perry
15 represents some of them. And I'd have to look at the
16 old -- let me look at the old map here. It gets in that
17 area it gets a little close. Parker, Senator Springer;
18 Palo Pinto was Senator Springer; Young was Senator
19 Springer; Stephens, Perry; Shackelford, Perry; Callahan,
20 Buckingham, Senator Buckingham is in District 24; and
21 Brown was Senate District 24 currently represented by
22 Senator Buckingham.

23 SENATOR POWELL: And did you communicate with
24 any of the representatives of those districts before you
25 merged that into Senate District 10?

1 SENATOR HUFFMAN: Some of them. I spoke to
2 Senator Perry, to Senator Springer. I do not believe I
3 spoke to Senator Buckingham.

4 SENATOR POWELL: And did you speak to me?

5 SENATOR HUFFMAN: I did not speak to you.

6 SENATOR POWELL: That's correct. In fact, I
7 have a question for you. Who -- who drew these maps?

8 SENATOR HUFFMAN: I drew the map along with
9 my -- two attorneys and my -- who are members of my
10 staff.

11 SENATOR POWELL: And who are those attorneys?

12 SENATOR HUFFMAN: Anna Mackin, who's sitting
13 right next to me, and Sean Opperman, who is up at the
14 dais as the committee director with Senator Hinojosa
15 currently.

16 SENATOR POWELL: And which of these lines for
17 Senate District 10 did you draw and which did they draw?

18 SENATOR HUFFMAN: I was in the room when every
19 part of this map was drawn.

20 SENATOR POWELL: Okay. And which --

21 SENATOR HUFFMAN: And they didn't do anything
22 without my direction.

23 SENATOR POWELL: Okay. And in which room or
24 where were those plans drawn?

25 SENATOR HUFFMAN: In the redistricting room --

1 what's the name of that? Sam Houston Building, Room 460
2 in the Capitol Complex.

3 SENATOR POWELL: And the three of you, were
4 you the only people in the room when those maps were
5 drawn?

6 SENATOR HUFFMAN: Most of the time.

7 SENATOR POWELL: Okay. Let me ask you this:
8 Has Peter Morrison been involved in the drawing of any of
9 these maps in any way?

10 SENATOR HUFFMAN: I don't know anyone named
11 Peter Morrison.

12 SENATOR POWELL: Okay. All right. And there
13 is no one else? There are no other people who have
14 been -- been involved in drawing those maps?

15 SENATOR HUFFMAN: Many people had input in the
16 drawing of these maps. Many times there were senators in
17 the room while I was drawing the maps, yes.

18 SENATOR POWELL: And which senators would
19 those be?

20 SENATOR HUFFMAN: Many of the senators, yes.

21 SENATOR POWELL: So can you be specific, a
22 little bit more specific to tell us which ones would have
23 been in the room?

24 SENATOR HUFFMAN: They were not -- let me
25 rephrase that. Senators were brought into the room to

1 see the map just as you were, Senator Powell. And some
2 of the senators had specific requests to look at specific
3 precincts or specific communities of interest and wanted
4 us to bring things up on the map. You did not request me
5 to do that when you were in the room. Other senators
6 did, and I always work with them. Many times what they
7 requested -- and there are senators here looking at me
8 right now and know I've told them we were unable to do
9 it. Those include republicans and that was the process.

10 SENATOR POWELL: And I am sure that you will
11 recall when you asked me that question that I can -- that
12 I said to you I can clearly see by looking at this map
13 what you are attempting to do.

14 SENATOR HUFFMAN: I do recall you saying
15 something like that. I can't put your words --

16 SENATOR POWELL: And I also said that we
17 believe that Senate District 10 was within a standard
18 deviation and that we could leave my map exactly as it
19 is. Do you recall that statement?

20 SENATOR HUFFMAN: I recall you saying that
21 there is something very similar, I do. Yes.

22 SENATOR POWELL: Okay. So our staff was told
23 that, quote, legal was reviewing the draft plans for
24 legal compliance of these maps. So would you tell us
25 again who exactly constitutes that group of legal.

1 SENATOR HUFFMAN: As I said, I drew the maps,
2 I presented them to the attorney general's office to
3 check for legal compliance under all laws in the
4 United States constitution.

5 SENATOR POWELL: And the names of people that
6 you would have contacted in legal?

7 SENATOR HUFFMAN: I didn't use the word legal,
8 ma'am, you did. I told you I had used the Attorney
9 General's Office as my legal counsel.

10 SENATOR POWELL: Okay. So who in the attorney
11 general's office? Just everyone in the attorney
12 general's office?

13 SENATOR HUFFMAN: There were certain people in
14 the attorney general's office that I assume work on the
15 redistricting issues, yes. You know, it's a very large
16 office, and I believe they have hundreds of attorneys.
17 Yes.

18 SENATOR POWELL: Okay. So let me shift gears
19 just a little bit. In the minority populations, the
20 Blacks, Latinos, Asian Americans in my district and
21 across the state grew at a tremendous rate between 2010
22 and '21. So based on that population change, what is
23 being done in this process to determine whether Section 2
24 of the Voting Rights Act requires new minority
25 opportunity districts to be drawn?

1 SENATOR HUFFMAN: I consulted with my legal
2 counsel.

3 SENATOR POWELL: Okay, then I'll ask you one
4 more time. Who is legal counsel?

5 SENATOR HUFFMAN: It's the attorney general's
6 office. My point of contact was Chris Hilton. Who else
7 he talks to, I can't tell you.

8 SENATOR POWELL: Okay. Thank you for that.

9 SENATOR HUFFMAN: Yes.

10 SENATOR POWELL: Who is attempting to draw any
11 new majority-minority districts that might be required
12 under Section 2 of the Voting Rights Act?

13 SENATOR HUFFMAN: Could you repeat the
14 beginning of the question? I'm sorry.

15 SENATOR POWELL: Based on the growth of our
16 minority population, who would be attempting to draw any
17 new majority-minority districts that might be required
18 under Section 2 of the Voting Rights Act?

19 SENATOR HUFFMAN: I believe that the maps that
20 are before you have been presented are currently in
21 compliance with the constitution of the Voting Rights Act
22 under Section 2.

23 SENATOR POWELL: Okay. Did -- did the lawyers
24 or anyone in legal review the draft of these maps or the
25 changes that popped up last night at 9:00?

1 SENATOR HUFFMAN: I've answered that question.
2 The maps I believe are in -- based on the advice of my
3 legal counsel, I believe these maps are in compliance.

4 SENATOR POWELL: So does the Texas attorney
5 general's office represent your committee or any
6 legislator on the committee?

7 SENATOR HUFFMAN: Any member of the
8 legislature can ask the attorney general to represent
9 them and have a privileged relationship, legal
10 relationship with the attorney general's office. Any
11 member of the legislature can do that.

12 SENATOR POWELL: And is what you're saying
13 that you have is a privileged relationship with the
14 attorney general's office?

15 SENATOR HUFFMAN: I have a privileged legal
16 relationship like any person has with their attorney.

17 SENATOR POWELL: And that -- would that
18 preclude the public of the state of Texas from
19 understanding the details of this redistricting map?

20 SENATOR HUFFMAN: All of the information that
21 the attorney general would have used to make their legal
22 conclusions are readily available to the public from all
23 legislative counsel.

24 SENATOR POWELL: All right. Senate District
25 10 is, I believe, the only majority-minority voting-age

1 population district that you have intentionally turned
2 into a majority Anglo voting-age population district.
3 It's also the only district that was nearly perfectly
4 populated until you so radically changed it. So I'd like
5 to invite you to come to my Black and Latino constituents
6 before you dismantle their district. Is the committee
7 willing to come to Tarrant County and maybe more
8 specifically to the areas of Fort Worth and Mansfield and
9 Arlington that are so dismantled with regard to their
10 representation to the representation of Black and Brown
11 and Asian populations?

12 SENATOR HUFFMAN: Senator Powell, and I've
13 stated it, and I will state it again, we create these
14 maps race blind. We have not looked at any racial data
15 as we drew these maps. And to this date, I have not
16 looked at any racial data. So the comments that you make
17 are your comments, but I have not drawn these maps on a
18 racial basis. As you know, the committee has not been
19 able to do public -- going to other parts of the state
20 because of the COVID situation. We wanted to do that
21 during the interim, and as we all know the pandemic that
22 we've been under. We also find ourselves in a special
23 session drawing these maps which was not ideal because
24 the time is more compressed which does not provide some
25 of the flexibility that you may have in a regular session

1 for traveling the state.

2 SENATOR POWELL: So you have a special rule,
3 the only group who cannot tell you about how
4 redistricting affects them are the minority voters in my
5 district.

6 SENATOR HUFFMAN: No, that is not my special
7 rule. So please do not put words in my mouth,
8 Senator Powell.

9 SENATOR POWELL: But you're unwilling to
10 consider or to hear their concerns, the concerns of the
11 Black and Latino voters.

12 SENATOR HUFFMAN: I welcome every citizen to
13 come and talk to us. They also can put their concerns in
14 the portal, which we are all reading and looking at and
15 taking to heart, and they are welcome to come here today
16 or all day tomorrow to speak to us.

17 SENATOR POWELL: Yet we're all looking and
18 reading about and hearing about at 9:00 at night on the
19 night before a 10:00 hearing. So I am going to end my
20 remarks here --

21 SENATOR HUFFMAN: Yes, ma'am.

22 SENATOR POWELL: -- by inviting this
23 committee, by inviting you to come to Senate District 10,
24 the only district that you have concentrated on
25 dismantling, and hear from those populations, from the

1 Black and the Brown and the Asian communities --

2 SENATOR HUFFMAN: Yes, ma'am.

3 SENATOR POWELL: -- whose voices have been
4 diluted in this map and who are being dismantled in these
5 maps that are drawn in late hours of the evening in which
6 we have little to no input other than to tell you that
7 our district was in the standard deviation of continuing
8 to exist with its current boundaries. And with that,
9 I'll say thank you.

10 SENATOR HUFFMAN: Thank you, Senator Powell.
11 I am going to answer to your comment. Our approach to
12 this process was informed by the redistricting
13 jurisprudence from the United States Supreme Court as
14 well as other applicable precedent. Several key cases
15 are worth highlighting, Abbott v. Perez, 2018 Supreme
16 Court case; Cooper v. Harris, a 2017 Supreme Court case.
17 They make clear that any redistricting decision is made
18 on the basis of race must be narrowly tailored to achieve
19 compliance with the Voting Rights Act. In Cooper v.
20 Harris, Justice Kagan writing for the majority held when
21 a state invokes the VRA to justify race-based
22 districting, it must show to meet the narrow tailoring
23 requirement that it have a strong basis in evidence for
24 concluding that the statute requires its action. That
25 was Cooper v. Harris, a 2017 Supreme Court case, quoting

1 Alabama Legislative Black Caucus v. Alabama, a 2015 case.

2 Based on this warning against race-based
3 districting, I drafted all of the proposed maps totally
4 blind to race. Once I had drafted the maps, I ensured
5 that they underwent a legal compliance check to ensure
6 there were no inadvertent violations of any law,
7 including the Voting Rights Act. Thank you.

8 SENATOR HINOJOSA: Thank you, both of you.
9 Just a reminder that we have the attorney general's
10 office here as a resource witness for anybody that wishes
11 to call the attorney general's office. So Alvarado.

12 SENATOR ALVARADO: Thank you, Mr. Chairman.
13 Madam Chair, I want to ask you a few questions and --

14 SENATOR HUFFMAN: Okay.

15 SENATOR ALVARADO: And I know you have
16 witnesses that we still have to go through, and thank you
17 for inviting witnesses that I submitted a list for.

18 SENATOR HUFFMAN: Yes, ma'am, my pleasure.

19 SENATOR ALVARADO: Sure. I'd like to ask some
20 questions to get a better sense of why districts in the
21 fastest growing regions were drawn in a certain way in
22 these maps.

23 SENATOR HUFFMAN: Okay.

24 SENATOR ALVARADO: And I know we're going to
25 have the demographer here tomorrow, so I'll probably ask

1 our demographer some of these questions as well. Do you
2 know what communities drove population growth in Harris
3 and Fort Bend counties? In comparison, can you tell us
4 how the White population grew in Harris and Fort Bend
5 counties?

6 SENATOR HUFFMAN: I don't know. I have not
7 looked at that data.

8 SENATOR ALVARADO: Okay.

9 SENATOR HUFFMAN: And, again, you can ask the
10 demographer those questions, but I do not have them. I
11 do not know.

12 SENATOR ALVARADO: Okay. With your analysis,
13 can you tell me the voting-age population by race and
14 ethnicity of the districts that hold a portion of
15 Fort Bend County?

16 SENATOR HUFFMAN: I can't because I have not
17 looked at that data in drawing the maps.

18 SENATOR ALVARADO: Okay. And what is the
19 percentage of -- maybe we have the same answer?

20 SENATOR HUFFMAN: I can't answer that question
21 either.

22 SENATOR ALVARADO: What is the --

23 SENATOR HUFFMAN: I have not looked at that
24 data.

25 SENATOR ALVARADO: Okay. So then I guess you

1 would -- would you know the percentage of the voting-age
2 population by race and ethnicity in Fort Bend County?

3 SENATOR HUFFMAN: I don't know. Again, you
4 know, all that information I believe is readily available
5 online through Ledge Counsel, but I have not looked at
6 any of that data.

7 SENATOR ALVARADO: Okay. And -- and the
8 reason I ask is I am trying to understand why would, for
9 example, a county as diverse as Fort Bend, a place that's
10 been called the most diverse county in the country, be
11 classed into multiple districts and combined with distant
12 rural nondiverse communities?

13 SENATOR HUFFMAN: Again, the maps were drawn
14 blind to race and using all the other principals that are
15 usually used in drawing the maps, and I think I stated
16 those in my opening remarks. So that's how the maps were
17 drawn.

18 SENATOR ALVARADO: Well, let's --

19 SENATOR HUFFMAN: And then sent to the AG for
20 compliance under -- for their legal advice on compliance
21 of the Voting Rights Act.

22 SENATOR ALVARADO: And speaking of the AG's
23 office, who is here from the AG's office?

24 SENATOR HUFFMAN: I believe their general
25 counsel is here. And --

1 SENATOR HINOJOSA: That's correct.

2 SENATOR HUFFMAN: I have not seen him this
3 morning.

4 SENATOR ALVARADO: Okay.

5 SENATOR HUFFMAN: I think Senator Hinojosa has
6 the cards. I didn't see the cards, to be honest.

7 SENATOR HINOJOSA: Senator Alvarado, we have
8 Austin Kinghorn as the general counsel for the attorney
9 general's office.

10 SENATOR ALVARADO: Okay. I may have questions
11 for that representative of the AG's office. Let's move
12 to the DFW region. What community's growth population
13 rose in the DFW metro area; and in comparison, can you
14 tell how the White population grew in the metroplex?

15 SENATOR HUFFMAN: It's the same answer to you,
16 Senator Alvarado. I haven't looked at that data, so I
17 cannot give you an answer.

18 SENATOR ALVARADO: Okay. So I -- from what I
19 am told, communities of color in Tarrant County are
20 primarily cracked between Senate District 9, 10, and
21 Senate District 22 in a county where the White population
22 shrunk by two percent while Asian, which is about
23 56 percent growth; African Americans 40 percent growth;
24 and Latinos 29 percent, communities all grew
25 significantly. Looking at the Tarrant County, Arlington

1 specifically, why has the Black population been split
2 into multiple senate districts?

3 SENATOR HUFFMAN: Again, Senator Alvarado, I
4 did not look at that data when I drew the maps. I drew
5 blind to race, so I cannot answer that question.

6 SENATOR ALVARADO: Okay. From information
7 I've looked at, it appears that Black communities in
8 Dallas and southeastern Tarrant County are packed into
9 Senate District 23 while the remainder of the eastern
10 Tarrant County Black communities are cracked and paired
11 in a far away -- far away counties in Senate District 22.
12 In the DFW, the Asian American population has experienced
13 enormous growth, 87 percent over a decade. This is a
14 community that's geographically close together, and just
15 curious why the Asian American Pacific Islander
16 community, why they aren't in one district?

17 SENATOR HUFFMAN: The same answer,
18 Senator Alvarado. I drew -- I drew the maps blind to
19 race. So I could not answer your question.

20 SENATOR ALVARADO: Okay. From what I can
21 tell, the Asian American population in Dallas with
22 particular growth in the northern part of the county,
23 Collin and Denton counties grew by 87 percent from 2010
24 to 2020. This growth is aggressively cracked between
25 Senate District 2, Senate District 12, and

1 Senate District 30. What does Euless, Texas, which is a
2 diverse suburb of Dallas-Fort Worth, have in common with
3 Rosebud, Texas, in Falls County?

4 SENATOR HUFFMAN: I am not familiar with those
5 two communities, Senator, so I couldn't comment.

6 SENATOR ALVARADO: So from what I gathered,
7 Senate District 22, diverse suburban area of Euless,
8 Euless is a population of 61,032, is in the same district
9 as a small rural Rosebud which is a population of 1,349
10 in Falls County, 143 miles away. Eight other senate
11 districts are wholly contained within that 140-mile
12 radius. There are over 600,000 Latino residents in
13 Tarrant County. What was the justification for
14 eliminating the only district where they could elect a
15 candidate of their choice?

16 SENATOR HUFFMAN: Senator Alvarado, again, I
17 blue -- I drew these maps -- as I've told you, of course,
18 and Senator Powell, that they were drawn blind to race.
19 As you know, we have a growing state, one of the fastest
20 growing states in the nation. We have a very large
21 state. Okay. I'm not sure what that is. A very large
22 state and the population, of course, is not necessarily
23 growing equally throughout the state. And when we drew
24 these maps, many times members contributed information
25 about communities of interest and so forth, but we did

1 our best to follow the redistricting guidelines drawing
2 blind to race.

3 SENATOR ALVARADO: And I'm just going to cover
4 one more region, the Austin area. Do you know what
5 communities drove population growth in Travis and
6 Williamson County, and in comparison, can you tell us how
7 the White population grew in central Texas?

8 SENATOR HUFFMAN: I cannot, Senator Alvarado,
9 for the reasons I've stated.

10 SENATOR ALVARADO: Austin democrats are packed
11 into Senate District 14 and 21. From what I gather,
12 Williamson County grew by 44 percent in the last decade
13 and 77 percent of that growth came from diverse
14 communities including 26 percent from the Latino
15 community and 21 percent from the Asian community, but
16 Senate District 5 and 24 cracks these communities into
17 far off rural diverse districts. I just wanted to point
18 that out. I appreciate your indulgence with me as I move
19 through these different regions in our state. Thank you.

20 SENATOR HUFFMAN: Of course. And thank you,
21 Senator Alvarado, for your questions.

22 SENATOR HINOJOSA: Members, does anyone wish
23 to call the resource witness? Okay. Could we have the
24 resource witness, Austin Kinghorn from the attorney
25 general's office please come up as the resource witness.

1 Some of the members may have some questions. Just
2 identify yourself, who you represent, and there will be
3 some questions asked of you.

4 MR. KINGHORN: Good morning, Senators. My
5 name is Austin Kinghorn. I'm the general counsel at the
6 Texas AG's office.

7 SENATOR HINOJOSA: Senator Whitmire.

8 SENATOR WHITMIRE: Would you ask the witness
9 if I could get his background. Could you give
10 us -- obviously, work experience, how long have you been
11 with the AG's office, hired on specifically for this
12 project, or would you go into detail starting today with
13 your background, probably going back to at least law
14 school.

15 MR. KINGHORN: I'd be happy to do that. So I
16 started at the AG's office in June of last year as an
17 assistant attorney general in the general counsel
18 division, was later promoted to general counsel. Prior
19 to that, I worked as a staff attorney at the Texas
20 Supreme Court for about six and a half years and was a
21 litigator at the AG's office in private practice for a
22 few years before that. Before that, I did a clerkship on
23 the 14th Court of Appeals in Houston and went to law
24 school at Baylor Law School. To answer your question, I
25 was not hired directly related to any redistricting

1 project.

2 SENATOR WHITMIRE: Have you been employed by a
3 campaign in your background?

4 MR. KINGHORN: Absolutely not.

5 SENATOR WHITMIRE: Fair to ask if you've
6 volunteered in a campaign in the past?

7 MR. KINGHORN: I'm sorry. Could you restate.

8 SENATOR WHITMIRE: Have you volunteered in
9 previous campaigns in your young adulthood?

10 MR. KINGHORN: I'm assuming that the context
11 of your question is would it be for General Paxton or any
12 political candidate?

13 SENATOR WHITMIRE: No, anyone. Are you -- I'm
14 just --

15 MR. KINGHORN: Okay.

16 SENATOR WHITMIRE: I think it's important for
17 us to know when we have in your position to know what you
18 bring to the table, both education and real-life
19 experience, work; and particularly this is so political,
20 have you been involved in campaigns that you can tell us
21 about?

22 MR. KINGHORN: I have been very intermittently
23 involved in campaigns in a volunteer capacity a handful
24 of times in the last ten years.

25 SENATOR WHITMIRE: So the answer is yes? You

1 know it's not against the law. I am not asking
2 you -- you don't have to take the Fifth Amendment.
3 I just think it's a fair question to know what work
4 experience and affiliations have been. Thank you.

5 SENATOR HINOJOSA: Senator Powell, you are
6 next. Senator Zaffirini?

7 SENATOR ZAFFIRINI: Thank you, Mr. Chairman.
8 Sir, what is the attorney general's staff process and
9 purpose when analyzing whether proposed maps comply with
10 the Voting Rights Act?

11 MR. KINGHORN: Senator Zaffirini, the attorney
12 general's office has certain lawyers who are experienced
13 in these issues and are marked as this process begins to
14 field those questions. There is not a formal division of
15 labor in that regard. As you may know, the AG's office
16 has a lot of specific divisions. We don't have a
17 specific division of attorneys that handles these
18 questions. It's really more of a -- we take an
19 assessment of what resources we have. Who is still
20 around that took part in the process last time, try to
21 get some folks up to speed, and then try to respond to
22 the demands of the inquiries we get. Obviously,
23 depending on the numbers of those inquiries and conflicts
24 they present, we may have to bring in additional folks to
25 these teams. But to answer your question as directly as

1 possible, there is no formalized process to this. We
2 muster our internal resources on an as-needed basis to
3 respond to the inquiries that come in.

4 SENATOR ZAFFIRINI: But does your process, for
5 example, include looking at each district individually to
6 determine if each district complies with the Voting
7 Rights Act?

8 MR. KINGHORN: The process as I understand it,
9 and I have not served in capacity in which I have been
10 personally advising any individual legislator, is that
11 our attorneys answer the questions that are posed to them
12 by the legislators who have inquiries, and I am confident
13 that that often includes whether the proposed maps would
14 survive constitutional scrutiny or scrutiny of the Voting
15 Rights Act. Whether -- exactly the nuts and bolts of
16 that process district by district, I can't speak with
17 individual knowledge as to exactly how that goes.

18 SENATOR ZAFFIRINI: Thank you. What specific
19 aspects of proposed maps do you analyze to ensure the
20 redistricting process does not diminish minority voters'
21 ability to select a candidate of their choice?

22 MR. KINGHORN: The attorney general's office
23 in evaluating these maps always is going to render legal
24 advice to the requesting state legislator, concerning
25 whether in our opinion the maps survive scrutiny under

1 the 14th Amendment and additionally the
2 Voting Rights Act. Exactly what that looks like is just
3 a case-by-case inquiry depending on the facts of the
4 inquiry and the nature of the question asked.

5 SENATOR ZAFFIRINI: But do you look at
6 specific data such as the voting-age population or the
7 registered voters or population growth and how minorities
8 are impacted by all of these aspects?

9 MR. KINGHORN: The same data that is used for
10 the redistricting process and is publicly available is
11 data that the attorney general's office would look at and
12 that our lawyers are trained to understand and interpret.

13 SENATOR ZAFFIRINI: Thank you. The Black
14 citizen voting-age population of the proposed
15 Senate District 23, for example, is only 45 percent. In
16 your opinion, would this be permissible under the
17 Voting Rights Act and if so, why?

18 MR. KINGHORN: Senator, to answer your
19 questions as best I can, I need to back up for a moment
20 and inform the entire body that, as you all know, there
21 is pending litigation already as a preemptive measure
22 against this redistricting process. Unfortunately, this
23 severely limits my ability to comment publicly on any
24 factual questions regarding the current redistricting map
25 given the pending litigation. And I -- unfortunately

1 because of that pending litigation, I cannot delve into
2 specifics -- on -- on the districts.

3 SENATOR ZAFFIRINI: Can you answer privately?

4 MR. KINGHORN: I'm sorry?

5 SENATOR ZAFFIRINI: Could you answer
6 privately?

7 MR. KINGHORN: So the attorney general's
8 office stands prepared to offer legal counsel to any
9 senator or representative that would ask for it. In
10 terms of the discussions that are had with the drafter of
11 the maps, there is a privileged relationship there. So
12 there is an aspect of attorney-client privilege that --
13 that flows to the drafter. However, in terms of an
14 off-line conversation, should you request it, we can
15 absolutely have an attorney help you with the answers to
16 your question. However, it may be a different attorney
17 than the attorney that is advising the drafter of the
18 map.

19 SENATOR ZAFFIRINI: But could I get an answer
20 to that question privately? And let me repeat the
21 question. The Black citizen voting-age population of the
22 proposed Senate District 23, for example, is only
23 45 percent. In your opinion, would this be permissible
24 under the Voting Rights Act and if so, why? You said you
25 could not answer that publicly and my question again is:

1 Could I get a private -- or an answer to that privately?

2 MR. KINGHORN: Senator Zaffirini, you and any
3 other senators are welcome to reach out to our office and
4 you can have an attorney assigned to answer any question
5 that we can help you with regarding compliance with the
6 Voting Rights Act and the United States Constitution.

7 SENATOR ZAFFIRINI: Thank you. I hope the
8 answer is yes. Thank you. What would you consider an
9 acceptable threshold for the percentage of a district's
10 voting-age population who are Black or Hispanic to
11 maintain a minority-majority opportunity district
12 protected under the Voting Rights Act?

13 MR. KINGHORN: Senator Zaffirini, again, with
14 the caveat that I can't answer any questions specific to
15 the maps that have been drawn, generally speaking the
16 bare minimum threshold for a district to be considered a
17 majority-minority opportunity district would be
18 50 percent plus 1 of the voting-age population.

19 SENATOR ZAFFIRINI: Thank you. Can you
20 describe the AG's staff analysis for the proposed
21 configuration of Senate District 10?

22 MR. KINGHORN: Senator Zaffirini, for the
23 reasons I aforestated, I cannot comment publicly on any
24 issues regarding the maps given the pending litigation.
25 Moreover, I am actually not personally privy to that

1 analysis as I am not the attorney who has been assigned
2 to provide this -- the drafters of these maps with legal
3 assistance.

4 SENATOR ZAFFIRINI: Thank you. Given the
5 census data indicate 95 percent of population growth in
6 Texas was in communities of color during the last decade,
7 what steps are you taking to determine whether the senate
8 must draw a new minority opportunity district to comply
9 with the Voting Rights Act?

10 MR. KINGHORN: Senator Zaffirini, our role in
11 this process is twofold. One, is on the back end to
12 defend the court -- the redistricting maps that are drawn
13 in a court of law. And the other role is on the front
14 end is to advise the membership on drafting those maps
15 and drafting maps that are legally compliant. So our
16 role in the process is to give the best legal advice we
17 can. Ultimately, it is the legislators' responsibility
18 to draft maps as they see fit and according to the law.
19 And we will do our best to provide the best legal counsel
20 we can to ensure that those maps that are drawn are
21 compliant with the Voting Rights Act and are compliant
22 with the Equal Protection Clause in the United States
23 Constitution.

24 SENATOR ZAFFIRINI: Thank you, sir.
25 Thank you, Mr. Chairman.

1 SENATOR HINOJOSA: Thank you, Senator
2 Zaffirini. Senator Powell.

3 SENATOR POWELL: Thank you, Mr. Chairman.
4 Mr. Kinghorn, does your office represent any legislator
5 or did you represent the committee?

6 MR. KINGHORN: Senator Powell, I believe that
7 the nature of the representation flows to members
8 individually, but do not quote me 100 percent on that.
9 If you don't mind, I'm happy to follow up to make sure
10 that is the 100 percent correct answer.

11 SENATOR POWELL: So it would be every member
12 of the committee. Is that what I understand you to say?

13 MR. KINGHORN: I believe that that is the way
14 that we typically handle these is that the -- the advice
15 and the privilege that follows it will flow to an
16 individual. I don't believe it's representation to the
17 committee at large, although -- although counsel would be
18 afforded to any member of the committee that might seek
19 it. Again, I'd -- I'd be happy to follow up to make
20 100 percent sure that that is the arrangement, but I
21 believe that I am correct on that.

22 SENATOR POWELL: I -- I would appreciate that.
23 And so do you have a letter of engagement or any written
24 retainer letter with any of the members of the committee?

25 MR. KINGHORN: I believe it is customary for

1 our office to execute letters of representation with
2 members of legislature in the redistricting process. As
3 I sit here today, I do not have or know an exhaustive
4 list of that representation.

5 SENATOR POWELL: Could we get it?

6 MR. KINGHORN: I'd be happy to help you out
7 with that.

8 SENATOR POWELL: Thank you. Who in your
9 office is determining whether new majority-minority
10 districts can be drawn to ensure compliance with the
11 Section 2 of the Voting Right -- of the
12 Voting Rights Act?

13 MR. KINGHORN: Senator Powell, as I mentioned
14 before, the team of lawyers that handle these cases are
15 kind of a -- pulled from different areas of the agency
16 based on their expertise and their past history. So to
17 try to answer your question as directly as possible,
18 there is no set process to who and how is assigned to
19 individual senators to advise them.

20 SENATOR POWELL: Can you say how many
21 attorneys are on that team?

22 MR. KINGHORN: I do not believe that there is
23 a fixed number of attorneys that are on the team. As
24 I've said that we are kind of moving in an ad hoc basis
25 and bringing in attorneys as they're needed. I'm not

1 100 percent sure even as I sit here today exactly how
2 many attorneys we have working on redistricting matters
3 as of today.

4 SENATOR POWELL: That would be -- it would be
5 nice for the public to know that, to understand the
6 answer to that question. Did your office, and by your
7 office, I mean any staff member of your office or any
8 outside entity or law firm that you communicated with
9 about this map, did your -- did your office make any
10 changes to draft maps that were submitted to you by the
11 redistricting committee or any of its staff members.

12 MR. KINGHORN: So I think it -- a two-part
13 answer to that is -- is, first, obviously the
14 communications that our office has with the legislators
15 about the maps are privileged; and ultimately whatever
16 changes that are made to the maps, that's the members'
17 changes. The attorney general's office serves to advise
18 on the legality of the maps proposed, but the drafting
19 and the process of drafting is ultimately -- that's an
20 ownership of the legislature.

21 SENATOR POWELL: Okay. So when you say that
22 it's privileged, the general public doesn't have a right
23 to know that information. Is that what you're saying?

24 MR. KINGHORN: So the -- the legal advice that
25 the Office of the Attorney General gives to legislators

1 that request it, not just on redistricting but on any
2 other issues, and this applies to any -- anyone in this
3 room and any other representative or senator, that is an
4 attorney-client communication and it is privileged.

5 SENATOR POWELL: Good to know. Do you happen
6 to know who in your office is involved in drawing
7 district lines? Who -- who specifically might be
8 involved in it?

9 MR. KINGHORN: So in -- in -- just to be clear
10 on the question, no one in our office is assigned to draw
11 district lines. Just to reframe it, if I can, in terms
12 of although I'm providing legal advice, if you are
13 looking for specific names of who has been assigned to
14 that work, I'd be happy to provide that with you and get
15 with you.

16 SENATOR POWELL: All right. That would be
17 great. Thank you so much.

18 SENATOR HINOJOSA: Senator Alvarado?

19 SENATOR ALVARADO: Thank you, Mr. Chairman. I
20 believe Senator Zaffirini maybe touched on this, and I
21 wanted to just dig a little deeper. How would you
22 analyze whether or not a district complies with the
23 Voting Rights Act? Walk me through the process.

24 MR. KINGHORN: So the core analysis of whether
25 a district is compliant with Section 2 of the

1 Voting Rights Act comes down to the tests that is laid
2 out in Gingles versus Thornburg. It's a three-part test.
3 First, you look at whether the minority group is
4 sufficiently large and geographically compact to
5 constitute a majority in a single-member district.
6 Second, you look at whether the minority group is
7 politically cohesive. And, third, you look at in absence
8 of special circumstances whether blocked voting by the
9 majority would otherwise defeat the -- the minority
10 preferred candidate. Additionally, you look at a number
11 of other factors that come from a senate legislative
12 history report that is outlined in that case, and all of
13 these factors taken together is viewed by the courts as a
14 totality of the circumstances test. Under this the
15 Gingles test, Gingles factors, you have to establish all
16 three to potentially have a minority opportunity
17 district, but there is no test that is conclusive one way
18 or the other. At the end of the day, it's a highly
19 fact-specific inquiry that the courts take fresh each
20 time guided by these factors and, as you know, a lot of
21 other case law. But that's a 30,000 foot view of the
22 baseline inquiry.

23 SENATOR ALVARADO: And who's involved in that
24 process in your office?

25 MR. KINGHORN: So the -- the -- as I've said

1 before, we have a sort of informal ad hoc group of
2 attorneys who between having experience with this process
3 in prior sessions and also just folks we're bringing on
4 and -- and learning them up to get up to speed on this,
5 we just -- we have an informal ad hoc group of attorneys
6 that are ready to step in and serve those needs when
7 they're presented to our office.

8 SENATOR ALVARADO: And so what's the, I guess,
9 the hierarchy of this in looking to see whether or not
10 each district complies with the Voting Rights Act? You
11 sign off on it and it goes to somebody else and then to
12 the attorney general? How does that work?

13 MR. KINGHORN: There is no formal hierarchy
14 and there is no processing through the agency. What you
15 have is individual lawyers from the AG's office that are
16 assigned to give counsel to the requesting
17 representatives. So that individual attorney will give
18 privileged communication -- privileged advice to that
19 lawyer, but there is no formal approval process to the
20 AG's office, that is a matter of one attorney's advice to
21 his or her client.

22 SENATOR ALVARADO: Thank you.

23 SENATOR HINOJOSA: Senator Whitmire.

24 SENATOR WHITMIRE: Yeah. I'm just sitting
25 here listening to these fine questions, but you haven't

1 named one extra lawyer. Ad hoc team doesn't tell us much
2 if we want to pursue work product or the advice of
3 counsel from the AG staff, and so as part of the senate,
4 I'm sitting here listening, you're doing, I guess, a
5 great job of representing the attorney general's office,
6 but you're not doing much to assist us on who we should
7 call. So can you name this ad hoc team that you quote,
8 call it, would you just name maybe one other lawyer.

9 MR. KINGHORN: As was discussed earlier in
10 this hearing today, Chris Hilton is one of the lawyers
11 who has been helping out on this project.

12 SENATOR WHITMIRE: Another one?

13 MR. KINGHORN: Dean Whitmire, to -- to put
14 it -- it's not my attempt to obfuscate on this list.
15 Some of the names I know are people at the ready. I
16 don't actually know if they have been deployed because I
17 don't have a full and comprehensive list of what all
18 members have reached out for assistance from our office.
19 So if I were to tell you certain -- certain members of
20 this office that are at the ready, I can't tell you for
21 sure whether they've been deployed. So it's not my
22 attempt to obfuscate on this. We can -- we can happily
23 circle it back with you and give you more direction on
24 what --

25 SENATOR WHITMIRE: What about the sake

1 of -- and we'll be here tomorrow for sure. Maybe a list
2 of your staff in this, quote, ad hoc team, that you put
3 together because I think it's important as to all whom
4 seek out advice and counsel. For instance, that ad hoc
5 team, five people, three people?

6 MR. KINGHORN: I would say based on my
7 conversations internally, I think at this point it may be
8 three to five people that we have on deck at the moment.

9 SENATOR WHITMIRE: I think it would be
10 very -- Chairman, I'd ask the witness to furnish us that,
11 that list if you could, that have been involved. We
12 might want to call and ask them their advice and counsel.

13 MR. KINGHORN: I'd be happy to reach out to
14 you on that.

15 SENATOR HINOJOSA: Senator Huffman.

16 SENATOR HUFFMAN: Yes, Mr. President. If I
17 could just clarify. I want to make sure the record --
18 the record is crystal clear. The only person who I have
19 had legal advice from from the AG's office while drawing
20 the maps is Chris Hilton, and I think I said that in my
21 presentation. Chris Hilton. Thank you.

22 SENATOR HINOJOSA: Thank you, Senator Huffman.
23 Senator Whitmire. Any other questions, members?

24 SENATOR WHITMIRE: Mr. Chairman --

25 SENATOR HINOJOSA: Mr. Whitmire, go ahead.

1 SENATOR WHITMIRE: -- that's not consistent
2 with what the gentleman just testified to, and I don't
3 challenge your -- your opinion because that's
4 significant, but you're saying one person. He's got a
5 team that he's relying upon. And I was just saying it's
6 only fair for us to hear who the team is.

7 SENATOR HUFFMAN: I just wanted to make it
8 clear for the record that the only person that I have had
9 contact with to receive legal advice was Chris Hilton
10 while drawing the maps. I just want the record to be
11 clear. I'm not trying to interrupt your question.

12 SENATOR HINOJOSA: Okay. Any other senators
13 who have any questions for Mr. Kinghorn? If not,
14 thank you for your testimony, and please stand by because
15 you may be called back again.

16 MR. KINGHORN: Thank you.

17 SENATOR HINOJOSA: At this time, we will move
18 to public testimony -- I'm sorry, invited testimony. I'm
19 sorry. We will move to invited testimony, and just a
20 remainder that we are to testify on both bills at the
21 same time, Senate Bill 4 and Senate Bill 7. And by the
22 testimony, we will have the Domingo Garcia, National
23 President, League of United Latin American Citizens
24 LULAC. Mr. Garcia. Identify yourself, who you represent
25 and then you may proceed.

1 MR. GARCIA: Thank you. My name is Domingo
2 Garcia. I'm the national president of LULAC. LULAC is
3 the League of United Latin American Citizens. We are a
4 nonpartisan civil rights organization founded in 1929 in
5 Corpus Christi, Texas, to deal with the issues of
6 discrimination at that time here in the state of Texas.
7 My background just so some of you all may know is that I
8 have served on the Dallas City Council. I was mayor
9 pro tem for the City of Dallas; served on the Dallas
10 County redistricting commission in 2010 and have been
11 reappointed to serve on the Dallas County redistricting
12 commission in 2020. I also was -- don't hold this
13 against me, but I was also a state representative for
14 about six years and member of the chamber. And I have
15 now been national president of LULAC for six years.

16 LULAC when it got started dealt, with a lot of
17 issues of intentional discrimination. To give you an
18 example, there were separate schools in Texas for
19 Mexican Americans, African Americans and Anglos. In the
20 case called Mendez vs. Westminster, LULAC challenged that
21 and that case went to the U.S. Supreme Court, and the
22 U.S. Supreme Court ruled that segregated schools were
23 illegal. This was two years before Browns vs. Topeka,
24 which said that schools for African Americans were
25 illegal. We challenged the poll tax. Believe it or not,

1 people in this same chamber required you to pay \$2.50
2 back in the 1960s to vote in the state of Texas. That
3 was equivalent to about \$20 today. So people could vote
4 and that was done intentionally to keep African Americans
5 and Mexican Americans from voting at that time period.
6 After that, literacy tests were passed in this chamber.
7 Literacy tests said you have to be able to read and write
8 to be able to vote in Texas. To give you an example,
9 Mexican Americans in the Valley and in West Texas were
10 asked to recite the Texas constitution verbatim to vote.
11 They were asked to recite the U.S. Constitution verbatim
12 to vote. Eventually, those literacy tests were
13 overturned after a LULAC lawsuit. Then we had at-large
14 voting, so, for example, in the past there was no
15 single-member districts because of the -- actually, LULAC
16 brought -- we were able to create single-member
17 districts, which is what we're facing that we have now
18 today in the Senate and the House. Before it was all
19 at-large.

20 Last year we had to face the issue of voter purges
21 in the state of Texas. LULAC brought a lawsuit
22 challenging the purge of 98,000 voters of whom 94 percent
23 were Mexican American. Again, LULAC prevailed and won,
24 and if you recall, the secretary of state was not
25 confirmed because of his actions in that case. A reason

1 I tell you that is because LULAC is the only organization
2 in the country that represents all Hispanics because we
3 have class-action status. NAACP is the only organization
4 that represents all African Americans, and they have
5 class-action status. Since 1970, 1980, 1990, 2020, 2010,
6 LULAC has filed a lawsuit against every redistricting
7 plan in Texas history. In every case, LULAC has
8 prevailed. In every case we were able to show
9 intentional discrimination.

10 And let me tell you why we will be able to show
11 intentional discrimination once again. I have been privy
12 to see the maps that have been stood up, but I want to
13 just show you some examples because I'm from Dallas,
14 Texas. I'm from the North Texas area, so that's the area
15 I know the best. In the current 23rd Senatorial
16 District, the district is currently 45 percent Latino,
17 38 percent Black, 14 percent Anglo. That's the way it is
18 now. Under the proposed map, Hispanics will go down to
19 39 percent, African Americans will go up 1 percent to 39,
20 and Anglos will go up to 17.6 under this map.

21 Senate District 16 is currently 41 percent
22 Anglo -- excuse me, is currently -- yes, 41 percent
23 Anglo, 29 percent Hispanic, 13 percent Black. Under the
24 plan -- and I haven't seen the map from last night
25 because I wasn't aware of it until this morning. Under

1 the proposed plan that came out, the Anglo population
2 would go down 26.6 percent. Hispanics would go up to
3 49.3 and Blacks would be 16.8. But Hispanics are
4 40 percent of the population of Dallas County. We are
5 the largest ethnic group in Dallas County. And so to
6 give you an idea in Dallas County, right now there are
7 724,000 Anglos, 1,057,000 Hispanics, 564,000 Blacks and
8 181,000 Asians. There is no Latino opportunity district
9 in Dallas County. There is no Latino opportunity
10 district or minority opportunity district in
11 Tarrant County. So to put that in perspective, the
12 largest group in North Texas has no representation; and
13 under the current map, would have no representation as
14 there would not be a voting-age population in either one
15 of those districts that would create such.

16 We believe -- if we have one person that went to
17 vote, that would mean Latinos are about 40 percent of the
18 state's population. Anglos are about 40 percent of the
19 state's population. There would be approximately 10 or
20 11 Mexican American state senators in this chamber. But
21 because of intentional cracking and packing, that doesn't
22 occur.

23 Let me tell you why -- I heard the -- you state
24 that there was no racial data used in drawing these maps.
25 I beg to differ. It's like if I went to first grade and

1 I got my box of crayons and the only color in the crayons
2 were white. There were no brown crayons. There were no
3 black crayons. There were no yellow crayons. Only white
4 crayons. Why do I say that? Because what you see is you
5 see these lines mainly White districts, rural areas that
6 have nothing to do with Dallas County come in, take out
7 Black and Brown populations and take them up where they
8 are effectively neutralized and neutered as a voting
9 block.

10 Interesting, the same thing happened in District 10
11 in Fort Worth where Black and Brown districts are put in
12 with White rural districts. You never see the other --
13 the other happen. It's only Anglo rural and suburban
14 areas coming in and scooping up Black and Brown voters in
15 10 or 20 percent increments so they are effectively
16 diluted and cracked. What we've seen today is that that
17 doesn't occur in other areas, so I want to just make sure
18 I'm clear that unless there is a majority Latino
19 opportunity district in North Texas, there will be
20 intentional racial discrimination by this body as it
21 has -- the litany of things that I've just showed you.

22 And it's easy. Under the Gingles test that the
23 assistant attorney general just mentioned, do we have a
24 cohesive block? Yes, we do. They all vote the same.
25 Pretty much, yes, they do. Will the majority block deny

1 them the right to choose a candidate of their choice?

2 Yes, they will. So that is very clear. And to give you
3 an example, there are more Latinos in Dallas-Fort Worth
4 than there are in San Antonio or El Paso or the Valley,
5 yet they have majority Latinos in their districts. So
6 there is a clear opportunity for this chamber and -- to
7 draw a majority Latino opportunity district and a
8 majority -- and keep an African American district --
9 opportunity district and also a majority-minority
10 opportunity district in Tarrant County, which I'll get to
11 now.

12 We also have problems in Tarrant County in
13 District 10. They're African American, Latino districts
14 are a cohesive group, primarily concentrated in the city
15 of Fort Worth and the south side in Arlington. Those
16 districts of the proposed map would be rural or
17 prominently White areas. Ranchers and farmers have
18 nothing to do with the Texas stadium, Raider stadium or
19 downtown Fort Worth and the stockyards. They just don't.
20 And if you are going to keep people of common interest
21 together, you should put them together. Dallas and
22 Fort Worth could be merged. They're 20 miles apart, not
23 a problem. Similar interests. Similar urban and
24 suburban areas. Why put them with Wise County, Decatur,
25 Texas, where you have more cows than people. Doesn't

1 make sense. As opposed to what you have in Dallas and
2 Tarrant County.

3 The 27th District, we also have an issue. That is
4 one where it appears that the lines have been drawn to
5 include elements of Nueces County and San Patricio County
6 where it used to only be South Texas. Not sure why that
7 happened, but it appears to dilute the numbers of voting
8 age Latinos and effective voting-age populations in that
9 district.

10 Now, that's just an initial glance. We haven't had
11 a chance to look and apply the red apple to the county
12 level, street level numbers, but those is what we've seen
13 initially. So we would ask the chamber to draw maps that
14 would more fairly and accurately represent the growth.
15 The Latinos were almost the entire growth from 2010 to
16 2020 in the state of Texas, yet there are no additional
17 Latino districts in this plan that have been laid out at
18 this time. Thank you, very much.

19 SENATOR HINOJOSA: Thank you, Mr. Garcia. We
20 have a couple of questions from senators.
21 Senator Zaffirini.

22 SENATOR ZAFFIRINI: Thank you, Mr. Chairman.
23 Thank you, Mr. Garcia, for your leadership and for your
24 passion, especially your interest in redistricting. You
25 talked about the population growth in general, and you

1 talked about the growth specifically of the Hispanic
2 population. If you were drawing this map, specifically
3 where would you draw a minority opportunity district?

4 MR. GARCIA: We have a county commissioner's
5 district in Dallas that is commissioner District 4 that
6 has a population of about 700,000. Just about 150,000
7 short, that is 16 percent Latino. So western Dallas
8 County along with certain elements in the middle,
9 Pleasant Grove, Oak Cliff, which is the largest Latino
10 neighborhood in Dallas County, could easily create a
11 majority opportunity Latino district or a minority
12 opportunity district and also for Texas Senator West's
13 district in the 23rd.

14 SENATOR ZAFFIRINI: What impact would that
15 have on Senate District 23 and Senate District 10?

16 MR. GARCIA: 23 would have to go further east
17 where there is a large part of African Americans where
18 currently, I believe, in Council District -- I mean
19 Senate District 2.

20 SENATOR ZAFFIRINI: 10?

21 MR. GARCIA: Hmm?

22 SENATOR ZAFFIRINI: What impact on Senate
23 District 10?

24 MR. GARCIA: None, on Senate District 10.

25 SENATOR ZAFFIRINI: None as it is proposed or

1 none as it exists?

2 MR. GARCIA: None as it is. As is proposed,
3 of course, Senator District 10 gets -- we call it
4 cracking of the minority communities in District 10.
5 They're losing their effective voice to elect the
6 candidate of their choice.

7 SENATOR ZAFFIRINI: In developing your
8 proposals and your strategy in addressing redistricting,
9 have you worked with other Hispanic organizations?

10 MR. GARCIA: Yes, we have. We work with
11 multiple organizations Voto Latino, Valdez, the Latino
12 Task Force.

13 SENATOR ZAFFIRINI: Thank you. You heard me
14 ask questions of the attorney general's representative?

15 MR. GARCIA: Yes.

16 SENATOR ZAFFIRINI: I'd like to ask you some
17 of those questions in the depth of perhaps for you.

18 MR. GARCIA: Sure.

19 SENATOR ZAFFIRINI: Because I didn't get very
20 many specific answers.

21 MR. GARCIA: Okay.

22 SENATOR ZAFFIRINI: First of all, what
23 specific aspects of proposed maps do you think should be
24 used to ensure the redistricting process does not
25 diminish minority voter's ability to elect the candidates

1 of their choice?

2 MR. GARCIA: In order to comply with the
3 Voting Rights Act, you definitely need to use racial data
4 to make sure you are not cracking or packing a Latino and
5 African American voters in violation of the
6 Voting Rights Act, Section 2. I believe the assistant
7 attorney general is being disingenuous with you, to be
8 honest with you. You are his client. You are the state
9 of Texas. You have a right to that same information just
10 like every other senator here. Now, maybe not in public
11 because it is an attorney/client privilege. I'm an
12 attorney also, by the way, so -- but you do have a right
13 to that information and data.

14 SENATOR ZAFFIRINI: Thank you. The Black
15 citizen voting-age population of proposed
16 Senate District 23 is only 45 percent. In your opinion,
17 would this permissible under the Voting Rights Act and if
18 so, why or why not?

19 MR. GARCIA: It will not. It's not sufficient
20 voting-age population of African American voter to
21 comply.

22 SENATOR ZAFFIRINI: Thank you. What would you
23 consider an acceptable threshold for the percentage of a
24 district's voting-age population who are Black or
25 Hispanic to maintain a minority-majority opportunity

1 district protected under the Voting Rights Act?

2 MR. GARCIA: Over 60 percent and that is
3 currently the numbers that we are seeing in almost
4 every -- every minority state senator in the state of
5 Texas has districts over 60 percent minority right now.

6 SENATOR ZAFFIRINI: And you disagree with the
7 AG representative's testimony that it's 50 percent
8 plus 1?

9 MR. GARCIA: That's correct.

10 SENATOR ZAFFIRINI: Yours is 60 percent.

11 MR. GARCIA: 60 percent plus 1.

12 SENATOR ZAFFIRINI: 60 percent plus 1. Okay.
13 I asked the AG's staff what analysis they used to the
14 proposed configuration of Senate District 10. Do you
15 have any comment about that, about how Senate District 10
16 should be analyzed in terms of its compliance or
17 noncompliance with the Voting Rights Act?

18 MR. GARCIA: I'm not a mind reader, but I have
19 been around a lot of rodeos in my time, political rodeos,
20 and my guess is because senator of District 10 has a
21 majority White population right now at about 50 percent,
22 or I believe that's what it was before. They believe she
23 is not protective of the Voting Rights Act, but we
24 believe there are because of the cohesiveness of the
25 Black and Brown populations in District 10.

1 SENATOR ZAFFIRINI: Thank you. Given that
2 census data indicate 95 percent population growth in
3 Texas was in communities of color during the last decade,
4 what steps do you believe should be taken to determine
5 whether the senate must draw a new minority opportunity
6 district to comply with the Voting Rights Act?

7 MR. GARCIA: You would take the census data
8 and seen that the growth was majority Latino. African
9 Americans stayed about the same. Anglos declined. Then
10 you would create a minority opportunity districts for
11 that increase in growth, and it hasn't happened in this
12 map that I have seen so far.

13 SENATOR ZAFFIRINI: Thank you. How can we
14 ensure that if a new minority opportunity district is
15 drawn that is does not impact existing minority districts
16 negatively, for example, reducing their minority
17 voting-age population significantly?

18 MR. GARCIA: You're going to have to change
19 the lines of the state senators in the north in terms of
20 Dallas County and Tarrant County. And that means you
21 would have to alter their districts somewhat. And
22 take -- and -- but Dallas is a majority-minority county
23 by far. The fact of the matter is you see just looking
24 at it. In Dallas County now, Anglos constitute
25 27 percent of the population. So a majority 40 percent

1 is -- excuse me, yeah, 40 percent is Latino. So it can
2 easily be done. You just have to go up north or west
3 into Tarrant County or north.

4 SENATOR ZAFFIRINI: Visualize with me, if you
5 will, the 1,250 mile Texas-Mexican border, all of the
6 districts along the border. It will be Senator Lucio's
7 District, I believe it's 27; 20, Senator Hinojosa's;
8 mine, 21; Senator Gutierrez's is 19, and Senator Blanco
9 from El Paso, I believe that's 29. All of those are
10 Hispanic districts represented by Hispanics.

11 MR. GARCIA: That's correct.

12 SENATOR ZAFFIRINI: The position is a new
13 minority opportunity district in North Texas would not --
14 probably not impact those Hispanics districts --

15 MR. GARCIA: Not at all. The Latino
16 population alone is bigger than most of the counties all
17 across from El Paso to (indecipherable) County. The
18 Latino populations of Dallas County are much larger. I
19 can tell you there's 1,027,000 Latinos in Dallas County
20 alone. I believe there's close to 6- or 700,000 in
21 Tarrant County. And then the suburban counties of
22 Collin, Denton all have substantial Latino populations.

23 SENATOR ZAFFIRINI: And would you agree that
24 the drawing of a new minority opportunity district should
25 not negatively impact the existing Hispanics districts?

1 MR. GARCIA: Correct, would not.

2 SENATOR ZAFFIRINI: Thank you. Thank you,
3 Mr. Chairman.

4 SENATOR HINOJOSA: Senator Alvarado.

5 SENATOR ALVARADO: Thank you, Mr. Chairman.

6 Mr. Garcia, it's good to see you. I appreciate you being
7 here and thanks for your leadership on the national level
8 as well. I know that you have been in this -- in this
9 fight for a long time. You mentioned the lawsuits, and
10 LULAC has been in the forefront of many of those. Can
11 you talk about some of the findings from some of these
12 lawsuits in the past?

13 MR. GARCIA: I'm just -- well, right now
14 everybody -- every senator is sitting because of a
15 court drawn map here in the Western District of Texas
16 because they failed in 2010 to create districts that were
17 fair to minorities. We believe that, again, what I am
18 seeing again is again partisanship and the use of race as
19 a way to crack and pack districts, and we've been able
20 to show that -- the attorney general -- assistant
21 attorney general is correct, under the Gingles test when
22 those three factors have been met and they were still
23 violated by this chamber anyway in order to maintain
24 partisan majorities.

25 SENATOR ALVARADO: Okay. I think you may have

1 heard the question that I asked earlier about -- and I
2 don't know if you have the exact numbers -- but what
3 communities showed population growth in the DFW metro
4 area, and in comparison can you tell us about the White
5 population growth in the metroplex?

6 MR. GARCIA: I can. Just to give you an
7 example in Dallas County in 2010, Latinos were 38.3 and
8 were going up to 40.5. Anglos were 33. They went down
9 to 27 percent. They lost 6 percent of their population.
10 African Americans in 2010 were 22.5 percent and in 2020
11 they're 21.6. They stayed relatively steady.

12 SENATOR ALVARADO: And then you may have also
13 heard a question I asked about Euless being a diverse
14 suburb of Dallas-Fort Worth and what it would have in
15 common with Rosebud, Texas, in Falls County?

16 MR. GARCIA: You have a Muslim American mayor.
17 Let me repeat that. Euless, Texas, has a Muslim American
18 mayor, has a large increase of Asian Americans in that
19 city. It is very diverse, about a fourth Black, a fourth
20 Asian American, a fourth White and a fourth Black. It
21 has zero in common with any rural area. I forgot the
22 name of the county you mentioned.

23 SENATOR ALVARADO: Falls County.

24 MR. GARCIA: Falls County. Up in the northern
25 regions, those are ranchers and farmers. Their -- their

1 needs and their interests are much different from those
2 of a cosmopolitan suburb like Euless.

3 SENATOR ALVARADO: Thank you for your
4 testimony.

5 MR. GARCIA: Thank you.

6 SENATOR HINOJOSA: Senator Gutierrez.

7 SENATOR GUTIERREZ: Thank you, Mr. Chairman.
8 Mr. Garcia, thank you very much for coming today. We
9 appreciate you very much. You testified earlier that you
10 just -- you know that -- you're aware that there's an
11 amendment that occurred last night. Have you had a
12 chance to review it at all?

13 MR. GARCIA: You know what, I was handed
14 what's purported to be the maps and the language, but I
15 noticed that Senate District 16 and 23rd were not
16 included in what I was handed.

17 SENATOR GUTIERREZ: At this time,
18 Mr. Chairman, may I hand him the map of the existing
19 amendment if that's okay?

20 SENATOR HINOJOSA: Yes, you may.

21 SENATOR GUTIERREZ: Thank you.

22 MR. GARCIA: Okay.

23 SENATOR GUTIERREZ: So, Mr. Garcia, if you
24 need some time to look at it, go ahead.

25 MR. GARCIA: Again, like for some reason this

1 also, it shows District 10, then it pops to 18 and leaves
2 off 16, and then it goes 19. I'm looking for the
3 demographic data, and it drops 23rd. They're not in
4 here.

5 SENATOR GUTIERREZ: Okay. Well, before we
6 look at demographic data, let me have you look at the map
7 itself and point your attention to Districts 19 and 21.
8 I'll submit to you those changed overnight last night
9 substantially, taking District 19 up into beyond
10 Guadalupe County into Hays County.

11 MR. GARCIA: Yeah.

12 SENATOR GUTIERREZ: You know, you're -- you're
13 a good Latino like myself. Do you like to eat fajitas?

14 MR. GARCIA: I do, especially in Eagle Pass
15 where my father is from.

16 SENATOR GUTIERREZ: Yes, I love fajitas.

17 MR. GARCIA: He's from Maverick County, so I
18 know where you're headed.

19 SENATOR GUTIERREZ: I love fajitas too. But
20 you know, we often see it in redistricting maps, we see
21 these little slivers that meander into communities to do
22 exactly the things that you testified earlier, to
23 diminish communities; is that not correct?

24 MR. GARCIA: That is done intentionally and
25 always. I never heard the fajitas. I like that one,

1 though.

2 SENATOR GUTIERREZ: You don't like that kind
3 of fajita, neither do I. So you mentioned earlier that
4 there was a -- that there's -- in redistricting we look
5 at people of common interest. What kind of common
6 interest do you think that the people of the Val Verde
7 County would have with the people of Hays County and
8 San Marcos?

9 MR. GARCIA: None. We're talking a border
10 community. Hays County is basically a suburb now of
11 Austin.

12 SENATOR GUTIERREZ: Does the map as amended
13 last night between Districts 19 and 21 -- and realizing
14 that you haven't looked at it for any great deal, does
15 the amendment create any new, new Hispanics opportunity
16 districts?

17 MR. GARCIA: Again, just glancing at it, I
18 don't see that; but I would have to do an analysis of
19 that and look at the numbers in terms of voting-age
20 population and the voting effectiveness of the
21 population.

22 SENATOR GUTIERREZ: You're a great lawyer and
23 usually when you're, you know, preparing for court, you
24 know, you go out there and which is your witnesses, you
25 prepare your witnesses as we all do. And -- and you and

1 I hadn't had a chance to talk earlier. We have not
2 talked --

3 MR. GARCIA: We have not.

4 SENATOR GUTIERREZ: -- in months. And I think
5 the last time we talked over the phone. But you --
6 you -- you just testified that it does not create a new
7 Hispanic opportunity district; that you don't believe it
8 does, and you're actually correct, it does not. In your
9 opinion does the amendment prevent the creation of a new
10 Hispanic opportunity district in central Texas? In other
11 words, if you are pitting two Latino democrats, senator
12 in District 19 and senator in District 21, is it a
13 possibility that you would diminish Hispanic populations
14 from San Antonio to Travis County, from Bexar County to
15 Travis County?

16 MR. GARCIA: Again, I'd have to do further
17 analysis, but on the initial first glance, yes, it would.

18 SENATOR GUTIERREZ: Okay. And what metrics do
19 you use to measure Hispanic opportunity? HCVAP, SSVR.

20 MR. GARCIA: That's correct, voting-age
21 population, registration numbers, and then actually voter
22 turnout because you can have -- you can have a bunch of
23 apartments with a lot of Hispanics, but they don't vote
24 versus large neighborhoods of stable families that do
25 vote in large numbers.

1 SENATOR GUTIERREZ: Very good. If an existing
2 Hispanic opportunity districts, SSVR, was lowered below
3 50 percent, as it was in this amendment, would that
4 concern you?

5 MR. GARCIA: Yes, it would. That would affect
6 its impact, its ability to vote.

7 SENATOR GUTIERREZ: And you would find that
8 intentionally discriminatory?

9 MR. GARCIA: Yes, sir.

10 SENATOR GUTIERREZ: Thank you. I have no
11 further questions.

12 SENATOR HINOJOSA: Senator Huffman.

13 SENATOR HUFFMAN: Thank you. Thank you for
14 being here, sir. And you are the national president of
15 LULAC; is that correct?

16 MR. GARCIA: Yes, ma'am.

17 SENATOR HUFFMAN: Yeah. Where are you from?

18 MR. GARCIA: Dallas, Texas.

19 SENATOR HUFFMAN: I want to thank you for
20 being here, and thank you for your input for the
21 committee. I just have a few questions based on your
22 presentation. And did I hear you say that the
23 Voting Rights Act requires a racial gerrymander in the
24 DFW area and if so, what is your basis for that
25 statement?

1 MR. GARCIA: I actually said the opposite,
2 that this senate map is gerrymandering the Latino
3 population by splitting them up into multiple districts
4 and, therefore, diluting their ability to elect a
5 candidate of their choice.

6 SENATOR HUFFMAN: All right. Do you believe
7 there is a section to require district that does not
8 appear in the proposed plan?

9 MR. GARCIA: Yes, ma'am.

10 SENATOR HUFFMAN: Do you have a map to submit
11 to us?

12 MR. GARCIA: I will be submitting written
13 testimony, a Power Point and a proposed map within the
14 next week.

15 SENATOR HUFFMAN: All right. So you will
16 submit. I do want to, you know, make sure you -- the
17 process and the timeline is part of the senate resolution
18 that was enacted by the senate earlier. So we are in a
19 very timeline, so I want to make sure everyone is very
20 aware of that. We do want you to propose if you have
21 something you want us to look at because we will look at
22 what is proposed, so I would encourage you to do that.
23 You also said that 60.9 -- 60.1 is the standard for
24 Hispanic opportunity district, what is that based on?
25 Any case law?

1 MR. GARCIA: It is based on real politics.
2 That's normally what it takes to be able to elect a
3 candidate of their choice because the -- of the number of
4 Latinos that are under the age of 18 and the number that
5 may be noncitizens that are ineligible to vote.

6 SENATOR HUFFMAN: So that's not case law
7 what's been held by the Supreme Court. Did you call it
8 real politics?

9 MR. GARCIA: You know, you'd have to ask that
10 question to Ms. Perales. She's more of a constitution --

11 SENATOR HUFFMAN: Okay.

12 MR. GARCIA: -- than I am.

13 SENATOR HUFFMAN: I will do that. Thank you.
14 But, again, I would encourage you to present a proposed
15 plan as soon as possible, if you have that to do so.
16 Thank you. Thank you, Ms. Chairman -- I mean,
17 Mr. Chairman.

18 SENATOR HINOJOSA: Okay. I don't think there
19 -- Senator Powell.

20 SENATOR POWELL: Mr. Garcia, thank you for
21 being here today. And I know that you have spent a
22 considerable amount of time in Senate District 10 and in
23 our region. We've been at breakfast together over the
24 years and I know you have great interest in -- in Senate
25 District 10. I think you've been to La Gran Plaza in

1 Fort Worth, haven't you?

2 MR. GARCIA: I have.

3 SENATOR POWELL: The old seminary south. Kids
4 like me remember very well. Can I ask you to tell us
5 what you think the area around La Gran Plaza and the
6 plaza itself would have in common with Brown County?

7 MR. GARCIA: So the La Gran Plaza for those of
8 you who are not from Fort Worth is an entirely Mexican
9 American themed shopping center mall. I'm talking about
10 all the movie theaters are predominantly Spanish language
11 and probably 80 or 90 percent of the customers there are
12 Mexican American or Hispanic. Brown County would be,
13 again, a rural, primarily ranching, farming area that
14 would have little to anything in common with an -- an
15 urban predominantly Hispanic neighborhood.

16 SENATOR POWELL: And that is the county that
17 at 9:00 last night was moved into Senate District 10, is
18 it not?

19 MR. GARCIA: Yeah. I have been hunting in
20 Comanche County, and I've had a trial in Comanche County
21 which is right next door to Brown County. I believe
22 that's probably San Saba, I'm not sure, but I am pretty
23 sure that's where it is. And that's a very rural, again,
24 probably more cows and deer than people in there.

25 SENATOR POWELL: Thank you. I -- I appreciate

1 your comments.

2 SENATOR HINOJOSA: Any other questions,
3 members? If not, thank you, Mr. Garcia, for your
4 testimony. And I would, again, urge you as
5 Senator Huffman did to submit any proposed plans that you
6 may have.

7 MR. GARCIA: Thank you, Mr. Chairman.

8 SENATOR HINOJOSA: Next we have Michael Li,
9 senior counsel for the Brennan Center for Justice.
10 Mr. Li, just come up and identify yourself, who you
11 represent and then you may proceed.

12 MR. LI: Thank you, Mr. Chairman, and
13 thank you to the members of the committee. I do have
14 some written testimony to submit. I wasn't sure who I
15 should hand that off to, but I will leave that here.
16 All right. Thank you. So thank you again Mr. Chairman
17 and members of the committee. It is good to be back in
18 Texas and all of the talk today about fajitas and all of
19 the food of Texas are making me -- and the hour is quite
20 making me quite hungry, so I will try to be speedy on
21 this.

22 So Texas has struggled for five decades to get it
23 right when it comes to redistricting in its large and
24 growing communities of color. This was the case when
25 democrats controlled the process several decades ago,

1 and, unfortunately, it has remained the case in the two
2 decades and since republicans have been in control of the
3 process. But after a decade in which communities of
4 color provided around 95 percent of the state's
5 population growth, it is more important than ever that
6 Texas try to get it right. At the country's sounding
7 John Adams wrote in 1776 that legislative body should be
8 an exact portrait of a miniature of the people as a
9 whole. The notion was simple. If your interests are at
10 the table, then so should you be. But, unfortunately,
11 redistricting gives map drawers a chance to fiddle with
12 the process and to exclude rather than include.

13 Today I want to focus my remarks on North Texas and
14 in particular Tarrant County because of the proposed --
15 the proposed State Senate plan makes a number of choices
16 that raise red flags. My comments, however, are only
17 illustrative because similar issues do occur elsewhere on
18 the map and I am happy to follow up with additional
19 information.

20 As I stated, last decade over 95 percent of Texas's
21 population growth was non-Anglo. In Dallas and
22 Tarrant County the percentage was even higher, a
23 hundred percent of the growth in those counties came from
24 non-Anglos. And, in fact, the Anglo population in both
25 counties fell. In Dallas County, the Anglo population

1 fell by about 60,000 people. And in Tarrant County, the
2 Anglo population fell by just over 30,000. And in
3 Tarrant County, much of the county's non-Anglo population
4 growth was centered in Senate District 10, half of all of
5 the Latino growth in Tarrant County was in Senate
6 District 10 as was 36 percent of its Black population
7 growth and 32 percent of its Asian population growth. As
8 currently configured by total population,
9 Senate District 10 is only 39.5 percent Anglo, down from
10 almost 48 percent in 2010. It is still majority White by
11 citizen voting-age population about 54 percent, but that
12 may, in fact, be overstated because estimates of citizen
13 voting-age population are estimates calculated on a
14 five-year basis, with the most recent five-year estimates
15 we have run from 2015 to 2019, and we see that estimates
16 tend to trail especially in fast-growing regions in
17 states like Texas. But despite all of that, remarkably
18 very few changes needed to be made to the map for Senate
19 District 10 if it's just 53 -- 5,318 people short of the
20 target population for a district. Despite this,
21 Plan S2101 makes wholesale changes to Senate District 10
22 moving out about 318,000 people, 55 percent of whom are
23 non-Anglo and replacing with them with 328,000 people
24 from Johnson and Parker County, 72 percent of whom are
25 Anglo. And, again, you know, the state did not have to

1 make any changes at all to Senate District 10. At most
2 it needed to perhaps adjust by about 5,000 or so people,
3 but instead it moves 300,000 people out and 300,000 --
4 328,000 people in. Overall, 34 percent of Senate
5 District 10's Latino population is moved out of the
6 district. 23 percent of its Black population and a
7 remarkable 46 percent of its Asian population is moved
8 out of the district. This raises a number of red flags.

9 And I want to start with a notion that you're
10 starting to hear around the country as maps are being
11 drawn that somehow you can avoid liability if you don't
12 consider race at all. And we heard this in -- around the
13 country. We've heard it -- at my Brennan Center has
14 heard it from people in New Hampshire that the lawmakers
15 aren't considering race, which, you know, maybe it's fine
16 in New Hampshire, which is one of the whitest states in
17 the country and does not have much ethnic diversity, but
18 that just doesn't work in a state as diverse as Texas,
19 especially where there is a lot of evidence that
20 communities of color are politically affected in places
21 like Tarrant County.

22 So given the growth of communities of color and
23 their geographic concentration, Texas has an obligation
24 to conduct a searching and nuanced analysis to ascertain
25 whether -- and to fully understand the extent of minority

1 power before adopting a new map. Under Section 2 of the
2 Voting Rights Act, Texas has a legal obligation to avoid
3 drawing district lines in a way that dilutes the votes of
4 minority voters and prevents them from electing preferred
5 candidates. Whether liability exists under Section 2 is
6 not a simple back-of-the-envelope calculation, rather the
7 Supreme Court has said the inquiry is intentionally
8 local, fact intensive, and functional in nature. In
9 diverse multiracial and multiethnic regions such as
10 North Texas among the matters that must be investigated
11 are whether two or more minority groups in a region are
12 politically cohesive and could together form the majority
13 of a district. It is imperative for the state not only
14 conduct this analysis, but that it do so in a transparent
15 fashion making its analysis publicly available before any
16 vote on a map. And -- you know, we've heard a lot of
17 talk today about privilege from the representative from
18 the attorney general's office. I will just note that
19 that privilege is the client's privilege, and it can be
20 waived by the client.

21 Texas's obligations to do not end with creating
22 Section 2 districts under the Voting Rights Act. Like
23 all states, Texas has an obligation to avoid potential
24 discrimination against racial and ethnic minorities. The
25 Supreme Court has made clear that liability for

1 intentional discrimination can exist even when no
2 liability exists under Section 2 of the
3 Voting Rights Act. Explaining that if a state, quote, if
4 there were a showing that a state intentionally drew
5 district lines in order to destroy an otherwise effective
6 crossover district, that would raise serious concerns
7 under both the 14th and 15th Amendment. Likewise, the
8 Supreme Court has held that, quote, undermining the
9 progress for a racial group that has been subject to
10 significant voting-related discrimination and that was
11 becoming political -- becoming increasingly politically
12 active and cohesive can bear the mark of intentional
13 discrimination that would give rise from equal protection
14 violation. Engaging whether there is intentional
15 discrimination, a state's awareness of an action that an
16 action bears more heavily on one race or another is a key
17 factor the courts will consider. As the Supreme Court
18 has explained, adherence to a particular policy or
19 practice with full knowledge of the applicable facts of
20 such appearances, one among many other factors that may
21 be considered by a court in investigating whether a
22 state's motive is discriminatory.

23 And here there are real questions about whether
24 Texas has met its obligations to conduct that searching
25 and nuance inquiry given some much of the choices it has

1 made. Texas must carefully consider questions about
2 whether minorities groups are politically cohesive and
3 whether they have an ability to elect. And in this
4 regard, politics is not an excuse, this may be the
5 defense but, you know, the reality is that in Texas
6 people are well aware that there is much racially
7 polarized voting that -- and that if you're targeting
8 heavily democratic areas, you're liking targeting in most
9 of the state's heavily minority areas. So the idea that
10 somehow not considering race but only considering
11 politics is an excuse just does not fly.

12 And I will note with respect to Senate District 10
13 that Senate District 10 was found to have been
14 intentionally discriminatory last decade when the state
15 also tried to redraw the district in a way that cracked
16 minority communities and diluted their power. In
17 addition, there's lots of evidence that Senate District
18 10 is an effective coalition district. I am not here to
19 say whether it is or not, but there is lots of evidence
20 to suggest that the state needs to take a closer look.
21 Texas for many decades has struggled to get it right. It
22 has ended up in court time and time again, and that
23 itself should be a cautionary signal to this body.

24 I will end simply by saying -- with a couple of
25 notes. One is, you know, that there was discussion of

1 Cooper versus Harris, and there was -- I believe
2 Senator Huffman read from Cooper versus Harris. I do
3 want to read one other part from Cooper versus Harris,
4 which says that, you know, even if you're doing
5 partisanship, if you use race as the crude tool for
6 partisanship that can itself result in a racial
7 gerrymandering that violates the constitution.
8 Legislators who have placed a significant number of a
9 voters within or without a district predominantly because
10 of their race regardless of their ultimate objective in
11 taking that step can violate the constitution.
12 I also want to clarify one thing that Mr. Kinghorn said,
13 which is that the Voting Rights Act requires that a
14 district be 50 percent plus 1 in order to be protected.
15 The actual inquiry that you need to do is figure out
16 whether you could draw a majority district in an region,
17 not whether a district as it is currently configured is
18 protected or not. Likewise, when you ultimately draw
19 that -- the ability to draw 50 percent plus 1 district
20 creates liability. The ultimate district that is drawn
21 need not be 50 percent plus 1 minority. It can be under
22 that if it performs and there are other legitimate
23 reasons for doing so. So a 50 percent plus 1 threshold
24 is a trigger for liability. It's not a dictate for how
25 districts ultimately have to be shaped.

1 So with that, I'm happy to take any questions from
2 the committee.

3 SENATOR HINOJOSA: I have a question. In
4 light of the recent United States Supreme Court decision
5 that partisan gerrymandering is permissible and they will
6 have a hands-off approach, how does that impact -- or
7 does it impact Section 2 of Voting Rights Act, will we
8 still have a discrimination issue?

9 MR. LI: That is a great question,
10 Mr. Chairman. You know, the Supreme Court has said that
11 you cannot bring claims about partisanship under the
12 federal constitution in court and that is the law right
13 now, but states still have to comply with the
14 Voting Rights Act and other laws and, of course, the
15 constitution does prohibit intentional discrimination on
16 the basis of race. And so in places like Texas and
17 elsewhere in the south where voting is very polarized
18 along racial lines there -- you know, the reality is that
19 you cannot really sort of do a partisan gerrymander
20 without targeting communities of color. It just is not
21 possible except in places perhaps like Austin, but in
22 general, you know, in Texas, democrats get about
23 25 percent, 28 percent of the White vote. There still
24 aren't that many White democrats in Texas. Even, you
25 know, with the changes in recent years, and the problem

1 from a gerrymander standpoint is that White democrats
2 tend to live near White republicans, sometimes in the
3 same houses, and so unless you're able to draw a line
4 down somebody's bed, it can be really hard to sort of,
5 like, totally effectively get that much gain by targeting
6 just White democrats and instead because of residential
7 segregation, it's much easier to pack together or break
8 apart communities of color. So even if you're doing it
9 for partisanship reasons, there is a -- a racial and
10 ethnic impact that has to be considered and, you know, it
11 can push right into being right into being intentionally
12 discriminatory or otherwise violating the
13 Voting Rights Act.

14 SENATOR HINOJOSA: So you have -- what if
15 partisanship gerrymandering is allowed and it has an
16 impact of intentional discrimination, then there will be
17 a violation of Voting Rights Act, Section 2?

18 MR. LI: The Voting Rights -- if there's
19 intentional discrimination, it would violate the
20 Voting Rights Act, Section 2, but it also would be itself
21 a violation of the Constitution because the Constitution
22 does not allow discrimination on the basis of race or
23 ethnicity.

24 SENATOR HINOJOSA: So partisan gerrymandering
25 cannot be used as a cover or substitute to -- for

1 intentional discrimination?

2 MR. LI: That is -- that is correct. I mean,
3 there are places in the country where you can
4 discriminate on the basis of party and not sort of
5 like -- there isn't a racial dimension to it, but that is
6 not the case in Texas, and you almost certainly will trip
7 over lots of things if you're attempting at an aggressive
8 partisan gerrymandering, you have to target Black and
9 Latino and Asian voters.

10 SENATOR HINOJOSA: Thank you.
11 Senator Zaffirini.

12 SENATOR ZAFFIRINI: Thank you, Mr. Chairman.
13 Sir, could you provide us some examples of cases in which
14 courts held that coalition districts in which two
15 communities of color combined make up the majority of
16 voters?

17 MR. LI: Well, that is certainly the --
18 currently the case law in the Fifth Circuit. There are a
19 couple of cases. You know, one is the City of Baytown,
20 Campos versus the City of Baytown. And, in fact, the
21 allowance of coalition districts is the law in most of
22 the circuits that have decided the question with the
23 exception of the Sixth Circuit, which is Michigan, Ohio
24 and that region. So, you know, the -- you know, it's not
25 an automatic that, you know, two -- two or more minority

1 groups would be a coalition district, but if they are
2 politically cohesive, the current law is that that could
3 trigger Section 2 liability.

4 SENATOR ZAFFIRINI: Thank you. Are there any
5 districts you believe federal law requires us to protect
6 because they are coalition districts?

7 MR. LI: Well, as I said, the analysis of
8 whether a Voting Rights Act liability exists is searching
9 and nuanced, and I haven't sort of done or talked to
10 demographers to sort of fully assess this on the maps
11 that came out last week and certainly not the maps that
12 came out last night; but I think that there are good
13 arguments that Section 10 -- or not Section 10,
14 District 10, sorry, is a coalition district, you know,
15 based on some of the findings last decade when the
16 district was -- as I said, almost 48 percent White and
17 now it's only 39.5 percent White. I think that there is
18 a really good argument that -- well, your question was
19 specific to coalition districts, so I think, you know,
20 there's a really good argument that's unique, like not
21 only protect Senate District 10 but also perhaps enhance
22 it some. More generally on Section 2 -- or not
23 section -- I'm sorry. Thinking is on the mind, I guess.
24 But, you know, more -- more generally with respect to --
25 to -- to Section 2 districts, I think, you know, there's

1 a good argument that there should be a Latino district in
2 the Dallas County region.

3 You know, there was a lot of talk about
4 how -- how -- the size of the Latino community in the
5 Dallas-Fort Worth area. It's about 1.7 million. In
6 fact, there are more Latinos in Dallas and
7 Tarrant counties alone than the entire state of Colorado
8 or New Mexico. Right, and so, you know, it is just a
9 gigantic population that just right now does not have
10 representation, and I think, maybe at a tipping point,
11 but Ms. Perales probably is in a better position to
12 address that.

13 SENATOR ZAFFIRINI: So specifically in what
14 county or area do you believe we should have a coalition
15 district or Latino opportunity district?

16 MR. LI: I think Dallas is -- is one that many
17 people have flagged. You know, there is not Latino
18 representation north of, I guess, your district here.
19 You know, and -- and so, you know, again, North Texas has
20 a very large Latino population and growing, and so that's
21 an area I think, you know, Senate District 10 looks a lot
22 like a coalition district, and I think that that's
23 something that I think will -- you know, needs to be
24 looked carefully into, you know, given the -- you know,
25 so I think that that's the case. And then I'd also -- as

1 was mentioned, I'd look in the Fort Bend area, which has
2 become incredibly diverse. You know, there -- you know,
3 I think that's an area that needs to be looked at very
4 closely. I have not done that, but, you know, it's an
5 area just given the growth, you know, I don't think you
6 can go in and put blinders on and just pretend like, you
7 know, you're not considering race at all. I think, you
8 know, that you have an obligation knowing what the growth
9 is to investigate.

10 SENATOR ZAFFIRINI: Thank you. Thank you,
11 Mr. Chairman.

12 SENATOR HINOJOSA: Senator Huffman.

13 SENATOR HUFFMAN: Thank you, Mr. President.
14 Thank you very much for being here, Mr. Li, and adding
15 your opinions to this process. I have just a couple of
16 questions based on your testimony and your handout.
17 First of all, I see one of the highlighted areas of your
18 testimony says the need to consider race in
19 redistricting, and you testified to that today. How do
20 you square that or is it your testimony that we should
21 disregard the Supreme Court races which prohibit
22 race-based districting unless we are shown a strong basis
23 and evidence to believe that a race-based redistricting
24 is required to comply with the Voting Rights Act,
25 Section 2?

1 MR. LI: Well, you know, I'm not sure that the
2 Supreme Court has said that you can't consider race. In
3 other words, I think you -- what I am saying is that, you
4 know, there are lots of places on the map where there
5 could be Section 2 liability. It's important to
6 investigate that in a searching and nuanced way, and
7 ideally publicly and transparently. Like, you're getting
8 a lot of advice from the attorney general's office about
9 your obligations. It would be great if that were made
10 public because this is not an issue, of course, just of
11 concern to you, Senator Huffman, but of concern to the
12 people of the state, and so making that public, for
13 example, perhaps waiving the attorney-client privilege
14 and allowing the attorney general's office to come here
15 and tell you what they told you about Senator District 10
16 and liability under the Voting Rights Act would be a
17 great service to the state so --

18 SENATOR HUFFMAN: Well, as I've stated very
19 clearly, these maps were drawn blind to race and then I
20 consulted with the attorney general's office, and they
21 gave me legal advice as to whether or not I had -- I
22 complied with the Voting Rights Section 2. That's what
23 we've done. We invite anyone because the data that they
24 used is completely open to the public. We invite anyone
25 to submit alternative maps. Do you have a map you'd

1 would like for us to consider here today?

2 MR. LI: I do not.

3 SENATOR HUFFMAN: Okay. Well, anyone who
4 wants to submit one, we will certainly consider it, and
5 we'll also get a legal opinion on it as well. Also, I'd
6 like to -- in your testimony you referred to a Fifth
7 Circuit 1988 case, Campos v. City of Baytown, correct?
8 Is that what you were referring to?

9 MR. LI: Yes.

10 SENATOR HUFFMAN: Yes. How do you -- and you
11 suggested that it authorized or required crossover
12 coalition districts. How do you square that with the
13 Bartlett case, which is the United States Supreme Court
14 2009 Bartlett v. Strickland, which made it clear that the
15 Voting Rights Act does not require the creation of
16 coalition or a crossover district?

17 MR. LI: I think I would disagree with you
18 about what Bartlett was about. Bartlett was about
19 crossover districts. In other words, where voters are
20 able to elect with support from White voters. That's a
21 crossover district. A minority coalition district is
22 where two or more minority groups are politically
23 cohesive. So in Texas, to give you -- for example, Black
24 and Latino voters, you know, or in Fort Bend County, it
25 might be Black, Latino, Asian voters might be politically

1 cohesive and so, you know, Bartlett is a case out of
2 North Carolina. It did not involve other non-White
3 groups. It was a case about --

4 SENATOR HUFFMAN: Well, I believe that
5 Bartlett specifically states that nothing in Section 2
6 grants special protection to a minority group's rights to
7 form political coalition. Do you agree with that?

8 MR. LI: Again, I think that is talking about
9 White voters in this case. It is not, you know --

10 SENATOR HUFFMAN: And, of course, there are
11 many legal scholars that would disagree with you on that.
12 Would you agree?

13 MR. LI: I don't think that that is really
14 where the law is currently, and it certainly not -- well,
15 I -- I don't think that that's where the law is. If that
16 is the advice that you're getting from the attorney
17 general's office --

18 SENATOR HUFFMAN: No, I am getting it from the
19 Supreme Court of the United States of America. So I just
20 politely disagree. Thank you very much for answering my
21 questions. I appreciate it.

22 SENATOR HINOJOSA: Senator Powell.

23 SENATOR POWELL: Thank you, Mr. Chairman.
24 Mr. Li, did you have the opportunity to analyze the map
25 that was dropped at about 9:00 last night? I would

1 assume maybe not since your testimony was really about
2 packing Johnson County and Parker counties into the
3 district.

4 MR. LI: I, unfortunately, finished my
5 testimony before and was having a very nice dinner when
6 the maps dropped last night. You know, so I've looked at
7 them a little bit, but not too much, so you know, I --
8 I -- I know that it does not make any changes to the
9 cracking of Latino and Asian and Black communities in
10 Tarrant County. It doesn't make any changes at all to
11 the configuration of the district between Plan S2101 and
12 Plan S2108 in Tarrant County. The district does become a
13 little bit more Anglo just by about like half a point or
14 so, but there are no changes to the cracking of minority
15 communities in Tarrant County.

16 SENATOR POWELL: I would agree. It puts us at
17 a little bit of a disadvantage to be able to talk about
18 it at length when we have had very little opportunity to
19 analyze it, but let's -- let's continue on. I want to
20 continue this discussion about crossover districts. And
21 also to continue this discussion under Bartlett versus
22 Strickland. Would you agree that the court stated that
23 dismantling currently performing crossover districts
24 would raise serious questions under both the 14th and
25 15th Amendment.

1 MR. LI: Yes. And to Senator Huffman's point
2 about this, you know, there is a difference between the
3 obligation to create a crossover district, which Bartlett
4 says you don't have an obligation to create a crossover
5 district and intentionally dismantling one, right?
6 That -- that, as the Supreme Court said, would said raise
7 serious red flags.

8 SENATOR POWELL: And I can see by your
9 testimony today that you are pretty familiar with
10 Senate District 10 as it stands today.

11 MR. LI: Not as familiar as you are, but
12 familiar.

13 SENATOR POWELL: So do you believe after your
14 analysis of it, do you think it's currently performing as
15 a crossover district?

16 MR. LI: With the caveat that I have not done
17 sort of a full-on analysis, you know, I think there are
18 lots of signs that it is a performing -- either it's a
19 performing coalition district or a performing crossover
20 district, but, you know, that -- you know, so yes.

21 SENATOR POWELL: And do you believe that the
22 proposed configuration, and I guess the most recent one
23 that we've seen in SD10, prevents our current minority
24 groups in SD10 from electing their candidate of choice?

25 MR. LI: I think that almost certainly would

1 be the case for -- for minority voters in the current
2 version of SD10, who, again, mold a huge percentage of
3 the minority voters in Tarrant County are in SD10. They
4 are fractured apart among, I think, three senate
5 districts, at least in the earlier version of the map.
6 It may be more in the new version. And, you know, I
7 think, you know, there's almost -- there's almost no
8 question that they would lose the ability to elect.

9 SENATOR POWELL: And do you think under
10 Bartlett that this would be a violation of the 14th and
11 15th Amendments?

12 MR. LI: I think that there are serious
13 concerns about whether there would be intentional
14 discrimination in that, you know, even if you don't look
15 at race. You know, just the way that the cuts are done,
16 you know, it raises, you know, a lot of signs that, you
17 know, people are targeting communities of color.

18 SENATOR POWELL: Thank you. And we've
19 mentioned it here already today, but in 2012 the
20 D.C. District Court ruled that dismantling SD10 was
21 intentional racial discrimination. Texas abandoned this
22 legal case, and the courts ordered the state of Texas to
23 pay over a million dollars in attorney's fees. Can you
24 explain what that means for the process here today?

25 MR. LI: Well, the fact that Texas was ordered

1 to pay attorney's fees means that the plaintiffs in that
2 cases, Senator Davis, at the time and others were the
3 prevailing parties, in other words, that they sort of won
4 because you don't get attorney's fees unless you are the
5 prevailing party. So it's a recognition of the courts
6 that they -- they won.

7 SENATOR POWELL: All right. Mr. Li, thank you
8 so much for your testimony today.

9 SENATOR HINOJOSA: I just have a follow-up
10 question just a point of clarification. I guess under
11 the Bartlett versus Strickland case, it was addressing
12 crossover districts and not dealing with minority
13 coalition districts?

14 MR. LI: That is correct. It was in
15 North Carolina where, you know, unlike Texas there isn't
16 sort of a large, you know, other (indecipherable). It's
17 becoming more diverse, but, you know, the -- the -- the
18 primary ethnic breakdown there is between Black and White
19 voters.

20 SENATOR HINOJOSA: I think there are no
21 further questions. Thank you very much for your
22 testimony.

23 MR. LI: Thank you.

24 SENATOR HINOJOSA: Next we have
25 Mr. Robert Notzon, Legal Redress Committee chair for the

1 Texas National Association for Advancement of Colored
2 People and NAACP. So please just identify yourself, who
3 you represent and then you may proceed.

4 MR. NOTZON: Thank you, Chairman. As you
5 stated, I'm Robert Notzon. I'm an attorney. I'm the
6 Legal Redress Committee chairman for the Texas NAACP.
7 Thank you for allowing me to be here. Our president and
8 national board member, Mr. Gary Bledsoe, couldn't be here
9 because of his litigation schedule. The opposing counsel
10 just wouldn't let him off. So I got tapped to -- to show
11 up, and I'm happy to be here. I've been involved in
12 redistricting representing the NAACP since 2001, and I've
13 been with the agency as a legal redress chair since the
14 '90s.

15 We are terribly -- of course, I don't want to
16 go too long because I want to be respectful of everyone's
17 time. NAACP, just to put it bluntly, is the largest and
18 oldest civil rights organization in the United States
19 and -- and we have a long career and history fighting for
20 the rights of people of color, be it African American,
21 Latino, Asian. We -- we don't discriminate on people of
22 color. Of course, we were started because of the massive
23 number of lynchings that were happening in the
24 United States back in 1909 and onward and in Texas since
25 1919.

1 We are, to put it bluntly, horribly frustrated and
2 disappointed but not surprised in the way in which the
3 White dominant political power in Texas is trying to
4 retain and expand their political power at the expense of
5 minority voters and minority citizens in Texas. When I
6 say again, I'm talking about not just decades but
7 generations of consistent illegal, racist, racially
8 biased behavior. And the standard techniques are being
9 employed again in this round of redistricting, the
10 packing, the cracking, the lack of visibility, hidden
11 advice from the attorney general as Mr. Li had requested
12 not be the case, and it is up to the -- each individual
13 politician to -- to make that call and to make it a
14 matter of public knowledge. But -- and, of course, the
15 maps just came out recently. I am not here to talk about
16 the entire map of the state of Texas which we will be
17 prepared to talk about if and when -- I say when, because
18 it's never if. We always have to sue the state of Texas
19 for the rights of minority voters in Texas and we expect
20 it's going to happen again just because Texas doesn't
21 seem to be able to help itself to stop that racial
22 discrimination.

23 So I -- let's -- let's talk about packing as one of
24 the techniques that's allowed to be shown with just
25 numbers without actually looking at a map so much. But

1 if you look at the numbers of the citizen voting-age
2 population, and, of course, right now the proposed maps
3 have on the White majority political party has 21 of the
4 31 -- no, 20 of 31 districts and 11 for the racial
5 minority-majority party. And of those 11, 4 have over
6 80 percent citizen voting-age population in those
7 districts, over 80. There are zero of the White party,
8 the White dominant party. On 70 -- over 70 percent,
9 there's 4 citizen voting-age populations with minority
10 voting age over 70 and only 3 on the White side. When
11 you get to over 60 percent, it's 1 of the citizen
12 voting-age population of minorities have those districts,
13 whereas, it's 12 on the White majority party. And then
14 the last is over 50 percent where there's 2 of the
15 districts that are over 50 percent minority and 5 on the
16 White majority party. The vast difference in the way in
17 which those racial breakdowns go shows evidence
18 right -- just right there of packing. There's just no
19 reason why when 80 percent of the increased population
20 comes from minority increases that you're going to pack 4
21 districts -- well, 8 districts with over 70 percent of
22 the population when it's not required to have a
23 performing district. That's just critical.

24 On the cracking side, you can't really show that
25 with numbers. You have to look at the map and in looking

1 at what happened there in Dallas and Tarrant counties
2 where those -- and this happens in Harris County and also
3 in Travis County and Bexar County, where the strong,
4 cohesive, racially minority communities are drawn and
5 taken out -- as it's already been stated by Mr. Garcia
6 and Mr. Li, taken out to the rural areas, the
7 predominantly White areas and they are cracked.

8 What's interesting is, of course, this -- this
9 effort by the White majority party to say we're not
10 looking at race. We didn't look at race at all when we
11 drew the map. That is what we refer to in the legal
12 parlance as circumstantial evidence of discrimination.
13 We don't think that the White majority is going to be
14 stupid and say, yes, we did this with an intent to
15 racially discriminate. That's not going to happen, but
16 that's what happens every time that Texas redistricts.
17 They intentionally discriminate against the minority
18 population to maintain or expand power for the White
19 majority party. And I keep saying White majority party,
20 just so everybody knows because it was the democrats that
21 were doing it several decades ago, right? It's not just
22 republican or democrat and -- and we're a nonprofit
23 organization. We do not have a political affiliation.
24 It's a shame that the republican party doesn't do more to
25 try to reach out to racial minorities to -- to garner

1 their support. It just doesn't happen, and they've drawn
2 those lines.

3 But when -- if the majority party says we didn't
4 look at race, as Mr. Li was saying, well, that's --
5 that's essentially meaningless in Texas when the
6 majority -- the vast majority of the voters are racial
7 minorities. So you say I didn't look at it, but when you
8 know as a republican legislator and the majority White
9 party in power, you know that the majority of those
10 voters are racial minorities, and you reach in there even
11 if you don't know -- even if you claim to not know where
12 those racial minorities are living in Tarrant County and
13 Harris County and Dallas County. You claim to not know
14 that and claim to not understand that or consider that
15 when you're drawing the map and all you have to do is
16 click a button, but you actually represent those areas or
17 the people that you work with represent those areas and
18 they know who lives there. Even disregarding all of
19 that, just knowing that the majority of the people in
20 that party are racial minorities, to not consider their
21 race is to intentionally discriminate because you are
22 there -- therefore assuming that all democratic voters
23 have the same interest. All democratic voters are voting
24 for a democrat because of that reason that they are a D
25 instead of an R, and that just simply isn't the case.

1 And that isn't the case that when it's considered in --
2 in lawsuits related to redistricting. You have to look
3 at the people. You have to look at their communities.
4 You have to look at whether or not they have the same
5 interests, whether or not they live near each other,
6 across the street from each other. That's -- that's the
7 kind of things that are looked at, but when you -- when
8 you try to take this pretextual position that you didn't
9 look at race when you drew these lines, that is simply
10 hogwash and it won't hold. And so we are here to say
11 stop discriminating. Take account of people's interests.
12 Stop disregarding democracy for intentionally
13 discriminating against these citizens in Texas. They
14 deserve equal -- equal participation. They deserve an
15 equal vote. They deserve to have their political power.
16 There is no reason why that with almost 50 percent of the
17 population, they only have 40 percent or less of the
18 political power just on this map.

19 And I am sorry, I'm only here talking about SB4.
20 That was all I was able to prepare for. I wasn't able to
21 prepare for the State Board of Education map, and I
22 apologize for that. But I would reserve the Texas NAACP
23 rights to talk about those other issues if and when we
24 are given the opportunity.

25 SENATOR HINOJOSA: Thank you.

1 Senator Zaffirini.

2 SENATOR ZAFFIRINI: Thank you, Mr. Chairman.
3 Thank you, sir, for being with us today. What steps
4 would you recommend the AG to take when analyzing
5 proposed maps for compliance with the Voting Rights Act?

6 MR. NOTZON: Look at where the population
7 growth happened. Look at who deserves the additional
8 representation. Look at where things are beforehand and
9 just because they existed before doesn't mean they're
10 right or that they're legal or that they're the best way
11 for the state of Texas to go forward. What do the
12 people -- what do their voices ask for? What is the
13 representation they're seeking. That's what -- that's
14 what I think they should look at. And, as Mr. Li had
15 suggested, do it out in the open and -- and let -- and
16 let us speak. I mean, we're given an opportunity to
17 speak on this, but we're not given adequate time to
18 prepare. We're doing our best given the information that
19 we had and the time that we have to prepare, but there
20 needs to be more inclusion in the public input in this
21 process.

22 SENATOR ZAFFIRINI: Thank you. Are there any
23 specific districts in the proposed map you believe need
24 to be amended to ensure Black Texans have adequate
25 representation in the senate?

1 MR. NOTZON: I don't know that I'm prepared to
2 talk about all the districts that negatively impact Black
3 voters, but you remind me, Senator Zaffirini, of -- of
4 one more piece of evidence, circumstantial evidence of
5 why race is taken into account. The White majority party
6 states circumstantially, protectionally that it didn't
7 include race as part of its map drawing, but they're very
8 good at attacking the White democrats. That the --
9 the -- the elected official, not the -- not the voters.
10 And, of course, the important part, although the race of
11 the elected official has some role to play and some
12 information for the voter and for the courts to determine
13 whether or not discrimination is occurring, it's the
14 voter and the voter's interest and the voter's voice
15 that's important here. So if -- and -- and SD10, you
16 know, to take away someone who won and -- and was the
17 candidate of choice of the minority voters in that
18 district as it currently exists and to eradicate it and
19 then also SD16 to change that district from what it was
20 to only retaining maybe 40 percent of the prior district,
21 you know, it's -- it's not okay that they're a White
22 elected official, therefore, it couldn't be racist, or
23 therefore it couldn't be racially based, when it's the
24 voters that are being harmed. So, you know, I think
25 that's one more piece of evidence, circumstantial

1 evidence, that race, in fact, was taken into account
2 because they can studiously attack the White democratic
3 elected official but not the Hispanic or Black or Asian
4 elected official.

5 SENATOR ZAFFIRINI: Thank you. Currently we
6 have 11 Hispanic senators. You heard President Domingo
7 Garcia of LULAC say that we should have 11 Hispanic
8 senators, most are all of whom probably would be Mexican
9 American, Hispanics. Do you have a similar number for
10 African Americans and how many African American senators
11 we should have? We currently have two, of course.

12 MR. NOTZON: I don't have an answer for that,
13 Senator Zaffirini. I think that there ought to be 15, 14
14 at least senators of -- that are selected by voters of
15 color in Texas because that's where the numbers are. I
16 think it's -- it's inexcusable, especially when you are
17 packing so many districts with voters, to have it be 11
18 or less.

19 SENATOR ZAFFIRINI: When you say 14 or 15 of
20 color, what minorities are you including?

21 MR. NOTZON: I'm including Black, Hispanic,
22 and Asian and whether it be individually or in a
23 coalition.

24 SENATOR ZAFFIRINI: Thank you very much.
25 Here's a softball for you. If Senator Miles or

1 Senator West were here, what question would they ask you
2 that I have not asked?

3 MR. NOTZON: I have not talked to them, so I
4 don't know, so that makes it easier for me to -- and,
5 actually, I haven't even talked to President Bledsoe.
6 That's how much he loves and trusts me. So I don't know
7 the answer to that. I would think it would be why -- you
8 know, what -- just the same question you asked me. What
9 should the White party in power be doing to correct what
10 they're doing and what they have been doing for
11 generations. And I think I answered that.

12 SENATOR ZAFFIRINI: Thank you, sir.
13 Thank you, Mr. Chairman.

14 SENATOR HINOJOSA: Thank you,
15 Senator Zaffirini. Senator Paxton.

16 SENATOR PAXTON: Thank you, Mr. Chairman. And
17 I thank you for being here and for your testimony today.
18 I'm doing my best to quote, but I am sure it's a little
19 bit paraphrased, from your testimony a little earlier.
20 It's a shame that the republican party doesn't do more to
21 reach out to minority communities. It just doesn't
22 happen. What's your basis for that very black-and-white
23 statement, it just doesn't happen?

24 MR. NOTZON: My experience.

25 SENATOR PAXTON: Do you know me?

1 MR. NOTZON: Do I know you? No, I've never
2 met you.

3 SENATOR PAXTON: I beg to differ. And I think
4 it is quite an offensive statement to me and in my
5 district that has a large growing Asian community,
6 Indian community, Hispanic community, Black community to
7 hear you say it just doesn't happen when it does happen.
8 That's from my experience.

9 MR. NOTZON: What percentage of those voters
10 of color get your -- vote for you?

11 SENATOR PAXTON: That will be seen in the next
12 election.

13 MR. NOTZON: Would it be a majority or less
14 than a majority?

15 SENATOR PAXTON: I can say -- I can tell you
16 that in Plano we had an Asian candidate that is one of my
17 supporters that almost won the mayors race that has been
18 a city council person. We have actually Hispanic
19 republican club, an Asian republican club, African
20 American republican club. And this is a little bit off
21 topic, I realize. I just -- you know, one of the things
22 I learned a long time ago is that it's a dangerous thing
23 to say always or never, sir, when you're testifying to
24 make a statement like it just doesn't happen, as if you
25 know. I think it would be wise for you to reconsider

1 your belief in an area like that, to speak as if you
2 actually know something like that. It just doesn't
3 happen.

4 MR. NOTZON: Well, I'd be happy to amend my
5 testimony if, in fact, you have been voting for issues of
6 voters of color in your district or in the state of Texas
7 to any great degree. So we'll leave it there.

8 SENATOR PAXTON: All right. So you stand by
9 it just doesn't happen?

10 MR. NOTZON: In terms of real reaching out, in
11 terms of real effort to obtain and understand and promote
12 and correct the problems of voters of color have in the
13 state of Texas, yes, I do.

14 SENATOR PAXTON: So I guess reconsidering that
15 you might not know everything is something that just
16 doesn't happen.

17 MR. NOTZON: I -- I surely don't know
18 everything.

19 SENATOR PAXTON: Thank you.

20 SENATOR HINOJOSA: Okay. Thank you very much,
21 Mr. Notzon, for your testimony.

22 MR. NOTZON: Thank you, Chairman.

23 SENATOR HINOJOSA: Next, we have Kathryn Oler,
24 President, Legal Women Voters from the Corpus Christi
25 area. Identify yourself, who you represent and then you

1 may proceed.

2 MS. OLER: Thank you. Good afternoon,
3 Chairwoman Huffman, Vice Chairman Hinojosa, and members
4 of the Texas Senate Special Committee on Redistricting.
5 My name is Kathryn Oler. I live in Corpus Christi,
6 Texas, Senate District 20. Today I'm speaking as the
7 president of the League of Women Voters Corpus Christi
8 area against SB4. I thank you for this opportunity. As
9 you may know, the League -- as the League, we are
10 nonpartisan, and we support issues, not parties or
11 candidates.

12 In 2016, the Flint, Michigan, water crisis
13 erupted and sent waves across the nation including
14 Corpus Christi. Now, I know this topic is not what most
15 of the presenters at this time have talked about. This
16 is something very local. It's something very personal to
17 the citizens of District 20. At the time, 2016,
18 Corpus Christi, too, had a history of water issues,
19 bacteria contamination, low disinfectant levels. We
20 thought was it possible that our drinking water could
21 also have lead issues. Our league is familiar with the
22 idea of issues. They are the basis for all of our
23 advocacy. So members voted to make this issue a focus of
24 a grassroot community study potential for lead
25 contamination in our community's drinking water. Our

1 study was local, but now many other counties in Texas
2 have similar lead issues. For several years, we gathered
3 information on lead poisoning, looking at all sources of
4 lead in homes, at water quality regulations and incidents
5 of lead poisoning. What we discovered was that overall
6 our city's water system was in pretty good shape.
7 However, there are data gaps that impede further
8 investigation, analysis, and remediation of lead in
9 drinking water.

10 For instance, survey records for every water
11 service line particularly in older neighborhoods don't
12 exist. This is, again, not unique to Nueces County. We
13 also learned that the EPA threshold level of lead in
14 drinking water, which most water systems use, is three
15 times higher than the health-based FDA standard for
16 bottled drinking water. Through open records request, we
17 discovered which zip codes in Nueces County had the
18 highest number of cases of lead poisoning in children and
19 focussed on those areas. What we found is that over
20 50 children per year ages zero to six years were being
21 diagnosed with elevated blood levels. Updated data after
22 we completed our study indicates that this trend
23 continues. There is no safe level of lead in blood. And
24 those most at risk are infants, young children, and women
25 of childbearing age. Leads cognitive effects on infants

1 and children are devastating and irreversible.

2 Many of the identified zip codes have older
3 subdivisions built before lead was banned in drinking
4 water pipes and lines. Many of these older neighborhoods
5 are home to people of color, lower economic status, and
6 the elderly, communities historically overlooked and
7 disenfranchised. It is critical to keep these
8 communities most affected by lead contamination intact so
9 that their voices are heard and not brushed aside. It is
10 vital for their health and well-being to advocate for
11 remediation. It is critical that they receive
12 information about lead exposure and simple inexpensive
13 tips for lessening their risk of exposure. It is
14 critical that existing water codes are enforced and new
15 ones implemented to protect children and women. And it
16 is vital to seek government support in addressing this
17 issue. The 87th legislative session here budgeted
18 7,100,000 for testing drinking waters in schools and
19 daycare centers. This is a start.

20 Last month the United States Senate passed its
21 bipartisan infrastructure bill. It includes a
22 \$15 billion allocation to fund lead pipe removal, half of
23 what low estimates for the cost of this removal
24 nationwide are. How this funding is spread out across
25 the nation is in the hands of the people we elected to

1 represent us. The people who are now drawing our map.

2 The proposed map for District 20 splits
3 Nueces County in half, which we believe will dilute the
4 voices of the communities of interest most impacted by
5 lead contamination and water whether this is through
6 gerrymandered, socioeconomic, racial, or other priorities
7 between districts within the same county lines. We need
8 our legislators to draw fair maps that keep our county
9 intact so that our efforts to address this issue locally
10 are not dealt a losing hand. It is imperative that
11 communities of interest, of color, lower socioeconomic
12 status, and the elderly are not marginalized and not
13 diluted. It is imperative that the voices of women and
14 children are heard. The ones most affected, not muted,
15 not overlooked, not left on the table. It is inhumane
16 that they could be on the wrong side of the street for
17 addressing this egregious issue in the same county, in
18 the same city because unfair and unjust districting drew
19 a line down the middle of their streets.

20 We appreciate this opportunity to share our story.
21 We will save our thanks for when you deliver fair maps
22 that address this issue.

23 SENATOR HINOJOSA: Thank you very much for
24 your testimony. And as you well know, in Corpus Christi
25 which I represent, you probably rather keep the

1 Corpus Christi, Nueces County area in intact?

2 MS. OLER: Yes, sir.

3 SENATOR HINOJOSA: And in the past trying to
4 address some of these issues from buried pipes, lead
5 contamination and, you know, refineries. Who have
6 beautiful beaches, but at the same time it really takes a
7 joint effort from the community, not only the community
8 leadership but also the public officials from mayor,
9 county judge, or legislators and congressional folks.

10 MS. OLER: Indeed, it does, Senator. It
11 takes -- you know, it takes a team working diligently to
12 see that things happen and that these -- these issues --
13 particularly lead and its damage, and there's 20 percent
14 of lead poisoning comes from water. And for infants who
15 are nursing or bottle fed, that can be as high as 40 to
16 60 percent.

17 SENATOR HINOJOSA: And you don't want the
18 voices to speak on behalf of the community to be split to
19 other possible officials who may not be as familiar as we
20 are with some of the issues that are very challenging to
21 our families in the Corpus Christi area?

22 MS. OLER: Absolutely. Absolutely.

23 SENATOR HINOJOSA: Senator Zaffirini would
24 like to ask you some questions.

25 SENATOR ZAFFIRINI: Yes. Thank you,

1 Mr. Chairman. Ma'am, don't you think it would be some
2 advantage to Nueces County being represented by two
3 senators?

4 MS. OLER: I think, again, it's about
5 cooperation. And what we have intact, we have, I think,
6 a person who can speak for us particularly in the senate
7 district. This also means that they get undivided
8 attention because most of these -- or both, District 20
9 and I believe it's 27, Senator Lucio, that their primary
10 populations are further south in the Rio Grande Valley,
11 and so I don't -- I won't say that we are an afterthought
12 because that's not true, but I think that the divided
13 effort to get this initiative going to make sure that
14 whatever money is available that can address this really
15 important health factor in Nueces County.

16 SENATOR ZAFFIRINI: Thank you. My
17 understanding is that Nueces County has a very strong
18 community of interest with surrounding counties
19 including, for example, San Patricio, Bee, Live Oak, and
20 McMullen. What others counties -- or do you agree with
21 that assessment, first of all?

22 MS. OLER: It's a very close connection
23 simply, you know, because of the port that's there, the
24 fourth largest in tonnage in the United States and
25 because of the petrochemical industry that is there and

1 continues to grow. And particularly with San Patricio, I
2 think it's very, very important, that connection, I mean,
3 we are next door neighbors. There -- because of the
4 tremendous growth that has happened particularly in
5 San Patricio County, housing, you know, has really sprung
6 up, and so there is -- there is -- it's burgeoning there
7 in terms of the population, although that's not
8 necessarily reflected in the growth, 13 percent, I
9 believe, around 13 percent growth in population over the
10 last decade, which -- although I -- it makes me wonder if
11 that was undercounted because of all of that, the growth
12 in those industries that brought people in.

13 SENATOR ZAFFIRINI: I see. So if you were
14 drawing this map, with what counties would you link
15 Nueces County?

16 MS. OLER: Those that have that -- that share
17 similar interests.

18 SENATOR ZAFFIRINI: Specifically?

19 MS. OLER: Specifically, primarily -- first
20 and foremost being a coastal community. There are issue
21 that coastal communities experience that those further
22 inland don't, particularly those that are further afield.
23 We know -- you know, when we look at what is your
24 foundation? What is your bedrock? Well, in
25 Nueces County and other coastal communities, it's

1 certainly not something like limestone. It's sand and
2 it's clay and, of course, water. I mean, those are
3 defining factors of the environment that shapes those
4 communities -- those coastal communities.

5 SENATOR ZAFFIRINI: But you don't have any
6 counties to name?

7 MS. OLER: You know, if we were to go further
8 south, I think that's certainly not more inland. It's
9 really -- in this current map, it has a small corner of
10 San Patricio, and that's it, that's included in
11 District 20. That seems a very small snippet to -- to
12 remove from that relationship with the greater part of
13 San Patricio. Keeping -- you know, keeping,
14 Nueces County intact, I guess we have to say we were
15 flabbergasted by having it broken apart because we felt
16 like it -- you know, it had good representation, and it
17 had commitment from city officials and county officials
18 to -- to work hard to make Nueces County -- make it and
19 guide it -- in -- in staying the very vibrant county that
20 it is, the very vibrant city that Corpus Christi is, with
21 Corpus Christi being the largest city in -- in the
22 South Texas region.

23 SENATOR ZAFFIRINI: Thank you. I know you
24 have a very excellent senator who represents you, very,
25 very aggressively and effectively.

1 MS. OLER: We do.

2 SENATOR ZAFFIRINI: Thank you, ma'am.

3 Thank you, Mr. Chairman.

4 MS. OLER: Thank you.

5 SENATOR ZAFFIRINI: Thank you.

6 SENATOR HINOJOSA: Just a quick point. The

7 county -- the map as proposed does not split

8 Nueces County in half. It takes about 17 percent to

9 allow a sliver to go up north to San Patricio. But we as

10 a committee appreciate you making time to travel from

11 Corpus Christi to come and testify before the committee,

12 and we appreciate your comments.

13 MS. OLER: Thank you very much. We do

14 appreciate the opportunity. I know this was a little bit

15 different because it's about a specific issue, but one,

16 as I said, that applies to many, many other counties in

17 the state of Texas. Thank you again.

18 SENATOR HINOJOSA: Thank you. Next we have

19 Nina Perales, vice president of litigation, Mexican

20 American Legal Defense and Educational Fund, known as

21 MALDEF. Just identify yourself, who you represent and

22 then you may proceed.

23 MS. PERALES: Thank you very much. Before I

24 begin, I have written testimony for the committee that my

25 colleague Ms. Fatima Menendez is providing now.

1 SENATOR HINOJOSA: It will be passed out by
2 the clerk.

3 MS. PERALES: My name is Nina Perales. I'm
4 the vice president of litigation for MALDEF, the Mexican
5 American Legal Defense and Educational Fund. I'm not
6 going to spend a lot of time -- good morning to the
7 committee members. I'm not going to spend a lot of time
8 going over what is in my written testimony, but I will
9 touch on those points briefly and then address three
10 issues that have come up during the discussion with
11 witnesses who preceded me.

12 My testimony today is intended to assist the
13 committee in adopting redistricting maps that comply with
14 the Federal Voting Rights Act and the U.S. Constitution.
15 The committee has already heard extensively regarding
16 Latino population growth in Texas over the past decade.
17 Texas population increased by just about 4 million
18 people. Latino -- the Latino share of that was about
19 50 percent, so half of the growth in Texas is Latino. By
20 contrast, this almost 2 million Latino growth was
21 accompanied by a growth in the Anglo population of less
22 than 200,000. And the Anglo population contributed to
23 only 5 percent of Texas population growth over the past
24 decade. Latinos are almost the most significant
25 component of Texas's expanding electorate. Among those

1 turning age 18 last year in Texas, just under half were
2 Latino young individuals.

3 I'd like to make a point that wasn't made by other
4 witnesses today which is that some of what we are seeing
5 in our examination of census data suggests that there was
6 a significant undercount in the Latino community in
7 South Texas and in other places. My written testimony
8 explains this a little bit more. But the short version
9 is that when you look at the American Community Survey,
10 which is the U.S. Census Survey that provides estimates
11 of all population, we see that places where Latinos are
12 the most numerous have an unexpected 2020 census count
13 compared to the American Community Survey. The American
14 Community Survey is older. It's from earlier in time.
15 It should lag behind 2020 census results particularly in
16 places where Latinos are living. And, unfortunately,
17 what we are noticing in the data is that in places, for
18 example, like South Texas, two-thirds of the counties in
19 South Texas population is lagging behind ACS. So the
20 2020 census numbers are lagging behind the ACS instead of
21 the other way around. That is also true for 8 of the
22 14 counties in Texas that touch the U.S. Mexico border.
23 If you look at the other end where the 2020 census is far
24 outstripping ACS, none of those top 15 counties are
25 Latino.

1 Why does this matter? Why does an undercount
2 matter. Obviously, it matters a lot for the communities.
3 It has a lot to do with receiving resources from the
4 government. But particularly with respect to
5 redistricting, we believe that this evidence of an
6 undercount suggests that if you are drawing Latino
7 majority districts or Latino districts -- districts in
8 areas where Latinos are very numerous, it may make sense
9 to tolerate a greater degree of under population as to
10 the ideal than, for example, in another area. So I
11 wanted to make that point for you.

12 Specifically with respect to the Senate Map S2108,
13 that is the senate map that was released last evening.
14 We spent a great deal of time last night and the wee
15 hours of the morning examining the map. We don't have a
16 completed analysis, but we do want to note a concern
17 regarding Senate District 19. Senate District 19 sees a
18 decrease in its Latino voter registration from
19 54.6 percent to 49.9 percent. That is a concern when you
20 have a significant drop in Latino voter registration.
21 This reduction is not accompanied by an increased Latino
22 opportunity elsewhere in the region such as the creation
23 of a new Latino opportunity senate district in
24 South Texas. So that makes it even more concerning that
25 there's this drop in Latino voter registration.

1 Finally, proposed Senate District 19 is also
2 extremely non-compact without an apparent justification.
3 I have a couple of points related to the State Board of
4 Education map, which I don't believe any previous
5 witnesses have addressed, and that is a concern regarding
6 District 3 in the proposed plan. District 3 in the
7 proposed map reduces Latino voting strength. It
8 decreases Spanish earning voter registration from
9 60 percent to less than 50 percent. It also decreases
10 Latino voter turnout for the 2020 general election from
11 56 percent to 44 percent. The proposed District 3 also
12 decreases the vote share of Latino candidates by an
13 average of 7 percentage points. For example, the vote
14 share for candidate Lupe Valdez in the 2018 governor's
15 race dropped from 57.4 percent, which most incumbents
16 would acknowledge is a fairly healthy number, to only
17 50.8 percent for Lupe Valdez in that district. I don't
18 believe a 50.8 percent win is something that anybody here
19 would be comfortable with for themselves.

20 Latinos and other people of color have lead the
21 effort for fair redistricting in Texas. My client, the
22 Texas Latino Redistricting Task Force, won a number of
23 important rulings from the courts related to the 2011
24 redistricting plans; and prior to that in an earlier
25 decade, MALDEF'S clients also won a decision -- in both

1 of these cases, they were decisions of the U.S. Supreme
2 Court. In 2006, a decision from the U.S. Supreme Court
3 that congressional District 23 violated the Voting Rights
4 Act; and in 2018, we secured a decision from the
5 U.S. Supreme Court that Texas had unconstitutionally
6 racially gerrymandering a district in Tarrant County. We
7 urge you not to repeat the mistakes of the past.

8 I have three final points related to the discussion
9 of today. First, creating so-called race-blind maps
10 cannot protect Texas from liability under the
11 Voting Rights Act. There are a whole bunch of reasons
12 why, but I'll touch on two. First, redistricting is
13 never really race blind. Pretty much everybody here is
14 sophisticated enough to know where the Latino and
15 African American as well as Asian American population is
16 growing and concentrated. And so it really isn't
17 possible to sort of un-know so many of the things that
18 people know when they're drawing maps about people's
19 color.

20 Second, and Michael Li made this point. We are
21 seeing legislatures around the country consider not
22 turning on racial shading in GIS programs as creating a
23 type of safe harbor for them in terms of legal claims.
24 That may be something that they want to try to do with
25 respect to intentional discrimination claims, but it does

1 not protect you from claims of -- that affect vote
2 dilution under Section 2 of the Voting Rights Act. So
3 you can draw without respect to race, but if you are
4 diluting minority voting strength, there is potential
5 liability under Section 2 effect test. Even if there's
6 an effort to say, well, I can't have discriminated on the
7 basis of race intentionally because I could not see the
8 race of the people.

9 Second point is that incumbency protection plans
10 can still be illegal. Just because members sign off on a
11 redistricting plan does not make it necessarily legal. I
12 would like to point out to two rulings of the federal
13 court from the 2011 redistricting cycle secured by the
14 Texas Latino Redistricting Task Force. First, that the
15 drawing of house -- state house lines in Nueces County,
16 which was done as a sort of mutual incumbency protection
17 plan was intentionally racially discriminatory in
18 violation of the Constitution and Section 2. Similarly,
19 there were map lines drawn in Bexar County on the
20 San Antonio house districts that were also found to have
21 been intentionally racially discriminatory in violation
22 of the Constitution and Section 2 of the
23 Voting Rights Act.

24 Finally, only -- only to add a little bit of
25 clarification with respect to the case of Bartlett versus

1 Strickland, which is a U.S. Supreme Court case.
2 Michael Li was exactly right, and I have to say I had to
3 look it up, but Mr. Li knows it by heart. Bartlett was a
4 case that dealt with what was called a crossover
5 district. It was minority-minority, but it had White
6 voters in it who were crossing over and electing the
7 minority candidate of choice. The U.S. Supreme Court did
8 not say in Bartlett versus Strickland that it is illegal
9 or improper in any way to draw majority-minority
10 coalition districts. In fact, the court was really
11 distinguishing crossover districts from coalition
12 districts. And the language here I'm going to cite for
13 the committee from Bartlett versus Strickland is at
14 556 U.S. 1 at pages 13 and 14. And that's where the
15 Court says -- and it's talking about these crossover
16 districts. These are White -- you know, White majority
17 districts. And the Court says: That term risks
18 confusion with coalition district plans in which two
19 minority groups form a coalition to elect a candidate of
20 that coalitions choice. We do not address that type of
21 coalition here. The U.S. Supreme Court does not say that
22 it is improper. And, in fact, we have case law here in
23 the Fifth Circuit as Michael Li pointed out being that if
24 you have a cohesive two minority group in a district that
25 is in the majority, that certainly is getting you at

1 least part way down the road towards a protected
2 Section 2 district.

3 I'll conclude my remarks. I'm happy to take any
4 questions from the committee.

5 SENATOR HINOJOSA: Thank you. I do have
6 several questions. I know MALDEF has been a key leader
7 in litigating many of the Voting Rights Act violations,
8 but many of the decisions that -- the recent decisions by
9 the United States Supreme Court have seem to weaken the
10 Voting Rights Act to the point it seems to continue to
11 dismantle the Voting Rights Act by some of the decisions
12 that have been made. And it now allows for
13 gerrymandering, partisan gerrymandering, and both parties
14 do it. You know, democrats when they're in control do
15 it. The republicans do it when they're in control. But
16 how protected is the section dealing with intentional
17 discrimination against minorities?

18 MS. PERALES: Well, certainly, I agree with
19 you that the U.S. Supreme Court has weakened some
20 protections under the Voting Rights Act and, of course,
21 the best example of that would be the decision in
22 Shelby County, Alabama versus Holder where the Supreme
23 Court struck down the coverage formula for Section 5 of
24 the Voting Rights Act, which means practically that Texas
25 does not have to preclear its new redistricting plans

1 under Section 5. So there are places where U.S. Supreme
2 Court decisions have weakened the protections of the
3 Voting Rights Act.

4 I would say with respect to Section 2 and vote
5 dilution, whether that's intentional or not intentional,
6 but still happening in its effect, we still have very
7 strong protection under the Voting Rights Act. And we've
8 been able to litigate those successfully as we did on
9 behalf of the Texas Latino Redistricting Task Force in
10 the 2011 cycle. We are now in the attorney's fees phase
11 of the 2011 redistricting case. I did not know that we
12 would be lapped by the next census but we have been. And
13 although that might be considered humorous, what is not
14 humorous at all is the millions of dollars of attorney's
15 fees that are now being petitioned to the Court because
16 Texas enacted discriminatory maps. So even -- even if
17 not for salvaging my quality of life in the next
18 redistricting cycle, I would say that for the taxpayer's
19 pocketbook, it would be very, very important to take
20 special care to apply the Voting Rights Act standards
21 correctly.

22 SENATOR HINOJOSA: So would intentional be a
23 required element in a lawsuit under Section 2 of the
24 Voting Rights Act?

25 MS. PERALES: It is absolutely not a required

1 element. It is under the Constitution, but not under the
2 Voting Rights Act, no. We still have a very viable, very
3 present claim for affect vote dilution of Section 2 of
4 the Voting Rights Act.

5 SENATOR HINOJOSA: How would you establish
6 such a case? Would it be based on the numbers, for
7 example, here in Texas where you have 95 percent of the
8 growth due by -- 95 percent, I guess, of the growth in
9 our state population were driven by minority growth. Is
10 it just using the numbers to show intent? Many -- many
11 times the actual graph proven, I'd say I don't intend and
12 I can't remember which of the Supreme Court justices
13 said, well, intention doesn't matter. It is the result
14 that matters from the actions taken. How does -- just
15 elaborate a little on that.

16 MS. PERALES: Well, yes, I do agree with your
17 description. And, certainly, you would start with
18 information like rapid and significant population growth
19 in the state, but you would also move through additional
20 factors. Those factors are typically provided under a
21 case we refer to as Arlington Heights. But there are
22 also cases that rely on direct evidence of intentional
23 racial discrimination, including in this last most recent
24 round of redistricting where we had evidence that Texas
25 mappers were intentionally using race to dilute Latino

1 voting strengths specifically in congressional
2 District 23. And so you would start with all of those
3 factors, and it's a very holistic examination, and then
4 you would move through additional factors as well,
5 including a key point: What is the effect of the plan.

6 SENATOR HINOJOSA: Sometimes for those of us
7 who do take it very much an interest in what the
8 United States Supreme Court does and its decisions, it
9 seems to be set up a higher bar in terms of trying to
10 establish proof of violations of the Voting Rights Act.
11 Would you agree with that?

12 MS. PERALES: I agree that it is a high bar,
13 but I also agree that it can be met and it has been met
14 with respect to Texas and redistricting in three of the
15 last five redistricting cycles. We have decisions of the
16 U.S. Supreme Court finding discrimination by Texas in
17 redistricting.

18 SENATOR HINOJOSA: I'll let other senators ask
19 questions. But thank you very much for answering my
20 questions. Senator Zaffirini.

21 SENATOR ZAFFIRINI: Thank you, Mr. Chairman
22 Ms. Perales, thank you for your testimony as usual, very
23 excellent written testimony in particular. I thank you
24 for that. It's really very helpful. My first question
25 is if the senate creates a new Hispanic opportunity

1 district, what risk is there that it would interfere with
2 minority voters' ability to elect the candidates of their
3 choice in other minority districts?

4 MS. PERALES: Well, to add a Latino
5 opportunity district particularly in an area where there
6 are other Latino opportunity districts nearby or
7 adjacent, it's important to make sure that you are, in
8 fact, adding one and not simply swapping out one for
9 another. And so there has to be a very careful analysis
10 about what the effects are for Latino voting opportunity
11 in the new district as well as what the affects are in
12 the remaining or preexisting district.

13 SENATOR ZAFFIRINI: So if you were drawing a
14 Hispanic opportunity district, where would that be?

15 MS. PERALES: I don't know yet. And I think I
16 may be answering in advance of questions as well of the
17 bill sponsor, which is that we are still really carefully
18 moving through the analysis both of the original proposed
19 senate plan as well as the one that was released last
20 night. I don't have a proposal for you of a map, but we
21 would provide it as soon as we have it.

22 SENATOR ZAFFIRINI: You heard previous
23 testimony that it should be in North Texas. Are you
24 prepared to agree with that or you'll answer later?

25 MS. PERALES: I am not prepared to agree yet

1 as to the location of any additional Latino or coalition
2 district in Texas, but we are looking very carefully at
3 both districts that are Latino majority themselves as
4 well as districts in which Latino and other minority
5 voters may comprise the majority and vote cohesively to
6 elect their candidate of choice, which is protected under
7 the law.

8 SENATOR ZAFFIRINI: And we have to be so
9 careful, do we not, in defining communities of interest?
10 For example, many of us were opposed ten years ago to the
11 district -- the Senate District 21 configuration that
12 links Laredo, for example, with southeast Travis County.
13 Do you remember that?

14 MS. PERALES: I wasn't following the senate
15 redistricting as closely, Senator, so I -- I can't say
16 that I remember it.

17 SENATOR ZAFFIRINI: Well, there were people
18 who testified against that configuration and many of us
19 were very, very concerned about it, yet ten years later
20 here we are supporting that and, in fact, prioritizing
21 that because what we found through experience now was a
22 very strong community of interest that stretches not only
23 along the border for that particular district,
24 Senate District 21, but also along IH35 as the strongest
25 and most effective community of interest that was defined

1 really through IH35 from the Tex-Mexico border all the
2 way to southeast Travis County. And so people who
3 testified against it last time, testified in support of
4 it last time -- this time. So we have to be very careful
5 in analyzing community of interest and really
6 understanding there is so many aspects of it we have to
7 consider.

8 MS. PERALES: I agree, Senator.

9 SENATOR ZAFFIRINI: Thank you. In the
10 proposed map, the Hispanic voting population of
11 Senate District 19 is 59.6 percent. According to data
12 from the Secretary of State, however, Spanish surname
13 voter turnout in 2020 was 45.4 percent of the electorate.
14 How can we ensure that we do not draw districts that
15 dilute minority voters' ability to participate in the
16 electoral process in communities with Hispanic voting-age
17 populations with low Hispanic voter turnout?

18 MS. PERALES: I believe that it requires a
19 very careful analysis if you are reducing certain
20 measures that we use to look at it for Latino voter
21 opportunity, like Spanish surname voter registration or
22 Spanish surname turnout. It's very, very important to
23 analyze all of the factors that go around that in order
24 to understand whether Latino voters continue to have an
25 opportunity to elect their candidate of choice or whether

1 it has, in fact, been undermined to the point where it's
2 a Section 2 violation.

3 SENATOR ZAFFIRINI: Thank you. What do you
4 believe are the best data to examine as we consider how
5 to maximize representation for the state's rapidly
6 growing Hispanic population?

7 MS. PERALES: The courts have told us that it
8 is a very local and fact-intensive appraisal. So we can
9 look at numbers like voter registration, turnout, but we
10 also should rely heavily on -- on information that are
11 coming from local community members themselves and
12 possibly also what we refer to in litigation as
13 re-aggravated election analysis.

14 SENATOR ZAFFIRINI: Thank you. You heard
15 testimony earlier from the witness who said that based on
16 the population growth that the Senate should really have
17 more minority senators, specifically I believe he said
18 11 Hispanic senators. Do you have an opinion regarding
19 how many Hispanic senators, how many African American
20 senators that it should have based on population growth?

21 MS. PERALES: I do not because the
22 Voting Rights Act protects the opportunity of minority
23 voters to elect their candidate of choice regardless of
24 the race of that ultimately elected person. So what we
25 say at MALDEF is that if Latino voters want to elect

1 somebody who is Latino, that's great. If they want to
2 elect somebody who's White, African American, Asian,
3 purple with green spots, it is the focus is on the voter
4 and the voter's ability to elect a candidate of choice as
5 opposed to the outcome or the person sitting in the seat.

6 SENATOR ZAFFIRINI: Can you give us an
7 example?

8 MS. PERALES: I -- you know, we haven't been
9 doing the litigation for long enough. I think it's been
10 since -- our last trial was in 2017. I don't have any
11 recent election analysis by race to show preferences that
12 I could point to a specific district and say here we have
13 voters of one race in an opportunity district electing
14 somebody of another race.

15 SENATOR ZAFFIRINI: Thank you. Do you have an
16 opinion regarding the configuration of districts in
17 North Texas?

18 MS. PERALES: Under the new proposed plan?

19 SENATOR ZAFFIRINI: Yes.

20 MS. PERALES: I will note that the new
21 proposed 16 has a Spanish surname voter registration of
22 approximately 25 percent. That number would be typically
23 considered far lower than the number associated with a
24 Latino opportunity district certainly under the
25 Voting Rights Act. And we are examining carefully

1 changes to Senate District 10 because of the protection
2 of the Voting Rights Act of multiracial coalition
3 districts.

4 SENATOR ZAFFIRINI: Thank you, ma'am.
5 Thank you, Mr. Chairman.

6 SENATOR HINOJOSA: Senator Huffman.

7 SENATOR HUFFMAN: Thank you, Ms. Perales.
8 Thank you very much for being here with us today and for
9 lending your considerable expertise to this process. We
10 appreciate you being here. I just want to ask you a
11 couple of questions on just follow up on your testimony
12 because I was -- actually, I didn't -- I wasn't sure I
13 followed you or I didn't hear you completely. When you
14 were talking about the alleged undercount and then you
15 said something about we should be able to consider or
16 tolerate I think is the word you used, a lower number for
17 the ideal district. I didn't follow that. Would you
18 re-explain that to me to make sure I understand your
19 testimony.

20 MS. PERALES: Thank you for the opportunity.
21 And I'm quite sure it was because I wasn't being as clear
22 as I could have been, and I was talking too fast. But
23 generally re-districtors, persons in the legislature are
24 advised that the deviation on districts should be no
25 greater from top to bottom of 10 percent.

1 SENATOR HUFFMAN: Correct.

2 MS. PERALES: And there is often an effort to
3 try to get districts as close as possible to the exact
4 ideal population, which would be the total number of
5 Texans divided by 31. However, we believe that there is
6 enough evidence of an undercount in South Texas that when
7 looking at deviation from the ideal, not beyond the
8 10 percent to top to bottom, but let's just say within
9 that 10 percent, that it should be okay. It should be
10 tolerable to go, for example, below the ideal by
11 3 percent --

12 SENATOR HUFFMAN: Okay.

13 MS. PERALES: -- because we sincerely believe
14 as the residents do of these regions that there are more
15 people present on the ground than were captured by the
16 2020 census.

17 SENATOR HUFFMAN: Okay. Thank you for
18 clarifying that. I do understand, you know, what you are
19 saying there. My other question and I know you may have
20 addressed this in your written testimony, but I haven't
21 read it because I wanted to listen to what you have to
22 say. I can't read and sit -- sometimes I have to, but I
23 don't do my best at that. So it looks like you have some
24 concerns about Senate District 19. Do you have a
25 proposal of how to fix what you are articulating as

1 concerns?

2 MS. PERALES: We do not yet have a proposal to
3 fix Senate District 19, but if we conclude based on a
4 deeper analysis -- the initial numbers are concerning to
5 us and the shape is concerning, but we're not going to
6 say that just shape or one number is -- is definitive.

7 SENATOR HUFFMAN: Okay.

8 MS. PERALES: If as a result of our deeper
9 analysis we conclude that 19 has been, let's say,
10 retrogressed, even though we don't use that as a legal
11 standard anymore --

12 SENATOR HUFFMAN: Right.

13 MS. PERALES: -- we would propose an
14 alternative.

15 SENATOR HUFFMAN: Okay. And the same question
16 would go to SBOE District 3 that you had a concern.
17 Would your answer be the same that you would do a more
18 in-depth analysis and -- or is that in a different
19 situation?

20 MS. PERALES: I think we might be closer on
21 SBOE District 3 to concluding that there has been a
22 rather significant undermining of Latino ability to elect
23 in that district. And I believe that we are moving
24 towards making a proposal that we think would do a better
25 job.

1 SENATOR HUFFMAN: Okay. And you have talked
2 about it and I think you've mentioned, in fact, you said
3 that you're working on proposals and so forth, so I just
4 want to reiterate the process. I know you heard me say
5 but we have drawn the maps completely blind to racial
6 data, that continues to this point. I have not looked at
7 that, and then submitted that and then with the advice of
8 legal counsel been told that we were in compliance with
9 Section 2. All right. So at this point I am saying to
10 you if you disagree with that and you think that there is
11 a strong basis and evidence to show otherwise, I ask you
12 to present that to me and I will give it all the legal
13 opinion I -- I will get a legal opinion on that and move
14 forward from there.

15 MS. PERALES: Thank you for the invitation,
16 and we will take you up on it.

17 SENATOR HUFFMAN: Thank you very much,
18 Ms. Perales.

19 SENATOR HINOJOSA: Well, I think there are no
20 other questions. Thank you very much for, again, your
21 excellent testimony as always. And that's -- those are
22 all the invited witnesses, invited testimony that we
23 have. We'll now open public testimony. Each witness
24 will have three minutes per person to testify on one or
25 both bills, that's Senate Bill 4 and Senate Bill 7. I

1 will call groups of ten at a time to come down from the
2 gallery to the chamber. After testifying, please exit
3 the chamber and head back to the gallery. And as I said,
4 groups of 10. Now, sometimes I have a problem with
5 trying to read the handwriting. It reminds me of some my
6 doctors, I can never read the prescriptions. So I will
7 call Mark J. Keough, Mark J. Keough, please come down.
8 We have a Karen Bryant, Karen Bryant. We have a
9 Monica Bayarena, Monica Bayarena. We have Annell Neale.
10 Annell Neale. Sylvia Campos, Sylvia Campos.
11 David Douglas, David Douglas. Sergio De Leon.
12 Michael Evans, Michael Evans. Salman Bhojani,
13 Salman Bhojani. And Cyrus Reed, Cyrus Reed.

14 Judge, I apologize I massacred or butchered your
15 name, but you have three minutes. And please just
16 identify yourself and you may proceed.

17 MARK KEOUGH: All right. Thank you very much.
18 I appreciate you, Chairman, you allowing me to come and
19 speak and to the rest of the members, specifically to
20 Brandon Creighton, who is also my -- one of my senators
21 as well as Robert Nichols. As you know, the
22 Texas Constitution Article 3 lays out the framework for
23 redistricting, what we haven't talked much about, but
24 what we have talked about minority issues quite a bit.
25 They've added to that redistricting Voter Rights Act of

1 '65 and also conclusions from the Supreme Court.

2 So what I've heard today as I sat and listened
3 from the beginning is so much about discrimination and
4 the issue of minorities and numbers associated with those
5 requirements. But in the Texas Voter Rights Acts of
6 19 -- Texas Voter Rights Act of 1965, Article 3 of the
7 Texas Constitution and in the Supreme Court, you have a
8 number of other priorities as well in redistricting. Of
9 course, the first one is population. Certainly, you want
10 to address the issues of race, but you also have issues
11 of communities of interest and you also have county line
12 issues. It doesn't matter to me truly what race they
13 are. I represent Montgomery County, Texas, as the county
14 judge and the population census says that we are getting
15 very close to the maximum population that has been
16 required for our -- our county. As a matter of fact, in
17 the last ten years we've had 36.1 percent increase and
18 that growth really happened in the last five years, and
19 in another five years we're going to be right up to that
20 947, 78 requirement.

21 But the other element of that is communities
22 of interests. Effective representation of people, and
23 the Supreme Court said what is traditionally good
24 government criteria. What we have done in this map that
25 you are proposing is we have divided Montgomery County

1 from two senate districts into three. And in doing that
2 you have drawn two into our area of Magnolia 175, 180,000
3 in the total area surrounding Magnolia, which has a
4 distinct set of community interests as does the rest of
5 the county. And where you're drawing those from is
6 coming up from an area south of us from Harris County,
7 which has a -- which is totally different than what
8 Montgomery County is.

9 Obviously, we don't have the time, but the
10 result of all of that is is that we would suggest that we
11 don't divide it into adding two into it, but turning it
12 into one. In five years it will meet the one voice, one
13 vote rule, and Senator Creighton would be -- would be
14 perfect. He now carries most of the county to cover the
15 total amount of that county, and once he does the total
16 amount of the county, draw a little bit more in to make a
17 conclusion.

18 SENATOR HINOJOSA: I guess (indecipherable)
19 Montgomery County being divided into three senate
20 districts.

21 MARK KEOUGH: We appreciate it so much.
22 Thank you for allowing me to speak.

23 SENATOR HINOJOSA: Thank you very much for the
24 testimony, Judge, and we appreciate you coming down -- or
25 coming up to Austin from Montgomery County.

1 MARK KEOUGH: Senator Nichols, Mark Keough is
2 my name, and I am the county judge in Montgomery County,
3 Texas.

4 SENATOR HINOJOSA: I appreciate you being
5 here, and you have two great senators.

6 MARK KEOUGH: Thank you.

7 SENATOR HINOJOSA: Karen Bryant from
8 Corpus Christi, a retired school counselor. Ms. Bryant,
9 just identify yourself for the record, who you represent
10 and then you may proceed.

11 KAREN BRYANT: Thank you, Chairman Hinojosa.
12 My name is Karen Bryant of Corpus Christi. We are in
13 Nueces County, and I'm representing myself. I'm a
14 recently retired school counselor with 32 years
15 experience in Corpus Christi ISDs. I have voted for both
16 republicans and democrats in past elections. I'm here
17 today because I am concerned that the committee's
18 proposed map may racially gerrymander Districts 20 and
19 27. Now, we love our Senator Hinojosa, but our concern
20 is that splitting the map up the way it does in
21 Nueces County may be a violation of the Federal
22 Voting Rights Act, Section 2.

23 Our county has a population of 353,000 people, so
24 there is certainly no need to divide it up to meet the
25 proportionate requirements. And my big concern with it

1 is that it really chunks it into three pieces and so it
2 takes 16 precincts with the south side of affluent Whites
3 going to Senator Lucio. The central part going to you,
4 Senator Hinojosa, and then the islanders, the more
5 affluent Whites in the island going to Lucio. So it's
6 almost a three-way split for us. It does also divide the
7 city of Corpus Christi, which is a big concern because
8 of, you know, all of our unique issues. And you do a
9 great job of representing us, and I understand that
10 Senator Zaffirini's proposal that, well, maybe two
11 senators are better than one. I'm not so sure about that
12 because I've seen the committee today. But,
13 nevertheless, we are concerned that it would dilute
14 minority votes and here's why. 12 of those 16 precincts
15 are heavily republican. That's fine, but they're also
16 disproportionally White, and so then we cut that central
17 hole out of Nueces and then take a chunk of San Patricio
18 to fill that hole, well, and that piece of San Patricio
19 is disproportionately White compared to the rest of their
20 county. And they also two to one republican, which, like
21 I said, I vote republican as well. But I'm just saying
22 when we're -- it looks like we are rigging a partisan
23 advantage and kind of trying to shift District 27 red,
24 and I get that, but in the process it looks to be
25 diluting minority votes, and it looks to be targeting

1 precincts that have a heavier White population to connect
2 to District 27.

3 And I guess Senator Lucio is not here today, but to
4 me it looks like the long game is to turn that district
5 red. And, again, I mean, I know that the
6 Voting Rights Act may not specifically outlaw that, but
7 it does outlaw diluting minority votes. And so as we're
8 designing these districts, I know you're trying to, you
9 know, meet your apportionment, but to carve these out
10 when they are so blatantly nonrepresentative of those
11 minorities, I do have a concern about that.

12 SENATOR HINOJOSA: We appreciate your concern.
13 I think one of the challenges that we have is when you
14 compare the growth that's taken place on the southern
15 part of my senate district, Senator Lucio's district, has
16 been at a much faster rate than Nueces County, so trying
17 to not minimize the division in Nueces County, but at the
18 same time comply with the Voting Rights Act. It's always
19 a challenge. So we will continue to work to making sure
20 that we minimize any division of Nueces County any
21 further than it needs to be.

22 KAREN BRYANT: And, Chairman, just a -- just a
23 couple other points. My understanding of the
24 Voting Rights Act, and I'm no lawyer, is that even if you
25 didn't intentionally harm a minority, if the result is

1 harm to a minority, that's not acceptable and that's
2 illegal. So even if the maps were drawn colorblind, you
3 still have to look at the outcome.

4 The second thing is -- and my final point really is
5 we hear so much about election integrity and voter fraud,
6 and I know Attorney General Paxton has been looking and
7 looking, spent millions of dollars, tens of thousands of
8 clock hours prosecuting a handful of cases. So we all in
9 this room know that the real fraud or the real lack of
10 integrity is drawing rigged maps. And so if we support
11 election integrity, then election integrity begins with
12 fair maps.

13 SENATOR HINOJOSA: Unfortunately, every time
14 we do a redistricting every ten years, all maps we come
15 up with end up in the federal courts in litigation. But
16 we really appreciate your testimony and we appreciate you
17 taking the time.

18 KAREN BRYANT: Thank you, Chairman, and
19 thank you to all the committee members.

20 SENATOR HINOJOSA: Next, we have Monica
21 Bayarena of Corpus Christi.

22 MONICA BAYARENA: Thank you, Chairman Hinojosa
23 and committee members. My name is Monica Bayarena of
24 Corpus Christi of Nueces County, and I am representing
25 myself. I am a retired school principal, and I have

1 served the youth of the community for 31 years in
2 60 ISDs. I've always cast my vote for the most qualified
3 person in past elections, whether they be republican or
4 democratic candidates. I am here today because the
5 senate map that has been proposed divides my city, my
6 county, and my community. Corpus Christi is the
7 South Texas region's economic center. Nueces County with
8 the city of Corpus Christi at its heart is one of
9 economic focal points of the Texas Gulf Coast. We have
10 the third largest port in the U.S., leveraging commerce
11 that drives prosperity for the entire costal bend. The
12 map your committee is proposing actually divides
13 Corpus Christi by one road, carving out 16 precincts in
14 affluent areas with higher percentages of non-Hispanics
15 Whites. These precincts were clearly selected for 27
16 based on past voting patterns since 12 of the 16
17 precincts are heavily republican. The divided parts of
18 Nueces County do not represent our county's racial
19 breakdown as a whole and harm minority voters. In your
20 map that deliberately divides us, the people on the other
21 side of the road share the same school districts,
22 hospitals, transit system, colleges, malls, churches,
23 grocery stores, concerns about windstorms and insurance,
24 costal ecology and our unique coastal industries.
25 Nueces County and Corpus Christi are cohesive communities

1 and should be kept in one voting district to address the
2 community needs. Would your committee propose -- why
3 would your committee propose to break up Nueces County
4 and especially Corpus Christi? Current map proposals for
5 Senate Districts 20 and 27 will diminish the political
6 power of the Corpus Christi community, minimize the votes
7 of minorities, and will intentionally and deliberately
8 change the path for future representation.

9 Senator Hinojosa, I ask that you explain to your
10 constituents why Nueces County and Corpus Christi are
11 divided in the proposed maps. You and Senator Lucio
12 would have never allowed McAllen or Brownsville to be
13 split. Your predecessor, Senator Carlos Truan, would
14 have never allowed Corpus Christi or Nueces County to be
15 split. Chair Senator Hinojosa, Senator Lucio and
16 committee members, at this turning point in our history
17 in such a divisive time, you can define your legacy by
18 creating fair maps and restoring representative democracy
19 in Texas. Thank you.

20 SENATOR HINOJOSA: Thank you very much for
21 testimony. Every redistricting ten years -- every
22 ten years when we do the redistricting, it's extremely
23 challenging to try to put a big puzzle together, and we
24 usually will work towards trying to keep communities of
25 interest together. I really appreciate your testimony.

1 MONICA BAYARENA: Thank you for your hard
2 work, Senator Hinojosa.

3 SENATOR HINOJOSA: Annell Neale. Another
4 witness from the League of Women Voters of
5 Corpus Christi. As you can tell, they're very active in
6 our community and very active on issues that impact, but
7 not only in our community in the Corpus Christi area, but
8 the whole state. And, again, thank you for being here,
9 all of you. Identify yourself, who you represent -- who
10 you represent and please proceed.

11 ANNELL NEALE: May I take just a moment to
12 request that your mic be turned up. I am having a very,
13 very hard time hearing and understanding.

14 SENATOR HINOJOSA: I will speak closer to it.
15 Okay?

16 ANNELL NEALE: There you go. Okay. Thank you
17 very much. Good afternoon, Senators, Mr. Chairperson,
18 and members of the gallery. My name is Annell Neale and
19 I come to you today from Corpus Christi, Texas, Senate
20 District 20. I am here to speak to you regarding SB4 as
21 a concerned individual. I am a member of the League of
22 Women Voters of Corpus Christi, but I am here as an
23 individual speaking on behalf of my family, my friends,
24 and other members of my community.

25 Corpus Christi is a coastal bend community,

1 but the current proposed map not only splits
2 Corpus Christi, our community, but it separates areas
3 with common issues and priorities along the coastal bend.
4 It even splits the city of Corpus Christi along racial --
5 racial lines and areas of affluent socioeconomic members
6 of the community. While SD27 represents the largest
7 balance of the coastal bend, why does Nueces County not
8 reside within SD27? Instead it looks like an Italian
9 boot that drops down into the middle of No. 27.

10 Texas can be a leader in showing the country
11 how fair mapping can work to support and develop common
12 communities, not rip them apart. I am pleading with you,
13 our elected representatives, to please put a more
14 concerted effort into drawing fair, transparent, and
15 balanced maps. Having said this, I completely expect
16 gerrymandered districts to continue far into the future.
17 Thank you for your time and attention.

18 SENATOR HINOJOSA: Thank you very much for
19 your testimony and we appreciate you all making time to
20 come up here to Austin to testify.

21 ANNELL NEALE: Thank you.

22 SENATOR HINOJOSA: Sylvia Campos also from
23 Corpus Christi. Corpus Christi day today. Just identify
24 yourself, who you represent and then you may proceed.

25 SYLVIA CAMPOS: Thank you. Thank you so much,

1 Senator Hinojosa. Thank you. And thank you committee
2 members. My name is Sylvia Campos. I am from
3 Corpus Christi. I'm an activist, a member for the
4 Greater Good, board member of the League of Women Voters,
5 but today I am representing myself, my family, my
6 community. I recently retired as a medical biller. I've
7 been voting since I was 18 and I'm 64. So I have been
8 voting for a long time. I am served by Congressional
9 District 27, House District 34, and you, sir, Senate
10 District 20.

11 I am here to speak on SB4. No -- not one
12 redistricting map has been in compliance of the
13 Voting Act since it was passed in 1965 by President
14 Lyndon B. Johnson. I repeat, not one redistricting map
15 has been in compliance with the Voting Act since it was
16 passed in 1965.

17 The proposed map of Senate District 20 will
18 further break up my own city of Corpus Christi, which
19 resides in Nueces County. I'm asking you to please stop,
20 stop breaking up the body of Christ, as you know
21 Corpus Christi, that is what it represents. This
22 proposed map, as you told me, it's about -- goes
23 18 percent to District 27 to Senator Lucio. It actually
24 splits up my family. My family. I have my older brother
25 and nephew that will be in Senate District 27.

1 I'm asking you how much more can Latino
2 families endure. We, as you know, Senator, we were
3 stripped of our language when we entered school. We were
4 robbed of our land. Our history is being erased. All
5 this under Texas law. Now you want to strip more of our
6 voting power.

7 Democrats and republicans have both been guilty of
8 this. You turn your backs now on the obvious and
9 documented racism of the past and refuse to rubber stamp
10 racist maps. I'm just here to remind you that we're
11 people, real people with families with real problems.
12 We're the ones that have the highest uninsured. Our area
13 has been taken over by heavy polluting industry. It
14 needs to stop. Okay. It needs to stop.

15 In conclusion, I'm asking you, the body, to keep
16 Nueces County intact. Find a way. I know you can. I
17 know you will. I have faith. I am grateful for your
18 time. Please continue to have an open and transparent
19 process. Thank you so much.

20 SENATOR HINOJOSA: Thank you. Thank you very
21 much. We really appreciate your testimony and your
22 comments. They are very important to us and we will
23 continue working on the maps. Thank you. Have a safe
24 trip back to Corpus Christi.

25 SYLVIA CAMPOS: Thank you. And may the League

1 continue to grow.

2 SENATOR HINOJOSA: Next we have David Douglas.
3 Douglas. Just identify yourself and then you may
4 proceed. You have three minutes.

5 DAVID DOUGLAS: Thank you. I'm David Douglas.
6 I'm testifying on my own behalf. I've lived in Austin
7 since the mid-1950s, to date myself, except for a couple
8 of years when I went up the road to Baylor Law School.
9 For the last 21 years, I've lived in Southwest Austin.
10 My Senate District is 25. Except for my State
11 representative, all of my elected representatives live
12 away from here with the exception of one of our U.S.
13 senators.

14 Most of the population growth, as you've heard
15 since the last redistricting, has been with people of
16 color, centered in and around urban communities, many of
17 them. Some areas of the map before you that I have read
18 indicate that there is significant major populations
19 around Fort Worth, Dallas, Harrison, Fort Bend, Travis
20 and Houston counties, Coastal Bend are minorities that
21 are negatively affected by the map.

22 What's the purpose of splitting up diverse
23 communities into multiple districts drawing them from
24 counties that far away, that are nondiverse, or rural?
25 The effect is dilution of minority votes. The phrase

1 divide and conquer seems to fit here or cracking.
2 Districts should be shaped by communities of interest,
3 not by the party's chance of winning. Why not use a
4 concept of fundamental fairness of the people's votes on
5 uniform, reflected interest of communities in which they
6 live. I ask you to, when the time comes, please not
7 approve the maps as written. I'm not an expert in
8 redistricting. I'm here as a voter, a citizen and just
9 asking that you take that into mind. And I thank you for
10 your time.

11 SENATOR HINOJOSA: Thank you very much, and
12 we -- Mr. Douglas, we appreciate your testimony. Next we
13 have Judge Sergio De Leon, Tarrant County. Just identify
14 yourself, who you represent and then you may proceed,
15 sir.

16 SERGIO DE LEON: Yes, sir. Senator, it's
17 great to see you in person and not on a Zoom camera. So
18 it's an honor to be here on the floor. Good afternoon,
19 my name is Sergio De Leon, and I'm appearing on behalf of
20 myself. I am justice of the peace for Precinct 5 in
21 Tarrant County where I have been elected since 2012.
22 Before serving as JP, I served as council for the same
23 precinct for 12 years. I'm here in a strong opposition
24 to Senate Bill 4, the proposed senate map.

25 Precinct 5 is Tarrant County's Hispanic

1 opportunity precinct where voters have consistently
2 elected the Hispanic candidate of choice in both JP and
3 council elections. Bot the council and myself are
4 Latino. The precinct includes Fort Worth's historic
5 north side communities, downtown Fort Worth, parts of
6 west Fort Worth and Fort Worth south side neighborhoods.
7 Just days ago, I testified before this committee and
8 called on you to and other members to ensure Texas SD10
9 remain an effective district where Hispanic and African
10 American voters could come together to elect a candidate
11 of their choice. I described to you the demographic
12 makeup of my district and the underlying legislative
13 district which includes SD10. I said any adjustments
14 that need to be made to SD10 should maintain the core of
15 its current district and take into minority populations
16 that are in the far southeast portion of Tarrant County.
17 Clearly, this request and requests made by numerous
18 witnesses from Tarrant County were blatantly ignored.
19 The proposed senate map fractures my constituents who
20 mostly reside in SD10 and will place them in two separate
21 senate districts where they will be unable to elect
22 candidates of their choice. And with respect to the
23 latest map that was proposed, there's no communities of
24 interest with Fort Worth in those rural communities; and
25 to put that into some context for you, Senator,

1 inner-city Fort Worth Hispanics do not tend to cattle.
2 They don't cut hay or gather at the feed store. We work
3 two to three jobs, meet up at the Fiesta supermarket and
4 Tacorias. To the north, the historic north side
5 community, the proposed map would take over 76,000 of my
6 constituents that were previously in SD10 and place them
7 in Anglo-controlled SD9 where Tarrant County's suburban
8 neighborhoods would elect the candidate to the Texas
9 senate. This portion of my precinct has an -- Hispanic
10 voting-age population that is 56 percent. To the south
11 and south side neighborhoods, the proposed map would take
12 over 47,000 of my constituents, 62 percent of which are
13 Hispanic according to the American Community Survey and
14 dilute their votes by combining this community with
15 Parker and Johnson counties which are over 80 percent
16 White.

17 I'll just conclude by saying the federal court
18 found similar efforts to dismantle SD10 in 2011 illegal
19 and intentionally discriminatory. Cracking
20 Tarrant County's minority's populations and diluting our
21 vote with rural and suburban voters is a violation of the
22 Voting Rights Act and the U.S. Constitution. And I ask
23 this committee and the Texas Senate to do the right thing
24 and kept -- keep SD10 intact.

25 SENATOR HINOJOSA: Senator Zaffirini.

1 SENATOR ZAFFIRINI: Judge, in your testimony,
2 you described how the area you represent as being
3 fractured and seems to be divided into two under the
4 proposed map. Could you expand how the impacted area is
5 affected by this map?

6 SERGIO DE LEON: Absolutely. The north side
7 would be put into my -- my look at the map in SD9, which
8 would run out to -- to the inner city, and so you're
9 really taking out the core of the Hispanic population,
10 which makes up Fort Worth, which is used to voting in
11 conjunction with south side Fort Worth to elect a
12 candidate of their choice.

13 SENATOR ZAFFIRINI: Are communities of
14 interest being divided in the process?

15 SERGIO DE LEON: Absolutely.

16 SENATOR ZAFFIRINI: Do you believe that this
17 map would give Tarrant County Hispanic residents the
18 opportunity to elect candidates of their choice?

19 SERGIO DE LEON: Absolutely not. It's just
20 the opposite. Again, you're taking out what is
21 considered the entire Hispanic population of Fort Worth
22 in the south and north sides and dispersing them into
23 different districts, and in by doing so, putting them
24 into districts where they have nothing in common with
25 suburban or rural communities.

1 SENATOR ZAFFIRINI: Do you believe that
2 Senate District 10, for example, could be redrawn by
3 impacting only the surrounding districts and not
4 necessarily the entire state?

5 SERGIO DE LEON: Yes.

6 SENATOR ZAFFIRINI: How would you do it?

7 SERGIO DE LEON: Just keep it intact as it is.
8 It's to make sure that it's a minority coalition
9 district, which it has been for the past decade.

10 SENATOR ZAFFIRINI: Thank you. Thank you,
11 Mr. Chairman.

12 SENATOR HINOJOSA: Thank you, Judge, for being
13 here and taking the time to come and testify.

14 SERGIO DE LEON: Thank you. Take care.

15 SENATOR HINOJOSA: Next we have Michael Evans,
16 Mayor of Mansfield. Mayor, just identify yourself, who
17 you represent and then you may proceed.

18 MICHAEL EVANS: Thank you. Mr. Chairman and
19 committee members, my name is Michael Evans, and I'm
20 testifying on behalf of myself and against Senate Bill 4,
21 the proposed senate map. I come before you as the first
22 African American ever elected as mayor of the city of
23 Mansfield and as a pastor of the 151-year-old Bethlehem
24 Baptist Church, the oldest African American Church in
25 Tarrant County.

1 I'm here today to express my shock and extreme
2 displeasure after seeing the proposed state senate map.
3 For two decades now, Mansfield has been entirely
4 contained within Senate District 10 where our growing
5 minority population has increased in its ability to elect
6 our candidate of choice. Our city line holding within
7 current Senate District 10 acknowledges a natural
8 community of interest with other nearby minority
9 neighborhoods, especially East Arlington and Southeast
10 Fort Worth. In fact, many of my church congregants live
11 in Arlington and Fort Worth but worship in Mansfield.
12 These communities have shared interests, shared values
13 and common concerns and unite, organize, and mobilize to
14 elect our candidates of choice. That's what we did in
15 Senate District 10 in 2018 to elect our Senator Beverly
16 Powell. We've done it in time and time and time again in
17 other important races.

18 District 10 is firmly established as a
19 minority coalition, a crossover district where its
20 citizens are protected by the Voting Rights Act and the
21 U.S. Constitution. The proposed map intentionally,
22 unnecessarily, and illegally destroys the voting strength
23 of minority citizens and the citizenry of Mansfield.
24 Your proposed map splits my beloved city into two senate
25 districts and intentionally dilutes the voting strength

1 of our city and in particular African American and
2 Hispanic residents by submerging each part into
3 Anglo-ruled dominated districts where minorities have
4 zero influence.

5 The current population of Mansfield in Tarrant
6 County is 72,607 people. You took 41,551 of those people
7 and cracked them into that jagged billy club portion of
8 SD22 and that portion that jumps into Tarrant County from
9 the south, but is anchored in a district that runs south
10 of Waco. The remaining 30,056 Mansfield residents are
11 cracked into new SD10, but submerged in a district
12 dominated by Anglo voters in Johnson, Parker and now
13 other rural counties of record of which our city shares
14 no interest. The jagged billy club that cracks the Black
15 population of Mansfield is intentionally discriminatory.
16 New SD22 now contains 65 percent of Mansfield's Black
17 population, and the new SD10 contains 35 percent of the
18 total Black population. It is, obviously, intentional.
19 It is discriminatory. It is illegal.

20 And I pray that you fully understand the
21 geography and demographics of Tarrant County and that you
22 immediately reconsider your surgical decision to identify
23 and undermine minority voters. Do not rob them of their
24 ability to elect candidates of their choice, and please
25 work diligently to unite the city of Mansfield once again

1 under the existing Senate 10 boundary and that boundary
2 alone. Thank you very much, Mr Chairman, for giving me
3 this opportunity to speak before you.

4 SENATOR HINOJOSA: Thank you very much for
5 your testimony. I think Senator Zaffirini may have some
6 questions.

7 SENATOR ZAFFIRINI: Thank you, Mr. Chairman.
8 Mayor, you mentioned a growing minority population in
9 your city. Could you describe how Mansfield has changed
10 in terms of demographics over the last decade?

11 MICHAEL EVANS: Without a doubt, ma'am.
12 The -- the minority -- the minority participation as well
13 as the minority population has all but doubled in the
14 city of Mansfield in the past decade as has the
15 population of our city, so we continue to grow.

16 SENATOR ZAFFIRINI: Thank you very much. You
17 said something interesting about shared interests with
18 communities in Southeast Fort Worth and Arlington. Could
19 you expand upon how these interests and how these
20 communities work and vote together?

21 MICHAEL EVANS: Yes, ma'am. When we talk
22 about shared interests, we're talking about an interests
23 in housing. We're talking about interests in
24 transportation and infracture. We're talking about
25 interests in a public education and equity in our local

1 schools and school districts. That's what we're talking
2 about. And that's what we share as urban and suburban
3 communities of choice.

4 SENATOR ZAFFIRINI: Thank you so much. How
5 would Mansfield being divided into two districts with
6 clearly a rural influence impact your representation in
7 the Texas Senate?

8 MICHAEL EVANS: As was mentioned in my
9 testimony, we're talking about at least 45,000, a little
10 more than 45,000 of those constituents would be actually
11 diluted by the influx of the rural communities, which
12 means to us that they would have zero influence in a
13 agrarian and rural communities, whereas, we are suburban
14 and urban. And for SD22, that juts sharply into
15 District 10 on the proposed map, we would note that we
16 would have zero influence in that particular district.

17 SENATOR ZAFFIRINI: So if you were looking at
18 the current proposed map, how would you change it for
19 District 10?

20 MICHAEL EVANS: I would leave it just as it is
21 and watch it continue to grow so that the community can
22 come together and vote for and elect the candidate of
23 their choice.

24 SENATOR ZAFFIRINI: Thank you, sir.
25 Thank you, Mr. Chairman.

1 MICHAEL EVANS: Thank you, ma'am. Thank you
2 again, Mr. Chair.

3 SENATOR HINOJOSA: Thank you, Mayor, for your
4 testimony. Next we have Salman Bhojani. Just identify
5 yourself, who you represent and then you may proceed.

6 SALMAN BHOJANI: Thank you, Senator Hinojosa
7 and respective members of this committee. My name is
8 Salman Bhojani, and I'm a former city council member and
9 mayor pro tem of the city of Euless, but today I am
10 representing myself.

11 The 2020 census has shown us that Texas is
12 more diverse than it has ever been. With 95 percent of
13 the growth in the populations of African American,
14 Latino, and AAPI communities. And a fair map should
15 reflect the diversity of our great state. The proposed
16 maps and most recent amendment do not allow a new
17 opportunity district. In the Dallas-Fort Worth area,
18 specifically Tarrant County where I live, the proposed
19 maps fracture the vote by packing and cracking our
20 communities. This committee should comply with the
21 Voting Rights Act by not allowing this inherently
22 discriminatory maps to proceed as they are. The
23 communities of color should have the opportunity to
24 choose the candidates of their choice, not the other way
25 around.

1 Where I live, the Asian population in
2 Tarrant County grew by 56 percent. Within my
3 Asian American communities of interest, we have shared
4 cultural characteristics, countries of origin, languages,
5 and socioeconomic status. In short, we live, eat, shop,
6 play, learn, work, and worship together. We deserve to
7 vote together because it's essential that we advocate
8 together. I'm a former Euless city council member and
9 understands how an elected official can easily serve
10 their constituents in a geographically contiguous map
11 with similar needs. So I can think of no good reason why
12 cities like Euless with only 60,000 residents should be
13 split between multiple districts.

14 I'm an immigrant, and in some ways my story is
15 an example of how when communities come together,
16 anything is possible. I came to this country with almost
17 nothing except a belief that if I worked hard I could be
18 successful. As a young adult, I made \$6 an hour and
19 worked three jobs to make ends meet. I found my
20 community in North Texas and in the DFW area. Gradually
21 I saved enough to own my business, and I put myself
22 through college and law school, eventually working for a
23 large law firm and now owning my own law firm. When I
24 ran for Euless city council, my campaign was considered a
25 long shot against extremist forces. These groups tried

1 to label me as different, as an outsider, but we won. We
2 had good ideas and practical solutions. The community
3 came together to support me, and I made history by being
4 the first minority ever to be elected to the Euless City
5 Council.

6 Coming back to these maps, by breaking up the
7 these cities like Euless, these proposed maps serve to
8 further divide and dilute minority voices and votes.
9 Further, they cause cities like Euless to have to contact
10 different state representatives, state senators in order
11 to coordinate limited resources, which is an inefficient
12 use of taxpayer dollars and official's time. I currently
13 reside in Euless in Senate District 9, which based on the
14 2020 census data has grown to 61 percent of the people of
15 color. And these proposed maps have been redrawn to
16 include less than 50 percent of the people of color.
17 These proposed maps are splitting and erasing our voices
18 district by district, and I cannot sit and be fine with
19 our voices being marginalized.

20 I testified earlier this year about Euless
21 being split into two different senate districts.
22 Unfortunately, this committee completely ignored my
23 testimony and split Euless in three different senate
24 districts. They intentional fracturing of --

25 SENATOR HINOJOSA: Wrap it up, please. Your

1 time is up.

2 SALMAN BHOJANI: Thank you so much for your
3 time. I really appreciate that you allowed me to say my
4 opinion. Thank you.

5 SENATOR HINOJOSA: Thank you very much. We
6 appreciate your testimony.

7 SALMAN BHOJANI: Thank you.

8 SENATOR HINOJOSA: Before the next witness
9 comes up to testify, I will call the next group of ten
10 witnesses. It will be Roselei Belos, Roselei Belos. It
11 will be Christian Urbano. And I apologize if I mess up
12 some of the names, some of this handwriting is very
13 difficult to read. Christian Urbano. Jose Opena,
14 Jose Opena. Kelly Nguyen, Kelly Nguyen. Elizabeth Beck,
15 Elizabeth Beck. Felipe Gutierrez, Felipe Gutierrez.
16 Khanay Turner, Khanay Turner. Adrian Kaiser, Adrian
17 Kaiser. Steven Weintraub, Steven Weintraub. And
18 Sarah Chen, Sarah Chen. Mr. Reed, just identify
19 yourself. You know the process and you may proceed.

20 CYRUS REED: I do know the process.

21 Cyrus Reed here representing the Lone Star Chapter of the
22 Sierra Club for the very first time ever testifying on a
23 senate redistricting map. We are opposed to the current
24 version of SB4. We do appreciate the fact that the maps
25 were released with enough time to look at them. That

1 being said, we were very disappointed to learn of the
2 amendment last night, which really didn't give the
3 public -- I know I haven't looked at it carefully -- a
4 chance to look at the map. And I would urge
5 Senator Huffman to have an additional hearing to allow
6 people more time to look at that map.

7 You are probably wondering why Sierra Club is
8 talking about maps. Well, it's because we have 30,000
9 members throughout Texas. They tend to be very civically
10 involved. They tend to vote in high numbers. They tend
11 to vote democratic, but we do have independents and
12 republicans, but they are interested in communities of
13 interest. They are interested because they care about
14 things like flooding and water quality and air quality,
15 climate change, and those tend to have geographic
16 focuses. And so keeping communities of interest together
17 is -- is very important.

18 And so I do have written testimony I -- I put
19 in the portal and I have copies here, but I won't read
20 it. I was going to concentrate on just a few areas of
21 the state, and I was going to specifically mention
22 Senate District 10 and Tarrant County. And, again, I
23 haven't looked closely at the -- at the new proposed map,
24 but even looking at this proposal, the fact that we would
25 turn Senate District 10 and turn what's really an urban

1 district into one that becomes more rural, means that
2 community of interest doesn't really make sense. And I
3 say that in regards to air quality plans. I'm looking
4 over at Senator Hancock, I mean, those are -- those are
5 issues that are of interest to Tarrant County, but may
6 not be to Parker and Johnson, that's an example. I'm
7 thinking about flooding.

8 So without going into race or party politics,
9 it -- it just doesn't make sense. Similarly the idea of
10 putting all -- I'll call it tentacle or fajita of
11 Senator Birdwell -- You know, Senator Birdwell, I respect
12 very much, but it doesn't make sense to have his district
13 go up into Tarrant County. So that's one area I'd point
14 out. The other two areas I will mention very quickly is
15 Nueces County. I do believe given hurricanes and
16 flooding, it doesn't make sense to split it up in the way
17 it's split up. There's a reason to keep the City of
18 Corpus and the coastal areas together and not split them
19 up between several districts. And I would have similar
20 comments on Fort Bend County. And, again, I would urge
21 you to look at those environmental implications,
22 hurricanes, floodplains, and keep districts contiguous.

23 I do have written comments, but with
24 respect -- out of respect for your time, I will finish
25 there and I'm happy to answer any questions.

1 SENATOR HINOJOSA: Thank you very much,
2 Mr. Reed, for your testimony.

3 CYRUS REED: Thank you.

4 SENATOR HINOJOSA: Next we have Roselei Belos.
5 Ms. Belos is testifying against Senate Bill 4. Just
6 identify yourself and who you represent.

7 ROSELEI BELOS: Hello. My name is Roselei
8 Belos, and I'm here representing OCA Greater Houston.
9 First, I would like to express my gratitude to you all
10 for giving me the opportunity to speak today. I hope
11 that this committee will continue to hold in-person and
12 virtual hearings to allow public input from the entire
13 state. The census showed that 95 percent of all growth
14 in Texas occurred in the African American, Latino, and
15 AAPI communities. As we know, Texas is rich in diversity
16 and any fair amount must reflect the diversity of our
17 state. However, the current draft maps do not allow any
18 new opportunity districts. This is based on census
19 number in metroplexes like Houston, Dallas, San Antonio,
20 and Austin. Instead, our draft maps pack and crack our
21 communities and dilute our votes. I urge this committee
22 to comply with the Voting Rights Acts and respect the
23 reality of the new census. Allow people of color the
24 opportunity to choose the candidates of their choice.

25 As a Filipino American college student and

1 organization leader living in Houston, I am informed of
2 many of the new issues AAPI communities have faced in the
3 past year and a half. Prior to the start of
4 COVID-19 -- of the COVID-19 pandemic, one of the
5 pre-health college organizations that I'm currently a
6 part of Alpha Eta Alpha based at the University of
7 Houston have partnered up with few Houston community
8 organizations and universities to provide basic medical
9 needs such as examinations and flu shots. Through my
10 volunteer work, I've seen that many marginalized
11 communities are less informed and often are the ones who
12 do not go to special doctors due to worries such as cost.
13 This experience makes me understand that equal access to
14 health resources is a human right. As someone who is
15 fortunate enough to have access to healthcare and will be
16 entering the health field, I want my community in the
17 future to have a fighting chance to get the resources
18 that we all deserve. Access to resources comes to having
19 representatives in our government who know who we are and
20 what our needs are. I urge this committee to reconsider
21 the proposed redistricting map that do not allow for a
22 new opportunity district for the AAPI community. We
23 deserve to have equal representation in our state and
24 country.

25 Finally, I would like to thank each and every one

1 of you again for your time in allowing me the opportunity
2 to speak. Thank you.

3 SENATOR HINOJOSA: Thank you very much. We
4 appreciate you making time to come and testify before the
5 committee. I think Mr. Senator Hancock has a question.

6 SENATOR HANCOCK: Actually, it is regarding
7 the previous testimony. So she can go. I just wanted to
8 comment on the testimony regarding opposition to the maps
9 regarding air quality. So I quickly turned to the TCQ's
10 website, and just for the matter of this committee, I
11 think it's important that the 2015 ARO zone standard
12 designations for area containment include in the DFW
13 area, Collin, Dallas, Denton, Ellis, Johnson, Kaufman,
14 Parker, Tarrant, and Wise counties. So if we are going
15 to use air quality as a rationale on the maps, then the
16 rationale would be that these counties all listed seem to
17 be part of that discussion, and I just want to make sure
18 I clarify that based on what was previously stated.

19 SENATOR HINOJOSA: Thank you, Senator Hancock,
20 for the information. Next we have Christian. Christian,
21 you're going to have to help me pronounce your last name
22 when you come up here. Okay. Come on up. Just identify
23 yourself, who you represent and then you may proceed.

24 CHRISTIAN URBANO: Hello. My name is
25 Christian Urbano representing on behalf of OCA Greater

1 Houston. Thank you for the opportunity to speak today.

2 I hope that this committee will continue to
3 hold in-person and virtual hearings to allow public input
4 from the entire state of Texas. The 2020 census showed
5 that 95 percent of all growth in Texas occurred in the
6 African American, Latino and AAPI communities. Any fair
7 map must reflect the diversity of our state. The current
8 draft maps do not allow any new opportunity districts in
9 the metroplexes like Houston, Dallas, San Antonio and
10 Austin. Instead, they pack and crack our communities and
11 dilute our votes. I searched this -- I urge this
12 committee to comply with the Voting Rights Act and
13 respect the reality of the new census by allowing people
14 of color the opportunity to choose the candidates of
15 their choice.

16 As an Asian American, the fastest growing
17 demographic in Texas, I want fair redistricting because
18 the quality amongst all eligible voters should be a
19 fundamental right. We need better, more responsive
20 representation and more opportunity districts for our
21 communities, including in coalition with other people of
22 color and immigrant population with similar values and
23 needs.

24 Where I live, the Asian population in
25 Fort Bend County grew by an impressive 82 percent in the

1 last decade. Based on 2020 census, the Fort Bend County
2 POC population has grown to 60.4 percent. However, has
3 been we redrawn to contain only 55.1 percent POC. The
4 data clearly shows my district is immensely diverse, but
5 redrawing has now made it ever larger and barely
6 contiguous in a clear attempt to dilute the power of
7 minority votes.

8 An issue that many people from the Asian
9 community have to deal with is racial discrimination.
10 Since the Corona Virus pandemic started, hate crimes and
11 violence against Asian Americans have drastically
12 increased due to fear and misinformation. Social media
13 and selected government officials have publicly demonized
14 Asian Americans using the scapegoat -- using the
15 scapegoat approach. Grouping people with similar traits
16 and concerns together in one district gives them a
17 stronger voice to have their issues addressed, issues
18 like the hate crimes, the violence, fear, and
19 misinformation that I discussed so far.

20 I urge this committee to hold
21 additional hearings and to create a new senate map that
22 reflects our community input and the census data as well
23 as create fair districts for U.S. Congress and Texas
24 House. In addition, please continue to allow a fair and
25 open process by providing at least 14 days for the public

1 to review additional maps, 5 days to review any changes
2 to proposed maps, keeping a record of all documents,
3 written communications, e-mails, text messages, and draft
4 maps and providing analysis of how the new maps impact
5 historically disenfranchised communities of color. There
6 are many and ongoing conflicts in our society and none of
7 them should be taken lightly. Issues within the Asian
8 American communities are no exception. Thank you.

9 SENATOR HINOJOSA: Thank you, Mr. Urbano. We
10 appreciate your testimony. Next we have Jose Opena.
11 Just identify yourself, who you represent and help me
12 pronounce your last name.

13 JOSE OPENA: So my name is Jose Opena. So I
14 am a representative for OCA Greater Houston, and I'm
15 representative for myself and I'm a representative for my
16 family and for my friends that could not come today.

17 You know, I have this whole thing written out,
18 but I think I'm just going to speak from the heart. So
19 as an Asian American, which is the fastest growing
20 demographic in Texas, I want fair districts because the
21 demographic shows that minorities are all located in one
22 specific area, which, in turn -- in turn disempowers our
23 votes and causes people of color to get unfair
24 representation. We need better and more receptive
25 representation and more opportunity district for our

1 communities including the union within people of color
2 and immigrant populations with homogenous values and
3 needs. My mother as -- was an immigrant from the
4 Philippines, and she has been working as a nurse here in
5 Texas for about 15 years. And throughout her time as a
6 nurse, she has helped treat countless patients and work
7 hand-to-hand to support my family and community. This
8 past year and a half, the COVID -- the COVID-19 pandemic
9 has shown that the dedication of nurses, like my mother,
10 are -- a disproportionate number of nurses contracted
11 COVID-19, are Filipinos, yet no one was advocating for
12 their safety. The Filipino nurses continue to support
13 and treat our community, our struggles. Creating
14 opportunity districts would give us the chance
15 representatives that would advocate for us.

16 I urge you to reconsider the redistricting map
17 and consider the growing AAPI community. Thank you.

18 SENATOR HINOJOSA: Thank you, Mr. Opena, for
19 your testimony. We appreciate your time.

20 JOSE OPENA: Thank you.

21 SENATOR HINOJOSA: Kelly Nguyen.

22 KELLY NGUYEN: Hello. My name is Kelly
23 Nguyen, and I'm hearing representing OCA Asian Pacific
24 American Advocates of Greater Houston.

25 SENATOR HINOJOSA: Let me ask you if you

1 consider removing your mask so I can hear you better.

2 KELLY NGUYEN: Oh, sorry.

3 SENATOR HINOJOSA: Just identify yourself, who
4 you represent and then you may proceed.

5 KELLY NGUYEN: Hello. My name is
6 Kelly Nguyen, and I'm here representing OCA Asian Pacific
7 American Advocates of Greater Houston. First, I want to
8 say this is my first time testifying, so I am a bit
9 nervous but excited all the same. I want to start by
10 expressing my gratitude for the opportunity to be here
11 today and speak to you all in person. And I am also a
12 part of the organization Alpha Eta Alpha, a pre-health
13 org on the campus of UH, like mentioned by Rose earlier.
14 And much like her, I want to continue and support
15 in-person and virtual hearings because I cannot emphasize
16 enough how important it is for the public to voice their
17 concerns and worries throughout the state of Texas.

18 As we already know, Texas is a very diverse
19 state. Looking at any census map of our state alone can
20 reflect this easily. For example, just last year the
21 2020 census showed us that the AAPI population has grown
22 40 percent from 2010 to 2020. Beyond that, the growth of
23 diverse communities much like the Latino, African
24 American, and AAPI, to name a few, have grown by
25 95 percent in Texas. These numbers are significant

1 especially in light of how unfairly the districts are
2 being drawn to manage these communities. These minority
3 communities much like my own are being packed and
4 crowded, which in turn reduces their power, the power of
5 their votes and subsequent voice within the government.
6 I urge the committee to take into account the revelations
7 of the new census and create better opportunities for
8 Texan minorities and make their vote count and elect
9 representatives of their choice. As an Asian American, I
10 specifically want fair districts because I want my vote
11 to weigh and count just as much a nonminority vote. I
12 want my parents' votes to count. I want all my friends'
13 and family's votes that are people of color just like me
14 to count. I want these elections to represent my
15 community well and accurately because we cannot even come
16 close to putting a price on representation, especially a
17 representation that is responsive to my specific
18 community's needs and communities like mine with
19 analogous needs and beliefs.

20 At my current residence, Fort Bend County, a
21 whopping 87 percent of substantial growth in the area has
22 been contributed to diverse communities. I know growing
23 up, I was fortunate enough to be constantly surrounded by
24 many different cultures and communities. And though the
25 cultures were rich, the opportunities were not. We lived

1 on the less affluent side of the district. The school I
2 attended did not receive a lot of funding. Corners were
3 cut to make ends meet and thus created a far from perfect
4 environment for learning. In short, the students were
5 never pushed to be academically successful. We had no
6 opportunities to advance in learning or to participate in
7 enriching clubs and organizations. School was simply a
8 mandate of the state instead of an opportunity to pursue
9 higher education and more successful futures. This lack
10 of motivation and unfavorable learning environment was a
11 product of insufficient funding due to irresponsible and
12 unfair district mapping. This is why real representation
13 matters to me. Again, I want to urge this committee to
14 create a new senate map that more accurately portrays our
15 communities' input in state affairs. Please reflect upon
16 the new census data and create fair districts.

17 Thank you again for the opportunity to be here
18 today and speak upon matters so important to my
19 community. Thank you.

20 SENATOR HINOJOSA: You testified like a pro.
21 Thank you for your testimony. Elizabeth Beck. Beck with
22 city council of Fort Worth.

23 ELIZABETH BECK: Good afternoon, Chairman, and
24 I appreciate the opportunity to testify today. My name
25 is Elizabeth Beck. I am the Fort Worth City Councilwoman

1 for District 9. I was elected along with five of my
2 colleagues earlier this year. I am here in opposition of
3 Senate Bill 4. I'm going to read to you a letter today
4 signed by myself and four other of my council colleagues,
5 which represents Fort Worth's majority-minority council
6 and make up a majority of our current nine-member
7 council, in opposition of the district's proposed changes
8 to Tarrant County senate map. I will note that this
9 letter was signed before the committee's late night and
10 untimely amendment to Senate District 10's map. While
11 some of the data may be different, our concerns remain
12 the same as to the impact to our constituents.

13 As members of the Fort Worth City Council
14 representing majority and minority districts, we write
15 with great concerns regarding the proposed senate map
16 which cracks Fort Worth's historic and growing minority
17 communities and places our constituents within senate
18 districts where their votes will be diluted and their
19 voices stifled. The City of Fort Worth is now the 13th
20 largest city in the country and the fastest growing large
21 city in America. The latest census data shows that
22 Fort Worth is a majority-minority city with only
23 37 percent of our population identifying as Anglo.
24 Together, Black, Hispanic -- Black and Hispanic residents
25 constitute nearly 500,000 of Fort Worth's 918,000

1 residents. Of Fort Worth's nine council seats, five are
2 majority-minority where Black, Hispanic and Asian
3 American voters unite to elect a candidate of their
4 choice. Majority-minority representatives now make up
5 the majority of the members of city council. Under the
6 proposed state senate map, our constituents would be
7 greatly harmed and unable to elect candidates of their
8 choice to the Texas Senate. Currently most of our
9 constituents reside in Senate District 10. District 10
10 is a prime example of an effective coalition crossover
11 district where varying minority communities have proven
12 their ability to unite and elect candidates of their
13 choice. The last election cycle, our constituents in
14 Senate District 10 have resoundingly come together to
15 elect Beverly Powell to the Texas Senate and supported
16 candidates in races from the president to attorney
17 general and their county sheriff. The proposed map
18 intentionally and effectively eliminates this ability by
19 fracturing minority neighborhoods and placing our
20 constituents into Anglo-dominated districts. One of
21 these districts, reconfigured District 10 where the
22 current minority voters are diluted by being added to
23 predominantly White rural Parker County and Johnson
24 County. The other is reconfigured District 9 where the
25 minority voter of Fort Worth are fractured from

1 District 10 and attached to Anglo-dominated suburban
2 communities.

3 I ask that you amend this map and put Senate
4 District 10 back to where it is today. Thank you.

5 SENATOR HINOJOSA: Senator Zaffirini.

6 SENATOR ZAFFIRINI: Thank you, Mr. Chairman.
7 Ms. Beck, in the areas of Fort Worth that are being
8 divided, could you please expand upon the demographics
9 and the unique community characteristics that you believe
10 this community should know about?

11 ELIZABETH BECK: Sure. Two of the biggest
12 divides that we see in this new map are between the
13 historic north side of Fort Worth, which has a large and
14 very vibrant Hispanic community, and the south side of
15 Fort Worth, which I have the pleasure of representing,
16 that also has a very large and vibrant Hispanic
17 community. They will now be separated into two senate
18 districts. Likewise, we have a very long-standing
19 historic tight-knit African American community in West
20 Fort Worth of Como, and that will now be separated from
21 our Black residents in the east side of Fort Worth in the
22 Lancaster corridor.

23 SENATOR ZAFFIRINI: Thank you. In your
24 opinion, could someone from Fort Worth be elected to
25 Senate District 10.

1 ELIZABETH BECK: Absolutely not.

2 SENATOR ZAFFIRINI: Thank you. Thank you,
3 Mr. Chairman.

4 SENATOR HINOJOSA: Thank you for your
5 testimony. Felipe Gutierrez.

6 FELIPE GUTIERREZ: Good afternoon. I have
7 written testimony I'd like to submit as well. Hello. My
8 name is Felipe Gutierrez from Fort Worth, and I'm here in
9 opposition of Senate Bill 4. I am representing myself.

10 I'm a long-time resident of Texas
11 Senate District 10 and have been actively engaged in
12 advocating for unique diverse -- for the unique and
13 diverse district that this is. I have always advocated
14 that Senate District 10 remain intact so that Latino,
15 African American, Asian American voters can continue to
16 come together to elect our candidate of choice.

17 I drove to Austin in 2011 to testify against a
18 proposed senate map that would dismantle Senate
19 District 10, as the map that you've currently proposed
20 will do again. Thankfully, a federal court ordered
21 Senate District 10 to be restored and our powerful
22 coalition has continued to unite to elect candidates of
23 our choice ever since. Under the proposed map, I would
24 be drawn -- I would be drawn out of Senate District 10
25 and placed into an Anglo-controlled Senate District 9,

1 which would be dominated by White suburban areas in the
2 northern portion of Tarrant County. My vote and the vote
3 of so many others Latino Texans who call Senate District
4 10 home will be silenced under this proposal. As I look
5 at the map, the attempt to tear apart Tarrant County's
6 historic Latino communities that work together is
7 evident. The entire north side is cracked and placed in
8 Senate District 9, and the south side Hispanic
9 communities are no longer able to unite with their
10 neighbors to the north and vote as a coalition to elect a
11 candidate of our choice to the Texas Senate. The Latino
12 community in Tarrant County is not only -- is not the
13 only community of color that is fractured in this map.
14 Fort Worth's large and historic African American
15 communities will have their votes diluted by being drawn
16 into eight rural counties as of late last night, which
17 are predominantly White, and reject the minority
18 candidates of choice. As a long -- as a strong believer
19 in building coalitions where communities of color can
20 come together to elect candidates who will represent our
21 shared values and interests, this map intentionally tears
22 apart this coalition by diluting our shared voices with
23 White rural voters. This is discriminatory and
24 intentional. I stand before you just like I did in 2011
25 with the warning this map violates the law. The

1 committee and the Chair must immediately act to remedy
2 the same mistakes that you made in 2011. Moving forward,
3 with this proposed map will be seen as a direct attack on
4 a growing voting strength of minority communities in
5 Tarrant County, which no longer is the minority. In
6 fact, White population in Tarrant County has decreased
7 in -- since 2010, and the response was to eliminate the
8 only senate district where African American, Latino
9 communities could come together to elect our candidate of
10 choice.

11 So members of this committee,
12 Chairman Hinojosa, Senate District 10 must be restored
13 and our communities of color must have an opportunity to
14 continue to unite behind a candidate of our choice.

15 SENATOR HINOJOSA: Senator Zaffirini.

16 SENATOR ZAFFIRINI: Thank you, Mr. Chairman.
17 Mr. Gutierrez, you testified not only earlier this year
18 but also ten years ago and now again. We thank you for
19 being so involved in the process and for your expertise.
20 You also referenced a coalition that comes together in
21 Senate District 10 to elect a candidate of choice. Could
22 you expand upon that, please?

23 FELIPE GUTIERREZ: Of course. I'd like to say
24 thank you for the question, and you haven't asked me a
25 question in ten years because I haven't been here since.

1 Redistricting was the last time that I testified. So
2 thank you. I would say what I said ten years ago; is
3 that, as a Latino, we have neighbors that are African
4 American, that are Asian American that are next door to
5 each other. My experience as a then technician for
6 Southwestern Bell Telephone Company got me in and out of
7 the door of all the residents in that 820 corridor, which
8 is the east side of Fort Worth, all the way down to the
9 south side, all the way to the north side where there was
10 Latino neighborhoods. And I saw firsthand the commitment
11 of our communities including myself to elect an
12 individual of our choice, and back then it was Senator
13 Wendy Davis. At this time it is Senator Beverly Powell.
14 So I think we've proven over the last decade that we are
15 a coalition district by electing a candidate of our
16 choice.

17 SENATOR ZAFFIRINI: Thank you so much. You
18 said you testified on a map in 2011 that makes similar
19 changes to the map that we are looking out today. What
20 are some of the similar faults you see with this map?

21 FELIPE GUTIERREZ: You fracture African
22 American votes on the east side of Fort Worth, and I
23 extend the invitation that Senator Beverly Powell made
24 today to the committee, to come to Fort Worth and see
25 those neighborhoods that you're fracturing. I think

1 fracturing and diluting their votes, whether it's
2 political, whether -- I hate to use this word on the
3 floor, but if it's racial, regardless of how you look at
4 it, you are diluting the power of a group of individuals
5 to represent themselves and elect a person of their
6 choice.

7 SENATOR ZAFFIRINI: Thank you. In your
8 written testimony, you reference eliminating the only
9 senate district in which the African American and Latino
10 communities come together to elect a candidate of their
11 choice. Could you expand on upon that, please?

12 FELIPE GUTIERREZ: Sure. You look at the
13 growing population and like what the mayor of Mansfield
14 testified today, there's a growing population in
15 Arlington, into Mansfield, into that south west corridor
16 of Tarrant -- of Arlington into the southeast part of
17 Fort Worth, and while there's separate cities, I think
18 they are also neighboring two Latino neighborhoods in
19 Fort Worth on the north side and south side of
20 Fort Worth. All of that is a coalition and we come
21 together very directly not only to elect across county
22 seats, state house seats. We elect JP's. We elect
23 constables. We elect city man- -- I mean, mayors, and we
24 elect Senate District 10 candidates of our choice.

25 SENATOR ZAFFIRINI: Thank you. Do you believe

1 it would be possible to redraw Senate District 10 with
2 impacting only the nearby districts and not necessarily
3 the entire statewide plan?

4 FELIPE GUTIERREZ: I think the way the
5 plan -- or the maps are drawn now completely fractures
6 us. I think we should keep the Senate District 10 map as
7 it is, as a coalition district as the courts put it to us
8 ten years ago, and the rest of the state can also do its
9 shifting around us.

10 SENATOR ZAFFIRINI: Thank you, sir.
11 Thank you, Mr. Chairman.

12 FELIPE GUTIERREZ: Thank you.

13 SENATOR HINOJOSA: Thank you for your
14 testimony. We appreciate you being here.

15 FELIPE GUTIERREZ: Have a good afternoon.

16 SENATOR HINOJOSA: Khanay Turner.

17 KHANAY TURNER: Good afternoon. I also have
18 written testimony as well as a proposed map.

19 SENATOR HINOJOSA: Just identify yourself, who
20 you represent and then you may proceed. If you have any
21 handouts, we'll have the clerk hand them out.

22 KHANAY TURNER: Okay. Thank you. Hello Chair
23 houseman, Vice Chair Hinojosa and members of the senate
24 committee on redistricting. Thank you for the
25 opportunity to speak today. My name is Khanay Turner. I

1 live in Fort Worth within Senate District 10. I am an
2 attorney, voter rights advocate, and community grassroots
3 activist for Black America. I am also a proud member of
4 the Delta Sigma Theta Sorority, Incorporated, and serve
5 on our Texas redistricting cohort. Today I am speaking
6 on behalf of myself, my community, and the Texas
7 redistricting cohort of Delta Sigma Theta Sorority,
8 Incorporated. I am against SB4 and demand this committee
9 to keep current communities of interest together who live
10 in Senate District 10, which is a protected crossover
11 minority opportunity seat. In addition, I request that
12 this committee leave the current boundaries of SD10 in
13 place as shown in the map that is being passed out.

14 I am from the southwest community of
15 Fort Worth. My neighborhood lies south of Interstate 20
16 and east of Chisholm Trail Parkway. Over the course of
17 20 years, I have seen my community grow into a beautiful
18 racially diverse community of hard-working, middle class
19 Texans. My neighbors and I have had the privilege to
20 elect candidates who represent us and our values in
21 20 -- 2008, in 2012, and once again in 2018. We do not
22 want gerrymandering to dilute our voices and we call for
23 district maps that will not tear our community apart.
24 However, this proposed map in SB4 and the amended map
25 that was sent late last night does, in fact, tear our

1 community apart and dilutes our voices.

2 Currently, SD10 is the only crossover minority
3 opportunity senate district for Tarrant County, which
4 minds you it's the third largest county in the state. By
5 dismantling this district, the committee has once again
6 violated the 14th and 15th Amendment to the U.S.

7 Constitution by placing political parties over the needs
8 of people especially the constituents of color living in
9 SD10. Texans, particularly Black Texans, have already
10 suffered at the hands of previous gerrymandering in the
11 consistent attacks on our Voter Rights Acts, on our
12 voting rights along with other lists of negatively
13 impacted situations to the Black communities such as over
14 policing, food deserts and lack of healthcare resources.
15 My neighbors and I have had the benefits from just
16 representation of SD10 with senators who have fought
17 against marginalization of its Black constituents by the
18 Texas legislature. Therefore, we request the current
19 boundaries of SD10 not to be changed.

20 In conclusion, remember, you must follow the 14th
21 and 15th Amendment to the U.S. Constitution and Section 2
22 of the Federal Voter Rights Act of 1965 who are creating
23 these maps. We live in a representative democracy and
24 like all Texans, the constituents of Senate District 10
25 deserve to be represented by just, adequate, and most

1 importantly, equitable representation of our choice.

2 Once again, thank you for this opportunity and your time.

3 SENATOR HINOJOSA: Thank you very much for
4 your testimony. We appreciate you being here.

5 KHANAY TURNER: Thank you.

6 SENATOR HINOJOSA: Adrian Kaiser. Identify
7 yourself, who you represent and then you may proceed.

8 ADRIAN KAISER: Mr. Chairman, members of the
9 committee, thank you so much for allowing me to speak
10 today. My name is Adrian Kaiser. I am a precinct chair
11 out in Montgomery County representing Precinct 66, which
12 is just south touching the Harris County line. I have
13 received multiple calls, e-mails, texts and concerned
14 names from people within my precinct that are not excited
15 or happy in any way that our district is being
16 incorporated into Senate District 7 when we are currently
17 represented in Senate District 4. The problem that most
18 of them see is the fact that we are a rural community
19 mostly, suburban rural in that area, and we're going to
20 be overtaken and our votes and our interests are going to
21 be diluted by the votes coming out of Harris County.
22 Harris County is a mostly urban county and most parts of
23 that, and that is where people tend to congregate. When
24 they flee Harris County, they come in and they settle in
25 Montgomery County. They're not happy with that. A lot

1 of them raised concerns with the fact that Harris County
2 was sued in 2020 by the State Representative Steve Toth
3 and by a conservative activist down in that area and feel
4 that if this was to happen again, that their votes would
5 be diluted even more by that. When it comes to the
6 divisions within the community, it's splitting a small
7 rural town of Magnolia completely in half. South and
8 north side completing going into two different senate
9 districts. One of which doesn't represent them, one of
10 which is okay by some people that I've spoken to. It's
11 just divided the communities of interest that we share,
12 especially those in these rural areas, and many of them
13 feel very strongly that Harris County and a
14 representative from Harris County or a state senator from
15 Harris County will not represent the interest of
16 Montgomery County.

17 Other than that, I have nothing else besides a
18 list of 300 -- over 300 signatures of people opposed to
19 this -- to the senate redistricting map. I urge to the
20 committee to work with Senator Brandon Creighton and the
21 other senators, representatives within that area to draw
22 a more acceptable district for SB4. Thank you so much
23 for hearing me out today.

24 SENATOR HINOJOSA: Please make the list of 300
25 signatures of names available to the committee. Make a

1 copy. I think Senator Huffman has a question for you.

2 SENATOR HUFFMAN: Hi. Thanks for being here.
3 I just want to point out for your -- so you could look
4 online, the amendment that was filed last night does not
5 address all your concerns, frankly; but it does address
6 the concern that you had about the splitting of
7 Montgomery -- of Magnolia in Montgomery County. So
8 actually the amendment loses -- Senate District 7 loses
9 (indecipherable) 29, which makes that part of Magnolia
10 you were talking about whole in one senate district. So
11 just so that -- you can look it up and get your details
12 online. I just wanted you to know that information.

13 ADRIAN KAISER: Yes, ma'am. Thank you for
14 pointing that out to me. I'll look that up.

15 SENATOR HUFFMAN: Thank you. Okay.

16 SENATOR HINOJOSA: Thank you for your
17 testimony. First of all, identify yourself, who you
18 represent and then you may proceed.

19 STEVEN WEINTRAUB: I'm Steven Weintraub, and
20 I'm speaking for myself. I am considered by many to be
21 an expert on critical maps and data. I want to thank
22 Chair Hinojosa and the committee for letting me speak
23 today. I want to start my testimony with a minor nit.
24 In past testimony, I commented how different state
25 district maps don't agree on their lines and this leads

1 to small orphan precincts and proliferation of different
2 ballots, over 800 in Travis County, leaving behind
3 management costs and ballot errors. The senate SBOE maps
4 in Travis County do a very good job of avoiding this
5 except for one instance and that's Precinct 245. This
6 small precinct was orphaned from the last redistricting.
7 In this map the only precinct that votes for SBOE 5 and
8 SD25, unless it's orphaned again. Please, for elections
9 cost savings split even with 245 into SBOE 10 or SD14,
10 there are many other such errors around the state, please
11 look for them. Travis is my bailiwick, so I get to speak
12 about this one.

13 But I really wanted to point out is the big
14 problems with maps in Williamson, Tarrant, Dallas, and
15 Harris counties. In Williamson, you have a long noodlely
16 arm of about one to two precincts width, racing along the
17 Travis County border merging these suburban districts of
18 the 11th largest city in the country with 12 rural
19 counties, which they have no shared community. There are
20 more egregious examples, like SD22 in Tarrant County.
21 Here, a little arm of 341,448 suburban voters is merged
22 with 602,574 voters in 11 counties reaching down to Waco.
23 What makes this so bad is that the 341 voters in
24 Tarrant County under 124,000 or 36.24 percent are White.
25 While of the 602,000, the rest of the district, 435,000

1 or 72.2 percent are White. This takes a
2 majority-minority section of Tarrant County and dilutes
3 them making it a 59 percent .21 percent White overall
4 district. This is a clear violation of Section 2 of the
5 1965 Voting Rights Act, which bans practices which
6 removes the ability of minority groups to have a voice in
7 their representative. As the Supreme Court said in
8 Thornburg v. Gingles, quote, the essence of a Section 2
9 claim is that a certain electoral law, practice, or
10 structure interacts with social and historical conditions
11 to cause an inequity in the opportunities enjoyed by
12 Black and White voters to elect their preferred
13 representatives. Saying you did not look at racial data
14 does not immunize you. The Supreme Court deliberated in
15 (indecipherable), proof of intent is not required, just
16 proof that protected groups and its members, quote, have
17 a less opportunity than other members of the electorate
18 state to participate in the political process and elect
19 representatives of their choice. In fact, in the
20 currently racially aware environment, a purposeful
21 refusal to look at racial data can be inferred to be a
22 condonation of growing racially discriminatory maps.
23 Similar issues can be found in other districts in
24 Tarrant County like SD9 and 10. I do not have time to
25 elaborate on them. Thank you for hearing me today.

1 SENATOR HINOJOSA: Thank you. We appreciate
2 your testimony. Before I call the next witness, I want
3 to name the next group of ten witnesses so you can come
4 down. Anaami Pandit, Anaami Pandit. We have Ashley
5 Cheng, Ashley Cheng. Prerna Bhat, Prerna Bhat. Wendy
6 Yockay, Wendy Yockay. Brandon Vance, Brandon Vance.
7 Steven Abodaca, Steven Abodaca. Lily Trieu, Lily Trieu.
8 Mythe Kirven, Mythe Kirven. Dr. Susana Carranza,
9 Dr. Susana Carranza. And Heather Buen, Heather Buen.
10 And I'll call Sarah Chen. Just please come up, identify
11 yourself, who you represent and then you may proceed.

12 SARAH CHEN: Hello. My name is Sarah Xiyi
13 Chen, and I am representing myself and a part of the
14 Texas AAPI Redistricting Coalition. Thank you for the
15 opportunity to speak today in opposition to SB4. I live
16 in here Austin, and I previously lived briefly in
17 Fort Worth. I also spend spent quite a bit of time in
18 Dallas, Plano, and Carlton where my husband is from and
19 where his side of the family still lives.

20 On a general note, I urge the committee to
21 reconsider this proposed map to reflect the diversity of
22 our state and the fact that 95 percent of all population
23 growth occurred in the Black, Hispanic, Latino and Asian
24 communities. Any fair map must reflect this population
25 growth. The current draft of senate district map does

1 not allow any new opportunity districts based on these
2 census numbers in our metroplexes. So I urge the
3 committee to respect the reality of Texas's population,
4 the population you serve by drawing districts that allow
5 people of color more opportunities to choose the
6 candidates of our choice. I am Chinese American and
7 Asian American, as you heard the fastest growing
8 demographic in Texas. Although the umbrella Asian
9 American, Native Hawaiian, Pacific Islander is extremely
10 broad, many of us share similar values and face similar
11 needs, just as we share many common interests with many
12 Black and Hispanic communities. Where I live SD14 had a
13 13.4 percent increase in the Black population.
14 30.75 percent increase in the Hispanic Latino population.
15 And a 66.86 percent increase in the Asian population in
16 the last ten years. And this is compared to just a 13.5
17 percent increase in the Anglo population. But Asians in
18 North Austin are cracked into four separate senate
19 districts. Our maps are not reflecting the growth of
20 minority communities and instead are dividing us further.
21 Around my husband's home down of Plano, Asians now
22 comprise 19 percent of the population of Collin County,
23 10 percent in Denton County, and 7 to 8 percent of the
24 Dallas and Tarrant counties. The growth, that was
25 87 percent growth in the last decade in Dallas, Collin,

1 and Denton Counties. Yet, this growth despite the fact
2 that we live in communities close together, the fact that
3 we are shopping, eating, praying, attending school
4 together are -- is divided aggressively between four
5 different senate districts in the proposed map. So under
6 this map, it looks like that all people of color in
7 North Texas will have their voting power diluted by
8 inclusion of more rural areas with whom we have very
9 little in common resulting in candidates elected that
10 don't understand us and are not responsive to our needs.
11 And when I say understand us, I mean literally understand
12 us in terms of language access. According to
13 nonpartisan, nonprofit APIA Vote, 79 percent of Asian
14 Americans in Texas speak a language other than English at
15 home.

16 I will be brief to wrap up because I just want
17 to say on a personal note that for many immigrants, from
18 many chosen Americans democracy is sacred. My parents
19 immigrated from China in 1988, and they sought a country
20 where they had the right to vote, where they had economic
21 opportunity, and where they have ability to have more
22 than one child. What we see now in Texas is a
23 restriction of the right to vote, a restriction on a
24 failure to address the energy infrastructure and other
25 issues that create economic opportunities and limitation

1 of reproductive freedom.

2 SENATOR NICHOLS: I let you go way over.

3 SARAH CHEN: I appreciate that very much, so
4 thank you. Please continue to hold hearings and to not
5 make last-minute amendments to the maps. And please
6 provide public analyses of the impact on communities of
7 color in future maps.

8 SENATOR NICHOLS: Thank you. Thank you very
9 much. I call up Anaami Pandit from Cedar Park. Please
10 state your name and your testimony.

11 ANAAMI PANDIT: Good afternoon. My name is
12 Anaami Pandit representing the Austin Asian Community
13 Civic Coalition and myself. I appreciate the opportunity
14 to speak today and that I hope that this committee will
15 continue to hold in-person and virtual hearings to allow
16 public input from the entire state.

17 As we know, the census shows that 95 percent
18 of all growth in Texas occurred in the African American,
19 Latino, and AAPI communities. Any fair map must reflect
20 diversity of our state. The current drawn maps do not
21 allow any new opportunity districts based on these census
22 numbers in metroplex regions such as Austin, Dallas,
23 San Antonio, and Houston. Instead they actually pack and
24 crack our communities diluting our votes. So I urge this
25 committee to comply with the Voting Rights Act and accept

1 the reality of the new census by allowing people of color
2 the opportunity to choose the candidates of their choice.
3 As a member of the Asian community, the fastest growing
4 demographic in Texas, we need better, more responsive
5 representation and more opportunity districts for our
6 communities including in coalition with other people of
7 color and immigrant population with similar values and
8 needs. Where I live in Williamson County, the population
9 grew by 44 percent in the last decade. 77 -- 77 percent
10 of that growth coming from diverse communities. However,
11 SD5 and SD24 cracked these communities into far-off rural
12 districts. Now, the southwestern edge of the county
13 where I live, a rapidly growing diversified area that
14 includes parts of Cedar Park and Leander is primarily
15 suburban. It has a large Asian population. However, in
16 a somewhat illogical moment, this is being drawn out to
17 instead being included in a district that stretches up to
18 Coryell County and (indecipherable). It's challenging to
19 not conclude that this is an attempt at diluting our
20 votes. SD5 had an increase -- an 18.5 percent increase
21 in African Americans, 42 percent increase in Hispanic
22 Latino, and 126 percent increase in Asian populations.
23 So our maps need to fairly reflect the growth of our
24 communities and not strategically divide them. I have
25 family members who have served in missions abroad to

1 defend, protect, and promote our country's ideal as a
2 representative democracy. I have a husband who served in
3 Iraq, a brother-in-law who served as an officer, and a
4 father-in-law who tirelessly works with the VA. All of
5 them are Asian Americans, who like the rest of our
6 community deserve representation. Redistricting is
7 intimately tied to voting rights, to the type of
8 representation we get, to the type of resources coming
9 into our communities. And as you know, the Asian
10 American community has experienced horrific
11 discrimination here even in Central Texas. So it's even
12 more imperative that we're able to civically participate
13 together. Our redistricting will set the foundation for
14 the next ten years and give our community a chance at
15 equal and fair representation. That way our elected
16 officials will listen to us and fight for us. I urge
17 this community to hold additional in-person and virtual
18 hearings that allow public input from the entire state.
19 And I implore this committee to create a new senate map
20 reflecting our community and the census data as well as
21 creating fair districts for U.S. Congress and the Texas
22 House.

23 SENATOR NICHOLS: I need to ask you to find a
24 place to close.

25 ANAAMI PANDIT: Thank you for the opportunity

1 to speak today.

2 SENATOR NICHOLS: Thank you for being here. I
3 call up Ashley Cheng from Austin. Please state your name
4 and begin your testimony.

5 ASHLEY CHENG: Hello. My name is Ashley Cheng
6 representing the Texas AAPI Redistricting Coalition.
7 Communities of color are the driving force behind growth
8 in Texas. 95 percent of our population increase was due
9 to African Americans, Latinos, and Asian Americans and
10 Pacific Islanders. We deserve to be fairly represented
11 in these maps because it's the right thing to do, but
12 it's also the law. I urge this committee to comply with
13 the Voting Rights Act and respect communities of color's
14 protected right to choose the candidates of our choice.
15 The proposed maps do not allow any minority opportunity
16 districts based on increase census numbers in metroplexes
17 like Houston, Dallas, San Antonio and Austin. Instead
18 they pack and crack our communities and dilute our votes
19 districts by district. Fair maps must reflect the
20 diversity of our state.

21 I am an Asian American of Chinese descent.
22 And I've already testified on my Asian American
23 community's interest in northwest Austin, but I would
24 like to share how it's being impacted by your maps. My
25 grandmother, who I call Nainai fled communist China in

1 1949 to Taiwan and eventually immigrated to Austin with
2 my father and his siblings. And in 1970, she opened a
3 restaurant in her living room where my dad and aunt
4 worked as kids. Today they each run their own
5 restaurants in Anderson Mill and Northwest Hills, and at
6 90 years old, Nainai still shuttles back and forth
7 between the two helping with their businesses today. And
8 as she does so, she crosses from the newly proposed SD24
9 into SD14. It's only a 15-minute drive. As Nainai
10 drives back where she lives with my aunt less than
11 ten minutes away from her restaurant, she crosses back
12 through yet another new district in SD25. And if Nainai
13 were to have a medical issue, she very likely would go to
14 one of the closest hospitals in her area, St. David's
15 Round Rock Medical Center, and Nainai would be standing
16 in a forth district, SD5. Now, what is shameful about
17 these maps is not that you are not making this sweet old
18 Chinese woman drive from senate district to senate
19 district in the course of her daily life, but that the
20 Asian Americans in her community she interacts with
21 throughout that day are having their votes and their
22 voices taken away from them. In this region of Travis
23 and Williamson counties where Asian Americans are highly
24 concentrated, we are the fastest growing at an increased
25 rate of 76.5 percent and 164 percent respectfully.

1 Compared to the overall population of these counties,
2 though, we're still a relatively small share at about
3 7.88 percent and 9 percent. However, much like Nainai,
4 this community is small, but it's mighty. And splitting
5 us when we share common values and needs is
6 disenfranchisement. We have been cracked. In the cases
7 of currently White majority districts SD5, SD24, and
8 SD25, we have been attached to large blocks of rural
9 areas that dilute our votes. And I am just not sure how
10 much Nainai has in common in terms of political needs and
11 representation with these far-off areas. But I do want
12 to speak to who she does have more in common with.

13 Earlier this year after the rise of Asian
14 American hate crimes caused by racist political rhetoric
15 from our former president and several of our own Texas
16 elected leaders, I helped organize a stop Asian hate
17 rally. Our own state capitol was closed to us to come
18 together for this cause, but Huston-Tillotson, a
19 historically Black university here in town welcomed us
20 immediately. And it was one of the largest stop Asian
21 hate rallies in the country.

22 SENATOR NICHOLS: Ma'am, I'll have to ask you
23 to find a place to close.

24 ASHLEY CHENG: Okay. I will wrap up.
25 Thank you. We had a reported 1,000 attendants and our

1 partners included not only Asian Americans group, but a
2 coalition -- and this is the end -- a coalition of
3 organizations led me by people of color like Interfaith
4 Action of Central Texas, Go Austin/Vamos Austin, Central
5 Texas Collective for Racial Equity --

6 SENATOR NICHOLS: I have to ask you to close.

7 ASHLEY CHENG: -- and the NAACP. In closing,
8 I just want to say that when I was afraid for Nainai's
9 safety --

10 SENATOR NICHOLS: You're way over. You're way
11 over.

12 ASHLEY CHENG: -- as she drove through her
13 daily routines through your four senate districts --

14 SENATOR NICHOLS: I will have to ask you to
15 close.

16 ASHLEY CHENG: I will. -- communities of
17 color were the ones who were there to step up for her.
18 So I urge this committee, please, to respect our Asian
19 American community, keep them together, and do the same,
20 and make sure that people of color across Texas have fair
21 representation as well. Thank you so much for your time
22 today.

23 SENATOR NICHOLS: Thank you very much for your
24 testimony. I'll call up, it looks like Prerna Bhat from
25 Leander. R-e-r-n-a, the EAJP from Leander. Then I'll

1 call up Wendy Yockay from Pinehurst. Okay. Okay.
2 Thank you very much. You've got -- just for all the
3 witnesses, you have three minutes to testify. When the
4 light turns yellow, you have 30 seconds to close.

5 WENDY YOCKAY: Okay.

6 SENATOR NICHOLS: We won't start until you are
7 ready.

8 WENDY YOCKAY: Thank you.

9 SENATOR NICHOLS: State your name and then
10 begin testimony.

11 WENDY YOCKAY: All right. I am Wendy Yockay.
12 I am just an American citizen. I am just a Texan. I am
13 here to represent District 4 in Montgomery County
14 regarding SB4 redistricting. We would like to call your
15 attention to the devastation that this proposed
16 redistricting plan would cause to our community by
17 cutting off Magnolia, Stagecoach, Decker Prairie, and
18 Pinehurst out of Montgomery County District 4 and sending
19 them to Harris County District 7. The plan -- this
20 proposal cuts the heart out of Montgomery County -- oh.
21 Oh. I'd like to tell you about our community. We too
22 are a community of interest. Our community is about
23 70 percent Anglo, voted 83 percent for Trump, the
24 Chairman of the Republican Party of Montgomery County
25 lives in our community, which is proposed now to be in

1 Harris County -- in Harris County district. We are very
2 loyal voters and we have great political participation
3 amongst our neighbors. We even talk about politics at
4 the grocery store. We're a tight-knit county that
5 successfully elects some of the absolute best
6 conservative representatives like Senator Brandon
7 Creighton and Representative Steve Toth. After receiving
8 this proposed map, our community was so outraged over its
9 drastic changes that we started a petition and only in
10 48 hours we have hundreds of people who have signed on,
11 neighbors who have signed on. We have spent decades
12 building a collaborative relationship to participate in
13 our government behind the scenes of the glory positions
14 that we will be devastate -- that will be devastatingly
15 severed. This will weaken what's left of the Montgomery
16 district and silence the voices of those whose votes are
17 dropped in the Harris County bucket of votes. Dividing
18 Montgomery County into three different districts so
19 completely dissects our network that the power base that
20 we built over decades will likely cease to function.
21 Those Montgomery County votes will account for 7 percent
22 of the district -- of the District 7 in Harris County.
23 Harris County will make up 92 percent of the district.
24 So Harris County voters will decide who gets elected and
25 Montgomery County will have very little to say. The

1 previous witnesses would be glad to hear this part.

2 District 7 is a 13 percent minority-majority district and
3 Whites will be outnumbered by 126,320 residents.

4 SENATOR NICHOLS: Ma'am, your time is up.

5 WENDY YOCKAY: I'm so sorry.

6 SENATOR NICHOLS: I'll have to ask you to
7 close.

8 WENDY YOCKAY: Okay. Which is way outside the
9 census which --

10 SENATOR NICHOLS: Your time is up, ma'am.

11 WENDY YOCKAY: Thank you.

12 SENATOR NICHOLS: Thank you.

13 WENDY YOCKAY: I just want you to please
14 remember us when you make your decision and please keep
15 Montgomery County whole.

16 SENATOR NICHOLS: We are trying to be
17 respectful of your time as well as everyone else's.
18 Thank you very much.

19 I ask Brandon Vance from Dallas to please come up.
20 When you get ready, just state your name and begin
21 testimony.

22 BRANDON VANCE: Thank you, Mr. Chair. My name
23 is Brandon Vance. I reside in Dallas, Texas,
24 Senate District 23. In my work, I serve as the regional
25 advocacy manager for KIPP Public Charter Schools in

1 Dallas, and I am not here to testify on behalf of KIPP,
2 but I do want to say working in education that I am
3 pleased to have a senator who represents our kids with
4 great care, whether they are at traditionalized public,
5 charter, private school, or any school, Senator West is
6 always fighting for our kids.

7 With that said, I am here to testify regarding
8 the map that has been proposed. I am here testifying as
9 an ally to my friends in Senate District 10 and
10 Senate District 16. What has been proposed is literally
11 a travesty. As has been said multiple times, this body
12 has a duty to protect the interest of all citizens.

13 Packing and cracking is not just wrong legally, it is
14 morally wrong. This body has been fighting and cajoling
15 behind Senate District 10 for well over a decade. As the
16 Mansfield mayor said, the people of SD10 have made this a
17 minority coalition district. This district to me is an
18 example that should be a model that should be followed
19 across the state and why this body wants to move forward
20 with cracking this district is -- makes no sense as has
21 been said multiple times today. The proposed maps, the
22 amended maps violate the equal protection clause of the
23 United States Constitution. The people of this community
24 should be free to elect officials of their choosing.

25 Cracking this district dilutes the voting power of those

1 communities like Mansfield that have grown significantly
2 over the last decade. SD10 should be left as it is, a
3 coalition district that is diverse and represented by
4 officials chosen by the people. This is still a country
5 for the people by the people. It is not just a cliché to
6 say that voters should choose their representative, not
7 representatives choosing their voters. Minority
8 populations have increased significantly across the state
9 over the last decade. We've heard from a number of our
10 citizens today advocating for the AAPI community,
11 advocating for minority opportunity districts whether by
12 majority or polarity. That should be heeded by this
13 body. We've heard from citizens speaking to the
14 necessity for grouping together and keeping together
15 communities -- like communities. These maps,
16 specifically SD10 and SD16 show little care for keeping
17 communities of folks together. It just makes me wonder
18 what are folks afraid of? What are our senators afraid
19 of when it comes to making competitive maps that
20 represent all people? I ask that you keep in mind and
21 please produce fair maps going forward. Thank you for
22 your time.

23 SENATOR NICHOLS: Thank you very much for your
24 testimony. I'll call up Steven Abodaca. It looks like
25 A-R-O-B-U-A, from Austin, Texas. Please state your name,

1 sir.

2 STEVEN ABODACA: It's actually Steven Abodaca.
3 Thank you to the Chair and members of this committee. My
4 name is Steven Abodaca. I'm represent myself. I live in
5 South Austin just off of I35. I should also note that my
6 own state senator, Senator Zaffirini, I'm pleased to have
7 you sitting next to me.

8 As you all know, this is an area that has
9 grown significantly since redistricting last took place.
10 I myself am one of these folks who moved back to my home
11 state three years ago. So with my limited time, I'd like
12 to give testimony today on just a couple key topics
13 related to redistricting. First, the timing and
14 transparency of the redistricting process. Once again,
15 there has been very little notice given to citizens
16 regarding testifying in the proposed maps. Generally
17 there is very little awareness of the redistricting
18 process and whether the public even has the ability to
19 provide testimony. As constituents, we've had less than
20 a week to review and provide testimony on senate
21 districts proposed. Additionally, not having an option
22 to provide testimony virtually during a pandemic creates
23 and undo burden on those who live far away as well as
24 those individuals who have put themselves at risk by
25 appearing in person. It's simply the right thing to do

1 to allow citizen input to understand the ways the maps
2 should be improved. Secondly, I'd like to address the
3 districts themselves. The creativity with which the
4 outlined senate districts is extremely concerning. The
5 proposed maps, once again, have no interesting -- have no
6 interest in representing the people of our state.
7 Instead, their main concern is maintaining power, even if
8 can comes at the expense of our democracy. The ultimate
9 outcome of the map is obviously designed to decrease
10 number of competitive seats, ignore the growth and
11 influence of the community's of color and gerrymander our
12 districts once again. It's clear the community input
13 during the few redistricting hearings that did occur
14 including my own simply requesting fair and competitive
15 maps were not met. I expect the same to be true for the
16 congressional maps as well. As a result of packing and
17 cracking, no one group has been -- no groups have been
18 harmed more than Black and Latinx constituents like
19 myself whose voices are being minimizing in the halls of
20 the Texas Senate as well as in congress. Texas has grown
21 and 95 percent of that growth came from communities of
22 color. Any map you draw must create districts where
23 people of color can vote for politicians that share their
24 values and backgrounds. Neither the senate nor the SBOE
25 maps has any competitive districts. Hundreds of

1 thousands of African Americans, Latinx, and Asian Texans
2 will have their voice and their votes diluted. So I
3 implore you, it's critical that additional hearings are
4 held and take into account public testimony to improve
5 the maps to most accurately reflect the state's growing
6 and diverse population and communities of interests.

7 Thank you.

8 SENATOR HINOJOSA: Thank you. We appreciate
9 your testimony. Lily Trieu. Just identify yourself and
10 who you represent and then you may proceed.

11 LILY TRIEU: Thank you. Hello. My name is a
12 Lily Trieu, and I am representing myself as well as the
13 Texas AAPI Redistricting Coalition. I am encouraged by
14 the opportunity to provide testimony before this
15 committee today, and I hope that you will continue to
16 allow for in-person and virtual testimony throughout the
17 entire process. I won't repeat a lot of the statistics
18 you've already heard today regarding the growth in Texas
19 and where that's coming from. I do want to reiterate one
20 comment that's made -- well, a comment that has been made
21 multiple times today, and that is to comply with the
22 Voting Rights Act and to ensure that our new maps do
23 respect the reality of the census and of the changes we
24 see here in Texas. I grew up in Sugar Land, Texas, which
25 is located in Fort Bend County and in Senate District 17,

1 Chairman Huffman's district. As a matter of fact, my
2 parents and younger sisters still live in my childhood
3 home today. I am a proud 2004 Kempner High School
4 graduate of Fort Bend ISD. For those who are not
5 familiar with Fort Bend, there are many things that we
6 take pride in. According to the 2020 census, our total
7 population grew by over 40 percent. We are amongst the
8 top fastest growing counties in Texas. We take pride in
9 our diversity, often touting that we've been named most
10 ethnically diverse county in America. It's estimated that
11 over 100 different languages are spoken in my home
12 county. As a result we have a vibrant community with
13 churches, temples, mosques all thriving among some of our
14 State's most amazing ethnic foods, grocery stores, and
15 community centers. The AAPI community in Fort Bend
16 County grew by over 82 percent in the last decade as
17 compared to 66 percent statewide. The AAPI communities
18 now make up 6.6 percent of Texas's population and 23.6
19 percent of Fort Bend County's. We are the fastest
20 growing racial group across Texas that have historically
21 been unfairly divided into multiple legislative
22 districts. Unfortunately as we review the draft map,
23 you'll find that the AAPI community in Fort Bend has
24 continued to be cracked and packed, denying our voices
25 and ability to elect candidates to represent our needs.

1 Language access is a major need in AAPI communities that
2 won't be addressed without fair maps and fair
3 representation. This past May my father, who is a
4 Vietnamese refugee and a Texan of over 30 years turned
5 65. Just two days after his birthday he was then
6 diagnosed with stage 4 lung cancer. Because of an
7 administrative error, we weren't able to enroll him in
8 Medicare, which denied him any form of cancer treatment.
9 Getting an appointment with the Social Security
10 Administration with translation services would have taken
11 months. For a man who just received a terminal
12 diagnosis, he did not have months to wait. Thousands of
13 people like him live in Texas. Luckily, my sister and I
14 were able to be his translator and advocates, but the
15 ability to receive care and services and healthcare
16 should not come down to luck. So unless we're able to
17 draw maps in a fair way there will be detrimental,
18 potentially life and death consequences for thousands of
19 people in SD17, in Fort Bend County, in Sugar Land, and
20 all across the state.

21 So I urge the committee to continue to hold
22 in-person and virtual testimonies and hearings that allow
23 for public input. Continue to allow us ample time to
24 review maps, so at least 14 days for us to review
25 additional maps, 5 days to review changes to proposed

1 maps, keeping a record and documenting all communication
2 as well as providing an analysis of --

3 SENATOR HINOJOSA: Please stop. Your time is
4 done.

5 LILY TRIEU: Yes, thank you. And providing an
6 analysis on how these new maps will impact communities of
7 color. Thank you.

8 SENATOR HINOJOSA: Thank you very much. We
9 appreciate your testimony. Mythe Kirven. Ms. Kirven.
10 Just identify yourself, who you represent and then you
11 may proceed.

12 MYTHE KIRVEN: Good afternoon, presiding
13 officer of the senate committee to the Chairperson of the
14 redistricting committee. My name is Mythe Kirven, and I
15 am testifying as for myself. However, I am a proud
16 member of Delta Sigma Theta Sorority.

17 I want to thank you for the opportunity to
18 speak in opposition to Senate Bill 4 and the proposed
19 redrawing of Senate District 10. I urge this committee
20 to keep the current boundaries of SD10, which were court
21 ordered in 2012. Currently Senate District 10 is the
22 only crossover minority opportunity senate district for
23 Tarrant County. The third largest county in the state of
24 Texas. Per the 2020 census, the district population is
25 39.5 percent Anglo, 21.5 percent Black, 22 --

1 32.2 percent Hispanic. Dismantling SD10 is a direct
2 violation of the 14th and 15th Amendment of the
3 United States Constitution. The U.S. Supreme Court has
4 previously explained that the destruction of a
5 functioning crossover district is in violation of the
6 U.S. Constitution. In 2012 a federal court ruled
7 specifically on Senate District 10 and the intentional
8 discriminatory enactment of the 2011 senate map that
9 negatively impacted minority voters in District 10. It
10 is clear that the Black and Hispanic voters control the
11 electoral outcome of SD10. By passing and enacting the
12 proposed map in senate -- it will -- it will dilute the
13 vote of peoples of color. Please, use the existing map
14 for SD10 without any changes to the existing boundaries.
15 Thank you all for the opportunity to present my comments
16 today.

17 SENATOR HINOJOSA: Thank you, Ms. Kirven. We
18 appreciate your testimony. Dr. Susana Carranza on both
19 Senate Bill 7 and Senate Bill 4.

20 SUSANA CARRANZA: Hello. I'm Dr. Susana
21 Carranza. I'm testifying on my own behalf. I oppose
22 both bills and the only thing I'm here to say about
23 Senate Bill 7 is that --

24 SENATOR HINOJOSA: Please identify yourself
25 just for the record. Identify yourself.

1 SUSANA CARRANZA: Yes, I thought I just did,
2 but I am Dr. Susana Carranza, and I am testifying
3 against both Senate Bills 7 and 4, testifying on my own
4 behalf. Regarding Senate Bill 7, I would just like to
5 state that the map just favors non-competitive districts
6 and because of that we should revise it. It should serve
7 the population and not incumbency or non-competitiveness.
8 Regarding the map on -- the senate map proposed under
9 Senate Bill 4, one of the problems that we heard before
10 is that Texas has seen tremendous growth in the current
11 census cycle. The population, over 95 percent has come
12 from minorities, the growth in the population has come
13 from minorities. The proposed map does not reflect the
14 growth patterns and, in fact, goes to extreme levels of
15 gerrymandering to disenfranchise racial minorities, the
16 thriving communities a fair representation. Note that a
17 failure to perform or publish a racial analyses saying
18 that the maps are colorblind does not make the maps fair.
19 Proof of intent is not required. Just proof that a
20 protected group and all its members have fewer
21 opportunities and representation and authoring.
22 Furthermore, the failure to perform racial impacts after
23 countless citizens and organization, civil right
24 organizations have urged the senate to perform the
25 impact, that clearly shows the maps were drawn with

1 ill intent.

2 I live in Travis County and we experience some of
3 the worse disenfranchising at the U.S. House level. Our
4 urban and racial diverse population is cracking multiple
5 districts robbing us of representation. The senate map
6 takes this type of tactics in -- applies to the Texas
7 Senate, especially in Dallas-Fort Worth, in the Herring
8 and Fort Bend areas that was discussed, but also in
9 neighboring -- in our neighboring areas where we are
10 packed in Senate 14 and 21 for the -- Austin population,
11 but our neighboring Williamson County is mixed with a lot
12 of rural counties. These tactics are appalling. I urge
13 you to redraw this map to make it fair. Thank you.

14 SENATOR HINOJOSA: Thank you. We appreciate
15 your testimony Dr. Carranza. Before I call the last
16 witness, I am going to call the next group. Stevan Ruiz,
17 Stevan Ruiz. Randall Bryant, Randall Bryant.
18 Norman Wigington, Norman Wigington. Cheryl Foster,
19 Cheryl Foster. Megan Sham, Megan Sham. Christina Fu,
20 Christina Fu. Miguel Dacones, Miguel Dacones. Wesley
21 You, Wesley You. Deborah Chen, Deborah Chen, and
22 Julie Gilberg, Julie Gilberg. Heather Buen, Buen. Just
23 come up and identify yourself, who you represent and then
24 you may proceed.

25 HEATHER BUEN: Thank you very much. Hello.

1 My name is Heather Buen. I'm representing myself as well
2 as the Texas AAPI Redistricting Coalition. I currently
3 reside in Senator Hancock's district, Senate District 9.
4 And so I would like to start off by saying the most
5 important thing that we need to consider and respect is
6 federal and state law including the Voting Rights Act.

7 I am Filipino American, Native Hawaiian. I am
8 part of the AAPI community. Sometimes when you're
9 indigenous, you feel like a minority amongst minority
10 sometimes, but the AAPI community of interest that I want
11 to talk about today is the one that the school district
12 that my kids got to school. It's the HEB school
13 district, not the grocery store, but the first
14 Euless-Bedford independent school district located in
15 Tarrant County. Boundaries include the cities of Hurst,
16 Euless, Bedford, far east Fort Worth along Trinity
17 Boulevard and the Arabian community in North Arlington.
18 Currently the school district is divided into two senate
19 districts, Senate District 9 and Senate District 10. In
20 Tarrant County, the AAPI community has seen growth of
21 56 percent since 2010. My family we live in River
22 Trails. My kids attend HEB schools. They should be out
23 of school right because I know they should be walking
24 home. 67 percent of the student population in HEB
25 schools are minority. It is one of the most diverse

1 school districts, not just in Texas but also in the
2 entire country. 10 percent of the student population
3 identify as AAPI. A little known fact, the largest
4 number of Tongans outside of the country of Tonga live in
5 the school district. There's also a large number of
6 South Asian communities including Indian, Nepalese,
7 Pakistanis, Bhutanese, and many more. A lot of our AAPI
8 residents own small businesses in the area contributing
9 to local economy and employing a lot of people in the DFW
10 area and the close proximity to the DFW airport means
11 many of our AAPI residents and families work in the
12 airline industry. The AAPI community in the HEB school
13 district inclusive of our Muslim community means
14 they will not be met in the currently proposed maps. In
15 the proposed maps, they are fracturing a part of the HEB
16 school district, you know, going from two senate
17 districts into three senate districts affecting cities of
18 Euless, Bedford as well as the far east Fort Worth. And
19 so for the proposed senate district maps, this makes no
20 geographic sense because fracturing AAPI minority
21 communities along with low-income community in Euless,
22 Fort Worth, within the school district all it does is
23 ensure that their voices and their votes will be diluted.
24 For far too long AAPI communities, the fastest growing in
25 Texas, have been unfairly divided. And so we want to

1 make sure that we embrace Texas's diversity and consider
2 the contributions of our AAPI communities and their right
3 to fair representation. Thank you so much for your time.

4 SENATOR HINOJOSA: Thank you Ms. Buen for your
5 testimony. Stevan Ruiz. Identify yourself, who you
6 represent and then you may proceed, Mr. Ruiz.

7 STEVAN RUIZ: Thank you. Good afternoon. My
8 name is Stevan Ruiz. I'm Latino. I am a member of the
9 IBEW, International Brotherhood of Electrical Workers,
10 and an executive board member for the AFL-CIO,
11 Tarrant County Central Labor Council. I'm here
12 representing both the AFL-CIO, Tarrant County Labor
13 Council as well as a delegate for the IBEW. I'm here to
14 testify on my -- on behalf of myself, my union brothers
15 and sisters, and the residents of Tarrant County in which
16 I represent. The direct impact and harm to communities
17 of color and the inequitable representation that these
18 proposed senate maps create will affect various
19 communities for decades to come. The census shows a
20 95 percent growth rate in Texas among African American,
21 Latino, and AAPI communities. These numbers don't even
22 include the known undercounting of Latino and minority
23 populations in the census data. So the current data
24 being used to draw these maps is understated. The
25 proposed maps in the amendments submitted last night do

1 not create any new opportunity districts in
2 Tarrant County or the DFW metroplex. Instead, these maps
3 crack and pack all of our communities in order to
4 purposefully dilute the votes. I urge this committee to
5 comply with the Voting Rights Act respecting the reality
6 of the new census data by allowing people of color the
7 opportunity to fairly elect candidates of their choice.
8 Tarrant County includes five proposed senate districts,
9 adding one more than previous; and of those five, three
10 of them including SD10 extend way off into rural areas
11 that at times go into multiple counties that have all
12 experienced a decline in their population growth.
13 Tarrant County is 29.5 percent Latino. Latino voters of
14 these proposed maps are being splintered off with the
15 southeast portion of SD9 currently in both Dallas and
16 Tarrant and a majority-minority area. It's now being
17 packed into a neighborhood majority-minority districts
18 like SD16 and SD23. Senate District 10 has been cut
19 entirely in half. Currently, SD9 where I live has
20 61.1 percent of people of color based on the 2020 census,
21 and yet it's been redrawn to represent only 49.5 percent
22 of people of color. That's a 12 point shift. The new
23 map should reflect the growth of the communities of color
24 and not split up or erase our voices district by district
25 with these new maps. What I wanted to point out is that

1 the Anglo population in that same district has
2 experienced a decrease of 8.38 percent. When you combine
3 that with that 12 percent shift, you now have an absolute
4 value of 20 percent difference in representation of those
5 votes in those districts. I appreciate taking that into
6 consideration and the time to hear me out today.

7 SENATOR HINOJOSA: Thank you, Mr. Ruiz. We
8 appreciate your testimony. Bryant, Randall Bryant.
9 Identify yourself and who you represent and then you may
10 proceed.

11 RANDALL BRYANT: Good afternoon, Mr. Chair,
12 members of the committee. My name is Randall Bryant. I
13 hail from Dallas, Texas in Senate District 23. I'm here
14 on behalf of myself and those that share my sentiment,
15 but their voices could not be heard today. I, like many
16 people you have heard from and will continue to hear
17 from, have traversed from across this state and assembled
18 here today to provide testimony in opposition of the
19 proposed senate redistricting maps. I have and also want
20 to tell Texas congratulations. We've done it again.
21 Mr. Chair, I sat on the census committee for the city of
22 Dallas in 2020. And I recall the talking points on how
23 important it was to get an accurate count and the
24 potential funding loss to the state if we did not. I
25 recall the work we did in the hard-to-reach census

1 tracks, despite a global pandemic, to reach the Latino
2 population despite the President threatened to inquire
3 the citizenship status, and to reach the Black population
4 despite the high transition rate between multifamily
5 units. And in the end, what did minorities do for Texas.
6 Delivered to a census that accounts for almost 95 percent
7 of the population growth, a mere 4 million people, and
8 this map is the thanks that we get. So what have we done
9 again you may ask? Allow me to quote the late U.S.
10 Supreme Court Justice Ruth Bader Ginsburg. She said,
11 quote, racial discrimination in elections in Texas is no
12 mere historical artifact. To the contrary, Texas has
13 been found in violation of the Voting Rights Act in every
14 redistricting cycle from and after 1970, end quote. A
15 perfect five of the past five redistricting cycles Texas
16 has been found in violation of the Voting Rights Act of
17 1965. And this map right here, congratulations, will
18 make us six out of six. In 1929 a songwriter by the name
19 of Lethal Ellis published a song that has seen many
20 gospel renditions over the years entitled, You Can't Do
21 Wrong and Get By. In it, he says nothing hidden can
22 be -- can be everything he thought to see. You can't do
23 wrong and get by. Well, Mr. Chair, I come to remind you
24 today that we can't do wrong and get by. You can't
25 gerrymander us and get by. You can't crack us and pack

1 us and get by. You can't dilute our voting strength and
2 get by. You can't suppress us with hateful, spiteful,
3 and downright shameful voting rights bills and get by.
4 You can't do wrong and get by.

5 SENATOR HINOJOSA: Thank you very much. We
6 appreciate your testimony. Norman Wigington. Wigington.
7 Okay. Cheryl Foster. Cheryl Foster. Identify yourself,
8 who you represent and then you may proceed.

9 CHERYL FOSTER: Thank you. My name is Cheryl
10 Foster. I'm here to represent myself. I'm a sixth
11 generation Texan. My family settled in McLennan County
12 in the early 1800's. I live in Waco, Texas, House
13 District 56, Senate District 22, and U.S. Congressional
14 District 17. I know that we're here talking about senate
15 districts, but it's instructive to see how our house
16 district in McLennan County operate. Currently, McLennan
17 County and Waco specifically is divided into two house
18 districts, 56 represented by Doc Anderson and District 12
19 represented by Kyle Kacal. The break between the
20 districts runs down the Brazos River through Waco
21 essentially cutting off and disenfranchising the African
22 American community in East Waco. They can walk across
23 the river to Doc Anderson's office, but to visit
24 Kyle Kacal's office, they have to drive for over an hour
25 diluted by rural east counties east of us. It appears

1 that you are doing the same slice and dice, crack and
2 pack to our senate district now to dilute the African
3 American vote in Tarrant County. The racial
4 gerrymandering is very disappointing. In Waco, we do a
5 lot of works -- do a lot of work with folks in Marlin and
6 Mart to the east, Whitney to the north, and Gatesville to
7 the west and down south I35 to Bell County. Drawing a
8 new senate district that includes McKinleyville, Coryell,
9 Limestone, and Falls County would create a district that
10 would be more fair and incorporate the neighbors that we
11 already work with. It is our economic community of
12 interest. You know, Austin is the example that we
13 usually talk about when we -- when we show partisan
14 gerrymandering, the congressional districts in Austin. I
15 think this proposed map for the senate is going to make
16 that list a prime partisan gerrymandering example.
17 Personally, I get it. Senate District 22 as proposed,
18 certainly rewards Brian Birdwell, gives him even more
19 constituents that he can safely ignore. And a big shout
20 out to Senator Powell for becoming so dangerous that
21 she's earned the reputation that Chet Edwards has and
22 will be ousted the same way he was. That's it.

23 SENATOR HINOJOSA: Thank you very much. We
24 appreciate your testimony, Ms. Foster. Megan Sham.
25 Identify yourself, who you represent and then you may

1 proceed.

2 MEGAN SHAM: Good afternoon. Thank you,
3 Mr. Chairman and committee members for giving me this
4 opportunity. My name is Megan Sham, representing OCA
5 Greater Houston, a nonpartisan, nonprofit that aims to
6 empower and advocate for the Asian American and Pacific
7 Islander community.

8 I would like to start by reemphasizing the
9 importance of this committee's purpose, upholding the
10 values of our society through laws that guide, protect,
11 and empower of us including the Voting Rights Act. Fair
12 maps should be drawn in consideration for all
13 communities. Every person regardless of language,
14 ethnicity or any aspect of their identity deserve a
15 chance at fair and equal representation for the future.
16 The creation of new opportunity districts would allow for
17 stronger voices of minorities to permeate our local,
18 state, and national government. I am a native Houstonian
19 who grew up in Fort Bend County in Congressional District
20 22. I felt fortunate to grow up in such a diverse
21 community, attending schools where I met friends from
22 many different cultures, languages, and socioeconomic
23 backgrounds. In a majority-minority school district, we
24 were given lots of opportunities to grow and learn, and
25 there was still disparity in our school's resource

1 distribution. It was extremely competitive for funding
2 for the school district. So while the students were in
3 afforded many opportunities, the schools boosted its
4 competitive STEM classes to boost our rankings. While I
5 was luckily able to benefit from this, I also recognize
6 that the competition made the school's priority to boost
7 students who are already excelling. Rather than making
8 sure all students of all backgrounds have the same
9 support, the school focused on boosting the upper margins
10 of test scores. When the lines are being drawn and
11 finalized for our congressional districts, I ask that
12 this committee consider minority groups such as the
13 growing population of AAPI's in the Congressional 22. We
14 deserve to have fair and equitable representation from
15 those who are a part of our communities themselves.
16 Gerrymandering has and will continue to let racial
17 minorities slip through the cracks in our legislative
18 system preventing us from having representatives that
19 live and work with the people directly in our community.
20 By having representatives directly from our communities,
21 we will be able to have a stronger voice in the
22 government and become a fuller part of the tapestry that
23 makes our state and country strong and beautiful. We
24 will also be afforded opportunities to reach out to
25 others within our communities who may have misguided

1 beliefs and judges of others. Prejudice is alive in and
2 well, but I believe it is rooted in fear and lack of
3 knowledge. By having representatives that represent the
4 people who actually live and work in our neighborhoods,
5 we can actively work to educate each other and have
6 effective dialogues that overcome the gulf that divides
7 our communities and will help communities progress. As
8 someone who may seem young to you and only have been
9 voting for a few years, I encourage this committee to
10 listen to young constituents who will be directly
11 affected by these new districts. We come into the future
12 we receive from you all, and I hope you think of your
13 children, your grandchildren, and all the future
14 generations who deserve a more equitable future.
15 Thank you so much for your time.

16 SENATOR HINOJOSA: Thank you. We appreciate
17 your testimony. Christina Fu. Just identify yourself,
18 who you represent and then you may proceed.

19 CHRISTINA FU: Hello. My name is Christina
20 Fu. I currently reside in Senate District 17, and I am
21 representing OCA Greater Houston, a nonpartisan,
22 nonprofit that aims to empower and advocate for the Asian
23 Americans and Pacific Islander community. Thank you for
24 letting me speak with you today. This is my first time,
25 so please bear with me.

1 The 2020 census showed that the AAPI community
2 is one of the fastest growing demographics in Texas.
3 This community is extremely diverse and widespread, yet
4 our representation within the local, state, and federal
5 government has been lacking. The proposed maps do not
6 reflect this growth, and I encourage the community to
7 consider new opportunity districts to allow communities
8 of color the ability to choose candidates that represent
9 them. Having grown up in the -- in the Houston area, I
10 have been lucky enough to experience the many diverse
11 cultures that make Houston unique. However, in my
12 majority White neighborhood, I did not often see people
13 like myself in the media and my schools and in the
14 government. I was financially privileged enough to have
15 classmates that had attentive stay-at-home mothers and
16 fathers. But I always noticed that my parents had to
17 come in in their work clothes to parent-student meetings
18 where my peers' parents came in in leisure wear. Because
19 of this, I tried my bests to fit in with those around me
20 by distancing myself from my heritage. The lack of
21 representation made me believe that there were not enough
22 Asian Americans in Houston to be represented. And even
23 worse, it made be believe that Asian Americans were not
24 qualified or not smart enough to be a representative.
25 But even now as our population has grown, we still lack

1 adequate representation. Despite not being the majority
2 in my area, the AAPI community continues to boost
3 economic growth with new businesses and enriches the
4 community with cultures and perspectives -- with new
5 cultures and perspectives and deserves to be represented
6 by someone who understands the unique experiences and
7 pressures that we face today. I ask the committee -- I
8 ask as the committee draws and finalizes the
9 congressional district, especially the proposed Senate
10 District 15 that they remember Black, Indigenous, people
11 of color are not a monolith. We each have cultures and
12 values that deserve to be represented in the government.
13 It is my hope that one day I will see a representative
14 who understands the academic pressures we face,
15 understands the fear Asian American women feel of being
16 fetishized, work to address the growing (indecipherable)
17 between Asian Americans, understand the barriers we face
18 in getting mental health help -- mental health help and
19 feels the frustration of being constantly overlooked.
20 Thank you for your time.

21 SENATOR HINOJOSA: Thank you very much. We
22 appreciate your testimony. Miguel Dacones. Miguel
23 Dacones. Wesley You, Wesley You. Deborah Chen, Deborah
24 Chen. Identify yourself, who you represent and then you
25 may proceed.

1 DEBORAH CHEN: Good afternoon,
2 Chairman Hinojosa, and committee members and thank you
3 for having me here today.

4 SENATOR HINOJOSA: May I suggest that you
5 maybe you remove your mask so we can -- thank you.

6 DEBORAH CHEN: My name is Deborah Chen, and I
7 with OCA Great Houston, a social justice, civil rights
8 organization. I'm here today because of the importance
9 of redistricting fair opportunity and coalition district
10 maps that reflect the diversity of Texas and the spirit
11 of this constitutional requirement as a significant
12 foundation of civic engagement in our democracy. Texas
13 has had significant population growth of which 95 percent
14 were from people of color, communities of which Asian
15 Americans are the fastest growing communities; and
16 therefore, we ask for fair representation, a fair and
17 transparent process with a minimum of 14 days for public
18 input on any proposed maps, 5 days to review proposed
19 changes, the opportunity for in-person, virtual, and
20 written testimony, and keeping a record of all documents,
21 written communications, e-mails, text messages, and draft
22 maps, and providing an analysis of how the new maps
23 impact historically disenfranchised communities of color.
24 The current proposed maps pack and crack our communities
25 and dilute our voices -- dilute our votes. Through our

1 civic engagement work helping the AAPI community to
2 understand their civic duty and right to vote, we have
3 seen firsthand how the Asian American community in the
4 Greater Houston area is engaging in their local
5 communities and becoming increasingly politically active.
6 There are AAPI communities of interest in the Greater
7 Houston area as well as in Dallas-Fort Worth and the
8 Greater Austin area. We should not have our voting power
9 diluted to packing or cracking at any legislative level.
10 For example, we are concerned of what happened in 2011
11 where Texas House District 137 and 149, both of which are
12 opportunity coalition districts with communities of
13 interest, were packed together in a racially
14 discriminatory attempt to prevent Asian Americans from
15 having two state representatives and it took a lawsuit to
16 prevent this. Asian Americans and immigrant communities
17 work hard, pay taxes, buy homes, and start jobs creating
18 businesses and want opportunities for fair
19 representation. We have shared communities of interest
20 with similar values and needs. We have shared cultural
21 characteristics. Share religious worship, countries of
22 origin, languages, and/or socioeconomic status. The
23 Asian American community is diverse with generations of
24 citizens, new citizens, immigrants, and limited English
25 proficient people. We need fair access to resources,

1 multi-language access, affordable housing, living wages,
2 jobs, good schools like any other community and we should
3 not have to live in fear of anti-Asian hate,
4 representatives that spew racist and discriminatory
5 rhetoric that scapegoat the Asia American from
6 communities. The anti-Asian hate and rhetoric our
7 communities suffered during the COVID pandemic and the
8 lack of resources for our community are prime examples of
9 the importance of having the opportunity for fair
10 representation and not diluting the vote of our
11 communities. We should have representatives that will
12 take responsibility to fix the electrical grid and have
13 companies pay their fair share for it and require living
14 wages. We should be able to vote and advocate together
15 for the candidates of our choice to improve our
16 communities. In closing, AAPI communities of interest
17 should not be unfairly divided in any level of egregious
18 maps whether the U.S. Congressional, State Senate, State
19 House or City Council and school boards and State Board
20 of Education. We echo the request of other communities
21 where inclusion and transparency are publicly displayed,
22 fair maps and opportunities for input. Unfair
23 gerrymandered redistricting is the most effective way to
24 suppress the votes of citizens and has been utilized
25 historically in Texas for multiple redistricting cycles

1 every ten years. We ask you to rise above partisanship
2 and break this cycle. Thank you.

3 SENATOR HINOJOSA: Thank you very much for
4 your testimony. Julie Gilberg, Julie Gilberg. Identify
5 yourself, who you represent and then you may proceed.

6 JULIE GILBERG: Thank you, Mr. Chairman and
7 committee members. My name is Julie Gilberg and I'm here
8 to represent myself. And I am against SB4 and the
9 proposed senate maps.

10 I live in Aldridge Place in Austin, just north
11 of UT. I live within five blocks of two different
12 congressional districts, CD 10 and 21, and my precinct
13 itself is the third congressional district, CD 25. So I
14 obviously live in a community that has been cracked. My
15 congressional district is 212 miles long and contains
16 13 counties all with vastly different needs and almost
17 45 percent of CD 25's registered voters are in
18 Travis County, but I've never met my congressman despite
19 asking to meet him over four years. My congressional
20 district contains the east side of Austin, a community of
21 color along with three minority military precincts in
22 Bell County. And although Travis County has grown a lot
23 in the last ten years, our leadership in congress and the
24 State Texas Senate is the same and it is not reflective
25 of the racial diversity of our community. No one has

1 been harmed more by map manipulation and voter
2 suppression than Black and Latino communities whose
3 voices have been minimized at the ballot box and in
4 congress. According to the 2020 census, Texas is an
5 urban and racially diverse state, yet the proposed senate
6 maps do not reflect the increasing racial diversity
7 within our state. In looking at the proposed senate
8 maps, communities of color in Tarrant County are
9 primarily cracked between SD9, SD10 and SD22 in a county
10 where the White population has shrunk by 3 percent. The
11 Asian population has had 56 percent growth. The Black
12 population has had 40 percent growth. And the Latino
13 population has had 29 percent growth. These racially
14 diverse communities all grew significantly. SD22
15 contains many counties that are currently a part of
16 CD 25. In SD22, racially diverse suburban Euless with a
17 population of 61,032 is in the same district a small
18 rural Rosebud with a population of 1,349 in Falls County,
19 which is 143 miles away. There are eight other senate
20 districts that are wholly contained within that 140 mile
21 radius. And I have to wonder, what does a racially
22 diverse community like Euless have in common with
23 Rosebud, Texas, in Falls County or what does East Austin
24 have to do with Bosque County. Cracking and packing
25 Black and Brown communities means the needs of those

1 racially diverse communities are not met in the Texas
2 legislature or Congress. For example, Black East Austin
3 is dealing with a lack of affordable housing and high
4 property taxes while the Black and Brown minority
5 precincts in military Killeen do not have a VA Hospital,
6 and their nearby rural hospitals are closing and the
7 nearest VA clinic is in Temple, Texas, around 30 minutes
8 away from Killeen. And I believe both communities would
9 benefit from expanding Medicare or winterizing our grid,
10 but neither issue has been addressed in the legislature.
11 The people in my district and across Texas --

12 SENATOR HINOJOSA: Please wrap up your
13 testimony. Your time is up.

14 JULIE GILBERG: Yeah. The people in my
15 district and across Texas want solutions and not more
16 division. And I ask the committee to draw maps that are
17 fair, competitive, and represent all Texans. Thank you
18 very much.

19 SENATOR HINOJOSA: Thank you. We appreciate
20 your testimony. Before I bring the next witness up, I'm
21 going -- I will be calling the next group, which is the
22 last group that we have, witness cards. Idona Griffith,
23 Idona Griffith. Sophia Deloretto-Chudy.
24 Anusheh Siddique. Amatullah Contractor.
25 Niloufar Hafizi. Selena Xie. Benjamin Chou,

1 Benjamin Chou. Prerna Bhat, Prerna Bhat. Please come
2 up. Identify yourself, who you represent and you may
3 proceed.

4 PRERNA BHAT: Hi. My name is Prerna Bhat
5 representing the Texas AAPI Redistricting Coalition, Wise
6 Up Texas and myself. Thanks for the opportunity to speak
7 today. I hope that this community will continue to hold
8 in-person and virtual hearings to allow public input from
9 the entire state. The census showed that 95 percent of
10 all growth in Texas occurred in the African American,
11 Latino, and AAPI communities. Any fair maps must reflect
12 the diversity of the state. But instead the new maps
13 crack -- pack and crack our communities and dilute our
14 vote. I urge this committee to comply with the
15 Voting Rights Act and respect the reality in the census
16 by honoring people of color the opportunity to choose a
17 candidate of their choice. As an Asian American, fastest
18 growing demographic in Texas, I want fair districts
19 because we need better, more representative, more
20 communication and more opportunities for our communities
21 including in coalition with other people of color and
22 immigrant populations with similar values and needs.
23 During the winter storm when our elected officials and
24 many of our systems failed us, our community showed up
25 for each other. This is particularly impactful because

1 many folks in these immigrant communities don't have
2 adequate information to have access to services and aid
3 and most of our representatives don't put in sufficient
4 effort to get us that information and reach out to AAPI
5 communities, so we often have to organize and support
6 each other on our own. During the storm and the grid
7 failure in February, the South Asian Pacific organization
8 that I am a part of used our personal networks to
9 identify elderly sections in the area that were without
10 water and/or electricity so that we can send aid or get
11 them somewhere safer. Those who are lucky enough to not
12 be as effected, hopped on the phone banks and checked on
13 those who might be. My mom put out a call for donations
14 of household items, groceries, and water among the South
15 Asian community in her current neighborhood of Travisso
16 and Leander as well as the neighborhood that I grew up
17 in, Canyon Creek and Round Rock, Austin. Our friends in
18 Canyon Creek didn't even still have water for several
19 days. So we went to pick up items that they had
20 collected for donation. We also brought them gallons of
21 water in repurposed milk jugs. Overall through the
22 generosity of these communities, we ended up collecting
23 several van fulls of donated items to help those in even
24 more need to get through a really tough time. These two
25 neighborhoods still only 15 minutes apart and are part of

1 the same heavily AAPI community interest in northwest
2 Austin, Sierra Park and neighborhoods in Leander and
3 Randolph are split apart in the majority of the district
4 up and down the ballot. At least Canyon Creek are in the
5 same Senate District, SD14, in these new maps. My
6 neighborhood will be carved out from SD14 having
7 52.1 percent people of color and thrown in the new SD25,
8 just 41 percent of people of color. So I went from being
9 in a state senate district that included my old
10 neighborhood 15 minutes away to being in a district that
11 is two hours away in San Antonio as well as in Blanco,
12 Comal, Hays, and Burnet County. It's all very
13 demographically distinct from my community. Furthermore,
14 the temple that my family goes to, 5 minutes away from
15 our house, the Sri Venkateswara Temple on New Hope Drive
16 is currently in SD5 but is now being included in the new
17 SD24 map, which goes all the way up to Coryell County and
18 all the way down south to Atascosa County, but does not
19 include the majority of folks who actually attend temple.
20 This is a primarily religious and cultural center for the
21 Hindu American community of North Greater Austin where
22 folks of SD5, 14 and 24 all gather. Now we're
23 additionally being split between SD5, 14, 24, and 25.
24 South Asian grocery stores must fund Indian, Pakistani
25 and Randall groceries and Gandhi Bazar, both located

1 around the 183/620 intersection, are frequented by the
2 South Asian community of (indecipherable) district.
3 These areas are primarily in SD5 but would also be carved
4 out and included in SD24 under these new maps. Again
5 SD24, very (indecipherable) high districts. Williamson
6 County grew by 44 percent in the last decade and
7 77 percent of that growth came from diverse communities
8 including 21 percent from the Asian community. The Asian
9 population in Travis County grew by 76.5 percent over the
10 last decade. These new maps crack these communities in
11 far-off rural nondiverse districts. Our community is
12 already divided as is and these maps are maintaining and
13 furthering erasing our voices district by district. They
14 serve only to dilute our voice.

15 SENATOR HINOJOSA: Please wrap it up. Your
16 time has expired.

17 PRERNA BHAT: Yep. For far too long, AAPI
18 communities across Texas have been unfairly divided into
19 multiple legislative districts. I urge this committee to
20 hold additional in-person and virtual hearings that allow
21 public input from the entire state to create a new senate
22 map that reflects our community and for anecdotal data as
23 well as fair districts for U.S. Congress and Texas House.
24 In addition, please continue to allow a fair and open
25 process --

1 SENATOR HINOJOSA: Please wrap it up.

2 PRERNA BHAT: Review additional maps and five
3 days to review any changes to proposed map. Thank you
4 for your time.

5 SENATOR HINOJOSA: Thank you for your
6 testimony. Idona Griffith. Idona Griffith. Sophia
7 Deloretto-Chudy. Just identify yourself, who you
8 represent and you may proceed.

9 SOPHIA DELORETTO-CHUDY: Thank you,
10 Mr. Chairman and committee members. My name is Sophia
11 Deloretto-Chudy. I'm here as the campaign manager of
12 The Good Deed Corps. It's a nonpartisan, nonprofit that
13 furthers the voter registration and turnout in the
14 Rio Grande Valley. And I myself live in Austin.

15 I am here today to give testimony in
16 opposition of SB4. I remember sitting in my college
17 classroom in 2015 and learning for the first time what
18 the term gerrymandering meant. The following year I went
19 on to write my honor's thesis on why half of all eligible
20 young people, despite being the largest eligible block of
21 voters in the United States history, decided to stay home
22 instead of voting in one of the most critical elections
23 in our lifetime. The answer I came to over and over in
24 my year of research was that young people were made to
25 believe that their votes did not count. They didn't

1 matter. They truly believed that the elections were
2 decided for them and their voice and their votes didn't
3 make a difference no matter what they had to say. Young
4 people are not apolitical. They are not apathetic. They
5 are distrusting. The lack of trust in our formal, quote,
6 unquote, institution, is one of the most well-documented
7 declines in American cloak of history, and is
8 legitimately one of biggest threats to our nation's and
9 our state's democracy. This is the kind of partisan
10 election rigging that makes us young voters distrusting
11 of election, not the false and unfounded accusations of
12 voter fraud and illegal balloting. The lines drawn on
13 this senate map proposed actually do make it so that
14 certain people, specifically the young people of color
15 who make up the growing Texas electorate, votes will not
16 count because of their district drawn in an uncompetitive
17 by nature. The winner is predetermined. The intentional
18 lack of competitiveness and total disregard for what is
19 clear and obvious in the census data is a blatant power
20 grab. I've worried about how divided we are as a
21 country. I worry about the lack of trust in government
22 and gerrymandering and map manipulation will only make
23 this problem worse. Not only are these maps
24 discriminatory and undemocratic, they will intentionally
25 or not discourage a young electorate from participating

1 in the patriotic acts of voting. As a Texan, I am
2 demanding a fair and transparent process that results in
3 maps that accurately represent them, not what is in front
4 of us today. I ask that the committee draw maps that are
5 fair, competitive and represents all Texans. Thank you
6 for your time.

7 SENATOR HINOJOSA: Thank you very much. We
8 appreciate your testimony. Please identify yourself and
9 who you represent and then you may proceed.

10 ANUSHEH SIDDIQUE: My name is Anusheh
11 Siddique. I'm speaking on behalf of the Emgage Action.
12 I'm the coordinator of the Empowering Community
13 Initiative, collaborative that seeks to advocate for the
14 Asian community. I live in Fort Bend County in
15 U.S. Congressional 22, Texas House District 27, Texas
16 Senate District 17.

17 In 1965, the Voting Rights Act was passed to
18 counter the Jim Crow laws to place the safeguards against
19 voters suppression. A critical part of this was Section
20 2, an effort to protect minority voters from having their
21 voices and votes diluted. In the past ten years, I am
22 proud to say Texas has added almost 4 million people and
23 minority communities in Fort Bend have grown
24 substantially and exponentially. I mention this because
25 the maps this body has authored do not reflect this

1 growth. Unfortunately, your maps continue to neglect the
2 rapid growth of minority communities as they have faced
3 decades of closed-door decisions. These decisions are
4 decided by the same lawmakers whose incumbency is
5 contingent on how the district boundaries are set up.
6 Voters should decide their politicians. Politicians do
7 not need to be deciding their voters. So ask yourself if
8 this is a conflict of interest. My own district --
9 forgive me, Senators -- our district has an AAPI
10 population and prevents them from consolidating any power
11 as a voting block or having any future of electing a
12 representative with our own interest at heart.
13 Congressional District 22 has one of the highest AAPI
14 populations in the nation, yet it has been drawn in a way
15 that no AAPI could possibly win. Texas ranks fourth in
16 AAPI hate crimes. This means to say my father or my
17 mother or my neighbors or my fellow believers in faith
18 are congregated in their houses of worship praying for
19 our safety, our representatives are allowed to operate on
20 wildly unpopular decisions without any fear of
21 consequences. My community is literally split down the
22 middle to ensure our votes are diluted. That's not an
23 exaggeration. If you see these maps, you will see quite
24 literally that it's intentional and it is racist.
25 Despite being in the Chairwoman's district and being your

1 constituents is not to go out of their way to exclude me
2 and people who look like me. I've worked in nonprofit
3 communities organizing campaigns, and in each of these
4 industries, I have found communities of marginalized
5 folks that have been fractured for electoral benefit. I
6 have been able to work in mapping areas of interest, and
7 those are coincidentally the points your cracking and
8 packing policies strike the most in these proposed maps.
9 I ask you instead of calculating the trajectory of your
10 political advance for the next decade at the expense of
11 democracy, try opening the doors to public and when we
12 rise, we rise together.

13 SENATOR HINOJOSA: Thank you very much for
14 your testimony. Next we have Amatullah Contractor.
15 Please identify yourself and who you represent and then
16 you may proceed.

17 AMATULLAH CONTRACTOR: Good afternoon,
18 Chair Huffman and Vice Chair Hinojosa and committee
19 members. My name is Amatullah Contractor, and I am
20 speaking on behalf of Emgage Action and myself. I am
21 here to testify against Senate Bill 4 and urge you to
22 withdraw and reconsider these proposed maps. Senate
23 Bill 4 displays a series of senate district maps
24 surgically carved out to solidify the arbitrary request
25 for power in the republican party. These maps are a

1 direct contradiction of the growth seen in the Texas
2 population, contributed 95 percent by communities of
3 color. Instead these maps have cut out populous counties
4 by extending them out to rural areas. These communities
5 have little shared interest or concerns and can only be
6 justified as a secure seat for incumbents. Particularly
7 the Asian American communities, the fastest growing
8 ethnic minority in the country, and yet every region
9 where there was significant AAPI growth such as
10 Fort Bend, Harris and Collin counties have been cracked
11 to deny us representation. I have analyzed the census
12 data of the AAPI community from 2010 up until 2020, and
13 it confirmed what I always knew was true, a strong desire
14 for our communities to congregate, to be together, and I
15 thought that is what we would get when I advocated for
16 our communities to complete the census all the way from
17 speaking in training in 2020 and yet here we are. We
18 were worried their data would be weaponized for other
19 reasons, and right now it is being weaponized as a way to
20 crack them in half so that they would not be represented
21 adequately. We are entitled to our representation, to
22 have our needs addressed; and when they aren't, we are
23 entitled to hold our officials accountable by voting
24 against them. We need districts where politicians must
25 earn votes through public service and community

1 solutions. I work with the coalition known as Houston In
2 Action to create unity maps that offer solutions for
3 communities that are drowning. And when I see these
4 maps, I see this as an attempt by a certain party to hold
5 our heads under the water. I have been on the -- today,
6 I urge you to reconsider these proposed maps and ask
7 yourselves about the consequences these lines have on my
8 community. Silencing voices of the very people that you
9 have taken an oath to serve, whose rights you have taken
10 an oath to preserve and protect is inherently immoral.
11 We will not be spectators as our voices are stripped
12 away. We will show up to public hearings to tell our
13 stories. We will show up in court to represent our
14 communities and advocate for the lives we deserve and we
15 will continue to mobilize our community to march on in
16 the fight for the equitable representation we are
17 entitled to. Fair districting is our right, and we won't
18 back down from that. Thank you.

19 SENATOR HINOJOSA: Thank you for your
20 testimony. Niloufar Hafizi. Just identify yourself, who
21 you represent and then you may proceed.

22 NILOUFAR HAFIZI: Thank you, Mr. Vice Chair,
23 and thank you, Senators and Madam Chairwoman. My name is
24 Niloufar Hafizi. I'm here on behalf of myself and the
25 organization Engage Action. A c(4) advocates on behalf

1 of AAPI voters, their communities, and the Muslim
2 communities. I was born in Harris County, went to the
3 same law school as Senator Huffman did in Harris County,
4 worked there, and I've lived in Fort Bend County since
5 2014. And the (indecipherable) in Fort Bend, Harris,
6 Matagorda and Wharton counties, and I am here to testify
7 in opposition of SB4. My family is from Iran, a country
8 where all state (indecipherable) of democracy exists, but
9 there is no real democracy. When my relatives and our
10 family, friends talk about America and that I am from
11 America, they tell me oh, you must live -- you must be so
12 thrilled to live in a representative democracy. They may
13 not know the details of the Voting Rights Act and the
14 Civil Rights movement here, but they do know that this is
15 supposed to be a country where you are race doesn't
16 determine how much your vote counts. They may have never
17 read or heard of even Randall versus Simms, but they
18 think that one person, one vote is the principle of this
19 country, that people who serve in the legislature is
20 honor. When I look at these maps, that is not what I
21 see. In the district I live in, SD18 has experienced
22 massive population growth mostly thanks to communities of
23 color. In fact, the Asian American population of SD18
24 increased by 129 percent. When I learned of this, I
25 thought maybe, just maybe there will be a rare

1 opportunity for someone like me to feel that my vote
2 counts because our community is so used to being ignored,
3 we show up and we vote anyway. When these maps were
4 released, I realized, of course, this is what I should
5 have expected. These maps are drawn to benefit
6 incumbents and that is dangerous, not only because of the
7 populations you've ignored, but because these maps were
8 made in time of peril for American democracy. Public
9 trust in government's ability to represent people is at
10 an all time low in modern history. The public believes
11 that legislators drawn these maps to benefit themselves,
12 and when they look at structures like these where a place
13 like Fort Bend County, which is large enough that it
14 could be its own compact district, is split apart into
15 three senate districts and lumped into SD18 with
16 communities and counties such as (indecipherable),
17 Fayette and Burleson that are rural counties with little
18 in common with Fort Bend. And it's clear to see why the
19 public has little trust in this process. And
20 furthermore, noncompetitive districts like these exist,
21 they corrupt the process by making sure that people feel
22 that their vote doesn't count. They make sure that when
23 primaries happen, that's when the election happens, not
24 the actual election. I ask you as representatives of
25 Texas who have the power to do this at a moment of

1 crucial importance in the American history to not
2 gerrymander against people's interest based on race and
3 partisanship. Thank you.

4 SENATOR HINOJOSA: Thank you for your
5 testimony. Benjamin Chou. Just -- we'll have a clerk
6 pick it up. You can go ahead and testify. Somebody will
7 pick it up. Just leave it there on the desk. Thank you.
8 Just identify yourself and who you represent and then you
9 may proceed.

10 BENJAMIN CHOU: My name is Benjamin Chou, and
11 I represent myself. I rise in opposition to
12 Senate Bill 4. Chairman Hinojosa, Chairwoman Huffman,
13 thank you for holding this important hearing. Two weeks
14 ago during a virtual hearing held by this committee, I
15 testified that Asian Americans in Texas outgrew every
16 other racial group except Hispanics this past decade. In
17 greater Houston, however, Asian Americans were the
18 fastest growing racial group, and we now comprise over
19 five percent of the state. As a result of this growth,
20 an Asian polarity senate district can be drawn in the
21 Greater Houston area. In fact, I have a copy of it here
22 and I've distributed it to all of you -- thank you very
23 much, to senators today, which I will walk you through.
24 Texas has never had an Asian polarity senate district and
25 currently there is no senate district that is more than

1 21 percent Asian. As you can see on page 2, the areas
2 that are darker are where Asian Americans live. From
3 this map, you can tell that our community largely resides
4 in southwest Harris County and northeast Fort Bend
5 County. In the current senate map, Asian Americans are
6 already split. Senate District 17, your district,
7 Madam Chair, is where we have the largest concentration
8 of Asian Americans at just over 17 percent. On page 3
9 you will see, however, that Senate Bill 4 does a
10 disservice to the Asian American community by splitting
11 us even further. Instead of creating an Asian
12 opportunity district, it engages in what legal experts
13 call cracking of our Asian community. In this map, there
14 are no districts in Houston where we constitute more than
15 13 percent. Only 13 percent, Madam Chair. How is it
16 that the fastest growing population in the Houston area
17 finds itself with less representation? How is it we find
18 ourselves decreasing from 17 percent to 13 percent? How
19 can we as Asian Americans expect you or any other senator
20 to effectively represent our interests when you further
21 divide us so that we cannot even live together in one
22 district? I understand that you have repeatedly said
23 today that these maps were drawn, in quote, blind to
24 race. But based on the evidence, I find that claim hard
25 to believe. This map reeks of intentional discrimination

1 against Asian Americans, and I hope you do show the data
2 that I brought here today to the attorney general's
3 office so that General Paxton is aware that this map
4 cracks the Asian community. Fortunately, I'm an optimist
5 and believe the committee will do the right thing and
6 respect our desire to be united in one district. As such
7 on the last map, you will see that there is an
8 opportunity to draw an Asian polarity district of
9 30 percent in our district. As such, I strongly
10 encourage the senate to redraw Senate Bill 4 and create a
11 polarity Asian opportunity district because it's possible
12 and the Asian population deserves the opportunity to
13 elect someone of our choice. Thank you so much.

14 SENATOR HINOJOSA: Thank you very much for
15 your testimony. Selena Xie. Selena Xie. I'm going to
16 call some of the other witnesses which I called a while
17 ago and were not -- did not respond. Idona Griffith,
18 Idona Griffith. Wesley You, Wesley You. Miguel Dacones,
19 Miguel Dacones. Norman Wigington, Norman Wigington.
20 Selena Xie. Those are all the cards we have for today's
21 witness list. I will ask if anybody present would like
22 to testify for, on, or against Senate Bill 4 and
23 Senate Bill 7? I'll ask again. Is anybody present who
24 would like to testify for, on, or against Senate Bill 4
25 and Senate Bill 7? If not, the public testimony is

1 closed for today. I think tomorrow we will continue at
2 9:00 in the morning listening and hearing testimony on
3 Senate Bill 4 and Senate Bill 7. Madam Chair Huffman.

4 SENATOR HUFFMAN: Thank you, Senator Hinojosa,
5 very much for fulfilling your vice chair duty so well --
6 so well today. Thank you, sir, for taking over.

7 Members, I just want to remind you again about the
8 amendment process. As we have said, I want to repeat it
9 publicly again, committee amendments including the
10 corresponding reports from legislative council are due to
11 the committee by Sunday, September 26, 2021, at
12 10:00 a.m., Ledge Counsel is asking that committee
13 amendments be submitted to them by 5:00 p.m. Saturday on
14 September 25 in order for them to have sufficient time to
15 process and produce the amendment packet. Members, I
16 would say that today there were some comments and some --
17 about an amendment being filed in the dark of night last
18 night. I actually filed that as soon as it was prepared.
19 The amendments actually are not due until Sunday. So I
20 filed it purposefully so that the public would have some
21 viewing of the amendment. As we all know, the amendments
22 are part of this process. We are doing it just that way.
23 There will not be a committee substitute. We are putting
24 the amendments out there. We urge members of the public
25 who have amendments that they want to, or maps that they

1 want to present and all members to get your amendments
2 in. They will all be considered and presented to this
3 committee for a vote. So with that, we will -- I think
4 that's all the business we have today. So we will stand
5 in recess subject to the call of the Chair which will be
6 tomorrow morning at 10:00 a.m. where we will welcome more
7 public testimony on these important pieces of
8 legislation. At 9:00 a.m. I'm so sorry. Today was
9 10:00. Tomorrow is 9:00. 9:00 a.m. 9:00 a.m. So sorry
10 about that. Okay. We'll be in recess. Thank you.

1 I, REBECCA FARRIS, a competent court reporter and
2 disinterested person, transcribed the pre-recorded
3 video/audio proceedings.
4

5 Dated November 24, 2021.
6

7 Electronically signed/Rebecca Farris

8 Rebecca Farris
9 Stenographic Court Reporter
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