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SUPPLEMENT

FOURTH DAY (CONTINUED) — TUESDAY, OCTOBER 12, 2021

CSHB 1 DEBATE - SECOND READING **(by Hunter)**

CSHB 1, A bill to be entitled An Act relating to the composition of districts for the election of members of the Texas House of Representatives.

REPRESENTATIVE HUNTER: We are now to begin the discussion of **CSHB 1**, and **CSHB 1** is a topic that we've been talking about for quite a while, and it's the house redistricting. I want to give you a layout of some information and I would like you to listen and then give you some further information on **CSHB 1**.

As you know, the release of the census results was delayed. Typically, those results would be released in a February/March time period, but this time we did not receive them until mid-August. Even though the census was delayed—the results—the House Committee on Redistricting began its work. So you know, we scheduled quite a bit of public hearings. And to give you some information on that, this Redistricting Committee has had about 14 hearings with almost 400 or so witnesses. The public hearings during the regular session of the legislature was to afford the public an opportunity to provide input into the redistricting process as soon as possible. We held our hearings not only in person but at times virtually due to COVID, and we focused on state, regions, and local. We had many, many participants. We had many hearings. We had gotten a lot of information even before we received the census results. The census results were released around August 12—mid-August 2021. It took several weeks for Legislative Council to process the data into a usable format which we call RedAppl system. As soon as we received the census results, we attempted to schedule additional public hearings, and we had to wait before we could do those. Once we obtained a quorum during the first special session, we then scheduled additional public hearings. We held public hearings focusing on state, regional, local, getting input, and we had several participants in those hearings.

RedAppl came online and was available for member access at the beginning of September. We gave members ample notice of this accessibility and encouraged members to submit any suggested maps. We received quite a few member submissions, and members, I have met with many, many of you, both republicans and democrats, about these issues. We have attempted to accommodate many members' submissions, as possible, and we note we have to recognize legal compliance. In addition, members, you received memos from me asking you to meet locally and regionally and encouraged you to meet and get information to us. And we had the member meetings individually and we also had RedAppl submissions individually and by regions.

Now, let's talk about legal compliance—legal compliance in developing this plan. We started with the goal of complying, which you'll hear—and a lot of times I don't want to get right into too much legalese—but you're going to hear the phrase "one person, one vote" requirement. And in this regard, we use total population as the primary basis for drawing districts, recognized as a constitutionally accepted method by the U.S. Supreme Court. It also is the method required by the Texas Constitution. This means we can draw legislative districts, which you heard, plus or minus five percent of the ideal district size. The ideal district size is 194,303. To give you a perspective, that is up from the 167,637 in 2010. That is almost an increase of 30,000 people per district. Now, our map is drawn with the overall acceptable deviation range of 10 percent, and it is below that.

When redrawing legislative districts, though we cannot consider total population in isolation, as there are other important legal requirements that we must look at and apply, we are allowed to draw districts on the basis of political performance, as recognized by the U.S. Supreme Court. And we use political performance as a factor but not the only factor in drawing the maps. For example, we considered member and regional submissions, which were drawn largely on the basis of the political performance of incumbents in the districts drawn.

Another very important legal requirement for redistricting is found in Section 26 of the Texas state Constitution. Many of you heard this. This is the county line rule. This is a state constitutional requirement which provides that we must draw whole districts within a county when the total population supports doing so. We respected the Texas state Constitution and followed it in developing the plan. Another important law that we must follow is a federal law known as the Voting Rights Act. Although race cannot be the predominant factor in drawing maps, Section 2 of that Act prohibits enactment of any plan that restricts minority citizens from having an opportunity to elect their preferred candidate of choice if certain circumstances exist. Sometimes we refer in those areas to what is called the phrase "majority-minority districts."

When we look at Section 2, that is where the concept of Citizen Voting Age Population comes into play. That's a word called CVAP. And you've heard this raised as an issue in claims that we have diluted minority voting strength by reducing CVAP percentages. We disagree with that allegation and we disagree with the allegation that the plan does not achieve a good result. For your information, we did consider CVAP in analyzing Section 2 compliance in this plan. We know that CVAP, even though, and I want you to know this—it is an estimate. CVAP is an estimate. It's a measure used in evaluating minority districts for Section 2 compliance. We respected that measure and employed it in our analysis. Now, it's true that in some majority-minority districts, the CVAP decreases, but in some of these instances the reductions were unavoidable, and most importantly, in none of these instances was the minority's ability to elect their preferred candidate of choice affected materially. In almost all instances, these districts will continue to overwhelmingly elect the minority-preferred candidate. Now, in 2010, we had 35 majority Hispanic districts. Under our 2020 census numbers benchmark, we had 36. **CSHB 1** that is before you adds

two, for a total of 38. Under our 2020 census numbers, the benchmark plan, we had only one African American majority district. **CSHB 1** now adds one, for a total of two.

In addition to the requirements of federal and state law, there are traditional redistricting criteria that courts recognize are appropriate to follow in developing plans, and we use several of these. First, we made sure all districts are contiguous. Second, we tried our best to avoid—and I want you to hear this—avoid incumbent pairings. And yes, there were some. We have technically only two pairings in the plan. Third, we tried to draw districts based on precinct lines and avoid splits as much as possible. We achieved great progress in this regard compared to our existing plan as we reduced the number of splits. And finally, we tried to draw districts as compact as possible. We were able to achieve improvement in compactness in the plan as compared to our current plan.

Now, when you consider the population increases in Texas and where they took place, we believe this is a good plan. Population increased in the urban areas of the state while decreasing in the rural areas. The statewide population increase made the ideal size of each of our districts increase by almost 30,000 people per district. When you factor in the county line rule with this significant district increase and the bulk of the growth that occurred in urban counties, the plan achieves fair representation for the citizens of Texas while complying with the law. We believe we've complied with the law and met the obligations to our citizens and constituents.

Members, I met with many of you. I've had many of you submit your information. I've had many of you do it individually. I've had many of you meet with me personally. Some of you have met with groups. And I know that some of you have not been able to meet with others. We have a lot of amendments today, and I'm going to look at the amendments. I do want you to know that I will look at each one. For some, I have not made determinations but will. I appreciate everybody trying. I know that in any redistricting some have issues and some don't. That's the nature of redistricting. So I wanted to lay it out on how we developed, what we did, and then we will go through the various amendments to get your input on what has been filed. And of course, I urge support of **CSHB 1**, but Mr. Speaker, I will now take questions.

REPRESENTATIVE MIDDLETON: Thank you, Mr. Chairman, for your hard work on this. I know you've pretty much been living in your office here. You missed a lot of your summer on the Gulf Coast because of this. I just wanted to walk through a couple of questions I had on this overall process and how transparent this has been. So have you met with any member that has requested a meeting with you and your office?

HUNTER: Mr. Middleton—and so all members—I've had many, many individual meetings in person and had many, many individual calls, and I've had many, many group meetings. And they have involved both the democrat members and the republican members.

MIDDLETON: And I also recall that your office has sent out a number of memos and e-mails to all of us, all 150 of us, reminding us to get with your region, get with people in your county, get with your delegation, and get with your office to discuss any concerns or input that you have on the maps. Is that the case?

HUNTER: That is true. And let me respond to that. I have sent out at least two memos, and I've verbally met and told members to please meet together, please come to consensus. And I know that's been accomplished, and I know some have said it has not. But I've tried to do everything I can to get folks together. Some have submitted individual information to us, and some have submitted group information to us. So yes, I've made the effort. And I will tell you that not everybody agreed. I've had instances where I've been told this is agreed to and then I'm told by the same people, no, it is not. So all I can do is encourage, get the information in, and then we developed from member input and community input and member meetings.

MIDDLETON: So you did take member submissions that were agreed to either by a county delegation or a regional delegation whenever that was possible?

HUNTER: That is correct. And in fact, I will not name members—I will just talk, members—but I have had several on Democratic Party and Republican Party lines telling me thank you for their districts under **CSHB 1**. So those will remain private. All my discussions with members are private. But yes, many of their input was put in, and it was developed from there.

MIDDLETON: And I think that shows in your work product here where, you know, as you said, in the committee substitute there's only two members that are paired. But yet there are other amendments submitted today, statewide amendments, which do things like—one of them, for example, pairs 14 members. There's another one that pairs 66—66. So yours, on the other hand, where you have received input from this entire chamber, members in this chamber, the result of that is only two pairings.

HUNTER: You are correct on the minimal pairings. That is a factor we took in. The less on the pairings, I think, is best. And that was a factor that I looked at and that is a factor that many members looked at in their submissions. So I am glad we were able to do it very minimally. But, you know, pairings have impact—and especially could when you do large pairings—on all areas of the state.

REPRESENTATIVE WHITE: I enjoyed serving on the committee with you, Chairman Hunter. I've just got a few questions here. Did nearly every representative get new territory in their district?

HUNTER: First, most every representative got the population. Most every representative was able to be brought in contiguous and in their geography. And the key was to try to get everybody that we could their political performance, which can be used in the formulation. So in my opinion, it is a good product for your question.

WHITE: Okay, so that means in the rural areas many representatives receive wholly new counties added to their district, sir?

HUNTER: Yes, many folks because, remember, it's 194,300 and you can only go five percent down or five percent up. There are many members who now have new counties. As you indicated, rural is impacted because the population growth went to urban, and so many, many people now have new communities. In fact, Chairman, most everybody in the state house was impacted. There's very, very few people, with the population shift, the population migration, that weren't impacted. Some counties have grown—grown significantly. And you've got to remember we have a county line rule that you have to handle with the population numbers.

REPRESENTATIVE MORRISON: Going along with what Chairman White was saying on the county lines, were the maps drawn in compliance with the county line rule as set forth in the Texas Constitution?

HUNTER: Yes, and let me explain this, since you've brought this up. County line rule applies to the state house, and because it applies to the state house, you have to keep population within that county. You just can't divide a county up. Sometimes you can leave the county because the population growth isn't enough to sustain the state representatives in the county. So yes, we did. And some of the amendments that I've seen do break the county line rule, and we'll raise that at the proper time.

MORRISON: And so only if there's excess population that does not have for another seat, then you can go outside of the county line.

HUNTER: Correct. The county line is if you have two districts in a county that were at 194,300, you're going to be in that county. If you're significantly low, then one of them is going to pick up more and the other person is going to have to go outside the county to pick up the excess folks. And when you do that, it impacts everybody around you because we have to also follow contiguity. So you take a county, population goes out—you've got to find the 194,000 with that. You've got to keep it contiguous. And with the growth in Texas, it's impacted almost every house district in the state.

MORRISON: Mr. Chairman, one other thing I wanted to ask you is: When you were drawing the lines, did you give any consideration to the past district maps in drawing the current maps?

HUNTER: The answer is yes. So everybody knows, you take the current districts that you have. You have to look at all these districts and then figure out who's gaining population, who's losing population. You also have some urban centers where you may have a large minority growth in one segment and you may not have it in another segment. So all of these percentages from current districts have to look even with the new numbers. But specifically, look at the population increase of Texas. It's almost 30,000 people more per district. And if you have to go outside the county—and some of the urban members don't have to leave the county. Many of the non-urban—and non-urban isn't necessarily rural—but many of the non-urban have to go outside. And you've got situations like in West and East Texas where they are picking up different counties. And so it does impact and you have to watch because once you go out, it impacts the other

counties. Inside, if you have a shift—like in some counties you have growth in one section versus in another—we call it kind of a magnet. It kind of pulls and everybody gets different folks, different communities. And I know that's new and you have to adjust for that. And then some folks want to provide amendments to see if they can adjust, which we're going to go through today. But yes, population-wise and the county, that's exactly what is going on.

REPRESENTATIVE COLLIER: Chairman Hunter, you said that there were 14 hearings. How many of those hearings for the Redistricting Committee in the house were held after the **CSHB 1** plan was published?

HUNTER: Let me lay out all the numbers and then it'll give you that.

COLLIER: Well, I just know that I see one.

HUNTER: I understand. Let me provide what I have. I have in April—April 1, 8, and 20, which can be checked; in May—May 1; July 6 and 7. Then we have to go to September 8, 9, 13, 15, 18 and October 4.

COLLIER: So how many hearings were held after the map was produced?

HUNTER: I believe the last one was October 4.

COLLIER: So one. Is that right?

HUNTER: Correct.

COLLIER: Okay. What is your operating definition of what a protected seat is under the Voting Rights Act of 1965?

HUNTER: I don't know what you mean by "protected seat."

COLLIER: All right. Do you have an operating definition of what a protected seat is?

HUNTER: You brought up protected seat. I'll ask the question based on your definition.

COLLIER: I'm asking what is your definition. Do you have an operating definition of what a protected seat is?

HUNTER: I don't know what you mean by "operating definition."

COLLIER: Well, do you have a definition?

HUNTER: I look—go ahead.

COLLIER: Do you have a definition of a protected seat?

HUNTER: I have heard the term. I look at protected seat, in my opinion, as the majority-minority.

COLLIER: All right, and what does that mean?

HUNTER: Well, as a majority-minority, as you know, is where a majority-minority population is primarily above the 50 percent mark. Now, I don't necessarily agree on protected districts including other categories, but that's how I look at it.

COLLIER: Tell me what you mean by "other categories." What do you—explain that.

HUNTER: I don't know because you're the one asking me. I'm just giving you my definition.

COLLIER: All right. Do you have a definition or do you know what a coalition district is?

HUNTER: Coalition district I hear. Are you asking—what is your question?

COLLIER: I'm asking do you have a definition of that?

HUNTER: What I understand is a coalition district are minority numbers that can get close to like a 50 percent. It wouldn't be one particular minority but would be a combination. An example: We created a new Asian opportunity district in Fort Bend. The largest percentage of voters are Asian. And when you make up numbers from Asian, Hispanic, Anglo, and African American, that looks to me to be a very good, new, democrat-leaning, but coalition district.

COLLIER: So the numbers that you used to say—you said 50 percent. Are you using the numbers from the CVAP or VAP?

HUNTER: You just asked me generally. I'm just talking generally. That's what your question was.

COLLIER: Okay.

HUNTER: I'm not designating it to CVAP or to a formula.

COLLIER: So the definition that you explained as your understanding of what a minority opportunity district—I mean your definition of a protected district with a majority-minority population and then what you defined as coalition—did you utilize those principles when drafting **CSHB 1**?

HUNTER: Not really understanding your question, but we took public input. We took member drawings. We took member information, especially from our majority-minority district state representatives. That was placed into RedAppl, given to me. I relied on a lot of the members' designations, and that's how we came up with some of these designation seats.

COLLIER: So were the factors of coalition districts and minority opportunity districts that are majority-minority, were those taken into consideration when you were drafting **CSHB 1**?

HUNTER: Again, we haven't heard your definition. So my answer is—to my understanding on how I'm interpreting, which I've answered you—yes, they were taken in.

COLLIER: Okay. See, I didn't draft **CSHB 1**, you did. So I'm just trying to figure out what you did to draft it, what you considered.

HUNTER: Not to be argumentative, you're asking me questions on terms you're using and I may not agree with your definition.

COLLIER: Sure. Do you agree that Section 2 of the Voting Rights Act requires us to create opportunity seats for African Americans or Latinos if the Gingles factors are met?

HUNTER: I believe that under the law that Section 2, as I read in my opening—let me give you exactly. As I stated, an important law that must be followed in federal law is the Voting Rights Act of 1965. Although race cannot be the predominant factor in drawing maps, Section 2, that you referenced, of that Act prohibits enactment of any plan that restricts minority citizens from having an opportunity to elect their preferred candidate of choice if certain circumstances exist.

COLLIER: So is that a yes or a no? I'm sorry—the question.

HUNTER: I just answered your question. You just asked me about Section 2 and I gave you the statement.

COLLIER: Well, I just said, do you agree? Is that a yes or a no?

HUNTER: I agree with what I just read.

COLLIER: All right. Were there ever any efforts employed to prevent the cracking of minority communities in **CSHB 1**?

HUNTER: All right, what is your definition of cracking? That is a term that everybody's using, "cracking" and "packing." My view is yes, I believe efforts were used to not do those things. So the answer is yes, efforts were used and information was provided. But much of this information was generated by the members and their—

COLLIER: So what is your definition of cracking? Since you said—

HUNTER: I'm finishing. I'm finishing. Many of the members that did submissions may have done exactly what you're talking about.

COLLIER: What is your definition of cracking? Because you said—I'm going off of your definition, not mine.

HUNTER: No, you asked me, and I said I didn't know what your definition is. I just said using those terms, and I'm saying those terms are used quite a bit. I don't have a specific definition. That's what you asked me. What I said is I'm following what Section 2—which I just read—which I think is correct.

COLLIER: So your definition of cracking, you're saying that right now your map does not—you tried to avoid cracking under your map?

HUNTER: Correct.

COLLIER: Okay. Was there any effort to prevent the packing of minority communities?

HUNTER: Well, was there an effort? The answer is yes, but we incorporated many of the members on both sides of the aisle who submitted their plans. And I will tell you that—based on what you've asked me—there were plans where both sides submitted plans doing that.

COLLIER: Was your map created before or after the plans were submitted by members?

HUNTER: Well, plans are evolving continually. We're even getting them this morning. But the deadlines I asked, and I asked folks to get them in, we did **CSHB 1** after the requested deadlines. But I never put a hold fast that you still can't come and bring us. Right before I walked up here, I talked to two members who are in the midst of creating a new amendment or an amendment on an amendment or a plan. I'm willing to look at all of this. To me, that's part of being the house of representatives.

[Amendment No. 1 by Anchia was laid before the house.]

REPRESENTATIVE ANCHIA: I'm astounded that in what was supposedly a member-driven process we wouldn't even offer members of this house the courtesy of asking additional questions on a bill that not only impacts every one of our constituents but also will be in place for 10 years. This amendment would strike the enacting clause of **CSHB 1**. Given how flawed this map is and as we have observed the process surrounding its consideration, I believe that from a moral and legal perspective that we have no choice but to completely wipe the slate clean and start all over.

The proposed Texas House plan repeats the infirmities described by federal courts during the last decade by diluting the voting power of Texans of diverse population. It has been said over and over again both in committee and here on the house floor: Over 95 percent of that growth was people of color. I'm going to say something very profound here. Ninety-five percent isn't 100 percent, but it's pretty damn close. There can be no doubt that this map and its very rapid movement through the legislature will violate the Fourteenth and Fifteenth Amendments of the United States Constitution and also violates Section 2 of the Voting Rights Act through this vote dilution. It's going to also violate the Texas Constitution by ignoring the prescribed time in the first regular session following the release of census data for apportionment. And it also violates the county line rule for no compelling governmental reason.

This process is out of step not only with the desires of members but also the Texas Constitution and the desires of the people of Texas. Literally hundreds of people testified over the course of multiple pre-session hearings all before a map was released by the Texas House, and the common themes of these hearings was calling for more time to review actual maps once they were released. A coalition of over 50 civil rights and community organizations sent letters laying out the minimum requirements for a fair and transparent process and highlighting that federal courts have reprimanded the Texas Legislature for closed-door processes in the past. Yet despite this, the bill was released and immediately in one single hearing was scheduled with a three-day notice. I say three days. It's three calendar days but only one business day for the entire State of Texas, a state of 30 million people, to review, digest, and comment on this redistricting bill. The diverse population of the State of Texas in many cases doesn't have Wi-Fi, doesn't have modern computers, doesn't have fancy redistricting software like we have, and they have precious little time, according to this process, to analyze and

understand the map, let alone make plans to be in Austin or to present virtually to have their voices heard. And committee members were informed that they had to submit amendments by noon on the day of the hearing. It takes time for members who are fully accustomed to this process. I cannot imagine how the public was adversely impacted.

Members of the committee requested testimony from experts in the field of redistricting and voting rights. It's a common courtesy that even the senate did. Yet that was not permitted in this process, and the pleas of members were ignored. There was not even one resource witness from the Texas Legislative Council or the attorney general's office available for questioning after this map had been released. In fact, little is known or has been made available to members of the public or members of this legislature about how the lines were drawn and the possible impact on diluting voting strength of black, Latino, and Asian communities.

REPRESENTATIVE WALLE: Chairman Anchia, you mentioned that the 95 percent of Texas' growth is primarily driven by people of color. Is that your understanding?

ANCHIA: That's what the census said, correct—despite a significant undercount because of the politicization of the census.

WALLE: Correct, and that goes to one of my points. Did Texas participate in a complete count process?

ANCHIA: It did not. A bill to have a complete count process never got out of committee.

WALLE: Okay. Is it your understanding that the Trump administration delayed the Census [Bureau], Department of Commerce, from implementing and doing the process of an actual count?

ANCHIA: Yes, there were numerous delays.

WALLE: Okay. Of the roughly over 29 million people that live in Texas, over that period of time are you aware that—numerically from 2010 to 2020, that comprised about roughly four million people—that the state grew by about four million people? Are you aware of that?

ANCHIA: Yes, roughly that number.

WALLE: And that is comprised overall of about a 16 percent population increase over that decade. Is that your understanding, roughly?

ANCHIA: Yes.

WALLE: Okay. Of that roughly four million people, the Hispanic population comprised about roughly two million people of that four million. Is that your understanding?

ANCHIA: It was about 50 percent of all the growth in this state.

WALLE: Okay. The African American population grew by about between 500,000 and 600,000 people. Is that your understanding?

ANCHIA: That's right, over half a million people.

WALLE: Okay. And again, just to clarify, the Asian population grew by about 600,000 people. Is that your understanding?

ANCHIA: That is correct.

WALLE: And the Anglo population actually only grew by 187,000 people. Is that your understanding?

ANCHIA: Yes.

WALLE: Okay. Are you aware that under this proposed map, it doesn't reflect the growth that we just talked about? Is that your understanding?

ANCHIA: No, it absolutely does not. In fact, this bill, which purports to create minority opportunity districts, actually—when applying the metric that the Fifth Circuit applies to the creation of Section 2 districts—goes backward for the Hispanic population from 33 districts to 30 districts and for the African American population from seven districts to four districts.

WALLE: Just to stop you there, but it also increases the number of majority Anglo districts from 67 to 72. Is that your understanding?

ANCHIA: Yes, and in some cases it was done quite brazenly in committee. You can see the splitting of the Killeen community of interest that's predominantly African American, the arbitrary and unnecessary dismantling of historic districts in urban counties like in the 148, and the pairing of two of the three Latinas along the Texas border. There are only three Latinas on the border and two of them are paired in this map. Texas can do better. When communities of color account for 95 percent of all the growth and you actually reduce the numbers of communities of color that can elect people of their choice in districts and then increase the number of Anglo districts, I think that is a substantive failure.

I also have procedural concerns about what has happened during the development of the maps. I would raise one, sort of, final issue about complying with state law. No explanation has been offered with the fact that the underlying bill violates the county line rule in at least Cameron County and Henderson County with no public response to why, what the compelling governmental interest was in those cases, and then why there was a systematic underpopulating in rural West Texas while being at the higher end of the deviation in places like El Paso, thus diluting the electoral power of Latinos in El Paso.

Finally, I just want to point out that if this was a bill naming a county courthouse, that'd be one thing. But this is a bill that deals with fundamental representation of the people of Texas. Why is representation important? Well, it has been important for the entire history of this country. There is no taxation without representation. It was a rallying cry early on in the founding of this country. When you have 95 percent of the growth in this state being people of color and you go backward and retrogress these communities, I cannot be proud of this product.

WALLE: Chairman Anchia, just to interrupt you real quick in my last set of questions here. Is this the first time since the passage of the Voting Rights Act that Texas will draw maps without the requirement of the federal preclearance requirement?

ANCHIA: That is correct.

WALLE: Has Texas, every time that it's passed or attempted to pass any type of map in redistricting, has it always gone to court because of a lot of issues related to discriminatory intent in the process? Is that your understanding?

ANCHIA: In light of the recent history of intentional discrimination on voting rights matters, including redistricting in a number of different occasions and federal courts across this country and also strict photo ID, yes, I'm very concerned that we are moving this process forward with a product, ultimately, that does not contemplate the 95 percent growth in this state which have been communities of color.

REPRESENTATIVE RAMOS: You spoke a little bit about the census and the numbers. Is it your understanding that redistricting should happen in a regular session after the census?

ANCHIA: That's correct. In my comments I pointed to Article III, Section 28, of the Texas Constitution, also you can look at Section 26, which says very clearly, the plain text of that constitutional language says the first regular session—regular session, not special session—after the release of census data.

RAMOS: That would be when? When would be the first regular session after the release of the census data?

ANCHIA: 2023.

RAMOS: 2023.

ANCHIA: Correct.

RAMOS: Okay. My second question is, you're part of the Redistricting Committee, correct?

ANCHIA: Yes.

RAMOS: You attended the one hearing that was provided to the citizens of Texas after Representative Hunter released his maps, correct?

ANCHIA: That is correct.

RAMOS: In that one hearing there were hundreds of witnesses testifying that they objected to this map, correct?

ANCHIA: Well, yes. All along it was overwhelmingly negative on this map. The people of Texas, I think, spoke in that hearing. But there were a couple of other challenges with that hearing. One, we were unaware that amendments were going to be due by a certain cutoff date. It was unclear whether we were going to be voting the bill out that evening or the following morning. We weren't given a lot of guidance on that. So we've been flying in the dark. If that's members of the Redistricting Committee, I mean, the people of Texas who are tuning in to this

pretty arcane process are completely in the dark about what's happening. When we heard testimony both before the bill was dropped and after, everybody said, hey, give the public more time. Please give us more time. We need time as members of the laity, basically, as members of the public to review these maps. They're complex, right? But they weren't given that time.

RAMOS: Representative Anchia, you said that the people in the community wanted more time. And you as a member of the Redistricting Committee also wanted more time, correct?

ANCHIA: Yes, and we sent a letter to that effect.

RAMOS: The request was denied?

ANCHIA: Yes.

RAMOS: Regarding transparency, Representative Middleton commended Representative Hunter for the transparency. In the spirit of transparency, were you at any time allowed the opportunity or aware that Representative Hunter hired a GOP operative to help with redistricting and to help draw these maps, who in Wisconsin was found to be unethical and potentially illegal in his participation in drawing the maps in the State of Wisconsin?

ANCHIA: I found out about it by reading the news.

RAMOS: In terms of transparency, this GOP operative by the name of Adam Foltz, who came here from Wisconsin, who was instrumental in making Wisconsin, which was a purple state, essentially a two-thirds republican state, you were not aware that Representative Hunter hired this individual to come and gerrymander the State of Texas?

ANCHIA: I read about it in the news and then Representative Hunter was asked about that in the committee hearing and discussed it.

RAMOS: Thank you, Representative Anchia. I think it's unfortunate that we brought somebody to unethically and potentially illegally draw our maps.

REPRESENTATIVE MORALES SHAW: Chairman, you were talking about the changes in the numbers throughout the district and the maps that were drawn by Chairman Hunter's committee. I wanted to ask you, are you familiar with District—in Houston—148?

ANCHIA: Yes.

MORALES SHAW: Okay. This map is a representation of 148 right here. Are you familiar with the changes that were made to District 148 with the new proposed redistricting map?

ANCHIA: Yes.

MORALES SHAW: Would you agree that given the makeup, District 148, a Hispanic opportunity district, majority Hispanic population, majority Hispanic HVAP, is grossly different than the map that is being proposed in **CSHB 1**?

ANCHIA: The preexisting District 148 appears to be compact. It appears to include communities of interest. I understand it's been radically changed in the underlying map.

MORALES SHAW: If we look at the proposed redistricting, you can see that only this very small portion right here—which is about 33 percent of District 148 currently today—is proposed to be retained. These other areas that have other representative numbers in them are areas that are being relinquished by other districts and added into 148. Would you agree that this map isn't compact and that it's very extended into areas that are very unrelated historically to 148 just by the visual appearance of it?

ANCHIA: I don't know those districts specifically, but I can comment on the compactness versus relative sprawl of one district versus the other. I do know that District 148 is the legacy district and is a district where Latinos have been able to elect the candidate of their choice and, at least since I've been in the legislature, has elected two Latinas.

MORALES SHAW: Chairman, thank you. In fact, speaking of those, this area right here is Near Northside and Northside, a majority Hispanic populated district, and this area is known as The Heights, inside Loop 610, which is also a historic area, both of which are the highest voting performing areas of District 148 and both of which are no longer in 148. That would have been this entire area right here that you see is no longer a portion of it, close to about 70 percent of the district. Would you agree, Chairman Anchia, that when you change a map like this and you reduce the minority voting population and especially the performing voting population of a minority, that it dilutes the vote of the minority population and that it makes it difficult for them or maybe even impossible for them to elect a candidate of their choice as they have been able to do historically?

ANCHIA: It appears from your description that when you take high-performing communities of interest that are Hispanic and disperse them into multiple districts, that it will make it harder for those communities to elect the candidate of their choice.

MORALES SHAW: Chairman, one last question. From your knowledge, would you agree that this dismantling and remaking of 148 is one of the most egregious examples that you've seen of retrogression in the Texas redistricting map?

ANCHIA: It is among—I consider 148 a protected district under Section 2, and to dismantle a protected district like that is one of the more problematic data points in the underlying map.

MORALES SHAW: Do you believe that 148 could have been preserved?

ANCHIA: I believe it could, yes, and we will have a map to that effect.

REPRESENTATIVE C. TURNER: I want to walk through a couple of other districts that we talked about in the committee process that I think are good examples of why we should adopt your amendment to strike the enacting clause. Do you recall the discussion in committee about Bell County as it's treated in this bill?

ANCHIA: I do and I couldn't believe it. We sat in the committee and a committee amendment was offered with no warning. A member of the committee laid out that amendment, couldn't answer any questions about it. We asked what the racial impact was of this amendment. We were told they didn't know. And then when you pointed out to the member in the committee that, in fact, their choice to draw a line down a traditional African American community of interest in Killeen was problematic and you showed them that, they went ahead and voted it anyway.

C. TURNER: In fact, I don't know if you've seen this, but I've distributed to every member's desk a copy of the Bell County map shaded by African American population, and it clearly shows the line. Is this the line—I'll frame it in the form of a question—is this the line you're talking about that cuts north to south, dividing the African American community in Killeen between House Districts 55 and 54? Are we talking about the same thing?

ANCHIA: I've seen that map on my desk, and that's exactly what happened.

C. TURNER: Yeah, and I believe Representative Davis has an amendment later to correct that if we don't adopt your amendment. Let me ask you also about House District 90 in Tarrant County. I know it's something that MALC has been very involved in through the years. This is Representative Romero's district. **CSHB 1** would appear to retrogress Representative Romero's district by lowering his Hispanic CVAP to around 48 percent and his SSVR to around 40 percent. Would you agree that that is a real problem for Latino voters in Tarrant County?

ANCHIA: I do and that's another district that is among the most problematic in this map. Literally, a court in 2017—keep in mind we had multiple iterations of a house map. In 2011, it was found to be intentionally discriminatory. We came back in 2013. There was another lawsuit in 2013 that was decided in, I believe, 2017, and MALC was found to be a prevailing party. And the court said, no, you have retrogressed District 90 and you need to draw it in this way. Right? So the court has literally drawn this district, and yet the underlying map retrogresses the Hispanic community, including historic communities of interest, in Tarrant County by reducing the Citizen Voting Age Population and Voting Age Population of District 90.

C. TURNER: Absolutely. And last, let me ask you about House District 65 in Denton County. Am I right that that is a majority-minority district that is performing as an effective coalition district where minority voters are able to elect the candidate of their choice under the benchmark plan?

ANCHIA: I believe it is.

C. TURNER: And under **CSHB 1**, is that effective coalition district preserved or is it destroyed by dismantling it and cracking minority voters into multiple districts?

ANCHIA: The latter. It's completely dismantled.

C. TURNER: Thank you, Chairman Anchia. I hope the body will adopt your amendment.

HUNTER: Members, so everybody's clear, this is what we call "strike the enacting clause." What this does is end the bill. So you'll have a lot of discussion, but what this is to end **CSHB 1**. So that's the purpose of this amendment. Now, I do want to indicate to everybody that you have a lot of amendments and there will be opportunities to ask questions. And I'm more than happy to take questions from Representative Turner.

C. TURNER: Chairman Hunter, in the committee process, you'll recall that a number of us on the committee asked for the opportunity to hear from expert witnesses during the committee hearing. Were we ever able to hear from some invited expert witnesses?

HUNTER: Let me clarify. We had members ask, both republicans and democrats, for invited testimony, and it was never objected to but on certain days.

C. TURNER: So just for the record to be clear, why is it that the House Democratic Caucus, the Legislative Black Caucus, Mexican American Legislative Caucus, MALDEF, and other groups who had lawyers and other subject matter experts on redistricting were unable to secure an invitation for their experts to testify before the committee?

HUNTER: I think I heard you just said that you sent the joint letter asking for invited testimony and why there was no invited testimony. Was that the question?

C. TURNER: Yes, we sent through a letter and through verbal requests, as well.

HUNTER: And as I told you in committee and I've told you personally, that on those days we did not do invited testimony. But I didn't say we wouldn't do a separate day.

C. TURNER: Okay, but to be clear, this plan has come to the floor without the members of the committee or the body having the benefit of expert testimony?

HUNTER: Just a suggestion. If you could move back, because you're cracking up on the question. So could you repeat it again?

C. TURNER: My question, Representative Hunter, is: To be clear, the members of the Redistricting Committee and by extension the members of the house are now considering **CSHB 1** without the benefit of expert testimony on this bill and on the redistricting process. Is that correct?

HUNTER: That is not correct because I don't know what you mean by an "expert" testimony. Did we have designation of invited? I just explained that. What you determine as an expert, I determine, or whoever testified, I don't know. So I am going to disagree with the global term of "expert" testimony.

C. TURNER: Okay, and I define "expert" as lawyers that have been brought forward by groups such as the NAACP, the Legislative Black Caucus, MALDEF, others. They did not have the opportunity to testify on an invited basis and therefore not be subject to three-minute time limits. But I'll move on. Why did we not hear from resource witnesses at any stage in the process on the bill? We were

not able to hear from the Texas Legislative Council, the attorney general's office, or the secretary of state's office on the bill. Why was that decision made, Mr. Chairman?

HUNTER: I respectfully disagree, Chairman Turner. Number one, first on the question that you said you'd move on, anyone could come to testify. Anybody could have gone, under the House Rules, on the portal, and I want the body to know I told you specifically about the portal. And I suggested that all those groups, under the House Rules, now that there are three methods to testify—and by the way, this body used all three—and I suggested that invited, what you call "expert" lawyers, whoever, could at any time turn in portal testimony. They could turn in—several of your groups said that they would send us by e-mail, which we would provide to the committee.

C. TURNER: Sure.

HUNTER: So I don't want to say that anybody was prevented. Then your question that you asked about no experts: Number one, I cannot answer that because I don't know who virtually and who in person considered them an expert. In addition, they had the portal, and I don't know if certain individuals submitted things on behalf of others. But let's take the lawyers. My question is all lawyers could turn in information through the portal. And if you remember, I believe it was you or one of the other members asked for the portal to be extended so that more information could be provided, which we did on the committee's request.

C. TURNER: Right. And as we—

HUNTER: I may disagree with you on terminology, but that's how I understood it.

C. TURNER: But to be clear, we did not hear from an agency resource witness on this bill. Yes or no?

HUNTER: I think we've had an agency resource at one of the hearings we listed. But you, anybody on the committee—Lege Council is open to all the legislators. They don't have to come to the committee for you or any house member. In fact, I know where Lege Council has come to representatives' offices. I know where people have gone to meet with them. So I don't think there's any speed bump there.

C. TURNER: Sure.

HUNTER: The members themselves have been encouraged to talk to everybody and there was no prevention. So to your question, did I have them since the bill was filed? I don't think we did. Was everybody encouraged to talk to the resource groups? The answer is yes. There is nothing that prevents people to talk to these groups.

C. TURNER: All right. Mr. Chairman, my last question because I know others have questions: In the committee process when you laid out the bill, you limited the layout to one hour and you said there would be opportunity to ask questions on the floor. That opportunity has been limited by the objection to the extension

of time earlier by Mr. Vasut. You also encouraged us to send you questions in writing. I have not yet received an answer to my questions in writing. When can I expect an answer to those questions we submitted in writing the day of the hearing?

HUNTER: First, in connection, I believe, I may be mistaken, but I think two to three of you have provided us written information. I told you that I would get you a response. I did not give you a deadline but you will be and it will be sooner than later.

C. TURNER: Thank you.

HUNTER: That information, yes, will be complied with. And yes, it is acknowledged.

ANCHIA: Despite the fact that the Texas black population increased by about 560,000, does this map create fewer black opportunity districts?

HUNTER: Well, first, what our statistics show, Mr. Anchia, is that majority-minority Hispanic districts are at 38. Majority-minority African American districts have increased by two. In 2010, Hispanic, 35; 2020, 36; and **CSHB 1**, 38. Majority-minority African American: three in 2010, one in 2020, and two in **CSHB 1**. I believe that HD 111 in Dallas is a new African American majority district. And I believe on one of them, which I'll get you the information, we were able to restore to a higher number.

ANCHIA: Thank you. So for African American districts, you believe that the standard is over 50 percent total population. Is that what you're saying? Because you just said majority black population for the 111. Is the standard that you apply a majority of total population?

HUNTER: What I'm looking at is the 50 percent plus.

ANCHIA: Fifty percent plus. Is that total population or Voting Age Population? What is the standard that you applied?

HUNTER: The numbers that I'm looking at—because as we noticed in committee, there is CVAP which is estimates; there is census, which is population—I am giving you information right now on the population. But under CVAP, I don't see the performance harmed at all. In fact, I believe that even though there may have been changes in communities, most of the minority democrat seats kept the same performance if not increased.

ANCHIA: Thank you, Mr. Chairman. Just to understand the bar that you're using, you're saying total population of over 50 percent was the standard that you used for black districts. Was that also the standard that you used for Hispanic districts?

HUNTER: What I just gave you was the same information, the same wording.

ANCHIA: So total population is what you looked at?

HUNTER: I'm using the census, so we don't use different verbs or different meanings.

REPRESENTATIVE LOZANO: It's an honor to be up here right now. I believe that comparing this to the last redistricting, which I was a part of in 2011, this has been an extremely open and fair process. It's literally night and day. I want to thank Chairman Hunter for his inclusion and for his hard work and for the Redistricting Committee in considering all of these amendments. One of the things that I want to point out is that—as you have people on the back mic and on the front mic talking about were expert witnesses invited to give invited testimony—is that anyone could have gone to testify in the Redistricting hearing. For the press: Anyone was able to testify, and they had three ways to testify. So if you're a lawyer for a civil rights group, it's your job to come to this building, register, and offer your expertise. If you didn't, you failed. That's not our fault.

Secondly, one of the things I want to point out is that the Redistricting Committee was unable to meet because we did not have quorum. For two months—two months—while we were here waiting and fighting for our constituents, we could not have a Redistricting Committee hearing. I want to read the oath we all took when we began here: "I do solemnly swear that I will faithfully execute the duties of the office of member of the House of Representatives of the Eighty-Seventh Legislature of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state, so help me God."

SPEAKER PHELAN: Members, please confine your remarks to the amendment.

LOZANO: I apologize. So basically, members, being here—being here—is exactly what it means when it says "to the best of my ability." You've got to be present to fight for your constituents. And so the Committee on Redistricting could not meet for two whole months—two whole months.

And as we hear a lot of rhetoric about race—about race, implying that if we support this map we are racist—in 2011, as a democrat, I voted for the republican map because it kept the communities of interest that I represented, that I grew up in, intact. The same ones that Irma Rangel, one of those that served in my seat before me, fought to keep. And so when we look at a very key statistic—that the press never reports for whatever reason—it's to show what the candidate of choice is. It's not republican or democrat. And I've got proof in my own races. In 2014, in Jim Wells County—which we've talked about plenty of times, the bluest county in the State of Texas that put LBJ in the United States Senate and in the White House and really did a bad thing to Andrew Murr's family—in 2014, Wendy Davis got 3,016 votes. Senator Cornyn and Governor Abbott lost Jim Wells County. I won Jim Wells County. I got more votes than Wendy Davis in Jim Wells County. In 2016—in 2016, Hillary Clinton got more votes than Donald Trump. Hillary Clinton beat Donald Trump in Jim Wells County. I got more votes than Hillary Clinton in Jim Wells County. In 2018, Beto O'Rourke, or Robert Francis, got 5,331 votes. Cruz lost Jim Wells County. I won Jim Wells County. I got more votes than Beto O'Rourke in Jim Wells County. And then in 2020, guess what? Donald Trump wins Jim Wells County. He beat Biden—7,453 and Biden only got 6,119. And I'm very proud to say that even I got more votes than Donald Trump in Jim Wells County. But the point is that I am the candidate of

choice for the people of Jim Wells County—a very democrat county which is now republican. Things change. Political norms change. There is no set definition, and we cannot let people pigeonhole us.

So when they try to, I want them to look at the most liberal states of the United States of America. Let's look at the State of New York. New York has 150 lawmakers. You want to know how many Hispanics there are in New York in the state assembly? Out of 150? Eleven. Eleven. You want to get to work? Go work on New York. In the state senate, out of 63, five. Five. In the United States Senate, out of two, zero. Zero. In Congress—in Congress, out of 27, how many Hispanic congressmen are there in the State of New York? In addition to AOC, there are three—four total in the State of New York. In California, 80 state legislative members. Eighty—only 20 are Hispanic. In Congress, out of 53 from California, only 15. That's a 41 percent Hispanic state. Forty-one percent in California, 20 percent in the State of New York, and they're all anemic—seven percent of the house, eight percent of the senate. I could go on and on. Texas is far more representative of our demographics. And I want you all to know, members, that we need to look at the facts and not let the political rhetoric cloud the facts. I strongly oppose this amendment.

ANCHIA: Do you know the date that the redistricting data was made available to the public and to the state this year?

LOZANO: Are you referring to the redistricting maps or to the data?

ANCHIA: No, the U.S. census data.

LOZANO: Not the exact date, no, sir.

ANCHIA: August 12, 2021.

LOZANO: I do know that the feds were four months late—

ANCHIA: Do you know when—

LOZANO: Let me finish answering you. I do know that the federal government was four months late getting that to us.

ANCHIA: Correct. So it arrived August 12, 2021. Is it correct that the census data was loaded into RedAppl on September 1, 2021?

LOZANO: I'm not aware of the specific date.

ANCHIA: I would submit to you that it was. Is it correct that this body only held 13 of its 25 scheduled hearings in the months before the—

LOZANO: Quorum break?

ANCHIA: —pandemic started in 2019?

LOZANO: Oh, okay, yeah. I thought you were referring to the quorum break.

ANCHIA: The pandemic.

LOZANO: Yeah.

ANCHIA: Do you know if that's correct?

LOZANO: The exact number? Are you talking before the previous chair as well? Are you including that?

ANCHIA: So of the 25 scheduled hearings, 13 of them occurred before the pandemic. Are you aware of that?

LOZANO: Okay, because it was a previous chairman of Redistricting. He had field hearings all over the State of Texas.

ANCHIA: I'm just asking if you were aware.

LOZANO: There were field hearings all over the State of Texas. Are you referring to Chairman King or Chairman Hunter?

ANCHIA: I'm talking about Redistricting hearings.

LOZANO: Okay, because there's two different Redistricting Committees.

ANCHIA: Is it true that courts have consistently encouraged robust public engagement in the mapmaking process as a way to ensure the rights afforded under the Voting Rights Act are protected?

LOZANO: The robust engagement of the people and their representatives.

ANCHIA: Do you agree that courts have encouraged that?

LOZANO: The robust engagement of the people and their representatives. In other words, you should've been here in the summer.

ANCHIA: Do you agree with that?

LOZANO: Yes, the people and their representatives.

ANCHIA: And do you believe that one hearing after a proposed map has been released to the public and to the membership is robust engagement?

LOZANO: There have been hearings—with the exception of when you broke quorum—there have been hearings going on.

ANCHIA: Are you aware—

LOZANO: That you broke quorum? Yes.

ANCHIA: —or do you deny that there was one hearing after the map, the current map, was released to the public and to constituents?

LOZANO: Okay, so there would've been hearings in the quorum break if you had been here. There weren't.

ANCHIA: You've already acknowledged that census data wasn't available at that time, so I'm not quite sure why you're going back to that point.

LOZANO: There were hearings going on before the census data was released.

ANCHIA: Once census data was released—

LOZANO: So when census data was released, they continued those hearings.

ANCHIA: —and once it had been loaded into RedAppl, and once a map was developed by the committee, or by the chair, and submitted to the members of the public, are you aware that there was only one hearing?

LOZANO: There have been hearings going on, Chairman, since before that.

ANCHIA: Are you aware that the hearing was noticed the same day for a 9 a.m. committee hearing on Monday, October 4, providing essentially three days'—calendar days—notice and one business day's notice to review the map?

LOZANO: Honestly, for the individual hearing you're referring to, I don't know the exact notice dates.

ANCHIA: It was the one hearing after the map was released to members and the public.

LOZANO: But there were many hearings before that as well.

ANCHIA: I shouldn't say that. Did you have an opportunity to review a draft map prior to its release to the members of the committee and to the public?

LOZANO: Everyone in their region worked on their own maps.

ANCHIA: Were you shown a draft map by lawyers or by the chairman prior to its release to the public or to the members of the house of representatives?

LOZANO: No, every representative, including yourself, saw a map of their specific delegation. Because you worked on it.

ANCHIA: At the same time? At the same time?

LOZANO: I don't know what time you saw it.

ANCHIA: Members of the committee—democrats on the committee—didn't see the map until it was released to the public. Did you see it in advance?

LOZANO: It was my understanding that every single delegation worked on their specific region.

ANCHIA: Did you see **CSHB 1** beforehand?

LOZANO: I worked on my map with my delegation. And you worked on yours.

ANCHIA: But you didn't see **CSHB 1**?

LOZANO: No. No, sir.

ANCHIA: Okay, thank you. So do you think that three calendar days and one business day is sufficient time to review a redistricting map?

LOZANO: I think we would've had more time to review if you would've made quorum.

ANCHIA: Was there quorum when the redistricting—

LOZANO: There were hearings before you busted quorum.

ANCHIA: Was there a quorum on the dates that we met to review the redistricting—

LOZANO: There would've been hearings, Chairman Anchia, if you were here.

ANCHIA: No, I'm asking about one hearing in specific.

REPRESENTATIVE CROCKETT: Members, I'm speaking in favor of this amendment for a number of reasons. I understand that the previous speaker brought up the quorum break, and I'm glad that he did. If I could do it again, I would actually be outta here right now. Because what's happened so far is we've seen the people be ignored yet once again. We see data being ignored yet once again. So the reason that we don't need to pass this map is because when we look at the data and facts, let's talk about the growth in the State of Texas. We had 187,252 new Anglos in the State of Texas in the last decade. The average size of any house district is supposed to be 194,000. We did not even have enough Anglos to make one new Anglo majority district—not one in the entire state. When we talk about Latino growth—Latino growth was 1,980,796 people; African Americans, 557,887 people; Asians, 613,092 people. But when we start to talk about a representative government, we know that we did not pick up—I think that the bill author mentioned that there may be one new Asian district. I don't recall him mentioning a new African American district. He referenced Vice-chair Yvonne Davis' district that has historically always been an African American—maybe not always—but it is an African American district at this point, so I don't know why we're adding something to the count that is really already there.

In fact, let's talk about what really happens, at least in Dallas County. In my district, HD 100, which is a legacy district, somehow the HCVAP was reduced by 6.5 percentage points, the African Americans were reduced by 12.4 points, and Anglos somehow increased by 17 percent. In HD 108, we saw a decrease in HCVAP of 4.8 points, African Americans by 2.9 points, and Anglos increased by 8.5. When we talk about 112 in Dallas County, HCVAP decreased by 7.9, African Americans down by 6.3, and Anglos up by 17 percent. Now, this may make sense if for some reason Dallas County was growing in an opposite direction of the rest of the state, but I present to you that 50 percent of Dallas County's growth was due to Latinos, and the other 25 percent was due to African Americans, and then the final 25 percent was due to a mixture of Asians and Caucasians and other. So if anything, every single seat in Dallas County should actually be more diverse instead of being less diverse. So what we have is retrogression. If we have retrogression in Dallas County, I have no doubts that there's retrogression throughout the entirety of this map.

The reason that the persons that have spoken already spoke about the Voting Rights Act—which is something that we were fighting for while we were in D.C., the full restoration of that Act—it's because we knew when we came back to the Texas House what was going to happen is that this house was going to try to take advantage of the fact that there would not be federal oversight. We need federal oversight because sadly we are failing Texans again. Texas is a majority-minority state at this point, but when we look at these house districts, we do not have majority-minority house districts. This isn't about partisanship. The reality is that you heard from a Latino member. He was elected as a republican. We have an African American member that was elected as a republican. This comes down to fairness based upon real representation. We need real representation so that the bills that come out of this house reflect the will of the people in this state. And the

only way we can do this is if we go back to the drawing board and if we're honest about the 95 percent of the growth that has occurred in the State of Texas over the last decade.

MIDDLETON: I think you're District 100, right?

CROCKETT: I am.

MIDDLETON: Are you happy with how that turned out in the current map before us in the committee substitute with your district?

CROCKETT: No.

MIDDLETON: You're not. And you've told that to who?

CROCKETT: I testified in front of the committee and let them know. I explained specifically which precincts were broken up as communities of common interest. I also talked about the fact that it is a legacy district and it is grandfathered under the Voting Rights Act. And the fact is they actually decreased my numbers to the extent that it would be an unprotected seat at that point and that it was a clear violation of the Voting Rights Act. I did testify to that.

MIDDLETON: But is there—so I guess my second question. Is there an additional African American seat created in Dallas County under the map before us?

CROCKETT: No. There is not. There are four African American seats currently in Dallas County. They are HD 100, HD 109, HD 110, and HD 111. When we look at the African American population as we sit currently, HD 109 has 64 percent African Americans. HD 110 has about 54 percent African Americans. HD 111 has approximately 58 percent African Americans. And HD 100 is down to 44 percent. It is still grandfathered based upon the decisions of the Fifth Circuit Court that so long as I'm at least at that 40 percent threshold but shooting for the higher 40s, then my district is still protected under the Voting Rights Act. So we have four under the original map and under the Hunter provision we actually would be down to three.

MIDDLETON: That's not my understanding. My understanding is that it does create another African American district in Dallas County. But you do plan on voting no on the bill? Is that what I'm hearing?

CROCKETT: I absolutely plan on voting no for the bill.

MIDDLETON: There will be other amendments to discuss later, and I'll have those questions at that time.

REPRESENTATIVE REYNOLDS: I won't belabor. Representative Crockett laid out a lot of the points. There are a few additional points that I want to highlight. When we talk about the diversity of the state reflected with the census, it's important to note that of the 95 percent increase in the population with African Americans, Hispanics, and Asians, I want the members to understand that there are more African Americans in Texas than any other state in the entire United States of America. But you wouldn't know that looking at the proposed redistricting maps. They don't reflect the growing and diverse population in this

state. This map not only dilutes the voices of African Americans and Hispanics but also Asians. This map does not reflect any increase in African American opportunity districts. Although it was stated, it doesn't actually do that. The Hispanic community made up nearly half of the Texas growth over the past decade. All the legislature's maps fail to accurately reflect this growth.

We heard testimony before the committee from Texans across this state, and this map ignores the input from the hearings where Texans overwhelmingly expressed their desire to have a fair and transparent process that results in maps that accurately represent them. In fact, all of the proposed gerrymandered maps do the complete opposite of what Texans asked for during the hearings. Instead, they eliminate competitive districts, unfairly consolidate or separate communities of color, and draw districts in direct opposition to the census data. This is reflected in the fact that the majority of the districts in terms of white representation went from 67 to 72, despite communities of color accounting for 95 percent of the growth. Rather than drawing new opportunity districts to represent the growth of African Americans, Asians, and Hispanics, the number of these groups actually decreased. So members, this is an unfair and discriminatory map that does not reflect the population shifts in this state, and it breaks up communities of color. It packs and it cracks. We should not do things where politicians are choosing the people they want to represent. We should allow communities of interest and communities of color to be able to elect the candidates of their choice.

ANCHIA: I just wanted to highlight in my closing a few problem areas in the map. I said this previously, but this map pairs two of the three Latina members in El Paso. This map has at the highest end of the deviation every district in El Paso and also has at the higher end of the deviation District 74, which now extends from Eagle Pass in South Texas into El Paso. This map reduces the Spanish Surname Voter Registration numbers in both HD 31 and HD 80 by approximately 10 percent and eight percent, respectively, and this map reduces the Spanish Surname Voter Registration, the Hispanic Voting Age Population, and the Hispanic Citizen Voting Age Population by all three of those metrics at the rate of about 10 percent, respectively, in HD 90 in Tarrant County. I will reiterate just for the record that HD 90 was subject to prolonged and successful litigation during the last redistricting cycle during which the United States Supreme Court held that this body intentionally and unconstitutionally discriminated against Latino voters.

While Harris County growth was predominantly Latino, the current map retrogresses two Latino performing districts in House District 145 and House District 148. This means that Latinos will have less of an opportunity than other members of the electorate to participate in the political process and to elect people of their choice. Another area of concern with this map is that it violates the county line rule. That county line rule is broken twice in the current map, both in Tarrant County and Hidalgo County and then also Henderson County. So I just raise those substantively as objections and challenges with this map.

And then, of course, we spent some time discussing procedural irregularities. And in my dialogue with Representative Lozano, I think he understood that census data was not loaded into RedAppl and the state's application until September 1, and that census data was not made available to the state and to the public until August 12, 2021, both times when quorum was present, and that there was only one hearing once the map had been released to both the members of the legislature and to the public. So members, with those both substantive and procedural concerns articulated with respect to the map, I ask for your favorable consideration of this amendment.

[Amendment No. 1 failed of adoption by Record No. 7.]

[Amendment No. 2 by C. Turner was laid before the house.]

C. TURNER: The Voting Rights Act of 1965 both requires the protection of districts that currently perform for racial minorities and it also requires the drawing of new districts when population increases require it. Now, ultimately, if **CSHB 1** is enacted into law and if it is challenged in court, the courts will perform a review of how the legislature treated districts that currently perform for Latino, black, and Asian American voters. Now, last redistricting cycle 10 years ago, the state's map was found to be intentionally discriminatory. It was found to have violated the Voting Rights Act, and one of the things the legislature was called to task on was that the map drawers that time did not start with a list of protected districts. So this amendment is not a map. This amendment is text, and it's simply to help us avoid repeating the same mistake in this round of redistricting.

What this amendment you have before you does is it lists the house districts that may not be retrogressed under the Voting Rights Act. Now, because this redistricting process has been so rushed, as we discussed on the previous amendment, we haven't had the opportunity to hear from the map drawers what districts they viewed as protected under the Voting Rights Act, nor did we have the opportunity to hear from resource witnesses or expert witnesses in the committee process as to what districts the legislature should treat as protected. This amendment would help the legislature by adding a section to the bill of legislative findings indicating that it is the intent of the legislature to comply with the Voting Rights Act and not undermine the performance of this specific list of protected districts.

ANCHIA: Thank you, Chairman Turner, for taking my questions. Just to recap what this bill does, Section 2 of the Voting Rights Act provides certain protections for communities of interest that are composed of protected classes so that they can elect the candidate of their choice and it prevents retrogression, which is a multisyllabic term that means not going backward, effectively, right? That's an overly simplistic definition, but it's making sure that you're not harming that community so it makes it harder for those communities to elect the candidate of their choice. Is that a fair assessment?

C. TURNER: That's exactly right. That's exactly what this amendment is addressing.

ANCHIA: Your amendment just lists those. It says, hey, we have some Section 2 districts. Chairman Hunter read the language of Section 2 of the Voting Rights Act earlier. You're simply saying, hey, let's just list those out so we don't make a mistake and don't either intentionally or unintentionally retrogress against Section 2 covered districts. Is that correct?

C. TURNER: That's exactly right.

HUNTER: Members, I ask you to vote no. This amendment, one, is not necessary. Number two, I want you all to be aware, this is where they use definitions and terminology, and one is called "protected class." What is the definition? There's two to three different definitions. What I am raising to you is, one, it's not needed. It is not constructive in **CSHB 1**. The other thing I want you to know is under **CSHB 1**, the political performance factor has not been harmed. Members, all I'm hearing is you don't like that you got moved to another area. Your political performance didn't change. Most of the analysis says you still win. So why is the reason you don't want to change?

We also have a 30,000-person increase per district. But when we talk about these numbers in districts—a democrat district, for example, their performance in many cases in **CSHB 1** are higher in percentage. In many of the districts that I've heard objections are because new communities are involved. Political performance, which is a factor—it's not the only one but it is a factor—it's not damaged under **CSHB 1**. This is an area where they want to list what they call protected. My concern is we're getting into legal areas. We're getting into different criteria areas. And what I want you to be aware of is it's unnecessary. It's not constructive, and I'll be voting no on the amendment.

C. TURNER: If this amendment is not acceptable, can you tell the body which districts, by number or current incumbent, you view as protected under the Voting Rights Act in the benchmark plan? I know you gave a list of districts earlier in your bill. But in the benchmark plan before we start drawing the map, what do you view as protected under the Voting Rights Act?

HUNTER: Chairman Turner, as I told you earlier, I don't agree with the terminology. I don't even know what your terminology—

C. TURNER: Which terminology?

HUNTER: Let me finish. I don't even understand when you say "protected district" what your definition is. Number two, I've been told by different folks their different definitions of protected district. So I think the body needs to know that you're having an amendment that goes on your interpretation of a protected district. And basically, all I'm saying is it's unneeded and not constructive.

C. TURNER: Chairman Hunter, do you have a definition of a protected district that you have used as you have drawn this map?

HUNTER: No, not necessarily. I think political performance in some of the districts that you have indicated earlier, that you said were impacted, it looks like the percentages in some have actually gotten higher for democrat performance or minority performance.

C. TURNER: But Mr. Chairman, you understand this amendment has nothing to do with political performance? In this list of districts, there are districts currently represented by democrats and districts currently represented by republicans. It has nothing to do with partisanship or political performance. It has to do with the ability of minority voters to elect the candidates of their choice. That's all it's dealing with.

HUNTER: Chair Turner, I understand. I think we disagree on the principles surrounding it. And I do think political performance has to be discussed and the members need to know whether these districts are being impacted or not.

C. TURNER: Do you believe it's possible to consider political performance and also consider a list of protected districts at the same time? Can we consider both things simultaneously?

HUNTER: You can consider a multitude of factors. I still don't know, and the body needs to know, when you're defining terms of protected districts, for example, I don't know what you're saying.

C. TURNER: Okay, well, with respect to protected districts and how court—the amendment speaks clearly to the Voting Rights Act of 1965 and federal court interpretations of the Voting Rights Act. Let's just take a couple of cases. Have you read the decision from the 2012 preclearance case in *Texas v. United States*?

HUNTER: Mr. Turner, I may have read some of these cases, but I can't tell you the specifics here. Just like you all have at your call today, we have legal that we call on, so I get information from them. I'm not acting as the expert lawyer on the legal cases.

C. TURNER: Do you recall if you've read the San Antonio federal court's opinion in *Perez v. Abbott* that protected 2011 congressional enhancements?

HUNTER: I may have, and I may have also been given information from legal groups.

C. TURNER: For your information, that court ruled that the cracking and packing of minority communities was unlawful and was intentionally racially discriminatory. Do you recall that finding?

HUNTER: One, I do not recall the finding. As a lawyer, I'd like to see all the briefing and all the legal. Just because somebody says it at the microphone doesn't mean that there aren't 10 other interpretations.

C. TURNER: So you don't recall that finding but wouldn't you agree, Mr. Chairman, that before we begin the process of redistricting for the new decade, shouldn't we have a complete understanding of what happened in the last decade and wouldn't we accomplish that understanding by reviewing all of the court findings and the rulings from the last redistricting cycle so that we could avoid making the same mistakes that the body made 10 years ago?

HUNTER: Well, you're presuming there were some mistakes made, and I'm saying I disagree with you.

C. TURNER: The court said that there were mistakes made.

HUNTER: We're talking about **CSHB 1**. I'm saying you just talked about everything, and I disagree with you. Number two, the U.S. Supreme Court, Mr. Turner, was 5-4, and a lot of legal was adopted for the State of Texas. That's the Supreme Court of the land. And no, I don't agree with you on all the different legal cases because in advice to me, I've had other cases throughout the state and the country that have different views. But always remember, which is never repeated, the U.S. Supreme Court ruled five to four and Texas' map was there. Now, in **CSHB 1**, yes, we've gone to folks on legal, just like you have with your groups and the other groups have. That's the natural point of redistricting. But no, I don't think the amendment is needed.

ANCHIA: You talked about political performance. Can you describe what that is?

HUNTER: Yes, political performance is how a democrat or republican does. It's partisan and partisan was looked at in here. That's why we looked at many of the democrat districts that have been raised today where your percentages have gone up. Chairman Anchia, and I'm not going to disclose members' names, but there have been many members in here on both sides of the aisle that have come in here thanking me for **CSHB 1**'s districts—remember, on both sides of the aisle. All of that information is taken into account, but I've always been a member that secures the privacy of a conversation of another member.

ANCHIA: Thank you, Mr. Chairman. Does political performance also include a term called "racially polarized voting"?

HUNTER: I'll have to check on the law. I don't know if the law does that or not. I don't.

ANCHIA: Do you know what that term means?

HUNTER: Racially polarized voting?

ANCHIA: Yes.

HUNTER: All I know, in the sense that you've asked me, is what it says, plain meaning, racially polarizing the vote. But if there's a—

ANCHIA: Based on that plain meaning—

HUNTER: Let me finish. As Chairman Turner brought up, there are different cases dealing with—and I want the body to know—there are different law cases that deal with the terminology. We may disagree on being in a box on the definition because I think it also involves more than just one case, but I understand where you're coming from.

ANCHIA: Thank you, Mr. Chairman. There's a long line of cases related to this. I just wanted to continue because there's a long line of jurisprudence in redistricting that deals with this term, "racially polarized voting." You said your understanding is its plain meaning. Can you describe whether or not racially polarized voting, in its plain meaning, was considered in developing these maps?

HUNTER: In my opinion, from the advice of our counsel, all the factors were looked at.

ANCHIA: So racially polarized voting would have been included?

HUNTER: To my knowledge, yes. Similar to what you asked me earlier about the population, like CVAP. May have been mainly on census, but they also look at other things live CVAP.

ANCHIA: Okay. Based on the plain meaning of the term or the jurisprudence surrounding its specific meaning in redistricting cases, what does racially polarized voting mean to you? How would it apply in the development of this map?

HUNTER: First of all, as you indicated, a long line of cases has set the legal criteria. So I relied on counsel. Had them look at all the members' submissions and all the maps that were produced. Had them look at it. Did I personally go? No, we had them look at it. They advised that all the criteria was looked at and it met the criteria. Do I personally rely on those folks? The answer is yes, which is what we did. Am I able to tell you some of the specific criteria? No, but if I get a global comment that it's fine, I go with that, just like you do with your group.

ANCHIA: Just so I understand that last statement specifically, I'll say it back to you, and you tell me whether or not you agree with this characterization. You said that racially polarized voting was considered in the development of the maps but it was mainly handled by counsel and you were unable to specifically say in which districts it was included in the analysis. Is that a fair statement?

HUNTER: I don't agree with anything you said.

ANCHIA: Okay.

HUNTER: Again, we're on terminology. What you indicated was there was a long line of cases that you're relying on on the terminology. I said I don't necessarily agree because there's so many legal cases. So I rely on counsel to look at those issues, those concepts, and what was applied. Do I know specifically? The answer is no. That's why we have counsel that we've hired. That was an element that they did review. And what I indicated was, yes, it was incorporated; yes, it was involved; yes, it was involved with many of these criteria; and I relied on them just like you do with your counsel.

ANCHIA: Thank you. Do you believe there's racially polarized voting in the State of Texas, just plain meaning of the term?

HUNTER: Well, you know, does Todd Hunter think there's anything wrong with **CSHB 1**? I don't think so with **CSHB 1**. I think we've done a pretty good job. I know that folks like and dislike. Is there racial polarized voting? On what level? I cannot tell you from the legal word, the legal definition, the legal specifics where that occurs, is it occurring or not. I do believe the product of **CSHB 1** is good. I rely on the counsel that review all the law cases just like—and I want everybody to know—just like your group is relying on because you have counsel providing you information.

ANCHIA: I want to switch to the county line rule, if possible. Do you believe that this map complies with the county line rule in Cameron County?

HUNTER: In my opinion, **CSHB 1** meets the county line rule.

ANCHIA: Similarly, do you believe that **CSHB 1** complies with the county line rule in Henderson County?

HUNTER: To me, I'm telling you that in my opinion, the entire **CSHB 1** meets and is defensible under county line rule so that it is good, and we will follow, and we do not want to abrogate it.

ANCHIA: Did the drawer of the map, if you are aware, take into consideration that Section 2 of the Voting Rights Act may require the breaking of the county line rule if based, as you have described earlier, under the totality of the circumstances there is a need to uphold the protections under Section 2 of the Voting Rights Act which you correctly read earlier on the house floor today?

HUNTER: This is where the legal debate comes in, and you and I will not agree. There's a county line rule—state Constitution—and then you have the federal law. Right now, we have a state law and we have federal law. We also have U.S. Supreme Court five to four, which never said the county line rule was wrong. My view, this map fits into all. But the county line rule is the law—state Constitution—and I think **CSHB 1**, under the legal analysis and what counsel has told me, is good. But no, I support the county line rule, and it is an interesting task to take 194,300 per house district, manage a county line rule, and saying that 30,000 people per district have increased.

MORALES SHAW: Thank you, Chairman Hunter, and thank you for meeting with me to help me navigate the redistricting process. In that meeting, you asked me to consider what an ideal district would look like. We worked on that with lawyers and, in fact, submitted three options to your office. When we saw the maps come out, that wasn't reflected. My options kept District 148, a Hispanic opportunity district seat, completely intact but adding some population within the county. And I wanted to thank you for that.

When you mentioned, and I'm just paraphrasing, that you really weren't seeing more than members being unhappy that they were having to move because of new areas added into their district, I was elected to be a voice for the people in 148, so I stand up here and I'm compelled to come up here and to point out that, in fact, if you look at the map in front of me, the red section is all of 148 that your new map proposes to remove. So I stand up here as a voice for Lindale Park that's in that district, the historic Heights community, the historic Near Northside and Northside community, and all of the other areas, but those are the majority of them. And I say that, actually, if they were here, they would disagree that this map didn't impact them negatively. It's causing them to be part of a district that they've never been a part of. They've been a part of 148 for more than 20 years, probably 30, and some since the inception of this district being created.

I would just ask, if you would, and I was hoping to ask this when you laid it out, but what would you say to those neighborhoods that if they were here today would say to you we don't want to be moved out of our district because we've always been here and now we cannot elect the representative of our choosing? I'm here on their behalf, and if you would explain to them something, you probably would bring them some solace and maybe bring them to some center of agreement that this map was created in their best interest and not to harm them.

HUNTER: In response, first, I appreciate you at least admitting in front of the body that you have been using counsel and lawyers like many people who have not told us they are. So I want to thank you for confirming and affirming that there are private lawyers being used. And I want everybody to know that. Two, we do disagree a little bit. I don't believe your district is a nonperforming district. I believe yours and others are very performing. The commentary that I've heard is not a lot of negative on **CSHB 1**, especially in a lot of private conversations. The issue was having to adjust to a new voter base. That's what I've heard. Many have gone forward constructively and positively and embraced the new communities. Some of us have brand new counties. Some of us are going to make the effort to get to know these communities.

Let's take your area—30,000 people per district and 194,300. We have to adjust within your county, and you are going to be impacted. That's the numbers. That's the data. And we did ask you and others to turn information in. I cannot tell you whether your neighboring colleagues agreed with you or not. There may have been others with different opinions on the formation of the districts. We took all of your information, as you said, and we were glad you reached out to us, and then we created **CSHB 1** based on the population. Now, I keep bringing up in many of these: Yes, you may have a population change. You may have a different community. But most of the data shows, for example, it's still a democrat district and it performs for you. And that to me is very important dealing with incumbent members.

C. TURNER: Members, this amendment is very simple, and I heard what Chairman Hunter's saying about people having different definitions. So let me be very clear about what the definition is in the plain text of the amendment. It's very brief. You can find it on page 1 of the amendment, starting at line 6: "The legislature finds that the following districts are protected by the provisions of the federal Voting Rights Act of 1965 . . . and may not be retrogressed under the standards developed by the federal courts and the United States Department of Justice." That's it. That is the standard. And this is something that was brought out in the last round of redistricting and the ensuing litigation where, on the senate side, the senate author of the bill was taken to task by the federal courts for not having produced such a list before passing a senate redistricting plan.

So let's avoid that same mistake here and affirm that at a minimum we find that these districts that are listed in this amendment to be protected under the Voting Rights Act of 1965 and that the legislature may not retrogress them. And you've already heard early in this debate on this bill problems with several specific districts. We talked earlier about problems with how Bell County is treated in this map, with problems about how Denton County is treated in this map, how House District 90 in Tarrant County is retrogressed in this map. So the first step to avoiding the legislature repeating the same mistakes of the last decade is to affirmably say this is a list of districts that we firmly believe are protected and may not be retrogressed. That's all this amendment does. It's very simple, and I would ask for your favorable consideration. I ask that you vote for this amendment.

[Amendment No. 2 failed of adoption by Record No. 8.]

[Amendment No. 3 by Rose was laid before the house.]

REPRESENTATIVE ROSE: The amendment I'm presenting to the body today addresses the concerns of many of us in this chamber regarding the disenfranchisement of voters of color. I would just like to say I know a lot of members in this chamber get kind of antsy and upset when we talk about race, but let me give you some breaking news. Just like you're tired of hearing us talk about race, we're tired of having to talk about race. My amendment would require a federal district court order to determine that **CSHB 1** neither has the purpose nor the effect "of denying or abridging the right to vote on the account of race or color" and that **CSHB 1** must be in compliance with the federal law requirements before the new districts outlined in this bill could take effect.

This past summer, my colleagues and I embarked upon a historic mission to protect the freedom to vote for all Texans, specifically from anti-voter laws introduced in this chamber. We advocated to our federal counterparts about the importance of protecting the fundamental right to vote for all Texans. And Congress paid attention. Just this past week, the U.S. Senate introduced the John Lewis Voting Rights Advancement Act, which will effectively place Texas back under preclearance for any electoral changes.

We are all aware that this redistricting cycle marks the first instance where Texas will no longer be under preclearance for federal oversight of our electoral changes. We are all aware that in the last decade there have been 10 different instances where the Texas Legislature has passed laws that were found to have been intentionally discriminating against communities of color at the ballot box. Texas has a long, shameful history of racial discrimination in redistricting. When striking down the Texas voter ID law, a conservative Fifth Circuit judge wrote: "It is notable as well that in every redistricting cycle since 1970, Texas has been found to have violated the Voting Rights Act with racially gerrymandered districts."

The preclearance provision of Section 5 of the Voting Rights Act that was particularly struck down in *Shelby v. Holder* in 2013 required that the state demonstrate to the Department of Justice that its proposed maps did not have discriminatory impact. This protection for the first time in half a century is no longer in place. Undoubtedly, the historically disenfranchised groups that have always been discriminated against once again stand to suffer.

So members, this amendment ensures that Texas is following the rules and that we are not disenfranchising any voters of color and that we have someone checking that we are doing the right thing and what's best for Texas.

ANCHIA: As I understand your amendment today, it's fairly straightforward and would be essentially the practice that we've used since Section 5 of the Voting Rights Act was in place, which is the state must submit either to the D.C. circuit court or to the Department of Justice whatever plans it adopts today or in the future related to redistricting for preclearance to make sure that there's no discriminatory effect or intent. Is that the way you read the amendment?

ROSE: That is correct.

ANCHIA: I think you correctly point out, as we have, that this is the first cycle that we do not have Section 5 in place in recent memory. Is that correct?

ROSE: That's correct.

ANCHIA: Finally, you also correctly point out the 10 findings of intentional discrimination on voting rights matters by federal courts which heightens the concern of many members of the public and also members of the house with respect to any redistricting or voting rights matters. Is that right?

ROSE: That's right.

ANCHIA: Thank you for bringing this amendment.

REPRESENTATIVE LANDGRAF: I stand in opposition to this amendment because it's simply unnecessary. As we all know, it is the prerogative and duty of the legislature to draw the map for these house districts. It's not the prerogative of the courts. Moreover, we believe that this map does comply with all applicable state and federal requirements. For those reasons, I ask that you vote no to this amendment.

ROSE: Members, we know that 95 percent of Texas' growth came from communities of color. This amendment would ensure that those constituencies have the voting power they deserve at the ballot box. Yet the map in front of us today decreases the voting power of black, brown, and AAPI communities while enhancing Anglo communities. That does not reflect the diverse values we hold so dearly in our state. As elected officials in this chamber, we take our duty to preserve and uphold the Constitution seriously. The fundamental freedom to vote is at the root of the rights we vow to protect. My amendment would do just that. So members, join me in voting for the adoption of this amendment that would protect the freedom to vote for all Texans.

[Amendment No. 3 failed of adoption by Record No. 9.]

[Amendment No. 4 by Wu was laid before the house.]

REPRESENTATIVE WU: This amendment is very straightforward. It is an amendment asking for a study to make sure that what we're doing here today does not negatively affect ethnic and racial groups across the state. Over and over again we've heard members talk here on the floor, in committee, to press, and on social media that there is no racial discrimination in this redistricting bill, that race was never considered, that they don't even see color, that we can't possibly negatively impact communities, but we don't even know where they are. So let's make sure of that. Let's make sure that that's actually true. If we're so blind to what we're doing, maybe we have inadvertently, accidentally caused racial discrimination. So let's make sure if we say that this is nondiscriminatory, let us look at what we've done. Let us look at the results of what we've done and know for sure.

This map came out of a rushed 16-hour hearing with overwhelming opposition by members in ethnic and minority communities. This amendment simply asks the secretary of state to evaluate—simply evaluate—the impact of this provision in this bill on each racial and ethnic minority group. This is not a

difficult thing. This is what the courts are going to look at. This is what we should have been looking at but over and over members said, well, we didn't do that. We didn't do that. We were colorblind when we did this map. So let's find out.

As it has been stated over and over and over again, the results of the 2020 census show that there was a 95 percent growth in this state. They were from communities of color, were from minority communities, were from communities that have had a history of disenfranchisement. Let me be clear. We believe—I believe—that this current map will cause people of color, will cause minority communities, to lose representation over the next decade. And if it hasn't been said before, let me say it again. From the 2020 census: In the last decade, the growth in this state was 15 percent non-Hispanic Asian, 49.5 percent Latino, 14 percent black, and 16.5 percent other groups. At the same time, in this map what we can on the surface already see is Hispanic Citizen Voting Age Population districts dropping from 33 to 30. Black CVAP map districts dropping from seven to four. All the while, more than 500,000 African Americans were added to this state in a decade. Somehow while we are growing, the number of districts where a potential Hispanic or African American candidate may come out of has decreased.

And this is, as Representative Lozano said earlier, this is not about being democrat or republican. We don't care who they vote for. You can have African American districts that vote for republicans. You can have Hispanic districts that vote republican. Don't care. What we're concerned about is there are these communities, as in Bell County, of distinct populations that are being purposely split up, and that's what we're concerned about. And we'll take you at your word. You didn't know? We'll take you at your word, but let's find out. Let's do our job and let's do it thoroughly.

Members, simply put, this amendment seeks to inform the public whether or not communities of color are adversely impacted by this bill and to ensure that their voting strength is not diluted for the next decade. This is serious, and these are not just any communities. These are communities that have been historically negatively affected by what we do in this body, on this floor, in this type of legislation. Members, the math is clear. The math is telling us that the map we are trying to pass is not proportionate to our population growth. We should at minimum—we should at minimum—have at least a study to look and make sure that if we say that there are going to be no racial impacts, that if there is going to be no negative consequences on communities which have received historic discrimination, that those impacts are not actually there inadvertently.

I urge you to support a commonsense amendment that simply asks for data—data that will help us make better decisions and help us make sure that our own citizens are properly represented and do not feel the consequences of a mistake on our part.

REPRESENTATIVE JETTON: Members, I am speaking in opposition to this amendment. As someone that represents a district in the most diverse county in the entire country, I have gotten the opportunity to enjoy and celebrate the diversity we have here in Texas. And one of the things that I've definitely learned over the last years is that the diversity that we have in this state is also apparent in

the individualism, the individualist ideas that we have. So I want to point out that when it comes to the secretary of state's office, I don't believe they are equipped to handle a—what do we call this? When it comes to the racial impact study, the secretary of state's office does not have that ability to do it. I think it's important to note that in RedAppl you have the ability to pull up CVAP and the percentage of minority populations and be able to examine your own districts. And you also have the opportunity to explore racial impact studies on your own.

REPRESENTATIVE M. GONZÁLEZ: Just want to make sure we understand. You are opposed to this amendment?

JETTON: That's correct.

M. GONZÁLEZ: Opposed to an amendment that is just about a study. Just a study amendment—it has no implications on the lines. We're just studying it.

JETTON: I believe that everybody in this building, all 150 members, have the ability to analyze your districts as they stand right now and come to those conclusions as to the racial makeup and diversity of your districts.

M. GONZÁLEZ: But you don't think it might be our responsibility as a legislature, as political leaders, as state leaders, to ensure that we are not having negative consequences and implications for communities of color?

JETTON: Well, when you look at what the racial impact study does—and I spent some time studying last night—where's this actually conducted? What organizations actually perform this and how did they arrive at their conclusions? It's not any different than if the 150 members here examine their districts and understand the cultures and communities they have within their districts to come to those same conclusions.

M. GONZÁLEZ: But don't you think it's part of our responsibility, again, to do the extra work? We have agencies for a reason. We ask agencies for studies all the time. In fact, I'm on Appropriations. I get those amendments—we just want a study on this to see that we're not doing any actions that have impact. Again, we do studies. That's actually what we're pretty good at. Should we not study to ensure we're not having negative consequences for communities of color, considering the population growth of the state has been significantly people of color?

JETTON: Again, I oppose the amendment. I don't believe the secretary of state's office is going to be able to come to any conclusions when it comes to conducting a racial impact study. I think that we know our districts. We know the communities we have in our districts. And that data is made available to everybody through RedAppl, and CVAP information is already on RedAppl.

M. GONZÁLEZ: Help me understand. Why do you not believe the secretary of state's office could produce the data and analysis necessary for us to ensure—they might come back and say, you know what, there is no negative harm. Wouldn't we want that validation?

JETTON: The question is, well—my statement is the secretary of state's office would use the same data that we have currently available to us as members. We can produce that analysis and come to our conclusions when we're putting together this map, which is what we're doing right now.

M. GONZÁLEZ: But the secretary of state's office might also have additional data that they could use to overlay on top of the RedAppl data to, again, to ensure we are not doing anything that would have negative implications on communities of color. Because don't you want to make sure your very diverse district and all the diverse districts across the state don't have negative consequences?

JETTON: Well, I think this is why it's so important that we as members are the ones making this map. We understand our districts. We know the communities that are there and are able to make those decisions. I don't believe that you're going to find that there's any information or data that the secretary of state's office has that we don't have ourselves to make these determinations. Like I said, when it comes to the Voting Age Populations and the different demographics, we have that information and we're able to run that analysis ourselves.

M. GONZÁLEZ: We may have the information but to conduct the analysis necessary, we may not have those tools while the secretary of state's office does have those tools. Because why? Because we the legislature fund them to have those tools. So shouldn't we use the tools we have appropriated to ensure, again, that we are not harming or having negative implications on communities of color?

JETTON: Well, I don't understand what tools you're referring to. When it comes to—for redistricting, we handle RedAppl. When you're looking at secretary of state's office for election data, that's all available. I'm not sure what other data that you believe is at the avail of the secretary of state's office that we don't have ourselves.

M. GONZÁLEZ: So just to be a little bit more in detail, have you looked—since you say you talked about RedAppl—have you looked at the CVAP report in RedAppl for District 90?

JETTON: I have not.

M. GONZÁLEZ: Why not?

JETTON: It has not been brought up as an issue that I needed to review.

M. GONZÁLEZ: Okay, well, thank you very much. I hope you'll consider changing your mind because it's just a study and we do those all the time.

REPRESENTATIVE J.D. JOHNSON: Representative Jetton, you're saying that you're opposed to a study. Will this bill, in your estimation, will this bill be litigated in court?

JETTON: History shows that it's likely.

J.D. JOHNSON: And don't you think a study like this may help Texas' case against litigation if in fact you're saying we drew these maps very fair and open and transparent and without any prejudice, without any discriminatory practices?

But a study may do that. Because we're all here, as you continue to say, drawing our own maps. And while the Republican Party is in charge, drawing maps to their favor, shouldn't we have a study that would simply quell all of the notions of discriminatory practices so that when you go to court you say, no, we've even fact-checked it and we checked it twice?

JETTON: Sure, I understand what you're saying. When it comes to racial impact studies, I've not found that there's any standard practice for how one is conducted. So you may end up with different results based on who's doing it. Again, I don't believe the secretary of state's office is equipped to handle this type of study. And finally, any member of this body would have the ability to go and hire a company and organization and do the racial impact study on their own. I don't believe that it needs to be part of this bill.

J.D. JOHNSON: So again, do you think that a study is warranted?

JETTON: I do not.

J.D. JOHNSON: To protect Texas?

JETTON: I do not.

J.D. JOHNSON: But you keep mentioning that you don't think that the secretary of state is equipped, but you're saying that there may be someone else that may be equipped. Because again, we're trying to stop the litigation.

JETTON: My statement is that you have the ability to go and conduct one on your own if you would like. But as members of this body that is putting together this map, I think you know your districts. When we go through and we look at the racial makeups based on the Voting Age Populations that's in RedAppl, we're able to come to those conclusions.

J.D. JOHNSON: Representative Jetton, I know my district. Do you know my district?

JETTON: I do not.

J.D. JOHNSON: But you drew a map in my district. You drew a map in Harris County, so this is exactly what we're talking about. You're drawing maps in Bell County, Harris County, and all the other counties that you don't live in, and yet you're telling me that you drew those maps without prejudice, without any discriminatory practices. You drew that map knowing that district?

JETTON: I drew it based on the data that's made available to me in RedAppl.

J.D. JOHNSON: But this is about knowing our districts. So if you stay out of other people's districts if you don't know the district, then we won't have to have studies like this. So my question, again—it's a study. So you're against finding out truth and facts when it comes to data and how maps are drawn?

JETTON: I'm against this amendment.

CROCKETT: Mr. Jetton, I am so happy that you brought up the diversity that Fort Bend actually enjoys. You're right. It is the most diverse county in the entire country. That is a huge feat. I'm curious to know. Your house district number is 26. Is that correct?

JETTON: That is correct.

CROCKETT: Knowing that it is the most diverse county and knowing that you have an appreciation for the diversity in your county, as it relates to the CVAP numbers in your specific district, are you aware of whether or not you are a majority-minority district?

JETTON: I am.

CROCKETT: I'm sorry?

JETTON: I am.

CROCKETT: Okay, so I'm looking at two CVAP reports—one that shows that Anglos in your district are at 54.6 percent and one that shows that Anglos in your district are at 46.4. Do you know which one is your current seat and which one is in the Hunter proposed map?

JETTON: Where would you be getting the CVAP numbers from?

CROCKETT: I pulled the CVAP numbers from where we currently are as well as the—let me be just a little bit more clear. I pulled them from House Plan 2100 as well as 2101. So my question to you, because from what I can tell you are a majority-minority district, but based on the proposed—and I haven't seen your amendments and maybe your amendments fix this and we haven't gotten there—but it seems as if your district goes from a majority-minority district to not being a majority-minority district anymore. Are you aware of that?

JETTON: So my district, if I'm not mistaken, is 41 percent Anglo.

CROCKETT: This is the CVAP that I pulled. Is that based on your amendment?

JETTON: No, it's not.

CROCKETT: That's based on the Hunter proposed map?

JETTON: That's correct.

CROCKETT: Okay, and in your original map—as we currently are before we go through whatever our maps are going to be—what is your current percentage?

JETTON: I don't recall.

WU: Thank you for this actually very insightful debate. This is actually exactly what we needed to talk about. Representative Jetton in his opposition said over and over again we should look at it ourselves. We should draw the maps ourselves and then we should look at it and make sure that we didn't do anything wrong ourselves. What's the problem there? The problem is we're supposed to check for our own mistakes. We're supposed to check for our own discrimination. We're supposed to check for our own biases. What if a member doesn't want to check? What if a member intentionally doesn't want to check? That's the whole

point. That's the whole point of having someone who is not elected—someone who is not elected and is worried about their own maps. That's why we're asking the secretary of state to do it—well, if we had one. That is the entire point of this amendment.

This is a process that people have complained about again and again because elected officials draw their own maps. Elected officials have an interest in doing certain things to their own maps. All we're asking for is not to be willfully blind to our own actions. If you have not gone to law school, there is a legal concept called willful blindness—that you cannot escape the consequences of your own actions because you intentionally, purposefully looked away when you had the obligation and opportunity to check. This is it. This is our obligation right here, our opportunity to check what we are doing because we draw our own maps. Because we have a self-interest in protecting ourselves, that we should be accountable to someone other than ourselves, that we should make sure for the entire state that what we are doing is aboveboard, and that we are not inadvertently or intentionally discriminating against populations that have received historic discrimination.

All this is is a study. If we say the secretary of state of the greatest state in the union is incapable of doing a simple study like this, how are we as individual members with a chief of staff and a district director and not much else supposed to have the resources to look at these things and understand them and follow federal law and look at what the case law says and figure out what is or is not discrimination? Do not vote this legislation down or do not vote this amendment down. It is willful blindness. We are purposefully stabbing out our own eyes in order to protect ourselves. We often say trust but verify. If you vote this amendment down, this bill will be trust but just trust and don't worry about the verification.

[Amendment No. 4 failed of adoption by Record No. 10.]

[Amendment No. 5 by Anchia was laid before the house.]

ANCHIA: I'm going to be offering this up and then pulling it down, just so you know. This amendment is a demonstration map that is intended to demonstrate just how far the underlying map goes in terms of shortchanging Latino representation in the state. The current map does not approximate equal representation. Why is representation important? Because it impacts policy outcomes and it makes people's lives better. Under the benchmark plan, and I know the chair and I have had some dialogue on this, he applies a VAP standard. I think the Fifth Circuit applies an HCVAP standard. The benchmark plan only has 33 majority HCVAP, Hispanic Citizen Voting Age Population, districts. So Latinos are already starting off on a proportional basis from a 27 percent deficit if you were just doing person-for-person representation. From this mixture of explosive growth, 50 percent of it was from Latinos. We're already starting off from a pretty significant deficit, and if you account for the additional retrogression in House District 31 and House District 80 in South Texas, the map actually has as little as 28 performing seats which actually perform for cohesive Latino communities. The Voting Rights Act does not require absolute

proportionality, of course, but falling nearly 40 percent short necessarily raises the inference of intentional discrimination against Latinos, something that should absolutely be considered given the history of this body.

This amendment demonstrates that the undercutting of representation is not compelled by either geography in this state or by a compelling government interest. It shows that if you were to start from a completely blank slate, ignoring incumbency, existing districts, et cetera, then it is possible to draw at least 43 majority Hispanic Citizen Voting Age Population districts in this state. This is 13 more districts than in **CSHB 1**. That's a 43.3 percent increase. Although CVAP, as the chairman correctly points out, is a lagging estimate, nevertheless, it's used regularly in redistricting and by demographers and it is a well-established demographic data point that the Fifth Circuit has pointed to. Thus, this amendment indicates that there are likely Voting Rights Act violations in many regions of the state. It does so while increasing the number of districts with over 40 percent Black Citizen Voting Age Population, which is oftentimes a benchmark indicator of election performance, by two—it increases it by two over **CSHB 1**—and drawing at least two new Asian influence and coalition districts.

This amendment has nothing to do with partisanship. In fact, Latinos can elect preferred candidates in republican primary elections, and this map draws three new HCVAP majority districts that are likely to elect republicans. Although the county line rule is broken in a few areas, courts have ruled that the county line rule must yield to the federal Voting Rights Act and to the U.S. Constitution. That's simple supremacy clause. And indeed, **CSHB 1** itself breaks the county line rule multiple times, splitting Cameron County in two directions and splitting Henderson County despite the fact that it is not large enough to warrant splitting.

In sum, the amendment proves a point. Latinos are already grossly underrepresented in this state and this cannot be explained by geography and it cannot be explained by partisanship. We need to be moving in the direction of more representation given the growth in this state and not less. I have several other amendments which show how we can take small steps forward toward more representation while remaining within the parameters of existing districts and the existing framework of **CSHB 1**. I recognize that this map may look quite different from our current districts because it was done without incumbency in mind. It was developed without incumbency in mind to prove a point that Latinos are the driving force in terms of growth in this state and we need to embrace the diversity of this great State of Texas as the U.S. Constitution and the Voting Rights Act require.

MIDDLETON: I believe this is the same as Plan 2133 that you offered in Redistricting Committee. Is that—?

ANCHIA: I'm not sure the exact number, but I did offer this in Redistricting Committee.

MIDDLETON: Okay. What this plan does is it pairs 66 members in this body, right, 66?

ANCHIA: Right. If you heard in the layout, it was done without consideration for incumbency to show that on a proportional basis—if we had some semblance of proportional representation in this state—and using traditional redistricting principles, you could draw up to 13 additional Latino districts, bringing the total to 42. If it was one-for-one representation, it would be 44 in this state given that Latinos are now the largest ethnic and racial group in the State of Texas and drove 50 percent of the growth. But because neither the Voting Rights Act nor the Texas or U.S. Constitutions require one-for-one proportionality, we simply used traditional redistricting principles—again, irrespective of incumbency—to show that under a Hispanic Citizen Voting Age Population metric, you could draw up to 13 more districts.

MIDDLETON: In committee, you did not withdraw this in committee. This is identical, as far as I can see, as the plan you offered in committee, and you did put it up for a vote. It only failed by a single vote—a single vote. So drawing 66 members together—

ANCHIA: I recall that did fail.

MIDDLETON: Yeah, seven to eight. So yourself, Representatives Guillen, Minjarez, Moody, Thompson, and Chris Turner voted in favor. They were the members and Rose—Representative Rose—in favor of this plan. Let me just talk about a couple of these districts here. House District 109, for example—this map pairs Toni Rose, Representative Rose, and Representative Jasmine Crockett together.

ANCHIA: I believe I'm in that district, as well.

MIDDLETON: You're paired with, I believe, Jessica González, Representative González.

ANCHIA: Okay. Got it.

MIDDLETON: Can you explain your legal basis for doing so?

ANCHIA: Again, this was drawn without consideration of incumbency, so it doesn't surprise me if there are pairings throughout the map.

MIDDLETON: Did you consult with a lawyer in any way in drawing this map?

ANCHIA: Sure.

MIDDLETON: You did. Okay. Well, can I go back to that question? What was your legal basis for doing so? That's just one example of many, but here's another one—

ANCHIA: The legal basis, just in response to your question, is to take the metric for creation of new districts that is recognized in the Fifth Circuit, which is Hispanic Citizen Voting Age Population, if you're looking to create a new Section 2 district. What we did was we wiped the slate clean, didn't even look at incumbency, and said, how many districts can we draw using this metric—which is a pretty high bar, by the way, because it's not only those Latinos that are over

18 but it's also those that are citizens of the United States. So the bar that the Fifth Circuit has set is an incredibly high bar. And using that even very high bar, we could draw 13 more districts. Again, that was our legal basis for doing so.

MIDDLETON: Right. I mean, some of them are a number of members, like House District 139 draws Representative Jarvis Johnson, Representative Penny Morales Shaw, Representative Dutton, and Representative Senfronia Thompson—four into one district.

ANCHIA: It shouldn't be surprising since incumbency was not a consideration in the development of the map.

MIDDLETON: And you did that in consultation with attorneys, as you said.

ANCHIA: Yes. This is called—just for this uninitiated—this is called a demonstration map because it demonstrates the number of districts that you can create, and it's designed to be used as a data point in litigation.

MIDDLETON: Well, it sounds like, though, in Redistricting Committee, since this is identical to that 2133 that you offered in committee, it looks like if one more person was in the restroom, this would have been adopted. Did you visit with members that were drawn in together? Did you go talk—

ANCHIA: I did not because it was drawn without regard to incumbency, so I had no idea who was paired with whom because that wasn't a consideration in the drawing of the map.

MIDDLETON: So when the members of the Redistricting Committee—seven of them—voted in favor of this plan, they did not know they were being drawn in together.

ANCHIA: I don't think anybody knew. I think they stood for the principle of proportional representation, and that's what this map was designed to demonstrate. That's why we call it a demonstration map.

[Amendment No. 5 was withdrawn.]

[Amendment No. 6 by Collier was laid before the house.]

COLLIER: This map is presented to comply with the Voting Rights Act and adhere to traditional redistricting principles. It is unclear what was used as a guidepost when crafting **CSHB 1** in relation to the Voting Rights Act. This morning, myself and Chair Anchia asked whether the Citizen Voting Age Population or the Voting Age Population was used when creating and preserving districts under **CSHB 1**. We didn't get a straight answer. We should be using Citizen Voting Age Population, CVAP, in assessing districts under the Voting Rights Act, not Voting Age Population or even total population. There's case law: *Bartlett v. Strickland* and also *League of United Latin American Citizens v. Perry*. Both of them dictate that the Citizen Voting Age Population be used. As of the date of the drawing of this map, which is **CSHB 1**, and this amendment, according to the latest census data, we already have seven districts that are majority Black CVAP, Citizen Voting Age Population. But under the **CSHB 1** presented today, there's only one majority black district—under

whatever assessment guidepost that was used because we just don't know just yet. Chairman Hunter said they were increasing it to two, but one of them is already a majority black district, HD 111. That's not a new district. That's an existing majority black district. We have seven seats already, but the original bill, **CSHB 1**, reduces that number to four. Right now, HD 22, 109, 100, 111, 131, 146, and 141 are majority Black CVAP, but the **CSHB 1** map eliminates HD 22, HD 100, and HD 110.

So I have presented and filed a map that seeks to correct this error. Also, the bill as presented, **CSHB 1**, packs HD 109 and HD 111 that were already majority African American CVAP districts. And they were CVAP performing districts, so they didn't need any new population. That's called packing. That's what we saw in those districts. This map that is presented to you, Plan 2250, seeks to remedy that packing and maintains the character of HD 100, a legacy district, and HD 110. This amendment also corrects the failure to recognize Bell County as a majority African American performing district. The original bill, **CSHB 1**, splits Killeen for no reason other than to make sure that African Americans and Latinos cannot elect and cooperate together to elect a candidate of their choice. This amendment puts Killeen and Harker Heights together as they should be and keeps the minority communities of Killeen together. This amendment also provides for other new opportunity districts in Tarrant and Fort Bend Counties and another district in Travis County where minorities will be able to elect the candidate of their choice. Under this amendment, there's still a white majority in the districts, but it's drawn fair and appropriately and does not split minority precincts in districts like HD 65, and neither does it fail to create minority districts as mandated by law. This amendment does not retrogress. At the same time, it respects the Anglo plurality of our adult Voting Age Population.

So there's certain things that this amendment does. It eliminates retrogression. It counteracts packing. It counteracts cracking of black communities in **CSHB 1**, and it counteracts splitting of communities of interest. It restores HD 110, 100, and 131 to opportunity status, and it creates new Gingles districts mandated by law.

M. GONZÁLEZ: Chair Collier, in this map in this amendment, does it pair the wonderful gentleman Art Fierro and myself in this version?

COLLIER: It does because there's a limited number of population in the El Paso area.

M. GONZÁLEZ: So you had to pair two people?

COLLIER: That's right.

M. GONZÁLEZ: And you paired us two?

COLLIER: Yes.

M. GONZÁLEZ: But this map does increase black representation across the state and makes it more proportional to the population. Is that accurate?

COLLIER: It does because that's what's required under the Voting Rights Act.

M. GONZÁLEZ: So just so you know, Chair Collier, even though it pairs me and my very dear friend Representative Art Fierro—who's very sad as well—we are going to be voting for your amendment because it's the right thing to do to support black communities. Thank you for your advocacy.

REPRESENTATIVE BECKLEY: I just wanted to speak a little bit about HD 65 because you mentioned it. The cracking that is in **CSHB 1** as it currently stands has taken a minority coalition district and changed it into a majority Anglo district. Can I just ask you some of the numbers and can you tell me how does this affect what is going on in the Voting Rights Act? Can you give—and does your map correct it?

COLLIER: For communities of interest, what we looked at in this particular map was to retain and preserve our communities of interest. We didn't want to see the cracking to dilute the voices of protected classes, which includes the African American community. So what we looked at was making sure we could preserve that, and that's why HD 65 was drawn up the way it was in our amendment. And that is to preserve those communities of interest of those protected classes.

BECKLEY: So in **CSHB 1** there's 13 precincts that have been cracked to get the new district. How many have cracked in the map that you have done?

COLLIER: We have not cracked any in HD 65.

BECKLEY: Thank you very much. So in your opinion is the cracking in HD 65 necessary?

COLLIER: No. That would be a violation, in my opinion, of the Voting Rights Act.

REYNOLDS: Are you aware that 16 of the 17 African American state house members are democrats?

COLLIER: Yes.

REYNOLDS: You laid out this map, this proposed map, that would reflect the growing demographics and minority increase in population. Is that correct?

COLLIER: It would reflect the actual growth in Texas, absolutely.

REYNOLDS: We heard some testimony earlier today that 95 percent of the growth from the census over the last decade was because of Asian Americans, African Americans, and Latino Americans in this state. Is that correct?

COLLIER: That's correct.

REYNOLDS: Isn't it true that under the proposed Hunter map, HD 109 was packed? Is that correct?

COLLIER: Absolutely. What I saw in HD 109 is it had already had a population that was above the 194,300 threshold, so yes.

REYNOLDS: And that would include HD 111. That was packed as well, correct?

COLLIER: That is correct.

REYNOLDS: And HD 110 had an African American percentage unreasonably decreased. Is that correct?

COLLIER: That is correct. It was not necessary.

REYNOLDS: And HD 100 had an African American population unreasonably decreased. Is that correct?

COLLIER: That is correct—unnecessary.

REYNOLDS: Do African Americans and Latinos have common experiences in reference to discriminatory practices?

COLLIER: Yes.

REYNOLDS: Do African Americans and Latinos have higher unemployment than Anglos?

COLLIER: Yes.

REYNOLDS: Chair Collier, I have a few more questions that I just want to establish with you. Under the proposed Hunter map, how many additional African American opportunity seats were created?

COLLIER: I believe one.

REYNOLDS: Only one. Is that an underrepresentation based upon the nearly 600,000 African American increase?

COLLIER: Yes.

REYNOLDS: Is it important to keep communities of interest together? Is that important?

COLLIER: Absolutely.

REYNOLDS: And why is that important?

COLLIER: Because they share the same interests so they can elect—it gives them the opportunity to elect—the candidate of their choice.

REYNOLDS: Do you agree that Section 2 of the Voting Rights Act requires us to create opportunity seats for African Americans and Latinos if Gingles factors are met?

COLLIER: Yes. That's to create. Now, to preserve, I don't believe that the threshold needs to be at 50 percent. I think it needs to be at least 40 percent.

REYNOLDS: At least 40 percent, correct?

COLLIER: At least 40 percent to maintain and preserve a minority opportunity district.

REYNOLDS: Right. Are you aware or are you familiar with—I know that you weren't here during the last redistricting. Is that correct?

COLLIER: That's right. I was not.

REYNOLDS: Are you aware that Dr. John Alford was the state's expert witness hired to help the state defend redistricting plans adopted in 2011?

COLLIER: Based on my research and background that I've done preparing for today, that is correct.

REYNOLDS: Are you aware that he prepared a list of protected African American seats?

COLLIER: That's my understanding, correct.

REYNOLDS: Are you aware he included all African American voter dominated districts, as you just stated, with 40 percent or greater adult Voting Age Population in protected groups?

COLLIER: Yes.

REYNOLDS: So based on that expert testimony of that 40 percent threshold, that is why you agree with that number. Is that correct?

COLLIER: That is correct.

REYNOLDS: I believe that's all. And I support the proposed plan that you have presented today that would accurately reflect the growing demographic shift of this state. Thank you for presenting that map.

COLLIER: Thank you. Members, while we have the opportunity to adhere to the Voting Rights Act under this amendment, we didn't see that in the original bill. So we do see that there's opportunities in Bell County and Brazoria County, as well, to add a majority-minority opportunity district.

HUNTER: This particular map, I want you to know, has a violation of the county line rule many, many times. By the way, there are 14 members paired in this plan. So you might want to take a look when you vote if you're voting to pair yourself.

REPRESENTATIVE HOLLAND: Chairman Hunter, regarding this amendment, earlier it sounded like out in El Paso that Chairwoman González and Representative Fierro would be paired in this amendment?

HUNTER: That's what I heard from the front mic and the back mic, that they said that pairing would occur between those two El Paso representatives.

HOLLAND: So if those two El Paso representatives voted for this amendment, they'd be voting to be paired together?

HUNTER: Well, you'll have to ask them, but they are paired according to the front and back mic, and that record vote they'll have to explain.

C. TURNER: Would you agree, despite your opposition to this amendment, that Chair Collier's map does, in fact, provide more districts in which African American voters would have the opportunity to elect the candidate of their choice than does **CSHB 1** as it comes to the floor?

HUNTER: Mr. Turner, as you and I have talked, I'm admitting to nothing on the legal analysis. Is she trying to create pairing of individuals to get to a goal? That's something I tried not to do. I tried to keep pairings of incumbents at the lowest, lowest level.

C. TURNER: I think the pairing, as I understand it, is incidental in her map, just as there's some pairings in your map that have been explained for different reasons. But bottom line, this map, this amendment, is to demonstrate that, just as Chairman Anchia's map demonstrated, we can draw—if the legislature wanted to—we can draw more districts that are opportunity districts for Latino voters in the case of Chairman Anchia's amendment and black voters in the case of Chair Collier's amendment. You would agree that's what this amendment would do is provide more districts where African American voters would have the opportunity to elect the candidates of their choice?

HUNTER: Again, I'm not going to agree to that because that's up to the author to tell you their intent, their goal, and their number. But you call this a demonstration amendment, and I didn't hear that, and I heard Chair Anchia withdraw his. So I take probably a difference of opinion that if we're voting on this, this is more than a demonstration. We as the Texas House are taking a formal vote.

C. TURNER: To be clear, that's my adjective. I don't want to characterize the amendment author's map if she didn't want to characterize it that way.

HUNTER: Sure.

C. TURNER: Let me ask this though. In your layout of the bill you said that this, your bill, creates more opportunity districts than there were 10 years ago right?

HUNTER: Yes.

C. TURNER: But isn't the standard that we should be looking at is the bill compared to the benchmark—that is, the current districts with the 2020 census data overlaid on them—as opposed to what the census data was 10 years ago? Isn't that the standard we should be evaluating these decisions by?

HUNTER: Well, I think, as we said earlier, compared to 2010, you have the 2020, which we call the benchmark. You have the population numbers. And as we indicated, we may believe CVAP are estimates, but all of it is used in **CSHB 1**. But census numbers are the detailed—those are the ones we're looking at. But my map, you're correct, sought to not pair members. The only things we have are two, and one of them, I think, is an argument on whether it's an actual pairing.

C. TURNER: My question right now is not about pairings, however. The question is when you say this bill increases the number of opportunity districts, as you said in your layout, that is simply a comparison to the 2011 map and not to the benchmark, taking into account the 2020 census data. Do I have that correct?

HUNTER: No. The Hispanic count is 35 in 2010, I said; 36—so everybody knows, benchmark is where you're in right now—2020; 38 under **CSHB 1**. Majority-minority African American is three in 2010, one under the 2020 benchmark, two under **CSHB 1**.

C. TURNER: Well, thank you for that clarification. In the committee layout it was unclear because it seemed like it was a comparison to the 2011 map. And I just want to make sure we're comparing—

HUNTER: No, 2010 is my number here.

C. TURNER: —the bill and the amendments to the benchmark being current districts, taking into account 2020 census data.

HUNTER: Just like I read out that's how they are.

LOZANO: Mr. Chairman, much has been said about a 95 percent growth rate in the minority population in Texas. Is my understanding correct that you had to spread and the committee had to spread population among 150 districts such that each district had to increase by approximately 30,000 people?

HUNTER: Yes, and we do hear the 95 percent. So you are correct. You spread the population among the 150 house districts such that each district has to increase by approximately 30,000 people. The difficulty on county line and the difficulty on the population is the data shows urban areas have grown bigger than non-urban. And you see the growth going right into the urban zones. That's why you've seen a lot of members, particularly west and east, picking up new counties. So yes, the increase in population is there. The problem is just because you have an increase, if you have one city that has a certain group and another doesn't, it's hard to track sometimes where the population growth actually goes. But the data shows population really going into urban zones. So yes, in connection with that.

LOZANO: And as I understand it this plan does, in fact, increase the number of Hispanic majority districts from 36 to 38. Is that correct?

HUNTER: That is correct.

LOZANO: With regard to the new Hispanic majority districts, this plan creates a new one in Harris County, District 131. Is that correct?

HUNTER: That is correct.

LOZANO: And there is a new one in Dallas County, District 114. Is that correct?

HUNTER: Correct.

LOZANO: And District 51 in Travis County becomes Hispanic majority. Is that correct?

HUNTER: Correct.

LOZANO: And this plan also doubles—this plan also doubles the number of African American majority districts, doesn't it?

HUNTER: Yes.

LOZANO: And District 111 becomes a new African American majority district in Dallas County. Is that correct?

HUNTER: Correct.

LOZANO: And there are also additional minority coalition districts, correct?

HUNTER: Yes.

LOZANO: Which is District 92 in Tarrant, District 45 in Hays, and District 76 in Fort Bend?

HUNTER: Yes, and the one in Fort Bend is a new district where there's a large number of Asian Americans in that particular district. So you have, as I explained earlier and a lot of this information we explained early on, is you do have a great opportunity district there with the Asian population in Fort Bend.

COLLIER: Chairman, earlier you said that your map—under the provisions of **CSHB 1**—it does not pair incumbents. Did you say that?

HUNTER: No.

COLLIER: It doesn't pair members?

HUNTER: No, I didn't say that.

COLLIER: Okay, because you made a comment about in Plan 2250 how it pairs in El Paso, but your map does the same thing.

HUNTER: No, we did not say. I said we have two pairings under **CSHB 1**.

COLLIER: Okay, so there is a pairing in El Paso. Because that's just how the population falls, correct?

HUNTER: Yes. **CSHB 1** has a pairing in El Paso and it also has one where—we'll say the Comal/Hays area.

COLLIER: Earlier, Chair Turner was asking you about this map as a demonstration map. You said you didn't hear that. I said "intended." I guess I didn't use the same words as "demonstration," but it is a demonstration map. So I just wanted to make sure you understood that.

HUNTER: Very good. I did not hear the "demonstration."

COLLIER: The word "demonstration"—it's a demonstration plan. Plan 2250 is a demonstration map. So the question I have for you is that you said that based on the population growth in Texas since 2010, the majority-minority Hispanic districts increased by two under your calculation. Did you perform that same type of calculation for the increase in African American districts?

HUNTER: Yes. I just gave that information. So let me give it again. Under **CSHB 1**—2010, on the majority-minority, you had three; 2020, the benchmark current status situation, is one; under **CSHB 1**, two.

COLLIER: And where are those two located under **CSHB 1**?

HUNTER: I believe maybe both in Dallas. We have HD 111 is a new African American majority district, increasing the total number from one to two. Also, HD 114 is a new Hispanic majority district, increasing the total number from three to four. And let me just verify in my notes. In a minute I'll get it to you on the second. We also strengthened one as well and put in a larger percentage.

COLLIER: So HD 111? Are you saying one-one-one? 111? Because that's already an existing minority opportunity black district.

HUNTER: Under the new plan—under **CSHB 1** it was created to ensure.

COLLIER: So it was preserving a minority opportunity district?

HUNTER: Well, not when you redevelop and you reconfigure. You may call it that. I'm saying it's new because it has a new configuration. It has a new number, and it is new.

COLLIER: So then let me understand this. You said it has a new reconfiguration and a new number. So could that be said for a lot of other minority opportunity districts?

HUNTER: No, no. I'm saying if there's population growth in the county, you have to reconfigure. Just because you may have a number, that's not going to dictate your population necessarily or your area. What we've done is created, and I believe both in Dallas, but I'm going to verify in my notes, but I provided that early on. But yes, our statistics show that.

COLLIER: I'm just trying to figure out what is your legal basis. Is there some type of precedent or case law that supports calling it a new minority opportunity district for HD 111 since you reconfigured and added population?

HUNTER: I don't know about a legal precedent or legal basis. Have we talked with our counsel like you have talked to yours? The answer is yes. And this is the information we're being given.

COLLIER: So what did they use to determine that it is a new African American performing minority opportunity district?

HUNTER: As I told you, again, the specific elements, I didn't ask that of them. We had them advise us just like your lawyers advise you and give you information, which I know you all have. And this is the data that we took from Dallas, we took from Tarrant, we took from the members individually and as a group. We gave it to our counsel. We gave it to our data folks. They came up, with me, with some of these proposals, and this is what we put in.

COLLIER: Did they use CVAP, Black CVAP, or Black VAP?

HUNTER: I answered that early on. We used the population census numbers, but you always include a CVAP inclusive in some of these numbers. It's always a great checklist. But CVAP are estimates, as I said early on. Those are estimates. The population numbers—census—those are the numbers that have been given to us. So yeah, you can use the different formulas in the calculations, but it is my understanding they were all looked at and checked. But a lot of times we're going to follow on the real, actual census numbers.

REPRESENTATIVE DAVIS: Chairman Hunter, I just want to make sure that I ask this question so you can get it straight. Several times you've mentioned a new creation—a creation of a new minority district, HD 111? Mr. Chairman, I'm considered a minority district since 1993, so that's not a new creation. Are you aware that I represent District 111?

HUNTER: I know where you live, and I know your district, and it's calculated that. We're glad to have you.

DAVIS: So you also know that—

HUNTER: And you look new and young to me.

DAVIS: —that would not be a newly created minority district. Is that true? I just want to make sure that you understood that you keep referring to District 111 as a newly created minority district.

HUNTER: I understand.

DAVIS: And I didn't want my district to get confused and think I was trying to be something other than who I am.

HUNTER: And I just want you to know that we are glad to have you as our newly.

DAVIS: Thank you.

REYNOLDS: I know there's been some testimony, but I wanted to clarify something because I'm a little puzzled as to the numbers that you're using. According to the—as of this date, the drawing of this map—according to the latest census data, we currently have seven districts that are a majority Black CVAP. I contrast that with you saying that we only have one majority black district under whatever assessment you're using and you said we increased that to two. We have seven seats already and you have reduced that number to four. Right now, we have Districts 22, 109, 100, 111, 131, 146, and 141 are majority Black CVAP, but your map eliminates 22, 100, and 110. Isn't that correct?

HUNTER: No, I don't see where you're saying elimination. You keep referring to eliminating. And remember, Representative, we talked about, again, this information. We talked about CVAP. We talked about census. And we talked about performance. And we also talked that in many of the minority districts, the percentage was strengthened for performance. We keep hearing this loss. I disagree with that. If all you've had is a reconfiguration and your percentage of electability is up, that's pretty good. And a lot of the democrat and republican members have been moved for political performance and their percentages have gone up. So I don't look at it as a loss. If you look at certain numbers, you still are winning the district, and it won't change. For example, you're Fort Bend County. I think what has happened under **CSHB 1** is very good. For example, I'm going to give you credit and some others who have created a new opportunity district there. It's the Asian American. It's not the majority but it's a large percentage.

REYNOLDS: District 76—is that what you're referring to? Correct?

HUNTER: Correct. And here is a trend which I think is very good. And I'm complimenting some of the members because there is a strong trend of changing. And I think you and I will agree that the political performance is more democrat on the Fort Bend.

COLLIER: Again, this is a demonstration map to show that there is space and possibility of creating additional majority African American districts in Texas based on the nearly 600,000 people that have grown. We've added that much in population. Now, we heard Chairman Hunter talk about how HD 111 is a new minority opportunity district—majority black. However, we have a difference of opinion of what that means. We see them shoring it up or adding population, but

they are changing that and defining it as creating a new minority opportunity district. We've already stated that case law says that in order to create a new minority opportunity district, it has to be 50.1, but in order to maintain it only needs to meet the 40 percent threshold, and HD 111 is already at 47 percent.

DAVIS: Representative Collier, I heard Chairman Hunter mention District 111 as a newly created minority district. I want to make sure the members understand that that is, in fact, not correct.

COLLIER: That's correct.

DAVIS: Are you aware that I represent District 111 since 1993?

COLLIER: Yes, ma'am.

DAVIS: Therefore, over the years I have not changed who I've been for those many years.

COLLIER: That's right.

DAVIS: Are you aware that what his district does is pack and increases the number of African Americans, which has the effect of limiting another district that we could have impact in? Are you aware of that?

COLLIER: That's exactly what it is.

DAVIS: Back in previous redistricting years, are you aware that a minority district—when you looked at minority districts, it could have an African American population of 40 percent and coalesce with the Hispanic population to get it to a minority district. Are you aware of that?

COLLIER: Yes.

DAVIS: So when you see a district with 60 percent in it, that might be a little aggressive in terms of packing districts so that they don't have the impact in other districts. Is that right?

COLLIER: That's right.

DAVIS: So what you're trying to do is suggest that maybe we should spread that so we don't see those districts so heavily packed and prevent us having influence in additional areas. Is that right?

COLLIER: That's absolutely right.

DAVIS: I just want to be clear so that the members understand that it is not a newly created District 111 as a minority district.

COLLIER: That's correct.

DAVIS: And your map clarifies that, in fact, we have more population—African American population—necessary to create that district. Is that correct?

COLLIER: Yes.

DAVIS: Okay, I just want to be sure the members understood that. Because it got discussed on two occasions that District 111 was a new district, and it hasn't been a newly created district.

COLLIER: That's correct. It is not the position that it's a newly created district. It is an existing minority opportunity district, HD 111.

CROCKETT: Ms. Collier, I just want to be clear. When we look at Dallas County specifically, the numbers according to CVAP as District 111 currently stands is that it's 21.8 percent Hispanic CVAP, it is 56.7 percent African American, and white alone is 18.5 percent. Are you aware of those numbers?

COLLIER: Yes.

CROCKETT: Does that indicate to you that 111 currently as it stands is actually already a minority-majority African American district?

COLLIER: That is evidence, yes.

CROCKETT: Okay. Now, under the proposed Hunter map, this actually packs the district because now, even though it is well over 50.1 percent, it now goes up to 60.8 percent for African Americans alone. Are you aware of that?

COLLIER: Yes.

CROCKETT: When we look at other districts in Dallas—because I believe that supposedly the African American districts are a lot lower then. If we just talk about Dallas, let's talk about HD 100. HD 100 is sitting at 44.4 percent African American. While that is below the 50 percent threshold, that is the original African American district that was created in Dallas County and has still been protected under the courts. Is that correct?

COLLIER: Yes, that's a legacy district.

CROCKETT: On the Hunter proposed map, it drops African Americans to 32 percent, correct?

COLLIER: Yes.

CROCKETT: That would be retrogression, correct?

COLLIER: Yes.

CROCKETT: When we look at House District 109, House District 109 sits at 63.7 percent currently. Are you aware of that?

COLLIER: Yes.

CROCKETT: Unfortunately, under the proposed Hunter map, we see another attempt at packing because that district goes up to 64.6 percent, correct?

COLLIER: Yes.

CROCKETT: And we know that really these districts don't necessarily need to be that much over 50 percent. Is that right?

COLLIER: That's correct. It dilutes the voice of blacks in other areas.

CROCKETT: When we look at HD 110, HD 110 currently sits at 53.8 percent African Americans. Are you aware of that?

COLLIER: Yes.

CROCKETT: But unfortunately, under the Hunter map we see African Americans drop to 43 percent under the proposed map. Is that correct?

COLLIER: Yes.

CROCKETT: You would agree with me that that also equates to retrogression, correct?

COLLIER: That is retrogression.

CROCKETT: Because that looks like it's about 25 percent of the African American population in that specific district being dropped down, correct?

COLLIER: Right.

CROCKETT: Are you aware that in Dallas County, when it came down to the growth, African Americans actually grew at a rate of 25 percent in the last decade?

COLLIER: That is correct, and the map we have created, Plan 2250, reflects that.

REYNOLDS: Chair Collier, are you aware that there were 96 districts in 2010 that had a majority white CVAP?

COLLIER: Yes.

REYNOLDS: Are you aware that the number changed to 84 as the map exists today that we are in?

COLLIER: Yes.

REYNOLDS: Are you aware that this map increases the number of white CVAP majority districts to 89?

COLLIER: Yes, and that's what concerns us is because it concerns me that there hasn't been growth in terms of the Anglo population when you consider the growth compared to the Asian Americans, African Americans, and also the Latino population, where it's been 95 percent of the growth has been with those combinations.

REYNOLDS: Absolutely. If you use CVAP analysis, are you aware that there are currently seven districts represented by African Americans that are majority African American CVAP?

COLLIER: Yes.

REYNOLDS: Are you aware that under the current proposed plan, that number is reduced to four?

COLLIER: That's unfortunate, but that's correct, yes.

REYNOLDS: Are you aware that CVAP should be used in assessing districts under the Voting Rights Act?

COLLIER: Yes, and in fact, there's case law to support that as well.

REYNOLDS: I believe you pointed that case law out in your presentation, correct?

COLLIER: Yes.

REYNOLDS: Finally, are you aware that the proposed Hunter map decreases the Hispanic Voting Age Population districts from 33 currently to 30? Are you aware of that?

COLLIER: Yes. And members, again, this map demonstrates the possibilities just like Chair Anchia demonstrated the possibilities that are available for Texas to have fair maps that accurately reflect the growth of population in Texas.

[Amendment No. 6 failed of adoption by Record No. 11.]

[Amendment No. 7 by Anchia was laid before the house.]

ANCHIA: As with the prior amendment, which was Plan 2224 and I pulled that down earlier, this amendment demonstrates that it is possible to increase the number of majority Latino Citizen Voting Age Population districts while staying within the general parameters of existing or proposed districts. It highlights several areas of concern in the current map, though there are also other areas to be dealt with in other amendments by myself and my colleagues.

In **CSHB 1**, El Paso loses a seat while all three of HD 74, 80, and 31, which are represented by Representative Morales, Representative King, and Representative Guillen respectively, are drawn so that the Latino constituencies in the majority of South and West Texas would not be able to consistently elect the candidate of their choice. This amendment would retain a fifth district in El Paso while shoring up the vote in areas where there's a clear candidate of choice for Latinos.

Preliminary analyses demonstrate that there are still significant racially polarized voting in deep South Texas and El Paso, with Latinos consistently preferring democratic candidates. In El Paso, for example, analysis indicates that over 75 percent of Latinos prefer democratic candidates in the general election. Yet this proposal will systematically overpopulate at the higher end of the deviation for El Paso districts, diluting the votes of those individuals, and it removes one seat altogether. It then takes a portion of El Paso and puts it into another district. In total, this means that at least 100,000 people have their votes diluted in El Paso either through being packed in an overpopulated district or split into a marginally performing district for the candidate of the Latino community's choice. Further, the current map dilutes voting power for individuals in HD 80 and HD 31 by pairing heavily Latino counties where there is a significant preference for certain candidates of choice with more Anglo, higher turnout counties that do not support the same candidates.

I address these issues in further detail with other amendments, but this amendment shows that it is not necessary to pair both an El Paso seat and turn the remaining seats in South and West Texas from Latino districts into marginal or nonperforming districts. However, this amendment is definitely not a partisan map. It actually draws two new Hispanic Citizen Voting Age Population majority republican seats in West Texas where Latino voters in those districts would have an opportunity to elect the candidates of their choice in primary elections and have had success at local levels electing Latino-preferred candidates.

This amendment further demonstrates that it is possible to retain both HD 43 and HD 32 as majority HCVAP districts, and under **CSHB 1**, HD 32 goes from being a majority HCVAP district down to 42 percent HCVAP and takes down the Spanish Surname Registered Voter percentage from 40 percent down to 31 percent. This amendment shows that these moves are unnecessary. The amendment also highlights likely Voting Rights Act and constitutional concerns in Tarrant and Harris County, fixing retrogression in HD 90, HD 148, and HD 145, which I will detail in further laying out a subsequent amendment.

HUNTER: I oppose this amendment. It pairs eight members and it violates the county line rule. Again, our goal was to not pair and so we do oppose this particular amendment.

ANCHIA: You are concerned about pairing members. What was the second rationale? I apologize. I missed it.

HUNTER: It violates the county line rule.

ANCHIA: Violating the county line rule. Are there both pairings and violations of the county line rule in **CSHB 1**?

HUNTER: There are, as I've told you, two pairings; one I don't consider to be a real pairing. I think, as you and I have already talked, as well as Chair Turner, on our view of the county line rule, but my comments still stand, yes.

ANCHIA: So no violation of the county line rule even though you break the county line in two directions in both Cameron and Brownsville—pardon me, Cameron, which is Brownsville, and then Hidalgo County.

HUNTER: I think we're "legalesing" it. There's an intention to break county line rules. There are population pushes. There are legal bases. **CSHB 1**, it's not the goal to break the county line, but in yours we have county line rule breaks. And if I only have two, as you say, you have at least eight.

ANCHIA: Okay. So there is a volumetric concern, then, related to county line rule breaks. Two may be okay; eight is not. Is there—

HUNTER: That's not a what I said.

ANCHIA: Okay. Is the county line rule in both the amendment and in the base map applied equally? In other words, uniformly?

HUNTER: Well, I cannot answer on behalf of your amendment, but I believe we have applied it correctly in **CSHB 1**.

ANCHIA: Okay, but you raised as an objection to my amendment that it broke the county line rule. I just wanted to understand if you saw an ununiform application of the county line rule in my amendment—as you have reviewed it and objected to it—and the breaking of the county line rule in the underlying **CSHB 1**.

HUNTER: As I told you at the front, I believe the **CSHB 1** situation has a different legal implication than what's occurring in—as you said, these demonstration, which you did and I heard—these demonstration maps.

ANCHIA: Got it. So the objection, which I understand, is eight breaks of the county line rule in this amendment and the pairings. Would you at least agree that Citizen Voting Age Population in HD 31, HD 80, HD 148, and HD 145 are lower under **CSHB 1** than they are in the amendment as proposed?

HUNTER: In connection with your amendment, I'll just have to rely on what you say, but I cannot affirm that.

REPRESENTATIVE ORTEGA: Chairman Hunter, I'd like to ask you questions pertaining to El Paso because you've mentioned it several times when you've talked about pairing. Your proposed map for **CSHB 1**, does it pair Representative Ordaz Perez into House District 77? In other words, two Latinas are now paired against each other under **CSHB 1**. Is that correct, sir?

HUNTER: Under **CSHB 1**, there was an El Paso pairing and it involved you and Representative Ordaz Perez. Then I saw under the other amendment where there was an attempt to pair Representatives Fierro and González.

ORTEGA: Yes, sir. You were saying how you don't like pairing incumbents, so why did you pair two Latinas in a border community against each other?

HUNTER: First, I don't like pairings.

ORTEGA: Yes, sir. I got that.

HUNTER: I've said that since the beginning. Second, I laid out in the bill that that was one of my goals, and in my opinion, under **CSHB 1**, you have the pairing that you noted in El Paso. There is another pairing which I kind of consider not a real pairing but technically it could be considered that. If you look at West Texas, which you have, and you look at the Legislative Council, there is a population issue. As you heard, we have to write based on 194,300. We cannot get five folks in El Paso. So what we did was take member submissions. We took data. We took input from folks who talked to us. And then we came up with the El Paso pairing. Did I look at you in the individual? No. Did I look at the data? The answer is yes.

ORTEGA: Chairman Hunter, you can go—in accordance with prior case law—you can go on the lower end of the deviation, can you not?

HUNTER: I couldn't hear the last?

ORTEGA: In accordance with case law, you can go on the lower end of the deviation. Isn't that correct, sir?

HUNTER: I'm not really sure what you're saying, but at 194,300, you can go five percent down and you can go five percent up. And then on the entire map, you're not supposed to go 10 or more.

ORTEGA: You are correct, sir, and that's what I was asking.

HUNTER: I just couldn't hear you.

ORTEGA: Currently in El Paso, we are at 4.5 if you went to the standard deviation of 194,000-plus. Is that correct, sir?

HUNTER: Say it again.

ORTEGA: All right, I'll say it a little bit slower.

HUNTER: No, no. Sometimes on the mic I can't hear you if you're too close to the mic.

ORTEGA: Tell me where is the best position to be.

HUNTER: There you go. I can hear you.

ORTEGA: So you've got a standard number of 194,000-plus. Is that correct? That's your recommended number.

HUNTER: That is correct.

ORTEGA: And if you go five percent on the acceptable deviation, what is that number, sir?

HUNTER: Well, I mean, do the math—five percent minus, whatever that calculation is, or five percent plus, whatever that is.

ORTEGA: So we're going to about 184,000?

HUNTER: Whatever the math shows.

ORTEGA: If we go to the lowest end of the deviation, don't we have 4.7 with regard to the number of members that can reside within El Paso County, sir?

HUNTER: I don't know if you have the exact number that you're saying, but you can't have five.

ORTEGA: Sir, but that's not the question that I'm asking. I'd certainly appreciate a response to my question.

HUNTER: Sure. I'm not avoiding you. I don't understand it. I know you're upset, and a pairing does cause that. It doesn't matter what year the redistricting.

ORTEGA: I will say it slower.

HUNTER: Sure.

ORTEGA: And I'll say it louder. If we do a deviation on the lower end, we would then have 4.7 population to cover potentially five districts in El Paso County. But let me go further because you just said you're not sure about the number. You also have said you don't like to break the county line. Well, didn't you break the county line by putting District 74 in El Paso County? Isn't that breaking the county line?

HUNTER: What happens is those are not necessarily county lines. Neither El Paso or the other has sustained within the county. We cannot keep your population in El Paso. You either are paired, which you are, and then a portion is drawn all into another area. And that's what occurred. I think you're referring to the district referring to Representative Morales.

ORTEGA: Yes, sir. Chairman Hunter, will you please answer my question? Did you break the county line by putting—

HUNTER: No, I did not break the county line under the legal deal.

ORTEGA: Okay, so by putting Representative Morales, who you just said, which is District 74, into El Paso when he is not part of El Paso County, isn't that breaking the county line? For the record.

HUNTER: Legally, I do not agree with you.

ORTEGA: I'm sorry. Say that again?

HUNTER: Legally, I do not agree with you.

ORTEGA: Legally, you don't agree with me but—

HUNTER: I don't.

ORTEGA: But just looking at the county, did Representative Morales come into El Paso County? We're not talking about legalese now.

HUNTER: You're calling it breaking the line. I'm not saying it's breaking the line. You had to be pushed out and then here comes Mr. Morales. He has to be pushed. It's semantics. Do you go outside the county? The answer is yes. You're calling it breaking. I don't agree with you on the legal side.

ORTEGA: Okay, so let's use your words then. Representative Morales had to go outside of his county and come into El Paso County. Is that correct, sir?

HUNTER: Correct.

ORTEGA: All right. We now agree with that.

HUNTER: Okay.

ORTEGA: I want to ask you some more questions about the fact, well, my district, which is HD 77—I represent part of the south side right by the border in El Paso County. We've got several historical neighborhoods and I'm not sure whether you're familiar with them. I know you've been out to El Paso because we've talked about the fact that you've been there. Are you familiar with the Chihuahuita neighborhood that is right by the Paso del Norte Bridge?

HUNTER: The answer is I'm not aware, but I may have been to different areas in El Paso.

ORTEGA: What about Segundo Barrio that's anchored and it's right by the Sacred Heart Church on the south side, a different kind of historical neighborhood? All of these historical neighborhoods?

HUNTER: Again, I'm not aware if I've been there but I have been to El Paso and may have been in the area.

ORTEGA: And what about the Chamizal neighborhood that's by the second oldest high school in El Paso, Bowie High School, that's in my district, my current district? Are you familiar with Bowie? People call it "La Bowie"?

HUNTER: Again, I've been to El Paso. Don't know if I've been to the neighborhood.

ORTEGA: We also have another historical neighborhood where there's been a lot of things taking place within the last couple years and that's called the Duranguito area that has a very unique interest, things that constituents talk to me about. Are you familiar with their problems or what takes place in that neighborhood?

HUNTER: I do not know because I've been to El Paso, but again, I want to be accurate. I'm not sure if I've been to the area.

ORTEGA: All right. So now I'm being paired with—they actually, just so you know, you're very well aware of how HD 76 was actually moved out of El Paso County. I am now being paired with another Latina, and it's still known as House District 77, but now we've got different communities of interest. Because in what was formerly Representative Ordaz's district, you've got the Ysleta del Sur, the Tigua community—are you well aware that you placed that into House District 77?

HUNTER: Again, I don't know the specific neighborhoods at all, but I have been, as you said, to the area.

ORTEGA: So we now place the new House District 74 into taking parts of El Paso and it maintains—would you agree with me the bulk is in South Texas? Is that correct, sir?

HUNTER: The bulk of what is in South Texas?

ORTEGA: Of House District 74. It maintains 56,801 population of El Paso as we came into El Paso County.

HUNTER: Are you talking about Representative Morales?

ORTEGA: Yes, sir.

HUNTER: And does it go from El Paso into the southern area of Texas? Yes.

ORTEGA: No, not into the southern area. It comes from the southern area of Texas into West Texas into El Paso County. Is that correct?

HUNTER: I understand.

ORTEGA: So basically this seat would be anchored in Maverick County, is that correct? And Eagle Pass is where Representative Morales is from.

HUNTER: Well, if Representative Morales considers that home, maybe that's the home base, but population is going to increase all through that area over the next years.

ORTEGA: Well, apparently—well, first, would you agree that there are different communities of interest in El Paso kind of like what I've talked about versus communities of interest in South Texas?

HUNTER: Do I believe they're different neighborhoods? Do I believe that they're different areas? The answer is yes. But as I've said, when you take the population census numbers, there's just population that cannot be made. Unfortunately for El Paso, you didn't have a population increase. Other areas of

the state were high and were able to shed population. In your area, from El Paso even into South Texas, we didn't have the population to avoid the pairing. That's what occurred.

ORTEGA: Chairman Hunter, going back to the question that I asked, do you believe that there are different communities of interest in El Paso—

HUNTER: And I answered that.

ORTEGA: —versus South Texas. Was that a yes, sir?

HUNTER: I answered you yes.

ORTEGA: Thank you. Thank you. That's what I was asking you. Let me give you an example. I was just talking to Representative Morales a little while ago and I was asking him how far is your area, Eagle Pass, from El Paso. I was under the impression that it was like seven hours but he basically said no, it would take eight hours for me to get to El Paso. So from his district office and getting to El Paso, it's going to be eight hours. And that's the way that **CSHB 1** is. So if you have a constituent—and I have several constituents that want to meet with me face-to-face in my office. They want to come and discuss an area of concern. You're asking a constituent, a voter in El Paso, to drive eight hours all the way to Eagle Pass to meet with Representative Morales in order to address a concern? Do you think that that is protecting the voter or addressing their concerns when they need to meet with their own state representative?

HUNTER: There are other districts which are large and spread out. There are large—

ORTEGA: Can you tell me any other one?

HUNTER: Well, look at your West Texas districts.

ORTEGA: No, no. Tell me currently is there any—

HUNTER: I'm going to just give you general that I have. You have West Texas that historically has had a large number of counties and you have a large number of counties where they have to travel. Yes, you have a pairing in El Paso. And yes, you have Representative Morales who is going from the southern area of Texas into El Paso.

ORTEGA: And again, I want to speak about specifics and that's because that's what we're seeing with this map today. I want to know whether there is any other constituent that is going to have to drive eight hours to meet face-to-face with their state representative if the map stays the way it is.

HUNTER: That I cannot answer. I don't know.

ORTEGA: Well, would it be fair to say there is no other situation like that?

HUNTER: I cannot answer that. I can't.

ORTEGA: Obviously, Chairman Hunter, you're aware that Latinos in El Paso, which is a majority of our population, vote for democratic candidates as opposed to certain parts of South Texas. Is that correct?

HUNTER: Well, I think that El Paso in our performance numbers shows that El Paso has been voting democrat.

ORTEGA: They've been voting democrat for a while.

HUNTER: In the state districts.

ORTEGA: Okay, and I was again asking about South Texas. Tell me about South Texas. Are they voting democrat in the same numbers as El Paso County is?

HUNTER: Well, I don't know all the elections and how they are voting in all the counties. But South Texas is a pretty good significant area. For example, Hidalgo County—Hidalgo County has primarily been state representative democrat voting. Cameron County, which is next door, has been historically democrat state representative voting. You can see over into Webb County. Webb County has been historically democrat voting. How some of the other counties have changed—

ORTEGA: Voting more republican, sir?

HUNTER: Well, not all. Some have changed. Yes, there has been a trend of voting republican in the last few elections. Absolutely.

ORTEGA: But we haven't seen that in El Paso, have we?

HUNTER: Well, I haven't seen a republican state representative yet in the South Texas region. I believe J.M. Lozano and myself are the South Texas republicans. And so I don't know the knowledge of how El Paso up and down the ballot versus South Texas up and down the ballot votes. But if you look at the statistics, El Paso, Hidalgo, and Cameron, the state representatives are democrat.

ORTEGA: Chairman Hunter, did you ever consider drawing any alternative plan for the El Paso region with district boundaries that would not dilute the El Paso voters? Did you ever consider it, sir?

HUNTER: Did I look at—

ORTEGA: Consider.

HUNTER: —data and plans? I won't use your word. Yes, I did look at that.

ANCHIA: I appreciate the dialogue between the chairman and my deskmate, Representative Ortega, about the impacts of **CSHB 1** on El Paso. I know that there will be other amendments dealing with it. But this is a statewide demonstration map that really shows that within the confines of **CSHB 1**, there is some low-hanging fruit where the Latino community can be kept together to elect the person of their choice, the candidate of their choice. And to use the Mexican American Legislative Caucus as an example, we have members that are Latino. We have members that are Asian. We have members that are Anglo. And we have members that are African American. Latino candidates do not—simply because communities of interest are kept together does not mean that they're going to elect a Latino or a non-Latino. It doesn't mean they're going to elect a republican or a democrat. What we have proposed today is a map that remedies many of the infirmities in **CSHB 1** and at the same time keeps traditional Latino communities

of interest together so that they can continue to elect the candidate of their choice regardless of party, regardless of political performance, and regardless of outcome.

MORALES SHAW: Chairman Anchia, you very well know that House District 148 is a Latino ability district in Harris County. Is that correct?

ANCHIA: That's right.

MORALES SHAW: The proposed **CSHB 1** map raises very serious concerns because it reduces the Hispanic Citizen Voting Age Population, HCVAP, and the Spanish Surname Voter Registration. These two statistics are factors that are considered by the federal court. Is that true?

ANCHIA: Yes.

MORALES SHAW: These are specifically talked about in *Greg Abbott v. Shannon Perez, et al.* In that case it was addressing maps that were enacted in 2011. Using the 2020 general election as a benchmark, the current HD 148 has HVAAP of 45.5 and Spanish Surname Voter Registration of 36.1. **CSHB 1** reduces those numbers to 37.1 HCVAP and 31.9 Spanish Surname Voter Registration.

ANCHIA: That's a substantial reduction.

MORALES SHAW: Yes. My question to you is does your proposed demonstration map address that, avoid that, keep HD 148 intact, and protect the voters?

ANCHIA: Yes.

[Amendment No. 7 failed of adoption by Record No. 13.]

[Amendment No. 8 by Anchia was laid before the house.]

ANCHIA: Members, as with my amendment in Plan H2207, this amendment demonstrates that it is possible to increase the number of majority Latino Citizen Voting Age Population districts while staying within the general parameters of the other proposed districts. As with the last map, it highlights several areas of legal concern with respect to the current map, although it is not exclusively with the areas which I will outline in this amendment. **CSHB 1** severely retrogresses, again as we've discussed before, House District 148 in Harris County. It essentially dismantles and redraws that district. It also severely retrogresses House District 145 by lowering the Spanish Surname Voter Registration by nine percent. All the while, Latino growth in Harris County accounted for the largest portion of the population increase over the entirety of the last decade. It's the largest place of Latino growth in the state. And in two districts—the 148 and the 145—there's the lowering of Latino Spanish Surname Voter Registration and the dismantling, respectively, all while Latino growth was substantial.

This plan demonstrates that it is, in fact, possible to not only keep District 148 intact but also make it an over 50 percent Hispanic Citizen Voting Age Population district without changing the essential character of the other districts, including the 145, or altering the partisan outcomes of adjoining districts. This indicates that close scrutiny under the Voting Rights Act is warranted. In the

proposal that is before us today, there is the movement of a Latino community from HD 148 into HD 145 while still retrogressing both districts. It is suggested it is not just a Voting Rights Act violation but also an averrance of potential racial discrimination and unconstitutional gerrymandering. The Supreme Court precedent has established that you can't simply reshuffle Latino counties or precincts around arbitrarily to avoid drawing multiple opportunity districts when it is possible to do so. That was *LULAC v. Perry*. There is also no partisan explanation for what is happening in the 145 or 148 because this map shows that it is just as possible to draw safe republican seats while keeping the 145 and 148 intact.

And moving to North Texas, this amendment would restore House District 90 in Tarrant County. The underlying map, Chairman Hunter's map, reduces the Spanish Surname Voter Registration by greater than 10 percent in that district from over 50 percent down to approximately 40 percent. It further makes the district no longer a majority HCVAP district. Given that this district was the subject of protracted and successful litigation—with MALC serving as the prevailing party—where it was proved that there was an unconstitutional gerrymander based on race, it seems inconceivable to once again attack the Latino voters in District 90.

And looking farther South, **CSHB 1** dilutes the voting power of hundreds of thousands of Latino residents in South Texas and the border area by reducing their voting strength, particularly in House Districts 80 and 31. **CSHB 1** reduces the Spanish Surname Voter Registration in HD 31 by 10.2 percent. In a district anchored in the Rio Grande Valley, it is also reduced by 7.3 percent in SSVR—that's HD 80. It similarly reduces the Hispanic Citizen Voting Age Population in both districts by 10.65 in HD 31 and 8.3 in House District 80.

So this amendment shows it is possible—it demonstrates—that you can make all three of HD 74, HD 80, and HD 31 into districts that consistently elect a Latino candidate of choice. Lastly, this amendment would draw a majority HCVAP district in Travis County, strengthening the ability of Latinos to elect the candidate of their choice in HD 51 for the rest of the decade.

HUNTER: Move opposition on the basis it does eight pairings. Move opposition.

ANCHIA: The chairman points out a volume challenge with pairings. No criteria was established at the outset of this process for the number of appropriate pairings. Had we known that, we might have been able to approach that differently. As has been stated before, there are two pairings in the underlying map. So it cannot be that outright pairings are the objection or the number of objections because that criteria was not established by this house or the committee.

So members, this does demonstrate that you can keep performing Latino districts in House District 90, House District 31, House District 80, House District 145, and House District 148. Those districts are protected by Section 2 of the Voting Rights Act and should not have been disturbed by **CSHB 1** in its current form. Therefore, I ask you to adopt this amendment and preserve those traditionally Hispanic districts so that the Latino voters in those districts can elect the candidate of their choice.

[Amendment No. 8 failed of adoption by Record No. 14.]

[Amendment No. 9 by Collier was laid before the house.]

REYNOLDS: Members, this amendment would keep intact communities of interest in northern Brazoria County and create a functional minority coalition district in the area which is able to elect a candidate of choice. Pearland and surrounding areas are high growth and culturally diverse. In fact, it's been one of the most diverse areas that's neighboring mine in Fort Bend County. In Brazoria County as a whole, the Asian population grew by 54 percent over the last decade, the black population grew by 46.1 percent, and the Latino population grew by 33 percent. Meanwhile, the Anglo population actually decreased by 13 percent. **CSHB 1** would crack northern Brazoria and draw these diverse communities together with predominantly Anglo communities in the rest of Brazoria, splitting the county in half vertically and extending all the way to the coast with both districts. It would also crack certain Latino communities in southern Brazoria County, such as in Freeport, in half. The cracks and packs in Brazoria County only serve one purpose—to dilute the voting strength of communities of color and preserve a partisan makeup at the expense of diverse communities.

REPRESENTATIVE VASUT: As I understand, have you discussed this amendment prior to today with either myself or Representative Thompson?

REYNOLDS: No. No, I have not.

VASUT: Okay. Are you familiar generally with the layout of northern Brazoria County?

REYNOLDS: I'm vaguely familiar with it. I represent part of Pearland that is in Fort Bend County and the other part is in Brazoria County. So I would say that I'm familiar with it. I used to live in Brazoria County. I used to live in the city of Pearland, so I'm vaguely familiar with the area. Not as intimately as you are because I don't live there currently, but I have a lot of familiarity with the city and with the county.

VASUT: Sure. Are you aware that the city of Alvin and the city of Manvel share a chamber of commerce called the Alvin-Manvel Area Chamber of Commerce?

REYNOLDS: I believe I do understand that, yes.

VASUT: In your proposal, you're splitting Alvin from Manvel. Is that right?

REYNOLDS: That's correct.

VASUT: So those two communities that are aligned as far as their business interests are split in your proposal. Is that correct?

REYNOLDS: That is correct.

VASUT: Are you familiar with the taxing jurisdiction of Alvin Community College?

REYNOLDS: No, I'm not.

VASUT: Are you aware that Alvin Community College, their taxing jurisdiction runs north and south from Pearland to the coast?

REYNOLDS: I'm not advised about that, no.

VASUT: Are you familiar that Alvin Community College is located in the city of Alvin?

REYNOLDS: Yes.

VASUT: Okay, but your map excludes the city of Alvin from District 29 such that Alvin Community College would not be in Representative Thompson's district. Is that correct?

REYNOLDS: That's correct.

VASUT: Okay. Are you aware that the population growth that we have experienced in Brazoria County has primarily occurred on the northern end of the county?

REYNOLDS: I believe so, yes.

VASUT: Okay. Your proposal is solely concentrated in the entire north end of the county, House District 29. Is that right?

REYNOLDS: Not entirely, but predominantly, yes.

VASUT: Sure. So all of the growth that we have experienced and are going to experience in Brazoria County will be concentrated in House District 29 in your proposal. Is that correct?

REYNOLDS: Predominantly, yes.

VASUT: Okay. Are you familiar with the makeup of HD 25 and 29 in **CSHB 1**?

REYNOLDS: I've seen it under the proposed Hunter map. I have seen it, yes.

VASUT: Are you aware of the fact that **CSHB 1** creates a minority-majority coalition in House District 25 that previously did not exist? Are you aware of that fact?

REYNOLDS: Yes.

VASUT: Okay. Your proposal here would eliminate the minority-majority coalition in House District 25. Is that correct?

REYNOLDS: That's correct.

WALLE: Are you aware that in Brazoria County, their population, would you safely say, is about 370,000?

REYNOLDS: Yes, 372,031.

WALLE: And of that, the Hispanic population change, just the change numbers-wise, was about 29,000 people.

REYNOLDS: That is correct.

WALLE: That would consist of about a 33 percent change in Brazoria County. Is that correct?

REYNOLDS: Yes.

WALLE: Okay. Then the black population is about—change, just want to clarify—17,000 folks. Is that correct?

REYNOLDS: Absolutely. It's my understanding that 17,415 would be the exact number.

WALLE: Okay, and that would be a 46 percent change in population in Brazoria County.

REYNOLDS: Yes.

WALLE: Okay, and then the Asian and Pacific Islander population is about a little over 9,000. Is that correct?

REYNOLDS: That is correct—9,365.

WALLE: Okay, and that's a 54 percent change. Is that correct?

REYNOLDS: That is correct.

WALLE: Okay. Then the Anglo population had a negative 29,184 people. Is that correct?

REYNOLDS: That is correct.

WALLE: Okay, and that's a negative change of 13 percent. Is that correct?

REYNOLDS: That is correct.

WALLE: And so as Brazoria gets a little bit more diverse, your amendment is trying to address the issues of those communities of interest that have moved into Brazoria County. Is that correct?

REYNOLDS: That is precisely what my amendment does.

VASUT: Members, as the representative for southern Brazoria County, and I'm sure I speak for Representative Thompson as well, we oppose this amendment and urge you to oppose it. It was not discussed with us. This does not reflect the adequate alignment of communities of interest in Brazoria County, and we do not think it is best for the citizens of Brazoria County.

REYNOLDS: Under the proposed map that you discussed with me when I was at the front mic, are you aware that the communities of Pearland, Manvel, and others in the northern area of the county are split between two districts? HD 29 and 25, correct?

VASUT: I am aware that the bulk of the city of Pearland, almost all of the city of Manvel, and all of the city of Alvin that counts—because if you're familiar with Brazoria County, you know the city of Alvin did strip annexation about 20 or 30 years ago, so there are parts of the city of Alvin that are in HD 25 but no one lives there—so I would say that I am aware that 90 percent of those areas are united as a community of interest in HD 29.

REYNOLDS: **CSHB 1** splits the community of Freeport in half. Isn't that correct?

VASUT: **CSHB 1** does, as presented, stretch down to encompass that. However, any split is minimal and was necessary to adjust for the growth that we are experiencing on the northern end of the county. That's just the way the numbers aligned.

REYNOLDS: Are you familiar with the demographics of Freeport?

VASUT: I am generally familiar with the demographics of Freeport. I could not tell you the exact numbers.

REYNOLDS: Would you have any reason to disagree with me if I represented to you that it was less than 20 percent Anglo?

VASUT: Not having the numbers in front of me, I would be uncomfortable agreeing or disagreeing with that statement other than to say I'm not sure.

REYNOLDS: But you don't have any reason to argue against that, correct?

VASUT: I don't have the numbers in front of me to be able to rebut that at this time.

REYNOLDS: Okay. Now, did you just hear the questions that Representative Walle asked me while I was at the front mic?

VASUT: I heard some of them.

REYNOLDS: Are you aware of the demographics based upon the census data for Brazoria County?

VASUT: I'm generally familiar and generally did hear the discussion on that.

REYNOLDS: Isn't it true that the 2020 population is around 372,000?

VASUT: I believe that is correct.

REYNOLDS: Isn't it true that the Hispanic population changed—increased—by 33 percent?

VASUT: I am not advised at this time as to that number.

REYNOLDS: Isn't it true that the African American population increased by approximately 46 percent?

VASUT: Again, I'm not advised on that number at this time.

REYNOLDS: Isn't it true that the Asian American and Pacific Islander population changed—increased—by almost 55 percent?

VASUT: Again, I'm not advised on that number at this time.

REYNOLDS: But are you aware that the Anglo population decreased by almost 30,000 people? Are you aware of that?

VASUT: Again, without the numbers in front of me, I'm not aware of it at this time.

REYNOLDS: Well, if you're representing—I mean, obviously, that is your district. Is that correct? You live in Brazoria County.

VASUT: I represent House District 25, currently composed of Matagorda County and southern Brazoria County.

REYNOLDS: And don't you believe that if you're—well, obviously, you're opposed to my amendment, correct? That's what you stated.

VASUT: I am.

REYNOLDS: Are you aware as I laid the bill out that I am trying to reflect the growing demographic change in the now very diverse Brazoria County?

VASUT: I'll reserve for you for your motivations with the amendment. I certainly respect your opinion and your motivations for bringing it. I respectfully disagree on whether or not it's in the best interest of Brazoria County and accurately and adequately aligns the communities of interest.

REYNOLDS: Does it concern you that currently as presented in **CSHB 1** it cracks certain Latino communities in southern Brazoria County and Freeport in half? Does that not concern you?

VASUT: I believe that the house committee report is a fair split of Brazoria County in line with the population growth that we have been experiencing. I don't see any issue. I'm not aware of the exact split and the percentages that you're referring to, but I'm not aware of any issues with them. I could speak in the future and perhaps would speak to an amendment that would change that line in southern Brazoria County to, I think, better align some communities of interest there, but that would not be germane to this discussion. And with that, I would respectfully oppose the amendment.

REYNOLDS: Members, it is a fact that in Brazoria County the demographics have changed. I used to live in Brazoria County. I purchased my first home in Silver Lake in the city of Pearland in Brazoria County. That was over 15 years ago. The demographics 15 years ago are nothing like what they are like now. Just like Fort Bend County where I reside, the demographics have changed dramatically. It is now the most diverse district in the entire United States of America. Brazoria County is right next door to Fort Bend County. We've seen an explosion in the minority African American, Hispanic, and Asian populations. The numbers are undisputed. The numbers that Representative Vasut was not familiar with? Those were the numbers from the census data. Those aren't numbers that I popped up out of my imagination. The overwhelming growth is African American and Asian and Hispanic. My amendment simply keeps communities of interest together. It is in accordance with the Voting Rights Act, and I ask for your favorable consideration.

REPRESENTATIVE E. THOMPSON: Representative, did you come speak with me at all about this amendment?

REYNOLDS: Representative Thompson, I did not, and I do regret that I didn't get a chance to visit with you before. I did receive some of this information at the last minute, and I would've preferred to have come to you before we got to the floor. So I do recognize that I did not.

E. THOMPSON: Is it normal for members of this body to—I guess for lack of a better word—meddle in someone else's district? Normally when members visit other members' districts or members come into a district, normally don't they have the courtesy to contact that other member and visit with them about what they're going to do in the district and who they're meeting? I find it somewhat odd that I have been here every day even at times when some other members were not here and that I couldn't have been sought out and this couldn't have been discussed with me prior to this amendment.

REYNOLDS: Representative Thompson, I will represent to you that yes, that is normal and customary, but it's not exclusive. Had I to do it all over again—

E. THOMPSON: So what's—excuse me. What's different about this than any other time to be courteous to another member?

REYNOLDS: Well, quite frankly, the information came to me at the last minute and I wasn't able to. That is the honest to God truth. If I would've received the information—

E. THOMPSON: And I haven't been sitting here all morning?

REYNOLDS: No, I didn't say you hadn't. I'm just telling you why I didn't visit with you previously. You and I have always worked together. We have neighboring districts. My district touches your district, correct?

E. THOMPSON: Yes, we have.

REYNOLDS: So what I'm telling you is that I would've visited with you had I received the information sooner. And I do apologize for that.

E. THOMPSON: Thank you, sir.

REYNOLDS: With that, I ask for your favorable consideration.

[Amendment No. 9 failed of adoption by Record No. 15.]

[Amendment No. 10 by E. Thompson was laid before the house.]

E. THOMPSON: This is an agreed-to amendment between Representative Vasut and myself impacting only Brazoria County. Under the proposal after the initial redistricting map was published, there was a little bit of concern from the coastal communities about being split up. To alleviate their concerns, we changed the boundaries in House Districts 29 and 25 a bit to make sure that the coast could stay wholly within House District 25. So it does address the issue that was brought up in the previous discussion about the city of Freeport. I believe this amendment is acceptable to the author.

[Amendment No. 10 was adopted by Record No. 16.]

[Amendment No. 11 by Leach was laid before the house.]

REPRESENTATIVE LEACH: This amendment just involves some precinct switches, I guess you could say, between Districts 67 and 61 in Collin County. The entire county delegation and many other community leaders are on board and agreeable with this.

[Amendment No. 11 was adopted by Record No. 17.]

[Amendment No. 12 by Stucky was laid before the house.]

REPRESENTATIVE STUCKY: My amendment makes changes between HD 64 district and HD 57, which is a new vacant district in Denton County. It just changes a few precincts and that's all it does. It's acceptable to the author.

[Amendment No. 13 by Beckley to Amendment No. 12 was laid before the house.]

BECKLEY: The plan for Denton County house districts was drawn irrespective of voting precincts, communities, and cities. This plan splits Carrollton-Farmers Branch ISD into three house districts. The cities of Denton, Lewisville, Highland Village, and Carrollton are split into two districts. House District 65 has been a minority coalition district. By splitting up Lewisville, Carrollton, and North Dallas, the proposed version of HD 65 is now negating the vote of communities of color in Denton County. This plan decreases the Black and Hispanic Voting Age Population in District 65 by 8.5 percent. The AAPI and Hispanic vote in the district is diluted by 7.1 percent. And the Anglo population is increased by 11.1 percent. The black and Hispanic vote are diluted by packing the most Hispanic and black voting precincts—2000, 2001, and 2002—in a new district in the southeast corner with the whitest precincts—4034, 4048, and 4049—from one corner of the county to the other.

Voters in HD 65 in Denton County should be able to elect candidates of their choice from their communities. My amendment keeps the communities and cities together. My plan creates more equal district sizes by keeping the population deviations below three percent from the current proposed plan to ensure the equitable distribution of voters in Denton County. My plan returns house districts in Denton County to what makes sense for voters of the county.

I reached out to the Denton County delegation on September 13 and 23. On September 13, Representative Stucky's office did respond and said that we would try to meet the next week. Representative Patterson's office never responded. And Representative Parker's office called back via phone that he would not be participating in district discussions. On September 23, 10 days after my office initially reached out, no other office besides the original response from Lynn Stucky responded. So I am just putting these districts back to where they were closely related before and putting the coalition of voters back to what they were.

REPRESENTATIVE PATTERSON: I couldn't pull up your amendment to the amendment in the system. So my understanding is that Dr. Stucky's amendment does not affect any other district other than the new House District 57 and then his District 64. Is that your understanding of his amendment?

BECKLEY: It affects districts in Denton County.

PATTERSON: I'm sorry. The question was his amendment only affects the new District 57 and then his own District 64. Is that correct?

BECKLEY: I believe so, yes.

PATTERSON: Okay, and then your amendment affects which other districts?

BECKLEY: Districts 65 and 63, which are also in Denton County.

PATTERSON: So your amendment goes outside the bounds of his amendment. Your amendment to the amendment goes outside and takes in other additional districts is what you're saying?

BECKLEY: They're all within Denton County.

PATTERSON: Did you call me or Representative Parker or Representative Stucky and ask us to meet about this map?

BECKLEY: We sent e-mails from our office to your office twice.

PATTERSON: Okay, did you call?

BECKLEY: After Chairman Hunter sent out the request saying coalitions should get together, since we had heard from no one in our coalition, we went ahead and reached out.

PATTERSON: Did you call?

BECKLEY: I sent an e-mail and then we followed up with e-mails and phone calls to the districts, yes.

PATTERSON: You called my office?

BECKLEY: I called your office.

PATTERSON: You did?

BECKLEY: I called Representative Patterson's office and Representative Stucky's office.

PATTERSON: I'm Representative Patterson. So you called me and you called my office?

BECKLEY: Yes, yes.

PATTERSON: You called me on my cell phone?

BECKLEY: I called your office.

PATTERSON: Did you get a response?

BECKLEY: I got no response from your office.

PATTERSON: Okay, and when Representative Stucky responded to you, you were unable to meet at that time. Is that correct?

BECKLEY: He did not set up a meeting. He said he would get back to us. That's why I sent the second e-mail, because we did not get a response regarding when the meeting was going to be.

PATTERSON: And just so that we're clear, your amendment to the amendment pulls in two additional state representative districts that were not affected in his original amendment. Is that correct?

BECKLEY: Correct. They do Denton County as well as his.

PATTERSON: Your amendment to the amendment affects House District 64? His district?

BECKLEY: No, it does not.

PATTERSON: Okay, but House District 57?

BECKLEY: No, it affects Denton County. Just as he affects two districts in Denton County, my amendment affects two districts in Denton County.

PATTERSON: So two other districts untouched by his amendment.

BECKLEY: They're all in Denton County, yes.

PATTERSON: So all the districts are in Denton County?

BECKLEY: Yes.

C. TURNER: Your amendment, essentially, would restore communities of interest in House District 65, which in the benchmark plan—the current boundaries—is a majority-minority district and has performed as an effective coalition district over the last several elections. Is that what the purpose is of your amendment?

BECKLEY: That is the purpose of my amendment, to restore the communities that have been voting together. And as Representative Hunter said, keeping the districts as compact as possible—this amendment does that as well. It does almost everything that Representative Hunter said he wanted to do with our districts.

C. TURNER: That is certainly a key redistricting principle, to try to achieve compactness wherever possible. So you should be commended for that. Thank you for your amendment. As you'll recall, earlier today I proposed an amendment with a list of protected districts that should not be retrogressed under the Voting Rights Act. District 65 is one of them because it is a majority-minority district and has been performing as an effective coalition district. Your amendment would appear to restore its boundaries so it can continue to perform as an effective coalition district. So I hope the amendment is acceptable to the author.

STUCKY: My amendment only affects District 64 and District 57, which is a new district with no incumbent in that district. It does not affect 65 or 63 or any of the other districts that she's talking about. It only affects my district and the new District 57.

BECKLEY: I request your favorable vote.

[Amendment No. 13 failed of adoption by Record No. 18.]

[Amendment No. 12 was adopted by Record No. 19.]

[Amendment No. 14 by Frullo was laid before the house.]

REPRESENTATIVE FRULLO: I have an amendment.

[Amendment No. 15 by Frullo and Burrows to Amendment No. 14 was laid before the house.]

FRULLO: The amendment makes a few changes to restore parts of HD 83 and is acceptable to the author.

[Amendment No. 15 was adopted by Record No. 20.]

[Amendment No. 14, as amended, was adopted by Record No. 21.]

[Amendment No. 16 by C. Bell was laid before the house.]

REPRESENTATIVE C. BELL: Members, the amendment, Plan H2234, basically makes changes within Montgomery County between House District 3 and House District 16. I believe there is an amendment to the amendment.

[Amendment No. 17 by C. Bell and Metcalf to Amendment No. 16 was laid before the house.]

C. BELL: The amendment to the amendment moves one precinct, Precinct 90, from the map the state has into House District 3; moves one precinct out of House District 15 into House District 3; and moves one precinct, Precinct 54, into House District 18. I believe all four individuals that are involved, members involved, are in agreement on this.

[Amendment No. 17 was adopted by Record No. 22.]

[Amendment No. 16, as amended, was adopted by Record No. 23.]

[Amendment No. 18 by Davis was laid before the house.]

DAVIS: Members, this is the Bell County amendment. We've heard about it many times during the earlier discussions, and basically what this amendment does is it puts a community back together that has been split up when it has an opportunity to create an African American district or emerging district. So what we are basically doing is retaining both House Districts 54 and 55 within Bell County while keeping them separate and not pairing anyone. HD 54 has a non-Anglo population of 72 percent and a Voting Age Population of 68.5 percent. African American population in that district is roughly 39.9 percent, which is 74,066 voters. Hispanic population is 26.5 percent, which is 49,150 voters. Putting this community back together will allow us to have voters elect a person of choice for them. Otherwise, this is just an arbitrary district where we have split a community right down the middle, which prevents them from being able to elect a representative of their choice. This amendment does not pair any of the incumbents. It merely recognizes and keeps the integrity of this community together so that they can, in fact, perform and elect people of their choice.

CROCKETT: Vice-chair Davis, have you heard of this new Bell County proposed map being referred to as the doughnut?

DAVIS: Yes, I have.

CROCKETT: And in this doughnut, I believe you've outlined in your layout that specifically we know that the area of Killeen, the city of Killeen, is split into two separate districts. Is that correct?

DAVIS: That's correct, and that's kind of what we are trying to correct. You've taken a city and split them into two different, distinct districts, which prevents districts to perform with the city, to perform as a community of interest.

CROCKETT: I know that there was some conversation earlier by some of the people that were laying out amendments and as well as laying out the bill saying that the only time that communities were split is if they had to be. And it's my understanding that if we were to adopt your amendment, we're correcting that statement in that we don't have to split Killeen, do we?

DAVIS: That's correct. This prevents us from tearing up that community.

CROCKETT: Now, I want to talk a little bit just about, specifically about Killeen. Are you familiar with the city council in the city of Killeen?

DAVIS: Yes, I am.

CROCKETT: And is it true that the city of Killeen has a Latino mayor?

DAVIS: That is my understanding that the mayor is Latino.

CROCKETT: I also count—one, two, three, four, five—six African American council members in Killeen. Is that correct?

DAVIS: That's correct. That's my understanding.

CROCKETT: And it appears that there may be only one Caucasian member of city council. Is that correct?

DAVIS: That's correct.

CROCKETT: And so seemingly when the people of Killeen have an opportunity to vote for someone to represent them without their vote being diluted, they seemingly, overwhelmingly are electing people of color. Is that not true?

DAVIS: It would appear that when they get to exercise their vote and select someone of their choice, they are electing minorities—that's correct—African Americans and a Hispanic mayor.

CROCKETT: Finally, you would also agree with me that in the Supreme Court *Gingles* case, the point of that case is that if you can create a minority opportunity seat, you absolutely should. Is that correct?

DAVIS: And that is the purpose of this amendment is to recognize that there is an opportunity here to create a minority opportunity seat. This is an opportunity for Texas to show that its commitment is for people to have representation that reflects who they want to represent them. That's correct.

CROCKETT: And are you also aware that while Texas is 254 counties strong, when it came to African American growth, Bell County, as small as it is, was actually in the top five when it came to African American growth specifically? Is that correct?

DAVIS: That's correct, and this is a district that has been split for some time that we should as a legislature endeavor to try to make it whole so they can function as a community with the same interests.

CROCKETT: And while our colleagues may not have understood that at the time, we are making the entire house aware of the fact that there is an issue with cracking or splitting a community—a specific city, as well as a community of

common interest, as well as a minority area. You're just simply presenting this body with an opportunity to show that we don't want to be intentionally discriminatory in the State of Texas and we want to do right under the Voting Rights Act. Is that right?

DAVIS: That's correct. I think it's important that we send a message to all Texans that we think that they all deserve representation of their choice. And when we have an opportunity to draw this kind of district, we should do that so that we can, in fact, ensure folks that they have adequate representation based on who they select and not who is gerrymandered to represent them.

CROCKETT: Thank you. I think it's a great amendment.

REPRESENTATIVE BUCKLEY: Ms. Davis, have you reached out to either myself or my colleague of Bell County concerning the district boundaries?

DAVIS: Dr. Buckley, this is an amendment I've worked on for several years. So whoever is representing that area, I have not spoken with you directly, but I have spoken with folks over the years trying to recognize that this community had been split. They've asked on several occasions that they would like to have an opportunity to run in a district where they can make a selection based on their choices. And so while I haven't spoken with you directly, I have over the years spoken with members who represent this district or have been in this area.

BUCKLEY: Is it customary to visit with members concerning, you know, important issues in their district if you're from outside the area?

DAVIS: No, in the past it would be, but we're working under, I guess, a lot of different rules and so sometimes it has been. I think it depends on whether there's relationships. I think that I've seen that not happen as much as I'd like to see it happen, so it's not something that is honored all the time.

BUCKLEY: Sure. Would you say it's important for a representative to be involved in a community that they represent?

DAVIS: I would think that under most issues that's true, but when it comes to redistricting and minority representation, I've found time and time again the only people who care about creating minority districts have been minorities. So we've not been able to rely on any of our colleagues to recognize that these districts have a right to have representation that reflects their community. While I understand what you're saying, what I know is in the past—and today it's been witnessed as well—I've not seen anybody who's indicated an interest in creating minority districts other than those of us who are minority. It is customary that for us, as members of the legislature, that people come to us and ask us to help them on these issues because members that we serve with won't help them. That is the notion and the history of why this is being presented by myself. Because we've not had any colleagues here who said, you know what, this district shouldn't be split—we shouldn't tear up this community; we should respect their wishes—and encourage us to help you do this. But instead, we've got to encourage you to help us do what you ought to do for these citizens.

BUCKLEY: So we're talking about a community of interest and there are minorities there. Do you know where I went to high school? Do you know where my kids went to high school? Do you know where my wife works? Do you know where my business is?

DAVIS: It has nothing to do with whether or not I have a right to look at how do we draw districts for African Americans and communities where they're being slighted. So no, I don't know where they are, but I will just tell you that this community has been split. For at least two redistricting cycles, I've offered amendments trying to put it back together, and to date, I haven't had anyone come and tell me that they want to do it because it's the right thing to do for their district. When it comes to the African American issues and communities of interest and Hispanics, we find that those of us who look like us are the ones who are offering those amendments. And so that's what we continue to do because we have a responsibility greater than just one person or one district, but it's for the people and for the state. At this point, the state needs to recognize these communities that don't enjoy an African American representative because they're not in an urban center, but they have a right to have representation so that they can vote for a candidate of their choice. That's why you have a city council in Killeen that's predominately minorities. That speaks to how they will vote if they have an opportunity to vote.

BUCKLEY: Do you know for certain that that's who folks in Killeen would vote for?

DAVIS: I don't have an idea because they don't have a district to run in. And I can tell you—

BUCKLEY: So you don't know that simply because someone's a minority—

DAVIS: I can tell you that districts are drawn—

LANDGRAF: I just want to point out a couple of facts about the amendment that were not presented in the layout. I want to make note that under this amendment, a community of interest would be split, that being Harker Heights. Also, this configuration would effectively eliminate an incumbent member of this house who has been duly elected within that county on several occasions. For those reasons, I would encourage all of you to vote no on the adoption of the amendment.

DAVIS: So Dr. Buckley indicated I don't know who they will vote for. But what I can tell you is in those districts where they've been drawn, they've been voting for minorities. And so it would suggest to me that if they had an opportunity, they might very well vote for the minority, but they might also vote for Dr. Buckley. But because this district is split, they don't have that opportunity. This amendment just deals with the reality that there's a growth there that takes place that allows those communities to come together. I think we get lost and confused about Texas is supposed to be a representative government where people represent one's interests based on where they have shared interests. To not draw this district is denying them that right by not creating a district where there's a

growth and potential to do a minority district. That's what this amendment does, and it speaks directly to what is the state's commitment to all of its constituents and not just a few of them.

CROCKETT: One of the things that was brought up in your exchange with Dr. Buckley had to do with timing. I just want to make sure that we make it clear for the record—the record that inevitably the court will review. You are someone who has gone through redistricting not one time, not twice, but this is, what, your third time or your fourth? This is your third time?

DAVIS: Yes.

CROCKETT: In going through redistricting now for a third time, historically, has the timeline been so tight as it has been under these particular set of circumstances?

DAVIS: This is a unique experience. That's correct.

CROCKETT: So this is an anomaly to how we normally would function as relates to redistricting, correct?

DAVIS: That's correct.

CROCKETT: We've not actually been allowed really the greatest latitude even as members of this body to review, process, and actually be able to file amendments. In fact, we had to get any floor amendments that we wanted to propose in by Sunday. Is that correct?

DAVIS: That is the challenge because citizens don't always have an opportunity to have their input in a timely manner that fits within our schedule. So that is exactly one of the challenges is who's got access to the information in a timely manner so that you can, in fact, have this kind of discussion and they can have this and reach out to their various representatives. What we know for sure is this environment lends itself to supporting itself and not the citizens of the State of Texas.

CROCKETT: That's exactly where I was going. My last point is, when you talk about what the community has had an opportunity to do, we have the benefit of having RedAppl that gives us the racial makeup of areas that every member can review as they're drawing their proposed maps and amendments, as well as we learn people's historical, kind of, political performance under the maps that we draw. Is that correct?

DAVIS: That's correct.

CROCKETT: But when someone from the general public is looking at what we have available online, they're unable to see the various racial makeup and see how minority voices are being diluted in a state in which 95 percent of the growth was specifically due to people of color. We redraw lines because we believe in "one person, one vote" but somehow, seemingly, these very minorities that grew this state are somehow not being able to be given "one person, one vote." Is that right?

DAVIS: That's the challenge that citizens have before them. That's why it's our responsibility to step up and try to make a difference and close those gaps so that we can make sure this is the best representative government we can give the people of the State of Texas.

BECKLEY: I was listening to the line of questioning and it seemed like the previous member was upset because nobody had spoken to him about what was going on in his district and implying that his business was there and everything else. Well, the same thing happened in District 65 under **CSHB 1**, so it seems like there's implications of double standards in this building. Would you agree?

DAVIS: I think that it is so different now that it is difficult to define what's the practice. I think it's moving. So yes, I think it's hard for us to determine what the practice is. I would have liked for them to have brought this amendment—to say, we recognize the growth in our community, we think this community needs to be put together, we think we ought to create this district—but it just isn't happening. So because it doesn't happen, it doesn't mean somebody else wouldn't try to do what's right. I think it's unfortunate that we created an environment here that doesn't lend itself to people working together. When you see how votes are done, when you see how the discussion is done and the lack of interest in what people are talking about, it's easy for people to just not talk to each other. We're not working together for Texas.

Everybody's on a political agenda. I can assure you, this is not a political agenda for me. This is a right agenda when we start talking about creating representative districts for minorities and minority communities. I believe it is essential so that the reflection of Texas reflects all of the voters and not just a few in urban centers where we seem to have a stronger population. So for me, this is about doing what's right for people who don't have a representative and for the representative who represents this district that didn't recognize they needed to draw this district. This gives us an opportunity to create another minority district and I think it's important that Texas does that.

[Amendment No. 18 failed of adoption by Record No. 24.]

[Amendment No. 19 by Davis was laid before the house.]

DAVIS: This amendment creates a 55.6 percent minority district by combining parts of the city of Tyler and Gregg County. The district has a minority Voting Age Population of 51.1 percent. African American population is 50,623 and Hispanic is 53,357, which is a total of 50.1 percent. This amendment does split Wood County to balance the population for HD 5, 6, and 7. The plan does not make any unnecessary pairings of incumbents. We cut only to make the district balanced, and I think Chairman Hunter did that in his map as well. The plan just keeps the small city of Quitman within one district so that we don't break it up. Again, this is a plan to create a majority-minority district in an area where currently there is no representation for minority representatives.

REPRESENTATIVE HEFNER: I'm here to speak against this amendment. It affects my district and a couple of others in East Texas. First of all, it breaks the county line rule. It splits several communities of interest in the city of Tyler and

Tyler ISD. It takes what would be my district from East Tawakoni 130 miles east over to Waskom, which is close to Shreveport, Louisiana. It splits several communities of interest in Wood County—schools, cities—and Wood County is its actual own community of interest. And we even have—it puts counties in different COG regions. So lots of reasons here to oppose this. I appreciate y'all opposing it.

DAVIS: This is an opportunity for Texas to decide if it wants to represent or provide representation for all of its communities of color as well as the majority communities. This district was created to demonstrate the growth of the minority vote in Texas and to recognize that we have an opportunity to create another minority district. And again, I want to reiterate it's unfortunate that I have to bring this amendment forward, but it appears that the representative in this area was not prospective. They looked at it from a perspective of their district. I look at it as a prospective for Texas districts, and so I didn't engender any personalities as I was looking at this map. I looked at maps based on the opportunity to create a district for minority representation and that's what Plan H2245 does.

C. TURNER: Just so we're all clear, your amendment here simply is uniting the very sizable minority communities in this part of East Texas into one district. Is that right?

DAVIS: That's my attempt so that we can maximize representation across the state. Again, if you heard my earlier argument, one of the challenges is to find ways to grow representation where people can vote and select the person of their choice. When we don't grow these districts, you limit the opportunities for representation for minorities across the state. This is purely an indication that there is a district in East Texas that is a majority-minority district and it will never be able to elect the person of their choice as long as it's divided. So that's what this map represents is a district that would allow us to maximize minority growth and development in those areas to grow a district.

C. TURNER: Right, and just like your previous amendment that dealt with Bell County, this amendment essentially undoes the cracking that takes place in the map by uniting those communities so they have that ability to elect the candidate of their choice.

DAVIS: Yes. And Chairman, one of the challenges is cracking and gerrymandering has long been a tool used to create underrepresentation for minorities. So this is a way that we can recognize the growth by creating districts. If we don't create those districts where they have an opportunity to be created, you will not have adequate representation of the minority population and it's left to the urban centers. This is what this map is—to recognize there's a lot of minorities in rural Texas and we can, in fact, draw a minority rural district. And so that's what this does. That's what this amendment is all about.

C. TURNER: Thank you. I think it's a great amendment.

[Amendment No. 19 failed of adoption by Record No. 25.]

[Amendment No. 20 by Landgraf was laid before the house.]

LANDGRAF: This amendment fixes a clerical error. It actually moves some precincts in but it has the distinction of not affecting any inhabitants because there are none in these affected precincts. There is an amendment to the amendment.

[Amendment No. 21 by Vasut to Amendment No. 20 was laid before the house.]

VASUT: This amendment is about a bridge that didn't go far enough. It moves two blocks into HD 42 over the Rio Grande.

ANCHIA: Representative Vasut, it's my understanding that the underlying amendment by Representative Landgraf did not have any population it was moving around. What does your amendment do? You said it relates to a bridge. Please describe the district it is moving from and moving to.

VASUT: Sure. The underlying amendment by Representative Landgraf had no population change. This amendment to the amendment has no population change. It moves two blocks that are on the Rio Grande River that are currently in District 80 into District 42 that are underneath the last five feet or so of the bridge.

ANCHIA: Okay, and so this is the Rio Grande River and it is currently in Representative Landgraf's district?

VASUT: It is currently in Representative Tracy King's district.

ANCHIA: Okay. So it's in Representative King's district and you are moving it to whose district?

VASUT: Representative Raymond.

ANCHIA: Say that once again?

VASUT: Representative Raymond.

ANCHIA: Okay, you are moving it from Representative King's district to Representative Raymond's district.

VASUT: That is correct.

ANCHIA: Very good. Thank you very much.

VASUT: That's it and it's acceptable to the author.

[Amendment No. 21 was adopted by Record No. 26.]

LANDGRAF: The amendment, as amended, is acceptable to the author.

[Amendment No. 20, as amended, was adopted by Record No. 27.]

[Amendment No. 22 by Moody was laid before the house.]

REPRESENTATIVE MOODY: I'm going to go through this in a little bit of detail as it's a larger amendment that impacts 27 districts. But I want to be very clear from the beginning. The intent of this amendment, the goal of this amendment, is to restore the maximum amount of voting participation by the

voters of El Paso County. So first of all, I want to go through some statistics that we went through in the Redistricting Committee to kind of lay the foundation for why this amendment is being offered.

We know that the ideal population for a house district under the current census numbers is 194,303 people. The census count came back for El Paso County at 865,657 people. It's been discussed at length today, the issues that we had with the census. It has also been discussed at length today that communities like mine, like ours in El Paso, are historically hard to count. And I do believe that our community was undercounted. But that being what it is, these are the numbers we have in front of us. Right now, we have five districts wholly contained within the county of El Paso. If you take the ideal number of 194,303 people and you multiply that out by five, you come up with 971,515 people, saying that essentially we're short 105,858 people of five whole districts within the county. However, and I think Representative Ortega brought this up earlier, you have the ability to deviate. We have some deviation rules that are available to us that we can go to essentially 105 percent of the ideal population or you can go to 95 percent of the ideal population. So if the goal is to maintain, essentially, as much voting strength as we can within the county, then given the population that we were given with the census, the concept or the idea is for us to maintain that.

And members, I apologize. Obviously, there's a lot of numbers and statistics and data that we're going to go into, but it is important. I think it informs our decisions, and these are all choices that we make. We make choices. And I'm going to talk about choices in a little bit. So if you go with a maximum deviation down to the 95 percent, then you actually can build districts at 184,588 people. If you multiply that out times five, then we are only short 57,283 people of five whole districts in El Paso County. Now, that still says that we are short. It's not a number that I like to look at. It's not a situation that I like to grapple with because in my time in the legislature, there's always been five districts wholly contained within the county and we've never broken the county line. If we deviated down the max deviation, we would be roughly 29 percent short of the fifth whole district.

I do want to go over the population issues along the border. I know that the chairman has talked about those and we've talked about them in committee and also here on the floor. There was a population issue along the border that had to be resolved in one way, shape, or form. We had HD 75 that my colleague Dr. Mary González represents that actually had 226,395 folks in it, so it's actually looking at 16.5 percent over the ideal population size. HD 76, which is currently represented by my colleague Representative Ordaz Perez, came in at 146,284, which was 24.7 percent under the ideal population. HD 77, represented currently by Representative Ortega, at 148,049 comes in at 23.81 percent under the ideal population. HD 78, which is the district that I am honored to represent, was 181,367 in population, which is under the ideal population by 6.66 percent. And HD 79, which is currently represented by Representative Fierro, was populated at 163,562 people, which is under the ideal population by 15.82 percent.

So what I did was I looked at the districts that then flow from there outside of the county, across the Trans-Pecos area, and down into South Texas. Those districts that I looked at were House District 74, House District 80, House District 31, and House District 42. There are only four districts there. If you look at the population in those four and combine them and you look at the same ideal population number that we talked about before, 194,303, you have an average shortage in those districts of roughly 24,000. And if we look at that same shortage and average it across the districts that are contained within El Paso County currently, it's 21,000. So we have a population shift. It's clear. We have a population shortage. That is clear. But it exists elsewhere according to these numbers.

I will go to the amendment now. Now, the amendment impacts 27 total districts. As I said before, the five districts that this amendment is aimed at are the five that are currently wholly contained within El Paso County—those being 75, 76, 77, 78, and 79. So first and foremost, this restores House District 76 in El Paso County. We have four whole districts within the county, and it does break the county line going out west, going out to West Texas, rather than **CSHB 1**, which breaks the county line coming into El Paso County. What this amendment does is House District 75, currently represented by Dr. González, breaks the county line and adds multiple new counties: Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Brewster, Terrell, and Val Verde. Going then east of that, House District 80 absorbs the remainder of House District 74. Now, I have talked to both Representative Eddie Morales and Representative Tracy King. This map does necessarily pair those two members in a new House District 80. That new House District 80 contains Kinney, Maverick, Uvalde, Zavala, Dimmit, and Frio. House District 80 maintains its portion of Webb County and HD 42 in this map changes in a very slight way, adding a small piece of geography on the south end of the district as is drawn in **CSHB 1**.

Going then further from there, you have House District 31, currently represented by Representative Guillen. So Wilson and Karnes are removed from that version of HD 31. The district adds Willacy County and the other counties include Starr, Zapata, Jim Hogg, Brooks, Kenedy, Duval, La Salle, McMullen, and Live Oak. Going from there, because you necessarily have taken Willacy County, you then have changes in the Rio Grande Valley in Cameron and Hidalgo Counties. Cameron County now has only one county line break under this amendment, with HD 35 coming from Hidalgo County into Cameron County. And that required a redraw of both HD 37 and HD 38, which are now wholly contained within Cameron County. Those changes then, of course, necessitated changes within Hidalgo County, and the changes in Cameron ripple through Hidalgo County. HD 36, HD 39, HD 40, and HD 41 all shift within Hidalgo County. HD 30 absorbs two new counties as a function of that that were previously housed in HD 31 under **CSHB 1**. Those counties are Wilson and Karnes. It necessarily needs to then shed population based on that addition, and that is done by removing Jackson and Matagorda Counties.

From there you move to HD 17, which maintains Caldwell and Bastrop Counties. It does lose Lee, Burleson, and Milam Counties. It adds Fayette, Colorado, and Jackson Counties to balance out those losses. From there you move to HD 85, which adds Matagorda and Grimes Counties. It loses Fayette and Colorado Counties, and the portion of Fort Bend contained within HD 85 also changes by adding a portion of northwest Fort Bend that had previously been in House District 28. Fort Bend County then has to have necessary shifts based on that new population in House District 85. In a few ways it changes boundaries in House Districts 28, 26, and 27. Most notably it changes, in **CSHB 1**, House District 76 as a number only. It changes it to House District 74 because we have now collapsed that district in West Texas to reflect the restoration of House District 76 in El Paso County.

From there you have changes in House District 12, which loses Grimes and Robertson Counties and it adds Milam and Lee Counties. From there we move to House District 13, which is currently represented by Representative Leman. That will lose Freestone County and adds Robertson County. It also contains a small boundary shift within McLennan County. If we move to that shift, in House District 56 you add new population within McLennan County to House District 56. And the last two shifts occur in House District 8 and House District 4. House District 8 adds Freestone County as the link between Anderson and Navarro Counties. This was done to solve a contiguity issue that was created by the amendment which changed the portion of Henderson County that was contained in House District 8. House District 8, under the amendment, has less of a footprint in Henderson County and that portion is the south and east portions of the county. This leads to House District 4 absorbing more of Henderson County. And that ends the shifts that occur based on the restoration of the El Paso districts.

M. GONZÁLEZ: So let's go back to last redistricting. What happened during the last redistricting?

MOODY: Well, there was certainly a conversation with El Paso potentially losing its five seats contained within El Paso County. And the same concerns existed then that exist now, which was we were going to be undercounted based on the census. We have a traditionally difficult community to count, and we did believe that the census undercounted our population. I think what happened in the last census was that we max deviated down to the smallest district possible to be able to maintain the five districts wholly within El Paso County, then pushing this issue out into the future.

M. GONZÁLEZ: So 10 years ago we were already at a population problem. We used the max deviation to the bottom to keep five seats. And then in between then, we had another census. You mentioned we are a difficult community to count. And so did our state invest in a complete count and were there implications of that decision to El Paso and the whole borderland area?

MOODY: I certainly don't believe this is an accident. There were efforts to create a complete count across the state. Those were not taken up. We did not fund it. I do want to commend the leadership in El Paso County who did their best, given a

very difficult situation, to count our population the best that we could. I think we could have done better. And quite honestly, if we had done a complete count around the entire state, we probably would have had another congressional district or maybe two congressional districts. I think we could have done better for the state as a whole, but unfortunately, that was not a choice that we made.

M. GONZÁLEZ: So what your map is doing is really addressing not just the situation now but a decade of problems that have now led us to the point that we're at. And so you're advocating for El Paso to maintain its five seats, which has already been difficult for a decade and also made more complex through the lack of a complete count, and you're saying keep the five seats but have it come out of the county. But that creates a domino effect. Is that accurate?

MOODY: And we understand that. And it is your district. Well, I'll put it this way—it is the voters that you serve in House District 75. Because this is about the voters. It's not about us. The voters of House District 75 would have a representative that also would then necessarily represent, under the map as the amendment draws it, Hudspeth, Culberson, Reeves, Jeff Davis, Presidio, Brewster, Terrell, and Val Verde. Now, I do know a little bit about the area that you're privileged to represent. There are a lot of rural issues. There are a lot of agricultural issues. So I do believe there is some synergy between the portions of El Paso County that are maintained within the amendment in House District 75 and those that are without it, even though there are some very fast growth areas in House District 75 currently that would still be in this district as well. Look, these are choices, as I said before. There is an issue that we have to resolve. It has to be resolved somewhere. In **CSHB 1**, that issue is resolved by pairing two members in El Paso. In the amendment that I have before the body right now, it is resolved by pairing the current representatives in House District 74 and House District 80.

M. GONZÁLEZ: Well, I know that for El Paso and for everybody it's important to us to try and keep the five seats. And I appreciate your leadership in trying to do that toward impossible odds of having less of a population and having to really deal with the outcomes of not having a complete count and also dealing with the population realities, so thank you.

MOODY: I appreciate it. And I do want to be clear because I think it's important to be transparent with the body. I think part of the reason why this impacts multiple districts is because of the compounding of the issue over the last decade that Representative González mentioned. I cannot reflect to this body that all 27 members that are impacted by this amendment have agreed to it. In fact, that is not the case, and I would not try to say otherwise. But here's the thing. I will tell you that the 27 members that were impacted by this also probably don't agree with the map as it came to the floor today. So this is about choices and the choices we make, and so at this point I'd ask to adopt the amendment.

REPRESENTATIVE FIERRO: Representative Moody, in the amendment, Plan 2192, can you tell us how that differs from the delegation plan we turned in together to the committee? Just a quick overview.

MOODY: It only changes one county in West Texas that was not in the map that was submitted. So it's only one county out in West Texas that was not but is included here for population purposes. It deviates in a very small way.

FIERRO: And Representative, you'd say that the delegation map that we turned in is very similar to the one that you've submitted?

MOODY: It's almost identical minus one county. Yes, sir.

FIERRO: Representative, do you feel that by pairing two incumbents and removing a district from our county and moving it to South Texas dilutes the voting power of El Paso County as a whole?

MOODY: Well, as I laid out in my introduction to this, this is a population issue. And if we deviate down like we did in the past, El Paso would house essentially 4.7 districts' worth of population. So if we necessarily remove that 0.7 and move the other direction into the county, then yes, I think that's the net effect. And again, like I said time and again during this layout, when we have population issues like we have in and along the border—and these aren't a mystery. I mean, I've served on Redistricting for the last two sessions, and these issues were cropping up every time we took testimony, every time we talked to the state demographer, every time we talked. These issues were coming. And so then it was a matter of how do we reflect those population shifts in the best way possible to respect the population and the candidates of their choice. And I think the better way to do that is the way that's reflected in the amendment.

FIERRO: Representative, because of the uniqueness of where we are geographically in Texas—we're even in a separate time zone—don't you think it's vital that we continue with 4.7 or five full members for El Paso County?

MOODY: Look, I'm obviously very biased in our approach to things. We're very unique. I do think we're geographically isolated. And for the first time ever we'd be breaking the county line. Let me be clear—the first time since I've been here that we'd be breaking the county line. I don't want to speak to the past if I'm incorrect on that, because I know in the past at least senate districts had come in and had broken the county line, but I don't know if that's true of house maps. But if you look at, again, the geography to the west of us and the south of us, House District 74 already has multi-counties, has already broken the county line multiple times; House District 80, the same thing; and House District 31, the same thing. House District 42, while contained within Webb County, is in Webb County, which then has its own county line broken by House District 80. So we're the newcomer to this party. And the bottom line is we would prefer to have as much representation as possible for the folks in El Paso. Then if we're going to break the line coming in, we'd rather go out.

HUNTER: I already visited about El Paso. The Moody map underpopulates South Texas districts. Twenty-plus districts are affected. I move opposition.

MOODY: And as I said in my layout, I do not ever come to this front microphone to tell you something that's inaccurate whether it's good, bad, or ugly for me and my community. Necessarily, when we hit the first domino in House District 75, it

creates a tip into West Texas, into the Rio Grande Valley, into Southeast Texas, and all the way up into East Texas to adjust for those population shifts. And the members in the districts that I mentioned before, some like this and some don't. Some approve and some don't. I think it's important for me to state that as a matter of transparency. But as we heard time and time in committee, it's not about us. It's about the people that we have the opportunity to represent. So while I respect those members and respect their opinions and respect whether they support or oppose this amendment, I do think it's important for our community to maintain the maximum amount of its voice on this floor so we can advocate for what is a historically underserved population and one that needs to maintain its seat at the table.

[Amendment No. 22 failed of adoption by Record No. 28.]

[Amendment No. 23 by Moody was laid before the house.]

MOODY: I appreciate the time and attention for folks in El Paso County. This is an amendment that's wholly contained within **CSHB 1**. It impacts three districts as they're configured in **CSHB 1**, which are House Districts 75, 79, and 74. This has a partial restoration of Fort Bliss as a military installation. It also impacts Hueco Tanks which is a sacred location for the Tigua tribe out in El Paso. It maintains that in House District 75. All members that are impacted by this amendment agree to this amendment. It is acceptable to the author.

[Amendment No. 23 was adopted by Record No. 29.]

[Amendment No. 24 by Anchia was laid before the house.]

ANCHIA: This is a Dallas County delegation map, and I believe there's an amendment to the amendment.

[Amendment No. 25 by Anchia, Rose, Meyer, and Button to Amendment No. 24 was laid before the house.]

ANCHIA: I invite any Dallas County member who wants to come on up here. We have achieved bipartisan support for a map that I will go ahead and describe very deliberately. The map creates four Black Citizen Voting Age Population districts in the 100, the 111, the 109, and the 110. It differs from Representative Hunter's map in that there is a Hispanic majority district that was the 114. That has moved to the 107. That includes Garland, Dallas, and Mesquite. This map improves the treatment of Mesquite in that previously it was cut a number of different ways. In this map, it will be represented by two members.

The map also endeavors to keep together as much as possible and to eliminate the gerrymander that occurred in 2011 for the Grand Prairie district. And finally, in the 105, which is a Hispanic majority district, that is wholly contained within the city of Irving. The 105 has previously been both in Irving and Grand Prairie. The heart of Grand Prairie is kept in District 104—just like in the 114 that was contemplated by Chairman Hunter's map—and is anchored also in Oak Cliff where Representative González lives. So she will remain the incumbent in District 104.

And members, Addison, which was also split up into multiple districts in a previous map—again, the 2011 map—it will remain whole in District 115. We endeavored to keep cities whole in these districts. Cedar Hill is kept whole. DeSoto is split but is split among the same two state representatives that represent it currently. The Dallas County city limits of Glenn Heights are kept whole, as are Lancaster, Wilmer, Hutchins, and Seagoville all in District 109. Finally, Balch Springs, which was divided in the prior map or in last decade's map, is made whole in District 110. It also keeps traditional Hispanic communities of interest in West Dallas—La Bajada and Los Altos—together in this map. And finally, the cities and towns of University Park and Highland Park are kept together in this map as well.

DAVIS: I appreciate you bringing this forth because I think it's important that we put this on the record. I noticed you asked the members that wanted to be down there with you—the Dallas delegation who wanted to join you—to join you at the podium, but I noticed it is not unanimous. Is that correct?

ANCHIA: I believe there is one member, Ms. Davis, yourself, who has expressed displeasure.

DAVIS: Chairman Anchia, isn't it correct that what you're doing is raising the African American population for those districts that are already—I know that Chairman Hunter said that he created District 111 as a minority district, but having represented District 111 for the last 29 years, I find it odd that it would now just be newly created. So I want to make sure. In your layout you mentioned that it did something to District 111, but it in fact did not create a new minority district. Is that correct?

ANCHIA: No, and that wasn't the inference of my layout, Madam Chair. The 111 has been, sort of, traditionally Duncanville, part of DeSoto, and the city of Dallas. It continues to be in this map and continues to be represented by you.

DAVIS: Is it true that you would think that in our African American districts it does not need to be a 51 or 52 percent—over 50 percent African American—to get an African American elected? Is that correct?

ANCHIA: Yes, that's exactly right. In fact, that's why in my layout I talked about District 110, District 111, District 109, and District 100 being over 50 percent Black Citizen Voting Age Population, which for black districts is a lower standard than VAP.

DAVIS: So actually we really don't need to increase that to get African American representation. We could do that with a 40 percent district. Is that correct?

ANCHIA: Well, yes, 40 percent Voting Age Population in redistricting has been a performing African American district.

DAVIS: So isn't it true that now we're setting a precedent—maybe setting a precedent—that we'll be packing African Americans in the districts so that they would have less impact across the district lines, that we're going to have them all packed in only four districts?

ANCHIA: I don't believe that's what this map does. I'll highlight that under **CSHB 1**, District 100, represented by Representative Crockett, was 26.7, I believe—somewhere around 27 percent—Black Voting Age Population. So it was substantially retrogressed. In this case, in the 100, it is over 50 percent Black Citizen Voting Age Population and not retrogressed as in the base map. So I think District 100 will continue to perform for the African American community to elect the candidate of their choice.

DAVIS: When you talk about this map versus Chairman Hunter's map, isn't it true that the reason the people are supporting it is because Hunter's map was so poorly drawn that they needed to correct his map to push them and it's what we're fixing? Because he was so egregious in the way he drew the maps for those two African American districts? So is this middle ground in your mind?

ANCHIA: No, I believe this is a substantial improvement. If you will, District 107 will be a district with a Latina incumbent that is over 60 percent total population. That did not exist in Dallas County beyond the 104 and the 103, so that will be a newly created district. Then the 105, with a Latina incumbent where the community elects a Latina as their candidate of their choice, will also be over 50 percent. And you'll have four districts that will perform as Black Citizen Voting Age Population districts. So I believe, and if you don't mind, I believe that this is an improvement over the underlying **CSHB 1**, so yes, I do.

DAVIS: I don't disagree that it's an improvement over **CSHB 1** because we knew it was bad. But now the question is whether or not we're improving this map to accommodate some questions with regard to republicans not wanting to support a map that doesn't pack us into 50 percent districts. That's what this map does. So we're now drawing a district with 50 percent African American, mandating it has to be over 50 percent to accommodate republican challenge. Is that what we're doing?

ANCHIA: I'm not sure. I don't believe that was the goal of this map. I know that in the 111 there was a request made to have it be over 50 percent Black Voting Age Population, BVAP. I will note that the 111 is currently drawn under—I think it's like 49.8. I'll confirm that for you; hold on a second. Yes, 49.8 total African American population, which I believe is in line—

DAVIS: So based on—

ANCHIA: Just really quickly, Representative Davis—which is in line with a map that has under 50 percent black total population.

DAVIS: Mr. Chairman, based on the way you're doing this map now with regard to the African American population, did you think we would be able to draw a district in the northern part of Dallas County as we've drawn before with a population that will be 50 percent African American? Do you think that would be doable?

ANCHIA: In the northern part of Dallas County?

DAVIS: Yes.

ANCHIA: I don't know.

DAVIS: But are we limiting? Are we creating a limit for that to happen based on requiring—

ANCHIA: I have not seen a demonstration map that shows that, even in the TLBC Gingles map, just for the record.

DAVIS: Well, but we had it last session, Chairman.

ANCHIA: I didn't see that this session, so I don't know how to answer that question.

DAVIS: I know you didn't change very much, but I know if we're moving the threshold up to 50 percent, it limits how many districts we will be able to obtain as African American districts. Is that correct?

ANCHIA: I don't know.

REPRESENTATIVE J. GONZÁLEZ: Chair Anchia, I wanted to ask you just a few questions about what you and I have discussed previously. In the baseline map, HD 104 is a majority SSVR district, right?

ANCHIA: I believe so, yes.

J. GONZÁLEZ: And in fact—

ANCHIA: The baseline map, not **CSHB 1**.

J. GONZÁLEZ: The original one.

ANCHIA: Not **CSHB 1**. Right, right. The current district lines, yes.

J. GONZÁLEZ: In fact, 104 is the only majority SSVR in Dallas County, correct?

ANCHIA: That's right.

J. GONZÁLEZ: Under your amendment, it declines the SSVR to, I believe, 49 percent. So about a percentage point?

ANCHIA: I believe—I think it's like 49.3 or something like that, yes. Slightly over, yes.

J. GONZÁLEZ: Do you believe that there was a substantial undercount in the U.S. census of Latinos in Dallas County?

ANCHIA: Without question. Without question.

J. GONZÁLEZ: So do you believe that in reality HD 104 in your proposed amendment is in actuality a majority SSVR district?

ANCHIA: There's no question about it. Those neighborhoods that we share in North Oak Cliff, I believe, were substantially undercounted. And just based on how we represent our districts, it is obvious to me that 104 will continue to perform and that the undercount is really what is responsible for it being under 50 percent SSVR.

J. GONZÁLEZ: So regardless of the SSVR, is HD 104 a majority HCVAP district?

ANCHIA: Yes.

J. GONZÁLEZ: In your amendment, do you believe HD 104 in your plan will still function as a Latino opportunity district even though it may no longer have an SSVR majority?

ANCHIA: Without question.

CROCKETT: Chairman Anchia, one of the things that it's my understanding that the court evaluates when they're determining the legality of a district under the Voting Rights Act—my understanding is that they consider compactness. Are you aware of that?

ANCHIA: It is one of the factors. That's correct.

CROCKETT: In the proposed Hunter map, HD 108 as well as HD 112—did you have an opportunity to review the compactness of those districts compared to the compactness that they are at today?

ANCHIA: I did not review those with respect to compactness.

CROCKETT: Would you be surprised to learn that there's actually a decrease in the area rubber band around 108, as well as a decrease in the area rubber band around 112, as well as when it comes to the population rubber band, it's cut almost in half for HD 112 and it's cut almost in half again for HD 108?

ANCHIA: I'm sorry. Can you repeat the question?

CROCKETT: Were you aware—let me just say it this way for purposes of the record. The population rubber band for HD 112 is cut in half and the population rubber band for HD 108 is cut in half. What that means when we're evaluating these numbers is that we're actually supposed to be seeing an increase for the compactness. But instead, these districts actually became less compact.

ANCHIA: So I'm not going to opine on that. I will say that if you look at this map, the 115 is more compact. The 105 is substantially more compact. The 104 is more compact. The 111 is just about the same. The 109, about the same. The 110 is materially more compact. The 100, about the same. The 114 is compact. The 107 is compact. And the 113 is far more compact than in the existing map and sort of tracks what you'd find in the Hunter map.

CROCKETT: Thank you so much for clarifying. In addition to that—and this is all for purposes of the record for litigation purposes, as I anticipate we'll be going into litigation. As it relates to HD 108 and HD 112, the difference between those districts in your amendment and the original Hunter version—there is no difference. Is that correct?

ANCHIA: I don't believe there is, but I'm not sure.

CROCKETT: Okay, so the only districts that changed were the districts surrounding that area, correct? Surrounding those two districts—HD 108 and HD 112?

ANCHIA: I believe so, but I'm not 100 percent sure.

CROCKETT: Finally, just to make sure that the record is clear because I think I heard what Vice-chair Davis heard. As you understand, as HDC understands, we can all agree that HD 100, HD 109, HD 110, HD 111, and HD 104 are all already protected seats under the Voting Rights Act. Is that correct?

ANCHIA: Yes, I believe they are. And in this map, all four of those are over 50 percent Black Citizen Voting Age Population.

CROCKETT: Thank you. So there's no retrogression in your amendment?

ANCHIA: That's correct.

RAMOS: I represent House District 102, and according to this map, it's pretty much the same as the Hunter proposed map for 102. Is that correct?

ANCHIA: Yes.

RAMOS: And in 102, two sessions ago we were one of the 12 districts in Dallas County or in the State of Texas that flipped our district seat. Were you aware of that?

ANCHIA: Yes. By flipped I guess you mean on a partisan basis?

RAMOS: Yes, sir.

ANCHIA: Yes.

RAMOS: Our district currently as is introduced in the Hunter map, and you just followed that Hunter map, our community—or when I say our community, House District 102—is pretty much moved. Sixty percent of our district is pretty much moved based on the Hunter map, which is what is proposed here. Were you aware of that? About 60 percent?

ANCHIA: I was not aware of that.

RAMOS: However, in Dallas County we have 14 representatives, correct, that represent Dallas County?

ANCHIA: Yes. We were in danger of losing a seat, but we're able to keep 14 seats at the lower end of the deviation statewide.

RAMOS: So we were able to keep the 14 seats and two of those seats are republican and 12 seats are democratic seats, correct? In Dallas County?

ANCHIA: Yes. I would say—let me rephrase that. I would say 12 seats are held by democrats and two seats are held by republicans, and those communities have chosen to elect the members who occupy those seats.

RAMOS: Yes, sir. In the district I represent that used to be represented by a republican, now they have a democrat. And it appears that in the maps that are provided for Dallas County, my district is being split up. House District 102 is now, under these proposed maps, broken up so that the two republican representatives can have the voters that they want, and essentially it's packing a lot of minorities in House District 102. Were you aware of that?

ANCHIA: I was not.

RAMOS: Speaking on behalf of the constituents of House District 102, they were very not pleased with these maps. And you, sir, as part of Redistricting, heard them, and we discussed that a little bit. Essentially, they voted for a representative who represents the values of that constituency, has the community interest, one common school district for the most part. On behalf of the constituents of House District 102—not to you, sir, but just to the overall Hunter map—it's unfortunate that my community, House District 102, has been divided to accommodate the two republican representatives in Dallas County. So thank you, sir, and I appreciate your efforts.

[Amendment No. 25 was adopted by Record No. 30.]

[Amendment No. 24, as amended, was adopted by Record No. 31.]

[Amendment No. 26 by Crockett was laid before the house.]

CROCKETT: Members, I'm going to pull this amendment down. This was an amendment for Dallas County. If you have an opportunity look at it, the only difference in my amendment is that I really did try to make sure that we have compact districts because that's something that the courts looks for. So instead of districts looking all crazy, things look a little bit more compact and together. And so I just wanted to make sure that we had this on the record so that the courts could see what a more compact Dallas County would look like. But with that, obviously the house has already voted on some changes for Dallas County, and so with that, I withdraw my amendment.

[Amendment No. 26 was withdrawn.]

[Amendment No. 27 by Huberty was laid before the house.]

REPRESENTATIVE HUBERTY: Members, this amendment, Plan 2187, makes the agreed-upon changes for the Harris County delegation. Let me first start out by saying I'm grateful for all the work that the delegation did together. Our dean, Senfronia Thompson, working with Mr. Murphy—republicans and democrats alike were able to come up with a plan together for Harris County. As many of you know, a lot of times in this body everybody gets concerned with what happens and what we're doing in Harris County, and sometimes we slow the process down. But I'd like to thank the work that everybody did. We spent a lot of time working together in Ms. Thompson's office trying to come together with a plan. Mr. Schofield was working really hard—Mr. Cain and everybody that had a part of this process. I'm going to take my time just to kind of go through this. There's a lot of changes, and then we have some additional amendments to the amendment that are going to be brought.

As I said, these changes were negotiated between members of the Harris County delegation and represent those districts. It fits into the statewide plan proposed under **CSHB 1**. This amendment restores communities of interest while balancing population between the amended delegation map and stays within the state's overall deviation. I'd like to provide some insight on why these members of the delegation have agreed to the changes. In order to get Representative Oliverson's district office back within his district, Representative Harless and Representative Oliverson agreed to a population swap and to keep the districts

contiguous. That is a prefiled amendment that will be happening. Under **CSHB 1**, two communities of interest were drawn into Representative Harless' District 127, causing these areas to be split from a neighboring close-knit community under Representative Jarvis Johnson's House District 139. These communities were added back to District 139 to keep them whole. Then, in order to restore the population lost to Representative Harless, a community of interest from Representative Morales Shaw's District 148 was added to House District 126.

Under **CSHB 1**, Independence Heights, a historical community of interest in Representative Jarvis Johnson's House District 139 and closely connected to the Acres Homes community, was drawn into Representative Morales' district, House District 145. These two neighborhoods have always been paired together and represented in House District 139. To make up for the lost population by removing Independence Heights from 145, communities of interest were added to District 145 from the following districts: Representative Johnson's 134; Representative Walle's district, HD 140; and Representative Hernandez's HD 143. Due to 139 then being overpopulated and falling outside the required deviation, communities of interest were added to Representative Penny Morales Shaw's district, House District 148.

Under **CSHB 1**, the city of Jersey Village is split in half between Representative Lacey Hull in House District 138 and Representative Penny Morales Shaw's House District 148. In order to prevent the city from being split, the entire city of Jersey Village now will fall under House District 138. To ensure that Representative Hull's House District 138 and Representative Morales Shaw's 148 fall in with the required deviation in the state overall deviation, communities of interest were swapped between those two members and Representative Rosenthal, House District 135. Under **CSHB 1**, Representative Allen—Dr. Allen—loses communities of interest and splits neighborhoods in half to Representative Shawn Thierry, House District 146. Additionally, House District 131 loses churches, a police station, libraries, a commercial development, and the only high school in the district in Madison Heights. To restore these communities that were removed from HD 131 and added into House District 146, multiple communities were swapped between these two districts. The communities that were swapped have been historically represented by these respective districts. We'll be having a floor amendment to deal with some of those issues as well.

An apartment complex that was split under **CSHB 1** is added back in entirety into Representative Wu's district, House District 137, as it is currently. Under **CSHB 1**, a community of interest is split between Representative Hernandez, HD 143, and Representative Morales, 145. This entire community is now restored to House District 143, and we will have a floor amendment on that. After agreed-upon negotiation between myself and Representative Cain in House District 128, a community of interest is now added to House District 128. Two communities of interest were drawn into Representative Dennis Paul's House District 129 that historically fall under Representative Mary Ann Perez, House District 144. These two members agreed to a population swap. Then, to ensure

Representative Dennis Paul's House District 129 stayed within the deviation, agreed-upon communities of interest were added to his district from Representative Cain's in House District 128.

The Battleship Texas and San Jacinto Monument were drawn into Representative Hernandez's HD 143 under **CSHB 1**. After an agreed-upon negotiation, Representative Mary Ann Perez, House District 144, will receive the Battleship Texas and Representative Briscoe Cain will receive the San Jacinto Monument. Under **CSHB 1**, a community of interest was drawn into Representative Murphy's district, House District 133, that has always been in Representative Wu's District 137. This community of interest is added back into Representative Wu's district, and there's a prefiled amendment on that. With that, members, I'm happy to take any questions, but I appreciate all the hard work.

REPRESENTATIVE S. THOMPSON: This is a work product that the Harris County delegation agreed to—all 24 of us. Our plan has been worked out and we would appreciate the cooperation of this body in adopting our plan.

[Amendment No. 28 by Thierry and Allen to Amendment No. 27 was laid before the house.]

REPRESENTATIVE THIERRY: This is an amendment worked out between Dr. Alma Allen and myself which basically just helps restore one of the precincts from my district to hers and splits it so that we can both be in a good position evenly.

[Amendment No. 28 was adopted by Record No. 32.]

[Amendment No. 29 by Hull and Morales Shaw to Amendment No. 27 was laid before the house.]

REPRESENTATIVE HULL: This is an amendment that Representative Morales Shaw and I worked on together. Just small edits had to be made to keep us both within population deviation, keep together communities of interest, to make the lines clearer, and to ensure census blocks for the roads of Jersey Village are kept within the city.

[Amendment No. 29 was adopted by Record No. 33.]

[Amendment No. 30 by Perez to Amendment No. 27 was laid before the house.]

REPRESENTATIVE PEREZ: This amendment to the amendment is simply a cleanup plan for the districts involved. It takes a part of Precinct 715 from House District 129 and gives it to House District 144. All members involved agree with the change.

[Amendment No. 30 was adopted by Record No. 34.]

[Amendment No. 31 by Cain to Amendment No. 27 was laid before the house.]

REPRESENTATIVE CAIN: This amendment is an agreed-upon amendment between myself, Representative Hernandez, and Representative Perez. It's a cleanup. It moves about 12 people to House District 128 and about 18 people to House District 143. It makes no population change to House District 144.

[Amendment No. 31 was adopted by Record No. 35.]

[Amendment No. 32 by Schofield to Amendment No. 27 was laid before the house.]

REPRESENTATIVE SCHOFIELD: There is a big reservoir seven miles wide between my district, House District 132, and the bulk of Mr. Vo's district, 149. The base bill in the committee substitute you have before you puts most of that in House District 132, but there is a neighborhood in there that did not get included. This amendment to the amendment would include those folks with their neighbors instead of people seven miles away. It is acceptable to the author.

[Amendment No. 32 was adopted by Record No. 36.]

[Amendment No. 33 by Rosenthal, Hull, and Vo to Amendment No. 27 was laid before the house.]

REPRESENTATIVE ROSENTHAL: This amendment is by agreement with my neighbors here. What it does is collect a community that we've been trying to collect for a while. It cleans up some lines and makes the districts more compact. It's acceptable to the author.

[Amendment No. 33 was adopted by Record No. 37.]

[Amendment No. 34 by Cain to Amendment No. 27 was laid before the house.]

CAIN: The several amendments that have gone onto the Huberty amendment had some conflicts. This amendment resolves those conflicts. It has the support of everybody involved.

[Amendment No. 34 was adopted by Record No. 38.]

HUBERTY: Thank you for your patience. I would like to say that this was actually shorter than in 2011 when we did this for Harris County. It was a pleasure to serve with each one of you through this process and certainly with my delegation. I appreciate it.

[Amendment No. 27, as amended, was adopted by Record No. 39.]

[Amendment No. 35 by Canales was laid before the house.]

REPRESENTATIVE CANALES: This is an amendment that only affects Hidalgo County and it is acceptable to the author.

[Amendment No. 35 was adopted by Record No. 40.]

[Amendment No. 36 by Lozano was laid before the house.]

LOZANO: I have an amendment to the amendment.

[Amendment No. 37 by Lozano to Amendment No. 36 was laid before the house.]

LOZANO: This amendment to the amendment will basically ensure that the Hidalgo County portion of my original amendment will conform and be exactly as Representative Canales' amendment earlier. It's acceptable to the author.

[Amendment No. 37 was adopted by Record No. 41.]

REPRESENTATIVE DOMINGUEZ: Mr. Lozano, which districts does this amendment involve?

LOZANO: 35, 37, and 38.

DOMINGUEZ: And you just had an amendment to the amendment. Was the population changed any for any of the districts?

LOZANO: Slightly, but they are all still within the deviation and they're all actually pretty much under the ideal district size. And 35, of those, would be the largest.

DOMINGUEZ: What is the deviation on each of those districts?

LOZANO: The exact percentage? So on District 35, minus .5 of ideal.

DOMINGUEZ: Minus .5 or 5?

LOZANO: Minus .5, so less than a percent from negative, from the deviation, the ideal district size.

DOMINGUEZ: What's the population that you have on that?

LOZANO: For 35, 193,328.

DOMINGUEZ: So you took population away from District 37 and you gave it to District 35? Is that correct?

LOZANO: Some. It was primarily a swap. In Cameron, the Cameron portion of District 35, it was primarily a swap.

DOMINGUEZ: When was this amendment filed?

LOZANO: About 10 minutes before the deadline.

DOMINGUEZ: So about 1:50 p.m. on Sunday or after that?

LOZANO: About 5:50.

DOMINGUEZ: Because I recall getting an e-mail saying that all of the amendments had to be filed by 2 p.m. on Sunday.

LOZANO: I'm sorry. I misunderstood your question. I can give you the exact time if I could just pull it up on my DistrictViewer. I'm sorry. My iPad is not refreshing to the current amendment, but I can get that for you.

DOMINGUEZ: Thank you, please. Now, when you filed this amendment did you consult with any of the state district members that reside in either House Districts 35, 37, or 38?

LOZANO: No, it was on Sunday. I obviously—it was at the last minute that I was able to. If you remember, I used to represent Cameron County, and I got to meet a lot of people in Willacy and Cameron County. Many of those folks are still very close friends of mine, and Harlingen had been with Willacy. Many of those folks wanted to return and to also have a competitive district.

DOMINGUEZ: When you represented parts of Cameron, did you represent Harlingen?

LOZANO: Yes.

DOMINGUEZ: Your district went all the way into Harlingen?

LOZANO: Yes, sir.

DOMINGUEZ: So you represented Combes?

LOZANO: Yes.

DOMINGUEZ: And Primera?

LOZANO: Yes. La Feria, part of Arroyo City, one street in Port Isabel, South Padre Island.

DOMINGUEZ: So when you got this information from this person or people from Harlingen, did you speak to the state representative—

LOZANO: No, I didn't.

DOMINGUEZ: —that represents Harlingen?

LOZANO: I did not, sir.

DOMINGUEZ: And that was on Sunday. What about on Monday? Did you speak with any of the state district members that are affected by your amendment on Monday?

LOZANO: Not until today, sir.

DOMINGUEZ: So is it the custom—

LOZANO: It's honestly—

DOMINGUEZ: —of the house to mess with other people's house districts without at least engaging in a conversation with them?

LOZANO: Well, basically, what occurred is people in Cameron County began to hear that there may be vacancies in seats. They saw the opportunity to be able to draw a district that's competitive. It's not affecting an incumbent, and that's basically—there was the opportunity to do this. It was at the very last minute.

DOMINGUEZ: What do you mean by that?

LOZANO: Well there's a retirement in 38, and the current representative of 37—

DOMINGUEZ: Has the current representative of District 37 made any type of announcement that he is not seeking reelection?

LOZANO: No, no.

DOMINGUEZ: And who is the current?

LOZANO: That's you. And so if you don't want to run for Congress and you want to stay in the house, there's an open seat for you, and you're in 38.

DOMINGUEZ: My reading of the proposed amendment that you have draws my house out of District 37 and into District 38. Is that correct?

LOZANO: It draws it into District 38. So basically, what had happened before is that what we're doing is we're putting almost all of Brownsville in District 38—more compact, communities of interest, clearly. As you know, there's a rivalry, like where I grew up, between one town and another town within the same county, between Harlingen and Brownsville. In this case, Brownsville would have their own representative. Harlingen could have their own representative. And Hidalgo County would come over and that representative would represent part of Brownsville as well.

DOMINGUEZ: In my reading of your map, you're going to put the city of San Benito into District 35. That wraps all the way around Hidalgo County, all the way into the westernmost part of that county. So anybody that lives in San Benito, according to your proposed map, will have to drive through four other state districts to get to the main office in District 35. Is this what you're saying? That the people in San Benito now don't have quality representation locally because they have to drive all the way to another county? And you think this is good for the people in San Benito?

LOZANO: Well, this district doesn't put all of San Benito in 35. Some of it is in 37. Currently, 35 has Harlingen. This essentially removes that portion and puts 35 going into—getting part of west Brownsville.

DOMINGUEZ: Representative, do you understand why people in San Benito and Los Indios, Santa Maria, might be a little frustrated with this map because now it makes them drive all the way across the Valley to go have a meeting with their state representative when currently they are about a five- to 10-minute drive away?

LOZANO: Well, I don't. When I represented Cameron County, my office was in Kingsville, and that's about two hours away from some of my constituents in Cameron County. They were equally accessible to the legislature. I ended up opening a part-time office in Cameron County, as well.

DOMINGUEZ: Can I ask you this question? Does any member from the Rio Grande Valley like this map? This amendment that you offered?

LOZANO: Like it?

DOMINGUEZ: Like it.

LOZANO: I hope so.

DOMINGUEZ: Well, can you name me one person from the Rio Grande Valley delegation that would vote for this map?

LOZANO: I couldn't tell you. Yes, sir. And I understand your frustration. I really do.

DOMINGUEZ: Well, if you understand my frustration, are you willing to pull this amendment down—

LOZANO: No.

DOMINGUEZ: —so that we can sit down and we can talk about this and talk about the constituents that you have concerns about in the city of Harlingen and possibly bring those representatives to be part of this conversation?

LOZANO: Well, as part of the process is this body—

DOMINGUEZ: Are you willing to take a one-hour recess so we can sit down and talk about this like government leaders?

LOZANO: I wouldn't want to delay the house.

DOMINGUEZ: It's one hour. We've got a few hours to go. We'll be here.

LOZANO: I'd rather just move ahead and put it up for a vote. I mean, we could talk right now. I'll give you an extension of time, obviously.

DOMINGUEZ: Mr. Lozano—and I'm trying to be as respectful as possible—understanding the motivation that you have, that people in Harlingen said to you that they saw this as an opportunity to create a—

LOZANO: A competitive district.

DOMINGUEZ: A competitive district, correct?

LOZANO: Yes, sir.

DOMINGUEZ: That's the motivation behind this, right?

LOZANO: And to be again with—so in Willacy, as you are driving south, as you know, on the highway, you go through Raymondville, you go through Combes, and you go straight to Harlingen. Those two communities have a lot more in common than other parts, and so they want to be with Willacy again. And this does that.

DOMINGUEZ: The current map, even the map proposed by Chairman Hunter, has District 38 covering Harlingen, San Benito, Olmito, and Brownsville, and all of those communities are within a five- to 10-minute drive. Would you agree with that geographically?

LOZANO: Well, this makes it more compact than that.

DOMINGUEZ: I'm asking if you agree with that.

LOZANO: The five mile assessment? It sounds about right. I think maybe 10 miles.

DOMINGUEZ: And would you agree with me that the distance that you have in your map from Harlingen to the southmost part of Brownsville, which is the southernmost part that you have drawn on your amendment, is about a 45-minute to an hour-long drive to get there?

LOZANO: Brownsville is not in 37.

DOMINGUEZ: Yes, it is.

LOZANO: No. Brownsville is 38.

DOMINGUEZ: I live in Brownsville, so I can attest that the way your map is drawn on the outside easternmost part of FM 511—

LOZANO: Oh, okay. There might be a portion of the city limits.

DOMINGUEZ: That is still Brownsville even though it is in an unincorporated area.

LOZANO: Yes, sir.

DOMINGUEZ: So those folks statistically are the most impoverished people in the State of Texas, and you have now drawn them into a district that for them to go see a representative, they are going to have to drive an hour to get to within the same county.

LOZANO: The representative could be from the part you're talking about. They could have an office there. They could be from Port Isabel. They could be—I mean, it's a hypothetical. But Harlingen is how far from Brownsville?

DOMINGUEZ: Twenty-five minutes from my house.

LOZANO: Okay.

DOMINGUEZ: But my house to the southmost is about 30 minutes. Yes, and this is my frustration, and I hope you will explain this to me. Do the people that you spoke to—why didn't they ask for this seat to be based on the western half of Cameron County so that it's more of a vertically aligned district like it is currently?

LOZANO: Considering the potential vacancies, if there is someone that steps up to run for another office, to make it most competitive, it just happens to fall in that area.

DOMINGUEZ: So the primary motivation then was to capture as many areas as you thought would be helpful to making this a competitive seat?

LOZANO: Yes, and having it contiguous with Willacy. And I've got a lot of history in Willacy and Cameron as well.

DOMINGUEZ: I appreciate your answers. I would have preferred to hear these at any time before today.

LOZANO: Yes, sir.

DOMINGUEZ: I think we've had a good history together as colleagues, and I would have appreciated—I do not like to be surprised like this on a day when my constituents back home were not expecting this to be on the house floor.

LOZANO: Yes, sir.

REPRESENTATIVE LUCIO: This will, in all likelihood, be the last time I address this body. It's been an amazing privilege to serve with you over these last 15, 16 years. I just wanted to convey that. Some of my colleagues that came in in 2007, few are left, but a few of you are here—Tan and a few others. Let me say, members, one day you will also make a decision, and I hope it's not during a

redistricting year, to say goodbye and move on to do other things. You want, in some form or fashion, to leave a legacy. And I'll tell you, in the last decade since redistricting, Cameron County has done phenomenally well. We have a spaceport. We're launching rockets into space. We have a tremendous inland port and seaport that's bringing goods into the United States, into Texas. Our education system has improved. Our hospitals have improved. And it's been under the current structure, where we have two seats rooted in Cameron County.

Again, the last time in 16 years you'll hear from me and never hear from me again on this house floor, so I would really appreciate your attention. You know, Representative Lozano comes and he wants to convey to you his interest in Cameron County, and since the 10 years since he's no longer represented Cameron County, I have not seen him in Cameron County. I have not seen him at our chamber events. I have not seen him at our ribbon cuttings. I have not seen him in celebrating UTRGV or all the other great milestones that the Rio Grande Valley and Cameron County have achieved. He comes before you today talking about his interest in Harlingen, where I have not seen him in over a decade. What I will tell you is that Harlingen and Brownsville are well-represented. This is not minor tweaks like some of you have had to negotiate with your districts. This is entirely removing a seat out of Cameron County, one of the fastest growing, most in need counties in all of our State of Texas. This is very disingenuous. Like he said, it was filed 10 minutes before the deadline to file amendments for this floor. This can't be for the greater good. This is a disingenuous, last minute attempt to do a grab.

I want to leave this body with my head held high, my relationships intact, and the future of my community taken care of. This amendment puts that in jeopardy. We've done some good work today. I'm proud of my Harris County delegation. Biggest delegation in the State of Texas got it done. So what I am asking you is to let our delegation agree. By the way, Representative Lozano is not a member of the Rio Grande Valley delegation. So I ask you to please let our delegation speak its mind and vote no on this amendment.

DOMINGUEZ: On 9/11, the mayor of Harlingen asked if I could go to witness their 9/11 memorial celebration. I don't represent Harlingen, but I went because they asked. In two weeks, the Harlingen Chamber of Commerce invited myself, amongst other Valley members, to go to one of their gala events. They know that I don't represent Harlingen, but they know the Valley delegation does because we are such a compact region. We're about 1.5 million in South Texas. We have to look out for each other. We're separated by King Ranch, so we're used to doing things together. That's why when the Valley delegation was talking about redistricting, we all collaborated. When Chairman Canales was preparing his amendment, he asked us to take a look. It was, yeah, absolutely, we're happy to help out.

We didn't know about this at all—at all—and I think that surprise is not in line with the history of the house, especially when it comes to this. What we saw earlier today when an amendment was offered to change things in Brazoria County—we thought, you know what? You're not from Brazoria County. You didn't talk to the people in Brazoria County. Leave it alone. That's all I'm asking

for here. In good faith, if we hadn't known about this until today, then maybe not enough people have been involved in this process. And I think, as a matter of principle, we should vote against this amendment. I'm happy to sit down and talk about this. We still have this time tomorrow if there's some real pressing need. But I have yet to hear from people from Harlingen saying that they are not well-represented.

And I'll tell you, because we are pretty tight knit in the Valley, you'll see that we go to each other's events all the time. We support each other's colleges, their universities, their high schools because we take care of each other to make sure that the Valley gets as much as it can out of its state leaders, their agencies, their public officials. I would tell you that the people in the Valley, the members from the Valley, work hard for every single constituent regardless of who they vote for in the November elections or in the school board elections or in the mayoral elections. We fight for each other all the time, and we'll continue to do so. I'm just asking for your support here to just please vote no on this. It was a complete shock to us, and we think that's not in line with the history and the traditions of this house.

ANCHIA: Just to reiterate, this amendment was filed at the last minute as an amendment to the amendment. No members of the Valley delegation were consulted by the author. The author of the amendment is not a member of the Valley delegation. Essentially, the amendment cannibalizes a seat, moves it out of Cameron County for no compelling government interest. Is all of that correct?

DOMINGUEZ: That is correct.

ANCHIA: Was there any sort of population disparity that required a district to be exported out of Cameron County?

DOMINGUEZ: Not at all. Based on what we're required to have even before the bill drafted by the overall bill author, District 37, which is the eastern southernmost district in the entire state—my district—could have gotten its additional population by moving slightly west. District 38—Representative Lucio's district—wholly contained within Cameron County, could also have obtained its additional population by just moving slightly west and still allow for the residue population to help District 35. There was no need for us to even go out of Cameron County. Cameron County can contain us all completely. Now, the way this is drawn, instead of having two seats solidly in Cameron County, now it will only have one. This is a county of nearly 500,000 people, and it's only going to have one wholly contained state district.

ANCHIA: So people in Cameron County will essentially lose representation because it will be packed into one district and then the remaining district is exported out of the county into more rural counties to the north. Is that right?

DOMINGUEZ: Into Willacy and the westernmost part of Hidalgo County.

ANCHIA: So the communities of interest that were contained in Representative Lucio's district and your district now will be compacted and the, sort of, outer ring of the county is moved out so that Cameron County will no longer have influence in two districts. It might have some influence. It will have influence in one district and possibly partial influence in another.

DOMINGUEZ: That's correct.

LOZANO: I do want to point something out that's been said that's incorrect. Cameron County still has two house seats under this map—37 and 38. Currently, 35 is by a representative from Hidalgo County. That has not changed. That has not changed at all. And an important thing I want to point out is that when there's questions made about whether or not I have been in Cameron County, my family have been taxpayers of Cameron County since the '80s. My father has been the medical director of a medical service company in Willacy County since 1985. I spent every weekend as a child in Port Isabel and in South Padre Island eventually.

In 2011, my very first session in the legislature, I represented TSTC. And one of the things that I did and I was very proud of is to work with Governor Perry to start—with the Valley delegation—the merger and creating UTRGV. I was on an airplane with Governor Perry flying to TSTC in Harlingen for a groundbreaking when we were discussing this. I'll never forget that. UTRGV is a brilliant university that is part of the fastest growing part of the state now.

Cameron County is one of the poorest, if not still the poorest, counties in the entire State of Texas—in the entire country—and I would never try to remove a representative. The maps clearly show that there are still two representatives from Cameron County. They add Willacy, which has been there before, and 35, which is from Hidalgo, getting into Cameron County, and now part of Brownsville under this map. That has not changed. I am not touching the Hidalgo part of the map. All I'm doing is swapping basically—to make it a little simpler—Harlingen for West Brownsville and some rural area in Cameron County. That's it. It makes 37 competitive. It allows 37 to pick up Willacy County just like the way it was before but those communities of interest.

LUCIO: You mentioned that your decision to run with this amendment was based on people from Harlingen approaching you to do this?

LOZANO: Over time. Over—

LUCIO: No, no, no. I meant leading up to today and this week.

LOZANO: Yes.

LUCIO: May I ask who that was?

LOZANO: The exact people?

LUCIO: Yes.

LOZANO: Well, this has been over the last—

LUCIO: No, no. I'm asking because—

LOZANO: I would have to really—

LUCIO: So you've been talking to people in Cameron County, specifically Harlingen, over time leading up to this redistricting that you wanted to—

LOZANO: Not over time but ever since they were aware of vacancies coming up or potential vacancies.

LUCIO: May I ask who?

LOZANO: I would have to go back and get you all those names but it's only been about—

LUCIO: Give me one.

LOZANO: —six people. And I would want to talk to them—

LUCIO: The mayor?

LOZANO: —to be honest.

LUCIO: The mayor? The county judge?

LOZANO: No, no.

LUCIO: Any stakeholders? Anyone that serves on the chamber of commerce?

LOZANO: I don't know if they are on the chamber.

LUCIO: Anyone that serves on the community college board?

LOZANO: They're not on a college board.

LUCIO: Any of the business leaders who I've engaged with, who Representative Longoria's engaged with, Representative Dominguez's engaged with?

LOZANO: I know that they probably have.

LUCIO: They probably have what?

LOZANO: Engaged. Like, these are people that—

LUCIO: Have any testified? Have any sent you written correspondence? I want to know who from Harlingen—one name that you can say. Because you said that this is a result of people approaching you from Harlingen. I want one name of someone who said we need to do this.

LOZANO: I would feel more comfortable asking them if I could tell you their name. It's an issue of privacy with these constituents.

LUCIO: This is extremely critical to the future of this community. You're telling me that constituents from my district reached out to you to encourage you to do this. Because what I believe, Representative Lozano, is that nobody reached out to you from Cameron County to do this. I don't believe that. I think that you want to do this because you want to do this. And spending time in Port Isabel and South Padre Island—

LOZANO: And Harlingen.

LUCIO: —at a resort destination does not mean you've been engaged in the district or in Cameron County—

LOZANO: It's not a resort destination. In the food banks or the toy drives—

LUCIO: —since you left the Democratic Party to go to the Republican Party.

LOZANO: —fighting for TSTC. That's not a resort destination. Being in the trenches, walking through colonias. And in Cameron County—

LUCIO: I don't remember you rolling up your sleeves and being in negotiations over UTRGV, sir. And don't be using that as an accomplishment.

LOZANO: What?

LUCIO: I know several members in this room that rolled up their sleeves—

LOZANO: We all did.

LUCIO: —on UTRGV and the things that affected my community.

LOZANO: You didn't give me credit for that when you first spoke so I wanted to point that out to you. I was part of that.

LUCIO: How?

LOZANO: What are you talking about? I represented Cameron.

LUCIO: I have a few more gray hairs but I'm not going senile.

LOZANO: TSTC was in my district.

LUCIO: I don't remember in 2013 you sitting down and negotiating how that was going to happen. And now you're telling me—

LOZANO: It's not a bad thing that I helped.

LUCIO: —that you've been lock and step with us determining the future of the Rio Grande Valley?

LOZANO: The future of the Rio Grande Valley? This is the way it was in 2011.

LUCIO: Right, and it was fixed correctly by a republican administration at the time. And everything that was supposed to have transpired and been accomplished has been accomplished. So why are we reverting back?

LOZANO: So this is a census year. We are doing redistricting. There's potential vacancies, and this is an opportunity to create a competitive district.

LUCIO: It is more about vacancies? It's about the people. It's not my seat. It's not Dominguez's seat. It's not your seat. None of us own anything. We are lucky to represent the districts that people elect us to represent. It's about these communities, right?

LOZANO: Yes, and they still have the opportunity. 38 is Brownsville—

LUCIO: It's about these communities. And you're diluting representation in a district—

LOZANO: 37 is Harlingen—

LUCIO: —that you've had no engagement in—

LOZANO: 35 is—

LUCIO: —in 10 years. I don't see how that is sincere. I don't see how you can, not having spoken to any of us, and then come before the house floor and say this is the right thing to do. If there was problems with representation of this community, I haven't heard it from you. I haven't heard anything from you about Cameron County or about the quality of life or the quality of education or economic development or business growth or international trade.

LOZANO: This is a redistricting year. There are—

LUCIO: But you said it's based on interests in Cameron County not being represented—

LOZANO: I didn't say that.

LUCIO: —and that people reached out to you to say, hey—

LOZANO: No, no, no, no, no.

LUCIO: — we want an opportunity to win an election and be heard. I'm not sure how they're not being heard.

LOZANO: When people realized that there are current representatives that may leave and run for higher office or retire, it creates an opportunity.

LUCIO: It's not about me. It's not about Alex. It's about the voters. It's about this community. It's about representation and the interests of the folks in this community and exactly what Representative Dominguez said. The city of San Benito is now broken up into two representatives. When's the last time you were in San Benito? When was the last time you met with the city manager? Who is the mayor of San Benito?

LOZANO: I think July.

LUCIO: Who's the city manager?

LOZANO: I don't know the city manager.

LUCIO: You don't?

LOZANO: No. I mean, do you know the city manager of—

LUCIO: Manny De La Rosa—that's the city manager.

LOZANO: Okay.

LUCIO: Yeah. I know him well. I mean, I just don't understand what we're doing here.

LOZANO: Well, again, as people started hearing of vacancies or retirements and it being a redistricting year, this allowed the opportunity to redistrict.

DOMINGUEZ: So what I last heard as your strongest argument was that you have spoken to people in Harlingen over time, that they would like to have a chance to choose their own representative. Right? Is that my understanding?

LOZANO: Well, no. Once people started hearing of potential retirements or someone running for higher office, they said, hey, can we be with Willacy again? Can we create a district that is competitive? And, I mean, I started to slowly work

on an amendment. Honestly, by the time I got the data it was pretty late, but I filed it in time to do the process, and here we are. Two are still in Cameron—that's the same. Two in Cameron and one in Hidalgo—there's nothing different.

DOMINGUEZ: Since redistricting 10 years ago, has anyone run against Oscar Longoria in a general election?

LOZANO: I don't know.

DOMINGUEZ: Would you be surprised that the answer is no?

LOZANO: Oscar's a great representative. I would not.

DOMINGUEZ: Absolutely. In the last 10 years, has anyone run against Representative Lucio in a general election?

LOZANO: I think so. Oh, a general? No.

DOMINGUEZ: No. In the last 10 years, has anyone run against either myself or my predecessor in a November election?

LOZANO: I wouldn't know, honestly.

DOMINGUEZ: Just so that I'm clear on this, you're saying that there are people in Harlingen—the way that you phrased it—because perhaps the state representatives will not be returning, that they want a chance to run not necessarily as democrats, correct?

LOZANO: Competitive district, yeah.

DOMINGUEZ: Even though they've had the last 10 years to run and they've chosen not to? Thank you. No further questions.

ANCHIA: Earlier we had a dialogue about Redistricting Committee hearings. Can you detail for the house the times that Cameron County constituents testified before—

LOZANO: I don't know.

ANCHIA: Let me finish, please—before the committee asking for this change to be made?

LOZANO: I don't know. I don't know.

ANCHIA: There have been zero times that that has happened, okay? And if you could point to one bit of public testimony that suggested that we take the approach that you are taking as a member of the Coastal Bend delegation for the RGV, I would be curious to know that. But to my knowledge, there has been nobody. Do you have any examples of people in public testimony pointing to the change that you're suggesting today?

LOZANO: I don't know what happened in Redistricting. I was not on the committee.

ANCHIA: Correct. But are you aware of any examples of people calling for the change that you have made today?

LOZANO: I'm not aware of anyone that testified. I'm not on the committee.

ANCHIA: All right. So you have zero examples, and I agree with you. As a member of the committee, zero people have come and requested the change you're making here today. Who drafted this amendment?

LOZANO: I did.

ANCHIA: Did you receive legal help in drafting this amendment?

LOZANO: Definitely, correcting some of the problems in the amendment.

ANCHIA: By whom?

LOZANO: My staff.

ANCHIA: Okay, your staff. Did you consult with any lawyers in drafting this amendment?

LOZANO: I don't know if my staff did. I'll have to check. I didn't.

ANCHIA: You did not?

LOZANO: No.

ANCHIA: Did you conduct, in conjunction with this amendment, any analysis about racially polarized voting?

LOZANO: No, I didn't, but I have—

ANCHIA: Did you conduct any analysis about—

LOZANO: Let me—

ANCHIA: —the communities of interest—

LOZANO: Let me—

ANCHIA: —that are being changed in your map?

LOZANO: All of these districts are still significantly Hispanic districts. There's no major deviation—37 is over 80 percent Hispanic, 38 is over 80 percent Hispanic, so is 35. Basically, this has already existed. As we speak, the current house map has two representatives from Cameron, one that comes from Hidalgo that comes into Cameron. All we did is—the part of Cameron that that Hidalgo representative has—we took out Harlingen, put in Brownsville. That's essentially it.

ANCHIA: There was no need to change the map because both districts were in the deviation. What was your interest in changing the map over the objection of the entire Rio Grande Valley delegation?

LOZANO: This allows, considering the pending vacancies, House District 37 to be back with Willacy, for it to be contiguous with Willacy.

ANCHIA: I understand what your amendment does—but why? That's what I'm asking.

LOZANO: Okay, pending vacancies, this allows House District 37—

ANCHIA: That is what it does. Why? You're telling me what it does. I understand what it does. Why?

LOZANO: Pending vacancies, Willacy is now continuous with Cameron. It once again puts Willacy with South Padre—

ANCHIA: I understand what it does. Why did you choose, over the objection of the entire Rio Grande Valley delegation, to make this change when there is zero evidence on the record and zero people from Cameron County that asked for this change? Why?

LOZANO: Because we're in a redistricting year, and as a member of the Texas House of Representatives, I can do that, and everyone can vote.

ANCHIA: Okay—because you can, you did?

LOZANO: Because I took an oath to serve in the legislature and I can offer amendments and you can vote. That's the process.

ANCHIA: So it is pure power of a politician from Austin over the objection of not only the delegation but the voters in Cameron County that you say you will do this. Effectively, that's what's happening. You, as a politician in Austin who can do this, will do this to the voters of Cameron County?

LOZANO: You've offered amendments.

ANCHIA: I'm just asking.

LOZANO: I've offered amendments. Okay.

ANCHIA: So because you can, you will?

LOZANO: Because you could, you did.

ANCHIA: No, I'm asking you the question. Because you can, you will do this over the objection of the delegation and—

LOZANO: You offered amendments that are over the objections—

ANCHIA: No, I'm asking you. I'm asking you.

LOZANO: You offered an amendment that drastically redrew—

ANCHIA: I'm asking you, Representative.

LOZANO: —the entire State of Texas. You didn't talk to anyone. You paired over 40 people.

ANCHIA: I'm asking you why you did this amendment.

LOZANO: Why did you pair over 40 people without talking to them?

ANCHIA: You could have asked me that question—

LOZANO: Why? Is it a power trip?

ANCHIA: And now I get to ask the questions, young man.

LOZANO: No, it's because you could do it.

ANCHIA: You can answer questions from the front mic, which is custom.

LOZANO: Your questions, honestly, they don't make sense. Just look at what you've done. You can do it because you're a member. I can do an amendment because I'm a member.

ANCHIA: So because you can, you are doing it. Is that right?

LOZANO: Because you could, you did.

ANCHIA: I appreciate the non-answer because I understand it is difficult to answer a simple question.

LOZANO: Just look at all the amendments you filed and you will find your answer.

ANCHIA: I will just take it as your answer that because you can stick it to the RGV delegation, you will. And so—

LOZANO: And you stuck it to over 40 members—

ANCHIA: —I think that's pretty lousy.

LOZANO: —by pairing them. I'm not pairing anyone. Members, I strongly urge you to support this amendment. It will allow Cameron County to have a competitive district. It maintains two representatives in Cameron County and one in Hidalgo representing part of Cameron. That's still the same. It's merely changing the part of Cameron that the Hidalgo representative is going to be representing.

[Amendment No. 36, as amended, was adopted by Record No. 42.]

[Amendment No. 38 by Jetton was laid before the house.]

JETTON: This amendment will shift 2,800 residents of Long Meadow Farms on the east side of Grand Parkway that's currently in House District 76 to House District 26—from 76 to 26—keeping Long Meadow Farms community intact.

[Amendment No. 38 was adopted by Record No. 43.]

[Amendment No. 39 by Rodriguez was laid before the house.]

REPRESENTATIVE RODRIGUEZ: Members, the intent of this amendment is to keep historically connected Travis County neighborhoods together in my district and to increase the Hispanic Voting Age Population percentage in my district to above 50 percent. In order to accomplish this, the amendment swaps several precinct blocks in groups between my district and Districts 46, 48, and 49. This amendment has been negotiated and agreed to by the members of the Travis County delegation. Members, there is an amendment to the amendment.

[Amendment No. 40 by Rodriguez to Amendment No. 39 was laid before the house.]

RODRIGUEZ: This amendment to the amendment has been negotiated and agreed to by the members of the Travis County delegation. The amendment swaps a neighborhood in District 46 to District 50. The amendment has three

positive effects. It increases the concentration of Pflugerville within House District 46—that's Representative Cole—and it improves the compact square both of District 46 and District 50. This amendment is acceptable to the author.

[Amendment No. 40 was adopted by Record No. 44.]

[Amendment No. 39, as amended, was adopted by Record No. 45.]

[Amendment No. 41 by C. Turner was laid before the house.]

C. TURNER: This is an amendment that affects only Tarrant County. It makes adjustments to all 11 house districts in Tarrant County. This is, in fact, the identical plan that I submitted to Chairman Hunter and the Committee on Redistricting a couple of weeks ago. It's a plan that the three representatives from Tarrant County—who are the candidates of choice of the voters in our districts who are majority-minority voters—the three of us agreed on to best protect and preserve those districts and ensure that those communities continue to be protected and have the opportunity to elect the candidates of their choice going forward. Those districts are House District 90, represented by Representative Ramon Romero; House District 95, represented by Representative Nicole Collier; and House District 101, which I have the privilege of representing.

I have a map here that you can see at the front that shows the combined Black and Hispanic Voting Age Population in Tarrant County, which is, as you can see just from the shading, a very considerable and growing population. House District 95 as currently composed under the benchmark plan—that's Chair Collier's district—already meets the constitutional population requirements at just under 193,000 people. She's just .3 percent under, so Chair Collier's district is a performing African American opportunity district. It is right below the ideal population, so it requires no changes whatsoever—no changes to the boundaries. And that's what this plan, 2198, does.

With respect to Representative Romero's district, his district is below the acceptable deviation, so he does have to gain population. Representative Romero's district, House District 90, is a Hispanic opportunity district, so when we drew this map we sought to ensure that his district remain at above 50 percent Hispanic Citizen Voting Age Population to ensure that it remains a protected Hispanic opportunity district. That's what this map does, as well as having his Spanish Surname Voter Registration number close to 50 percent. And I should mention that the Black CVAP population in House District 95 is just above 49 percent.

House District 101, that I have the privilege of representing, is also a majority-minority district with a combined Hispanic and black population of nearly 70 percent, and this map preserves that district as well. Other than that, the map is largely similar to **CSHB 1**. It maintains strong republican performing districts in District 98 and District 99 and District 97. It would make District 92 a majority-minority district that's similar to **CSHB 1**. And District 94 and District 96, under this plan, would be competitive districts.

REPRESENTATIVE ROMERO: Chairman Turner, I wanted to thank you for your amendment. I especially want to thank you for filing an amendment that allows for certain communities, especially three, but two in particular: Diamond Hill, which is where the only early voting location is in all of the entire north side of my district—your map would reunite Diamond Hill with Northside—and Como. For those of you from Fort Worth or around the Metroplex, you know what Como is. Both Como and Diamond Hill are in your map, correct?

C. TURNER: That's absolutely right, Representative Romero. I know that both Diamond Hill and Como have historically been part of House District 90. I know you and I have talked about, several times, how much you love representing these very special communities and how important it is that, one, Diamond Hill will be unified together—which it is split apart in **CSHB 1** and our map does reunify them. And then also, the Como community on the west side of Fort Worth—it's removed from House District 90 in **CSHB 1**, so this amendment would return Como and Diamond Hill in their entirety to House District 90.

ROMERO: For those that don't understand Como, Como is a very strong African American community that was put in District 90 because they're a very, very strong minority bloc that wanted to feel like they wanted to be in a community of interest. As requested, they were in 2013 brought into District 90 and have since then, I would say, been very happy with their new representative. Now, Representative Turner, I've gotten tons of calls concerned that Como would no longer be represented by a community of interest. I'm not sure if your office has received those calls because I did direct some of those to your office. It was also a part of the only Supreme Court decision in relation to District 90. Can you speak to how this map brings those areas back into District 90?

C. TURNER: Absolutely, Representative. First, with respect to Como, you know Como's an amazing community. Years ago, I had the privilege of doing a little work in Como when I worked for former state Senator Mike Moncrief. At that time, Viola Pitts was still with us and she was the, I don't know, president of Como—the king, queen, and president combined of Como. The point of that is to say Como has always had a very strong community leadership. It did then and it continues today—people like Estrus Tucker and others who I know you work closely with on a regular basis in representing the Como community.

I have heard from them—I think a lot of us have—that it is very important to people in Como that they continue to be represented by someone who is responsive to their needs and who shares their issue priorities, whether that's on education, jobs, health care, any number of other important issues, and that they be unified in a district where they have the opportunity to elect the candidate of their choice. I think House District 90 is a great demonstration of where folks in Como, folks in Northside, Diamond Hill, and Southside unified to elect candidates of their choice in the general election and obviously also in the democratic primary as you're evidence of.

ROMERO: Chairman Turner, we've also talked a lot about regression today. You guys have heard this term all day long. My district currently has over 70 percent Latino. In **CSHB 1**, it takes it almost to 60.

C. TURNER: That's right. It does.

ROMERO: The Supreme Court ruled and forced our state to change that district back because of an intentional racial gerrymander. It was the only district where there was the Supreme Court ruling. Do you believe that your map protects this Latino opportunity district?

C. TURNER: I absolutely believe it does. That was one of the main purposes—one of the main goals we had when we set out to draw this countywide map was to set a layout to make sure that we preserve House District 90, House District 95, and House District 101 as performing minority opportunity districts. It is not, as our map demonstrates—and this is the shady map over here; the actual map of the amendment is over here to my right—but it is not that hard to do, even though House District 90 was below the ideal population. It had to add population. We were able to do that by picking up some areas in Sansom Park from Representative Geren's district, which are heavily Latino, and then some other neighborhoods around House District 90. We were able to get there. So there's no reason, as you say, there's no reason for House District 90 to regress under **CSHB 1** because it is very possible to maintain this district as a strong performing Hispanic opportunity district.

You mentioned the total Hispanic Voting Age Population, which is an important figure. I'd also iterate that the Hispanic CVAP population—the Citizen Voting Age Population—in **CSHB 1** falls below 50 percent in House District 90. This amendment would bring the CVAP in House District 90 back up to around 54 percent. In addition, the Spanish Surname Voter Registration in **CSHB 1** for House District 90 would drop to around 39 or 40 percent. This amendment gets it back up to a little over 47 percent.

ROMERO: Last question, Chairman Turner. I just want to point out that your map, for those that are looking at it, would demonstrate that even with the need to add 30,000 voters, the population was close to the center of District 90 as it is today without having to go too far away and certainly—and I want to thank you, and we'll hear some future amendments—certainly not having to take out Diamond Hill, take out Como. Your map demonstrates that; it shows that by the shading.

C. TURNER: Absolutely, it does. It is very possible to maintain those very important communities of interest within House District 90. That's what this amendment does.

COLLIER: Chair Turner, thank you so much for this amendment. Does Plan 2198 comply with the provisions under the Voting Rights Act?

C. TURNER: Yes, Chair Collier, I believe it does. The Voting Rights Act says that we need to identify and then preserve and maintain districts where minority voters have the opportunity to select the candidates of their choice. So in this amendment, we've identified those districts as House District 90, House District 95, and District 101, and then drawing a new opportunity district in House District 92.

COLLIER: And so does your Plan 2198 preserve the communities of interest such as Diamond Hill that Representative Romero talked about, Como, the Bentley Village-Waterchase communities in House District 95, and Hallmark-Camelot in House District 95?

C. TURNER: Yes, Chair Collier, I believe it does. As Representative Romero and I talked about, I think it does a good job of restoring and protecting Diamond Hill, Como, and some other communities in House District 90. With respect to House District 95, House District 95, as you know, was very close to the ideal population, just .3 percent under, so you were just under 193,000 people. So there is zero reason for your district to change at all, and that's what this map does. It recognizes that House District 95, one, is a performing African American opportunity district that must be protected and two, contains numerous very important communities of interest in Fort Worth, Forest Hill, Everman, and surrounding communities, and it preserves those communities exactly as they are today. And we thought it was important to do that.

COLLIER: Well, thank you. I think you have a wonderful amendment. I appreciate you bringing it.

CROCKETT: Chairman Turner, I think it's interesting that you did bring an amendment on behalf of Tarrant County. While we've been talking about race today because that is the measure for determining whether or not we have a violation as it relates to the Voting Rights Act, I just want to point out kind of the basics of what has been laid out today. The point of us doing the census is to make sure that each person is "one person, one vote." So when we look at Tarrant County, I find it interesting that in the election for president, Joe Biden, who was the democrat, won. Is that correct?

C. TURNER: That is correct.

CROCKETT: When we look at Tarrant County and we look at the 2018 election, we see that Beto O'Rourke won 2018 in Tarrant County, correct?

C. TURNER: He did and so did the candidate for attorney general, Justin Nelson.

CROCKETT: So when we think about who won and when we look at an amendment such as this—this trying to make sure that we are not diluting minority voices—I just want to be clear on the record. As it stands right now, how many democrats are in Tarrant County?

C. TURNER: Currently, there are three democratic state representatives from Tarrant County.

CROCKETT: Out of how many total seats?

C. TURNER: Eleven.

CROCKETT: So three out of 11—we know that that doesn't sound like it's anywhere near 50 percent, correct?

C. TURNER: No. No, it's not, and this came up in the Redistricting Committee last week. There was a witness suggesting that another county needed to have more proportional representation to benefit republican legislators. I asked, if

turnabout was fair play, then should a county like Tarrant County also have proportional representation, which would probably be a 5-5-1 or a 6-5 split? So the current map is not representative—certainly not on a partisan basis. But to be clear, this amendment is about protecting voters of color, which Tarrant County—it's very important to know for the record; I don't think I've said this—is a majority-minority county.

CROCKETT: That's what I wanted to get to next.

C. TURNER: All of our population growth in Tarrant County is attributable to voters of color. In fact, we have lost Anglo population in Tarrant County in the last decade. This map reflects that to the extent that we are preserving three performing districts, creating a fourth, and preserving those districts in a way that does not retrogress House District 90—which is one of the major concerns about **CSHB 1**, how House District 90's Hispanic voting numbers decline under the base bill. We want to get those numbers back up with this amendment.

CROCKETT: I think it's a great amendment. You are looking to protect the voices of those that have actually grown Tarrant County, being that the majority of the persons that have not only grown Tarrant County but have grown the State of Texas have been minorities. So thank you.

C. TURNER: Thank you, Representative Crockett. I'll just say we've talked a lot about House District 90 and 95, which is a very important part of this amendment. I'll just also briefly touch on House District 101—the district I represent—a majority-minority district with a very diverse population, a very sizable black and Hispanic population, and a growing Asian American population. This amendment preserves that district in a way in which that coalition district continues to perform.

REPRESENTATIVE GEREN: I have an amendment later that fixes the Diamond Hill problem for Mr. Romero. The amendment that is before us does not need to happen. We've got a good map in Tarrant County. Honestly, I cannot—I've served in this house and represented Como. My brother represented Como when he was in Congress. My barbecue store was in Como. That's not an issue. The issue is we're going to fix Diamond Hill. And I just think this is not a good amendment for Tarrant County. Ramon, he's in the right place but the wrong amendment.

C. TURNER: I'm glad to hear Chairman Geren has an amendment to address Diamond Hill. But I'll submit to you, we can address Diamond Hill in this amendment. We can address Como in this amendment. We can address Chair Collier's district, which has changes in **CSHB 1** that are simply unnecessary, and this amendment preserves her district as it is. I would say again, this is a map that the three of us submitted to the Redistricting Committee a couple of weeks ago and have made every effort to visit with all of our Tarrant County colleagues over the last couple of weeks. So I would ask the body's favorable consideration of this amendment. The most important thing to know about it is it preserves three minority opportunity districts and does not retrogress any of them and does not

retrogress House District 90—which, again, in **CSHB 1** drops below 50 percent Hispanic CVAP. That is a serious concern that this amendment would correct. I ask that you vote yes on this amendment.

[Amendment No. 41 failed of adoption by Record No. 46.]

[Amendment No. 42 by Tinderholt was laid before the house.]

REPRESENTATIVE TINDERHOLT: This amendment impacts House Districts 92 and 94 solely. It essentially moves the entertainment district into my district. The VTD that encompasses the vast majority of the entertainment district brings it into mine. I believe it is acceptable to the author.

[Amendment No. 43 by C. Turner to Amendment No. 42 was laid before the house.]

C. TURNER: This is an amendment that I worked with Representative Tinderholt on. It moves a couple of precincts from House District 101 to District 92 and from District 92 to District 101, including The University of Texas at Arlington. It is acceptable to the author.

[Amendment No. 43 was adopted by Record No. 47.]

[Amendment No. 42, as amended, was adopted by Record No. 48.]

[Amendment No. 44 by Geren was laid before the house.]

GEREN: The amendment that I'm about to lay out addresses the Diamond Hill issue. It moves some precincts between Mr. Goldman, Mr. Romero, and myself. There are two amendments to the amendment, and I'd like to go ahead and finish with those.

[Amendment No. 45 by Geren to Amendment No. 44 was laid before the house.]

GEREN: This moves—I think it's 80 or 90 voters—into Ms. Klick's district from the Krause district and it's acceptable to me.

[Amendment No. 45 was adopted by Record No. 49.]

[Amendment No. 46 by Geren to Amendment No. 44 was laid before the house.]

GEREN: This moves one precinct from District 99, which is the district I represent, to District 97, which is the district Mr. Goldman represents. It's acceptable to the author.

[Amendment No. 46 was adopted by Record No. 50.]

[Amendment No. 44, as amended, was adopted by Record No. 51.]

[Amendment No. 47 by Cason was laid before the house.]

REPRESENTATIVE CASON: Members, this is a very simple amendment. I was drawn into a democrat district while Representative Krause's district was turned into a new open republican seat in the maps as they were originally drawn. This amendment simply keeps District 92 as a republican district while making District 93 the new democrat open seat. This will not change the democrat to

republican makeup in the current Tarrant County maps but will ensure that none of us are targeted in this process. I've met with several Tarrant County GOP members to ensure that everyone's voice was heard in the drafting of this amendment. This amendment would fix this problem. I'm not saying it gives everybody exactly what they want, but it stops the punishment of the voters who fought hard to send me to the legislature, the voice of conservatives in Tarrant County who worked and voted to have my voice represent them.

I'm offering this amendment today to give this body an opportunity to show that diversity of opinions is welcome in the legislature. As I've had discussions with many of you, I'm hopeful that this message will be sent today. As these maps are currently, the message sent is that independent conservative voices will be silenced whenever possible. I'm grateful for the Texas grassroots who've stepped up to voice concerns over the current maps. I won't stop fighting for my voters and all Tarrant County voters until the day I'm no longer a representative. Hopefully, that will be a decision this body grants to the voters to make and not a handful of members drawing lines on a map.

REPRESENTATIVE SLATON: Representative Cason, your version of the Tarrant map doesn't target any of the sitting incumbents who are running for reelection. Is that correct?

CASON: That's correct.

SLATON: And your map keeps the democrat/republican ratio the same. Not one party is negatively or positively impacted by this. It stays the same. Is that correct?

CASON: That's correct. Currently, it's 8-3. The new maps as drawn would take it to a 7-4 ratio, and it doesn't change that.

SLATON: Okay, thank you. So what you're just trying to do is simply ensure that no member's targeted in Tarrant County. Not one member in Tarrant County is targeted. Is that correct?

CASON: That's correct.

REPRESENTATIVE CAPRIGLIONE: Representative Cason, I have a few questions for you—actually, quite a few questions because of the significant change that you're making in Tarrant County. First, can you tell us exactly what your amendment does?

CASON: My amendment creates a district, a new HD 92, that will enable me to stay on Team Tarrant. It won't draw me into a democrat district.

CAPRIGLIONE: Can I ask you, because you had mentioned the conversations with the delegation, does the Tarrant County delegation support your amendment?

CASON: Excuse me, say again?

CAPRIGLIONE: Do the members of Tarrant County delegation support your amendment?

CASON: Several of them do. The others, I've not gotten any commitment one way or the other. So that's where we're at.

CAPRIGLIONE: How about the members who are affected by your amendment? Are they supportive of your change?

CASON: Well, Representative Capriglione, you know as well as I do that you and I and two other members met last week to discuss this, and you voiced a disagreement, although you would end up—out of the Tarrant delegation—having the highest percentages at 63.4 percent. It does affect part of your district but it doesn't affect your numbers.

CAPRIGLIONE: I think, Representative Cason, like a lot of members here, I don't really focus on the numbers as much as I focus about the people in my district and the communities that they represent. When I did have that conversation with you that you brought up, I had asked you—you know, when you showed me this map that cuts through my district—and you said that you were unaware which cities the map you drew went through. Did you ever find out which cities your map draws through?

CASON: Yes, in fact, I did. And—

CAPRIGLIONE: Good, I'm glad you found out after you showed us the map exactly what cities your map went through.

CASON: Well, first of all, Representative—

CAPRIGLIONE: How many cities that are not split today are split with your amendment? How many communities of interest, cities that have worked together for a long time, are split now with your amendment?

CASON: Representative, let me back up for a moment if I could, please. The map that I gave you last week, it was black and white and it didn't have any labels on it, so I'm working off of memory. But right now, it cuts through Colleyville and takes all but two or three precincts that Representative Tinderholt and I would require to make this work, and it takes about 40 percent of Keller as well.

CAPRIGLIONE: How many school districts are broken up by your amendment?

CASON: I can't recall now.

CAPRIGLIONE: You don't know. Okay, so just to be clear, you have no idea right now how many school districts your amendment breaks up?

CASON: No, but I do know—

CAPRIGLIONE: Fine. I'll ask a simple question. I'll ask you a simple question.

CASON: —how many representatives will be representing one school district.

CAPRIGLIONE: For example, in what ways do Keller ISD, which is one of the school districts you break up, and HEB ISD agree on school finance matters, for instance?

CASON: I'm not advised.

CAPRIGLIONE: Well, you should be advised if you want to represent two school districts that have different opinions on this. Let me ask you, have you spoken to any of the school districts or elected officials in those school districts you're affecting?

CASON: No, in fact, I haven't—

CAPRIGLIONE: No, you haven't.

CASON: May I finish answering the question, sir?

CAPRIGLIONE: Sure.

CASON: I haven't had time because this process moved along at a pace as such last Thursday, I was called to Chairman Hunter's office and advised of what was going to happen and then 20 minutes after that, came to the house floor and the maps were uploaded. That's the first time I ever saw a map.

CAPRIGLIONE: Well, I'm sorry you didn't have time to talk to the elected officials. I did, however. They spoke to me, and they are not in favor of splitting up their communities of interest. Let me ask you, how does your amendment affect the maintenance of those communities of interest?

CASON: I'm not advised.

CAPRIGLIONE: How does your amendment help in the compactness of HD 98?

CASON: Say that again?

CAPRIGLIONE: How does your amendment help in the compactness of HD 98?

CASON: You can see HD 98 up there right there.

CAPRIGLIONE: Okay. How does your amendment affect minority populations?

CASON: I'm not advised.

CAPRIGLIONE: Okay. Did you have a chance to watch the hearing on Chairman Hunter's bill that we had?

CASON: Yes, sir. I did watch a portion of it.

CAPRIGLIONE: Okay. So did I, and I heard from some of your constituents and what they wanted to see in this amendment. What they wanted to do was make sure that HEB stays a community of interest. Does your amendment do that?

CASON: No, it doesn't.

CAPRIGLIONE: Okay.

CASON: May I finish answering the question? It's not possible because of the committee map that was voted out. HEB is completely obliterated and three representatives will now represent HEB ISD. And nobody asked me about that.

CAPRIGLIONE: Now, some of those constituents also wanted to change the partisan makeup of Tarrant County. Does your amendment do that?

CASON: I don't believe it does.

CAPRIGLIONE: You don't believe it does?

CASON: No, sir.

CAPRIGLIONE: Right, I know it doesn't. Okay. Are you in favor of the way that the partisan breakout is in Tarrant County right now?

CASON: Which map are you talking about?

CAPRIGLIONE: Well, your amendment and the map that Chairman Hunter has have the exact same number of Rs and Ds.

CASON: Are you talking about a 7-4 split?

CAPRIGLIONE: Yeah.

CASON: No, it doesn't affect the breakdown.

CAPRIGLIONE: In other words, you're keeping the same split?

CASON: That's right.

CAPRIGLIONE: Okay. You don't change that. So in other words, you have an amendment to do exactly, in terms of that partisan split, the same. I'm just talking about what your constituents had said when they came and talked about this amendment. You're not changing that either?

CASON: I'm not changing the partisan split.

CAPRIGLIONE: Now, I want to talk about, if we have time, some official commentary that you had made about this map. I mean, do you think that that press release was accurate?

CASON: What are you talking about?

CAPRIGLIONE: The press release you made about this map, the statements you made about this map.

CASON: The map that was voted out of committee or this map here?

CAPRIGLIONE: I mean, the map that we're talking—the actual current bill.

CASON: The **CSHB 1** map?

CAPRIGLIONE: Yes.

CASON: Which comments are you referring to?

CAPRIGLIONE: The ones that you sent out an official press release about.

CASON: Could you be more specific?

CAPRIGLIONE: How many press releases have you sent out in the last three days?

CASON: There were several paragraphs in that press release. Which comments are you—

CAPRIGLIONE: I know what you're trying to—basically, let's just get to the chase. You said some things in there that were not accurate.

CASON: And what was that?

CAPRIGLIONE: Well, based on the fact that you're filing this amendment, I would say almost all of it.

CASON: If you can be more specific, I can address your question.

CAPRIGLIONE: Were you supportive of the split before a week ago?

CASON: As I recall, you, myself, Representative Cook, and Representative Tinderholt had two Zoom meetings, and in those meetings, we discussed the 7-4 versus 8-3.

CAPRIGLIONE: Right.

CASON: As I recall, we came to an agreement that we would move to the 7-4.

CAPRIGLIONE: Okay, okay. Obviously—

CASON: And Representative Krause's district—

CAPRIGLIONE: Listen, a lot of the members—

CASON: I'm going to answer your question.

CAPRIGLIONE: —have been here for a long time.

CASON: Representative Krause's district was going to be used—

CAPRIGLIONE: I'm obviously opposed to this map. Thank you, Representative.

CASON: —to make things work.

REPRESENTATIVE BIEDERMANN: Representative Cason, you drew a map that would at least give you a chance to stay in the legislature. Is that correct?

CASON: That's correct.

BIEDERMANN: Did others draw a map that made changes to boundaries or maybe school districts?

CASON: Yes, they did.

BIEDERMANN: So why is it that you can't and they can?

CASON: I suppose we all can. It's just that I had no input or no information regarding the **CSHB 1** map as it currently is.

CAPRIGLIONE: You know, here's the reality. A lot of us want to make sure that we represent communities of interest and I think we do that. Every day that we come here, every month—it seems almost like a year that we've been here—that's why we do this, for our communities, to make sure that we stand with them, that we support them, and that we fight for them. Quite frankly, this amendment splits through at least two of these delegations. Members, the delegation is not in favor of this, so I would ask you kindly for your support to oppose this amendment.

BIEDERMANN: Members, it's late. We've been here all day. Again, everybody here that wants to come back is hoping that this membership would allow them the opportunity to come back as a legislator. That's all Representative Cason is doing. He has tried to work with others in the Tarrant County delegation so that everyone can come back, even the democrats that are there. So all I'm asking is

that you would allow Jeff Cason, who won his election, who the people voted for him—now he's getting taken completely out of HEB, his district, and moved to another district that is not winnable by a republican. So I'm just asking for you to just consider that and consider if it was your situation. So I ask you to vote yes on this amendment.

CASON: Members, I'd like to just say that serving here with you this year has been one of the highest honors of my life. I've enjoyed coming to know many of you. It's been a real experience that I'll treasure for the rest of my life. As I said earlier, the process was rapid and a surprise to me. I just ask that you would consider supporting this configuration of the map as it's drawn so that every member of the Tarrant delegation, both democrat and republican, would have an opportunity to return and serve the people of their districts.

CROCKETT: Mr. Cason, I just want to be clear because I didn't have an opportunity to go through your map thoroughly. But as it relates to minority districts in your map, are those affected in any way?

CASON: No.

CROCKETT: Okay. So just to be clear, we all understand that gerrymandering for political purposes—that is legal, correct?

CASON: That's my understanding, yes.

CROCKETT: Your map doesn't look to change the proposed makeup of Tarrant County whatsoever, correct?

CASON: That's correct.

CROCKETT: So the divide is going to be the same, correct?

CASON: Correct.

CROCKETT: And the only thing you're actually trying to do is make sure a vacant seat—a seat that's already going to be vacated—is going to be an opportunity seat, say, for a democrat to win. Is that correct?

CASON: That is correct.

CROCKETT: Now, some of the exchange that you had was kind of curious to me, and I rather enjoyed it because there was a conversation about breaking up communities of common interest. From my observation, you've been here all day. Is that right?

CASON: I think so.

CROCKETT: They talked about or there was an exchange with various members about breaking up, say, HEB and some other communities. But were you able to hear about other amendments that were brought up earlier today such as ones that talked about breaking up the city of Killeen?

CASON: Yes.

CROCKETT: And that wasn't a problem, correct?

CASON: Correct.

CROCKETT: In fact, it seems like a lot of the issues that were brought up as it relates to breaking up, say, school districts—which I believe Representative Zwiener has an issue similar to that—we also heard lots of persons going back and forth as it relates to breaking up cities, as it relates to breaking up taxing entities. Yet all of those things were okay earlier today, correct?

CASON: Correct.

CROCKETT: But when it comes to you, for some reason it seems to be problematic. Is that correct?

CASON: It would seem that way.

CROCKETT: Does that sound a little inconsistent?

CASON: Yeah.

[Amendment No. 47 failed of adoption by Record No. 52.]

[Amendment No. 48 by Jetton was laid before the house.]

JETTON: This amendment impacts Bexar County. We have a couple of amendments to the amendment.

[Amendment No. 49 by Jetton to Amendment No. 48 was laid before the house.]

JETTON: This amendment amends and adjusts HD 119 and HD 120, per discussions with representatives of both of those districts.

[Amendment No. 49 was adopted by Record No. 53.]

[Amendment No. 50 by Bernal to Amendment No. 48 was laid before the house.]

REPRESENTATIVE BERNAL: What this amendment does is it takes two districts that started off as 52, 53 percent Spanish Surname Voter Registration districts that were reduced to 48 under the committee plan and moves them back to 50 percent. This is the oldest part of San Antonio. These are the oldest neighborhoods in San Antonio and the poorest zip code in the state. This is Brackenridge High School. This is Lanier High School. This is Jefferson High School. These are important legacy parts of the district. We did have a consensus map in a separate amendment that I'll take down, but this is essentially the same thing that the author has agreed to take. I appreciate that.

[Amendment No. 50 was adopted by Record No. 54.]

JETTON: Members, again, this amendment will make adjustments to Bexar County. I believe it is acceptable to the author.

[Amendment No. 48, as amended, was adopted by Record No. 55.]

[Amendment No. 51 by Collier was laid before the house.]

COLLIER: Members, there is an amendment to the amendment.

[Amendment No. 52 by Tinderholt to Amendment No. 51 was laid before the house.]

TINDERHOLT: This is mutually agreed upon between her district and mine. It assigns some blocks that were unassigned, and I talked to both parties about that. I believe it is acceptable to the author.

[Amendment No. 52 was adopted by Record No. 56.]

[Amendment No. 51, as amended, was adopted by Record No. 57.]

[Amendment No. 53 by Zwiener was laid before the house.]

REPRESENTATIVE ZWIENER: Thank you for the opportunity to present this amendment today. First, I want to thank Chairman Hunter for offering lines in House District 45 that largely keep communities of interest whole. This amendment corrects some of those lines just to do a bit better job keeping those communities together. It moves Precinct 339 from District 45 to 73 and thereby keeps the small city of Wimberley in one house district, and it takes part of Precinct 449 and moves that from House District 45 to 73 to better keep the school communities in Dripping Springs ISD together. The committee did hear testimony from people with the affected schools and the school board, and this map is largely supported by local leaders. I believe it is acceptable to the author.

[Amendment No. 53 was adopted.]

RAMOS: It's a truly unfortunate day for Texans. The impact of what we did today will be felt for at least 10 years from now. If you are a person of color in Texas, if you love a person of color in Texas, if you have a friend or somebody that you are close to that's a person of color in Texas, you should be very disappointed and angered and infuriated at the process that led us to today—the expedited process, the lack of transparency, the lack of ability of really letting our communities of color and our communities in general speak and actually advocate for their own communities.

The process that we engaged today mastered the practice of gerrymandering where politicians pick their voters. And it's specifically important to me and the people of House District 102 because our whole district was fractured in three, essentially, and moved over to the west to accommodate the two republican representatives in Dallas County. It's unfortunate for the people in my community who worked really hard to elect a representative that aligned with their values and our communities of interest in House District 102.

I encourage you to vote against this bill. As it was reiterated over and over again, it does not align with the population growth in the State of Texas. It was an egregious effort of what they did in these past two weeks to really silence and dilute the voters and the voice of the voters in the State of Texas. What we have done is politicians picking their voters. Because they cannot compete on policy and ideas, they are picking their voters. We're doing this all over the State of Texas and at the same time diluting the voice of minorities who were 95 percent of the growth in the State of Texas in this last census. So I encourage you, on behalf of our communities of color, on behalf of our white progressives who finally get representatives to speak on their behalf, vote against this bill.

DAVIS: I'm just going to take a few minutes, but I first need to point out a couple of things that happened today. One is the notion of creating House District 111 as a minority district. It's just wrong and flawed and a misrepresentation, since I've represented that district for more than 29 years. So I think it's disingenuous to say you created a new district. But beyond that, I think the biggest thing is we recognize that the growth in Texas has been due mostly to minority growth, and I think that this district map fails to address that by virtue of the fact that we did not do things that we could do to protect the notion that folks will get to vote for a person of their choice. I think we missed an opportunity where Bell County is continued to be split. We talked about splitting up districts but we didn't address that. We had an opportunity to do that here today. I think we ignored the fact that there is a possibility that there is population in East Texas that will allow us to draw a minority opportunity district. That was not properly assessed and considered. And I think, lastly, what we did in Dallas as it relates to amending **CSHB 1** that would push us into packing our districts to the tune of more than 50 percent African Americans to have a minority district just undermines the ability to have impacted across the State of Texas.

So as we leave here this morning and we talk about redistricting and what we've considered, I think everybody ought to want to reflect on whether or not they today participated in developing a map that represents the growth of Texas, the growth of the populations and where they grew from, and that we're making Texas more representative of the folks that live in Texas versus the politics of this house chamber. So you will have to make that assessment personally when you go home. And when you wake up and you realize you're on the wrong side, maybe you will rethink this position and think about do you want to be part of the solution versus the problem.

So with that, members, I would say that we missed opportunities. We missed major opportunities to show that Texas wants to make sure that we believe in representative government. Today, we did not do that. With that, members, I'd ask that you consider where you fit in history because that's what we're talking about. When we move forward, this is a 10-year effort, and we know that what we are doing now is going to be in place for 10 years. So we need to be clear that this is the message that we'll be sending. I would, members, ask you to vote no on this bill that you've created.

REPRESENTATIVE ORDAZ PEREZ: I rise today in opposition of this legislation as it disenfranchises the people of House District 76, a majority Hispanic district, and Hispanic communities across Texas. Despite the fact that the number of Hispanic and non-Hispanic white residents in Texas is now equal and that people of color accounted for 95 percent of Texas' population growth, this map further marginalizes these communities. The proposed map not only dilutes minority representation in Texas, it erodes the gains of women representatives who were elected in record numbers by Texas voters in the last election cycle. Sadly, in the only urban delegation in El Paso that has a majority of women representatives, this map would change that by pitting two Hispanic representatives against each other and favoring male representation with less seniority in this delegation.

For any judges who will review these proceedings, I ask: How many more decades of minority population growth is needed before this body will actually look like the people they represent? How lopsided must the minority population of this state be before the people of color are adequately represented? Last decade, it was 52 percent. This year, it is now 60 percent. Sixty percent of this state is now Hispanic, black, Asian, or other ethnic minority. At what point will the governing minority be required to relinquish power and allow for representation that is fair and more reflective of this state? Must it be 70 percent? Seventy-five percent before this injustice is rectified? How can the people of this state have their collective voices heard when they are stuck in legislative purgatory? Make no mistake, the maps before this body amount to legalized government oppression. These maps are subjecting minority populations in Texas to taxation without meaningful representation. These maps can take away boundaries in hopes that it will deter women like me or Representative Ortega. But make no mistake. I or Representative Ortega will not be deterred, and you will see us standing here next legislative session.

C. TURNER: So I've been on the House Committee on Redistricting now for two legislative sessions going back to 2019, the year in which we started field hearings in different parts of the state to hear from Texans about what they wanted to see in the redistricting process ahead of the 2020 census. And those hearings continued, obviously, in this regular session as Chairman Hunter discussed earlier today or yesterday. And in all those hearings over the last two years we've heard time and again from Texans from all over, from all different political perspectives and ideological backgrounds, that our redistricting process needs to be open and it needs to be transparent. In fact, these Texans were echoing what federal courts have said in the past, because the courts have faulted Texas for not doing so in the past.

Every 10 years that our state has engaged in this process, including in the last decade, it has chosen to sidestep the normal legislative process and jam through maps without meaningful consideration and reasonable opportunity to hear from the public, our constituents. Every time, the courts have found the maps to violate federal law. Even though our maps get struck down by the courts every decade, we're now doing it again. Except in many ways, the process is even worse this time around.

The map we are voting on this morning did not exist, at least before the public, until a week and a half ago. With minimum amount of notice, the initial hearing on the map was scheduled. The person hired to draw the map, as discussed earlier today, has previously been found to have drawn up illegal maps in another state, in Wisconsin. Three federal judges have ruled that his testimony was, and I quote, "laughable" in its dishonesty. The lawyers for the state who proffered him were sanctioned by the court. That map drawer has not been made available to testify in the Redistricting Committee as to why he drew the plan as he did and what principles and data he relied upon when he did so.

When the bill author offered the plan to the committee, he limited the layout period to an hour, spoke for most of that time, and then would only answer a few questions from committee members. Many of my democratic colleagues

representing majority-minority districts were unable to ask questions. In committee, we were told to submit questions in writing. I talked to Chairman Hunter about that on the mic earlier. Never seen that before, but I submitted my questions in writing and I know other members did, too. Haven't received a response.

For the first time in my legislative career, no resource witnesses were permitted to testify on the bill in the committee. We had no testimony from the secretary of state, from the Texas Legislative Council, or the Office of the Attorney General, which means that we have no idea if the plan proposed and amendments made subsequently, in the opinion of key state agencies—experts in the subject matter—if the plan or the amendments comply with state or federal law. The state demographer has not been heard from on the bill. We heard from him earlier in the summer about the census data. We haven't heard from him on the bill. Imagine that. The person the state hires to track our population trends was not allowed to speak on a bill that essentially tries to manage our population trends by drawing fair districts.

So in committee, we heard public testimony and voted on amendment after amendment, most of which people hadn't seen or people saw for the first time as they were laid out in the committee hearing the same day as the public testimony took place. Many of the amendments were not even fully prepared or available on DistrictViewer until shortly before and there was often no data or analysis and certainly no legal opinions that came with those amendments. Worst still, they were adopted in the middle of the night, just as this bill is about to be voted on in the middle of the night. One after another in committee, amendments offered by minority-preferred candidates elected to this body were rejected while Anglo member amendments that were offered were routinely accepted. Many of the amendments were objected to and voted down without argument, explanation, or rationale.

In locations around the state where data and information were available, we noticed and members of the committee pointed out how black, Latino, and AAPI communities were routinely cracked and packed in order to create more districts that would elect Anglo-preferred candidates. Courts have said—on Texas maps and elsewhere—that this is indicative of intentional discrimination. We noted how districts made up of predominately black, Latino, and AAPI citizens were often overpopulated to the maximum or near maximum allowable deviation while predominately Anglo districts were often underpopulated often to the low end of the acceptable deviation. This is also something courts have said can be indicative of intentional racial discrimination.

Federal courts have criticized us for not, early in the process, identifying districts protected by the Voting Rights Act of 1965 and crafting plans that comply with the Voting Rights Act. Earlier today and in the committee, I tried to amend the bill to identify, enumerate, and delineate those protected districts so we don't have to make this legal mistake again that we've made in the past. But again, in committee and on the floor today, the majority would not have it.

So let me be clear. If this plan is adopted, if it's passed by this body, we'll have done exactly what we did last time that led to these maps being struck down by the federal courts. And make no mistake. This is not about politics. It's about another step in our state's sordid and long history to discriminate against minority citizens. We know this because of the things I have said today and many other things. But we also know that it's because we know that republicans can draw a map—you can draw a partisan map that locks in a republican majority if you want to—but you can do it in a way that does not discriminate based on race. But you've not chosen a partisan gerrymander with this map. This map includes many elements of a racial gerrymander. And that is why this map will be in court just like our maps of the last decade and the decade before that, and the courts will have the final say as to the discriminatory aspects of this plan. Texans and the State of Texas deserve better, and I hope you will vote no on **CSHB 1**.

[**CSHB 1**, as amended, was passed to engrossment by Record No. 58.]