

**State Defendants' Response to Gonzales Plaintiffs'
Motion for Preliminary Injunction**

Exhibit B

2025 0822 2CS Senate Journal, Fifth Day

SENATE JOURNAL

EIGHTY-NINTH LEGISLATURE — SECOND CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

FIFTH DAY

(Friday, August 22, 2025)

The Senate met at 6:27 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Campbell, Cook, Creighton, Eckhardt, Flores, Gutierrez, Hagenbuch, Hall, A. Hinojosa, J. Hinojosa, Huffman, Hughes, Johnson, King, Kolkhorst, Menéndez, Middleton, Miles, Nichols, Parker, Perry, Schwertner, Sparks, West, Zaffirini.

Absent-excused: Paxton.

The President announced that a quorum of the Senate was present.

Senator Birdwell offered the invocation as follows:

Father, we come before Your throne asking for wisdom and grace, strength. We ask Your hand upon those in the Hill Country that have lost loved ones. Give them Your peace that only You can provide. We ask Your hand upon those that are still searching for the missing and that they are recovered. We ask Your hand of safety upon the people of Texas, our fellow members in the House, the executive branch, the judicial branch, and our national leadership. In Christ's name I pray. Amen.

Senator Zaffirini moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVE OF ABSENCE

On motion of Senator Zaffirini, Senator Paxton was granted leave of absence for today on account of family business.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The President announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's calendar.

There was no objection.

CONCLUSION OF MORNING CALL

The President at 6:29 p.m. announced the conclusion of morning call.

HOUSE BILL 4 ON THIRD READING

Senator King moved to suspend the regular order of business to take up for consideration **HB 4** at this time on its third reading and final passage:

HB 4, Relating to the composition of the districts for the election of members of the United States House of Representatives from the State of Texas.

The motion prevailed by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Perry, Schwertner, Sparks.

Nays: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Absent-excused: Paxton.

(Senator Birdwell in Chair)

(President in Chair)

The bill was read third time.

Question: Shall **HB 4** be finally passed?

RECESS

Senator Parker moved to recess until 11:30 p.m. today.

The motion prevailed by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Perry, Schwertner, Sparks.

Nays: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Absent-excused: Paxton.

Pursuant to a previously adopted motion, the Senate at 8:36 p.m. recessed until 11:30 p.m. today.

AFTER RECESS

The Senate met at 12:30 a.m. Saturday, August 23, 2025, and was called to order by the President.

Question: Shall **HB 4** be finally passed?

Senator Perry moved to call the previous question on final passage of **HB 4**.

Senators Creighton, Flores, Hagenbuch, A. Hinojosa, Hughes, Middleton, and Sparks seconded the motion.

Question: Shall the main question be now put?

The motion to call for the previous question prevailed by the following vote: Yeas 18, Nays 8.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Perry, Schwertner, Sparks.

Nays: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Miles, Zaffirini.

Absent: Johnson, Menéndez, West.

Absent-excused: Paxton.

Question: Shall **HB 4** be finally passed?

Senator King moved that **HB 4** be placed on final passage.

HB 4 was passed by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Parker, Perry, Schwertner, Sparks.

Nays: Alvarado, Blanco, Cook, Eckhardt, Gutierrez, J. Hinojosa, Johnson, Menéndez, Miles, West, Zaffirini.

Absent-excused: Paxton.

REASON FOR VOTE

Senators Parker, Bettencourt, Birdwell, Campbell, Creighton, Flores, Hagenbuch, Hall, A. Hinojosa, Huffman, Hughes, King, Kolkhorst, Middleton, Nichols, Perry, Schwertner, and Sparks submitted the following reason for vote on the motion to call the previous question:

August 23, 2025

Late last night, the Texas Senate settled in for a traditional filibuster. After recessing, it was discovered that Sen. Carol Alvarado issued a campaign email to promote her filibuster as a campaign fundraising opportunity.

It is unprecedented to filibuster in the Texas Senate for the purpose of campaign fundraising. This is highly offensive to the body and violative of the long-standing traditions, ethics, and decorum of the Texas Senate. To hold state employees at work under the guise of official responsibilities for the purpose of campaign fundraising appears to be unlawfully and unethically using state resources for a campaign purpose:

Every Senate employee's state salary is being used to support Sen. Alvarado's campaign.

The Texas Capitol building and the Senate itself are being used to support Sen. Alvarado's campaign.

The facilities such as lighting, security, electricity, information systems and technology and all resources used to support the Senate in its official work are being used to support Sen. Alvarado's campaign.

Using the Senators, the employees, and support resources to bolster Sen. Alvarado's fundraising activities effectively holds hostage the entire Senate and forces employees to assist and participate in her campaign. Every other Senate member and each employee is a "prop" to support Sen. Alvarado's campaign.

Given this unprecedented situation, we moved to call the previous question and end this political charade.

Respectfully,

PARKER	HAGENBUCH	KOLKHORST
BETTENCOURT	HALL	MIDDLETON
BIRDWELL	A. HINOJOSA	NICHOLS
CAMPBELL	HUFFMAN	PERRY
CREIGHTON	HUGHES	SCHWERTNER
FLORES	KING	SPARKS

REASON FOR VOTE

Senator Bettencourt submitted the following reason for vote on the motion to call the previous question:

The Presiding Officer of the Texas Senate had a filed request from Senator Alvarado notifying Lt. Governor Patrick of her intent to filibuster HB 4, the redistricting bill, on August 22, 2025. During that evening, Members of the Texas Senate became aware of a fundraising email Senator Alvarado released earlier that day. The email was sent by her campaign, asking recipients to watch the filibuster and rush donations to her campaign account in advance of the filibuster.

This is problematic legally at the Capitol for the state employees that serve as Senate staffers, and Senate officers to be present in the Senate Chambers, and it is a direct conflict with the tradition of the Senate regarding the purpose of a filibuster, as notified to the Presiding Officer. To my knowledge, the Senate membership, staff, visitors, and officers had never been approached to consent to being a part of an active campaign fundraising filibuster.

I had planned to ask a simple, factual question during the extended debate about minority party congressional seat representation in Massachusetts, New York, Illinois, and California as compared to Texas. In fact, Massachusetts has no minority party congressional seat representation. Illinois and California have 17%. New York has 26% minority party congressional seat representation, and Texas is estimated to have the same percentage after the passage of HB 4.

How would this question have been received in the middle of an active fundraising filibuster? Could the staff of the Texas Senate even participate in any event in the Senate Chambers that was effectively a live fundraiser?

As a result, I voted for the motion to call the previous question by Senator Perry prior to Senator Alvarado's filibuster, after an explanation to the entire Senate by the Presiding Officer of the Texas Senate, Lt. Governor Patrick. Due to the importance of this vote regarding Senate tradition regarding filibusters, and my vote for HB 4, I am recording these comments in the *Senate Journal*.

BETTENCOURT

REASON FOR VOTE

Senator West submitted the following reason for vote on **HB 4**:

As the Texas Senate cast its votes on Senate Bill 4 which will delete Black and Brown representation throughout this state, across the Rotunda of the Capitol, in the House Chamber, one of our legislative colleagues—Representative Nicole Collier—sat in the opposite Chamber alone, having been confined there more than 24 hours after she refused a Department of Public Safety escort following return from the House Democrats' quorum break.

It is under circumstances such as these that this bill was passed, and this fact pattern must be illuminated for the historical record.

Throughout the Spring and the Regular Session of the 89th Texas Legislature, the words, 'Congressional Redistricting' did not rear its head. In fact, when the Senate organized in January, we did not even have a Select Committee on Redistricting. Redistricting was nowhere among the priority bills of the Lieutenant Governor or the Speaker. And the Governor, in his biennial message to the Legislature, mentioned nothing about Congressional Redistricting.

The first that legislators heard about Congressional Redistricting was within the first ten days of June when news outlets, including the *New York Times* and *Texas Tribune* reported the redistricting impetus was "being driven by President Donald Trump's political advisers." (*Texas Tribune*, June 9, 2025) Following this revelation, *that very day, in fact*, Governor Abbott put out the Call for the First Called Session of the 89th Legislature, and placed Congressional Redistricting on that call. (*Governor Abbott Announces Special Session Agenda*, July 9, 2025, Press Release, Governor's Website) The record on this redistricting debacle is replete with examples that show how rushed and politicized this process was. The Select Committee on Redistricting in the Senate was established without even time for the Chair to secure counsel before the first meeting of the committee convened. "Regional hearings," were conducted via teleconference, with no move by the Committee to go out into the state and have hearings, in a way the House did.

What legal basis did the Governor have to call the Legislature to special session on Redistricting? A letter literally not worth the paper on which it was printed. The state received a letter from Harmeet K. Dhillon, Assistant U.S. Attorney General for Civil Rights, that a law school professor would laugh out of his classroom. This letter claimed, based on what many believe is a flawed interpretation of a Fifth Circuit opinion in *Petteway v. Galveston County, Tex.*, that four Texas Congressional Districts were unconstitutional racial gerrymanders because they constituted coalition districts, and coalition districts were struck down by *Petteway*. The four congressional districts targeted are all held by Black or Hispanic members of the Texas Congressional Delegation. Why do I say a law professor would laugh this letter out of his classroom? Because *Petteway* is not clear precedent, having not yet been decided by the U.S. Supreme Court.

Based on half-baked, pseudo precedents, the President of the United States, the Governor of Texas, the Lieutenant Governor of Texas, the Attorney General of Texas, and the Speaker of the Texas House, have all decided the State of Texas must bend the knee and eliminate Black and Hispanic opportunity districts. This is in spite of the fact that the State of Texas, in its own courtroom defense of the maps now claimed to

be unconstitutional, claims that the 2021 maps were drawn blind to race. If indeed these maps were originally drawn blind to race, why are we here and not fighting the U.S. Department of Justice in court? Our Attorney General proudly claims to have sued the federal government over 100 times, why would this suddenly be the one time the state actually bends its knee to the federal government?

Where in all of this, you may ask, is the voice of the people of Texas? The voice of the people of Texas was heard loud and clear in House and Senate committee hearings on these proposed maps. The overwhelming majority of persons showing up to comment in person and online at these hearings testified *against* these redistricting proposals.

While the voice of the people of Texas was ignored by statewide leadership, our colleagues in the House clearly heard their constituents, and broke quorum in the House during the First Called Session to deny leadership the ability to pass these maps. Democrats in the Senate also heard our constituents, and all but two Senate Democrats left the state in support of our colleagues, though it was not enough to deny a quorum in the Senate.

Let's call this redistricting what it is: a naked, partisan, political power grab that has the impact of lessening the representation of Black and Hispanic people in the United States Congress, done at the behest of a felon President who is so fearful that he's done a poor enough job to lose control of Congress that he must rig the game to his party's advantage. That's what this is, period.

I also encourage you to look at the composition of the Senate Select Committee on Redistricting, and look at how members on that committee voted on key legislation that *disadvantaged* ethnic minorities or was otherwise discriminatory, including but not limited to Senate Bill 1 (87th Legislature, 2nd Called Session); Senate Bill 3 (87th Legislature, Second Called Session); House Bill 3979 (87th Legislature, Regular Session); Senate Bill 17 (88th Legislature, Regular Session); House Bill 1243 (88th Legislature, Regular Session); Senate Bill 379 (89th Legislature, Regular Session). Look also at how members on the committee voted on legislation which would have provided an *advantage* for ethnic minorities including House Bill 1193 (88th Legislature, Regular Session); Senate Bill 2351 (89th Legislature, Regular Session); Senate Bill 578 (89th Legislature, Regular Session); House Bill 107 (89th Legislature, Regular Session); and Senate Bill 732, (89th Legislature, Regular Session). Draw your own conclusions based upon the votes.

I served through the 2003 Senate Quorum Break, and proudly decamped with my colleagues to Albuquerque, New Mexico, to stop a mid-decade redistricting scam pushed by former U.S. House Majority Leader Tom DeLay and Texans for a Republican Majority. As history will tell you, we stopped it for 43 days before we lost the strength to continue breaking the quorum. That redistricting passed, but portions of that map were ultimately thrown out by the courts.

Portions of that map, however, were thrown out by the courts before Section 5 of the Voting Rights Act was gutted by an ultraconservative U.S. Supreme Court. The people of Texas no longer have the protections under law that they did 22 years ago when we fought what I then said would become, "perpetual redistricting."

I cannot predict what will happen with these maps, but I can say with a moral certainty that the State of Texas has done a disservice to ethnic minorities in drawing and passing these maps. Ethnic minorities will no longer be able to elect candidates of their choice in several Dallas and Houston-area districts. Look no further than the so-called "scorecards," issued by groups ranging from Planned Parenthood on the left to Americans for Prosperity on the right and you will see that ethnic minorities who have been cracked and packed are no longer represented by people who scored 100s and A's from groups like Moms Demand Action are now to be represented by people who score top scores from groups like the Texas State Rifle Association, an affiliate of the National Rifle Association. It is an about face for districts such as the 18th Congressional District which has been represented by African Americans since the late Barbara Jordan first won the seat.

WEST

REASON FOR VOTE

Senator J. Hinojosa submitted the following reason for vote on **HB 4**:

Members, I rise in strong opposition to HB 4 and the map before us.

I understand and recognize that redistricting is one of the most partisan and politicized issue we undertake. Redistricting is naked political power used by the party in control. I also acknowledge the motivation by the Trump administration to redistrict in the middle of the traditional 10-year census cycle is to further entrench his power and control Congress at the expense of minority congressional districts.

The difference is that this mid-decade redistricting special session pierces the heart of our democracy and equal protection of all citizens to have a voice.

This redistricting special session is in line with the demands made by the July 7 DOJ letter and make clear the intent of the Trump administration, to silence the voice of our U.S. citizens based on the color of their skin—Black, Brown, or Asian. That is not race blind. The congressional districts identified in the DOJ letter are all districts represented by Black and Hispanics.

The July 7 DOJ letter misrepresented and distorted the 5th Circuit opinion in *Petteway v. Galveston County* in that the 5th Circuit never declared minority coalition districts unconstitutional.

In a split decision, the Fifth Circuit opinion was narrow in scope focusing on Section 2 of the Voting Rights Act of 1965.

The opinion stated only that coalitions of different racial or ethnic groups within one district—referred to as a "coalition minority district" by the courts—could not claim voter dilution in a redistricting challenge under Section 2 of the Voting Rights Act.

The DOJ letter misinterprets the 5th Circuit ruling and the DOJ makes it clear it wants to wipe out four congressional districts' representatives elected by their minority-majority voters. This is targeted racial discrimination.

The DOJ researched the racial makeup of districts in Texas and identified three districts in which Black and Hispanic voters together constitute a majority, and one district in which Hispanic voters constitute a majority. That is unconstitutional. The Trump administration did not target any of the Republican congressional districts.

HB 4 emerges not from necessity but from political motivation to target minority coalition congressional districts. Unlike the regular post-census process, this mid-decade redistricting is extraordinarily timed and clearly engineered to create five additional Republican districts before the 2026 midterm elections.

This map's push ignores, even undermines, ongoing legal scrutiny. The 2021 congressional map was subject to numerous lawsuits under Section 2 of the Voting Rights Act and the Fourteenth Amendment.

State officials previously asserted that the 2021 maps were race-blind, but now point to DOJ concerns over four districts drawn "along strict racial lines" as justification for revamping them. This dramatic shift betrays a political calculation rather than a principled response—highlighting that racial discrimination motivates this effort, targeting only minority districts.

This plan ignores demographic reality. Over 95% of the population growth in Texas came from non-Anglo residents as of the 2020 Census. Hispanics are the largest demographic group at 40% and have been the primary driver for the state's population growth over the last decade.

HB 4 redraws district lines to weaken their overall ability to elect their preferred candidates of choice. The overall number of districts where minority voters can effectively elect their preferred candidates is projected to shrink under HB 4. It reduces the number of congressional districts where a coalition of minorities hold a majority from nine to four.

Let us be clear. This map also splinters communities of interest that have stood together for generations. It packs and cracks minority neighborhoods to shore up Republican control, breaking apart districts where minority voters have long elected candidates of their choice and moving them to majority-white districts.

In Corpus Christi, for example, HB 4 cracks minority communities such as the historically Black Hillcrest community and moves it to a district that now includes parts of South Austin. Meanwhile, the rest of Corpus Christi is packed into a district that also includes Brownsville. A unified coastal community is broken apart, no longer connected to economic drivers such as the Port of Corpus Christi and the Corpus Christi Army Depot. Even the Nueces County refineries are split into two different congressional districts. HB 4 splits Del Mar College. The Port of Corpus Christi is split from the Naval Air Station Corpus Christi.

In the Rio Grande Valley, cities like McAllen, Edinburg, and Pharr—places bound by shared culture, economic networks, and family ties—are being fractured across multiple districts, diluting their voice in Congress. The PSJA school district in Pharr is split in half. The cities of McAllen and Edinburg with a long history of working together under a single congressional district are no longer together. That is not fair representation. That is deliberate division.

The Voting Rights Act of 1965 and the U.S. Constitution require maps that protect communities of interest and give every Texan an equal voice. Yet this plan does the opposite. At its core, this plan violates the basic principles of fair representation in a true democracy and deepens mistrust in our democratic institutions.

Voters should choose their representatives; representatives should not manipulate maps to choose their voters. HB 4 entrenches power by weakening accountability, disenfranchising communities of color, and defying the principles of fair and equal representation.

If we allow hyper-partisan gerrymandering to continue, we undermine the very foundation of our democracy—what President Abraham Lincoln so rightly called "a government of the people, by the people, for the people." Texas deserves maps that reflect its people. Not maps that silence them.

J. HINOJOSA

REASON FOR VOTE

Senator Blanco submitted the following reason for vote on **HB 4**:

When our Founding Fathers met in Philadelphia in 1787, they sought to design a government that would endure. But we haven't just endured. Our government, our country, is that Shining City on a Hill, a testament to the rest of the world that America is a beacon of freedom, prosperity, and democratic ideals.

And our Founders understood that those constitutional principles and the very legitimacy of our government depended upon fair representation of the people. James Madison wrote in Federalist No. 52 that the "definition of the right of suffrage is very justly regarded as a fundamental article of republican government." Representation was not a detail, but the cornerstone of our Republic. To preserve that cornerstone, the Framers created a system grounded in regularity and fairness. They required a census every ten years, so that districts would be adjusted to reflect actual population growth and shifts.

As Madison further explained in Federalist No. 54, apportionment must be based on "the aggregate number of inhabitants" so that representation remained faithful to the people themselves. That is why our Founders, enshrined this idea of tying redistricting to the decennial census. Article I, Section 2 of the U.S. Constitution mandates that an apportionment of representatives among the states must be carried out every 10 years. Apportionment is the original legal purpose of the decennial census, as intended by our nation's Founders. It ensures that the process is not arbitrary or political, but anchored to objective data, measured at regular intervals. It reflects growth, not advantage. It reflects representation, not power. And that is why this map and this redistricting bill gives me such concern.

Mid-decade redistricting, absent a court order, departs from that constitutional design. It untethers the process from population and instead ties it to political expedience. It risks turning a solemn duty into an instrument of political advantage. Some may argue that there is no law prohibiting this mid-decade redistricting. But just because something may be permitted does not make it right. And while there may not be a law prohibiting mid-decade redistricting, it upends that clear directive from our Founding Fathers.

The Framers of our Constitution did not envision maps being redrawn whenever it suited those in power. They intended for apportionment to follow the census, so that representation would follow the people—not politics.

That was the directive they enshrined in our Constitution. Why are we ignoring that? Why is this Legislature not heeding the warning of our Founding Fathers? Why is Texas bending the knee?

Our Founders, including Thomas Jefferson, understood the dangers of unchecked power. Jefferson reminded us that "an elective despotism was not the government we fought for," and he distrusted any concentration of authority that ignored the voice of the people. If redistricting can be rewritten at will, then we invite the possibility of maps being redrawn every election cycle—that very despotism Jefferson warned against.

If the rules of representation can be rewritten whenever politically convenient, then stability is lost, fairness is abandoned, and the people's faith in democracy itself is shaken. We must ask ourselves: will Texans continue to believe in the equality of their ballot when the foundation of equal representation is so easily bent? Will they still trust the principle of one person, one vote if that principle is subjected to manipulation at every turn?

As a veteran, I swore an oath to defend the Constitution of the United States. Many of us in this Chamber have taken that same oath, both in uniform and in elected office. We defended a Constitution that guarantees equal protection, equal voice, and equal representation to every citizen. Carving maps for partisan advantage undermines that guarantee.

The Constitution is not a suggestion. It is the foundation of our democracy, and it is our solemn duty to uphold it.

History will not only record the votes we cast today; it will also record whether we honored the vision of those who entrusted us with this responsibility more than two centuries ago. For these reasons and to honor our Constitution, our democracy, and our Founding Fathers, I will be voting no on House Bill 4.

BLANCO

REASON FOR VOTE

Senator Cook submitted the following reason for vote on **HB 4**:

Throughout this unnecessary, racially discriminatory, mid-decade redistricting process, the author of this map, when questioned, repeatedly said that he doesn't know who drew it, doesn't know where it came from, and doesn't know why we are doing it. Yet here we are, forced to pass maps that put political preference above fairness, above keeping communities together, and above guaranteeing racial equality.

Texans who have lived their whole lives in Congressional District 9, raising children, attending school, and building community, are now being ripped apart. In Houston's Southside, Missouri City, and the East End, generations who built neighborhoods are suddenly scattered.

In Congressional District 18, the absence of current congressional representation is like salt in an open wound. Governor Abbott delayed calling the special election to replace the late Congressman Sylvester Turner, allowing the Big Bad Bill to pass by just one vote. Residents of CD 18 are paying their taxes, watching their communities be redistricted unfairly, and losing access to lifelines due to funding cuts, all without any representation.

Because these maps passed today, we are poised to lose an important check on the executive branch and, most fundamentally, we lose the right for people to choose their politicians. We also risk a national redistricting arms race that could destabilize our already fragile and polarized democratic system. With these maps approved in Texas, Democratic governors in other states are compelled to act. They cannot ignore how communities are losing access to healthcare, schools, food assistance, and other collective resources. I call on the Governor to veto this map, include an Independent Redistricting Commission in the Special Session Call, and put an end to the practice of politicians selecting their voters.

This process moved quickly, behind closed doors, and it relies on racism to elect more Republicans. This is a sad moment for this body and for our state, but we won't lose a moment in fighting back. This battle shifts to the courts and into the streets, where Texans are organizing to reclaim their rightful voice in our democracy.

COOK

REASON FOR VOTE

Senator Alvarado submitted the following reason for vote on **HB 4**:

Alexander Hamilton once said: *"Those who stand for nothing, fall for anything."*

Since the beginning of the first special session, I have asked the same question: Why are we here?

Why are we undertaking the most extraordinary redistricting process in modern Texas history—redistricting five years early—without a court order, without new census data, and without a law requiring us to do so?

Every ten years, the U.S. Constitution requires us to redraw lines after the census. That process ensures representation reflects population growth and demographic change. It is meant to guarantee that every person has a voice. We have done this since 1790—for 235 years. That is what democracy looks like. What we are doing today is not that.

Let me be clear: this is mid-decade redistricting designed to rig the system in advance of midterm elections to protect an unpopular president from the natural consequences of his own policies.

This is not normal. It is cheating. It is rigging. It is the abuse of legislative power to subvert the will of the people.

We have been told that gerrymandering is inherently partisan—*everyone* does it. But here is the truth: no Democratic president has ever instructed blue states to redraw maps mid-decade to bail out their party from the fallout of unpopular policies. Not one. This is unprecedented, extraordinary, and dangerous. Once mid-decade redistricting is normalized—once the will of the people is treated as a variable to be manipulated rather than a principle to be honored—there is no limiting principle.

Let's take a close look at HB 4. Simple math shows how these maps were drawn to dilute the voice of Black and Latino Texans across the state. Despite claims of "race-blind" mapping, HB 4's practical effect is unmistakable: minority communities are being cracked and packed to dilute their voices. Under HB 4, Anglo Texans—40% of the population—control nearly 80% of districts, while Latino Texans—also 40%—control only 10-13%. This is racial vote dilution.

And what is the justification for this radical action? A letter from the U.S. Department of Justice that is riddled with errors—about the law, the 2021 map, and the racial composition of districts that have existed for decades. The bill sponsor insists he has not spoken with DOJ or the White House, yet the districts dismantled by HB 4 align precisely with those targeted in that DOJ letter.

Throughout the committee process, he claimed he simply "took the House map" and "thinks" Adam Kincaid of the National Republican Redistricting Trust drew it—but wasn't sure. When do legislators pass laws without knowing who wrote them, why they were written, or what data they relied on?

I tried to subpoena Adam Kincaid to ask him directly. The committee voted it down. We also tried to subpoena Harmeet Dhillon, whose DOJ letter sparked this process. The committee voted it down as well and instead issued a polite invitation—which she ignored. The committee chose willful ignorance over transparency. That is not Texan.

To make matters worse, the public never had a single opportunity to testify on *this* map—not in the House, not in the Senate. It was said that the "Senate had six public hearings." None of those hearings were on this map.

We've heard that there were 205 witnesses at the Senate hearings. That number pales in comparison to a typical redistricting process where numerous regional in-person hearings are held in the interim—something that the Senate never did in 2020 because of COVID.

We also heard that there were 3,852 clicks on the livestream. That sounds like a big number but let's keep in mind that's views, not individual viewers. This means folks who may have turned on the livestream several times during a hearing (like my own staff). And as we all know from social media, views or clicks certainly don't translate to likes.

Despite virtual hearings working for a handful of individuals, our virtual Senate hearings had far fewer people who registered to testify than the in-person hearings that the House held in Austin, Houston and Arlington had. The latter two had nearly one thousand people who registered for each hearing. But, by design, since the House limited public testimony to five hours, the vast majority of those people never got the opportunity to actually testify.

In total, during the first and second special sessions, the Senate had four virtual public hearings on the general topic of mid-decade redistricting, and then we had two in-person public hearings on a substantially different map. But we did not have a single hearing where the public was allowed to give input on this map in front of us today—not in the Senate or the House.

The consequences of this map are devastating across our state. In Dallas and Tarrant Counties—home to nearly five million people and less than 35% Anglo—minority voters currently have a voice in three congressional districts. HB 4 cuts that to two. District 32, currently a multiracial coalition district, is dismantled and stretched 200 miles into rural Anglo territory. District 33 is pulled entirely out of Tarrant County, robbing Hispanic and Black residents of influence. District 30 is packed with minority neighborhoods, diluting representation in Fort Worth. The result is clear: minority voters in Tarrant County and Fort Worth are left without an effective voice in any district.

In Austin and San Antonio, District 35, a Latino opportunity district, is dismantled. Its Austin base is folded into District 37, while the remaining voters are stranded in District 27, a rural Anglo-controlled seat stretching to Corpus Christi. Though labeled "Hispanic majority," the reconfigured District 35 is a façade: high-turnout rural Anglo voters overwhelm Latino voices.

In the Rio Grande Valley and South Texas, HB 4 shores up Republican districts by pulling in Anglo voters while undercutting Democratic Latino districts with low-turnout Hispanic areas. Maverick County—an influential Hispanic community—is split to weaken its impact. The illusion of Hispanic opportunity is created while real power shifts to Anglos.

In Houston, Harris County has 4.7 million residents and is less than 27% Anglo. Today, four districts allow minority citizens to elect their candidates of choice. HB 4 reduces that to three. By cracking Latino communities of interest like those in the current CD 29, and dismantling performing majority-minority districts like the current CD 9 and CD 18, this map dilutes Latino and Black voters' ability to elect the candidate of their choice—even within new districts labeled "Latino opportunity districts" like CD 9.

The injustice runs deeper: by loading districts with low-turnout Latino voters and non-citizens who cannot cast a ballot, HB 4 artificially amplifies the political power of the Anglo voters who are left. The result is that each eligible voter in those districts holds a disproportionate sway while the voices of Latinos—who work, pay taxes and raise families there—are effectively erased.

To claim race was not a factor is disingenuous, especially when so-called Latino opportunity districts like CD 9 barely exceed 50%. This is racial vote dilution, pure and simple.

The Supreme Court has addressed this issue before. In *LULAC v. Perry*, Justice Anthony Kennedy wrote about Texas moving high-propensity Latino voters out of a district to protect incumbents and weaken growing minority strength.

The Court held that these changes "undermined the progress of a racial group that has been subject to significant voting-related discrimination and that was becoming increasingly politically active and cohesive." He wrote that the goal was "increasing Republican seats and protecting the incumbent Republican against an increasingly powerful Latino population that threatened to oust him." HB 4 does exactly this.

Proponents defend this plan by saying: "*Well, there are nine blue states with zero Republican representatives.*" I heard this in committee. Let's put that in perspective. There are 12 red states—three more than nine—where Democrats make up a third or more of the electorate yet hold zero seats in Congress: Oklahoma 38%, Arkansas 36%, Iowa 45%, Utah 34%, Nebraska 38%, Idaho 34%, Montana 45%, West Virginia 30%, Alaska 43%, North Dakota 35%, South Dakota 35% and Wyoming 32%. That's 12 states where millions of Democrats are entirely shut out of representation.

If the goal is proportionality, let's start in our own backyard. Over the past decade, Democrats have received 43-47% of the vote in statewide races. Based on the 2024 election results in Texas, we should have 22 Republican seats and 16 Democratic seats in Congress. Under HB 4, Republicans will have 30 seats and Democrats will have eight. That is 23 percentage points more than their vote share and half of what Democrats should have based on last year's election.

This injustice is deeply personal. After the 1990 Census, I was part of the effort to create CD 29—the first Latino opportunity district in Houston. It gave the Northside and East End the ability to elect their candidate of choice. Under HB 4, CD 29 drops from 63% Hispanic CVAP to 43%—below 50%. That district is destroyed as a Latino opportunity district. Meanwhile, the East End—my home—is shoved into CD 9 with a bare 50.3% Hispanic CVAP and tied to Liberty County where voters share no community of interest with us. The people I represent never had a chance to be heard. Had I been afforded the opportunity to filibuster HB 4, I would have read the nearly one thousand comments submitted by Texans who never had the chance to testify into the record. Those Texans deserved to be heard—they deserved to have their voices echo across this Senate floor. But their voices along with mine were silenced.

I return to the words of President Lyndon Baines Johnson at the signing of the Voting Rights Act: *"The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men."* HB 4 takes that instrument and shatters it.

This map does not reflect Texas. It does not reflect Harris County. It does not reflect the promise of democracy or the Voting Rights Act signed 60 years ago. It reflects fear. It reflects desperation. It reflects an attempt to cling to power at all costs. I will not stand for it. My community will not stand for it. And history will not stand for it.

ALVARADO

REASON FOR VOTE

Senator Zaffirini submitted the following reason for vote on **HB 4**:

In 2023 the U.S. Supreme Court ruled in *Allen versus Milligan* that Alabama's Congressional map violated Section 2 of the Voting Rights Act because it denied Black voters the opportunity to elect a second candidate of their choice when warranted by population growth and demographic patterns. This decision reaffirmed Section 2 as a powerful legal tool to evaluate the *effects*, not merely the *intent*, of redistricting plans. Despite clear evidence of minority population growth and shifting demographics, House Bill (HB) 4 reflects the same failure by denying minority populations a fair opportunity to elect candidates of our choice.

In this whirlwind of criticism and controversy, I believe we agree about the facts: First, that the current Congressional map based on then-current Census data was approved in 2021 unanimously by 18 Republican senators, with 13 Democratic senators unanimously voting against it.

Second, that during these special sessions, 12 Republican senators who voted for it unanimously at that time have *changed* your position and today unanimously seek to replace it with a map based on now-five-year-old Census data, while 10 Democratic senators who unanimously opposed it then, *remain consistent* in our position and unanimously oppose it even more vehemently now.

Third, that while Congressional re-redistricting has taken center-stage during two special sessions called by Gov. Greg Abbott and has been prioritized over the immensely critical issue of the day, flooding and disaster preparedness, it *never was considered* during our regular session that ended in June. That begs the question: Why now? It prompts the answer: because the billionaire party bosses commanded it.

Fourth, that the governor will call as many special sessions as needed until a Congressional re-redistricting plan is adopted and will use what he calls "every bullet in his belt" to prevail—including moving the election date, fining and arresting legislators, declaring vacancies in the Legislature, and calling upon the federal government and the judiciary to harken to his side.

Fifth, that the legal battle regarding the 2021 Congressional redistricting lawsuit rages unresolved in an El Paso federal court and that this 2025 re-redistricting effort is headed for the courtroom—so, I agree with Democratic lawyers who believe that if HB 4 is going to pass anyway, the sooner we can get to court, the better—and the greater the likelihood we can get relief before the election. You have to wonder: How can Republicans adopt a redistricting plan in 2021 and defend it vigorously in court since then, only to denigrate it in 2025 and try to replace it? Frankly, surely there are incumbent Republican members of Congress who wonder too.

Finally, we agree that *none* of us wants to be here, doing this, at this time. Redistricting is such a partisan issue that it is best addressed every decade after the Census data are released.

In states across the country minority parties will accuse majority parties of gerrymandering for political advantages. In Texas, the minority accusations were proven right: The NAACP, MALDEF, and the Democratic Party have prevailed in 5 Congressional lawsuits filed in federal court through 2024. I am convinced that *if* justice prevails in the U.S. Supreme Court, Democrats and minorities will prevail in contesting the 2021 *and* the 2025 plans. Democratic senators oppose HB 4 not only because it disregards the growth and diversity of our state, but also because it further erodes the strength of minority districts, diminishing our ability to elect candidates of our choice and silencing voices that deserve to be heard.

More specifically, coalition districts that allow minority voters to elect our candidates of choice are protected under Section 2 of the Voting Rights Act, even if courts do not require their creation in the first place. Congressional District 28, anchored in Laredo, for example, remains majority-Hispanic, but loses Bexar County, with whom we have a strong community of interest, and adds Hidalgo County, despite the City of Laredo and the City of McAllen being competitive neighbors.

The proposed map reflects marginal shifts that might seem insignificant on paper, but in districts such as this with narrow turnout margins and cohesive minority voting blocs, it is exactly how opportunity is eroded. When minority voters comprise the majority but cannot elect our candidate of choice due to strategic redistricting, that is precisely the definition of vote dilution under Section 2.

Of particular concern in HB 4 is the splitting of school districts, which occurs throughout Senate District 21 and across Texas. In my district, Del Valle ISD—a primarily Hispanic and economically disadvantaged community with distinct needs, is being divided in half. This division will destabilize the district by forcing residents to engage with multiple Congressional representatives who may hold very different political priorities. Such fragmentation risks disenfranchising the community and could lead to disparate outcomes based on which portion of Del Valle ISD has a more responsive representative. We also heard testimony illustrating this challenge: Residents often reach out to their assigned Congressperson, only to be redirected to a neighboring representative of a different political party to have their needs addressed.

Congressional District 35, which stretches from Austin to San Antonio, was drawn by a Republican federal court after the Legislature's 2011 map was declared to dilute Hispanic voting strength. It was crafted specifically to provide Hispanic voters in Central Texas a realistic opportunity to elect their candidate of choice. HB 4 effectively dismantles that district. It divides its core of East Austin's Hispanic and Black neighborhoods and redistributes them into adjacent districts in which voters of color no longer will have sufficient numbers to elect their candidates of choice.

I would hope we agree an elected body should reflect the population its members represent. If so, HB 4 is a far cry from that standard: Representative Vincent Perez recently offered an analysis indicating what the proposed map would ensure: One Congressional representative for every 445,000 Anglos—meaning 26 of 38 seats for their population of 12.5 million; One Congressional representative for every 1.5 million Hispanics—meaning 8 seats for our population of 12 million; One Congressional representative for every 2 million African Americans—meaning 2 seats for their population of 4 million; and Asian Americans would have zero representation in the delegation, despite their population of 1.6 million. That means: Anglos who comprise 40 percent of the population would hold 68 percent of the delegation; Hispanics who comprise 40 percent of the population would hold 21 percent of the delegation; African Americans, who are 13 percent, would hold 5 percent of the seats; and Asian Americans, who comprise 5 percent, would hold none. Under this proposal, a Hispanic Texan has one third the political value of an Anglo Texan. From my perspective as a Texan of Mexican, Spanish, Sephardic Jew, and Greek descent (with an Italian last name!), it is glaring that Hispanics comprise 40 percent of the population and should hold 15 of 38 seats, but under HB 4 could elect only 21 percent of the delegation—only 8 of 38 seats. Three of those districts CD 28; CD 15; and CD 34 are drawn in a way that makes them less effective at producing electoral outcomes consistent with the preferences of Hispanic voters.

This is not proportionality, which, admittedly, the law does not require, but *it* is evidence of systematic underrepresentation, especially when combined with data indicating cohesive voting patterns, racially and ethnically polarized elections, and strategic redistricting choices that undermine voter influence. Clearly, HB 4 negatively would impact minorities' ability to elect candidates of our choice, including in South and Central Texas, which I represent. Its consequences are as deeply profound as they are exceedingly concerning, particularly within a legal framework that prohibits voting changes that result in minority voters having fewer opportunities than others to elect representatives of our choice.

The proposed map: dismantles effective minority opportunity districts, reduces the influence of cohesive voting blocs, and retreats from the progress made under decades of court oversight and community advocacy. It also fails the test of fairness. It fails the test of Section 2, and it fails the people of Texas. The Texas Senate used to be known as "the most deliberative body in the world." Those days are over. Today the majority will prevail, but the rights of the minority were ignored. Outnumbered, outvoted, and outgunned, Democrats will go down fighting, having used every available legislative tool.

My prayer is that the pendulum will swing sooner, rather than later, and that when it does, Democrats will respect all minorities, including political. For these reasons and more, it was with a very heavy heart that I voted "no" regarding HB 4.

ZAFFIRINI

CO-AUTHOR OF SENATE BILL 17

On motion of Senator Hughes, Senator Birdwell will be shown as Co-author of **SB 17**.

CO-SPONSORS OF HOUSE BILL 4

On motion of Senator King, Senators Birdwell, A. Hinojosa, Paxton, and Schwertner will be shown as Co-sponsors of **HB 4**.

MOTION TO ADJOURN

On motion of Senator Zaffirini and by unanimous consent, the Senate at 12:38 a.m. Saturday, August 23, 2025, agreed to adjourn, pending the receipt of committee reports, messages from the House, and the completion of administrative duties, until 3:00 p.m. Tuesday, August 26, 2025.

(President in Chair)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, August 26, 2025 - 1

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 16

Leach

Relating to the operation and administration of and practices and procedures related to proceedings in the judicial branch of state government, including court security, court documents and arrest warrants, document delivery, juvenile boards, constitutional amendment election challenges, record retention, youth diversion, court-ordered mental health services, the powers of the Texas Supreme Court, jurors, and the special prosecution unit; increasing a criminal penalty; authorizing fees.

HB 17

Meyer

Relating to the requirements regarding notice of certain property tax-related information to be provided by taxing units and appraisal districts.

HB 23

Harless

Relating to the exemption from ad valorem taxation of property owned by certain nonprofit corporations, located in a populous county, and used to promote agriculture, support youth, and provide educational support in the community.

HB 27

Harris

Relating to a groundwater study of certain aquifers underlying the territory of the Neches and Trinity Valleys Groundwater Conservation District by the Texas Water Development Board before the issuance of permits or permit amendments by the district.

SB 10

Bettencourt

Sponsor: Meyer

Relating to the calculation of the voter-approval tax rate for certain taxing units.
(Amended)

SB 18

Zaffirini

Sponsor: Gerdes

Relating to an exemption from the requirement to obtain a permit from the Texas Commission on Environmental Quality for certain dams or reservoirs operated and maintained for the purposes of erosion, floodwater, and sediment control.

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 5 (non-record vote)

House Conferees: Bonnen - Chair/Fairly/González, Mary/Kitzman/Raymond

Respectfully,

/s/Stephen Brown,
Chief Clerk

House of Representatives

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 16 to Committee on State Affairs.

HB 17 to Committee on Local Government.

HB 23 to Committee on Local Government.

HB 27 to Committee on Disaster Preparedness and Flooding.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 19 by Bettencourt

Relating to a prohibition on the making and acceptance of political contributions during a special legislative session.

To Committee on State Affairs.

SB 53 by Hughes

Relating to election procedures regarding accepting a voter with a residence address that is not current and the immediate effect of a voter's registration after the registrar's receipt of certain change of address notices.

To Committee on State Affairs.

SB 54 by Hughes

Relating to election procedures regarding accepting a voter with a residence address that is not current and the immediate effect of a voter's registration after the registrar's receipt of certain change of address notices.

To Committee on State Affairs.

BILL SIGNED

The President announced the signing of the following enrolled bill in the presence of the Senate after the caption had been read: **HB 4.**

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Tuesday, August 26, 2025 - 2

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 3

Bettencourt

Sponsor: Wilson

Relating to outdoor warning sirens in flash flood-prone areas.

(Amended)

SB 11

Parker

Sponsor: Cook

Relating to an affirmative defense to prosecution for certain victims of trafficking of persons or compelling prostitution.

SB 12

Hughes

Sponsor: Shaheen

Relating to the duty of the attorney general to prosecute criminal offenses prescribed by the election laws of this state.

SB 14

Perry

Sponsor: Bell, Cecil

Relating to the provision by a political subdivision of credits against impact fees to builders and developers for certain water conservation and reuse projects.

SB 16

West

Sponsor: Dyson

Relating to real property theft and real property fraud; establishing recording requirements for certain documents concerning real property; creating the criminal offenses of real property theft and real property fraud and establishing a statute of limitations, restitution, and certain procedures with respect to those offenses.

(Amended)

Respectfully,
/s/Stephen Brown,
Chief Clerk
House of Representatives

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 2:58 p.m. Tuesday, August 26, 2025, adjourned until 3:00 p.m. today.