

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

LEAGUE OF UNITED LATIN AMERICAN  
CITIZENS (LULAC), et al.,

Plaintiffs,

v.

GREG ABBOTT, et al.,

Defendants.

Civil Action No. 3:21-cv-259  
(DCG-JES-JVB)  
(consolidated cases)

**UNITED STATES' REPLY IN SUPPORT OF MOTION TO COMPEL**

The United States seeks to engage in routine party discovery and has requested materials in the possession, custody, or control of a named defendant, the State of Texas. Yet Texas contends that for purposes of redistricting litigation “the scope of *the State* is limited to the Secretary of State” and that it lacks possession, custody, or control of documents held by any other officer, agency, or official. Opp. Br. 5, ECF 221. This narrow view of discovery is unsupported by law or fact. Moreover, the Voting Rights Act does not constrain the scope of discovery in this case, and Texas’s willingness to accept new discovery requests to third parties is no substitute for party discovery. The United States’ motion to compel should be granted.

**I. THE STATE OF TEXAS HAS DEMONSTRATED POSSESSION, CUSTODY, OR CONTROL OF RELEVANT DOCUMENTS.**

The United States brought this Voting Rights Act enforcement action against the State of Texas and the Texas Secretary of State. Yet, Defendants have to date produced only 84 documents, all from the files of the Texas Secretary of State, in response to a comprehensive set of requests for production served on January 12. And in response to the United States’ Motion to Compel, Defendants assert that the United States is entitled to nothing more, despite Texas’ demonstrated practical ability to produce documents held by a wide range of custodians in other Voting Rights Act enforcement actions. *See* Mot. to Compel at 5-6, ECF No. 213. The fact that prior cases cited in the United States’ Motion to Compel did not “involve[] redistricting,” Opp. Br. 4, has no bearing on whether Texas must produce redistricting-related documents here, and Texas offers no argument for that distinction. To the contrary: the State of Texas has produced documents held by the Office of the Attorney General and other custodians as both a plaintiff and defendant in redistricting litigation. *See, e.g., Texas v. United States*, 279 F.R.D. 24 (D.D.C. 2012) (three-judge court) (addressing, *inter alia*, “racially polarized voting reports that were generated during the legislative session by the Office of the Attorney General”), *vacated in part*,

279 F.R.D. 176 (D.D.C. 2012) (three-judge court); *Perez v. Perry*, No. 5:11-cv-360, 2014 WL 1796661 (W.D. Tex. May 6, 2014) (three-judge court); Order, *Perez v. Perry*, No. 5:11-cv-360 (W.D. Tex. May 20, 2014) (ECF No. 999) (denying reconsideration).

Defendants' further attempts to undermine its demonstrated ability and legal obligation to produce documents fare no better. Defendants disclaim reliance on their proven ability to obtain documents from custodians other than the Secretary of State in this case as a "weaponization of professional courtesy," Opp. Br. 3, but another three-judge court already rejected this argument. "As a matter of logic, if Texas has the ability to produce documents as a courtesy, it cannot deny that it has the 'practical ability' to obtain such documents." *Perez*, 2014 WL 1796661, at \*1 n.2. Defendants also contend that the files of the Office of the Attorney General are not subject to discovery because they belong to a client, Opp. Br. 4, but at least with respect to technical materials produced during the redistricting process, that client is ultimately the State of Texas. *See* Tex. Const. Art. IV, § 22; Tex. Gov. Code § 402.021.<sup>1</sup> Finally, the United States did not concede in the *LUPE* litigation that a Texas agency involved in implementing a challenged statute is not subject to party discovery. *Contra* Opp. Br. 3. Rather, the United States served "a subpoena on the Department of Public Safety pursuant to Rule 45(c)(1)(B)(i), which authorizes subpoenas to secure party participation in depositions." Email from Daniel Freeman to Jeff White (Mar. 17, 2022) (Ex. 1).<sup>2</sup>

---

<sup>1</sup> The United States does not seek communications between counsel of record in this case and recognizes that some relevant documents not directly related to litigation may still include protected attorney work product. However, in the latter instance, OAG must detail the documents and ESI over which it asserts work product protections on a privilege log.

<sup>2</sup> On the other hand, when asked to facilitate discovery requests to four federal agencies in *LUPE*, the United States met with other federal officials and advised the State that entities within the U.S. Department of Justice were subject to party discovery, but the U.S. Department of State and U.S. Department of Homeland Security were not, because those entities had no relationship to the claims. *See, e.g., United States v. AT&T Co.*, 461 F. Supp. 1314, 1333-34 (D.D.C. 1978).

Defendants’ insistence that the Governor and Texas Attorney General are not defendants in this lawsuit is a non sequitur. Opp. Br. 2-4. The United States does not seek relief against these officials; nor does the United States seek to serve party discovery requests on them. Rather, the United States seeks documents in their possession, via discovery requests served on the State of Texas.<sup>3</sup> Because the State of Texas has consented to suit by the United States, *see United States v. Texas*, 143 U.S. 621, 646 (1892), the United States may obtain party discovery from the State as a political entity.<sup>4</sup>

## **II. THE VOTING RIGHTS ACT DOES NOT LIMIT “THE STATE OF TEXAS” TO THE SECRETARY OF STATE.**

Even setting aside the practical ability test, the State’s argument that the Voting Rights Act limits the scope of the State of Texas for purposes of discovery has no basis in text or jurisprudence. Defs. Opp. 1, 5-9. Section 12(d) of the Voting Rights Act authorizes the United States to enforce the Act through “an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials.” 52 U.S.C. § 10308(d). Avoidance of surplusage dictates that “an order directed to the State” must have a distinct effect from “an order

---

<sup>3</sup> Contrary to Texas’s assertion that it did not reject providing documents from the Governor, Opp. Br. 9-10, Texas staked a firm position during a meeting in the afternoon of March 18—after the email on which Texas relies—that the State of Texas as Defendant would produce only documents in the custody of the Office of the Secretary of State. This remains the State’s position, and the State’s willingness to accept third-party discovery requests to the Governor does not render the instant motion premature. *See also* Part III, *infra*.

<sup>4</sup> Defendants appear to misunderstand the distinction between documents produced “on behalf” of a custodian, Opp Br. 4, and documents produced by a party that has possession, custody, or control over documents held by a broad range of custodians. Texas can produce documents held by officials and agencies on its own behalf. *See, e.g., Perez*, 2014 WL 1796661, at \*1; *see also Texas v. Ysleta del Sur Pueblo*, No. 3:17-cv-179, 2018 WL 2348669, \*3 (W.D. Tex. May 23, 2018) (accepting the State’s assertion that a tribal government had the “legal right or practical ability” to produce documents held by a corporation controlled by the tribe).

directed to . . . State or local election officials.” *See Corley v. United States*, 556 U.S. 303, 314 (2009) (describing the canon against surplusage). In effect, Defendants seek to impose *Ex Parte Young* restrictions on the United States. *See* Opp. Br. 6 (citing *Okpalobi v. Foster*, 244 F.3d 405, 427 (5th Cir. 2001) (en banc)). But the Voting Right Act provides no basis for this constraint.

Acknowledgment that the composition of a political entity for purposes of discovery is complex is not a concession that the question cannot be answered. *See* Opp. Br. 5. Rather, courts have extended the reach of discovery to those executive officials and agencies that possess documents “relevant to the intent and actions” at issue. *Tri-State Hosp. Supply Corp. v. United States*, 226 F.R.D. 118, 127-29 (D.D.C. 2005). That extends to the Governor and the Texas Attorney General. Exclusion of legislative officials based on separation of powers concerns does not undermine this point. *See United States v. UBS Secs. LLC*, 1:18-cv-6369, 2020 WL 7062789, at \*6 (E.D.N.Y. Nov. 30, 2020) (extending discovery throughout the “executive branch”). Texas’s use of a plural executive does not meaningfully distinguish case law defining the scope of the United States for purposes of discovery. Although ties between components of the State may “be weaker . . . than they would be in the federal government,” *City of Dallas v. Stewart*, 361 S.W.3d 562, 573 (Tex. 2012), they remain components of the State of Texas.

### **III. THIRD-PARTY DISCOVERY IS NOT AN ADEQUATE SUBSTITUTE.**

Rather than comply with their discovery obligations, Defendants demand that the United States engage in third-party discovery, either through new requests to defendants in other cases consolidated with the instant litigation or via third-party subpoenas. Opp. Br. 9-10. However, these proposed solutions are unwarranted, unduly burdensome, and impractical.

First, by improperly narrowing the scope of documents and information available to the State, Texas would effectively foreclose useful interrogatories and requests for admission, which

may only be served on parties. *See* Fed. R. Civ. P. 33, Fed. R. Civ. P. 36; *see also, e.g.*, SOS Responses to LULAC Interrogatories 9 (Ex. 2) (“SOS was not involved in drawing districts and is not aware of any proposed map that would create an additional Latino-CVAP-majority district in Harris County.”).

Second, unnecessary third-party discovery has significant burdens, such as repeat negotiation of ESI agreements and general protective orders.

Finally—and most critically here—the United States served its requests for production on the State more than three months ago. With more than half of the discovery period elapsed, the United States should not have to begin document discovery over again.

Defendants engage in sleight of hand when they contend that they remained open to searching documents in the possession of the Office of the Governor. Opp. Br. 9-10. Defendants’ brief makes clear that they would not produce documents in the possession of the Governor in response to discovery requests served by the United States on the State of Texas. Opp. Br. 4. The State’s proffered willingness now to accept a new discovery request three months after the United States first served requests for production is no solution at all, particularly as it would condition the United States’ ability to obtain discovery from the Office of the Governor in future litigation on the presence of the Governor as a named defendant. *See also, e.g.*, Mot. to Dismiss 2-3, *La Unión del Pueblo Entero v. Abbott*, No. 5:21-cv-844 (W.D. Tex. Oct. 24, 2021), ECF No. 53 (arguing that the Texas Governor is not a proper defendant in another Voting Rights Act case).

#### **IV. CONCLUSION**

For the reasons set out above, the United States respectfully requests that this Court grant the United States’ motion to compel the production of documents.

Dated: April 15, 2022

PAMELA S. KARLAN  
Principal Deputy Assistant Attorney General  
Civil Rights Division

*/s/ Daniel J. Freeman*

T. CHRISTIAN HERREN, JR.  
TIMOTHY F. MELLETT  
DANIEL J. FREEMAN  
JANIE ALLISON (JAYE) SITTON  
MICHELLE RUPP  
JACKI L. ANDERSON  
JASMIN LOTT  
HOLLY F.B. BERLIN  
Attorneys, Voting Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

**CERTIFICATE OF SERVICE**

I hereby certify that on April 15, 2022, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system, which will send notification of this filing to counsel of record.

/s/ Daniel J. Freeman

Daniel J. Freeman

Voting Section

Civil Rights Division

U.S. Department of Justice

daniel.freeman@usdoj.gov

# EXHIBIT

1

**Freeman, Daniel (CRT)**

---

**From:** Freeman, Daniel (CRT)  
**Sent:** Thursday, March 17, 2022 5:46 PM  
**To:** Jeff White  
**Cc:** mimi@texascivilrightsproject.org; pstegemoeller@aaldef.org; sosaki@aclu.org; skumar@aclutx.org; slakin@aclu.org; slorenzo-giguere@aaldef.org; tbuser-clancy@aclutx.org; umittal@jenner.com; asavitzky@aclu.org; aharris@aclutx.org; acepedaderieux@aclu.org; asegura@aclutx.org; jvattamala@aaldef.org; jamunson@jenner.com; ldavis@drtx.org; lostrom@drtx.org; Hani Mirza; Leif Olson; Aaron Barnes; Joshua Clarke; Elizabeth Saunders; gyeomans@naacpldf.org; kdulaney@reedsmith.com; jholmes@naacpldf.org; ksadasivan@naacpldf.org; kbroughton@reedsmith.com; lspencer@reedsmith.com; abadat@naacpldf.org; scummings@reedsmith.com; wakschlag@thearc.org; sean@lyonsandlyons.com; bclements@freespeechforpeople.org; laura.rosenbaum@stoel.com; wendy.olson@stoel.com; chostetler@freespeechforpeople.org; elijah.watkins@stoel.com; jbonifaz@freespeechforpeople.org; marc.rasich@stoel.com; rfein@freespeechforpeople.org; Clem@lyonsandlyons.com; nperales@maldef.org; christopher.bell@friedfrank.com; jason.kanterman@friedfrank.com; Jlongoria@maldef.org; kevin.zhen@friedfrank.com; michael.keats@friedfrank.com; rebecca.martin@friedfrank.com; liz.ryan@weil.com; paul.genender@weil.com; morales-doyles@brennan.law.nyu.edu; alexander.cohen@weil.com; andrew.garber@nyu.edu; jasleen.singh@nyu.edu; matt.berde@weil.com; patrick.berry@nyu.edu; Christian.Menefee@cao.hctx.net; Fombonne, Jonathan (CAO); sameer.birring@cao.hctx.net; domingo@dgley.com; gwhite@elias.law; johnhardin@perkinscoie.com; jhawley@elias.law; jposimato@elias.law; kyukevich@elias.law; melias@elias.law; mmixon@elias.law; unkwonta@elias.law; aleo@cooley.com; mejiab@cooley.com; christine@statesuniteddemocracy.org; ghbell@cooley.com; khartnett@cooley.com; kspector@cooley.com; oarmon@cooley.com; ranjana@statesuniteddemocracy.org; zack@statesuniteddemocracy.org; Cubriel, Lisa; josephine.ramirez@da.co.hidalgo.tx.us; leigh.tognetti@da.co.hidalgo.tx.us; Barbara.Nicholas@dallascounty.org; ben.stool@dallascounty.org; earl.nesbitt@dallascounty.org; tony.nelson@traviscountytexas.gov; leslie.dippel@traviscountytexas.gov; patrick.pope@traviscountytexas.gov; sherine.thomas@traviscountytexas.gov; Stewart, Michael (CRT); Yun, Jennifer (CRT); Paikowsky, Dana (CRT); Dellheim, Richard (CRT); Zachary Dolling; Sarah Chen; Patrick Sweeten; Eric Hudson; Will Thompson; Kathleen Hunker  
**Subject:** Re: [EXTERNAL] RE: LUPE v. Texas (SB 1): Deposition Notices

Jeff,

The State of Texas is a party to this lawsuit, and the Texas Department of Public Safety is a component of the State of Texas involved in the implementation of challenged provisions of Senate Bill 1. Moreover, the State has provided extracts of databases maintained by the Texas Department of Public Safety as party discovery in this litigation. Therefore, the United States maintains that the Texas Department of Public Safety is subject to deposition by notice in this case.

To the extent that the Texas Department of Public Safety nonetheless refuses to appear for a noticed deposition absent a subpoena, the United States will serve a subpoena on the Department of Public Safety pursuant to Rule 45(c)(1)(B)(i), which authorizes subpoenas to secure party participation in depositions.

Please let me know if and when DPS consents to service of such a subpoena through your office, via email.

Thanks,

Dan Freeman

Daniel J. Freeman  
Trial Attorney  
Voting Section, Civil Rights Division  
U.S. Department of Justice  
4 Constitution Square  
150 M Street NE, Room 8.143  
Washington, DC 20530  
(202) 305-4355 (o), (202) 305-5451 (c)  
daniel.freeman@usdoj.gov

On Mar 17, 2022, at 5:14 PM, Jeff White <Jeff.White@oag.texas.gov> wrote:

Dan,

DPS is not a party to this lawsuit. Any request for deposition of DPS should be served by means of a subpoena directed to DPS. We will reach out to DPS regarding whether we are permitted to accept service of the subpoena on their behalf, but we anticipate that this will be acceptable.

Regards,  
Jeff White  
Special Counsel  
Office of the Attorney General  
P.O. Box 12548 (MC 009)  
Austin, Texas 78711-2548  
jeff.white@oag.texas.gov  
(512) 936-0677

---

**From:** Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>

**Sent:** Tuesday, March 15, 2022 7:27 PM

**To:** Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Eric Hudson <Eric.Hudson@oag.texas.gov>; Will Thompson <Will.Thompson@oag.texas.gov>; Jeff White <Jeff.White@oag.texas.gov>; Kathleen Hunker <Kathleen.Hunker@oag.texas.gov>

**Cc:** mimi@texascivilrightsproject.org; pstegemoeller@aaldef.org; sosaki@aclu.org; skumar@aclutx.org; slakin@aclu.org; slorenzo-giguere@aaldef.org; tuser-clancy@aclutx.org; umittal@jenner.com; asavitzky@aclu.org; aharris@aclutx.org; acepedaderieux@aclu.org; asegura@aclutx.org; jvattamala@aaldef.org; jamunson@jenner.com; ldavis@drtx.org; lostrom@drtx.org; Hani Mirza <hani@texascivilrightsproject.org>; Leif Olson <Leif.Olson@oag.texas.gov>; Aaron Barnes <Aaron.Barnes@oag.texas.gov>; Joshua Clarke <Joshua.Clarke@oag.texas.gov>; Elizabeth Saunders <Elizabeth.Saunders@oag.texas.gov>; gyeomans@naacpldf.org; kdulaney@reedsmith.com;

jholmes@naacpldf.org; ksadasivan@naacpldf.org; kbroughton@reedsmith.com;  
lspencer@reedsmith.com; abadat@naacpldf.org; scummings@reedsmith.com; wakschlag@thearc.org;  
sean@lyonsandlyons.com; bclements@freespeechforpeople.org; laura.rosenbaum@stoel.com;  
wendy.olson@stoel.com; chostetler@freespeechforpeople.org; elijah.watkins@stoel.com;  
jbonifaz@freespeechforpeople.org; marc.rasich@stoel.com; rfein@freespeechforpeople.org;  
Clem@lyonsandlyons.com; nperales@maldef.org; christopher.bell@friedfrank.com;  
jason.kanterman@friedfrank.com; Jlongoria@MALDEF.org; kevin.zhen@friedfrank.com;  
michael.keats@friedfrank.com; rebecca.martin@friedfrank.com; liz.ryan@weil.com;  
paul.genender@weil.com; morales-doyles@brennan.law.nyu.edu; alexander.cohen@weil.com;  
andrew.garber@nyu.edu; jasleen.singh@nyu.edu; matt.berde@weil.com; patrick.berry@nyu.edu;  
Christian.Menefee@cao.hctx.net; Fombonne, Jonathan (CAO <jonathan.fombonne@cao.hctx.net>;  
sameer.birring@cao.hctx.net; domingo@dgley.com; gwhite@elias.law; johnhardin@perkinscoie.com;  
jhawley@elias.law; jposimato@elias.law; kyukevich@elias.law; melias@elias.law; mmixon@elias.law;  
unkwonta@elias.law; aleo@cooley.com; mejlab@cooley.com; christine@statesuniteddemocracy.org;  
ghabell@cooley.com; khartnett@cooley.com; kspector@cooley.com; oarmon@cooley.com;  
ranjana@statesuniteddemocracy.org; zack@statesuniteddemocracy.org; Cubriel, Lisa  
<Lisa.Cubriel@bexar.org>; josephine.ramirez@da.co.hidalgo.tx.us; leigh.tognetti@da.co.hidalgo.tx.us;  
Barbara.Nicholas@dallascounty.org; ben.stool@dallascounty.org; earl.nesbitt@dallascounty.org;  
tony.nelson@traviscountytexas.gov; leslie.dippel@traviscountytexas.gov; patrick.pope@traviscountytexas.gov;  
sherine.thomas@traviscountytexas.gov; Stewart, Michael (CRT) <Michael.Stewart3@usdoj.gov>; Yun,  
Jennifer (CRT) <Jennifer.Yun@usdoj.gov>; Paikowsky, Dana (CRT) <Dana.Paikowsky@usdoj.gov>;  
Dellheim, Richard (CRT) <Richard.Dellheim@usdoj.gov>; Zachary Dolling  
<zachary@texascivilrightsproject.org>; Sarah Chen <schen@texascivilrightsproject.org>

**Subject:** LUPE v. Texas (SB 1): Deposition Notices

Counsel:

Attached please find Rule 30(b)(6) deposition notices for the Office of the Texas Secretary of State and the Texas Department of Public Safety.

Regards,

Dan Freeman

Daniel J. Freeman  
Trial Attorney  
Voting Section, Civil Rights Division  
U.S. Department of Justice  
4 Constitution Square  
150 M Street NE, Room 8.143  
Washington, DC 20530  
(202) 305-4355 (o), (202) 305-5451 (c)  
daniel.freeman@usdoj.gov

# EXHIBIT

# 2

United States District Court  
Western District of Texas  
El Paso Division

LEAGUE OF UNITED LATIN  
AMERICAN CITIZENS, *et al.*,  
Plaintiffs,  
v.  
GREG ABBOTT, *et al.*,  
Defendants.

Case 3:21-cv-259-DCG-JES-JVB

**Defendant John Scott's Objections and Answers  
to LULAC's First Set of Interrogatories**

Defendant John Scott, in his official capacity as Secretary of State of Texas ("SOS"), objects to and, subject to those objections, answers Plaintiff LULAC's first set of interrogatories.

Date: March 24, 2022

Respectfully submitted.

KEN PAXTON  
Attorney General of Texas

*/s/ Patrick K. Sweeten*  
PATRICK K. SWEETEN  
Deputy Attorney General for Special Litigation  
patrick.sweeten@oag.texas.gov  
Tex. State Bar No. 00798537

BRENT WEBSTER  
First Assistant Attorney General

OFFICE OF THE ATTORNEY GENERAL  
P.O. Box 12548 (MC-009)  
Austin, Texas 78711-2548  
Tel.: (512) 463-2100  
Fax: (512) 457-4410

WILLIAM T. THOMPSON  
Deputy Chief, Special Litigation Unit  
will.thompson@oag.texas.gov  
Tex. State Bar No. 24088531

CHRISTOPHER D. HILTON  
Chief, General Litigation Unit  
chris.hilton@oag.texas.gov  
Tex. State Bar No. 24087727

JEFFREY M. WHITE  
Special Counsel  
jeff.white@oag.texas.gov  
Tex. State Bar No. 24064380

KATHLEEN T. HUNKER  
Special Counsel  
kathleen.hunker@oag.texas.gov

Tex. State Bar No. 24118415

LEIF A. OLSON  
Special Counsel  
leif.olson@oag.texas.gov  
Tex. State Bar No. 24032801

COURTNEY CORBELLO  
Assistant Attorney General  
courtney.corbello@oag.texas.gov  
Tex. State Bar No. 24097533

JACK B. DISORBO  
Assistant Attorney General  
jack.disorbo@oag.texas.gov  
Tex. State Bar No. 24120804

**COUNSEL FOR THE DEFENDANTS**

**Certificate of Service**

I certify that on March 24, 2022, these objections and answers were served on all counsel of record by email, including these counsel for LULAC:

Nina Perales  
[nperales@maldef.org](mailto:nperales@maldef.org)

Kenneth Parreno  
[kparreno@maldef.org](mailto:kparreno@maldef.org)

Samantha Serna  
[sserna@maldef.org](mailto:sserna@maldef.org)

Fatima Menendez  
[fmendez@maldef.org](mailto:fmendez@maldef.org)

/s/ Patrick K. Sweeten  
PATRICK K. SWEETEN

### Recurring Objections

1. SOS objects to each interrogatory to the extent that it seeks information that was prepared for or in anticipation of litigation, constitutes attorney work product, contains attorney-client communications, or is otherwise protected by legislative privilege, deliberative process privilege, or any other applicable privilege, protection, doctrine, or immunity.
2. SOS objects to each interrogatory to the extent that it seeks information that is publicly available or otherwise equally available or uniquely or equally available from third parties.
3. SOS objects to each interrogatory to the extent that it seeks information that does not specifically refer to the events which are the subject matter of this litigation and to the extent that it seeks information not relevant to the subject matter of this litigation.
4. SOS objects to each interrogatory to the extent that it seeks information not in SOS's possession, custody, or control. To the extent an interrogatory seeks information from individuals or entities who are not parties to this lawsuit and are not under SOS's direction and control, those requests are subject to the rules governing third-party discovery, including Federal Rule of Civil Procedure 45.
5. SOS objects to each interrogatory that directs it to "state with particularity all facts," "identify and describe all facts," or something similar. SOS is not required at this stage of the case to marshal its evidence. *See* Fed. R. Civ. P. 33. It therefore answers these interrogatories with sufficient information to disclose the bases for its defenses. *See, e.g., TIG Ins. Co. v. Woodsboro Farmers Co-op.*, No. 5:18-cv-191, 2020 WL 12573285, at \*2 (S.D. Tex. Apr. 7, 2020); *Linde v. Arab Bank, PLC*, No. 04-cv-2799, 2012 WL 957970, at \*1 (E.D.N.Y. Mar. 21, 2012). *See also Faykus-Orr v. Liberty Life Assur. Co. of Boston*, No. 3:06-cv-0750, 2006 WL 3734213, at \*4 (N.D. Tex. Dec. 18, 2006) ("Defendant is not required to marshal plaintiff's evidence for her.")
6. SOS objects to each interrogatory that directs it to "identify all documents, electronically stored information or other tangible things" or something similar. SOS is not required at this stage of the case to marshal its evidence. *See* Fed. R. Civ. P. 33. It therefore answers these interrogatories with sufficient information to disclose the bases for its defenses. *See, e.g., TIG Ins. Co. v. Woodsboro Farmers Co-op.*, No. 5:18-cv-191, 2020 WL 12573285, at \*2 (S.D. Tex. Apr. 7, 2020); *Linde v. Arab Bank, PLC*, No. 04-cv-2799, 2012 WL 957970, at \*1 (E.D.N.Y. Mar. 21, 2012). *See also Faykus-Orr v. Liberty Life Assur. Co. of Boston*, No. 3:06-cv-0750, 2006 WL 3734213, at \*4 (N.D.

Tex. Dec. 18, 2006) (“Defendant is not required to marshal plaintiff’s evidence for her.”).

7. These responses and objections are made without waiving further objections to, or admitting the relevancy or materiality of, the information requested. All answers are given without prejudice to SOS’s right to introduce or object to the discovery of documents, facts, or information discovered later. SOS likewise does not waive the right to object to (1) the evidentiary use of the information contained in these responses and objections or (2) discovery requests relating to these objections and responses.
8. SOS will provide its responses based on terms as they are commonly understood and consistent with the Federal Rules of Civil Procedure. SOS objects to and will refrain from extending or modifying words employed in the requests to comport with expanded definitions or instructions. SOS will answer the requests to the extent required by the Federal Rules of Civil Procedure and the Local Rules of the Western District of Texas.
9. SOS objects to Definition 13’s inclusion of “purporting to act” as unduly burdensome and calling for responses outside the bounds of the discovery rules. One who purports to act on another person’s behalf is not that person’s agent or representative, and including such persons in this definition therefore necessarily includes persons who have neither the right nor the authority to act on behalf of SOS and over whom SOS exercises no control and for whom it bears no responsibility. SOS therefore answers these interrogatories as if “purporting to act” is omitted from this definition.
10. SOS further objects to Definition 13’s inclusion of “staff member” as vague and therefore unduly burdensome and calling for responses outside the bounds of discovery. First, the term is undefined; it could mean, among other things, persons in leadership positions within the Office of the Secretary of State or all employees of that Office. Second, a person’s position as a “staff member,” whichever definition is used, does not necessarily imbue that person with the authority—express or implied, apparent or actual—to act on behalf of SOS on particular matters. SOS therefore answers these interrogatories as if “staff member” is omitted from this definition.
11. SOS further objects to Definition 13’s inclusion of “attorney,” which is undefined and therefore unduly vague and calling for responses outside the bounds of discovery. To the extent that the term is meant to include attorneys at law, SOS objects that this causes the interrogatories to seek information protected by the attorney-client and work-product privileges.

12. SOS further objects to Definition 13's inclusion of "other representative" as vague and therefore unduly burdensome and calling for responses outside the bounds of discovery. First, the term is undefined; it could mean, among other things, persons designated by SOS to perform a particular task or persons who are employed by the Secretary of State's Office. Second, that a person is an "other representative," whichever definition is used, does not necessarily imbue that person with the authority—express or implied, apparent or actual—to act on behalf of SOS on particular matters. SOS therefore answers these interrogatories as if "other representative" is omitted from this definition.

### Objections and Answers to Interrogatories

**Interrogatory No. 1:** Please provide, for each of the redistricting plans C2100, C2193, S2100, S2168, H2100, H2316, E2100 and E2106, your definition of the term "Latino opportunity district," including whether that definition includes a specific numerical threshold of population, or other data, as well as a description of that threshold.

**Answer to Interrogatory No. 1:** SOS objects on the grounds that the redistricting legislation was passed by the Texas Legislature, not by SOS. SOS objects that this interrogatory is unduly vague. None of the cited redistricting plans uses the term "Latino opportunity district," and the interrogatory does not specify an individual who used the term or a context in which the term was used. In general, the term can have different meanings based on context. Without such a context, no meaningful response is possible. Subject to these objections:

There is not a one-size-fits-all definition of the term "Latino opportunity district." It is SOS's understanding that in some contexts, the term "Latino opportunity district" can be used to refer to a district that meets the test announced in *Thornburg v. Gingles* and explained in subsequent precedent. Those cases explain numerical thresholds relevant to the *Gingles* test. SOS notes that the Supreme Court may clarify or change the *Gingles* test in current or future cases. In other contexts, the term "Latino opportunity district" can be used to include any district in which there is a sufficient opportunity for Latino voters' "candidate of choice" to be elected. In other contexts, the term "Latino opportunity district" can be used to refer to any district in which Latino voters do not "have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." 52 U.S.C. § 10301(b).

**Interrogatory No. 2:** Please identify, by district number, each district within each of the following redistricting plans that you contend is a Latino opportunity district and state with particularity all facts supporting your contention that the district is a Latino opportunity district: C2100, C2193, S2100, S2168, H2100, H2316, E2100 and E2106.

**Answer to Interrogatory No. 2:** SOS objects on the grounds that the redistricting legislation was passed by the Texas Legislature, not by SOS. SOS further objects that this interrogatory is unduly vague and ambiguous because it does not define or give a context for the term “Latino opportunity district.” As explained above, the term “Latino opportunity district” can be used in different ways in different contexts. SOS further objects that this interrogatory is vague as to time because it does not state whether it seeks an answer for the benchmark plans as of when the new plans were adopted, when the benchmark plans were adopted, or some other time. SOS further objects that the interrogatory is unduly burdensome and not justified by the needs of this case. Requiring SOS to form an opinion about the application of *Gingles* to every district in eight different maps to answer this interrogatory is not justified, especially with regard to districts that are not being challenged. Subject to these objections:

It is SOS’s understanding that under at least one definition of “Latino opportunity district,” every district in each of those plans is a Latino opportunity district because none of the districts violates Section 2 of the Voting Rights Act. *See* 52 U.S.C. § 10301. Each district affords a Latino voter the same opportunity to participate in the process of electing the voter’s chosen candidate as is afforded to a voter who is not Latino. To the extent LULAC intends this interrogatory to use the *Gingles*-based definition of “Latino opportunity district” discussed above, SOS objects that the interrogatory is premature, overbroad, and unduly burdensome. The expert disclosure deadline is June 10, 2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analyses.

**Interrogatory No. 3:** Please identify, by district number, each district within each of the following redistricting plans C2100, C2193, S2100, S2168, H2100, H2316, E2100 and E2106 that you contend is required by Section 2 of the Voting Rights Act of 1965 and state with particularity all facts supporting your contention that the district is required by Section 2 of the Voting Rights Act of 1965.

**Answer to Interrogatory No. 3:** SOS objects that the interrogatory is vague. For purposes of this answer SOS interprets the interrogatory as referring to the interpretation of Section 2 of the Voting Rights Act found

in current precedent, but SOS notes that that precedent may change. The interrogatory is also vague with regard to what it means for a district to be “required” (*e.g.*, does the precise shape of the district have to be compelled by Section 2?). SOS further objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that the interrogatory is premature; the expert disclosure deadline is June 10, 2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analyses. Moreover, requiring SOS to form an opinion about the application of Section 2 to every district in eight different maps is overbroad and not justified by the needs of this case, especially with regard to districts that are not being challenged. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature.

**Interrogatory No. 4:** In Paragraph 121 of your Answer to LULAC Plaintiffs’ First Amended Complaint (Dkt. 120) (hereinafter “Answer”), you deny that “[t]he 87th Texas Legislature’s adoption of Plans H2316, S2168, C2193 and E2106 included departures from normal procedures and departures from normal substantive considerations in redistricting.” Please (a) identify and describe all facts supporting your denial, including but not limited to identifying legislation that is comparable to the bills containing redistricting plans H2316, S2168, C2193 and E2106 in that the legislation was characterized by similarly “normal procedures” and “normal substantive considerations;” (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 4:** SOS objects to the use of the terms “normal procedures” and “normal substantive considerations” as vague insofar as they involve questions of law. SOS further objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Subject to those objections:

To SOS’s knowledge, each of these redistricting plans was adopted according to the procedures required by the Texas Constitution, the rules of the

Texas House of Representatives, and the rules of the Texas Senate. Further, each redistricting plan was adopted following timetables applicable to all bills introduced during a special session. Each redistricting plan was adopted following procedures and practices employed in previous redistricting proceedings, including consultation with incumbents, public hearings, soliciting and gathering public input and comment, making data and map-drawing tools available to the public, publication of draft maps, and introduction and consideration of substitutions and amendments.

Members of the Legislature publicly listed many substantive considerations supporting adoption of the bills containing redistricting plans H2316, S2168, C2193 and E2106. For example, Senator Huffman, the chair of the Senate Redistricting Committee, publicly listed some “of the criteria [she] used in proposing and considering new districts”: “complying with all applicable law including the Constitution, the Voting Rights Act, and the requirement to equalize district populations based on the 2020 census”; “keeping political subdivisions together”; “keeping communities of interest together”; “preserving the cores of existing districts”; “creating geographically compact districts”; “addressing partisan considerations”; “protecting incumbents”; “and when possible honoring reasonable requests made by incumbent members.” Dkt. 39-53 at 4–5.

**Interrogatory No. 5:** In Paragraph 143 of your Answer, you deny that “the Latino population of Texas is sufficiently numerous and geographically compact to constitute the majority of the [Citizen Voting Age Population] in at least 36 Texas House districts—or at least three more Latino opportunity districts than in the benchmark map.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 5:** SOS objects that this interrogatory is vague due to its undefined use of “Latino opportunity district,” a term that is used in different ways. SOS further objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Further, the expert disclosure deadline is June 10,

2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analyses. Subject to those objections:

SOS does not know the LULAC Plaintiffs' definition of "Latino opportunity district" but assumes they mean to allege that the Legislature could have and should have drawn 36 districts that would have satisfied the *Gingles* test. SOS was not involved in drawing districts and is not aware of any proposed map that would accomplish that result consistent with traditional redistricting criteria and legal requirements.

**Interrogatory No. 6:** In Paragraph 145 of your Answer, you deny that, "in Harris County, where the Latino population has increased by 363,169 over the past decade, the Latino population is sufficiently numerous and geographically compact to constitute the majority of the [Citizen Voting Age Population] in at least one additional House district. However, Plan H2316 fails to create an additional Latino citizen voting age majority House district there." Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 6:** SOS objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Additionally, the expert disclosure deadline is June 10, 2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analyses. Subject to those objections:

SOS was not involved in drawing districts and is not aware of any proposed map that would create an additional Latino-CVAP-majority district in Harris County consistent with traditional redistricting and legal requirements.

**Interrogatory No. 7:** In Paragraph 146 of your Answer, you deny that "the Latino population along the I-35 corridor in Caldwell, Hays and Travis counties is sufficiently numerous and geographically compact to constitute the majority of Hispanic [Citizen Voting Age Population] in a House district. However, Plan H2316 fails to create a Latino citizen voting age majority House district in that area." Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of

each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 7:** SOS objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Further, the expert disclosure deadline is June 10, 2022, and the expert witnesses have not yet completed their analyses. Subject to those objections:

SOS was not involved in drawing districts and is not aware of any proposed map that would create an additional Latino-CVAP-majority district along the I-35 corridor in Caldwell, Hays, and Travis counties consistent with traditional redistricting criteria and legal requirements.

**Interrogatory No. 8:** In Paragraph 150 of your Answer, you deny that “Plan H2316 weakens Latino voting strength in House District 118 in Bexar County while simultaneously increasing Latino voting strength in nearby House Districts 117 and 124, two existing Latino opportunity districts in the county. Plan H2316 weakens House District 118 by manipulating population into and out of House District 117, 118 and 124 based on race, and strips Latino voters in HD118 of the opportunity to elect their candidate of choice.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 8:** SOS objects that this interrogatory is vague due to its undefined use of “Latino opportunity district,” a term that is used in different ways. It is also vague due to its undefined use of the terms “Latino voting strength,” “weaken,” and “candidate of choice.” SOS further objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that

providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Subject to those objections:

According to publicly available records, Representative Hunter publicly explained that his goals included “legal compliance” and that “race cannot be the predominant factor in drawing maps.”<sup>1</sup> Representative Hunter also publicly explained that he followed “traditional redistricting criteria,” including “ma[king] sure all districts are contiguous,” “tr[ying] our best to avoid . . . incumbent pairings,” “tr[ying] to draw districts based on precinct lines and avoid splits as much as possible,” and “tr[ying] to draw districts as compact as possible.”<sup>2</sup> According to the Texas Legislative Council, House District 118’s citizen voting age population is 56.4% Hispanic and only 35.5% white.<sup>3</sup>

**Interrogatory No. 9:** In Paragraph 151 of your Answer, you deny that “Plan H2316 weakens Latino voting strength in House District 31 in the Rio Grande Valley by manipulating precincts into and out of the district based on race, and strips Latino voters in HD31 of the opportunity to elect their candidate of choice.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 9:** SOS objects that this interrogatory is vague due to its undefined use of “Latino voting strength” and “candidate of choice.” SOS further objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Subject to those objections:

---

<sup>1</sup> House Journal, 87th Leg., 3d C.S. at S2 (Oct. 12, 2021), <https://journals.house.texas.gov/HJRNL/873/PDF/87C3DAY04CBSUPPLEMENT.PDF>

<sup>2</sup> House Journal, 87th Leg., 3d C.S. at S3 (Oct. 12, 2021), <https://journals.house.texas.gov/HJRNL/873/PDF/87C3DAY04CBSUPPLEMENT.PDF>

<sup>3</sup> Texas Legislative Council, Plan H2316 Map Report Package at 36 of 63, [https://data.capitol.texas.gov/dataset/71af633c-21bf-42cf-ad48-4fe95593a897/resource/e8a63cb9-001b-4b1f-a7f8-9106cce80706/download/planh2316\\_map\\_report\\_package.pdf](https://data.capitol.texas.gov/dataset/71af633c-21bf-42cf-ad48-4fe95593a897/resource/e8a63cb9-001b-4b1f-a7f8-9106cce80706/download/planh2316_map_report_package.pdf).

According to publicly available records, Representative Hunter publicly explained that his goals included “legal compliance” and that “race cannot be the predominant factor in drawing maps.”<sup>4</sup> Representative Hunter also publicly explained that he followed “traditional redistricting criteria,” including “ma[king] sure all districts are contiguous,” “tr[ying] our best to avoid . . . incumbent pairings,” “tr[ying] to draw districts based on precinct lines and avoid splits as much as possible,” and “tr[ying] to draw districts as compact as possible.”<sup>5</sup> According to the Texas Legislative Council, House District 31’s citizen voting age population is 66.6% Hispanic and only 30.7% white.<sup>6</sup>

**Interrogatory No. 10:** In Paragraph 152 of your Answer, you deny that Plan H2316 “weakens Latino voting strength in House District 37 in the Rio Grande Valley by manipulating precincts into and out of the district based on race, and strips Latino voters in HD37 of the opportunity to elect their candidate of choice.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 10:** SOS objects that this interrogatory is vague due to its undefined use of “Latino voting strength” and “candidate of choice.” SOS further objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Subject to those objections:

According to publicly available records, Representative Hunter publicly explained that his goals included “legal compliance” and that “race cannot be the predominant factor in drawing maps.”<sup>7</sup> Representative Hunter also

---

<sup>4</sup> See fn.1.

<sup>5</sup> See fn.2.

<sup>6</sup> Texas Legislative Council, Plan H2316 Map Report Package at 33 of 63, [https://data.capitol.texas.gov/dataset/71af633c-21bf-42cf-ad48-4fe95593a897/resource/e8a63cb9-001b-4b1f-a7f8-9106cce80706/download/planh2316\\_map\\_report\\_package.pdf](https://data.capitol.texas.gov/dataset/71af633c-21bf-42cf-ad48-4fe95593a897/resource/e8a63cb9-001b-4b1f-a7f8-9106cce80706/download/planh2316_map_report_package.pdf).

<sup>7</sup> See fn.1.

publicly explained that he followed “traditional redistricting criteria,” including “ma[king] sure all districts are contiguous,” “tr[ying] our best to avoid . . . incumbent pairings,” “tr[ying] to draw districts based on precinct lines and avoid splits as much as possible,” and “tr[ying] to draw districts as compact as possible.”<sup>8</sup> According to the Texas Legislative Council, House District 37’s citizen voting age population is 77.8% Hispanic and only 20.3% white.<sup>9</sup>

**Interrogatory No. 11:** In Paragraph 157 of your Answer, you deny that, as to House Districts 69, 71, 72, 74, 75, 77, 78, 79, 81, 82, 83, 84, 86, 87 and 88 in Plan H2316, “Defendants deliberately favored Anglo voters over Latino voters for the purpose of preserving Anglo voting influence and Anglo incumbency, and thwarting the emergence of an additional House district in which Latino voters have the opportunity to elect their candidate of choice—even as the rate of Anglo population growth in West Texas lags behind that of Latino population growth. The population deviations between West Texas House districts are not supported by any legitimate, consistently applied state policy and are tainted by discrimination.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 11:** SOS objects that this interrogatory is vague due to its undefined use of “favored,” “Anglo voting influence,” and “candidate of choice.” SOS further objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Subject to those objections:

According to publicly available records, Representative Hunter publicly explained that his goals included “legal compliance” and that “race cannot

---

<sup>8</sup> See fn.2.

<sup>9</sup> Texas Legislative Council, Plan H2316 Map Report Package at 34 of 63, [https://data.capitol.texas.gov/dataset/71af633c-21bf-42cf-ad48-4fe95593a897/resource/e8a63cb9-001b-4b1f-a7f8-9106cce80706/download/planh2316\\_map\\_report\\_package.pdf](https://data.capitol.texas.gov/dataset/71af633c-21bf-42cf-ad48-4fe95593a897/resource/e8a63cb9-001b-4b1f-a7f8-9106cce80706/download/planh2316_map_report_package.pdf).

be the predominant factor in drawing maps.”<sup>10</sup> Representative Hunter also publicly explained that he followed “traditional redistricting criteria,” including “ma[king] sure all districts are contiguous,” “tr[ying] our best to avoid . . . incumbent pairings,” “tr[ying] to draw districts based on precinct lines and avoid splits as much as possible,” and “tr[ying] to draw districts as compact as possible.”<sup>11</sup> In addition, Representative Hunter publicly explained why House District 76 was removed from the El Paso area: “El Paso District 76, it’s a collapsed seat, yes, it is. El Paso or South Texas unfortunately had to lose a district due to loss of population in these areas and in slower growth zones. In response, as many of you know, new District 76 was drawn in Fort Bend County to accommodate the significant minority growth which is 33 percent Asian, 22 percent African American, 22 percent Hispanic.”<sup>12</sup> Moreover, data available through the Texas Legislative Council reflects that many underpopulated districts have citizen voting age populations that are predominantly minority. For example, of the 12 house districts with the least population (less than 185,000), 4 are majority Hispanic by CVAP, 4 are majority black by CVAP, 2 have no majority race by CVAP, and only 2 are majority white by CVAP.<sup>13</sup>

**Interrogatory No. 12:** In Paragraph 159 of your Answer, you deny that “the Latino population of Texas is sufficiently numerous and geographically compact to comprise the majority of the [Citizen Voting Age Population] in at least 9 Senate districts—or at least two additional Latino citizen voting age majority Senate districts compared to the benchmark map.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

---

<sup>10</sup> House Journal, 87th Leg., 3d C.S. at S2 (Oct. 12, 2021), <https://journals.house.texas.gov/HJRNL/873/PDF/87C3DAY04CBSUPPLEMENT.PDF>

<sup>11</sup> House Journal, 87th Leg., 3d C.S. at S3 (Oct. 12, 2021), <https://journals.house.texas.gov/HJRNL/873/PDF/87C3DAY04CBSUPPLEMENT.PDF>

<sup>12</sup> Chairman Todd Hunter, House Redistricting Committee Hearing (Oct. 4, 2021), [https://tlchouse.granicus.com/MediaPlayer.php?view\\_id=46&clip\\_id=22557](https://tlchouse.granicus.com/MediaPlayer.php?view_id=46&clip_id=22557).

<sup>13</sup> Texas Legislative Council, Plan H2316 Map Report Package at 33–37 of 63, [https://data.capitol.texas.gov/dataset/71af633c-21bf-42cf-ad48-4fe95593a897/resource/e8a63cb9-001b-4b1f-a7f8-9106cce80706/download/planh2316\\_map\\_report\\_package.pdf](https://data.capitol.texas.gov/dataset/71af633c-21bf-42cf-ad48-4fe95593a897/resource/e8a63cb9-001b-4b1f-a7f8-9106cce80706/download/planh2316_map_report_package.pdf).

**Answer to Interrogatory No. 12:** SOS objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Further, the expert disclosure deadline is June 10, 2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analyses. Subject to those objections:

SOS was not involved in drawing districts and is not aware of any proposed map that would create nine Latino-CVAP-majority senate districts consistent with traditional redistricting criteria and legal requirements.

**Interrogatory No. 13:** In Paragraph 160 of your Answer, you deny that, “in South/Central Texas, between San Antonio and Austin along the I-35 corridor, the Latino population is sufficiently numerous and geographically compact to constitute the majority of the [Citizen Voting Age Population] in at least one additional Latino majority Senate district. However, Plan S2168 fails to create an additional Latino citizen voting age majority Senate district there.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 13:** SOS objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Further, the expert disclosure deadline is June 10, 2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analyses. Subject to those objections:

SOS was not involved in drawing districts and is not aware of any proposed map that would create a Latino-CVAP-majority senate district consistent with traditional redistricting criteria and legal requirements in South/Central Texas, between San Antonio and Austin along the I-35 corridor.

**Interrogatory No. 14:** In Paragraph 161 of your Answer, you deny that, “in the Dallas/Ft. Worth Metroplex, the Latino population is sufficiently numerous and geographically compact to constitute the majority of the [Citizen Voting Age Population] in at least one additional Latino majority Senate district. However, Plan S2168 fails to create an additional Latino citizen voting age majority Senate district there.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 14:** SOS objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Further, the expert disclosure deadline is June 10, 2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analyses. Subject to those objections:

SOS was not involved in drawing districts and is not aware of any proposed map that would create a Latino-CVAP-majority senate district consistent with traditional redistricting criteria and legal requirements in the Dallas/Ft. Worth Metroplex.

**Interrogatory No. 15:** In Paragraph 163 of your Answer, you deny that “Plan S2168 manipulates district boundaries in SD27 with the purpose of reducing Latino voting strength and making it more difficult for Latinos to elect their preferred candidates. Plan S2168 purposefully weakens Latino voting strength in Senate District 27, which is located in South Texas along the Gulf Coast, by manipulating precincts into and out of the district based on race, and reduces the ability [of] Latino voters in SD27 to elect their candidate of choice.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 15:** SOS objects that this interrogatory is vague due to its undefined use of “Latino voting strength,” “weakens,”

“preferred candidates,” and “candidate of choice.” SOS further objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Subject to those objections:

According to publicly available records, Senator Huffman publicly stated that she did not use “racial shading” when drawing the Senate map. Dkt. 39-41 at A-5; *see also id.* at A-31 (“We only shaded for partisan, as I’ve explained, not racial.”). Senator Huffman also publicly explained that she “did not make map decisions based on racial determinations.” *Id.* at A-21. According to the Texas Legislative Council, Senate District 27’s citizen voting age population is 78.3% Hispanic and only 19.4% white.<sup>14</sup> Senator Lucio, a Hispanic incumbent who represented Senate District 27, voted in favor of the Senate map.<sup>15</sup>

**Interrogatory No. 16:** In Paragraph 166 of your Answer, you deny that, “[i]n Harris County, the Latino population is sufficiently numerous and geographically compact to constitute the majority of the [Citizen Voting Age Population] in an SBOE district. However, Plan E2106 fails to create a Latino citizen voting age majority district there.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 16:** SOS objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Further, pursuant to the scheduling order entered (Dkt.96), the expert disclosure deadline is June 10, 2022, and the

---

<sup>14</sup> Texas Legislative Council, Plan S2168 Map Report Package at 15 of 39, [https://data.capitol.texas.gov/dataset/70836384-f10c-423d-a36e-748d7e000872/resource/e771ce59-d3af-46e7-beb4-f845a4196489/download/plans2168\\_map\\_report\\_package.pdf](https://data.capitol.texas.gov/dataset/70836384-f10c-423d-a36e-748d7e000872/resource/e771ce59-d3af-46e7-beb4-f845a4196489/download/plans2168_map_report_package.pdf).

<sup>15</sup> Senate Journal, 87th Leg., 3d C.S. at 61–62 (Oct. 4, 2021), <https://journals.senate.texas.gov/sjrnl/873/pdf/87S310-04-F.PDF>.

expert witnesses have not yet completed their analyses. Subject to those objections:

SOS was not involved in drawing districts and is not aware of any proposed map that would create a Latino-CVAP-majority SBOE district consistent with traditional redistricting criteria and legal requirements in Harris County.

**Interrogatory No. 17:** In Paragraph 168 of your Answer, you deny that “Plan E2106 manipulates the district boundaries of ED3—a district in South Texas—with the purpose of reducing Latino voting strength and making it more difficult for Latinos to elect their preferred candidates. Defendants also purposefully manipulated district boundaries in South Texas on the basis of race to limit Latino electoral opportunity in ED2 and ED3.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 17:** SOS objects that this interrogatory is vague due to its undefined use of “Latino voting strength,” “preferred candidates,” and “limit Latino electoral opportunity.” SOS further objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Subject to those objections:

According to publicly available records, legislators publicly explained priorities behind the SBOE map, including “following all applicable law, equalizing population across districts, preserving political subdivisions and communities of interest when possible, preserving the cores of previous districts to the extent possible, and achieving geographic compactness.”<sup>16</sup> According to the Texas Legislative Council, SBOE District 2’s citizen voting age population is 71.5% Hispanic and only 24.5% white.<sup>17</sup> According

---

<sup>16</sup> House Journal, 87th Leg., 3d C.S. at S138 (Oct. 15, 2021), <https://journals.house.texas.gov/HJRNL/873/PDF/87C3DAY06CSUPPLEMENT.PDF>.

<sup>17</sup> Texas Legislative Council, Plan E2106 Map Report Package at 13 of 25, [https://data.capitol.texas.gov/dataset/ad1ae979-6df9-4322-98cf-6771cc67f02d/resource/335ecdc1-9fa5-47a9-8156-d8d4b6e75c60/download/plane2106\\_map\\_report\\_package.pdf](https://data.capitol.texas.gov/dataset/ad1ae979-6df9-4322-98cf-6771cc67f02d/resource/335ecdc1-9fa5-47a9-8156-d8d4b6e75c60/download/plane2106_map_report_package.pdf).

to the Texas Legislative Council, SBOE District 3's citizen voting age population is 57.8% Hispanic and only 31.8% white.<sup>18</sup>

**Interrogatory No. 18:** In Paragraph 171 of your Answer, you deny that “[t]he Latino population of Texas is sufficiently numerous and geographically compact to comprise the majority of the [Citizen Voting Age Population] in at least three additional congressional districts compared to the benchmark maps.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 18:** SOS objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Further, the expert disclosure deadline is June 10, 2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analyses. Subject to those objections:

SOS was not involved in drawing districts and is not aware of any proposed map that would create three additional Latino-CVAP-majority congressional districts consistent with traditional redistricting criteria and legal requirements.

**Interrogatory No. 19:** In Paragraph 172 of your Answer, you deny that, “[i]n Harris County, the Latino population is sufficiently numerous and geographically compact to comprise the majority of the [Citizen Voting Age Population] in at least one additional Latino majority congressional district. However, Plan C2193 fails to create an additional Latino majority congressional district there.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

---

<sup>18</sup> *Id.*

**Answer to Interrogatory No. 19:** SOS objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Further, the expert disclosure deadline is June 10, 2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analyses. Subject to those objections:

SOS was not involved in drawing districts and is not aware of any proposed map that would create an additional Latino-CVAP-majority congressional district in Harris County consistent with traditional redistricting criteria and legal requirements.

**Interrogatory No. 20:** In Paragraph 173 of your Answer, you deny that, “[i]n the Dallas-Fort Worth area, the Latino population is sufficiently numerous and geographically compact to comprise the majority of the [Citizen Voting Age Population] in a congressional district. However, Plan C2193 fails to create an additional Latino citizen voting age majority congressional district there.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 20:** SOS objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Further, the expert disclosure deadline is June 10, 2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analyses. Subject to those objections:

SOS was not involved in drawing districts and is not aware of any proposed map that would create an additional Latino-CVAP-majority congressional district in the Dallas-Fort Worth area consistent with traditional redistricting criteria and legal requirements.

**Interrogatory No. 21:** In Paragraph 174 of your Answer, you deny that, “[i]n South/Central Texas, in an area along the I-35 corridor from Bexar to Travis

counties, the Latino population is sufficiently numerous and geographically compact to comprise the majority of the [Citizen Voting Age Population] in a congressional district. The benchmark congressional redistricting plan continued such a district: CD35. However, Plan C2193 fails to create a Latino citizen voting age majority congressional district there.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 21:** SOS objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Further, the expert disclosure deadline is June 10, 2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analyses. Subject to those objections:

SOS was not involved in drawing districts and is not aware of any proposed map that would create an additional Latino-CVAP-majority congressional district in South/Central Texas, in an area along the I-35 corridor from Bexar to Travis counties, consistent with traditional redistricting criteria and legal requirements.

**Interrogatory No. 22:** In Paragraph 175 of your Answer, you deny that, “[a]lso in South/Central Texas, in an area including Nueces, San Patricio, Bee, Goliad, Karnes, Gonzales, Caldwell, Bastrop and Travis counties, the Latino population is sufficiently numerous and geographically compact to comprise the majority of the [Citizen Voting Age Population] in a congressional district. However, Plan C2193 fails to create an additional Latino citizen voting age majority congressional district there.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 22:** SOS objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative priv-

ilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Further, the expert disclosure deadline is June 10, 2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analyses. Subject to those objections:

SOS was not involved in drawing districts and is not aware of any proposed map that would create an additional Latino-CVAP-majority congressional district in South/Central Texas, in an area including Nueces, San Patricio, Bee, Goliad, Karnes, Gonzales, Caldwell, Bastrop and Travis counties, consistent with traditional redistricting criteria and legal requirements.

**Interrogatory No. 23:** In Paragraph 177 of your Answer, you deny that, “[i]n South Texas, Plan C2193 weakens Latino voting strength in Congressional District 15 by intentionally ‘packing’ Latino voters into neighboring Congressional District 34. Defendants manipulated district boundaries in CD15 with the purpose of reducing Latino voting strength and making it more difficult for Latinos to elect their preferred candidates.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 23:** SOS objects that this interrogatory is vague due to its undefined use of “Latino voting strength,” “weakens,” “packing,” and “preferred candidates.” SOS further objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Further, the expert disclosure deadline is June 10, 2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analyses. Subject to those objections:

According to publicly available records, legislators publicly explained priorities behind the congressional map, including “complying with all applicable law, including the Constitution, the Voting Rights Act, the requirement to equalize district populations based on the 2020 census, keeping

political subdivisions together, keeping communities of interest together, preserving the cores of existing districts, creating geographically compact districts, addressing partisan considerations, protecting incumbents, and, when possible, honoring reasonable requests made by incumbent members.”<sup>19</sup> According to the Texas Legislative Council, Congressional District 15’s citizen voting age population is 73.8% Hispanic and only 23.0% white.<sup>20</sup> That is virtually indistinguishable from Congressional District 15’s citizen voting age population under the benchmark plan, which was 73.9% Hispanic and only 21.8% white.<sup>21</sup> According to the Texas Legislative Council, Congressional District 34’s citizen voting age population is 86.6% Hispanic and only 12.0% white.<sup>22</sup>

**Interrogatory No. 24:** In Paragraph 178 of your Answer, you deny that “Plan C2193 also weakens the Latino voting strength in Congressional District 23 by intentionally manipulating precincts into and out of the district based on race, and denies Latino voters in CD23 of the opportunity to elect their candidate of choice.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 24:** SOS objects that this interrogatory is vague due to its undefined use of the terms “Latino voting strength,” “weakens,” and “candidate of choice.” SOS further objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the

---

<sup>19</sup> House Journal, 87th Leg., 3d C.S. at S157–S158 (Oct. 16, 2021), <https://journals.house.texas.gov/HJRNL/873/PDF/87C3DAY07CSUPPLEMENT.PDF>.

<sup>20</sup> Texas Legislative Council, Plan C2193 Map Report Package at 16 of 48, [https://data.capitol.texas.gov/dataset/b806b39a-4bab-4103-a66a-9c99bcaba490/resource/b916a06b-b7e3-42fe-997c-d06f97cd1724/download/planc2193\\_map\\_report\\_package.pdf](https://data.capitol.texas.gov/dataset/b806b39a-4bab-4103-a66a-9c99bcaba490/resource/b916a06b-b7e3-42fe-997c-d06f97cd1724/download/planc2193_map_report_package.pdf).

<sup>21</sup> Texas Legislative Council, Red-116 for Plan C2100 at 1 of 2, [https://data.capitol.texas.gov/dataset/d76b111c-63a8-4868-b937-2f689d61060b/resource/91bf40d6-4dde-49ae-bd59-e94241f0adb6/download/planc2100r116\\_acs1519.pdf](https://data.capitol.texas.gov/dataset/d76b111c-63a8-4868-b937-2f689d61060b/resource/91bf40d6-4dde-49ae-bd59-e94241f0adb6/download/planc2100r116_acs1519.pdf).

<sup>22</sup> Texas Legislative Council, Plan C2193 Map Report Package at 16 of 48, [https://data.capitol.texas.gov/dataset/b806b39a-4bab-4103-a66a-9c99bcaba490/resource/b916a06b-b7e3-42fe-997c-d06f97cd1724/download/planc2193\\_map\\_report\\_package.pdf](https://data.capitol.texas.gov/dataset/b806b39a-4bab-4103-a66a-9c99bcaba490/resource/b916a06b-b7e3-42fe-997c-d06f97cd1724/download/planc2193_map_report_package.pdf).

information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Subject to those objections:

According to publicly available records, legislators publicly explained priorities behind the congressional map, including “complying with all applicable law, including the Constitution, the Voting Rights Act, the requirement to equalize district populations based on the 2020 census, keeping political subdivisions together, keeping communities of interest together, preserving the cores of existing districts, creating geographically compact districts, addressing partisan considerations, protecting incumbents, and, when possible, honoring reasonable requests made by incumbent members.”<sup>23</sup> According to the Texas Legislative Council, Congressional District 23’s citizen voting age population is 57.8% Hispanic and only 35.1% white.<sup>24</sup>

**Interrogatory No. 25:** Please state the name, address, email address and telephone number of any and all individuals who were responsible for creating, drawing or proposing, either directly or by making suggestions to another, the boundaries of any district in each of the following redistricting plans: C2193, E2106, H2316 or S2168.

**Answer to Interrogatory No. 25:** SOS objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that the interrogatory is overbroad and not justified by the needs of this case, especially with regard to districts that are not being challenged and unofficial proposals. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. SOS further objects that this interrogatory is unduly burdensome because much of the requested information is equally available to the LULAC Plaintiffs through public records. Subject to those objections:

---

<sup>23</sup> House Journal, 87th Leg., 3d C.S. at S157–S158 (Oct. 16, 2021), <https://journals.house.texas.gov/HJRNL/873/PDF/87C3DAY07CSUPPLEMENT.PDF>.

<sup>24</sup> Texas Legislative Council, Plan C2193 Map Report Package at 16 of 48, [https://data.capitol.texas.gov/dataset/b806b39a-4bab-4103-a66a-9c99bcaba490/resource/b916a06b-b7e3-42fe-997c-d06f97cd1724/download/planc2193\\_map\\_report\\_package.pdf](https://data.capitol.texas.gov/dataset/b806b39a-4bab-4103-a66a-9c99bcaba490/resource/b916a06b-b7e3-42fe-997c-d06f97cd1724/download/planc2193_map_report_package.pdf).

According to publicly available records, legislators have publicly stated that they received submissions from other members of the Texas Legislature.<sup>25</sup> Further, it is SOS's understanding that legislators are often assisted by staff and that at least some staff were involved in drawing or proposing, either directly or indirectly, the boundaries of a district. Based on publicly available records, specific individuals include Senator Huffman, Sean Opperman, Anna Mackin, Representative Hunter, and Adam Foltz.<sup>26</sup> District Viewer, which is available at <https://dvr.capitol.texas.gov/>, displays maps drawn or proposed by various legislators. Other individuals and groups were also able to draw or propose maps, including through Red Appl.

**Interrogatory No. 26:** In Paragraph 147 of your Answer, you deny that “the Latino population in Ector and Midland counties is sufficiently numerous and geographically compact to constitute the majority of the [Citizen Voting Age Population] in a House district. However, Plan H2316 fails to create a Latino citizen voting age majority House district in that area.” Please (a) identify and describe all facts supporting your denial; (b) state the name, address, email address and telephone number of each person who has knowledge of those facts; (c) identify all documents, electronically stored information or other tangible things that support that denial; and (d) state the name, address, email address and telephone number of each person who has each document.

**Answer to Interrogatory No. 26:** SOS objects to this interrogatory exceeds the number of interrogatories allowed under Federal Rule of Civil Procedure 33(a)(1). SOS further objects to this interrogatory to the extent that it seeks disclosure of information subject to legislative privilege, attorney-client privilege, attorney work-product doctrine, or deliberative-process privilege. SOS also objects that it is not required to marshal its evidence at this stage and that providing all of the information requested is unduly burdensome, especially in light of the fact that SOS is not a member of the Legislature. Further, the expert disclosure deadline is June 10, 2022, *see* Dkt. 96, and the expert witnesses have not yet completed their analysis. Subject to those objections:

SOS was not involved in drawing districts and is not aware of any proposed map that would create an additional Latino-CVAP-majority district

---

<sup>25</sup> *See, e.g.*, House Journal, 87th Leg., 3d C.S. at S1 (Oct. 12, 2021), <https://journals.house.texas.gov/HJRNL/873/PDF/87C3DAY04CBSUPPLEMENT.PDF> (“We received quite a few member submissions. . . . We have attempted to accommodate many members’ submissions. . . .”).

<sup>26</sup> *See, e.g.*, Dkt. 39-51 at 12; House Journal, 87th Leg., 3d C.S. at S13 (Oct. 12, 2021), <https://journals.house.texas.gov/HJRNL/873/PDF/87C3DAY04CBSUPPLEMENT.PDF>.

in Ector and Midland Counties consistent with traditional redistricting criteria and legal requirements. According to the Texas Legislative Council, House District 81's citizen voting age population is 51.9% Hispanic and only 41.5% white.<sup>27</sup> House District 81 includes Ector County.

---

<sup>27</sup> Texas Legislative Council, Plan H2316 Map Report Package at 35 of 63, [https://data.capitol.texas.gov/dataset/71af633c-21bf-42cf-ad48-4fe95593a897/resource/e8a63cb9-001b-4b1f-a7f8-9106cce80706/download/planh2316\\_map\\_report\\_package.pdf](https://data.capitol.texas.gov/dataset/71af633c-21bf-42cf-ad48-4fe95593a897/resource/e8a63cb9-001b-4b1f-a7f8-9106cce80706/download/planh2316_map_report_package.pdf).