

# **EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

ROY CHARLES BROOKS, *et al.*,

*Plaintiffs,*

v.

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

*Defendants.*

Case No.: 1-21-cv-00991-LY-JES-JVB

**DECLARATION OF SENATOR KEL SELIGER**

Pursuant to 28 U.S.C. § 1746, I, Kel Seliger, declare that:

1. I am over the age of 18 and am competent to testify.
2. I am the incumbent Republican state senator representing District 31 in the Texas state senate. I have held this position since 2004.
3. I was the Chair of the Senate Select Redistricting Committees in 2011 and 2013.
4. Senator Joan Huffman was a member of the Senate Select Redistricting Committees in 2011 and 2013.
5. In 2012, a three-judge federal court ruled that the senate map adopted by the 2011 legislature was racially discriminatory because it dismantled Senate District 10 ("SD10") and cracked apart its minority communities.
6. The members of the Senate Select Redistricting Committee received copies of that federal court decision.
7. In 2013, then-Attorney General Greg Abbott advised the Senate Select Redistricting Committee that it was our duty to correct the racial discrimination that the federal

court had found in SD10. The committee held a series of hearings and discussed the federal court's ruling that the dismantling of SD10 was racially discriminatory. To remedy this racial discrimination, the committee adopted Plan S172, which restored SD10 to its benchmark configuration. The plan was passed by the legislature and signed by the Governor.

8. The committee members all knew that it was necessary to restore SD10 to its benchmark configuration in order to comply with the Voting Rights Act and the U.S. Constitution, which prohibit racial discrimination.

9. The committee members also knew that voting in Texas and Tarrant County is racially polarized.

10. The 2021 senate redistricting process saw untrue, pretextual explanations given for why the lines were drawn as they were. For example, I was told by Senator Huffman that my district was being changed to add many new counties around Midland and remove panhandle counties in order to create distinctive agricultural versus oil and gas districts between SD31 and SD28. But as I explained on the senate floor, the plan does not create distinctive agricultural and oil and gas districts. Instead, it was obvious that the purpose of these changes was to benefit a potential Republican primary challenger from Midland preferred by the Lieutenant Governor. Senator Huffman would not acknowledge this fact, and instead doubled down on the pretext that the changes were for other reasons.

11. Given my experience on the Senate Redistricting Committee in 2011 and 2013, the federal court's order regarding SD10, the fact that the benchmark district was compact, wholly contained within Tarrant County, and had close to ideal population, I cannot accept the suggestion that any of the stated redistricting criteria, such as equalizing population,

compactness, communities of interest, or incumbent protection compelled the substantial change to SD10's boundaries. I believe this explanation is pretext.

12. I voted in favor of an amendment offered by Senator Powell to restore SD10 to its benchmark configuration. Having participated in the 2011 and 2013 Senate Select Redistricting Committee proceedings, and having read the prior federal court decision regarding SD10, it was obvious to me that the renewed effort to dismantle SD10 violated the Voting Rights Act and U.S. Constitution.

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

November 17, 2021

  
Kel Seliger