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Affirm public info: I agree

Regarding: House

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May 3, 2023

Senate Special Committee on Redistricting
C/O Mr. Sean Opperman, Committee Clerk
P.O. Box 12068
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BY EMAIL

Sean.Opperman@Senate.Texas.Gov

Re: MALDEF Comment on House Bill 1000 (Redistricting Plan H2316)

Dear Chair Huffman, Vice-Chair Hinojosa, and Members of the Committee,

My name is Fátima Menéndez. I am the Southwest Regional Counsel for MALDEF, the Mexican American Legal Defense and Educational Fund. MALDEF is a national civil rights organization that conducts community education, policy advocacy and, where necessary, litigation. MALDEF has a long history as a leader in redistricting, particularly in Texas. Beginning with the first Texas redistricting after MALDEF's founding in 1968, MALDEF has worked throughout the state to inform Latinos about the redistricting process, assist them in creating and advocating for fair maps, educate state and local officials about their legal obligations in redistricting, and represent Latinos in the litigation that has been a regular feature of redistricting in Texas.

MALDEF currently represents a broad coalition of Latino organizations, known as the LULAC Plaintiffs, in *LULAC v. Abbott*, 3:21-cv-259 (W.D. Tex.), the consolidated litigation challenging the Texas 2021 statewide redistricting plans and pending in the U.S. District Court for the Western District of Texas, El Paso Division. The LULAC Plaintiffs challenge Plan H2316 in that lawsuit.

My letter is intended to assist the committee in adopting a House redistricting map that complies with the federal Voting Rights Act and the U.S. Constitution.

The New House Redistricting Plan Should Fairly Reflect Latino Population and Growth

The recently released 2020 Census data reveals that Latinos were the engine of population growth in Texas. From 2010 to 2020, Texas population increased by close to 4 million people (3,999,994). About half of that increase (49.5%) was Latino. This demographic trend has been similar for the past three decades.

While the Latino population in Texas increased by almost 2 million (1,980,796) over the past decade, the Anglo population, which is the slowest growing demographic, increased by less than 200,000. The increase in Anglo population contributed to only 5% of Texas population growth.

State Demographer Lloyd Potter has repeatedly testified before this committee that the number of Latinos in Texas has now slightly exceeded that of White non-Hispanics. Texas trails only California in the number of residents who are Latino and Latinos are now the largest ethnic group in three of Texas's three most populous counties: Harris, Dallas and Bexar.

Latinos are also the most significant component of Texas's expanding electorate. Among those turning 18 in Texas in 2020, just under half were Latino. With respect to voter participation, Latinos again comprise a significant portion of new voters in Texas. In 2018, Texas Latinos increased their vote share by about five percentage points—from 14.4% to 19.1% of all votes cast (compared to 2014 midterm election).

Plan H2316 Fails to Reflect Latino Population Growth

Plan H2316, which has been reintroduced by Representative Darby as HB1000, contains thirty majority Hispanic CVAP districts. This plan decreases the number of House districts that contain a majority Hispanic CVAP compared to the map in place in 2020. However, the Latino population of Texas is sufficiently numerous and geographically compact to comprise the majority of the CVAP in at least thirty-five House districts.

Despite the dramatic growth of the Latino population in Texas—especially since 2016—the failure of Plan H2316 to create three additional Latino citizen voting age majority House districts statewide discriminates against Latino voters. Plan H2316 also weakened Latino voting strength in House District 31, House District 37, House District 90, and House District 118 to make it harder for Latinos to elect their preferred candidate in each of those districts.

Further, Plan H2316 systematically overpopulates districts in El Paso County and the Upper Rio Grande area of West Texas (House Districts 74, 75, 77, 78, and 79), and at the same time underpopulates districts in the region of the Texas Panhandle and original Tom Green County (House Districts 69, 71, 72, 81, 82, 83, 84, 86, 87, and 88). In doing so,

Plan H2316 deliberately favors the interests of communities and voters in the Texas Panhandle and original Tom Green County at the expense of communities and voters in El Paso and the Upper Rio Grande area of West Texas, and favors Anglo voters at the expense of Latino voters—in violation of the U.S. Constitution.

Plan H2322 Presents a Fairer Alternative to Plan H2316

The LULAC Plaintiffs put forward Plan H2322 in the consolidated litigation challenging the Texas 2021 statewide redistricting plans. Plan H2322 creates three additional Latino majority House districts.

First, in northwest Harris County, the Latino population is sufficiently numerous and geographically compact to constitute the majority of the CVAP in at least one additional Latino majority House district, in the area that includes portions of House Districts 126, 138, 139, 140, 145, and 148 (Plan H2316). The Latino citizen voting age population in this area is compact, living in the neighborhoods of Northside/Northline, Hidden Valley, and North Houston, among others—but is fractured across the above-mentioned districts instead of being included in one district.

Second, in southeast Harris County, the Latino population is sufficiently numerous and geographically compact to constitute the majority of the CVAP in at least one additional Latino majority House district, in the area that includes portions of enacted House Districts 129, 131, 144, 145, and 147 (Plan H2316). The Latino citizen voting age population in this area is compact, living in the neighborhoods of Gulfton, Gulfgate Riverview/Pine Valley, Golfcrest/Bellfort/Reveille, and Greater Hobby, among others. However, this Latino population is fractured across the above-mentioned districts in Plan H2316 instead of being included in one district.

Third, in central Texas—along the I-35 corridor in Caldwell, Guadalupe, Hays, and Travis Counties—the Latino population is sufficiently numerous and geographically compact to constitute the majority of the CVAP in at least one additional Latino majority House district, in the area that includes portions of enacted House Districts 17, 44, 45, 48, and 51 (Plan H2316). The Latino citizen voting age population in this area is compact—but is fractured across the above-mentioned districts in Plan H2316 instead of being included in one district.

In addition, Plan H2322 creates a stronger House District 31, House District 37, House District 90, and House District 118—each of which includes more Latino voters. Changes made by Plan H2316 reduced the Latino CVAP in House District 31 and the proportion of votes cast by Latinos in that district; decreased the proportion of votes cast by Latinos in House District 37; reduced the percentage of Spanish-surnamed registered voters in House District 90; and reduced the Latino CVAP, the percentage of Spanish-surnamed registered voters, and the share of votes cast by Latinos in House District 118.

Latinos and Other People of Color Have led the Effort for Fair Redistricting Maps in Texas and Will Continue to do so in 2023

From MALDEF's first U.S. Supreme Court victory in Texas redistricting, in *White v. Regester* (1973), through our more recent U.S. Supreme Court victories in 2006 in *LULAC v. Perry* (2006) and 2018 in *Abbott v. Perez* (2018), MALDEF's litigation has increased Latino-majority electoral districts in cities, school districts, and counties as well in statewide redistricting plans. We know Texas redistricting well and offer you a deep perspective on the mistakes of the past.

In every redistricting cycle since the 1970's, Texas redistricting plans have been blocked as discriminatory against Latino voters either by a federal court or the U.S. Department of Justice—and sometimes both. In Texas, the addition of new Latino opportunity districts to statewide redistricting plans often happens as the result of litigation when it should happen during the legislative process.

In the 2011 redistricting cycle, MALDEF and the Texas Latino Redistricting Task Force, along with the Texas House Mexican American Legislative Caucus, secured federal court rulings that Texas intentionally discriminated against Latinos in state house and congressional redistricting. The court-ordered remedies for Texas's discrimination included the creation of two new Latino majority state house districts, repairs to two existing House districts that had been weakened, a new congressional district in the DFW Metroplex with 64% Latino voting age population, and repairs to Congressional District 23 in West Texas which had been weakened.

The 2011 redistricting litigation continues today, and the court has taken up the multi-million dollar petitions for attorney's fees and costs from the prevailing plaintiffs, including the Texas Latino Redistricting Task Force.

In order to avoid having redistricting plans struck down in court, and burdening Texas taxpayers with paying attorney's fees, this committee and the Legislature as a whole must perform a careful analysis of what the federal Voting Rights Act and the U.S. Constitution require. This is not difficult, and we urge this committee not to repeat the mistakes of the past—and to adopt Plan H2322.

Thank you for the opportunity to provide written comment.

Sincerely,



Fátima L. Menéndez
Southwest Regional Counsel