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NATURE AND STAGE OF PROCEEDING

This is a voting rights case originally filed in three separate actions, each challenging the 2021 Galveston County Commissioners Court Precincts Map (the “Enacted Plan”). The Petteway Plaintiffs¹ and the NAACP Plaintiffs² each allege intentional racial discrimination and racial gerrymandering in violation of the Fourteenth and Fifteenth Amendments. The Petteway Plaintiffs, NAACP Plaintiffs, and the United States of America (the Department of Justice or “DOJ Plaintiff”) (collectively, “Plaintiffs”) allege discriminatory results and intentional racial discrimination under Section 2 of the Voting Rights Act (“Section 2” or “VRA”).³ The cases were consolidated, and discovery closed on April 21, 2023, though some discovery has yet to occur. *See* Dkts. 66, 134, 140. Trial is set for August 7, 2023.

In June 2022, Defendants moved to dismiss the Plaintiffs’ complaints. Dkt. 45-47. On March 30, 2023, the Court dismissed Plaintiff Michael Montez, and otherwise denied the motions. Dkt. 123-125. On April 21, 2023, Defendants filed their Answers. Dkt. 142-144. Defendants now seek summary judgment for Plaintiffs’ Section 2 claims and their constitutional racial gerrymandering claims. If granted, the DOJ Plaintiff would be

¹ Terry Petteway, Constable Derrick Rose, and the Hon. Penny Pope are the “Petteway Plaintiffs.” Sonny James and Michael Montez have been dismissed. Dkt. 100, 125. The Petteway Plaintiffs sued Galveston County, Texas and the Hon. Mark Henry as Galveston County Judge.

² The “NAACP Plaintiffs” are Dickinson Bay Area Branch NAACP, Galveston Branch NAACP, Mainland Branch NAACP, Galveston League of United Latin American Citizens Council 151, Edna Courville, Joe A. Compian, and Leon Phillips. They sued Galveston County, Texas, the Hon. Mark Henry as Galveston County Judge, and Dwight D. Sullivan as Galveston County Clerk.

³ The DOJ Plaintiff sued Galveston County, Texas, the Hon. Mark Henry as Galveston County Judge, and the Galveston County Commissioners Court. For ease of reference “Defendants” means any and all defendants in this consolidated action.

dismissed in its entirety, and only the Petteway and NAACP Plaintiffs' intentional racial discrimination claims under the Fourteenth and Fifteenth Amendments would remain.

SUMMARY OF THE ARGUMENT

In 2021, Plaintiffs failed to obtain their preferred partisan outcome for the redistricting of Galveston County's Commissioners Court. The Supreme Court has warned against conflating discrimination on the basis of party affiliation with discrimination on the basis of race. *See Brnovich v. Democratic Nat'l Comm.*, 141 S. Ct. 2321, 2349 (2021) (“[P]artisan motives are not the same as racial motives”). But Plaintiffs have brought a slew of tenuous race-based claims against Defendants to obtain from this Court what they could not obtain through the political process: a map designed to guarantee one Commissioners Court seat for the Democratic Party. Summary judgment is appropriate for several reasons.

First, Plaintiffs' VRA claims fail outright because the VRA does not permit coalition districts. Defendants acknowledge that, since 1988, the Fifth Circuit has permitted VRA coalition claims; however, since that time other circuits have disagreed with the Fifth Circuit's position, and the Supreme Court has not held that the VRA permits coalition claims. The danger in recognizing a “coalition district” VRA claim is that treating a coalition of separate minority groups as a single minority stretches *Gingles*⁴ cohesiveness to include political alliances, which is not at all what Section 2 is meant to protect. And the

⁴ *Thornburg v. Gingles*, 478 U.S. 30 (1986) (“*Gingles*”).

Supreme Court has made clear that partisan vote dilution claims are not actionable. *See Rucho v. Common Cause*, 139 S. Ct. 2484, 2500 (2019). The issue should be reconsidered.

Second, Plaintiffs' claims under the VRA fail because they cannot meet the necessary preconditions under *Gingles*. Plaintiffs' experts do not address or conduct any analysis of the "communities of interest" factor at the *commissioner precinct* level. *See* Exhibit 1 at 25:15-26:2 (Fairfax Dep.); Exhibit 2 at ¶ 39 (Cooper Report). This is a fatal omission for their Section 2 claims. *See Wis. Legis. v. Wis. Elections Comm'n*, 142 S. Ct. 1245, 1250 (2022) (per curiam) (*Gingles* preconditions are analyzed "at the district [or precinct] level"); *Robinson v. Ardoin*, 37 F.4th 208, 218 (5th Cir. 2022) (per curiam). Plaintiffs' VRA claims are therefore insufficient as a matter of law.

The *Gingles* preconditions that Plaintiffs' experts do address fare no better: none of the minority-opportunity Commissioners Court precinct boundaries proposed in their experts' illustrative maps conform to traditional redistricting criteria. In the experts' various iterations of Precinct 3, communities of Black and Latino voters are not geographically compact, and are also insufficiently cohesive to form a cognizable minority voting coalition. This is evident when comparing voting behaviors in primaries (where there is no partisan cue) to general elections (where there is a partisan cue). Furthermore, the evidence shows as a matter of law that White voters do not vote as a bloc to prevent the minority candidate of choice from being elected *on account of race*. The only expert to discuss Galveston County-specific electoral data testified that, in general elections, voters in Galveston County vote on the basis of shared political orientation. *See* Exhibit 3 at 115:20-116:12 (Trounstine Dep.). As for Plaintiffs' other experts, they either conclude

(based on national rather than local analysis) that politics and race have become so intertwined that one factor cannot be distinguished from the other in explaining racial voting patterns. Exhibit 4 at ¶¶ 25, 31 (Barreto Decl.). Or, they admit that further research would be required to determine whether someone casts a ballot for racial or partisan reasons. Exhibit 5 at 180:17-181:21 (Oskooii Dep.). Voting-bloc differences on account of partisanship alone do not establish a Section 2 violation. Because Plaintiffs cannot meet the necessary *Gingles* preconditions, their Section 2 claims should be dismissed.

Third, the summary-judgment record establishes that race did not predominate in drawing the Enacted Plan; in fact, race was not considered at all when drawing the map proposals. The Enacted Plan adheres with great precision to race-neutral traditional redistricting criteria—and nothing else. The Petteway and NAACP Plaintiffs’ racial gerrymandering claims under the Fourteenth Amendment thus fail.

Because (1) the VRA does not allow coalition claims, (2) Plaintiffs cannot satisfy any of the necessary preconditions for a VRA Section 2 claim; and (3) there is no evidence that race predominated the decision to adopt the Enacted Plan, Plaintiffs’ VRA claims, and the NAACP and Petteway Plaintiffs’ constitutional racial gerrymandering claims, fail as a matter of law.

STATEMENT OF FACTS⁵

I. Galveston County’s population grew and shifted between 2010 and 2020, with most residents living in the northern one-third portion of the County.

Galveston County is governed by a Commissioners Court comprised of elected County Judge Mark Henry and four elected Commissioners: Darrell Apffel, Joseph Giusti, Stephen Holmes, and Robin Armstrong. Commissioners Holmes and Armstrong are African American, and Commissioner Holmes is the only Democrat on the Commissioners Court. As Galveston County’s policy-making body, the Commissioners Court is responsible for drawing and enacting redistricting plans after the decennial census. *See* Tex. Const. art. V, § 18. The County’s unique shape creates redistricting challenges. The prior Commissioners precincts looked like the following (with Precinct 3 spanning from Highway 3 and TX-96 to the Seawall in Galveston, and including a “bubble” at the top to capture Commissioner Holmes’ house):

⁵ Defendants rely upon all pleadings and all evidence all documents on file at the time the Court considers this Motion, including the exhibits cited herein. A list of Defendants’ exhibits is attached as **Appendix A**.

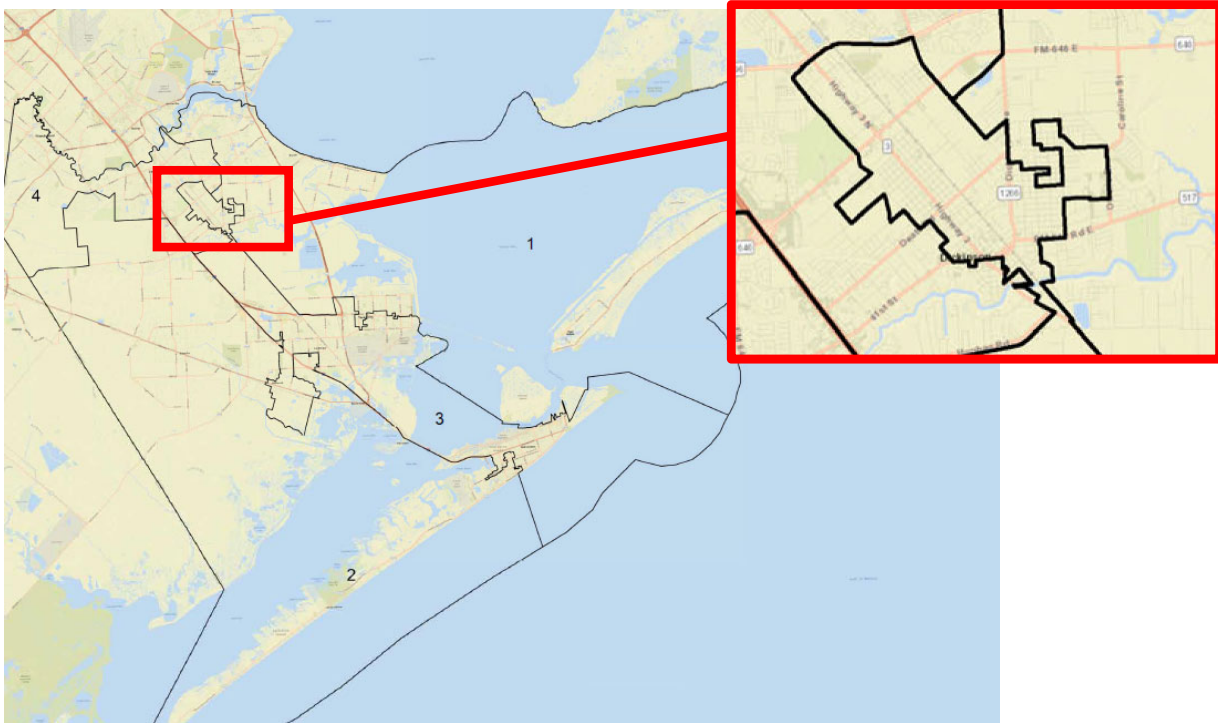


Exhibit 6 (Prior Commissioners Precincts Map); *see also* Exhibit 2 at n.24. That plan was the result of a negotiation and settlement between the County and the DOJ after the DOJ objected (in March 2012) to proposed County Commissioner precincts. Exhibit 7 (DOJ Letter Dated March 5, 2012).⁶

Further complicating matters is the fact that, between 2010 and 2020, there has been significant population growth, particularly in the northern portion of Galveston County. According to the 2020 Census, the County has a total *voting* age population (“VAP”) of 267,382, 12.71% of which are Black, 22.5% are Latino, and 57.98% are White (noted in the 5th-6th columns below):

⁶ The Fifth Circuit discusses events surrounding the prior Commissioners Court plan in *Petteway, et al. v. Galv. Cnty, et al.*, No. 12-40856, 2013 WL 6634558 (5th Cir. Dec. 17, 2013).

	2000 VAP	2000 VAP Percent	2010 VAP	2010 VAP Percent	2020 VAP	2020 VAP Percent	2006-2010 CVAP Percent	2016-2020 CVAP Percent
Total 18+	183,289	100.00%	217,142	100.00%	267,382	100.00%	100.00%	100.00%
NH White 18+	121,028	66.03%	136,259	62.75%	155,020	57.98%	67.40%	63.29%
Total Minority 18+	62,261	33.97%	80,883	37.25%	112,362	42.02%	32.60%	36.71%
Latino 18+	29,292	15.98%	42,649	19.64%	60,159	22.50%	14.84%	19.20%
NH Black 18+	26,549	14.48%	28,423	13.09%	32,289	12.08%	14.31%	12.75%
NH Black + Latino 18+	55,841	30.46%	71,072	32.73%	88,582	33.13%	29.15%	31.95%
NH DOJ Black 18+	26,655	14.54%	28,716	13.22%	33,341	12.47%	14.62%	12.83%
NH AP Black 18+					33,972	12.71%		
NH DOJ Black 18+Latino 18+	55,947	30.52%	71,365	32.86%	93,500	34.97%	29.46%	32.03%
NH AP Black 18+ Latino 18+					94,131	35.21%		

Exhibit 2 at 10, Figure 2 (Cooper Report).⁷ Between 2010 and 2020, Galveston County's total population increased by 59,373 to 350,682; Black residents increased by 3,891 individuals, and Latino residents increased by **23,366** individuals. Exhibit 2 at 8, Figure 1 (Cooper Report). Black residents actually account for a *smaller* percentage (12.3%) of County residents in 2020 than they did in 2010 (13.475%), while Latino residents increased their percentage of County residents, and now form almost a *quarter* of the County's population in 2020. *Id.*

League City, in the northern part of the County, is where most of the total Galveston County population increased—30,802 individuals of the total 59,323 population increase were in League City, or 51.88%. Exhibit 8 at 5-6 (Owens Report). Over half of the County's population currently lives in the six cities that form the northern one-third portion of Galveston County. Exhibit 2 at 13, Figure 4 (Cooper Report). As Plaintiff's expert Dr. William Cooper admits, significant intra-county population shifts between 2010 and 2020

⁷ The parties do not dispute the data in this table, which summarizes Census results.

made population equalization necessary (including to accommodate dense northern County population growth) when redistricting the County’s four commissioner precincts in 2021. *Id.* at 18, Figure 7. This contributed to redistricting complications in the last redistricting cycle, especially as African American and Latino communities are spread widely throughout Galveston County.

The areas with the highest Black Citizen Voting Age Population (“CVAP”) are in the northern and southern portions of the County, roughly 21 miles apart. Exhibit 8 at 12 (Owens Report).⁸ In the northernmost parts of the County, the median family income for African American families is \$111,650 (League City); those median amounts fall to \$46,234 in Dickinson, and \$34,221 in the City of Galveston. Exhibit 2 at Ex. D, 19, 1, & 9, respectively (Cooper Report).⁹ 4% of Black family households are below the poverty line in League City, whereas 18.2% are in Texas City, and 25.1% in the City of Galveston. Exhibit 2 at Ex. D, 18, 28 & 8, respectively (Cooper Report); *see also* Exhibit 10 at ¶ 12 (Cooper Rebuttal Report) (discussing northern portions of the County are “more affluent” with “marginally better” education, housing, and employment socio-economic indicators “across all racial groups” than in southern parts of the County). 46.1% of African Americans in League City rent their homes, in contrast with 70.7% who do in the City of Galveston. *Id.* With respect to education, 50.9% of Black residents have a bachelor’s

⁸ This information is based on Census data, which is released in census blocks. Census blocks provide the smallest level of basic demographic data such as population by race and ethnicity. Exhibit 17 at ¶ 6 (Bryan Decl.).

⁹ Exhibit D to the expert report of Dr. Cooper references a link where additional records were available. Defendants downloaded and included the pages cited herein, in Exhibit 2 to this Motion, and added page numbers to the “Exhibit D” downloaded pages for ease of reference.

degree or higher in northern Galveston County, but in the southern parts of the County, rates drop to approximately 13%. Exhibit 2 at Ex. D, 5, 15, respectively (Cooper Report).

The densest Latino populations are in the northeast and southeast portions of the County, 24.8 miles apart. *Id.* at 8. The median family income of Latino families in League City is \$97,224, but that median drops to the low \$50,000s in Texas City and the City of Galveston. *Id.* at Ex. D 1-6. 8.7% of Latino family households are below the poverty line in League City, and that number doubles as you travel south into the City of Galveston, to 16.4%. *Id.* at Ex. D 8-15. The percentage Latino families renting their home in the City of Galveston is more than *three times* higher than those renting in League City. *See id.* at Ex. D 14, 24. With respect to education, 32.3% of Latino residents in the north part of the County have a bachelor's degree or higher, and that figure drops by more than half in Texas City and the City of Galveston. *Id.*

II. After the 2010 redistricting cycle, political gerrymandering claims were ruled nonjusticiable and 2020 Census results were delayed.

Apart from shifts in population, the legal landscape also changed between 2010 and 2020. In the prior redistricting cycle, Galveston County was required to obtain judicial or DOJ approval for its maps (known as preclearance). But this requirement ceased in 2013 when the United States Supreme Court ruled that the formula used to decide what jurisdictions were subject to VRA preclearance was unconstitutional and “based on decades-old data and eradicated procedures.” *Shelby County v. Holder*, 570 U.S. 529, 551 (2013). Five years later, the United States Supreme Court ruled that partisan

gerrymandering claims are nonjusticiable. *Rucho*, 139 S. Ct. at 2500.¹⁰ In Galveston County, primary and general election results confirm that Republicans outnumber and consistently outperform Democrats in the most populous areas of the County. *See, e.g.*, Exhibit 9.B (Duncan Decl.) (2022 primary election returns); Exhibit 9.J (Duncan Decl.) (2020 primary election returns); Exhibit 9.R (Duncan Decl.) (Cumulative 2020 general election results).

Finally, a near six-month delay in the release of 2020 Census data drastically compressed the amount of time the Commissioners Court had to complete redistricting. *See* Exhibit 20 at 102:22-103:19 (Drummond Dep.); *see also* Exhibit 11 at 62:23-63:3 (Giusti Dep.); *see also* *Ohio v. Raimondo*, 848 Fed. Appx. 187, 188 (6th Cir. 2021) (reversing district court dismissal for lack of standing and explaining “[t]he Census Bureau represents that it can deliver Ohio’s data in a “legacy format” by August 16, 2021—well before the September 30, 2021, projection that the agency previously identified”).

III. Galveston County worked with counsel and an expert map drawer to provide two map proposals within two months.

Even with the delays in the release of the 2020 Census data, the County retained counsel to help ensure that whatever redistricting map was proposed would comply with

¹⁰ The United States Supreme Court, when it denied standing to plaintiffs alleging an unconstitutional partisan gerrymander in *Gill v Whitford*, made clear that the Court does not recognize partisan gerrymander claims. *Gill v. Whitford*, 138 S. Ct. 1916, 1933 (2018) (explaining the proposed tests to measure partisan asymmetry “confirm[] the fundamental problem with the plaintiffs’ case” as one “about group political interests, not individual legal rights. But this Court is not responsible for vindicating generalized partisan preferences”). *Gill* explained that for five decades, litigants have asked the Court to determine the judicial limits of enforcing or restricting partisan gerrymandering. *Id.* at 1926. In *Gill*, the plaintiffs’ complained their votes were diluted, and that this sufficed to provide standing. *Id.* at 1930-31. That is essentially the same claim Plaintiffs allege here, but disguised as a race-based challenge.

the law. Exhibit 12 at 234:19-235:2 (Henry Dep.). In September 2021, redistricting counsel for the County held a series of fact-finding telephone conferences with the County Judge and Commissioners about the changes that they wanted to make to the boundaries of the Commissioners Court precincts.¹¹ Exhibit 13 at ¶ 8 (Oldham Decl.). Counsel had two calls with Commissioner Holmes, who accessed the redistricting data before any other Commissioner. *See* Exhibit 9.L (Duncan Decl.) (Sept. 10, 2021 scheduling email); Exhibit 9.M (Duncan Decl.) (Sept. 20, 2021 conf. call); Exhibit 9.N (Sept. 23, 2021 conf. call). The Commissioners and County Judge provided their requests about redistricting during those meetings. One concern was simplifying boundaries so that the public could easily determine their precinct and their commissioners. *See, e.g.*, Exhibit 11 at 53:14-19 (Giusti Dep.) (“The old lines were kind of confusing at times as to where precincts started and where they ended”); and at 138:20-25 (stating he wanted “to level the populations amongst the precincts, to have . . . commissioner precinct lines that were easier for the public to know which precincts they were in”). Important to the County in adopting a new map were the following:

1. Compliance with federal law, particularly the equal-population requirement;
2. Creating a unified coastal precinct, comprising both Galveston Island and the Bolivar Peninsula;
3. Ensuring geographic compactness, to avoid the appearance of gerrymandering;

¹¹ *See* Exhibit 12 at 173:14-18 (Henry Dep.); Exhibit 11 at 82:22-83:19 (Giusti Dep.); Exhibit 9.D (Duncan Decl.) (Sept. 8, 2021 Conf. Call); Exhibit 16 at 130:10-25 (Apffel Dep.); *see also* Exhibit 9.C (Duncan Decl.) (Aug. 30, 2021 Scheduling E-Mail); Exhibit 9.K (Duncan Decl.) (Sept. 13, 2021 Conf. Call); Exhibit 9.L (Duncan Decl.) (Sept. 10, 2021 Scheduling E-mail); Exhibit 9.G, H (Duncan Decl.) (Sept. 16, 2021 Conf. Call Confirmations).

4. Minimizing voting precinct splits;¹²
5. Placing each Commissioner's residence in the precinct that they represent; and
6. Reflecting the partisan composition of Galveston County.

See Exhibit 15 at 5-7, 8-9 (Response to Interrog. 1, Defs. 1st Supp. and Am. Responses to DOJ Interrogatories). Commissioners asked about the location of their homes and parents' homes, whether the population in each Commissioners Court precinct was equalized, whether the map adhered to federal requirements, and whether the map would favor them politically. *See id.*; *see also* Exhibit 16 at 103:3-9 (Apffel Dep.); Exhibit 11 at 138:6-25 (Giusti Dep.) (testifying he wanted his parents' house in his precinct, and that the prior map's boundaries made it difficult to determine who lived in which precinct); Exhibit 12 at 174:20-24 (Henry Dep.) (testifying he wanted a legally compliant map with population equalized and a single coastal precinct).¹³

In October 2021, County counsel began working with expert map-drawer Tom Bryan to prepare baseline maps to assist counsel in assessing whether client requests could

¹²The Texas Election Code establishes two kinds of precincts relevant to this action: county election precincts (hereinafter referred to as "voting precincts") and commissioner precincts. Each county in Texas is divided into four commissioner precincts, each of which is represented by one of the county's four commissioners. 2021 Guide to Texas Laws for County Officials, *available at* <https://www.county.org/TAC/media/TACMedia/Legal/Legal%20Publications%20Documents/2021/2021-Guide-to-Laws-for-County-Officials.pdf> (last visited May 4, 2023). Voting precincts, by contrast, are smaller divisions of the county that are drawn by the commissioners to set, among other things, voters' polling locations. *See* Tex. Elec. Code §§ 42.001, 42.005. "Precinct splitting" in the redistricting context refers to identifying voting precincts that are divided by new commissioner precinct lines, and creating new voting precincts in those areas to conform to the boundaries of the enacted plan. *See* Exhibit 14 at 69:13-70:17 (Sigler Dep.).

¹³ Commissioner Ken Clark was ill during this process, and passed away in early 2022. Exhibit 12 at 312:13-21. Commissioner Holmes' deposition has not yet occurred. Defendants may seek leave to supplement the summary judgment record with his testimony after his deposition has been taken.

be legally incorporated; these baseline drawings were not shared beyond himself and County counsel Dale Oldham. *See* Exhibit 13 at ¶¶ 9-11 (Oldham Decl.). Between October 15th and 19th, Bryan prepared two draft maps of commissioners precincts. Exhibit 17 at ¶ 5 (Bryan Decl.). In doing so, he used widely available and standard mapping software, and loaded standard demographic data, including Census 2020 data, into that software. *Id.* at ¶ 6. In accordance with his standard process, he drew draft maps in his software program first, and when that was done he analyzed the total population demographics in Microsoft Excel. *Id.* While his standard template reports all demographic characteristics for a plan, he did not consider race when drawing or adjusting any map during this process, and was not instructed to consider race in drawing them. Exhibit 17 at ¶¶ 5-6 (Bryan Decl.). He did, however, consider political performance data. Exhibit 17 at ¶ 7 (Bryan Decl.).

The maps were shared in meetings with the County Judge and Commissioners in mid-October 2021. Exhibit 13 at ¶¶ 12-14 (Oldham Decl.); *see also* Exhibit 9.E (Duncan Decl.) (Oct. 16, 2021 Zoom conf.); Exhibit 9.F (Duncan Decl.) (Oct. 17, 2021 Zoom conf.); Exhibit 16 at 95:15-97:10 (Apffel Dep.). Bryan then adjusted the maps based on Oldham's legal analysis of client feedback. Exhibit 13 at ¶¶ 12-14 (Oldham Decl.); *see also* Exhibit 17 at ¶¶ 5, 8 (Bryan Decl.). The Commissioners and County Judge did not consider racial demographic data during this process. *See* Exhibit 16 at 160:7-161:3 (Apffel Dep.); Exhibit 11 at 127:13-19 (Giusti Dep.); Exhibit 12 at 228:12-229:21 (Henry Dep.).

On October 29, 2021, Defendants posted Maps 1 and 2 on the County's website with an online portal for public comment submissions:

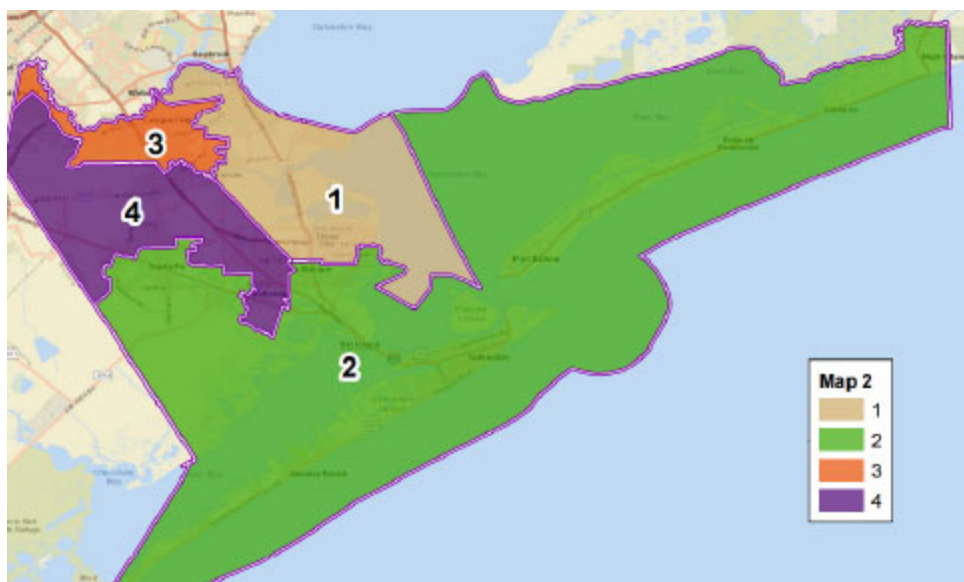
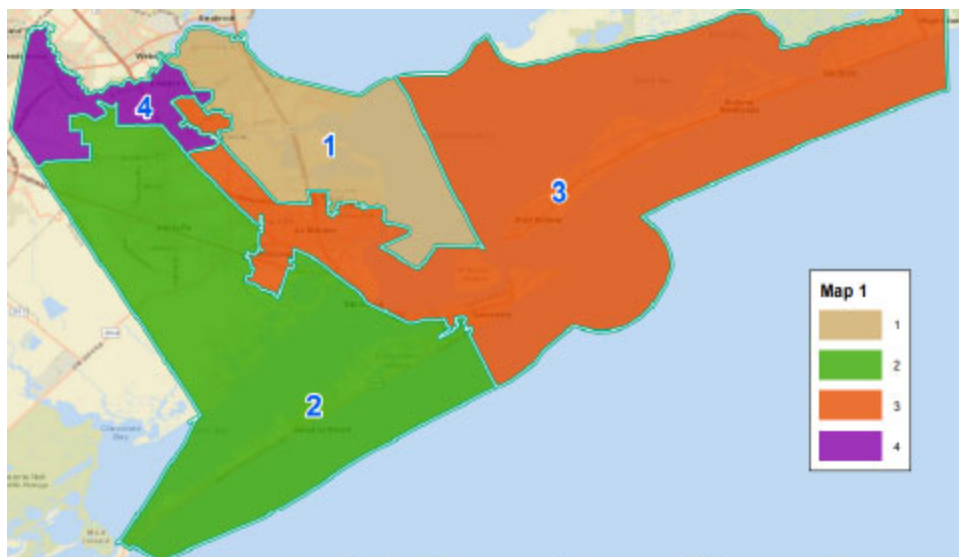


Exhibit 31 (Online Portal Proposed Precinct Redistricting Maps).

Approximately 440 comments were received through the online portal between October 29, 2021 when the maps were posted, and approximately one hour before the November 12, 2021 hearing. Exhibit 18 at 61:14-62:10 (Nov. 12, 2021 Transcript). Of those comments, 208 (76.4%) preferred map 2, 64 (14.5%) preferred map 1, and 168 (38.1%) did not discuss either map. *Id.*; *see also* Exhibit 9.Q at (Duncan Decl.) Nov. 12, 2021 email) (providing updated summary of comment responses). Defendants worked

to get the proposed maps noticed ahead of the deadline to adopt a redistricting plan, and on November 9, 2023, noticed a special public meeting regarding the maps for November 12, 2021, in the Calder Road Annex in League City. Exhibit 19 at 84:16-24 (Martinez Dep.); Exhibit 20 at 157:25-158:5 (Drummond Dep.) (testifying County must provide 72 hours' notice for meetings).

During the meeting, over 30 members of the public provided comments, most in support of Commissioner Holmes. *See* Exhibit 18 (Nov. 12, 2021 Transcript). Exhibit 16 at 188:20-189:2 (Apffel Dep.); Exhibit 12 at 20:11-13 (Henry Dep.). Everyone who wanted to speak had the opportunity to do so. *See* Exhibit 11 at 147:8-19 (Giusti Dep.); Exhibit 9.P (Duncan Decl.) (Nov. 12, 2021 public comment roster). The Commissioners voted 3-1 to adopt Map 2. Exhibit 18 at 81:10-12 (Nov. 12, 2021 Transcript). Map 2 reduced the population deviation to 1.1%,¹⁴ united Galveston Island and the Bolivar Peninsula into one coastal precinct,¹⁵ minimized gerrymandered-appearing precinct boundaries (which had previously connected disparate pockets of voters in the northern part of the County with those on Galveston Island),¹⁶ minimized voting precinct splits,¹⁷ and reflected the County's partisan composition. Exhibit 12 at 92:10-93:6 and 69:4-6 (Henry Dep.). Even Plaintiffs' expert William Cooper does not dispute that the Enacted Plan meets compactness requirements. *See* Exhibit 21 at 77:14-19 (Cooper Dep.): "I

¹⁴ *See* Exhibit 15 at 8, updated answer to Interrogatory 2 (Defs. 1st Supp. and Am. Responses to DOJ Interrogatories); Exhibit 8 at 5-6 (Owens Report).

¹⁵ Exhibit 9.I (Duncan Decl.) (Map 2 with precincts); Exhibit 16 at 197:15-199:23 (Apffel Dep.).

¹⁶ Exhibit 9.I (Duncan Decl.) (Map 2 with precincts).

¹⁷ Exhibit 12 at 252:2-24 (Henry Dep.).

don't really have any problem with compactness scores in the enacted plan."); *id.* at 83:22-84:8 (agreeing that the Enacted Plan's compactness is "reasonable"). Cooper also does not critique the voting precinct split counts in the Enacted Plan. *Id.* at 84:9-21 (testifying he has no concerns with the Enacted Plan's voting precinct split count). Nor does he disagree with ensuring that incumbents are not drawn together into one precinct. *See id.* at 65:9-66:9 (Plaintiff's expert did not draw incumbents together into one precinct in his illustrative plans).

Between four and six months after Map 2 was enacted, the Plaintiffs filed what would become this consolidated action. They allege the Enacted Plan unconstitutionally dilutes a coalition of minorities' voting power, and was done intentionally for that purpose.

ARGUMENT

Summary judgment is warranted where "the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). And not just warranted, but "mandate[d] . . . against a party who fails to make a showing sufficient to establish the existence of an element essential to that party's case, and on which that party will bear the burden of proof at trial." *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). "Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986).

I. VRA Section 2 does not permit minority coalitions.¹⁸

As a threshold matter, Plaintiffs' VRA claims rest entirely on the belief that that different minority groups (here Black and Latino voters) may form a coalition to create a majority-minority precinct. None of the Plaintiffs argue that Black or Latino voters alone are sufficiently numerous on their own to support a VRA violation in this case. However, Plaintiffs' Section 2 claims should fail because Section 2 does not afford protection to minority coalitions.

Congress made no reference to minority coalitions in the text of the VRA, and the Supreme Court has never decided whether these claims can be sustained under Section 2. *See, e.g., Growe v. Emison*, 507 U.S. 25, 41 (1993) (declining to rule on the validity of coalition claims writ large); *Bartlett v. Strickland*, 556 U.S. 1, 13–14 (2009) (declining to address “coalition-district claims in which two minority groups form a coalition to elect the candidate of the coalition’s choice”); *Perry v. Perez*, 565 U.S. 388, 398-99 (2012) (creating a coalition district is likely not necessary to comply with VRA Section 5). Circuit Courts of Appeal have split on the question, and have either: (1) explicitly accepted coalition claims, (2) assumed their validity, or (3) expressly rejected them.

Defendants acknowledge that Fifth Circuit precedent expressly permits VRA Section 2 coalition claims. *See League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 999 F.2d 831, 864 (5th Cir. 1993) (en banc) (“*Clements*”); *Brewer v. Ham*, 876

¹⁸ As explained below, Defendants are aware of Fifth Circuit case law applying the VRA to coalition groups; this argument is made to preserve Defendants' request to change this law to align with other circuits court decisions.

F.2d 448, 453 (5th Cir. 1989); *Overton v. City of Austin*, 871 F.2d 529, 540 (5th Cir. 1989); *Campos v. City of Baytown*, 840 F.2d 1240, 1244 (5th Cir. 1988); *LULAC Council No. 4386 v. Midland Independent School District*, 812 F.2d 1494, 1499 (5th Cir. 1987). Yet, Defendants respectfully recognize Judge Higginbotham’s dissents in *LULAC Council No. 4386* and *Campos*, Judge Jones’ concurring opinion in *Clements*, 999 F.2d at 894, and analyses from sister circuits addressing a lack of congressional support or Supreme Court authority. These cases counsel in favor of reconsidering the validity of coalition claims. See *Hall v. Virginia*, 385 F.3d 421, 431-32 (4th Cir. 2004); *Nixon v. Kent County*, 76 F.3d 1381, 1392-93 (6th Cir. 1996); *Frank v. Forest County*, 336 F.3d 570, 575-76 (7th Cir. 2003).

For example, in Judge Higginbotham’s dissent from the denial of rehearing in *Campos*, he explains the question to be answered is whether “Congress intended to *protect* [] coalitions” rather than whether the VRA prohibits them. *Campos v. City of Baytown, Tex.*, 849 F.2d 943, 945 (5th Cir. 1988) (per curiam) (Higginbotham, J. dissenting on denial of rehearing, joined by five other circuit judges). No such Congressional intent can be deduced. *Id.* Furthermore, the notion “that a group composed of [different minorities] is itself a protected minority” “stretch[es] the concept of cohesiveness” beyond its natural bounds to include political alliances, undermining Section 2’s effectiveness. *See id.*

The Sixth Circuit has rejected the validity of coalition claims under Section 2. *Nixon*, 76 F.3d at 1387. The *Nixon* court relied on the “clear, unambiguous language” of Section 2 and the legislative record concluding that minority coalitions were not contemplated by Congress. *Id.* at 1386. If Congress had intended to extend protection to

coalition groups, it would have invoked protected “classes of citizens” instead of a (singular) protected “class of citizens” identified under the Act. *Id.* at 1386-87. Because Section 2 “reveals no word or phrase which reasonably supports combining separately protected minorities,” the Sixth Circuit concluded that coalition claims are not cognizable. *Id.* at 1387. It expressly disagreed with *Campos* as an “incomplete [and] incorrect analysis.” *Id.* at 1388, 1390-92 (noting the difficulties of drawing district lines for minority coalitions, and that permitting coalition claims would effectively eliminate the first *Gingles* precondition).

Other circuits have the better approach. Section 2 simply was not meant to—and cannot—provide protection to minority coalitions. Defendants re-urge this position here. *See Hall*, 385 F.3d at 431 (noting “multiracial coalitions would transform the [VRA]” from a source of minority protection to an advantage for political coalitions, and concluding that a redistricting plan preventing a minority group from forming “a political coalition with other racial or ethnic groups, does not result in vote dilution ‘on account of race’ in violation of Section 2”); *Frank*, 336 F.3d at 575 (acknowledging the circuit split, and observing the “problematic character” of coalition claims). All Plaintiffs rely on a coalition Black and Latino precinct in support of their arguments. *See, e.g.*, Dkts. 46 at ¶ 55 (Petteway Plaintiffs’ Second Amended Complaint); 47 at ¶ 85 (NAACP Plaintiffs’ First Amended Complaint); 48 at ¶ 92 (DOJ Plaintiff’s First Amended Complaint). Because Plaintiffs’ coalition claims are invalid under Section 2, Defendants are entitled to summary judgment.

II. Plaintiffs’ discriminatory results VRA claims fail as a matter of law because Plaintiffs have not satisfied any of the *Gingles* preconditions.

Gingles established a two-step test for a Section 2 vote dilution claim. *Harding v. Cty. of Dall.*, 948 F.3d 302, 308 (5th Cir. 2020). At step one, Plaintiffs must establish three threshold conditions: (1) a sufficiently large and geographically compact majority-minority district; (2) that is politically cohesive; that (3) White residents vote as a bloc to usually defeat that majority-minority’s preferred candidate. *Id.* (citing *Gingles*, 478 at U.S. 50–51). “Failure to establish any one of these threshold requirements is fatal.” *Campos v. City of Hous.*, 113 F.3d 544, 547 (5th Cir. 1997) (“*City of Hous.*”). That is because, without each of these three preconditions, a plaintiff cannot show that the challenged electoral practice or device impairs minority voters’ ability to elect representatives of their choice.” *Rodriguez v. Harris Cnty.*, 964 F. Supp. 2d 686, 699 (S.D. Tex. 2013).

At the outset, the Court should be aware of important legal guideposts underpinning the *Gingles* discussion. First, any existing or proposed redistricting plan and precincts within it, including those proposed by Plaintiffs’ experts, must remain within the bounds of the Equal Protection Clause. More particularly, any existing or redrawn precinct may violate equal protection guarantees if race predominated the design. *See Bethune-Hill v. Va. State Bd. of Elections*, 580 U.S. 178, 188-89 (2017) (discussing *Miller v. Johnson*, 515 U.S. 900, 916 (1995)). Although compliance with the VRA might be a compelling interest, strict scrutiny and narrow tailoring require that there be a “strong basis in evidence”—meaning the drawing body must have “good reasons to believe”—that compliance cannot be achieved through use of race-neutral policies. *Id.* at 193-4 (citing *Ala. Legis. Black*

Caucus v. Ala., 575 U.S. 254, 278 (2015)). The *Gingles* discussion reveals both that race is the primary driver of the Plaintiffs' illustrative maps, and that there is no "good reason" to believe using racial classifications in Galveston County redistricting was required to avoid a Section 2 violation.

Secondly, in this case, the *Gingles* preconditions must be analyzed at the precinct level to avoid being nothing more than a County-wide "generalized conclusion" about, for example, compactness, vote dilution, communities of interest or cohesiveness. *See Wis. Legis.*, 142 S. Ct. at 1250 (explaining the *Gingles* precondition standards require careful evaluation of "evidence at the district level," and it was improper to rely on "generalizations" to conclude the preconditions were satisfied). Plaintiffs improperly invite the Court to view the County map as a whole to support their claims without meaningfully addressing the relevant local question which, here, is whether the *Gingles* preconditions "would be satisfied as to each" Commissioner precinct. *Id.* (citing *Cooper v. Harris*, 581 U.S. 285, 304 n.5 (2017)); *see also LULAC v. Abbott*, No. 1:21-CV-1006, 2022 WL 12097120, at *8 (W.D. Tex. Oct. 20, 2022) (explaining it is improper to infer, even at the motion to dismiss stage, that a "minority coalition as a whole in the proposed district will be cohesive" without also showing "that the voters moving into the proposed district are cohesive"). Thus, insofar as Plaintiffs wish to use illustrative maps to bear their burden, their maps must satisfy *each* of the *Gingles* preconditions within the guidelines of the Constitution. *See City of Hous.*, 113 F.3d at 547.

Finally, *Gingles* preconditions 2 and 3 determine whether voting is "racially polarized." While Section 2 of the VRA protects against "defeats experienced by voters

‘on account of race or color,’” there is “a clean divide between actionable vote dilution and ‘political defeat at the polls.’” *Clements*, 999 F.2d at 850 (quoting *Whitcomb v. Chavis*, 403 U.S. 124 (1971)). The VRA is implicated only where, for example, “Democrats lose because they are [B]lack, not where [B]lacks lose because they are Democrats.” *Id.* at 854. Accordingly, in looking at cohesiveness and bloc voting standards, the Court must consider “whether partisan affiliation, not race, best explains the voting patterns.” *Id.* at 850.

A. *Gingles* 1 Compactness: Plaintiffs’ proposed minority coalition is not geographically compact.

To carry their *Gingles* Step 1 burden, Plaintiffs must demonstrate that, after “tak[ing] into account traditional districting principles such as maintaining communities of interest and traditional boundaries,”¹⁹ there is a sufficiently large and geographically compact community of interest for the area at issue (here, the precinct level) to create a majority-minority precinct. *See Wis. Legis.*, 142 S. Ct. at 1250. If race is considered when drawing a district (as Plaintiffs do in their illustrative plans), there must be a “strong basis in evidence” for doing so. *See Bethune-Hill*, 580 U.S. at 194. That does not exist here, when traditional redistricting principles such as compactness are considered. In fact, as discussed in more detail below, the County would risk violating the Fourteenth Amendment if it drew racially gerrymandered districts. *See Walters v. Boston City Council*, No. CV 22-12048-PBS, 2023 WL 3300466, at *8 (D. Mass. May 8, 2023) (mem. op. and order). Therefore, even assuming a coalition majority-minority precinct is appropriate

¹⁹ *Sensley v. Albritton*, 385 F.3d 591, 596 (5th Cir. 2004) (quoting *Abrams v. Johnson*, 521 U.S. 74, 92 (1997)).

under the VRA, Plaintiffs cannot pass *Gingles* Step 1.²⁰

1. Plaintiffs fail to consider traditional redistricting principles, and propose unconstitutional racial gerrymanders.

At the outset, Plaintiffs’ illustrative maps are blatant racial gerrymanders that look at no traditional redistricting principles for keeping communities together. Instead, they focus only on voters’ race. This flouts the law: a Section 2 “compactness inquiry should take into account traditional districting principles such as maintaining communities of interest and traditional boundaries.” *Abrams*, 521 U.S. at 91; *see also Sensley*, 385 F.3d at 596. That is, it cannot be assumed merely “from a group of voters’ race that they think alike, share the same political interests, and will prefer the same candidates at the polls.” *LULAC v. Perry*, 548 U.S. 399, 434 (2006) (“*LULAC I*”). For that reason, illustrative plans that “lump[] together” minority populations “separated by considerable distance,” *Sensley*, 385 F.3d at 597, or “combin[e] ‘discrete communities of interest’” that differ “‘in socio-economic status, education, employment, health, and other characteristics’” cannot satisfy the first *Gingles* precondition. *Robinson*, 37 F.4th at 218 (quoting *LULAC I*, 548 U.S. at 432).

DOJ Plaintiffs expert Dr. Fairfax testified that, in his view, “the communities of interest . . . considerations are unnecessary for the *Gingles* 1 analysis,” **so he just “didn’t**

²⁰ The Supreme Court heard argument in *Merrill v. Milligan* last October and is expected before the end of June 2023 to issue its opinion. *See Merrill v. Milligan*, Nos. 21-1086 & 21-1087, Oral Argument Transcript (Oct. 4, 2022) (available at https://www.supremecourt.gov/oral_arguments/argument_transcripts/2022/21-1086_6j36.pdf) (last visited May 9, 2023). *Merrill* considers largely the same issue here: whether a jurisdiction is required to prioritize majority-minority district creation over other race-neutral redistricting criteria, and focuses substantially on the first *Gingles* precondition. *See Merrill v. Milligan*, 142 S. Ct. 1358 (Mar. 21, 2022) (amending the question presented to whether Alabama’s 2021 redistricting plan violates section 2 of the VRA).

conduct any.” Exhibit 1 at 25:15-26:2 (Fairfax Dep.) (emphasis added). The Petteway Plaintiffs’ expert, Rush, states that he took into account communities of interest, but does not specify how. *See* Exhibit 22 at ¶¶ 32, 54 (Rush Decl.). Because failure to consider communities of interest is fatal to Plaintiffs’ VRA discriminatory impact claim as a matter of law, the Petteway Plaintiffs and DOJ Plaintiff cannot support their VRA vote dilution claims.

The NAACP’s expert, Cooper, tried to provide sparse, de minimis analysis at the eleventh hour, *see* Exhibit 10 at ¶ 13 (Cooper Rebuttal Report); Exhibit 2 at ¶ 39 (Cooper Report). However, his own data shows starkly varying education and home ownership levels among minority populations, which contradicts any conclusion that these populations are communities of interest under traditional redistricting principles. His evidence therefore also fails to satisfy *Gingles* Step 1. *See Robinson*, 37 F.4th at 218 (quoting *LULAC I*, 548 U.S. at 432).

2. Plaintiffs’ illustrative plans join disparate and distinct minority communities.

Plaintiffs present various illustrative maps that propose to create a long and winding Precinct 3s, that are not geographically compact as a matter of law. *See* Exhibit 24 at 14, Figure 1 (Fairfax Report); Exhibit 2 at 30, Figure 14 , 33, Figures 16 & 35, Figure 18 (Cooper Report); Exhibit 22 at 10, Figure 1, at 12, Figure 2 & at 14, Figure 3 (Rush Decl.); Exhibit 29 at Ex. B Figures 3–5 (Oskooi Report). African American and Latino communities are dispersed in several areas around Galveston County. Defense expert Dr. Owens depicts this in his report:

Dispersion of Hispanic CVAP
in each VTD in Galveston County,
Overlay 2012 Benchmark Map

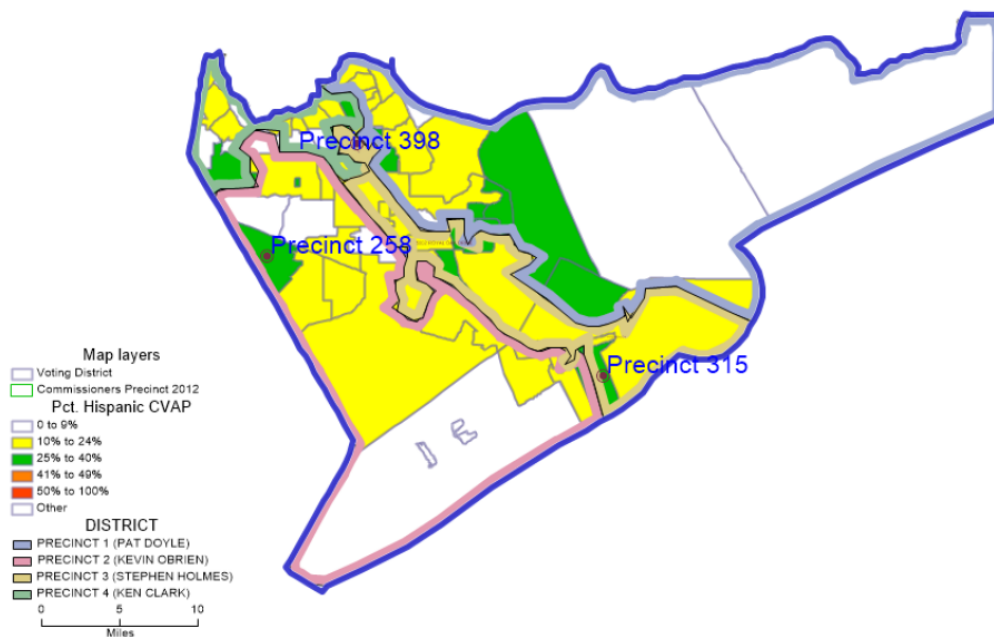


Exhibit 8 at 23, Figure 12 (Owens Report).

Figure 7: Share of Black Voting Age Population in Voting Tabulation Districts

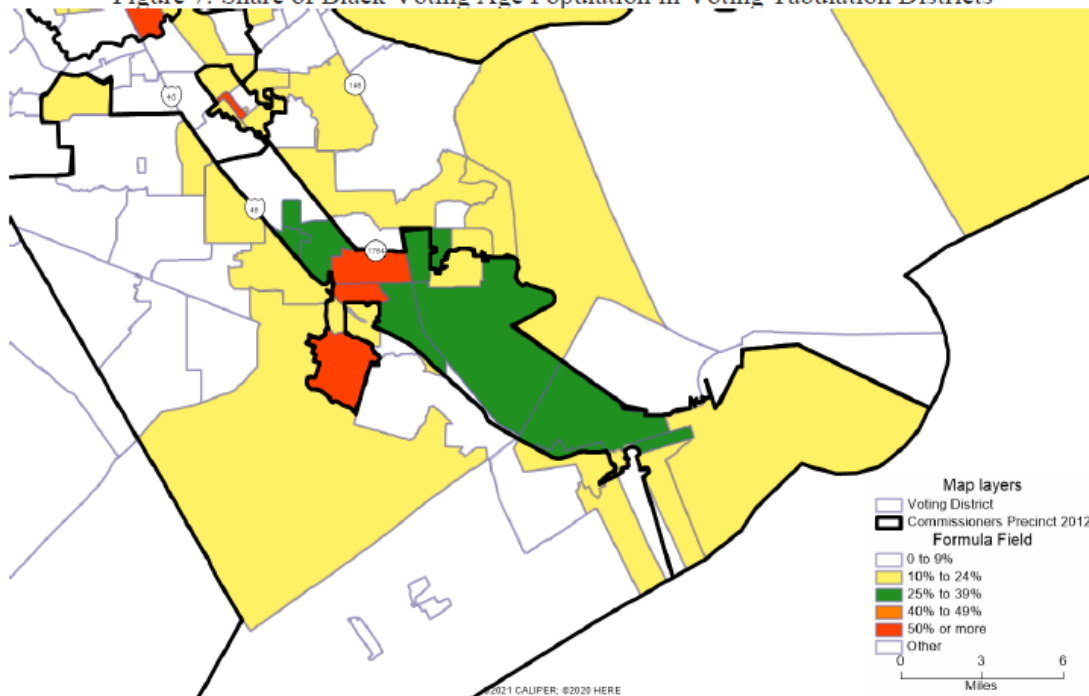


Exhibit 8 at 13, Figure 7 (Owens Report).

It is impossible to consider these distant communities geographically compact. *LULAC I*, 548 U.S. at 434 (2006). The largest CVAPs of Black voters in Galveston County are roughly 21 miles apart between Galveston Island and Dickinson, and the densest Latino census blocks are 24.8 miles apart. Exhibit 8 at 12, 8 (Owens Report).

Because of this undeniable geographic fact, each of Plaintiffs' illustrative maps include a majority-minority Precinct 3 that extends considerable distances, often splitting voting precincts in the process. *See, e.g.*, Exhibit 2 at 33, Figure 16, (Cooper Report) (drawing Precinct 3 nearly 25 miles long from the northeast corner to the southwest corner while splitting voting precinct 218 to include a small intersection); Exhibit 2 at 35, Figure 18 (Cooper Report) (dividing Dickinson Latino population and combining with population in Hitchcock separated by more than 13 miles); Exhibit 22 at Demonstrative Map 1 (Rush Declaration) (creating narrow 0.05-miles-wide corridor by splitting voting districts 439 and 144 from voting district 341 to achieve boundaries stretching more than 19 miles north of Galveston Island). Most of Plaintiffs' illustrative maps draw Precinct 3 boundaries that extend from the northern end of the County near the border of Dickinson and League City down to Galveston Island; each of these proposed Precinct 3 boundaries include some portion of League City. *See* Exhibit 2 at 30, Figure 14 and at 33, Figure 16 (Cooper Report) (Illustrative Maps 1 and 2 stretching from League City to Galveston Island beach); Exhibit 24 at 14, Figure 1 (Fairfax Report) (same); Exhibit 22 at Figures 1–3 (Rush Decl.) (same).

Every one of Plaintiffs' experts stated that they drew their illustrative plans with the express purpose of creating a majority Black and Latino (50+%-majority Black and Hispanic CVAP) Precinct 3. *See* Exhibit 25 at 6 (Fairfax Rebuttal Report); Exhibit 22 at 2

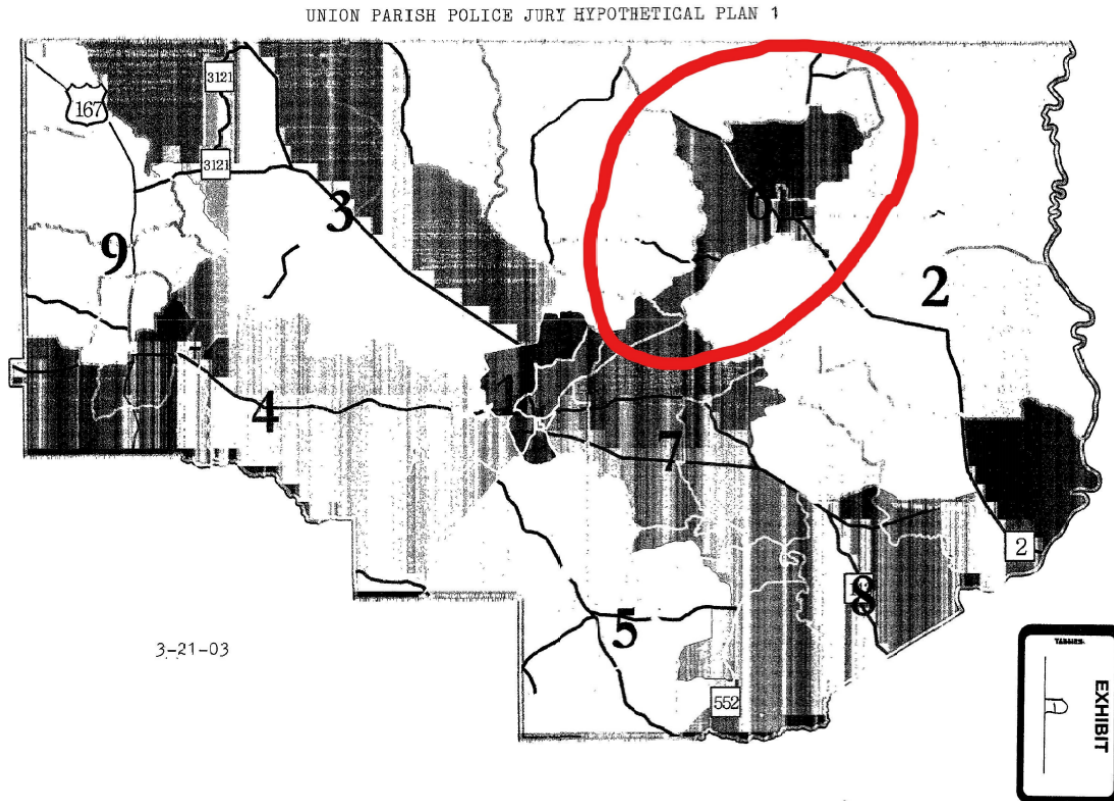
(Rush Decl.); Exhibit 2 at 3, ¶6 (Cooper Report). In prioritizing race, Plaintiffs' experts drew misshapen boundaries and plainly subordinated traditional race-neutral districting principles. Plaintiffs cannot achieve a majority-minority Precinct 3 without racial gerrymandering, and have not disguised their illustrative attempts as anything other than racial gerrymandering.

Indeed, Rush was "instructed" by counsel for the Petteway Plaintiffs to draw a map with a majority-minority precinct. Exhibit 23 at 192:6-22 (Rush Dep.). And to do so, Plaintiffs' experts uprooted, detached, and fused together distinct and far-apart communities and neighborhoods that, but-for a racially driven goal of Frankenstein-ing together a majority-minority precinct, would otherwise make no sense as a precinct.

For instance, the proposed Precinct 3 boundaries of Cooper Illustrative Map 1 include voting district 219 (CVAP of 2,689) while excluding the more populous voting district 225 and the concentrated Latino population to the west of Highway 6 that resides therein. Exhibit 8 at 21-22 (Owens Report). Cooper Illustrative Map 2 places 144 voting-age citizens (83% of whom are White) who live along the Gulf side of Galveston Island into Precinct 2 rather than Precinct 3, while leaving a narrow strip of beach to connect the portions of Precinct 2. Exhibit 8 at 22-23 (Owens Report). This strip of land is narrow enough that the dry land contiguity of Precinct 2 is dependent on the weather and the tide. *Id.* And in creating his illustrative map, Dr. Fairfax shifted a single more diverse voting district from Precinct 2 to Precinct 3 on the old map, even though shifting a more populous adjacent precinct would have reduced Precinct 3's population deviation further and improved population equality. *Id.* at 20.

In several illustrative plans, Plaintiffs' experts drew Precinct 3 with a narrow corridor connecting two geographically separate, unrelated populations in Texas City and Dickinson, resulting in a shape resembling a barbell. *See* Exhibit 2 at 31, Figure 15 (Cooper Report); Exhibit 24 at 14, Figure 1 (Fairfax Report); Exhibit 22 at Demonstrative Maps 1-3 (Rush Decl.). Rush Demonstrative Map 1 uses voting district 341 as a very narrow 0.05-mile-wide corridor connecting populations in the north and south of Galveston County to form Precinct 3. All three of the Rush Demonstrative Maps and two of the Cooper Illustrative Maps split Galveston Island into *three* separate precincts, even though Galveston Island only has a population of 54,774, which is "less than the ideal district population." Exhibit 8 at 24-25 (Owens Report); Exhibit 22 at 10, 12, 14 (Rush Decl.).

The Fifth Circuit addressed similar bizarrely shaped boundaries in *Sensley*, and found such boundaries indicated that traditional districting principles were subordinated to race. *See Sensley*, 385 F.3d at 597. In that case, the proposed plans included district boundaries with "extended and distorted shape[s]" that linked Farmerville and Marion Louisiana, excluded "non-blacks while simultaneously adding 'excess' blacks from other communities," and resulted in a "population dispersal" that resembled "an electoral barbell." *Id.* at 597 & n.4. At either end of the barbell were two heavily concentrated areas of African-American populations, connected by an 18-mile-long, narrow, rural strip sometimes less than a half-mile wide. *Id.* at n.4.



Sensley v. Albritton, No. 3:03-cv-722-RGJ-JDK, at 8 (W.D. La. Apr. 21, 2003) (Complaint) (available at <https://ecf.lawd.uscourts.gov/doc1/0891797484>) (emphasis added). That barbell shape is similar to the precinct 3 boundaries proposed by Plaintiffs' experts.

For instance, Cooper drew maps with northern and southern extremities of Precinct 3 stretching about 28 miles, requiring well more than a half hour to drive from one end to the other, see Exhibit 2 at 32 (Cooper Report). Notably, even in a best-case scenario for Plaintiffs under Cooper Illustrative Maps 3 and 3A,²¹ the 18-mile distance between minority populations in Texas City and League City is the exact distance between the minority communities in *Sensley* that the court determined were insufficiently compact to

²¹ Exhibit 2 at 35, Figure 18 (Cooper Report); Exhibit 10 at Illustrative Map 3A (Cooper Rebuttal Report).

form a community of interest. *Sensley*, 385 F.3d at 598. And Cooper Maps 3 and 3A include significantly more population from League City (4,378 or 3.91%) in Precinct 3 than the other illustrative plans. *See* Exhibit 2 at Ex. K-3B (Cooper Report); Exhibit 10 at Ex. E-3B (Cooper Rebuttal Report). In fact, *each* of the Plaintiffs' illustrative plans borrows some portion of League City's population to form Precinct 3. *See, e.g.*, Exhibit 2 at Exs. I-3B, J-3B, K-3B (Cooper Report); Exhibit 10 at Ex. E-3B (Cooper Rebuttal Report); Exhibit 22 at 10-14 (Rush Decl.); Exhibit 24 at 14 (Fairfax Report). But, as discussed above, minority populations in League City are particularly distinct from those in the southern portions of the County. *See Sensley*, 385 F.3d at 598 (noting that two distinct communities separated by approximately 18 miles were insufficiently compact).

Similarly, Rush (Petteway Plaintiffs' expert) also draws boundaries extending for lengthy geographic distances:

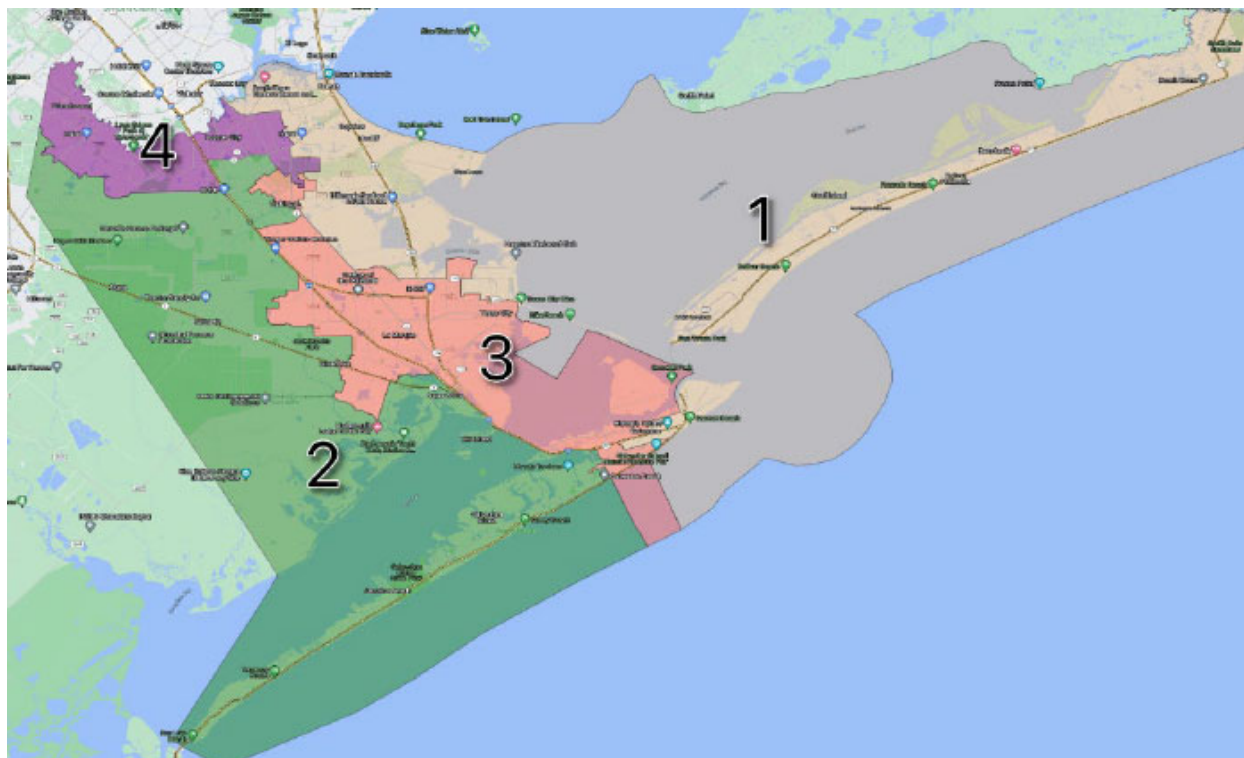


Exhibit 22 at 10, Figure 1. As with Cooper’s maps, Rush’s illustrative plans propose boundaries that stretch from League City in the north of the County to the Seawall on Galveston Island. *See id.* at 10, 12 & 14 (Rush Decl.). And Dr. Fairfax’s (DOJ’s expert) illustrative plan boundaries suffer similar issues: they extend a lengthy geographic distance of about 23 miles from League City to Galveston Island:

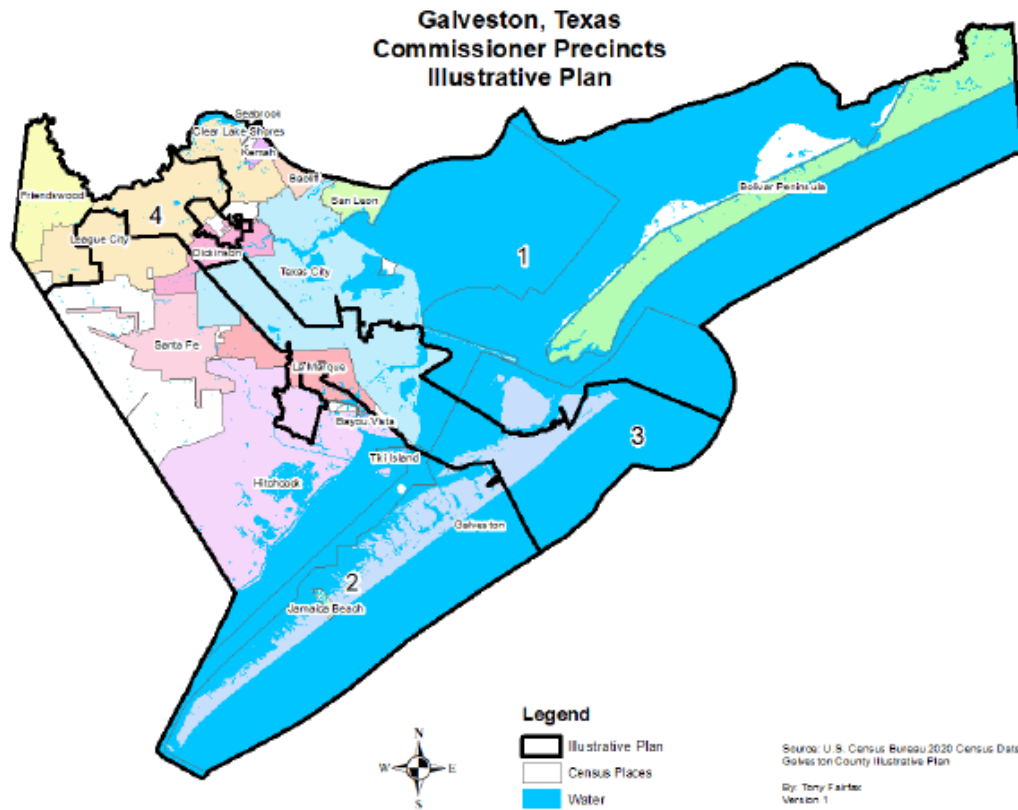


Exhibit 24 at 14 ¶ 34 (Fairfax Report). The same is true of Dr. Cooper’s illustrative map:

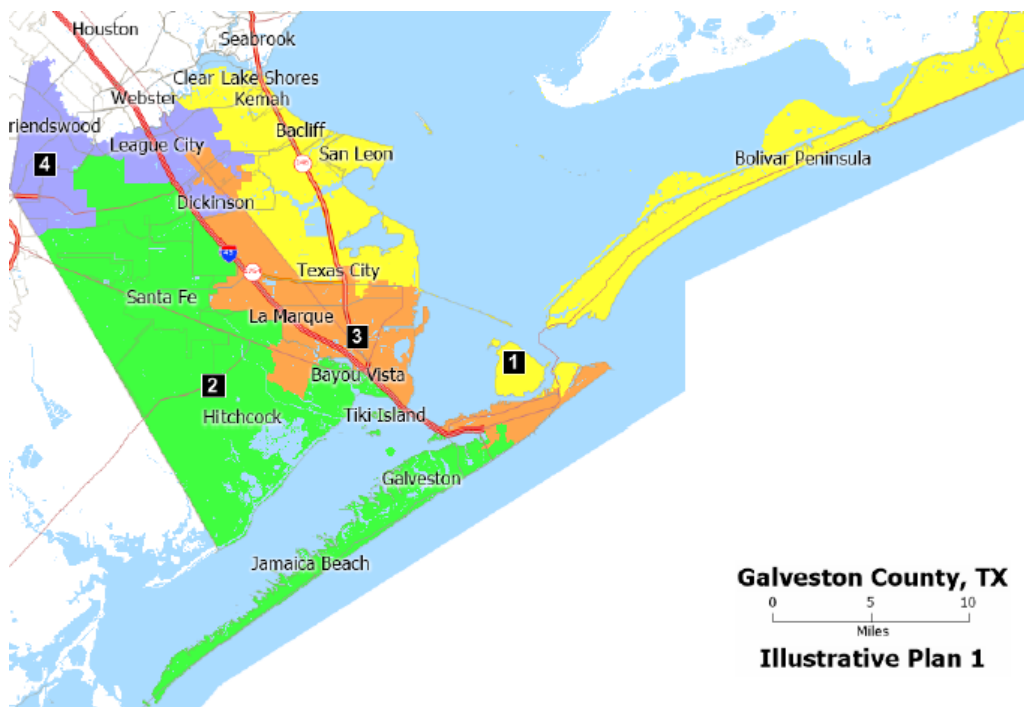


Exhibit 2 at 30, Figure 14 (Cooper Report).

Similarly, the Rush Demonstrative Map 1 shrinks Precinct 3 down to a width of only 0.05 miles near Dickinson Bayou, with the evident aim of including 3,107 Black and Latino citizens of voting age who reside on the north side of that body of water, a population that is numerically important to achieving a comfortable majority-minority *coalition* Precinct 3 population:

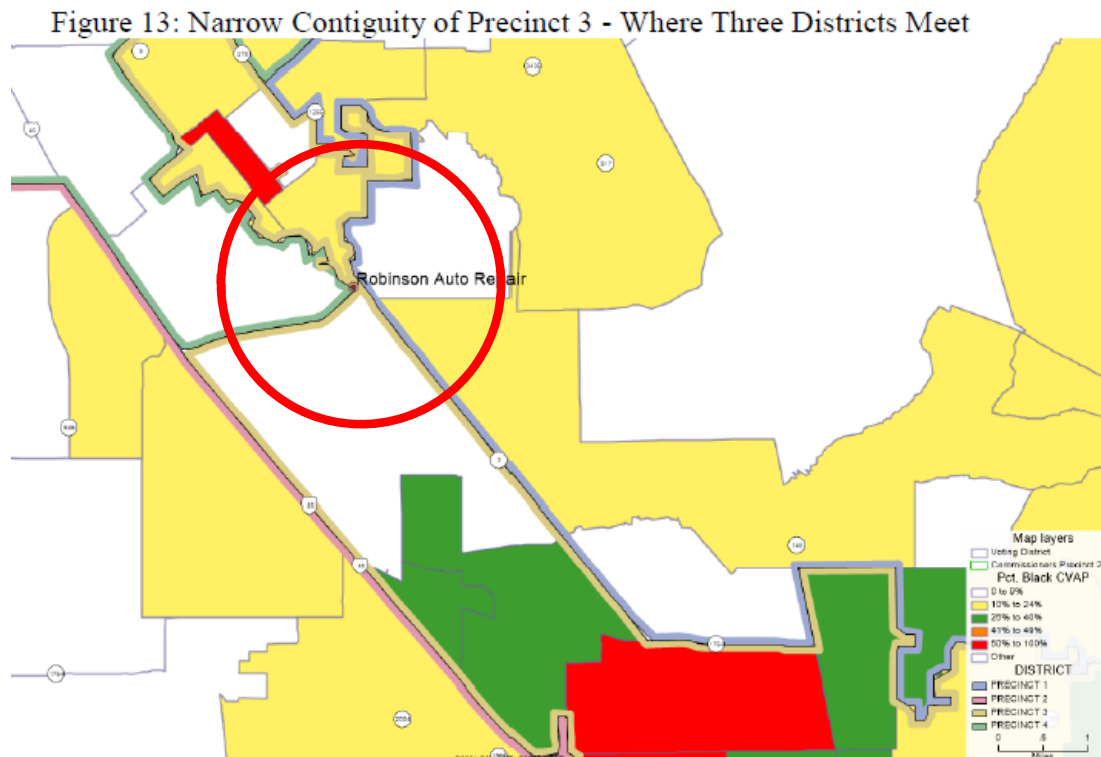


Exhibit 8 at 24, Figure 13 (Owens Report) (red circle added). The narrow point of contiguity at the center of the red circle above allows someone to be in one of three different Commissioner Precincts at Robinson’s Auto Repair, depending on which side of the repair shop they are standing. *See id.* at 23-24. By taking this approach, Rush achieves a combined 56.56% Black and Latino majority CVAP for Precinct 3, with voting-age citizens residing north of Dickinson Bayou contributing 5.21% toward reaching that total. *See Exhibit 22 at 11, Table 4 (Rush Decl.)*. This is textbook of racial gerrymandering. *See Shaw v. Reno*, 509 U.S. 630, 635-36 (1993) (describing North Carolina’s Twelfth Congressional District as no wider than an interstate highway corridor and winding “in snakelike fashion through tobacco country, financial centers, and manufacturing areas ‘until it gobbles in enough enclaves of black neighborhoods’”).

Racial predominance is evident throughout Plaintiffs' illustrative plans. All of Plaintiffs' illustrative maps (except for Dr. Cooper's Illustrative Maps 3 and 3A) split Galveston Island into three separate precincts, even though Galveston Island only has a population of 54,774, which far below the "ideal" precinct population of 87,671. *See* Exhibit 8 at 2, 18 (Owens Report). Traditional districting principles disfavor breaking up geographically distinct areas like islands into multiple districts, and coastal regions have unique concerns that counsel in favor of uniting them under the auspices of a single Commissioner. These include "probably a dozen issues that only affect the coastline" that are "extremely difficult to even keep one commissioner really up to speed on" (including, among others, addressing problems with uncapped oil wells, coordinating responses to hurricanes, and complying with complex statues like the Coastal Erosion Planning and Response Act and Gulf of Mexico Energy Security Act). *See* Exhibit 12 at 236:1-240:19 (Henry Dep.); Exhibit 16 at 197:15-199:23 (Apffel Dep.); Exhibit 20 at 242:20-243:4, 261:5-16 (Drummond Dep.). To meet these concerns, the Enacted Plan's precinct boundaries maintain Galveston Island and Bolivar Peninsula as a unified coastal community.

The purpose for Plaintiffs' strange illustrative boundaries is clear: racial gerrymandering. Rush carved out portions of Galveston Island with large non-Hispanic Black populations to increase Precinct 3's minority population. Exhibit 8 at 24-25 (Owens Report); Exhibit 22 at 10, 12, 14 (Rush Decl.). Illustrative Map 2 from the NAACP Plaintiffs' expert Dr. Cooper prioritizes race by excluding 144 voting-age citizens (83% of

whom are white) from Precinct 3, and by using such a small strip of beach to connect his Precinct 2 that the precinct’s dry land contiguity depends on the weather and tide:

Figure 12: Cooper Map 2, Precinct 3



Exhibit 8 at 21-22, & at 23, Figure 12 (Owens Report) (marking up Cooper’s illustrative map and noting its jagged boundaries and that it makes the contiguity of a proposed precinct 2 “dependent on the weather condition and high tide”). Cooper’s Illustrative Map 2 uses this carveout to include a larger non-Hispanic Black population in Precinct 3, while excluding areas with a higher non-Black population. *See id.*

Notably, Plaintiffs’ illustrations attempt to preserve old Precinct 3. While Plaintiffs may insist that preserving the historical boundaries of Precinct 3 is a traditional districting principle in its own right, existing and proposed precincts must pass constitutional muster. Indeed, the Middle District of Florida recently held that maintaining districts as they were drawn in the previous redistricting cycle (i.e., to preserve minority-opportunity districts that were initially drawn on the basis of race) does not eliminate the unconstitutionality of

such racial sorting now. *Jacksonville Branch of the NAACP*, No. 3:22-CV-493-MMH-LLL, 2022 WL 7089087, at *48 (M.D. Fla. Oct. 12, 2022), *appeal dismissed*, No. 22-13544-HH, 2023 WL 2966338 (11th Cir. Jan. 12, 2023) (“[R]acial sorting—even when done with good intention—violates the Constitutional mandate of the Equal Protection Clause if it cannot survive strict scrutiny”).

Except for racial predominance, the distanced communities Plaintiffs’ experts attempt to join have little in common. Exhibit 8 at 3 (Owens Report). Because “[l]egitimate yet differing communities of interest should not be disregarded in the interest of race,” *LULAC I*, 548 U.S. at 434, Plaintiffs cannot satisfy their *Gingles* Step 1 burden, and their VRA discriminatory impact claims must be dismissed.

3. Plaintiffs’ experts fail to assess whether their maps serve a community of interest at the precinct level.

The *Gingles* preconditions must be analyzed at the appropriate level, here, the precinct level. *See Wis. Legis.*, 142 S. Ct. at 1250. Courts may not view an entire state or County as a whole to make “generalized conclusion[s]” about what vote dilution might exist at the relevant local level. The relevant question here, which requires meaningful analysis, is whether the *Gingles* preconditions “would be satisfied as to each” precinct. *See id.* (citing *Cooper v. Harris*, 581 U.S. 285, 304 n.5 (2017)). And insofar as Plaintiffs wish to use illustrative maps to bear their burden, their maps must satisfy *each* of the *Gingles* preconditions. *See City of Hous.*, 113 F.3d at 547.

Dr. Cooper examined communities at the “county, municipal, and community levels”—but not, as required, at the precinct level. Exhibit 2 at ¶ 39 (Cooper Report). He

also did not “analyze the socioeconomic factors of the populations contained in [his] illustrative commissioner Precinct 3 maps.” Exhibit 21 at 44:13-20 (Cooper Dep.). His analysis therefore fails to satisfy *Gingles* 1 at the outset. Cooper contends African American and Latino residents share socioeconomic disparities. Exhibit 10 at ¶ 13 (Cooper Rebuttal Report). However, he fails to support this conclusion with any geographic or other connection among these residents. Cooper also postulates that there is a community of interest between League City and the City of Galveston because African Americans and Latinos celebrate the Juneteenth holiday. Exhibit 21 at 92:17-24 (Cooper Dep.).²² Failing any specific connections in Dr. Cooper’s proposed precincts, his illustrative maps are the type of racial sorting that the Equal Protection Clause prohibits. *Shaw*, 509 U.S. at 647 (“A reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid”); *see also Sensley*, 385 F.3d at 598; *LULAC I*, 548 U.S. at 432-35 (holding that a congressional district in Texas was not compact because, *inter alia*, significant socioeconomic differences between two Latino populations revealed different needs and interests between those communities).

Finally, Rush (the Petteway Plaintiffs’ expert) insists his illustrative maps keep communities of interest intact. *See* Exhibit 22 at ¶¶ 32, 54 (Rush Decl.). He offers no support for that conclusion, and therefore also fails to satisfy *Gingles* 1.

²² Juneteenth became a Texas state holiday in 1980. *See e.g.* <https://www.tsl.texas.gov/ref/abouttx/juneteenth> (last visited May 6, 2023).

Perhaps Plaintiffs do not analyze traditional criteria for forming “communities of interest” at the Precinct level because doing so would reveal that the precincts they hypothesize clearly lack geographical and socioeconomic ties. For example, it is undisputed that Black residents in opposite ends of the County have substantially different family incomes. *See supra* at 7-8. The same is true for Latino residents living in different parts of the County. *Supra* at 8. Other socioeconomic measures also show stark differences that preclude forming a community of interest. As discussed above, northern County Black residents achieve bachelor’s degrees approximately 50% more often than Black residents in the southern part of the County. *Supra* at 7-8. North County Latino residents obtain degrees approximately 20% more often than Latino residents in the southern part of the County. *Supra* at 8. Black residents in southern Galveston County rent instead of own their homes approximately 24% more often than Black residents in the northern part of the County, while southern County Latino households rent almost 43% more often than Latinos living in northern Galveston County. *Supra* at 7-8.

In addition to failing to show common socioeconomic, educational or other common interest of minorities within a particular precinct, *see Wis. Legis.*, 142 S. Ct. at 1250, it is also clear that people within the same minority group have different experiences across the numerous areas they seek to lump into precinct 3. In short, Plaintiffs fail *Gingles* I.

B. *Gingles* 2: Plaintiffs’ minority coalition is not cohesive.

Gingles Step 2 exists because, without evidence of political cohesion, there is no argument that a plan “thwarts distinctive minority group interests.” *Gingles*, 478 U.S. at 51. “[I]f the statistical evidence is that Blacks and Hispanics together vote for the Black or

Hispanic candidate, then cohesion is shown.” *Campos*, 840 F.2d at 1245. While there is no clear threshold percentage for voter cohesion, **it is clear that 51% falls “far short of the large majority typically required to show political cohesion.”** *LULAC v. Abbott*, 604 F. Supp. 3d 463, 499 (W.D. Tex. 2022) (“*LULAC I*”) (emphasis added).

Despite this case law, Plaintiffs’ expert Dr. Oskooii testified that cohesion occurs if 50.1% of the coalition votes for the same candidate. Exhibit 5 at 75:6-76:2, 82:16-83:2 (Oskooii Dep.). Another Plaintiffs’ expert, Dr. Trounstine, surmised that a 60% threshold was necessary. Exhibit 27 at ¶ 31 (Trounstine Second Corrected Report); Exhibit 3 at 84:5-12 (Trounstine Dep.). A third, Dr. Barreto, refused to settle on any particular cohesion threshold. Exhibit 26 at 63:24-66:16 (Barreto Dep.). In short, Plaintiffs’ experts disagree on the level needed for cohesion—but under *LULAC II*, that level is not 51%.

Because Plaintiffs have sought a majority-minority *coalition* precinct of Black and Latino voters, they must show that their proposed coalition votes cohesively with each other. “If one part of the [combined minority] group cannot be expected to vote with the other part the combination is not cohesive.” *Brewer*, 876 F.2d at 453. Demonstrating cohesion is particularly difficult for minority coalitions. *See Kumar v. Frisco Indep. Sch. Dist.*, 476 F. Supp. 3d 439, 504 (E.D. Tex. 2020) (“[C]ohesion, especially cohesion among various races, is not easy to prove”). Courts may find cohesion in a minority coalition when the various minority groups have electoral variances of less than 10%. *See, e.g., Clements*, 999 F.2d at 864-65 (Black-Latino cohesion existed where in 35 elections their vote percentages varied by less than 10%, and varied within 10% in 13 of 17 elections in another county). Ultimately, the question of whether African Americans and Latinos are politically

cohesive is a question of law. *LULAC v. Abbott*, 601 F. Supp. 3d 147, 169 (W.D. Tex. 2022) (three-judge court).

Plaintiffs cannot show cohesion. Dr. Trounstine (DOJ's expert) testified that she did not "analyze the extent to which Black and Latino voters as a single group voted in elections" or otherwise constitute a cohesive voting coalition. *See* Exhibit 3 at 115:20-116:12 (Trounstine Dep.). She also testified that she did not evaluate precinct-specific numbers in her analysis of racial cohesion in voting for county judge (including Commissioner Precinct 3 of the Enacted Plan), but instead used countywide election results analysis and extrapolated the county-level results to the commissioner precinct level, *id.* at 149:15-153:11. Her analysis is thus facially deficient under the *Wisconsin Legislature* opinion. *See Wis. Legis.*, 142 S. Ct. at 1250. Even if it were not, her election returns data actually reveals a lack of cohesion—Black and Latino voters cast ballots cohesively in only *6 of the 10* primary elections included in her report. Alford Rpt. at 14.

Dr. Oskooii's (NAACP expert) report fares no better. First, of the 25 general elections he analyzed, *all 25 elections* had a greater than 10% difference between the percentage of Black voters and the percentage of Latino voters who voted for the same candidate. Exhibit 29 at Ex. C, Figures 8-9 (Oskooii Report). Thus, cohesiveness between the groups is tenuous if only the general elections are considered.

An absolute lack of cohesiveness between Black and Latino voters is apparent in the 2014 County Judge general election results—a race in which Judge Mark Henry received 62.18% of the Latino vote against an Independent candidate, while receiving just 9.53% of the Black vote in that same election. Exhibit 27 at A-20 (Trounstine Second

Corrected Report) As Dr. Trounstine acknowledges, Latinos were thus “cohesive in favor of [Republican] Mark Henry” in the 2014 general election, while “African Americans voted cohesively for [Judge Henry’s challenger].” Exhibit 3 at 160:15-161:12 (Trounstine Dep.).²³ In the 2018 Senate race between Latino Republican Ted Cruz and Anglo Democrat Beto O’Rourke, over 80% of Anglo voters supported Cruz, while greater than 80% of Latino and 90% of Black voters supported O’Rourke. Exhibit 28 at 21 (Alford Report); Exhibit 4 at App’x A Table 2 (Barreto Decl.).

And in non-partisan contests, which are important to consider to remove a candidate’s partisanship as the cause of voting results rather than race, “[t]here is not a single contest out of ten in which both Latino and Black voters are cohesive”. Exhibit 28 at 20, Table 5 & 21 (Alford Report). The voting percentages in Table 5 under the “Replication RxC Estimate” column contain Trounstines’s estimated percentages of votes cast for a particular candidate for each racial group. *Id.* The percentages are miserably inadequate to show that Black and Latino voters were voting cohesively with each other.

As Dr. Alford explains, “[a]ll the conclusions based on the partisan general elections are in fact clearly ‘dependent upon the presence of partisan labels.’” *Id.* This is an important point because where partisanship is a better explanation for the voting patterns than race, *Gingles* Step 2 is not met. *Clements*, 999 F.2d at 850.

²³ Additionally, in analyzing the 2020 nonpartisan election for Texas City Commission, Dr. Trounstine identifies two white candidates who received 48.13% and 48.08% support from Latino voters, as compared to her estimate of 82.23% Black support for a Black candidate in the same race. Exhibit 27 at A-30, A-32 (Trounstine Second Corrected Report).

In looking at primary elections, which typically eliminate party labels as a cause for voting patterns, cohesiveness between Black and Latino voters is unsustainable. As Dr. Oskooii acknowledges, “preferences are not as strong for any one candidate as they are in general elections.” *Id.* at 24. And using Dr. Alford’s cohesion rate of 75%, the data shows that Black voters were cohesive as a group in **five out of ten** primary elections, while Latino voters were cohesive as a group in just **one out of ten** elections. Exhibit 28 at 14 (Alford Report).

Dr. Barreto and Rios do not even analyze primary elections. Recently, a three-judge district court in Texas ruled that it gave Dr. Barreto’s ultimate conclusions “little weight” because Dr. Barreto maintained there, as he does here, “that the only relevant factor in determining whether Black and Hispanic citizens vote as a cohesive group is how they vote in general elections.” *See LULAC*, 601 F. Supp. 3d at 165. Dr. Barreto’s same analytical deficiency should receive the same ruling from this Court.

Petteway Plaintiffs’ experts Dr. Barreto and Rios also fail to show cohesiveness. They analyzed 29 elections using two different analytical methods. Of the 29 elections analyzed using Ecological Inference (EI),²⁴ **all 29 had a gap larger than 10% between Black and Latino voters** who voted for the Democratic Party candidate. Exhibit 4 at App’x A Table 1 (Barreto Decl.). In one analysis of those same 29 general election contests,

²⁴ The Ecological Inference (EI) methodology is the process of using aggregate data to make micro level inferences about individual behavior, and is an earlier iterative approach that has often been used for comparing cohesion of voters of two different races/ethnicities in an election where it isn’t possible to use individual surveys. By contrast, the RxC method is a more recent EI technique that examines associations between rows and columns in a table and is more effective than the earlier EI approach for comparing voter cohesion when there are three different races/ethnicities being compared. *See* Exhibit 28 at 3-5 (Alford Report).

25 out of 29 elections had a larger than 10% gap in voting between Black and Latino voters voting for the Democratic candidate; the only election contests with a gap under 10% took place in 2014 and 2016. Exhibit 4 at App’x A Table 2 (Barreto Decl.). Additionally, the spread in 2022 elections was considerably wide between Black voters supporting a Democratic candidate in the low-to-mid 90% range, while Latino support for the candidate was in the low-to-mid 60% range. Exhibit 28 at 6 (Alford Report). Even without considering partisanship as a cause of the voting patterns, such a wide spread is a clear indication of important differences between Latino and Black voters.

Plaintiffs’ expert reports fail to show the existence of a cohesive Black-Latino coalition of voters in any of their illustrative maps. DOJ, for its part, did not even attempt a cohesiveness analysis. Partisanship, rather than race, is a better explanation for voting patterns in Galveston County. Since the VRA does not protect political parties, *Gingles 2* is not satisfied. *See Clements*, 999 F.2d at 850.

C. *Gingles 3*: Any purported White-bloc voting does not defeat minority-preferred candidates on account of their race.

To prove the third *Gingles* precondition—establishing a legally significant white voting bloc—Plaintiffs must show that a majority of the white citizen voting age population votes sufficiently as a bloc to enable it—absent special circumstances—to usually defeat the minority coalition’s preferred candidate; *i.e.*, evidence that the white bloc vote normally defeats the combined strength of minority support plus white “crossover” votes. *Rangel v. Morales*, 8 F.3d 242, 245 (5th Cir. 1993). And, unlike for the second precondition, this must be proved in regard to the *challenged* map, not Plaintiff’s proposed map. *See League*

of *United Latin Am. Citizens v. Abbott*, 2022 WL 4545754, at *5 (W.D. Tex. Sept. 28, 2022) (explaining the second and third *Gingles* preconditions “are not mirror-image requirements for different racial groups” and a plaintiff “must show the second precondition for the minority population that would be included in its proposed district” while “the third precondition must be established for the challenged districting”). Minority electoral success and “racially polarized voting” are the two most probative factors in evaluating the merits of a Section 2 dilution allegation. *LULAC # 4552 v. Roscoe Indep. Sch. Dist.*, 123 F.3d 843, 848 (5th Cir. 1997) (citing *Clark v. Calhoun Co.*, 88 F.3d 1393, 1397 (5th Cir. 1996)).

Failures of a minority group to elect representatives of its choice that are attributable to “partisan politics” provide no grounds for relief. Section 2 is “a balm for racial minorities, not political ones.” *Baird v. Consolidated City of Indianapolis*, 976 F.2d 357, 361 (7th Cir. 1992) (citation omitted). “The Voting Rights Act does not guarantee that nominees of the Democratic Party will be elected, even if Black voters are likely to favor that party’s candidates.” *Clements*, 999 F.2d at 854.

In other words, the elections that matter for purposes of racially polarized voting are those where minority *candidates* are defeated by White candidates *because of* their minority status. *Citizens for a Better Gretna v. Gretna*, 834 F. 2d 496, 503-04 (5th Cir. 1987).²⁵ Precedent makes this clear. “[I]mplicit in the *Gingles* holding is the notion that

²⁵ In her report’s *Gingles* 3 analysis, Dr. Trounstine also uses an unusual definition of “racially polarized voting”. Under her approach, when white voters and Black voters vote cohesively for the same candidate and Latino voters vote cohesively for a different candidate, she still categorizes this as a “racially polarized election”. See Exhibit 3 at 31:5-17, 96:11-19 (Trounstine Dep.). As far as Defendants are aware, no Court

black preference is determined from elections which offer the choice of a black candidate.” *Id.* Without examining races featuring a minority candidate, it is impossible to know “the extent that candidates preferred by Black voters are consistently defeated because of their substantive political positions,” which makes them “casualties of interest group politics, not racial considerations.” *Clements*, 999 F.2d at 879. Therefore, Plaintiffs have a negative causative requirement: they do not need to affirmatively show racial animus on behalf of the white voting bloc, but they must present evidence showing partisan affiliation was *not* the cause of any divergent voting patterns in the presented races. *See id.*

Plaintiffs cannot carry their burden. Dr. Trounstine (DOJ’s expert) testified unambiguously that, that in general elections, Galveston voters usually support candidates “who share their political orientation,” Exhibit 3 at 114:3-9 (Trounstine Dep.); *see also id.* at 186:17-187:3 (same)—*i.e.*, “voters will select the candidate who shares their priorities, preferences, and ideologies in an election in the general election, typically.” *Id.* at 86:11-87:3. In other words, voters vote based on partisanship, which dooms Plaintiffs’ Section 2 claim. *See Clements*, 999 F.2d at 854. That Dr. Trounstine is the *only* expert hired by any of the Plaintiffs’ who looked at Galveston-specific electoral data makes this admission even more salient.

The data bears out Dr. Trounstine’s concession. From the general election returns data Dr. Trounstine analyzed for county commissioner races, White voters in Commissioner Precinct 3 in the November 2004 election voted 72.79% for a Black

has characterized such elections as “racially polarized” for purposes of Section 2 of the VRA, further undermining the reliability of her analysis.

Republican candidate, Lewis Parker, Jr., and 26.65% for the Democrat candidate. Exhibit 27 at A-19 (Trounstine Second Corrected Report). Once again demonstrating that partisanship is a better explanation for voting trends than race, subsequent election results show that White voter support for Black Republican candidates was **roughly consistent with or higher than** White support for White Republican candidates. *Id.* Similarly, in the 2002, 2006, and 2010 elections, the Democrat candidate challenging Republican Judge Henry received more than 90% of the Latino vote. *Id.* at A-20. But, in the 2014 general election when an Independent candidate challenged Judge Henry, Judge Henry received 62.18% of the Latino vote, while the Independent challenger received 90.46% of the Black vote. *Id.*; *see also* Exhibit 3 at 160:15-161:12 (Trounstine Dep.) (acknowledging that Latinos “were cohesive in favor of [Republican] Mark Henry” in the 2014 general election, while African American voters “voted cohesively for [the Independent candidate]”). Based on these facts, partisanship is a better explanation than race for Galveston County voting patterns. *Clements*, 999 F.2d at 850.

For his part, Dr. Oskooii (NAACP Plaintiffs’ expert) admitted that he did not analyze whether voters (much less Galveston voters) cast ballots based on political orientation or race. *See* Exhibit 5 at 180:17-181:21 (Oskooii Dep.). When asked, he retorted “I would have to conduct a literature review to tell you more details.” *Id.*²⁶ He did not look at “the reasons underlying the vote choice of different demographic groups”; instead, he only looked at whether “minority voters favor candidates . . . that are disfavored by the

²⁶ Notwithstanding this deficiency, Dr. Oskooii did indicate there is a “great deal of literature and research . . . saying that race and partisanship are interconnected.” Exhibit 5 at 180:5-20 (Oskooii Dep.).

majority racial group voters” regardless of the reason for that divergence. Exhibit 30 at ¶ 4 (Oskooii Rebuttal Report). He also “did not analyze the Commissioners Court elections.” Exhibit 5 at 61:7-10 (Oskooii Dep.). These failures render his expert report entirely meaningless, since he affirmatively disclaims any opinion as to whether minority “candidates lose because they are Democrats,” or “Democrats lose because they are” minorities. *See Clements*, 999 F.2d at 879 (where partisanship is a better explanation for the voting patterns than race *Gingles* is not met).

In contrast with Dr. Oskooii, the Petteway Plaintiffs’ experts (Dr. Barreto and Rios) considered the race-versus-partisanship question—but conducted their analysis entirely based on national- and state-level studies rather than studies of Galveston specifically. *See* Exhibit 26 at 109:11-18 (Barreto Dep.). Based on this analysis, they conclude that race and partisanship have become so closely intertwined that one factor often cannot be analyzed without the other in explaining racial voting patterns. *See* Exhibit 4 at ¶¶ 25, 31 (Barreto Decl.) (“[P]artisan general elections are often understood by voters through a racial/ethnic lens. Indeed, political science research has proven conclusively that attitudes about racial public policy issues, views on immigrants, and even racial animus influence partisanship among White voters”). Accordingly, “it is voters[’] views on matters of race that often push White voters today into voting for Republican candidates in the first place, providing a clear link to racially polarized voting even when one considers partisanship.” *Id.* Because this position runs headlong into *Clements*, 999 F.2d at 879, Dr. Barreto and Rios offer

nothing in support of Plaintiffs' *Gingles* Step 3 burden.²⁷

Simply put, voting is not racially polarized in Galveston County. White voters cast ballots consistently for Republican candidates and in opposition to the Democrat candidates in general elections, while White opposition to the Democrat candidate varies by *less than a single percentage point* based on whether the Democrat candidate was White, Black, Latino, or Asian. Exhibit 28 at 5 (Alford Report). The same pattern holds true for Black and Latino voters; their support for Democrat candidates in general elections varies by less than a percentage point based on whether the Democrat candidate was White, Black, Latino, or Asian. *Id.* However, Latino support for Democrat candidates in general elections is less substantial, and the Plaintiffs experts do not agree on a definition of cohesion. The impact of the candidate's party label is clear, consistent, and stable, even as the race and ethnicity of the candidates vary across elections. *Id.* at 4. Indeed, the November 2, 2004 election where White voters in Precinct 3 voted 72.79% for a Black Republican candidate for county commissioner proves partisanship is the better explanation. Exhibit

²⁷ Even if Plaintiffs' evidence could meet all three *Gingles* preconditions, which it cannot, Plaintiffs' experts' testimony still dooms their case under the totality of the circumstances. This Court has held that Plaintiffs' burden under the totality of the circumstances is to show that "race rather than partisanship better explains [Plaintiffs'] preferred candidates' lack of success at the polls." *Lopez v. Abbott*, 339 F. Supp. 3d 589, 619 (S.D. Tex. 2018). Plaintiffs' expert testimony described *supra* directly undermines, if not precludes, any argument that race rather than partisanship better explains their proposed minority coalition's defeat at the polls in Galveston County. *E.g.*, Exhibit 3 at 114:3-9, 186:17-187:3 (Trounstine Dep.) (conceding that Galveston voters voting patterns are explained by selecting candidates who share their political orientation). Based on these concessions alone, no Plaintiff in this case can meet their burden of showing any electoral disadvantage due to race instead of politics.

27 at A-19 (Trounstine Second Corrected Report). White voter support in subsequent commissioner general election races further upholds that conclusion.²⁸

Clements is on point here. There, the court held that the third *Gingles* prerequisite was not established because, in each challenged county, “a black Democratic voter and a white Democratic voter [stood] in the same position”: “Both [were] unable to elect the Democratic judicial candidate they prefer.” *Clements*, 999 F.2d at 879. In other words, “[t]he race of the candidate did not affect the pattern.” *Id.* The unifying thread throughout plaintiffs’ case for all counties challenged was “an insubstantiality of proof that the minority-preferred candidate lost ‘on account of race.’” *Id.* at 877. Because plaintiffs lacked evidence of racial bloc voting, their vote dilution claims failed.²⁹

²⁸ Exhibit 27 at A-19 (Trounstine Second Corrected Report) (In the 2006 general election, White support for the White Republican candidate in Precinct 2 was 57.16%; in the 2010 general election, White support for the White Republican candidate in Precinct 2 was 72.58%; in the 2012 general election, White support for the White Republican candidate in Precinct 1 was 75.73%).

²⁹ More specifically, in one challenged county, the Fifth Circuit relied on the fact that “White voters’ support for black Republican candidates [in that county] was equal to or greater than their support for white Republicans.” *Clements*, 999 F.2d at 879. “Likewise, black and white Democratic candidates received equal percentages of the white vote.” *Id.* Critically, based on these facts the court determined that it could not “see how minority-preferred judicial candidates were defeated ‘on account of race or color.’ Rather, the minority-preferred candidates were consistently defeated because they ran as members of the weaker of two partisan organizations. We are not persuaded that this is racial bloc voting as required by *Gingles*.” *Id.*

In another county challenged by the plaintiffs in *Clements*, the majority of minority voters always cast their votes for the Democratic candidate, while the majority of Anglo voters always cast their votes for the Republican “regardless of the race of the candidates.” *Id.* at 892. Because Republican voters outnumbered Democratic voters, the minority-preferred Democratic candidate consistently lost. *Id.* The court noted that in one election the Latino Republican candidate for Attorney General won 76% of the Anglo vote when running against a white Democrat, which was the second highest vote received by any of the Republicans in the general elections analyzed there. *Id.* Accordingly, the undisputed facts indicated that “partisan affiliation, not race, caused the defeat of the minority-preferred candidate,” meaning the third *Gingles* prerequisite was not established. *Id.* at 891-92. The court employed a similar analysis in rejecting plaintiffs’ arguments for racial bloc voting in each of nine different challenged counties. *See id.* at 877-893.

Plaintiffs cannot show that race—not partisan politics—accounts for the sort of White-bloc voting that would usually defeat a minority coalition’s candidate of choice. Fifth Circuit precedent requires a showing that minority *candidates* lose due to White-bloc voting, rather than candidates of a particular political party. Because Plaintiffs cannot satisfy *any* of the three *Gingles* threshold preconditions, their Section 2 claims necessarily fail. *City of Hous.*, 113 F.3d at 547 (“Failure to establish *any one* of these threshold requirements is fatal.” (emphasis added)). Defendants are entitled to judgment as a matter of law on Plaintiffs’ Section 2 vote dilution claims.

III. The NAACP and Petteway Plaintiffs’ constitutional racial gerrymandering claims fail as a matter of law.

The NAACP and Petteway Plaintiffs’ constitutional racial gerrymandering claims cannot survive summary judgment. The Equal Protection Clause of the Fourteenth Amendment’s “central mandate is racial neutrality in governmental decisionmaking.” *Miller*, 515 U.S. at 904. It “limits racial gerrymandering without ‘sufficient justification’ to separate voters on the basis of race.” *Walters*, 2023 WL 3300466, at *8 (internal citations omitted).

To succeed, there must be evidence that “race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district.” *Miller*, 515 U.S. at 916; *see also Harding v. Cty. of Dall.*, 948 F.3d 302, 313 (5th Cir. 2020). The legislature must have “subordinated traditional race-neutral districting principles” like “compactness, contiguity, and respect for communities of interest” to racial considerations.” *Walters*, 2023 WL 3300466, at *9; *see also Bethune-*

Hill, 137 S. Ct. at 797. Mere awareness of race is not enough; legislatures “will . . . almost always be aware of racial demographics.” *Miller*, 515 U.S. at 916. Racial gerrymandering claims are district-specific and therefore apply “to the boundaries of individual districts” rather than the map as a whole. *Ala. Legis. Black Caucus*, 575 U.S. at 262.

Significantly, Plaintiffs’ assertion that it violates the Constitution to *not* keep Precinct 3’s boundaries as intact as possible in order to maintain a majority-minority precinct fails as a matter of law. In the 2012 settlement with the DOJ to reach Precinct 3’s prior boundaries, race was absolutely a factor—a key point that Plaintiffs cannot refute. But maintaining prior district boundaries to preserve a minority-opportunity district that was drawn on the basis of race is, in itself, a form of unconstitutional racial sorting. *See Jacksonville Branch of the NAACP*, 2022 WL 7089087, at *48. In *Jacksonville*, the district court enjoined a redistricting plan that maintained the districts as they were drawn in the 2011 redistricting cycle. *Id.* at *36, *53. Although the court acknowledged a “very understandable desire” by city council “to assure continued minority representation,” such intentions were not enough to withstand constitutional scrutiny. *Id.* at *48. As the court emphasized, “the Supreme Court has been unequivocal in its direction that racial sorting—even when done with good intention—violates the Constitutional mandate of the Equal Protection Clause if it cannot survive strict scrutiny.” *Id.*

In *Walters v. Boston City Council*, voters sued the City of Boston over a redistricting map alleging it was enacted to achieve “racial balancing.” *Walters*, 2023 WL 3300466, at *1. The court, after finding the legislation was in fact racially motivated to strengthen a minority opportunity district or to avoid packing, found there was no compelling interest

narrowly tailored to accomplish that goal under a Fourteenth Amendment analysis. *Id.* at *13. It reiterated that “[C]ompliance with federal antidiscrimination laws cannot justify race-based districting where the challenged district was not reasonably necessary under a constitutional reading and application of those laws.” *Id.* (quotation omitted).

Unlike in *Walters*, the NAACP and Petteway Plaintiffs here cannot show (either through direct or circumstantial evidence) that the Commissioners prioritized race over compactness, contiguity, core preservation, and incumbency protection. *See Robinson*, 37 F.4th at 222. “Given the presumption of the legislature’s good faith in redistricting, showing that a redistricting plan intentionally discriminates is not ordinarily an easy task.” *Prejean v. Foster*, 227 F.3d 504, 509 (5th Cir. 2000). For example, there is no evidence that population percentage targets were established for a minority population. *See Bethune Hill*, 137 S. Ct. at 799; *Ala. Legis. Black Caucus*, 575 U.S. at 267. Nor is there indirect evidence such as “bizarre” or “irregular” shapes tracing racial demographics and densities (*Chen v. City of Houston*, 206 F.3d 502, 507 (5th Cir. 2000); *LULAC II*, 604 F. Supp. 3d at 510), “cracking” or “packing,” *Thomas v. Bryant*, 938 F.3d 134, 158 n.119 (5th Cir. 2019), or disregarding traditional criteria like compactness, *Prejean*, 227 F.3d at 512–14.

As Tom Bryan (the County’s map drawer and technical consultant during the 2021 redistricting cycle) declares, he did not consider race when creating the map proposals for a vote. Exhibit 17 at ¶5 (Bryan Decl.). He was not reviewing any racial data to create any map boundaries. *Id.* He was not instructed to consider racial data, and did not consider racial data in drawing the maps. *Id.* Bryan did, however, consider political performance data when drawing Map 2. Exhibit 17 at ¶ 7 (Bryan Decl.). For example, he compared the

2020 election performance of the Republican Presidential and Senatorial nominees in each of the four commissioner precincts with Map 1 and Map 2 boundaries. Exhibit 17 at ¶ 7 (Bryan Decl.). The data revealed that under Map 2, Republican candidates performed better in Precinct 3 than they did under Map 1. *Id.*

Most critically, the Commissioners and County Judge themselves considered no racial demographic data during this process, at any time before the Enacted Plan was adopted. *See* Exhibit 11 at 127:13-19 (Giusti Dep.); Exhibit 16 at 160:13-21 (Apffel Dep.). In other words, race was not a factor at all, let alone the *predominant* factor.

Lest the Court have any residual doubt, the record also demonstrates this is not the “exceptional case” where “a reapportionment plan [is] so highly irregular that, on its face, it rationally cannot be understood as anything other than an effort to segregate voters on the basis of race.” *Shaw*, 509 U.S. at 646-47 (internal quotation marks omitted). Far from the kind of bizarre map boundary shapes in relation to racial demographics that courts have indicated provide evidence of racial gerrymandering, the Enacted Plan adheres closely to traditional districting principles like compactness, contiguity, minimization of voting precinct splits, core preservation, incumbency protection, and preserving communities of interest—just as Plaintiffs’ expert William Cooper conceded at his deposition. *See, e.g.*, Exhibit 21 at 77:14-19 (Cooper Dep.) (“I don’t really have any problem with compactness scores in the enacted plan.”); *id.* at 83:22-84:8 (agreeing that the Enacted Plan’s compactness is “reasonable”); *id.* at 84:9-21 (Cooper testified he has no problem with the Enacted Plan’s split counts). It is, instead, Plaintiffs’ illustrative plans that are drawn based on race.

Plaintiffs and their experts fail to identify any evidence capable of showing that race was a consideration during the 2021 redistricting cycle, much less a *predominant* consideration. Coupled with their burden of overcoming the presumption of the legislature's good faith in redistricting (*Miller*, 515 U.S. at 915), it becomes clear that Plaintiffs' hurdle to show racial gerrymandering is simply insurmountable. Because there is no triable issue of fact regarding whether race predominated in the drawing of the Enacted Plan, Defendants are entitled to summary judgment on Plaintiffs' racial gerrymandering claim.

CONCLUSION

For the foregoing reasons, this Court should grant Defendants' Motion for Summary Judgment as to Plaintiffs' Section 2 and racial gerrymandering claims, and grant such other legal or equitable relief to which Defendants show themselves entitled.

Respectfully Submitted,

HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIK PLLC

GREER, HERZ & ADAMS, L.L.P.

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served to all counsel of record via the ECF e-filing system on May 12, 2023.

/s/ Angie Olalde _____

APPENDIX A TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT

Ex. No. Description

- 1 Excerpts from the April 12, 2023 Deposition of Anthony E. Fairfax (Plaintiff-designated expert) (Fairfax Dep.)
- 2 Excerpts from the Report of William S. Cooper (Plaintiff-designated expert) (Cooper Report)
- 3 Excerpts from the April 14, 2023 Deposition of Dr. Jessica Trounstine (Plaintiff-designated expert) (Trounstine Dep.)
- 4 Declaration of Matt Barreto (Plaintiff-designated expert) (Barreto Decl.)
- 5 Excerpts from the April 11, 2023 Deposition of Dr. Kassra A.R. Oskooii (Plaintiff-designated expert) (Oskooii Dep.)
- 6 Prior Commissioners Precincts Map
- 7 DOJ Letter Dated March 5, 2012 (US0002100-US0002104)
- 8 Amended Report of Dr. Mark Owens (Defense-designated expert) (Owens Report)
- 9 Declaration of SueAnn Duncan (Duncan Decl.)
 - A. (Nov. 1, 2021 Apffel Email) Bates Labeled DEFS00003811
 - B. (2022 primary election returns) Bates Labeled DEFS00009657
 - C. (Aug. 30, 2021 Scheduling E-Mail) Bates Labeled DEFS00011029–DEFS00011030
 - D. (Sept. 8, 2021 Conf. Call) Bates Labeled DEFS00011031
 - E. (Oct. 16, 2021 Zoom Conf.) Bates Labeled DEFS00011238
 - F. (Oct. 17, 2021 Zoom Conf.) Bates Labeled DEFS00011241
 - G. (Sept. 16, 2021 Conf. Call Confirmations) Bates Labeled DEFS00011693
 - H. (Sept. 16, 2021 Conf. Call Confirmations) Bates Labeled

DEFS00011694

- I. (Map 2 with precincts) Bates Labeled DEFS00011888
- J. (2020 primary election returns) Bates Labeled DEFS00013518
- K. (Sept. 13, 2021 Conf. Call) Bates Labeled DEFS00015162
- L. (Sept. 10, 2021 Scheduling E-mail) Bates Labeled DEFS00016258
- M. (Sept. 20, 2021 Conf. Call) Bates Labeled DEFS00016260
- N. (Sept. 23, 2021 Conf. Call) Bates Labeled DEFS00016262
- O. (Sept. 10, 2021 Scheduling E-mail) Bates Labeled DEFS00017099–DEFS00017100
- P. (Nov. 12, 2021 Public Comment Roster) Bates Labeled DEFS00031699-DEFS00031701
- Q. (Nov. 12, 2021 email) Bates Labeled DEFS00003893
- R. Galveston County General Election Cumulative Results Report

- 10 Excerpts from the March 27, 2023 Expert Declaration and Rebuttal Report of William S. Cooper (Plaintiff-designated expert) (Cooper Rebuttal Report)
- 11 Excerpts from the January 6, 2023 Deposition of Commissioner Joseph Giusti (Giusti Dep.)
- 12 Excerpts from the January 17, 2023 Deposition of Galveston County Judge Mark Henry (Henry Dep.)
- 13 Declaration of Dalton Oldham (Oldham Dec.)
- 14 Excerpts from the December 19, 2022 Deposition of Nathan Sigler (Sigler Depo.)
- 15 Defs. 1st Supp. and Am. Responses to DOJ Interrogatories
- 16 Excerpts from the January 5, 2023 Deposition of Deposition of Commissioner Darrell Apffel (Apffel Dep.)

- 17 Declaration of Tom Bryan (Bryan Decl.)
- 18 Corrected Transcript of November 12, 2021 Commissioners Court Hearing (Nov. 12, 2021 Transcript)
- 19 Excerpts from the February 24, 2023 Deposition Dianna Martinez (Martinez Dep.)
- 20 Excerpts from the January 18, 2023 Deposition of Tyler Drummond (Drummond Dep.)
- 21 Excerpts from the April 21, 2023 Deposition of William S. Cooper (Plaintiff-designated expert) (Cooper Dep.)
- 22 Excerpts from the Report of Tye Rush (Plaintiff-designated expert) (Rush Decl.)
- 23 Excerpts from the April 21, 2023 Deposition of Tye Rush (Plaintiff-designated expert) (Rush Dep.)
- 24 Excerpts from the Report of Anthony E. Fairfax (Plaintiff-designated expert) (Fairfax Report)
- 25 Rebuttal Report of Anthony E. Fairfax (Plaintiff-designated expert)
- 26 Excerpts from the April 20, 2023 Deposition of Matt Barreto (Plaintiff-designated expert)
- 27 Excerpts from the Second Corrected Report of Dr. Jessica Trounstine (Plaintiff-designated expert) (Trounstine Second Corrected Report)
- 28 Experts from Report of Dr. John R. Alford (Defense-designated expert) (Alford Report)
- 29 Excerpts from the report of Dr. Kassra Oskooii (Plaintiff-designated expert)
- 30 Rebuttal Report of Dr. Kassra Oskooii (Plaintiff-designated expert)
- 31 Online Portal Proposed Precinct Redistricting Maps (Ex. 28 to Henry Dep.)

Appendix B

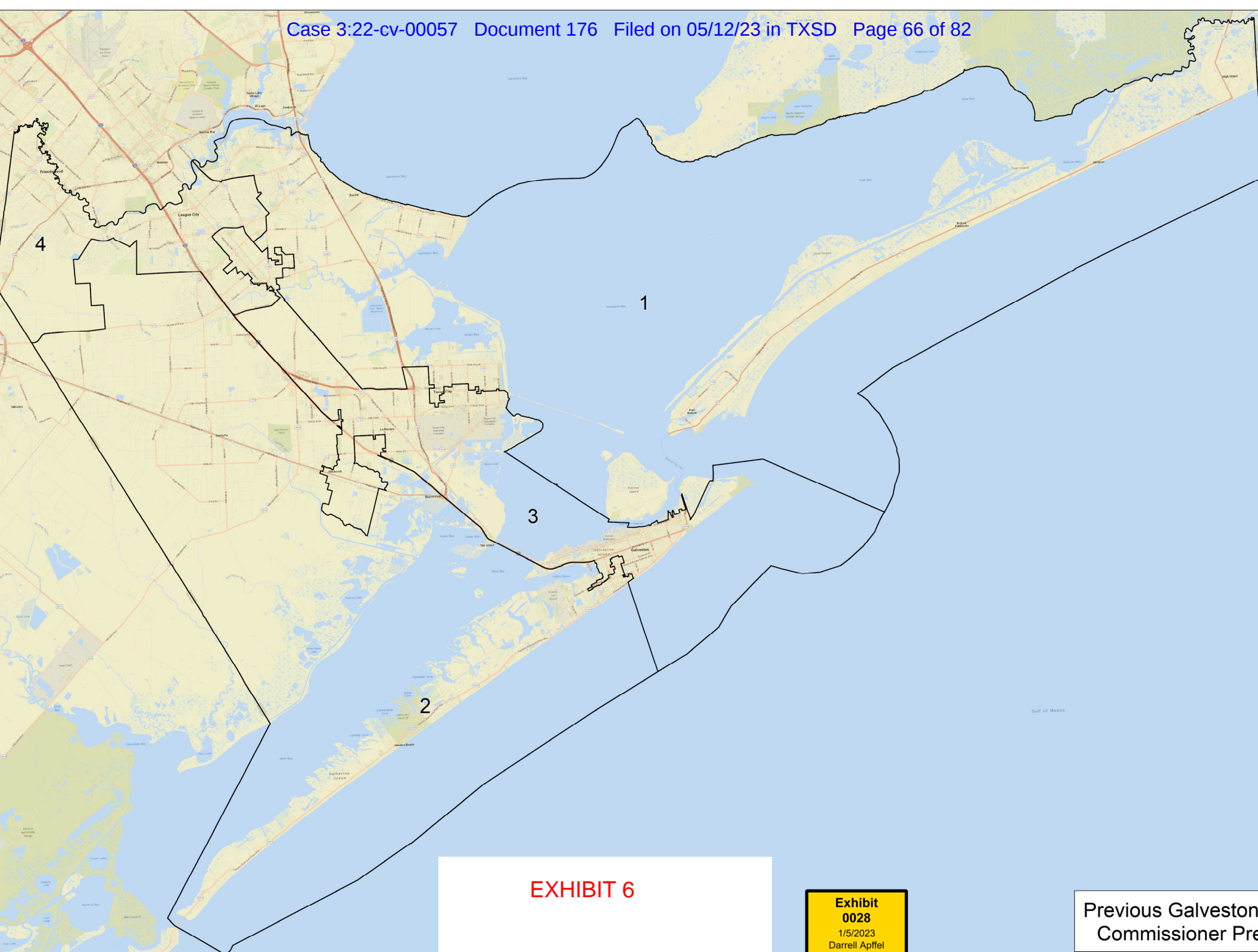


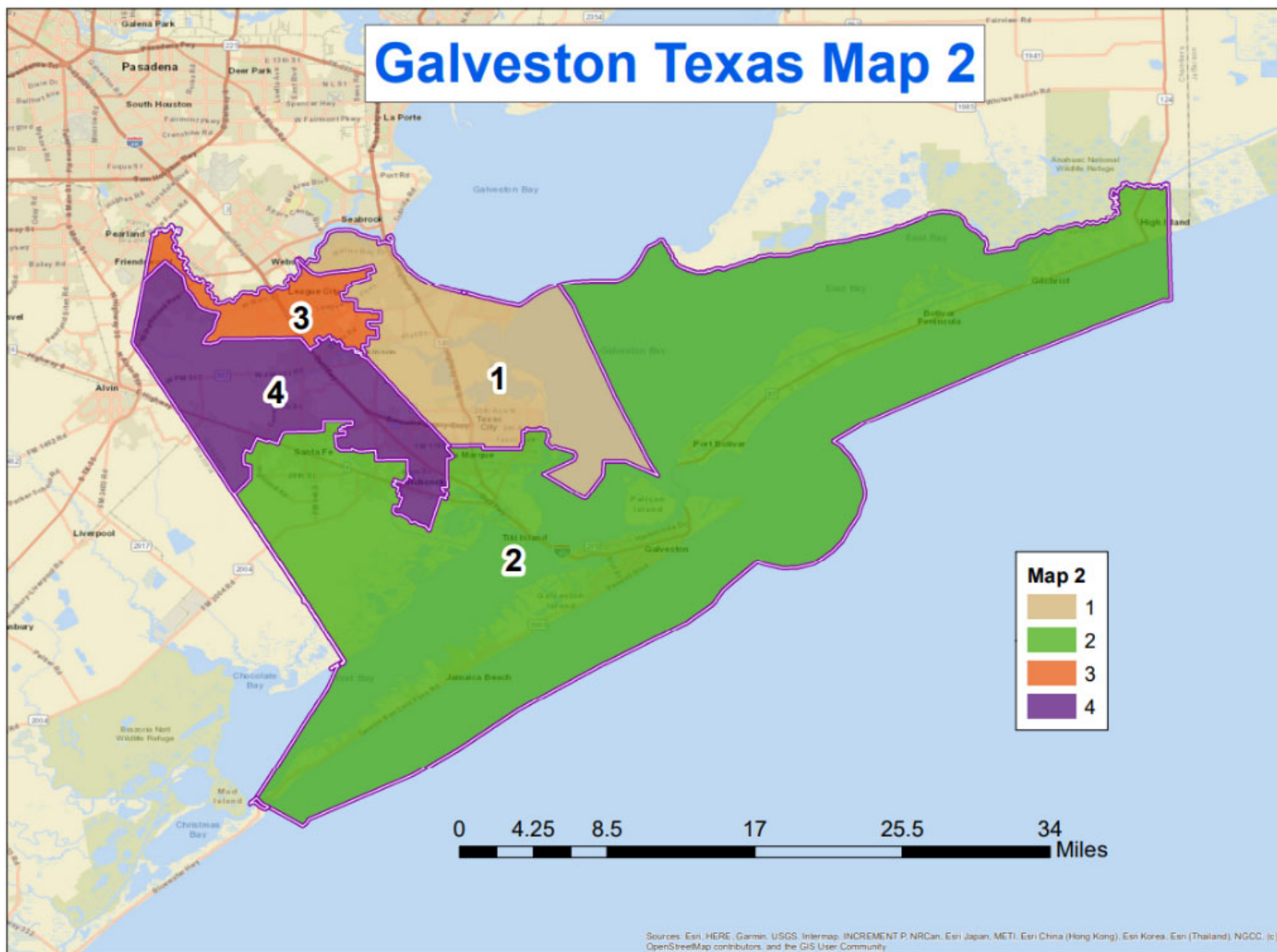
EXHIBIT 6

**Exhibit
0028**
1/5/2023
Darrell Apffel

**Previous Galveston
Commissioner Pre**

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap

Appendix C



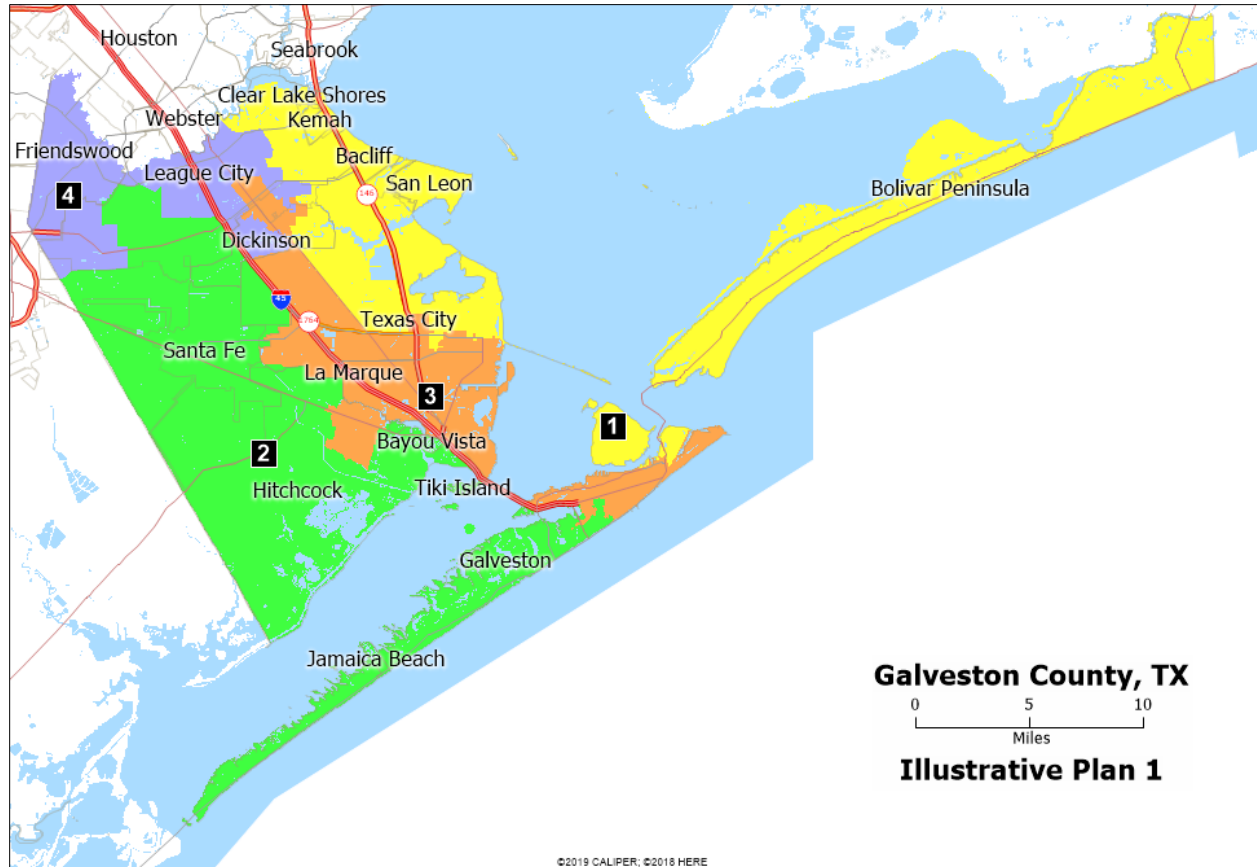
Appendix D

Expert Declaration and Report of William S. Cooper – January 2023

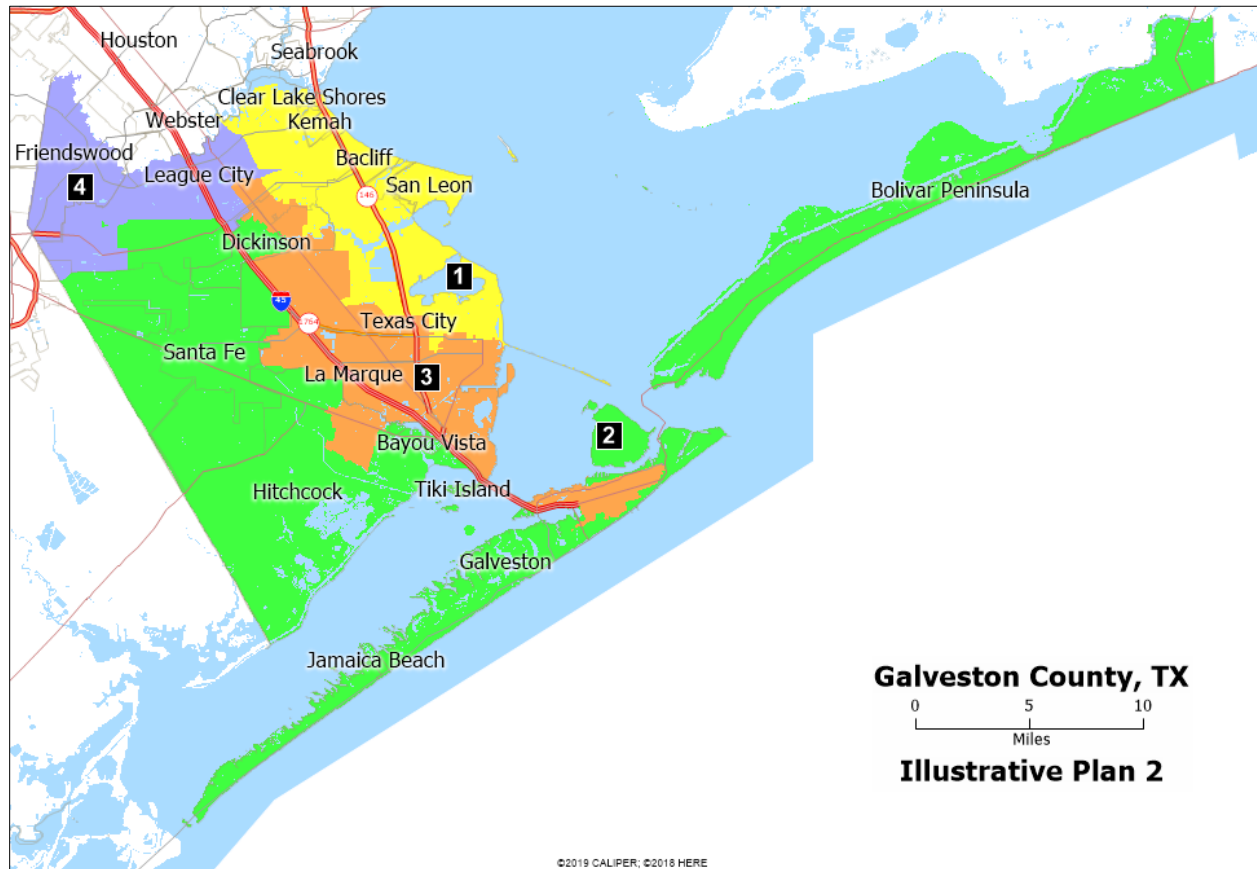
in Section II, would also provide a reasonable basis to consider Precinct 3 as an established community of interest.

82. The map in **Figure 14** displays Illustrative Map 1 zoomed out to show the full extent of Galveston County.

Figure 14: Galveston County — Illustrative Map 1



83. Illustrative Map 1 makes no changes to Benchmark Plan precinct boundaries on Galveston Island. On the mainland, the changes are made with minimal impact: two VTDs are shifted from Precinct 2 to Precinct 3, bringing both precincts into compliance with one-person one vote requirements. The addition of these two VTDs into Precinct 3 places all of La Marque in Precinct 3, eliminating a split of the City that existed in the Benchmark Plan.

*Expert Declaration and Report of William S. Cooper – January 2023***Figure 16: Galveston County — Illustrative Map 2**

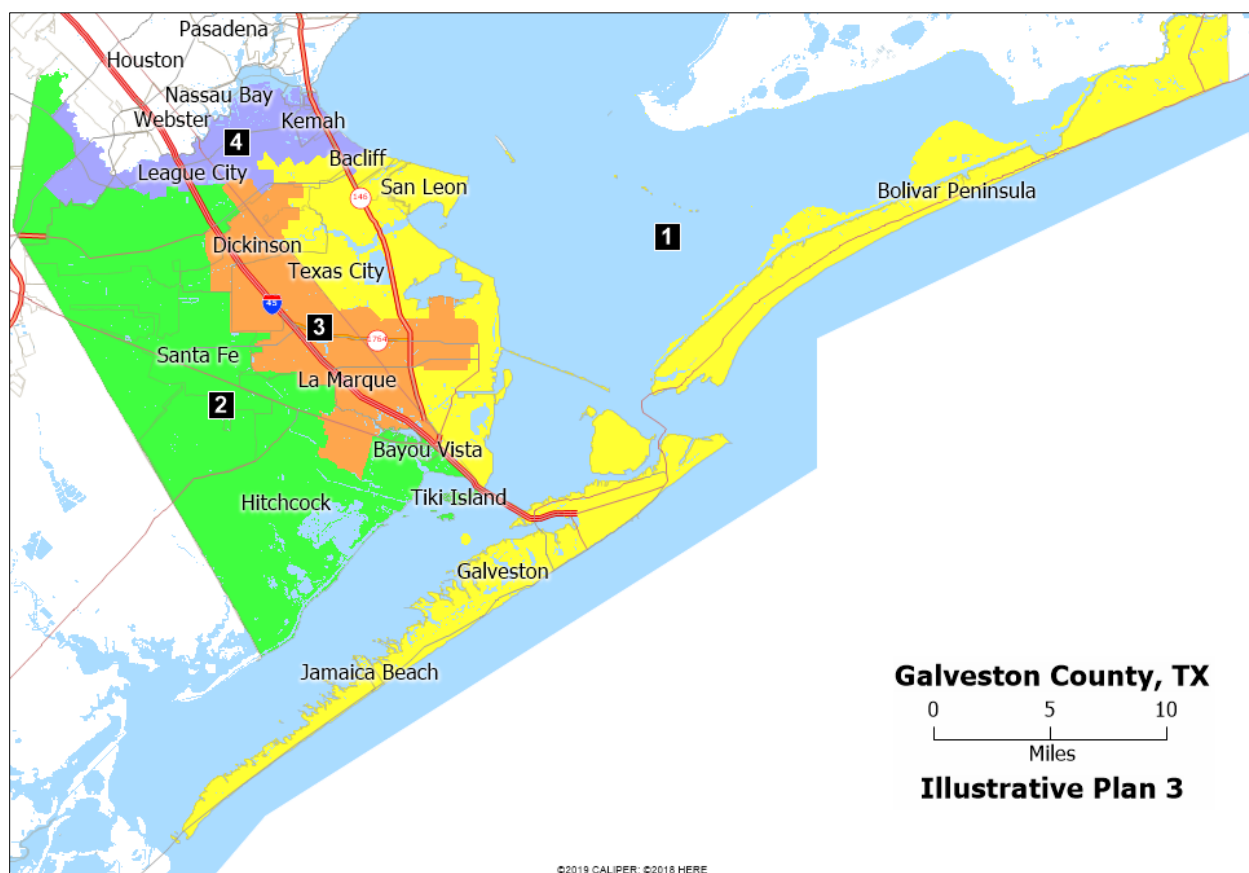
88. Like the Benchmark Plan and Illustrative Map 1, the City of Galveston is split between Precincts 2 and 3 in Illustrative Map 2. However, boundary lines between Precincts 2 and 3 change so that Precinct 3 has a clear continuous pathway along Seawall Boulevard and on to its intersection with Highway 87 and the ferry to the Bolivar Peninsula.

89. **Figure 17** reports summary population by precinct under Illustrative Map 2, Precinct 3 remains majority Black and Latino, with B+LCVAP at 56.51%. Precinct 3 in Illustrative Map 2 therefore also shows that Galveston County has a sufficiently large and geographically compact Black and Latino population to constitute a majority in at least one Commissioners precinct.

*Expert Declaration and Report of William S. Cooper – January 2023***C. Illustrative Map 3 – Coastal Precinct 1**

92. I prepared Illustrative Map 3 (shown in **Figure 18**) to demonstrate that all of the Bolivar Peninsula, Pelican Island, Galveston Island, and most of the Galveston Bay coast can be placed in a single precinct (Precinct 1) in a plan that both (i) adheres to race-neutral traditional redistricting criteria and (ii) still maintains an adjacent mainland Precinct 3 that is B+LCVAP majority.

Figure 18: Galveston County — Illustrative Map 3



93. **Figure 19** reports summary population by district under Illustrative Map 3. Precinct 3 remains B+LCVAP majority (52.34%). Precinct 3 in Illustrative Map 1 therefore shows that Galveston County has a sufficiently large and geographically compact Black and Latino population to constitute a majority in at least one Commissioners precinct.

Appendix E

VIII. The Illustrative Plan

A. Introduction

34. The Illustrative Plan was developed using the “least change” approach (See Figure 1).

Therefore, minimal changes were made to the previous plan to bring the plan within acceptable population deviation.

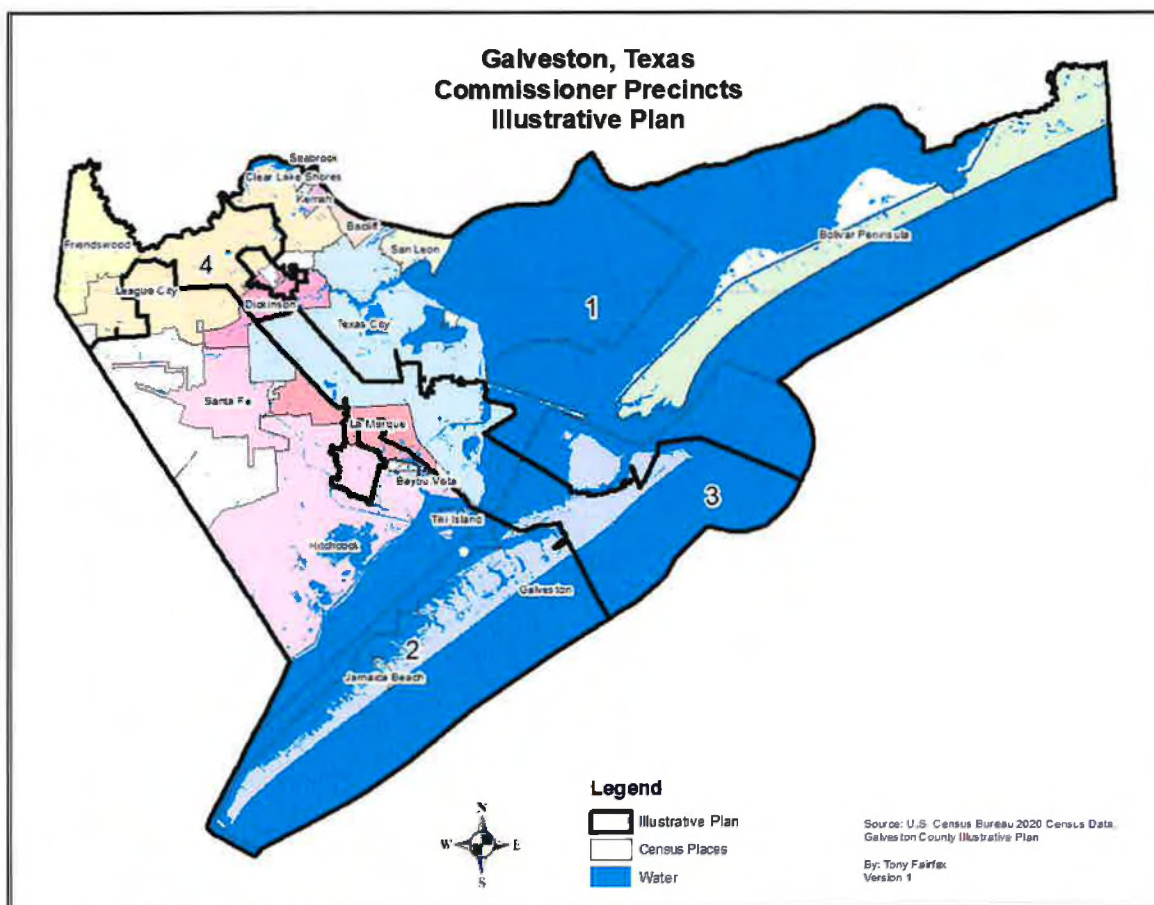


Figure 1 – Illustrative Plan for Galveston County Commissioner Precincts

Appendix F

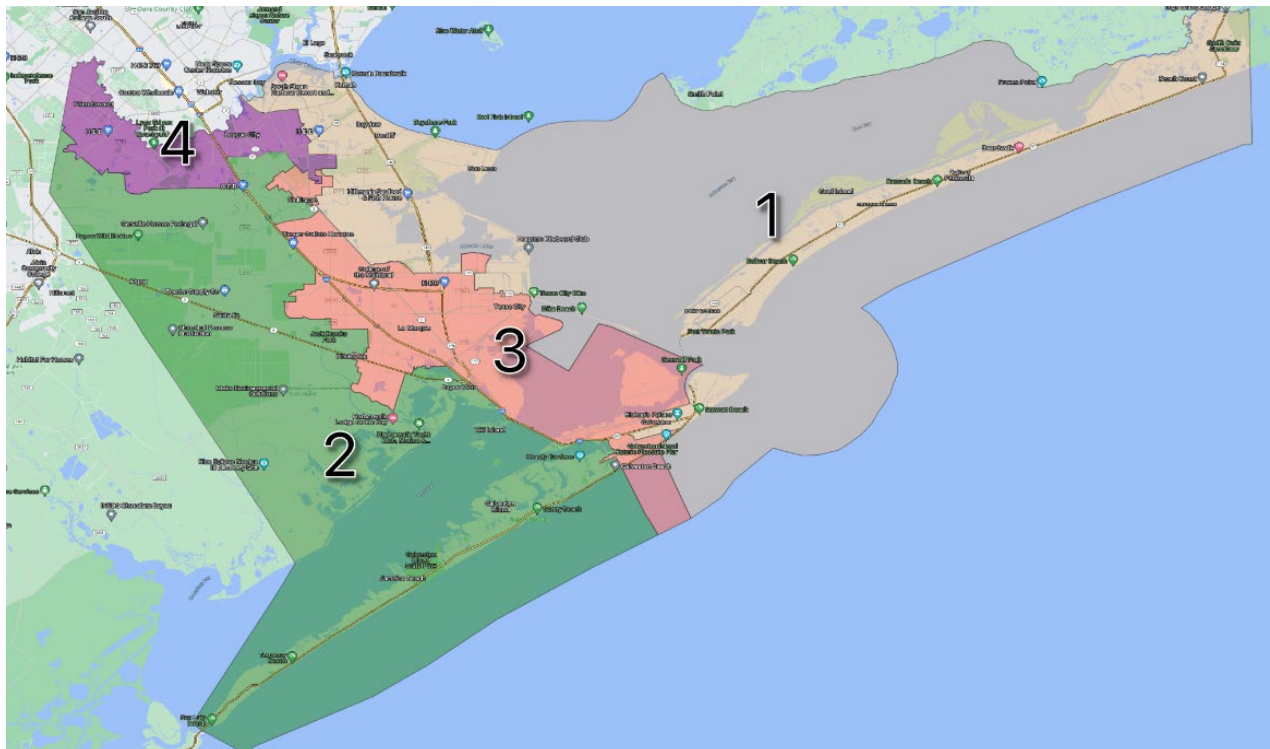
protection. I was also aware and mindful of the above six redistricting factors considered by Galveston County.

33. These demonstration maps were drawn using DRA 2020, an online redistricting platform that uses data from the Decennial Census and from the Census Bureau's American Community Survey (ACS).⁴

DEMONSTRATIVE MAP 1

34. Figure 1, below, shows DEMONSTRATIVE MAP 1, where the majority black and Hispanic district is Precinct 3.

Figure 1: Demonstrative Map 1

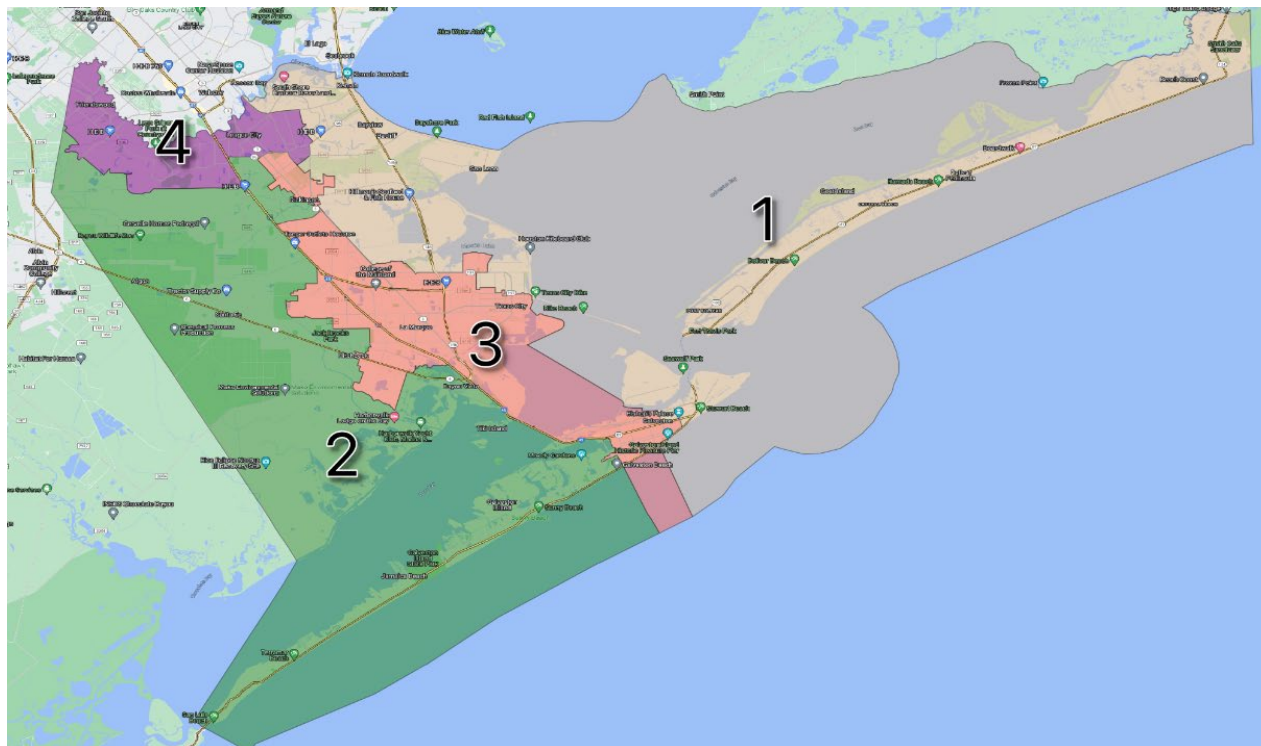


⁴ DRA 2020. <https://davesredistricting.org/maps#aboutus>

DEMONSTRATIVE MAP 2

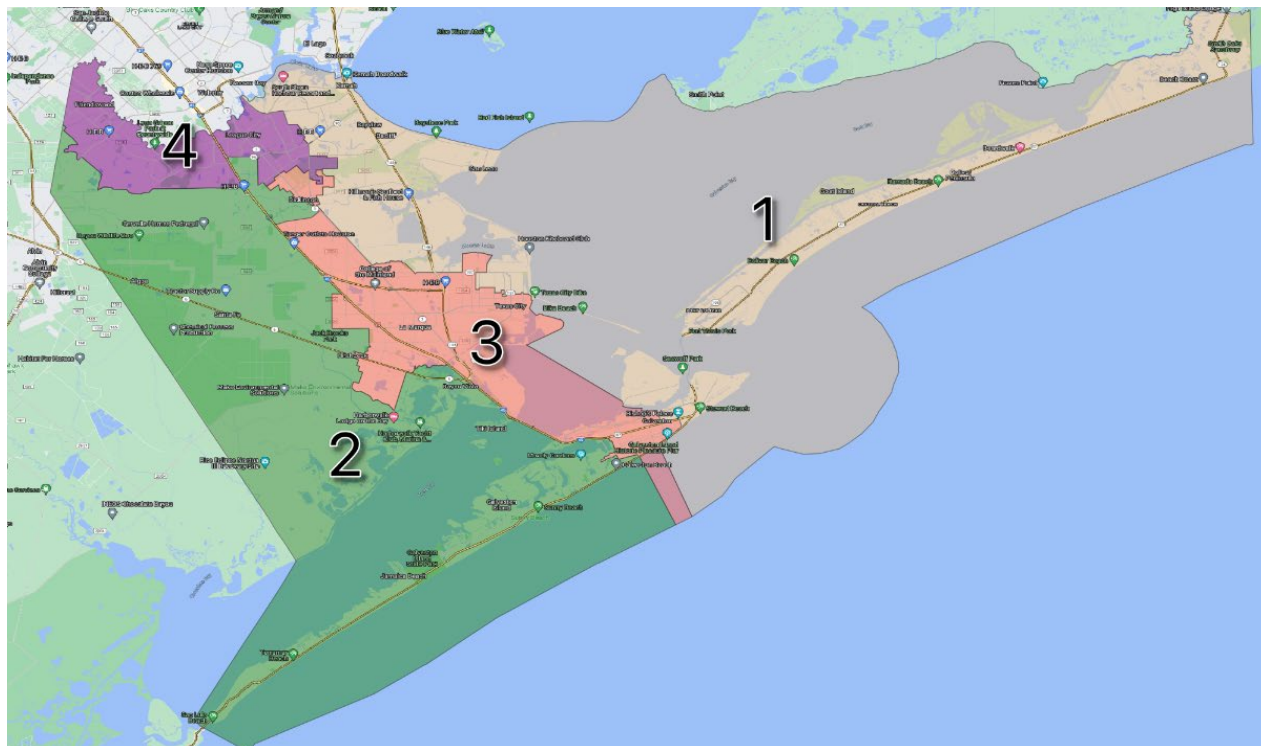
40. Figure 2, below, shows DEMONSTRATIVE MAP 2, where the majority black and Hispanic district is Precinct 3.

Figure 2: DEMONSTRATIVE MAP 2



41. Table 5, below, provides a demographic breakdown of DEMONSTRATIVE MAP 2 from the total population tabulations in the 2020 Decennial Census and from the Citizen Voting Age Population (CVAP) 5-year estimates in the 2020 American Community Survey (ACS) data.

Figure 3: DEMONSTRATIVE MAP 3



47. Table 6, below, provides a demographic breakdown of DEMONSTRATIVE MAP 3 from the total population tabulations in the 2020 Decennial Census and from the Citizen Voting Age Population (CVAP) 5-year estimates in the 2020 American Community Survey (ACS) data.

Appendix G

Figure 3. Plaintiff Map 1

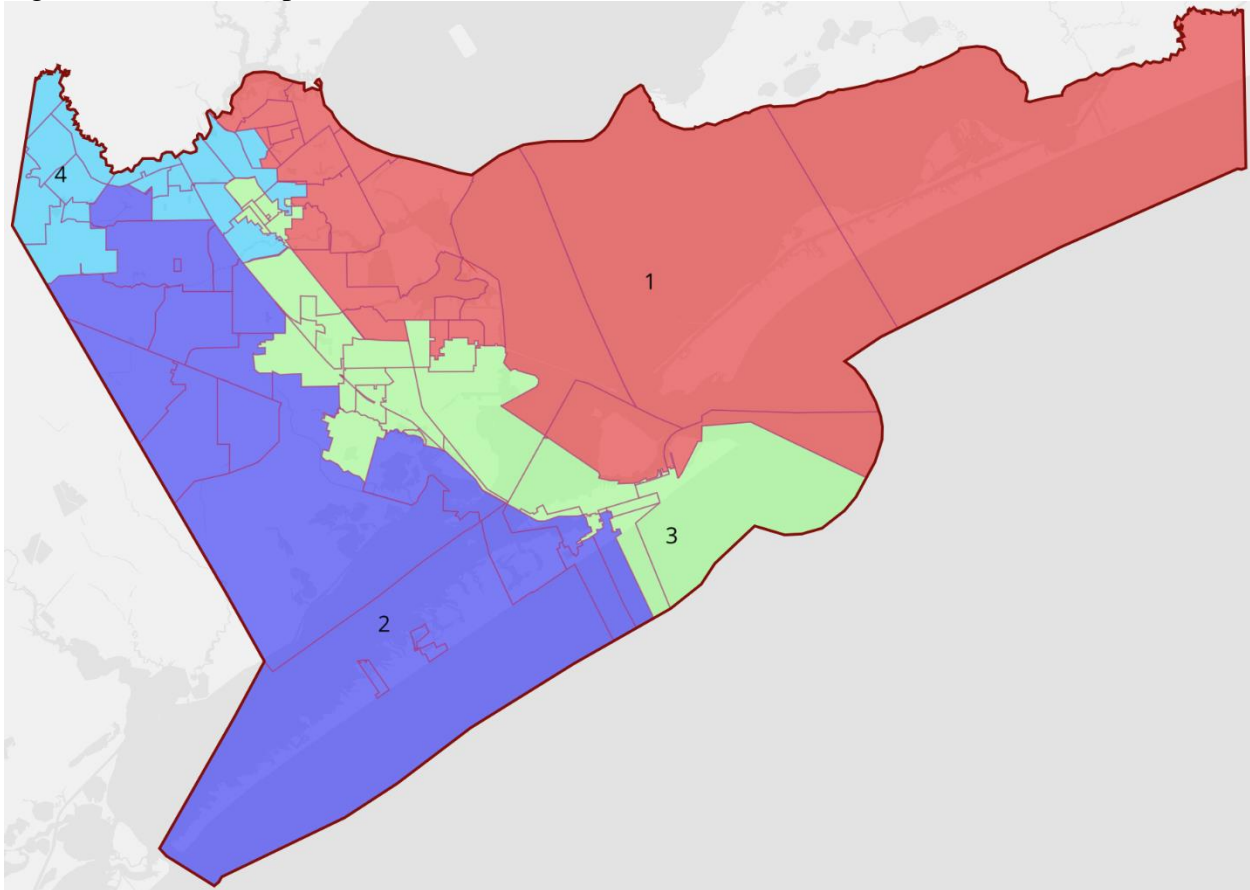


Figure 4. Plaintiff Map 2

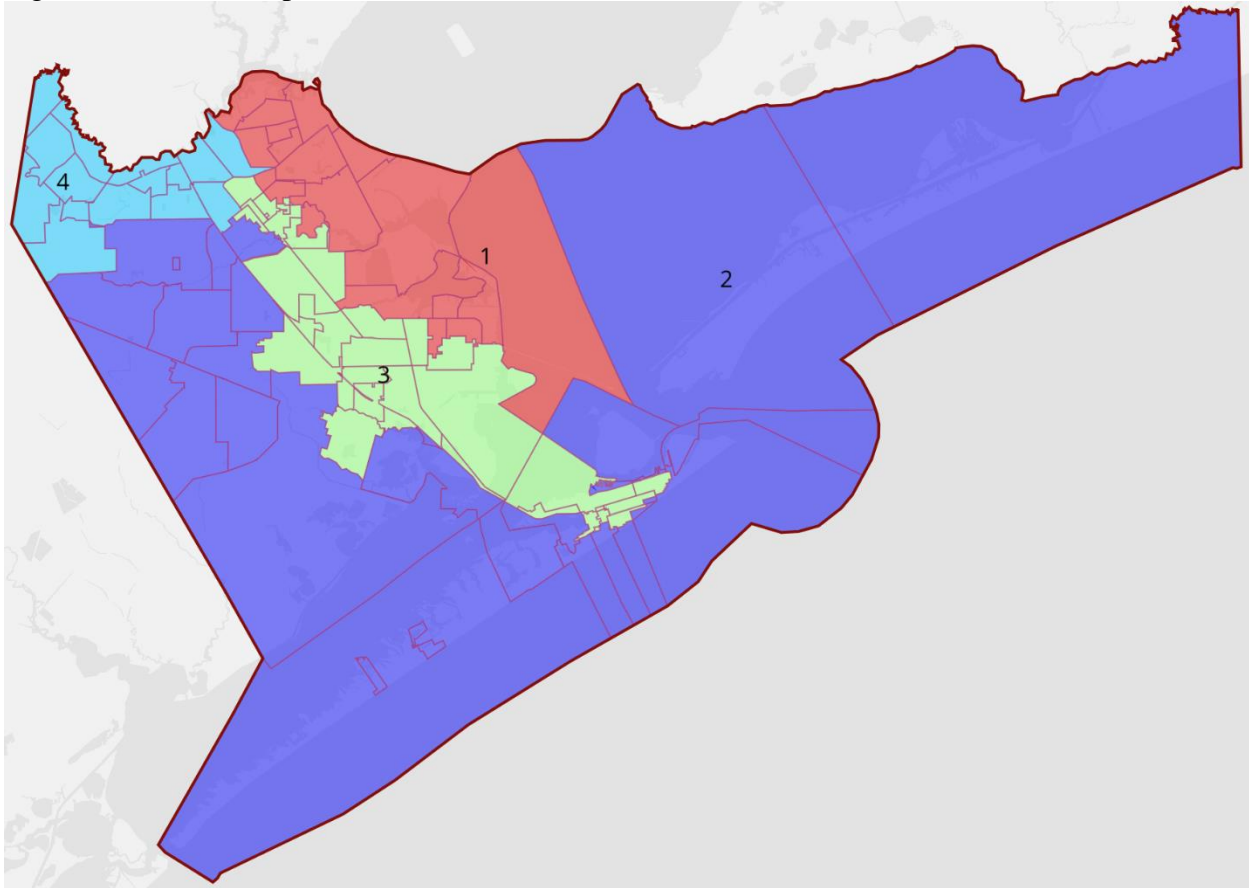
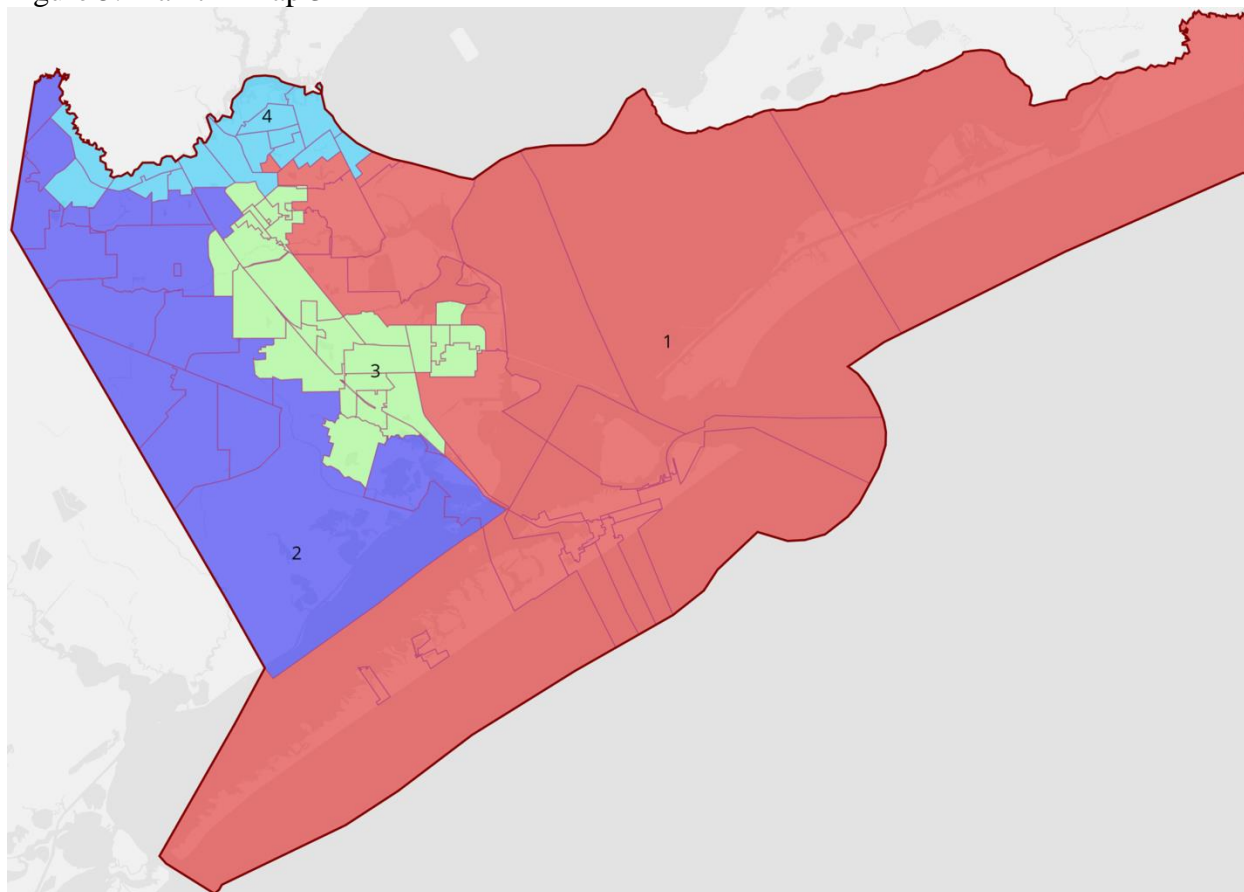


Figure 5. Plaintiff Map 3



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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

- - - - - x
HONORABLE TERRY PETTEWAY, :
et al., :
:
Plaintiffs, :
:
v. :
:
GALVESTON COUNTY, ET AL., :
:
Defendants. :
- - - - - x 3:22-CV-00057
: Consolidated Case No.

April 12, 2023
11:02 a.m. EST

Deposition of Anthony Fairfax (via Zoom) held at the
offices of Holtzman Vogel, 2300 N Street,
N.W., Washington, D.C. before Misty
Klapper, Registered Professional Reporter, Certified
Realtime Reporter, and Notary Public.

EXHIBIT 1

1 A. That is correct.

2 Q. Okay. Now, footnote 1 here just
3 says, None of the specific topics and conclusions
4 addressed herein were amended or revised in
5 Dr. Owens' March 31st amended report.

6 Did I read that correctly?

7 A. Yes.

8 Q. Now, you reviewed your April 7th 2023
9 rebuttal report in preparation for your
10 deposition today?

11 A. Yes, I did.

12 Q. Okay. And does this rebuttal report
13 capture all of your opinions that you intend to
14 express in rebuttal to Dr. Owens' report?

15 A. Yes, it does, with the same caveat,
16 unless you ask a question.

17 Q. Okay. And approximately how much
18 time did you spend drafting your April 7th 2023
19 rebuttal report?

20 A. That was done in, approximately, a
21 day or so. So I would say maybe eight -- eight
22 hours.

1 Q. Eight hours?

2 A. Yeah, maybe eight hours, eight to
3 ten. And, again, I'm approximating.

4 Q. Okay.

5 A. These are not exact numbers. Before
6 the numbers, which I mentioned before, are
7 approximate numbers.

8 Q. Yes. Understood. Understood.

9 Let's go to page 12 -- I'm sorry,
10 page 6, paragraph 12 of the rebuttal report.

11 A. Which page was that again?

12 Q. Page 6, paragraph 12.

13 A. Thank you.

14 Yes.

15 Q. Okay. Now, you say here in paragraph
16 12, and I believe in the prior paragraphs, in
17 10 -- yeah, in paragraph 10 as well -- you say
18 that the communities of interest, abbreviated
19 COI, considerations are unnecessary for the
20 Gingles 1 analysis, correct?

21 A. That's correct.

22 Q. And you didn't conduct any community

1 of interest analysis; is that correct?

2 A. That's correct.

3 Q. Okay. All right. Well, Mr. Fairfax,
4 I -- I don't have any additional questions for
5 you today. So unless anybody else has questions
6 for you, you are free to go.

7 MS. SMITH: I don't have any
8 questions for you, Mr. Fairfax.

9 THE WITNESS: I appreciate it.

10 MS. SMITH: Thank you.

11 VIDEO OPERATOR: Okay. Will that
12 conclude today?

13 MR. SHEEHY: Yes. Thank you very
14 much.

15 VIDEO OPERATOR: Okay. We are
16 going off the record at 11:32 a.m. and
17 this will conclude today's testimony given
18 by Anthony Fairfax.

19 (Thereupon, signature having not been
20 discussed and, therefore, waived, at
21 11:32 a.m. the deposition was
22 concluded.)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

DICKINSON BAY AREA BRANCH §
NAACP, et al., §
Plaintiffs, §
v. § Civil Action No. 3:22-cv-117- JVB
GALVESTON COUNTY, TEXAS, et al., §
Defendants. §

TERRY PETTEWAY, et al., §
Plaintiffs, §
v. § Civil Action No. 3:22-cv-57-JVB
[Lead Consolidated Case]
GALVESTON COUNTY, TEXAS, et al. §
Defendants. §

UNITED STATES OF AMERICA, §
Plaintiff, §
v. § Civil Action No. 3:22-cv-93-JVB
GALVESTON COUNTY, TEXAS, et al. §
Defendants. §

EXPERT DECLARATION AND REPORT OF WILLIAM S. COOPER

JANUARY 13, 2023

EXHIBIT 2

Expert Declaration and Report of William S. Cooper – January 2023

I. INTRODUCTION

1. My name is William S. Cooper. I have a B.A. in Economics from Davidson College. As a private consultant, I serve as a demographic and redistricting expert for the *NAACP* Plaintiffs (“Plaintiffs”) in this matter.

A. Redistricting Experience

2. I have testified at trial as an expert witness on redistricting and demographics in federal courts in about 50 voting rights cases since the late 1980s. Over 25 of those cases led to changes in local election district plans. Five cases resulted in changes to statewide legislative boundaries: *Rural West Tennessee African-American Affairs Council, Inc. v. McWherter*, No. 92-cv-2407 (W.D. Tenn. 1995); *Old Person v. Brown*, No. 96-cv-0004 (D. Mont. 2002); *Bone Shirt v. Hazeltine*, No. 01-cv-3032 (D.S.D. 2004); *Alabama Legislative Black Caucus v. Alabama*, No. 12-cv-691 (M.D. Ala. 2017), and *Thomas v. Reeves*, 3:18cv441 (S.D. Miss. 2019). In *Bone Shirt v. Hazeltine*, the court adopted the remedial plan I developed.

3. In 2022, I testified as an expert on redistricting and demographics in six cases challenging district boundaries under Section 2 of the Voting Rights Act: *Caster v. Merrill*, No. 21-1356-AMM (N.D. Ala.), *Pendergrass v. Raffensperger*, No. 21-05337-SCJ (N.D. Ga.), *Alpha Phi Alpha Fraternity v. Raffensperger*, No. 21-05339-SCJ (N.D. Ga.), *NAACP v. Baltimore County*, No.21-cv-03232-LKG (Md.), *Christian Ministerial Alliance v. Hutchinson* No. 4:19-cv-402-JM (E.D. Ar.), and *Robinson v. Ardoin*, No. 3:22-cv-00211-SDD-SDJ (M.D. La.). I also testified at trial as an expert on demographics in *NAACP v. Lee*, No. 4:21cv187-MW/MAF (N.D. Fla.), a case involving recent changes to Florida election law.

4. Since the release of the 2020 Census, three county commission-level plans I developed as a private consultant have been adopted by local governments in San Juan County,

Expert Declaration and Report of William S. Cooper – January 2023

Utah, Bolivar County, Mississippi, and Washington County, Mississippi. In addition, a school board plan I developed was adopted by the Jefferson County, Alabama Board of Education subsequent to my expert work in a school desegregation case — *Stout v. Jefferson County Board of Education*, No. 2:65-cv-00396-MHH (N.D. Ala.).

5. My redistricting experience is further documented in my curriculum vitae, appended to this Declaration as **Exhibit A**.¹

B. Purpose of Declaration

6. The attorneys for Plaintiffs in this matter asked me to determine whether, while accounting for traditional race-neutral redistricting principles, the combined Black and Latino² population in Galveston County is “sufficiently large and geographically compact” to allow for a majority- Black/Latino Commissioners Court precinct (“commissioners precinct”), according to the 2020 Census — i.e., a single-member commissioner precinct in a four-precinct plan that meets the first *Gingles* precondition (“*Gingles* 1”).³

¹ I have also testified and/or provided expert declarations in non-redistricting matters in the past four years, including *Ellison v. Madison County Board of Education*, No. 5:63-CV-00613 (N.D. Ala.); *Horton v. Lawrence County Board of Education*, No. 5:66-CV-00445 (N.D. Ala.); *Stout v. Jefferson County Board of Education*, No. 2:65-CV-00396 (N.D. Ala.); *Thomas et al. v. St. Martin Parish School Board*, No. 65-11314 (W.D. La.); *Ellis et al. v. City of Hobbs*, No. 2:17-CV-01011 (D.N.M.); *NARSOL et al. v. Joshua Stein*, No. 1:17-CV-53 (M.D.N.C.).

² In this report, unless otherwise indicated, “Black” or “African American” refers to persons who are non-Hispanic single-race Black or non-Hispanic Any Part Black (i.e., persons of two or more races and some part Black). “Latino” refers to persons of any race who identify as Hispanic or Latino. It is my understanding that, following the U.S. Supreme Court decision in *Georgia v. Ashcroft*, 539 U.S. 461 (2003), the “Any Part” definition is an appropriate Census classification to use in most Section 2 cases.

For consistency with Galveston County’s reporting methodology, as reflected in the 2011 pre-clearance submission that excludes multi-race African Americans from the count of non-Hispanic Blacks, I also include numerical or percentage references identifying non-Hispanic single-race Black as “NH SR Black” in this report.

For consistency with the U.S. Department of Justice’s reporting methodology, as reflected in the ACS Special Tabulation for CVAP calculations, I also include numerical or percentage references that counts NH SR Black persons and non-Hispanic persons of two races who are part Black and part White as Black using the term “NH DOJ Black” in this report.

³ See *Thornburg v. Gingles*, 478 U.S. 30, 50 (1986).

Expert Declaration and Report of William S. Cooper – January 2023

7. The attorneys for Plaintiffs in this matter also asked me to provide an analysis of three maps: (i) the Benchmark County Commissioners Plan, which I understand was used in elections from 2012 through 2020 (the “Benchmark Plan”), (ii) the new plan adopted in 2021 (the “Enacted Plan”), which I understand was titled “Galveston Texas Map 1” during the redistricting process, as well as (iii) the alternative Galveston Texas Map 1 (“Map Proposal 1”) that was also proposed during the 2021 redistricting process. The attorneys for Plaintiffs also asked me to opine on the factors that Defendants represented (in discovery responses from December 2022) were considered during the 2021 redistricting process as they relate to these maps.

8. Lastly, the attorneys for Plaintiffs also asked me to include in my report information on the demographics and the socioeconomic characteristics of the population in Galveston County.

C. Methodology and Sources

9. For purposes of the *Gingles* I citizen voting age analysis in this report, I define a majority-Black/Latino Commissioners precinct as one that has a majority Black and Latino citizen voting age population (“CVAP”), i.e., at a minimum, Black CVAP (“BCVAP”) plus Latino CVAP (“LCVAP”) must be over 50%. I refer to this using the abbreviated term “B+LCVAP majority”.⁴

10. **Exhibit B** describes in more detail the sources and methodology I have employed in the preparation of this report. Briefly, I used the *Maptitude for Redistricting* software program to

⁴ The CVAP reported herein are estimates based on block group level estimates published by the U.S. Census Bureau’s American Communities Survey (ACS). In the summary population exhibits that I have prepared for each plan, I report the “NH DOJ Black CVAP” metric. The “NH DOJ Black CVAP” category includes voting age citizens who are either non-Hispanic (“NH”) single-race (“SR”) Black or NH Black and White. An “Any Part NH Black CVAP” category cannot be calculated from the 5-Year ACS Census Bureau Special Tabulation. The most current 5-year ACS data available is from the 2016-2020 ACS Special Tabulation, with a survey midpoint of July 1, 2018. It is available at <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>.

Expert Declaration and Report of William S. Cooper – January 2023

develop and analyze plans. I also relied on population data and corresponding geographic shapefiles from the U.S. Census Bureau, election plan shapefiles from the Defendants, as well as information released by the U.S. Department of Justice as part of the Section 5 preclearance process in effect until 2013.

11. Finally, for background, I also reviewed the changes made in a prior Commissioners Precinct plan enacted in 2011, as reflected in excerpts of Galveston’s Section 5 pre-clearance submission which I have appended to this report as **Exhibit G**.⁵

12. All of the data and facts relied upon in forming my opinion, as well as assumptions I made in forming my opinions, are included in this report and its Exhibits.

13. I am being compensated at a rate of \$150 per hour for this matter, and my payment is not contingent in any way upon its outcome.

D. Summary and Expert Conclusions

14. Based upon my analysis, I conclude the following:

15. The combined Black and Latino population in Galveston County has grown consistently since the 1990 Census – in both absolute terms and as a percentage of total population.

16. In Galveston County, Non-Hispanic “NH” White Anglos outpace African Americans and Latinos across almost all measures of socioeconomic well-being as reported in the American Community Survey.⁶

⁵ 2011 Enacted Plan and 2002 Benchmark Plan are titled “Exhibit C” and “Exhibit D” in the Pre-Clearance Submission Letter appended as Exhibit G.

⁶ In this report, I use the terms “NH White” and “Anglo” interchangeably.

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17. The 2021 Enacted Plan is a textbook example of a racial/ethnic gerrymander. It cracks Galveston’s Black and Latino populations, and specifically those populations that were in Benchmark Precinct 3, among all four of the 2021 Enacted Plan Commissioners Precincts.

18. The 2021 Enacted Plan also unambiguously violates a key tenet of traditional redistricting principles – the non-dilution of minority voting strength – by eliminating the only majority-Black and Latino Benchmark Precinct (3) and instead drawing all of Galveston’s Black and Latino residents into Anglo-majority commissioner precincts. The transformation of every commissioner precinct (4 out of 4) into majority Anglo precincts is all the more stark when one considers that these minority groups comprise approximately 45% of Galveston’s total population and have accounted for 65.1% of the county’s overall population growth since 1990.

19. The three Illustrative Maps I have prepared demonstrate that the combined Black and Latino population in Galveston County is sufficiently numerous and geographically compact to allow for at least one majority-Black/Latino precinct, based on the 2020 Census and the 5-Year 2016-2020 ACS Special Tabulation.

20. The three Illustrative Maps comply with traditional redistricting principles, including population equality, compactness, contiguity, municipal and Census “VTD” boundaries,⁷ respect for communities of interest, and the non-dilution of minority voting strength.

21. Furthermore, the three Illustrative Maps demonstrate that a majority-Black/Latino precinct could also be easily constructed by adhering to only race-neutral traditional redistricting

⁷ “VTD” is a Census Bureau term meaning “voting tabulation district.” According to the 2020 Census, there are 92 VTDs in Galveston County. A VTD typically has a single polling place within its boundaries. The Illustrative Maps are drawn to follow, to the extent possible, municipal and VTD boundaries. I have generally used whole 2020 Census VTDs as sub-county components. Where VTDs are split, I have followed census block boundaries that are aligned with roads, natural features, census block groups, municipal boundaries, and current or historical commissioners plan precincts.

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principles (including a “coastal” precinct if so-desired), and that there are a multitude of such possible Census 2020 plan configurations.

E. Organization of Report

22. The remainder of this declaration is organized as follows:

23. **Section II** summarizes Galveston’s demographics at the county and municipal levels. In this section, statistical data from the U.S. Census Bureau documents socioeconomic disparities experienced by African Americans and Latinos in Galveston County when compared with their Anglo counterparts, as reported in the American Community Survey.

24. **Section III** provides analysis of the 2012 Benchmark Plan and two Commissioners Court plans developed by the County based on the 2020 Census — the 2021 Enacted Plan (Proposed Plan 2) and Proposed Plan 1.

25. **Section IV** presents three illustrative plans that I have prepared, demonstrating that there are a variety of ways to draw a majority-Black/Latino commissioner’s precinct, based on the 2020 Census, and consistent with traditional redistricting principles.

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*Expert Declaration and Report of William S. Cooper – January 2023***II. GALVESTON COUNTY DEMOGRAPHIC PROFILE****A. Four Decades of Minority Population Growth in Galveston County**

26. As shown in **Figure 1**, according to the 2020 Census, Galveston County has a total population of 350,682 — of whom, 54.57% are non-Hispanic White (“NH White”), 25.28% are Latino, and 13.30% are non-Hispanic Any Part Black “NH AP Black” or “Black”. The combined Black and Latino population represents 38.58% of the countywide population.

**Figure 1: Galveston County – 1990 Census to 2020 Census
Population by Race and Ethnicity**

	1990 Number	1990 Percent	2000 Number	2000 Percent	2010 Number	2010 Percent	2020 Number	2020 Percent
Total Population	217,399	100.00%	250,158	100.00%	291,309	100.00%	350,682	100.00%
NH White	144,852	66.63%	157,851	63.10%	172,652	59.27%	191,358	54.57%
Total Minority Pop.	72,547	33.37%	92,307	36.90%	118,657	40.73%	159,324	45.43%
Latino	30,962	14.24% 44,939	44,939	17.96%	65,270	22.41%	88,636	25.28%
NH Black	37,414	17.21%	38,179	15.26%	39,229	13.47%	43,120	12.30%
NH Black + Latino Pop.	68,376	31.45%	83,118	33.22%	104,499	35.88%	131,756	37.58%
NH Asian	3,357	1.54%	5,152	2.06%	8,515	2.92%	12,202	3.48%
NH Hawaiian and Pacific Islander*	NA	NA	88	0.04%	128	0.04%	223	0.06%
NH Indigenous	632	0.29%	893	0.36%	1,052	0.36%	1,036	0.30%
NH Other*	182	0.08%	268	0.11%	426	0.15%	1,455	0.41%
NH Two or More Races	NA	NA	2,788	1.11%	4,037	1.39%	12,652	3.61%
NH DOJ Black	NA	NA	38,626	15.44%	40,332	13.85%	45,637	13.01%
AP Black (incl. Hisp. Black)	NA	NA			42,280	14.51%	49,174	14.02%
NH AP Black (Any Part Black)	NA	NA					46,627	13.30%
NH AP Black + Latino Pop.	NA	NA					135,263	38.58%

*In the 1990 Census, Hawaiian and Pacific Islanders were counted in the Asian category. Persons of two or more races were counted in the “Other” category.

27. **Figure 1** reveals that Black and Latino persons in Galveston County, as a share of the overall population, increased between 2010 and 2020 from 35.88% in 2010 to 37.58% in 2020 (38.58 % based on the 2020 NH AP Black metric). All told, the minority population represents

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45.43% of the County’s population – up from 40.73% in 2010. In turn, the NH White share of the County’s population has dropped from 59.27% in 2010 to 54.57% in 2020.

28. Roughly speaking, during the four decades that the Black/Latino-majority Precinct 3 existed, the countywide Black/Latino population doubled in size — from 68,376 in 1990 to 135,263 in the 2020 Census. During this same time frame, the Anglo population has also grown, but at a slower pace (32.11%) — from 144,852 in 1990 to 191,358 in 2020.

29. Between the 1990 and 2020 censuses, the minority population in Galveston County accounted for approximately 65.1% of the County’s overall population growth.

30. In 1990, the Anglo population represented about two-thirds of the County’s population (66.63%). Since 1990, the Anglo population percentage has dropped about four points per decade to the point where (should the trend continue) the majority Anglo population would be on the verge of shrinking to a plurality by the end of the 2020s.

B. Voting Age and Citizen Voting Age Populations in Galveston County

31. The NH White VAP and NH White CVAP percentage components are higher than their corresponding share of the overall population, owing to an older Anglo population and higher rates of non-citizenship among Latinos of voting age. As shown in **Figure 2**, according to the 2020 Census, Galveston County has a total VAP of 267,382 – of whom, 33,972 (12.71%) are NH AP Black and 60,159 are Latino (22.5%). The NH White VAP is 155,020 (57.98%).

*Expert Declaration and Report of William S. Cooper – January 2023***Figure 2: Galveston County – 2000-2020 Voting Age Population & Estimated Citizen Voting Age Population by Race and Ethnicity⁸**

	2000 VAP	2000 VAP Percent	2010 VAP	2010 VAP Percent	2020 VAP	2020 VAP Percent	2006-2010 CVAP Percent	2016-2020 CVAP Percent
Total 18+	183,289	100.00%	217,142	100.00%	267,382	100.00%	100.00%	100.00%
NH White 18+	121,028	66.03%	136,259	62.75%	155,020	57.98%	67.40%	63.29%
Total Minority 18+	62,261	33.97%	80,883	37.25%	112,362	42.02%	32.60%	36.71%
Latino 18+	29,292	15.98%	42,649	19.64%	60,159	22.50%	14.84%	19.20%
NH Black 18+	26,549	14.48%	28,423	13.09%	32,289	12.08%	14.31%	12.75%
NH Black + Latino 18+	55,841	30.46%	71,072	32.73%	88,582	33.13%	29.15%	31.95%
NH DOJ Black 18+	26,655	14.54%	28,716	13.22%	33,341	12.47%	14.62%	12.83%
NH AP Black 18+					33,972	12.71%		
NH DOJ Black 18+Latino 18+	55,947	30.52%	71,365	32.86%	93,500	34.97%	29.46%	32.03%
NH AP Black 18+ Latino 18+					94,131	35.21%		

32. According to estimates from the 5-Year 2016-2020 ACS (rightmost column of Figure 2), of the countywide CVAP, African Americans account for 12.83% (NH DOJ BCVAP), Latinos 19.20%, and NH Whites 63.29%. The combined Black/Latino CVAP is 32.03%.

33. The Black/Latino CVAP percentage in Galveston County is poised to go up this decade. According to the 2016-2020 Special Tabulation, Black citizens of *all* ages represent 13.67% (NH DOJ Black) of all citizens and Latino citizens of *all* ages represent 22.21% of all citizens. The combined Black/Latino citizen population is 35.88% of all citizens, over 2 percentage points more than the CVAP. This suggests that there will be an increase in the percentage of Black/Latino CVAP as younger individuals in these groups reach the age of 18.

34. An ongoing uptick in minority CVAP is already reflected in the 1-Year 2021 ACS, which estimates that the countywide Latino CVAP stands at 21% and the NH White CVAP has

⁸ Sources: PL94-171 Redistricting File (Census 2020) and 2016-2020 ACS Special Tabulation.

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dropped to 59.7%. An estimate for the 2021 NH Black CVAP is not available.⁹

C. Spatial Distribution of Galveston County’s Black and Latino Population:

35. Galveston County encompasses a patchwork of 13 municipalities and three unincorporated places defined by the Census Bureau – Bacliff, Bolivar Peninsula, and San Leon.

36. The map in **Figure 3** illustrates the 2020 NH AP Black + Latino population percentage for these 16 places. Blue lines depict the corporate limits or census-defined boundaries for unincorporated areas —identified as census designated places (“CDPs”) by the Census Bureau.¹⁰ Areas that are not part of a municipality or CDP are shaded grey in **Figure 3**. These unassigned areas account for about 15% of the county-wide population.

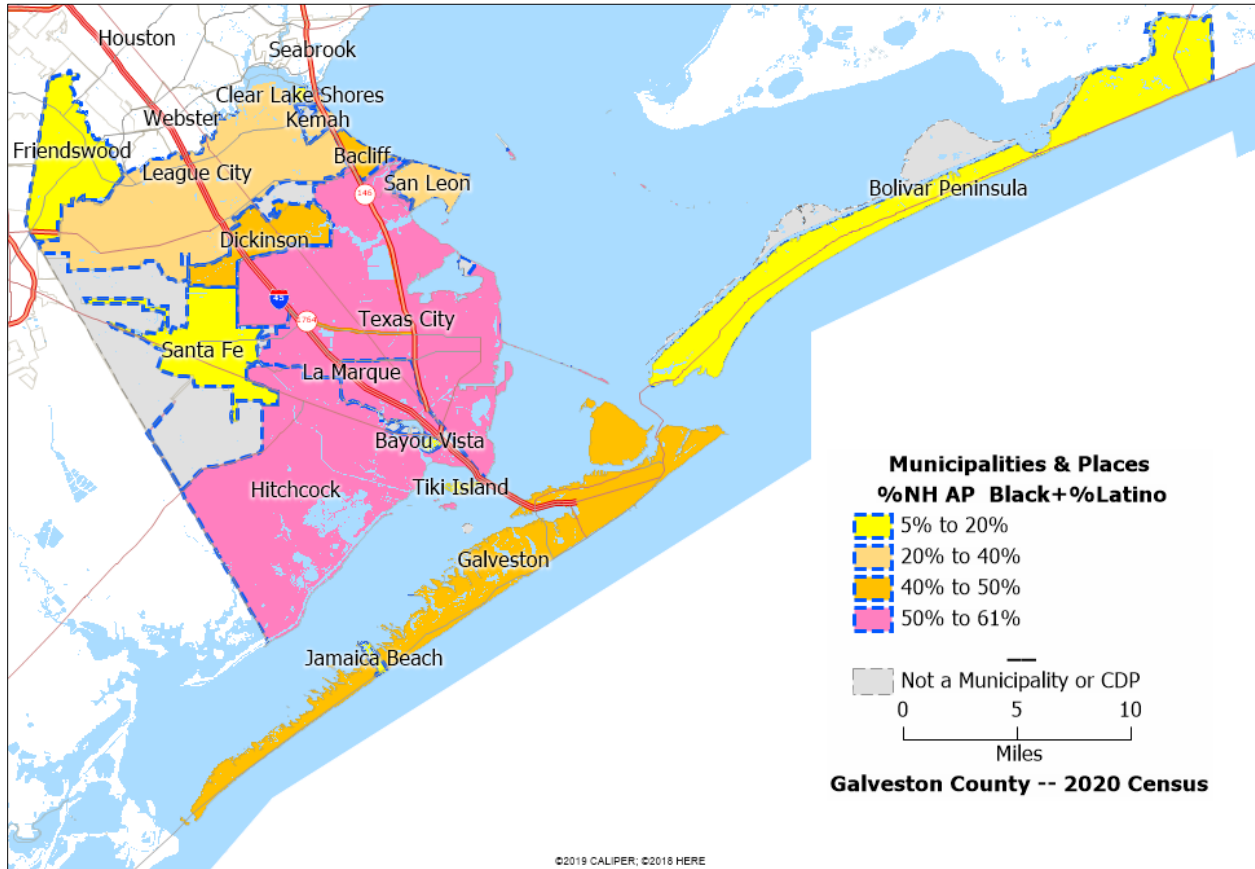
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⁹ The 1-Year ACS is available at <https://data.census.gov/table?q=S2901&g=0500000US48167>, but it does not include block group and census tract level CVAP estimates.

¹⁰ The U.S. Census Bureau defines “CDPs” as “statistical equivalents of incorporated places and represent unincorporated communities that do not have a legally defined boundary or an active, functioning governmental structure.” Source: <https://www.census.gov/programs-surveys/bas/information/cdp.html>.

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**Figure 3: Galveston County Municipalities and CDPs (2020 Census)
Percentage Black + Latino**



37. **Figure 4** breaks out 2020 population summaries for each of the 13 municipalities and 3 census designated places (CDPs) in Galveston County – ranging in size from Jamaica Beach (pop. 1,078) to League City (pop. 111,865). The population reported in Figure 2 and Figure 4 is restricted to Galveston County and does not include populations from the parts of League City and Friendswood that spill over into Harris County.

*Expert Declaration and Report of William S. Cooper – January 2023***Figure 4: Galveston County Municipalities and CDPs (2020 Census)**

Municipality/Place	Type	Population	% NH AP Black	% Latino	% NH AP Black + % Latino	% NH White
Bacliff	CDP	9,677	6.16%	40.94%	47.10%	47.60%
Bayou Vista	City	1,763	0.79%	8.34%	9.13%	85.14%
Bolivar Peninsula	CDP	2,769	1.01%	11.56%	12.57%	82.67%
Clear Lake Shores	City	1,258	1.43%	8.11%	9.54%	85.29%
Dickinson	City	20,847	11.51%	37.19%	48.70%	45.60%
Friendswood	City	30,495	2.63%	13.63%	16.26%	73.93%
Galveston	City	53,695	17.32%	29.39%	46.71%	47.28%
Hitchcock	City	7,301	25.97%	25.01%	50.98%	45.35%
Jamaica Beach	City	1,078	0.83%	7.70%	8.53%	87.20%
Kemah	City	1,807	4.32%	22.25%	26.56%	64.75%
La Marque	City	18,030	32.19%	28.74%	60.92%	35.31%
League City	City	111,865	8.21%	20.95%	29.16%	61.14%
San Leon	CDP	6,135	2.71%	33.81%	36.51%	57.11%
Santa Fe	City	12,735	0.90%	17.06%	17.95%	77.84%
Texas City	City	51,898	28.76%	31.05%	59.81%	36.27%
Tiki Island	Village	1,106	0.63%	6.42%	7.05%	87.25%

38. In Galveston County, the Black and Latino population is concentrated in communities along I-45 extending from Dickinson to the City of Galveston and east to Galveston Bay. This is roughly coterminous with Benchmark Precinct 3 and part of Benchmark Precinct 1 (See Figure 7 below).

D. Galveston County Socioeconomic Characteristics

39. For background on socioeconomic characteristics by race and ethnicity at the county, municipal, and community levels in Galveston County, I have prepared charts based on the 5-year 2015-2019 ACS – the last time period in which it is reasonable to assume the socioeconomic data was unaffected by the pandemic.¹¹

¹¹ As explained elsewhere, for CVAP demographic data I do rely on the later 2016-2020 ACS 5-Year Estimates, because the pandemic did not have the same impact on CVAP data as socioeconomic data.

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40. Anglos in Galveston County outpace African Americans and Latinos across a broad range of socioeconomic measures, as reported in the 5-Year 2015-2019 ACS. This disparity is summarized below and depicted with further detail in the charts and tables found in **Exhibit C**, appended to this report.

a. Income

- About one in 12 (8.3%) of Anglos in Galveston County lives in poverty. This represents a poverty rate that is less than half the Black¹² poverty rate (19.8%) and Latino poverty rate (19.0%) (Exhibit C, at pp. 28-29).
- The child poverty rate for Anglos is 9.8%, compared to 29.2% of Black children and 26% of Latino children. (Exhibit C, at pp. 28-29).
- Anglo median household income is \$85,145 – nearly double Black median household income (\$44,939) and 50% higher than Latino median household income (\$58,444). (Exhibit C, at pp. 31-32).
- At \$44,912, Anglo per capita income is about 75% higher than Black per capita income (\$25,596) and nearly double Latino per capita income (\$23,878). (Exhibit C, at pp. 40-41).
- Just 6.7% of Anglo households rely on food stamps, compared to 29.2% of Black households and 15.1% of Latino households. (Exhibit C, at pp. 49-50).

b. Education

- Of persons 25 years of age and over, 5.4% of Anglos have not finished high school. By contrast, 13.5% of Black persons and 25.9% of Latinos are without a high school diploma. (Exhibit C, at pp. 21-22).
- At the other end of the educational scale, for ages 25 and over, 36.3% of Anglos have a bachelor's degree or higher, as compared to 21.3% of Black and 17.2% of Latinos. (Exhibit C, at pp. 21-22).

c. Employment

- The Anglo unemployment rate (for the working-age population ages 16-64, expressed as a percent of the civilian labor force) is 5.4% – about half the

¹² “Black” in this Sub-Section summarizing 2015-2019 ACS 5-Year estimates includes only single-race and non-Hispanic Black because the 2015-2019 ACS 5-Year Estimates do not provide specific break-downs for Any-part and NH Black for these socioeconomic factors.

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11.6% Black unemployment rate and 2 points lower than the 7.3% Latino rate. (Exhibit C, at pp. 51-54).

- Half (49.6%) of employed Anglos are in management or professional occupations, compared to 31.7% of Black persons and just 25.3% of Latinos. (Exhibit C, at pp. 55-56).

d. Housing

- About three-fourths (73.2%) of Anglo householders in Galveston County are homeowners. The Black homeownership rate is 47.1%, with a corresponding 61.4% rate for Latino householders (42.4%). (Exhibit C, at pp. 57-58).
- 1.4% of Anglo households live under crowded conditions (defined as more than one person per room), compared to 1.6% of Black households and 8.6% of Latino households. (Exhibit C, at pp. 59-60).

41. I have included a similar set of charts in **Exhibit D**¹³ for the 11 Galveston County municipalities and CDPs with populations greater than 2,500. The Harris County portions of Friendswood (about 26%) and League City (about 2%) are counted in the ACS socioeconomic statistical coverage areas.

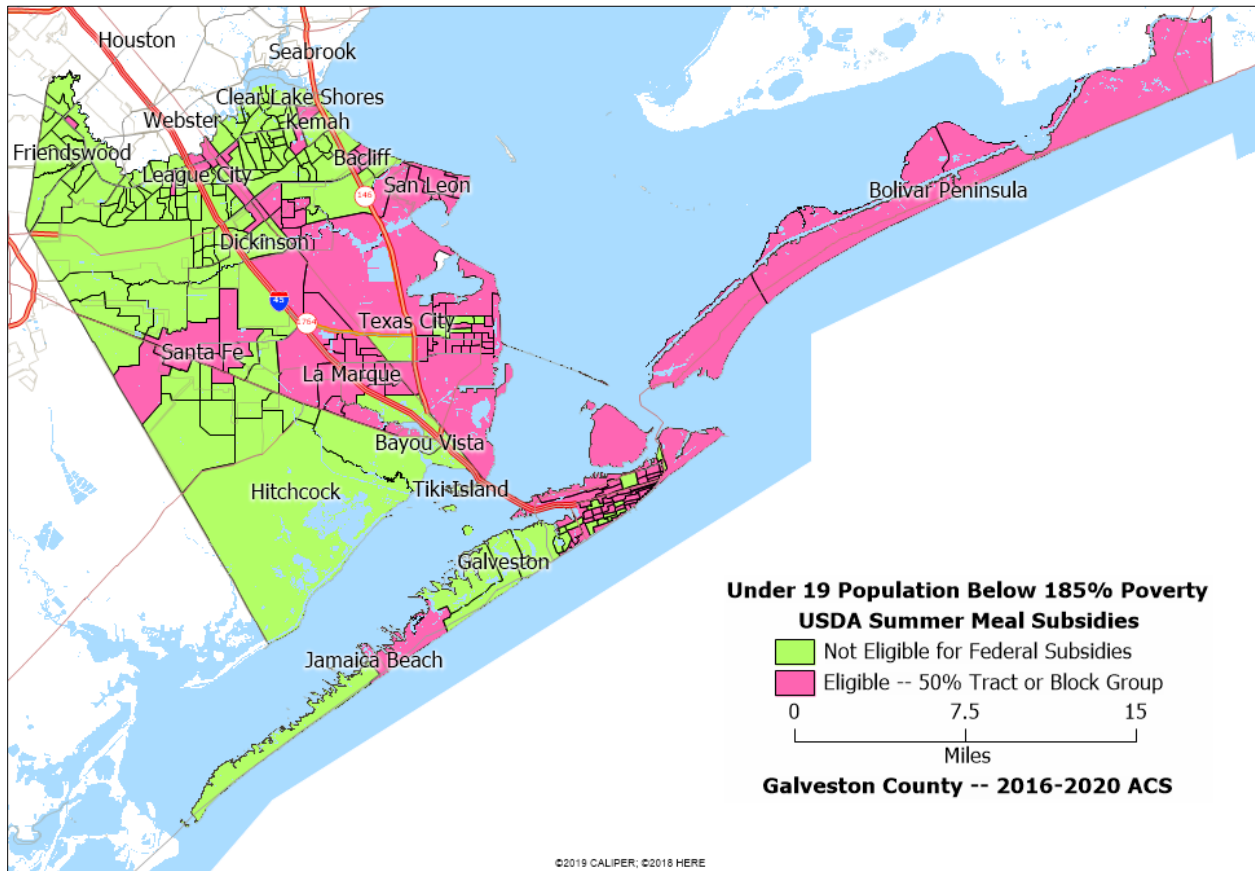
42. In **Figure 5**, I have identified the population of those under 19 years old living below 185% of the poverty line. I did this using eligibility in the U.S. Department of Agriculture's subsidies to local governments, school districts, and non-profits for summer meal assistance to children 18 years and under for Fiscal Year 2023. This is shown with color-coding by census block group¹⁴ areas in Galveston County. Eligible areas are shaded pink, where the under-19 years old population eligible for free and reduced meals is 50% or more. Higher income areas are shaded green.¹⁵

¹³ Due to volume, I have made the charts constituting **Exhibit D** available for download online at the location http://www.fairdata2000.com/ACS_2015_19/Galveston/.

¹⁴ The U.S. Census Bureau defines "Block Groups" as "statistical divisions of census tracts and are generally defined to contain between 600 and 3,000 people." Source: https://www.census.gov/programs-surveys/geography/about/glossary.html#par_textimage_4.

¹⁵ The specific factors of eligibility in this program can be found at <https://www.fns.usda.gov/area-eligibility>.

Figure 5: Galveston County Areas Eligible for USDA Summer Meal Subsidies



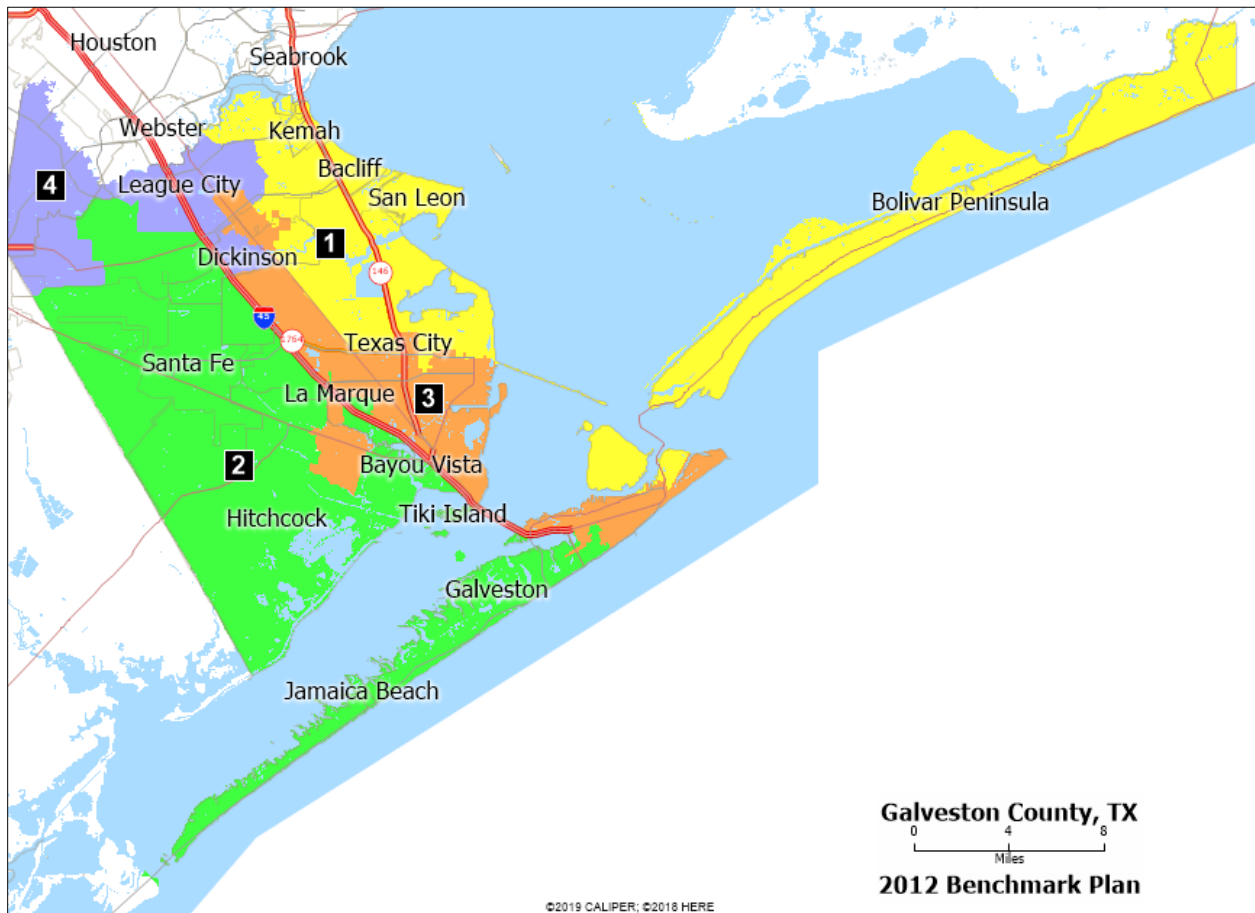
43. As shown in **Figure 5**, less prosperous households are concentrated on the Galveston Bay side of the County – stretching from Dickinson and San Leon south to Galveston Island and the Bolivar Peninsula. This more economically challenged region encompasses communities with significant Black and Latino populations. (*See, e.g.,* Figure 3 *supra*).

III. ANALYSIS OF PLANS FROM GALVESTON’S 2021 REDISTRICTING PROCESS

A. Benchmark Plan (2012-2020)

44. The map in **Figure 6** displays Benchmark Commissioners Plan zoomed out to show the full extent of Galveston County.¹⁶ I understand that elections for the Commissioners Court were held under the 2012 Benchmark Plan between 2012 and 2020.

Figure 6: Galveston County Commissioners’ Court — Benchmark Plan



45. **Exhibit E-1** appended to this report is a zoomed in version of the Benchmark that shows Commissioners Precinct 3 with more detail.

¹⁶ I received the shapefile for this map from the Plaintiffs’ attorneys in file entitled “PROD01.zip”, which I understand was a file produced by Defendants in this litigation.

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46. The table in **Figure 7** below shows 2020 summary population data for the Benchmark 2012 Plan and 2016-2020 CVAP estimates.¹⁷

Figure 7: 2012 Benchmark Plan – 2020 Population Summary

Precinct	2020 Pop.	Deviation	% Dev.	18+ Pop	%18+ NH AP Black + Latino	% 18+ NH White	%NH DOJ Black + LCVAP
1	85408	-2263	-2.58%	65748	29.84%	63.54%	28.08%
2	95596	7925	9.04%	73739	28.24%	64.95%	24.27%
3	79931	-7740	-8.83%	61278	61.80%	33.87%	58.31%
4	89747	2076	2.37%	66617	23.74%	66.94%	21.68%

* CVAP calculations are based on the 2016-2020 Special Tabulation

47. Column four of **Figure 7** shows the percentage by which each Benchmark Commissioners precinct deviates from the ideal precinct total population given the new 2020 Census numbers. The total population deviation from the maximum in Precinct 2 (9.04%) to the lowest in Precinct 3 (-8.83%) is 17.87%, which is over the maximum 10% and thus would have prompted Galveston County to redistrict following the 2020 Census.

48. Given these population deviations, the simplest and most straight-forward method of resolving the population deviations in the Benchmark Plan resulting from the 2020 Census would have been to shift about 8,000 people from overpopulated Precinct 2 (9.04%) to underpopulated Precinct 3 (-8.83%). Precincts 1 and 4 were within +/- 5%, which is sufficient to meet one-person, one-vote requirements.

49. **Exhibit E-2** appended to this report is a table reporting additional Census 2020 population statistics for the Benchmark Plan, as well as CVAP estimates from the 5-Year 2016-2020 Special Tabulation.

¹⁷ Source: “U.S. Census Bureau, Citizen Voting Age Population by Race and Ethnicity,” <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>.

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50. Precinct 3, at the time it was drawn in 2012, was a majority-minority commissioner precinct. Under the 2010 Census, the Non-Hispanic Black and Latino voting age population (“NH DOJ B+LVAP”) was 64.2%, with a B+LCVAP of about 58%, according to the 5-Year 2009-2013 ACS Special Tabulation (with a survey midpoint of July 2011).

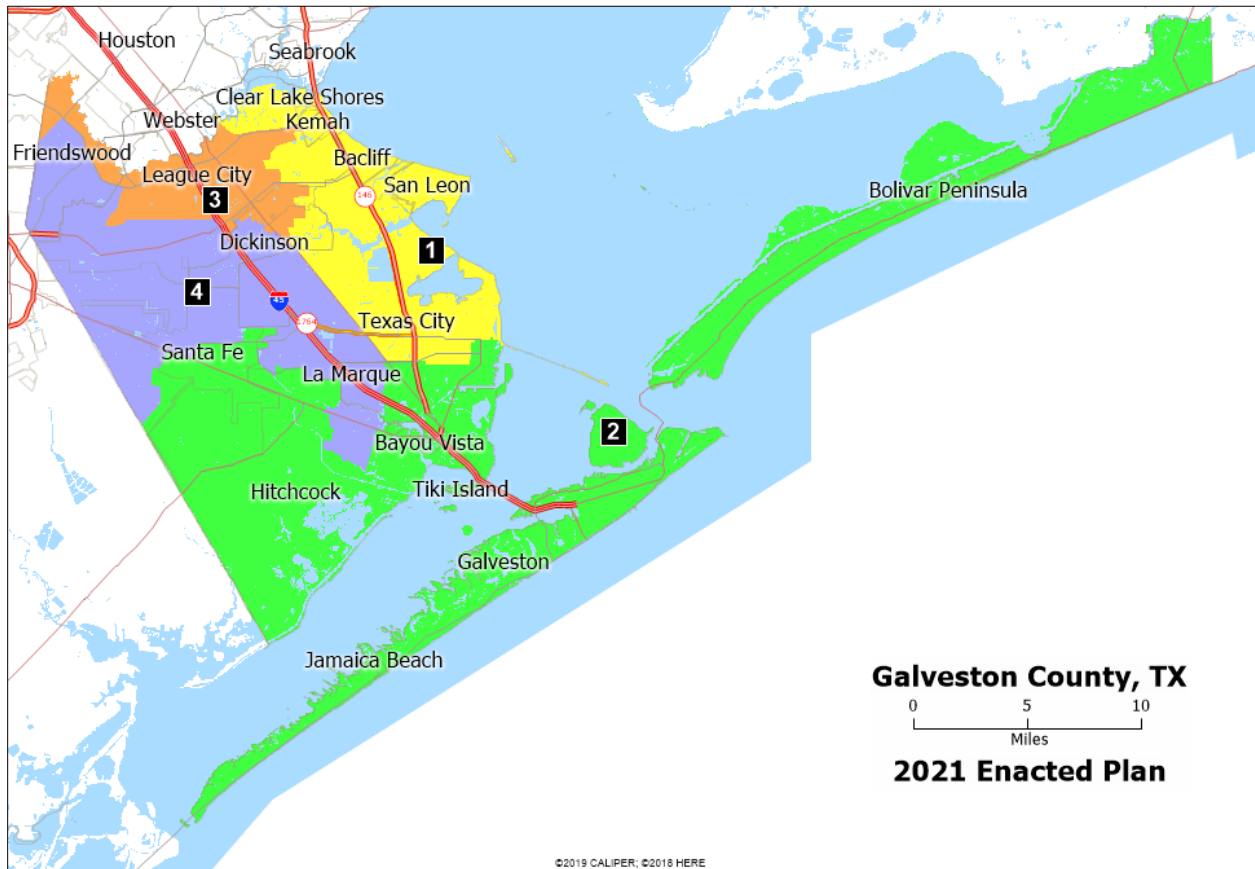
51. According to the updated 2020 Census numbers, Precinct 3 stood the test of time as a majority-minority precinct: Column 8 of Figure 7 shows that the NH DOJ B+LVAP in Precinct 3 was 58.31%.

B. 2021 Enacted Plan

52. The map in **Figure 8** displays the 2021 Enacted Plan, which I understand was called Galveston Texas Map 2 prior to its enactment.¹⁸ The map is zoomed out to show the full extent of Galveston County.

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¹⁸ I received the shapefile for this map from Plaintiffs’ attorneys, in a file entitled “PROD02.zip”, which I understand was a file produced by Defendants in this matter. I also received the shapefile for what I understand was an earlier draft of the 2021 Enacted Plan in a file titled “Galveston_Blocks_Map2_10_21_21,” also produced by Defendants. The metadata for this file shows a creation date of October 21, 2021. I confirmed the two versions of this map are identical.

*Expert Declaration and Report of William S. Cooper – January 2023***Figure 8: Galveston County Commissioners Court — 2021 Enacted Plan**

53. The dramatic change in the configuration of Commissioners precincts between the Benchmark and the 2021 Enacted Plan indicates to me that the map drawers who drew the Enacted Plan did not follow a simple redistricting solution to population imbalances resulting from the 2020 Census. Instead, it appears that they performed a full-scale remap – eliminating the B+LCVAP-majority in Commissioner Precinct 3 and fundamentally altering the geographic and population configurations of all four commissioner precincts. The Black and Latino community on Galveston Island is cut from Precinct 3 and submerged in majority-Anglo Precinct 2. Under the Enacted Plan, Precinct 3 has shifted to the Houston suburbs in and around League City.

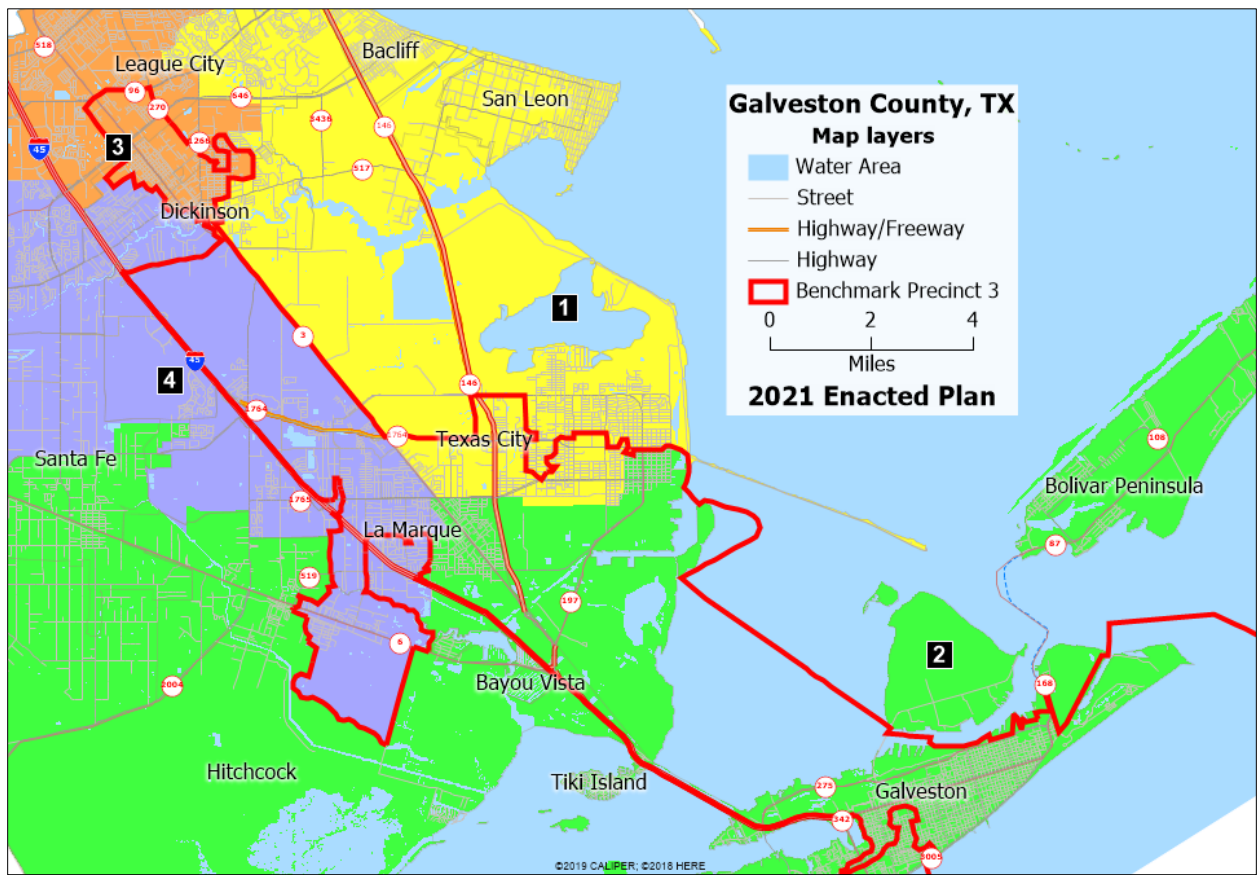
54. The 2021 Enacted Plan places all of the Bolivar Peninsula and Galveston Island in a single precinct (Precinct 2). I understand that during the 2021 redistricting cycle, creating a

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“coastal” precinct was one objective that the Commissioners publicly announced. As I demonstrate in Illustrative Maps 2 and 3 *infra*, the coastal-precinct objective did not require the destruction of a majority B+LCVAP Precinct 3.

55. **Figure 9** is a map zooming in on the area previously encompassed by Precinct 3 under the Benchmark Plan (identified with red lines), a high-resolution version of which I have included as **Exhibit F-1**.

Figure 9: 2021 Enacted Plan with Benchmark Precinct 3 Overlay



56. Under the 2021 Enacted Plan, Black and Latino residents in Benchmark Precinct 3 are divided and distributed across all four of the Enacted Plan precincts, resulting in an overall dilution of minority voting strength in the voting plan.

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57. Under the Enacted Plan, 100% of Anglo voters reside in a majority-Anglo precinct – controlling 100% of the five Commissioners Court votes (including the county judge elected at-large). By contrast, 0% of the Black/Latino voting coalition resides in a majority Black/Latino precinct. This is visually numerically apparent by **Figure 10** below, which summarizes the population by demographic of the 2021 Enacted Plan.

58. As shown in **Figure 10**, Precinct 3 is converted into a precinct with the lowest B+ L CVAP of all four precincts: 28.4% – a 30 percentage point drop compared to the Benchmark Plan. Elsewhere the map drawers managed to keep the other three precincts between 32% and 35% B+L CVAP.

Figure 11: 2021 Enacted Plan – Population Summary

Precinct	2020 Pop.	Deviation	% Dev.	18+ Pop	%18+ NH AP Black + Latino	% 18+ NH White	% NH DOJ Black + LCVAP
1	87689	18	0.02%	66641	34.69%	58.98%	32.28%
2	87697	26	0.03%	71389	36.56%	58.02%	34.87%
3	88111	440	0.50%	64704	30.92%	60.20%	28.38%
4	87185	-486	-0.55%	64648	38.52%	54.67%	33.50%

* CVAP calculations are based on the 2016-2020 Special Tabulation

59. In other words, the 2021 Enacted Plan has cracked¹⁹ the Black and Latino residents in Benchmark Precinct 3 among all four 2021 Enacted Plan precincts.

60. For further reference, I have appended to this report additional analysis of the 2021 Enacted Plan, including:

- **Exhibit F-2:** a table reporting additional Census 2020 population statistics and CVAP estimates.

¹⁹ “Cracking” is a term used by redistricting practitioners to identify election districts that unnecessarily fragment or divide the minority population, resulting in an overall dilution of minority voting strength in the voting plan.

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- **Exhibit F-3:** a set of *Maptitude for Redistricting* reports for the Enacted Plan, documenting contiguity (**F-3A**), municipal and unincorporated place splits (**F-3B**), and 2020 VTD splits (**F-3C**). Compactness scores are in (**F-3D**).

61. I reviewed the First Supplemental Answers submitted by the Defendants on December 14, 2022, in response to the Department of Justice Interrogatories 1 and 2. These were provided to me by Plaintiffs’ Counsel in the form appended to this report as **Exhibit L**, with the text I reviewed to prepare my analysis highlighted. After reviewing these responses and my analysis of the 2021 Enacted Plan, I have the following opinions:

62. The 2021 Enacted Plan fails the first factor listed, “compliance with requirements under the Fourteenth Amendment to the U.S. Constitution and the Voting Rights Act.” This is because, by cracking the Black and Latino population previously encompassed in Benchmark Precinct 3 between all four 2021 Enacted Precincts and failing to include any majority-Black and Latino precinct at all, the 2021 Enacted Plan fails to prevent the dilution of minority voting power that is required by the Voting Rights Act. As I mentioned above, the simplest way to account for the population growth recorded in the 2020 Census would have been to move approximately 8,000 individuals from Precinct 2 to Precinct 3, leaving Precinct 1 and 4 unaltered.

63. Regarding the second factor, consideration of “unified representation on Galveston Island and the Bolivar Peninsula,” this factor did not require the 2021 Enacted Plan’s elimination of a majority Black/Latino precinct, as my Illustrative Maps 2 (unifying the entire coastline in one precinct) and 3 (unifying the entirety of Galveston Island and the Bolivar Peninsula) below prove.

64. I also note that travel time and distance from the northeastern extremity of the Bolivar Peninsula (High Island Bridge) to the southwestern extremity of Galveston Island is significant. Both points, which are 60 miles apart, are in Precinct 2 under the Enacted Plan. According to Google Maps, travel time at 10 a.m. between the two points is about two hours

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(without accounting for waiting for the Bolivar ferry, thus assuming no ferry delays).²⁰ Further, Google Maps indicates that travel time to Santa Fe – where the Commissioner Precinct 2 office is located – is between 1.5 and 2 hours to High Island²¹ and approximately 1 hour to the Southwestern end of Galveston Island.²² It would be reasonable to assume that residents on Bolivar Peninsula and Galveston are better served by their commissioners with a 3-precinct or 2-precinct configuration, given the significant travel distances involved.

65. Regarding the third factor listed, the “compactness of the Commissioners Court precincts,” I first note that compactness scores are not particularly meaningful given that Galveston County boundaries extend beyond the coast into the Gulf and Galveston Bay, thereby artificially skewing compactness calculations due to the inclusion of unpopulated water within coastal areas. (A technical explanation of compactness measures is attached to **Exhibit B**.) Nonetheless, as set forth in Section IV below and in the compactness scores appended as **Exhibits F-3D** (Enacted Plan), **H-3D** (Proposal 1), **J-3D** (Illustrative Map 2), and **K-3d** (Illustrative Map

²⁰ Travel time calculated for 10 a.m. CST, December 15, 2022. Source: <https://www.google.com/maps/dir/High+Island+Bridge,+High+Island,+TX+77623/San+Luis+Beach,+Galveston,+TX/@29.462222,-95.3501668,9z/data=!3m1!4b1!4m13!4m12!1m5!1m1!1s0x863ee2717948f7e9:0xee79f897909c5120!2m2!1d-94.388755!2d29.5946589!1m5!1m1!1s0x864076e3e8dc03f7:0xce62d8e942b60b33!2m2!1d-95.116358!2d29.0836537>.

²¹ I understand Commissioner Precinct 2 office is located at 11730 Hwy 6, Santa Fe, TX 77510 from the following website: <https://www.galvestoncountytexas.gov/our-county/commissioners/commissioner-2>. Travel time calculated for 9 a.m. CST, January 11, 2023 is 1 hour, 43 minutes. Source: <https://www.google.com/maps/dir/11730+Hwy+6,+Santa+Fe,+TX+77510/High+Island+Bridge,+High+Island,+TX/@29.6721517,-95.068377,10z/data=!3m1!4b1!4m13!4m12!1m5!1m1!1s0x864081cb440b14fb:0xdc729834a2830e68!2m2!1d-95.0760697!2d29.3689476!1m5!1m1!1s0x863ee2717948f7e9:0xee79f897909c5120!2m2!1d-94.388755!2d29.5946589>.

²² Travel time calculated for 9 a.m. CST, January 11, 2023 is 1 hour, 43 minutes. Source: <https://www.google.com/maps/dir/Galveston+County+Justice+Peace,+11730+Hwy+6,+Santa+Fe,+TX+77510/San+Luis+Beach,+Galveston,+TX/@29.1606079,-95.4016201,10z/data=!3m1!4b1!4m17!4m16!1m5!1m1!1s0x864081cb440b14fb:0x9cf90ba2c09c80ef!2m2!1d-95.0761214!2d29.3688202!1m5!1m1!1s0x864076e3e8dc03f7:0xce62d8e942b60b33!2m2!1d-95.116358!2d29.0836537!2m3!6e0!7e2!8j1673517960>.

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3), Map Proposal 1 and Illustrative Maps 2 and 3 have substantially the same compactness scores as this map. Accordingly, this factor did not require the 2021 Enacted Plan’s cracking of Black and Latino populations.

66. Regarding the fourth listed factor, “minimizing the splitting of voting precincts,” the 2021 Enacted Plan contains four populated VTD splits. It keeps nine communities whole (CDPs and municipalities) with 16 populated splits.²³ As noted below in Section IV, Illustrative Maps 1 and 3 contain fewer VTD splits, and all three Illustrative plans either keep the same or more communities whole and have the same or fewer populated splits. Accordingly, this factor also did not require the 2021 Enacted Plan’s cracking of Black and Latino populations.

67. I note that, in Defendants’ interrogatory responses (**Exhibit L**), they state that the Enacted Map “splits nine voting precincts out of a total of 96 precincts.” This statement does not make sense from a map-drawing perspective for several reasons. First, there were only 92 voting precincts, which aligned with the census VTD’s I mention above, at the time the Enacted Plan was passed in November 2021. Second, I understand that the updated 96 voting precincts were not in place until after this 2021 redistricting of Commissioners precincts, on December 14, 2021. So if minimizing voting precinct splits was the stated objective considered at the time the maps were drawn and enacted, the splits should have to be calculated using the 92 voting precincts in place (which is what I have done) instead of the 96 referenced in the interrogatory response.

²³ A “populated” split means a split of a CDP or municipality that has a recorded census population. Splits of parts of CDPs or municipalities that do not have a recorded census population are not counted.

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68. Regarding the fifth factor, precincts that included the Commissioners’ residences, I also evaluated the impact of the 2021 Enacted Plan on the Commissioners Court incumbents at the time of redistricting.²⁴ No incumbents are paired.

69. Finally, I was unable to fully assess the sixth factor, consideration of the “partisan composition of [Commissioners’] districts,” as I was not entirely clear on what was meant by this factor and, in any event, have not included any partisan analysis in my report.

C. 2021 Proposed Plan 1

70. I also analyzed the alternative Proposed Plan 1, which I understand was considered during the 2021 Redistricting process.²⁵ Plan 1 was titled a “Min. Change” plan in the field properties of the GIS shapefile provided to Plaintiffs on December 13, 2022.

71. Proposed Plan 1 keeps most of Benchmark Precinct 3 intact but adds population from the Bolivar Peninsula and Pelican Island to Precinct 3 in order to meet one-person one-vote requirements.

72. The map in **Figure 12** displays Proposed Plan 1. Under Proposed Plan 1, the Bolivar Peninsula and Pelican Island are in Precinct 3. Galveston Island is split between Precinct 2 and Precinct 3 along the Benchmark Plan boundary.

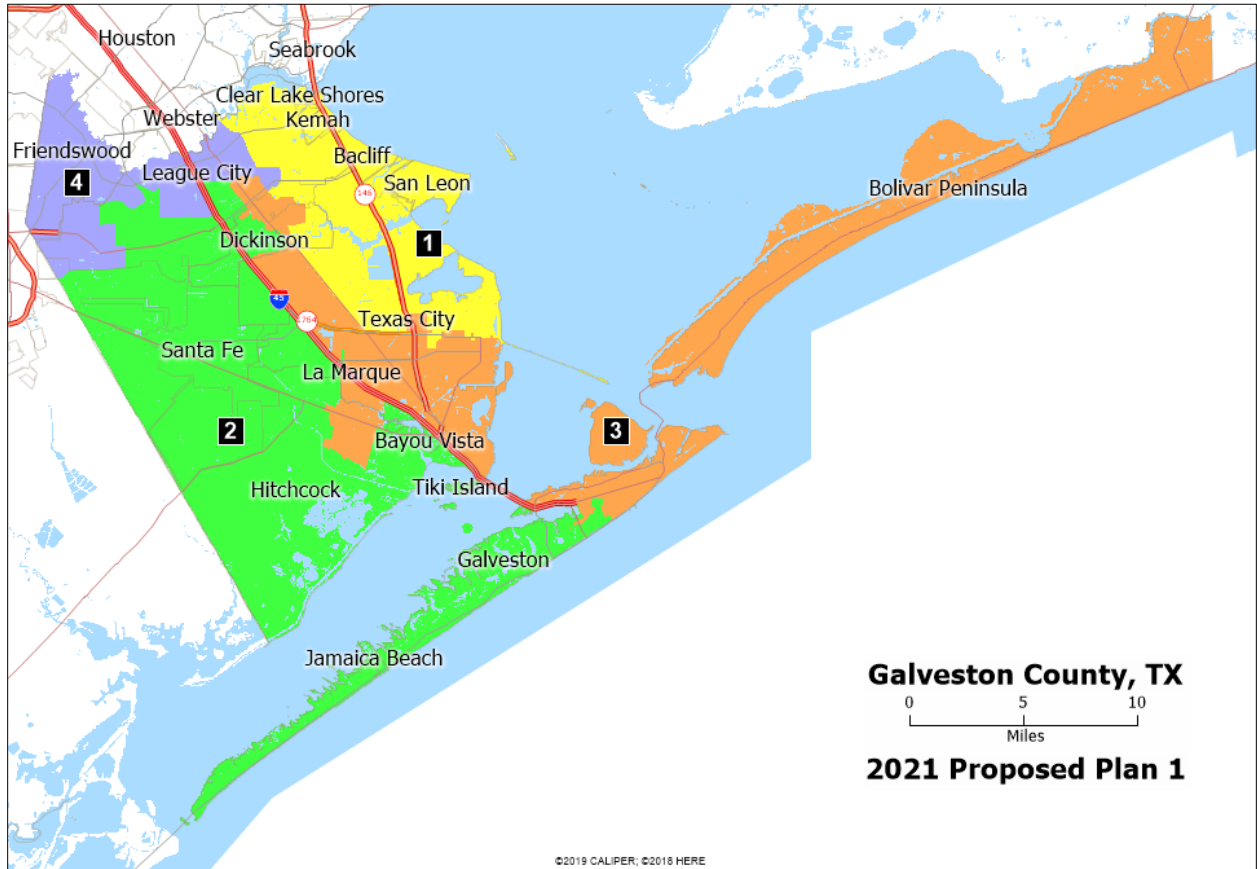
²⁴ I was provided the following address information from Plaintiffs’ counsel for the commissioners, which I understand are consistent with the addresses listed for these individuals in a Jan. 26, 2022 voter file produced as DEFS00029727 in this litigation:

- Precinct 1: Darrell Apffel: 1276 Bella Luna Lane, League City, TX 77573.
- Precinct 2: Joe Giusti: 12506 D Bar Drive, Santa Fe, Tx 77570.
- Precinct 3: Stephen Holmes: 2216 Jernigan Ford, Dickinson, TX 77534
- Precinct 4: Ken Clark: 631 My Road, Algoa, Tx 77511

²⁵ I received the shapefile for this map from Plaintiffs’ attorneys in a file titled “Galveston_Map1 10_28_21”, which I understand was a file produced by Defendants in this litigation. I also reviewed a shapefile for what I understand is an earlier version of this map in a file titled “Galveston_Blocks_Map1 10_21_21,” also produced by Defendants. The metadata for this file shows a creation date of October 17, 2021. I confirmed the two versions of this map are identical.

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Figure 12: Galveston County — 2021 Proposed Plan 1



73. As shown in **Figure 13**, under Proposed Plan 1, Precinct 3 remains majority Black and Latino, with B+L CVAP at 55%.

Figure 13: 2021 Proposed Plan 1 – Population Summary

Precinct	2020 Pop.	Deviation	% Dev.	18+ Pop	%18+ NH AP Black + Latino	% 18+_NH White	% NH DOJ Black + LCVAP
1	87659	-12	-0.01%	66625	29.99%	63.20%	28.78%
2	86431	-1240	-1.41%	67003	27.69%	65.73%	23.66%
3	88633	962	1.10%	68547	58.69%	36.87%	55.00%
4	87959	288	0.33%	65207	23.58%	66.87%	21.07%

* CVAP calculations are based on the 2016-2020 Special Tabulation

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74. For further reference, I have appended to this report:

- **Exhibit H-1:** a map zooming in on the area previously encompassed by Precinct 3 under the Benchmark Plan.
- **Exhibit H-2:** a table reporting additional Census 2020 population statistics for 2021 Proposed Plan 1, as well as CVAP estimates.
- **Exhibit H-3:** a set of *Maptitude for Redistricting* reports for Proposed Plan 1, documenting contiguity (**H-3A**), municipal and unincorporated place splits (**H-3B**), and 2022 VTD splits (**H-3C**). Compactness scores are in (**H-3D**).

75. In terms of the factors outlined in Defendants First Supplemental Interrogatory Answers (**Exhibit L**), my analysis of Proposed Plan 1 leads me to opine the following:

76. Commissioner precincts in the plan are contiguous, population deviations by precinct are within +/- 5%. Defendants noted the difference in deviations between the Enacted Plan and Map Proposal 1 in their interrogatory response. In my experience, any redistricting plan within +/- 5% comports with traditional redistricting factors, and such a small difference in deviation would not be a significant consideration in choosing between plans.

77. Galveston Island and Bolivar Peninsula are split between Precinct 2 and 3. While this does not unite them into a single district, Proposed Plan 1 is superior to the 2021 Enacted Plan in terms of lessening intra-district distance and travel time. End-to-end distance in Precinct 3 from the High Island Bridge to downtown Galveston is 36 miles, with a corresponding 10 a.m. weekday travel time of 72 minutes.²⁶ End-to-end distance in Precinct 2 from downtown

²⁶ Travel time calculated for 10 a.m. CST, Dec. 16, 2022. Source: <https://www.google.com/maps/dir/High+Island+Bridge,+High+Island,+TX+77623/Galveston,+TX/@29.4471065,-94.8741244,10z/data=!3m1!4b1!4m13!4m12!1m5!1m1!1s0x863ee2717948f7e9:0xee79f897909c5120!2m2!1d-94.388755!2d29.5946589!1m5!1m1!1s0x863f59c8c4059259:0xe58b03c9b9eaeccl!2m2!1d-94.7976958!2d29.3013479>.

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Galveston to San Luis Beach is 25 miles, with corresponding 10 a.m. travel time of 38 minutes.²⁷

78. Commissioner precincts are reasonably compact within the context of the complex Galveston County geography.

79. Excluding unpopulated areas, Proposed Plan 1 contains three populated VTD splits, and keeps 10 communities whole (CDPs and municipalities) with 16 populated splits.

80. As with the Enacted Plan, there are no paired incumbents.²⁸

IV. PLAINTIFFS' ILLUSTRATIVE MAPS²⁹

A. Illustrative Map 1 – Least Change Plan

81. **Illustrative Map 1** is a “least-change” plan I drew which prioritizes equalizing populations between precincts by making the least number of changes to the Benchmark Plan. I took this approach because the Benchmark Plan resulted from a legal settlement in 2012 with the Department of Justice, and in my experience, it would therefore be reasonable for a map drawer to start from the Benchmark Plan in addressing changes required due to population deviations in a newly-released Census. Furthermore, I understand Precinct 3 has been operating as a majority-minority district since the 1990s and existed in a substantially similar form since at least 2002.³⁰ In my opinion these facts, along with the demographic and socioeconomic factors outlined above

²⁷ Travel time calculated for 10 a.m. CST, Dec. 16, 2022. Source: <https://www.google.com/maps/dir/Galveston,+Texas/San+Luis+Beach,+Galveston,+TX/@29.1928256,-95.2353637,10z/data=!3m1!4b1!4m13!4m12!1m5!1m1!1s0x863f59c8c4059259:0xe58b03c9b9eaeccl!2m2!1d-94.7976958!2d29.3013479!1m5!1m1!1s0x864076e3e8dc03f7:0xce62d8e942b60b33!2m2!1d-95.116358!2d29.0836537>.

²⁸ For this factor, I used the same addresses noted above in Note 24.

²⁹ I have included native Shapefiles of the Illustrative Maps 1, 2, and 3 as **Exhibits M, N, and O**, respectively, to this report.

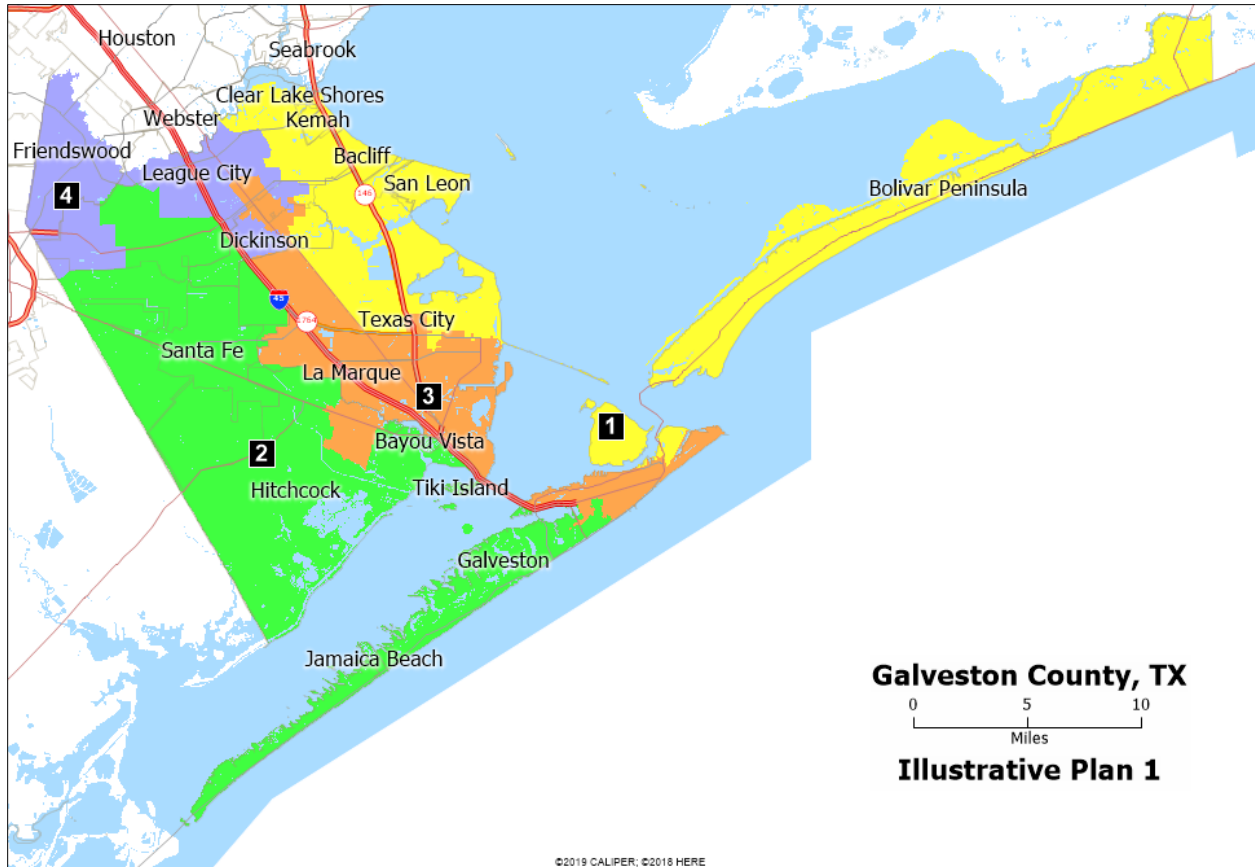
³⁰ Source: **Exhibit G**, excerpts of Galveston’s 2011 pre-clearance submission showing 2002 Benchmark map titled as “Exhibit D” in that document.

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in Section II, would also provide a reasonable basis to consider Precinct 3 as an established community of interest.

82. The map in **Figure 14** displays Illustrative Map 1 zoomed out to show the full extent of Galveston County.

Figure 14: Galveston County — Illustrative Map 1



83. Illustrative Map 1 makes no changes to Benchmark Plan precinct boundaries on Galveston Island. On the mainland, the changes are made with minimal impact: two VTDs are shifted from Precinct 2 to Precinct 3, bringing both precincts into compliance with one-person one vote requirements. The addition of these two VTDs into Precinct 3 places all of La Marque in Precinct 3, eliminating a split of the City that existed in the Benchmark Plan.

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84. As shown in **Figure 15**, under Illustrative Map 1, Precinct 3 remains Black and Latino majority, with B+LCVAP at 56.60%. Precinct 3 in Illustrative Map 1 therefore shows that Galveston County has a sufficiently large and geographically compact Black and Latino population to constitute a majority in at least one Commissioners precinct.

Figure 15: 2021 Illustrative Map 1 – Population Summary

Precinct	2020 Pop.	Deviation	% Dev.	18+ Pop	%18+ NH AP Black + Latino	% 18+ NH White	% NH DOJ Black + LCVAP
1	87336	-335	-0.38%	67096	29.26%	63.95%	28.70%
2	87025	-646	-0.74%	67208	26.57%	66.52%	23.02%
3	88502	831	0.95%	67809	60.22%	35.31%	56.60%
4	87819	148	0.17%	65269	24.21%	66.59%	20.80%

* CVAP calculations are based on the 2016-2020 Special Tabulation

85. For further reference, I have appended to this report the following additional information:

- **Exhibit I-1:** a map that zooms in on the area previously encompassed by Precinct 3 under the 2012 Plan, underscoring that Benchmark Precinct 3 is virtually unchanged under Illustrative Map 1.
- **Exhibit I-2:** a table reporting additional Census 2020 population statistics for Illustrative Map 1, as well as CVAP estimates.
- **Exhibit I-3:** a set of *Maptitude for Redistricting* reports for Illustrative Map 1, documenting contiguity (**I-3A**), municipal and unincorporated place splits (**I-3B**), and 2022 VTD splits (**I-3C**). Compactness scores are in (**I-3D**).

86. In my opinion, Illustrative Map 1 adheres to traditional redistricting principles.

Specifically:

- Commissioner precincts in the plan are contiguous, population deviations by precinct are within +/- 5%;
- Commissioner precincts are reasonably shaped and compact within the context of the complex Galveston County geography.

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- Excluding unpopulated areas, Illustrative Map 1 splits just one populated VTD in order to avoid pairing incumbents and keeps 11 communities whole (CDPs and municipalities) with 15 populated splits.
- Travel time from the northern extremity of Precinct 3 (near the Chester L. Davis Sportsplex) to East Beach on Galveston Island (28 miles) is about 37 minutes.³¹
- There are no paired incumbents.³²

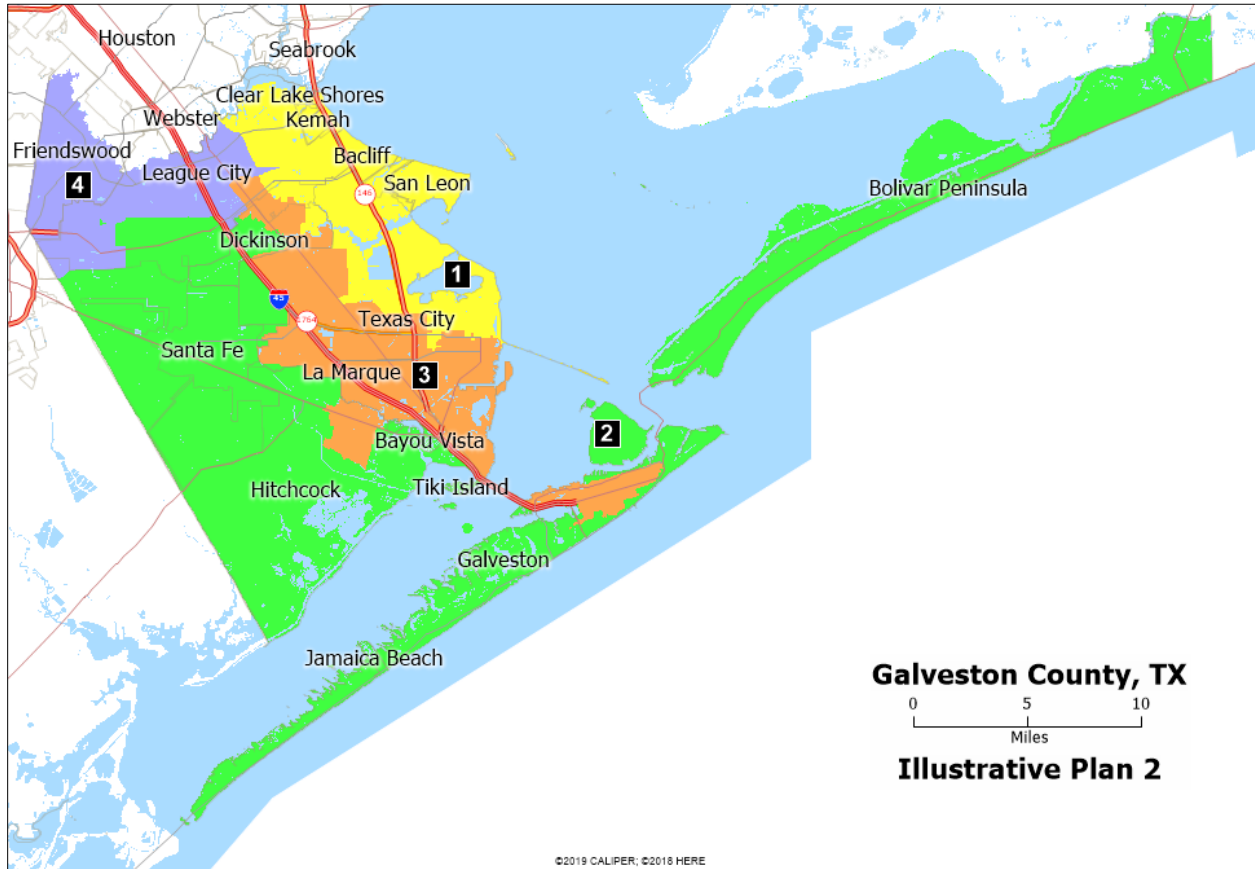
B. Illustrative Map 2 – Least Change with Coastal Precinct 2

87. I prepared **Illustrative Map 2** to incorporate the redistricting objective of a “coastal” precinct, while also working from a “least-change” strategy for equalizing populations that I described above for Illustrative Map 1. This in the map of Illustrative Map 2 in **Figure 16**, which shows that, similar to the 2021 Enacted Plan, the entire coastline of the Bolivar Peninsula and Galveston Island is assigned to a single precinct.

³¹ Travel time calculated for 10 a.m. CST, Jan. 4, 2022. Source: <https://www.google.com/maps/dir/Chester+L+Davis+Sportsplex,+1251+TX-96,+League+City,+TX+77573/East+Beach,+Galveston,+TX/@29.3868015,-95.0691569,11z/data=!3m1!4b1!4m1!4m1!2!1m5!1m1!1s0x864082d8b2d0c6d3:0x373c7a1eddbbc724!2m2!1d-95.1006231!2d29.4885081!1m5!1m1!1s0x863f9fc3915777db:0x4ed44e337cec9de3!2m2!1d-94.7526947!2d29.3180143>.

³² For the three Illustrative Plans included in Section IV of this report, I have used the addresses specified above in Note 24 for incumbents, except I have substituted the address for the current Precinct 4 incumbent, Robin Armstrong, for his predecessor Ken Clark. I was provided the following address for Mr. Armstrong by counsel, from the same Jan. 26, 2022 voter file produced as DEFS00029727: 1987 Rolling Stone Dr, Friendswood TX 77546.

Figure 16: Galveston County — Illustrative Map 2



88. Like the Benchmark Plan and Illustrative Map 1, the City of Galveston is split between Precincts 2 and 3 in Illustrative Map 2. However, boundary lines between Precincts 2 and 3 change so that Precinct 3 has a clear continuous pathway along Seawall Boulevard and on to its intersection with Highway 87 and the ferry to the Bolivar Peninsula.

89. **Figure 17** reports summary population by precinct under Illustrative Map 2, Precinct 3 remains majority Black and Latino, with B+LCVAP at 56.51%. Precinct 3 in Illustrative Map 2 therefore also shows that Galveston County has a sufficiently large and geographically compact Black and Latino population to constitute a majority in at least one Commissioners precinct.

*Expert Declaration and Report of William S. Cooper – January 2023***Figure 17: 2021 Illustrative Map 2 – Population Summary**

Precinct	2020 Pop.	Deviation	% Dev.	18+ Pop	%18+ NH AP Black + Latino	% 18+_NH White	% NH DOJ Black + LCVAP
1	87674	3	0.00%	66553	30.21%	62.93%	29.24%
2	87402	-269	-0.31%	69368	26.59%	66.92%	22.74%
3	87899	228	0.26%	67026	60.84%	35.08%	56.51%
4	87707	36	0.04%	64435	22.96%	67.04%	20.87%

* CVAP calculations are based on the 2016-2020 Special Tabulation

90. For further reference, I have appended to this report the following additional information:

- **Exhibit J-1:** a zoomed in map for the area previously encompassed by Precinct 3 under the 2012 Plan.
- **Exhibit J-2:** a table reporting additional Census 2020 population statistics for Illustrative Map 2, as well as CVAP estimates.
- **Exhibit J-3:** a set of *Maptitude for Redistricting* reports for Illustrative Map 2, documenting contiguity (**J-3A**), municipal and unincorporated place splits (**J-3B**), and 2020 VTD splits (**J-3C**). Compactness scores are in (**J-3D**).

91. In my opinion, Illustrative Map 2 adheres to traditional redistricting principles.

Specifically:

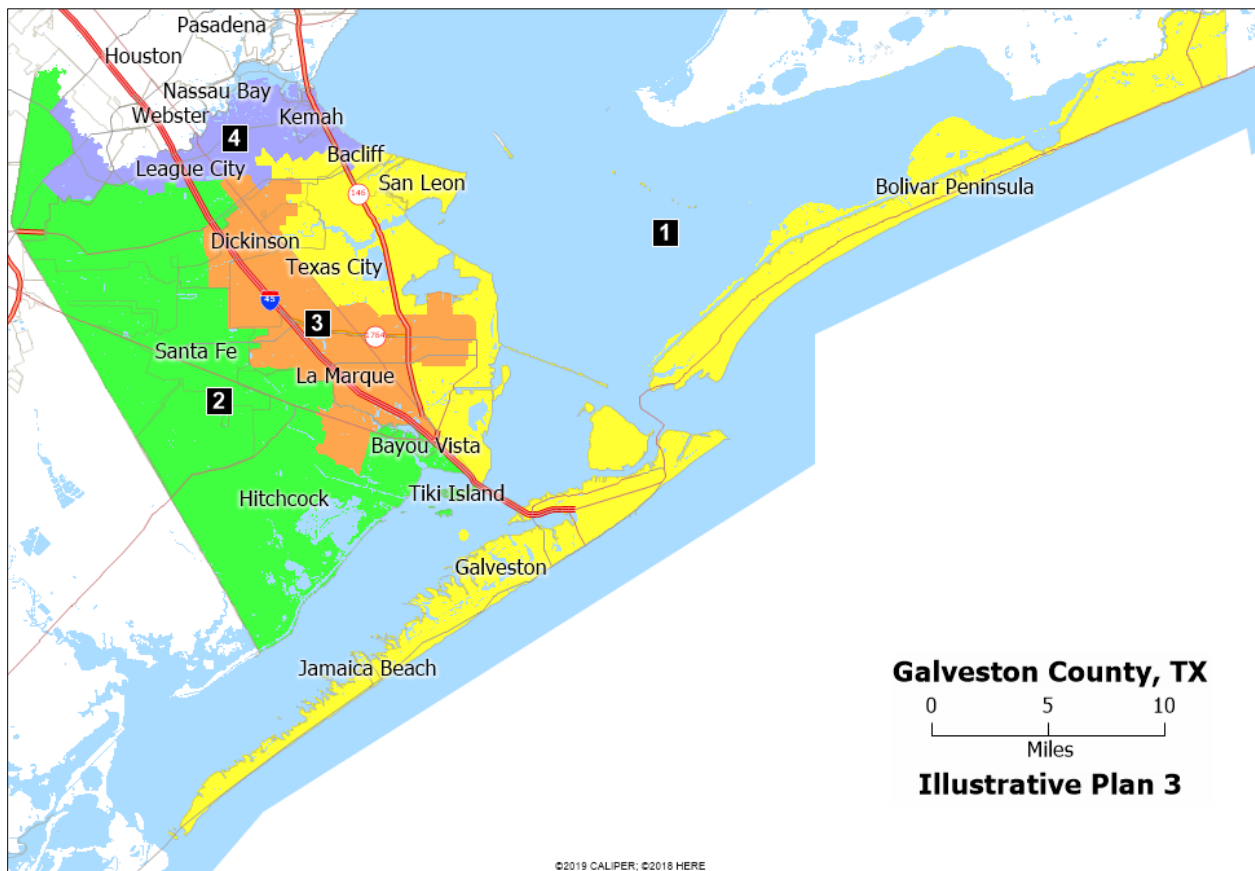
- Commissioner precincts in the plan are contiguous and population deviations by precinct are within +/- 5%.
- Commissioner precincts are reasonably shaped and compact within the context of the complex Galveston County geography.
- Excluding unpopulated areas, Illustrative Map 2 contains nine populated VTD splits, and keeps 10 communities whole (CDPs and municipalities) with 15 populated splits.
- There are no paired incumbents, and all incumbents are assigned to their current districts.

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C. Illustrative Map 3 – Coastal Precinct 1

92. I prepared Illustrative Map 3 (shown in **Figure 18**) to demonstrate that all of the Bolivar Peninsula, Pelican Island, Galveston Island, and most of the Galveston Bay coast can be placed in a single precinct (Precinct 1) in a plan that both (i) adheres to race-neutral traditional redistricting criteria and (ii) still maintains an adjacent mainland Precinct 3 that is B+LCVAP majority.

Figure 18: Galveston County — Illustrative Map 3



93. **Figure 19** reports summary population by district under Illustrative Map 3. Precinct 3 remains B+LCVAP majority (52.34%). Precinct 3 in Illustrative Map 1 therefore shows that Galveston County has a sufficiently large and geographically compact Black and Latino population to constitute a majority in at least one Commissioners precinct.

*Expert Declaration and Report of William S. Cooper – January 2023***Figure 19: 2021 Illustrative Map 3 – Population Summary**

Precinct	2020 Pop.	Deviation	% Dev.	18+ Pop	%18+ NH AP Black + Latino	% 18+ NH White	% NH DOJ Black + LCVAP
1	88189	518	0.59%	70936	38.42%	55.20%	36.40%
2	89190	1519	1.73%	66812	21.66%	70.28%	19.31%
3	87208	-463	-0.53%	64741	56.66%	38.98%	52.34%
4	86095	-1576	-1.80%	64893	24.25%	67.30%	21.99%

* CVAP calculations are based on the 2016-2020 Special Tabulation

94. For further reference, I have appended to this report the following additional information:

- **Exhibit K-1:** zoomed-in map of the area previously encompassed by Precinct 3 under the 2012 Plan.
- **Exhibit K-2:** a table reporting additional Census 2020 population statistics for Illustrative Map 3, as well as CVAP estimates.
- **Exhibit K-3:** a set of *Maptitude for Redistricting* reports for Illustrative Map 3, documenting contiguity (**K-3A**), municipal and unincorporated place splits (**K-3B**), and 2020 VTD splits (**K-3C**). Compactness scores are in (**K-3D**).

95. In my opinion, Illustrative Map 3 adheres to traditional redistricting principles.

Specifically:

- Commissioner precincts in the plan are contiguous, population deviations by precinct are within +/- 5%.
- Commissioner precincts are reasonably shaped and compact within the context of the complex Galveston County geography.
- Illustrative Map 3 contains three populated VTD splits and keeps nine communities whole (CDPs and municipalities) with 16 populated splits.
- There are no paired incumbents, and all incumbents are assigned to their current districts.

96. I observe that Illustrative Map 3 differs from the 2021 Enacted Plan in ways that indicate Illustrative Map 3 better reflects the socioeconomic data I have summarized in Section II, as well as other considerations. Specifically, unlike the 2021 Enacted Plan, Illustrative Map 3

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follows the USDA summer meal eligibility map (**Figure 6** *supra*). In my experience, this indicates that Precinct 1 here would be a better community of interest match for a “coastal” district than Precinct 2 as drawn in the 2021 Enacted Plan, assuming a single coastal district is a criterion second only to population equalization and contiguity. Furthermore, I also observe that, because Bolivar Peninsula is a particularly geographically insular community of interest in Galveston County (being connected only by ferry to the rest of the County), Illustrative Map 3 would allow the Bolivar Peninsula to retain an elected official from the Benchmark Plan who has already served the community and, it is reasonable to assume in my experience, is therefore already familiar with its needs.

D. Postscript

97. The three Illustrative Maps in this report are just three examples of a multitude of potential plans adhering to traditional redistricting principles that would result in maps that maintain a majority B+L CVAP Commissioners Precinct. For example, Galveston Island could be divided between Precincts 1 and 2, with mainland Precinct 3 configured exactly the same way as drawn under Illustrative Map 3, among other possibilities.

#

I reserve the right to continue to supplement my declaration considering additional facts, testimony and/or materials that may come to light.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: January 12, 2023



WILLIAM S. COOPER

[SLIP SHEET]

EXHIBIT D

Due to volume, the set of charts summarizing socioeconomic data for the 11 Galveston County municipalities and census data places (CDPs) with populations greater than 2,500 have been made available online for download at:

http://www.fairdata2000.com/ACS_2015_19/Galveston/

**B19013. MEDIAN HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2019
INFLATION-ADJUSTED DOLLARS)**

Data Set: 2015-2019 American Community Survey 5-Year Estimates

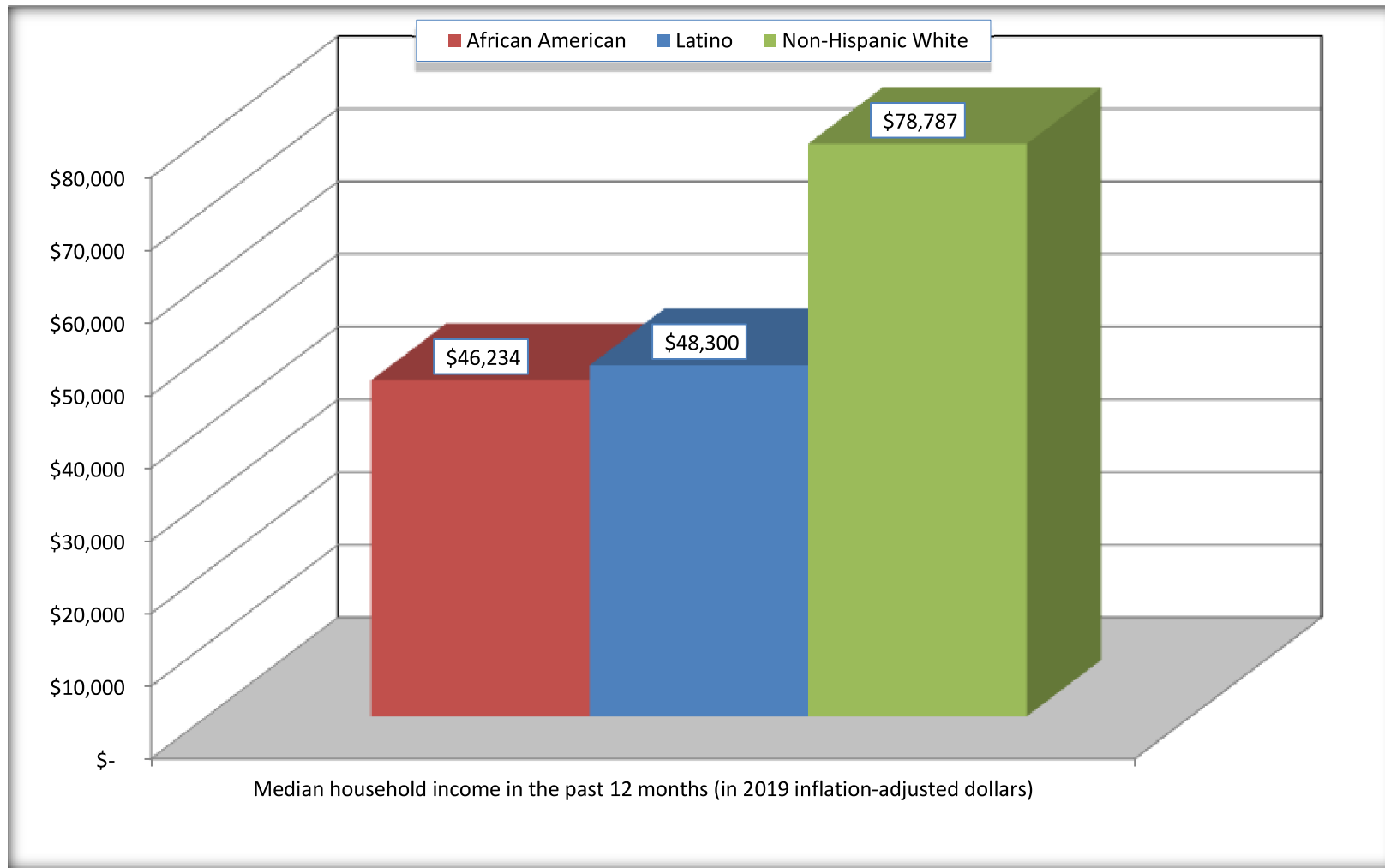
	Dickinson city, Texas		
	African American	Latino	White, Not Hispanic
Median household income in the past 12 months (in 2019 inflation-adjusted dollars)	\$ 46,234	\$ 48,300	\$ 78,787

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Median Household Income in the Past 12 Months

Dickinson city, Texas



Source: B19013. MEDIAN HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)
Data Set: 2015-2019 American Community Survey 5-Year Estimates

B19301. PER CAPITA INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)

Data Set: 2015-2019 American Community Survey 5-Year Estimates

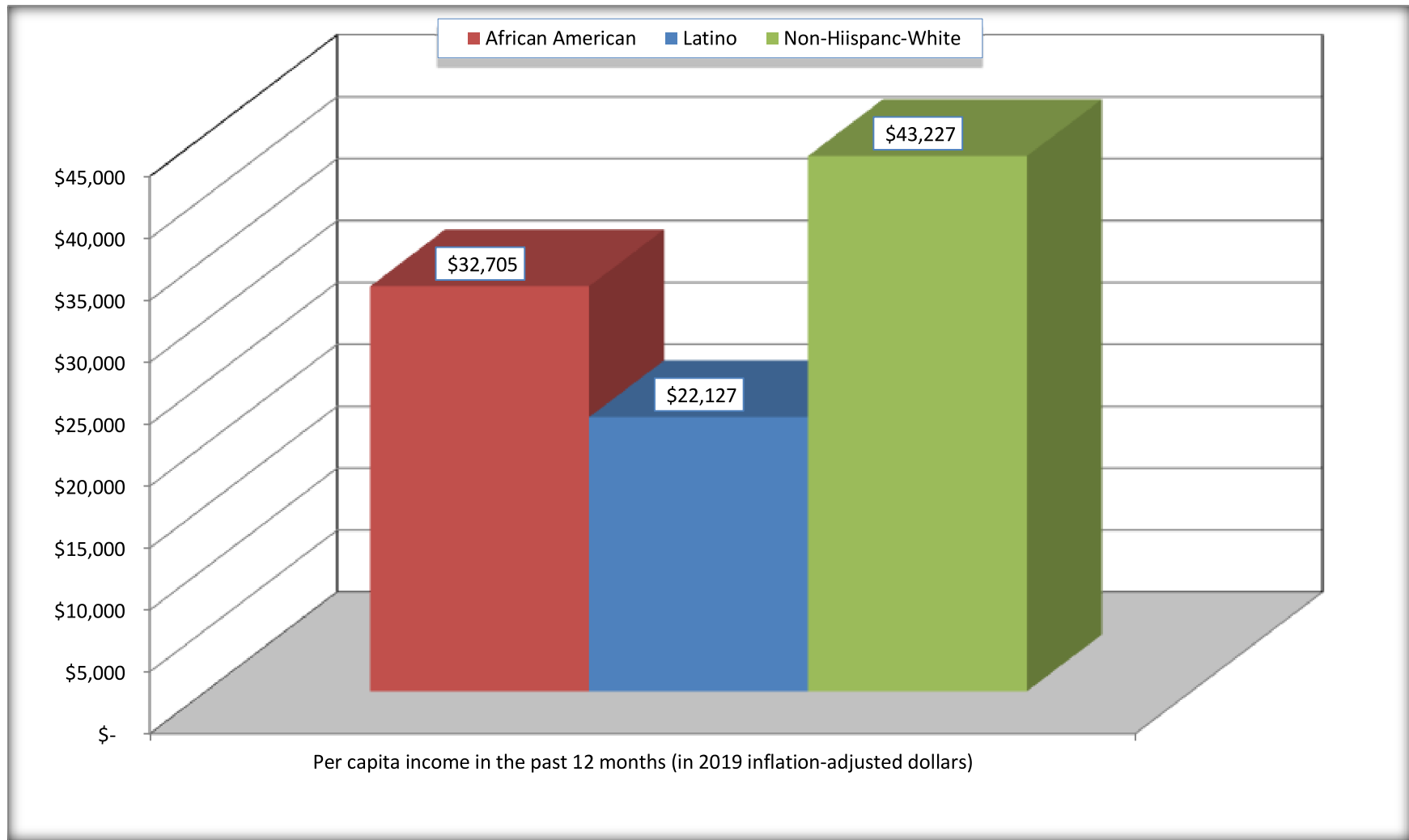
	Dickinson city, Texas		
	African American	Latino	White, Not Hispanic
Per capita income in the past 12 months (in 2019 inflation-adjusted dollars)	\$ 32,705	\$ 22,127	\$ 43,227

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Per capita Income in the Past 12 Months

Dickinson city, Texas



Source: B19301. PER CAPITA INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)
Data Set: 2015-2019 American Community Survey 5-Year Estimates

C15002. SEX BY EDUCATIONAL ATTAINMENT FOR THE POPULATION 25 YEARS AND OVER

Data Set: 2015-2019 American Community Survey 5-Year Estimates

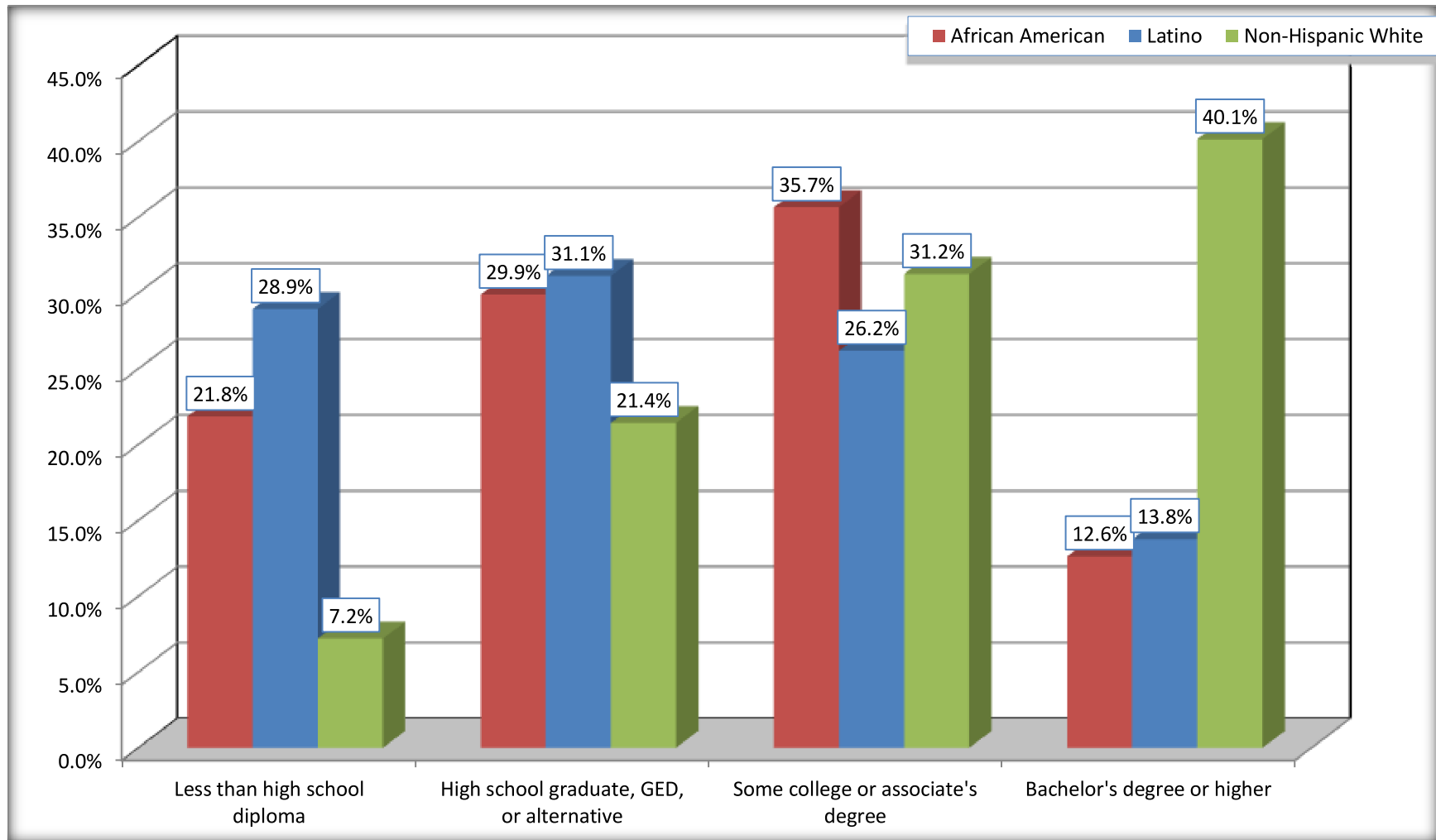
	Galveston city, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	5,697	100.0%	9,367	100.0%	18,846	100.0%
Less than high school diploma	1,244	21.8%	2,710	28.9%	1,356	7.2%
High school graduate, GED, or alternative	1,703	29.9%	2,915	31.1%	4,038	21.4%
Some college or associate's degree	2,031	35.7%	2,453	26.2%	5,889	31.2%
Bachelor's degree or higher	719	12.6%	1,289	13.8%	7,563	40.1%
Male:	2,781	48.8%	5,079	54.2%	9,303	49.4%
Less than high school diploma	837	14.7%	1,493	15.9%	817	4.3%
High school graduate, GED, or alternative	825	14.5%	1,581	16.9%	2,018	10.7%
Some college or associate's degree	873	15.3%	1,221	13.0%	2,667	14.2%
Bachelor's degree or higher	246	4.3%	784	8.4%	3,801	20.2%
Female:	2,916	51.2%	4,288	45.8%	9,543	50.6%
Less than high school diploma	407	7.1%	1,217	13.0%	539	2.9%
High school graduate, GED, or alternative	878	15.4%	1,334	14.2%	2,020	10.7%
Some college or associate's degree	1,158	20.3%	1,232	13.2%	3,222	17.1%
Bachelor's degree or higher	473	8.3%	505	5.4%	3,762	20.0%

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Educational Attainment for the Population 25 Years and Older

Galveston city, Texas



Source: C15002. SEX BY EDUCATIONAL ATTAINMENT FOR THE POPULATION 25 YEARS AND OVER
 Data Set: 2015-2019 American Community Survey 5-Year Estimates

B17010. POVERTY STATUS IN THE PAST 12 MONTHS OF FAMILIES BY FAMILY TYPE BY PRESENCE OF RELATED CHILDREN UNDER 18 YEARS

Data Set: 2015-2019 American Community Survey 5-Year Estimates

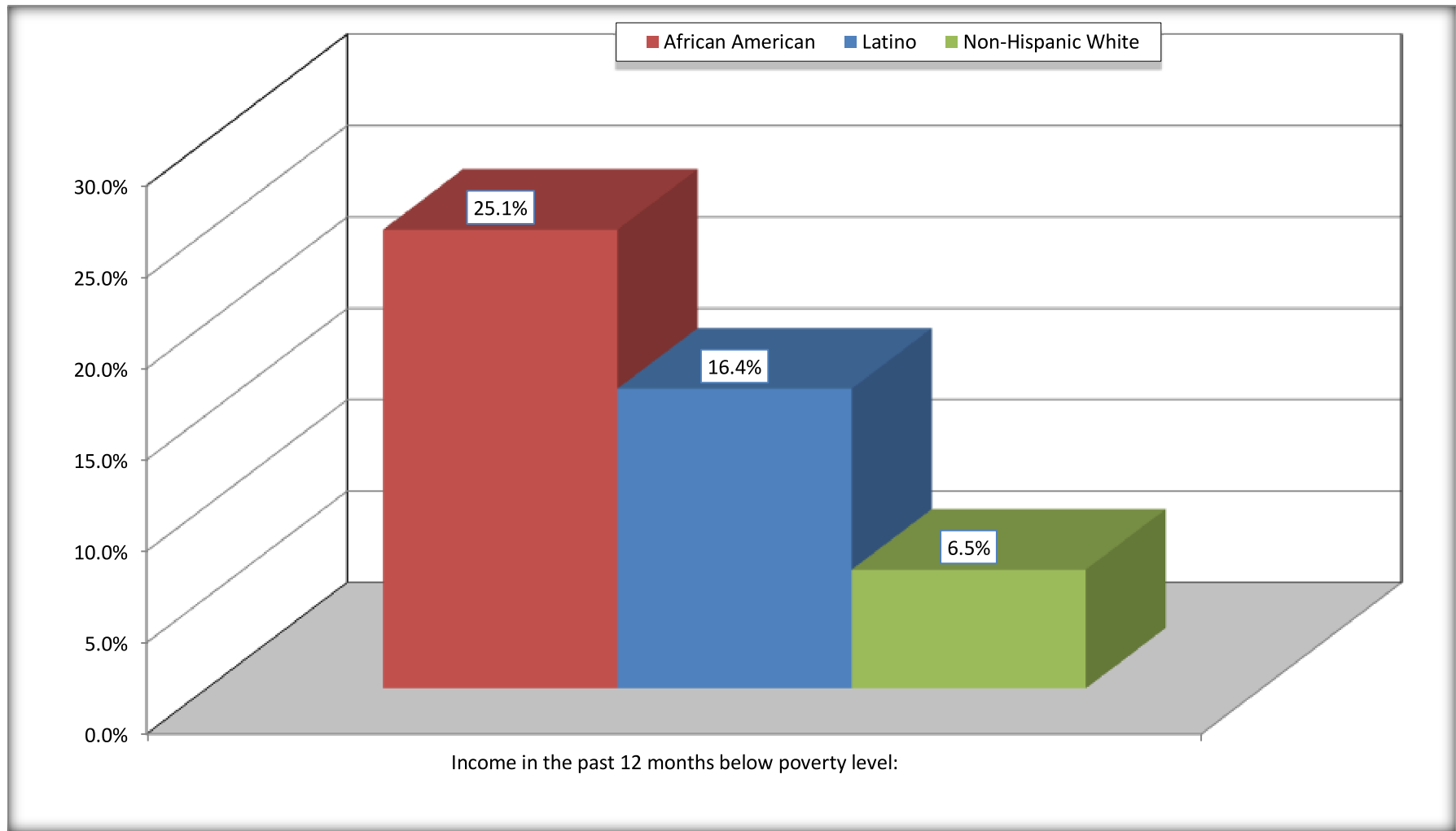
	Galveston city, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	1,880	100.0%	3,179	100.0%	5,702	100.0%
Income in the past 12 months below poverty level:	471	25.1%	520	16.4%	371	6.5%
Married-couple family:	40	2.1%	247	7.8%	106	1.9%
With related children under 18 years	0	0.0%	197	6.2%	21	0.4%
Other family:	431	22.9%	273	8.6%	265	4.6%
Male householder, no wife present	6	0.3%	13	0.4%	31	0.5%
With related children under 18 years	0	0.0%	5	0.2%	8	0.1%
Female householder, no husband present	425	22.6%	260	8.2%	234	4.1%
With related children under 18 years	345	18.4%	231	7.3%	164	2.9%
level:	1,409	74.9%	2,659	83.6%	5,331	93.5%
Married-couple family:	604	32.1%	1,710	53.8%	4,261	74.7%
With related children under 18 years	202	10.7%	871	27.4%	936	16.4%
Other family:	805	42.8%	949	29.9%	1,070	18.8%
Male householder, no wife present	243	12.9%	291	9.2%	252	4.4%
With related children under 18 years	76	4.0%	133	4.2%	154	2.7%
Female householder, no husband present	562	29.9%	658	20.7%	818	14.3%
With related children under 18 years	341	18.1%	357	11.2%	363	6.4%

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Family Households Below Poverty in the Past 12 Months

Galveston city, Texas



Source: B17010. POVERTY STATUS IN THE PAST 12 MONTHS OF FAMILIES BY FAMILY TYPE BY PRESENCE OF RELATED CHILDREN UNDER 18 YEARS

Data Set: 2015-2019 American Community Survey 5-Year Estimates

B19113. MEDIAN FAMILY INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)

Data Set: 2015-2019 American Community Survey 5-Year Estimates

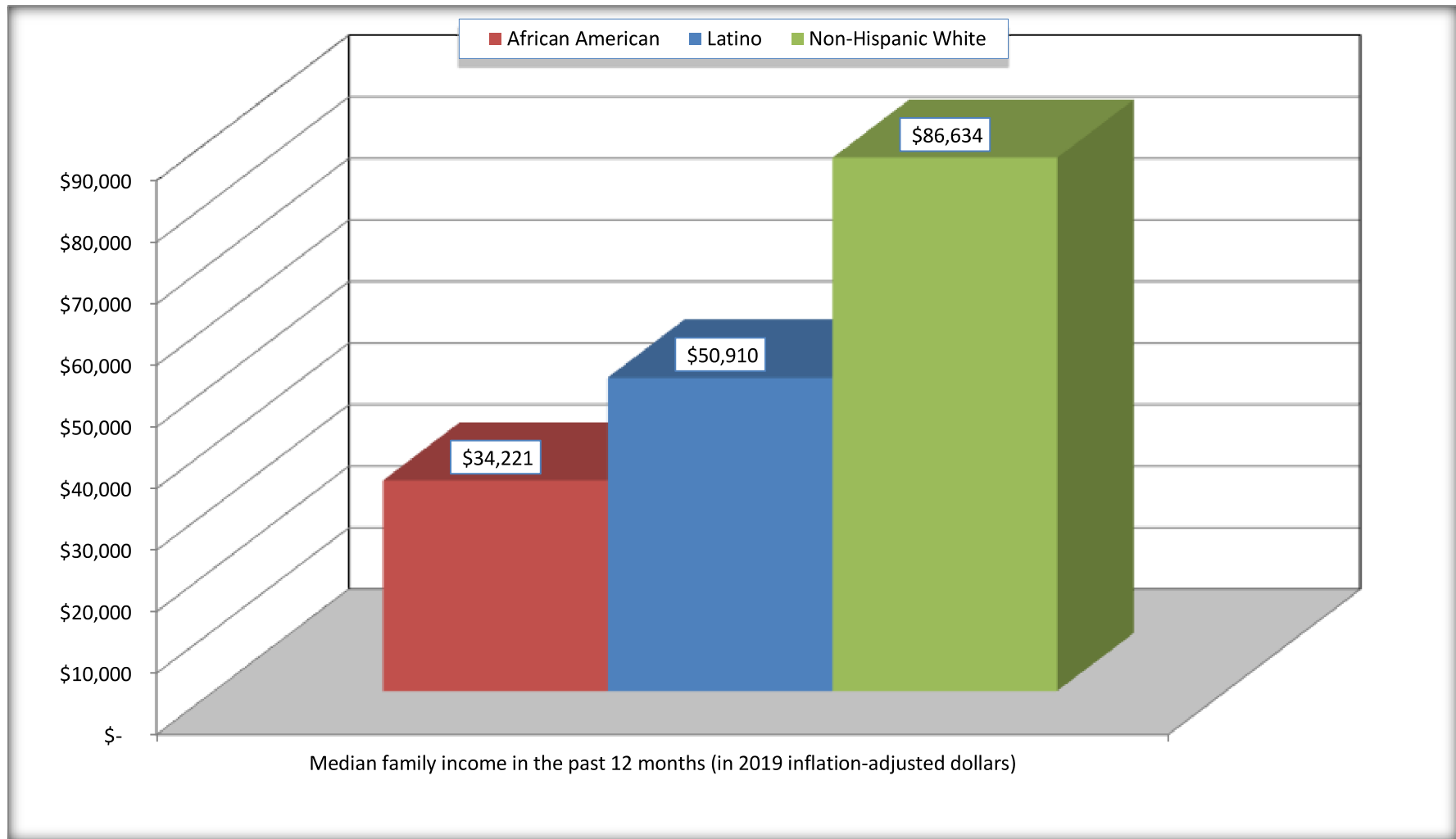
	Galveston city, Texas		
	African American	Latino	White, Not Hispanic
Median family income in the past 12 months (in 2019 inflation-adjusted dollars)	\$ 34,221	\$ 50,910	\$ 86,634

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Median Family Income in the Past 12 Months

Galveston city, Texas



Source: B19113. MEDIAN FAMILY INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)
Data Set: 2015-2019 American Community Survey 5-Year Estimates

B19301. PER CAPITA INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)

Data Set: 2015-2019 American Community Survey 5-Year Estimates

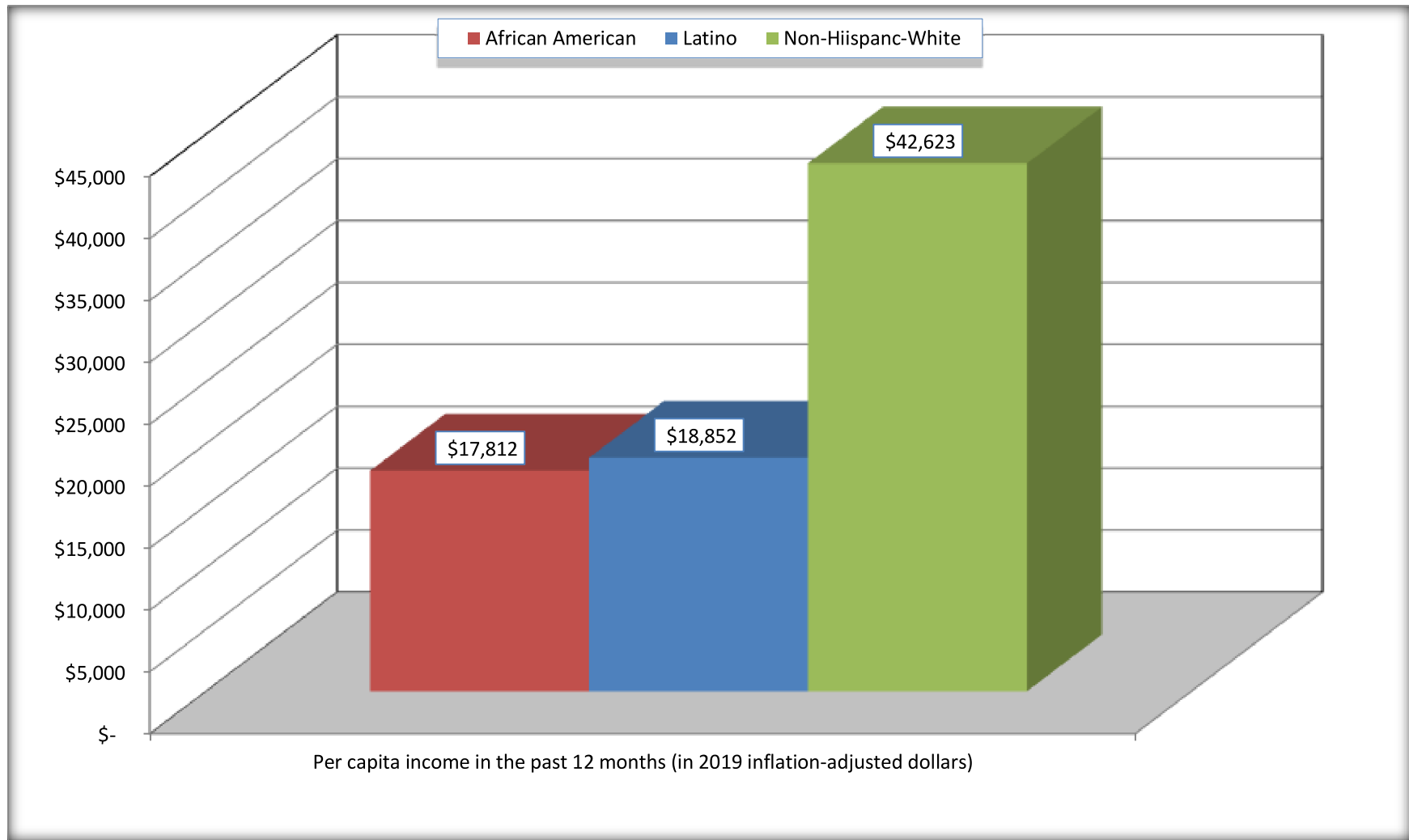
	Galveston city, Texas		
	African American	Latino	White, Not Hispanic
Per capita income in the past 12 months (in 2019 inflation-adjusted dollars)	\$ 17,812	\$ 18,852	\$ 42,623

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Per capita Income in the Past 12 Months

Galveston city, Texas



Source: B19301. PER CAPITA INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)
Data Set: 2015-2019 American Community Survey 5-Year Estimates

B25003. TENURE - Universe: OCCUPIED HOUSING UNITS

Data Set: 2015-2019 American Community Survey 5-Year Estimates

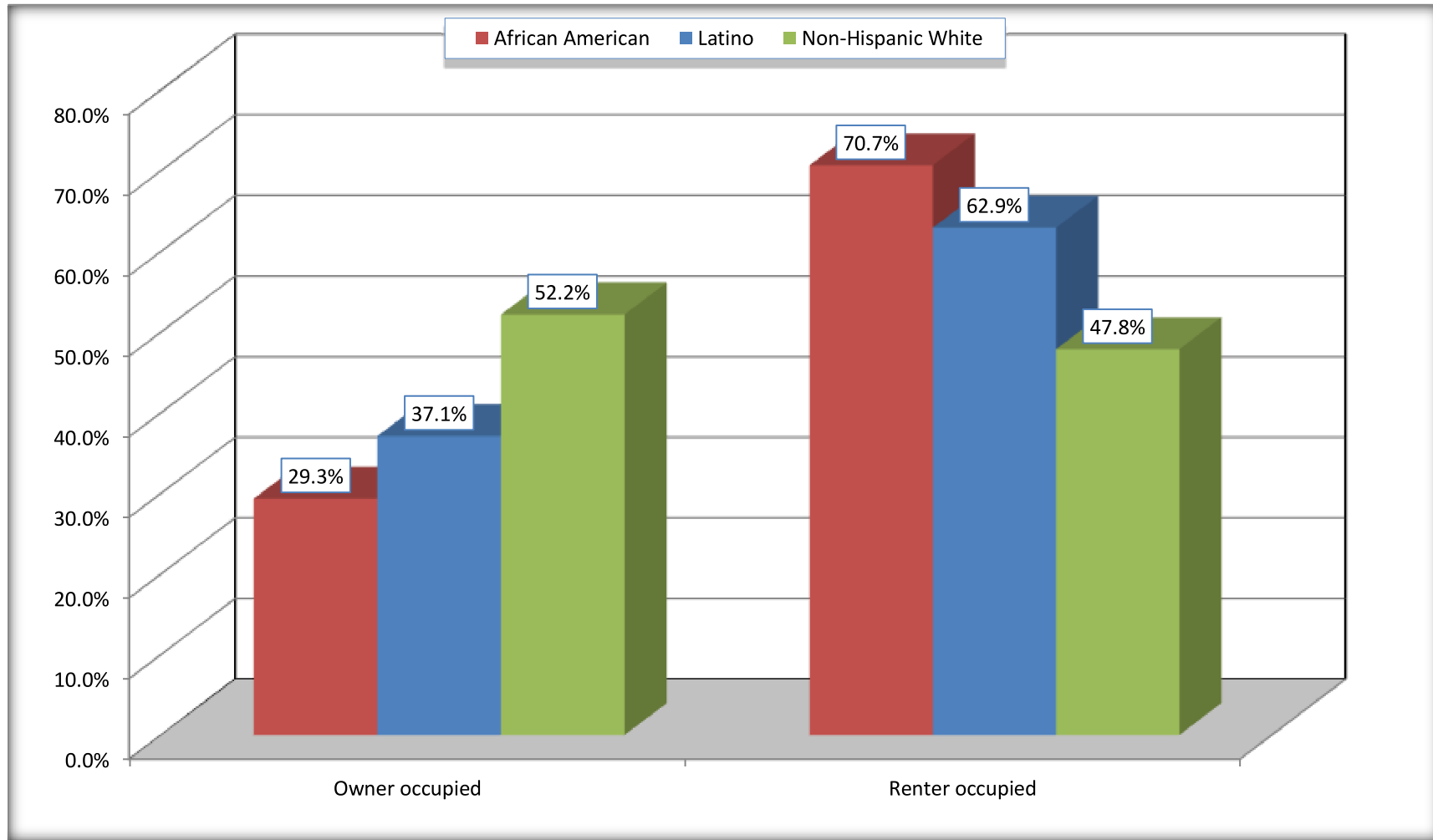
	Galveston city, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	3,376	100.0%	4,921	100.0%	11,481	100.0%
Owner occupied	990	29.3%	1,825	37.1%	5,988	52.2%
Renter occupied	2,386	70.7%	3,096	62.9%	5,493	47.8%

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions,
<http://www.census.gov/acs/www/UseData/index.h>

Home Owners and Renters by Household

Galveston city, Texas



Source: B25003. TENURE - Universe: OCCUPIED HOUSING UNITS
Data Set: 2015-2019 American Community Survey 5-Year Estimates

C15002. SEX BY EDUCATIONAL ATTAINMENT FOR THE POPULATION 25 YEARS AND OVER

Data Set: 2015-2019 American Community Survey 5-Year Estimates

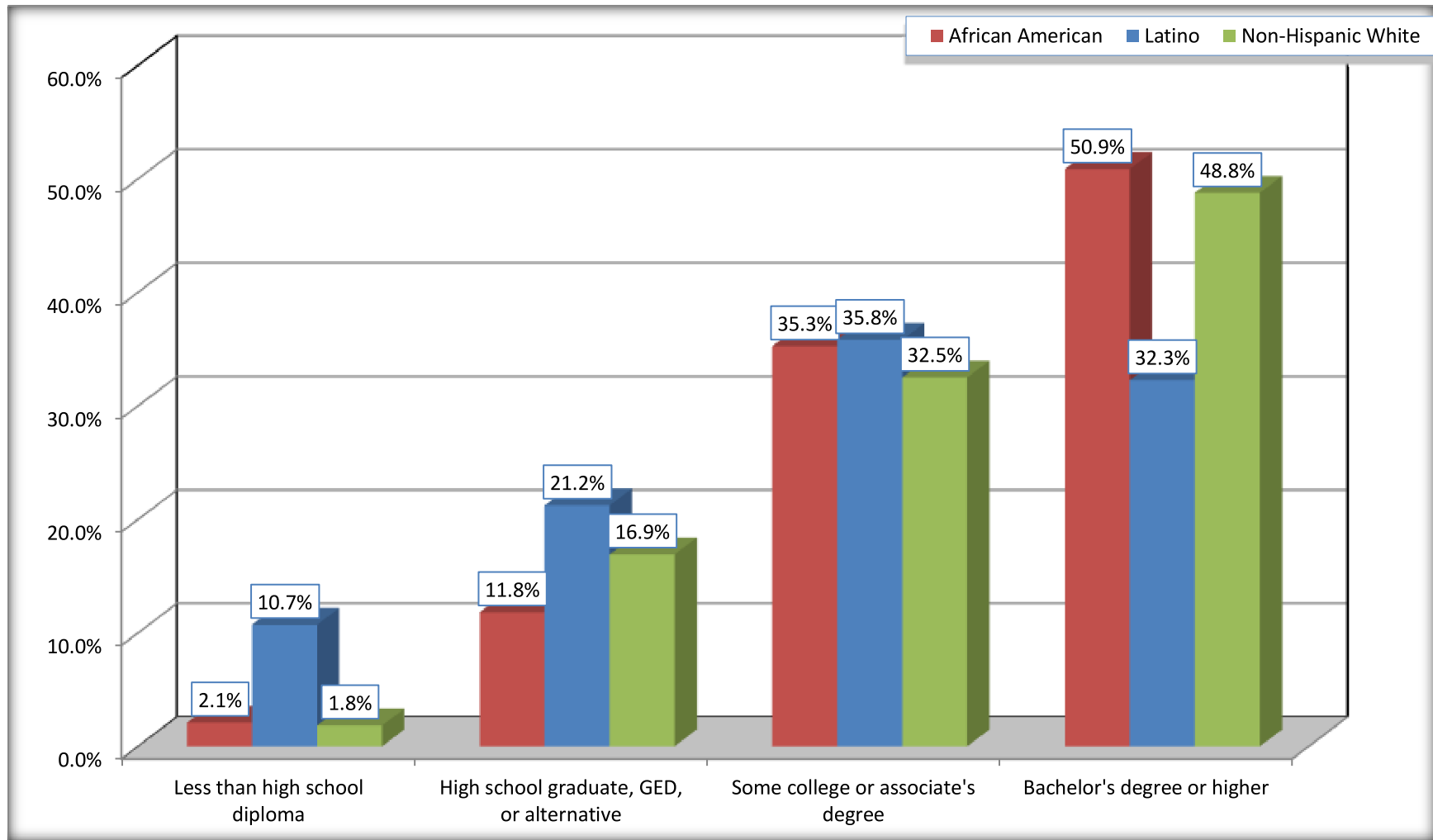
	League City city, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	5,344	100.0%	11,363	100.0%	44,846	100.0%
Less than high school diploma	111	2.1%	1,216	10.7%	820	1.8%
High school graduate, GED, or alternative	631	11.8%	2,412	21.2%	7,585	16.9%
Some college or associate's degree	1,884	35.3%	4,069	35.8%	14,575	32.5%
Bachelor's degree or higher	2,718	50.9%	3,666	32.3%	21,866	48.8%
Male:	2,601	48.7%	5,227	46.0%	22,058	49.2%
Less than high school diploma	77	1.4%	708	6.2%	300	0.7%
High school graduate, GED, or alternative	209	3.9%	1,247	11.0%	3,344	7.5%
Some college or associate's degree	1,356	25.4%	1,871	16.5%	7,603	17.0%
Bachelor's degree or higher	959	17.9%	1,401	12.3%	10,811	24.1%
Female:	2,743	51.3%	6,136	54.0%	22,788	50.8%
Less than high school diploma	34	0.6%	508	4.5%	520	1.2%
High school graduate, GED, or alternative	422	7.9%	1,165	10.3%	4,241	9.5%
Some college or associate's degree	528	9.9%	2,198	19.3%	6,972	15.5%
Bachelor's degree or higher	1,759	32.9%	2,265	19.9%	11,055	24.7%

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Educational Attainment for the Population 25 Years and Older

League City city, Texas



Source: C15002. SEX BY EDUCATIONAL ATTAINMENT FOR THE POPULATION 25 YEARS AND OVER
 Data Set: 2015-2019 American Community Survey 5-Year Estimates

B17010. POVERTY STATUS IN THE PAST 12 MONTHS OF FAMILIES BY FAMILY TYPE BY PRESENCE OF RELATED CHILDREN UNDER 18 YEARS

Data Set: 2015-2019 American Community Survey 5-Year Estimates

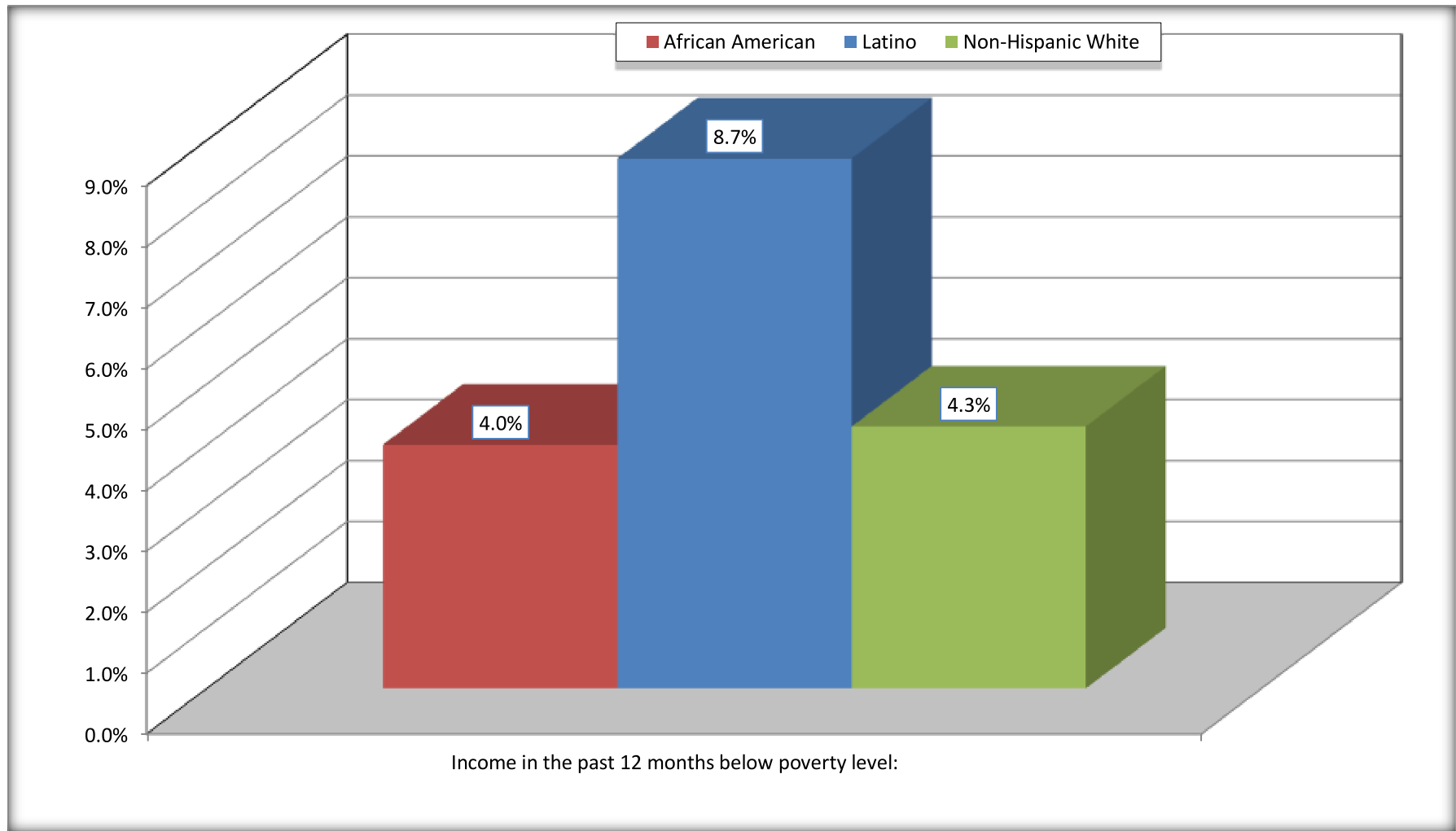
	League City city, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	2,007	100.0%	4,519	100.0%	18,464	100.0%
Income in the past 12 months below poverty level:	80	4.0%	394	8.7%	788	4.3%
Married-couple family:	36	1.8%	197	4.4%	551	3.0%
With related children under 18 years	0	0.0%	170	3.8%	215	1.2%
Other family:	44	2.2%	197	4.4%	237	1.3%
Male householder, no wife present	0	0.0%	0	0.0%	49	0.3%
With related children under 18 years	0	0.0%	0	0.0%	49	0.3%
Female householder, no husband present	44	2.2%	197	4.4%	188	1.0%
With related children under 18 years	44	2.2%	187	4.1%	163	0.9%
level:	1,927	96.0%	4,125	91.3%	17,676	95.7%
Married-couple family:	1,460	72.7%	3,400	75.2%	15,150	82.1%
With related children under 18 years	1,016	50.6%	1,864	41.2%	8,221	44.5%
Other family:	467	23.3%	725	16.0%	2,526	13.7%
Male householder, no wife present	84	4.2%	172	3.8%	940	5.1%
With related children under 18 years	0	0.0%	82	1.8%	679	3.7%
Female householder, no husband present	383	19.1%	553	12.2%	1,586	8.6%
With related children under 18 years	211	10.5%	242	5.4%	925	5.0%

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Family Households Below Poverty in the Past 12 Months

League City city, Texas



Source: B17010. POVERTY STATUS IN THE PAST 12 MONTHS OF FAMILIES BY FAMILY TYPE BY PRESENCE OF RELATED CHILDREN UNDER 18 YEARS

Data Set: 2015-2019 American Community Survey 5-Year Estimates

B19113. MEDIAN FAMILY INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)

Data Set: 2015-2019 American Community Survey 5-Year Estimates

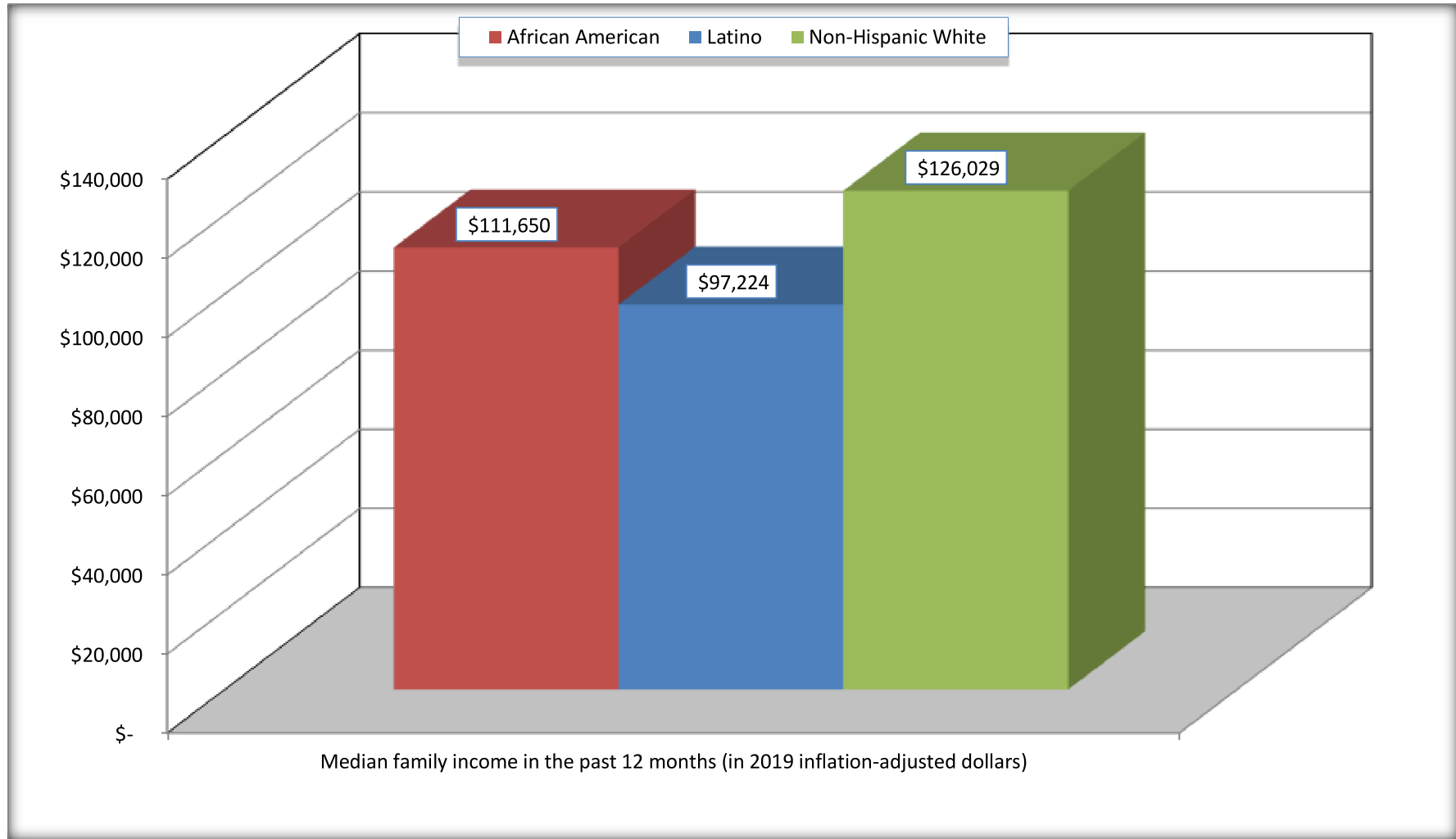
	League City city, Texas		
	African American	Latino	White, Not Hispanic
Median family income in the past 12 months (in 2019 inflation-adjusted dollars)	\$ 111,650	\$ 97,224	\$ 126,029

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Median Family Income in the Past 12 Months

League City city, Texas



Source: B19113. MEDIAN FAMILY INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)
Data Set: 2015-2019 American Community Survey 5-Year Estimates

B19301. PER CAPITA INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)

Data Set: 2015-2019 American Community Survey 5-Year Estimates

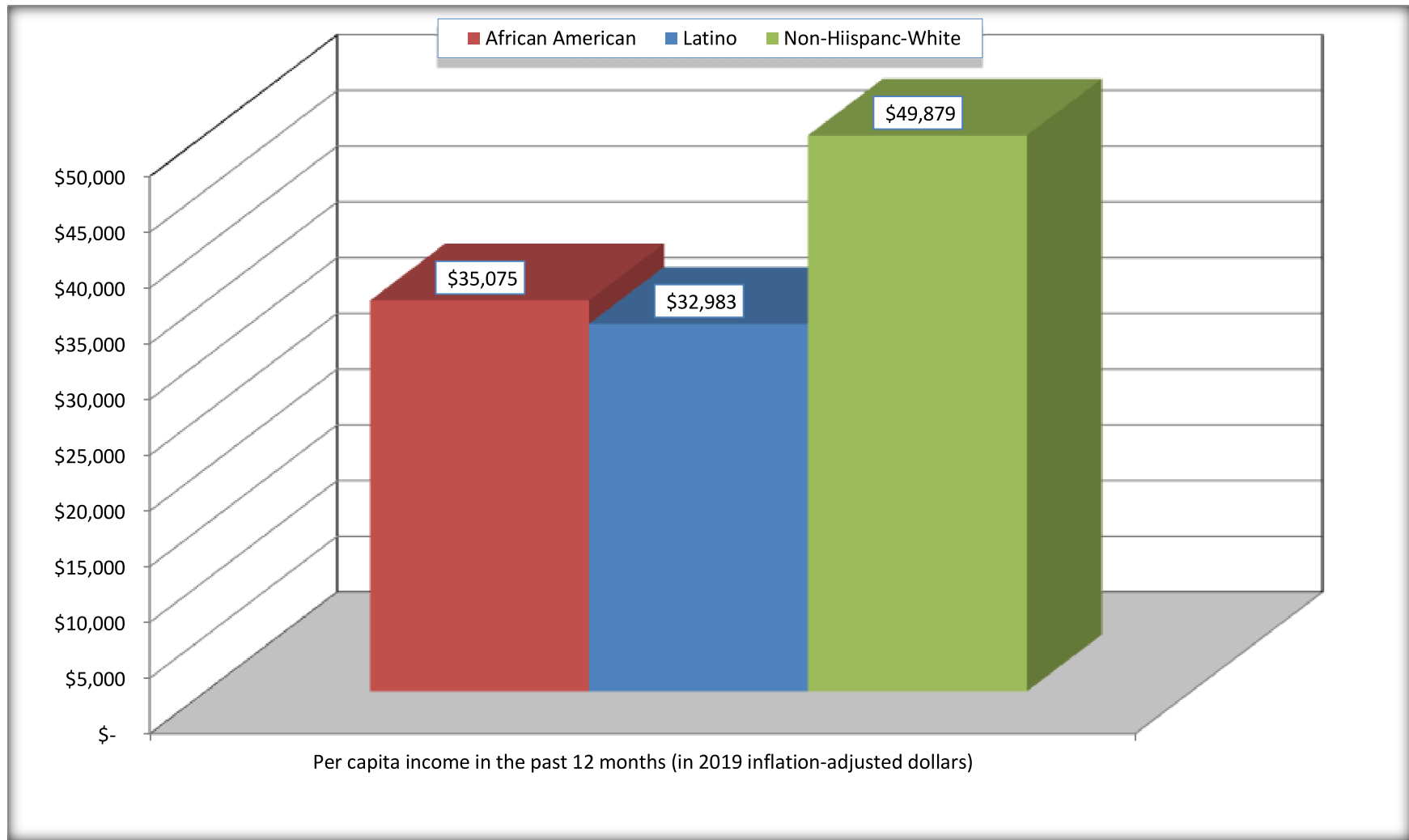
	League City city, Texas		
	African American	Latino	White, Not Hispanic
Per capita income in the past 12 months (in 2019 inflation-adjusted dollars)	\$ 35,075	\$ 32,983	\$ 49,879

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Per capita Income in the Past 12 Months

League City city, Texas



Source: B19301. PER CAPITA INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)
Data Set: 2015-2019 American Community Survey 5-Year Estimates

B25003. TENURE - Universe: OCCUPIED HOUSING UNITS

Data Set: 2015-2019 American Community Survey 5-Year Estimates

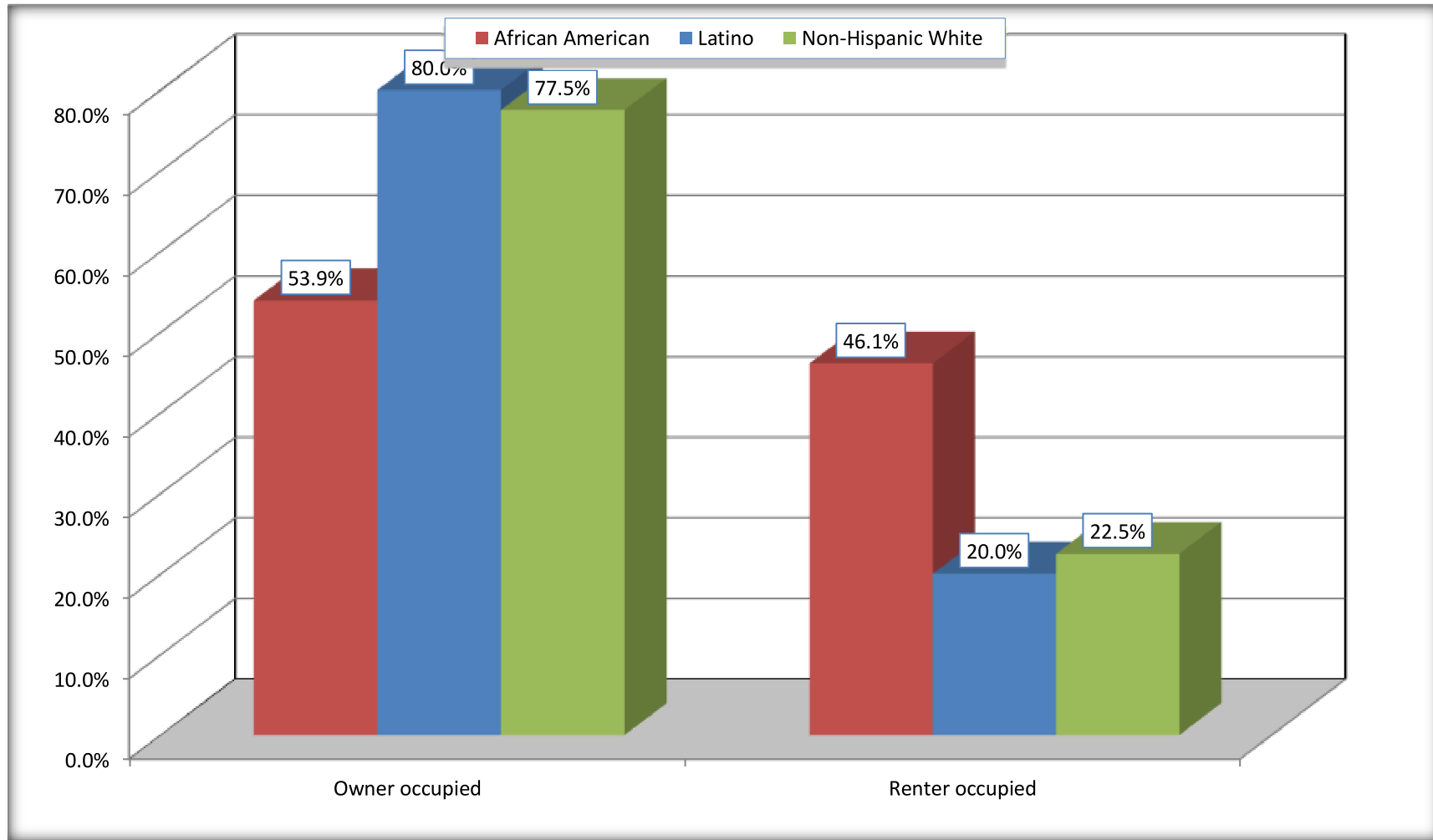
	League City city, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	2,647	100.0%	5,290	100.0%	25,846	100.0%
Owner occupied	1,427	53.9%	4,232	80.0%	20,037	77.5%
Renter occupied	1,220	46.1%	1,058	20.0%	5,809	22.5%

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions,
<http://www.census.gov/acs/www/UseData/index.h>

Home Owners and Renters by Household

League City city, Texas



Source: B25003. TENURE - Universe: OCCUPIED HOUSING UNITS
Data Set: 2015-2019 American Community Survey 5-Year Estimates

C15002. SEX BY EDUCATIONAL ATTAINMENT FOR THE POPULATION 25 YEARS AND OVER

Data Set: 2015-2019 American Community Survey 5-Year Estimates

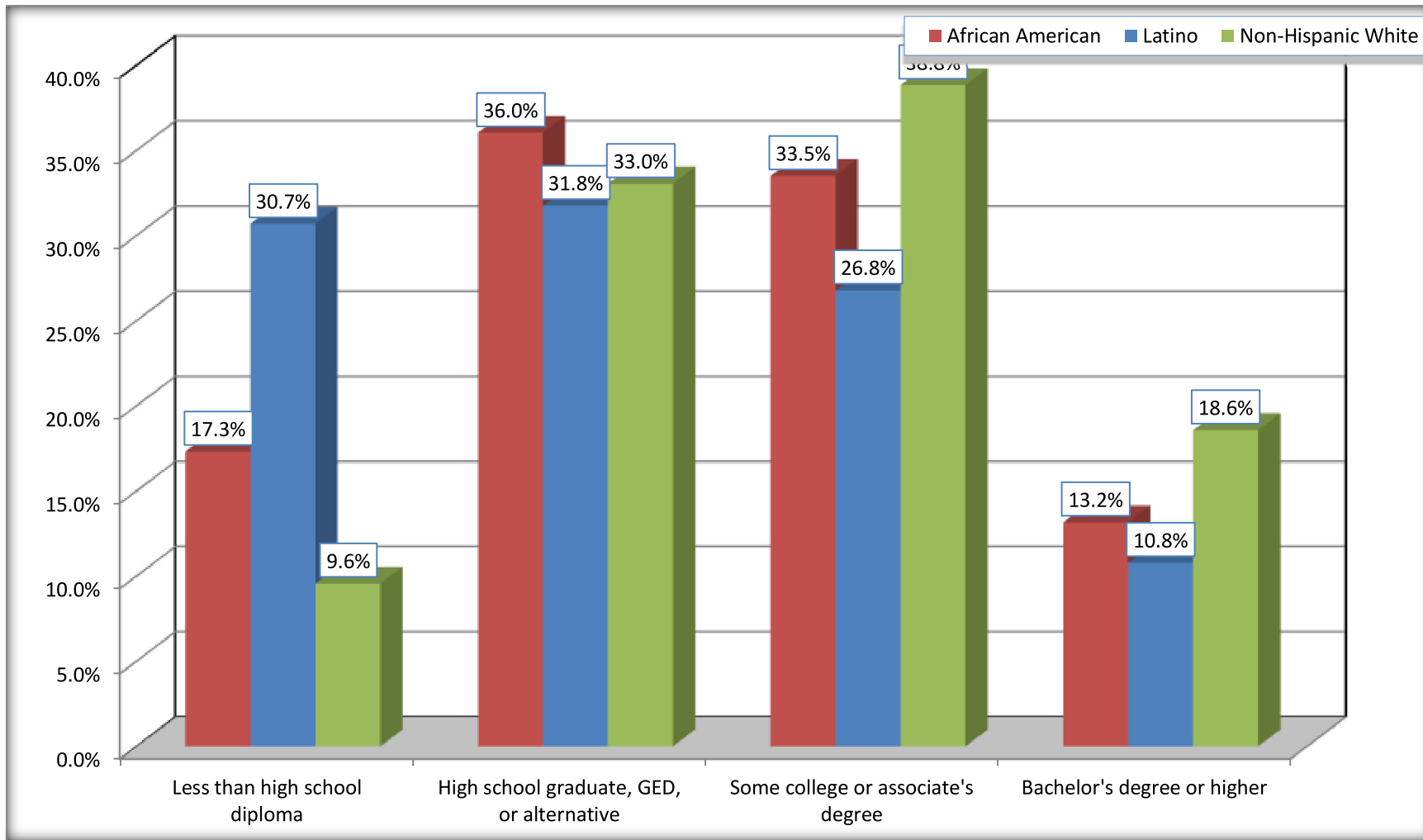
	Texas City city, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	8,730	100.0%	8,571	100.0%	14,243	100.0%
Less than high school diploma	1,511	17.3%	2,630	30.7%	1,361	9.6%
High school graduate, GED, or alternative	3,146	36.0%	2,722	31.8%	4,706	33.0%
Some college or associate's degree	2,925	33.5%	2,296	26.8%	5,532	38.8%
Bachelor's degree or higher	1,148	13.2%	923	10.8%	2,644	18.6%
Male:	3,691	42.3%	4,012	46.8%	6,422	45.1%
Less than high school diploma	718	8.2%	1,342	15.7%	554	3.9%
High school graduate, GED, or alternative	1,370	15.7%	1,442	16.8%	2,289	16.1%
Some college or associate's degree	1,246	14.3%	917	10.7%	2,490	17.5%
Bachelor's degree or higher	357	4.1%	311	3.6%	1,089	7.6%
Female:	5,039	57.7%	4,559	53.2%	7,821	54.9%
Less than high school diploma	793	9.1%	1,288	15.0%	807	5.7%
High school graduate, GED, or alternative	1,776	20.3%	1,280	14.9%	2,417	17.0%
Some college or associate's degree	1,679	19.2%	1,379	16.1%	3,042	21.4%
Bachelor's degree or higher	791	9.1%	612	7.1%	1,555	10.9%

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Educational Attainment for the Population 25 Years and Older

Texas City city, Texas



Source: C15002. SEX BY EDUCATIONAL ATTAINMENT FOR THE POPULATION 25 YEARS AND OVER
Data Set: 2015-2019 American Community Survey 5-Year Estimates

B17010. POVERTY STATUS IN THE PAST 12 MONTHS OF FAMILIES BY FAMILY TYPE BY PRESENCE OF RELATED CHILDREN UNDER 18 YEARS

Data Set: 2015-2019 American Community Survey 5-Year Estimates

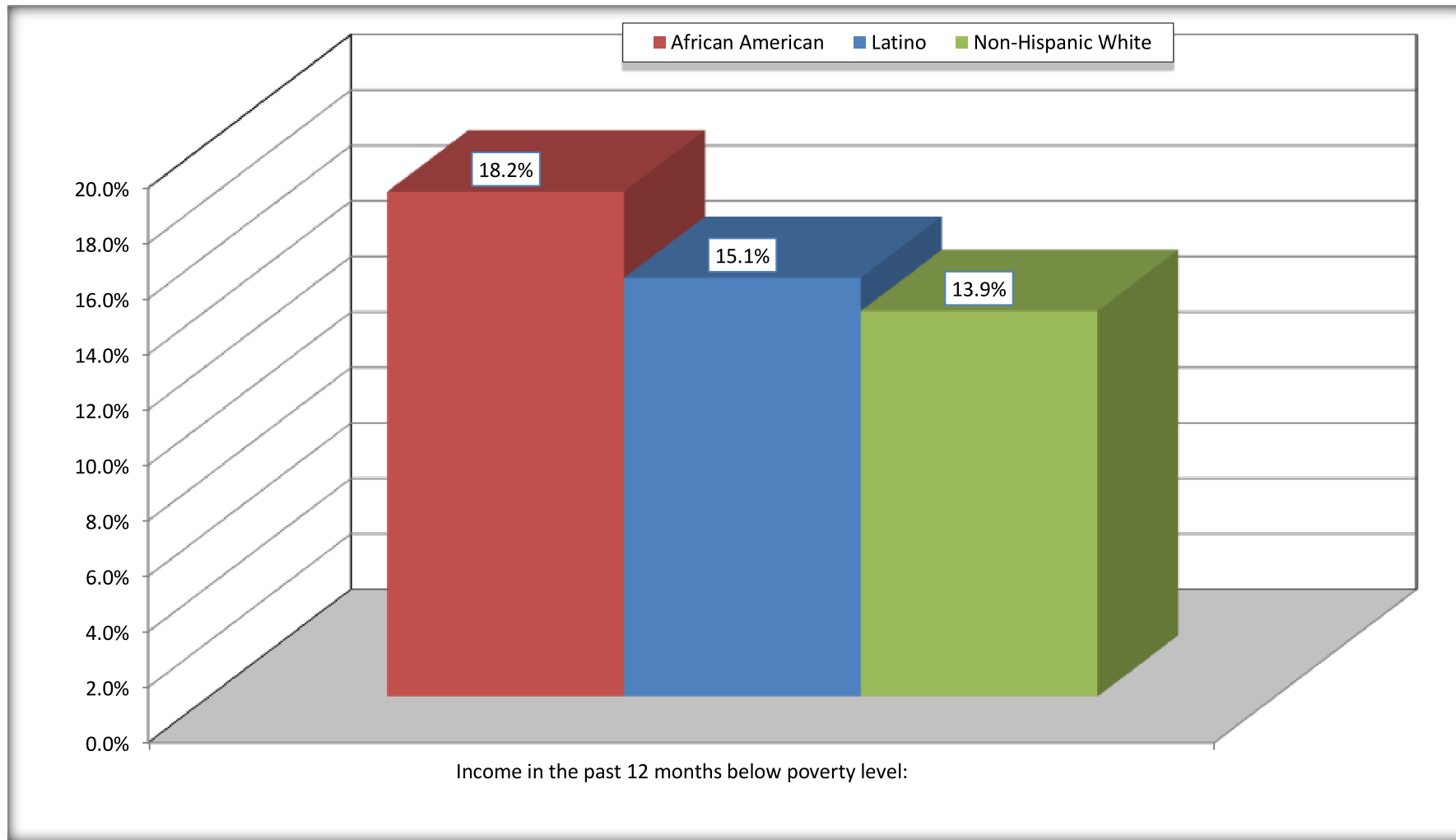
	Texas City city, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	3,117	100.0%	3,525	100.0%	4,985	100.0%
Income in the past 12 months below poverty level:	567	18.2%	532	15.1%	694	13.9%
Married-couple family:	76	2.4%	231	6.6%	192	3.9%
With related children under 18 years	53	1.7%	231	6.6%	55	1.1%
Other family:	491	15.8%	301	8.5%	502	10.1%
Male householder, no wife present	0	0.0%	94	2.7%	45	0.9%
With related children under 18 years	0	0.0%	94	2.7%	45	0.9%
Female householder, no husband present	491	15.8%	207	5.9%	457	9.2%
With related children under 18 years	448	14.4%	195	5.5%	349	7.0%
level:	2,550	81.8%	2,993	84.9%	4,291	86.1%
Married-couple family:	1,095	35.1%	1,968	55.8%	3,351	67.2%
With related children under 18 years	333	10.7%	792	22.5%	892	17.9%
Other family:	1,455	46.7%	1,025	29.1%	940	18.9%
Male householder, no wife present	321	10.3%	261	7.4%	335	6.7%
With related children under 18 years	136	4.4%	150	4.3%	169	3.4%
Female householder, no husband present	1,134	36.4%	764	21.7%	605	12.1%
With related children under 18 years	689	22.1%	521	14.8%	238	4.8%

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Family Households Below Poverty in the Past 12 Months

Texas City city, Texas



Source: B17010. POVERTY STATUS IN THE PAST 12 MONTHS OF FAMILIES BY FAMILY TYPE BY PRESENCE OF RELATED CHILDREN UNDER 18 YEARS
Data Set: 2015-2019 American Community Survey 5-Year Estimates

B19113. MEDIAN FAMILY INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)

Data Set: 2015-2019 American Community Survey 5-Year Estimates

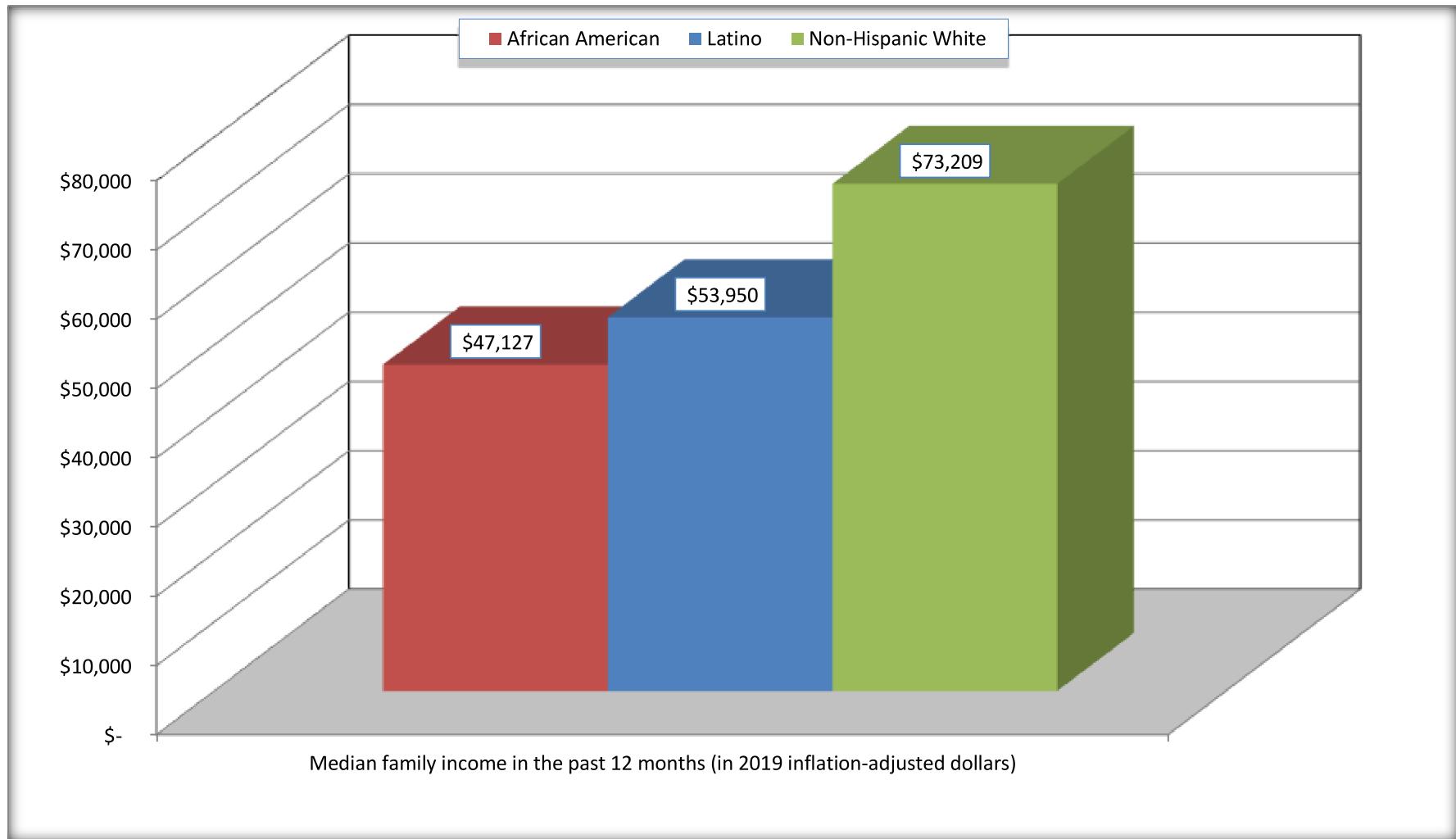
	Texas City city, Texas		
	African American	Latino	White, Not Hispanic
Median family income in the past 12 months (in 2019 inflation-adjusted dollars)	\$ 47,127	\$ 53,950	\$ 73,209

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Median Family Income in the Past 12 Months

Texas City city, Texas



Source: B19113. MEDIAN FAMILY INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)
Data Set: 2015-2019 American Community Survey 5-Year Estimates

B19301. PER CAPITA INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)

Data Set: 2015-2019 American Community Survey 5-Year Estimates

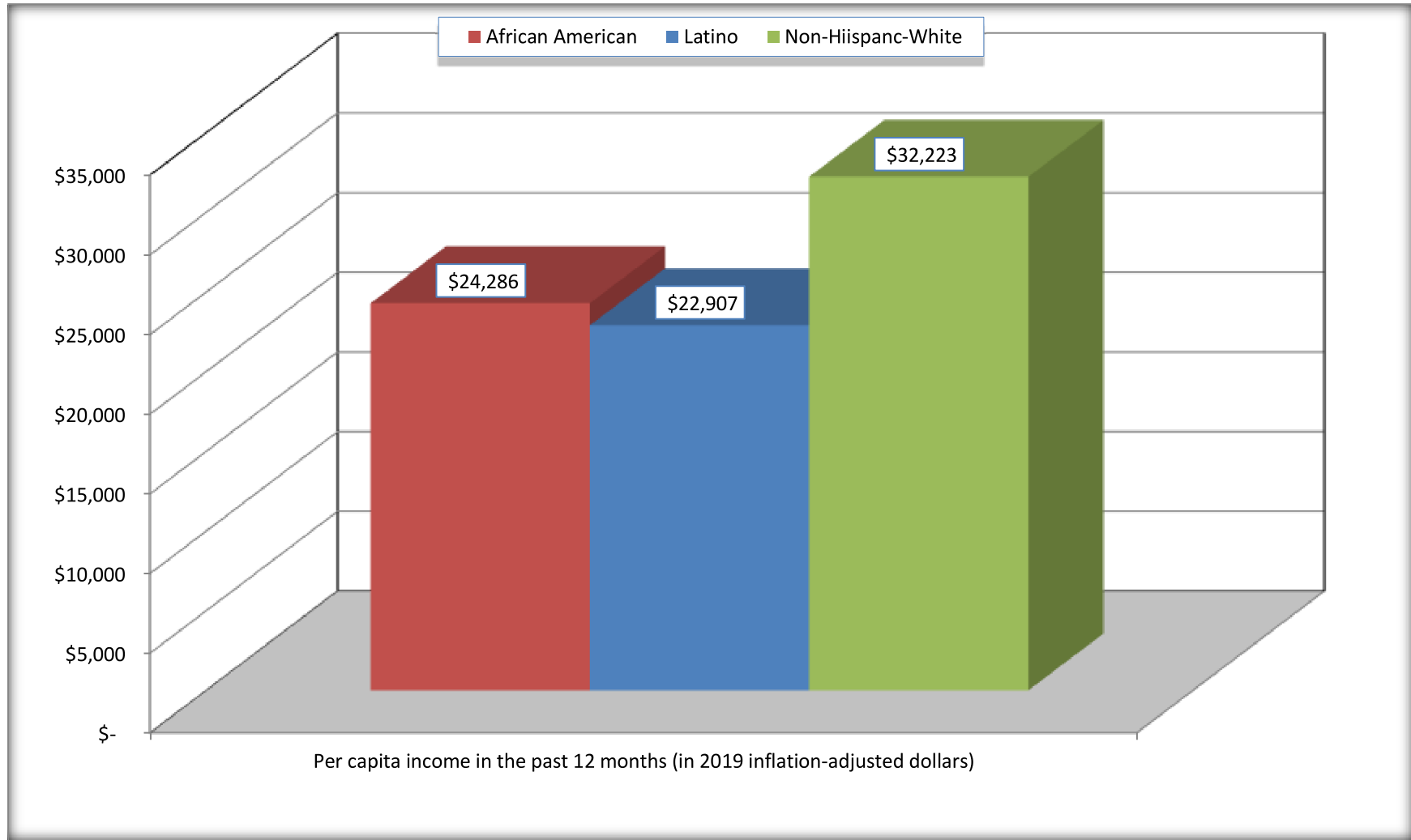
	Texas City city, Texas		
	African American	Latino	White, Not Hispanic
Per capita income in the past 12 months (in 2019 inflation-adjusted dollars)	\$ 24,286	\$ 22,907	\$ 32,223

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://www.census.gov/acs/www/UseData/index.htm>

Per capita Income in the Past 12 Months

Texas City city, Texas



Source: B19301. PER CAPITA INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)
Data Set: 2015-2019 American Community Survey 5-Year Estimates

B25003. TENURE - Universe: OCCUPIED HOUSING UNITS

Data Set: 2015-2019 American Community Survey 5-Year Estimates

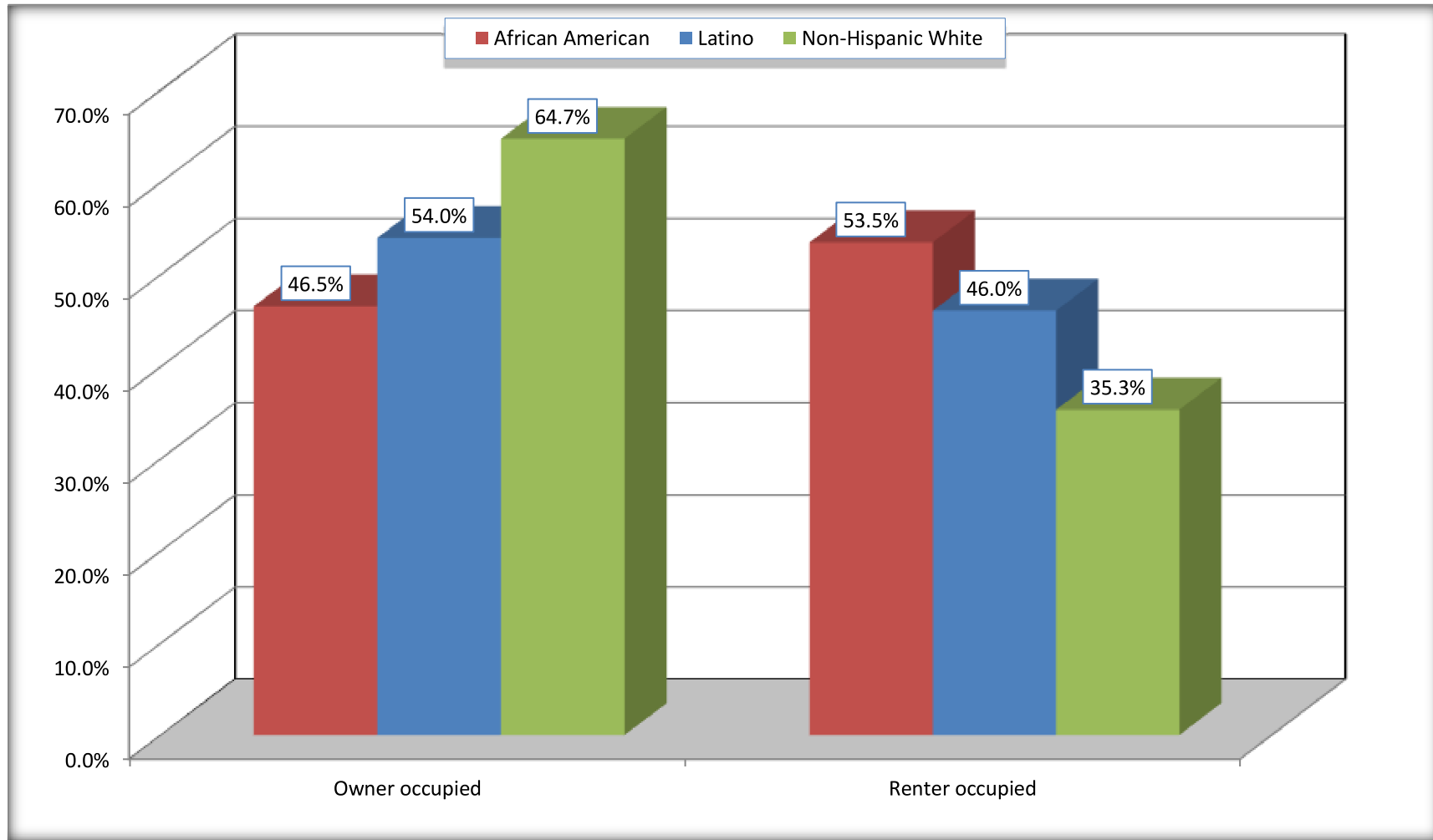
	Texas City city, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	4,809	100.0%	4,528	100.0%	7,587	100.0%
Owner occupied	2,238	46.5%	2,443	54.0%	4,909	64.7%
Renter occupied	2,571	53.5%	2,085	46.0%	2,678	35.3%

Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions,
<http://www.census.gov/acs/www/UseData/index.h>

Home Owners and Renters by Household

Texas City city, Texas



Source: B25003. TENURE - Universe: OCCUPIED HOUSING UNITS
Data Set: 2015-2019 American Community Survey 5-Year Estimates

Expert Declaration and Report of William S. Cooper
January 2023

EXHIBIT I

User:

Plan Name: Illustrative_Plan_1_Galveston

Plan Type: Local

Communities of Interest (Condensed)

Sunday, December 18, 2022

4:03 PM

Whole Town/City : 11

Town/City Splits: 17

Zero Population Town/City Splits: 2

District	Town/City	Population	% Pop	District	Town/City	Population	% Pop
1	Bacliff	9,677	100.00%				
1	Bolivar	2,769	100.00%				
	Peninsula						
1	Clear Lake	1,258	100.00%				
	Shores						
1	Dickinson	4,149	19.90%				
1	Galveston	1,511	2.81%				
1	Kemah	1,807	100.00%				
1	League City	36,422	32.56%				
1	San Leon	6,135	100.00%				
1	Seabrook	0	0.00%				
1	Texas City	20,940	40.35%				
2	Bayou Vista	1,763	100.00%				
2	Dickinson	4,022	19.29%				
2	Galveston	22,192	41.33%				
2	Hitchcock	4,707	64.47%				
2	Jamaica	1,078	100.00%				
	Beach						
2	League City	24,918	22.28%				
2	Santa Fe	12,735	100.00%				
2	Texas City	2,823	5.44%				
2	Tiki Island	1,106	100.00%				
3	Dickinson	6,241	29.94%				
3	Galveston	29,992	55.86%				
3	Hitchcock	2,594	35.53%				
3	La Marque	18,030	100.00%				
3	League City	750	0.67%				
3	Texas City	28,135	54.21%				
4	Dickinson	6,435	30.87%				
4	Friendswood	30,495	100.00%				
4	League City	49,775	44.50%				
4	Texas City	0	0.00%				

Expert Declaration and Report of William S. Cooper
January 2023

EXHIBIT J

User:

Plan Name: Illustrative_Plan_2_Galveston

Plan Type: Local

Communities of Interest (Condensed)

Sunday, December 18, 2022

4:12 PM

Whole Town/City : 10

Town/City Splits: 17

Zero Population Town/City Splits: 2

District	Town/City	Population	% Pop	District	Town/City	Population	% Pop
1	Bacliff	9,677	100.00%				
1	Clear Lake Shores	1,258	100.00%				
1	Dickinson	2,927	14.04%				
1	Kemah	1,807	100.00%				
1	League City	41,757	37.33%				
1	San Leon	6,135	100.00%				
1	Seabrook	0	0.00%				
1	Texas City	20,614	39.72%				
2	Bayou Vista	1,763	100.00%				
2	Bolivar Peninsula	2,769	100.00%				
2	Dickinson	9,634	46.21%				
2	Galveston	26,211	48.81%				
2	Hitchcock	4,707	64.47%				
2	Jamaica Beach	1,078	100.00%				
2	La Marque	507	2.81%				
2	League City	12,387	11.07%				
2	Santa Fe	12,735	100.00%				
2	Texas City	2,823	5.44%				
2	Tiki Island	1,106	100.00%				
3	Dickinson	8,286	39.75%				
3	Galveston	27,484	51.19%				
3	Hitchcock	2,594	35.53%				
3	La Marque	17,523	97.19%				
3	League City	750	0.67%				
3	Texas City	28,461	54.84%				
4	Dickinson	0	0.00%				
4	Friendswood	30,495	100.00%				
4	League City	56,971	50.93%				

Expert Declaration and Report of William S. Cooper

January 2023

EXHIBIT K

User:

Plan Name: Illustrative_Plan_3_Galveston

Plan Type: Local

Communities of Interest (Condensed)

Wednesday, January 4, 2023

3:21 PM

Whole Town/City : 9

Town/City Splits: 19

Zero Population Town/City Splits: 3

District	Town/City	Population	% Pop	District	Town/City	Population	% Pop
1	Bacliff	5,265	54.41%				
1	Bolivar	2,769	100.00%				
	Peninsula						
1	Dickinson	4,149	19.90%				
1	Galveston	53,695	100.00%				
1	Hitchcock	0	0.00%				
1	Jamaica	1,078	100.00%				
	Beach						
1	League City	5,477	4.90%				
1	San Leon	6,135	100.00%				
1	Texas City	7,841	15.11%				
2	Bayou Vista	1,763	100.00%				
2	Dickinson	1,675	8.03%				
2	Friendswood	18,190	59.65%				
2	Hitchcock	4,707	64.47%				
2	La Marque	507	2.81%				
2	League City	36,585	32.70%				
2	Santa Fe	12,735	100.00%				
2	Tiki Island	1,106	100.00%				
3	Dickinson	15,023	72.06%				
3	Hitchcock	2,594	35.53%				
3	La Marque	17,523	97.19%				
3	League City	4,378	3.91%				
3	Texas City	44,057	84.89%				
4	Bacliff	4,412	45.59%				
4	Clear Lake	1,258	100.00%				
	Shores						
4	Friendswood	12,305	40.35%				
4	Kemah	1,807	100.00%				
4	League City	65,425	58.49%				
4	Seabrook	0	0.00%				
4	Texas City	0	0.00%				

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, et al, *
Plaintiffs, * CASE NO.:
vs. * 3:22-cv-00057
GALVESTON COUNTY, TEXAS,*
et al, * (Consolidated)
Defendants. *

* * * * *

VIRTUAL VIDEOTAPED DEPOSITION OF:

JESSICA TROUNSTINE,
was held on Friday, April 14, 2023,
commencing at 9:01 a.m. (PT), via Zoom
Videoconferencing, reported by Desirae S.
Jura, a Registered Professional Reporter and
Notary Public.

* * *

VERITEXT LEGAL SOLUTIONS

1-800-227-8440

EXHIBIT 3

1 First, I analyze whether, in each election,
2 black voters were cohesive, and then I
3 analyze whether Latino voters were cohesive.
4 I make a note for each election that stated
5 whether black or Latino voters in each
6 election were cohesive. And then I noted
7 whether white voters selected a different
8 candidate than black or Latino voters
9 cohesively picked for their first choice
10 candidate.

11 In those elections in which there
12 was black cohesion and white voters selected
13 a different first choice candidate were
14 marked as polarized. Additionally,
15 elections where Latino voters were cohesive
16 and white voters selected a different first
17 choice candidate were also marked as
18 polarized. Then I added them all up and
19 came up with -- I'm sorry.

20 BY MR. SHEEHY:

21 Q. No, please go ahead. I'm sorry I

1 interrupted you. Go ahead.

2 A. So I tabulated the number of
3 polarized elections for -- in total, in
4 the -- in all of the cases that I analyzed.

5 Q. Now, just -- I want to make sure
6 that I understand your definition of
7 racially polarized voting. In a scenario
8 where African Americans vote for candidate A
9 cohesively, but --

10 A. Yes.

11 Q. -- Latinos vote cohesively for
12 candidate B, and white voters vote
13 cohesively with Latinos for candidate B, are
14 you categorizing that election as racially
15 polarized?

16 A. Yes, that would be categorized as
17 racially polarized in my definition.

18 Q. Okay. Let's go to page 25 of
19 Exhibit 2, if we could, please?

20 A. I'm not seeing a page 25. Hang
21 on. Is this in the appendix?

1 Q. I'm sorry, I think it's page 16
2 in your report. It's the last page. I'm
3 just wanting you to verify your signature.

4 A. Oh, yes.

5 Q. Okay.

6 A. Yes, I'm there. That's my
7 signature.

8 Q. Okay. And is this -- and I guess
9 here, I'll just ask you to take a look at
10 what we've published to you just to make
11 sure that this is a true and accurate copy
12 of your March 15th, 2023 report.

13 A. I need to find that in the
14 Veritext file. Is that what you would like
15 me to look at?

16 Q. Yes, please. We'll share that
17 with you. And there you go. So you are now
18 looking at Exhibit 2, which is a copy of
19 your March 15th, 2023 report.

20 A. Yes, I am seeing that.

21 Q. I know you made a few

1 Q. Okay.

2 A. In my analysis, a reasonable
3 threshold is 60 percent.

4 Q. Okay. But you are not disputing
5 that Professor Alford's analysis of cohesion
6 at 75 percent is reasonable, correct?

7 MS. JAYARAMAN: Objection, asked
8 and answered.

9 MR. SHEEHY: That question was
10 not asked.

11 THE WITNESS: Professor Alford
12 has a different threshold that he uses for
13 his analysis. It is not the threshold that
14 I use. In my opinion, 60 percent is the
15 reasonable threshold to use for the
16 analysis.

17 BY MR. SHEEHY:

18 Q. Okay. But you're not saying that
19 Professor Alford's threshold is
20 unreasonable, correct?

21 MS. JAYARAMAN: Objection, form.

1 THE WITNESS: I guess I'm not
2 really sure what you mean by reasonable, how
3 you're using it here.

4 BY MR. SHEEHY:

5 Q. Well, what do you understand the
6 term reasonable to mean?

7 A. I was using it to say that this
8 is a threshold that makes sense for
9 calculating cohesion in a given election.
10 And I selected 60 percent as the threshold
11 that makes sense given what I understand
12 about elections in American politics.

13 Q. And, therefore, do you think that
14 75 percent as a threshold for cohesion is
15 unreasonable?

16 MS. JAYARAMAN: Objection, form.

17 THE WITNESS: That is not a
18 threshold that I would -- that I have used
19 in my analysis.

20 BY MR. SHEEHY:

21 Q. In your analysis in this case?

1 A. Correct.

2 Q. Professor Alford used 75 percent
3 as a threshold in his report, correct?

4 A. I understand that.

5 Q. Okay.

6 A. Yes.

7 Q. Do you think his use of 75
8 percent as a threshold for cohesion is
9 unreasonable?

10 MS. JAYARAMAN: Objection, asked
11 and answered.

12 THE WITNESS: I have used what I
13 believe is a reasonable threshold, which is
14 60 percent.

15 BY MR. SHEEHY:

16 Q. And you reviewed Professor
17 Alford's March 17th, 2023 report, correct?

18 A. I did review his report, yes.

19 Q. And you filed a rebuttal report
20 responding to Professor Alford's report,
21 correct?

1 A. Correct.

2 Q. For this threshold, for
3 multi-candidate elections, you did not cite
4 any political science journal, did you?

5 A. No, I do not have a citation for
6 that calculation.

7 Q. Okay. And just you're not
8 proposing -- you're not proposing to the
9 court that it adopt your threshold of 1.2
10 times vote share, correct?

11 MS. JAYARAMAN: Objection, form.

12 THE WITNESS: I am not making a
13 proposal to the court. I am tabulating
14 cohesive and non-cohesive races using this
15 particular threshold.

16 BY MR. SHEEHY:

17 Q. Okay. So let's talk about the --
18 let's talk about the racially polarized
19 voting definition. Is it your understanding
20 that for racially polarized voting to occur
21 in Galveston County, you need cohesion among

1 African American voters, correct?

2 MS. JAYARAMAN: Objection to
3 form.

4 THE WITNESS: The way that I
5 tabulated racial -- racially polarized
6 voting was either black voters are cohesive
7 or Latino voters are cohesive, and the white
8 voters selected a different first pick
9 candidate.

10 BY MR. SHEEHY:

11 Q. Even when -- and I think you
12 testified earlier, you find racially
13 polarized voting when, for example, white
14 voters are cohesive for candidate A, African
15 American voters are cohesive for candidate
16 A, and Latino voters are cohesive for
17 candidate B, you would code that as a
18 racially polarized election?

19 A. I would, yes.

20 Q. Okay. Are you aware of
21 allegations in this case that African

1 American and Latinos are cohesive together
2 in commissioner precinct 3 in Galveston
3 County?

4 MS. JAYARAMAN: Objection to
5 form.

6 THE WITNESS: Sorry, I'm not
7 aware of particular allegations.

8 BY MR. SHEEHY:

9 Q. So let's go to paragraph 34,
10 which is on page 6 of your report.

11 A. Okay.

12 Q. And this is your March 15th, 2023
13 report. Here, in this paragraph, you're
14 describing how to determine if Latino and
15 African American voters are voting
16 cohesively, correct?

17 MS. JAYARAMAN: Objection, form.

18 THE WITNESS: This -- in this
19 paragraph, I am describing how I categorize
20 when black and Latino voters were
21 politically cohesive, and I say that I

1 looked to see whether the two groups
2 selected the same first choice candidate in
3 general elections.

4 BY MR. SHEEHY:

5 Q. Okay. So in this same paragraph,
6 you're saying it's more appropriate to
7 analyze intergroup coordination in general
8 elections rather than in primaries, because
9 primary elections are the arena in which
10 groups that have similar ideologies or
11 political orientations vie to determine
12 their nominee for the general election.
13 Voters usually support the candidate in the
14 general election who shares their political
15 orientation regardless of whether that
16 candidate was the voter's preferred
17 candidate in the primary election.

18 Did I read that correctly?

19 A. You did.

20 Q. Okay. And then in paragraph 35,
21 you say, "in most cases in the United

1 States, racial ethnic cohesiveness will find
2 its expression through the two-party system.
3 Indeed, it would be difficult to
4 conceptualize racial or ethnic cohesion
5 within a single group or between two groups
6 that did not manifest itself by a clear
7 partisan preference. In other words, the
8 fact that Latino and black voters tend to
9 support candidates from one party is a
10 reflection of their cohesion, not an
11 alternative explanation for it."

12 Did I read that correctly?

13 A. You did.

14 Q. Okay. Is it your position, based
15 upon your analysis, that African Americans
16 generally support Democratic candidates?

17 MS. JAYARAMAN: Objection to
18 form.

19 THE WITNESS: That is not an
20 analysis I specifically conducted. The data
21 are available in my tables to show that, and

1 I do discuss in the report that black voters
2 generally support the Democratic party
3 nationwide. But the question that you
4 asked, I did not analyze specifically here.

5 BY MR. SHEEHY:

6 Q. Okay. So my question wasn't
7 terribly clear, so I'll try that again.

8 In the context of this paragraph,
9 okay, so in most cases in the United States
10 nationally, it's your position that African
11 Americans generally support Democratic
12 candidates?

13 MS. JAYARAMAN: Objection, form.

14 THE WITNESS: So, again, I
15 didn't -- I didn't analyze that to see
16 whether or not black and Latino -- how black
17 voters voted in Galveston, which party that
18 black voters in Galveston voted for. But,
19 yes, generally in the United States black
20 voters support the Democratic party.

21 BY MR. SHEEHY:

1 Q. Okay. And when you say that in
2 paragraph 34, that voters usually support
3 the candidate and the general election who
4 shares their political orientation, when you
5 say political orientation, are you saying
6 the candidate, or party for that matter,
7 that agrees with the voter on various
8 issues?

9 MS. JAYARAMAN: Objection, form.

10 THE WITNESS: What I mean by
11 political orientation is that phrase is
12 meant to capture broadly preferences and
13 ideologies that are politically relevant.
14 And so what I -- what I mean by that
15 statement is that voters will select the
16 candidate who shares their priorities,
17 preferences, and ideologies in an election
18 in the general election, typically.

19 BY MR. SHEEHY:

20 Q. So, for example, African
21 Americans generally support Democratic

1 candidates. They vote for those candidates
2 who share their political orientation in the
3 general election, correct?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: In the United
6 States, generally, there is a pattern that
7 black voters tend to support Democratic
8 candidates.

9 BY MR. SHEEHY:

10 Q. And Democratic candidates
11 represent the political orientation of
12 African Americans generally in the United
13 States, correct?

14 A. Research suggests that that is
15 the case, yes. That is not my analysis.

16 Q. I'm just trying to understand
17 this sentence in paragraph 34 combined with
18 paragraph 35. That's all I'm trying to
19 understand.

20 A. Okay.

21 Q. And so nationally, generally, the

1 for speculation.

2 THE WITNESS: I don't have any
3 research to draw on that would answer that
4 question particularly.

5 BY MR. SHEEHY:

6 Q. Okay. So given all of what
7 political orientation means in paragraph 34,
8 are you able to pinpoint why a particular
9 voter is voting for a particular candidate?

10 MS. JAYARAMAN: Objection, form.

11 THE WITNESS: I don't have access
12 to any survey data that would allow me to
13 answer that question.

14 BY MR. SHEEHY:

15 Q. So the answer to my question
16 would be no, then, correct?

17 MS. JAYARAMAN: Objection to
18 form.

19 THE WITNESS: I am -- I do not
20 have information about why voters select a
21 particular candidate in Galveston County

1 elections.

2 BY MR. SHEEHY:

3 Q. And you're not expressing an
4 opinion as to why voters are selecting
5 particular candidates in elections in
6 Galveston County?

7 A. It is my opinion that voters in
8 Galveston are selecting candidates who share
9 their political orientation.

10 Q. Okay. Now, when we are looking
11 at cohesion between African Americans and
12 Latinos collectively -- so collective
13 cohesion between Latinos and African
14 Americans -- are you suggesting that if the
15 first choice candidate receives 60 percent
16 of the Latino vote and 98 percent of the
17 African American vote, the two groups are
18 cohesive?

19 MS. JAYARAMAN: Objection, form.

20 THE WITNESS: Sorry, could you
21 restate the hypothetical one more time?

1 BY MR. SHEEHY:

2 Q. Of course. So under your
3 definition of cohesion, if African Americans
4 vote for candidate A at 98 percent and
5 Latinos vote for candidate A at -- if
6 Latinos vote for candidate A at 60 percent,
7 are you saying that African Americans and
8 Latinos voted collectively cohesively?

9 A. I would say that they chose the
10 same first choice candidate.

11 Q. But would you say in that
12 election, Latinos and African Americans were
13 collectively cohesive?

14 A. That is not a tabulation that I
15 created for this analysis. The tabulation
16 that I conducted for this analysis is to
17 determine the number of elections where
18 black and Latino voters shared the same
19 first-choice candidate.

20 Q. Okay. I guess I'm not sure where
21 there is a disconnect. So I guess if you

1 could explain to me, then, if Latinos vote
2 for candidate A at 60 percent and African
3 Americans vote for candidate A at 98
4 percent, why are they not cohesive
5 collectively?

6 MS. JAYARAMAN: Objection to
7 form.

8 THE WITNESS: I did not analyze
9 the extent to which black and Latino voters
10 as a single group voted in elections. That
11 was not the analysis that I conducted. So
12 that's why I can't answer the question.

13 MR. SHEEHY: Okay. So let's
14 bring up Exhibit 4. And if we can go to
15 table 1. And that's on page 13.

16 BY MR. SHEEHY:

17 Q. Do you see Dr. Alford's report in
18 front of you, Professor Trounstine?

19 A. I see it, yes.

20 Q. And table 1 is the combined RxC
21 estimates from your tables on pages A-17

1 through A-21 and then A-25 and 26?

2 A. Okay, yes.

3 Q. Okay. And did you review these
4 numbers in preparation for your April 7th,
5 2023 rebuttal report?

6 A. I read through these tables, yes.

7 Q. Do you have any reason to dispute
8 Professor Alford's numbers that he put here
9 from your report?

10 A. I do not have any reason to
11 dispute those numbers.

12 Q. Okay. So these are the 12
13 partisan elections that you analyzed,
14 correct?

15 A. I think that's inclusive, but I
16 would need to double-check.

17 Q. Okay. Well, I mean, we could go
18 through this, I guess, relatively quickly,
19 counting them. You have the county sheriff
20 election is one, correct?

21 A. Yes.

1 voted cohesively for their candidate of
2 choice.

3 Q. Okay. Now, the elections that we
4 looked at on page 18 of Alford's report and
5 page 19 of Alford's report, those were both
6 the Democratic primary elections that you
7 analyzed, correct?

8 A. Could you go back to page -- the
9 previous page so I could see Table 3 one
10 more time.

11 Q. Actually, why don't we take it
12 one at a time since we have this page up
13 already, that will make it easier.

14 The elections that you analyzed
15 that are depicted here on page 19 of
16 Professor Alford's March 17th, 2023 report,
17 these are the Democratic primary elections
18 for Galveston County Commissioner, correct?

19 A. That's correct.

20 Q. And if we go to page 18, please.
21 And this is Table 3 on page 18 from

1 Professor Alford's report. These are the
2 exogenous primary elections that you
3 analyzed, correct?

4 A. I need to go back to my report in
5 order to ensure that I'm answering this
6 question properly.

7 Q. Okay.

8 A. So could I do that?

9 Q. You have your report in front of
10 you, correct?

11 A. I have a copy of it here, yes.

12 Q. Okay. So it looks like these are
13 taken from pages A-27 through 29 in your
14 appendix.

15 A. Yes, these are primary election
16 results.

17 Q. Okay. And does the same pattern
18 appear on page 18 Table 3 of Professor
19 Alford's report where Latino and African
20 American voters were each individually as a
21 group cohesive for one candidate?

1 MS. JAYARAMAN: Objection, form.

2 THE WITNESS: Can you please
3 restate that question? I didn't quite
4 understand what you were asking.

5 BY MR. SHEEHY:

6 Q. You know what, Professor? I
7 didn't understand what I was asking either,
8 good point.

9 Let's make this easy. The
10 commissioner of general land office election
11 from May 24, 22, between Sandragrace
12 Martinez and Jay Kleberg, that is the only
13 election on this page where Latinos and
14 African Americans were both cohesive for the
15 same candidate, correct?

16 MR. SHEEHY: Objection, form.

17 THE WITNESS: On this page,
18 Latino voters and black voters voted
19 cohesively for Sandragrace Martinez in that
20 election.

21 BY MR. SHEEHY:

1 Q. And there's no other election
2 where Latinos and African Americans voted
3 cohesively for the same candidate, correct?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: In this table there
6 are no other races that are shown where
7 black and Latino voters selected the same
8 first choice candidate cohesively.

9 BY MR. SHEEHY:

10 Q. Okay.

11 A. In my estimate, not by Professor
12 Alford's estimate.

13 Q. Correct. We're just talking
14 about your estimates. And since you have
15 appendix A-27 and 28 of your report up, look
16 at them side by side, the Latino vote is
17 bolded at 86.23, the African American vote
18 is bolded at 74.47. And on appendix 29, the
19 white vote is bolded at 64.30, correct?

20 A. Yes.

21 Q. And for different candidates the

1 white vote went for Jay Kleberg, correct?

2 A. Correct.

3 Q. Okay. And the African American
4 and Latino vote went for Sandragrace
5 Martinez, correct?

6 A. That is correct.

7 Q. Okay. Let's go to page 13 of
8 Professor Alford's report, table 1. Do you
9 see table 1 on page 13 from Professor
10 Alford's March 15th, 2023 report in front of
11 you?

12 A. I see that, yes.

13 Q. And this is the combined RxC
14 estimates for your tables on appendix 17
15 through appendix 21 and appendix 25 and 26,
16 correct?

17 A. Correct.

18 Q. Okay. And in this one, the
19 Latino and African American voters were both
20 individually as a group cohesive for Mark
21 Salinas for the county sheriff, correct?

1 MS. JAYARAMAN: Objection, form.

2 THE WITNESS: In the county
3 sheriff race, black voters cohesively
4 supported Mark Salinas and Latino voters
5 cohesively supported Mark Salinas.

6 BY MR. SHEEHY:

7 Q. And the district court judge 405,
8 Latinos supported Teresa Hudson cohesively
9 and African Americans supported Teresa
10 Hudson cohesively, correct?

11 A. That is correct.

12 Q. And in both of these first two
13 elections, county sheriff and district court
14 judge, the candidate of choice for Latino
15 and African American voters was a
16 Democratic, correct?

17 A. In the county sheriff race, a
18 Latino Democrat, yes, and in the district
19 court judges race a black Democrat, yes.

20 Q. Yes. In the U.S. house district
21 race, district 14, Randy Weber and Adrienne

1 Bell, African American and Latino voters
2 were both cohesive as their own group for
3 Adrienne bell, correct?

4 MS. JAYARAMAN: Objection, form.

5 THE WITNESS: Each group voted
6 cohesively for the black candidate who is a
7 Democrat, Adrienne bell.

8 BY MR. SHEEHY:

9 Q. County judge from November 7,
10 2006, Latino voters voted cohesively for
11 James Yarbrough, correct?

12 A. That is correct.

13 Q. And African Americans voted
14 cohesively for James Yarbrough?

15 A. That is correct.

16 Q. And James Yarbrough is a
17 Democrat, correct?

18 A. That is correct.

19 Q. And county judge election in
20 2010, Latino voters voted cohesively for the
21 Democrat James Yarbrough?

1 A. Yes.

2 Q. And African Americans voted
3 cohesively for James Yarbrough?

4 A. Yes.

5 Q. And, again, James Yarbrough is a
6 Democrat, correct?

7 A. That is correct.

8 Q. And then commissioner precinct 4,
9 November 5, 2002, Latinos voted cohesively
10 for the Democrat Chris John Mallios,
11 correct?

12 A. That is correct.

13 Q. And African Americans voted
14 cohesively for the Democrat Chris John
15 Mallios, correct?

16 A. That is correct.

17 Q. In the November 2nd, 2004
18 commissioner court precinct election for
19 commissioner precinct 3, that was
20 commissioner Stephen Holmes, an African
21 American, correct?

1 cohesiveness for James Yarbrough the Democrat,
2 correct?

3 A. I'm sorry, you were fuzzy right
4 then for a minute. My internet might be
5 unstable. Could you repeat that, please?

6 Q. Of course. The African American
7 vote was cohesive for James Yarbrough, the
8 Democrat, correct?

9 A. Yes, that is correct.

10 Q. And in this election it looks
11 like white voters also voted cohesively for
12 James Yarbrough, the Democrat, correct?

13 A. That is correct, according to my
14 calculations.

15 Q. And this is November 5, 2002,
16 correct?

17 A. Yes.

18 Q. And this election featured a
19 Democrat versus Dan Murphy, who is a
20 libertarian, correct?

21 MS. JAYARAMAN: Counsel, you're

1 breaking up quite a bit on our end.

2 MR. SHEEHY: I'm not sure what's
3 causing that but thank you for letting me
4 know. Is this more clear now?

5 MS. JAYARAMAN: Unfortunately
6 not. And we're dialed in by phone so I
7 don't think it's an internet issue on our
8 end for the audio.

9 MR. SHEEHY: Okay. Let me know
10 if this gets better here.

11 BY MR. SHEEHY:

12 Q. So Dan Murphy was the libertarian
13 candidate, correct?

14 A. Correct.

15 Q. And the last election on here,
16 Mark Henry and William Young, the Latino
17 vote went for the Republican Mark Henry,
18 correct?

19 A. That is correct.

20 Q. And Latinos were cohesive in
21 favor of Mark Henry, correct?

1 A. That is correct.

2 Q. And Mark Henry is a Republican,
3 right?

4 A. That is how I have him coded,
5 yes.

6 Q. And William Young is an
7 independent, correct?

8 A. That is how I have him coded,
9 yes.

10 Q. And African American voters voted
11 cohesively for William Young, correct?

12 A. That is correct.

13 Q. Ms. Jayaraman, how is the
14 connection? Is it getting better?

15 MS. JAYARAMAN: It is. Yes.
16 We'll let you know if it starts dropping
17 again.

18 MR. SHEEHY: Okay.

19 BY MR. SHEEHY:

20 Q. So I think we saw in the primary
21 elections that we just went through both the

1 commissioner court precinct Democratic
2 primaries and the exogenous Democratic
3 primary elections. African American and
4 Latino voters were cohesive together. I
5 know we're talking separate cohesion. Let
6 me phrase it this way. In the primary
7 elections that we went through, both
8 commissioner court precinct elections and
9 exogenous elections, primary elections, we
10 saw only on two occasions where Latino
11 voters and African American voters were
12 cohesive as their own group for the same
13 candidate, correct?

14 MS. JAYARAMAN: Objection, form.

15 THE WITNESS: That was the
16 conversation that we had. But that did
17 not -- that was not part of the analysis
18 that I conducted in my report nor was it
19 part of the analysis that I conducted to
20 draw conclusions in my report.

21 BY MR. SHEEHY:

1 A. Yes, that is correct.

2 Q. Okay. Isn't that what is
3 happening here, that Latino and African
4 American voters, in the elections in Table
5 1, are voting for candidates based upon
6 shared political orientation, correct?

7 MS. JAYARAMAN: Objection, form.

8 THE WITNESS: My presumption is
9 that all of the elections feature situations
10 in which voters vote for the candidate who
11 shares their political orientation.

12 BY MR. SHEEHY:

13 Q. Okay. And the same would be true
14 for white voters on Table 1 of page 13 of
15 Professor Alford's report?

16 MS. JAYARAMAN: Objection, form.

17 THE WITNESS: I think I'm not
18 quite understanding this line of
19 questioning. Can you ask one more time,
20 please?

21 BY MR. SHEEHY:

1 Q. Of course. So in the elections
2 on this page, 12 elections, page 13 of John
3 Alford's report containing your appendix
4 pages A-17 through A-21, A-25, and A-26, is
5 it your opinion that white voters in
6 Galveston County are voting for Republican
7 candidates because Republican candidates
8 share their political orientation?

9 MS. JAYARAMAN: Objection, form.

10 THE WITNESS: It is not possible
11 for me to say why white voters are voting
12 the way that they do in Galveston County.
13 My presumption is that, generally speaking,
14 voters vote for candidates who share their
15 political orientation.

16 BY MR. SHEEHY:

17 Q. And you don't have any reason to
18 believe that's not occurring in Galveston
19 County, correct?

20 MS. JAYARAMAN: Objection, form.

21 THE WITNESS: I expect that

1 voters in Galveston County are voting for
2 the candidates who share their political
3 orientation.

4 BY MR. SHEEHY:

5 Q. Okay. So I want to switch topics
6 here. So I want to talk briefly about
7 standard errors, which you report in the
8 elections in your appendix, correct?

9 A. I do report standard errors for
10 all of the estimates, yes.

11 Q. I think there are a few estimates
12 that you don't report standard errors for,
13 but we can look at those.

14 MS. JAYARAMAN: Objection to
15 form.

16 BY MR. SHEEHY:

17 Q. Well, I mean, we can -- so, for
18 example, on Appendix A-30, do you have that
19 in front of you?

20 A. I do.

21 Q. You see the November 3rd, 2020

1 election for La Marque City Council?

2 A. I see that yes.

3 Q. And your RxC column, you have an
4 N/A for all three estimates. You have an
5 N/A for the standard error column, correct?

6 A. Correct.

7 Q. Okay. So why didn't you report a
8 standard error for that election?

9 A. The standard errors are
10 calculated by the computer program that I
11 run, and no standard errors were reported
12 for that election.

13 Q. So let me ask a couple questions
14 here about the standard error.

15 With standard errors, the smaller
16 the number, the smaller the standard error,
17 the better, correct?

18 MS. JAYARAMAN: Objection, form.

19 THE WITNESS: That's not exactly
20 how to -- how I think about standard errors.

21 BY MR. SHEEHY:

Declaration of Dr. Matt A. Barreto and Michael Rios, MPP

1. Pursuant to 28 U.S.C. section 1746, I, Matt Barreto, and my co-author, Michael Rios, declare as follows:
2. My name is Matt Barreto, and I am currently Professor of Political Science and Chicana/o Studies at the University of California, Los Angeles. I was appointed Full Professor with tenure at UCLA in 2015. Prior to that I was a tenured professor of Political Science at the University of Washington from 2005 to 2014. At UCLA I am the faculty director of the Voting Rights Project in the Luskin School of Public Affairs and I teach a year-long course on the Voting Rights Act (VRA), focusing specifically on social science statistical analysis, demographics and voting patterns, and mapping analysis that are relevant in political science expert reports in VRA cases. I have written expert reports and been qualified as an expert witness more than four dozen times in federal and state voting rights and civil rights cases, including many times in the state of Texas. I have published peer-reviewed social science articles specifically about minority voting patterns, racially polarized voting, and have co-authored a software package (eiCompare) specifically for use in understanding racial voting patterns in VRA cases. I have been retained as an expert consultant by counties across the state of Texas to advise them on racial voting patterns as they relate to VRA compliance during redistricting. As an expert witness in VRA lawsuits, I have testified dozens of times and my testimony has been relied on by courts to find in favor of both plaintiffs and defendants.
3. I have published books and articles specifically about the intersection of partisanship, ideology and racially polarized voting. My 2013 book, *Change They Can't Believe In* was published by Princeton University Press and was about the inherent connectedness between partisanship and racial attitudes in America today, and won the American Political Science Association award for best book on the topic of racial and ethnic politics.
4. I submitted an expert report in Galveston County, Texas in the 2013 lawsuit, *Petteway v. Galveston*, No. 3:11-cv-308. In that report I examined voting and population demographic trends and concluded that Black and Hispanic voters were cohesive and supported like candidates of choice, and that Anglos block-voted against minority candidates of choice. The court accepted that racially polarized voting was prevalent in Galveston County, Texas.
5. I am the primary author of this report and collaborated in its development with my co-author Mr. Michael Rios, MPP, senior data scientist at the UCLA Voting Rights Project. I have worked closely with Mr. Rios for over four years and he has extensive expertise with racially polarized voting analysis in the state of Texas, including authoring a report on racially polarized voting in Galveston County in 2021 and recently performing a racially polarized voting analysis in *Portugal et al. v. Franklin County et al.* (October 2020), a lawsuit involving the Washington Voting Rights Act.
6. My full professional qualifications and activities are set forth in my curriculum vitae. A true and correct copy has been attached hereto as Appendix E1. I, Dr. Barreto, am being compensated by Plaintiffs at a rate of \$400 per hour for my report and \$500 an hour for any oral testimony in this case. Mr. Rios is being compensated by Plaintiffs at a rate of \$275 an

hour for his work on the report and \$350 per hour for any oral testimony in this case. A true and correct copy of Mr. Rios' qualifications and activities are set forth in his curriculum vitae, of which a true and correct copy has been attached hereto as Appendix E2.

7. In this portion of my expert analysis, we were asked to assess voting patterns in Galveston County to determine if Black, Hispanic¹ and Anglo voters exhibit racially polarized voting.
8. We also reviewed the existing Galveston County Commission Precinct Plan to determine what impact the 2021 adopted plan had on Black and Hispanic opportunities to elect candidates of choice. As part of this analysis, we reviewed alternative maps submitted by Plaintiffs Terry Petteway, Derreck Rose, Michael Montez, Penny Pope and Sonny James that would allow minority voters to create and/or maintain opportunities to elect candidates of choice.
9. We obtained data from the Texas Legislative Council (TLC) and the Capitol Data Project for statewide election results by county and voter demographics by county. We also obtained data from the Galveston County, Texas recorder-clerk of elections including election results. We obtained district map data by performing a spatial overlay of CVAP data with a map of 2022 VTDs. CVAP estimates are from the U.S. Census ACS disaggregated to census blocks, downloaded from the Redistricting Data Hub.² The map of 2022 VTDs was downloaded from the TLC website.³ All data are available at the voting tabulation district or voting precinct (VTD) level and we have merged together the election returns with voter racial/ethnic demographics to create a standard dataset for analyzing voting patterns. Race and population data were obtained from the U.S. Census 2020 PL-94 Redistricting files, U.S. Census American Community Survey (ACS) datasets, as well as Spanish Surname Registered Voters and Spanish Surname Turnout, which was obtained from TLC repository.

I. Background Conclusions

10. First, more than 25 elections analyzed from 2014 to 2022 reveal a strong and consistent pattern of racially polarized voting in Galveston County. This analysis was conducted across 29 elections for local, state and federal office, using two complimentary court-approved ecological inference techniques, and relying on Census citizen voting age population (CVAP) data, Spanish Surname voter file data, and voter turnout modeled data. The result was more than 350 ecological inference models. In every single instance both Black and Hispanic voters were found to be strongly cohesive in their support for minority preferred candidates. When analyzing Black and Hispanic voters independently or combined, Black voters are strongly cohesive, and vote consistently with Hispanic voters who are likewise cohesive and vote consistently with Black voters. The analysis reports Anglo voters uniformly block vote against Hispanic and Black candidates of choice in Galveston County. There is no question that both

¹ We utilize the terms "Latino" and "Hispanic" interchangeably throughout this report to refer to individuals who self-identify as Latino or Hispanic. Additionally, the terms "Latino" and "Hispanic" mean persons of Hispanic Origin as defined by the United States Census Bureau and U.S. Office of Management and Budget (OMB).

² "Texas CVAP Data Disaggregated to the 2020 Block Level (2020)," Redistricting Data Hub, April 21, 2022, <https://redistrictingdatahub.org/dataset/texas-cvap-data-disaggregated-to-the-2020-block-level-2020/>.

³ "VTDs," Capitol Data Portal, August 18, 2022, <https://data.capitol.texas.gov/dataset/vtds>.

Gingles prongs – prong two of minority cohesiveness and prong three related to Anglo bloc voting, are easily met in Galveston County.

11. Second, Galveston County racial and ethnic population demographics changed significantly over the last decade with Anglos declining from 59.3% of the county population in 2010 to 54.6% in 2020. While the Anglo population grew by just 10.8% or 18,706, the non-Anglo (racial minority) population in Galveston grew by 34.3% or 40,667 in just 10 years. The Hispanic population was the fastest growing in the county and increased by 23,366 (35.8%).
12. Third, the map adopted by the Galveston County Commission dilutes the Black and Hispanic vote by eliminating a currently performing district which elects a Hispanic and Black candidate of choice. Given the large increases in the minority populations, and the conclusive finding of racially polarized voting, the adopted map could have easily drawn a performing district for minority voters consistent with the VRA. The adopted map failed to reflect growth in both Hispanic and African-American communities and dilutes the ability of both groups to elect candidates of choice.

II. Galveston County Population Growth and Enacted Map Characteristics

13. To situate the discussion over voting patterns and minority representation, we begin with a broader view of Galveston County and how its population has changed and shifted over the past two decades. Overall, Galveston gained over 100,000 in population since 2000 with 59,373 coming in between 2010-2020. However, these gains were uneven by geography and race/ethnicity. Specifically, the Anglo/White population experienced an 8.5-point drop in population share from 2000 to 2020 going from 63.1% of the county population to now just 54.6%. According to the 2021 U.S. Census American Community Survey (ACS) the Anglo population in Galveston has declined by an additional percentage point and is now 53.7% as of 2021. In contrast, the Latino population almost doubled in 20 years, growing from 44,939 to 88,636. In the past 10 years the Latino population was the fastest growing segment of Galveston, adding more than 23,000 in population and now represents 25.3% of the county total. Overall, the non-Anglo racial minority population grew by 72.6% in the past two decades, compared to 21.2% growth among Anglos. There is no question that Galveston County demographics are changing and becoming increasingly non-Anglo, racial minority. Today, the county population is close to evenly divided between Anglos and non-Anglo racial minorities and by 2025 Galveston is projected to be a majority-minority population county. A districting scheme must take into account population shifts and draw boundaries around communities of interest, careful not to overly pack or crack minority communities.
14. From a population growth perspective, the 67,017 increase in minority residents should have made the retention of an existing minority-performing district simple. In fact, because the county became *more heavily* minority, a map drawer would have to go out of their way to reduce and dilute the minority vote. A map put forward by Commissioner Holmes in 2021 allowed for a VRA-compliant district to be drawn in Galveston that would allow minorities the opportunity to elect their candidates of choice. Rather than maintaining a minority-performing district, the adopted plan cracks the Black and Hispanic population so that it is narrowly too small to be able to elect a candidate of choice.

15. According to the 2020 Decennial Census, there is no question that the *Gingles One* standard can be met and a performing district can be drawn that is majority Black and Hispanic citizen adult.

Table 1: Galveston County Population Change 2000 to 2020 by race/ethnicity

	2000	2010	2020	00-20 Change	00-20 % chg	10-20 Change	10-20 % chg
Galveston Total	250,158	291,309	350,682	100,524	40.2%	59,373	20.4%
Anglo	157,851 (63.1%)	172,652 (59.3%)	191,358 (54.6%)	33,507	21.2%	18,706	10.8%
Non-Anglo (Racial Minority)	92,307 (36.9%)	118,657 (40.7%)	159,324 (45.4%)	67,017	72.6%	40,667	34.3%
Hispanic	44,939 (17.9%)	65,270 (22.4%)	88,636 (25.3%)	43,697	97.2%	23,366	35.8%
Black	38,179 (15.3%)	39,229 (13.5%)	43,120 (12.3%)	4,941	12.9%	3,891	9.9%
Asian	5,152 (2.1%)	8,515 (2.9%)	12,202 (3.5%)	7,050	136.8%	3,687	43.3%
All other/ multi-racial	4,037 (1.6%)	5,643 (1.9%)	15,366 (4.4%)	11,329	280.6%	9,723	172.3%

III. Racially Polarized Voting Analysis

16. We next examine whether voters of different racial/ethnic backgrounds tend to prefer different or similar candidates in a wide range of electoral settings. The phenomenon called *racially polarized voting* (RPV) is defined as voters of different racial or ethnic groups exhibiting different candidate preferences in an election. It means simply that voters of different groups are voting in polar opposite directions, rather than in a coalition. However, if some groups of voters are voting in coalition, RPV analysis will identify such a trend. Voters may vote for their candidates of choice for a variety of reasons, and RPV analysis is agnostic as to why voters make decisions, instead RPV simply reports *how* voters are voting. It measures the outcomes of voting patterns and determines whether patterns track with the race/ethnicity demographics of neighborhoods, cities, and voting precincts.
17. Issues related to minority vote dilution are especially consequential in the face of racially polarized voting. In 1986 the Supreme Court issued a unanimous ruling (*Thornburg v. Gingles*) that redistricting plans cannot dilute minority voting strength by cracking their population into multiple districts, nor can they pack the population into too few districts. In

this decision, the Court established specific tests to determine if a redistricting plan violated the VRA, in particular calling on a statistical analysis of voting patterns by race and ethnicity. The *Gingles* test concerns how minorities and Anglos vote, and whether they prefer the same, or different candidates. Specifically, the Court asks if minority voters are cohesive (*Gingles Prong Two*); if they generally tend to vote for a “candidate of choice.” And next, the Court examines who the larger majority (or Anglo) voters prefer as their candidate and, if that candidate is different than the minority candidate of choice, whether they regularly vote as a bloc to defeat the minority candidate of choice (*Gingles Prong Three*). Evidence of voting patterns differing by the race of voters was called “racially polarized voting” by the courts, to simply describe a finding in which voters of one racial group were voting in one direction, but voters of the other racial group were voting in the opposite direction – their patterns are polarized.

18. Several methods are available to assess the *Gingles* preconditions of minority cohesion and Anglo bloc voting.⁴ Ecological Inference (EI) “has been the benchmark in evaluating racial polarization in voting rights lawsuits and has been used widely in comparative politics research on group and ethnic voting patterns.”⁵ Two variations of EI that have emerged are referred to as King’s EI and EI: RxC. The two methods are closely related, and Professor Gary King, the creator of King’s EI,⁶ was a co-author and collaborator on the RxC method.⁷ Generally speaking, both methods take ecological data in the aggregate—such as precinct vote totals and racial demographics—and use Bayesian statistical methods to find voting patterns by regressing candidate choice against racial demographics within the aggregate precinct. King’s EI is sometimes referred to as the iterative approach, in that it runs an analysis of each candidate and each racial group in iterations, whereas the RxC method allows multiple rows (candidates) and multiple columns (racial groups) to be estimated simultaneously in one model. In essence, both versions of EI operate as described above: by compiling data on the percentage of each racial group in a precinct and merging that with precinct-level vote choice from relevant election results.

⁴ For an approachable overview of this material, see Bruce M. Clarke & Robert Timothy Reagan, Federal Judicial Center, *Redistricting Litigation: An Overview Of Legal, Statistical, and Case-Management Issues* (2002).

⁵ Loren Collingwood, Kassra Oskooii, Sergio Garcia Rios, and Matt Barreto, *eiCompare Comparing Ecological Inference Estimates across EI and EI:Rx C*, 8 R. J., 93 (2016); *see also* Abrajano et al., *Using Experiments to Estimate Racially Polarized Voting*, UC Davis Legal Studies Research Paper No. 419 (2015) (“ecological inference (EI)...[is] the standard statistical tool of vote-dilution litigation). Despite the method’s prominence, researchers have identified certain limitations on EI’s ability to reveal race-correlated voting patterns in jurisdictions with more than two racial groups and non-trivial residential integration. *See* D. James Greiner, *Re-Solidifying Racial Bloc Voting: Empirics and Legal Doctrine in the Melting Pot*, 86 Indiana L. J. 447–497 (2011); D. James Greiner & Kevin M Quinn, *Exit Polling and Racial Bloc Voting: Combining Individual Level and Ecological Data*, 4 Annals Applied Statistics, 1774–1796 (2010). Strategic calculations by potential candidates as well as interest groups and donors also skew EI data. Abrajano, Marisa A., Christopher S. Elmendorf, and Kevin M. Quinn, *Racially Polarized Voting* (2015); D. James Greiner, *Causal Inference in Civil Rights Litigation*, 122 Harv. L. Rev. 533, 533–598 (2008).

⁶ *See* Gary King, *A Solution to the Ecological Inference Problem Reconstructing Individual Behavior from Aggregate Data*, Princeton University Press (1997).

⁷ *See* Ori Rosen, Wenxin Jiang, Gary King, and Martin Tanner, Bayesian and frequentist inference for ecological inference: the R x C case, *Statistica Neerlandica*, vol. 55 at 134-46 (2001).

19. One popular software program that has been relied on by Federal Courts is *eiCompare*, which imports data and runs both King’s EI and RxC models and offers comparison diagnostics.⁸ Collingwood, et al. (2016) have concluded that both EI and RxC produce similarly reliable regression estimates of vote choice. The EI models are agnostic on what type of input data political scientists use for racial demographics. It can be Voting Age Population (VAP) data from the U.S. Census, it can be a Spanish surname analysis of registered voters, or it can be a BISG estimate of race of the voter file. If the analyst is well-trained and uses the software properly, the models will perform the same statistical analysis and produce reliable estimates about voter preference by race.
20. To conduct analysis on a county as diverse as Galveston we rely on three different types of racial/ethnic demographic data. First, we used CVAP data from the U.S. Census ACS disaggregated to census blocks, downloaded from the Redistricting Data Hub.⁹ Then, we performed a spatial overlay joining the CVAP data with a map of 2022 VTDs, downloaded from the TLC website. CVAP data is particularly useful for Anglo and Black racial estimates which are more difficult to derive from a surname analysis alone. The second data source is Spanish surname turnout, downloaded for each voting precinct/VTD from the TLC website. Spanish surname lists can be used to flag Hispanic voters on the actual voter file, in this case, among those who actually turned out to vote in elections. The third data source is modeled voter turnout by race. Here we use actual votes cast by each VTD over the denominator of total eligible voters (CVAP) to derive the turnout rate, which is then regressed against CVAP by race to arrive at a turnout rate for each racial or ethnic voting population. Using the turnout rate among eligible voters, we can then model what the racial composition of actual voters is by race within each VTD and use this as the input variable. For all models, we relied on CVAP, Spanish surname and modeled voters to produce estimates, and in every instance the Spanish surname estimates closely replicated and matched the Hispanic CVAP or Hispanic voters estimates.
21. Across all elections analyzed there is a clear, consistent, and statistically significant finding of racially polarized voting in Galveston County. Time and again, Black and Hispanic voters in Galveston are cohesive and vote for candidates of choice by roughly a 3-to-1 margin or greater, and always in contrast to Anglo voters who bloc-vote against minority candidates of choice. These voting patterns have been widely reported for at least three decades of voting rights litigation in Texas, including in Galveston area state or federal districts, and Federal courts have routinely concluded that elections in Texas are racially polarized. Galveston County is no different. What’s more, this information is well-known to county and state map drawers and demographers and expert consultants in Galveston County. In particular, Galveston County Commissioner Holmes shared a report on racially polarized voting by Mr. Rios at the November 12, 2021, commission meeting, documenting that patterns of racially polarized voting were present in Galveston at the time they were tasked with the 2022 redistricting process.¹⁰

⁸ Loren Collingwood, Kassra Oskooii, Sergio Garcia Rios, and Matt Barreto, *eiCompare Comparing Ecological Inference Estimates across EI and EI:R x C*, 8 R J., 93 (2016).

⁹ “Texas CVAP Data Disaggregated to the 2020 Block Level (2020),” Redistricting Data Hub, April 21, 2022, <https://redistrictingdatahub.org/dataset/texas-cvap-data-disaggregated-to-the-2020-block-level-2020/>.

¹⁰ Galveston County Commissioner’s Court November 12, 2021 Special Hearing Tr. 68: 14-23.

22. Mr. Rios analyzed recent elections in 2018 and 2020 and concluded that Black and Hispanic voters were cohesive and that Anglos block voted against minorities in each election. This report was consistent with the 2013 expert report of Barreto and Pedraza that also found patterns of polarized voting across 24 elections.
23. In the more than 350 ecological inference statistical models performed for this report, based on well-established social science published methodology, we conclude that across the 29 elections and 5 election cycles, elections in Galveston County are defined by racially polarized voting (see Appendix A table of racially polarized voting).
24. In elections across Galveston County ecological inference models point to a clear pattern of racially polarized voting. Hispanic voters and Black voters demonstrate unified and cohesive voting, siding for the same candidates of choice with high support. In contrast, Anglo voters strongly block vote against minority candidates of choice. Anglo block voting appears to be uniform across elections from 2014 to 2022 with rates over 85% opposition to minority-preferred candidates. Anglo voters demonstrate considerable block voting against Hispanic and Black candidates of choice, regularly voting in the exact opposite pattern of Hispanic and Black voters in Galveston. This is consistent with election analysis for Galveston County I presented in an expert report in 2013 that found Black and Hispanic voters to be unified across 24 elections from 2002 to 2012 while Anglos block voted against minority candidates of choice. Thus, this pattern is now consistent across 53 elections over 20 years in Galveston.
25. It is important to acknowledge that not every election contest contains a minority-preferred candidate. In some elections, voters are more or less agnostic about the candidates, while in other elections voters have deep preferences for their candidates of choice. In Galveston County, most elections are partisan and candidates register and run for office most commonly as a Democrat or Republican whether it is for local county office or statewide. In these instances, partisan general elections are often understood by voters through a racial/ethnic lens. Indeed, political science research has proven conclusively that attitudes about racial public policy issues, views on immigrants, and even racial animus influence partisanship among White voters¹¹. Thus, it is voters views on matters of race that often push White voters today into voting for Republican candidates in the first place, providing a clear link to racially polarized voting even when one considers partisanship¹². (For more on partisanship being intertwined with racial attitudes, see Section IV below, page 9)

¹¹Marc Hooghe and Ruth Dassonneville. 2018. "Explaining the Trump Vote: The Effect of Racist Resentment and Anti-Immigrant Sentiments" *PS: Political Science & Politics*, Volume 51, Issue 3, July 2018, pp. 528 – 534; Ashley Jardina. 2021. "In-Group Love and Out-Group Hate: White Racial Attitudes in Contemporary U.S. Elections" *Political Behavior* volume 43, pages 1535–1559

¹² Michael Tesler and David Sears. 2010. "President Obama and the Growing Polarization of Partisan Attachments by Racial Attitudes and Race." *American Political Science Association Annual Conference*. August.; Michael Tesler. 2012. "The Spillover of Racialization into Health Care: How President Obama Polarized Public Opinion by Racial Attitudes and Race" *American Journal of Political Science*. 56(3); Michael Tesler. 2013. "The Return of Old-Fashioned Racism to White Americans' Partisan Preferences in the Early Obama Era" *The Journal of Politics*. 75(1); Caroline J. Tolbert, David P. Redlawsk and Kellen J. Gracey. 2018. "Racial attitudes and emotional responses to the 2016 Republican candidates." *Journal of Elections, Public Opinion and Parties*. 28

26. In Galveston County, Blacks and Hispanics vote cohesively, together, for like candidates of choice. In particular, the analysis reveals that Black and Hispanic voters are cohesive in local elections for county offices such as County Judge, County Sherriff, District Court Judge and more, and are also cohesive for statewide elections for Governor, U.S. Senate, and President.
27. Specifically looking at the portion of Galveston County with the largest non-Anglo population Black and Hispanic voters demonstrate overwhelming political cohesion in general elections. Here, primary elections are not as probative a source of information about political cohesion, given that neither group constitutes an outright majority and the relatively low primary voter turnout among minorities.
28. It is also the case that Hispanic communities in Galveston are considerably younger and have lower rates of citizenship, resulting in a smaller pool of eligible voters as compared to Anglos. Due to a long history of discrimination and institutional policies related to voter registration, voter identification laws, access to early voting and absentee-mail voting, Hispanics in Texas have lower rates of voter registration and lower rates of voter turnout.¹³ The result is that map drawers throughout Texas, knowledgeable of these trends, dilute the Hispanic vote by creating districts in which Hispanic voters are not large enough in size to overcome the high degree of Anglo bloc-voting against their candidates of choice. For this reason, analysis of actual vote history can be important in understanding Hispanic voting patterns with more precision.
29. While CVAP data from the U.S. Census ACS can provide reliable vote choice estimates by racial group, we can also examine Spanish Surname voters from data compiled by TLC. In particular for groups that have lower rates of citizenship, registration or turnout, such as Hispanics, we can use data from the official voter rolls for actual people who voted to more precisely measure the percentage of Hispanics in a given voting precinct/VTD. We have replicated all ecological inference analyses using Spanish Surname turnout for each respective election year to also provide vote choice estimates for Spanish Surname voters. As the results make clear, Spanish Surname voters in Galveston County vote cohesively for Hispanic candidates of choice, and face bloc-voting against their candidates of choice by Anglo voters. Black voters demonstrate cohesion with Spanish Surname voters in Galveston.

IV. Partisanship, Ideology and Racially Polarized Voting

30. Racially polarized voting is well known and well documented as an indicator of discrimination and has been a hallmark statistical measured relied on by the courts in states and jurisdictions being challenged under the Federal VRA. But racially polarized voting does not occur in a vacuum. Social science research has documented extensively that the underlying catalysts

¹³ *Veasey v. Perry*, 71 F. Supp. 3d 627, 697 (S.D. Tex. 2014), aff'd in part, vacated in part, remanded sub nom. *Veasey v. Abbott*, 796 F.3d 487 (5th Cir. 2015), on reh'g en banc, 830 F.3d 216 (5th Cir. 2016), and aff'd in part, vacated in part, rev'd in part sub nom. *Veasey v. Abbott*, 830 F.3d 216 (5th Cir. 2016)

triggering bloc voting are racial attitudes and stereotypes¹⁴ and courts have routinely relied on measures like these as evidence of discrimination in voting lawsuits.¹⁵

31. In fact, extensive political science research has documented that measures of White racial attitudes have actually become more negative towards Blacks since the 2008, and in turn, have become more intertwined with partisanship. Research by Crayton et al. (2013) reports more than a 10-point increase in the percent of Whites who agreed that “if Blacks would only try harder they could be just as well off as Whites” in 2008 following the election of Barack Obama. At the same time, the American National Election Study (ANES) has shown that in states such as Texas, White voters increasingly believe that Blacks, Hispanics, Asians and Jews have “too much influence in politics” and that Whites have too little influence. Research documents that these beliefs have now been solidified as guiding principles in party affiliation.¹⁶ Specifically, Crayton et al. draw the link between racial attitudes and partisanship noting “One might be inclined to characterize these findings simply as the product of partisanship rather than racial bloc voting, but additional data refute any serious suggestion that ideology accounts for these changes.” To further investigate this relationship, Crayton et al. examined racial attitudes, partisanship and voting patterns across all 50 states and dismissed the claim that racially polarized voting was nothing more than partisanship. They conclude “party affiliation alone simply cannot account for this difference in states with roughly similar patterns of allegiance to Republican ideology.”

32. Indeed, there is an abundance of published research in leading academic publications which finds that attitudes about racial public policy and views on immigrants are leading indicators of party affiliation among Whites.¹⁷ Scholarly research has produced several significant findings showing that prejudice and discriminatory attitudes towards Blacks and Latinos persists and that it is one of the strongest predictors of party attachment among Whites.¹⁸

33. Further, a preponderance of the scholarship concludes that harboring negative racial attitudes is the underlying mechanism responsible for producing racial bloc voting among Whites, against minority candidates for elected office. For example, in a large-scale study of racial attitudes and voting, Professor Keith Reeves finds that “a significant number of Whites harbor feelings of

¹⁴ Edward G. Carmines & James A. Stimson, *ISSUE EVOLUTION: RACE AND THE TRANSFORMATION OF AMERICAN POLITICS* (Princeton Univ. Press 1989); Thomas B. Edsall & Mary D. Edsall, *CHAIN REACTION: THE IMPACT OF RACE, RIGHTS, AND TAXES ON AMERICAN POLITICS* (W.W. Norton 1991); Michael W. Giles & Kaenan Hertz, Racial Threat and Partisan Identification, 88 *Am. Pol. Sci. Rev.* 317 (1994); Robert Huckfeldt & Carol Weitzel Kohfeld, *RACE AND THE DECLINE OF CLASS IN AMERICAN POLITICS* (Univ. of Illinois Press 1989); Martin Gilens, Paul M. Sniderman, & James H. Kuklinski, Affirmative Action and the Politics of Realignment, 28 *Brit. J. Pol. Sci.* 159 (1998).

¹⁵ See, e.g., *Busbee v. Smith*, 549 F.Supp. 494, 501 (D. D.C. 1982) (finding state reapportionment committee’s use of racially offensive terms to be probative of an intent to discriminate against Black voters).

¹⁶ Christopher Parker and Matt Barreto. 2013. *Change They Can’t Believe In: The Tea Party and Reactionary Politics in America*. Princeton University Press

¹⁷ Dana Ables Morales, Racial Attitudes and Partisan Identification in the United States, 1980-1992, 5 *Party Politics* 191 (1999); Nicholas A. Valentino & David O. Sears, Old Times There Are not Forgotten: Race and Partisan Realignment in the Contemporary South, 24 *Am. J. Pol. Sci.* 672 (2005).

¹⁸ M. V. Hood & Seth C. McKee, Gerrymandering on Georgia’s Mind: The Effects of Redistricting on Vote Choice in the 2006 Midterm Election, 89 *Soc. Sci. Q.* 60 (2008); Richard Skinner & Philip Klinkner, Black, White, Brown and Cajun: The Racial Dynamics of the 2003 Louisiana Gubernatorial Election, *The Forum* 2 (1) (2004).

antipathy toward Black Americans as a categorical group – feelings and sentiments that are openly and routinely expressed.... And where such prejudices are excited...they constitute the critical linchpin in Black office-seekers’ success in garnering White votes.”¹⁹ Writing more than 10 years later about the 2008 presidential election, Michael Tesler and David Sears²⁰ find the same pattern. Even after controlling for partisanship and ideology, they find “the most racially resentful were more than 70 percentage points more likely to support McCain in March 2008 than were the least racially resentful.” Tesler and Sears conclude that the Obama era unfortunately reshaped partisan affiliation in contemporary America almost entirely through the lens of racial attitudes.

34. In what comes close to a consensus in published, empirical political science studies, scholarly work supports the finding that discriminatory attitudes and racial prejudice play a central role in driving White party identification, and this is especially strong in states such as Texas²¹.
35. These findings comport with other existing research that has noted the pattern of polarized voting in national elections. The 2008 election of Barack Obama rekindled decades old research on racial attitudes, partisanship and voting patterns. Newer published research finds clear evidence that in 2012 Barack Obama received less support in his presidential elections among White voters in Southern states than John Kerry did in 2004 or Al Gore in 2000 as a direct result of racial prejudice and discriminatory attitudes.²²
36. In his analysis of the White vote for Obama in Southern states, Professor Ben Highton notes²³, “at the state level, the influence of prejudice on voting was comparable to the influence of partisanship and ideology. Racial attitudes explain support for Obama and shifts in Democratic voting between 2004 and 2008.” This finding is corroborated by Professor Spencer Piston’s individual-level analysis of voter attitudes and support for Barack Obama in Southern states, drawing a direct link between racial attitudes and voting, independent of partisanship²⁴: “Negative stereotypes about Blacks significantly eroded White support for Barack Obama,” concluding that “White voters punished Obama for his race rather than his party affiliation.”
37. Other research demonstrates that, recently, particularly after the election of Barack Obama, white American partisan preferences are increasingly the result of “old-fashioned racism.” In

¹⁹ Keith Reeves, *VOTING HOPES OR FEARS? WHITE VOTERS, BLACK CANDIDATES & RACIAL POLITICS IN AMERICA* 74 (Oxford Univ. Press 1997).

²⁰ Michael Tesler and David Sears, *OBAMA’S RACE: THE 2008 ELECTION AND THE DREAM OF A POST-RACIAL AMERICA* 61 (Univ. of Chicago Press 2010).

²¹ Jonathan Knuckey, Racial Resentment and the Changing Partisanship of Southern Whites, 11 *Party Politics* 5 (2005); Edward G. Carmines & James A. Stimson, *ISSUE EVOLUTION: RACE AND THE TRANSFORMATION OF AMERICAN POLITICS* (Princeton Univ Press)

²² Michael S. Lewis-Beck, Charles Tien, & Richard Nadeau, Obama’s Missed Landslide: A Racial Cost?, 43 *Pol. Sci. & Politics* 69 (2010); Todd Donovan, Obama and the White Vote, 63 *Pol. Res. Q.* 863 (2010); Anthony G. Greenwald, Colin Tucker Smith, N. Sriram, Yoav Bar-Anon, & Brian A. Nosek, Implicit Race Attitudes Predicted Vote in the 2008 U.S. Presidential Election, 9 *Analysis of Soc. Issues & Pub. Pol’y*, 241 (2009); Tom Pyszczynski, Carl Henthorn, Matt Motyl, & Kristel Gerow, Is Obama the AntiChrist? Racial Priming, Extreme Criticisms of Barack Obama, and Attitudes Towards the 2008 U.S. Presidential Candidates, 46 *J. of Experimental Soc. Psychol.*, 863 (2010)

²³ Ben Highton, Prejudice Rivals Partisanship and Ideology When Explaining the 2008 Presidential Vote across the States, 44 *PS: Pol. Sci. & Politics* 530 (2011).

²⁴ Spencer Piston, How Explicit Racial Prejudice Hurt Obama in the 2008 Election, 32 *Pol. Behavior* 431 (2010).

prior social science research, old-fashioned racism is, in part, conceived as a desire to maintain intimate social distance between the races. Published research by Tesler (2013) demonstrates that white Americans who oppose intra-racial dating are more likely to identify with the Republican party²⁵. This correlation did not exist during the 1980s-early 2000s. But it manifested after the election of Barack Obama, the first Black president.

38. While the Obama era certainly brought renewed attention to the link between partisanship and racial attitudes, scholars have been studying this phenomenon since the realignment of partisanship across the South. There is a plethora of research demonstrating that partisan sorting on the basis of ethno-racial group identification is a function of racial attitudes, specifically antipathy toward non-white groups among white Americans who have sorted into the Republican Party. A recent study from the *American Economic Review*²⁶, the premier journal in the field of economics, demonstrates that white Americans, particularly in states such as Texas, began to defect from the Democratic Party after the Democratic party became more strongly committed to Civil Rights (pinpointed as the moment President Kennedy addressed the nation that he was committed to implementing Civil Rights legislation in Spring 1963). Research demonstrates White Americans in the southern states who were predisposed to leave the Democratic party in favor of the Republican party did so for race-based reasons, defined in this particular paper as willingness to vote for a Black president, thus linking racial attitudes, partisanship and voting preference directly together.
39. Perhaps the most conclusive *causal* evidence that racial attitudes are driving partisanship, and not merely conservative ideology, comes from the detailed and comprehensive analysis presented by Kuziemko and Washington (2018). Importantly, this paper disentangles antipathy toward Black people from other factors that may motivate White Americans to support the Republican party and not be willing to vote for a Black president, such as conservative principles, support for reduced government intervention, and other policy preferences (e.g., foreign policy). The overall effect in this paper is driven by White Americans in the southern states including Texas, showing that White Americans in the South relative to White Americans outside the South possess very similar attitudes on conservatism, outside the dimension of racial attitudes, such as economic and foreign policy²⁷. The findings also demonstrate that Democratic commitments to general civil rights in 1963 *do not* produce defections towards the Republican party among Southern whites, if they are unwilling to support a Jewish, Catholic, or Woman president, all other groups that were associated with liberal beliefs at the time. Instead, it is *only* among those who have negative racial attitudes or who are unwilling to support a Black president who leave the Democratic Party for the Republican Party. In their regression model, they statistically adjust for views towards Jewish, Catholic, or Female president and find that unwillingness to support a Black president is the

²⁵ Tesler, Michael. "The return of old-fashioned racism to White Americans' partisan preferences in the early Obama era." *The Journal of Politics* 75, no. 1 (2013): 110-123.

²⁶ Kuziemko, Ilyana, and Ebonya Washington. "Why did the Democrats lose the South? Bringing new data to an old debate." *American Economic Review* 108, no. 10 (2018): 2830-67.

²⁷ E.g. agreement that government should not guarantee jobs, agreement that government should help people get medicare care at low cost, agreement the government should not be able to fire suspected communists, keep soldiers abroad to fight communism, etc

single most critical factor determining defection from the Democratic party into the Republican party.

40. More statistical evidence for this finding of the partisan shift in southern states like Texas has been published by Valentino and Sears (2005)²⁸. In the years following the Civil Rights Movement, whites in the South became increasingly Republican over time. Valentino and Sears also prove that white Southerners who hold “symbolically racist” beliefs are more likely to identify with the Republican party over time. That is, it was not just in the 1960s and 1970s that things changed, but these attitudes stayed with people and continued to inform their partisan affiliation. In their detailed statistical analysis, the scholars rule out secular conservative principles outside of providing support for Black people by demonstrating that ideologically conservatism is not causing whites to become more Republican over time. Instead, conservative racial attitudes are directly linked to Republican affiliation. Therefore, although many Southern whites hold conservative principles, this is *not* their motivation for partisan switching, rather, the key motivation is their racial attitudes.
41. The findings in political science are not limited to racial views towards Blacks, but increasingly today White partisanship is influenced by views towards Latinos and immigrants. Hajnal and Rivera (2014)²⁹ conclude that negative views towards immigrants motivates defection from Democrats and toward the Republican party. Likewise, more recent research published by Ostfeld (2019)³⁰ demonstrates that when Democratic political elites make campaign appeals to Latinos, it results in partisan defections by white Americans from the Democratic party toward the Republican party.
42. Perhaps most directly taking on the question of race and party are political scientists Sean Westwood and Erik Peterson in their 2020 published paper³¹, “The inseparability of race and partisanship in the United States.” The authors demonstrate that although partisanship and race are highly correlated with one another, white Americans viewpoints toward racial minority groups directly effects their attachment to either the Democratic or Republican Party, and vice versa. In other words, a negative evaluation of a Blacks or Hispanics translates into a negative evaluation of Democrats in general, and positive evaluation of Whites translates into positive evaluations of Republicans in general, and vice versa. They conclude that racial discrimination is intimately linked to partisan discrimination, and their research finds these two concepts to be “inseparable.” Indeed, how White Americans view or interact with Blacks and Latinos directly influences their views of political parties, as they write “out-race interactions rapidly spill into assessments of the other political party.”
43. In Texas, the most critical elections to voters of color are often the general election when Black and Hispanic voters regularly vote together for similar candidates of choice. These elections

²⁸ Valentino, Nicholas A., and David O. Sears. "Old times there are not forgotten: Race and partisan realignment in the contemporary South." *American Journal of Political Science* 49, no. 3 (2005): 672-688.

²⁹ Hajnal, Zoltan, and Michael U. Rivera. "Immigration, Latinos, and white partisan politics: The new democratic defection." *American Journal of Political Science* 58, no. 4 (2014): 773-789.

³⁰ Ostfeld, Mara Cecilia. "The new white flight?: The effects of political appeals to Latinos on white democrats." *Political Behavior* 41, no. 3 (2019): 561-582.

³¹ Westwood, Sean J., and Erik Peterson. "The inseparability of race and partisanship in the United States." *Political Behavior* (2020): 1-23.

are critical because voters are deciding who to send to the State Capital or our Nation's Capital to represent them in public policy debates. While candidates also face off in primary debates, in most instances minority voters can regularly elect their candidate of choice in a primary, given their electoral influence in a district. However, in some instances, jurisdictions intentionally create districts in which no racial group is a majority, even though creating a majority-minority is possible. In these instances of diverse and mixed districts coalitions can and do emerge. In districts where no single racial group is large enough by themselves to determine who wins, there can be different candidates who emerge from different communities. However, it is usually the case that even after a contested primary, minority voters form a very strong coalition in the November general election when voter turnout is much higher, and the stakes are much higher to select their ultimate representative for the State or Federal legislature. Primary elections are also not as probative a source of information about political cohesion, given the relatively low voter turnout and the skewed nature of the electorate.

V. Performance Analysis of Different Districts

44. As a result of the increase of over 40,000 non-Anglo racial minorities in Galveston County in the last ten years, Black and Hispanic voters are easily large and geographically compact enough to form a majority-minority performing political district for the County Commission. However, even before this large growth in the minority population between 2010 – 2020, the Black and Hispanic community was already large in size and geographically compact enough to allow minority voters to elect a candidate of their choice.
45. Looking closely at the adopted map as compared to demonstration maps submitted by plaintiffs, it is clear that the map adopted by Galveston County dilutes the Hispanic and Black vote by creating numerous districts which do not perform for minority candidates of choice, cracking their population. Given the large growth in the minority population and the *decline* in the Anglo *share* of the county population, plaintiffs' demonstration maps can remedy the dilution in the adopted map and put back together a district which performs for Hispanic and Black candidates of choice which the adopted map eliminated.
46. To assess district performance, I compiled election results constrained to the political boundaries of the Galveston County Commission districts. Data were obtained from the State of Texas, TLC and Galveston County. In looking at the election results below in table 2, it is clear that none of the four districts perform for Black and Hispanic candidates of choice, and instead all four districts elect Anglo-preferred candidates. Reviewing demonstration plans submitted by plaintiffs, I conclude that a district which performs for Black and Hispanic candidates of choice can be drawn. Examining prior election results, sorted just for the precincts/VTDs within a given district, I conclude that Galveston County has failed to create a performing Black + Hispanic district.

Table 2: Performance Analysis of Recent Elections

			Adopted			
			1	2	3	4
	Anglo CVAP		64.9%	62.4%	64.0%	61.6%
	Black CVAP		10.7%	14.4%	9.5%	18.2%
	Hispanic CVAP		21.5%	20.6%	19.0%	15.3%
	Other CVAP		2.9%	2.6%	7.6%	4.9%
2022	Governor	Abbott	65.2%	59.2%	65.8%	62.3%
		O'Rourke	34.8%	40.8%	34.2%	37.7%
	Attorney General	Paxton	64.8%	58.9%	65.7%	62.2%
		Garza	35.2%	41.1%	34.3%	37.8%
	Lt. Governor	Patrick	64.9%	58.7%	65.4%	61.9%
		Collier	35.1%	41.3%	34.6%	38.1%
	County Judge	Henry	66.6%	60.2%	67.8%	63.7%
		King	33.4%	39.8%	32.2%	36.3%
	U.S. House of Representatives, District #14	Weber	66.7%	60.7%	67.4%	63.7%
		Williams	33.3%	39.3%	32.6%	36.3%
District Judge #122	Jones	66.4%	60.4%	67.4%	63.6%	
	Walsdorf	33.6%	39.6%	32.6%	36.4%	
District Attorney	Roady	67.5%	61.8%	68.7%	64.5%	
	Dragony	32.5%	38.2%	31.3%	35.5%	
2020	President	Trump	63.8%	56.8%	64.6%	60.6%
		Biden	36.2%	43.2%	35.4%	39.4%
	Senate	Cornyn	65.4%	58.1%	66.8%	62.1%
		Hegar	34.6%	41.9%	33.2%	37.9%
	Sheriff	Trochesset	65.1%	59.6%	66.8%	62.2%
Salinas		34.9%	40.4%	33.2%	37.8%	
	Weber	65.8%	58.4%	67.6%	62.4%	

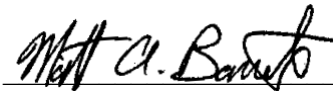
	U.S. House of Representatives, District #14	Bell	34.2%	41.6%	32.4%	37.6%
2018	Senate	Cruz	62.3%	53.7%	64.6%	59.6%
		O'Rourke	37.7%	46.3%	35.4%	40.4%
	Governor	Abbott	66.9%	58.4%	69.9%	63.8%
		Valdez	33.1%	41.6%	30.1%	36.2%
	Lt. Governor	Patrick	63.3%	55.2%	65.9%	60.0%
		Collier	36.7%	44.8%	34.1%	40.0%
	Attorney General	Paxton	62.3%	53.7%	65.1%	59.1%
Nelson		37.7%	46.3%	34.9%	40.9%	
	U.S. House of Representatives, District #14	Weber	64.0%	55.6%	67.2%	61.2%
		Bell	36.0%	44.4%	32.8%	38.8%
2016	President	Clinton	34.5%	44.2%	31.7%	38.3%
		Trump	65.5%	55.8%	68.3%	61.7%
	Supreme Court, Position #5	Green	66.9%	56.6%	71.4%	63.4%
		Garza	33.1%	43.4%	28.6%	36.6%
	U.S. House of Representatives, District #14	Weber	67.4%	56.9%	71.8%	63.8%
		Cole	32.6%	43.1%	28.2%	36.2%
2014	Senate	Cornyn	70.3%	59.2%	76.2%	64.8%
		Alameel	29.7%	40.8%	23.8%	35.2%
	U.S. House of Representatives, District #14	Weber	69.2%	57.7%	75.3%	64.0%
		Brown	30.8%	42.3%	24.7%	36.0%
	Governor	Abbott	66.3%	54.0%	72.4%	61.7%
		Davis	33.7%	46.0%	27.6%	38.3%
Lt. Governor	Patrick	66.5%	54.7%	72.5%	61.9%	
	Van De Putte	33.5%	45.3%	27.5%	38.1%	

Attorney General	Paxton	67.4%	55.1%	73.8%	62.7%	
	Houston	32.6%	44.9%	26.2%	37.3%	
Supreme Court, Position #7	Boyd	67.5%	55.1%	73.9%	62.7%	
	Benavides	32.5%	44.9%	26.1%	37.3%	

47. In preparing this report there were some data that was not yet produced, or made readily available by Defendants, and as more data does become available, or new elections results are posted, we will provide additional data and analysis of population statistics and election results to supplement this report.

48. I declare under penalty of perjury that the foregoing is true to the best of my personal knowledge.

January 13, 2023



Dr. Matt A. Barreto

Agoura Hills, California

January 13, 2023



Michael Rios

Rancho Cucamonga, California

Appendix A: Racially Polarized Voting Tables

Table 1: Galveston County Ecological Inference (EI) Candidate Choice Estimates

Year	Office	Candidate	Ecological Inference (EI) Iterative							
			CVAP as race input				SSTO	Estimated actual vote		
			Anglo	Non-Anglo	Hispanic	Black	Spanish Surname	Anglo	Hispanic	Black
2022	Attorney General	Paxton	85.8	16.9	33.3	0.7	22.4	80.5	25.5	0.8
		Garza	14.2	83.1	66.7	99.3	77.6	19.5	74.5	99.2
	County Judge	Henry	87.6	18.3	30.2	0.9	32.0	82.5	24.3	0.8
		King	12.4	81.7	69.8	99.1	68.0	17.5	75.7	99.2
	Governor	Abbott	86.0	16.8	32.8	0.5	38.2	80.8	29.7	0.5
		O'Rourke	14.0	83.2	67.2	99.5	61.8	19.2	70.3	99.5
	Lt. Governor	Patrick	85.5	16.5	33.7	0.9	23.6	80.3	26.8	0.1
		Collier	14.5	83.5	66.3	99.1	76.4	19.7	73.2	99.9
	U.S. House of Reps, District #14	Weber	87.3	18.7	31.2	0.5	31.3	82.7	24.9	0.4
		Williams	12.7	81.3	68.8	99.5	68.7	17.3	75.1	99.6
	District 122 Judge	Jones	87.2	18.1	29.0	0.6	30.6	82.4	25.1	0.8
		Walsdorf	12.8	81.9	71.0	99.4	69.4	17.6	74.9	99.2
	District Attorney	Roady	88.3	19.8	29.4	1.1	30.8	83.7	24.8	0.8
		Dragony	11.7	80.2	70.6	98.9	69.2	16.3	75.2	99.2

2020	County Sheriff	Trochesset	88.2	15.8	27.1	0.5	41.5	82.8	22.8	0.5	
		Salinas	11.8	84.2	72.9	99.5	58.5	17.2	77.2	99.5	
	President	Trump	85.6	14.9	33.4	0.6	21.8	80.4	24.6	1.0	
		Biden	14.4	85.1	66.6	99.4	78.2	19.6	75.4	99.0	
	U.S. Senate	Cornyn	87.2	16.5	29.2	0.6	34.3	82.5	24.1	0.5	
		Hegar	12.8	83.5	70.8	99.4	65.7	17.5	75.9	99.5	
	U.S. House of Reps, District #14	Weber	87.6	17.4	27.6	0.8	40.9	83.0	23.8	1.3	
		Bell	12.4	82.6	72.4	99.2	59.1	17.0	76.2	98.7	
	District 405 Judge	Robinson	87.4	16.7	27.8	1.2	34.8	82.7	24.4	0.4	
		Hudson	12.6	83.3	72.2	98.8	65.2	17.3	75.6	99.6	
	District 56 Judge	Cox	88.4	18.4	30.5	0.7	34.9	83.9	25.7	1.1	
		Lindsey	11.6	81.6	69.5	99.3	65.1	16.1	74.3	98.9	
	2018	Attorney General	Paxton	84.5	11.0	14.5	0.8	10.8	79.5	14.1	1.4
			Nelson	15.5	89.0	85.5	99.2	89.2	20.5	85.9	98.6
Governor		Abbott	89.1	15.9	15.7	0.5	29.1	84.9	15.7	0.7	
		Valdez	10.9	84.1	84.3	99.5	70.9	15.1	84.3	99.3	
Lt. Governor		Patrick	85.5	11.9	15.8	1.0	14.8	80.6	14.4	0.7	
		Collier	14.5	88.1	84.2	99.0	85.2	19.4	85.6	99.3	
U.S. Senate		Cruz	84.3	11.5	15.2	1.1	16.6	79.5	13.9	0.8	
		O'Rourke	15.7	88.5	84.8	98.9	83.4	20.5	86.1	99.2	
U.S. House of Reps, District #14		Weber	86.6	12.9	15.2	0.8	9.7	81.8	16.0	0.6	
		Bell	13.4	87.1	84.8	99.2	90.3	18.2	84.0	99.4	
2016	President	Trump	86.8	13.1	16.8	0.7	0.3	80.7	16.1	0.7	

		Clinton	13.2	86.9	83.2	99.3	99.7	19.3	83.9	99.3	
	Supreme Court Justice, Position #5	Green	88.2	15.6	15.9	0.5	22.8	82.8	16.0	0.4	
		Garza	11.8	84.4	84.1	99.5	77.2	17.2	84.0	99.6	
	U.S. House of Reps, District #14	Weber	88.6	15.8	17.4	0.4	31.8	83.2	15.5	0.1	
		Cole	11.4	84.2	82.6	99.6	68.2	16.8	84.5	99.9	
	District 10 Judge	Neves	88.9	15.8	17.6	0.4	32.0	83.3	17.3	0.1	
		Walker	11.1	84.2	82.4	99.6	68.0	16.7	82.7	99.9	
2014	Attorney General	Paxton	86.4	18.8	16.9	0.6	16.5	82.3	14.9	0.2	
		Houston	13.6	81.2	83.1	99.4	83.5	17.7	85.1	99.8	
	County Commissioner, Precinct #4	Clark	86.7	45.2	37.3	10.7	0.0	87.1	37.1	0.1	
		Hutchins	13.3	54.8	62.7	89.3	100.0	12.9	62.9	99.9	
	Governor	Abbott	85.8	16.9	15.9	0.2	15.4	81.5	13.0	0.0	
		Davis	14.2	83.1	84.1	99.8	84.6	18.5	87.0	100.0	
	Lt. Governor	Patrick	86.3	16.6	15.1	0.3	14.4	82.0	12.0	0.4	
		Van De Putte	13.7	83.4	84.9	99.7	85.6	18.0	88.0	99.6	
	U.S. Senate	Cornyn	89.0	22.2	16.2	2.0	13.5	85.2	11.2	0.3	
		Alameel	11.0	77.8	83.8	98.0	86.5	14.8	88.8	99.7	
Supreme Court Justice, Position #7	Boyd	86.9	18.3	15.4	0.3	13.8	82.7	13.7	0.5		
	Benavides	13.1	81.7	84.6	99.7	86.2	17.3	86.3	99.5		
U.S. House of Reps, District #14	Weber	88.3	20.5	15.6	1.5	14.0	84.3	12.4	0.2		
	Brown	11.7	79.5	84.4	98.5	86.0	15.7	87.6	99.8		

Table 2: Galveston County EI Rows by Columns (RxC) Candidate Choice Estimates

Year	Office	Candidate	Ecological Inference Rows by Columns (RxC)								
			CVAP as race input					SSTO	Estimated actual vote		
			Anglo	Non-Anglo	Anglo	Hispanic	Black	Spanish Surname	Anglo	Hispanic	Black
2022	Attorney General	Paxton	86.4	15.2	82.4	32.3	7.2	32.5	77.4	27.6	6.5
		Garza	13.6	84.8	17.6	67.7	92.8	67.5	22.6	72.4	93.5
	County Judge	Henry	87.6	17.9	84.4	33.9	7.2	32.5	79.6	27.5	7.3
		King	12.4	82.1	15.6	66.1	92.8	67.5	20.4	72.5	92.7
	Governor	Abbott	86.2	16.3	82.6	33.3	6.8	31.1	78.0	27.1	5.7
		O'Rourke	13.8	83.7	17.4	66.7	93.2	68.9	22.0	72.9	94.3
	Lt. Governor	Patrick	86.0	15.6	82.0	32.3	7.6	29.9	77.3	28.4	5.6
		Collier	14.0	84.4	18.0	67.7	92.4	70.1	22.7	71.6	94.4
	U.S. House of Reps, District #14	Weber	87.4	18.4	84.1	36.2	6.5	31.5	79.7	29.5	6.5
		Williams	12.6	81.6	15.9	63.8	93.5	68.5	20.3	70.5	93.5
	District 122 Judge	Jones	87.4	18.0	84.5	33.5	6.5	32.2	79.7	27.2	6.1
		Walsdorf	12.6	82.0	15.5	66.6	93.5	67.8	20.3	72.8	93.9
	District Attorney	Roady	88.1	20.0	85.2	36.1	7.8	30.6	80.8	28.8	6.9
		Dragony	11.9	80.0	14.8	63.9	92.2	69.4	19.2	71.2	93.1

2020	County Sheriff	Trochesset	88.3	15.4	85.4	28.4	7.1	30.8	80.0	25.9	6.8	
		Salinas	11.7	84.6	14.6	71.6	92.9	69.2	20.0	74.1	93.2	
	President	Trump	86.1	14.2	82.2	29.5	6.9	31.4	77.3	26.8	6.0	
		Biden	13.9	85.8	17.8	70.5	93.1	68.6	22.7	73.2	94.0	
	U.S. Senate	Cornyn	87.4	16.2	84.3	30.7	6.6	31.8	79.6	25.7	6.4	
		Hegar	12.6	83.8	15.7	69.3	93.4	68.2	20.4	74.4	93.6	
	U.S. House of Reps, District #14	Weber	87.9	16.6	85.4	29.6	7.2	32.3	80.5	25.2	6.4	
		Bell	12.1	83.4	14.6	70.4	92.8	67.7	19.5	74.8	93.6	
	District 405 Judge	Robinson	87.8	16.0	85.2	29.0	6.8	30.1	80.6	20.6	6.6	
		Hudson	12.2	84.0	14.8	71.0	93.2	69.9	19.4	79.4	93.4	
	District 56 Judge	Cox	88.4	18.2	85.4	33.8	6.9	32.1	81.0	29.1	6.7	
		Lindsey	11.6	81.8	14.6	66.2	93.1	67.9	19.0	70.9	93.3	
	2018	Attorney General	Paxton	85.0	10.0	82.0	16.7	7.0	25.8	76.2	18.1	6.1
			Nelson	15.0	90.0	18.0	83.3	93.0	74.2	23.8	81.9	93.9
Governor		Abbott	89.6	14.9	87.0	23.2	7.3	27.3	82.2	18.8	7.2	
		Valdez	10.4	85.1	13.0	76.8	92.7	72.7	17.8	81.2	92.8	
Lt. Governor		Patrick	85.8	11.5	83.0	18.0	7.6	24.0	77.8	17.9	6.9	
		Collier	14.2	88.5	17.0	82.0	92.4	76.0	22.2	82.1	93.1	
U.S. Senate		Cruz	85.2	9.6	81.8	17.8	6.8	25.1	76.7	17.4	5.7	
		O'Rourke	14.8	90.4	18.2	82.2	93.2	74.9	23.3	82.6	94.3	
U.S. House of Reps, District #14		Weber	87.2	11.4	84.2	18.9	7.1	26.4	79.2	17.0	5.3	
		Bell	12.8	88.6	15.8	81.1	92.9	73.6	20.8	83.0	94.7	
2016	President	Trump	87.6	11.4	84.9	19.8	7.0	24.8	78.7	16.1	5.7	

		Clinton	12.3	88.6	15.1	80.2	93.0	75.2	21.3	83.9	94.3	
	Supreme Court Justice, Position #5	Green	89.5	13.2	87.4	17.9	8.4	25.0	81.0	15.2	6.1	
		Garza	10.5	86.8	12.6	82.1	91.6	75.0	19.0	84.8	93.9	
	U.S. House of Reps, District #14	Weber	89.4	14.4	87.0	21.3	8.2	27.1	81.3	16.5	4.8	
		Cole	10.6	85.6	13.0	78.7	91.8	72.9	18.7	83.5	95.2	
	District 10 Judge	Neves	89.8	14.2	87.5	20.5	8.1	28.3	81.3	16.4	6.2	
		Walker	10.2	85.8	12.5	79.5	91.9	71.7	18.7	83.6	93.8	
2014	Attorney General	Paxton	87.9	15.8	86.1	24.7	9.0	22.1	80.4	17.2	6.6	
		Houston	12.1	84.2	13.9	75.3	91.0	77.9	19.6	82.8	93.4	
	County Commissioner, Precinct #4	Clark	90.2	35.7	88.5	41.2	39.9	46.1	85.4	40.4	40.2	
		Hutchins	9.8	64.3	11.5	58.8	60.1	53.9	14.6	59.6	59.8	
	Governor	Abbott	86.8	14.5	84.1	21.3	8.0	24.7	79.0	16.6	5.8	
		Davis	13.2	85.4	15.9	78.7	92.0	75.3	21.0	83.4	94.2	
	Lt. Governor	Patrick	87.8	13.6	84.9	21.0	7.9	23.4	79.7	16.5	5.9	
		Van De Putte	12.2	86.4	15.1	79.0	92.1	76.6	20.3	83.5	94.1	
	U.S. Senate	Cornyn	91.1	17.9	89.6	22.0	9.4	23.2	83.9	17.5	6.8	
		Alameel	8.8	82.1	10.4	78.0	90.6	76.8	16.1	82.5	93.2	
Supreme Court Justice, Position #7	Boyd	88.5	15.0	86.3	19.6	8.3	22.5	80.9	15.2	6.4		
	Benavides	11.5	85.0	13.7	80.4	91.7	77.5	19.1	84.8	93.6		
U.S. House of Reps, District #14	Weber	90.3	16.4	88.6	20.8	9.1	24.2	82.8	16.8	7.2		
	Brown	9.7	83.6	11.4	79.2	90.9	75.8	17.2	83.2	92.8		

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, et al., :
Plaintiffs, :
v. : Civil Action No.
: 3:22-CV-00057
GALVESTON COUNTY, TEXAS, : (Consolidated)
Defendants. :

UNITED STATES OF AMERICA, :
Plaintiffs, :
v. : Civil Action No.
: 3:22-CV-00093
GALVESTON COUNTY, TEXAS, :
et al., :
Defendants. :

DICKINSON BAY AREA BRANCH :
NAACP, et al., :
Plaintiffs, :
v. : Civil Action No.
: 3:22-CV-00117
GALVESTON COUNTY, TEXAS, :
et al., :
Defendants. :

VIDEOCONFERENCE DEPOSITION OF KASSRA A.R. OSKOOII
DATE: April 11, 2023
TIME: 10:00 a.m. to 5:01 p.m.
LOCATION: Witness Location
Wilmington, Delaware

EXHIBIT 5

REPORTED BY: Felicia A. Newland, CSR

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ALSO PRESENT:

Dan Reidy, Videographer

Amber Hulse, Law Clerk, Holtzman Vogel

Sharon Norwood, Holtzman Vogel

Michael Rios, Expert

Brittany Wake

1 which I found no racially polarized voting.

2 Q But in your consulting experience,
3 you have given me two examples. Are there any
4 other examples?

5 A I would have to look back, because
6 you asked me to estimate and so, you know, I'm
7 focused on this particular case. So I didn't come
8 into this deposition reviewing all of the other
9 consulting cases that I've done over -- over an
10 extended period of time, so I wouldn't be able to
11 give you an accurate answer on this unless I review
12 those activities.

13 Q Are your consulting clients, are they
14 listed on your curriculum vitae?

15 A I don't recall. I don't think all of
16 the consulting experience has specifically been
17 listed.

18 Q Okay. We can -- we can look into
19 that.

20 So let's talk about this case, the
21 Galveston County Commissioners Court. The
22 commissioners -- how many commissioners are there

1 on the Galveston County Commissioners Court?

2 A I'm sorry, what -- what is the -- the
3 question is about this particular case?

4 Q Yes.

5 A We're talking about commissioner
6 precincts?

7 Q How many commissioners sit on the
8 Galveston County Commissioners Court?

9 A I did not analyze the commissioner
10 court elections, if that's what you're asking.

11 Q That's not what I'm asking. I'm
12 asking how many commissioners sit on the Galveston
13 County Commissioners Court?

14 MR. GONZALEZ: Objection. Form.

15 THE WITNESS: I would have to look
16 specifically since that was not something that I
17 focused on, but there are four commissioner --
18 commissioner precincts in Galveston County.

19 BY MR. SHEEHY:

20 Q And those commissioner precincts --

21 A Uh-huh.

22 Q -- the commissioners run in those

1 districts, correct?

2 They run for election in those four
3 districts, correct?

4 A Yes. It's the -- yes, they run in
5 each commissioner precinct.

6 Q They are not at-large elections?

7 A No, they're -- they're not at-large
8 elections.

9 Q All right. So I want to talk about
10 your conclusions in your report for today -- or in
11 your January 13th, 2023 report.

12 You conclude that Latino voters and
13 African-American voters in Galveston County vote
14 cohesively, correct?

15 A Yes.

16 Q So I want to understand what -- at
17 what level cohesiveness occurs. So let me ask you
18 this: If Latino voters voted 50 percent for a
19 republican and if Latino voters voted 50 percent
20 for a democrat, you would agree with me that
21 there's no cohesion among Latinos, correct?

22 MR. GONZALEZ: Objection. Form.

1 BY MR. SHEEHY:

2 Q And so would you disagree with a
3 threshold of cohesion at 60 percent, so across a
4 series of elections if Latinos are voting
5 59 percent for one candidate and they're voting
6 41 percent for another candidate, and someone says,
7 "Well, that's below a 60 percent threshold, there's
8 no cohesion," would you agree or disagree with that
9 assessment?

10 MR. GONZALEZ: Objection. Form.

11 THE WITNESS: I would disagree that
12 there is a bright-line rule of establishing a
13 specific percentage and saying you have to have
14 that specific percentage for us to say that you --
15 that a group has a preferred candidate.

16 BY MR. SHEEHY:

17 Q So for you, cohesion could be as low
18 as 51 percent -- well, I guess it could be as low
19 as 50.1 percent across a series of elections,
20 correct?

21 MR. GONZALEZ: Objection. Form.

22 THE WITNESS: I don't think I've ever

1 encountered a scenario that I found across a
2 comprehensive list of elections that every single
3 time one group voted 50.1 percent. So you're
4 describing a rare hypothetical scenario here.

5 BY MR. SHEEHY:

6 Q Well, I'm -- I'm providing a
7 hypothetical because I want to understand what the
8 threshold is for establishing cohesion in your
9 opinion. And so if it's across a series of
10 elections and Latinos vote 50.1 percent for
11 Candidate A and 49.9 percent for Candidate B, you
12 would say that Latinos are voting cohesively?

13 MR. GONZALEZ: Objection. Form.

14 THE WITNESS: My understanding is
15 that there's no bright-line rule in determining
16 cohesiveness. That's up to the courts to decide,
17 if they want to establish a bright-line rule. My
18 understanding is that such a bright-line rule does
19 not exist. But for all intents and purposes,
20 generally speaking, if the majority of a
21 demographic group prefers a set of candidates and a
22 minority of them do not, you would potentially,

1 depending on the circumstances, conclude that they
2 are politically cohesive.

3 BY MR. SHEEHY:

4 Q Okay. So it -- it's your opinion
5 that across a series of elections, Latinos who vote
6 50.1 percent for Candidate A and Latinos vote
7 49.9 percent for Candidate B, they are cohesive?

8 MR. GONZALEZ: Objection. Form.

9 THE WITNESS: This is a very
10 hypothetical, in some ways a very unrealistic,
11 outcome that you're describing. In this case, you
12 would still say that the majority of Latinos have a
13 preferred candidate.

14 BY MR. SHEEHY:

15 Q Is that a yes to my question, that
16 there are -- Latinos are cohesive at 50.1 percent
17 across a series of elections?

18 A Again, this is a hypothetical
19 scenario. If you're asking if they have a -- if
20 you could establish that they have a preferred
21 candidate, you could look at the majority as a
22 threshold potentially to determine if they have a

1 preferred candidate.

2 Again, there's not bright-line rule.
3 There are many different circumstances and context.
4 You have to look at the overall picture to be able
5 to make conclusions about racially polarized
6 voting.

7 Q So I understand that there's no -- I
8 understand it's your testimony there's no
9 bright-line rule, but I guess I'm asking you for
10 your opinion in the hypothetical that I'm giving
11 you, would you say that Latinos voting 50.1 percent
12 for Candidate A and 49.9 percent for Candidate B
13 are voting cohesively?

14 MR. GONZALEZ: Objection. Form.

15 THE WITNESS: In a singular election,
16 it would be hard to conclude anything in a singular
17 election.

18 BY MR. SHEEHY:

19 Q And so I'm asking you across a series
20 of elections.

21 A In an extremely rare, totally
22 hypothetical situation, across a series of

1 elections, depending on the circumstances, one
2 could say that Latinos have a preferred set of
3 candidates. Again, this is highly unlikely that
4 you will find something like that. And this is not
5 what I found in Galveston.

6 Q That's fine. As I say, we will
7 get -- get to your analysis. I'm trying to just
8 understand what your opinion of cohesion is. And
9 so I want to make sure that I understand when you
10 say across a series of elections, Latinos are
11 voting 50.1 percent for certain candidates, you're
12 saying that yes, they do have a preferred candidate
13 of choice, or candidates of choice.

14 My question to you now is: Does --
15 when you say "preferred candidates of choice," you
16 agree that that means they are cohesive?

17 A I would look at a series of elections
18 to determine which candidates are the preferred
19 candidates of choice. And based on a series of
20 elections that I've done in Galveston, I find that
21 in 25 out of 25 elections, Latinos have a preferred
22 candidate and, therefore, are politically cohesive.

1 Usually, when you have those
2 scenarios, you will get, you know, flip-flops and
3 back and forth, where groups will vote for one
4 set of candidates and then in another instance,
5 you'll get a vote for another candidate. So it's
6 just not a realistic scenario or at least a
7 scenario that I have ever come across.

8 BY MR. SHEEHY:

9 Q All I'm trying to do, Professor, is
10 understand what is cohesion. And I'm trying to
11 understand it and understand your opinion. So
12 that's why I'm asking this question. I -- to me it
13 doesn't matter if my hypothetical is highly
14 unrealistic, in your words, I'm just trying to
15 understand the definition of cohesion.

16 So -- and my hypothetical has assumed
17 consistently across a series of elections.

18 So across --

19 A I mean --

20 Q Go ahead, Professor.

21 A Sorry about that.

22 Q No, that's fine.

1 A Well, I guess, again, you know, my
2 understanding is that one way you could look at it
3 is if a majority of the population consistently
4 votes for a certain set of candidates, one would
5 conclude -- could conclude that they are
6 politically cohesive, they are consistent and a
7 majority of that population is voting across a
8 number of elections for a certain set of
9 candidates.

10 After all, that's how elections are
11 won and lost. And, in fact, in many elections, you
12 have polarity voting. You don't even have the
13 50 percent threshold that you mentioned. As long
14 as you get one vote more than the other candidates
15 in the field, you win that election.

16 Q So -- so as long as Latino voters are
17 voting at least 50.1 percent consistently across a
18 series of elections for certain candidates, that is
19 sufficient for cohesion?

20 MR. GONZALEZ: Objection. Form.

21 THE WITNESS: Again, I wouldn't say
22 that there's a specific number. I would just

1 generally say a majority of Latinos voting for a
2 certain set of candidates.

3 BY MR. SHEEHY:

4 Q And 50.1 percent is a majority,
5 correct?

6 A It's a very slim majority, yes.

7 Q But a majority nonetheless?

8 A Yes, mathematically speaking.

9 Q Okay. So let's talk about --

10 MR. GONZALEZ: Real quick, I think
11 we've been going for a while now, do you need a
12 break or anything, Professor?

13 THE WITNESS: Yeah, I think we're
14 almost at 1:00 p.m. Eastern. I wouldn't mind a
15 short, short break, just -- if I -- if that's
16 possible.

17 MR. SHEEHY: Professor, as I said,
18 it's not a -- not a marathon, so we can go ahead
19 and take a break. That's fine by me.

20 THE WITNESS: I appreciate it.

21 VIDEOGRAPHER: We are going off the
22 record. The time on the video is 12:46 p.m.

1 sometimes factors may come out that say it's not so
2 probative. So am I understanding your testimony
3 correctly?

4 A Sorry. What was the question?

5 Q Okay. We can go back to paragraph 7.
6 So you continue saying, "The racial makeup of the
7 candidates is telling in this instance as to the
8 interconnectedness of race and partisanship in this
9 jurisdiction and is consistent with what one might
10 expect from a region where there is a high degree
11 of racially polarized voting."

12 Did I read that correctly?

13 A Yes.

14 Q Okay. Now, you don't cite an
15 academic journal to support this inference that
16 you're making, correct?

17 A I provided the data and analysis that
18 I conducted here to draw that inference.

19 Q But you don't have -- you don't cite
20 an academic journal to support the inference that
21 you're drawing, correct?

22 MR. GONZALEZ: Objection. Form.

1 THE WITNESS: Could you clarify
2 please what specific inference here that you're
3 asking about?

4 BY MR. SHEEHY:

5 Q You say that, "It is the
6 interconnectedness of race and partisanship in this
7 jurisdiction and is consistent with what one might
8 expect from a region where there's a high degree of
9 racially polarized voting."

10 So I guess I'll ask it this way: Is
11 there consensus within the political science
12 community that would support this inference that
13 you are making?

14 A That there is an interconnectedness
15 between race and partisanship?

16 Q Yes.

17 A I would say that there is
18 literature -- great deal of literature and research
19 such as saying that race and partisanship are
20 interconnected, yes.

21 Q Okay. And is there scholarship in
22 the political science community that analyzes -- or

1 not analyzes, but proposes how one can
2 differentiate between racial reasons in voting as
3 opposed to partisan reasons in voting?

4 MR. GONZALEZ: Objection. Form.

5 THE WITNESS: You're asking me if
6 such research is out there?

7 BY MR. SHEEHY:

8 Q Yes.

9 A There is -- again, there is research
10 on the relationship between race and partisanship,
11 yes, there is.

12 Q And is there research distinguishing
13 between when someone is casting a ballot for racial
14 reasons as opposed to casting a ballot for partisan
15 reasons?

16 MR. GONZALEZ: Objection. Form.

17 THE WITNESS: I can only answer
18 questions about what I presented here. If you're
19 asking me if such research potentially exists, then
20 I would have to conduct a literature review of that
21 specific topic to tell you more details.

22

1 BY MR. SHEEHY:

2 Q Okay. You have in this same
3 paragraph, this statement, "Ted Cruz, who may be
4 readily externally identifiable by voters as a
5 person of color (either by their physical
6 appearance or by an ethnic surname)."

7 Did I read that correctly?

8 A Yes.

9 Q Are you aware that Senator Ted Cruz
10 is the first Latino senator to represent Texas?

11 MR. GONZALEZ: Objection. Form.

12 THE WITNESS: Are you asking if
13 Senator Cruz identifies himself saying that he's
14 the first Latino senator to be elected from the
15 state of Texas?

16 BY MR. SHEEHY:

17 Q I'm asking you, are you aware that he
18 is the first Latino senator to be elected from the
19 state of Texas?

20 MR. GONZALEZ: Objection. Form.

21 THE WITNESS: Well, to answer that
22 question, I would have to know how Ted Cruz

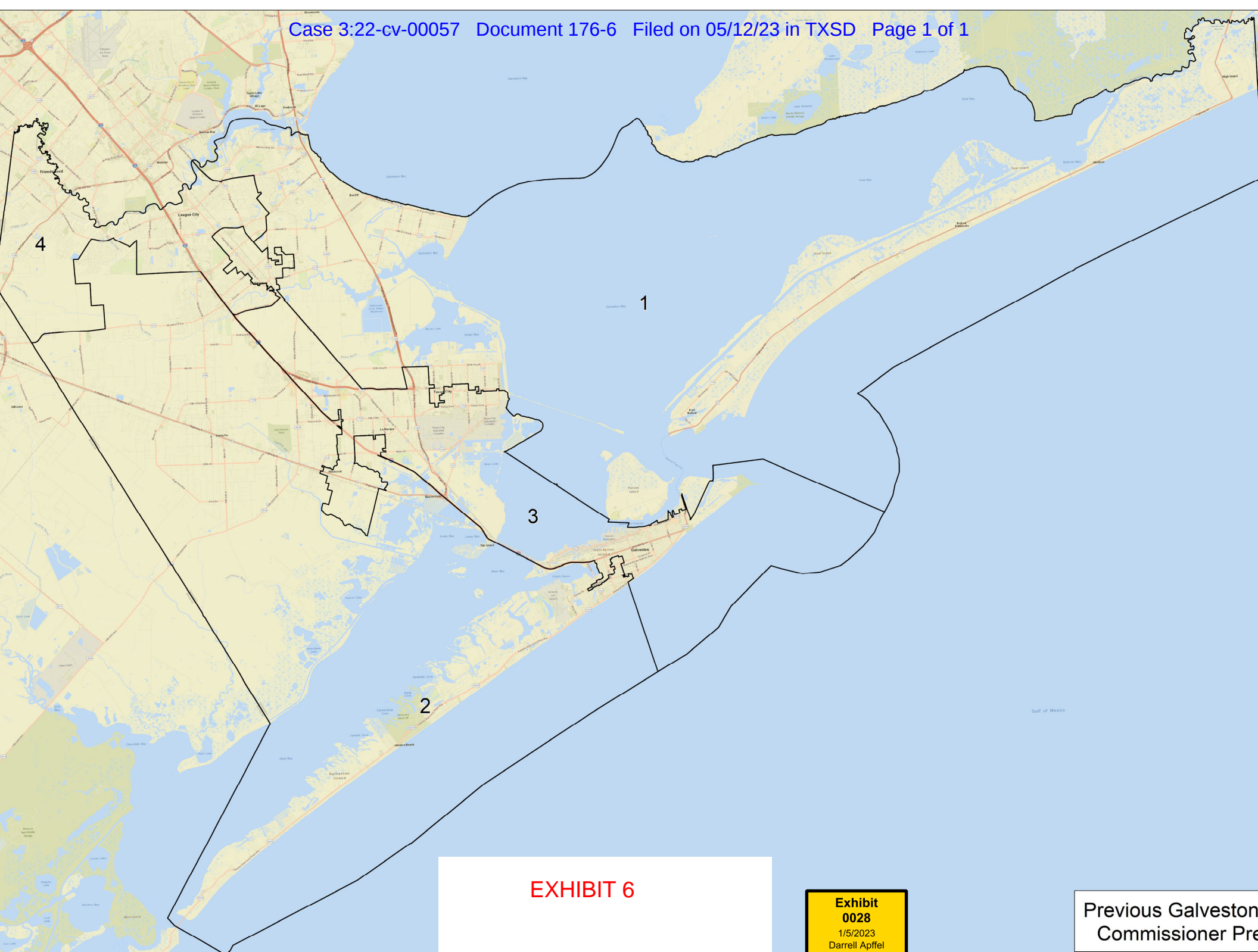


EXHIBIT 6

**Exhibit
0028**
1/5/2023
Darrell Apfel

**Previous Galveston
Commissioner Pre**

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

MAR 05 2012

James E. Trainor III, Esq.
Beirne, Maynard & Parsons
401 West 15th Street, Suite 845
Austin, Texas 78701

Dear Mr. Trainor:

This refers to the 2011 redistricting plan for the commissioners court, the reduction in the number of justices of the peace from nine to five and the number of constables from eight to five, and the 2011 redistricting plan for the justices of the peace/constable precincts for Galveston County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your response to our December 19, 2011, request for additional information on January 4, 2012; additional information was received on February 6, 2012.

We have carefully considered the information you have provided, as well as census data, comments and information from other interested parties, and other information, including the county's previous submissions. Under Section 5, the Attorney General must determine whether the submitting authority has met its burden of showing that the proposed changes have neither the purpose nor the effect of denying or abridging the right to vote on account of race or color or membership in a language minority group. *Georgia v. United States*, 411 U.S. 526 (1973); *Procedures for the Administration of Section 5 of the Voting Rights Act of 1965*, 28 C.F.R. 51.52(c). For the reasons discussed below, I cannot conclude that the county's burden under Section 5 has been sustained as to the submitted changes. Therefore, on behalf of the Attorney General, I must object to the changes currently pending before the Department.

According to the 2010 Census, Galveston County has a total population of 291,309 persons, of whom 40,332 (13.8%) are African American and 65,270 (22.4%) are Hispanic. Of the 217,142 persons who are of voting age, 28,716 (13.2%) are black persons and 42,649 (19.6%) are Hispanic. The five-year American Community Survey (2006-2010) estimates that African Americans are 14.3 percent of the citizen voting age population and Hispanic persons comprise 14.8 percent. The commissioners court is elected from four single-member districts with a county judge elected at large. With regard to the election for justices of the peace and constables, there are eight election precincts under the benchmark method. Each elects one

EXHIBIT 7

person to each position, except for Precinct 8, which elects two justices of the peace. The county has proposed to reduce the number of election precincts to five, with a justice of the peace and a constable elected from each.

We turn first to the commissioners court redistricting plan. With respect to the county's ability to demonstrate that the commissioners court plan was adopted without a prohibited purpose, the starting point of our analysis is the framework established in *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977). There, the Court provided a non-exhaustive list of factors that bear on the determination of discriminatory purpose, including the impact of the action on minority groups; the historical background of the action; the sequence of events leading up to the action or decision; the legislative or administrative history regarding the action; departures from normal procedures; and evidence that the decision-maker ignored factors it has otherwise considered important or controlling in similar decisions. *Id.* at 266-68.

Based on our analysis of the evidence, we have concluded that the county has not met its burden of showing that the proposed plan was adopted with no discriminatory purpose. We start with the county's failure to adopt, as it had in previous redistricting cycles, a set of criteria by which the county would be guided in the redistricting process. The evidence establishes that this was a deliberate decision by the county to avoid being held to a procedural or substantive standard of conduct with regard to the manner in which it complied with the constitutional and statutory requirements of redistricting.

The evidence also indicates that the process may have been characterized by the deliberate exclusion from meaningful involvement in key deliberations of the only member of the commissioners court elected from a minority ability-to-elect precinct. For example, the county judge and several – but not all – of the commissioners had prior knowledge that a significant revision to the pending proposed map was made on August 29, 2011, and would be presented at the following day's meeting at which the final vote on the redistricting plans would be taken. This is particularly noteworthy because the commissioner for Precinct 3, one of two precincts affected by this particular revision, was one of the commissioners not informed about this significant change. Precinct 3 is the only precinct in the county in which minority voters have the ability to elect a candidate of choice, and is the only precinct currently represented by a minority commissioner.

Another factor that bears on a determination of discriminatory purpose is the impact of the decision on minority groups. In this regard, we note that during the current redistricting process, the county relocated the Bolivar Peninsula – a largely white area – from Precinct 1 into Precinct 3. This reduced the overall minority share of the electorate in Precinct 3 by reducing the African American population while increasing both the Hispanic and Anglo populations. In addition, we understand that the Bolivar Peninsula region was one of the areas in the county that was most severely damaged by Hurricane Ike in 2008, and lost several thousand homes. The county received a \$93 million grant in 2009 to provide housing repair and replacement options for those residents affected by the hurricane, and has announced its intention to spend most of the grant funds restoring the housing stock on Bolivar Peninsula. Because the peninsula's population has historically been overwhelmingly Anglo, and in light of the Census Bureau's

estimated occupancy rate for housing units in the Bolivar Census County Division of 2.2 persons per household, there is a factual basis to conclude that as the housing stock on the peninsula is replenished and the population increases, the result will be a significant increase in the Anglo population percentage. In the context of racially polarized elections in the county, this will lead to the concomitant loss of the ability of minority voters to elect a candidate of choice to office in Precinct 3. *Reno v. Bossier Parish School Board*, 528 U.S. 320, 340 (2000) (“Section 5 looks not only to the present effects of changes but to their future effects as well.”) (citing *City of Pleasant Grove v. United States*, 479 U.S. 462, 471 (1987)).

That this retrogression in minority voting strength in Precinct 3 is neither required nor inevitable heightens our concern that the county has not met its burden of showing that the change was not motivated by any discriminatory purpose. Both Precincts 1 and 3 were underpopulated, and it would have been far more logical to shift population from a precinct that was overpopulated than to move population between two precincts that were underpopulated. In that regard, benchmark Precinct 4 was overpopulated by 23.5 percent over the ideal, and its excess population could have been used to address underpopulation in the other precincts. Moreover, according to the information that the county supplied, its redistricting consultant made the change based on something he read in the newspaper about the public wanting Bolivar Peninsula and Galveston Island to be joined into a commissioner precinct; but a review of all the audio and video recordings of the public meetings shows that only one person made such a comment.

Based on these factors, we have concluded that the county has not met its burden of demonstrating that the proposed commissioners court redistricting plan was adopted with no discriminatory purpose. We note as well, however, that based on the facts as identified above, the county has also failed to carry its burden of showing that the proposed commissioners court plan does not have a retrogressive effect.

The voting change at issue must be measured against the benchmark practice to determine whether it would “lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise.” *Beer v. United States*, 425 U.S. 130, 141 (1976). Our statistical analysis indicates that minority voters possess the ability to elect a candidate of choice in benchmark Precinct 3, and that ability has existed for at least the past decade.

As noted, the county’s decision to relocate the Bolivar Peninsula from Precinct 1 into Precinct 3 had the effect of reducing the African American share of the electorate in Precinct 3, while increasing both the Hispanic and Anglo populations. In specific terms, the county decreased the black voting age population percentage from 35.2 to 30.8 percent and increased the Hispanic voting age population 25.7 to 27.8 percent, resulting in an overall decrease of 2.3 percentage points in the precinct’s minority voting age population. There is sufficient credible evidence to prevent the county from establishing the absence of a retrogressive effect as to this change, especially in light of the anticipated and significant population return of Anglo residents to the Bolivar Peninsula, as discussed further above.

We turn next to the proposed reduction in the number of election precincts for the justice of the peace and constable, and the 2011 redistricting plan for the justices of the peace/constable precincts. With regard to the election for justices of the peace and constables, there are eight election precincts under the benchmark method. Each elects one person to each position, except for Precinct 8, which elects two justices of the peace. The county has proposed to reduce the number of election precincts to five, with a justice of the peace and a constable elected from each.

Our analysis of the benchmark justice of the peace and constable districts indicates that minority voters possess the ability to elect candidates of choice in Precincts 2, 3 and 5. With respect to Precincts 2 and 3, this ability is the continuing result of the court's order in *Hoskins v. Hannah*, Civil Action No. G-92-12 (S.D. Tex. Aug. 19, 1992), which created these two districts. Following the proposed consolidation and reduction in the number of precincts, only Precinct 3 would provide that requisite ability to elect. In the simplest terms, under the benchmark plan, minority voters in three districts could elect candidates of choice; but under the proposed plan, that ability is reduced to one.

In addition, we understand that the county's position is that the court's order in *Hoskins v. Hannah*, which required the county to maintain two minority ability to elect districts for the election of justices of the peace and constables, has expired. If it has, then it is significant that in the first redistricting following the expiration of that order, the county chose to reduce the number of minority ability to elect districts to one. A stated justification for the proposed consolidation was to save money, yet, according to the county judge's statements, the county conducted no analysis of the financial impact of this decision. The record also indicates that county residents expressed a concern during the redistricting process that the three precincts electing minority officials were consolidated and the precincts with white representatives were left alone. The record is devoid of any response by the county.

In sum, there is sufficient credible evidence that precludes the county from establishing, as it must under Section 5, that the reduction of the number of justice of the peace/constable districts as well as the redistricting plan to elect those officials will not have a retrogressive effect, and were not motivated by a discriminatory intent.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. *Georgia v. United States*, 411 U.S. 526 (1973); 28 C.F.R. 51.52. In light of the considerations discussed above, I cannot conclude that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the county's 2011 redistricting plan for the commissioners court and the reduction in the number of justice of the peace and constable districts as well as the redistricting plan for those offices.

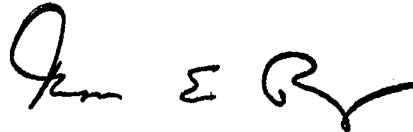
We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed change neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. 28 C.F.R. 51.44. In addition, you may request that the Attorney General reconsider the objection. 28 C.F.R. 51.45. However, until the

- 5 -

objection is withdrawn or a judgment from the United States District Court for the District of Columbia is obtained, the submitted changes continue to be legally unenforceable. *Clark v. Roemer*, 500 U.S. 646 (1991); 28 C.F.R. 51.10. To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action that Galveston County plans to take concerning this matter. If you have any questions, you should contact Robert S. Berman (202/514-8690), a deputy chief in the Voting Section.

Because the Section 5 status of the redistricting plan for the commissioners court is presently before the United States District Court for the District of Columbia in *Galveston County v. United States*, No. 1:11-cv-1837 (D.D.C.), we are providing the Court and counsel of record with a copy of this letter. Similarly, the status of both the commissioners court and the justice of the peace and constable plans under Section 5 is a relevant fact in *Petteway v. Galveston County*, No. 3:11-cv-00511 (S.D. Tex). Accordingly, we are also providing that Court and counsel of record with a copy of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom E. Perez', with a stylized flourish at the end.

Thomas E. Perez
Assistant Attorney General

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, THE HONRABLE
DERRICK ROSE, MICHAEL MONTEZ,
SONNY JAMES, and PENNY POPE,

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS and
HONRABLE MARK HENRY, in his official
capacity as Galveston County Judge,

Defendants.

Case No. 3:22-cv-57

EXPERT REPORT OF DR. MARK OWENS

(amended from March 17, 2023)



March 31, 2023

EXHIBIT 8

I am a tenured associate professor of Political Science at The University of Texas at Tyler. In the seven years I have taught at UT Tyler, I have taught courses on Congress, voting behavior, state politics, and research methods at the undergraduate and graduate level. I have authored numerous journal articles on legislative politics and social behavior, which can be found in *American Political Research*, *Legislative Studies Quarterly*, *Social Sciences Quarterly*, and other academic journals. I also co-authored a recent book, *Battle for the Heart of Texas*, about the changing preferences of voters in Texas and the increasing civic engagement of Hispanic voters. A full list of my qualifications and publications are available in my CV as Exhibit A.

I have also provided expertise relevant to the 2021 redistricting cycle on three occasions. I used Maptitude GIS software to help a non-profit organization in the state of Oklahoma prepare districting plans of state and federal legislative offices for public submission. I submitted an analysis of whether racially polarized voting was occurring in *Black Voters Matter Capacity Building Institute, Inc., et al. v. Laurel Lee*, No. 2022 CA 066, before the Circuit Court of the Second Judicial District in Leon County, Florida last year. I also provided analyses about racially polarized voting in the case *Palmer et al. v. Hobbs*, No. C22-5035RSL, before the United States District Court Western District of Washington (2022). My compensation to prepare and write this report is \$350 per hour. My compensation is in no way dependent on the opinions offered in this report.

Summary

I have been asked by counsel for the Defendants to evaluate the Galveston County Commissioner's Court Precinct map with specific attention to the compactness of districts within the county. Since this is a county-level analysis, an intensely local analysis is required. The first step is to identify if residents of the county live in compact areas. I will see if individuals in those compact areas have similar characteristics (e.g., work status, age, geographic mobility, culture, income levels, education, and lifestyle). The analysis of compactness and characteristics of county residents is to evaluate if residents with shared interests and backgrounds live in a local geographic area. My conclusion is that the Hispanic population in particular is not geographically compact as the Hispanic population in Galveston is both far apart and disparate.

I begin by describing how the county has changed over the last decade. Galveston's population grew to 350,682 in the 2020 Census making the ideal number of persons in each Commissioners Court precinct is approximately 87,671 people. Galveston County's Hispanic total population from the Census is 88,636 (25%) and the ACS 2020 5-year estimate (2016-2020) of citizen voting age population is 45,962 (19%). Galveston County's Black population is 43,120 (12%) and Black citizen voting age population is 30,465 (13%).¹ Therefore, my analysis will focus on how closely the Hispanic and Black populations are concentrated within the county, as they are the predominant minority groups in the county and the subject of this Section 2 lawsuit. I will compare Hispanic residents across the county's geography to see if they are

¹ Throughout this report I refer to residents as Hispanic, instead of Latino, because the Census Bureau uses "Hispanic" I do the same here. The intent is to include persons of Latin American descent based on their identification as Hispanic in the Census and American Community Survey.

similar to each other despite living in different municipal areas. I will also see how concentrated Black communities are in the county.

Later in the report, I evaluate the numerous alternative plans submitted by the Plaintiffs to determine if those illustrative plans comply with traditional redistricting criteria or if they prioritize race over traditional redistricting race over traditional redistricting criteria. I find that each illustrative alternative selectively ignores traditional redistricting practices in an effort to group Black and Hispanic residents into Precinct 3.

The illustrative alternatives split municipalities, islands, and other subdivisions violating traditional redistricting principles. Plaintiffs’ proposed alternatives surgically splice voting precincts on racial grounds, carving the Anglo portion and placing it in Commissioner Precincts 1, 2, or 4. The cuts fold a higher portion of the Black citizen voting age population (BCVAP) into Precinct 3.

Tables 1 and 2 clearly shows the degree this occurs in each plan. All plans, except one preserve the Benchmark Map’s inclusion of BCVAP in Precinct 3 that is three times larger than any other precinct. The illustrative alternatives also propose an opposite impact for the non-Hispanic white citizen voting age population (WCVAP) by creating a difference of at least 15% to 25% in the WCVAP between Precinct 3 and Precincts 1, 2, and 4. The distant pockets of HCVAP populations allow its share of a precinct population to be relatively stable in any plan. The Enacted Map is the only plan, which keeps the non-Hispanic white population from making up more than two-thirds of the CVAP in any two precincts.

Table 1: Comparison of Citizen Voting Age Population, by Precinct and Plan

	Benchmark HCVAP	Benchmark BCVAP	Benchmark WCVAP	Enacted HCVAP	Enacted BCVAP	Enacted WCVAP
Precinct 1	12125 (20.1%)	5093 (8.4%)	41079 (68.0%)	13274 (21.7%)	6403 (10.4%)	39296 (64.2%)
Precinct 2	11056 (16.6%)	5375 (8.1%)	47201 (70.8%)	13250 (20.5%)	9121 (14.1%)	40186 (62.2%)
Precinct 3	13311 (24.2%)	16904 (30.7%)	22833 (41.5%)	10436 (18.8%)	5032 (9.1%)	35881 (64.8%)
Precinct 4	9470 (16.6%)	3093 (5.4%)	40337 (70.5%)	9002 (15.5%)	9909 (17.0%)	36087 (62.1%)
Total	45962	30465	151450	45962	30465	151450
Not in P3 (Pct of Total)	32651 (71.0%)	13561 (44.5%)	128617 (84.9%)			

Table 2: Comparison of Citizen Voting Age Population, by Precinct and Illustrative Plan

	Cooper 1 HCVAP	Cooper 1 BCVAP	Cooper 1 WCVAP	Cooper 2 HCVAP	Cooper 2 BCVAP	Cooper 2 WCVAP	Cooper 3 HCVAP	Cooper 3 BCVAP	Cooper 3 WCVAP
Precinct 1	12848 (20.7%)	5103 (8.2%)	41979 (67.7%)	12542 (20.9%)	5154 (8.6%)	40429 (67.2%)	13882 (22.2%)	9075 (14.5%)	37490 (59.9%)
Precinct 2	9779 (15.9%)	4565 (7.4%)	44345 (72.2%)	10572 (16.5%)	4370 (6.8%)	46365 (72.2%)	8901 (14.6%)	2935 (4.8%)	45462 (74.5%)
Precinct 3	14591 (24.2%)	17717 (29.4%)	25700 (42.6%)	14848 (24.7%)	17590 (29.3%)	25553 (42.6%)	13663 (23.6%)	15309 (26.4%)	26684 (46.1%)
Precinct 4	8744 (15.7%)	3080 (5.5%)	39426 (70.9%)	8000 (14.6%)	3351 (6.1%)	39103 (71.2%)	9516 (16.4%)	3146 (5.4%)	41814 (72.4%)
Total	45962	30465	151450	45962	30465	151450	45962	30465	151450
Not in P3 (Pct of Total)	31371 (68.3%)	12748 (41.8%)	125750 (83.0%)	31114 (67.7%)	12875 (42.3%)	125897 (83.1%)	32299 (70.3%)	15156 (49.8%)	124766 (82.4%)

	Fairfax HCVAP	Fairfax BCVAP	Fairfax WCVAP	Rush 1 HCVAP	Rush 1 BCVAP	Rush 1 WCVAP	Rush 2 HCVAP	Rush 2 BCVAP	Rush 2 WCVAP	Rush 3 HCVAP	Rush 3 BCVAP	Rush 3 WCVAP
Precinct 1	12122 (20.1%)	5090 (8.4%)	41048 (68.0%)	11660 (18.8%)	5878 (9.9%)	42161 (67.9%)	11261 (18.9%)	4481 (7.5%)	41356 (69.4%)	11672 (19.4%)	4361 (7.2%)	41753 (69.3%)
Precinct 2	10183 (16.1%)	5073 (8.0%)	45186 (71.3%)	9876 (15.7%)	3927 (6.2%)	45740 (72.7%)	9707 (15.5%)	3843 (6.2%)	45565 (73.0%)	10050 (15.9%)	3817 (6.0%)	46008 (72.9%)
Precinct 3	14187 (24.3%)	17209 (29.5%)	24859 (42.6%)	15378 (25.6%)	16982 (28.2%)	25789 (47.6%)	16224 (25.3%)	18585 (29.0%)	27222 (42.5%)	15729 (25.2%)	18385 (29.5%)	26373 (42.3%)
Precinct 4	9470 (16.6%)	3093 (5.4%)	40337 (70.5%)	9048 (16.7%)	3678 (6.9%)	37760 (69.7%)	8770 (16.5%)	3556 (6.7%)	37307 (70.0%)	8511 (15.9%)	3902 (7.3%)	37316 (69.8%)
Total	45962	30465	151450	45962	30465	151450	45962	30465	151450	45962	30465	151450
Not in P3 (Pct of Total)	31775 (69%)	13256 (43.5%)	126591 (83.6%)	30584 (66.5%)	13483 (44.3%)	125,661 (83.0%)	29738 (64.7%)	11880 (39.0%)	124228 (82.0%)	30233 (65.8%)	12080 (39.7%)	125077 (82.6%)

My report shows compact precincts were enacted in 2021 for the Galveston Commissioner’s Court. Those compact precincts follow traditional redistricting criteria by joining communities that have common characteristics beyond race, which is discussed in more detail below. The current map removes the “hooks” and “claws” from the prior map’s Precinct 3 boundaries. The result is that fewer local communities are divided under the current map, and the precincts preserve existing political boundaries.

Collectively, these results show that Plaintiffs’ illustrative maps fail to meet the *Gingles* 1 criteria in three important ways. First, neither Black nor Latinos are sufficiently numerous in and of themselves to constitute the majority in a single member district. This is important because all of the Plaintiffs’ illustrative maps require the combination of Black and Hispanic voters to form a majority-minority district. Second, the pairing of Black and Hispanic voters together is inappropriate because Black and Hispanic voters in Galveston County are not geographically compact. Third, and finally, the illustrative plans violate traditional redistricting principles to push the number of Black and Hispanic CVAP above 50%+1 in each illustrative plan.

Galveston County’s Dynamic Growth

Between 2010 and 2020, Galveston County’s population grew by 59,373. The proportional increase of 20% of the county’s population was the largest since 1970.² The growth also continued changes in the county’s demography, shared below in Table 1. A look at the 2020 Census population count in each Commissioner Court Precinct shows that Galveston County’s growth since 2010 was not even across the county. Prior to the county’s 2021 redistricting process, both Precincts 2 and 4 were overpopulated and Precinct 3’s population growth lagged the county by almost 9%. To keep district populations within plus or minus 5% of an equal distribution of individuals among four commissioner precincts, Precinct 2 needed fewer people and Precinct 3 needed additional people.

Table 1: Change in Galveston County from 2000 to 2010 to 2020

	2000	2010	2020
Total Population	250,198	291,309	350,682
Ideal Precinct Population (4)	62,550	72,827	87,671
Hispanic Population	44,939 (18%)	65,270 (22%)	88,636 (25%)
NH Black Population	38,179 (15%)	39,229 (14%)	43,120 (12%)
NH White Population	157,851 (63%)	172,652 (59%)	191,358 (55%)

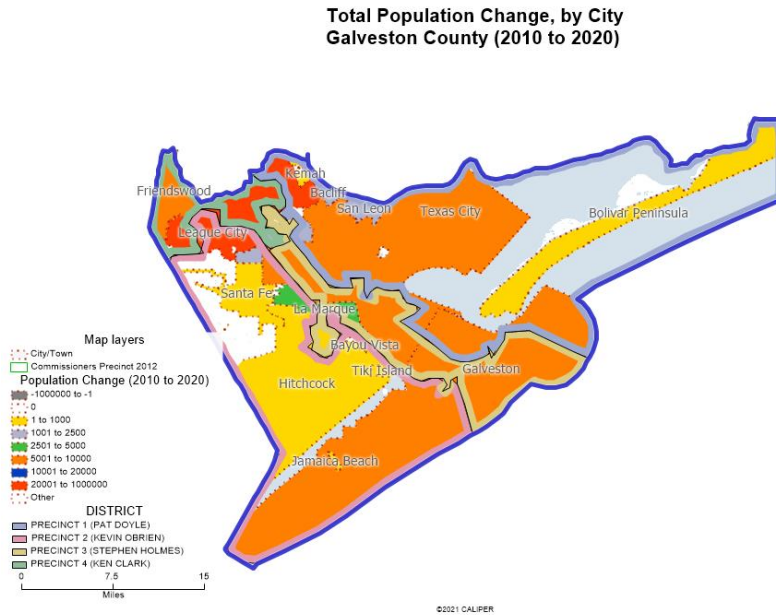
Figure 1, on the next page, illustrates that League City predominantly contributed to Galveston County’s growth with more than 30,802 new residents. This area is shaded in red to

² Texas Almanac. 2011. Population History of Counties from 1850–2010. Texas State Historical Association. <https://www.texasalmanac.com/drupal-backup/images/topics/ctypophistweb2010.pdf>

Also, Ferguson, John Wayne. 2021. “Galveston County population tops 350k, according to census.” *Galveston Daily News*, August 12, 2021. galvnews.com/news/article_15c68cc2-73f6-58b9-8162-07f7a74186e1.html

reflect that the population growth exceeded 20,000 individuals. Under the prior map, portions of League City were split between all four districts, but only one of League City’s voting districts was in Commissioner Court Precinct 3. Precinct 3 under the Benchmark Map was comprised of cities with lower population growths over the past decade like Dickinson (2,167 new residents) and La Marque (3,521 new residents).

Figure 1: Population Growth in Galveston County (2010 to 2020), by City with overlay of 2012 Commissioner’s Court Precinct Map



I. None of the Illustrative Maps Are Compact Under *Gingles I*

A. Determining Compactness

Comprehensive evaluations of compactness require multiple levels of analysis. Traditional redistricting principles encourage following political boundaries, major roadways, major waterways or other recognizable markers to align precincts in a North-South or East-West configuration. The first reason for compactness is to reflect communities of interest (e.g., income, education, cultural communities, population centers, etc.). Districts are determined to be reasonably configured and less burdensome administratively if districts minimize splits of municipalities and are more compact. Contiguous districts are not always uniform in size, so compactness can be measured with statistical scores that describe the shape of the polygon. The scores submitted by the Plaintiffs (Reock, Polsby-Popper, and Convex-Hull) are commonly used to measure compactness. While all scores have different assumptions about measurement, they serve the same purpose of comparing districts to one another and across a plan (here, Galveston County as a whole).

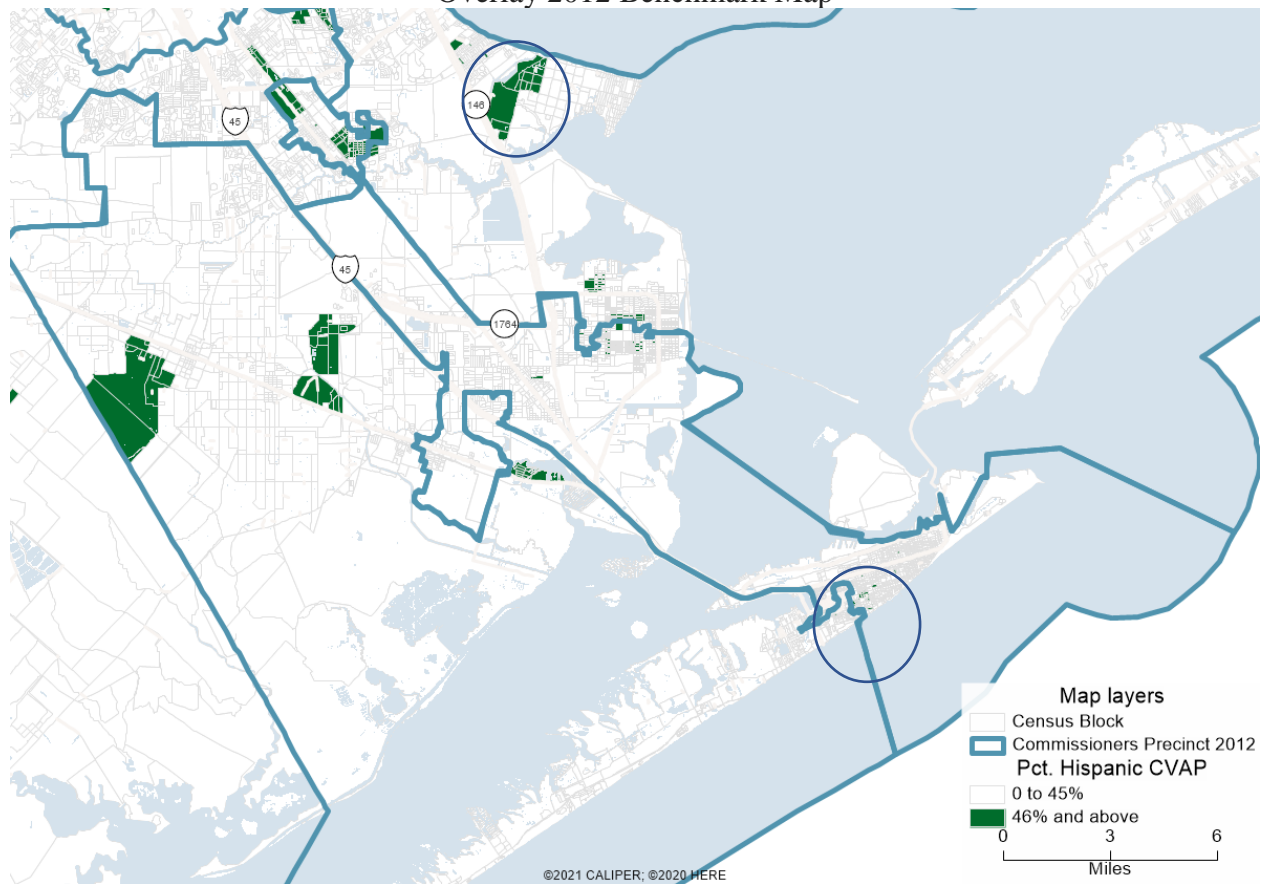
A *Gingles I* evaluation for the Galveston County Commissioner’s Court Precinct Map must answer a few direct questions. Does Galveston County’s Hispanic CVAP (19%) live in a

compact area? Does Galveston County’s Black CVAP live (13%) in a compact area? These questions lead to understanding the compactness of Galveston’s two largest minority communities. Compactness is not defined by the boundaries of the prior district, but where people live.

B. Galveston County’s Hispanic Citizen Voting Populations are geographically dispersed at the North and South ends of the County.

The Hispanic population in Galveston County is not compact. Population growth in the past decade shows that the Hispanic population is growing in different parts of the county. Figure 2 below shows the weight of the Hispanic population is largest and most concentrated in the northeast and southeast parts of the county. But the Benchmark Precinct 3 excluded swaths of Hispanic residents across the county and in voting districts adjacent to Precinct 3’s boundary and selectively chose some Hispanic residents at the top and bottom of that majority-minority precinct. Additionally, Figures 2 and 3 show that the concentration of Hispanic CVAP in Galveston County at the census block and voting tabulation district level look different. This is because the Hispanic CVAP population is concentrated within the smallest geographic units, but not adjacent to other communities.

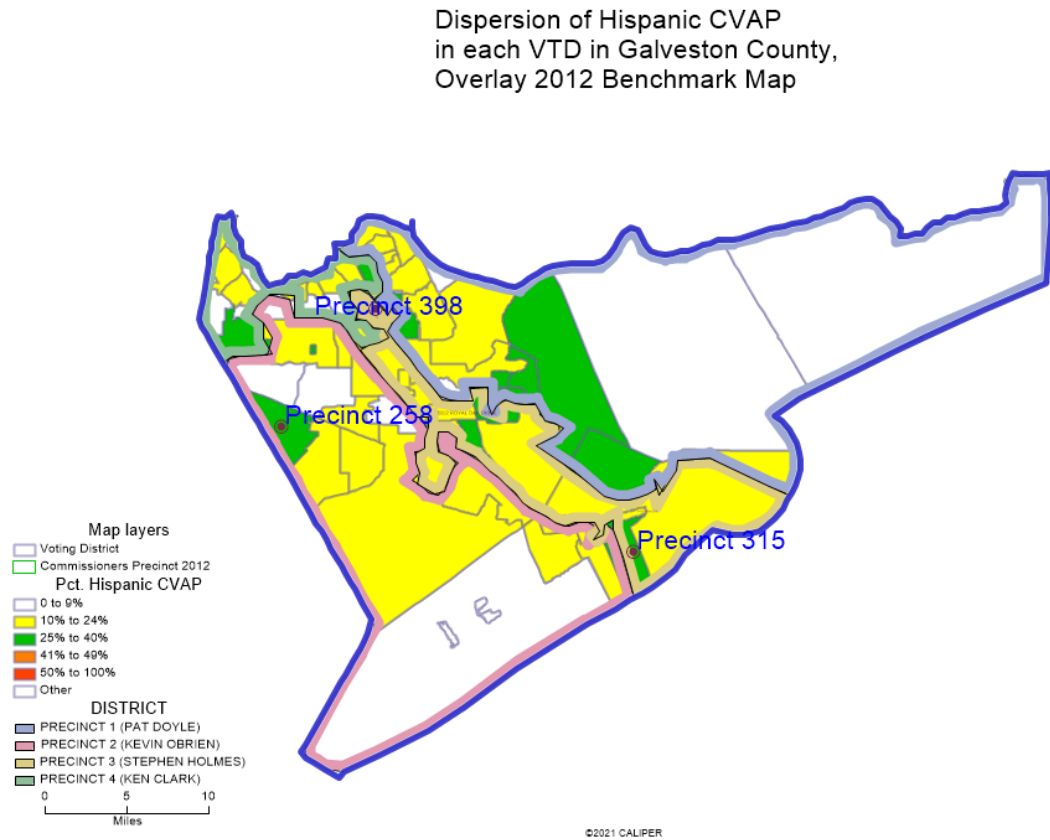
Figure 2: Dispersion of Hispanic Citizen Voting Age Population, by Census Block Overlay 2012 Benchmark Map



On Galveston Island there are 7,637 Hispanic residents who are voting age citizens. Those citizens live 18 miles away from the concentration of 305 Hispanic voting age citizens in the census blocks that are circled in Figure 2 to the north.

Figure 3 illustrates the range of Hispanic citizen voting age population’s (HCVAP) concentration in the former voting districts (VTDs). In Texas, voting tabulation districts (VTD) are a collection of census blocks. Therefore, the VTD represents the political geography where residents live. If multiple census blocks are concentrated in a compact community, then the VTD will also show higher levels of concentration. At the VTD level there is, again, a pattern of a geographically dispersed Hispanic population in Galveston County. There are large concentrations of heavily Hispanic VTDs in the northwest corner of the county around Dickenson and League City and the southeast portion of the county near the Gulf Coast of Galveston City, a distance of 24.8 miles. The northern concentration includes a Hispanic CVAP of 980 citizens southern concentration a Hispanic CVAP of 1545 citizens. We see that Hispanic voters are not highly concentrated in the central portion of Galveston County, rather they are at the northern and southern ends of the county. These two clusters of Hispanic populations are not culturally similar, and should not be assumed to be so, as described in more detail below.

Figure 3: Share of Hispanic Voting Age Population in Voting Tabulation Districts



From top to bottom, the areas where we see clusters of the highest percent are in the north-central portion of the county. Voting districts 341 and 398 are adjacent and are the only

voting tabulation districts where more than 40% of the citizen voting age population is Hispanic (HCVAP). The HCVAP in Voting district 398 is 43% or 272 residents and it was assigned to Commissioner Precinct 3 in the 2012 Benchmark map. Old voting district 315, which is 22 miles apart from voting district 398, is the southernmost concentration of HCVAP. The 1,545 Hispanic citizens make up a 34% HCVAP. Voting district 315 was also in Commissioner Precinct 3 of the Benchmark map. Additionally, old voting district 315 is more than 26 miles away from old voting district 258, which is the western-most concentration of 1,383 Hispanic citizens of voting age, with a HCVAP of 35%. Old voting district 258 was assigned to Commissioner Precinct 2 and continues to be assigned to it in all of the plans that are reviewed in this case. The locations of these VTDs with very high concentrations of HCVAPs are not geographically compact.

C. In All Illustrative Plans, the current Precinct 3 Does Not Form A Community Of Interest of Hispanics

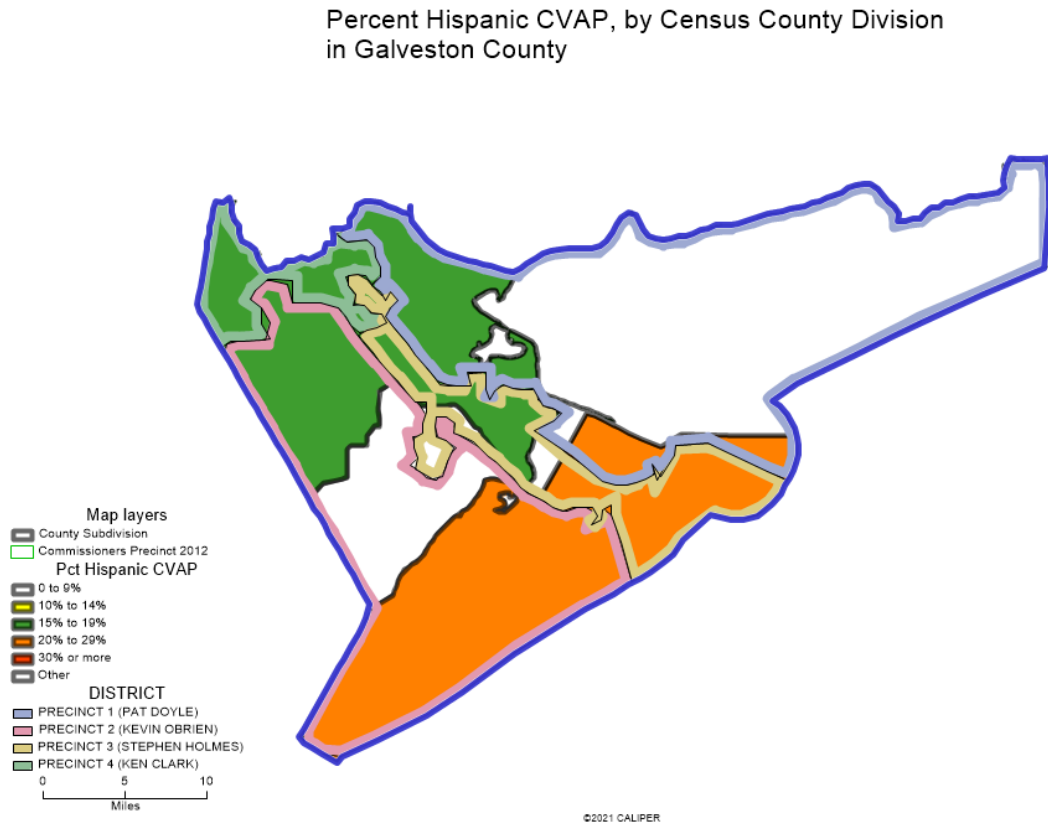
Galveston County's HCVAP is both distant and disparate. This indicates that a compact community of interest does not exist among the current Hispanic population in Galveston County. My analysis focuses on the citizen voting age population. These numbers reflect responses to the American Community Survey's robust set of questions in order to provide the most reliable estimate of subgroups at a local geographic level. The estimates of Galveston County's citizen voting age population by race and ethnicity also show that the Hispanic populations are disparate, and unable to be placed into one commissioner precinct that would form a majority Hispanic population. There is even less justification to join Hispanic and Black voters as a single community of interest even when they live in the same area, as described in more detail below.

Analyzing differences within populations and comparing them to neighbors shows how diverse and distinct a population is in a local area. I examine the diversity within the Hispanic population, with the 5-year estimates of the American Community Survey by the U.S. Census Bureau (2020), which provides insight into the different levels of education attainment, income, employment status, and other characteristics by age, gender, as well as race and ethnicity within these populations. The most granular level at which these data are available is the Census County Division (CCD). Using data tables from the Census, subpopulation counts can be determined within a more general spatial layer to maintain the anonymity of a respondent (<https://data.census.gov/>). In Galveston County, the four CCD's are Bolivar, Galveston, La Marque and Hitchcock, as well as Texas City and League City.³ In Maptitude for Redistricting,⁴ each CCD is identified as the "County Subdivision." Figure 4, on the next page, shows the percent of Hispanic CVAP in each CCD in Galveston County, these divisions are visible as grey lines and with the 2012 Benchmark Map overlaid.

³ Since the Bolivar Peninsula is geographically distinct, I direct my comparisons to the three divisions that are a part of the illustrative Precinct 3 proposals.

⁴ Maptitude for Redistricting is a GIS software designed specifically for the purpose of creating and analyzing redistricting plans. Similar to ArcGIS this is used by multiple states to create their redistricting plans, therefore I use it in my analysis to align my analysis with the processes used to create a district.

Figure 4: Hispanic Citizen Voting Age Population in Census County Divisions of Galveston County



A substantial difference between the Hispanic population across Galveston County is who in the population is employed full time. Hispanic men in the northern part of Galveston County are 12% more likely to have a full time job than Hispanics on Galveston Island. This exceeds the difference in the difference we see in the median age of Hispanic males between the regions of the county.

Table 4: Median Age and Population Working Full Time Among Hispanics, by County Area

	Category	Galveston	La Marque, Hitchcock	Texas City, League City
Median Age	Male	32	34	28
	Female	32	30	30
Pct. Working Full time	Male	47	62	59
	Female	35	35	32

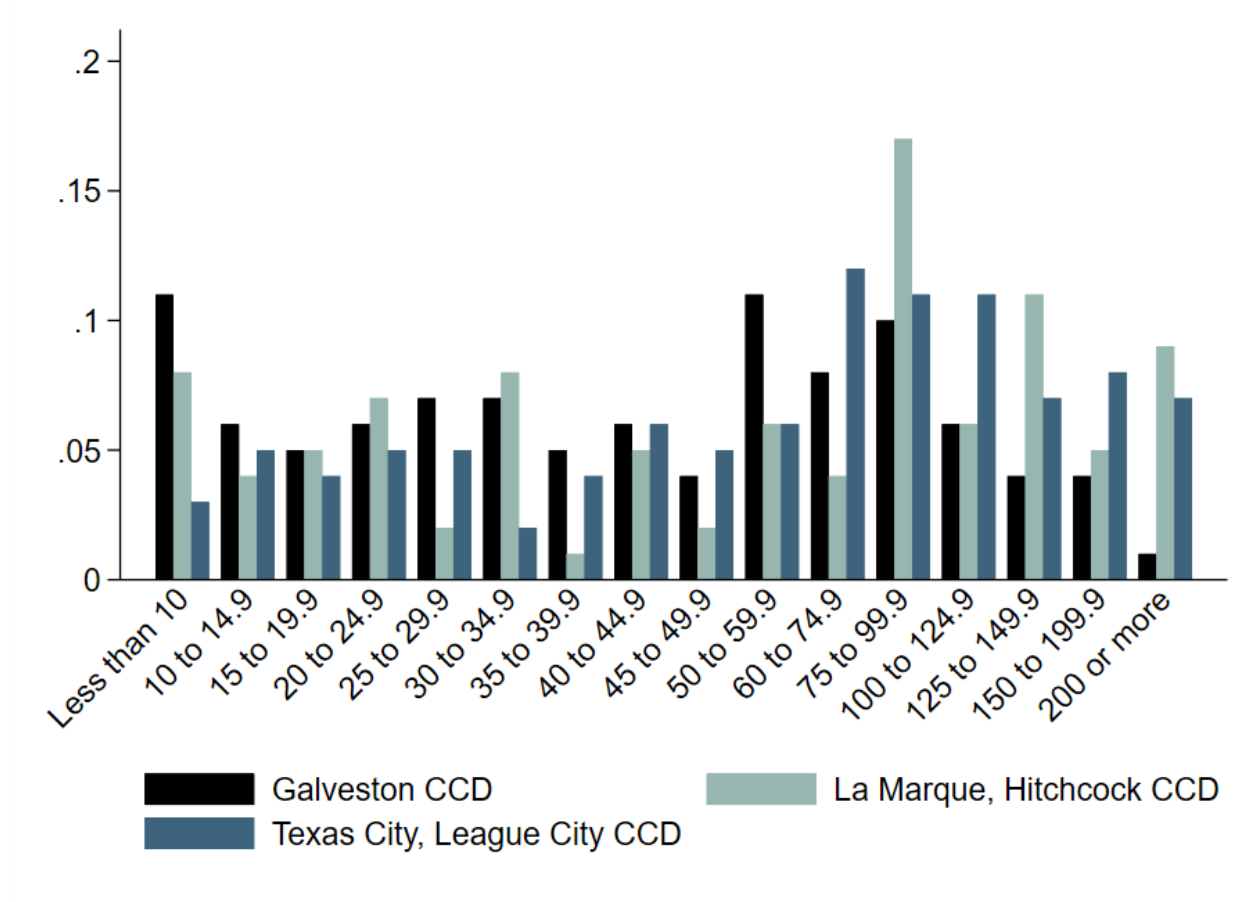
These details provide a more consistent context to understand population dynamics within the county than that depicted by Plaintiffs' expert William Cooper, in Figure 5 of his report (p. 16). The Plaintiffs' expert identified an economic community of interest that was conditioned on income and having a child in the household. His analysis omits that there is

substantial variation between the Hispanic population’s workforce status by gender and geography.

Figure 4 presents the ACS 5-year estimates for household income ranges in 16 categories. Each bar reflects the percent of the population that has an income within that category, in thousands of dollars. The category definitions are designed to create enough buckets to capture individual differences in incomes earned so that we can make reliable comparisons across the income distribution.

Across Galveston County there is a clear difference by geographic region in the income distribution of Hispanic residents. Hispanic residents in La Marque and Hitchcock make up the larger share of both lower incomes and high incomes. Hispanic household incomes in Texas City and League City are more evenly distributed and Hispanic households on Galveston Island are more often middle to lower income.

Figure 5: Hispanic Household Income in Past 12 months, by Population Group and Geography



Hispanics in the southern end of the county are different from Hispanics in the northern end. This is reflected in who is employed full-time and the distribution of household incomes in the community.

D. Galveston County’s Black Citizen Voting Populations are geographically dispersed at the North and South ends of the County.

Figure 6 shows population dispersion in Galveston county the same way that was just done for Hispanic CVAP. The Black citizen voting age population (BCVAP) in Galveston County is concentrated in the northern and southern portions of the county. The distance from the northern most concentration of BCVAP to the census blocks with high concentration of BCVAP on Galveston Island is 21 miles, point to point. From east to west it is 8 miles between the census blocks with the highest concentration of BCVAP in Texas City to those in Hitchcock.

Figure 6: Dispersion of Black Citizen Voting Age Population, by Census Block

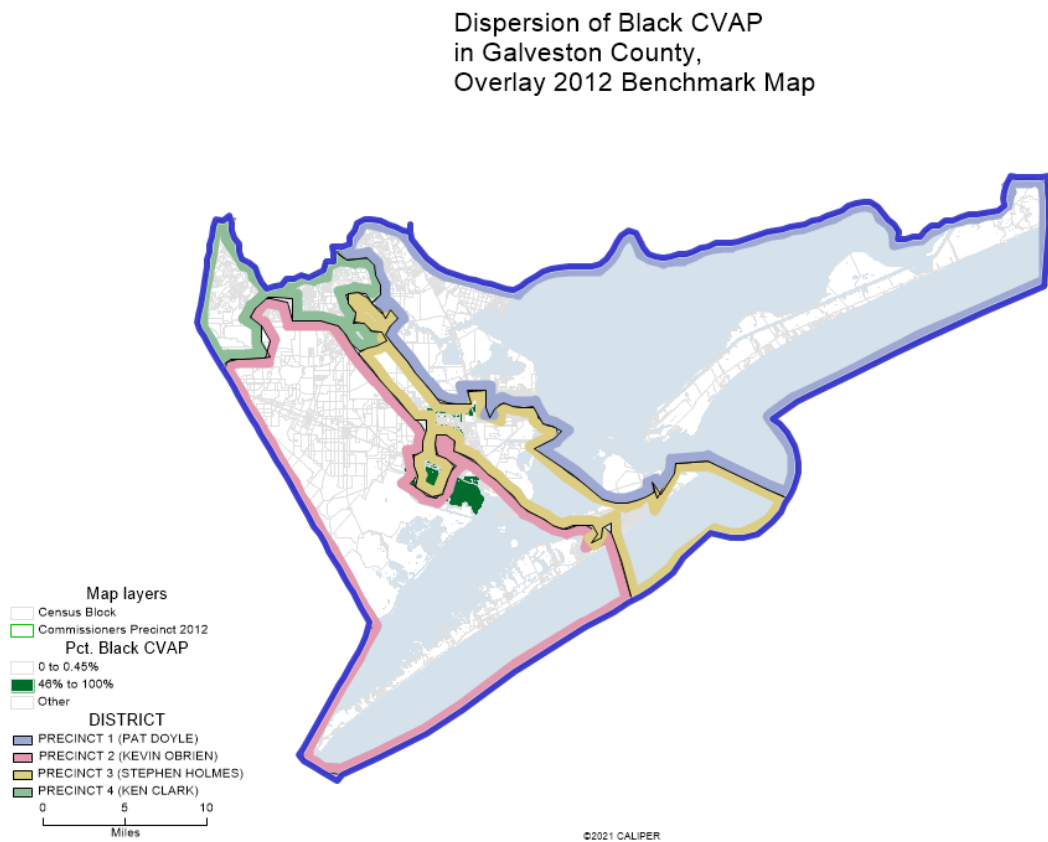
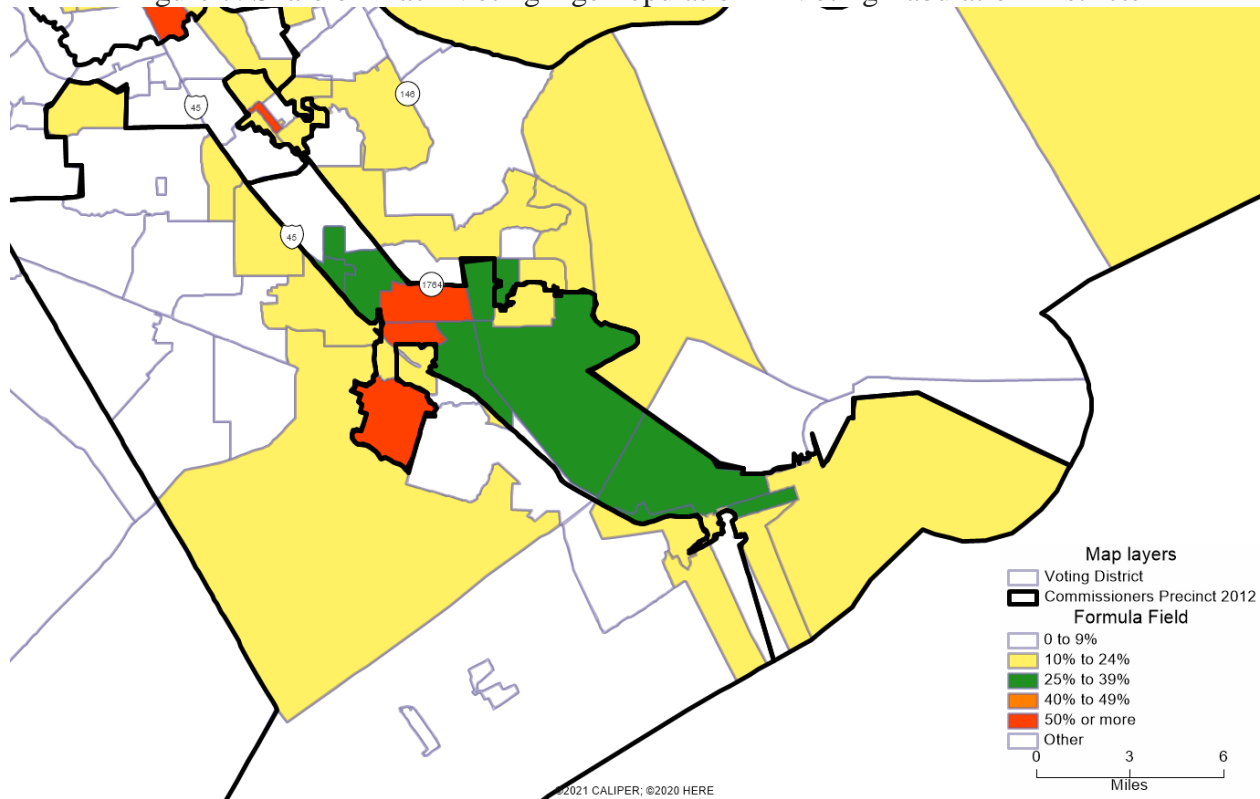


Figure 7 illustrates the Black CVAP in the voting tabulation districts (VTDs). Although the Black CVAP population appears concentrated in the center of the county, the population does not come close to having a substantial influence for a district of more than 85,000 residents. The Benchmark Precinct 3 combined a population of 14,159 Black citizens of voting age who reside in the green and red areas in the center and southern portion of the county with a small northern peninsula of 1,151 BCVAP residents in Dickinson (3.8% of the county’s BCVAP). The distance from the south of old voting district 336 to north of old voting district 340 is just under 10 miles to join these populations. One concern is that decisions to draw these communities into one Commissioner’s precinct does not consider other differences Black citizens have in these different cities and areas of the county.

Figure 7: Share of Black Voting Age Population in Voting Tabulation Districts



E. In All Illustrative Plans, the current Precinct 3 Does Not Form A Community Of Interest of Black CVAP

The distance between the geographic dispersion of BCVAPs indicates that a compact community of interest does not exist among the current Black population in Galveston County. The estimates of Galveston County’s citizen voting age population show that the Black populations are disparate, and unable to reliably be placed into one commissioner precinct that would form a majority community of interest. Clear differences emerge between geographic areas related to where people moved from to reside in Galveston County, employment, and income.

Among the Black residents who did move to a new area of county from elsewhere in Texas, Black residents were more likely to move to Texas City and League City than anywhere else. Hispanic residents, who previously lived in Texas, did not move to any part of Galveston County more often than any other. The movement of Black residents within the county is primarily moving to Galveston Island, whereas the movement of Black resident to the county from elsewhere in Texas heads towards Texas City and League City.

Table 6: Geographic Mobility Among Blacks, by Population

		Galveston	La Marque, Hitchcock	Texas City, League City
Geo. Mobility	Same House 1 year	76	83	81
	Moved within county	17	12	9
	Moved from elsewhere in Texas	5	4	8
	Moved from other state	1	1	1
	Moved from abroad	0	0	0

Another substantial difference between the Black populations in Galveston County is the median age of Black population. We see that the Texas City and League City communities are substantially younger than other areas of Galveston County to the south and west. The gap in the median age of each gender population in La Marque and Hitchcock varies the most, with Black women in La Marque and Hitchcock skewing 13 years older than Black women in Texas City and League City. Despite these age differences, the share of Black men and Black women in the workforce is the same in Galveston, La Marque, and Hitchcock.

Table 7: Median Age and Population Working Full Time Among Blacks, by County Area

	Category	Galveston	La Marque, Hitchcock	Texas City, League City
Median Age	Male	40	38	31
	Female	38	49	36
Pct. Working Full time	Male	28%	33%	48%
	Female	29	33	41

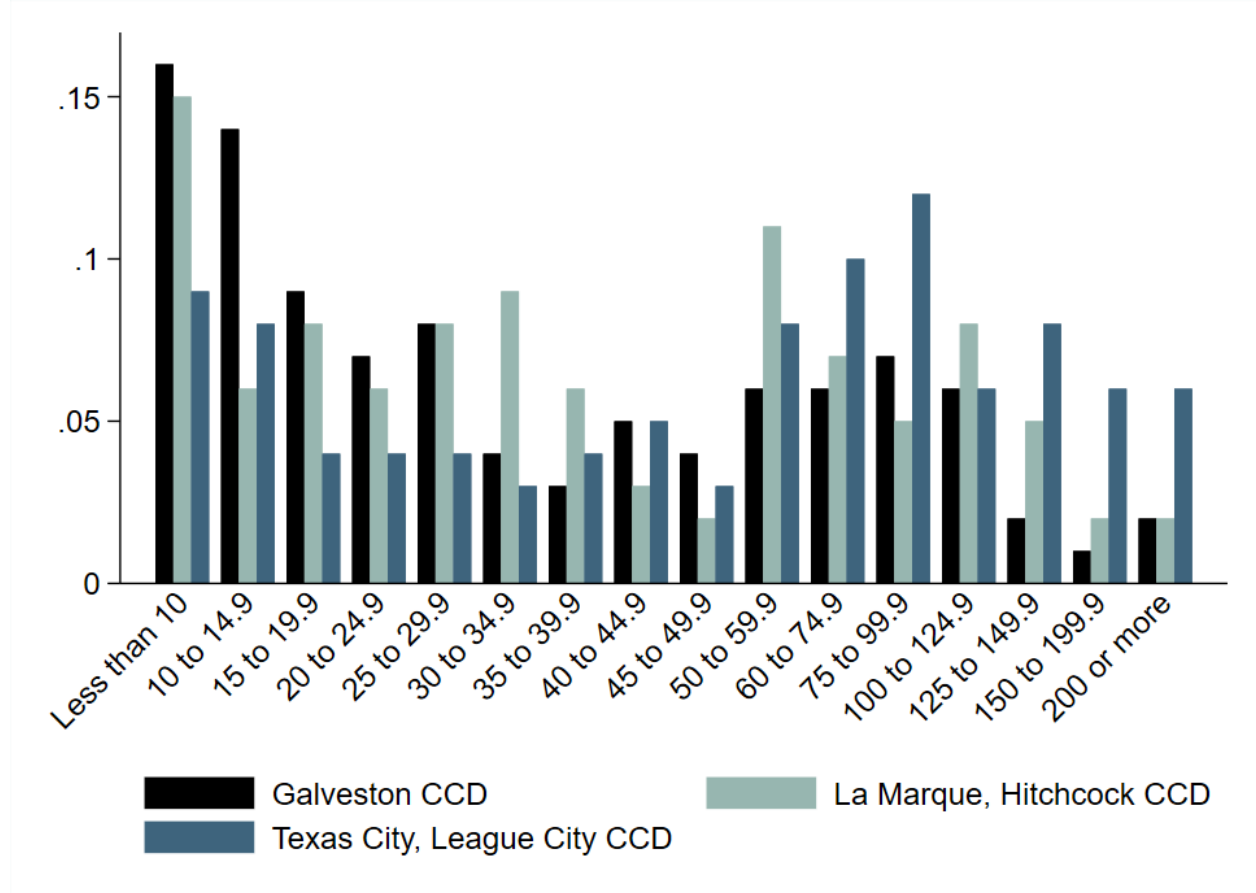
The rates of education offers another substantial difference. Black males have much higher levels of college degrees and collegiate attendance in La Marque, Hitchcock, Texas City, and League City than Black men on Galveston Island. The distribution of education attainment, race, and gender also shows the share of Black women with a college degree in Texas City and League City is substantially higher than the rest of the county. The range within the Black population is stark, as 14% more Black men and women in Texas City and League City have a college degree compared to Black men and women on Galveston Island. So, in addition to being younger, Black men and women also have higher education attainment in the areas closer to Houston.

Table 8: Education Attainment Among Blacks, by County Area

Education	Population	Galveston	La Marque, Hitchcock	Texas City, League City
Less than High school	Male	28%	12%	12%
High school	Male	33	31	24
Some college	Male	29	46	39
Bachelor's degree	Male	9	11	25
Less than High school	Female	12	12	9
High school	Female	33	18	31
Some college	Female	39	56	31
Bachelor's degree	Female	16	14	30

Finally, Figure 8 shows a clear difference by geographic region in the income distribution of Black residents. Black residents of Texas City and League City have higher household incomes than Black residents in La Marque, Hitchcock, and Galveston.

Figure 8: Black Household Income in Past 12 months, by Population Group and Geography



Education, income, and geographic mobility are ways that the Black population in Galveston County is disparate in addition to being geographically distant. The Black population in the southern end of the county is different from the northern end in a few disparate ways. This reduces the claim that this is one cohesive community of interest.

F. Illustrative Alternatives for Precinct 3 are Not Compact

In addition to considering the concentration of the Hispanic population included and those excluded from illustrative alternatives for Precinct 3, I present the set of compactness measures and deviation statistics for each plan. This includes the Benchmark prior Commissioners Precinct Map that was in place until 2021, the 2021 Enacted Map, and all Illustrative Maps from Plaintiffs’ experts. The scores all range from 0 to 1, where 1 reflects a more compact geographic shape. I also report the average score and the standard deviation for all four Commissioner Precincts in order to show how compact they are in comparison to others in the same plan. This is important because any extension of a voting district from a traditional polygon will affect the compactness of its adjacent district (losing area from its shape).

Table 9 presents the percent of the Precinct population that is above the ideal population of 87,671 residents. The redistricting process is centered on reducing the population deviation between of each precinct, which is how governments are able to reduce the ratio of representation to ensure the equal protection of all voters. The table below reports all the deviation statistics for each plan together. A point of caution, the Cooper Illustrative Map 2 as exhibits less population deviation than the Enacted Map but the way this occurs is problematic and a point I discuss later in the report.

Table 9: Population Deviation for Precinct Plans

Deviation	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.	Std. Dev.
Benchmark Map	-2.6%	9.0%	-8.8%	2.4%	5.7%	6.6%
Enacted Map	0.02	0.03	0.5	0.6	0.3	0.3
Fairfax Illus 1	-2.6	3.8	-3.6	2.4	3.1	3.1
Rush Map 1	1.1	-1.7	-0.8	1.35	1.2	0.3
Rush Map 2	-2.7	-1.7	5.7	1.4	2.9	1.7
Rush Map 3	-1.3	0.1	2.6	-1.4	3.2	3.6
Cooper Illus 1	-0.4	-0.7	1.0	0.2	0.3	0.6
Cooper Illus 2	0.0	-0.3	0.3	0.04	0.1	0.2
Cooper Illus 3	0.6	1.7	-0.5	-1.8	0.6	1.2

Three statistical scores, the Reock score, Polsby-Popper score, and the Convex-Hull score are used to compare the symmetry and consistency of all boundaries of the shape in a standardized way. In Tables 10, 11, and 12, I present the scores for all Precinct plans under consideration. The Enacted Map is more compact than each illustrative map. The Enacted map has an average score that is consistent with the other plans, but the standard deviation of the scores across all districts is the lowest. A close examination of the scores per precinct shows that the lowest compactness score in all illustrative maps is Precinct 3. The one Illustrative Map that offers one-tenth of a percent less population deviation than the 2021 Enacted Map (Cooper Map 2) has lower average compactness scores and higher standard deviations of compactness (Reock, Polsby-Popper).

Table 10: Reock scores for Precinct Plans

Reock score	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.	Std. Dev.
Benchmark Map	0.28	0.39	0.16	0.34	0.22	0.15
Enacted Map	0.30	0.24	0.23	0.29	0.27	0.04
Fairfax Illus 1	0.28	0.39	0.16	0.34	0.29	0.10
Rush Map 1	0.29	0.34	0.21	0.26	0.28	0.05
Rush Map 2	0.30	0.33	0.16	0.31	0.28	0.08
Rush Map 3	0.30	0.33	0.16	0.28	0.27	0.07
Cooper Illus 1	0.28	0.37	0.17	0.34	0.29	0.09
Cooper Illus 2	0.27	0.25	0.20	0.39	0.28	0.08
Cooper Illus 3	0.23	0.29	0.35	0.21	0.27	0.06

Table 11: Polsby-Popper scores for Precinct Plans

Polsby-Popper	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.	Std. Dev.
Benchmark Map	0.23	0.28	0.09	0.14	0.19	0.09
Enacted Map	0.28	0.21	0.12	0.22	0.21	0.07
Fairfax Illus 1	0.23	0.30	0.10	0.14	0.19	0.09
Rush Map 1	0.22	0.25	0.12	0.14	0.18	0.06
Rush Map 2	0.25	0.26	0.12	0.17	0.20	0.07
Rush Map 3	0.25	0.27	0.12	0.14	0.20	0.08
Cooper Illus 1	0.24	0.29	0.11	0.12	0.19	0.09
Cooper Illus 2	0.27	0.25	0.20	0.39	0.39	0.08
Cooper Illus 3	0.24	0.23	0.18	0.13	0.20	0.05

Table 12: Convex-Hull scores for Precinct Plans

Convex-Hull	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.	Std. Dev.
Benchmark Plan	0.69	0.71	0.48	0.15	0.51	0.26
Enacted Plan	0.76	0.71	0.47	0.67	0.65	0.13
Fairfax Illus 1	0.69	0.73	0.49	0.55	0.62	0.11
Rush Map 1	0.66	0.65	0.56	0.56	0.61	0.06
Rush Map 2	0.68	0.67	0.54	0.58	0.62	0.07
Rush Map 3	0.68	0.67	0.53	0.60	0.62	0.07
Cooper Illus 1	0.69	0.69	0.51	0.55	0.61	0.09
Cooper Illus 2	0.74	0.64	0.60	0.62	0.65	0.06
Cooper Illus 3	0.68	0.74	0.60	0.52	0.64	0.10

Another factor of compactness is the distance it takes to travel from one end of the precinct to another. Maptitude for Redistricting's GIS software provides a Travel Contiguity Analysis tool to calculate the percentage of residents who drive in the district, the distance they travel by car, and the time they report to travel by car. The software tool generates a complete and accurate measure by computing a matrix of distances from all points along the boundary of a district. In another column, I also add to this analysis the miles from the northern most point to the southern most point of the Precinct Plan.

Table 13: Travel Contiguity Analysis of Precinct 3 in Illustrative Plans, Plus Length of Precinct 3

District Plan	Pct who drive	Max Drive Distance	Max Drive Time	Precinct 3's Distance North to South
Fairfax	91.0%	31.82 miles	52.43 minutes	22 miles
Cooper 1	92.3	31.82 miles	52.15 minutes	22 miles
Cooper 2	91.7	29.01 miles	52.15 minutes	22 miles
Cooper 3	92.4	18.13 miles	34.45 minutes	14 miles
Rush 1	92.9	29.84 miles	52.15 minutes	21 miles
Rush 2	92.3	28.13 miles	52.15 minutes	22 miles
Rush 3	92.7	28.13 miles	52.15 minutes	21 miles

As shown above in Table 13, the illustrative maps for Precinct 3 are not compact. Moreover, there are substantial differences between the Hispanic and Black populations in the regions that are the focus of the Plaintiff's complaint. The lack of geographic compactness and

the substantial differences between these populations discussed above shows they do not have sufficient shared interests to compel a majority-minority district composed of both Hispanics and African Americans.

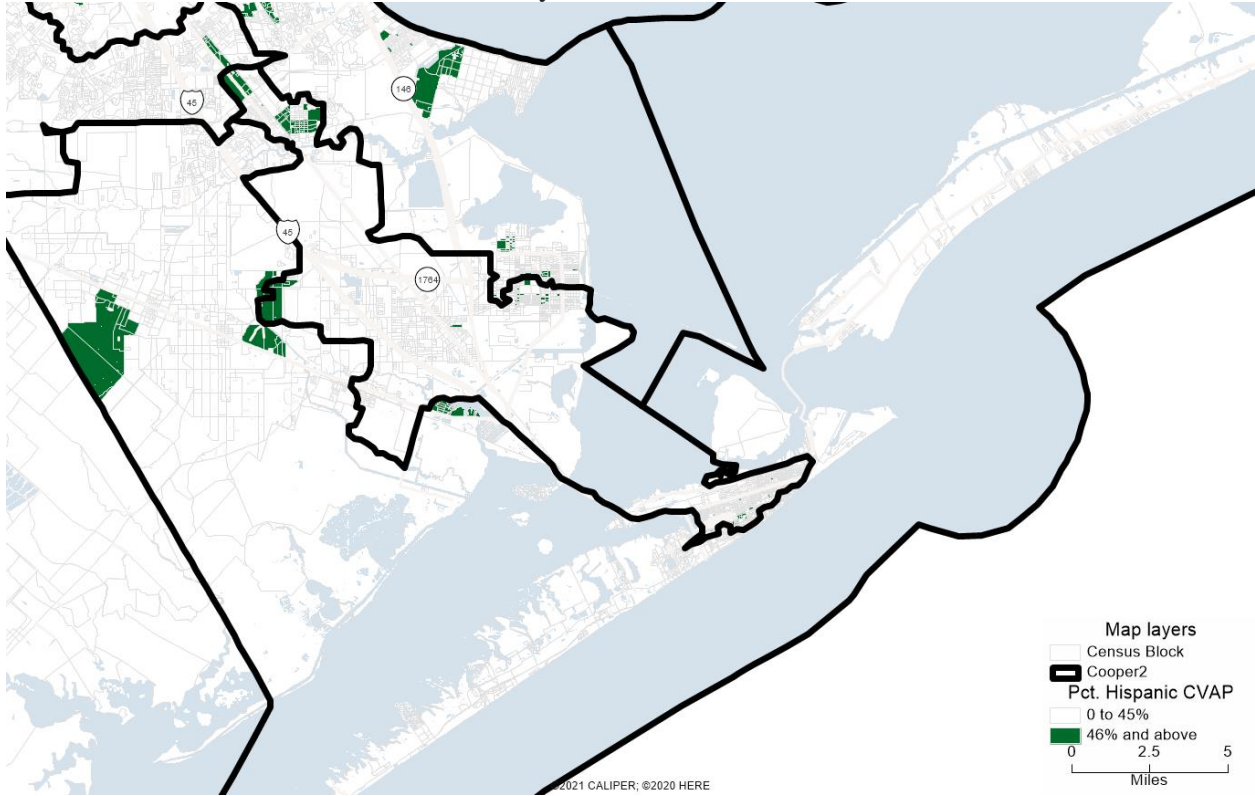
G. The Proposed Alternative Plans Prioritize The Racial Identity of Persons Above Traditional Redistricting Principles.

An analysis of the illustrative plans reveals that plaintiffs have prioritized race over traditional redistricting practices. Earlier in this report, I show that Hispanic voters are concentrated in different parts of Galveston County and are uniquely different from Black residents in the same places. I also show the consistent lack of compactness in the illustrative maps submitted by the Plaintiffs.

Six of the seven proposed plans divide Galveston Island into multiple precincts. Most of those plans divide the island into three precincts. Cooper's Illustrative Map 3 is the only one that does not. Any division of Galveston Island is unnecessary given that its population of 54,774 (including Pelican Island) is less than the ideal district population. Redistricting principles allow minimal population deviation so that geographically distant areas like islands are not cracked into multiple districts.

Another concerning pattern in the illustrative maps is that the non-compact illustrative maps reach out to grab Black voters and combine far-flung segments of the Hispanic population. Figure 4 offers a clear example of how Cooper's Illustrative Map 2 confirms that the Hispanic population is not compact.

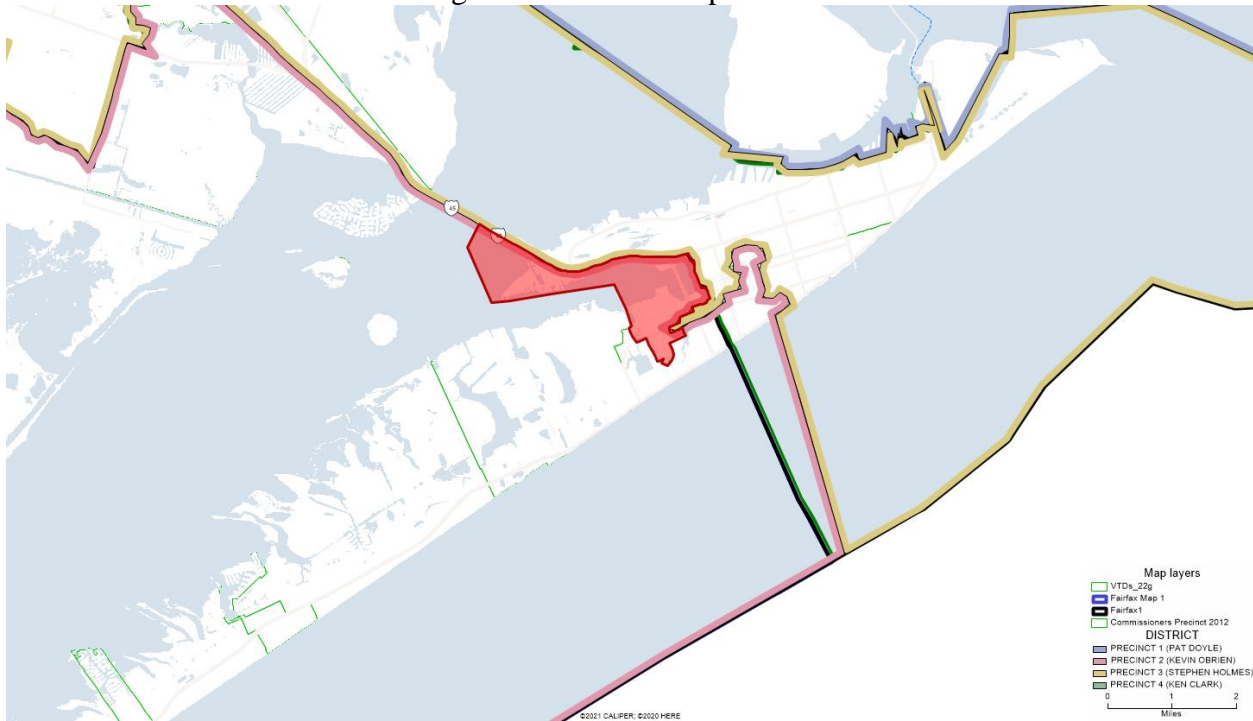
Figure 9: Precinct 3 Overlaid with Dispersion of Hispanic Citizen Voting Age Population, by Census Block



Building from this point, I will identify how each illustrative map violates traditional redistricting principles in an effort to maximize the racial composition of the district. I will begin with Anthony Fairfax’s illustrative map, then discuss Cooper’s three illustrative maps, and end with an evaluation of the maps from Tye Rush.

The Fairfax Illustrative Map attempts to recreate Precinct 3 by staying close to the previous boundary. Figure 10 shows one voting district was added. Fairfax added the area where the black line extends beyond the pink line. The voting district that was selected added 873 Hispanic citizen voting age residents (25%) and 302 Black citizens of voting age (9%). This selectively chose a diverse voting district to add, when other voting districts were also adjacent to Precinct 3 and could have improved the compactness of the Precinct.

Figure 10: Fairfax Map Precinct

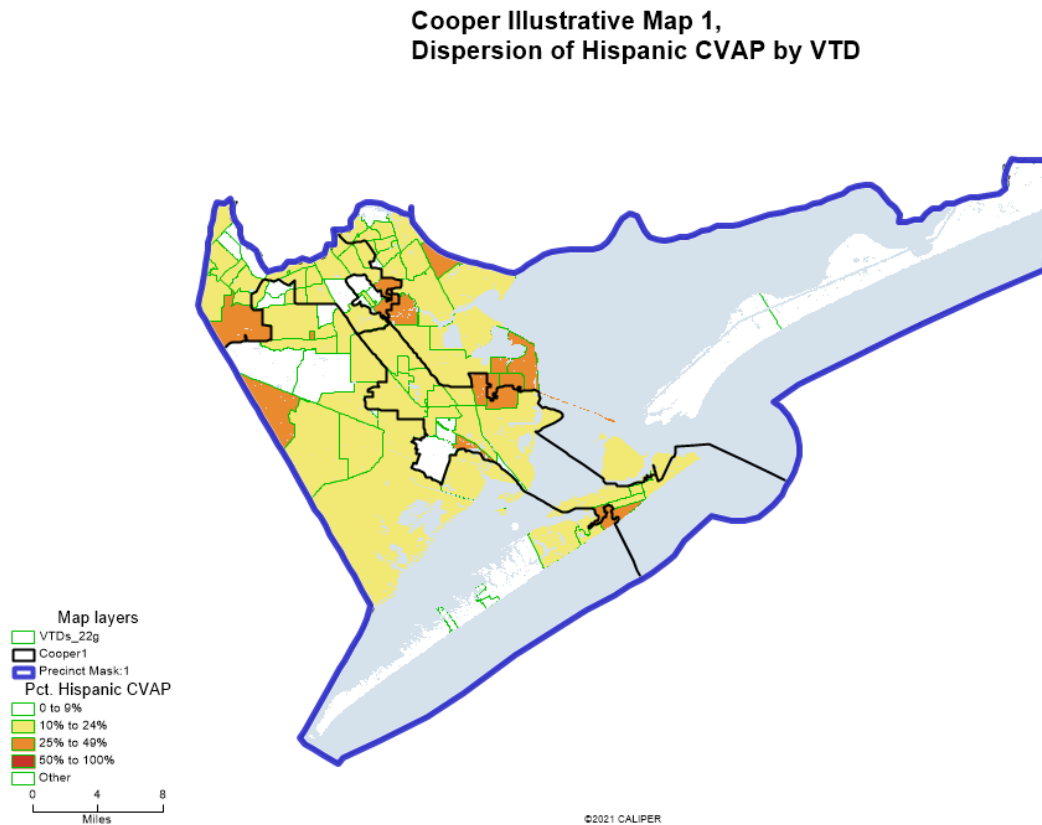


The process exhibits a selective choice under the guise of offering the least changes. Precinct 3, as proposed in Fairfax Map 1, continues to be underpopulated by 3.6%. This selection excludes the more populous voting district 223 (shaded above with a citizen voting age population of 4,045). Voting district 223 would have reduced the population deviation further and had a higher concentration of 870 Black voting age citizens (22%) than voting district 218. The remaining demographic composition of voting district 223 includes 777 Hispanic voting age citizens (19%) and 2263 non-Hispanic white voting age citizens (56). This opportunity to increase the Black and Hispanic populations in Precinct 3 would limit the ability for Precinct 2 to be contiguous on the island.

The process exhibits a selective choice under the guise of offering the least changes. Precinct 3, as proposed in Fairfax Map 1, continues to be underpopulated by 3.6%. This selection excludes the more populous voting district 223 (shaded above with a population of 6,093). voting district 223 would have reduced the population deviation further and had a higher concentration of BCVAP than voting district 218. The demographic composition of voting district 223 includes 19% HCVAP, 56% WCVAP, and 22% BCVAP, as compared to 27% HCVAP, 62% WCVAP, and 9% BCVAP. This opportunity to increase the Black and Hispanic populations in Precinct 3 would limit the ability for Precinct 2 to be contiguous on the island.

The first illustrative map proposed by William Cooper enlarges the geographic footprint of Precinct 3 in order to add population to the underpopulated Precinct. The district includes the northern part of the Precinct where concentrations of Hispanic voters are split into Precinct 1, 3, and 4. Precinct 3 grows west to add voting districts 219 and 232.

Figure 11: Cooper Map 1, Precinct 3



While it would appear the illustrative plan now rounds out Precinct 3's previous extended arm into Hitchcock, there are three substantial violations of traditional redistricting practices that lead to increasing the population of Black residents in Precinct 3.

1. The substantial changes to Precinct 3 does not limit the representation of Galveston Island to two voting districts, as the Plaintiff's expert says. This illustrative map continues to exclude 713 voting age citizens in voting district 105.1 from Precinct 3 by assigning coastal area in Precinct 1. The voting district has a CVAP population includes 92 Hispanic citizens, 523 non-Hispanic white, and 33 non-Hispanic Black citizens (13% HCVAP, 73% WCVAP, and 5% BCVP).
2. Adding more of La Marque and Hitchcock to Precinct 3 and give the visual appearance of compactness, relies on adding voting district 232 (population 2,205 CVAP). The newly added population in this area was 24% HCVAP, 55% WCVAP, and 17% BCVP).
3. The added population needed to reduce population deviation came from adding Voting district 419. Voting district 219 is not adjacent to the area where most voting districts were added, but it has a citizen voting age population of 2,689 (24% HCVAP, 53% WCVAP, and 14% BCVP). This ignored the concentrated Hispanic population across Highway 6 in voting district 225 that goes on the shoreline. Voting district 225 is adjacent to three of the newly added voting districts and has a similar population to the

areas it is adjacent to. The citizen population of voting district 225 is 3,606 (14% HCVAP, 81% white, 2% BVAP).

I addressed the second illustrative map submitted by William Cooper above, but want to identify additional selective choices that were made in Cooper Map 2. The cartographer's attention on this map is directed to the furthest northern and southern sections of Precinct 3. At the north, there are clear attempts increase the number of adjacent voting districts from one to two before the district moves up capture a set of voting districts that are clearly of interest to the Plaintiffs. In this case:

1. The map splits voting district 192 north and south. The split occurs south of voting district 391 and captures a little more than half of the voting district's population. This voting district that has a citizen voting age population of 32% HCVAP, 52% WCVAP, and 14% BCVAP is split so, Precinct 3's share of voting district 391 is 29% HCVAP, 34% WCVAP, and 14% BCVAP. The share of voting district 391 sent to Precinct 1 is 28% HCVAP, 49% WCVAP, and 15% BCVAP. Splitting this voting district did not add to the compactness of the district in a meaningful way, but it increased the share of Black CVAP.
2. Compactness was not likely the reason for voting district 192's split, since voting district 391 runs north of that area. The voting district that remained part of Precinct 3 in Cooper Map 2 has a HCVAP of 28%, WCVAP of 49%, and BCVAP of 16%. Voting district 391 was part of the Benchmark Commissioner Precinct Map and the split of voting district 392's only benefit was to add visual compactness to the hook that existed to include voting district 391 in the first place. The southern portion of voting district 392 was essential to maintaining the contiguity of voting district 391 without relying on the geographically small voting district 394.
3. Voting district 218 is also split along census block lines. In this case Precinct 3 comes within 0.2 miles of Seawall Blvd. The wide-open ocean and Precinct 3, which extends to north Galveston County, are separated are separated by a census block of 16 residents. Using this small intersection to connect a district that is just shy of 58 miles from the northeast corner to the southwest corner violates traditional expectations of compactness and clearly divides local communities from receiving the same representation.
4. Voting district 315 is adjacent to voting district 218 and has the same problem. In this case, Precinct 3 goes all the way east to Seawall Boulevard on three occasions (as seen in Figure 9). Within those jagged selections, 5 voting age citizens are split from Precinct 3 into Precinct 2 in order to be joined with Porretta Beach. Across from Stewart Beach Park, another 144 voting age citizens residents find they are part of Precinct 2 and not Precinct 3 because of their access to the water. The affected individuals are 7% HCVAP, 83% WCVAP, and 10% BCVAP. Precinct 2 is given beach access to continue as a contiguous precinct, which it barely achieves with a tiny strip of beach. The contiguity of Precinct 2 becomes dependent on the weather conditions and high tide.

Figure 12: Cooper Map 2, Precinct 3



The first departure from a traditional redistricting practice divided a voting district to assign census blocks with more Hispanic residents to Precinct 2. The communities that remained had a higher Black CVAP. The beach contiguity problem is also a sign of racial gerrymandering, since 218 individuals were selectively discarded from Precinct 3 even though the non-Hispanic Black population was consistent with the county's population share. In each case the exclusion of certain populations allowed the district to extend to reach areas with larger non-Hispanic Black populations, like on Galveston Island. This allowed Precinct 3 to include the entire 314th voting district, which has a larger than average concentration of non-Hispanic Black residents at the far east end.

A third illustrative map from William Cooper acknowledges the county's interest in reducing the political divisions on Galveston Island, acknowledges the unnecessary split of voting district 192, and ends the narrowest contiguity of Precinct 3 at Robinson's Auto Repair in Dickinson. This narrow point of contiguity was part of the Benchmark district and allowed someone to be in one of three different Commissioner Precincts, depending on which side of the business you were on. Despite those changes, the illustrative plan continues to make selections that show the prioritization of race over redistricting principles.

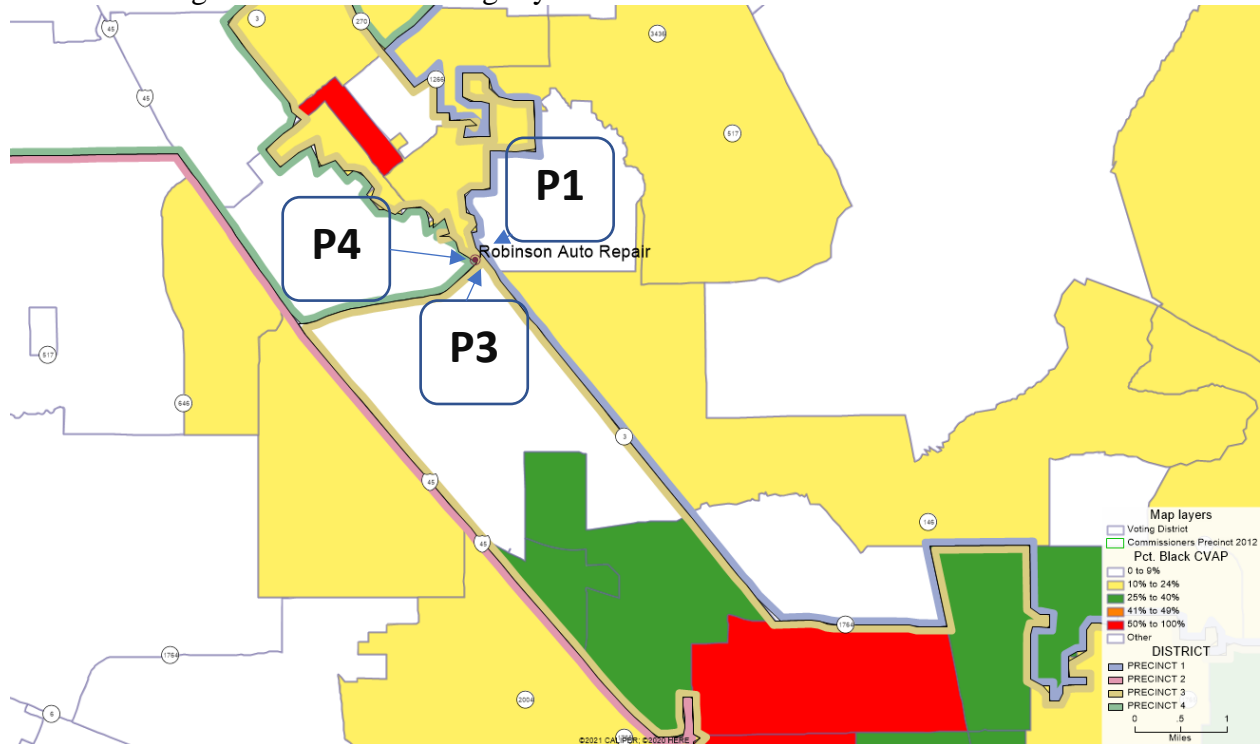
1. This map increases the share of Texas City that is in Precinct 3, by adding voting districts 142, 148, and 150. However, because voting district 150 goes up to the south shore of Moses Lake, Precinct 1 becomes contiguous only through the Moses Lake Floodgate on the north edge of Moses Lake. The extension of this hook around Texas City also uses a large area with zero population to connect the northern and southern sides of Precinct 1. This is another example of how adjustments to Precinct 3 reduce the compactness of adjacent districts. This version of Precinct 1 had the lowest compactness score of the three illustrative maps William Cooper submitted.
2. The district still maintains a division of the Hispanic population in the city of Dickinson in the northern section of the district and attempts to pair it with population in Hitchcock. The distance to achieve his combination is more than 13 miles. A district would be more

compact if the community of interest in Dickinson was joined with a community in League City, where the populations are more similar.

The first illustrative map prepared by Tye Rush is another example of prioritizing race in the selection of voting districts over traditional redistricting principles. The first illustration:

1. Separates Galveston Island into Precincts 1, 2, and 3. The plan deviates from the historical map, by assigning voting district 314 to Precinct 1 (now voting district 214). Doing this makes Precinct 3 on the island narrower than 1 mile east to west. The citizen voting age population of voting district 314 is 4621 (22% HCVAP, 42% WCVAP, and 35% BCVPAP).
2. More than 19 miles to the north, the map splits voting district 439 and 144 with voting district 341. This is the same narrow community that has been previously described as being 0.05 miles wide and the site of Robinson’s Auto Repair. Precinct 3 is unable to pick up the concentration of 3,107 BCVPAP+HCVAP if it does not take this narrow pass over Dickinson Bayou. That is 9.6% of the BCVPAP+HCVAP used to create the illustrative versions of Precinct 3 that keep this intact.
 - a. The 341st voting district included is 47% HCVAP, 38% WCVAP, and 12% BCVPAP. The two adjacent voting districts have a BCVPAP of 6% (voting district 439) and 5% (voting district 144). The HCVAP of the same two districts is 16% (voting district 439) and 25%. (voting district 144). Voting district 341 was selected to be in Illustrative Precinct 3 at the exclusion of the two adjacent voting districts, because it had double the BCVPAP.

Figure 13: Narrow Contiguity of Precinct 3 - Where Three Districts Meet



3. Also, instead of expanding the northern section of Precinct 3 to be more compact, this map excludes voting district 399 from Precinct 3. The citizen voting age population

of this voting district is 456 (37% HCVAP, 17% non-Hispanic White, and 18% non-Hispanic Black). The estimated CVAP population is 456 (HCVAP is 38%, BCVAP is 18%, and WCVAP is 38%).

4. The adjacent voting district below has a population distribution of 48% Hispanic, 7% non-Hispanic white, and 41% non-Hispanic Black. This shows Rush Map 1 split a younger Hispanic community (HCVAP 37%) from its adjacent neighbor (HCVAP 42%), in order to prioritize maintain voting districts with higher BCVAP in the center of the county in Precinct 3.
5. Rush's first illustrative map has the same additions in Texas City to Precinct 3 that force Precinct 1 around Moses Lake and reduce the compactness of Precinct 1. Although, this configuration occurred with the Cooper maps, the addition of Pelican Island to Precinct 3 extends the distance Precinct 1 is only contiguous via Galveston Bay.

The second illustrative map by Tye Rush continues to prioritize the northwest by southeast version of Precinct 3. This version makes notable changes to the first Rush illustrative.

1. Galveston Island continues to be split into Precincts 1, 2, and 3. In this version voting district 314 (now 214) is returned back to Precinct 3.
2. The effort to add more of Texas City to Precinct 3 recedes in this version, as voting district 148 is split away from Texas City. This voting district was previously joined with Precinct 3 in Map 1, as well as maps by William Cooper's third illustrative map. The decision to assign voting district 148 to Precinct 1 moves a citizen voting age population in voting district 148 that is 27% HCVAP, 59% WCVAP, and 11% BCVAP. Rush Map 2 kept the adjacent voting district 150 (29% HCVAP, 60% WCVAP, and 10% BCVAP) and adjacent voting district 142 (29% HCVAP, 42% WCVAP, and 26% BCVAP). The action to add voting district 142 selectively chooses the voting district with the highest percentage of Black CVAP. The extension to include voting district 150 also, includes one of the Plaintiffs into the district. Those to steps are done at the exclusion of a voting district that has the largest HCVAP population.
3. Additionally, this map includes the greatest population deviation of 8.4% between the least populated and most populated Commissioner Precincts by packing more residents into Precinct 3 than any other illustrative map submitted by the Plaintiffs.

Rush's third illustrative map continues to follow a similar approach to the second map with three notable changes.

1. Illustrative Map 2 drops voting district 219 in Hitchcock from the unnecessarily overpopulated Precinct 3 in Map 2.
2. Illustrative Map 2 drops voting district 218 from the version just discussed from the unnecessarily overpopulated Precinct 3 in Map 2.
3. Precinct 218 is assigned to Precinct 2, which was done in other illustrative maps to drive the district as far south as possible.

Conclusion: Galveston County Lacks a Compact Community of Interest

My report has focused an intensely local analysis on Galveston County's residents to identify if the areas with concentrations of Hispanic residence are adjacent or disparate. In addition to finding that Galveston County's Hispanic residents are disparate, I also did not find patterns within subdivisions of the county where the Hispanic and Black populations are substantially similar to be considered a combined community of interest.

Galveston County's population growth has primarily been centered around its largest city League City. The county's fastest growing demographic group are Hispanics, but they are concentrated in cities across the county with unique individual characteristics in each geographic area. These two factors and the acceleration of the county's population growth have reshaped the county's political geography. It has changed so much, that the Benchmark Precinct 3 no longer represents a clear community of interest. A view of population distributions at the census blocks and voting districts show that illustrative maps that are set to prioritize representation of Black residents excludes adjacent Hispanic residents.

The illustrative versions of Precinct 3 that have been proposed constitute a collection of multiple racial gerrymanders that stretch definitions of compactness, population deviation, and how to maintain contiguity. Moreover, six of the seven districts perpetuate significant political divisions of Galveston Island. My report describes how on multiple occasions each map plan chose to include a voting district that had a higher concentration of Black citizens of voting age, even when adjacent voting districts with similar populations had higher concentrations of Hispanic voters could have been selected.

The illustrative maps are prime examples of how racial considerations are prioritized over traditional redistricting principles to achieve a majority-minority district built on an overgeneralized assumption of similarities between the Hispanic and Black communities. The distant Hispanic populations and their distinct cultural characteristics lead us to infer that minority status was the only characteristic that was considered when trying to join these populations. The long and distant Precinct 3 may appear as an opportunity to give representation to the central part of the county, but any analysis that breaks down the population statistics will identify the Benchmark and illustrative Precinct 3 boundaries joins two very different Hispanic populations that are at the north and south ends of the smaller Black population.

Mark Owens

Curriculum Vitae

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(903) 566-6281

EDUCATION

University of Georgia - Ph.D. in Political Science	2014
University of Oxford - Visiting Doctoral Student in the Department of Politics	2013
Johns Hopkins University - M.A. in Government	2008
University of Florida - B.A. in Political Science, <i>magna cum laude</i>	2006

ACADEMIC POSITIONS

University of Texas at Tyler	
Associate Professor & Honors Faculty	2020 - present
Assistant Professor	2015 - 2020
Reinhardt University - Adjunct Professor of Public Administration	May 2014 & May 2017
Bates College - Visiting Assistant Professor	2014 - 2015

PROFESSIONAL EXPERIENCE

APSA Congressional Fellow, <i>Office of the President Pro Tempore</i> , United States Senate.	2015 - 2016
Legislative Assistant, two former U.S. Representatives. Washington, D.C.	2007 - 2009

BOOKS

Owens, Mark, Ken Wink, and Kenneth Bryant, Jr. 2022. *Battle for the Heart of Texas: Political Change in the Electorate*. Norman, OK: University of Oklahoma Press.

Bryant, Jr., Kenneth, Eric Lopez, and Mark Owens. 2020. *Game of Politics: Conflict, Power, & Representation*. Tyler, TX: The University of Texas at Tyler Press (Open Source Textbook).

ARTICLES

- 10 Howard, Nicholas O. and Mark Owens. 2022. "Organizing Staff in the U.S. Senate: The Priority of Individualism in Resource Allocation." *Congress & the Presidency* 49(1): 60-83.
- 9 Johnson, Renee M. Cassandra Crifasi, Erin M. Anderson Goodell, Arkadiusz Wiśniowski, Joseph W. Sakshaug, Johannes Thrul, and Mark Owens. 2021. "Differences in beliefs about COVID-19 by gun ownership: A cross-sectional survey of Texas adults." *BMJ Open* 11(11): 1-7.
- 8 Goldmann, Emily, Daniel Hagen, Estelle El Khoury, Mark Owens, Supriya Misra, and Johannes Thrul. 2021. "An examination of racial/ethnic differences in mental health during COVID-19 pandemic in the U.S. South." *Journal of Affective Disorders* 295(1): 471-478.

- 7 Owens, Mark. 2021. “Changes in Attitudes, Nothing Remains Quite the Same: Absentee Voting and Public Health.” *Social Science Quarterly* 102(4): 1349-1360.
- 6 Johnson, Renee M. and Mark Owens 2020. “Emergency Response, Public Behavior, and the Effectiveness of Texas Counties in a Pandemic.” *Journal of Political Institutions & Political Economy* 1(4): 615-630.
- 5 Howard, Nicholas O. and Mark Owens. 2020. “Circumventing Legislative Committees: Use of Rule XIV in the U.S. Senate.” *Legislative Studies Quarterly* 45(3): 495-526.
- 4 Madonna, Anthony J., Michael Lynch, Mark Owens and Ryan Williamson. 2018. “The Vice President in the U.S. Senate: Examining the Consequences of Institutional Design.” *Congress & The Presidency* 45(2): 145-165.
- 3 Owens, Mark. 2018. “Changing Senate Norms: Judicial Confirmations in a Nuclear Age.” *PS: Political Science and Politics* 51(1): 119-123.
- 2 Carson, Jamie L., Anthony J. Madonna, and Mark Owens 2016. “Regulating the Floor: Tabling Motions in the U.S. Senate, 1865-1946.” *American Politics Research* 44(1): 56-80.
- 1 Carson, Jamie L., Anthony J. Madonna, and Mark Owens 2013. “Partisan Efficiency in an Open-Rule Setting: The Amending Process in the U.S. Senate, 1865-1945.” *Congress & The Presidency* 40(2): 105-128.

BOOK CHAPTERS

- 2 McWhorter, Rochell, Mark Owens, Jessie Rueter, Joanna Neel, and Gina Doepker. 2020. “Examining Adult Learning of ‘Giving Back’ Initiatives.” In *Handbook of Research on Adult Learning in Higher Education*. Hershey, PA: IGI Publishers. With Rochell McWhorter, Jessie Rueter, Joanna Neel, and Gina Doepker.
 Reprinted in 2021 by Information Resources Management Association (Ed.), in *Research Anthology on Adult Education and the Development of Lifelong Learners* (pp. 1039-1066). IGI Global.
- 1 Carson, Jamie L. and Mark Owens. 2015. “Lawmaking.” In Robert A. Scott and Stephen M. Kosslyn, eds. *Emerging Trends in the Social and Behavioral Sciences*. New York: Wiley.

BOOK REVIEWS

- Owens, Mark. 2023. “Johnson, Marc. Tuesday Night Massacre: Four Senate Elections and the Radicalization of the Republican Party.” *Great Plains Research*. **Forthcoming**.
- Owens, Mark. 2021. “Lewallen, Johnathan. Committees and the Decline of Lawmaking in Congress.” *Congress & the Presidency* 48(3): 404-406.

AWARDS

Burns “Bud” Roper Fellow. American Association of Public Opinion Researchers.	2021
Prestige Impact Award, Dean of the College of Arts & Sciences at UT Tyler.	2019
Outstanding Faculty Mentor Award, UT Tyler Office of the Provost.	2019
Teaching and Learning Award, UT Tyler Center for Excellence in Teaching and Learning.	2018

Community Engaged Learning Award, Harvard Center at Bates College.	2015
Outstanding Teaching Assistant Award, University of Georgia Provost.	2013
Charles S. Bullock, III Scholar, UGA School of Public and International Affairs.	2009

GRANT & CONTRACT SUPPORT

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 10. Texas Vaccine Hesitancy Survey, (Co-Investigator & PI for Subaward). 2022.
PI's: Paul McGaha (UT Tyler HSC) & Paula Cuccaro (UT SPH-Houston)
PI of \$1.3 million subaward: Mark Owens (UT Tyler).
Scope of Survey: Statewide survey of hard to reach respondents (Apr. to Nov.).
Funded by: Texas State Department of Health and Human Service. | \$2.6 million |
| 9. El Paso County Social Survey, (Investigator). 2022.
PI: Gregory Schober, UTEP
Scope of Survey: Countywide survey, oversampling low-income households (May-July)
Funded by: University of Texas at El Paso (UTEP). | \$46,200 |
| 8. Southern Cities Survey, (Co-PI). 2020.
PI's: Emily Goldmann (NYU) & Mark Owens
Scope of Survey: Sample of 5 major Southern Metropolitan areas in May.
Funded by: UT Tyler & New York University School of Global Health. | \$12,000 |
| 7. Small Grant, Center for Effective Lawmaking (Co-PI). 2020.
PI's: Mark Owens & Nicholas Howard (Auburn-Montgomery)
Scope of Work: Content Analysis of all Senate committee reports, 1985-2020.
Funded by: UVA & Vanderbilt. | \$2,300 |
| 6. Texas Mental Health Survey, (Co-PI). 2020
PI's: Renee Johnson (JHU) & Mark Owens
Scope of Survey: Three wave statewide panel (April, May, & June)
Funded by: UT Tyler & Johns Hopkins Bloomberg School of Public Health | \$45,000 |
| 5. East Texas Survey on Education & Property Tax Reform, (Co-PI). 2019
PI's: Kyle Gullings (UT Tyler) & Mark Owens
Scope of Work: Regional sample to compare East Texas to DFW and Houston.
Funded by: UT Tyler | \$10,000 |
| 4. Faculty Undergraduate Research Grant, (PI) Studying Vote Centers in Texas. 2018.
Scope of Work: Mentor undergraduates to gather data and submit FOIA requests.
Funded by: UT Tyler Office of Research and Scholarship. | \$3,000 |
| 3. Congressional Research Grant, (PI) Bicameralism's Effect on Appropriations. 2015.
Scope of Work: Archival visits to Concord, Tempe, and Washington, D.C.
Funded by: The Dirksen Congressional Center. | \$3,133 |
| 2. Faculty Development Grant, (PI) Majority Party Power in a Bicameral Congress. 2015.
Scope of Work: Mentor undergraduate researchers to analyze archived documents.
Funded by: Office of the Dean of Faculty at Bates College. | \$2,575 |
| 1. Richard Baker Award, (PI) Majority Party Power in a Bicameral Congress. 2011.
Scope of Work: Archival visits to Austin, TX and Washington, D.C..
Funded by: Association of Centers for the Study of Congress. | \$1,000 |

COMMENTARY

Owens, Mark. “Why our poll got it wrong on Biden but right on so much more.” *Dallas Morning News*. Sunday November 15, 2020. Page, 5P.

Howard, Nicholas O. and Mark Owens. “Are Amendment Strategies Learned Through Experience or Contingent on the Institution?” *LegBranch*. May 27, 2019.

Bryant, Jr. Kenneth, Ken Wink, and Mark Owens. “Conflicting Attitudes of Texans on Wall and Border Policies.” *Austin American-Statesman*. March 11, 2019.

Owens, Mark. “Are Courtesy Meetings Nuked?” *LegBranch*. July 10, 2018.

Owens, Mark. “East Texans support Trump, but at lower levels than 2012.” *Tribtalk: Texas Tribune*. November 8, 2016.

INVITED TALKS

League of Women Voters, Tyler/Smith County	“Policies in Texas’s Legislative Session”	2023
Dallas Democratic Forum	“Battle for the Heart of Texas”	2022
Southern Methodist University, Tower Center	“Battle for the Heart of Texas”	2022
East Texas Heritage Museum Association	“Polls in Today’s Elections”	2022
League of Women Voters, Houston	“Battle for the Heart of Texas”	2022
Texas A&M San Antonio	“Public Attitudes on Equity and Inclusivity”	2022
Delta Sigma Theta Sorority, Tyler Alumnae	“Social Action & Election Education”	2022
League of Women Voters, Tyler/Smith County	“Your options under TX’s new Election Law”	2022
Texas Associated Press Managing Editors	“Texas Politics Panel”	2021
League of Women Voters, Oklahoma	“All about Redistricting.”	2021
League of Women Voters, Tyler/Smith County	“Essential Conversation on Voting in Texas”	2021
League of Women Voters, Oklahoma	“Representation & Redistricting”	2021
Kilgore College	“Why We Poll Texans”	2020
Smith County Republican Women Club	“Understanding the 2020 Election Polls”	2020
League of Women Voters, Tyler/Smith County	“Processes of the Electoral College”	2020
Kilgore College	“What Primary Voters in Texas Care About”	2019
League of Women Voters, Tyler/Smith County	“Census & Redistricting Forum”	2019
Tyler Area Chamber of Commerce	“Public Input on Transportation”	2019
League of Women Voters, Tyler/Smith County	“Representation & Redistricting”	2018
Bates College, Martin Luther King, Jr Day	“Legacy of the Voting Rights Act of 1965”	2015
Rothemere American Institute, Oxford, UK	“Effect of Bicameralism on Policy”	2013

CONFERENCE PRESENTATIONS

Hofstra University Presidential Conference on Barack Obama’s Presidency	2023
The Citadel Symposium on Southern Politics	2014 - 2022
Congress & History Conference	2012, 2016, 2018
Election Science, Reform, and Administration Conference	2020
American Association of Public Opinion Researchers Meeting	2020, 2021, 2023
American Political Science Association Meeting	2011 - 2016, 2020
Midwest Political Science Association Meeting	2011 - 2018, 2023
Southern Political Science Association Meeting	2011 - 2014, 2017 - 2023
Southwest Social Science Association Annual Meeting	2017, 2021

PROFESSIONAL SERVICE

Book Review Editor. <i>Public Opinion Quarterly</i> .	2023 - 2024
Co-Chair. Election Sciences Conference within a Conference at SPSA, San Antonio, TX.	2022
Speaker: AAPOR Send-a-Speaker Program.	2020 - 2021
Field of Study Advisory Committee. <i>Texas Higher Education Coordinating Board</i> .	2018 - 2021
Co-Editor. <i>PEP Report</i> for the APSA Presidency and Executive Politics Section.	2018 - 2019
Grant Reviewer. Hurricane Resilience Research Institute (HURRI), University of Houston.	2018
Grant Reviewer. Administration on Children, Youth, and Families, US Dept. of HHS.	2007

EXTERNAL SERVICE

Expert Witness for neither party, <i>Palmer et al. v. Hobbs</i> , racially polarized voting analysis.	2022
Expert Witness for Florida's Secretary of State, <i>BVM v. Lee</i> , racially polarized voting analysis.	2022
Map Consultant for People not Politicians OK, Independent U.S. House and state district plans.	2021

TEACHING EXPERIENCE

Graduate Course	Institution	Recent Evaluation	Years Taught
Scope & Methods	UT Tyler	4.6	2017 - 2022
Seminar on American Politics	UT Tyler	4.4	2015 - 2022
Budgeting & Public Finance	UT Tyler; Reinhardt	5	2014 - 2017
Program Evaluation	UT Tyler	4.7	2018
Advanced Quantitative Research	UT Tyler	3.8	2018
Undergraduate Course			
Campaigns & Elections	UT Tyler; Bates; UGA	4.6	2013 - 2022
Congress & Legislation	UT Tyler; UGA	4.3	2013 - 2021
Research Methods	UT Tyler	4.4	2016 - 2023
Southern Politics	UT Tyler	4.6	2018 - 2023
U.S. Presidency	UT Tyler; Bates	3.9	2014 - 2017
Intro. to Texas Government (Honors)	UT Tyler	4.1	2020 - 2023
Intro. to American Government	UT Tyler; Bates; UGA	3.8	2013 - 2019

CURRENT COMMUNITY INVOLVEMENT

<i>KVUT 99.7FM UT Tyler Radio</i> (NPR), Advisory Board Member. Secretary (2022-23)	2021 - 2023
<i>League of Women Voters - Tyler/Smith County, TX</i> , Nominating Committee. Chair of Nominating Committee (2021-22)	2020 - 2022

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, et al.	§	
Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00057
GALVESTON COUNTY, TEXAS, et al.	§	(consolidated)
Defendants.	§	
	§	
	§	
	§	
UNITED STATES OF AMERICA,	§	
Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00093
GALVESTON COUNTY, TEXAS, et al.	§	
Defendants.	§	
	§	
	§	
	§	
DICKINSON BAY AREA BRANCH	§	
NAACP, et al.	§	
Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00117
GALVESTON COUNTY, TEXAS, et al.	§	
Defendants.	§	
	§	

DECLARATION OF SUANNE DUNCAN

SueAnne Duncan, pursuant to 28 U.S.C. §1746, hereby certifies as follows:

1. My name is SueAnne Duncan. I am over 18 years of age, of sound mind, and otherwise competent to make this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.

2. I am the Assistant Elections Coordinator for Galveston County. I have reviewed the following Exhibits to this Declaration, and can confirm that they are true and correct copies of the original records:

- A. (Nov. 1, 2021 Apffel Email) Bates Labeled DEFS00003811

EXHIBIT 9

- B. (2022 primary election returns) Bates Labeled DEFS00009657
- C. (Aug. 30, 2021 Scheduling E-Mail) Bates Labeled DEFS00011029–
DEFS00011030
- D. (Sept. 8, 2021 Conf. Call) Bates Labeled DEFS00011031
- E. (Oct. 16, 2021 Zoom Conf.) Bates Labeled DEFS00011238
- F. (Oct. 17, 2021 Zoom Conf.) Bates Labeled DEFS00011241–
DEFS00011244
- G. (Sept. 16, 2021 Conf. Call Confirmations) Bates Labeled DEFS00011693
- H. (Sept. 16, 2021 Conf. Call Confirmations) Bates Labeled DEFS00011694
- I. (Map 2 with precincts) Bates Labeled DEFS00011888 and 11898
- J. (2020 primary election returns) Bates Labeled DEFS00013518
- K. (Sept. 13, 2021 Conf. Call) Bates Labeled DEFS00015162
- L. (Sept. 10, 2021 Scheduling E-mail) Bates Labeled DEFS00016258
- M. (Sept. 20, 2021 Conf. Call) Bates Labeled DEFS00016260
- N. (Sept. 23, 2021 Conf. Call) Bates Labeled DEFS00016262
- O. (Sept. 10, 2021 Scheduling E-mail) Bates Labeled DEFS00017099–
DEFS00017100
- P. (Nov. 12, 2021 Public Comment Roster) Bates Labeled DEFS00031699–
DEFS00031701
- Q. (Nov. 12, 2021 email) Bates Labeled DEFS00003893
- R. Galveston County General Election Cumulative Results Report

3. The above-referenced records were made at or near the time of the act or event set forth within them by, or from information transmitted by, someone with knowledge of the facts, or were made as part of the regular practice of that activity. They were kept in the course of regularly conducted activity within Galveston County.

4. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 12, 2023.


SueAnne Duncan
SueAnne Duncan

From: Apffel, Darrell
Sent: Monday, November 1, 2021 9:53 PM CDT
To: Brenda Flanagan
Subject: Re: Redistricting

Hi Brenda

On Map 1 it would be Stephen Holmes but, on map 2 it would be Joe Giusti
The Judge is for a unified Gulf Coast District so I'm guessing he will be pushing the Map 2
-regardless of which map is approved, I plan on staying actively involved with the new
Commissioner for Bolivar to insure a smooth, and unified transition

Darrell A. Apffel

Galveston County

Commissioner, Pct. 1

4500 10th Street,

Bacliff, TX 77518

(409) 770-5474

Darrell.Apffel@co.galveston.tx.us

From: Brenda Flanagan <brendaflanagan57@gmail.com>

Sent: Monday, November 1, 2021 2:27:39 PM

To: Apffel, Darrell <Darrell.Apffel@co.galveston.tx.us>

Subject: Redistricting

Will there be a workshop on the Redistricting?

Who would be our Commissioner on Map 1 and on Map 2?

Thank you

Brenda

Sent from my iPhone

EXHIBIT 9.A

Cumulative Results Report

Galveston County

Official Results

Election Night Count for Primaries

2022 Primary Elections

Ballots Cast

43134

Polling Places Reporting

64 of 66 = 96.97%

Run Time 9:20 AM

3/1/2022

Run Date 03/11/2022

Page 1

United States Representative, District 14 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Eugene Howard		558	48.90%	2,699	49.68%	1,935	48.09%	5,192	48.99%
Mikal Williams		583	51.10%	2,734	50.32%	2,089	51.91%	5,406	51.01%
Cast Votes:		1,141	100.00%	5,433	100.00%	4,024	100.00%	10,598	100.00%
Undervotes:		139		369		333		841	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

United States Representative, District 14 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Randy Weber		1,487	93.76%	16,432	89.79%	9,008	87.47%	26,927	89.21%
Keith Casey		69	4.35%	1,360	7.43%	926	8.99%	2,355	7.80%
Ruben Landon Dante		30	1.89%	508	2.78%	364	3.53%	902	2.99%
Cast Votes:		1,586	100.00%	18,300	100.00%	10,298	100.00%	30,184	100.00%
Undervotes:		223		670		618		1,511	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Governor - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Inocencio (Inno) Barrientez		8	0.64%	56	0.97%	50	1.16%	114	1.01%
Rich Wakeland		15	1.20%	51	0.89%	40	0.92%	106	0.93%
Joy Diaz		25	1.99%	115	2.00%	134	3.10%	274	2.42%
Beto O'Rourke		1,175	93.63%	5,347	92.81%	3,967	91.72%	10,489	92.49%
Michael Cooper		32	2.55%	192	3.33%	134	3.10%	358	3.16%
Cast Votes:		1,255	100.00%	5,761	100.00%	4,325	100.00%	11,341	100.00%
Undervotes:		25		41		32		98	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

EXHIBIT 9.B

Cumulative Results Report

Election Night Count for Primaries

Run Time: 9:20 AM
Run Date: 03/11/2022

Galveston County

2022 Primary Elections

3/1/2022

Page 2

Official Results

Ballots Cast: 43134

Polling Places Reporting: 64 of 66 = 96.97%

Governor - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Chad Prather		23	1.29%	486	2.59%	471	4.36%	980	3.13%
Rick Perry		57	3.19%	659	3.52%	458	4.24%	1,174	3.75%
Paul Belew		11	0.62%	99	0.53%	49	0.45%	159	0.51%
Greg Abbott		1,355	75.87%	11,758	62.77%	6,193	57.39%	19,306	61.66%
Kandy Kaye Horn		22	1.23%	207	1.11%	141	1.31%	370	1.18%
Don Huffines		165	9.24%	2,848	15.20%	1,852	17.16%	4,865	15.54%
Allen B. West		148	8.29%	2,546	13.59%	1,541	14.28%	4,235	13.53%
Danny Harrison		5	0.28%	129	0.69%	86	0.80%	220	0.70%
Cast Votes:		1,786	100.00%	18,732	100.00%	10,791	100.00%	31,309	100.00%
Undervotes:		23		238		125		386	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Lieutenant Governor - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Carla Brailey		369	30.27%	1,804	32.53%	1,431	34.95%	3,604	33.19%
Michelle Beckley		271	22.23%	1,641	29.59%	1,345	32.84%	3,257	29.99%
Mike Collier		579	47.50%	2,100	37.87%	1,319	32.21%	3,998	36.82%
Cast Votes:		1,219	100.00%	5,545	100.00%	4,095	100.00%	10,859	100.00%
Undervotes:		61		257		262		580	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

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64 of 66 = 96.97%

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Lieutenant Governor - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Dan Patrick		1,523	86.29%	15,306	83.14%	8,392	79.96%	25,221	82.23%
Zach Vance		67	3.80%	637	3.46%	394	3.75%	1,098	3.58%
Aaron Sorrells		34	1.93%	443	2.41%	321	3.06%	798	2.60%
Todd M. Bullis		17	0.96%	231	1.25%	163	1.55%	411	1.34%
Trayce Bradford		69	3.91%	681	3.70%	467	4.45%	1,217	3.97%
Daniel Miller		55	3.12%	1,112	6.04%	758	7.22%	1,925	6.28%
Cast Votes:		1,765	100.00%	18,410	100.00%	10,495	100.00%	30,670	100.00%
Undervotes:		44		560		421		1,025	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Attorney General - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Lee Merritt		186	15.09%	1,007	17.99%	796	19.09%	1,989	18.09%
Joe Jaworski		679	55.07%	2,364	42.24%	1,559	37.40%	4,602	41.84%
S. "TBone" Raynor		25	2.03%	231	4.13%	209	5.01%	465	4.23%
Mike Fields		103	8.35%	629	11.24%	417	10.00%	1,149	10.45%
Rochelle Mercedes Garza		240	19.46%	1,365	24.39%	1,188	28.50%	2,793	25.40%
Cast Votes:		1,233	100.00%	5,596	100.00%	4,169	100.00%	10,998	100.00%
Undervotes:		47		206		188		441	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Attorney General - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Louie Gohmert		172	9.59%	2,706	14.45%	1,643	15.33%	4,521	14.47%
George P. Bush		513	28.61%	3,746	20.00%	3,030	28.28%	7,289	23.34%
Eva Guzman		486	27.11%	4,834	25.81%	1,530	14.28%	6,850	21.93%
Ken Paxton		622	34.69%	7,440	39.73%	4,512	42.11%	12,574	40.26%
Cast Votes:		1,793	100.00%	18,726	100.00%	10,715	100.00%	31,234	100.00%
Undervotes:		16		244		201		461	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

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Comptroller of Public Accounts - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Angel Luis Vega		282	23.42%	1,464	27.01%	1,272	31.94%	3,018	28.45%
Janet T. Dudding		696	57.81%	2,820	52.02%	1,853	46.53%	5,369	50.62%
Tim Mahoney		226	18.77%	1,137	20.97%	857	21.52%	2,220	20.93%
Cast Votes:		1,204	100.00%	5,421	100.00%	3,982	100.00%	10,607	100.00%
Undervotes:		76		381		375		832	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Comptroller of Public Accounts - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Mark V. Goloby		208	12.63%	3,213	18.50%	2,207	23.12%	5,628	19.70%
Glenn Hegar		1,439	87.37%	14,157	81.50%	7,338	76.88%	22,934	80.30%
Cast Votes:		1,647	100.00%	17,370	100.00%	9,545	100.00%	28,562	100.00%
Undervotes:		162		1,600		1,371		3,133	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Commissioner of the General Land Office - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
SandraGrace Martinez		370	30.78%	2,034	37.51%	1,634	41.20%	4,038	38.13%
Jay Kleberg		395	32.86%	1,187	21.89%	777	19.59%	2,359	22.28%
Michael Lange		185	15.39%	923	17.02%	613	15.46%	1,721	16.25%
Jinny Suh		252	20.97%	1,278	23.57%	942	23.75%	2,472	23.34%
Cast Votes:		1,202	100.00%	5,422	100.00%	3,966	100.00%	10,590	100.00%
Undervotes:		78		380		391		849	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

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Commissioner of the General Land Office - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Ben Armenta		56	3.46%	924	5.55%	639	7.04%	1,619	5.92%
Weston Martinez		245	15.13%	1,040	6.25%	692	7.63%	1,977	7.23%
Jon Spiers		160	9.88%	1,546	9.28%	945	10.41%	2,651	9.69%
Rufus Lopez		24	1.48%	372	2.23%	277	3.05%	673	2.46%
Don W. Minton		132	8.15%	1,269	7.62%	754	8.31%	2,155	7.88%
Dawn Buckingham		835	51.58%	9,046	54.32%	4,028	44.39%	13,909	50.86%
Tim Westley		114	7.04%	1,600	9.61%	1,153	12.71%	2,867	10.48%
Victor Avila		53	3.27%	855	5.13%	587	6.47%	1,495	5.47%
Cast Votes:		1,619	100.00%	16,652	100.00%	9,075	100.00%	27,346	100.00%
Undervotes:		190		2,318		1,841		4,349	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Commissioner of Agriculture - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Ed Ireson		294	24.32%	897	16.57%	704	17.70%	1,895	17.88%
Susan Hays		915	75.68%	4,517	83.43%	3,273	82.30%	8,705	82.12%
Cast Votes:		1,209	100.00%	5,414	100.00%	3,977	100.00%	10,600	100.00%
Undervotes:		71		388		380		839	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Commissioner of Agriculture - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Carey A. Council		136	8.23%	1,957	11.52%	1,182	12.74%	3,275	11.73%
Sid Miller		1,161	70.28%	11,074	65.19%	5,544	59.75%	17,779	63.69%
James White		355	21.49%	3,955	23.28%	2,552	27.51%	6,862	24.58%
Cast Votes:		1,652	100.00%	16,986	100.00%	9,278	100.00%	27,916	100.00%
Undervotes:		157		1,984		1,638		3,779	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

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Railroad Commissioner - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Luke Warford		1,142	100.00%	5,098	100.00%	3,817	100.00%	10,057	100.00%
	Cast Votes:	1,142	100.00%	5,098	100.00%	3,817	100.00%	10,057	100.00%
	Undervotes:	138		704		540		1,382	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Railroad Commissioner - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Wayne Christian		1,083	66.04%	10,246	61.01%	4,678	51.08%	16,007	58.01%
Marvin "Sarge" Summers		131	7.99%	1,770	10.54%	1,268	13.85%	3,169	11.49%
Dawayne Tipton		120	7.32%	1,335	7.95%	857	9.36%	2,312	8.38%
Sarah Stogner		186	11.34%	1,936	11.53%	1,337	14.60%	3,459	12.54%
Tom Slocum Jr		120	7.32%	1,507	8.97%	1,018	11.12%	2,645	9.59%
	Cast Votes:	1,640	100.00%	16,794	100.00%	9,158	100.00%	27,592	100.00%
	Undervotes:	169		2,176		1,758		4,103	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Justice, Supreme Court, Place 3 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Erin A Nowell		1,137	100.00%	5,075	100.00%	3,794	100.00%	10,006	100.00%
	Cast Votes:	1,137	100.00%	5,075	100.00%	3,794	100.00%	10,006	100.00%
	Undervotes:	143		727		563		1,433	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

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Justice, Supreme Court, Place 3 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Debra Lehrmann		1,429	100.00%	15,746	100.00%	8,816	100.00%	25,991	100.00%
	Cast Votes:	1,429	100.00%	15,746	100.00%	8,816	100.00%	25,991	100.00%
	Undervotes:	380		3,224		2,100		5,704	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Justice, Supreme Court, Place 5 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Amanda Reichek		1,135	100.00%	5,063	100.00%	3,776	100.00%	9,974	100.00%
	Cast Votes:	1,135	100.00%	5,063	100.00%	3,776	100.00%	9,974	100.00%
	Undervotes:	145		739		581		1,465	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Justice, Supreme Court, Place 5 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Rebeca Huddle		1,422	100.00%	15,527	100.00%	8,699	100.00%	25,648	100.00%
	Cast Votes:	1,422	100.00%	15,527	100.00%	8,699	100.00%	25,648	100.00%
	Undervotes:	387		3,443		2,217		6,047	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Justice, Supreme Court, Place 9 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Julia Maldonado		1,142	100.00%	5,089	100.00%	3,807	100.00%	10,038	100.00%
	Cast Votes:	1,142	100.00%	5,089	100.00%	3,807	100.00%	10,038	100.00%
	Undervotes:	138		713		550		1,401	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

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Justice, Supreme Court, Place 9 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Evan Young		968	61.27%	10,870	67.11%	5,433	62.22%	17,271	65.15%
David J. Schenck		612	38.73%	5,328	32.89%	3,299	37.78%	9,239	34.85%
Cast Votes:		1,580	100.00%	16,198	100.00%	8,732	100.00%	26,510	100.00%
Undervotes:		229		2,772		2,184		5,185	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Judge, Court of Criminal Appeals, Place 2 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Mary Lou Keel		1,409	100.00%	15,384	100.00%	8,595	100.00%	25,388	100.00%
Cast Votes:		1,409	100.00%	15,384	100.00%	8,595	100.00%	25,388	100.00%
Undervotes:		400		3,586		2,321		6,307	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Judge, Court of Criminal Appeals, Place 5 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Dana Huffman		1,139	100.00%	5,106	100.00%	3,798	100.00%	10,043	100.00%
Cast Votes:		1,139	100.00%	5,106	100.00%	3,798	100.00%	10,043	100.00%
Undervotes:		141		696		559		1,396	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Judge, Court of Criminal Appeals, Place 5 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Clint Morgan		980	62.10%	9,107	55.99%	4,244	48.73%	14,331	53.97%
Scott Walker		598	37.90%	7,158	44.01%	4,465	51.27%	12,221	46.03%
Cast Votes:		1,578	100.00%	16,265	100.00%	8,709	100.00%	26,552	100.00%
Undervotes:		231		2,705		2,207		5,143	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

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Judge, Court of Criminal Appeals, Place 6 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Robert Johnson		1,139	100.00%	5,079	100.00%	3,785	100.00%	10,003	100.00%
	Cast Votes:	1,139	100.00%	5,079	100.00%	3,785	100.00%	10,003	100.00%
	Undervotes:	141		723		572		1,436	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Judge, Court of Criminal Appeals, Place 6 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jesse F. McClure, III		1,396	100.00%	15,116	100.00%	8,403	100.00%	24,915	100.00%
	Cast Votes:	1,396	100.00%	15,116	100.00%	8,403	100.00%	24,915	100.00%
	Undervotes:	413		3,854		2,513		6,780	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Member, State Board of Education, District 4 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Theldon Branch		0	0.00%	5	2.78%	2	1.64%	7	1.92%
Larry McKinzie		4	6.35%	18	10.00%	6	4.92%	28	7.67%
Coretta Mallet-Fontenot		17	26.98%	52	28.89%	33	27.05%	102	27.95%
Marvin Johnson		3	4.76%	26	14.44%	15	12.30%	44	12.05%
Staci Childs		39	61.90%	79	43.89%	66	54.10%	184	50.41%
	Cast Votes:	63	100.00%	180	100.00%	122	100.00%	365	100.00%
	Undervotes:	2		15		12		29	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

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Member, State Board of Education, District 7 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Dan Hochman		1,031	100.00%	4,723	100.00%	3,543	100.00%	9,297	100.00%
	Cast Votes:	1,031	100.00%	4,723	100.00%	3,543	100.00%	9,297	100.00%
	Undervotes:	135		771		585		1,491	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Member, State Board of Education, District 7 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Julie Pickren		942	70.14%	9,036	61.86%	4,289	53.54%	14,267	59.54%
Danny Surman		146	10.87%	2,098	14.36%	1,351	16.86%	3,595	15.00%
Michael Barton		225	16.75%	2,991	20.48%	2,023	25.25%	5,239	21.86%
Abolaji Tijani "Ayo" Ayobami		30	2.23%	483	3.31%	348	4.34%	861	3.59%
	Cast Votes:	1,343	100.00%	14,608	100.00%	8,011	100.00%	23,962	100.00%
	Undervotes:	187		2,118		1,766		4,071	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Member, State Board of Education, District 8 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Audrey Young		78	100.00%	624	100.00%	311	100.00%	1,013	100.00%
	Cast Votes:	78	100.00%	624	100.00%	311	100.00%	1,013	100.00%
	Undervotes:	38		148		101		287	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

State Senator, District 4 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Misty Bishop		5	100.00%	44	100.00%	24	100.00%	73	100.00%
	Cast Votes:	5	100.00%	44	100.00%	24	100.00%	73	100.00%
	Undervotes:	0		5		3		8	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

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64 of 66 = 96.97%

State Senator, District 4 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Brandon Creighton		12	100.00%	271	100.00%	171	100.00%	454	100.00%
	Cast Votes:	12	100.00%	271	100.00%	171	100.00%	454	100.00%
	Undervotes:	5		39		32		76	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

State Senator, District 11 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Bianca Gracia		60	3.52%	966	5.43%	783	7.90%	1,809	6.15%
Mayes Middleton		1,290	75.70%	11,745	66.07%	6,071	61.24%	19,106	65.00%
Robin Armstrong		183	10.74%	2,980	16.76%	1,600	16.14%	4,763	16.20%
Bob Mitchell		171	10.04%	2,086	11.73%	1,460	14.73%	3,717	12.65%
	Cast Votes:	1,704	100.00%	17,777	100.00%	9,914	100.00%	29,395	100.00%
	Undervotes:	88		883		799		1,770	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

State Representative, District 23 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Keith G. Henry		500	100.00%	2,425	100.00%	1,868	100.00%	4,793	100.00%
	Cast Votes:	500	100.00%	2,425	100.00%	1,868	100.00%	4,793	100.00%
	Undervotes:	71		362		312		745	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

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State Representative, District 23 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Gina D. Smith		94	16.29%	1,201	20.02%	917	26.34%	2,212	21.99%
Patrick Gurski		200	34.66%	1,930	32.17%	1,149	33.01%	3,279	32.60%
Terri Leo-Wilson		155	26.86%	1,560	26.00%	626	17.98%	2,341	23.28%
Abel Longoria		128	22.18%	1,309	21.82%	789	22.67%	2,226	22.13%
Cast Votes:		577	100.00%	6,000	100.00%	3,481	100.00%	10,058	100.00%
Undervotes:		46		427		370		843	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

State Representative, District 24 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Michael J Creedon		627	100.00%	2,596	100.00%	1,884	100.00%	5,107	100.00%
Cast Votes:		627	100.00%	2,596	100.00%	1,884	100.00%	5,107	100.00%
Undervotes:		82		419		293		794	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

State Representative, District 24 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Greg Bonnen		969	100.00%	10,740	100.00%	5,843	100.00%	17,552	100.00%
Cast Votes:		969	100.00%	10,740	100.00%	5,843	100.00%	17,552	100.00%
Undervotes:		217		1,803		1,222		3,242	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Chief Justice, Court of Appeals, District 1 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Julie Countiss		1,135	100.00%	5,051	100.00%	3,758	100.00%	9,944	100.00%
Cast Votes:		1,135	100.00%	5,051	100.00%	3,758	100.00%	9,944	100.00%
Undervotes:		145		751		599		1,495	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

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Chief Justice, Court of Appeals, District 1 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Terry Adams		1,400	100.00%	15,308	100.00%	8,533	100.00%	25,241	100.00%
	Cast Votes:	1,400	100.00%	15,308	100.00%	8,533	100.00%	25,241	100.00%
	Undervotes:	409		3,662		2,383		6,454	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Justice, Court of Appeals, District 1, Place 4 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Mike Engelhart		1,136	100.00%	4,979	100.00%	3,746	100.00%	9,861	100.00%
	Cast Votes:	1,136	100.00%	4,979	100.00%	3,746	100.00%	9,861	100.00%
	Undervotes:	144		823		611		1,578	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Justice, Court of Appeals, District 1, Place 4 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
April Farris		1,392	100.00%	15,137	100.00%	8,462	100.00%	24,991	100.00%
	Cast Votes:	1,392	100.00%	15,137	100.00%	8,462	100.00%	24,991	100.00%
	Undervotes:	417		3,833		2,454		6,704	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Justice, Court of Appeals, District 14, Place 2 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Cheri C Thomas		706	60.19%	3,760	70.44%	2,870	73.18%	7,336	70.32%
Kyle Carter		467	39.81%	1,578	29.56%	1,052	26.82%	3,097	29.68%
	Cast Votes:	1,173	100.00%	5,338	100.00%	3,922	100.00%	10,433	100.00%
	Undervotes:	107		464		435		1,006	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

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Justice, Court of Appeals, District 14, Place 2 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Kevin Jewell		1,384	100.00%	15,087	100.00%	8,411	100.00%	24,882	100.00%
	Cast Votes:	1,384	100.00%	15,087	100.00%	8,411	100.00%	24,882	100.00%
	Undervotes:	425		3,883		2,505		6,813	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Justice, Court of Appeals, District 14, Place 9 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Chris Conrad		622	53.53%	2,776	53.82%	1,928	51.34%	5,326	52.86%
William Demond		540	46.47%	2,382	46.18%	1,827	48.66%	4,749	47.14%
	Cast Votes:	1,162	100.00%	5,158	100.00%	3,755	100.00%	10,075	100.00%
	Undervotes:	118		644		602		1,364	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Justice, Court of Appeals, District 14, Place 9 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Randy Wilson		1,386	100.00%	15,198	100.00%	8,488	100.00%	25,072	100.00%
	Cast Votes:	1,386	100.00%	15,198	100.00%	8,488	100.00%	25,072	100.00%
	Undervotes:	423		3,772		2,428		6,623	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

District Judge, Judicial District 122 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Kristie Walsdorf		1,127	100.00%	5,016	100.00%	3,755	100.00%	9,898	100.00%
	Cast Votes:	1,127	100.00%	5,016	100.00%	3,755	100.00%	9,898	100.00%
	Undervotes:	153		786		602		1,541	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

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District Judge, Judicial District 122 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jeth Jones		1,189	74.27%	11,124	66.77%	5,497	60.94%	17,810	65.29%
Timothy M. Clark		412	25.73%	5,535	33.23%	3,523	39.06%	9,470	34.71%
Cast Votes:		1,601	100.00%	16,659	100.00%	9,020	100.00%	27,280	100.00%
Undervotes:		208		2,311		1,896		4,415	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

District Judge, Judicial District 212 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Patricia Grady		1,413	100.00%	15,212	100.00%	8,442	100.00%	25,067	100.00%
Cast Votes:		1,413	100.00%	15,212	100.00%	8,442	100.00%	25,067	100.00%
Undervotes:		396		3,758		2,474		6,628	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

District Judge, Judicial District 306 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Anne B. Darring		1,403	100.00%	15,047	100.00%	8,378	100.00%	24,828	100.00%
Cast Votes:		1,403	100.00%	15,047	100.00%	8,378	100.00%	24,828	100.00%
Undervotes:		406		3,923		2,538		6,867	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Criminal District Attorney Galveston County - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Rachel Dragony		1,132	100.00%	5,027	100.00%	3,745	100.00%	9,904	100.00%
Cast Votes:		1,132	100.00%	5,027	100.00%	3,745	100.00%	9,904	100.00%
Undervotes:		148		775		612		1,535	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

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Criminal District Attorney Galveston County - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jack Roady		1,424	100.00%	15,467	100.00%	8,605	100.00%	25,496	100.00%
	Cast Votes:	1,424	100.00%	15,467	100.00%	8,605	100.00%	25,496	100.00%
	Undervotes:	385		3,503		2,311		6,199	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

County Judge - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
William H King III		1,142	100.00%	5,087	100.00%	3,777	100.00%	10,006	100.00%
	Cast Votes:	1,142	100.00%	5,087	100.00%	3,777	100.00%	10,006	100.00%
	Undervotes:	138		715		580		1,433	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

County Judge - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Mark Henry		1,417	100.00%	15,337	100.00%	8,647	100.00%	25,401	100.00%
	Cast Votes:	1,417	100.00%	15,337	100.00%	8,647	100.00%	25,401	100.00%
	Undervotes:	392		3,633		2,269		6,294	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Judge, County Court at Law No. 1 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
John Grady		1,394	100.00%	15,244	100.00%	8,424	100.00%	25,062	100.00%
	Cast Votes:	1,394	100.00%	15,244	100.00%	8,424	100.00%	25,062	100.00%
	Undervotes:	415		3,726		2,492		6,633	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

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Judge, County Court at Law No. 2 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Kerri Foley		1,455	89.26%	14,359	84.48%	7,564	82.02%	23,378	83.95%
Tot Le		175	10.74%	2,637	15.52%	1,658	17.98%	4,470	16.05%
Cast Votes:		1,630	100.00%	16,996	100.00%	9,222	100.00%	27,848	100.00%
Undervotes:		179		1,974		1,694		3,847	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Judge, County Court at Law No. 3 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jack Ewing		1,410	100.00%	15,255	100.00%	8,489	100.00%	25,154	100.00%
Cast Votes:		1,410	100.00%	15,255	100.00%	8,489	100.00%	25,154	100.00%
Undervotes:		399		3,715		2,427		6,541	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Judge, County Probate Court at Law - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Kim Sullivan		1,398	100.00%	15,306	100.00%	8,495	100.00%	25,199	100.00%
Cast Votes:		1,398	100.00%	15,306	100.00%	8,495	100.00%	25,199	100.00%
Undervotes:		411		3,664		2,421		6,496	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

District Clerk - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
John D. Kinard		1,410	100.00%	15,292	100.00%	8,472	100.00%	25,174	100.00%
Cast Votes:		1,410	100.00%	15,292	100.00%	8,472	100.00%	25,174	100.00%
Undervotes:		399		3,678		2,444		6,521	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

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County Clerk - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Dwight Sullivan		1,433	100.00%	15,274	100.00%	8,465	100.00%	25,172	100.00%
	Cast Votes:	1,433	100.00%	15,274	100.00%	8,465	100.00%	25,172	100.00%
	Undervotes:	376		3,696		2,451		6,523	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

County Treasurer - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Hank Dugie		953	56.76%	9,448	53.75%	4,829	50.05%	15,230	52.69%
Kevin C. Walsh		430	25.61%	4,460	25.37%	2,652	27.49%	7,542	26.09%
Janet Hoffman		296	17.63%	3,670	20.88%	2,167	22.46%	6,133	21.22%
	Cast Votes:	1,679	100.00%	17,578	100.00%	9,648	100.00%	28,905	100.00%
	Undervotes:	130		1,392		1,268		2,790	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

County Commissioner, Precinct No. 2 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Joe Giusti		320	100.00%	4,112	100.00%	2,198	100.00%	6,630	100.00%
	Cast Votes:	320	100.00%	4,112	100.00%	2,198	100.00%	6,630	100.00%
	Undervotes:	109		926		613		1,648	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

County Commissioner, Precinct No. 4 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Matt Robinson		106	29.20%	1,425	31.91%	748	33.80%	2,279	32.37%
Ken Clark		257	70.80%	3,040	68.09%	1,465	66.20%	4,762	67.63%
	Cast Votes:	363	100.00%	4,465	100.00%	2,213	100.00%	7,041	100.00%
	Undervotes:	25		409		381		815	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

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Justice of the Peace, Precinct No. 1 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Greg Rikard		367	100.00%	4,029	100.00%	2,355	100.00%	6,751	100.00%
	Cast Votes:	367	100.00%	4,029	100.00%	2,355	100.00%	6,751	100.00%
	Undervotes:	92		986		689		1,767	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Justice of the Peace, Precinct No. 2 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
D. Blake Apffel		297	58.24%	3,171	51.64%	1,631	52.75%	5,099	52.34%
Mike Nelson		213	41.76%	2,970	48.36%	1,461	47.25%	4,644	47.66%
	Cast Votes:	510	100.00%	6,141	100.00%	3,092	100.00%	9,743	100.00%
	Undervotes:	43		394		378		815	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Justice of the Peace, Precinct No. 3 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Larry Davis		67	100.00%	923	100.00%	580	100.00%	1,570	100.00%
	Cast Votes:	67	100.00%	923	100.00%	580	100.00%	1,570	100.00%
	Undervotes:	17		237		177		431	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Justice of the Peace, Precinct No. 3 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Billy A. Williams Jr		200	100.00%	945	100.00%	632	100.00%	1,777	100.00%
	Cast Votes:	200	100.00%	945	100.00%	632	100.00%	1,777	100.00%
	Undervotes:	19		123		109		251	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Cumulative Results Report

Galveston County

Official Results

Election Night Count for Primaries

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Run Time 9:20 AM

3/1/2022

Polling Places Reporting

64 of 66 = 96.97%

Run Date 03/11/2022

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Galveston County Party Chair - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Tierr'isha B Gibson		1,133	100.00%	5,050	100.00%	3,792	100.00%	9,975	100.00%
	Cast Votes:	1,133	100.00%	5,050	100.00%	3,792	100.00%	9,975	100.00%
	Undervotes:	147		752		565		1,464	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Galveston County Party Chair - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Norman D. Pappous		389	24.59%	4,479	27.69%	2,502	28.41%	7,370	27.74%
Patrick J. McGinnis		1,193	75.41%	11,697	72.31%	6,305	71.59%	19,195	72.26%
	Cast Votes:	1,582	100.00%	16,176	100.00%	8,807	100.00%	26,565	100.00%
	Undervotes:	226		2,794		2,109		5,129	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Proposition 1 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,666	93.81%	17,363	93.52%	9,893	92.37%	28,922	93.14%
No		110	6.19%	1,204	6.48%	817	7.63%	2,131	6.86%
	Cast Votes:	1,776	100.00%	18,567	100.00%	10,710	100.00%	31,053	100.00%
	Undervotes:	29		403		206		638	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Proposition 2 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,190	70.17%	14,171	77.85%	8,154	77.91%	23,515	77.44%
No		506	29.83%	4,031	22.15%	2,312	22.09%	6,849	22.56%
	Cast Votes:	1,696	100.00%	18,202	100.00%	10,466	100.00%	30,364	100.00%
	Undervotes:	109		768		450		1,327	
	Overvotes:	0		0		0		0	
	Rejected write-in votes:	0		0		0		0	
	Unresolved write-in votes:	0		0		0		0	

Cumulative Results Report

Galveston County

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43134

Polling Places Reporting

64 of 66 = 96.97%

Run Time 9:20 AM

3/1/2022

Run Date 03/11/2022

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Proposition 3 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,432	81.74%	16,587	89.39%	9,678	90.49%	27,697	89.34%
No		320	18.26%	1,969	10.61%	1,017	9.51%	3,306	10.66%
Cast Votes:		1,752	100.00%	18,556	100.00%	10,695	100.00%	31,003	100.00%
Undervotes:		53		414		221		688	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Proposition 4 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,671	94.30%	17,046	92.08%	9,649	90.69%	28,366	91.73%
No		101	5.70%	1,466	7.92%	990	9.31%	2,557	8.27%
Cast Votes:		1,772	100.00%	18,512	100.00%	10,639	100.00%	30,923	100.00%
Undervotes:		33		458		277		768	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Proposition 5 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,361	78.94%	14,804	81.52%	8,402	80.48%	24,567	81.02%
No		363	21.06%	3,356	18.48%	2,038	19.52%	5,757	18.98%
Cast Votes:		1,724	100.00%	18,160	100.00%	10,440	100.00%	30,324	100.00%
Undervotes:		81		810		476		1,367	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Cumulative Results Report

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3/1/2022

Polling Places Reporting

64 of 66 = 96.97%

Run Time 9:20 AM

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Run Date 03/11/2022

Proposition 6 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,360	78.57%	15,050	83.31%	8,531	82.61%	24,941	82.79%
No		371	21.43%	3,016	16.69%	1,796	17.39%	5,183	17.21%
Cast Votes:		1,731	100.00%	18,066	100.00%	10,327	100.00%	30,124	100.00%
Undervotes:		74		904		589		1,567	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Proposition 7 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,717	96.79%	17,866	96.16%	10,259	95.77%	29,842	96.06%
No		57	3.21%	714	3.84%	453	4.23%	1,224	3.94%
Cast Votes:		1,774	100.00%	18,580	100.00%	10,712	100.00%	31,066	100.00%
Undervotes:		31		390		204		625	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Proposition 8 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,642	93.56%	17,118	92.97%	9,759	91.88%	28,519	92.63%
No		113	6.44%	1,294	7.03%	862	8.12%	2,269	7.37%
Cast Votes:		1,755	100.00%	18,412	100.00%	10,621	100.00%	30,788	100.00%
Undervotes:		50		558		295		903	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Cumulative Results Report

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Ballots Cast

43134

Run Time 9:20 AM

3/1/2022

Polling Places Reporting

64 of 66 = 96.97%

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Proposition 9 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,547	88.15%	16,564	89.64%	9,455	88.98%	27,566	89.33%
No		208	11.85%	1,914	10.36%	1,171	11.02%	3,293	10.67%
Cast Votes:		1,755	100.00%	18,478	100.00%	10,626	100.00%	30,859	100.00%
Undervotes:		50		492		290		832	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

Proposition 10 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,572	91.77%	17,060	93.10%	9,763	92.80%	28,395	92.92%
No		141	8.23%	1,264	6.90%	758	7.20%	2,163	7.08%
Cast Votes:		1,713	100.00%	18,324	100.00%	10,521	100.00%	30,558	100.00%
Undervotes:		92		646		395		1,133	
Overvotes:		0		0		0		0	
Rejected write-in votes:		0		0		0		0	
Unresolved write-in votes:		0		0		0		0	

*** End of report ***

From: Paul Ready
Sent: Monday, August 30, 2021 12:55 PM CDT
To: Liechty, Linda
CC: Apffel, Darrell; Van Horn, Veronica; Collins, Seth
Subject: Re: Call Request - Galveston County Redistricting

30 mins is probably too short. I would suggest an hour. Of those, my only conflict is Wednesday at noon.

Paul A. Ready
Ready Law Firm, PLLC
1300 McGowen St., Ste. 120
Houston, Texas 77004
Tel. 713.814.3980
Fax. 713.814.3988
paul@ready.law

The information contained in this message and its attachments may be privileged and confidential, and it is intended only for the individual or entity addressed in the message. If you are not the intended recipient, you must not disseminate, distribute or copy this message. If you have received this message in error, please immediately notify the sender that you have received this communication in error and delete it.

On Aug 30, 2021, at 12:33 PM, Liechty, Linda <Linda.Liechty@co.galveston.tx.us> wrote:

Friday, 09/03, may not be doable. Let's try for next week. Is 30 minutes enough time for this call?

Tues, 09/07, 9:30am (right before Commissioners Court Special Meeting which begins at 10:00am)
Wed, 09/08, 10:00am "or" 12:00pm

Thank you, and sorry for so many emails!
Linda

From: Liechty, Linda
Sent: Monday, August 30, 2021 10:32 AM
To: Apffel, Darrell <Darrell.Apffel@co.galveston.tx.us>; 'Paul Ready' <paul@ready.law>
Cc: Van Horn, Veronica <Veronica.VanHorn@co.galveston.tx.us>; Collins, Seth <Seth.Collins@co.galveston.tx.us>
Subject: RE: Call Request - Galveston County Redistricting

Good morning,

Commissioner, I'm working on setting up a conference call with Dale Oldham, yourself, Judge Henry and Paul to discuss redistricting. Would you be available on the following dates/times for this conference call?

Wed, 09/01, 11:00am

EXHIBIT 9.C

Fri, 09/03, 1:45pm (preferred date/time; right after Commissioners Court Special Meeting to approve payroll)

Wed, 09/08, 10:00am "or" 12:00pm

Paul, I know you're available all this week, but would next Wed, 09/08 at 10:00am "or" 12:00pm work for you?

Thank you,
Linda

From: Paul Ready <paul@ready.law>
Sent: Friday, August 27, 2021 2:24 PM
To: Dale Oldham <dloesq@aol.com>
Cc: Van Horn, Veronica <Veronica.VanHorn@co.galveston.tx.us>; Liechty, Linda <Linda.Liechty@co.galveston.tx.us>
Subject: Call Request - Galveston County Redistricting

Dale -

I spoke to Judge Henry about our preliminary game plan for the redistricting in Galveston County. He agrees with me that the County does not have a good data set to compare the census data to, so he wants to skip that step.

Our first step needs to be an online meeting or conference call with you, me, Judge Henry and Commissioner Apffel. I have copied Linda Liechty who can schedule that meeting hopefully sometime next week.

If you would give me a quick call at **PII** to touch base on the revised game plan.

Linda - I have no commitments next week so don't worry about my schedule.

Also, Dale's number is **PII**.

Paul A. Ready
Ready Law Firm, PLLC
1300 McGowen St., Ste. 120
Houston, Texas 77004
Tel. 713.814.3980
Fax. 713.814.3988
paul@ready.law

The information contained in this message and its attachments may be privileged and confidential, and it is intended only for the individual or entity addressed in the message. If you are not the intended recipient, you must not disseminate, distribute or copy this message. If you have received this message in error, please immediately notify the sender that you have received this communication in error and delete it.

Subject: Conf Call re: Redistricting; attendees: Judge Henry, Commissioner Apffel, Paul Ready & Dale Oldham
Start: Wednesday, September 8, 2021 10:00 AM CDT
End: Wednesday, September 8, 2021 11:00 AM CDT
Location: Dial-in#: 888-204-5987; Passcode: 6474778 (Linda will initiate call at 9:55am)
Show Time As: Tentative
Organizer: Henry, Mark
Attendees: Apffel, Darrell, Paul Ready, Collins, Seth, Van Horn, Veronica

09/01/21 - Linda confirmed call with Dale Oldham, via phone PII

EXHIBIT 9.D

From: tom@bryangeodemo.com
Sent: Saturday, October 16, 2021 6:11 PM CDT
To: Jason Torchinsky; Dale Oldham; Phil Gordon
Subject: Re: Galveston

For discussion of Galveston tomorrow

Thomas Bryan is inviting you to a scheduled Zoom meeting.

Topic: Thomas Bryan's Zoom Meeting
Time: Oct 17, 2021 11:00 AM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us06web.zoom.us/j/89724608125?pwd=N3hycXE2Nk12dWFtMXhpWlFSVXpHZz09>

Meeting ID: 897 2460 8125
Passcode: 189257
One tap mobile
+19294362866,,89724608125#,,,,*189257# US (New York)
+13017158592,,89724608125#,,,,*189257# US (Washington DC)

Dial by your location
+1 929 436 2866 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)

Meeting ID: 897 2460 8125
Passcode: 189257
Find your local number: <https://us06web.zoom.us/u/kdBmD7AhCi>

On Saturday, October 16, 2021, 06:42:09 PM EDT, Phil Gordon <pgordon@holtzmanvogel.com> wrote:

Added Dale here.
Phil

Sent from my iPhone

On Oct 16, 2021, at 5:41 PM, Jason Torchinsky <jtorchinsky@holtzmanvogel.com> wrote:

Dales availability needs to drive this discussion

Jason Torchinsky
Holtzman Vogel Josefiak Torchinsky PLLC
Sent from my phone. Please excuse any typos.
From: Thomas Bryan <tom@bryangedemo.com>
Sent: Saturday, October 16, 2021 6:40:03 PM
To: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Phil Gordon <pgordon@HoltzmanVogel.com>
Subject: Re: Galveston

Would noon serve you better Jason?

[Sent from Smallbiz Yahoo Mail for iPhone](#)

On Saturday, October 16, 2021, 6:37 PM, Jason Torchinsky <jtorchinsky@HoltzmanVogel.com> wrote:

I will be at church. Dale needs to join. He **Attorney Client**.
Jason Torchinsky
Holtzman Vogel Josefiak Torchinsky PLLC
Sent from my phone. Please excuse any typos.
From: Thomas Bryan <tom@bryangedemo.com>
Sent: Saturday, October 16, 2021 6:34:15 PM
To: Phil Gordon <pgordon@HoltzmanVogel.com>
Cc: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>
Subject: Re: Galveston

You bet I'll take care of it. Maybe 11 eastern?

[Sent from Smallbiz Yahoo Mail for iPhone](#)

On Saturday, October 16, 2021, 6:33 PM, Phil Gordon <pgordon@HoltzmanVogel.com> wrote:

Tom,
I am available to talk tomorrow AM. Someone else might be joining us. ***** is not involved.
Do you have a zoom link you can circulate?
Phil

Sent from my iPhone

On Oct 16, 2021, at 5:25 PM, Thomas Bryan <tom@bryangedemo.com> wrote:

Phil and Jason,
Would you like a call on Galveston in the morning - maybe 10? I assume **Privacy** is in on this too - please confirm I should be looping him in. **Attorney Client**

Attorney Client

[Sent from Smallbiz Yahoo Mail for iPhone](#)

On Saturday, October 16, 2021, 1:55 AM, Thomas Bryan
<tom@bryangeodemo.com> wrote:

Jason and Phil,
I just got a draft plan ready with Attorney Client
Please lmk when you'd like to discuss.
Tb

[Sent from Smallbiz Yahoo Mail for iPhone](#)

From: tom@bryangeodemo.com
Sent: Sunday, October 17, 2021 3:17 PM CDT
To: Dloesq@aol.com
Subject: Re: Galveston

Thomas Bryan is inviting you to a scheduled Zoom meeting.

Topic: Thomas Bryan's Zoom Meeting
Time: Oct 17, 2021 04:15 PM Eastern Time (US and Canada)

Join Zoom Meeting
<https://us06web.zoom.us/j/81674527503?pwd=eDlRUnRSKy8yOEtObDdQWCsxSnMrZz09>

Meeting ID: 816 7452 7503
Passcode: 016511
One tap mobile
+13017158592,,81674527503#,,,,*016511# US (Washington DC)
+13126266799,,81674527503#,,,,*016511# US (Chicago)

Dial by your location
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
+1 929 436 2866 US (New York)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)

Meeting ID: 816 7452 7503
Passcode: 016511
Find your local number: <https://us06web.zoom.us/u/kdz5kbFOdf>

<https://us06web.zoom.us/j/4352557041?pwd=eDZtV0JOQ2tQYWV0dFZDYitvZz09>

Meeting ID: 435 255 7041 Passcode: 3qtwbE One tap mobile
+13017158592,,4352557041#,,,,*456120# US (Washington DC)
+13126266799,,4352557041#,,,,*456120# US (Chicago) Dial by your
location +1 301 715 8592 US (Washington DC) +1 312 626 6799 US
(Chicago) +1 929 436 2866 US (New York) +1 253 215 8782 US
(Tacoma) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San

Jose) Meeting ID: 435 255 7041 Passcode: 456120 Find your local number: <https://us06web.zoom.us/j/kbiC2FoDJD>

On Saturday, October 16, 2021, 06:46:44 PM EDT, Jason Torchinsky <jtorchinsky@holtzmanvogel.com> wrote:

Phil and are I are tracking him down
Jason Torchinsky
Holtzman Vogel Josefiak Torchinsky PLLC
Sent from my phone. Please excuse any typos.
From: Thomas Bryan <tom@bryangeodemo.com>
Sent: Saturday, October 16, 2021 6:45:53 PM
To: Phil Gordon <pgordon@HoltzmanVogel.com>
Cc: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>
Subject: Re: Galveston

Cool - would you please ask him what time works for him and that we are proposing a 12?

[Sent from Smallbiz Yahoo Mail for iPhone](#)

On Saturday, October 16, 2021, 6:44 PM, Phil Gordon <pgordon@HoltzmanVogel.com> wrote:

Dale Oldham, he's a lawyer. We can discuss in more detail tomorrow.
Phil

Sent from my iPhone

On Oct 16, 2021, at 5:43 PM, Thomas Bryan <tom@bryangeodemo.com> wrote:

Can you please share Dale's full name, contact info and role? I'm happy to drive coordinating the meeting. It makes no matter to me 11 or 12, so if you have any interest in being there it is no problem to do 12 instead. I will also defer to Dales schedule.

[Sent from Smallbiz Yahoo Mail for iPhone](#)

On Saturday, October 16, 2021, 6:41 PM, Jason Torchinsky <jtorchinsky@HoltzmanVogel.com> wrote:

Dales availability needs to drive this discussion
Jason Torchinsky
Holtzman Vogel Josefiak Torchinsky PLLC
Sent from my phone. Please excuse any typos.
From: Thomas Bryan <tom@bryangeodemo.com>
Sent: Saturday, October 16, 2021 6:40:03 PM
To: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Phil Gordon

<pgordon@HoltzmanVogel.com>

Subject: Re: Galveston

Would noon serve you better Jason?

[Sent from Smallbiz Yahoo Mail for iPhone](#)

On Saturday, October 16, 2021, 6:37 PM, Jason Torchinsky
<jtorchinsky@HoltzmanVogel.com> wrote:

I will be at church. Dale needs to join. **Attorney Client** ..

Jason Torchinsky

Holtzman Vogel Josefiak Torchinsky PLLC

Sent from my phone. Please excuse any typos.

From: Thomas Bryan <tom@bryangeodemo.com>

Sent: Saturday, October 16, 2021 6:34:15 PM

To: Phil Gordon <pgordon@HoltzmanVogel.com>

Cc: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>

Subject: Re: Galveston

You bet I'll take care of it. Maybe 11 eastern?

[Sent from Smallbiz Yahoo Mail for iPhone](#)

On Saturday, October 16, 2021, 6:33 PM, Phil Gordon
<pgordon@HoltzmanVogel.com> wrote:

Tom,

I am available to talk tomorrow AM. Someone else might be joining us. * is not involved.

Do you have a zoom link you can circulate?

Phil

Sent from my iPhone

On Oct 16, 2021, at 5:25 PM, Thomas Bryan <tom@bryangeodemo.com> wrote:

Phil and Jason,

Would you like a call on Galveston in the morning - maybe 10? I assume **Privacy** is in on this too - please confirm I should be looping him in. **Attorney Client**

Attorney Client

[Sent from Smallbiz Yahoo Mail for iPhone](#)

On Saturday, October 16, 2021, 1:55 AM, Thomas Bryan
<tom@bryangeodemo.com> wrote:

Jason and Phil,
I just got a draft plan ready. Attorney Client
* [REDACTED] Please lmk when you'd like to discuss.
Tb

[Sent from Smallbiz Yahoo Mail for iPhone](#)

Subject: Accepted: Conf Call w/ Paul Ready & Dale Oldham re: Redistricting
Start: Thursday, September 16, 2021 10:00 AM CDT
End: Thursday, September 16, 2021 11:00 AM CDT
Show Time As: Busy
Organizer: Clark, Ken
Attendees: Liechty, Linda

EXHIBIT 9.G

Subject: Accepted: Conf Call w/ Paul Ready & Dale Oldham re: Redistricting
Start: Thursday, September 16, 2021 10:00 AM CDT
End: Thursday, September 16, 2021 11:00 AM CDT
Location: Dial-in#: 888-204-5987; Passcode: 6474778
Show Time As: Free
Organizer: Clark, Ken
Attendees: Liechty, Linda

EXHIBIT 9.H

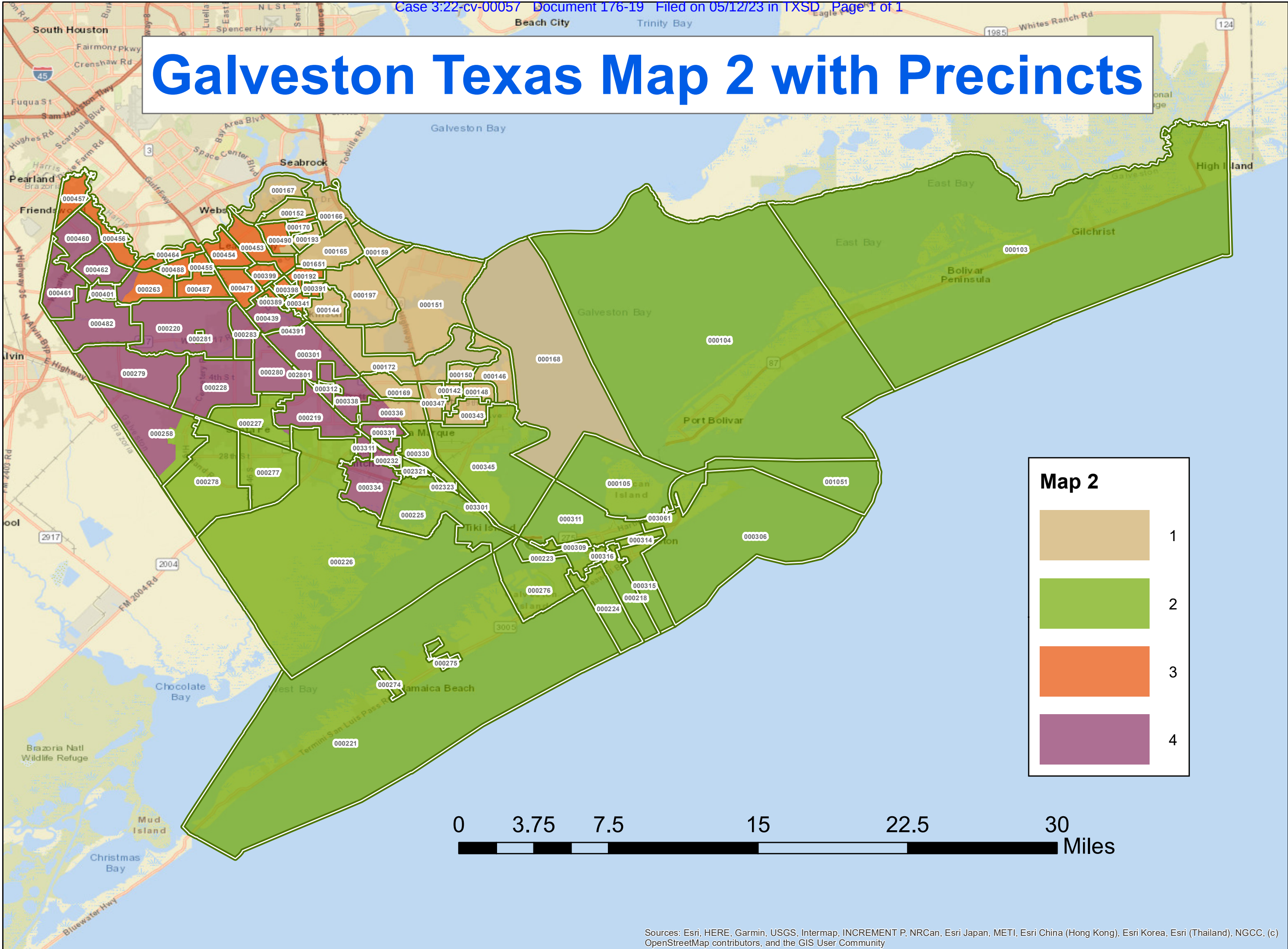
NATIVE DOCUMENT PLACEHOLDER

Please review the native document DEFS00011898.xlsx

Galveston_Analysis 10_28_21.xlsx

EXHIBIT 9.1

Galveston Texas Map 2 with Precincts



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

EXHIBIT 9.I

Cumulative Results Report
 Primary 2020 Official Tally
 Run Time 6:33 PM
 Run Date 03/10/2020

Galveston County
 2020 Primary Election
 3/3/2020
 Page 1

Unofficial Results
 Registered Voters
 51287 of 0 = 0.00%
 Precincts Reporting
 89 of 89 = 100.00%

President - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Pete Buttigieg		123	6.06%	820	10.17%	80	0.65%	1,023	4.57%
Elizabeth Warren		137	6.75%	1,059	13.14%	1,253	10.20%	2,449	10.95%
Tulsi Gabbard		3	0.15%	27	0.33%	50	0.41%	80	0.36%
Amy Klobuchar		92	4.53%	415	5.15%	32	0.26%	539	2.41%
Michael Bennet		2	0.10%	43	0.53%	70	0.57%	115	0.51%
Robby Wells		0	0.00%	2	0.02%	6	0.05%	8	0.04%
Deval Patrick		1	0.05%	8	0.10%	4	0.03%	13	0.06%
Julián Castro		3	0.15%	36	0.45%	64	0.52%	103	0.46%
John K. Delaney		5	0.25%	2	0.02%	3	0.02%	10	0.04%
Marianne Williamson		1	0.05%	6	0.07%	11	0.09%	18	0.08%
Andrew Yang		6	0.30%	19	0.24%	25	0.20%	50	0.22%
Roque "Rocky" De La Fuente		1	0.05%	3	0.04%	1	0.01%	5	0.02%
Cory Booker		4	0.20%	17	0.21%	10	0.08%	31	0.14%
Tom Steyer		28	1.38%	121	1.50%	39	0.32%	188	0.84%
Bernie Sanders		226	11.14%	1,996	24.76%	3,282	26.72%	5,504	24.60%
Michael R. Bloomberg		670	33.02%	1,303	16.17%	985	8.02%	2,958	13.22%
Joseph R. Biden		727	35.83%	2,183	27.08%	6,368	51.84%	9,278	41.47%
Cast Votes:		2,029	100.00%	8,060	100.00%	12,283	100.00%	22,372	100.00%
Undervotes:		32		70		68		170	
Overvotes:		0		0		0		0	

EXHIBIT 9.J

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United States Senator - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Victor Hugo Harris		59	3.20%	216	3.06%	482	4.84%	757	4.02%
Michael Cooper		80	4.34%	350	4.97%	587	5.90%	1,017	5.40%
Royce West		167	9.06%	662	9.39%	675	6.78%	1,504	7.98%
Mary "MJ" Hegar		497	26.95%	2,220	31.49%	1,985	19.94%	4,702	24.94%
Amanda K. Edwards		155	8.41%	796	11.29%	1,350	13.56%	2,301	12.21%
Annie "Mamá" Garcia		123	6.67%	699	9.92%	1,476	14.82%	2,298	12.19%
Adrian Ocegueda		21	1.14%	155	2.20%	288	2.89%	464	2.46%
D. R. Hunter		17	0.92%	157	2.23%	252	2.53%	426	2.26%
Sema Hernandez		55	2.98%	227	3.22%	494	4.96%	776	4.12%
Chris Bell		564	30.59%	1,095	15.53%	1,512	15.19%	3,171	16.82%
Jack Daniel Foster Jr.		21	1.14%	74	1.05%	120	1.21%	215	1.14%
Cristina Tzintzun Ramirez		85	4.61%	398	5.65%	736	7.39%	1,219	6.47%
Cast Votes:		1,844	100.00%	7,049	100.00%	9,957	100.00%	18,850	100.00%
Undervotes:		216		1,081		2,394		3,691	
Overvotes:		1		0		0		1	

United States Representative, District 14 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Adrienne Bell		1,349	74.94%	5,032	71.70%	6,456	65.82%	12,837	68.92%
Sanjanetta Barnes		140	7.78%	713	10.16%	1,191	12.14%	2,044	10.97%
Mikal Williams		136	7.56%	525	7.48%	756	7.71%	1,417	7.61%
Robert "Puga" Thomas		49	2.72%	185	2.64%	457	4.66%	691	3.71%
Eddie Fisher		126	7.00%	563	8.02%	949	9.67%	1,638	8.79%
Cast Votes:		1,800	100.00%	7,018	100.00%	9,809	100.00%	18,627	100.00%
Undervotes:		261		1,112		2,542		3,915	
Overvotes:		0		0		0		0	

Railroad Commissioner - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Kelly Stone		436	25.47%	1,860	28.32%	2,686	29.02%	4,982	28.41%
Mark Watson		366	21.38%	1,222	18.61%	1,583	17.10%	3,171	18.08%
Chrysta Castañeda		554	32.36%	2,123	32.32%	2,628	28.39%	5,305	30.25%
Roberto R. "Beto" Alonzo		356	20.79%	1,363	20.75%	2,360	25.49%	4,079	23.26%
Cast Votes:		1,712	100.00%	6,568	100.00%	9,257	100.00%	17,537	100.00%
Undervotes:		349		1,562		3,094		5,005	
Overvotes:		0		0		0		0	

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Chief Justice, Supreme Court - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jerry Zimmerer		402	23.33%	1,249	18.72%	1,934	20.26%	3,585	19.98%
Amy Clark Meachum		1,321	76.67%	5,423	81.28%	7,610	79.74%	14,354	80.02%
Cast Votes:		1,723	100.00%	6,672	100.00%	9,544	100.00%	17,939	100.00%
Undervotes:		338		1,458		2,807		4,603	
Overvotes:		0		0		0		0	

Justice, Supreme Court, Place 6, Unexpired Term - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Kathy Cheng		1,287	74.44%	5,322	80.31%	7,565	80.62%	14,174	79.90%
Larry Praeger		442	25.56%	1,305	19.69%	1,818	19.38%	3,565	20.10%
Cast Votes:		1,729	100.00%	6,627	100.00%	9,383	100.00%	17,739	100.00%
Undervotes:		332		1,503		2,968		4,803	
Overvotes:		0		0		0		0	

Justice, Supreme Court, Place 7 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Brandy Voss		677	39.34%	2,241	34.16%	3,158	34.11%	6,076	34.64%
Staci Williams		1,044	60.66%	4,320	65.84%	6,101	65.89%	11,465	65.36%
Cast Votes:		1,721	100.00%	6,561	100.00%	9,259	100.00%	17,541	100.00%
Undervotes:		340		1,569		3,092		5,001	
Overvotes:		0		0		0		0	

Justice, Supreme Court, Place 8 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Gisela D. Triana		1,027	59.85%	4,575	70.67%	6,475	70.89%	12,077	69.71%
Peter Kelly		689	40.15%	1,899	29.33%	2,659	29.11%	5,247	30.29%
Cast Votes:		1,716	100.00%	6,474	100.00%	9,134	100.00%	17,324	100.00%
Undervotes:		345		1,656		3,217		5,218	
Overvotes:		0		0		0		0	

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Judge, Court of Criminal Appeals, Place 3 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Dan Wood		412	24.28%	1,171	18.22%	1,613	17.79%	3,196	18.59%
Elizabeth Davis Frizell		1,148	67.65%	4,685	72.88%	6,524	71.94%	12,357	71.87%
William Pieratt Demond		137	8.07%	572	8.90%	932	10.28%	1,641	9.54%
Cast Votes:		1,697	100.00%	6,428	100.00%	9,069	100.00%	17,194	100.00%
Undervotes:		364		1,702		3,282		5,348	
Overvotes:		0		0		0		0	

Judge, Court of Criminal Appeals, Place 4 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Steven Mears		393	23.25%	1,212	18.95%	1,819	20.12%	3,424	19.99%
Tina Clinton		1,297	76.75%	5,184	81.05%	7,222	79.88%	13,703	80.01%
Cast Votes:		1,690	100.00%	6,396	100.00%	9,041	100.00%	17,127	100.00%
Undervotes:		371		1,734		3,310		5,415	
Overvotes:		0		0		0		0	

Judge, Court of Criminal Appeals, Place 9 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Brandon Birmingham		1,476	100.00%	5,663	100.00%	8,013	100.00%	15,152	100.00%
Cast Votes:		1,476	100.00%	5,663	100.00%	8,013	100.00%	15,152	100.00%
Undervotes:		585		2,467		4,338		7,390	
Overvotes:		0		0		0		0	

State Senator, District 4 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jay Stittleburg		9	100.00%	57	100.00%	54	100.00%	120	100.00%
Cast Votes:		9	100.00%	57	100.00%	54	100.00%	120	100.00%
Undervotes:		1		18		41		60	
Overvotes:		0		0		0		0	

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State Senator, District 11 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Susan Criss		1,406	77.64%	4,562	65.63%	5,513	56.81%	11,481	62.17%
Margarita Ruiz Johnson		405	22.36%	2,389	34.37%	4,191	43.19%	6,985	37.83%
Cast Votes:		1,811	100.00%	6,951	100.00%	9,704	100.00%	18,466	100.00%
Undervotes:		240		1,104		2,552		3,896	
Overvotes:		0		0		0		0	

State Representative District 23 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jeff Antonelli		882	100.00%	2,785	100.00%	4,286	100.00%	7,953	100.00%
Cast Votes:		882	100.00%	2,785	100.00%	4,286	100.00%	7,953	100.00%
Undervotes:		289		963		1,983		3,235	
Overvotes:		0		0		0		0	

State Representative District 24 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Brian J. Rogers		643	100.00%	3,084	100.00%	3,933	100.00%	7,660	100.00%
Cast Votes:		643	100.00%	3,084	100.00%	3,933	100.00%	7,660	100.00%
Undervotes:		247		1,298		2,149		3,694	
Overvotes:		0		0		0		0	

Chief Justice, 14th Court of Appeals District - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jim Evans		408	24.36%	1,377	21.49%	1,979	22.05%	3,764	22.07%
Jane Robinson		1,267	75.64%	5,030	78.51%	6,996	77.95%	13,293	77.93%
Cast Votes:		1,675	100.00%	6,407	100.00%	8,975	100.00%	17,057	100.00%
Undervotes:		386		1,723		3,376		5,485	
Overvotes:		0		0		0		0	

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Justice, 1st Court of Appeals District, Place 3 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Veronica Rivas-Molloy		887	51.96%	3,645	56.28%	5,234	57.83%	9,766	56.67%
Jim Sharp		519	30.40%	1,441	22.25%	2,106	23.27%	4,066	23.59%
Dinesh Singhal		301	17.63%	1,390	21.46%	1,710	18.90%	3,401	19.74%
Cast Votes:		1,707	100.00%	6,476	100.00%	9,050	100.00%	17,233	100.00%
Undervotes:		354		1,654		3,301		5,309	
Overvotes:		0		0		0		0	

Justice, 1st Court of Appeals District, Place 5 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Tim Hootman		700	41.69%	2,193	35.35%	2,962	34.29%	5,855	35.44%
Amparo Monique Guerra		979	58.31%	4,011	64.65%	5,677	65.71%	10,667	64.56%
Cast Votes:		1,679	100.00%	6,204	100.00%	8,639	100.00%	16,522	100.00%
Undervotes:		382		1,926		3,712		6,020	
Overvotes:		0		0		0		0	

Justice, 14th Court of Appeals District, Place 7 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Lennon C. Wright		169	10.11%	464	7.41%	775	8.91%	1,408	8.47%
V. R. Faulkner		127	7.60%	396	6.33%	525	6.04%	1,048	6.30%
Wally Kronzer		199	11.90%	559	8.93%	571	6.57%	1,329	7.99%
Cheri Thomas		605	36.18%	2,232	35.65%	2,827	32.51%	5,664	34.07%
Dominic J. Merino		134	8.01%	454	7.25%	742	8.53%	1,330	8.00%
Tarnika "Tami" Craft		438	26.20%	2,155	34.42%	3,255	37.44%	5,848	35.17%
Cast Votes:		1,672	100.00%	6,260	100.00%	8,695	100.00%	16,627	100.00%
Undervotes:		389		1,870		3,656		5,915	
Overvotes:		0		0		0		0	

District Judge, 56th Judicial District - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
George Lindsey		1,492	100.00%	5,642	100.00%	7,875	100.00%	15,009	100.00%
Cast Votes:		1,492	100.00%	5,642	100.00%	7,875	100.00%	15,009	100.00%
Undervotes:		569		2,488		4,476		7,533	
Overvotes:		0		0		0		0	

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District Judge, 405th Judicial District - Democratic Party

Choice	Party	Absentee Voting	Early Voting	Election Day Voting	Total
Teresa Hudson		1,524 100.00%	5,932 100.00%	8,312 100.00%	15,768 100.00%
	Cast Votes:	1,524 100.00%	5,932 100.00%	8,312 100.00%	15,768 100.00%
	Undervotes:	537	2,198	4,039	6,774
	Overvotes:	0	0	0	0

Sheriff - Democratic Party

Choice	Party	Absentee Voting	Early Voting	Election Day Voting	Total
Mark Salinas		1,514 100.00%	5,803 100.00%	8,312 100.00%	15,629 100.00%
	Cast Votes:	1,514 100.00%	5,803 100.00%	8,312 100.00%	15,629 100.00%
	Undervotes:	547	2,327	4,039	6,913
	Overvotes:	0	0	0	0

County Commissioner Precinct 3 - Democratic Party

Choice	Party	Absentee Voting	Early Voting	Election Day Voting	Total
Stephen D. Holmes		676 100.00%	1,765 100.00%	2,547 100.00%	4,988 100.00%
	Cast Votes:	676 100.00%	1,765 100.00%	2,547 100.00%	4,988 100.00%
	Undervotes:	125	429	990	1,544
	Overvotes:	0	0	0	0

County Constable Precinct 3 - Democratic Party

Choice	Party	Absentee Voting	Early Voting	Election Day Voting	Total
Derreck Rose		451 100.00%	1,117 100.00%	1,523 100.00%	3,091 100.00%
	Cast Votes:	451 100.00%	1,117 100.00%	1,523 100.00%	3,091 100.00%
	Undervotes:	76	205	501	782
	Overvotes:	0	0	0	0

County Chairman - Democratic Party

Choice	Party	Absentee Voting	Early Voting	Election Day Voting	Total
C. John Young, Jr.		1,490 100.00%	5,707 100.00%	7,997 100.00%	15,194 100.00%
	Cast Votes:	1,490 100.00%	5,707 100.00%	7,997 100.00%	15,194 100.00%
	Undervotes:	571	2,423	4,354	7,348
	Overvotes:	0	0	0	0

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Precinct Chairman, Precinct 314 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Shirley Russell		65	77.38%	114	60.96%	175	59.93%	354	62.88%
Christy Callahan		19	22.62%	73	39.04%	117	40.07%	209	37.12%
Cast Votes:		84	100.00%	187	100.00%	292	100.00%	563	100.00%
Undervotes:		16		46		115		177	
Overvotes:		0		0		0		0	

Proposition 1 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,883	96.81%	7,358	94.43%	11,124	94.72%	20,365	94.80%
No		62	3.19%	434	5.57%	620	5.28%	1,116	5.20%
Cast Votes:		1,945	100.00%	7,792	100.00%	11,744	100.00%	21,481	100.00%
Undervotes:		116		338		607		1,061	
Overvotes:		0		0		0		0	

President - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Joe Walsh		22	0.75%	110	0.77%	104	0.92%	236	0.82%
Zoltan G. Istvan		2	0.07%	7	0.05%	6	0.05%	15	0.05%
Matthew John Matern		3	0.10%	18	0.13%	13	0.11%	34	0.12%
Roque "Rocky" De La Fuente Guerra		3	0.10%	37	0.26%	21	0.19%	61	0.21%
Bob Ely		3	0.10%	9	0.06%	4	0.04%	16	0.06%
Bill Weld		17	0.58%	106	0.74%	93	0.82%	216	0.76%
Donald J. Trump		2,715	93.14%	13,683	95.18%	10,677	94.34%	27,075	94.64%
Uncommitted		150	5.15%	406	2.82%	400	3.53%	956	3.34%
Cast Votes:		2,915	100.00%	14,376	100.00%	11,318	100.00%	28,609	100.00%
Undervotes:		23		60		53		136	
Overvotes:		0		0		0		0	

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United States Senator - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
John Anthony Castro		74	2.60%	697	5.07%	846	8.07%	1,617	5.97%
John Cornyn		2,581	90.63%	10,766	78.24%	7,508	71.60%	20,855	76.97%
Dwayne Stovall		109	3.83%	1,531	11.13%	1,268	12.09%	2,908	10.73%
Mark Yancey		56	1.97%	653	4.75%	741	7.07%	1,450	5.35%
Virgil Bierschwale		28	0.98%	113	0.82%	123	1.17%	264	0.97%
Cast Votes:		2,848	100.00%	13,760	100.00%	10,486	100.00%	27,094	100.00%
Undervotes:		90		676		885		1,651	
Overvotes:		0		0		0		0	

United States Representative District 14 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Joshua Foxworth		304	10.74%	1,945	14.01%	1,977	18.60%	4,226	15.45%
Randy Weber		2,526	89.26%	11,941	85.99%	8,652	81.40%	23,119	84.55%
Cast Votes:		2,830	100.00%	13,886	100.00%	10,629	100.00%	27,345	100.00%
Undervotes:		108		550		742		1,400	
Overvotes:		0		0		0		0	

Railroad Commissioner - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Ryan Sitton		1,559	59.41%	7,398	56.18%	4,635	46.73%	13,592	52.86%
James "Jim" Wright		1,065	40.59%	5,771	43.82%	5,283	53.27%	12,119	47.14%
Cast Votes:		2,624	100.00%	13,169	100.00%	9,918	100.00%	25,711	100.00%
Undervotes:		314		1,267		1,453		3,034	
Overvotes:		0		0		0		0	

Chief Justice, Supreme Court - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Nathan Hecht		2,264	100.00%	12,255	100.00%	9,521	100.00%	24,040	100.00%
Cast Votes:		2,264	100.00%	12,255	100.00%	9,521	100.00%	24,040	100.00%
Undervotes:		674		2,181		1,850		4,705	
Overvotes:		0		0		0		0	

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Justice, Supreme Court, Place 6, Unexpired Term - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jane Bland		2,250	100.00%	12,081	100.00%	9,403	100.00%	23,734	100.00%
	Cast Votes:	2,250	100.00%	12,081	100.00%	9,403	100.00%	23,734	100.00%
	Undervotes:	688		2,355		1,968		5,011	
	Overvotes:	0		0		0		0	

Justice, Supreme Court, Place 7 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jeff Boyd		2,210	100.00%	12,060	100.00%	9,400	100.00%	23,670	100.00%
	Cast Votes:	2,210	100.00%	12,060	100.00%	9,400	100.00%	23,670	100.00%
	Undervotes:	728		2,376		1,971		5,075	
	Overvotes:	0		0		0		0	

Justice, Supreme Court, Place 8 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Brett Busby		2,201	100.00%	12,007	100.00%	9,346	100.00%	23,554	100.00%
	Cast Votes:	2,201	100.00%	12,007	100.00%	9,346	100.00%	23,554	100.00%
	Undervotes:	737		2,429		2,025		5,191	
	Overvotes:	0		0		0		0	

Judge, Court of Criminal Appeals, Place 3 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Bert Richardson		1,227	48.77%	6,577	52.63%	5,154	54.41%	12,958	52.92%
Gina Parker		1,289	51.23%	5,919	47.37%	4,319	45.59%	11,527	47.08%
	Cast Votes:	2,516	100.00%	12,496	100.00%	9,473	100.00%	24,485	100.00%
	Undervotes:	422		1,940		1,898		4,260	
	Overvotes:	0		0		0		0	

Judge, Court of Criminal Appeals, Place 4 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Kevin Patrick Yeary		2,194	100.00%	11,840	100.00%	9,217	100.00%	23,251	100.00%
	Cast Votes:	2,194	100.00%	11,840	100.00%	9,217	100.00%	23,251	100.00%
	Undervotes:	744		2,596		2,154		5,494	
	Overvotes:	0		0		0		0	

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Judge, Court of Criminal Appeals, Place 9 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
David Newell		2,186	100.00%	11,793	100.00%	9,156	100.00%	23,135	100.00%
	Cast Votes:	2,186	100.00%	11,793	100.00%	9,156	100.00%	23,135	100.00%
	Undervotes:	752		2,643		2,215		5,610	
	Overvotes:	0		0		0		0	

State Senator, District 4 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Brandon Creighton		25	100.00%	240	100.00%	184	100.00%	449	100.00%
	Cast Votes:	25	100.00%	240	100.00%	184	100.00%	449	100.00%
	Undervotes:	11		46		49		106	
	Overvotes:	0		0		0		0	

State Senator, District 11 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Larry Taylor		2,321	100.00%	12,251	100.00%	9,462	100.00%	24,034	100.00%
	Cast Votes:	2,321	100.00%	12,251	100.00%	9,462	100.00%	24,034	100.00%
	Undervotes:	581		1,899		1,676		4,156	
	Overvotes:	0		0		0		0	

State Representative District 23 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Mayes Middleton		770	100.00%	3,849	100.00%	3,215	100.00%	7,834	100.00%
	Cast Votes:	770	100.00%	3,849	100.00%	3,215	100.00%	7,834	100.00%
	Undervotes:	164		520		499		1,183	
	Overvotes:	0		0		0		0	

State Representative District 24 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Greg Bonnen		1,598	100.00%	8,760	100.00%	6,532	100.00%	16,890	100.00%
	Cast Votes:	1,598	100.00%	8,760	100.00%	6,532	100.00%	16,890	100.00%
	Undervotes:	406		1,307		1,125		2,838	
	Overvotes:	0		0		0		0	

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Chief Justice, 14th Court of Appeals District - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Tracy Elizabeth Christopher		2,199	100.00%	11,818	100.00%	9,201	100.00%	23,218	100.00%
	Cast Votes:	2,199	100.00%	11,818	100.00%	9,201	100.00%	23,218	100.00%
	Undervotes:	739		2,618		2,170		5,527	
	Overvotes:	0		0		0		0	

Justice, 1st Court of Appeals District, Place 3 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Russell Lloyd		2,191	100.00%	11,773	100.00%	9,163	100.00%	23,127	100.00%
	Cast Votes:	2,191	100.00%	11,773	100.00%	9,163	100.00%	23,127	100.00%
	Undervotes:	747		2,663		2,208		5,618	
	Overvotes:	0		0		0		0	

Justice, 1st Court of Appeals District, Place 5 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Chad Bridges		620	26.06%	3,019	25.84%	2,515	28.79%	6,154	26.99%
Levi J. Benton		266	11.18%	1,744	14.93%	1,466	16.78%	3,476	15.25%
Terry Adams		586	24.63%	3,085	26.40%	2,530	28.96%	6,201	27.20%
James Lombardino		907	38.13%	3,836	32.83%	2,225	25.47%	6,968	30.56%
	Cast Votes:	2,379	100.00%	11,684	100.00%	8,736	100.00%	22,799	100.00%
	Undervotes:	559		2,752		2,635		5,946	
	Overvotes:	0		0		0		0	

Justice, 14th Court of Appeals District, Place 7 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Ken Wise		2,158	100.00%	11,683	100.00%	9,074	100.00%	22,915	100.00%
	Cast Votes:	2,158	100.00%	11,683	100.00%	9,074	100.00%	22,915	100.00%
	Undervotes:	780		2,753		2,297		5,830	
	Overvotes:	0		0		0		0	

District Judge, 10th Judicial District - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Kerry L. Neves		2,199	100.00%	11,866	100.00%	9,129	100.00%	23,194	100.00%
	Cast Votes:	2,199	100.00%	11,866	100.00%	9,129	100.00%	23,194	100.00%
	Undervotes:	739		2,570		2,242		5,551	
	Overvotes:	0		0		0		0	

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District Judge, 56th Judicial District - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Lonnie Cox		2,233	100.00%	11,972	100.00%	9,319	100.00%	23,524	100.00%
	Cast Votes:	2,233	100.00%	11,972	100.00%	9,319	100.00%	23,524	100.00%
	Undervotes:	705		2,464		2,052		5,221	
	Overvotes:	0		0		0		0	

District Judge, 405th Judicial District - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jared Robinson		2,148	100.00%	11,729	100.00%	9,061	100.00%	22,938	100.00%
	Cast Votes:	2,148	100.00%	11,729	100.00%	9,061	100.00%	22,938	100.00%
	Undervotes:	790		2,707		2,310		5,807	
	Overvotes:	0		0		0		0	

Sheriff - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Henry A. Trochesset		2,322	100.00%	12,564	100.00%	9,660	100.00%	24,546	100.00%
	Cast Votes:	2,322	100.00%	12,564	100.00%	9,660	100.00%	24,546	100.00%
	Undervotes:	616		1,872		1,711		4,199	
	Overvotes:	0		0		0		0	

County Tax Assessor-Collector - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Cheryl E. Johnson		1,985	70.29%	8,251	59.24%	6,546	61.12%	16,782	61.11%
Jackie Peden		839	29.71%	5,677	40.76%	4,164	38.88%	10,680	38.89%
	Cast Votes:	2,824	100.00%	13,928	100.00%	10,710	100.00%	27,462	100.00%
	Undervotes:	114		508		661		1,283	
	Overvotes:	0		0		0		0	

County Commissioner, Precinct 1 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Darrell Apffel		564	100.00%	3,205	100.00%	2,717	100.00%	6,486	100.00%
	Cast Votes:	564	100.00%	3,205	100.00%	2,717	100.00%	6,486	100.00%
	Undervotes:	179		529		490		1,198	
	Overvotes:	0		0		0		0	

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Justice of the Peace, Precinct 4 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Kathleen M. McCumber		798	100.00%	4,302	100.00%	3,126	100.00%	8,226	100.00%
	Cast Votes:	798	100.00%	4,302	100.00%	3,126	100.00%	8,226	100.00%
	Undervotes:	288		816		671		1,775	
	Overvotes:	0		0		0		0	

County Constable, Precinct 1 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Felix Flores		88	12.22%	641	18.31%	568	19.56%	1,297	18.20%
Rick Sharp		632	87.78%	2,860	81.69%	2,336	80.44%	5,828	81.80%
	Cast Votes:	720	100.00%	3,501	100.00%	2,904	100.00%	7,125	100.00%
	Undervotes:	74		249		323		646	
	Overvotes:	0		0		0		0	

County Constable, Precinct 2 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jimmy Fullen		726	100.00%	4,167	100.00%	3,120	100.00%	8,013	100.00%
	Cast Votes:	726	100.00%	4,167	100.00%	3,120	100.00%	8,013	100.00%
	Undervotes:	192		630		521		1,343	
	Overvotes:	0		0		0		0	

County Constable, Precinct 4 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Justin West		732	75.15%	3,060	64.80%	2,134	62.89%	5,926	65.20%
D. J. Alvarez		242	24.85%	1,662	35.20%	1,259	37.11%	3,163	34.80%
	Cast Votes:	974	100.00%	4,722	100.00%	3,393	100.00%	9,089	100.00%
	Undervotes:	112		396		404		912	
	Overvotes:	0		0		0		0	

County Chairman - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yolanda Waters		504	20.45%	2,446	19.43%	2,090	22.04%	5,040	20.54%
Patrick J. McGinnis		1,961	79.55%	10,142	80.57%	7,392	77.96%	19,495	79.46%
	Cast Votes:	2,465	100.00%	12,588	100.00%	9,482	100.00%	24,535	100.00%
	Undervotes:	473		1,848		1,889		4,210	
	Overvotes:	0		0		0		0	

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Precinct Chairman, Precinct 263 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Norman Pappous		37	54.41%	201	55.22%	162	50.78%	400	53.26%
Tanya Beltran		31	45.59%	163	44.78%	157	49.22%	351	46.74%
Cast Votes:		68	100.00%	364	100.00%	319	100.00%	751	100.00%
Undervotes:		26		94		100		220	
Overvotes:		0		0		0		0	

Proposition 2 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,909	97.00%	7,394	94.50%	11,226	95.01%	20,529	95.01%
No		59	3.00%	430	5.50%	590	4.99%	1,079	4.99%
Cast Votes:		1,968	100.00%	7,824	100.00%	11,816	100.00%	21,608	100.00%
Undervotes:		91		306		535		932	
Overvotes:		0		0		0		0	

Proposition 3 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,981	99.25%	7,687	97.95%	11,638	98.25%	21,306	98.23%
No		15	0.75%	161	2.05%	207	1.75%	383	1.77%
Cast Votes:		1,996	100.00%	7,848	100.00%	11,845	100.00%	21,689	100.00%
Undervotes:		51		282		506		839	
Overvotes:		0		0		0		0	

Proposition 4 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,910	96.76%	7,388	94.86%	11,198	95.32%	20,496	95.29%
No		64	3.24%	400	5.14%	550	4.68%	1,014	4.71%
Cast Votes:		1,974	100.00%	7,788	100.00%	11,748	100.00%	21,510	100.00%
Undervotes:		73		342		603		1,018	
Overvotes:		0		0		0		0	

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Proposition 5 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,952	98.59%	7,658	97.70%	11,511	97.78%	21,121	97.83%
No		28	1.41%	180	2.30%	261	2.22%	469	2.17%
Cast Votes:		1,980	100.00%	7,838	100.00%	11,772	100.00%	21,590	100.00%
Undervotes:		67		292		579		938	
Overvotes:		0		0		0		0	

Proposition 6 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,962	98.99%	7,673	98.04%	11,543	98.13%	21,178	98.18%
No		20	1.01%	153	1.96%	220	1.87%	393	1.82%
Cast Votes:		1,982	100.00%	7,826	100.00%	11,763	100.00%	21,571	100.00%
Undervotes:		65		304		588		957	
Overvotes:		0		0		0		0	

Proposition 7 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,890	96.13%	7,363	94.68%	11,044	94.62%	20,297	94.78%
No		76	3.87%	414	5.32%	628	5.38%	1,118	5.22%
Cast Votes:		1,966	100.00%	7,777	100.00%	11,672	100.00%	21,415	100.00%
Undervotes:		81		353		679		1,113	
Overvotes:		0		0		0		0	

Proposition 8 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,952	98.64%	7,535	96.32%	11,362	96.72%	20,849	96.75%
No		27	1.36%	288	3.68%	385	3.28%	700	3.25%
Cast Votes:		1,979	100.00%	7,823	100.00%	11,747	100.00%	21,549	100.00%
Undervotes:		68		307		604		979	
Overvotes:		0		0		0		0	

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Proposition 9 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,923	98.97%	7,603	97.47%	11,450	97.83%	20,976	97.80%
No		20	1.03%	197	2.53%	254	2.17%	471	2.20%
Cast Votes:		1,943	100.00%	7,800	100.00%	11,704	100.00%	21,447	100.00%
Undervotes:		104		330		647		1,081	
Overvotes:		0		0		0		0	

Proposition 10 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,874	97.25%	7,448	95.54%	11,159	95.58%	20,481	95.71%
No		53	2.75%	348	4.46%	516	4.42%	917	4.29%
Cast Votes:		1,927	100.00%	7,796	100.00%	11,675	100.00%	21,398	100.00%
Undervotes:		120		334		676		1,130	
Overvotes:		0		0		0		0	

Proposition 11 - Democratic Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		1,794	92.76%	7,095	92.20%	10,527	91.77%	19,416	92.02%
No		140	7.24%	600	7.80%	944	8.23%	1,684	7.98%
Cast Votes:		1,934	100.00%	7,695	100.00%	11,471	100.00%	21,100	100.00%
Undervotes:		113		435		880		1,428	
Overvotes:		0		0		0		0	

Proposition 1 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		2,602	90.69%	12,898	90.62%	9,918	88.89%	25,418	89.94%
No		267	9.31%	1,335	9.38%	1,240	11.11%	2,842	10.06%
Cast Votes:		2,869	100.00%	14,233	100.00%	11,158	100.00%	28,260	100.00%
Undervotes:		69		203		213		485	
Overvotes:		0		0		0		0	

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Proposition 2 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		2,506	87.01%	12,452	87.42%	9,476	84.67%	24,434	86.29%
No		374	12.99%	1,792	12.58%	1,716	15.33%	3,882	13.71%
Cast Votes:		2,880	100.00%	14,244	100.00%	11,192	100.00%	28,316	100.00%
Undervotes:		58		192		179		429	
Overvotes:		0		0		0		0	

Proposition 3 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		2,809	97.37%	13,509	95.53%	10,468	94.55%	26,786	95.33%
No		76	2.63%	632	4.47%	603	5.45%	1,311	4.67%
Cast Votes:		2,885	100.00%	14,141	100.00%	11,071	100.00%	28,097	100.00%
Undervotes:		53		295		300		648	
Overvotes:		0		0		0		0	

Proposition 4 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		2,740	94.65%	13,491	95.24%	10,463	94.13%	26,694	94.74%
No		155	5.35%	674	4.76%	653	5.87%	1,482	5.26%
Cast Votes:		2,895	100.00%	14,165	100.00%	11,116	100.00%	28,176	100.00%
Undervotes:		43		271		255		569	
Overvotes:		0		0		0		0	

Proposition 5 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		2,500	87.26%	12,868	91.26%	10,002	90.29%	25,370	90.47%
No		365	12.74%	1,232	8.74%	1,076	9.71%	2,673	9.53%
Cast Votes:		2,865	100.00%	14,100	100.00%	11,078	100.00%	28,043	100.00%
Undervotes:		67		336		293		696	
Overvotes:		0		0		0		0	

Cumulative Results Report

Galveston County

Unofficial Results

Primary 2020 Official Tally

2020 Primary Election

Registered Voters
51287 of 0 = 0.00%

Precincts Reporting
89 of 89 = 100.00%

Run Time 6:33 PM
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Proposition 6 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		2,779	96.66%	13,337	94.91%	10,407	94.27%	26,523	94.84%
No		96	3.34%	716	5.09%	632	5.73%	1,444	5.16%
Cast Votes:		2,875	100.00%	14,053	100.00%	11,039	100.00%	27,967	100.00%
Undervotes:		57		383		332		772	
Overvotes:		0		0		0		0	

Proposition 7 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		2,853	98.58%	13,932	98.26%	10,946	98.39%	27,731	98.34%
No		41	1.42%	247	1.74%	179	1.61%	467	1.66%
Cast Votes:		2,894	100.00%	14,179	100.00%	11,125	100.00%	28,198	100.00%
Undervotes:		38		257		246		541	
Overvotes:		0		0		0		0	

Proposition 8 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		2,863	99.07%	13,992	98.68%	10,987	98.83%	27,842	98.78%
No		27	0.93%	187	1.32%	130	1.17%	344	1.22%
Cast Votes:		2,890	100.00%	14,179	100.00%	11,117	100.00%	28,186	100.00%
Undervotes:		42		257		254		553	
Overvotes:		0		0		0		0	

Proposition 9 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		2,758	97.46%	13,587	95.93%	10,548	95.06%	26,893	95.74%
No		72	2.54%	576	4.07%	548	4.94%	1,196	4.26%
Cast Votes:		2,830	100.00%	14,163	100.00%	11,096	100.00%	28,089	100.00%
Undervotes:		102		273		275		650	
Overvotes:		0		0		0		0	

Cumulative Results Report

Galveston County

Unofficial Results

Primary 2020 Official Tally

2020 Primary Election

Registered Voters

51287 of 0 = 0.00%

Precincts Reporting

89 of 89 = 100.00%

Run Time 6:33 PM

3/3/2020

Run Date 03/10/2020

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Proposition 10 - Republican Party

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Yes		2,616	92.73%	13,033	92.94%	10,153	92.87%	25,802	92.89%
No		205	7.27%	990	7.06%	780	7.13%	1,975	7.11%
Cast Votes:		2,821	100.00%	14,023	100.00%	10,933	100.00%	27,777	100.00%
Undervotes:		111		413		438		962	
Overvotes:		0		0		0		0	

*** End of report ***

Subject: Conf Call w/ Paul Ready & Dale Oldham re: Redistricting
Start: Monday, September 13, 2021 10:00 AM CDT
End: Monday, September 13, 2021 11:00 AM CDT
Location: Dial-in#: 888-204-5987; Passcode: 6474778
Show Time As: Tentative
Organizer: Liechty, Linda
Attendees: Giusti, Joseph, Juarez, Yesenia

EXHIBIT 9.K

From: Liechty, Linda
Sent: Friday, September 10, 2021 10:27 AM CDT
To: Holmes, Stephen; Watson, Annye Michelle
Subject: Conference Call w/ Dale Oldham & Paul Ready

Commissioner Holmes,

Good morning,

Mr. Oldham and Paul Ready are scheduling conference calls with each Commissioner to discuss Redistricting.

What is your availability for this conference call next week, Wednesday, 9/15 thru Friday, 9/17; or the following week, Monday, 9/20 thru Wednesday, 9/22? Looking for a 45 minute to 1 hour timeslot for the call.

Thank you, and have a great weekend!

Linda

Linda Bilotta Liechty

Senior Executive Assistant
Office of County Judge Mark Henry
Galveston County
409-770-5325 (direct)
409-765-2915 (fax)



EXHIBIT 9.L

Subject: Accepted: Conf Call w/ Paul Ready & Dale Oldham re: Redistricting
Start: Monday, September 20, 2021 4:00 PM CDT
End: Monday, September 20, 2021 5:00 PM CDT
Location: Dial-in#: 888-204-5987; Passcode: 6474778
Show Time As: Free
Organizer: Holmes, Stephen
Attendees: Liechty, Linda

EXHIBIT 9.M

Subject: Accepted: Conf Call w/ Paul Ready & Dale Oldham re: Redistricting
Start: Thursday, September 23, 2021 4:00 PM CDT
End: Thursday, September 23, 2021 5:00 PM CDT
Location: Dial-in#: 888-204-5987; Passcode: 6474778
Show Time As: Free
Organizer: Holmes, Stephen
Attendees: Liechty, Linda

EXHIBIT 9.N

From: Liechty, Linda
Sent: Friday, September 10, 2021 10:06 AM CDT
To: 'Paul Ready'
CC: Van Horn, Veronica
Subject: RE: Conference Call with Commissioner Joe Giusti

Paul, FYI: 10:00am on Monday, 09/13 has been confirmed with Comm Giusti and Mr. Oldham. I'll be sending out a calendar invite to all (except Mr. Oldham; he requested a text with the info).

Thank you,
Linda

From: Paul Ready <paul@ready.law>
Sent: Wednesday, September 8, 2021 4:19 PM
To: Liechty, Linda <Linda.Liechty@co.galveston.tx.us>
CC: Dale Oldham <dloesq@aol.com>; Van Horn, Veronica <Veronica.VanHorn@co.galveston.tx.us>
Subject: Re: Conference Call with Commissioner Joe Giusti

I'm available. I just need it to end before 4pm if we do Monday please.

Paul A. Ready
Ready Law Firm, PLLC
1300 McGowen St., Ste. 120
Houston, Texas 77004
Tel. 713.814.3980
Fax. 713.814.3988
paul@ready.law

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On Sep 8, 2021, at 11:11 AM, Liechty, Linda <Linda.Liechty@co.galveston.tx.us> wrote:

Good morning,

Commissioner Giusti is available all day on Monday, September 13th and Tuesday, September 14th next week. Are you available any time on these days?

Mr. Oldham, I'll call you as well to check your availability for the 13th and 14th.

Thank you,
Linda

Linda Bilotta Liechty

EXHIBIT 9.O

Senior Executive Assistant
Office of County Judge Mark Henry
Galveston County
409-770-5325 (direct)
409-765-2915 (fax)
<image003.png>

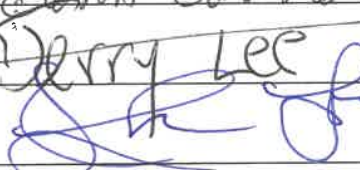

MEETING DATE 11/12/21

AGENDA ITEM NO. or PUBLIC COMMENT

PRINTED NAME

- 1 Tom WATKINS
- 2 Corlie Jackson
- 3 Rev Elijah D. Johnson
- 4 Evelyn McDaniel
- 5 ~~Amber Ratisseau~~ - didn't speak
- 6 Winifred Gilmore — Winifred Gilmore
- 7 Deborah Jones — Deborah Jones
- 8 A — AMBER RATISSEAU
- 9 Li Redistricting — Lillian McGrew
- 10 Barbara Per Anders
- 11 Dr. Annette Jenkins

MEETING DATE 11/12/21

AGENDA ITEM NO. or PUBLIC COMMENT	PRINTED NAME
12 Redistrict Map	Norman Sappas
13 Redistrict Map	Hannah Melcer
14 Edna Courville MAP.	EDNA COURVILLE
15 Pastor Jerry Lee Redistricting	Pastor Jerry Lee
16 	MR. HENRY COMEY
17 Redistrict Map	Wendy Langham
18 Redistricting Map	Nakisha Paul
19 Redistricting	Duplicate Deborah Jones
20 "	Pastor W.H. King, III
21 Redistricting	Judith P. Oppenheim
22 Redistricting	Mayor Dedrick Johnson
23 REDISTRICTING	Didn't speak JOSEPH MITCHELL
24 Redistricting	Duplicate Dr. Annette Jenkins
25 Redistricting	Heidi Gordon
26 Brandon Wya	Brandon Wya
27 Lucretia Redistricting	Lucretia Lofton
28 Roy Hall Williamson	

MEETING DATE 11/12/21

AGENDA ITEM NO. or PUBLIC COMMENT

PRINTED NAME

~~29~~ Redistricting Stephanie Swanson

~~30~~ Paul G. [unclear] ~~Paul G. [unclear]~~ Buford

~~31~~ Deborah H. Warren Deborah H. Warren

~~32~~ Reginald J. Warren ^{Didn't speak} Reginald J. Warren

~~33~~ Mary Stidham Mary Stidham

~~34~~ Terrisha B. Gibson Terrisha B. Gibson

~~35~~ Leon Phillips Leon Phillips

~~36~~ Keith Henry

~~37~~ Rev. William Randall

~~38~~ Rev. Timmy L. Sykes

~~39~~ Linda Alcorn-Arceneaux

~~40~~ Sharson Lewis

~~41~~ Ann Willis

From: Davidson, Zach
Sent: Friday, November 12, 2021 3:50 PM CST
To: John Ferguson
Subject: Public Comment

Below is the breakdown:

General Comments 178

Support Map 1: 66

Support Map 2: 211

I'll have the PDF with all 455 comments in it on Monday.

Thank you, Zach

Zach Davidson | Communications Director
Galveston County | 131 Pecan Drive | League City, Texas 77573
409.770.5457 (Office) | 409.978.0242 (Cell)
zach.davidson@co.galveston.tx.us | www.galvestoncountytx.gov



EXHIBIT 9.Q

DEFS00003893

Cumulative Results Report

Galveston County

Official Results

Election Night Count

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Polling Places Reporting

53 of 53 = 100.00%

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U. S. Representative District 14

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Randy Weber	REP	2,691	49.48%	49,532	64.97%	19,034	66.59%	71,257	64.63%
Mikal Williams	DEM	2,748	50.52%	26,702	35.03%	9,548	33.41%	38,998	35.37%
Cast Votes:		5,439	100.00%	76,234	100.00%	28,582	100.00%	110,255	100.00%
Undervotes:		158		449		242		849	
Overvotes:		0		0		0		0	

Governor

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Greg Abbott	REP	2,610	47.28%	48,080	62.86%	18,132	63.12%	68,822	62.15%
Beto O'Rourke	DEM	2,834	51.34%	27,474	35.92%	9,921	34.54%	40,229	36.33%
Mark Tippetts	LIB	53	0.96%	733	0.96%	529	1.84%	1,315	1.19%
Delilah Barrios	GRN	18	0.33%	200	0.26%	142	0.49%	360	0.33%
Jacqueline Abernathy (W)		4	0.07%	1	0.00%	2	0.01%	7	0.01%
Mark V Goloby (W)		1	0.02%	0	0.00%	0	0.00%	1	0.00%
Cast Votes:		5,520	100.00%	76,488	100.00%	28,726	100.00%	110,734	100.00%
Undervotes:		77		195		98		370	
Overvotes:		0		0		0		0	

Lieutenant Governor

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Dan Patrick	REP	2,508	45.45%	46,932	61.56%	17,869	62.46%	67,309	60.98%
Mike Collier	DEM	2,927	53.04%	27,514	36.09%	9,569	33.45%	40,010	36.25%
Shanna Steele	LIB	83	1.50%	1,796	2.36%	1,172	4.10%	3,051	2.76%
Cast Votes:		5,518	100.00%	76,242	100.00%	28,610	100.00%	110,370	100.00%
Undervotes:		79		441		214		734	
Overvotes:		0		0		0		0	

Attorney General

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Ken Paxton	REP	2,468	44.83%	46,800	61.49%	17,931	62.81%	67,199	61.00%
Rochelle Mercedes Garza	DEM	2,887	52.44%	27,219	35.76%	9,550	33.45%	39,656	36.00%
Mark Ash	LIB	150	2.72%	2,096	2.75%	1,065	3.73%	3,311	3.01%
Cast Votes:		5,505	100.00%	76,115	100.00%	28,546	100.00%	110,166	100.00%
Undervotes:		92		568		278		938	
Overvotes:		0		0		0		0	

EXHIBIT 9.R

Cumulative Results Report

Galveston County

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Polling Places Reporting

53 of 53 = 100.00%

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Comptroller of Public Accounts

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Glenn Hegar	REP	2,647	48.29%	48,639	64.05%	18,486	65.06%	69,772	63.53%
Janet T. Dudding	DEM	2,767	50.48%	25,846	34.04%	8,957	31.53%	37,570	34.21%
V. Alonzo Echevarria-Garza	LIB	67	1.22%	1,449	1.91%	969	3.41%	2,485	2.26%
Cast Votes:		5,481	100.00%	75,934	100.00%	28,412	100.00%	109,827	100.00%
Undervotes:		116		749		412		1,277	
Overvotes:		0		0		0		0	

Commissioner of the General Land Office

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Dawn Buckingham	REP	2,620	47.81%	48,751	64.32%	18,675	65.93%	70,046	63.91%
Jay Kleberg	DEM	2,800	51.09%	26,031	34.34%	8,999	31.77%	37,830	34.51%
Alfred Molison, Jr	GRN	51	0.93%	1,014	1.34%	652	2.30%	1,717	1.57%
Carrie Evelyn Menger (W)		9	0.16%	2	0.00%	1	0.00%	12	0.01%
Cast Votes:		5,480	100.00%	75,798	100.00%	28,327	100.00%	109,605	100.00%
Undervotes:		117		885		497		1,499	
Overvotes:		0		0		0		0	

Commissioner of Agriculture

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Sid Miller	REP	2,616	47.80%	48,664	64.16%	18,688	65.88%	69,968	63.79%
Susan Hays	DEM	2,857	52.20%	27,182	35.84%	9,677	34.12%	39,716	36.21%
Cast Votes:		5,473	100.00%	75,846	100.00%	28,365	100.00%	109,684	100.00%
Undervotes:		124		837		459		1,420	
Overvotes:		0		0		0		0	

Railroad Commissioner

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Wayne Christian	REP	2,611	47.73%	48,135	63.53%	18,263	64.47%	69,009	62.99%
Luke Warford	DEM	2,762	50.49%	25,486	33.64%	8,660	30.57%	36,908	33.69%
Jaime Andres Diez	LIB	69	1.26%	1,526	2.01%	1,025	3.62%	2,620	2.39%
Hunter Wayne Crow	GRN	28	0.51%	619	0.82%	380	1.34%	1,027	0.94%
Cast Votes:		5,470	100.00%	75,766	100.00%	28,328	100.00%	109,564	100.00%
Undervotes:		127		917		496		1,540	
Overvotes:		0		0		0		0	

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53 of 53 = 100.00%

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Justice, Supreme Court, Place 3

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Debra Lehrmann	REP	2,686	49.10%	48,552	64.00%	18,313	64.48%	69,551	63.38%
Erin A. Nowell	DEM	2,735	49.99%	26,018	34.30%	9,237	32.52%	37,990	34.62%
Thomas Edward Oxford	LIB	50	0.91%	1,287	1.70%	853	3.00%	2,190	2.00%
Cast Votes:		5,471	100.00%	75,857	100.00%	28,403	100.00%	109,731	100.00%
Undervotes:		126		826		421		1,373	
Overvotes:		0		0		0		0	

Justice, Supreme Court, Place 5

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Rebeca Huddle	REP	2,707	49.83%	49,189	64.91%	18,794	66.26%	70,690	64.52%
Amanda Reichel	DEM	2,725	50.17%	26,587	35.09%	9,569	33.74%	38,881	35.48%
Cast Votes:		5,432	100.00%	75,776	100.00%	28,363	100.00%	109,571	100.00%
Undervotes:		165		907		461		1,533	
Overvotes:		0		0		0		0	

Justice, Supreme Court, Place 9

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Evan Young	REP	2,673	49.21%	48,891	64.55%	18,613	65.64%	70,177	64.07%
Julia Maldonado	DEM	2,759	50.79%	26,853	35.45%	9,745	34.36%	39,357	35.93%
Cast Votes:		5,432	100.00%	75,744	100.00%	28,358	100.00%	109,534	100.00%
Undervotes:		165		939		466		1,570	
Overvotes:		0		0		0		0	

Judge, Court of Criminal Appeals, Place 5

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Scott Walker	REP	2,691	49.76%	49,334	65.11%	18,869	66.56%	70,894	64.73%
Dana Huffman	DEM	2,717	50.24%	26,431	34.89%	9,480	33.44%	38,628	35.27%
Cast Votes:		5,408	100.00%	75,765	100.00%	28,349	100.00%	109,522	100.00%
Undervotes:		189		918		475		1,582	
Overvotes:		0		0		0		0	

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53 of 53 = 100.00%

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Judge, Court of Criminal Appeals, Place 6

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jesse F. McClure, III	REP	2,700	49.96%	49,385	65.29%	18,878	66.69%	70,963	64.90%
Robert Johnson	DEM	2,704	50.04%	26,249	34.71%	9,427	33.31%	38,380	35.10%
Cast Votes:		5,404	100.00%	75,634	100.00%	28,305	100.00%	109,343	100.00%
Undervotes:		193		1,049		519		1,761	
Overvotes:		0		0		0		0	

Member, State Board of Education, District 7

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Julie Pickren	REP	2,251	46.84%	43,137	62.21%	16,744	63.30%	62,132	61.77%
Dan Hochman	DEM	2,498	51.98%	24,788	35.75%	8,756	33.10%	36,042	35.83%
Alan Pyeatt	LIB	57	1.19%	1,412	2.04%	951	3.60%	2,420	2.41%
Cast Votes:		4,806	100.00%	69,337	100.00%	26,451	100.00%	100,594	100.00%
Undervotes:		257		847		437		1,541	
Overvotes:		0		0		0		0	

Member, State Board of Education, District 8

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Audrey Young	REP	144	76.19%	1,687	79.16%	573	75.99%	2,404	78.20%
Rhett Rosenquest Smith	LIB	45	23.81%	444	20.84%	181	24.01%	670	21.80%
Cast Votes:		189	100.00%	2,131	100.00%	754	100.00%	3,074	100.00%
Undervotes:		15		122		42		179	
Overvotes:		0		0		0		0	

State Senator, District 4

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Brandon Creighton	REP	25	60.98%	792	83.90%	312	84.55%	1,129	83.38%
Misty Bishop	DEM	16	39.02%	152	16.10%	57	15.45%	225	16.62%
Cast Votes:		41	100.00%	944	100.00%	369	100.00%	1,354	100.00%
Undervotes:		7		14		1		22	
Overvotes:		0		0		0		0	

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State Representative, District 23

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Terri Leo-Wilson	REP	893	42.67%	15,456	56.23%	6,176	58.29%	22,525	56.07%
Keith G. Henry	DEM	1,200	57.33%	12,031	43.77%	4,420	41.71%	17,651	43.93%
Cast Votes:		2,093	100.00%	27,487	100.00%	10,596	100.00%	40,176	100.00%
Undervotes:		181		350		216		747	
Overvotes:		0		0		0		0	

State Representative, District 24

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Greg Bonnen	REP	1,700	52.76%	33,246	68.65%	12,294	69.04%	47,240	68.01%
Michael J Creedon	DEM	1,494	46.37%	14,384	29.70%	4,964	27.88%	20,842	30.01%
Ryan L. McCamy	LIB	28	0.87%	796	1.64%	550	3.09%	1,374	1.98%
Cast Votes:		3,222	100.00%	48,426	100.00%	17,808	100.00%	69,456	100.00%
Undervotes:		101		420		204		725	
Overvotes:		0		0		0		0	

Chief Justice, 1st Court of Appeals District

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Terry Adams	REP	2,563	47.77%	48,453	64.03%	18,376	64.94%	69,392	63.47%
Julie Countiss	DEM	2,698	50.29%	25,851	34.16%	9,043	31.96%	37,592	34.38%
Ted Wood	IND	104	1.94%	1,373	1.81%	877	3.10%	2,354	2.15%
Cast Votes:		5,365	100.00%	75,677	100.00%	28,296	100.00%	109,338	100.00%
Undervotes:		232		1,006		528		1,766	
Overvotes:		0		0		0		0	

Justice, 1st Court of Appeals District, Place 4

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
April Farris	REP	2,639	49.59%	49,068	64.92%	18,777	66.46%	70,484	64.57%
Mike Engelhart	DEM	2,683	50.41%	26,511	35.08%	9,475	33.54%	38,669	35.43%
Cast Votes:		5,322	100.00%	75,579	100.00%	28,252	100.00%	109,153	100.00%
Undervotes:		275		1,104		572		1,951	
Overvotes:		0		0		0		0	

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Justice, 14th Court of Appeals District, Place 2

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Kevin Jewell	REP	2,594	48.93%	49,043	65.00%	18,725	66.48%	70,362	64.60%
Cherí C. Thomas	DEM	2,707	51.07%	26,404	35.00%	9,440	33.52%	38,551	35.40%
Cast Votes:		5,301	100.00%	75,447	100.00%	28,165	100.00%	108,913	100.00%
Undervotes:		296		1,236		659		2,191	
Overvotes:		0		0		0		0	

Justice, 14th Court of Appeals District, Place 9

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Randy Wilson	REP	2,671	50.31%	49,435	65.49%	18,918	67.13%	71,024	65.18%
William Demond	DEM	2,638	49.69%	26,047	34.51%	9,265	32.87%	37,950	34.82%
Cast Votes:		5,309	100.00%	75,482	100.00%	28,183	100.00%	108,974	100.00%
Undervotes:		288		1,201		641		2,130	
Overvotes:		0		0		0		0	

District Judge, 122nd Judicial District

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jeth Jones	REP	2,586	49.00%	49,000	64.89%	18,663	66.18%	70,249	64.46%
Kristie Walsdorf	DEM	2,692	51.00%	26,508	35.11%	9,538	33.82%	38,738	35.54%
Cast Votes:		5,278	100.00%	75,508	100.00%	28,201	100.00%	108,987	100.00%
Undervotes:		319		1,175		623		2,117	
Overvotes:		0		0		0		0	

Criminal District Attorney

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Jack Roady	REP	2,724	51.23%	50,053	66.00%	19,104	67.23%	71,881	65.60%
Rachel Dragony	DEM	2,593	48.77%	25,782	34.00%	9,312	32.77%	37,687	34.40%
Cast Votes:		5,317	100.00%	75,835	100.00%	28,416	100.00%	109,568	100.00%
Undervotes:		274		848		408		1,530	
Overvotes:		0		0		0		0	

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County Judge

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Mark Henry	REP	2,665	49.89%	49,132	64.84%	18,919	66.62%	70,716	64.57%
William H King III	DEM	2,677	50.11%	26,648	35.16%	9,478	33.38%	38,803	35.43%
Cast Votes:		5,342	100.00%	75,780	100.00%	28,397	100.00%	109,519	100.00%
Undervotes:		249		903		427		1,579	
Overvotes:		0		0		0		0	

Justice of the Peace Precinct 3

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Larry Davis	REP	140	20.23%	2,529	36.94%	1,240	44.70%	3,909	37.90%
Billy A. Williams Jr	DEM	552	79.77%	4,318	63.06%	1,534	55.30%	6,404	62.10%
Cast Votes:		692	100.00%	6,847	100.00%	2,774	100.00%	10,313	100.00%
Undervotes:		28		106		53		187	
Overvotes:		0		0		0		0	

GISD Single Member District Trustee 7G

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Ken Jencks		49	43.36%	733	51.22%	278	48.26%	1,060	50.00%
Mindy Lakin		64	56.64%	698	48.78%	298	51.74%	1,060	50.00%
Cast Votes:		113	100.00%	1,431	100.00%	576	100.00%	2,120	100.00%
Undervotes:		32		318		99		449	
Overvotes:		0		0		0		0	

High Island ISD Board of Trustees Position 1

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Bennie Barrow		12	100.00%	131	100.00%	60	100.00%	203	100.00%
Cast Votes:		12	100.00%	131	100.00%	60	100.00%	203	100.00%
Undervotes:		2		29		7		38	
Overvotes:		0		0		0		0	

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High Island ISD Board of Trustees Position 2

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Annette Dailey		9	69.23%	66	44.59%	30	50.00%	105	47.51%
Sabrina Bobino		4	30.77%	82	55.41%	30	50.00%	116	52.49%
Cast Votes:		13	100.00%	148	100.00%	60	100.00%	221	100.00%
Undervotes:		1		12		7		20	
Overvotes:		0		0		0		0	

High Island ISD Board of Trustees Position 6

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Karen Faggard		11	84.62%	94	64.83%	37	62.71%	142	65.44%
Tony Perea		2	15.38%	51	35.17%	22	37.29%	75	34.56%
Cast Votes:		13	100.00%	145	100.00%	59	100.00%	217	100.00%
Undervotes:		1		15		8		24	
Overvotes:		0		0		0		0	

High Island ISD Board of Trustees Position 7

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Buffy Diebel		11	100.00%	134	100.00%	59	100.00%	204	100.00%
Cast Votes:		11	100.00%	134	100.00%	59	100.00%	204	100.00%
Undervotes:		3		26		8		37	
Overvotes:		0		0		0		0	

High Island ISD Proposition A

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		8	61.54%	122	81.88%	50	81.97%	180	80.72%
Against		5	38.46%	27	18.12%	11	18.03%	43	19.28%
Cast Votes:		13	100.00%	149	100.00%	61	100.00%	223	100.00%
Undervotes:		1		11		6		18	
Overvotes:		0		0		0		0	

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TCISD Proposition A

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		484	61.27%	5,926	61.34%	2,077	63.07%	8,487	61.75%
Against		306	38.73%	3,735	38.66%	1,216	36.93%	5,257	38.25%
Cast Votes:		790	100.00%	9,661	100.00%	3,293	100.00%	13,744	100.00%
Undervotes:		54		241		83		378	
Overvotes:		0		0		0		0	

TCISD Proposition B

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		442	56.02%	5,038	52.39%	1,717	52.36%	7,197	52.59%
Against		347	43.98%	4,578	47.61%	1,562	47.64%	6,487	47.41%
Cast Votes:		789	100.00%	9,616	100.00%	3,279	100.00%	13,684	100.00%
Undervotes:		55		286		97		438	
Overvotes:		0		0		0		0	

City of League City, Mayor (Four Year Term)

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Nick Long		1,299	100.00%	22,549	100.00%	8,705	100.00%	32,553	100.00%
Cast Votes:		1,299	100.00%	22,549	100.00%	8,705	100.00%	32,553	100.00%
Undervotes:		450		4,474		1,396		6,320	
Overvotes:		0		0		0		0	

City of League City, Council, Position 1 (Four Year Term)

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Andy Mann		1,258	100.00%	21,938	100.00%	8,477	100.00%	31,673	100.00%
Cast Votes:		1,258	100.00%	21,938	100.00%	8,477	100.00%	31,673	100.00%
Undervotes:		491		5,085		1,624		7,200	
Overvotes:		0		0		0		0	

City of League City, Council, Position 2 (Four Year Term) - Vote for none or one

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Tommy Cones		941	72.78%	15,601	71.90%	5,749	71.14%	22,291	71.74%
Billy Fregia		352	27.22%	6,096	28.10%	2,332	28.86%	8,780	28.26%
Cast Votes:		1,293	100.00%	21,697	100.00%	8,081	100.00%	31,071	100.00%
Undervotes:		456		5,326		2,020		7,802	
Overvotes:		0		0		0		0	

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City of League City, Council, Position 3 (Unexpired Term) - Vote for none or one

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Tom Crews		605	49.63%	12,017	57.01%	4,697	59.09%	17,319	57.26%
Chris Dodson		401	32.90%	6,294	29.86%	2,300	28.93%	8,995	29.74%
Brian Hanby		213	17.47%	2,768	13.13%	952	11.98%	3,933	13.00%
Cast Votes:		1,219	100.00%	21,079	100.00%	7,949	100.00%	30,247	100.00%
Undervotes:		530		5,944		2,152		8,626	
Overvotes:		0		0		0		0	

City of League City, Council, Position 6 (Four Year Term)

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Chad Tressler		1,201	100.00%	20,058	100.00%	7,729	100.00%	28,988	100.00%
Cast Votes:		1,201	100.00%	20,058	100.00%	7,729	100.00%	28,988	100.00%
Undervotes:		548		6,965		2,372		9,885	
Overvotes:		0		0		0		0	

City of League City, Council, Position 7 (Four Year Term) - Vote for none or one

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Larissa Ramirez		415	32.75%	8,004	37.87%	3,373	42.50%	11,792	38.87%
Sean Saunders		539	42.54%	8,224	38.91%	3,098	39.04%	11,861	39.10%
Ange Mertens		313	24.70%	4,907	23.22%	1,465	18.46%	6,685	22.04%
Cast Votes:		1,267	100.00%	21,135	100.00%	7,936	100.00%	30,338	100.00%
Undervotes:		482		5,888		2,165		8,535	
Overvotes:		0		0		0		0	

City of La Marque, Mayor Recall

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		63	27.39%	1,398	44.03%	627	50.93%	2,088	45.04%
Against		167	72.61%	1,777	55.97%	604	49.07%	2,548	54.96%
Cast Votes:		230	100.00%	3,175	100.00%	1,231	100.00%	4,636	100.00%
Undervotes:		18		213		87		318	
Overvotes:		0		0		0		0	

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CITY OF KEMAH MUNICIPAL MANAGEMENT DISTRICT NO. 1 PROPOSITION A

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	1	33.33%	1	100.00%	2	50.00%
Against		0	0.00%	2	66.67%	0	0.00%	2	50.00%
Cast Votes:		0	0.00%	3	100.00%	1	100.00%	4	100.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

CITY OF KEMAH MUNICIPAL MANAGEMENT DISTRICT NO. 1 PROPOSITION B

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	1	33.33%	1	100.00%	2	50.00%
Against		0	0.00%	2	66.67%	0	0.00%	2	50.00%
Cast Votes:		0	0.00%	3	100.00%	1	100.00%	4	100.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

CITY OF KEMAH MUNICIPAL MANAGEMENT DISTRICT NO. 1 PROPOSITION C

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	2	66.67%	1	100.00%	3	75.00%
Against		0	0.00%	1	33.33%	0	0.00%	1	25.00%
Cast Votes:		0	0.00%	3	100.00%	1	100.00%	4	100.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

CITY OF KEMAH MUNICIPAL MANAGEMENT DISTRICT NO. 1 PROPOSITION D

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	2	66.67%	1	100.00%	3	75.00%
Against		0	0.00%	1	33.33%	0	0.00%	1	25.00%
Cast Votes:		0	0.00%	3	100.00%	1	100.00%	4	100.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

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CITY OF KEMAH MUNICIPAL MANAGEMENT DISTRICT NO. 1 PROPOSITION E

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	1	50.00%	1	100.00%	2	66.67%
Against		0	0.00%	1	50.00%	0	0.00%	1	33.33%
Cast Votes:		0	0.00%	2	100.00%	1	100.00%	3	100.00%
Undervotes:		0		1		0		1	
Overvotes:		0		0		0		0	

CITY OF KEMAH MUNICIPAL MANAGEMENT DISTRICT NO. 1 PROPOSITION F

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	2	66.67%	1	100.00%	3	75.00%
Against		0	0.00%	1	33.33%	0	0.00%	1	25.00%
Cast Votes:		0	0.00%	3	100.00%	1	100.00%	4	100.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

CITY OF KEMAH MUNICIPAL MANAGEMENT DISTRICT NO. 1 PROPOSITION G

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	1	33.33%	1	100.00%	2	50.00%
Against		0	0.00%	2	66.67%	0	0.00%	2	50.00%
Cast Votes:		0	0.00%	3	100.00%	1	100.00%	4	100.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

CITY OF KEMAH MUNICIPAL MANAGEMENT DISTRICT NO. 1 PROPOSITION H

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	1	33.33%	1	100.00%	2	50.00%
Against		0	0.00%	2	66.67%	0	0.00%	2	50.00%
Cast Votes:		0	0.00%	3	100.00%	1	100.00%	4	100.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

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Galveston County Fresh Water Supply District No. 6 Proposition A

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		15	65.22%	361	61.92%	85	57.82%	461	61.22%
Against		8	34.78%	222	38.08%	62	42.18%	292	38.78%
Cast Votes:		23	100.00%	583	100.00%	147	100.00%	753	100.00%
Undervotes:		1		16		3		20	
Overvotes:		0		0		0		0	

GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 82, PROPOSITION A

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Against		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Cast Votes:		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 82, DIRECTORS FOR THE DISTRICT - Vote for five

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
Alexander Calvo		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Kimberly Dawn Canning		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Joseph Ferro		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Suzanne Huebinger		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Shari Tuckwell		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Cast Votes:		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 82, PROPOSITION B

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Against		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Cast Votes:		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Undervotes:		0		0		0		0	
Overvotes:		0		0		0		0	

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GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 82, PROPOSITION C

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Against		0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Undervotes:	0		0		0		0	
	Overvotes:	0		0		0		0	

GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 82, PROPOSITION D

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Against		0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Undervotes:	0		0		0		0	
	Overvotes:	0		0		0		0	

GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 82, PROPOSITION E

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Against		0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Undervotes:	0		0		0		0	
	Overvotes:	0		0		0		0	

GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 82, PROPOSITION F

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Against		0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Undervotes:	0		0		0		0	
	Overvotes:	0		0		0		0	

Cumulative Results Report

Galveston County

Official Results

Election Night Count

General Election

Ballots Cast

111104

Polling Places Reporting

53 of 53 = 100.00%

Run Time 2:47 PM

11/8/2022

Run Date 11/21/2022

Page 15

GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 82, PROPOSITION G

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Against		0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Undervotes:	0		0		0		0	
	Overvotes:	0		0		0		0	

GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 82, PROPOSITION H

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Against		0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Undervotes:	0		0		0		0	
	Overvotes:	0		0		0		0	

GALVESTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 82, PROPOSITION I

Choice	Party	Absentee Voting		Early Voting		Election Day Voting		Total	
For		0	0.00%	0	0.00%	0	0.00%	0	0.00%
Against		0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Cast Votes:	0	0.00%	0	0.00%	0	0.00%	0	0.00%
	Undervotes:	0		0		0		0	
	Overvotes:	0		0		0		0	

*** End of report ***

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

DICKINSON BAY AREA BRANCH §
NAACP, et al., §
§
Plaintiffs, §
§
v. § Civil Action No. 3:22-cv-117- JVB
§
GALVESTON COUNTY, TEXAS, et al., §
§
Defendants. §

TERRY PETTEWAY, et al., §
§
Plaintiffs, §
§
v. § Civil Action No. 3:22-cv-57-JVB
§ [Lead Consolidated Case]
§
GALVESTON COUNTY, TEXAS, et al. §
§
Defendants. §

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § Civil Action No. 3:22-cv-93-JVB
§
GALVESTON COUNTY, TEXAS, et al. §
§
Defendants. §

EXPERT DECLARATION AND REBUTTAL REPORT OF WILLIAM S. COOPER

MARCH 27, 2023

EXHIBIT 10

Expert Declaration and Rebuttal Report of William S. Cooper – March 2023

1. My name is William S. Cooper. I submitted an Expert Declaration and Report on January 13, 2023, in this matter. I am submitting this additional expert declaration to provide analysis and expert opinion relating to the March 17, 2023 Expert Report of Dr. Mark Owens.¹

2. Dr. Owens' March 17 report is rife with errors, inaccuracies, methodological flaws, non sequiturs, and outright falsehoods (of which I highlight only a few in this rebuttal declaration).

3. To update citizenship statistics in my January 13 report (referencing the 2016-2020 American Community Survey Special Tabulation citizenship data), I have included in **Exhibit A** citizen voting age ("CVAP") data from the 2017-2021 Special Tabulation², which was released by the Census Bureau on February 1, 2023, about two weeks after my January 13 report.³

4. A comparison with the 2016-2020 ACS data used in my January 13 report indicates that under the 2017-2021 Special Tabulation the combined Latino and Black CVAP has continued to increase in Galveston County, and thus further supports the conclusions of my initial report.

5. I have also prepared an Illustrative Plan 3A (*infra*) that shifts just two VTDs (one in Dickinson and the other in Texas City) as originally drawn in Illustrative Plan 3. Precinct 1 is contiguous under Illustrative Plan 3 by a footbridge and Moses Lake itself. But when driving, one would have to follow 25th Ave. through Precinct 3 for one mile, hardly an inconvenience despite Dr. Owens' protestations. Nonetheless, to allay Dr. Owens' concerns (Owens Rep. at 22), under Illustrative Plan 3A it is possible to drive around Precinct 1 without crossing into Precinct 3.

¹ I incorporate by reference the definitions set forth in my January 2023 for any terms used in this report.

² <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>.

³ In his report, Dr. Owens does not clarify whether he is citing the 2016-2020 or the 2017-2021 Special Tabulation.

Expert Declaration and Rebuttal Report of William S. Cooper – March 2023

6. Illustrative Plan 3A is superior to or on par with the Enacted Plan across all redistricting metrics. Illustrative Plan 3A is more compact than the Enacted Plan and eliminates one municipal split in Dickinson under Illustrative Plan 3, resulting in fewer municipal splits (15) than under the Enacted Plan (16).

A. Traditional Redistricting Principles

7. I adhered to traditional redistricting principles in the three illustrative plans that I presented in my January 13 declaration, including population equality, compactness, contiguity, respect for communities of interest, and the non-dilution of minority voting strength.

8. Dr. Owens never spells out his definition of traditional redistricting principles beyond an odd statement about the alignment of precincts. Dr. Owens claims that traditional redistricting principles encourage the “[alignment] of precincts in a North-South or East-West configuration.” (Owens Rep. at 22) Since 1986, I have drawn election plans in 45 states and testified at trial or by declaration/deposition in nearly 100 redistricting lawsuits. I have never seen any definition of traditional redistricting principles that would explicitly define that districts should be configured in terms of cardinal points on a compass.

B. Census County Divisions – An Inappropriate Unit of Analysis in Galveston County

9. In his report, Dr. Owens makes several statements that are not based on reliable demographic analytical methods. For example, Dr. Owens repeatedly references Galveston’s four Census County Divisions (CCDs) in his analysis, including in Figures 4 and 5, and Tables 4, 6, 7, 8 of his Report. These boundaries were established decades ago (possibly in the 1950s but at least since the 1970 Census), and thus should not be used to assess current communities of interest in

Expert Declaration and Rebuttal Report of William S. Cooper – March 2023

Galveston County redistricting.⁴ Dr. Owens is also incorrect when he contends CCDs are the “most granular” way to examine ACS data. (Owens Rep. p. 8) Census block groups, which are smaller than a census tract and larger than a census block, are the most granular level reported in the ACS. There are 274 block groups in Galveston County (see USDA eligibility map in Figure 5 in Cooper Rep. p.16), ranging in population size from 72 to 4,869 persons.

10. The spatial distribution of the population in Galveston County has changed dramatically since the mid-20th century. For example, in 1970 League City had a population of 10,818. In 2020, League City (pop. 112,129) accounts for about one-third of the total population in Galveston County. As shown in Figure 4 of my January 13 declaration, just 29% the population in League City is Black or Latino.

11. As shown in **Figure 1**, more than three quarters of Galveston County’s population lives in the League City-Texas City CCD, while just 7.4% of the population lives in La Marque-Hitchcock. Dr. Owens’ use of CCDs is misleading because they are so unequal in population size and distribution due to population changes since they were first established more than 50 years ago.

Figure 1: Galveston County Divisions – 2020 Census

County Divisions	2020 Population	% of County Pop.	NH AP Black	% of County NH AP Black	Latino	% of County Latino	NH White	% of County NH White
Bolivar Peninsula	2,770	0.8%	28	0.1%	321	0.4%	2,289	1.2%
Galveston	54,774	15.6%	9,310	20.0%	15,863	17.9%	26,326	13.8%
La Marque-Hitchcock	25,953	7.4%	6,706	14.4%	6,645	7.5%	11,620	6.1%
Texas City-League City	267,185	76.2%	30,583	65.6%	65,807	74.2%	151,123	79.0%

⁴ See U.S. Census, “County Subdivisions,” available at <https://www2.census.gov/geo/pdfs/reference/GARM/Ch8GARM.pdf>. See also the zoomable map of Texas CCDs in the 1970 Census, available from the Library of Congress at <https://www.loc.gov/resource/g4031f.ct011273/>. There appears to be no change in Galveston County CCD lines since the 1970 Census.

Expert Declaration and Rebuttal Report of William S. Cooper – March 2023

12. Additionally, Dr. Owens’ use of CCDs means that socio-economic values across League City and Texas City are combined. But League City is a more affluent suburb of Houston, and approximately 15 miles away from Texas City. The tables and charts that I prepared in **Exhibit D** of my January 13 report analyze ACS data at the more granular municipality level. The education, housing, and employment socio-economic indicators are all marginally better in League City across all racial groups than in Texas City.⁵ Thus, the grouping of Texas City and League City in one CCD together skews Dr. Owens’ analysis. His repeated conclusion that there are “substantial differences” between Latino and Black residents across the geographic areas he has examined are incorrect and unreliable.

13. Instead, disparities between Black and Latino residents as compared to their Anglo counterparts persist even in League City, which indicates that they share the common socio-economic challenges of Black and Latino residents in Galveston. But even if this were not the case, and League City residents were considered a distinct community, it would not impact my analysis here, because none of my illustrative plans place substantial portions of League City in Precinct 3. League City instead is placed predominantly in Precinct 4, comprising the more affluent areas closest to Houston.

⁵ This is visible by comparing, for example, the tables “Education Attainment of the Population 25 Years and Older,” “Family Households Below Poverty in the Past 12 Months”, “Median Household Income in the Past 12 Months,” Receipt of Food Stamps/SNAP in the Past 12 Months by Household,” “Home Owners and Renters by Householder,” and “Lack of Health Insurance Coverage by Age” across both areas.

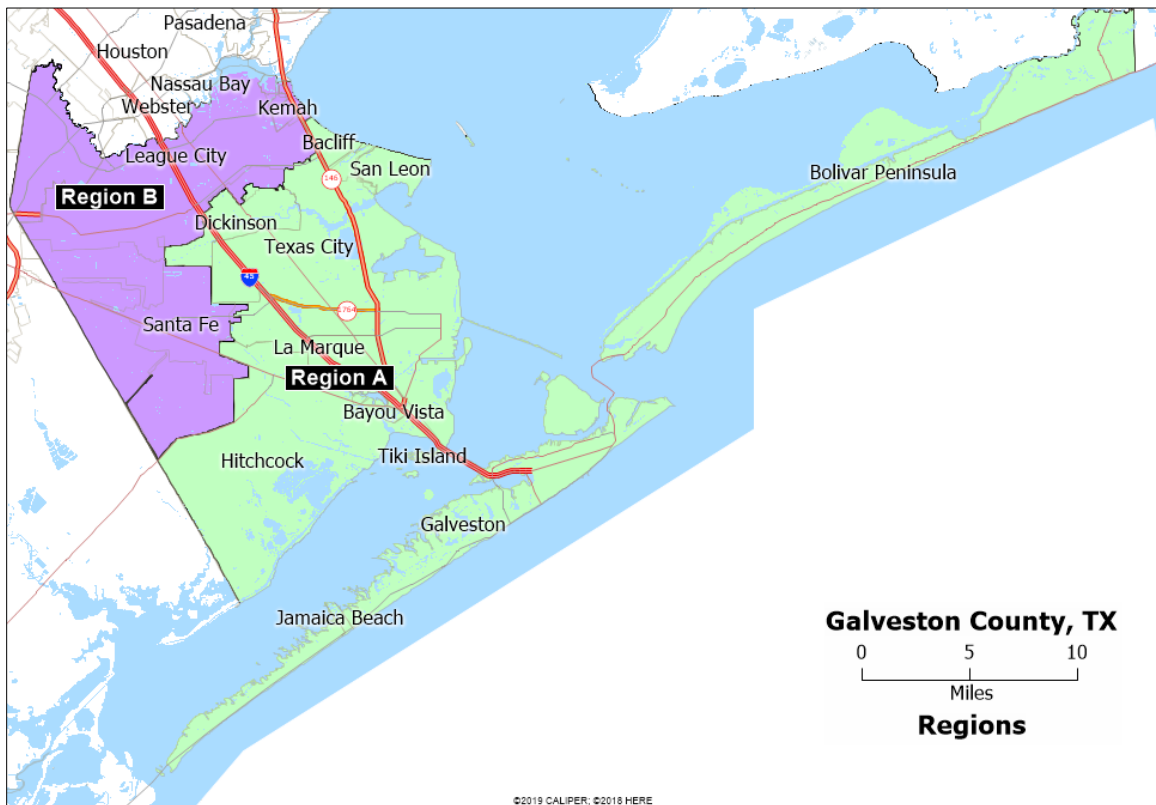
Expert Declaration and Rebuttal Report of William S. Cooper – March 2023

C. Geographic Compactness of the Black and Latino Population

14. Dr. Owens’ assertion that the Black and Latino population in Galveston County is so dispersed that a Gingles 1 compliant Black/Latino coalition Commission Precinct cannot be drawn is flat-out wrong.

15. Dr. Owens’ reliance on antiquated CCD boundaries obscures present-day reality, and this can be seen easily by looking at the distribution of where Black and Latino communities actually are in the county. The map that I have prepared in **Figure 2** does this by dividing Galveston County into two visibly compact regions of equal population.⁶ All 17 of the municipalities and census designated places (“CDPs”) in Galveston County remain whole.

Figure 2: Galveston County Regions – No Municipal or Census Designated Place Splits



⁶ If Region A and Region B were two 2-member Commissioners Precincts, the overall population deviation would be +/- 293 persons (0.17%).

Expert Declaration and Rebuttal Report of William S. Cooper – March 2023

16. Region A, in the central and southern part of the county, has a population of 175,634 and is majority-Black /Latino (50.6% all ages and 49.5% Black/Latino citizens all ages). Region B, in the northern and western part of the county, has an approximately equal population of 175,048 and is majority Anglo (64.8% all ages). Dr. Owens’ assertions that Galveston’s Black and Latino populations are “geographically dispersed” at the north and south ends of the county are incorrect.

17. **Exhibit B** provides more detailed population data for the two regions, breaking out how municipalities and unincorporated places are assigned by region. Of the 11 places assigned to majority Black/Latino Region A, the four 80%+ Anglo enclaves contain a combined population of just 6,716: Bayou Vista, Bolivar Peninsula, Jamaica Beach, and Tiki Island. San Leon (pop. 6,135) is 57% Anglo, but contains a sizeable Latino population (34%). Anglos are a minority in the remaining five municipalities in Region A: Bacliff, Dickinson, Galveston, Hitchcock, La Marque, and Texas City. All five of the municipalities encompassed by Region B are majority-Anglo.

18. **Figure 2** demonstrates—beyond a shadow of a doubt—that Galveston County’s Black/Latino population resides in a reasonably compact area. Compactness scores for the illustrative plans that I have drawn confirm this reality, and I note that Dr. Owens has not questioned the Maptitude-generated compactness score reports I appended to my January 13 Report. Dr. Owens adds further confirmation that my illustrative plans present reasonably compact majority-minority illustrative precincts in Tables 10, 11, and 12 of his report, revealing that my Illustrative Maps are on par or superior in terms of compactness with the Enacted Plan.⁷

⁷ Note that in Tables 10, 11, and 12, Dr. Owens has erroneously identified Proposed Plan 1 (drawn by Galveston County’s consultants) as Cooper Illus. 1. Illustrative Map 1 is misidentified as Illustrative Map 1B in the same three tables.

Expert Declaration and Rebuttal Report of William S. Cooper – March 2023

19. As shown in Table 10 of the Owens report, the majority Black+Latino Precinct 3 of my Illustrative Plan 3 scores higher than Precinct 3 in the Enacted Plan (.35 vs. .23), according to the Reock compactness test. On average, Illustrative Plan 3 has a Reock score of .27, which is identical to the Enacted Plan.

20. As shown in Table 11 of the Owens report, under Illustrative Plan 3, majority Black + Latino Precinct 3 scores higher than Precinct 3 in the Enacted Plan (.18 vs. .12), according to the Polsby-Popper compactness test. On average, Illustrative Plan 3 has a Polsby Popper score of .20, which is just .01 point shy of the Enacted Plan score of .21.

21. As shown in Table 12 of the Owens report, applying the Convex-Hull test to Illustrative Plan 3, Precinct 3 scores .60 vs .47 for the Enacted Plan. On average, Illustrative Plan 3 has a Convex-Hull score of .64, which is just .01 point shy of the Enacted Plan score of .65

22. In sum, the compactness scores for all three illustrative plans that I have prepared are clearly within the norm by Texas standards—and about the same as the scores for the Enacted Plan. Under Illustrative Plan 3A *infra*, Precinct 3 scores even higher: .21 on the Polsby Popper test and .36 on the Reock test.

23. In Table 13, Dr. Owens presents results from a Maptitude-generated Travel Contiguity report to argue that Precinct 3 is not compact in my illustrative plans. But he neglects to include the report for the Enacted Plan, which I am attaching as **Exhibit C**. As shown in **Exhibit C**, when the Enacted Plan is matched against Illustrative Map 3, travel contiguity in Precinct 3 is about the same in terms of distance (17.5 miles vs. 18.3 miles) and longer in terms of time (40.9 minutes vs. 34.5 minutes).

Expert Declaration and Rebuttal Report of William S. Cooper – March 2023

D. Dr. Owens’ CVAP Analysis is Flawed

24. Dr. Owens erroneously asserts that my three illustrative plans “prioritize the racial identity of persons above traditional redistricting principles.” But his analysis is devoid of any observations that substantiate this. Instead, he recites CVAP statistics across various VTDs to assert (without a basis) purported “violations of traditional redistricting practices.”

25. To be clear, I did not examine CVAP data at the block level or VTD level when developing my illustrative plans. Presumably, Dr. Owens is working with block level CVAP estimates disaggregated from block group ACS estimates (which in and of themselves have very high margins of error).

26. Block groups that are split by VTD lines introduce another level of uncertainty at the block level. When block group CVAP data is disaggregated to the block level (allocated by voting age population—the prevalent standard methodology), VTDs that are split by block groups containing a high number of non-citizens of voting age can be assigned a disproportionate share of CVAP from a neighboring VTD and, conversely, high CVAP VTDs can be assigned a disproportionate share of non-citizens.

27. This block level VTD misallocation is of little consequence when summed up to the Commissioner Precinct level, as margins of error drop. But it means that CVAP totals by VTD reported by Dr. Owens for VTDs that are split are completely unreliable as they pertain to my illustrative plans, as well as those by Mr. Fairfax and Mr. Rush.⁸ **Exhibit D** provides population information for all block groups in Galveston County that are split by one or more VTDs, excerpted from the Maptitude-generated report.

⁸ VTDs that split block groups referenced by Dr. Owens in his report include: 142,144,148, 150, 218, 223, 225, 258, 314, 315, 341, 391, 398, 399, 439, and 1051.

Expert Declaration and Rebuttal Report of William S. Cooper – March 2023

28. Due to this problem relating to split block groups (known as over-bounding by demographers), Dr. Owens’ analysis of VTD-level CVAP statistics is simply not reliable throughout the entirety of his report.

E. Dr. Owens’ Analysis of my Illustrative Plans

29. Dr. Owens’ recitation of flawed CVAP statistics changes nothing with respect to the illustrative plans I presented in my January 13 report. As explained in my January 13 report, I followed race neutral traditional redistricting principles in all three illustrative plans.

30. As set forth in my January 13 report, in Illustrative Map 1, I employed a “least change” approach with respect to the Benchmark Plan by shifting two VTDs from Precinct 2 to Precinct 3 in a way that would place all of La Marque in Precinct 3. Dr. Owens fails to address, much less undercut, that Illustrative Map 1 thus adheres to race-neutral redistricting criteria. By contrast, his suggestion that I should have instead picked a voting district that is “across Highway 6” with a “similar population” would both fail to respect a traditional neutral criteria (the natural highway boundary) as well as implies that I should have used race to select a “similar population,” as opposed to the municipal boundary I instead followed.

31. I also employed a “least change” approach with respect to the Benchmark Plan and the Enacted Plan in developing Illustrative Map 2 in order to demonstrate that Precinct 2 could remain as a coastal district, without diluting minority voting strength in Precinct 3. This is in contrast to the Enacted Plan which seems designed to submerge, divide and fragment Black and Latino voters across all four Commissioner Precincts.

32. Illustrative Map 2 provides a clear continuous pathway within Precinct 2 along Seawall Boulevard from the City of Galveston to the Bolivar Peninsula ferry. All of Dr. Owens’ assertions relating to VTDs impacted in the City of Galveston area (Owens Rep. at 21) are easily

Expert Declaration and Rebuttal Report of William S. Cooper – March 2023

explained by my stated objective of creating a coastal precinct, which is race-neutral. And his assertion that the “contiguity of Precinct 2 becomes dependent on the weather conditions and high tide” is completely unsubstantiated and on its face nonsensical.

33. As for my Illustrative Map 3, Dr. Owens erroneously states that it “fails to achieve the 50% Black+Hispanic CVAP benchmark necessary for a Gingles I illustrative map.” (Owens Rep. at 17) This is plainly false, as shown by the CVAP numbers in my January 13 report, which are updated with 2017-21 CVAP in **Exhibit A**. Dr. Owens provides no data or analysis that would support his assertion.

34. Dr. Owens also states that I have made “selections that show the prioritization of race over redistricting principles” in Illustrative Map 3 because it pairs the Latino population in Dickinson with Hitchcock. This is a meaningless and fundamentally unreliable assessment of the Latino community in Galveston County because, as I showed above in **Figure 2** and **Exhibit B** to this report, these populations are part of a geographically compact Latino population in Galveston County.

F. Illustrative Map 3A

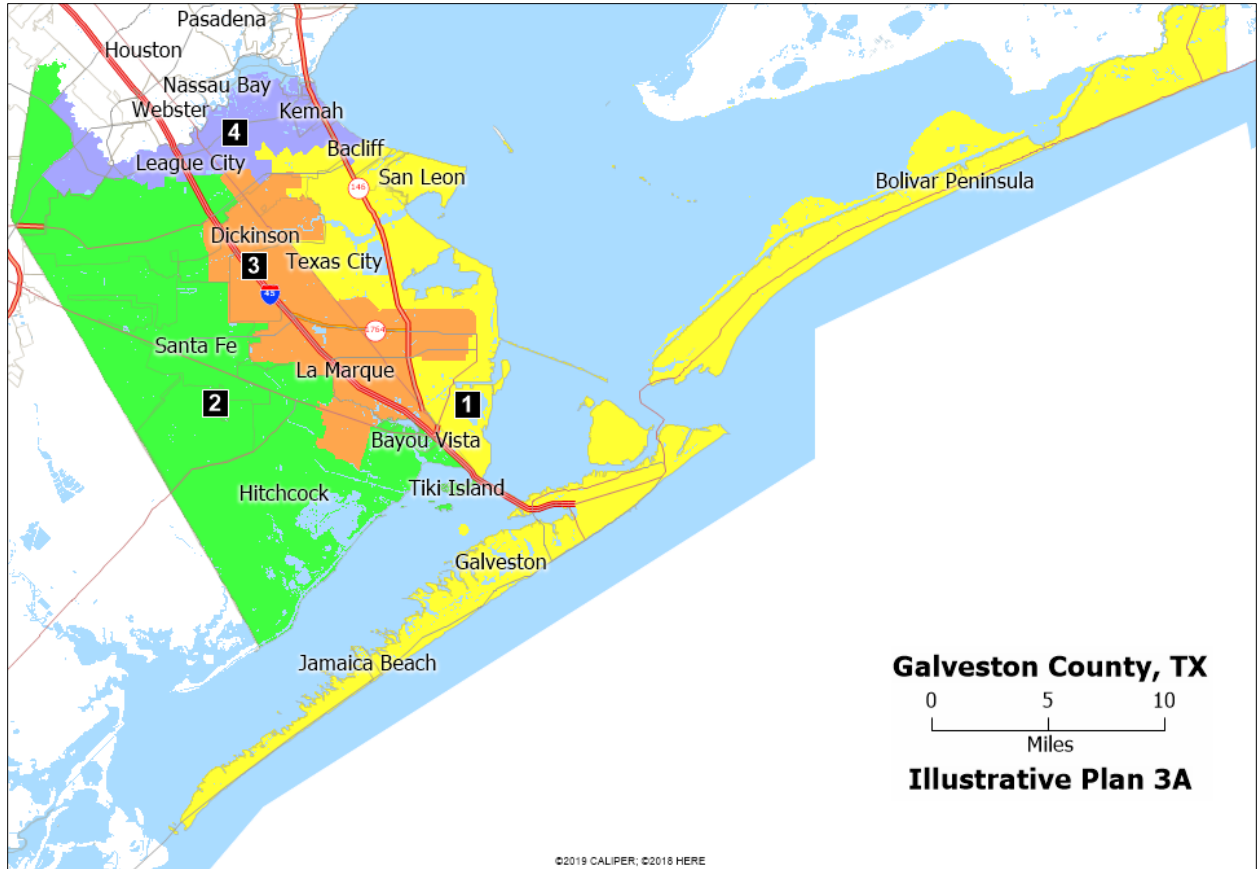
35. Dr. Owens implies that under Illustrative Map 3, Precinct 1 is non-contiguous around Texas City. In fact, it is contiguous via Moses Lake and on foot across the Moses Lake Floodgate.⁹ But even if a map-drawer deemed it necessary to ensure contiguity by driving (which is not required), this issue is easily resolved by shifting VTD 150 in Texas City from Precinct 3 to

⁹ A picture of the Moses Lake Floodgate is viewable at <https://goo.gl/maps/TsCnNHal6YilmZVn6>.

Expert Declaration and Rebuttal Report of William S. Cooper – March 2023

Precinct 1 and by shifting VTD 144 in Dickinson from Precinct 1 to Precinct 3. **Figure 3** below shows this plan modification in Illustrative Map 3A.

Figure 3: Galveston County — Illustrative Map 3A



36. **Figure 4** reports summary population by district under Illustrative Map 3A. Precinct 3 remains B+LCVAP majority (54.46%). Precinct 3 in Illustrative Map 3A therefore further supports that Galveston County has a sufficiently large and geographically compact Black and Latino population to constitute a majority in at least one Commissioners precinct.

Figure 4: Illustrative Map 3A – Population Summary

Precinct	2020 Pop.	Deviation	%Dev.	18+ Pop	%18_NH AP Black + Latino	% 18+ NH White	% NH DOJ Black + LCVAP
1	88139	468	0.53%	70931	38.71%	55.03%	39.45%
2	89190	1519	1.73%	66812	21.65%	70.28%	21.90%
3	87258	-413	-0.47%	64746	56.33%	39.18%	54.46%
4	86095	-1576	-1.80%	64893	24.25%	67.30%	20.64%

Expert Declaration and Rebuttal Report of William S. Cooper – March 2023

37. For further reference, I have appended to this rebuttal report the following additional information with respect to Illustrative Plan 3A:

- **Exhibit E-1:** zoomed-in map of the area previously encompassed by Precinct 3 under the 2012 plan;
- **Exhibit E-2:** a table reporting additional Census 2020 populations statistics for Illustrative Map 3A, as well as CVAP estimates;
- **Exhibit E-3:** A set of *Maptitude for Redistricting* reports for Illustrative Map 3A, documenting contiguity (**E-3A**), municipal and unincorporated place splits (**E-3B**), and 2020 VTD splits (**E-3C**). Compactness scores are in **E-3D** and a report on travel contiguity is in **E-3E**.

38. In my opinion, Illustrative Map 3A adheres to traditional redistricting principles.

Specifically:

- Commissioner precincts in the plan are contiguous, population deviations by precinct are within +/- 5%.
- Commissioner precincts are reasonably shaped and compact within the context of the complex Galveston County geography.
- Illustrative Map 3A contains three populated VTD splits and keeps nine communities whole (CDPs and municipalities) with 15 populated splits.
- There are no paired incumbents and all incumbents are assigned to their current districts.

G. Conclusion

39. Dr. Owens does not even try to address that the 2021 Enacted Plan unambiguously violates a key tenet of traditional redistricting principles—the non-dilution of minority voting strength—by eliminating the only majority-Black and Latino Benchmark Precinct (3) and instead drawing all of Galveston’s Black and Latino residents (who comprise approximately 45% of Galveston’s total population) into Anglo-majority commissioner precincts.

Expert Declaration and Rebuttal Report of William S. Cooper – March 2023

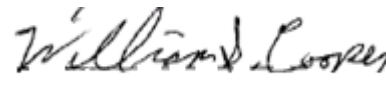
40. The errors, inaccuracies, and methodological flaws in Dr. Owens’ March 17 report render his report largely unreliable. His flawed analysis has also led him to state conclusions about my illustrative plans that are plainly false. Illustrative Map 3A is yet another one of the “multitude of potential plans adhering to traditional redistricting principles that would result in maps that maintain a majority B+L CVAP Commissioners Precinct”. (Cooper Rep. ¶ 97) Such plans are easy to come by in Galveston County, while adhering to traditional redistricting principles. The four illustrative maps I have now provided are just four of many such examples possible.

#

I reserve the right to continue to supplement my declaration considering additional facts, testimony and/or materials that may come to light.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on: March 27, 2023



WILLIAM S. COOPER

Expert Declaration and Rebuttal Report of William S. Cooper

March 2023

REBUTTAL EXHIBIT A

Cooper Rebuttal Exhibit A

5-Year 2017-2021 ACS Special Tabulation CVAP Galveston County, TX

Illustrative Plan 3A

District	% NH DOJ Black CVAP*	% Latino CVAP	% NH White CVAP	NH DOJ Black + Latino CVAP
1	15.67%	23.98%	61.05%	39.45%
2	5.17%	16.73%	74.48%	21.90%
3	27.26%	27.28%	44.52%	54.46%
4	6.33%	14.44%	77.27%	20.64%

2021 Enacted Plan (Drawn by County Consultants)

District	% NH DOJ Black CVAP*	% Latino CVAP	% NH White CVAP	NH DOJ Black + Latino CVAP
1	9.95%	22.40%	64.00%	32.34%
2	14.74%	21.77%	60.64%	36.51%
3	9.06%	17.97%	66.67%	27.03%
4	18.25%	17.43%	59.09%	35.68%

Illustrative Plan 1

District	% NH DOJ Black CVAP*	% Latino CVAP	% NH White CVAP	NH DOJ Black + Latino CVAP
1	7.19%	19.64%	69.41%	26.83%
2	8.46%	17.50%	69.81%	25.96%
3	30.39%	27.25%	38.28%	57.65%
4	6.05%	15.53%	72.70%	21.58%

Proposed Plan 1 (Drawn by Galveston County Consultants)

District	% NH DOJ Black CVAP*	% Latino CVAP	% NH White CVAP	NH DOJ Black + Latino CVAP
1	7.09%	20.09%	69.11%	27.18%
2	8.87%	17.92%	68.64%	26.79%
3	29.43%	26.20%	40.74%	55.63%
4	6.14%	15.48%	72.46%	21.63%

Illustrative Plan 2

District	% NH DOJ Black CVAP*	% Latino CVAP	% NH White CVAP	NH DOJ Black + Latino CVAP
1	7.59%	19.86%	68.80%	27.45%
2	7.87%	17.41%	70.55%	25.28%
3	30.02%	27.69%	38.74%	57.72%
4	6.58%	14.91%	72.09%	21.49%

Illustrative Plan 3

District	% NH DOJ Black CVAP*	% Latino CVAP	% NH White CVAP	NH DOJ Black + Latino CVAP
1	15.08%	23.63%	62.03%	38.71%
2	5.17%	16.73%	74.48%	21.90%
3	27.61%	27.66%	43.46%	55.27%
4	6.19%	14.44%	77.27%	20.64%

Note: Citizen Voting Age Population (CVAP) percentages are disaggregated from block-group level 2017-2021 ACS estimates (with a survey midpoint of July 2019)

Black CVAP estimates include NH Single -race Black and 2 race counts for NH Black and White+NH Black

Source for CVAP disaggregation: Redistricting Data Hub

<https://redistrictingdatahub.org/dataset/texas-cvap-data-disaggregated-to-the-2020-block-level-2021/>

Expert Declaration and Rebuttal Report of William S. Cooper

March 2023

REBUTTAL EXHIBIT B

Cooper Rebuttal Exhibit B

User:

Plan Name: Regions

Plan Type: Local

Communities of Interest (Landscape, 11x8.5)

Thursday, March 23, 2023

Communities of Interest (Landscape, 11x8.5)

<i>Region A</i>	Population	% Pop.	NH AP Blk	% NH AP Blk	Latino	% Latino	NH_Wht	% NH_Wht
Bacliff	9,677	100%	596	6.16%	3,962	40.94%	4,606	47.60%
Bayou Vista	1,763	100%	14	0.79%	147	8.34%	1,501	85.14%
Bolivar Peninsula	2,769	100%	28	1.01%	320	11.56%	2,289	82.67%
Dickinson	20,847	100%	2,399	11.51%	7,754	37.19%	9,507	45.60%
Galveston	53,695	100%	9,301	17.32%	15,779	29.39%	25,386	47.28%
Hitchcock	7,301	100%	1,896	25.97%	1,826	25.01%	3,311	45.35%
Jamaica Beach	1,078	100%	9	0.83%	83	7.70%	940	87.20%
La Marque	18,030	100%	5,803	32.19%	5,181	28.74%	6,367	35.31%
San Leon	6,135	100%	166	2.71%	2,074	33.81%	3,504	57.11%
Texas City	51,898	100%	14,924	28.76%	16,116	31.05%	18,822	36.27%
Tiki Island	1,106	100%	7	0.63%	71	6.42%	965	87.25%

<i>Region B</i>	Population	% Pop.	NH AP Blk	% NH AP Blk	Latino	% Latino	NH_Wht	% NH_Wht
Clear Lake Shores	1,258	100.0	18	1.43%	102	8.11%	1,073	85.29%
Friendswood	30,495	100.0	802	2.63%	4,157	13.63%	22,544	73.93%
Kemah	1,807	100.0	78	4.32%	402	22.25%	1,170	64.75%
League City	111,865	100.0	9,185	8.21%	23,435	20.95%	68,399	61.14%
Santa Fe	12,735	100.0	114	0.90%	2,172	17.06%	9,913	77.84%
Seabrook	0	0.0	0	0.0	0		0	

Summary Statistics

Number of Town/City not split

17

Expert Declaration and Rebuttal Report of William S. Cooper

March 2023

REBUTTAL EXHIBIT C

Cooper Rebuttal Exhibit C

User:

Plan Name: 2021 Enacted_Plan Galveston

Plan Type: Local

Travel Contiguity

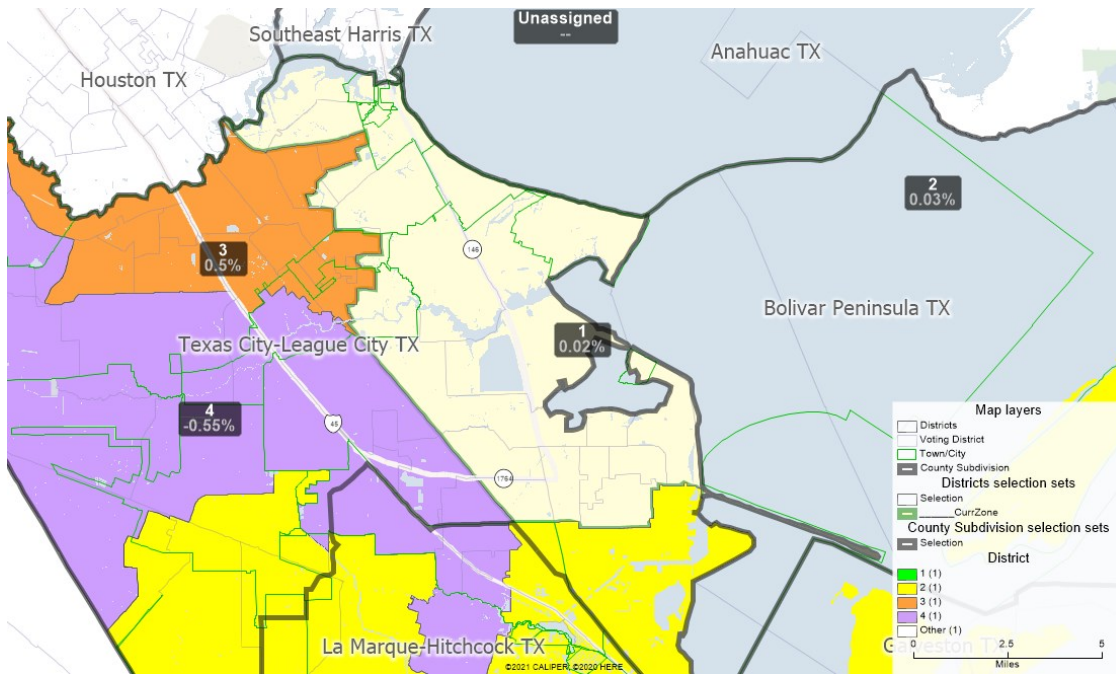
Sunday, March 26, 2023

7:07 AM

Name	Combined %	Drive %	Walk %	Max Drive Distance	Max Drive Time	Max Walk Distance
1		91.7%		25.20	46.18	
2		92.8%		66.84	145.71	
3		90.6%		17.47	40.91	
4		63.9%		25.72	48.81	

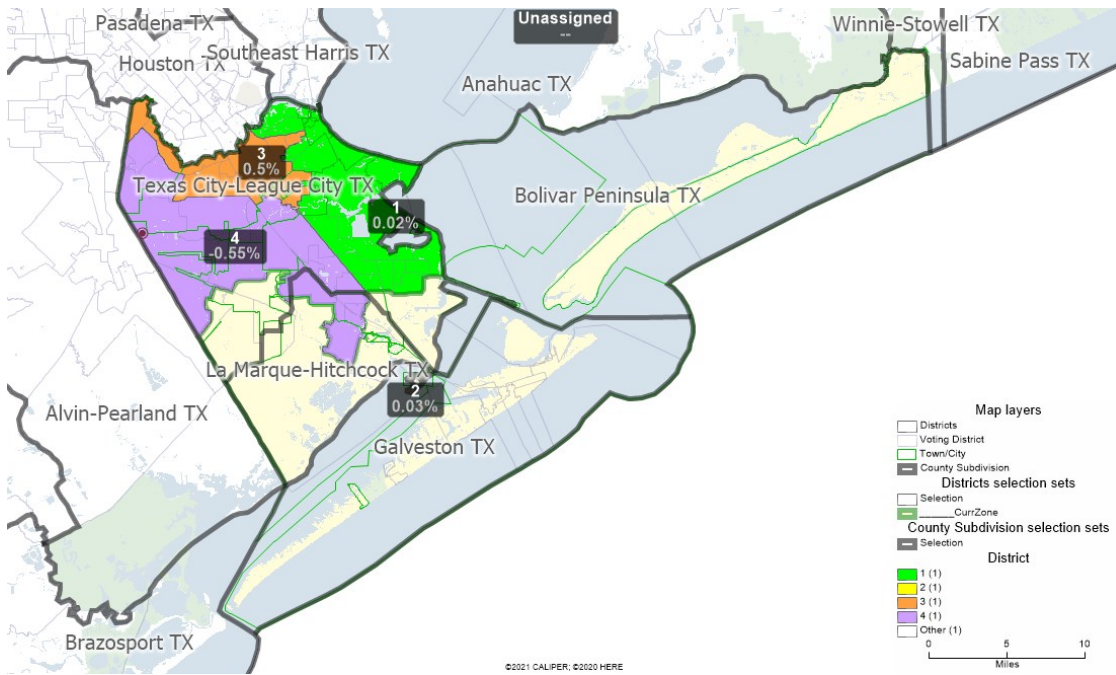
Travel Contiguity

Name	1
Combined %	.0%
Drive %	91.7%
Walk %	.0%
Max Drive Distance	25.20
Max Drive Time	46.18
Max Walk Distance	.00



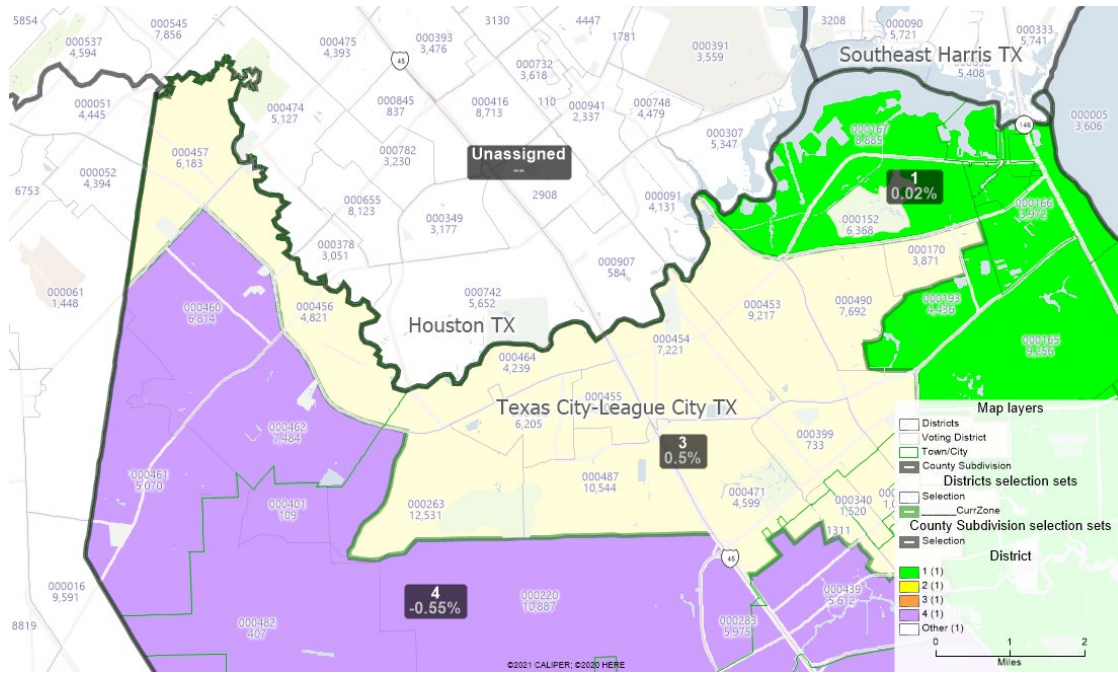
Travel Contiguity

Name	2
Combined %	.0%
Drive %	92.8%
Walk %	.0%
Max Drive Distance	66.84
Max Drive Time	145.71
Max Walk Distance	.00



Travel Contiguity

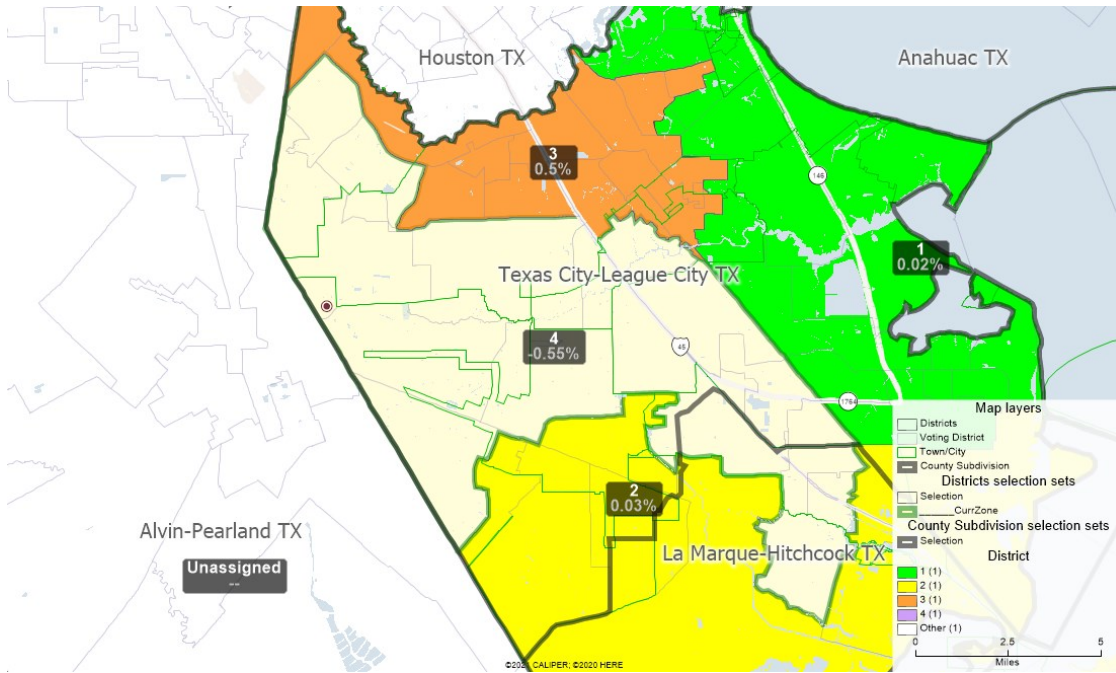
Name	3
Combined %	.0%
Drive %	90.6%
Walk %	.0%
Max Drive Distance	17.47
Max Drive Time	40.91
Max Walk Distance	.00



Travel Contiguity

2021 Enacted_Plan Galveston

Name	4
Combined %	.0%
Drive %	63.9%
Walk %	.0%
Max Drive Distance	25.72
Max Drive Time	48.81
Max Walk Distance	.00



Expert Declaration and Rebuttal Report of William S. Cooper

March 2023

REBUTTAL EXHIBIT D

Plan Name: Galveston_VTD_by_Block_Group (Excerpt)

Block Groups Split by VTDs That Are Specifically Referenced in Dr. Owens' Report

Block Group	VTD	Population	% of BG Pop
7253001	223	295	22.5
7254003	223	21	1.7
7256003	223	272	18
7257001	223	771	50.4
7258002	223	806	81.7
7207011	399	284	43.7
7208001	399	4	0.4
7208002	399	7	0.6
7208002	439	532	42.3
7208004	439	341	38.4
7209001	341	305	33.7
7209001	439	38	4.2
7209002	341	19	1
7209002	439	1,807	99
7209003	439	933	74.4
7210001	144	839	79.9
7210001	341	168	16
7211011	341	934	72.1
7211012	399	12	1.2
7211021	341	1,013	41.9
7211022	341	490	25.9
7211023	144	195	10.8
7211023	341	1,615	89.2
7211032	144	688	47.1
7212091	399	426	17.8
7219021	142	293	12.2
7219023	144	172	7.3
7220013	150	1,335	41.7
7220021	142	1,614	98.1
7220023	148	809	90.1
7221002	148	367	49.5
7221003	148	720	49.4
7222003	148	493	55.7
7223001	148	424	33
7223004	142	678	42.4
7244001	314	720	71.1
7244002	314	582	54

Plan Name: Galveston_VTD_by_Block_Group (Excerpt)

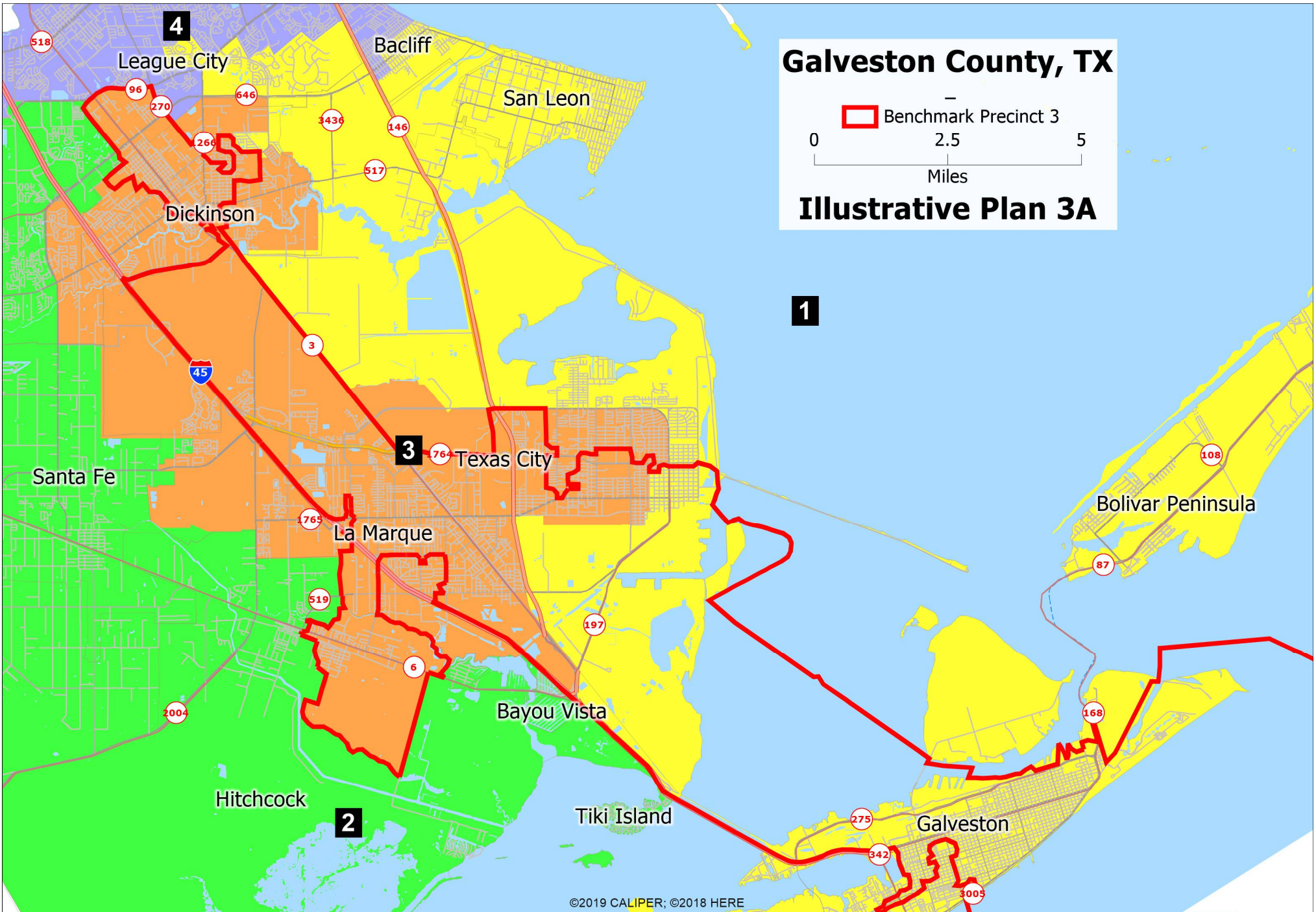
Block Groups Split by VTDs That Are Specifically Referenced in Dr. Owens' Report

Block Group	VTD	Population	% of BG Pop `
7244003	314	526	74.7
7244004	314	382	75.4
7248001	314	268	31.1
7251003	314	257	40.6
7252001	314	176	26.5
7211011	398	361	27.9
7211012	398	592	57.9
7211021	391	367	15.2
7211021	398	74	3.1
7211022	391	165	8.7
7235042	258	605	89.1
7235043	258	489	39.7
7235052	258	151	11.1
7236002	225	104	8.3
7241011	315	256	32.9
7241011	1051	6	0.8
7241012	218	221	39
7241012	315	346	61
7242001	1051	818	91.3
7244001	315	167	16.5
7248001	315	594	68.9
7250003	218	180	34.5
7250003	315	342	65.5
7251003	218	27	4.3
7251003	315	349	55.1
7252001	218	284	42.8
7253002	218	772	73.8
7254001	218	631	69.5
7254002	218	475	51.7
7254004	218	925	95.5
7255001	218	483	85.9
7255001	315	79	14.1
Total Pop. of Splits in Referenced VTDs		32494	
		###	

Expert Declaration and Rebuttal Report of William S. Cooper

March 2023

REBUTTAL EXHIBIT E



**Population Summary Report (2020 Census) --
Galveston County, TX -- Illustrative Plan 3A**

District	2020 Population	Deviation	% Deviation	Any Part Black	% Any Part Black	NH Any Part Black	% NH Any Part Black	Latino	% Latino	NH White	% NH White
1	88139	468	0.53%	13369	15.17%	9482	13.37%	25210	28.60%	44812	50.84%
2	89190	1519	1.73%	5126	5.75%	3306	4.95%	16837	18.88%	60239	67.54%
3	87258	-413	-0.47%	24794	28.41%	17355	26.80%	28746	32.94%	31037	35.57%
4	86095	-1576	-1.80%	5885	6.84%	3829	5.90%	17843	20.72%	55270	64.20%
Total	350682			49174	14.02%	33972	9.69%	88636	25.28%	191358	54.57%
Ideal District Size		87671									
Total Deviation*		3.53%									

District	18+_Pop	18+_NH AP Black	% 18+_NH AP Black	18+ Latino	% 18+ Latino	18+ NH White	% 18+_NH White	18+_NH AP Black + 18+ Latino	% 18+_NH AP Black + 18+ Latino
1	70931	9482	13.37%	17973	25.34%	39031	55.03%	27455	38.71%
2	66812	3306	4.95%	11162	16.71%	46954	70.28%	14468	21.65%
3	64746	17355	26.80%	19117	29.53%	25365	39.18%	36472	56.33%
4	64893	3829	5.90%	11907	18.35%	43670	67.30%	15736	24.25%
Total	267382	33972	12.71%	60159	22.50%	155020	57.98%	94131	35.20%

District	% NH DOJ Black CVAP*	% Latino CVAP	% NH White CVAP	% NH DOJ Black + Latino CVAP
1	15.67%	23.98%	61.05%	39.45%
2	5.17%	16.73%	74.48%	21.90%
3	27.26%	27.28%	44.52%	54.46%
4	6.33%	14.44%	77.27%	20.64%

Note: Citizen Voting Age Population (CVAP) percentages are disaggregated from block-group level 2017-2021 ACS estimates (with a survey midpoint of July 2019)

Black CVAP estimates include NH Single -race Black and 2 race counts for NH Black and White+NH Black

Source for CVAP disaggregation: Redistricting Data Hub

<https://redistrictingdatahub.org/dataset/texas-cvap-data-disaggregated-to-the-2020-block-level-2021/>

Cooper Rebuttal Exhibit E-3A

User:

Plan Name: Illustrative_Plan_3A

Plan Type: Local

Contiguity Report

Sunday, March 26, 2023

11:43 AM

District	Number of Distinct Areas
1	1
2	1
3	1
4	1

Cooper Rebuttal Exhibit E-3B

User:

Plan Name: Illustrative_Plan_3A

Plan Type: Local

Communities of Interest (Condensed)

Sunday, March 26, 2023

11:33 AM

Whole Town/City : 9

Town/City Splits: 18

Zero Population Town/City Splits: 3

District	Town/City	Population	% Pop	District	Town/City	Population	% Pop
1	Bacliff	5,265	54.41%				
1	Bolivar	2,769	100.00%				
	Peninsula						
1	Galveston	53,695	100.00%				
1	Hitchcock	0	0.00%				
1	Jamaica	1,078	100.00%				
	Beach						
1	League City	5,477	4.90%				
1	San Leon	6,135	100.00%				
1	Texas City	11,940	23.01%				
2	Bayou Vista	1,763	100.00%				
2	Dickinson	1,675	8.03%				
2	Friendswood	18,190	59.65%				
2	Hitchcock	4,707	64.47%				
2	La Marque	507	2.81%				
2	League City	36,585	32.70%				
2	Santa Fe	12,735	100.00%				
2	Tiki Island	1,106	100.00%				
3	Dickinson	19,172	91.97%				
3	Hitchcock	2,594	35.53%				
3	La Marque	17,523	97.19%				
3	League City	4,378	3.91%				
3	Texas City	39,958	76.99%				
4	Bacliff	4,412	45.59%				
4	Clear Lake	1,258	100.00%				
	Shores						
4	Friendswood	12,305	40.35%				
4	Kemah	1,807	100.00%				
4	League City	65,425	58.49%				
4	Seabrook	0	0.00%				
4	Texas City	0	0.00%				

Cooper Rebuttal Exhibit E-3C

User:

Plan Name: **Illustrative_Plan_3A**

Plan Type: **Local**

Political Subdivison Splits Between Districts

Sunday, March 26, 2023

11:47 AM

Split Counts

Number of subdivisions split into more than one district: Number of splits involving no population:

County	1	County	0
Voting District	5	Voting District	2

Number of times a subdivision is split into multiple districts:

County	3
Voting District	5

County	Voting District	District	Population
<i>Split Counties:</i>			
Galveston TX		1	88,139
Galveston TX		2	89,190
Galveston TX		3	87,258
Galveston TX		4	86,095
<i>Split VTDs:</i>			
Galveston TX	000159	1	5,271
Galveston TX	000159	4	4,412
Galveston TX	000165	1	3,866
Galveston TX	000165	4	5,390
Galveston TX	000225	1	0
Galveston TX	000225	2	3,715
Galveston TX	000330	2	0
Galveston TX	000330	3	5,357
Galveston TX	000490	1	1,618
Galveston TX	000490	4	6,074

Cooper Rebuttal Exhibit E-3D

User:

Plan Name: Illustrative_Plan_3A

Plan Type: Local

Measures of Compactness Report

Sunday, March 26, 2023

11:54 AM

	Reock	Polsby-Popper	Area/Convex Hull	Perimeter
Sum	N/A	N/A	N/A	393.22
Min	0.21	0.13	0.52	N/A
Max	0.36	0.24	0.74	N/A
Mean	0.27	0.20	0.64	N/A
Std. Dev.	0.07	0.05	0.09	N/A
District	Reock	Polsby-Popper	Area/Convex Hull	Perimeter
1	0.23	0.24	0.68	179.68
2	0.29	0.23	0.74	97.29
3	0.36	0.19	0.62	62.63
4	0.21	0.13	0.52	53.62

Measures of Compactness Report

Measures of Compactness Summary

Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.
Area / Convex Hull	The measure is always between 0 and 1, with 1 being the most compact.
Perimeter	The Perimeter test computes one number for the whole plan. If you are comparing several plans, the plan with the smallest total perimeter is the most compact.

Cooper Rebuttal Exhibit E-3E

User:

Plan Name: Illustrative_Plan_3A

Plan Type: Local

Travel Contiguity

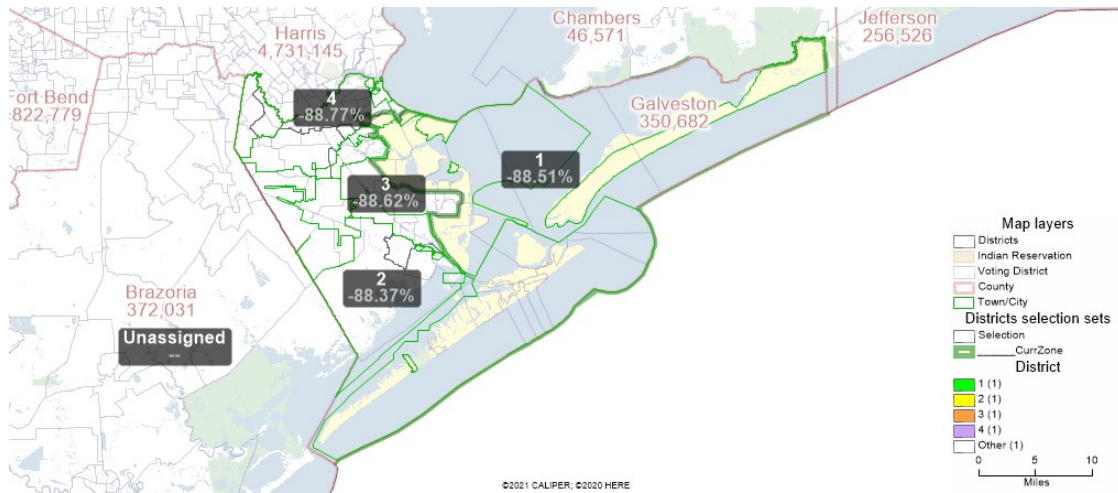
Sunday, March 26, 2023

11:58 AM

Name	Combined %	Drive %	Walk %	Max Drive Distance	Max Drive Time	Max Walk Distance
1		91.7%		66.71	113.87	
2		60.1%		36.84	92.69	
3		92.2%		18.13	34.45	
4		90.0%		19.31	40.96	

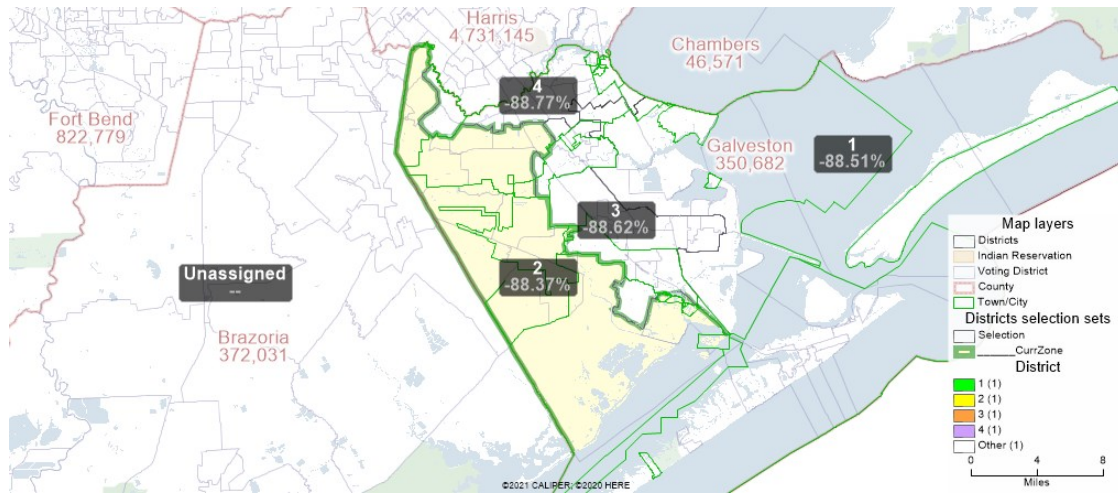
Travel Contiguity

Name	1
Combined %	.0%
Drive %	91.7%
Walk %	.0%
Max Drive Distance	66.71
Max Drive Time	113.87
Max Walk Distance	.00



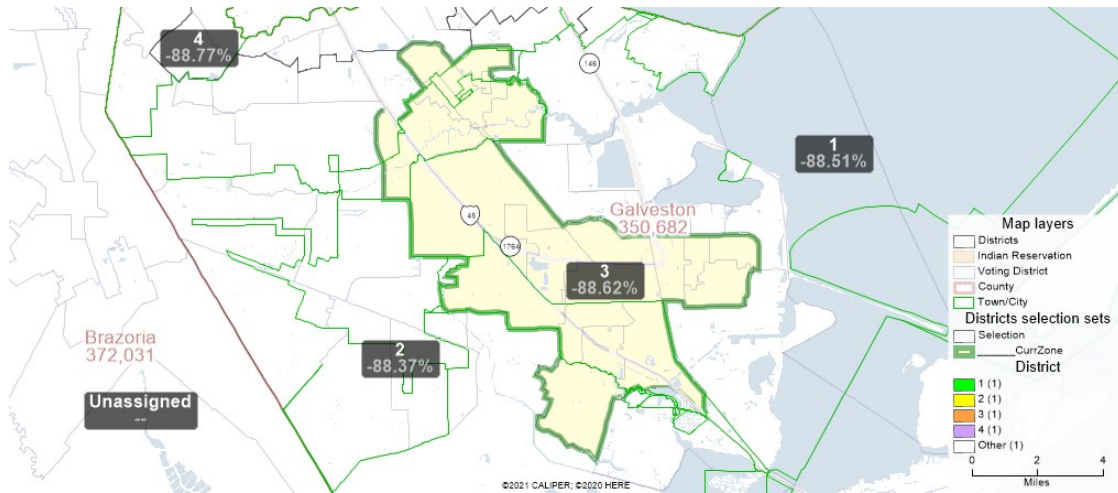
Travel Contiguity

Name	2
Combined %	.0%
Drive %	60.1%
Walk %	.0%
Max Drive Distance	36.84
Max Drive Time	92.69
Max Walk Distance	.00



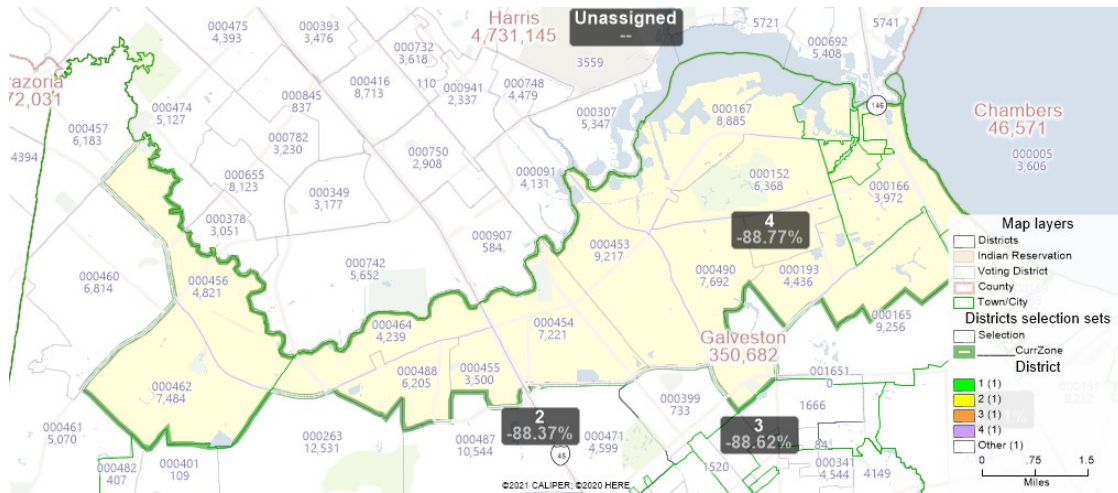
Travel Contiguity

Name	3
Combined %	.0%
Drive %	92.2%
Walk %	.0%
Max Drive Distance	18.13
Max Drive Time	34.45
Max Walk Distance	.00



Travel Contiguity

Name	4
Combined %	.0%
Drive %	90.0%
Walk %	.0%
Max Drive Distance	19.31
Max Drive Time	40.96
Max Walk Distance	.00



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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, *
et al., *

Plaintiffs, *

VS. *

Case No. 3:22-cv-00057

GALVESTON COUNTY, et al., *
Defendants. *

ORAL AND VIDEOTAPED DEPOSITION OF
JOSEPH GIUSTI
JANUARY 6, 2023
(Reported Remotely)

ORAL AND VIDEOTAPED DEPOSITION OF JOSEPH
GIUSTI, produced as a witness at the instance of the
United States and duly sworn, was taken via
videoconference in the above-styled and numbered cause
on the 6th day of January, 2023, from 9:23 a.m. to
6:01 p.m., before Marsha Yarberry, Certified Shorthand
Reporter in and for the State of Texas, reported by
machine shorthand, in Galveston, Texas, pursuant to the
Federal Rules of Civil Procedure.

EXHIBIT 11

1 Q. (By Mr. Gear) So did you receive any written
2 materials related to criteria during the September
3 meeting?

4 MS. OLALDE: Objection to any
5 attorney-client privileged communications or
6 attorney-client -- attorney work product that may have
7 been addressed or discussed during this meeting.

8 If you're looking only at facts, you may
9 answer only to the extent you have particular facts to
10 share but not communications.

11 Q. (By Mr. Gear) So the question is did you
12 receive any materials.

13 A. I -- probably. I don't recall what.

14 Q. Do you recall what was discussed related to
15 redistricting criteria?

16 MS. OLALDE: Objection, same instruction
17 to the witness not to reveal any attorney-client
18 privileged communications or work product.

19 MR. GEAR: And, again, we reserve the --
20 our argument that attorney-client privilege is not --
21 does not apply to Dale Oldham.

22 Q. (By Mr. Gear) So following the September
23 meeting with yourself, Mr. Ready, and Mr. Oldham, did
24 you have any discussions with commissioners related to
25 redistricting criteria?

1 A. I don't recall, sir.

2 Q. Based on your understanding, was there a
3 decision made to establish redistricting criteria?

4 A. I don't recall that either.

5 Q. So, again, was there redistricting criteria
6 that was established, adopted, during the 2021
7 redistricting process?

8 MS. OLALDE: Objection; asked and
9 answered.

10 THE WITNESS: I don't recall.

11 Q. (By Mr. Gear) Is there any redistricting
12 criteria that you would have considered important
13 during the 2021 redistricting process?

14 A. Yes, sir. I think the important things would
15 have been leveling out the populations, also trying to
16 draw lines that the public understood as far as knowing
17 who their commissioners are. The old lines were kind
18 of confusing at times as to where precincts started and
19 where they ended.

20 Q. Anything else?

21 A. That's the majority. That's it.

22 Q. And so you mentioned Mr. Oldham, the
23 redistricting consultant. Did the county's post-2020
24 census redistricting processes begin at the April 5th,
25 2021, commissioners court?

1 MS. OLALDE: Objection; speculation.

2 You can answer. You can answer.

3 MR. GEAR: Well, let me rephrase that.

4 MS. OLALDE: Sure.

5 Q. (By Mr. Gear) When did the 2021 redistricting
6 process begin for the commissioners court?

7 A. It would have been about the time frame you
8 mentioned. The exact -- sounds about right.

9 Q. And so what was the name of the redistricting
10 firm that you and the commissioners ultimately decided?

11 A. I don't recall the name of the firm. I just
12 remember Mr. Oldham.

13 Q. And what was your understanding of the
14 services that Mr. Oldham would provide to the county
15 commissioners?

16 A. That he would take the census that we were
17 getting in, and he would take that -- the numbers from
18 that and basically lay it out and give us a couple of
19 options to choose from on what he determined was the
20 best and legal maps that he could come up with.

21 Q. And other than Mr. Oldham, was there any other
22 consultant that you personally dealt with during the
23 2021 redistricting process?

24 A. He had a -- he had a demographer, I guess,
25 that did the map -- the actual map drawing, but I never

1 process that were discussed in public, in a public
2 commissioners court meeting?

3 A. Not that I recall.

4 Q. Were there any guidelines related to the
5 timing of the commissioners court redistricting process
6 that were formally adopted as a resolution by the
7 commissioners court?

8 MS. OLALDE: Objection; form.

9 Go ahead.

10 THE WITNESS: Not that I recall.

11 Q. (By Mr. Gear) Were there any guidelines that
12 were reduced to writing by the commissioners court?

13 A. Not that I recall.

14 Q. Can you explain what, if any, guidelines for
15 the 2021 redistricting process were discussed amongst
16 the commissioners?

17 MS. OLALDE: Objection to the extent your
18 question calls for any response that would reveal
19 discussions with Mr. Oldham or in executive session.
20 Otherwise you can answer.

21 MR. GEAR: Again, we reserve the -- our
22 right to raise the argument that attorney-client
23 privilege does not apply to Mr. Oldham.

24 Q. (By Mr. Gear) But if you can answer --

25 A. That I don't recall.

1 Q. So just to be clear, your answer has been you
2 don't recall if any guidelines were reduced to writing.
3 Does that mean they weren't reduced to writing?

4 MS. OLALDE: Objection; asked and
5 answered.

6 THE WITNESS: It means I don't recall.

7 Q. (By Mr. Gear) So in 2021 were you or your
8 staff involved in a nonpublic communication with the
9 commissioners court staff related to the adoption of
10 redistricting criteria?

11 A. Not that I recall.

12 Q. In 2021 was there any public discussion by the
13 commissioners court related to adopting redistricting
14 criteria?

15 A. The really only public discussions I remember
16 is when the approval occurred, that -- the day of that
17 meeting, the special meeting. That's --

18 Q. So you're talking about the November 12th --

19 A. November, yes, sir.

20 Q. -- 2021 special session?

21 A. Yes, sir.

22 Q. Where the commissioners court plan was
23 adopted?

24 A. Yes, sir.

25 Q. And what redistricting criteria was discussed

1 during the special session?

2 MS. OLALDE: I'm sorry. Special -- not
3 executive session. You're talking about the special
4 meeting?

5 MR. GEAR: The November 12th, 2021,
6 special session.

7 THE WITNESS: It's -- I don't remember us
8 discussing criteria at that point either. It was more
9 of a public comment at that point and approval of the
10 maps.

11 Q. (By Mr. Gear) So did I misunderstand you to
12 say that there was some discussion of redistricting
13 criteria during the 2021 special session, the
14 November 12th?

15 A. I probably just said it wrong because there
16 wasn't. Not that I recall. I think it was more just
17 public comment.

18 Q. What, if any, reasons are you aware of related
19 to why redistricting criteria was not adopted during
20 the 2021 redistricting process?

21 MS. OLALDE: Objection. Sorry.
22 Objection; form.

23 THE WITNESS: I think the biggest -- I
24 think the biggest issue of the entire process was
25 timing because the census coming out so late and us

1 being under the gun basically to get it done. I think
2 that was probably the largest aspect of any of it, was
3 just the timing that we had to get -- get things done.

4 Q. (By Mr. Gear) So are you testifying that it
5 was the timing that prevented you from establishing
6 redistricting criteria?

7 MS. OLALDE: Objection; form.

8 THE WITNESS: That's my understanding of
9 it.

10 Q. (By Mr. Gear) So during the prior
11 redistricting process -- and I'm talking about 2011,
12 2012 -- were you aware that criteria was formally
13 adopted as a resolution by the commissioners court?

14 A. No, sir, I was not.

15 Q. And I think I misstated. That it was -- that
16 it was discussed, but it was not formally adopted in
17 2011, 2012.

18 A. I had no idea.

19 Q. And we looked at Exhibit 1, which was that --

20 A. Yes, sir.

21 Q. -- redistricting criteria.

22 A. Correct.

23 Q. And had you ever seen that document before?

24 A. No, sir.

25 Q. So going back to the dates and times for the

1 courthouse security committee."

2 Q. And did you participate in that meeting on
3 October 19?

4 A. No.

5 Q. And why didn't you participate in that meeting
6 on October 19th?

7 A. That was the date, I believe, of the meeting
8 up in West County that we were just discussing.

9 Q. The meeting that involved Mr. Holmes,
10 yourself, Mr. Webb, Tyler Drummond?

11 A. Yes.

12 MS. OLALDE: Objection to form, misstates
13 testimony.

14 You left out Dale Oldham.

15 MR. GEAR: And Mr. Oldham. I didn't mean
16 to do that.

17 THE WITNESS: Yes.

18 Q. (By Mr. Gear) So do you recall any other
19 meetings that may have taken place or communications
20 that may have taken place by phone or by Zoom with any
21 of the other commissioners regarding the 2021
22 redistricting process?

23 A. No, sir.

24 Q. Do you recall communicating with Commissioner
25 Holmes specifically regarding the 2021 redistricting

1 process?

2 A. Just while we were sitting in that meeting.

3 Q. And did you -- did you speak with him either
4 by phone or by Zoom or in person other than the meeting
5 you identified?

6 A. Not that I recall, no, sir.

7 MR. GEAR: Zach, can we put up Exhibit 3,
8 please?

9 Q. (By Mr. Gear) I'll give you a chance to look
10 at that. So for the record this is Defendants Bates
11 Stamp No. 00017099 to 17100. Have you had a chance to
12 look at that document, sir?

13 A. Yes, sir.

14 Q. And looking at the very top on the first page,
15 can you tell me who this is from?

16 A. Linda Liechty.

17 Q. And can you tell me who it was sent to?

18 A. Paul Ready.

19 Q. And regarding the subject matter, can you tell
20 me what that states, please?

21 A. Conference call with Commissioner Joe Giusti.

22 Q. And it says "Paul, FYI: 10:00 a.m. on
23 September 13th has been confirmed with Commissioner
24 Giusti and Mr. Oldham." Do you see that?

25 A. Yes.

1 Q. And did you meet with Mr. Oldham on
2 September 13th, do you recall?

3 A. Yes.

4 Q. And who else was present during that meeting
5 if you recall?

6 A. Mr. Ready, and that's all I remember.

7 Q. And where did that meeting take place?

8 A. I believe it was on Pecan, the address on
9 Pecan, which is Judge Henry's conference room.

10 Q. And the previous meeting that you talked
11 about, the October 19th meeting, was that also in Judge
12 Henry's conference room?

13 A. Yes.

14 Q. Okay. And what was the purpose of the meeting
15 on September 10th?

16 MS. OLALDE: Again, I understand your
17 question. I just want to instruct the witness not to
18 reveal any substance of any conversations.

19 Otherwise, please answer.

20 MR. GEAR: Let me make that question --

21 MS. OLALDE: Yeah.

22 MR. GEAR: -- a little bit clearer.

23 MS. OLALDE: Yeah. Just being careful.

24 Q. (By Mr. Gear) So on September 10th did you
25 meet with --

1 A. 13th.

2 Q. September 13th. Thank you. Did you meet with
3 Attorney Ready and Mr. Oldham?

4 A. I don't remember if Mr. Oldham was in person
5 or Zoom, but yes.

6 Q. But he did attend the meeting and --

7 A. Yes.

8 Q. And was that meeting related to the 2021
9 redistricting process?

10 A. Yes.

11 Q. And did you receive any materials related to
12 the redistricting process prior to the September 13th
13 meeting?

14 A. Not that I recall.

15 Q. Did you receive any materials while you were
16 present during the September 13th meeting that relate
17 to the 2021 redistricting process?

18 MS. OLALDE: Objection; form.

19 THE WITNESS: Not that I recall.

20 Q. (By Mr. Gear) So what did you discuss during
21 that September 13th meeting?

22 MS. OLALDE: Objection. And I'm going to
23 instruct the witness not to answer about any
24 attorney-client privileged communications or contain
25 work product that was discussed in the meeting.

1 MR. GEAR: We reserve our right to raise
2 the argument that attorney-client privilege is not --
3 does not apply to Mr. Oldham.

4 Q. (By Mr. Gear) So other than the
5 September 13th meeting and the October 19th meeting
6 which you've identified, did you meet at any other
7 times with Mr. Oldham?

8 A. I think initially when we hired him he was at
9 that meeting.

10 Q. And did you have any discussions with
11 Mr. Oldham prior to hiring him?

12 A. No, sir.

13 Q. So other than the fact that he was present at
14 the commissioners court meeting, you didn't have any
15 independent conversation with him.

16 A. Correct.

17 MR. GEAR: Can we put up Exhibit 4,
18 please, Zach?

19 Q. (By Mr. Gear) Can you identify this document
20 for me, please? Have you seen it before I guess I
21 should ask.

22 A. I don't recall seeing it before.

23 Q. And for the record this is Defendants Bates
24 Stamp No. 00015162. Can you tell me -- can you read
25 the subject line for me, please?

1 A. "Conference call with Paul Ready and Dale
2 Oldham re redistricting."

3 Q. And the start date?

4 A. September -- Monday, September 13th, 2021, at
5 10 a.m.

6 Q. And this is the meeting that you were
7 referring to when you --

8 A. Yes, sir.

9 Q. So following the April 5th, 2021,
10 commissioners court meeting where the redistricting
11 consultant was hired, can you identify for me the
12 dates, if any, where you met with other commissioners
13 court staff to discuss the 2021 redistricting process?

14 MS. OLALDE: Objection; form.

15 THE WITNESS: I don't recall any other
16 times that I met with commissioners or staff.

17 Q. (By Mr. Gear) Do you recall any times that
18 you met with commissioner staff related to the 2021
19 redistricting process?

20 A. No, sir.

21 Q. And Yesenia is your staff.

22 A. Yesenia. Yes.

23 Q. Yesenia. I'll get it right before the end of
24 this deposition.

25 Was she involved at all in the 2021

1 redistricting process assisting you?

2 A. No, sir. I mean, she's on this memo as an
3 attendee, but I don't remember if she was or not, to be
4 honest. I don't think she was.

5 Q. Do you have any recollection if Yesenia
6 reduced the discussions that took place during this
7 meeting into any written form?

8 A. No.

9 Q. Just so I'm clear on the record, so
10 September 13th and October 19th, 2021, were the only
11 dates that you met with Dale Oldham? Is that correct?

12 A. Yes, sir, other than the initial hiring.

13 Q. Where you did not have any independent
14 discussion --

15 A. Correct.

16 Q. So during the time -- strike that. So did you
17 have an opportunity to present your preferences
18 regarding the changes you wanted to see for Precinct 2
19 during the 2021 redistricting process?

20 MS. OLALDE: Objection. I'm going to
21 instruct the witness not to answer with respect to
22 conversations that were had with Mr. Oldham.

23 Otherwise, you can answer. Based on
24 attorney-client privileged work product.

25 THE WITNESS: That would have been our

1 conversations.

2 Q. (By Mr. Gear) Let me -- let me change the
3 frame of that question.

4 What preferences did you want to see --
5 what changes did you want to see to Precinct 2 during
6 the 2021 redistricting process?

7 A. Me personally, there were a couple of things.
8 One was to level out the population amongst the
9 precincts. Two was probably to, as I mentioned
10 earlier, clarify the lines as to who was where to make
11 it easier for the public to understand who their
12 commissioners were, to keep my house in my precinct and
13 to keep my mom and dad's house in my precinct.

14 Q. Anything else?

15 A. Nope.

16 Q. I believe you testified to this previously
17 about confusion as to where the commissioners' lines
18 fell in the previous redistricting plan. What are you
19 basing that concern upon?

20 A. I guess we -- just personal experience. We
21 would get phone calls from constituents requesting
22 help, and it would be things that weren't -- that were
23 on the edge of my precinct but not in my precinct, or
24 vice versa, they were in my precinct and they were
25 calling someone else because the lines at times were --

1 I'm not going to say fuzzy, but just they were kind of
2 squiggly, and so, you know, it may take part of a
3 street and not the whole street or part of a
4 neighborhood and not the whole neighborhood.

5 Q. So -- and you're talking about the
6 commissioner court precinct lines, correct?

7 A. Yes, sir.

8 Q. And would you agree that those commissioner
9 court precinct lines had been in place from 2012 to
10 2021 until the newest plan was adopted?

11 A. Yes, sir.

12 Q. And you indicated that you at times received
13 calls from constituents who were confused about which
14 commissioner they needed to call.

15 A. Correct.

16 Q. Did you -- did you record those calls in any
17 manner?

18 A. No, sir.

19 Q. Did you reduce the -- those concerns by
20 constituents in a written form in any manner?

21 A. No, sir.

22 Q. How many times between 2014 to 2021 would you
23 say you got a call related to concerns about -- from
24 constituents related to concerns about which
25 commissioner they needed to speak to?

1 constituents regarding their lack of ability to review
2 the plan data associated with posted plans 1 and 2?

3 A. No, sir. I don't remember any of those.

4 Q. Did you receive any comments posted to your
5 Facebook page, your personal Facebook page, after
6 Maps 1 and 2 were posted?

7 A. There were a couple --

8 MS. OLALDE: Objection; asked and
9 answered.

10 But go ahead.

11 THE WITNESS: Yeah. Asked and answered.
12 There were a couple. What they said I don't recall.

13 Q. (By Mr. Gear) And those were the two or three
14 comments that you --

15 A. Yes.

16 MS. OLALDE: Objection; misstates prior
17 testimony.

18 Go ahead.

19 Q. (By Mr. Gear) And your answer was yes? You
20 can answer. I'd ask that you give a verbal answer.

21 A. Yes. As stated before, the two or three
22 comments that I said were there.

23 Q. Thank you.

24 MS. OLALDE: You just have to say yes or
25 no on the record --

1 THE WITNESS: I know.

2 MS. OLALDE: -- because the court
3 reporter can't take a head nod.

4 Q. (By Mr. Gear) So was it Nathan Sigler that
5 provided you with copies of Maps 1 and 2?

6 A. Nathan did provide copies after they were
7 posted because, like I said, I wanted better maps to
8 see what was where.

9 Q. And if I remember correctly, you don't recall
10 the dates that he provided you with those, but it would
11 have been after the maps were posted?

12 A. Yes, sir. Fairly soon after.

13 Q. Did he provide you with the demographic data
14 for each precinct as well?

15 A. No, sir, not that I recall.

16 Q. Did you ever receive a full set of the
17 demographic data for each of the commissioners court
18 precincts after the maps were posted?

19 A. No, sir. I don't recall that.

20 Q. Were you concerned in any way that you weren't
21 seeing how the demographic data broke down in the
22 individual commissioner court precincts after the Map 1
23 and 2 were posted?

24 A. No, sir.

25 Q. Did you request the demographic data for each

1 of the commissioners court precincts after the maps
2 were posted?

3 A. No, sir.

4 Q. So you testified that you received
5 approximately 40 comments related to the posted plans
6 Map 1 and 2. Do you recall that testimony?

7 A. Yes, sir.

8 Q. Did the commissioners court ever discuss the
9 public comments that were being received from
10 constituents?

11 MS. OLALDE: Objection; form.

12 Q. (By Mr. Gear) And I'm talking about during
13 the 2021 redistricting process.

14 MS. OLALDE: Are you talking about in a
15 public, like the entire court, or...

16 MR. GEAR: Let's start off with public.

17 Q. (By Mr. Gear) Did they ever publicly discuss
18 the comments that were being received by constituents
19 relating to the posting of Maps 1 and 2?

20 A. No, sir, not that I recall.

21 Q. Did they ever privately discuss the comments
22 related to the posting of Map 1 and 2 by the
23 constituents? That was a terrible question.

24 Did they -- did the commissioners court
25 ever privately discuss the comments that were received

1 A. Initially, no. I liked the idea of a coastal
2 precinct.

3 Q. You said initially no. Was there a point
4 during the redistricting process where you favored one
5 map over the other?

6 A. As it moved along after the first day or two
7 and it was, I guess -- I don't remember by whom --
8 brought to my attention about it being a coastal
9 precinct and the benefits -- some of the benefits
10 instead of having one commissioner that is responsible
11 for the coast.

12 Q. Did you ever hear any concerns during the 2021
13 redistricting process that Commissioner Apffel was not
14 doing a sufficient job representing the Bolivar
15 Peninsula?

16 A. No, sir, not at all.

17 MS. OLALDE: Objection.

18 THE WITNESS: Sorry.

19 MR. GEAR: Objection as to vagueness and
20 concerns from whom.

21 Q. (By Mr. Gear) Let me clarify. Did you ever
22 hear any -- any concerns expressed by your constituents
23 that Commissioner Apffel was not adequately
24 representing the interests of the Bolivar Peninsula?

25 A. No, sir.

1 Q. Did you ever hear any concerns expressed by
2 your constituents that the residents of Galveston
3 Island were not being adequately represented by their
4 commissioner?

5 A. No, sir.

6 Q. And so prior to the break you talked about the
7 goals for redistricting as you saw them, and I believe
8 you indicated that keeping your parents in your
9 district, keeping yourself in your district in part was
10 part of those goals. Do you recall that testimony?

11 A. Yes, sir.

12 Q. And I just want to be clear for the record,
13 and forgive me if I left anything out. I'm not
14 intending to do that. Can you completely state what
15 your goals were during the 2021 redistricting process?

16 MS. OLALDE: Objection; asked and
17 answered.

18 Go ahead.

19 THE WITNESS: Basically as I stated, to
20 level the populations amongst the precincts, to have
21 lines that were easier -- precinct lines, commissioner
22 precinct lines that were easier for the public to know
23 which precincts they were in. One goal was for me to
24 still live in my precinct, and another was I wanted to
25 keep my mom and dad in my precinct.

1 Q. (By Mr. Gear) Did you speak with any other
2 commissioners during the 2021 redistricting process
3 regarding continuing to live in their precinct under
4 the adopted plan?

5 A. No, sir.

6 Q. Do you have any personal knowledge if other
7 commissioners shared the same concern about being able
8 to continue to live in their precinct under the adopted
9 plan?

10 A. No, sir.

11 Q. Have you ever talked to Commissioner Holmes
12 about the needs of his constituents in Precinct 3?

13 MS. OLALDE: Objection; form, overbroad,
14 just wondering about period of time.

15 Q. (By Mr. Gear) Let me -- let me narrow the
16 time down. During the 2021 redistricting process.

17 A. No, sir.

18 Q. And then let me expand that time. From any
19 time period that you were elected as a commissioner to
20 the adoption of the commissioners court plan in 2021,
21 did you ever discuss with Commissioner Holmes the --
22 any issues related to the needs of his constituents in
23 Precinct 3, Commissioners Court Precinct 3?

24 A. No, sir, not that I recall.

25 Q. Are you familiar with the socioeconomic

1 community's significant interest in attending the 2021
2 special session prior to the special session?

3 A. I can't say I guess. So, yes, I was aware.

4 Q. And how did you become aware of their interest
5 in attending this special session?

6 A. I don't recall that.

7 Q. Did you become aware of that by any written
8 documentation?

9 A. No, sir.

10 Q. Did you receive phone calls related to the
11 interest of the African-American community attending
12 the special session? And again I'm talking about the
13 November 12th, 2021, special session.

14 A. No, sir, not that I recall.

15 Q. Prior to the November 12, 2021, special
16 session, were you aware of the significant interest of
17 the Hispanic community's interest to attend the special
18 session?

19 A. Along the same lines, yes.

20 Q. Do you recall where you learned that there was
21 interest in the Hispanic community to attend the
22 special session?

23 A. No, sir.

24 Q. Were you involved in any of the discussions to
25 set the November 12th, 2021, special session at

1 1:30 p.m. on a Friday?

2 A. No, sir.

3 Q. Did you have any concerns that setting it at
4 1:30 p.m. on a Friday would make it difficult for
5 middle and lower class citizens who work during the day
6 to actually attend the special session?

7 A. No, sir.

8 Q. So based on your anticipation that there would
9 be a significant turnout during the special session,
10 what, if any, accommodations -- additional
11 accommodations did the commissioners court make to
12 accommodate the potential crowd?

13 A. I think one thing that was done was Ms. Linda
14 Liechty again was -- there was a separate room open
15 because the room where we do the meetings isn't that
16 large. It was a separate room that was opened up that
17 had video set up in that room, as well as Ms. Linda
18 going up and down the halls signing people up that
19 wanted to speak.

20 Q. So let's talk about the -- and it's a
21 courtroom where the special session was conducted?

22 A. Yes.

23 Q. Let's talk about the courtroom itself. What
24 is the capacity -- the, lack of better word, people
25 capacity of the courtroom at the Calder annex?

1 A. Not knowing exactly, I'd say it's probably 60
2 people or so.

3 Q. And in the courtroom itself, was there a sound
4 system that was set up?

5 A. I know we have our sound system, but I don't
6 recall if there was another sound system that was set
7 up for the public or not.

8 Q. Do you recall any of the constituents that
9 were in attendance complaining about not being able to
10 hear the commissioners during the special session?

11 A. I remember there were people in the room at
12 the time that were, you know, doing the motion with
13 their hand that were in the back of the room like
14 trying to hear.

15 Q. Does that help refresh your recollection as to
16 whether or not there was a sound system that was set up
17 during the special session?

18 A. I don't remember. Usually there is I want to
19 say. I just don't recall.

20 Q. And you indicated that there was an additional
21 room that was opened up.

22 A. Yes.

23 Q. What's the seating capacity in the additional
24 room?

25 A. That I do not know. I don't know how the room

1 brought two map proposals with him to the meeting?

2 A. It could be the other two maps I was referring
3 to when I said four.

4 Q. Just to clarify, you're referring to earlier
5 in your testimony about having reviewed four maps?

6 A. That could be the other two.

7 Q. So you had an opportunity to review
8 Mr. Holmes' two maps sometime in October on your Zoom
9 meetings --

10 A. I don't --

11 Q. -- with the other commissioners?

12 A. I don't recall when it was, to be honest, if
13 it was then or if it was at this meeting when he
14 brought them. But I just knew I thought I had seen
15 four maps.

16 Q. Do you recall any other specific instances of
17 reviewing Mr. Holmes's two maps?

18 MS. OLALDE: Objection; misstates
19 testimony about having reviewed the maps.

20 But go ahead.

21 THE WITNESS: No, sir.

22 Q. (By Mr. Silberstein) Did you consider
23 Mr. Holmes' proposals at all?

24 A. Didn't have a lot of time to look at them, the
25 maps he brought to the meeting, but I think -- just

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

HONORABLE TERRY)
PETTEWAY, et al.)
) Case No. 3:22-cv-00057
VS.)
)
GALVESTON COUNTY, et)
al.)

ORAL AND VIDEOTAPED DEPOSITION OF MARK A. HENRY
JANUARY 17, 2023

ORAL AND VIDEOTAPED DEPOSITION OF MARK A. HENRY,
produced as a witness at the instance of the Plaintiff and
duly sworn, was taken in the above styled and numbered
cause on Tuesday, January 17, 2023, from 9:08 a.m. to
6:07 p.m., before Janalyn Elkins, CSR, in and for the
State of Texas, reported by computerized stenotype
machine, via Zoom, pursuant to the Federal Rules of Civil
Procedure and any provisions stated on the record herein.

EXHIBIT 12

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1 Q. Do the open meeting laws ever change?

2 A. I do not know.

3 Q. So you don't receive any updated training on
4 open meeting laws?

5 A. I'll make an assumption that if they change the
6 open meeting law, we would get trained on that in
7 training, but that's an assumption. It's not happened,
8 to my knowledge.

9 Q. Okay. I would like to show you a document now.

10 A. Yes.

11 Q. I'll ask -- Alexa is going to help us with the
12 document today. So pull up Tab No. 96. And this will
13 be marked Exhibit 1.

14 (Exhibit No. 1 was marked.)

15 Q. (BY MS. KLEIN) And it will show up -- it
16 should show up on your screen in a minute. We're going
17 to do screen share so that you don't have to worry about
18 moving things around yourself.

19 But while we do that, if you want to see
20 another part of a document, please instruct the -- Alexa
21 to scroll to that part as if you had it in your hand.

22 A. Okay.

23 Q. So do you recognize -- have you ever seen this
24 document before?

25 A. Not with -- again, this looks similar to the

1 training I had received in 2010.

2 Q. You might have seen a prior version of this?

3 A. That would be my assumption, yes.

4 Q. Okay. And just for the record, this document
5 says, (Reading:) Ken Paxon, the Attorney General of
6 Texas Open Meetings Act Handbook 2023 -- 2022.

7 So you might have seen the 2010 version of
8 this when you had that training?

9 A. Correct.

10 Q. Okay. We can take that document down.

11 Is it correct that each Commissioner's
12 Court meeting has to have time for public comment?

13 A. Yes.

14 Q. Is it your experience that individuals
15 regularly come to Commissioner's Court meetings to
16 provide that public comment?

17 A. It's rare.

18 Q. How often do people come?

19 A. Ten percent of the time, 20 percent of the time
20 maybe.

21 Q. Do they come to speak on specific agenda items?

22 MR. RUSSO: Objection, calls for
23 speculation.

24 THE WITNESS: They --

25 Q. (BY MS. KLEIN) I'll rephrase.

1 A. Okay.

2 Q. When they come, in your experience, when you
3 hear them comment, are the comments related to agenda
4 items that have been included on the agenda?

5 A. Probably half the time.

6 Q. Okay. The other half, what kind of things do
7 they comment on when they're not commenting on agenda
8 items?

9 A. It's really all over the place. Everything
10 from my husband is having an affair to we want more
11 water parks. I mean, there's -- there's nothing on the
12 agenda and they get three minutes to speak about
13 anything they wish.

14 Q. How far in advance must those notices we talked
15 to that append the agenda, how far in advance must those
16 notices be publicly released for regular meetings?

17 A. Seventy-two hours.

18 Q. And is it the same for special meetings as
19 well?

20 A. It is.

21 Q. This is a minimum time, right?

22 A. This is a minimum time.

23 Q. Has your office ever released notice with more
24 advance time than the minimum requirement?

25 MR. RUSSO: Objection, calls for

1 MR. RUSSO: Objection, vague and ambiguous.

2 THE WITNESS: People who don't want to pay
3 city taxes but want city services.

4 Q. (BY MS. KLEIN) Okay. What about income levels
5 on Bolivar Peninsula?

6 A. I would think they're -- I don't know. I would
7 think they're pretty respectable based on what it
8 probably costs to live there.

9 Q. So respectable you would mean on the high end?

10 A. On middle to upper, yes.

11 Q. What about Freddiesville?

12 MR. RUSSO: I'm sorry. What did you say?

13 THE WITNESS: Freddiesville, it's an
14 unincorporated part of Santa Fe.

15 I do not know much about the income level
16 of Freddiesville.

17 Q. What about Santa Fe?

18 A. Yes, very familiar with Santa Fe.

19 Q. What's the income level of that area?

20 MR. RUSSO: Objection, calls for
21 speculation.

22 THE WITNESS: I have no way of knowing.
23 But, I mean, based on the size of the lots there, again,
24 I'm going to assume that it's middle to upper.

25 Q. (BY MS. KLEIN) La Marque?

1 A. Yes.

2 Q. What's the income level of folks, to your
3 knowledge?

4 A. No idea.

5 Q. Texas City?

6 A. Same as somewhere else -- same as Galveston.
7 Parts of Texas City are probably economically depressed.
8 Parts of Texas City are very affluent.

9 Q. League City?

10 A. League City is a bedroom community, it's going
11 to generally be on the middle to upper end.

12 Q. And what about Dickinson?

13 A. Dickinson, same as Texas City, parts are going
14 to be somewhat more modest and somewhat -- some other
15 parts are going to be better off.

16 Q. What about the democratic -- demographic,
17 excuse me, makeup of these neighborhoods? Are you
18 familiar with the race or ethnicity that's predominant
19 in these different neighborhoods?

20 A. I mean, not specifically, no.

21 Q. What about generally?

22 A. Generally speaking, Santa Fe is probably going
23 to be mostly Caucasian, similar in League City. There's
24 going to be a higher African American population in
25 Hitchcock, La Marque, parts of Galveston, parts of Texas

1 City. Is that all you asked about? Does that cover
2 every place you asked about?

3 Q. Bolivar Peninsula?

4 A. Bolivar is going to be mostly White.

5 Q. Freddiesville?

6 A. Freddiesville -- Freddiesville is a place I
7 don't get too very often, so I don't know much about
8 Freddiesville.

9 Q. La Marque?

10 A. La Marque is probably more African American.

11 Q. And Dickinson?

12 A. Dickinson -- Dickinson is probably somewhat
13 half and a half. It's probably one of the more diverse
14 cities.

15 Q. I mean, you see demographic data as part of
16 your role as county judge, the presiding officer of the
17 county, right?

18 A. Honestly, I see it when we're doing
19 redistricting as it's presented to me and that's about
20 it.

21 Q. Okay. I would like to just pull up a document.
22 This is Tab 108. We're going to mark this as Exhibit 2,
23 I guess? 3. 2 was the deposition transcript.

24 (Exhibit No. 3 was marked.)

25 Q. (BY MS. KLEIN) So Judge, do you recognize this

1 A. I do not know. We -- I mean, the state
2 dictates what we're required to provide in Spanish and
3 we comply with that.

4 Q. All right. I have a little bit more
5 questioning and then if you want, we can take a break if
6 you feel or we can power through.

7 But --

8 MR. RUSSO: Up to the witness.

9 THE WITNESS: I'm fine for now.

10 Q. (BY MS. KLEIN) Do you recognize this slogan
11 "Keep Galveston County Red"?

12 A. That would be something the Republican Party,
13 I'm sure, put out there.

14 Q. Do you use that slogan when you campaign?

15 A. No.

16 Q. All right. I'd like to call up a document --

17 A. I don't see how it would benefit me so if I
18 should have, I don't.

19 MS. KLEIN: Alexa, can you call up Tab 91?
20 This will be Exhibit 6 for the record.

21 (Exhibit No. 6 was marked.)

22 Q. (BY MS. KLEIN) This is another one of the
23 Facebook posts for your Judge Mark Henry Facebook
24 account. So do you recall encouraging voters to vote in
25 order to, quote, Keep Galveston County Red?

1 A. I would certainly encourage voters to vote
2 Republican, which is essentially the same as voting red,
3 yes.

4 Q. So Keep Galveston County Red to you means keep
5 Galveston County run by Republicans, correct?

6 A. Yes.

7 Q. Do you know where that slogan came from?

8 A. No.

9 Q. All right. If we scroll down here to the
10 November 8th post -- first of all, this is your -- this
11 is your Facebook account, right? We've talked about --

12 A. It's my official -- but yeah.

13 Q. Okay. Any other posts that I've shown you also
14 look like your official account as well?

15 A. Yes.

16 Q. So that November 8th post says (Reading:) Have
17 you voted yet? Today is election day. Your last day to
18 vote. Polls are open until 7:00 p.m. tonight. Get out
19 and vote Republican all the way down the ballot and keep
20 Galveston County red.

21 A. Okay.

22 Q. This was posted at your direction?

23 A. No, but I probably would have approved it if
24 they asked me.

25 Q. You don't remember specifically approving this

1 one?

2 A. No.

3 Q. Or any election posts?

4 A. No.

5 Q. But you do approve of that message?

6 A. Sure.

7 Q. When did that slogan first -- when were --
8 strike that.

9 When were you first aware of that slogan,
10 "Keep Galveston County Red"?

11 A. I have no idea. I guess it would be after
12 2010, but I have no specific idea.

13 Q. Why after 2010?

14 A. Because that that's when we turned the county
15 red.

16 Q. And that's -- just to clarify, that's when
17 Commissioner's Court flipped from majority Democrat to
18 majority Republican, correct?

19 A. Correct. And every county-wide Republican that
20 ran got elected even though that some of them shouldn't
21 have.

22 Q. Okay. So would you consider it a professional
23 goal of yours to keep Galveston County red?

24 A. I consider it a professional goal to keep my
25 job.

1 Q. But also to keep Galveston County red?

2 A. I truly do what I can for all of the
3 candidates. So -- so Republican candidates, of course.

4 Q. And what about personally, is it a personal
5 goal of yours to keep Galveston County red?

6 A. I believe that we have demonstrated good
7 governance and would like to keep it that way, yes.

8 Q. Why in your mind -- well, let me ask you this.
9 Is Galveston at any risk of not staying
10 red?

11 A. I don't know. I wouldn't think so, but I don't
12 know.

13 MS. KLEIN: All right. This is where we
14 could take a break, but I'm happy to just keep on going
15 on.

16 THE WITNESS: Keep going.

17 MS. KLEIN: Okay. Is that okay with the
18 other parties?

19 Q. (BY MS. KLEIN) All right. We're going to
20 switch gears a little bit. We're going to talk about --
21 I'm going to ask you about redistricting in 2011.

22 A. Okay.

23 Q. So you served as county judge during the
24 redrawing of Commissioner's Court precincts in 2011,
25 right?

1 MR. RUSSO: Let her ask her question.

2 Q. (BY MS. KLEIN) (Reading:) Henry said he asked
3 those creating the maps to start with the existing
4 precinct lines as a baseline and make adjustments from
5 there. Those lines were -- quote, those lines were good
6 enough in 2001 so I am hoping they should be okay this
7 time around, Henry said. I am hoping the firm didn't
8 start from scratch.

9 A. Okay. Apparently, I said that in 2011.

10 Q. Do you have any reason to think that statement
11 was reported inaccurately?

12 A. From the Daily News, yes, very well could have
13 been.

14 Q. Would you have stopped to correct that if it
15 had been reported inaccurately?

16 MR. RUSSO: Objection, calls for
17 speculation.

18 THE WITNESS: Yes, we spend a lot of time
19 asking for corrections.

20 Q. (BY MS. KLEIN) Would your counsel have
21 appended an article with an inaccurate statement to your
22 preclearance submission to the US Department of Justice?

23 MR. RUSSO: Objection, calls for
24 speculation.

25 THE WITNESS: I don't know. And I don't

1 know what I meant by that statement.

2 Q. (BY MS. KLEIN) Do you dispute that you made
3 this statement?

4 A. I can't say for sure I did or not. But the
5 Daily News misquotes people on a regular basis.

6 Q. Do you know specifically if you're misquoted
7 here?

8 A. No, I do not know one way or another.

9 Q. Does it sound like something you would say?

10 A. No.

11 MR. RUSSO: Objection, asked and answered.

12 Q. (BY MS. KLEIN) Do you remember if Commissioner
13 Clark was involved at all in drawing the 2011 map?

14 A. I'm sure he was.

15 Q. Why do you say that?

16 A. That was what he liked to do.

17 Q. How was -- what was his involvement, to your
18 knowledge?

19 A. He would have liked to have gotten down to the
20 individual street and street address.

21 Q. What do you mean by "gotten down"?

22 A. This is what he liked to do. He liked drawing
23 maps. He liked moving precinct lines around. I did my
24 best to limit that as much as I could. But he would
25 certainly have tried if he could.

1 Q. Do you remember him providing guide maps to the
2 redistricting counsel in the 2011 cycle?

3 A. I don't recall that. It wouldn't surprise me,
4 but I don't recall that.

5 Q. You did not consult with any representatives of
6 the Black or Latino community in Galveston about the
7 2011 commissioner's map during that redistricting
8 process, correct?

9 A. I did not specifically reach out to them. But
10 we certainly took all input that showed up.

11 Q. And you didn't have any meetings with your two
12 Democratic colleagues at the time on the court other
13 than in the public hearings, right?

14 A. Not allowed to.

15 Q. Commissioner Holmes proposed a plan in 2011; is
16 that right?

17 A. I do not remember that. He may have.

18 Q. Do you remember that plan mostly kept
19 Precinct 3 intact without adding Bolivar Peninsula?

20 MR. RUSSO: Objection, asked and answered.

21 THE WITNESS: I don't remember maps, so I
22 don't remember that.

23 Q. (BY MS. KLEIN) Do you remember whether you
24 voted for his map?

25 MR. RUSSO: Objection, asked and answered.

1 Calls for speculation.

2 THE WITNESS: I don't think there was a
3 vote on the map. Not that I remember.

4 Q. (BY MS. KLEIN) Would it surprise you if there
5 was a vote, you voted against it?

6 A. I'd need more details as to -- was it run
7 through the demographer? Do we know it was legally
8 compliant? Did it meet all the criteria we had set
9 forth? So I would want to know the answers to that
10 first.

11 Q. I'm hoping you can provide some of that
12 information.

13 A. Cannot.

14 Q. But you don't remember?

15 A. I do not.

16 Q. Okay. Let's talk a little bit about the
17 process. You just mentioned criteria. Did the
18 Commissioner's Court vote on criteria in the 2011 cycle?

19 A. I can't -- I think we did. I don't remember.

20 Q. The Commissioner's Court had voted on criteria
21 in previous cycles, to your knowledge?

22 A. I believe that to be correct, yes.

23 Q. And -- but you don't remember whether you voted
24 for criteria in a public meeting in the 2011 process?

25 A. I did everything that our legal counsel told us

1 have actually been October because I think that we had
2 a -- potentially a draft map or at least he was giving
3 us an idea of his concept maybe.

4 Q. Commissioner Apfel was giving an idea of his
5 concept?

6 A. Dale was giving us an idea.

7 Q. And how did you decide that Commissioner Apfel
8 should be in that meeting as opposed to another
9 commissioner?

10 A. Probably availability.

11 Q. What about Commissioner Stephen Holmes, was he
12 ever included in any meetings with you and redistricting
13 counsel?

14 A. No one else was except Commissioner Apfel. I
15 couldn't. That would be a quorum election.

16 Q. You mean, if there were three, it would be a
17 quorum?

18 A. To even discuss it with him. If I have
19 discussed it with Commissioner Apfel, for me to go
20 discussing it with any other commissioners is an open
21 meetings violation.

22 Q. So instead you had Tyler and Paul check in with
23 the other commissioners; is that right?

24 A. To my understanding, the -- and was it Tyler or
25 was it Jed at the time -- just made sure that they were

1 connected to Dale. But they all got meetings set up.
2 And as far as I know, they all met with Dale at least --

3 Q. So you wanted Dale to speak with every
4 commissioner --

5 A. Yes.

6 Q. -- about redistricting?

7 Was it ever shared with you what other
8 commissioners had -- the preferences of other
9 commissioners for redistricting?

10 A. Other than -- because I was in there with him,
11 Commissioner Apfel had asked that we move one line like
12 half of a block because he was either buying a house or
13 owned a house. Other than that, no.

14 Q. So in that September 8th meeting, and I don't
15 want to know the specifics of what was discussed, but
16 you had -- you viewed maps in some manner on
17 September 8th?

18 A. I think so.

19 Q. And Dale -- Commissioner Apfel was giving his
20 preferences for where the line should be drawn?

21 A. I believe that to be correct, yes.

22 Q. Did you share preferences for how you wanted
23 the lines to be drawn?

24 A. No. I'm county lines. I honestly don't care
25 where the lines are.

1 Q. Well, is that true because didn't -- didn't we
2 talk about -- see statements from you in 2011 about how
3 you wanted, you know, Bolivar connected to Precinct 3?

4 A. Well, in 2011 it may have been different.
5 Generally -- but trying to differentiate. Precinct
6 commissioners can get extremely protective of graveyards
7 and schools and all the stuff.

8 I don't have that level of detailed
9 interest. I mean, I want to make sure the lines are
10 compliant and that everything is, you know, balanced
11 appropriately. But since I'm county-wide, I don't --
12 I'm not trying to make sure my grandmother's house is
13 still in my precinct. I'm not trying to make sure all
14 these little things they care deeply about, they don't
15 impact me like that.

16 Q. I understand. You also said you felt strongly
17 about this coastal precinct, right?

18 A. That's something that had been coming for
19 years, yes.

20 Q. So is it fair to say like in general terms you
21 carried about the configuration of the precincts?

22 A. In general terms I thought it would be far more
23 efficient for our county to have one commissioner
24 responsible for all coastal issues.

25 Q. And then -- the specific lines you're saying

1 you didn't?

2 A. After -- as long as -- to me, as long as we
3 joined Bolivar, Galveston, and that's really it, then
4 the rest of the lines are not that important.

5 Q. And we'll get into this more later. But that
6 concept of having a coastal precinct, did you share any
7 other -- strike that.

8 Did you have at the beginning of this
9 redistricting process in August any other conceptual
10 preferences other than this coastal precinct?

11 A. Not really.

12 MS. KLEIN: Okay. This is a good time for
13 us to stop if folks want to get lunch.

14 MR. RUSSO: No worries.

15 VIDEOGRAPHER: The time is 12:35. Off the
16 record.

17 (Brief recess.)

18 VIDEOGRAPHER: The time is 1:36. Back on
19 the record.

20 Q. (BY MS. KLEIN) Judge Henry, other than the
21 issue of the privilege with your -- with your counsel,
22 did you discuss your testimony here today with anybody
23 else?

24 A. No.

25 Q. Did you talk about issues unrelated to

1 Q. (BY MS. KLEIN) But, you know, had he sent a
2 markup, that would be the version you would pass in the
3 end, right --

4 A. Probably.

5 Q. -- because you would have wanted to?

6 MR. RUSSO: Objection, calls for
7 speculation.

8 MS. KLEIN: Sorry, Ms. Elkins.

9 Q. (BY MS. KLEIN) So -- because you had wanted to
10 put something on the agenda?

11 A. No, that is not accurate. I am -- I was merely
12 saying this is what they did in 2001. Is that what we
13 do again this time? That does not mean I wanted to do
14 that.

15 Q. Where do you say -- where do you say that in
16 this email chain?

17 A. Where do I -- I don't say that I want this
18 done. I say this is what they did in 2001.

19 Q. You said, (Reading:) I would like to have it
20 on the agenda for Tuesday.

21 Right?

22 A. If it was required.

23 Q. But that's not in this email, right?

24 A. No.

25 Q. You're saying, I'd like to have it on the

1 agenda. Do you see any issues with that? Right?

2 A. Correct.

3 Q. All right. I don't have any further questions
4 on that. Thank you. We can switch gears a little bit.

5 And we'll go -- zoom back forward to 2021.

6 And we got into this a little before the map drawing
7 process. But the county posted two proposals on its
8 county website on October 29, 2021; is that right?

9 A. That seems correct, yes.

10 Q. And this website posting was done at your
11 direction, correct?

12 A. Yes.

13 Q. How -- so you decided what specifically would
14 be included on the website; is that right?

15 A. It's typically what would be included as far as
16 the draft maps.

17 Q. As far as the content of the website?

18 A. I don't recall if we had a separate website or
19 if this was just part of our county website.

20 Q. Okay. Let's pull it up. This is Tab 60. It
21 will be Exhibit 28.

22 (Exhibit No. 28 was marked.)

23 Q. (BY MS. KLEIN) Does this look familiar to you?

24 A. Yes. I just don't -- I think this was on our
25 county website. I don't think we had a dedicated

1 website just for this.

2 Q. Let's scroll down to the bottom. That URL you
3 see at the bottom Galveston County, is that the county
4 website?

5 A. Yes, that's the county website.

6 Q. And then it says, county-judge/redistricting.
7 So does this mean it was kind of within your part of the
8 county website?

9 A. It would more likely mean that my office was
10 just the one who -- who asked that it be published.

11 Q. Okay. So fair to say you decided what content
12 would be on this website that you had requested to be
13 published?

14 A. Is the content just the two maps?

15 Q. Well, let's look at all the content. So
16 there's the two maps.

17 MS. KLEIN: And then, Alexa, can you scroll
18 down?

19 Q. (BY MS. KLEIN) And then there's this area
20 (indicating). And then I think that's the end of it.
21 So it's just these three pages.

22 MS. KLEIN: And Alexa, scroll back up.

23 Q. (BY MS. KLEIN) So was it your office that
24 decided what would be included on this website?

25 A. Yes. The maps that we had available, yes.

1 explanation of census data results on this web page?

2 A. I don't see any.

3 Q. So if somebody wanted to see, you know, what
4 had changed since the 2010 census or even just what the
5 numbers were, what would they have to do?

6 MR. RUSSO: Objection, calls for
7 speculation.

8 THE WITNESS: I assume go to the Census
9 Bureau's website.

10 Q. (BY MS. KLEIN) They couldn't get that from the
11 county, right?

12 A. I do not know if ever we put that on our
13 website, but it was on the Census Bureau's website.

14 Q. And there's no breakdown for each of these
15 maps of -- can you scroll back up. There's no breakdown
16 of the deviations or, you know, how many people are in
17 each of these precincts on these maps, right?

18 A. I don't see that.

19 Q. There's no racial demographic breakdown of
20 these maps?

21 A. I don't see it.

22 Q. And there's no partisan information?

23 A. I think there's some.

24 Q. Okay. Any other analytics on this website
25 about these maps other than the pictures?

1 A. Doesn't look like it.

2 Q. So let's go back to the specific criteria that
3 you were actually -- if any that you were using when you
4 were deciding which map to -- which maps should be
5 drawn.

6 So you mentioned this coastal precinct
7 equalizing populations, I've understood, and then a
8 general, like, legally compliant, right? Were there any
9 other specific criteria that you were thinking about
10 when you were giving input on what the proposed map
11 should look like?

12 A. No.

13 Q. What about the other commissioners, do you know
14 what criteria they might have had in mind when they were
15 providing feedback about what the proposed map should
16 look like?

17 A. No. Other than like I said, Commissioner Apfel
18 had asked that a street he moved over for a house that
19 either he owned or was buying or something like that.
20 Other than that, I would not have known any other
21 commissioners' requests, if they even had any.

22 Q. All right. I would like to go to another
23 exhibit. But actually, if you would like to take a
24 break, this is an okay time to stop.

25 A. I'm fine.

1 know when they were finalized?

2 A. No, I don't.

3 Q. Okay. Do you know if these criteria 1 to 6 are
4 listed in order of priority?

5 A. Only -- I mean, I would say that No. 1 is the
6 highest priority, make sure they don't do anything that
7 they can't do. Other than that, I haven't -- I haven't
8 seen the others to see if they are or not.

9 Q. Okay. We'll go through them and then I'll ask
10 you the question at the end.

11 A. Okay.

12 Q. So the first factor that you said, (Reading:)
13 Compliance with the requirements under the 14th
14 Amendment to the US Constitution and Voting Rights Act,
15 what was your understanding of the requirements of the
16 Voting Rights Act in adopting the 2021 plan?

17 A. I wouldn't have one. That's, again, why we're
18 going pay to lawyers to do their job.

19 Q. So you didn't have an understanding of what the
20 Voting Rights Act would require when you were
21 considering whether to adopt Map 2 or Map 1?

22 MR. RUSSO: Objection, misstates prior
23 testimony.

24 THE WITNESS: My understanding is that the
25 Voting Rights Act has changed some. So, no, this is not

1 something that I keep track of. And this is why we have
2 a lawyer who are well versed in this area of the law.

3 Q. (BY MS. KLEIN) The second sentence says,
4 (Reading:) In particular, the most important factor in
5 crafting the redistricting lines for the Commissioners
6 Court precincts was the equalization of population and
7 to make the four Commissioners Court precincts
8 geographically sound.

9 A. Okay.

10 Q. What does geographically sound mean?

11 A. As compact as you can get them is how I
12 interpret this. Understanding this is a document from
13 the court, not just from me.

14 Q. It's from your counsel.

15 A. Correct. But I think -- well, I believe on
16 behalf of the court, not just me.

17 Q. Okay.

18 MR. RUSSO: Court meaning?

19 THE WITNESS: Commissioner's Court.

20 Q. (BY MS. KLEIN) Commissioner's Court, yeah.

21 Okay. The second factor is unified
22 representation on Galveston Island and Bolivar
23 Peninsula.

24 MS. KLEIN: If we scroll down, Alexa. Just
25 make sure I got that right.

1 Q. (BY MS. KLEIN) Do you see that, the second
2 factor?

3 A. Yes. And that was probably more important to
4 me than the rest of the court.

5 Q. So that criteria was listed at your insistence;
6 is that right?

7 A. It was a request. It wasn't an insistence.
8 If -- if Dale had told me that we can't make it happen,
9 then that's okay, then it can't happen.

10 Q. Were any other -- was uniting any other
11 communities ever considered as a factor during the
12 redistricting process, to your knowledge?

13 A. To my knowledge, no.

14 Q. Not by you?

15 A. Not by me anyway.

16 Q. So, like, for example, like, keeping Precinct 3
17 together was not a factor that you felt was important?
18 Like you had felt uniting Galveston Island and Bolivar
19 Peninsula was important, right?

20 A. Correct.

21 Q. And you said before that you wanted one
22 commissioner to unite all of the coast. Can you tell me
23 why in your mind it's better for one commissioner rather
24 than two to be attentive to these issues?

25 A. Yes. Because there are probably a dozen issues

1 that only affect the coastline. It is extremely
2 difficult to even keep one commissioner really up to
3 speed on CEPRA, GOMESA, seaweed, uncapped oil heads. I
4 mean, there's just so many issues that only deal with
5 the coastline that having one commissioner, and
6 hopefully myself, able to keep our hands wrapped around
7 it is difficult trying to get three commissioners plus
8 myself, turned out to be impossible.

9 Q. What about just two commissioners and yourself?

10 A. The -- the fewer the better. We -- we went
11 through this -- we go through this every day. GOMESA is
12 a great example. It's a fund and I can't even recall
13 now how it gets funded or what it's being used on, but
14 every single time we have to reeducate ourselves on what
15 it is and how to use it.

16 Q. But if you had three total, yourself and two
17 commissioners, you'd have a majority, right?

18 A. It's not the -- it's not a majority thing.
19 Most of our things, believe it or not, pass unanimously.
20 It's a -- we -- you know, court hears what we have and
21 here's what we can use it for. I'm proposing this.

22 When a county commissioner makes a
23 recommendation I'm almost always nearly 100 percent
24 supporting them and the rest of the court would
25 generally say, well, it's not our precinct. If -- if

1 that commissioner and the Judge says that what we should
2 do, that's what we're going to do.

3 Q. What about any studies on this issue of a
4 single coastline precinct being better, did you ask for
5 any studies or -- during the process on that issue?

6 A. Studies cost money and I don't need to pay
7 somebody to tell me that having one person knowledgeable
8 on these issues is better than two or three.

9 Q. Okay. We can scroll down. How is it that you
10 determined that -- so the new -- strike that. Sorry.

11 So the new coastal precinct, which
12 commissioner was going to represent that coastal
13 precinct?

14 A. Commissioner Giusti.

15 Q. How did you decide it would be Commissioner
16 Giusti?

17 A. I didn't. It's where his house fell. So upon
18 Map -- Map No. 2, that's the one we adopted, Map No. 2,
19 he lived in the coastal precinct. And that's -- at some
20 point in that time frame I just went and said, "I want
21 to make sure you're okay with this because I don't want
22 to force you on it if you don't want to do it." And he
23 said, "I'm fine with it. I like it."

24 Q. Didn't -- isn't it right that Commissioner
25 Apfel actually represented a significant portion of the

1 coastline in the prior, the benchmark map?

2 A. He would have had Bolivar only. I think. Oh,
3 now, see, I'm not even positive. He may have had part
4 of Galveston as well. Commissioner Holmes had a part of
5 Galveston. Commissioner Giusti had a part of Galveston.
6 Commissioner Apfel may or may not have had part of
7 Galveston. I don't remember. But he had Bolivar for
8 sure.

9 Q. Did you look at any studies, for example, of
10 what areas of the county were, like, impacted by
11 flooding issues and try to unite them or something like
12 that?

13 A. We get flood maps from FEMA. But I do not know
14 how that would be helpful in our redistricting map.

15 Q. So you don't think the person that drew the map
16 for you considered that type of thing when they decided
17 to do a coastal precinct?

18 A. Flooding?

19 Q. Looking at, you know, that or similar studies
20 to decide where the lines should be drawn.

21 A. I don't know.

22 Q. You never instructed anybody to do that when
23 drawing the lines?

24 A. No.

25 Q. The third factor, let's go down to the third

1 factor, is -- the third factor considered was the
2 compactness of the commissioner court precincts. What
3 does "compactness" mean to you?

4 A. Trying to keep them as close to a square or
5 rectangle as possible, which isn't possible but just as
6 close as we can.

7 Q. Did you see any specific measurements of
8 compactness when you were reviewing proposals?

9 A. Specific measurements? You mean -- I mean,
10 population is what's going to have to drive it
11 ultimately. But do you mean like metes and bounds or
12 what exactly do you mean?

13 Q. So there's -- for example, there's compactness
14 scores that are commonly used when this polls be popper
15 (phonetic). Does that ring any bells?

16 A. No.

17 Q. Anything like that, you know, a compactness
18 score, for example, that you can recall looking at?

19 A. No.

20 Q. This factor said -- the next sentence says,
21 (Reading:) The commissioners wanted a map that was
22 geographically compact. The goal was to have a map that
23 made geographic sense, a geographically sound map.

24 So when this says the commissioners wanted
25 a map that was geographically compact, do you know that

1 to have been true for the other commissioners?

2 A. Do not know.

3 Q. And then the goal was to have -- the last
4 sentence says, (Reading:) There was a sense that the
5 prior map looked gerrymandered.

6 Do you agree with that statement?

7 A. I do.

8 Q. What does "gerrymandered" mean to you?

9 A. Moving lines in a -- in not necessarily in a
10 sensible manner in order to achieve a specific goal.

11 Q. And which part of the prior map looked
12 gerrymandered?

13 A. Precinct 3. And I understand it had to be
14 so...

15 Q. What do you mean it had to be?

16 A. My understanding from the 2011 redistricting is
17 we had to make every effort to keep a majority/minority
18 precinct. And the only way we could achieve that was to
19 have the precinct look like it did.

20 Q. So you knew that by changing things the way you
21 did in Map Proposal 2 you were getting rid of that
22 majority/minority precinct, right?

23 MR. RUSSO: Objection, calls for
24 speculation.

25 THE WITNESS: And what I know would have

1 Map Proposal 2?

2 A. I thought it was less than that. But that's
3 certainly within allowable tolerances.

4 Q. And then the next question -- the next sentence
5 says, (Reading:) This map has a lower population
6 deviation than Map Proposal 1, which is a population
7 deviation of 2.5 percent.

8 Do you see that?

9 A. Yes.

10 Q. Were you aware of that fact when you voted for
11 Map Proposal 2?

12 A. I doubt I was aware of the exact percentage.
13 I'm sure I was aware that both of them complied with the
14 population reallocation.

15 Q. Did you care that Map Proposal 2 had a smaller
16 deviation than Map Proposal 1?

17 A. That's better, but 2.5 is also acceptable.

18 Q. Were you aware that maps with the same
19 configuration roughly as Map Proposal 1 could have been
20 drawn with smaller deviations?

21 MR. RUSSO: Objection, vague and ambiguous.

22 THE WITNESS: Yeah, I don't -- I don't know
23 how I would have known that.

24 Q. (BY MS. KLEIN) You never asked anyone if that
25 was possible?

1 A. No.

2 Q. Let's go to the bottom -- let's go to the
3 bottom of Page 8, please, of the interrogatory
4 responses. I'm going to skip the discussion of the
5 Bolivar Peninsula. I think we covered that. And I'm
6 going to skip the question about compactness. But can
7 you keep going to Page 9.

8 So it says, (Reading:) The enacted map
9 successfully choose the fourth factor because it splits
10 nine voting precincts out of a total 96 precincts.

11 Right?

12 A. Yes.

13 Q. Those 96 precincts we discussed before, those
14 voting precincts were passed either on the same day or
15 after the new map, correct?

16 A. That would make sense, yes.

17 Q. So do you recall that there were actually a
18 different number of precincts before new voting
19 precincts were enacted?

20 A. I don't follow that. What?

21 Q. There are 96 voting precincts now, but do you
22 remember that there was a different number of voting
23 precincts, you know, before 2021?

24 A. It should have been similar.

25 Q. Can you tell me why you were concerned about

1 splitting precincts if you -- if the court was just
2 going to change the precincts anyway after the new map?

3 A. I don't think we did. I think we split the
4 voting precincts that had overpopulation and had to be
5 split --

6 Q. Okay.

7 A. -- in order to get below 5,000 -- I can't
8 remember if it's people or voting age people per
9 precinct.

10 Q. But you could change -- you could have changed
11 the voting precinct lines any way that you wanted,
12 right?

13 A. I suppose we could have.

14 Q. Why didn't you change them so there were no
15 split precincts at all?

16 A. We had no choice but to split the overpopulated
17 precincts.

18 Q. No. But why -- why couldn't you enact new
19 voting precincts so that none of them were split between
20 any of the county commissioner districts at all?

21 A. I'm not understanding this.

22 Q. So you can change the voting precincts to look
23 however you want, right?

24 MR. RUSSO: Object, it calls for a legal
25 conclusion.

1 we didn't have any information to work with for the
2 longest time.

3 Q. Why would sooner be better?

4 A. Because it's one thing I can get done and
5 accomplished.

6 Q. And you'd agree this time it was all the way to
7 the last minute, right?

8 A. Yes.

9 MS. KLEIN: I don't have any further
10 questions. I defer to counsel if they want to --

11 Thank you, Judge Henry.

12 I defer to the other counsel if they want
13 to go off the record to streamline questioning a little
14 bit.

15 MS. JAYARAMAN: Do you mind if we go off
16 the record shortly?

17 MR. RUSSO: How much time?

18 MS. JAYARAMAN: Ten minutes?

19 THE WITNESS: True ten or --

20 MS. JAYARAMAN: True ten.

21 THE WITNESS: -- or like the last five?

22 MS. JAYARAMAN: No, no, no, true ten.

23 MR. RUSSO: Take ten.

24 VIDEOGRAPHER: The time is 4:37. Off the
25 record.

1 (Brief recess.)

2 VIDEOGRAPHER: The time is 4:49. Back on
3 the record.

4 EXAMINATION

5 Q. (BY MS. JAYARAMAN) Good afternoon, Judge
6 Henry.

7 A. Good afternoon.

8 Q. My name is Tharuni Jayaraman, and I'm one of
9 the attorneys representing the United States. I have a
10 few more questions to ask you today, and I'm going to do
11 my best to not overlap with Ms. Klein's questions.

12 A. Okay.

13 Q. So Judge Henry, the late Commissioner Ken Clark
14 passed away on May 8, 2022, correct?

15 A. That seems correct, yes.

16 Q. And then you appointed Robin Armstrong to fill
17 the late Commissioner Ken Clark's seat, correct?

18 A. Correct.

19 Q. And you made that appointment on May 17, 2022;
20 is that correct?

21 A. That sounds correct.

22 Q. If I were to represent to you that you made
23 that appointment on May 17, 2022, do you have any
24 doubt -- reason to doubt that?

25 A. No.

1 Q. And did you discuss filling the late
2 Commissioner Ken Clark's seat with Commissioner Apfel?

3 A. No.

4 Q. Why not?

5 A. The constitution dictates that I shall fill the
6 seat. It doesn't say that I shall consult with
7 commissioners.

8 Q. And did you discuss filling the late
9 Commissioner Ken Clark's seat with Commissioner Giusti?

10 A. No.

11 Q. Did you discuss with Commissioner Holmes?

12 A. No.

13 Q. And is the reason because of what you just said
14 regarding Commissioner Apfel?

15 A. Yes.

16 Q. And did you discuss filling the late
17 Commissioner Ken Clark's seat with any members of your
18 staff?

19 A. I'm not clear. Are you saying did I discuss
20 appointing them or discuss the vacancy with them?

21 Q. The vacancy.

22 A. Yes, I'm sure I did with Tyler Drummond.

23 Q. Can you describe those discussions with
24 Mr. Drummond?

25 A. Yes. Just to put some context, the family

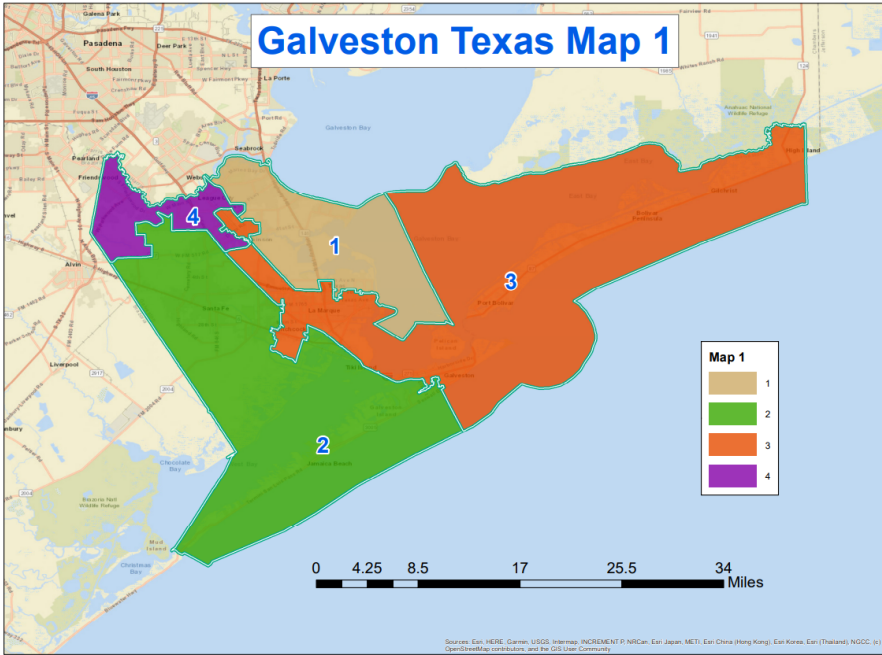
Redistricting

Galveston County Commissioners Proposed Precincts

The Galveston County Commissioners Court will be discussing and voting to redistrict county commissioner's precincts in the next few weeks. Below are the two proposed maps that will be considered. Public comment is now open for county residents via the form on this page.

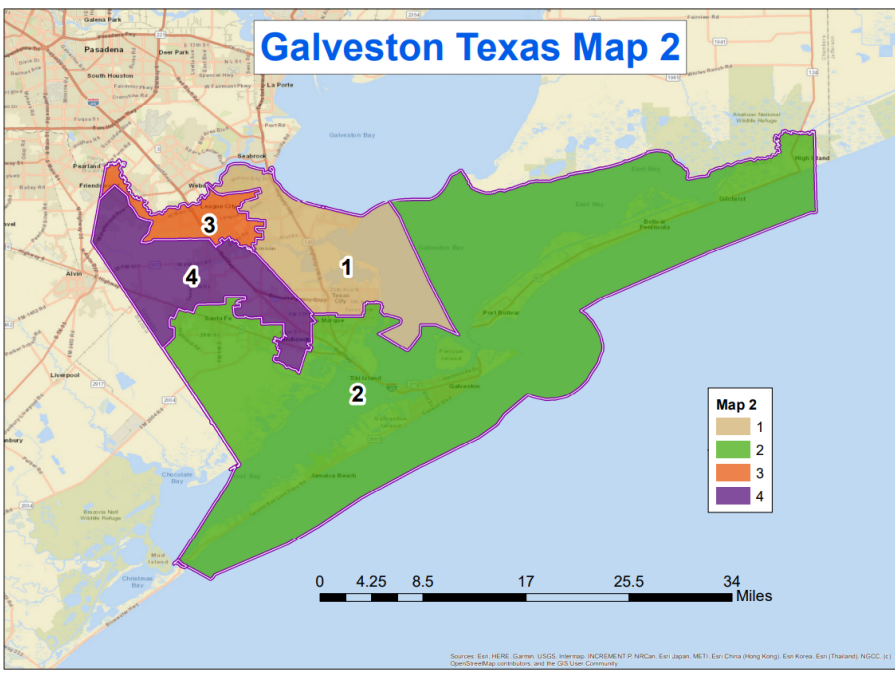
Interactive Redistricting Maps

You may click on the map to access an interactive version.



Proposed Redistricting Map 2

You may click on the map to access an interactive version.



**Exhibit
0028**
 1/17/2023
 Mark Henry

Public Comment

Full Address

Street Number and Name

Unit Number

City *State/Province/Region*

Postal/ZIP Code

Full Name

First Name *Last Name*

Comment

500 Character limit 500 characters

To receive a copy of your submission, please fill out your email address below and submit.

Email Address

I'm not a robot reCAPTCHA
Privacy - Terms

EXHIBIT 1

EXHIBIT 13

IN THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN
DISTRICT OF TEXAS GALVESTON
DIVISION

TERRY PETTEWAY et al.,

Plaintiffs,

v.

GALVESTON, TEXAS et al.,

Defendants.

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Civil Action No. 3:22-CV-00057

**DECLARATION OF DALTON L. OLDHAM IN SUPPORT OF DEFENDANTS’
OPPOSITION TO BOTH PRIVATE PLAINTIFFS’ AND THE UNITED STATES’
MOTIONS TO COMPEL**

I, Dalton L. Oldham, pursuant to 28 U.S.C. § 1746, do declare under the penalty of perjury that the following is true and correct:

1. My name is Dalton L. Oldham and I am above the age of 18 and I am otherwise competent to testify.
2. The facts contained in this affidavit are within my personal knowledge.
3. I have practiced redistricting law for almost 34 years.
4. I provided legal advice and representation to Galveston County during the 2011 round of redistricting. I was then associated with the law firm of Beirne, Maynard & Parsons, L.L.P. when I provided these legal services. I also represented Galveston County in the litigation regarding the 2011 Commissioners Court precinct map and the subsequent Justice of the Peace and Constable districts. During the 2021 redistricting process, because

of my experience in the 2011 litigation, I was aware that litigation over redistricting in Galveston County was both ongoing and anticipated. In fact, some of the same counsel that I was opposed to in 2011 have sued the county here in the instant lawsuit. During the 2021 redistricting process, I anticipated that these attorneys would build a case against the county Commissioner Court precincts and file a lawsuit.

5. On or about April 5, 2021, Galveston County retained the law firm of Holtzman Vogel to provide “legal representation and advice regarding redistricting in Galveston County, Texas, including provision of a technical expert to draw the map.”

6. I associated with Holtzman Vogel in the provision of legal services during the 2021 redistricting cycle.

7. Just as I did in 2011, I provided Galveston County with legal advice and services relating to the creation of the Galveston County Commissioners Court precincts and subsequent Justice of the Peace and Constable Districts.

Redistricting Process

8. In September of 2021, I had telephone conference calls with each of the Commissioners and County Judge Henry. The purpose of these phone calls was for me to conduct fact-finding conversations with my clients, the Commissioners and County Judge Henry, about the changes that they wanted to make to the boundaries of the Commissioners Court precincts. My purpose on the calls was to gather facts from my clients to assist me in providing legal advice about the legal implications of what my clients were requesting. It also assisted me in conducting legal analysis to ensure a map that complied with the U.S. Constitution and the Voting Rights Act.

9. Then, on or around October 15, 2021, I began working with Tom Bryan who, as a map-drawing expert and the one who drew the maps here, was helping Jason Torchinsky, Phil Gordon, and myself to provide legal advice to Galveston County.

10. At my direction, Mr. Bryan prepared initial baseline maps. These maps were drafted to assist me in providing legal advice. I needed to see what was legally permissible in Galveston County under the U.S. Constitution and the Voting Rights Act. I also needed to determine if my clients' requests were legally permissible under the U.S. Constitution and the Voting Rights Act.

11. Importantly, these maps were never shown to the Commissioners or County Judge Henry or any of their respective staff members.

12. I met with County Judge Henry and the Commissioners individually or in pairs of two on or about October 19, 2021. I showed them only two maps, the first drafts of what became Map Proposal 1 and Map Proposal 2.

13. The purpose of these meetings was to receive feedback from the Commissioners on this initial draft and provide legal advice concerning the legal implications of my clients' feedback.

14. Based upon my legal analysis of my clients' feedback, I instructed Mr. Bryan to adjust the contours of Map Proposal 1 and Map Proposal 2.

15. When these adjustments were completed, on or about October 21, 2021, I concluded that the maps comported with what my clients requested and complied with the U.S. Constitution and the Voting Rights Act. I then concluded that Map Proposal 1 and Map Proposal 2 were ready for publication and consideration for the Commissioners Court

as a whole and by the public.

16. All that remained to be completed with Map Proposal 1 and Map Proposal 2 was that the underlying data needed to be refined. These updates were shared with Holtzman Vogel and Galveston County's General Counsel. The lines contained in the shapefiles for Map Proposal 1 and Map Proposal 2 were not altered. This process was done between October 21, 2021 and October 28, 2021.

17. During the drafting of the Metes and Bounds process, I requested that Nathan Sigler draft the boundary descriptions and transmit those descriptions to me, my co-counsel at Holtzman Vogel, and Mr. Paul Ready so that we could review the descriptions to ensure that they were legally compliant.

18. At all times relevant for the 2021 round of redistricting, I was acting in my capacity as a lawyer to Galveston County, working in association with Holtzman Vogel, providing legal advice to my clients.

I, Dalton L. Oldham, pursuant to 28 U.S.C. § 1746, do declare under the penalty of perjury that the foregoing is true and correct:

/s/ Dalton L. Oldham

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY,)
et al.,)

Plaintiffs,)

) Case No. 3:22-cv-00057

vs.)

GALVESTON COUNTY, et al.,)

Defendants.)

_____)

REMOTE ORAL DEPOSITION OF

NATHAN SIGLER

DECEMBER 19, 2022

9:14 a.m. CST

Witness Appearing From:
Galveston, Texas

EXHIBIT 14

Conducted Remotely Via Videoconference

1 R E M O T E A P P E A R A N C E S
2 ON BEHALF OF THE UNITED STATES:

3 MS. THARUNI JAYARAMAN
4 MS. CATHERINE MEZA
5 MR. BRUCE GEAR
6 MS. K'SHAANI SMITH
7 DEPARTMENT OF JUSTICE
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10 4CON 8th Floor
11 Washington, D.C. 20530
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15 kshaani.smith@usdoj.gov

16 ON BEHALF OF THE PETTEWAY PLAINTIFFS:

17 MS. BERNADETTE REYES
18 UCLA VOTING RIGHTS PROJECT
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1 ON BEHALF OF THE NAACP PLAINTIFFS (Dickinson Bay
Area Branch NAACP, Galveston Branch NAACP, Mainland
2 Branch NAACP, Galveston LULAC Council 151, Edna
Courville, Joe A. Compian, and Leon Phillips):

3 MS. KATHRYN GARRETT
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sarah@texascivilrightsproject.org

14
15
16 ALSO PRESENT:
17 Ms. Brittany Wake - Civil Rights Analyst,
Voting Section, Civil Rights Division,
18 Department of Justice
19 Mr. Clint Thomas - Veritext Zoom Tech
20
21
22
23
24
25

I N D E X

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7	Reporter's Certificate	242

E X H I B I T S

10	No.	Description	Page
11	Exhibit 1	54
12		Screenshot of Galveston County GIS portal	
13	Exhibit 2	.....	58
14		Email(s) re "link"	
15		DEFS00010340-10341	
16	Exhibit 3	.....	60
17		Screenshot of Online Map Room	
18	Exhibit 4	.....	61
19		Email(s) re Census Tab Blocks & Population Data	
20		DEFS00019474-19475	
21	Exhibit 5	.....	72
22		Email(s) re Proposal 3	
23		DEFS00010360	
24		Email(s) re Map 1 and 2 Breakdown with	
25		Two Attachements	
		DEFS00020457-20461	
	Exhibit 6	.....	78
		Email(s) re Precinct List with Lots of Info	
		DEFS00016754-16755	

1 A. I don't know as far as any lines. There's
2 restrictions on they can't be split, for my
3 knowledge, based off commissioner layers provided by
4 the state. Those are the ones I'm aware of that can
5 be split as from those. They need to be addressed
6 at that time or addressed at some point.

7 Q. So to be clear, did you say they can or
8 cannot be split by commissioners layers?

9 A. They cannot be.

10 Q. Okay. So do you also then review for
11 conflicts with commissioners court precinct lines?

12 A. Yes.

13 Q. Walk me through the process of identifying
14 conflicts with commissioners court precinct lines.

15 A. Adding the layer for the commissioner
16 precincts and adding the layer for the voting
17 precincts, usually doing it -- doing the -- in
18 different colors so it'll stick out if something is
19 split, meaning commissioner precinct lines might be
20 blue and voting precinct lines might be red.
21 Anywhere where you see a blue cutting through a
22 precinct, you would know there would be a split or
23 vice versa.

24 Q. Did you undertake this process of
25 identifying splits during the 2021 redistricting

1 cycle?

2 A. Yes.

3 Q. Walk me through what you did to identify
4 splits during the 2021 redistricting cycle.

5 A. Downloading layers, shapefiles from the
6 state, uploading the commissioner precincts,
7 uploading the JP precincts, and cycling through each
8 one of those to see where there may be potential
9 splits.

10 Q. What did you do when you identified -- did
11 you identify any splits?

12 A. Yes.

13 Q. What did you do when you identified a
14 split?

15 A. Circle it, do a PDF map. Let's see.
16 There may have been an occasion when we were on a
17 Zoom and looked at it, or a spreadsheet.

18 Q. When you say "we were on a Zoom," who is
19 "we"?

20 A. Commissioner Clark and Dale.

21 Q. Who is Dale?

22 A. He was with the law firm.

23 Q. So you're referring to Dale Oldham?

24 A. I believe that's his name.

25 Q. Why were you meeting with Commissioner

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, THE
HONORABLE DERRECK ROSE,
MICHAEL MONTEZ, SONNY JAMES
and PENNY POPE,

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS, and
HONORABLE MARK HENRY,
in his official capacity as Galveston
County Judge,

Defendants.

Civil Action No. 3:22-cv-57

UNITED STATES OF AMERICA,

Plaintiff,

v.

GALVESTON COUNTY, TEXAS,
GALVESTON COUNTY
COMMISSIONERS COURT, and
HONORABLE MARK HENRY, in
his official capacity as Galveston County
Judge,

Defendants.

Civil Action No. 3:22-cv-93

DICKINSON BAY AREA BRANCH
NAACP, GALVESTON BRANCH
NAACP, MAINLAND BRANCH
NAACP, GALVESTON LULAC
COUNCIL 151, EDNA COURVILLE,
JOE A. COMPIAN, and LEON
PHILLIPS,

Civil Action No. 3:22-cv-117

2. Defendants object to the First Set of Interrogatories to the extent they are overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case.
3. Defendants object to the First Set of Interrogatories to the extent they seek to elicit information or evidence otherwise protected by the attorney-client privilege, the work-product privilege, the legislative privilege, or any other applicable privilege recognized under Texas or federal law.
4. Defendants object to the First Set of Interrogatories to the extent they seek to elicit information that is in the public domain or already in Plaintiff's possession, and therefore of no greater burden for Plaintiff than for the Defendants to obtain.
5. Defendants object to the First Set of Interrogatories to the extent they seek publicly available information, statements, or documents that speak for themselves and require neither a response nor a denial from any party.
6. Defendants object to the First Set of Interrogatories to the extent that they seek data or information not within their possession, custody, or control, and should be directed to a different party or third-party.
7. Unless otherwise specified, Defendants stand on their General Objections, the following Objections to the Definitions, Objections to the Instructions, and the below-stated specific objections without expressly admitting or denying any fact.

OBJECTIONS TO THE DEFINITIONS

Defendants make the following objections to the "Definitions" section of Plaintiff's First Set of Interrogatories, which apply to each request regardless of whether these objections are expressly incorporated into the specific objections below:

1. Defendants object to Plaintiff's definitions to the extent that they seek to impose any requirements or obligations in addition to or different from those in the Federal Rules of Civil Procedure, the Local Rules of this Court, any stipulation or agreement of the parties, any order of this Court, or any other rules applicable to this action.

OBJECTIONS TO THE INSTRUCTIONS

Defendants make the following objections to the "Instructions" section of Plaintiff's First Set of Interrogatories, which apply to each interrogatory regardless of whether these objections are expressly incorporated into the specific objections below:

1. Defendants object to Plaintiff's instructions to the extent they seek to impose any requirements or obligations in addition to or different from those set forth in the Federal Rules of Civil Procedure, the Local Rules of this Court, any stipulation or agreement of the parties, any order of this Court, or any other rules applicable to this action.
2. Defendants object to the instructions to the extent they purport to require answers based on information in the possession of hundreds of employees, staff, members, officers, directors, agents, or representatives—both "current" and "former"—who happen to have at one time been associated with any of the Defendants.

RESPONSES TO INTERROGATORIES

Interrogatory No. 1

Identify all factors that the Galveston County Commissioners Court considered in adopting the 2021 redistricting plan.

Objection: Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory

that are based upon the review of documents may be made at a later date.

Accordingly, Defendants do not have any facial objections to this interrogatory. Defendants reserve the right to supplement this response with objections that are based upon a further review of the documents.

Answer: Defendants do not have sufficient information to answer Interrogatory No. 1 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October 13, 2022, telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

First Supplemental Answer: Without waiving any of the objections stated above, Defendants state that the Galveston County Commissioners Court considered the following factors in adopting the 2021 redistricting plan:

1. The first factor considered was compliance with the requirements under the Fourteenth Amendment to the U.S. Constitution and the Voting Rights Act. In particular, the most important factor in crafting the redistricting lines for the Commissioners Court precincts was the equalization of population and to make the four Commissioners Court precincts geographically sound. The northern portion of Galveston County experienced substantial growth during the previous decade and this caused a population imbalance among the four Commissioners Court precincts. The population imbalance needed to be corrected. For example, Commissioners Court Precinct 3 was already underpopulated under the 2012-2021 map. The population growth in the northern part of the county made

Commissioners Court Precinct 3 even more underpopulated. The Commissioners Court wanted to correct this population imbalance and account for the substantial growth in the northern part of the county.

2. The second factor that the Commissioners Court considered was unified representation on Galveston Island and the Bolivar Peninsula. Under the Commissioners Court precinct map from 2012 to 2021, Galveston Island and the Bolivar Peninsula was carved into three Commissioners Court precincts. This caused confusion among the residents of Galveston Island and the Bolivar Peninsula as residents did not know which Commissioner to contact for constituency service purposes. Having Galveston Island and the Bolivar Peninsula under one Commissioner would help both the residents of the Island and Peninsula and the Commissioners Court in addressing the unique issues presented in those locations. DEFS00003811. Additionally, it was important to unify Galveston Island itself and to unify the Island with the Bolivar Peninsula, which are the primary areas involving projects administered by the Texas General Land Office, so that one office, and one Commissioner, can handle the unique issues presented on the Island and Peninsula, such as dune and general environmental protection and conservation, seawall maintenance, beach erosion, and problems posed by oil and gas wellheads.
3. The third factor considered was the compactness of the Commissioners Court precincts. The Commissioners wanted a map that was geographically compact. The goal was to have a map that made geographical sense, a geographically sound map. There was a sense that the prior map looked gerrymandered.

4. The fourth factor considered was minimizing the splitting of voting precincts.
5. The fifth factor considered was once factors one through four were achieved, the Commissioners wanted a precinct that included their residence.
6. The sixth factor considered by Commissioners was the partisan composition of their districts.

Interrogatory No. 2

For each factor identified in response to Interrogatory No. 1, describe in detail how the 2021 redistricting plan serves that factor.

Objection: Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Accordingly, Defendants object that this interrogatory is a contention interrogatory. Defendants object that it calls for the information protected under the attorney-work product doctrine. Defendants will respond to this interrogatory by the close of discovery.

Defendants further object to the extent Interrogatory No. 2 exceeds the permissible number of interrogatories allowed under FRCP 33 due to the many discrete subparts requested herein.

Defendants reserve the right to supplement this response with objections that are based upon a further review of the documents.

Answer: Defendants do not have sufficient information to answer Interrogatory No. 2 at this time. Given that Defendants have just begun the process of reviewing documents pursuant to an agreement of the parties, Defendants at this time are not able to identify all of the facts and information responsive to this interrogatory. Per agreement made on the October

13, 2022, telephone conference with representatives from all Parties, Defendants will respond to and supplement this interrogatory as document review progresses.

Updated Answer: Without waiving any of the objections stated above, Defendants state that Galveston County's 2021 redistricting plan serves the above factors identified in response to Interrogatory No. 1 in the following ways:

When the Commissioners Court began redistricting, the current map in effect from 2012-2021 had a population deviation of 17.9%. This was largely due to the substantial increase in population in the northern part of the county. The Commissioners Court needed to adjust the map to reflect the substantial shifts in population and to correct the population imbalance. The enacted map successfully achieves the first factor because it equalizes the population among the four Commissioners Court precincts. The current population deviation in the enacted map is 1.1%. See DEFS00011898. This map has a lower population deviation than Map Proposal 1 which had a population deviation of 2.5%. See DEFS00011898. The enacted map also accounts for the substantial increase of the population in the northern part of the county.

The enacted map successfully achieves the second factor because it unites Galveston Island with itself and also unites the Island and Bolivar Peninsula into one Commissioners Court precinct, Commissioners Court Precinct 2. Under the prior map, Galveston Island and Bolivar Peninsula were split into Commissioners Court Precincts 1, 2, and 3. Additionally, Map Proposal 1 still split Galveston Island and the Bolivar Peninsula into two Commissioners Court precincts, namely Commissioners Court Precincts 2 and 3. Reducing the split from three to one maintains the community of interest on Galveston Island and Bolivar Peninsula.

The enacted map successfully achieves compactness, the third factor, because it visually makes sense and looks less like a gerrymander than the 2012 map. For example, the current

map does not carve out and separate the middle of Galveston Island from its eastern and western regions.

The enacted map successfully achieves the fourth factor because it splits nine voting precincts out of a total 96 precincts. The enacted map had the same number of splits as Map Proposal 1.

The enacted plan successfully achieves the fifth factor because the Commissioners live in each of their Commissioners Court precincts.

Finally, the enacted plan, to some extent as a consequence of achieving these other factors, reflects the partisan composition of Galveston County. It is therefore the more favorable option of the two.

Interrogatory No. 3

Identify and describe in detail each redistricting proposal, including any map, whether partial or complete, or in any other format, that would have resulted in the modification of any boundary of any commissioners court precinct in the previous plan, either publicly or privately considered or supported on or after January 1, 2020, by any member of the Galveston County Commissioners Court, including, but not limited to, present or past employees or staff or any other persons or entities acting at the direction of or subject to the control of any member of the commissioners court, and explain the reasons, justifications, and rationales, for any such support.

Objection: Per the meet and confer conference call held on October 13, 2022, with counsel from all parties present, counsel agreed that Defendants must state any facial objections to interrogatories by October 18, 2022. Counsel agreed that any objections to this interrogatory that are based upon the review of documents may be made at a later date.

Accordingly, Defendants object that this interrogatory, particularly the portion that requires

CERTIFICATION

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 14, 2022.

Galveston County, Galveston County Commissioners Court, Honorable Mark Henry, in his official capacity as Galveston County Judge, Dwight D. Sullivan, in his official capacity as Galveston County Clerk

By: 
Mark Henry

Its: Galveston County Judge, in his official capacity

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY,*
ET AL., *
*
PLAINTIFFS, *
* CASE NO. 3:22-CV-00057
VS. *
*
GALVESTON COUNTY, ET AL.,*
*
DEFENDANTS. *

ORAL AND VIDEOTAPED DEPOSITION OF
DARRELL APFFEL
JANUARY 5, 2023

ORAL AND VIDEOTAPED DEPOSITION OF DARRELL APFFEL, produced as a witness at the instance of the PLAINTIFF(S), and duly sworn, was taken in the above-styled and numbered cause on JANUARY 5, 2023, from 9:17 A.M. to 6:01 P.M., before AMY PRIGMORE, CSR, in and for the State of Texas, reported by stenographic means, at the offices of GREER HERZ & ADAMS, One Moody Plaza 18th Floor, Galveston, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

EXHIBIT 16

1 A. Where do you see that?

2 Q. Okay. It's the last paragraph -- there we
3 go. Thank you.

4 A. I see it.

5 Q. It's the last paragraph, quote, I hope you
6 find that this letter was both thoughtful and
7 efficient, and that working together is far better
8 than being at odds and possibly creating
9 difficulties that can be avoided, close quote.

10 Do you see that?

11 A. I do.

12 Q. What was your understanding of what
13 difficulties might be avoided?

14 A. I don't have an understanding. I -- I don't
15 read that that way. I read that as, hey, I'm
16 sending you all this. It's better that we all work
17 together than to be at odds. And like a -- it
18 doesn't say we are at odds.

19 Q. Did you respond to this e-mail?

20 A. I don't think I did, no.

21 Q. Did you take any action in response to this
22 e-mail?

23 A. I didn't see it as -- I saw it as
24 rhetorical.

25 Q. Did you review the letter that she included

1 in her e-mail, which is on page 2 of the exhibit?

2 A. I don't specifically recall it. But as I
3 read it, it somewhat refreshes my recollection,
4 like I saw it in a...

5 Q. Who is responsible for leading the process
6 of redistricting?

7 A. I would say the county judge.

8 Q. So, Judge Henry?

9 A. Yes.

10 Q. And his staff?

11 A. Yes. I mean, the -- yes.

12 Q. Are there any other offices or agencies
13 involved?

14 A. Ultimately, all of us.

15 Q. Did you ever ask Commissioner Clark about
16 redistricting?

17 A. Yes.

18 Q. What did you discuss?

19 A. Well, we're jumping way ahead, but if you
20 want to go there.

21 So he was -- I was in a meeting with him and
22 Dale Oldham. Ken Clark was the longest serving
23 member of the court. His institutional knowledge
24 of Galveston County was phenomenal.

25 Q. When did this meeting with

1 Commissioner Clark and Dale Oldham take place?

2 A. I don't know. In the fall, before the maps
3 were approved, if you...

4 Q. The fall of 2021?

5 A. Yes. I only had one in-person meeting with
6 Dale Oldham, so...

7 Q. And it was this meeting?

8 A. Yes.

9 Q. Who else was there?

10 A. Me, Dale Oldham, Ken Clark, Tyler -- Tyler
11 Drummond, and Paul Ready. And on the TV was our
12 expert map demographer.

13 Q. Where did this meeting take place?

14 A. The county judge's conference room.

15 Q. And you said fall 2021, before the maps were
16 adopted, correct?

17 A. Yes.

18 Q. Could you be more precise, August or
19 September or October --

20 A. Well, it's in the discovery, isn't it? I
21 thought it was -- I thought those dates were
22 listed, but possibly -- could I be -- yeah, August
23 or September. I don't remember those dates, but...

24 Q. And the -- Judge Henry was there, or no?

25 A. No.

1 Q. So, this meeting took place in his
2 conference room, but he was not there?

3 A. Correct. That's -- it's a central meeting
4 place.

5 Q. Do you regularly have meetings in his
6 conference room without him there?

7 A. Of course. We all do. It's a county
8 building. It's a -- it's my conference room, too.

9 Q. What did you discuss?

10 A. The maps and population.

11 MR. RUSSO: Let me just caution the
12 witness about revealing attorney-client privileged
13 communications, and that specifically is
14 communications between Mr. Oldham, Mr. Ready,
15 advising the county as to legal issues for which
16 they were retained.

17 THE WITNESS: Okay.

18 MR. RUSSO: But other than that, you
19 can answer.

20 MS. CHEN: And to that, we'll also
21 state on the record our argument against that
22 assertion of attorney-client privilege with respect
23 to conversations with Dale Oldham, on redistricting
24 matters, as we've discussed. And our letter to the
25 judge --

1 MR. RUSSO: Yeah, I'm -- I mean I'm
2 obviously aware that there is a letter out there
3 for the judge to make decisions on what needs to be
4 disclosed.

5 But just so the witness understands
6 that, you know, we're not going to -- he's not
7 going to be able to disclose attorney-client
8 privileged communications between those two
9 specific individuals for the services the client
10 retained to provide.

11 MS. CHEN: Certainly. And we'll
12 continue to state our assertions for the clarity of
13 the record and ask questions accordingly.

14 MR. RUSSO: Understood.

15 Q. (BY MS. VALL-LLOBERA) You mentioned this
16 was your first in-person -- your only in-person
17 meeting with Mr. Oldham, correct?

18 A. Yes.

19 Q. You also mentioned earlier that there is a
20 contract approved with the Vogel firm?

21 A. And Mr. Oldham, yes.

22 Q. Were you aware that the law firm, Allison
23 Bass Magee, submitted a proposal to Judge Henry, to
24 be hired as redistricting counsel?

25 A. I think I was, yes.

1 Q. Did you review that proposal?

2 A. I don't recall. But in pops Dale Oldham,
3 and you asked me earlier, did I know that he -- or
4 whatever. And I didn't.

5 And so it was at that time that I knew Dale
6 Oldham assisted the county ten years prior.

7 Q. So before signing the -- before the
8 Commissioners Court signed the contract with Dale
9 Oldham in 2021, you were unaware that he had helped
10 with the 2011 redistricting?

11 A. Uh-huh, yes.

12 Q. Were you aware that this -- well, let me
13 restate.

14 Going back to the proposal by Burger --
15 Bickerstaff, were you aware -- oh, excuse me.
16 Thank you.

17 Returning to the proposal by Allison Bass
18 Magee, were you aware that this was sent to
19 Judge Henry, in -- around February 2020?

20 A. I believe I was. And that's what I'm
21 saying, that's when I learned -- that's when I
22 looked at the -- the options we had, and learned
23 that Dale Oldham had helped in 2010.

24 Q. Did you review this proposal?

25 A. I'm sorry?

1 or unfairly compact that minority population to
2 restrict the minority's ability to have an impact
3 on the outcome of an election within the
4 commissioner precinct where the minority population
5 is located.

6 Did I read that correctly?

7 A. You did.

8 Q. What did you understand by this paragraph?

9 A. Well, it's referring to the Voting Rights
10 Act of 1965, that I still am not clear on. But
11 what I understood that to mean is we have to follow
12 the law in redistricting.

13 And so while I didn't break down the law
14 specifically, I knew that that's what we were
15 hiring people to do. And we did.

16 Q. Beneath that, 2-A, 2-B, and 2-C, there are
17 three -- there's a few definitions.

18 Could you read the first one out loud, for
19 the record?

20 A. What are you talking about, A?

21 Q. A, yes.

22 A. "Cracked" or "fragmented" meaning that large
23 concentrations of minority voters cannot be divided
24 into several commissioner precincts, rather than
25 left intact in a single or even multiple

1 commissioners court precincts.

2 Did I read that correctly?

3 Q. Yes. Did that definition -- did you
4 understand that definition?

5 A. That all goes to the law. And so, I
6 didn't -- I didn't -- I trusted the people that we
7 hired to -- to look at the population and draw the
8 maps in -- as equal as we could get them, and
9 follow the bounds of the law.

10 Q. Do you understand what packed or stacked
11 mean in the context --

12 A. I do not.

13 Q. -- of redistricting?

14 Returning to page 5 of their proposal,
15 towards the top, there is a heading that says,
16 steps in redistricting.

17 Do you see that?

18 A. I do.

19 Q. This has a proposal -- you know, a proposed
20 timeline.

21 Did you review this at the time?

22 A. Same answer. I don't remember specifically.

23 Q. Were --

24 A. Again, this is -- this is two firms touting
25 their experience and ability to redistrict for us.

1 And so I was looking at these for price and
2 experience and -- to make my decision.

3 Q. All right.

4 A. I assumed we would always follow the law. I
5 didn't need to know the steps. I knew that we
6 would.

7 Q. Were you aware that the law firm Bickerstaff
8 submitted a proposal to Ken Clark to be hired as
9 redistricting counsel in January of 2020?

10 A. Not if it was just submitted to him, no.

11 Q. So you did not see a proposal from bur --
12 Bickerstaff?

13 A. Not that I recall.

14 MS. VALL-LLOBERA: I would like to
15 introduce Tab 8.

16 THE WITNESS: 9.

17 MR. RUSSO: It's Tab 9 -- Tab 8, not
18 exhibit.

19 THE WITNESS: Oh.

20 MS. VALL-LLOBERA: Thank you for
21 keeping track.

22 I would like to introduce Apffel
23 Exhibit 9.

24 (Exhibit 9 is marked.)

25 Q. (BY MS. VALL-LLOBERA) This is January 29,

1 A. After this, or at some point -- yeah, I knew
2 that they were going -- everyone was going to be
3 talked to. That's how we do.

4 Q. And did all the commissioners meet with
5 Mr. Oldham?

6 A. As far as I know, yes.

7 MS. VALL-LLOBERA: I would like to
8 introduce Tab 14. I'm introducing Apffel
9 Exhibit 13.

10 (Exhibit 13 is marked.)

11 Q. (BY MS. VALL-LLOBERA) This is an Outlook
12 invitation, dated September 8, 2021. The attendees
13 are listed as you, Mr. Ready, Seth Collins, and
14 Veronica Van Horn.

15 Do you see that?

16 A. I do.

17 Q. And the subject line -- in the subject line,
18 it states, conference call re: Redistricting;
19 attendees, colon, Judge Henry, Commissioner Apffel,
20 Paul Ready, and Dale Oldham.

21 Do you see that?

22 A. Yes.

23 Q. Did this meeting take place?

24 A. That's the telephone conference call that I
25 previously described, yes.

1 We --

2 THE WITNESS: Okay.

3 MS. VALL-LLOBERA: Since I see it's
4 almost 1:00 o'clock.

5 MR. RUSSO: How much time are you
6 thinking you need?

7 MS. VALL-LLOBERA: Well, can we go
8 off the record?

9 THE VIDEOGRAPHER: Do we have
10 agreement of counsel?

11 MR. RUSSO: Yes.

12 THE VIDEOGRAPHER: Off the record at
13 12:52.

14 (Break.)

15 THE VIDEOGRAPHER: Back on the
16 record at 1405. Please proceed.

17 Q. (BY MS. VALL-LLOBERA) Welcome back,
18 Mr. Apffel.

19 A. Thank you.

20 Q. So picking up right where we left off, we
21 were discussing the 2021 redistricting process
22 that took place, you know, after the census data
23 came out, through that -- that fall.

24 Were you aware that Commissioner Holmes
25 received the National Republican Redistricting

1 Trust numbers from Mr. Oldham?

2 A. I don't even -- no, I guess -- I don't know
3 what that means, and I -- so, no.

4 Q. So you did not get redistricting information
5 from the National Republican Redistricting Trust?

6 A. No.

7 Q. Did you receive demographic information from
8 Mr. Oldham?

9 A. Can you be more specific?

10 Q. Did you receive racial demographic
11 information from Mr. Oldham?

12 A. I wasn't concerned about race.

13 Q. But did Mr. Oldham provide you with any
14 racial demographic information?

15 A. Huh-uh, not that I recall. Other than in
16 our discussions and -- I mean, but no -- no, I
17 don't even recall that.

18 Q. I'm a bit unclear. You did discuss racial
19 demographics in your discussions --

20 A. No. That's why I say, I don't recall that.
21 It was just population.

22 Q. So you saw demographics on a TV screen?

23 A. What's -- so what's demographics? I -- I
24 don't know what demographics are.

25 Q. So racial demographic -- did you see

1 information that showed the race of the people who
2 lived in certain areas of Galveston County, as part
3 of your redistricting process?

4 A. No. We were looking at population, and how
5 to equalize that.

6 Q. Did you look at the percentages of
7 African-Americans or Hispanics in the county?

8 A. No.

9 Q. Are you -- are you aware -- currently, this
10 day, are you aware of the percentage of
11 African-Americans and Hispanics in Galveston
12 County?

13 A. I'm not.

14 Q. Are you aware of the percentage of
15 African-Americans or Hispanics in your precinct
16 today?

17 A. I'm not. I probably should be, but I'm not.

18 Q. Were you aware of the percentage of
19 African-Americans and Hispanics in your precinct
20 before the redistricting? Like -- excuse me, the
21 map in place before redistricting?

22 A. I'm not.

23 Q. During the August and September 2021 time
24 period, to your knowledge, did any of the other
25 commissioners or Judge Henry, or their staffs, have

1 any other meetings about redistricting?

2 A. To my knowledge, no.

3 Q. So they didn't meet with Mr. Oldham, to your
4 knowledge?

5 A. Oh, I thought you meant other than, to my
6 knowledge. To my knowledge --

7 Q. I can rephrase --

8 A. Okay.

9 Q. -- so it's clearer.

10 To your -- to your knowledge, did any of the
11 other commissioners or Judge Henry, or their
12 staffs, have other meetings or conversations about
13 redistricting with Mr. Oldham, or his staff?

14 A. After -- at or about the time we had -- that
15 I had mine?

16 Q. Correct.

17 A. My understanding -- I didn't witness it.
18 But my understanding was, he was there to -- for
19 two days, to meet with me, Mr. Clark,
20 Commissioner Holmes, Commissioner Giusti, and
21 Judge Henry.

22 Q. Okay. And to your knowledge, did the
23 commissioners or did Judge Henry's other staff have
24 other meetings or conversations about
25 redistricting, other than those meetings with

1 A. No. Like -- no.

2 Q. So nobody give you a stack of comments that
3 referred to you, or a stack of comments in support
4 of the map, and opposing the map? They --

5 A. They might have been categorized as for and
6 against.

7 Q. Okay.

8 A. But I don't -- I don't remember exactly.

9 Q. What was the purpose of this public comments
10 portal?

11 A. In my opinion, that was to serve the purpose
12 of the public meetings, public hearings.

13 Q. But at a public hearing, each of the
14 commissioners and the judge would hear each public
15 comment, right?

16 A. I don't believe that the public hearings
17 have all of the commission -- I don't think the --
18 the court convenes in session to have that public
19 hearing. But I -- I could be wrong.

20 Q. Whenever you have a regular session, or a
21 special meeting, is there always public comment at
22 the end?

23 A. We do it at the beginning. But yes, ma'am,
24 three -- three-minute public comment.

25 Q. Do the commissioners and the judge all stay

1 present to hear those public comments?

2 A. Absolutely. They're very important.

3 Q. So the idea of the public comments portal
4 was to replace and function like they would at a
5 public hearing, correct?

6 A. No. In fact, people come to Commissioners
7 Court all the time to express their comments,
8 questions, or concerns, about a particular matter.
9 And that's what public -- public comment is about.

10 So, if you will, in fact, for the month that
11 the maps were out, or whatever the time period was,
12 if we had three meetings, in essence, if anyone
13 wanted to come and speak, they could have.

14 Not counting the meeting where it was on the
15 agenda to approve -- approve a map, and...

16 Q. Were there any meetings of the Commissioners
17 Court between when these maps were posted online
18 and the meeting in which they were ultimately
19 adopted?

20 A. And that's -- I don't know those dates. But
21 it would be easy enough to determine. It is --
22 they either -- they either were or they weren't.
23 And I just...

24 Q. So there was no public hearing on these
25 proposed maps, correct?

1 And like I said, it was ingenious. It just
2 kind of developed. It -- no one even thought about
3 it. The judge thought about it when it happen --
4 when he saw a map of it.

5 And from -- from the beach access dune
6 protection plan, where you have from zero to
7 25 feet of protection by the GLO, and you have
8 25 feet to 200 feet of protection by the GLO, and
9 you have 200 feet to a thousand feet protection by
10 the GLO, all that protection is different.

11 But it's the same for the guys and gals in
12 Galveston, from that -- the -- the -- the beach
13 access dune protection, to beach raking.

14 We have sargassum, which is commonly known
15 as seaweed, that comes in. And we have to -- to
16 rake our beaches.

17 The beach raking, Galveston had the proper
18 Corps of Engineers permit to rake the beaches, to
19 protect the sea turtles, and all of the different
20 birds. And we, Galveston County, did not.

21 And we -- we applied for that permit, and it
22 took five years, and we just are getting it, I'm
23 proud to say.

24 But -- so from beach raking, dune
25 protection, it just goes on and on, the types of

1 issues that were so identical that it made total
2 sense for the people of Bolivar.

3 Because they always felt slighted over
4 there, it's just people's -- it's just human
5 nature. And it was like, why does Galveston have
6 this and we don't? Why does Galveston have this
7 and we don't?

8 So it -- they all believed -- this is a long
9 answer to, they all believed that it was very
10 important, that they liked the idea.

11 Q. Earlier in this deposition, you said that
12 you took pride in making the Commissioners Court
13 cohesive, once you joined in 2016.

14 A. Uh-huh.

15 Q. Did you feel that the commissioners could
16 not represent these interests, when Galveston and
17 Bolivar were represented by different
18 commissioners?

19 A. Well, no, because then we did. I did for
20 six years. So, it could be done. It has been
21 done. It wasn't that it -- that's not the type of
22 cohesiveness I was talking about.

23 I mean, as far as I know, the Court
24 supported Ryan Dennard, my predecessor, for
25 anything he needed for the Bolivar Peninsula while

1 he was in office. And they certainly did the same
2 for me.

3 So, that -- that's not what -- the
4 cohesiveness I was referring to. The -- so I think
5 your question was --

6 Q. Wouldn't it be helpful to the people of the
7 Bolivar Peninsula to have more commissioners who
8 care about the same issues, because it affects
9 their constituents as well?

10 A. No, that's -- for all the reasons I've
11 previously stated, it was a brilliant idea, because
12 of the community interest of those that live along
13 the -- the coast.

14 We -- our whole county is a coastal county.
15 But those who live along the exact coast have very
16 interesting issues.

17 Q. And so, you cared about the -- the -- you
18 know, the unique needs of -- the community
19 interests of these group of people who lived on
20 Bolivar and Galveston Island?

21 A. Correct, the whole coastline.

22 Q. But you --

23 A. Go ahead.

24 Q. But you didn't factor in the community
25 interests of other -- other constituents that lived

1 in Galveston County, such as African-Americans or
2 Latino?

3 A. Is that the type of community interest
4 you're referring to? I -- I -- those -- they don't
5 have the community -- they don't have the same
6 interest where we're talking about right now.

7 Q. So -- so, if I understand your testimony
8 correctly, you're saying that it was important that
9 there be a commissioner that represents the -- this
10 coastal community interest, right? The --

11 A. Correct.

12 Q. And so, is it important for there to be a
13 commissioner that represents the community
14 interests of different populations, such as
15 minority voters?

16 A. Sure. But -- and I actually ended up with
17 one of the voting precincts of what was
18 Commissioner Holmes before.

19 And I certainly know that I can protect
20 and -- and -- those -- those minorities com --
21 community interests, whatever they may be. If
22 we're just talking in general terms, if that's what
23 community interest means.

24 Q. And what are the community interests of
25 the -- the African-American and Hispanic voters

1 that are in your precinct?

2 A. The juvenile justice system. The -- taking
3 care of the children. The -- the truancy laws for
4 the children of those districts.

5 I would say that the -- that the -- the
6 truancy rate is higher in those -- in those areas,
7 than they are in other areas.

8 But as far as roads and bridges, drainage,
9 parks, taxes, law enforcement, their interests are
10 the same.

11 MS. VALL-LLOBERA: Okay. I would
12 like to introduce Tab 25 as the next exhibit.

13 Here, Counsel.

14 MR. RUSSO: Thank you.

15 MS. VALL-LLOBERA: And this is going
16 to be Exhibit 20, Apffel Exhibit 20.

17 (Exhibit 20 is marked.)

18 Q. (BY MS. VALL-LLOBERA) So, Commissioner,
19 this is a November 1, 2021, e-mail thread between
20 you and Brenda Flanagan.

21 Who -- did I describe that correctly?

22 A. Yes, Brenda Flanagan, a very good friend and
23 constituent on the Bolivar Peninsula.

24 Q. Okay.

25 A. And the chamber president.

1 Q. (BY MS. VALL-LLOBERA) So towards the end of
2 this page, under the heading, Coastal District, it
3 says: Apffel said he didn't spend much time before
4 Friday's meeting analyzing data about changes the
5 map made to the racial makeover -- makeup of
6 precincts.

7 A. I think my testimony has been consistent
8 with that.

9 Q. And you are quoted in this article as
10 saying, quote, I saw it, but just for a second, end
11 quote.

12 Did I read that correctly?

13 A. Nope, I'm lost. I'm looking for that. Oh,
14 right here, yeah.

15 Q. Is that still your recollection of -- of
16 seeing the -- the data about the changes the map
17 made to the racial makeup of precincts?

18 A. Yes, it's still my testimony.

19 Q. Okay. Thank you.

20 A. I saw it, but just for a second. Is that --
21 what are they talking about there, a map, or -- I
22 don't know what -- are they talking about racial
23 data? I don't know what -- but that --

24 Q. The line before it -- I can re-read it.

25 A. Yeah, I see it. I mean, I'm just confused

1 on what it -- what that -- what they're talking
2 about.

3 So my recollection is I didn't look at that.
4 But maybe that's saying I did. If I did, it was
5 just for a second.

6 (Voices en sotto.)

7 MS. VALL-LLOBERA: I think this is a
8 good stopping point for us to have a ten-minute
9 break. And...

10 THE VIDEOGRAPHER: Counsel, are you
11 in agreement?

12 MR. RUSSO: Yeah. Are you looking
13 to pass, or what are you doing with ten minutes?

14 MS. VALL-LLOBERA: I still have a
15 couple more sections before passing.

16 MR. RUSSO: Okay. You need a break?

17 THE WITNESS: I'll take a little
18 break. It can't hurt.

19 MR. RUSSO: Okay. Sounds good.
20 Okay. Thank you.

21 THE VIDEOGRAPHER: With agreement of
22 counsel, we're off the record at 1544.

23 (Break.)

24 THE VIDEOGRAPHER: Back on the
25 record at 1601.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, et al.	§	
Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00057
GALVESTON COUNTY, TEXAS, et al.	§	(consolidated)
Defendants.	§	
	§	
	§	
	§	
UNITED STATES OF AMERICA,	§	
Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00093
GALVESTON COUNTY, TEXAS, et al.	§	
Defendants.	§	
	§	
	§	
	§	
DICKINSON BAY AREA BRANCH NAACP, et al.	§	
Plaintiffs,	§	
v.	§	Civil Action No. 3:22-CV-00117
GALVESTON COUNTY, TEXAS, et al.	§	
Defendants.	§	
	§	

DECLARATION OF THOMAS BRYAN

I, Thomas Bryan, pursuant to 28 U.S.C. § 1746, hereby certify as follows:

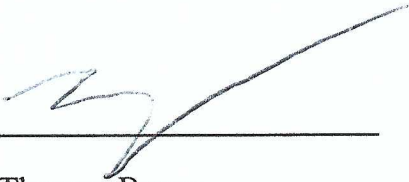
1. My name is Thomas Bryan, I am above the age of 18, of sound mind, and am otherwise competent to make this declaration.
2. The facts contained in this Declaration are within my personal knowledge and are true and correct.
3. I am an applied demographic, analytic, and research professional. I have expertise in working with U.S. Census Bureau statistics, Geographic Information Systems (GIS), applied demographic techniques, and advanced analytics.
4. In October 2021, I was retained by Galveston County’s redistricting counsel,

Holtzman Vogel and Dale Oldham, to provide map-drawing and technical assistance for drafting Galveston County Commissioners Court precincts.

5. Between October 15 and 19, 2021, I prepared draft maps for Galveston County Commissioners Court precincts. At no point was I instructed to consider racial demographic data in the preparation of these maps, and I did not consider racial demographic data in drawing them.
6. In order to develop the draft Commissioners Court precinct maps, I loaded my standard demographic data set, including Census 2020 data, for the total population and voting age population for Galveston County into my company's geographic information system ("ESRI ArcMap"). ESRI ArcMap is a widely available and commonly used mapping software for redistricting. The GIS software that I used to draw maps for Galveston County contains data that is broken down to the census block level. Census blocks are areas containing statistical data, and provide the smallest level of basic demographic data such as population by race and ethnicity. My standard process involves two steps. First, I draw draft maps in ESRI ArcMap, and second I analyze the demographic characteristics in Microsoft Excel. While my standard template reports all of the demographic characteristics for a plan, I only considered total population, not race or ethnicity.
7. From the beginning of my work, I also considered political performance data. However, I did not consider political performance data when initially drafting Map Proposal 1; I did consider political performance data when initially drafting Map Proposal 2. For example, I compared the 2020 election performance of the Republican Presidential and Senatorial nominees in each of the four commissioner precincts with Map 1 and Map 2 boundaries. The data revealed that under Map 2, Republican candidates performed better in Precinct 3 than they did under Map 1.
8. Based on the direction of Mr. Oldham, I finalized the Galveston County Commissioners Court precinct maps on or about October 21, 2021, and circulated updated versions of Map Proposals 1 and 2 to Mr. Oldham and Holtzman Vogel.
9. I conducted final quality control refinements, for example adjusting non-populous water blocks in Galveston Bay, in coordination with Mr. Oldham between October 21, 2021 and October 28, 2021.
10. After the quality control refinements were completed, on October 28, 2021, the updated maps and their associated data were shared with Holtzman Vogel and Galveston County's General Counsel. The lines contained in the shapefiles for Map Proposals 1 and 2 at that point were the same as the map proposals that were published and later voted on by the Commissioners Court.

I declare under the penalty of perjury under the laws of the United States of American that the foregoing is true and correct.

Executed on May 11, 2023.

A handwritten signature in black ink, appearing to be 'Thomas Bryan', is written over a solid horizontal line. The signature is stylized and cursive.

Thomas Bryan

Galveston County, Texas

COMMISSIONERS COURT SPECIAL SESSION

November 12, 2021

Available at:

<https://livestream.com/accounts/21068106/events/6315620/videos/227296657>

AUDIO TRANSCRIPTION

LENGTH OF AUDIO FILE: 1:36:31

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EXHIBIT 18

Reported by: Marissa Mignano

Job Number: 876364

1 Proceedings

2 COUNTY JUDGE HENRY: Okay. I've
3 got 1:30. We will go ahead and open our
4 special session of Commissioners Court
5 for November 12, 2021, 1:30 p.m.

6 With the agreement of Commissioner
7 Holmes, we're going to hold public
8 comments for the redistricting only,
9 until at an action item.

10 Is anyone here to address
11 Commissioners Court on a matter not
12 dealing with redistricting or maps?

13 Seeing and hearing none, I'll
14 assume there's not.

15 Item 1, consent agenda. Motion to
16 approve.

17 COMMISSIONER APFFEL: Second.

18 COUNTY JUDGE HENRY: Second by
19 Commissioner Apffel.

20 All in favor?

21 COMMISSIONER APFFEL: Aye.

22 COMMISSIONER GIUSTI: Aye.

23 COUNTY JUDGE HENRY: Aye.

24 COMMISSIONER HOLMES: Aye.

25

1 Proceedings

2 BY COUNTY JUDGE HENRY:

3 Q Opposed?

4 Motion passes. Four to zero.

5 Brings us to Item 3. County

6 judge -- (inaudible)

7 I'm going to speak at this tone.

8 That's all I can do. I'm not going to

9 scream. I don't have a microphone.

10 Consideration where we're

11 establishing new information.

12 I will clear you out. If you make

13 a noise, I will clear you out of here. I've

14 got constables here.

15 Consideration in order to

16 establish a new commissioner precinct

17 bounds. Public comment. Do I have the

18 public comment list. If you're not signed

19 up, please sign up.

20 UNKNOWN SPEAKER: First off, Tom

21 Watkins.

22 MARK HENRY: All right. Come up

23 and introduce yourself. Limit your

24 comments to three minutes, please.

25 UNKNOWN SPEAKER: We'll be

1 Proceedings
2 standing right here -- you address the
3 court.

4 MR. WATKINS: Tom Watkins. I
5 actually live in Precinct 2, The
6 Meadows. I've known Stephen since he
7 was in high school. Not a finer young
8 man around in Stephen Holmes and his
9 family in Dickinson.

10 And when I saw that map -- a lady
11 showed it to me -- you know, I was
12 stunned. It's obvious what's going on
13 here. I would like to say, when we say
14 the Pledge Allegiance to the flag, the
15 last few lines are "with liberty and
16 justice for all." Well, I would
17 respectfully ask my county commissioner
18 and the commissioners who'll be voting
19 on this, to please decline this map.

20 He took Wayne Johnson's place in
21 2000 -- he was elected in 2000; he was
22 appointed 1999. Wayne served me when I
23 was in Dickinson at old Mickelstone
24 subdivision. Excellent County
25 Commissioner. Stephen is the same way

1 Proceedings

2 or he wouldn't keep getting elected
3 every year. You put him in that new map
4 up here in the North County area.
5 That's not going to happen. I think
6 that's obvious to everybody here.

7 So what I'm asking is when you
8 think about that flag and you take that
9 oath, "and liberty and justice for all."
10 Let's have a little justice for Stephen
11 Holmes. And I ask that you please do
12 not accept this map. It's wrong on so
13 many levels. It is politics of today,
14 and frankly, I'm sick of politics today.
15 Have some courage and stand up for this
16 young man right here.

17 Thank you very much.

18 UNKNOWN SPEAKER: Next. Next.

19 Corlie Jackson.

20 COUNTY JUDGE HENRY: We want to
21 make sure that everybody can hear, so if
22 you could hold your comments so the
23 individual has that ability to talk.
24 And public comment is limited to 3
25 minutes, so.

1 Proceedings

2 MS. JACKSON: Good afternoon,
3 Galveston County, Galveston County
4 Commissioners.

5 Thank you so much for the
6 gentleman who was before, who spoke
7 about Stephen. I come here to speak
8 about the people that are being
9 disrespected, disregarded and
10 decentivized to even be a part of the
11 process. The way the maps have been --
12 have been structured, number one, as the
13 gentleman said, are grossly inadequate,
14 do not represent the needs of our
15 county, of our precinct, and it is
16 obvious. Not only is it obvious, but it
17 has also been confirmed as we're having
18 text messages coming throughout the
19 county to, Please vote for Map 2 because
20 it's going to "keep Galveston County
21 red."

22 Now, Galveston County is not
23 supposed to be red or blue, it's
24 supposed to be for the people here and
25 what they need. And if you're going to

1 Proceedings

2 have agendas like that, you're certainly
3 saying that you're not here in a
4 fiduciary capacity representing the
5 benefits of what the needs of Galveston
6 County people are.

7 I'm really ashamed and disparaged
8 of you. You're an Eagle Scout.

9 COUNTY JUDGE HENRY: Okay.

10 MS. JACKSON: And yet you're going
11 to -- and yet, Mark Henry, and yet,
12 you're going to be able to stand up and
13 say -- just like when you voted to take
14 away from our particular crisis fund to
15 send to the wall -- that you're going to
16 say that you're going to appear to have
17 maps in front of you that you know are
18 not representative, that they have a
19 personal agenda, and they do not
20 represent the needs of what we said. We
21 have voted properly for our precinct,
22 people who wanted.

23 Now, if you do the way the maps
24 are, thank you so much, our vote will
25 not count because you have packed away

1 Proceedings

2 as none. It is obvious and shameful,
3 and I am sorry that you are here
4 representing us.

5 UNKNOWN SPEAKER: The Reverend
6 Elijah D.

7 COUNTY JUDGE HENRY: For your
8 edification, I was never an Eagle Scout,
9 but that's one of the nicest
10 misstatements ever made about me.

11 MS. JACKSON: Oh, I guess because
12 you keep sending notes to my Eagle
13 Scout. I thought you were one.

14 COUNTY JUDGE HENRY: Yes.
15 Congratulating on the achievement that I
16 never accomplished.

17 MS. JACKSON: That's unfortunate
18 for you.

19 COUNTY JUDGE HENRY: Go ahead.

20 REVEREND BOHNSE: My statement is:
21 Are you-all supposed to represent us or
22 you representing yourself? Are you
23 representing those that are in Austin?
24 You get appointed and voted on to
25 represent the people. Not what you

1 Proceedings

2 want, not what they want, but for the
3 people. And it's time out for you just
4 saying amen to what they say and think
5 about the people. Use your own mind,
6 your own judgment. I know your judgment
7 not always with them. (Inaudible) Come
8 on now, think about it.

9 COUNTY JUDGE HENRY: Thank you.

10 Next.

11 UNKNOWN SPEAKER: Evelyn McDonald.

12 Ms. McDonald?

13 MS. McDANIEL: Actually, that's
14 Evelyn McDaniel.

15 UNKNOWN SPEAKER: Oh, McDaniel.
16 Thank you.

17 MS. McDANIEL: And I've just risen
18 to say that this map and what you're
19 proposing here is really dishonorable.
20 It does not represent the people, and we
21 are to be a representative form of
22 government. And every time something
23 like this happens, it's just chipping
24 away at our democracy, and it's just a
25 dishonorable thing that you're

1 Proceedings

2 contemplating. Thank you.

3 COUNTY JUDGE HENRY: Thank you.

4 UNKNOWN SPEAKER: Amy Williams.

5 Amy Williams?

6 Winifred Gilmore.

7 MS. GILMORE: This is short and
8 sweet and it's to the citizen of
9 Galveston County. As a concerned
10 citizen, I feel the line is drawn to Mr.
11 Stephen Holmes really needs an
12 explanation with sound reasons. As a
13 county commissioner, he has been the
14 only county commissioner who interacts
15 with the citizens and especially senior
16 citizens, so I appeal to you to redraw
17 the map to include his position. Thank
18 you.

19 UNKNOWN SPEAKER: Deborah Jones.

20 Are you Deborah Jones? Oh, you're
21 not. Oh, I thought you're Deborah
22 Jones.

23 Deborah Jones? Right here.

24 MS. JONES: Okay.

25 Good evening, everyone. My name

1 Proceedings

2 is Deborah Jones. I'm a BOI of
3 Galveston Island. Been in Galveston
4 County all of my life. The political
5 arena is not a mystery to me, been very
6 involved.

7 But I'm here today because what I
8 see with the map, that is doing exactly
9 (inaudible) the behavior that we see
10 from Washington, from the federal, to
11 the state, to the county, to the city,
12 something called gerrymandering. It's
13 very obviously -- certain areas were
14 excluded. Gerrymandering, it
15 manipulates boundaries to establish an
16 unfair advantage for the candidate or
17 for the party, or for whoever is backin'
18 that.

19 Then you look at other words --
20 things that's going on, from the federal
21 on down. Filibustering. All of these
22 things have been done to take out and
23 manipulate and create the view, for
24 whatever reason you think you are to
25 extract the county where Commissioner

1 Proceedings

2 Holmes represents. As we see in
3 Houston, like I said, over there with
4 Sheila Jackson Lee and Al Green, it's
5 all around America, and racism is not
6 dead. That was not accidental, all of
7 these things that we are seeing. So I'm
8 here today to say, let's relook at the
9 Constitution. It says, We the people.
10 "We" means all of us. Don't put your
11 lines around just your interest and what
12 you have -- 90 seconds?

13 UNKNOWN SPEAKER: Yes.

14 MS. JONES: Okay.

15 -- but consider all of the people.
16 Liberty and justice for whom?

17 THE PUBLIC: All of the people.

18 MS. JONES: And so our government,
19 we have says, it's for the people and by
20 the people. And this proposition here
21 that you're proposing here is not
22 inclusive; it's exclusive. And it's
23 manipulating and creating -- what we
24 call a political engineering that is
25 going on in order for you to get

1 Proceedings
2 reelected or create or satisfy your
3 agencies that you have. We don't like
4 it. We see it. It's obvious. And we
5 said we're not for that. I'm for
6 proposing of a third proposition that
7 will give inclusion to inclusiveness and
8 to be a "We the People" proposition.
9 Thank you.

10 UNKNOWN SPEAKER: Amber Ratsu.

11 R-A-T-I-S-S --

12 MS. RATISSEAU: Ratisseau.

13 UNKNOWN SPEAKER: Ratisseau.

14 There we go. Thank you, ma'am.

15 MS. RATISSEAU: It's obviously
16 tortuous intent. You know, I mean, they
17 are trying to stack the deck and it's
18 not right. And it's always the right
19 time to do the right thing. I mean,
20 gerrymandering is wrong. And there's no
21 black and white about it. I mean, it's
22 all it is. It's wrong. This should be
23 reevaluated.

24 UNKNOWN SPEAKER: Lillian McGrew?

25 McGrew.

1 Proceedings

2 MS. MCGREW: Good evening,
3 Commissioners.

4 I stand before you as a
5 representative of the Galveston County
6 Gulf Coast Black Nurses Association. As
7 a minority, we feel that these maps are
8 very unfair and not a good
9 representation of the community as a
10 whole; therefore, we recommend that
11 neither map be accepted. And that we go
12 back to the drawing board, and that we
13 continue with the map that included
14 Commissioner Holmes.

15 Commissioner Holmes has been a
16 very good steward of the Black community
17 and all of the community, not just
18 blacks, but all of his events have been
19 well attended by everyone. They have
20 all been very inclusive of everyone, so
21 we want you all to continue to remember
22 that we are the community, all of us.
23 Black, White, yellow, green, Democrats,
24 Republicans, we all make up the
25 community. And so therefore we

1 Proceedings

2 encourage you to redraw those maps to
3 make sure that they are very inclusive
4 of the community as a whole.

5 UNKNOWN SPEAKER: Barbara Anders.

6 MS. ANDERS: Hello, I'm Barbara
7 Anders, Mainland Branch NAACP. And I
8 want to just speak to all the people
9 that came out today.

10 And, for the commissioners court,
11 we have some issues with both of these
12 maps. First of all, Map Number 1, in
13 2011, Mainland Branch NAACP went to
14 court about that map, and the problem
15 with the first map is that it includes
16 Bolivar Peninsula. Well, when the
17 Justice Department looked at that in
18 2011, they thought that wasn't a good
19 idea.

20 So what I want to know is why we
21 came back with the same map that we had
22 from 2011 and use the same company that
23 drew that map again, so we have some
24 concerns about how that map was fitting
25 with the inclusion of Bolivar Peninsula

1 Proceedings

2 again.

3 The second map that we have, that
4 is taking out some our districts, it's
5 cutting 336 in three parts, so if we're
6 going to cut our precincts in three
7 different parts, that doesn't give fair
8 representation for the people that live
9 there and we don't want our districts
10 chopped up because that's an unfair
11 advantage, and we won't have the correct
12 voting power that we had before, and so
13 we need to have these maps relooked at.

14 We also are concerned that when
15 this process was done, we don't feel
16 like the process was inclusive, that you
17 could have had some meetings set up to
18 say we got to be holding, redistricting
19 and we can come in and make input on it.
20 But that wasn't done, so the citizens of
21 my area are concerned that they wasn't
22 even involved in the process, that we
23 got maps and nobody asked about input
24 about the maps.

25 And so I don't know how you all

1 Proceedings

2 think that's fair because you could've
3 hold different meetings so everybody in
4 the county can come out and have input
5 on what the maps were. And so we can
6 see the new data from the census that
7 you were using to draw the maps or
8 whatever the legal team was using to
9 draw the map. We need numbers and stuff
10 to see that these maps are bad, and we
11 didn't have any of that.

12 So what we're suggesting is that
13 you guys start over, show us the
14 numbers, show us the lines that you
15 have, and let the people of Galveston
16 County decide whether some of these maps
17 are fair because we don't think they
18 are. We just think they're something to
19 dilute the voting power of the people in
20 our community.

21 COUNTY JUDGE HENRY: Thank you.

22 UNKNOWN SPEAKER: Dr. Annette
23 Jenkins.

24 DR. JENKINS: Good afternoon. I
25 thought that's very important for us to

1 Proceedings

2 be here. Everybody is here. It's very
3 important that you understand why you
4 are here. You commissioners did not get
5 here on your own. We, the people, voted
6 to put you -- you did not get here on
7 your own.

8 So the maps that you have drawn
9 are very discriminatory. We feel like
10 we're going backwards. And all the
11 things that Commissioner Holmes has done
12 for us all the years that he's been in
13 office, we could always go and call him,
14 talk to him. We had a disaster.
15 Anything that's going on in the
16 community, he was going to help us -- I
17 can't say that if I want some of you-all
18 that are sitting here today.

19 So I wanted to let you know that
20 with all the intelligent people that are
21 here to help form a committee, redo the
22 maps and make it inclusive to our area
23 and our voting rights. You know, our
24 people as a whole have died to vote and
25 be accounted for what we wanted in our

1 Proceedings

2 community, in our county. Don't take
3 that away from us, because you again
4 would have to run, and we, the people,
5 would have to vote for you. Thank you.

6 UNKNOWN SPEAKER: Norman Pappous?
7 Norman Pappous.

8 COUNTY JUDGE HENRY: He's coming
9 in.

10 UNKNOWN SPEAKER: Sounds good.

11 MR. PAPPOUS: Good afternoon,
12 Commissioners, Judge. My name is Norman
13 Pappous. I reside at 1055 Misty Trails
14 Lane in League City. Before I lived
15 there, I lived for over ten years in
16 Galveston, serving as a school board
17 trustee and then two terms on the city
18 council. I currently serve as the
19 Republican Precinct Chair for Precinct
20 263, and I'll soon file to be a
21 candidate for Galveston County
22 Republican Party Chairperson.

23 As long as maps have been in
24 existence, people have found a reason to
25 fight over the lines that are drawn on

1 Proceedings

2 them. The truth is that people who
3 argue over the lines on the map do so
4 because they believe their power is at
5 stake. My position is that the only
6 lines that matter to me and my family
7 are the lines that define Galveston
8 County, the state of Texas, and the
9 United States of America. The reason is
10 those lines don't change every ten
11 years. We can count on those lines.
12 Galvestonians want good jobs, good
13 schools, safe streets. They want peace.
14 They want prosperity. Where these lines
15 are drawn will not affect those things.

16 But since we must decide on where
17 to draw these lines, let's choose the
18 way forward that appears to be the least
19 gerrymandered. I have friends across
20 the political spectrum, and we all agree
21 that gerrymandering at the federal,
22 state, or local level does not serve our
23 communities. It alienates them because
24 gerrymandering makes it appear as one
25 side is rigging the game to their own

1 Proceedings

2 advantage just because they can.

3 But as a former president once

4 stated, Elections have consequences.

5 Should these lines be interpreted as an

6 attempt to disenfranchise some people in

7 our community, it's your job to go to

8 them and make sure their voices are

9 heard. No matter what side of the

10 political spectrum the people in this

11 room embrace, don't forget, we all have

12 the same priorities: Good schools, safe

13 streets, equal access to opportunity,

14 equal treatment under the law and the

15 government that understands its limited

16 role in our society. Thank you.

17 UNKNOWN SPEAKER: Hannah Melcer?

18 MS. MELCER: Hello. My name is

19 Hannah Melcer, and I'm from Galveston.

20 I'm neither Democratic nor Republican.

21 What I do know, as a woman born the

22 south and raised in the south, is that

23 this map, both of them, are racist. And

24 you know it. I ain't no fool. Neither

25 are these people. How much money we

1 Proceedings

2 going to spend on another lawsuit about
3 this? How much of my taxpayer money we
4 going to spend on that you know, we
5 could pay some teachers more, maybe do
6 some other things. Fill a few potholes,
7 I don't know.

8 But this ain't worth it. This
9 ain't right. You-all know better than
10 this. You do. As a Christian, I just
11 must beseech you, treat well the least
12 among us. Do not disenfranchise them
13 just because you can. And I get it.
14 It's fun to do stuff just because you
15 can. I get it. But discretion is the
16 better part of valor. And if you-all
17 could find a place in your heart to
18 consider the value of other people's
19 lives may be just as valuable as your
20 own lives, I think that might be a good
21 thing to do. Thank you.

22 UNKNOWN SPEAKER: Edna Courville?

23 DR. COURVILLE: Hello, I'm
24 Dr. Edna Courville, and I am here today
25 to say that the Commissioners Court is

1 Proceedings

2 doing nothing today except -- if these
3 maps, either one of them if either one
4 of them passed, what they're doing is
5 destroying, totally, Precinct 336, which
6 is a destruction of the community. The
7 community in which I live, and I have
8 lived in over 50 years.

9 I never thought I'd ever have to
10 come to anybody's Commissioners Court,
11 anybody's court, to say that we have
12 people -- who are supposed to be our
13 legislators, who are supposed to be
14 fair -- who are as selfish as they come,
15 and they could care less. Not only do
16 you portray selfishness, but you're
17 arrogant with it. You're arrogant. And
18 this arrogance has got to stop. And
19 it's all over the nation. It has to
20 stop. You need to stop it.

21 You just disregard people. You
22 act like we don't exist. We exist. Our
23 tax dollars exist. We pay taxes to
24 live, to vote where we live and where we
25 vote. And we don't intend for you to

1 Proceedings

2 just come up here with the stroke of a
3 pen and take it away from us. We're not
4 going to let that happen. Thank you.

5 UNKNOWN SPEAKER: Pastor Jerry
6 Lee.

7 PASTOR LEE: Good evening to all
8 and to Commissioners Court.

9 I think it's already been
10 established that these maps are
11 discriminatory. We don't have to go
12 through that and keep up to it. But
13 we're going to address the elephant in
14 the room. Only reason that this has
15 been done is because of his skin color.
16 When you were back after (inaudible),
17 you took those positions away. You're
18 doing it again.

19 And I guess you call yourself a
20 Christian, probably, too. You probably
21 bless your food whenever you eat. But
22 you need to treat your fellow man right.

23 And all of you who are here,
24 gerrymandering, let me see if I can
25 explain it to you in layman's terms.

1 Proceedings

2 It's like playing football, 100 yards to
3 the goal post there. What
4 gerrymandering is is that when your
5 favorite team decides to play, you move
6 the goal post and take ten more yards
7 off of it. That's what you're trying to
8 do.

9 Commissioner Holmes has been a
10 help, not only to this precinct, but all
11 over. During storms, during -- anything
12 freezes, he's fed folks. Everybody has
13 come. He has a strong representation,
14 not only in this district. But you know
15 what? You're not going to treat me the
16 way he treats me. You're not going to
17 look out for me the way he looks out for
18 me. And so I want you to know this from
19 a minister's point, one day we're all
20 going to have to lay down and die.
21 We're going to have to answer to God for
22 what we do.

23 UNKNOWN SPEAKER: Mr. Henry Gomez?

24 MR. GOMEZ: Excuse me.

25 Commissioners, my name is Henry Gomez.

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2 I live in Texas City, Texas.

3 I don't agree with the Map 1 or
4 Map 2. The thing is that you're
5 separating not only African Americans,
6 you're separating the Hispanic
7 community. We have worked with Mr.
8 Apffel also, and Mr. Holmes also too.
9 But the thing is, this is (inaudible).
10 I don't want to echo everything that
11 everybody says, but I believe it's
12 gerrymandering.

13 I believe we need to go back to
14 the drawing room and draw new lines and
15 have the meetings open to the public.
16 And the most important thing is: Have
17 them open to the public and let these
18 people see the numbers and see how we're
19 going to work out new maps to satisfy
20 not only the African Americans, but the
21 Hispanics also too. I thank you for
22 your time.

23 UNKNOWN SPEAKER: Wendy Langham.

24 COUNTY JUDGE HENRY: If I could
25 address one recurring theme. We don't

1 Proceedings

2 have time. We must adopt a map by
3 tomorrow according to Secretary of
4 State. That's not our requirement.
5 That's the State of Texas requirements.

6 UNKNOWN SPEAKER: Wendy? Wendy?
7 She's right here.

8 Hey, please be respectful of the
9 person who has time.

10 MS. LANGHAM: Good afternoon. My
11 name is Wendy Langham.

12 After hearing you say that, why do
13 you even have us here? You had no
14 intention of changing the map -- of even
15 getting our input. I hadn't thought
16 that this is what I was going to say to
17 you, but it seems so dishonest. It's
18 like you're placating us. We don't
19 matter to you.

20 Juneteenth is something that's
21 come up in the paper here recently. It
22 involves Galveston and Galveston County.
23 That involves us, us as Black people.
24 You're telling me that I don't matter.
25 I don't like that. My parents raised me

1 Proceedings

2 to believe in myself and to treat people
3 like I want to be that I would want to
4 be treated. You're not doing that.
5 Now, the three of you sitting up there
6 can you say you know anything about my
7 life and the way I live? You can't.

8 This man does. He's lived it. He
9 lives with us. He helps us. Y'all are
10 doing this. Y'all are picking who you
11 want to vote for you, so that you get in
12 the office. I want to pick who I want
13 to vote for. And I'm telling you right
14 now, it's not you. But you're telling
15 me now that this meeting doesn't matter.
16 We're here talking for no reason.
17 You're going to turn in your maps, and
18 we don't like it.

19 UNKNOWN SPEAKER: Nakisha Paul?

20 MS. PAUL: Good afternoon. My
21 name is Nakisha Paul, and I reside in
22 the community of interest where
23 preserving our precinct brings about all
24 of our awareness. I want to first
25 acknowledge that if all of you as public

1 Proceedings

2 servants -- you should understand the
3 importance of the relationship between
4 you and your constituents. You are, in
5 fact, our voice.

6 But in order for you to represent
7 me or to be our voice, you must
8 understand what it is that we need, and
9 you need to understand our experiences.
10 That's what I call an equitable
11 representation for the demographic
12 characteristics of all of our community.
13 Therefore, I am here to speak on the
14 behalf of retaining the existing
15 boundaries that preserve our community.
16 Our neighborhood should be kept together
17 so that we can avoid voting dilution and
18 the retrogression of minority voting
19 rights.

20 It is my fervent desire that you
21 will not allow yourselves to fall prey
22 to partisan politics that will disrupt
23 the wellbeing of our community. Thank
24 you.

25 UNKNOWN SPEAKER: Deborah Jones?

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2 I got you. Nope, you signed up twice.

3 W.H. King, Reverend King -- or

4 Pastor King, there we go.

5 PASTOR KING: To the Court and to

6 the citizens of Galveston County, my

7 name is Pastor William King, pastor of

8 the Greater Hope Missionary Baptist

9 Church.

10 I am appalled. This Court will
11 have the unmitigated gall to submit a
12 map that does not represent the people
13 of Galveston County. I support
14 Commissioner Stephen Holmes on a number
15 of reasons: One, he's a Dickinstonian.
16 Two, he played Dickinson football.
17 Three, he's a graduate of Rice. Four,
18 he loves God. He's a fair man. He's a
19 right man and a just man.

20 I believe this map -- you remove
21 Bolivar Peninsula from that map, you
22 allow the voters to be able to decide
23 who they want to represent them without
24 gerrymandering that particular district.
25 It's important that people know that

1 Proceedings

2 there's one vote for one person. And
3 not one party. But one vote for one
4 person, all men.

5 We're in Galveston County, and
6 we're in Calder Drive's Courthouse. And
7 you called a meeting where you knew
8 there would not be enough fair space for
9 the people. You have elderly people
10 standing up on the outside. You know
11 better than that.

12 These are voters, they pay for the
13 buildings that Galveston has. They
14 should be able to come into the building
15 comfortably without having to stand on
16 walls, in chairs and bearing to stand on
17 their legs or using their canes or their
18 walkers.

19 I support Stephen Holmes. I
20 support you. I've worked with you. We
21 were on HJC together. We would never
22 put up with something like this. We
23 know better. We're meant to do the
24 right thing. At the end of the day, we
25 do the right thing, irregardless of how

1 Proceedings

2 it affects us.

3 Martin Luther King said,

4 "Injustice anywhere is a threat to
5 justice everywhere." If you start here,
6 what comes next? What will you take
7 next? What would you impede on next?
8 What would you impair next? What would
9 you make impossible and invisible for
10 the people of Galveston County who look
11 like me to be able to enjoy the
12 pleasures that all Galveston taxpayers
13 are providing? Do the right thing.

14 UNKNOWN SPEAKER: Judith P.
15 Oppenheim? Judith Oppenheim.

16 MS. OPPENHEIM: My name is Judith
17 Oppenheim. I live in Friendswood and
18 have been at my present address for 15
19 years.

20 I'm here representing myself and
21 my husband, Bruce K. Blackwell. This
22 past week, my husband received a text
23 calling for maps that support keeping
24 Galveston County red. In fact, we
25 believe that one party government does

1 Proceedings

2 not work. That's partisan,
3 gerrymandering is allowed, but it will
4 fail insofar as protecting communities
5 of interest.

6 The solution to today's problems
7 is developed when stakeholders on both
8 sides or on all sides of an issue are
9 forced to work together on the
10 development of policy and the
11 implementation of laws. When
12 communities of interest do not have a
13 voice, government is not representative.
14 The concept of one man, one vote breaks
15 down because elections have been gamed,
16 chopping up neighborhoods and
17 strategically diluting voices that do
18 not share values.

19 I am here to call out the county
20 commissioners for doing this, and to add
21 to the voices of those of us who are
22 watching. Both maps 1 and 2 were
23 rejected ten years ago because they
24 were -- they disenfranchised people of
25 color. Why are we proposing them again?

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2 Why are we wasting our time getting
3 public input today after over boundaries
4 that county officials have to change
5 after being taken to court and losing?
6 Why are taxpayer dollars having to back
7 such malpractice when they do not
8 approve of such malpractice.

9 The answer is simply because you
10 think you can. Apparently, our
11 representatives prefer to hide behind an
12 opaque process with no rules, no input,
13 listening in advance.

14 UNKNOWN SPEAKER: Ma'am, your time
15 has expired. Thank you.

16 Dedrick Johnson? Mayor Johnson.

17 MAYOR JOHNSON: Good evening,
18 ladies and gentlemen, Commissioners
19 Court, Judge Henry. First of all, let
20 me thank every last one of you for
21 coming out of your busy day to make this
22 showing.

23 Commissioners, Judge, I need to
24 let you know that just as many people,
25 you see in here, there's twice as many

1 Proceedings

2 people outside in both hallways, and
3 they've gathered here today to discuss
4 what we've already heard.

5 I firmly cannot believe that I'm
6 standing before people that I know, that
7 I call myself knowing, in this capacity.
8 I'm here as a resident of Texas City.
9 I'm here as a lifelong resident of Texas
10 City, one that knows that the signs that
11 I'm seeing are absolutely true. These
12 lines are being drawn to do nothing more
13 than having politicians pick the voters
14 and not voters pick the politicians.
15 And that's just not the way it's
16 supposed to happen.

17 I think that as an elected
18 official, Elected Official 101 means any
19 decision you try to make while in office
20 should entail both sides of the table.
21 This decision was made without including
22 a majority side of the table that this
23 vastly effects. Commissioner Stephen
24 Holmes has not only been a good steward
25 of his constituency, but he's been a

1 Proceedings

2 superhero in his community. He's done
3 things that none of us have ever seen
4 either of you do for Black and Brown
5 people.

6 I do want to say that moving
7 forward, these lines that vastly affect
8 neighborhoods like Carver Park, vastly
9 affect neighborhoods like Westchester
10 City Community, will extremely dilute
11 the population as it moves forward to
12 the newly drawn lines. It's somewhat
13 disgusting. It's somewhat
14 disappointing. But I'm standing before
15 you as one elected official to the next,
16 to say do the right thing. Vote your
17 constituency. Vote what your conscience
18 tells you to, not what your party tells
19 you to.

20 UNKNOWN SPEAKER: Joseph Mitchell?

21 Joseph Mitchell?

22 Heidi Gordon?

23 MS. GORDON: Hi. Good afternoon.

24 I'm Heidi Gordon, and I've lived in

25 Galveston County for over 20 years. I'm

1 Proceedings

2 a League City resident now.

3 I saw these maps come out in 2011,
4 redistricted by the same firm you hired
5 back then. They were rejected back then
6 by the Justice Department. These are
7 pretty much the same maps. And you
8 hired an \$80,000 firm, the same firm, to
9 essentially create the same maps. Now,
10 if we still had pre-clearance, these
11 would be rejected again.

12 Instead, what's going to happen
13 is, if this map is passed or these maps
14 are passed, one of the 2, you're going
15 to have to deal with voting rights
16 activists taking you to court over and
17 over in violation of Voting 2, the
18 Section -- Voting Rights Act over and
19 over spending Galveston County taxpayer
20 money, our money, fighting for your
21 maps, your unfair same maps. And you
22 just wasted \$80,000 of our money to
23 shell out the same maps that you shelled
24 out, that were rejected in 2011. Good
25 job, guys.

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2 And also, I would like to make a
3 motion that when you have a
4 redistricting event, something this
5 huge, don't use the deployed command
6 post for the meeting. Perhaps maybe
7 have it in the big room, so everybody
8 can sit and have, you know, nice space
9 and be able to stand up here freely. So
10 thank you for your time.

11 UNKNOWN SPEAKER: Brandon Wyatt?
12 Brandon Wyt.

13 MR. WYT: Good afternoon everyone.

14 I'm here because I served this
15 country for ten years, came home a
16 disabled veteran. When I was in the
17 military, we would come together as one.
18 Like everybody said, it was no Democrat,
19 it was no Republican. If you were, it
20 didn't even matter because we went on
21 one mission: To fight for this country
22 and protect its freedom.

23 Another thing is, it's not about
24 just us, our generation. It's about
25 generations behind us. Division causes

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2 separation. Take the little kids. When
3 little kids get together, they don't
4 care what color skin you are. They just
5 have to have fun.

6 This is ridiculous. I lived in
7 West Texas City for over 60 years. I
8 may not look over 60, but I'm over 60 --
9 because of no stress and the God that's
10 in my life.

11 So I'm asking you to hear the
12 people have a heart for the community
13 that you're trying to split up.

14 And I thank Stephen Holmes for the
15 excellent job he's done. Like they
16 said, he's reached out -- not just to
17 White, Black -- but to everybody to
18 bring us all together, because that's
19 what it needs. It's we, the people.

20 UNKNOWN SPEAKER: Ms. Lofton,
21 Lucretia? Lucretia Lofton?

22 MS. LOFTON: Hello, I am Lucretia
23 Lofton. I am a county resident of 37
24 years. I am currently residing in
25 League City. I am here to speak on

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2 behalf of the NAACP of the Dickinson.

3 According to the US Census Bureau,
4 45% of the county citizens are
5 minorities. I will list the most
6 populated citizens: Hispanic and Latino
7 is 25.4%, African Americans are 13.2%
8 and Asians are 3.5%.

9 These proposed maps are clear and
10 concise representations of
11 gerrymandering. It is evident this is
12 an attempt to dilute the minority vote,
13 eradicate the long representation of
14 political diversity and secure the
15 foundation to strategically remove -- of
16 the strategic removal of minority
17 representation. The only resolution
18 feasible is to discard both proposed
19 maps, evaluate the community, respect
20 the true diversity within the county,
21 and create adequate maps that truly
22 reflect the county.

23 The fact that this meeting was
24 called during a time that conflicts with
25 most taxpaying citizens reinforces the

1 Proceedings

2 notion that the community interest is
3 not considered, which is beyond
4 unfortunate, because the same people
5 that pay their taxes to this exact
6 county lack inclusiveness and equality.
7 And it shows a horrible lack of
8 democracy.

9 So I myself personally and the
10 NAACP Dickinson-Bay Area, would like you
11 to disregard both maps and go back to
12 the drawing board. Thank you.

13 UNKNOWN SPEAKER: Roxy Williamson.

14 MS. HALL WILLIAMSON: Good
15 afternoon, family. Good afternoon.
16 Look at this turnout.

17 Good afternoon, I'm Roxy Hall
18 Williamson. I'm your constituent. Get
19 to know this face. It is my dream and I
20 work every day to be able to get some
21 balance in this county. I am currently
22 a fellow -- excuse me -- with the
23 Southern Coalition for Social Justice.

24 I'm working exclusively on
25 redistricting. I want to thank you --

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2 unlike most of my family, who are really
3 kind of in their feelings right now, I
4 saw this coming all summer. I've been
5 trying to warn them all summer, so thank
6 you for showing them exactly who you
7 are. Do you believe them?

8 Okay. So now that we have that
9 established, I just want you to know
10 that grassroots, we're here with you.
11 Every move you make, we're going to
12 make. Every time you turn, we're going
13 to turn. Get ready cause we are not
14 going down without a fight. Thank you.

15 UNKNOWN SPEAKER: Stephanie
16 Swanson. Ms. Swanson? Stephanie
17 Swanson.

18 MS. SWANSON: Good afternoon. I'm
19 Stephanie Swanson. I'm here today on
20 behalf of the Fair Maps Texas Coalition.

21 The folks that live in Precinct 3,
22 work together, worship together, and
23 play together. They have worked to
24 elect Commissioner Holmes to this seat
25 for more than 20 years now. It can be

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considered a coalition district, which is protected under the Voting Rights Act. In the benchmark plan, the African American community consists of 32.7% citizen voting age population, and the Hispanic community consists of 21.9% citizen voting age population, which totals 54.6%, thereby triggering Section Two of the Voting Rights Act.

In 2011, Thomas Hofeller's consulting firm, Geographic Strategies, was hired to draw the Galveston County Commissioners districts' maps, as well as the Justice of the Peace Precinct's. Geographic Strategies was contracted by James Trainor, a Republican lawyer from Houston. The maps of the county submitted to the Department of justice in 2011 did not gain pre-clearance.

The reasons stated by the DOJ for not pre-approving the plan was that the county did not adopt redistricting criteria; they did not include commission Holmes in the deliberations

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2 about the map proposal and they tried to
3 add in the Bolivar Peninsula into this
4 precinct.

5 And here we are again ten years
6 later in the exact same place:
7 Geographic Strategies have been hired
8 once again to draw the county districts;
9 the Commissioners Court has not adopted
10 redistricting criteria; they did not
11 include Commissioner Holmes in their
12 deliberations on the map proposals being
13 presented today; and they again have
14 included the Bolivar Peninsula in Map
15 Proposal 1 and in Precinct 3.

16 In Map Proposal 2 the county is
17 proposing to dismantle the coalition
18 district that Commissioner Holmes
19 currently represents. It should be
20 noted that the courts have upheld the
21 validity of coalition districts. And
22 dismantling a coalition district is
23 indicative and is -- of intentional
24 discrimination. I also would like to
25 point out that jurisdictions that have a

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2 history of repeatedly discriminating
3 against voters of color could be placed
4 back under the preclearance provision of
5 the Voting Rights Act.

6 We ask that you remove the Bolivar
7 Peninsula from Map 1 and that you
8 preserve the coalition district in
9 Precinct 3. And we resoundingly reject
10 Map 2.

11 UNKNOWN SPEAKER: Reverend Buford?
12 Bedford. There we go. You're good
13 right there, sir.

14 UNKNOWN SPEAKER: Will y'all
15 please hold it down while the Reverend
16 is speaking? He's got a weak voice, or
17 a soft voice, excuse me.

18 REVEREND BENFORD: I want to say
19 first of all, commissioners court and
20 our commissioner, Stephen Holmes,
21 (inaudible). Please be quiet. I am the
22 pastor at Rising Star Baptist Church. I
23 came here in 1950. I've been here 71
24 years in Galveston County. When I came
25 here, we had no rights, right? W.L.

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2 Dunn, James Scott, F.M. Johnson, and
3 some more guys. Reverend (inaudible).
4 We organized the mainland ecumenical
5 alliance, all faiths. Kings
6 (inaudible). And we all drew together,
7 started working on rights for Black
8 people. Every movement, every law that
9 passed to improve things for Black
10 people, we led.

11 Single-member districts. Blacks
12 used to run for office buy they could
13 not win because they were outnumbered.
14 And that's why they drew these lines, so
15 Black folk could elect somebody.
16 (inaudible). Because their civil rights
17 law became the thing of America. They
18 sent two men from Washington, DC. to
19 Rising Start church right off Highway 3
20 there. These guys came to tell us
21 (inaudible) couldn't count folk. One
22 thing he told us, though, he said now,
23 he said, the White man was a stubborn
24 enemy. He'll give it to you and take it
25 back. He wasn't lying.

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2 We have every right to enjoy what
3 you enjoy and do what you do. Our boys
4 blood is as red as yours. They died on
5 the battlefields. And I'm asking you
6 men, be men. Be men. Do unto other as
7 you would have them likewise do unto
8 you. You wouldn't want nobody to do you
9 like this. Don't tell me you would --
10 no, no, no if one man's not free, ain't
11 none of us free. I come to appeal to
12 you to listen to our commissioner and
13 leave these lines like they oughta be
14 and let us do the things we have a right
15 to do. Thank you.

16 UNKNOWN SPEAKER: Deborah H.
17 Warren.

18 MS. WARREN: Good evening. For
19 you that don't know me, I am Deborah
20 Warren. I'm not a political person, but
21 I know what my grandmother told me, what
22 she went through in this county. And
23 I'm speaking on behalf of my husband,
24 too, Reginald Warren. I teach my
25 children, if you say -- they say they're

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2 going to change the garbage date, go
3 vote.

4 And therefore, I want you to know
5 that voting is going to come around.
6 Karma is something else, because all you
7 got to do is spark us up. Fire it up.
8 And we'll be at that poll. And I want
9 to thank you for me attending your
10 festivals that you had in Texas City. I
11 had been to one, but when I retired, it
12 was the highlight of my life, winning a
13 TV. But I'm telling you all, if you
14 fire us up, you'll see us at that poll.

15 UNKNOWN SPEAKER: And ma'am,
16 you're speaking for your husband as
17 well? Reginald Warren. Perfect. Okay.
18 Mary Stidham.

19 MS. STIDHAM: Hello, everybody.
20 I'm Mary Stidham. I live in League
21 City. I've only been there four years,
22 but I didn't like what I saw. And I
23 can't say it any better than all the
24 speakers before me, but I think you
25 better go home tonight, tear up your

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2 maps, and do what's right. It's time.
3 We're through with y'all.

4 UNKNOWN SPEAKER: Tierrishia
5 Gibson. Ms. Gibson?

6 MS. GIBSON: Good afternoon,
7 everyone. Thank you all for coming out
8 today. My name is Tierrishia Gibson,
9 and I'm here representing -- a resident
10 of Galveston County all of my life and
11 also Galveston County Democratic Party
12 chairwoman, so thank you for taking out
13 this time.

14 I will not get up here and repeat
15 what everyone else has said, because I'm
16 sure you all have heard it. I've looked
17 and watched your faces the whole time
18 while people up here talking, and it's
19 like you're thinking about something
20 else.

21 My question to you is -- first of
22 all, the reason why I'm here is because
23 when I received a text message from my
24 counterpart to "keep Galveston County
25 red," that's disgusting to me. When I

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2 went and looked at Map 1 and then I
3 looked at Map 2. Map 1 looked like
4 you-all were trying to do us a favor by
5 giving him the most. Map 2 is just
6 totally ridiculous.

7 I played sports all my life. And
8 I'm not going to even use the word "be
9 fair." But give all of us an even
10 playing field. When you play sports,
11 football, basketball, soccer, whatever
12 it is, they don't put ten points on the
13 score board before game even gets
14 started. That's pretty much what
15 you-all have done. So I'm standing here
16 letting you know that we don't like it.
17 We're watching. We're waiting to see
18 what your next move is.

19 And my question to all of you up
20 here is: At night before you go to bed
21 and look in the mirror, and in the
22 morning when you get up and look in the
23 mirror, do you say to yourself, I know
24 that map is the right thing or do you
25 say to yourself, I know that's the wrong

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2 thing? But I'm going to keep pushing it
3 because I want this position again.

4 Once again, I'm Galveston County
5 Democratic Party chair, and I will help
6 my voters out voting. So if this is the
7 result we're going to get, then that's
8 the result you are going to get. I'm
9 gonna leave you with this one last
10 thing: Divided we stand, united we
11 fall. Thank you.

12 UNKNOWN SPEAKER: Leon Phillips?
13 Leon Phillips.

14 MR. PHILLIPS: Leon Phillips,
15 president of the Galveston Coalition for
16 Justice. You men decided that you-all
17 were going to use this map. I'd like to
18 use my time to ask you to do one thing.
19 Rise from those chairs, walk around this
20 circle out here. When you come back in,
21 please have a change of mind and heart.
22 Morally, we all are the same. There's
23 only one God. I don't care who you pray
24 to, it turns out to be one God. This is
25 people who believe in God. These are

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2 people who actually believe in you.

3 Whether you understand that or

4 not. It's time to do the right thing

5 for everybody in Galveston County, not

6 just your constituents. And when you

7 say constituents, I'm one of them. I

8 live in Galveston County, so that means

9 no matter who I vote for, Republican or

10 Democrat -- it looks as though you're

11 tired of hearing me talk. Mr. Henry.

12 COUNTY JUDGE HENRY: You havethree

13 minutes.

14 Yeah, but just pay attention to

15 what I'm saying. I'd love to be invited

16 to your house for dinner. That will

17 never happen and the reason it won't

18 ever happen is because you have an

19 underlying feeling about me. It's not

20 me about you.

21 Please, gentlemen, take advantage

22 of the opportunity you have to stand up

23 and be the men you say you are. You say

24 you're men of God.

25 UNKNOWN SPEAKER: Keith Henry.

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2 MR. HENRY: Commissioners, it's
3 absolute pleasure to be here today.
4 Sorry I had to come here on unfortunate
5 circumstances. Yet the individuals that
6 you see in this room, throughout this
7 building, this is what democracy looks
8 like. They have reminded you of that
9 today. The methods that you have taken
10 are, quite frankly, erroneous, if not
11 illegal. We ask that you please
12 consider and be good stewards of our
13 county, of our taxpayers, of all of your
14 constituents, regardless of what party
15 affiliation they may have. It's your
16 obligation. It is your sworn oath.
17 Please consider that. Thank you. Have
18 a wonderful day.

19 UNKNOWN SPEAKER: The Reverend
20 William Randall.

21 REVEREND RANDALL: I would like to
22 say good evening to this court and all
23 of you who are assembled. This is my
24 community, Precinct 3. And I want to
25 say ditto to what everyone else has said

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2 about the gerrymandering and the racism
3 that's going on with these maps that
4 showed up years ago. We were here in
5 Galveston ten years ago with the same
6 thing.

7 And now what I want to say,
8 especially what Pastor King just said,
9 it's just a shame for us to be in this
10 kind of room, this kind of setting, and
11 show you how important this is to us.
12 We're standing. We are outside. And
13 whatever decision you make today and --
14 we support Stephen Holmes. He's been a
15 blessing to our community.

16 I am Pastor William Randall of
17 Greater Saint Matthews Baptist Church in
18 Hitchcock. And whatever decision you
19 make today you may think is going to
20 weaken us, you are mistaken, it's really
21 going to make us stronger. We're going
22 to be right back here defending what we
23 think is right. So I say ditto to what
24 everybody else has said here. And we
25 have quite a few pastors. All of them

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2 can't speak, but I want to say they are
3 totally in agreement. And you-all need
4 to go back and redo these maps and make
5 it right. And I think that would help
6 us and everybody else here. Amen.

7 UNKNOWN SPEAKER: Reverend Timmy
8 L. Skies? Sykes. There we go.

9 COUNTY JUDGE HENRY: Just remind
10 everyone that is out in the hallway and
11 in line we won't be able to hear with
12 you all talking over the speaker --

13 REVEREND SYKES: I want to say
14 good afternoon to all that are
15 assembled.

16 I left Galveston, Texas, almost 23
17 years ago. I know Joe really well. Me
18 and him work for the police department
19 together in Galveston. Recently, come
20 home about six months ago to only
21 discover that the same thing that was
22 going on 23 years ago is the same thing
23 that's going on today. Excuse me if I
24 get emotional because it's personal to
25 me -- not only personal, but it's

1 Proceedings

2 personal to everybody that's present.

3 This county has facilities that
4 are large enough to hold a crowd that's
5 in here and outside. And on Friday at
6 1:30, they want to have a meeting
7 because they didn't think we were going
8 to show up.

9 But I'm here to tell you, I'm back
10 in town as the pastor of Gethsemane
11 Missionary Baptist Church in Galveston.
12 I reside in the City of Texas City, so
13 I'm a Galveston County boy because I
14 graduated from Texas City High School,
15 born and raised in Galveston, and I come
16 by here today to tell you that we really
17 don't appreciate, but God is not slack
18 or sleeping in what is happening in this
19 county. And if you don't believe that
20 we are God's children, keep doing what
21 you're doing.

22 UNKNOWN SPEAKER: Linda Alcorn.

23 Linda?

24 MS. ALCORN-ARCENEUX: Yes. My
25 name is Linda Alcorn-Arceneaux. I ran

1 Proceedings

2 for city council in Galveston in 1986.
3 The reason why I run is because we could
4 not have adequate representation in the
5 city of Galveston and in the county of
6 Galveston. That's how the single member
7 district came into being. But what I
8 see now, in 2021, things ain't got no
9 better, we have a right to
10 representation in our cities, in our
11 counties. We have children that have a
12 future. I ran because my boys are Black
13 boys, brilliant, bright, and they need
14 to be able to have opportunity just like
15 y'all's children; okay?

16 We love our county. We love our
17 city. We love our country. But it
18 ain't never going to be right until
19 everybody start working together, making
20 this country do and be what it's
21 designed to do under the law.
22 Representation. Thank you.

23 UNKNOWN SPEAKER: Okay. That's
24 everyone who signed up.

25 THE PUBLIC: I signed up. I

1 Proceedings

2 signed up.

3 UNKNOWN SPEAKER: That's everyone

4 I have.

5 THE PUBLIC: There was a list

6 right here. Right over here.

7 UNKNOWN SPEAKER: Is there another

8 one?

9 COUNTY JUDGE HENRY: Yeah.

10 That's fine. Speak.

11 I'm allowing her to speak. If you

12 want to move -- come on up.

13 MS. LEWIS: Good afternoon. My

14 name is Sharron Lewis, and ditto to

15 everything that was said.

16 But on top of that, being a

17 teacher, then -- I had a group of kids

18 and we talked about what is

19 gerrymandering? And so in that, they

20 were saying, Oh, let's talk about what

21 is a democracy. So they gave their

22 opinion on that, talked about

23 undermining the principle, talked about

24 cutting precincts. They had to learn

25 what does that mean when you cut a

1 Proceedings

2 precinct? And that there was no input
3 from citizens.

4 Well, the first thing they wanted
5 to tell me, Ms. Lewis, you're cheating
6 because you didn't give me a fair
7 opportunity. You didn't include me in
8 the process at all. And then you took
9 what I had and you cut it and took
10 pieces of it, so this is a lesson. And
11 someone I heard earlier say, what about
12 the kids? We are examples for students
13 every day I live. At heart, I'm a
14 teacher, and I'm always looking for an
15 opportunity to teach.

16 And this is a perfect opportunity
17 to teach kids about government, to teach
18 them about voting and how critically
19 important that is. So I'm standing here
20 today saying -- and then when I heard
21 the judge say, Oh, we got to turn that
22 map in today, then I could hear the kids
23 saying, Ms. Lewis, that is cheating, you
24 didn't give me enough time to do it. So
25 we want to make sure that we are showing

1 Proceedings

2 the right thing to kids and that we are
3 being fair and honest and teaching what
4 this system is about.

5 MS. WILLIS: My name is Anne
6 Willis and I'm a 60-year resident of
7 Bolivar Peninsula. And in this short
8 time, I've talked to many residents of
9 Bolivar and I think that we would have
10 to support Map 2. That's what we
11 supported in 2011, something similar to
12 that. That model is very similar to
13 problems to the West Beach area. I
14 think two double 05 floods, Highway 87
15 floods. You're going to have beaches,
16 you know, keeping them clean.

17 I'm very thankful that you kept
18 Constable Derek Rose. And our JP is
19 very much that -- we don't need to have
20 that cut over there. I just think that
21 we would be better served -- and I have
22 the utmost respect for Mr. Stephen
23 Holmes. I know he's done a great job.
24 I just think we would be better served
25 by Map 2. Also, I would like to thank

1 Proceedings

2 Commissioner Apffel for his support of
3 Bolivar Peninsula of the last few years.
4 We may be small, but, you know, we're
5 getting big enough that we do have a lot
6 of problems. Thank y'all very much.

7 COUNTY JUDGE HENRY: Okay. That's
8 all we have for --

9 UNKNOWN SPEAKER: Did you sign up
10 as well?

11 Okay. That's all we have for
12 public comment.

13 COUNTY JUDGE HENRY: Before we get
14 to the next part, I would like to let
15 everyone know we did online questions
16 and people responded. 430 440 total
17 responses as of about 12:30 this
18 afternoon. These are open to reporters,
19 open records request, of course. If you
20 want to call, just make sure that, you
21 know, this is as of 12:30, if any had
22 come in since then I wouldn't know about
23 them.

24 Of the 440 that came in, 168 did
25 not discuss a particular map, they just

1 Proceedings

2 called me names, mostly. Of the people
3 who did choose a map preference, Map 1
4 was -- received 64 responses. Map 2
5 received 208 responses. So of those
6 responding to a particular map, 76.4,
7 Map 2. 23.5, Map 1.

8 With that, I'm going to make the
9 motion to approve Map 2.

10 COMMISSIONER APFFEL: I second the
11 motion.

12 COUNTY JUDGE HENRY: I have a
13 second.

14 There's discussion.

15 Commissioner Holmes, I believe you
16 have something to --

17 COMMISSIONER HOLMES: Yeah, I have
18 some discussion, Judge, if I may.

19 First of all, let me say -- first
20 of all, thank you, everybody for coming.
21 I didn't personally call anybody or ask
22 anybody to come down here, but certainly
23 for your comments -- I'm certainly
24 overwhelmed at the number of people that
25 showed up and support I certainly

1 Proceedings

2 appreciate that. But, you know, really,
3 the truth of my matter is, it ain't
4 about me. It's about Precinct 3, the
5 power of the vote in Precinct 3.

6 So I would like to take a couple
7 of minutes to discuss a couple of things
8 here that have gone on over the past
9 couple of months and redistricting and
10 the process of redistricting. First of
11 all, the normal process is you lay out a
12 timeline so that we're not crunched
13 against the gun to try to create a map,
14 or try to approve a map at a certain
15 time. So you lay out a timeline, you
16 say, okay, we got to discuss maps on
17 this day. We're going to discuss maps
18 on this day. And we even should give
19 voters an opportunity to submit your own
20 maps so we know exactly what the
21 timeline is.

22 Then we talk about when we're
23 going to have public hearings on those
24 maps. Now, normally, the right process
25 is to hold those public hearings in the

1 Proceedings

2 evening in different communities. In
3 the past, we've had one in the north
4 county, we've had one in the mid county,
5 we had one in Galveston, and one even on
6 the Bolivar Peninsula in the past, so
7 that everybody has an opportunity to
8 allow their voice to be heard. We did
9 this online thing, but not everybody has
10 access to the internet.

11 I don't know if it's a contest or
12 what. And I was out in the field the
13 other day, and a couple of people
14 mentioned it here today, where they're
15 pushing out to keep the -- "keep of
16 Galveston red," and go online and
17 register to see -- that's a contest to
18 see how many people go online. But I
19 would rather have a contest to see,
20 let's choose the map of the number of
21 people that showed up here today.

22 But, you know -- and I don't know
23 who chose the maps to go online. I
24 don't know how they got designed. The
25 people aren't honest with me. I did

1 Proceedings

2 have an opportunity to meet with the
3 lawyer. But I knew the fix was in when
4 the lawyer already knew what the deal
5 was -- because he said, I want you to
6 draw your own map. That's the same
7 thing he did to me ten years ago. It's
8 the same stuff. It's the same playbook.
9 So it wasn't really any different, for
10 me, the process, so the limited process
11 that you have, and of course we have the
12 public hearing across the county, but
13 there were none.

14 The point of having it after work
15 is so everybody doesn't have to take off
16 work. The point of having it in
17 people's communities is so they don't
18 have to go as far when they come to give
19 their public comments. And even this
20 meeting was only 72 hours notice to try
21 to get out, to try to get off work and
22 to try to get here.

23 The second thing that was known to
24 be done, they set up criteria that would
25 be adopted by the county. It helps to,

1 Proceedings
2 you know, guide the process. You talk
3 about things like, we want to keep
4 communities of interest together; we
5 want to preserve incumbent constituent
6 relations, and things of that nature.
7 Let me read to you what the Justice
8 Department -- in March 5th, 2012, in
9 regards to our last map that was
10 submitted, that were analyzed by the
11 Justice Department and kicked back by
12 the Justice Department.

13 This is what they said, based on
14 our analysis of the evidence, we have
15 concluded that the county has not met
16 its burden of showing that the proposed
17 plan was adopted with no discriminatory
18 purpose. We start with the county's
19 failure to adopt, as it had in previous
20 cycle, a set of criteria by which the
21 county would be guided in the judiciary
22 process. The evidence established that
23 this was a deliberate decision by the
24 county to avoid being held to a
25 procedural standard and standard of

1 Proceedings

2 conduct with regard to the manner which
3 complied with the constitutional and
4 statutory requirements of redistricting.

5 So there are statutory and
6 constitutional requirements in
7 redistricting. And the other part of it
8 was, essentially, other than meeting
9 with the lawyer that one time, I didn't
10 have any input in this process. I
11 didn't have a vote on whether or not we
12 would put these maps online. I did not
13 get an opportunity to do that.

14 Let me read to you what the
15 Justice Department, again, said March
16 5th, 2012, when they kicked that map
17 back. The evidence also indicates that
18 the process may have been characterized
19 by deliberate exclusions from meaningful
20 involvement in key deliberations of the
21 only member of the commissioners court
22 elected by minority ability to elect
23 their own county commissioner.

24 Precinct 3 is the only precinct in the
25 county where minority voters have the

1 Proceedings

2 ability to elect a candidate of choice
3 and it's the only precinct currently
4 represented by minority. So, you know,
5 it's the same playbook that happened in
6 2012. The only difference is you don't
7 have to have approval from the Justice
8 Department to approve your maps.

9 Let me jump to the maps that we
10 have here today. So maybe talk about
11 that. Let's start with map 2 -- let me
12 just talk about one thing here real
13 quick. So I commissioned a study --
14 just real quickly -- just to talk about
15 and look at polarized voting in
16 Galveston County, and how polarized
17 voting is in Galveston County. And what
18 it shows is that Hispanics and Blacks
19 form a coalition, in general, they pick
20 the same type of candidate and that
21 Whites will pick a different candidate,
22 a Republican candidate.

23 And it analyzes the rates of
24 Trump, Biden, Cruz, O'Rourke, the
25 senatorial race a couple of years ago,

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2 and another race. And basically what it
3 says on this graph, as you can see, as
4 the anglo of population increases, the
5 likelihood that a Republican would be
6 elected increases as well, and as the
7 minority vote decreases, it shows you
8 that the minority candidates cannot
9 control the election based on that. I
10 certainly would like to give a copy to
11 the commissioners as well for your
12 perusal, so we can see that as well.
13 Certainly would like all the
14 commissioners to see that.

15 But the importance of that is for
16 Precinct 3, in its current configuration
17 as an over 60% of Hispanic and Black
18 population, of the map that just made a
19 motion on, the largest population
20 between Hispanics and Blacks together
21 was 35% and they won't have any way to
22 pick a candidate of their choice.

23 Now, I have been a candidate of
24 choice in Precinct 3, not because I'm
25 Black but because I think I've been the

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best candidate. But the point is, people have the ability in the precinct to pick the candidate of their choice, whether it be White, Black, Hispanic, or whatever. They should have that's right. They should have that right. Certainly I know they should have protections under the Voting Rights Act.

I have also here, this is document, this is guidance -- this is guidance from the United States Department of Justice. This was issued September 1st of 2021, and in this document -- and I'm sure the lawyers for the county never told me about this document, never talked to me about voting rights or any of those issues which are important for redistricting counsel to talk to you about. You certainly never talked to any of that stuff about me -- but in this guidance document, let me talk to you here about this guidance document.

It talks about Section Two -- a

1 Proceedings

2 lot of people think the Voting Rights
3 Act is gone. It's not gone. 4B,
4 section 4B, the standard where
5 jurisdictions had to be reviewed, that's
6 gone. That is gone. But Section Two is
7 certainly applicable. Section Two of
8 the Voting Rights Act prohibits the
9 discrimination in voting on the basis of
10 race, color or membership in the
11 language minority. The permanent
12 nationwide prohibition applies to any
13 voting qualifications, prerequisite to
14 voting or standard practice or procedure
15 including -- including redistricting
16 plans and methods of electing government
17 bodies.

18 The essence of the discriminatory
19 results claim alleging voter dilution --
20 which is what's going on here -- within
21 that a certain electoral law, practice,
22 or structure interacts with social and
23 historic conditions that cause
24 inequality and the opportunities enjoyed
25 by minority voters to elect their

1 Proceedings

2 preferred candidates.

3 Section Two also prohibits any
4 electoral law, practice, or procedures
5 enacted and maintained with the intent
6 to disadvantage voters because of the
7 race, color or membership in a language
8 minority group. The Department of
9 Justice reviews methods of election for
10 US House of Representatives, State
11 Legislatures and County Commissions. We
12 are a County Commission, so when you
13 look at what's going on here today, if
14 you look at what vote dilution is going
15 on, there are three prong test.

16 First, the minority group must be
17 sufficiently large and geographically
18 compact to constitute a majority of the
19 voting age population in single voting
20 district. Currently, as Precinct 3
21 exists, it does have a majority of the
22 voting class.

23 Second, the minority group must be
24 politically cohesive -- we are certainly
25 politically cohesive in Precinct 3.

1 Proceedings

2 And, third, the majority must vote
3 sufficiently as a block to enable it to
4 usually defeat the minority groups
5 preferred candidates. So, pretty much,
6 if you get the majority, Precinct 3 --
7 of Precinct 3, you get most of the
8 people, you get it -- but if you get
9 most people you got to get elected
10 Precinct 3.

11 So that is the test for Section
12 Two and the Section Two violations. So
13 clearly the largest minority group in
14 the map that has been made a motion on
15 today is 38%. So they're diluting that
16 vote down that amount, from 60 some
17 percent to that amount.

18 So one last point here, one last
19 point here. But I want everybody to be
20 knowing -- and pass it on to everybody
21 in the hallway. Members of the public
22 are encouraged to send any complaints or
23 comments regarding possible violations
24 of federal voting rights laws to the
25 voting section. This can include

1 Proceedings

2 complaints, comments about methods of
3 election or distracting plans that
4 will -- district and -- redistricting
5 plans that may violate Section Two of
6 the Voting Rights Act.

7 Now, get your phones out for this
8 right here. The voting section can also
9 be reached through this toll-free number
10 800-253-3931. I'm going to get that to
11 you again, 800-253-3931. 800-253-3931.
12 Or you can get them on their website at
13 civilrights.justice.gov.

14 Let me move on. Let me move on.
15 Hold up. Let me just close with a
16 couple of things here. I want to just
17 jump, real quickly, to the rejection
18 letter from the Department of Justice
19 from 2005 -- the last thing here that I
20 want to cover, just quickly, if I may,
21 Judge.

22 COUNTY JUDGE HENRY: Yes, sir.

23 COMMISSIONER HOLMES: Let me find
24 my place here. This is what they said
25 in regards to that Map 1 that was talked

1 Proceedings

2 about and this is what they said in
3 regards to Precinct 3.

4 We note that during the current
5 redistricting process the county
6 relocates the Bolivar Peninsula, a
7 largely white area, from Precinct 1 to
8 Precinct 3. This reduced the overall
9 minority share in electorate in
10 Precinct 3 by reducing the African
11 American population in the precinct.
12 Based on that, we have concluded that
13 the county has not met its burden of
14 illustrating that the proposed
15 commissioners court redistricting plan
16 was adopted for those discriminatory
17 purposes.

18 Unfortunately, we don't have to
19 submit our map to the Justice Department
20 this time, but I want everybody here to
21 know and everybody on the commissioner's
22 court to know that clearly this map has
23 been adopted with a discriminatory
24 purpose. It's going to dilute the
25 minority vote here in Galveston County,

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2 without a doubt.

3 I would off- -- offer and tender
4 one thing to the commissioners court: I
5 got two maps here. I bought two maps --
6 and with one of them. They both pretty
7 much contain Precinct 3 with it's
8 currently existence, as it is, the very
9 minimal changes. Only a couple of
10 precinct changes, doesn't split any
11 precincts. Certainly if you're
12 interested in considering those maps, we
13 certainly would like to have -- one,
14 call it Holmes 1 and Holmes 2. We can
15 adopt Holmes 1 or Holmes 2, if they
16 move -- or they want to do that.

17 Lastly here -- and I certainly
18 would submit those for the county
19 clerk's records. Lastly here, sitting
20 here on the commissioners court -- they
21 didn't make me sit down here. First of
22 all, I don't think anything -- I'm
23 sitting down and everybody sitting up
24 there --

25 COUNTY JUDGE HENRY: We would have

1 Proceedings

2 had a commissioner hearing, just didn't
3 show up.

4 COMMISSIONER HOLMES: -- pretty
5 crowded up there.

6 But, you know, Darrell, you're a
7 lawyer, Darrell.

8 Joe, you're a veteran. Joe,
9 you're a law enforcement officer.
10 You've been doing that for years. Joe,
11 as a law enforcement officer, you're the
12 protector; you've enforced the laws.

13 Judge, you've defended our
14 country, it's law and it's people. You
15 did that.

16 Darrell, you're a lawyer, you
17 interpret the laws.

18 You-all know -- you-all know what
19 you should be doing. And I understand
20 (inaudible).

21 You know, when I first got
22 elected, to the commissioner's court --
23 when I first got appointed, really, a
24 lot of people rejected -- when I first
25 got appointed, got rejected. But when I

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2 would go to different communities, I was
3 going around trying to get to know a lot
4 of people in the community. They would
5 talk about Precinct 3 and the pride they
6 had in Precinct 3. And when I first got
7 there, I didn't really understand. I
8 was like, what is that -- what is that
9 pride, what is that all about? What is
10 all about because as I got to know
11 people -- because in Precinct 3, to be
12 honest with you, there are people in
13 Precinct 3 that, when they were born,
14 they had ancestors who were slaves who
15 were still living at the time. And so
16 they had conversations with those
17 people. And those people, the different
18 things that they lived through it and
19 they've seen. They lived through the
20 Jim Crow era. They saw all that stuff.

21 They lived through the Civil
22 Rights movement. They lived through the
23 passage of landmark legislation, the
24 Voting Rights Act, the Civil Rights Act
25 of 1964. They went to segregated

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Proceedings

schools: Lincoln, Booker T, Carver, Dunbar, Central. They went to all those schools and there was pride in those schools and that pride fuse over into voting and into elections and things of that nature. So when Precinct 3 came along in the 1990s and they got the opportunity to elect the candidate of their choice, how excited were the people in Precinct 3 to say, my vote matters, my vote is strong.

You know, I told the city, and I saw the city, and getting hosed down all those years. Now I have an opportunity here. My vote matter here. Voting matters here. (Inaudible). Integrations of school, no second-hand books, (inaudible) get all that stuff.

So I felt the pride and I feel the pride and I know the pride that the people feel in me as their county commissioner. But again, it ain't about me. It's about the people of Precinct 3, having the opportunity to

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2 elect the candidate of their choice, who
3 may or may not be me, it may be somebody
4 else. But they get the chance to elect
5 the candidate of their choice.

6 So what we're doing here today
7 takes us back many, many years. It's
8 not just lines on the map.

9 Commissioner Giusti, I saw you
10 quoted in the paper yesterday saying
11 that you'll still represent them. But
12 it's not the fact that you'll represent
13 them, it's the fact that they don't get
14 to pick the candidate of their choice.
15 That's what it's about. It's not about
16 that other stuff. This is their life.
17 This is people's lives. It's not just
18 an election. This is their life. They
19 fought for this for years. And I want
20 you to know that, all the members of the
21 commissioners court, we are not going to
22 go quietly into the night. We are going
23 to rage, rage, rage, until justice is
24 done to us.

25 COUNTY JUDGE HENRY: Hearing no

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more discussion on Action Item 3.

We have a motion, a second, all in favor?

COMMISSIONER APFFEL: Aye.

COMMISSIONER GIUSTI: Aye.

COUNTY JUDGE HENRY: Aye.

Opposed?

STEPHEN HOLMES: No.

COUNTY JUDGE HENRY: Motion passed
3 to 1 with 1 absent. Commissioners
Court is adjourned at 2:55.

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C E R T I F I C A T E

STATE OF NEW YORK)

: SS

COUNTY OF NEW YORK)

I, Marissa Mignano, a Notary Public within and for the State of New York, do hereby certify the within is a true and accurate transcription of the audiotapes recorded.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of October 2022.

Marissa Mignano

MARISSA MIGNANO

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, THE §
HONORABLE DERRICK ROSE, §
MICHAEL MONTEZ, PENNY § CASE NO. 3:22-CV-00057
POPE, AND SONNY JAMES, §
§
PLAINTIFFS, §
§
VS. §
§
GALVESTON TEXAS; AND §
THE HONORABLE MARK §
HENRY, IN HIS CAPACITY §
AS GALVESTON COUNTY §
JUDGE, §
§
DEFENDANTS. §

REMOTE AND VIDEOTAPED DEPOSITION OF
DIANNA GARZA MARTINEZ
FEBRUARY 24, 2023

REMOTE AND VIDEOTAPED DEPOSITION OF DIANNA GARZA
MARTINEZ, produced as a witness at the instance of
the Plaintiffs and duly sworn, was taken in the
above styled and numbered cause on Friday,
February 24, 2023, from 9:16 a.m. to 2:25 p.m.,
before TAMARA CHAPMAN, CSR, RPR-CRR in and for the
State of Texas, reported remotely by computerized
stenotype machine in Austin, Texas, pursuant to the
Federal Rules of Civil Procedure and any provisions
stated on the record herein.

Job No. CS 5763497

EXHIBIT 19

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ALSO PRESENT:

Samantha Perlman
Jason Hopkins, Videographer
Michael Toth, Concierge Tech

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1 Q. Okay. So are there ever instances, to
2 your knowledge, that the general counsel enters
3 agenda items under county judge rather than general
4 counsel?

5 A. General counsel has requested items to go
6 under the county judge.

7 Q. How often is that? I think you might
8 have answered that before, but...

9 A. It's hard to quantify that.

10 Q. But it's not unusual?

11 A. It's not unusual. Uh-huh.

12 Q. And, in this case, you don't know whether
13 it was Judge Henry or the general counsel who told
14 you the language to include under 3(a). Right?

15 A. In this case, I don't recall which --
16 whether it was County Judge Mark Henry or general
17 counsel.

18 Q. To your knowledge, did Tyler Drummond
19 review this draft agenda?

20 A. Yes.

21 Q. How do you know that?

22 A. I send all drafts to Tyler and Judge
23 Henry.

24 Q. Okay. So --

25 A. Most of the time.

1 Q. So in this email you're -- it's directed
2 to a judge and Tyler is copied. Right?

3 A. I don't have an email in front of me.

4 Q. Oh, sorry. We'll have to scroll up.

5 A. Yes.

6 Q. And even though the email is only copying
7 Tyler, he would still review an agenda, to your
8 knowledge?

9 A. To my knowledge.

10 Q. Okay. To your knowledge, did Judge Henry
11 review this agenda?

12 A. Yes.

13 Q. To your knowledge, did Judge Henry
14 approve it?

15 A. Yes.

16 Q. Okay. And where was this agenda posted
17 once it was finalized?

18 A. On our public website and physically
19 posted at our building for public display.

20 Q. And do you recall when the agenda was
21 posted?

22 A. It would have been 72 hours prior to the
23 November 12th, so on or about November 9th before
24 1:30 p.m.

25 Q. Previously we discussed instances where

1 you post the agenda on Thursday nights before a
2 Monday meeting. Are you able to post agendas prior
3 to the 72-hour requirement for special meetings?

4 A. It's required that I post a special
5 meeting or any meeting 72 hours prior.

6 Q. Right. My question is, are there
7 instances where you post agendas prior to 72 hours,
8 like more than 72 hours before the special meeting
9 like you do with some regular meeting?

10 A. I always post agendas prior to 72 hours
11 and would generally like to post them within a --
12 it's custom that I would post them within that time
13 and maybe the -- a time frame to where we have
14 included everything that needs to be on there.

15 So I always post 72 hours prior perhaps,
16 you know, less than 12 hours before. It's -- due to
17 our process, it's usually the day before the 72-hour
18 notice to cap- -- to make sure we capture everything
19 and don't have to leave anything out.

20 Q. Thank you.

21 MS. OLALDE: Ms. Smith, I'm going to
22 move her video -- her -- her video blocks are
23 blocking some of the callouts, so I'm going to move
24 that for her.

25 MS. SMITH: Uh-huh.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

HONORABLE TERRY	|	
PETTEWAY, et al.,	|	
	|	CASE NO. 3:22-cv-00057
Plaintiffs,	|	
V.	|	
GALVESTON COUNTY, et	|	
al.,	|	
Defendants.	|	

ORAL AND VIDEOTAPED DEPOSITION OF
TYLER DRUMMOND
JANUARY 18, 2023

ORAL AND VIDEOTAPED DEPOSITION of TYLER
DRUMMOND, produced as a witness at the instance of the
Plaintiffs, and duly sworn, was taken in the
above-styled and numbered cause on January 18, 2023,
from 9:12 a.m. to 5:13 p.m., before Mendy A.
Schneider, CSR, RPR, in and for the State of Texas,
recorded by machine shorthand, at the offices of
GREER, HERZ & ADAMS, 2525 South Shore Boulevard,
Suite 203, League City, Texas, pursuant to the Texas
Rules of Civil Procedure and the provisions stated on
the record or attached hereto; that the deposition
shall be read and signed.

EXHIBIT 20

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DAWUAN NORWOOD

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	reflected in the manner in which they were read into	
	the record and do not necessarily denote an exact	
	quote from the document.)	

1 Does that help center you on when that
2 firm was officially engaged?

3 A. The e-mail from John Wayne Ferguson was
4 April 7th asking for a copy of the letter that was
5 approved. I still don't know the specific date when
6 that was approved.

7 Q. Okay.

8 A. I don't know if it was that day or what day
9 prior to.

10 Q. Okay. But fair to say your recollection is
11 it was around that time frame?

12 A. My assumption would be based on this e-mail
13 exchange that would have occurred prior to this e-mail
14 around that time.

15 Q. Okay. Did you have any role in -- in
16 finalizing an engagement letter with Mr. Oldham?

17 A. I don't believe so.

18 Q. Okay. Did you have any role in helping to
19 get the engagement of Mr. Oldham and his colleagues
20 approved by the Commissioners Court?

21 A. I don't recall.

22 Q. Okay. So after that, the engagement of
23 Mr. Oldham and his colleagues, what, if anything, were
24 you involved in concerning the 2021 redistricting
25 process, that you can recall? Like, what was the next

1 thing?

2 A. From my recollection, I -- I feel the
3 recollection of that there was a big gap or time
4 period of inactivity based on the -- there were some
5 kind of fight or some issue with the Census Bureau
6 releasing data.

7 I don't know what specifics were
8 involved around that, but I do know there was a delay,
9 and I know that based off of common knowledge in
10 reading news articles and -- and whatnot, so I believe
11 there was a gap.

12 Q. Okay. And then what happened, as far as you
13 were involved, after that gap period?

14 A. When the -- meaning when the data was finally
15 released?

16 Q. Yes.

17 A. To get the process -- to get the
18 redistricting counsel involved in starting the
19 process.

20 Q. Let's look at Tab 25, Exhibit 11.

21 (Marked Drummond Exhibit No. 11.)

22 MR. MANCINO: Sorry.

23 Q. (BY MR. MANCINO) And you should be seeing an
24 e-mail to you from Cheryl Johnson dated May 20th,
25 2021.

1 targeted --

2 MS. OLALDE: Objection.

3 Q. (BY MR. MANCINO) -- as a date for the special
4 meeting?

5 MS. OLALDE: Objection; asked and
6 answered.

7 A. I don't recall why that date was picked.

8 Q. (BY MR. MANCINO) Did it have to do with
9 availability of any commissioners?

10 A. It could have. Commissioner Clark was sick
11 at the time, going through cancer treatment and had
12 treatments, so...

13 Q. So when did the special meeting take place?

14 A. My recollection it happened on November 12th,
15 if I'm not mistaken.

16 Q. Okay. And where was the meeting held? In
17 what room?

18 MS. OLALDE: Objection; asked and
19 answered.

20 A. The North County Annex in Judge McCumber's
21 courtroom.

22 Q. (BY MR. MANCINO) It -- okay. So it actually
23 was held in Judge McCumber's courtroom?

24 A. Yes.

25 Q. Okay. And why -- why was the meeting

1 postponed from November 9th to November 12th?

2 A. I can't specifically recall why it was
3 postponed.

4 Q. Any general memory?

5 A. The orders may have not been ready.

6 Q. Okay. Did Commissioner Clark make it to the
7 meeting on November 12th?

8 A. Wow, I really can't remember that one.

9 Q. Okay.

10 A. So I don't recall.

11 MR. MANCINO: What are we on? What
12 exhibit?

13 MS. GARRETT: 30.

14 MR. MANCINO: 30. Let's go to Tab 56,
15 which is Exhibit 30.

16 (Marked Drummond Exhibit No. 30.)

17 THE WITNESS: Thank you.

18 Q. (BY MR. MANCINO) Do you know what Exhibit 30
19 is?

20 A. An e-mail from my assistant, Dianna Martinez.

21 Q. Concerning what?

22 A. Special meeting draft agenda for
23 November 9th, 2021.

24 Q. Did you have a hand in drafting this notice?

25 MS. OLALDE: Objection; asked and

1 answered.

2 MR. MANCINO: Well, he has it in front
3 of him now.

4 A. I reviewed it.

5 Q. (BY MR. MANCINO) I'm sorry?

6 A. I reviewed it.

7 Q. Okay. Make any changes?

8 A. Not to my recollection.

9 Q. Okay. Did you attend this special meeting on
10 November --

11 MR. MANCINO: What was the date?

12 Q. (BY MR. MANCINO) -- 12th?

13 A. Yes.

14 Q. Okay. How many people attended the meeting,
15 roughly, by your estimation?

16 A. It was busier than usual. I -- off the top
17 of my head, I don't know if that number would be 100
18 or 150.

19 Q. Where -- where were you located during the
20 meeting?

21 A. I was up on the side of the room at one
22 point, and I also assisted by walking through the
23 hallways at another point and going into a -- the
24 breakroom that had some folks sitting in there.

25 Q. Okay. So there was an overflow of people --

1 A. You pulled it off --

2 Q. -- the County agenda meeting minutes from the
3 November 12th hearing.

4 A. It appears to look like the same map that was
5 posted on the Facebook post.

6 Q. Okay. So I'll just start with this map,
7 then, get into a little discussion about it.

8 What was your opinion on Map 1?

9 A. Yeah, I don't know.

10 Q. What is your opinion on Map 1 currently?

11 A. I don't know.

12 Q. Do you understand it to retain Precinct 3 as
13 a majority-minority district?

14 A. I don't know.

15 Q. Okay. Can you explain more, why don't you
16 know?

17 A. You're asking me about my opinion of it at
18 the time. I don't remember it, and it's been so far
19 along since redistricting, I don't -- I haven't
20 reconsidered Map 1.

21 Q. At the time, did you consider map -- the
22 Map 1 as a viable option for adoption?

23 A. I'm not a -- I don't have a vote in
24 Commissioners Court.

25 Q. But as a voter in Galveston County, you have

1 an opinion on how maps are drawn, correct?

2 A. Yes.

3 Q. And so I'm just asking what is your opinion,
4 you know, as a voter in Galveston County, subject to
5 these precinct lines shown on Map 1?

6 A. I supported Map 2.

7 Q. Okay. Okay. Then we can pull up Map 2.

8 MS. RICHARDSON: Alexa, can you go to
9 Exhibit 37?

10 (Marked Drummond Exhibit No. 37.)

11 Q. (BY MS. RICHARDSON) Okay. Is this Map 2?
12 I'll represent to you again I pulled this from the
13 twenty -- the November 12th agenda.

14 A. Yes.

15 Q. Okay. So you said you supported Map 2. Can
16 you explain why?

17 A. It creates a coastal precinct.

18 Q. Referring specifically to Precinct 2?

19 A. Yes.

20 Q. Why did you want to create a coastal
21 precinct?

22 A. There's a lot of alignment with coastal
23 issues in those communities.

24 Q. Can you explain some of that alignment?

25 A. The County's functions is to work closely

1 with the General Land Office on coastal issues, beach
2 access, beach maintenance, dune maintenance, and
3 having a commissioner represent all those interests I
4 think was a good public policy decision.

5 Q. Do you know if voters ever expressed a
6 preference for a coastal precinct? And, sorry, I'll
7 clarify. Voters other than you.

8 A. Yes.

9 Q. Who -- what -- what do you know about voters
10 who expressed a preference about a coastal precinct?

11 A. From some of the review I did with the public
12 comment, when I testified earlier about the public
13 comments.

14 Q. Uh-huh.

15 Do you know if any minority residents in
16 Galveston County expressed a view about a coastal
17 precinct?

18 A. I don't recall.

19 Q. Do you know if any minority voters expressed
20 a view about Map 2?

21 A. From being in the public meeting, there was
22 testimony and opinions about Map 1 and 2 from
23 residents.

24 Q. What do you recall the opinions -- about the
25 opinions? Sorry.

1 A. There was some folks in attendance that were
2 not in favor of Map 1 or 2.

3 Q. Uh-huh. Do you understand why they weren't
4 in favor of either map?

5 A. They gave their own reasonings in their
6 public comment testimony at the meeting.

7 Q. What do you -- what did you understand the
8 reasoning to be?

9 A. I think I testified to that earlier about
10 their representation on Commissioners Court.

11 Q. So we talked -- and you did talk earlier --
12 we talked earlier about the -- about Precinct 3.

13 Do you understand Map 2 -- now we can
14 call it Map 2 or the adopted map synonymously -- to
15 maintain Precinct 3 as a -- as a majority-minority
16 precinct, looking at this map?

17 A. I'm sorry, what -- what was the question
18 specifically?

19 Q. I can repeat it.

20 Do you understand --

21 A. Thank you.

22 Q. -- Precinct 3 to be maintained as a
23 majority-minority precinct under Map 2?

24 A. I don't know.

25 Q. Okay. Do you understand any precinct to be

WILLIAM COOPER

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UNITED STATES DISTRICT COURT
SOUTHER DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, et al., : CIVIL ACTION NO.
: 3:22-CV-00057
PLAINTIFFS, : (Consolidated)
:
vs. :
:
GALVESTON COUNTY, TEXAS, :
et al., :
:
DEFENDANTS. :

----- : -----
UNITED STATES OF : CIVIL ACTION NO.
AMERICA, : 3:22-CV-00093
:
PLAINTIFFS, :
:
vs. :
:
GALVESTON COUNTY, TEXAS, :
et al., :
:
DEFENDANTS. :

----- : -----
DICKINSON BAY AREA : CIVIL ACTION NO.
BRANCH NAACP, et al., : 3:22-CV-00117
:
PLAINTIFFS, :
:
vs. :
:
GALVESTON COUNTY, TEXAS, :
et al., :
:
DEFENDANTS. :

EXHIBIT 21

WILLIAM COOPER

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Friday, April 21, 2023

- - -

Video recorded deposition taken
remotely, via Zoom, of William Cooper,
beginning at 11:14 a.m., before Beau Dillard,
RPR, a Notary Public in and for the
Commonwealth of Pennsylvania and Certified
Registered Professional Reporter.

- - -

VERITEXT NATIONAL COURT REPORTING COMPANY
MID-ATLANTIC REGION
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WILLIAM COOPER

Page 3

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20 Larry Moskowitz,
21 Videographer

22 - - -

22
23
24
25

WILLIAM COOPER

Page 43

1 not be included in it.

2 Q. Okay. Now, if we go back to
3 Exhibit 3, your rebuttal report, Paragraph 12.
4 So here in your rebuttal report, Paragraph 12,
5 Page 5, do you have that in front of you?

6 The tables -- the tables and
7 charts that I prepared in Exhibit D of my
8 January 13th report analyze ACS data at the
9 more granular municipality level.

10 Is that correct?

11 A. Right.

12 Q. Okay. All right. I understand
13 what you're saying then. We can go ahead and
14 put Exhibit D up, Exhibit 5.

15 - - -

16 (Whereupon the document was
17 marked, for identification purposes, as
18 Exhibit Number 5.)

19 - - -

20 A. You still there?

21 BY MR. SHEEHY:

22 Q. Yeah. We're putting up
23 Exhibit 5 for you.

24 A. Oh, okay.

25 Q. We've put Exhibit 5 up. We'll

WILLIAM COOPER

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1 go ahead and scroll down. This was just taken
2 from the website link that you had in your
3 report. Is this the index to Exhibit D of your
4 January 13th, 2023, report?

5 A. Yes.

6 Q. And Exhibit D contains the
7 socioeconomic data for Bacliff, Bolivar,
8 Dickinson, Friendswood, Galveston County,
9 Galveston City, Hitchcock City, La Marque City,
10 League City, San Leon, Santa Fe and Texas City,
11 correct?

12 A. Right.

13 Q. Did you analyze the
14 socioeconomic factors of the populations
15 contained in your Illustrative Commissioner
16 Precinct 3 maps?

17 A. I did not. That would require
18 aggregating the block group level data to
19 arrive at an estimate and I did not do that, I
20 just worked with the -- the chart you see here.

21 In some cases, I think I
22 included, you know, a whole -- virtually a
23 whole municipality so we would know that
24 component by looking at these charts.

25 Q. Let's go back to Exhibit 2, if

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1 we could, please. We'll go to Page 178. We're
2 putting up what is marked as Exhibit 2 for your
3 deposition, but this is Cooper Exhibit K-3B to
4 your report.

5 And this is for your
6 Illustrative Plan 3 that you submitted in your
7 January 13 report. And if we scroll down,
8 you'll see on the left you have you have
9 district numbers, you have 1, 2, 3 and 4. And
10 am I correct in saying that these district
11 numbers are the commission report precinct
12 numbers?

13 A. For illustrative Plan 3. Right.

14 Q. So if I'm looking at
15 Commissioner Precinct 3, you have Dickinson,
16 you have 72.06 percent of Dickinson, 15,023,
17 correct?

18 A. Correct.

19 Q. And that's place --

20 A. That's the population of
21 Dickinson that is in Precinct 3.

22 Q. Right. And then you have
23 Hitchcock, so the population of Hitchcock that
24 is in Commissioner Precinct 3 is 2,094 persons
25 or 35.53 percent of Hitchcock, correct?

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1 prepared are clearly within the form by Texas
2 standards and about the same as the scores for
3 the enacted plan.

4 Under illustrative Plan 3A,
5 Precinct 3 scores even higher on the
6 Polsby-Popper test and .36 on the Reock test.

7 Did I read that correctly?

8 A. Yes.

9 Q. If we go to Page 24 in your
10 January 13th report, you state, I'll get that
11 up for you. Sorry. Exhibit 2. Do you have
12 Page 24 in front of you, Mr. Cooper? We're
13 looking at Paragraph 65.

14 A. Paragraph 65? Yes. Okay.

15 Q. Okay. And there you say
16 regarding the third factor listed the
17 compactness of the commissioner court
18 precincts, notes that the compactness scores
19 are not particularly meaningful given that
20 Galveston County's boundaries extend beyond the
21 coast into the Gulf in Galveston Bay, thereby
22 artificially skewing compactness calculations
23 due to the inclusion of unpopulated water
24 within coastal areas.

25 Did I read that correctly?

WILLIAM COOPER

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1 A. Yes.

2 Q. Okay. So by and large, it seems
3 that your opinion is, is that compactness in
4 Galveston County is somewhat difficult to
5 measure just given the difficulty of the
6 geography of Galveston County.

7 Do I understand Paragraph 65
8 correctly?

9 A. Well, yeah, as it relates to the
10 islands. I -- I -- I think maybe in the case
11 of the island, the -- the census tracks extend
12 beyond the shorelines so it does sort of smooth
13 out the compactness scores, which is okay.

14 I don't really have any problem
15 with compactness scores in the enacted plan,
16 that's not the issue here, it's the failure to
17 follow the Voting Rights Act as they laid out
18 in their initial explanation of the factors
19 that were under consideration for the -- plans.

20 Q. Let's go to Page 129 in
21 Exhibit 2.

22 A. So we haven't lost the --

23 Q. Yeah. We're putting it back up
24 for you.

25 A. Oh, okay.

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1 Q. So this is Cooper Exhibit F3C
2 for your January 13th, 2023, report, Exhibit 2
3 to this deposition. This is the political
4 subdivision split between districts for the
5 2021 enacted plan in Galveston.

6 Here, you have the split counts
7 and looks like you're saying here that there
8 are seven voting district splits, three of
9 those splits involve no population --

10 A. -- a factor four splits, four
11 populated splits.

12 Q. I think if we go up one page,
13 scroll up. There it is. Yeah. Right there.
14 And then this has -- keeps whole towns and
15 cities, keeps nine whole towns and cities
16 whole. Is that correct?

17 A. That's -- that's correct.

18 Q. And then the town city splits
19 are 17, 16, if you count with population.

20 Is that right?

21 A. That's correct.

22 Q. Okay. If we go to 154, this is
23 the proposed Plan 1 or Map 1, and this plan
24 keeps ten full towns and cities or keeps ten
25 towns and cities whole and has what appears to

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1 able to drive through without crossing into
2 Precinct 3.

3 Of course, it wouldn't be that
4 big of a deal had I just left it as is, but I
5 wanted to ensure that he had complete access to
6 the entire coast. So that's -- that's why that
7 area is shaded green and it created another
8 precinct split, I think, but that's the only
9 reason I did that was just to provide a clear
10 pathway.

11 The same thing on the beach
12 side, you can see how I split a handful of
13 precincts to allow for direct access in
14 Precinct 2 from the south -- the south end of
15 the Galveston Island, all the way up to the end
16 of the Bolivar Peninsula there at High Bridge,
17 I think it's called. So he doesn't have to
18 drive out of his district. It's a complete
19 coastal district.

20 Q. Okay. If the commissioner for
21 Precinct 2 were coming down I-45 through
22 Boyou Vista and past Tiki Island onto the
23 Galveston Island, if he wanted to go to the
24 Bolivar Peninsula, wouldn't he need to go
25 through Commissioner Precinct 3 to get there?

WILLIAM COOPER

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1 A. I don't think so. I have it so
2 that the area there would be still in
3 Precinct 2. You can see that there's green
4 there and in effect he's going to be able to
5 get there by -- by road following, I guess,
6 Highway 342. So he's still in the green.

7 Q. Okay.

8 A. I was going to so -- this was
9 drawn, prioritizing the commissioner of
10 Precinct 2, because apparently it is his
11 preference or the Board's preference they have
12 Galveston Island, Bolivar Peninsula, Pelican
13 and, of course, on equal footing, I left as
14 much of the city of Galveston in Precinct 3 as
15 I could because that was in the majority,
16 minority district originally.

17 And there's a clear community of
18 interest, I think, with the City of Galveston
19 and the rest are of Precinct 3. For one thing,
20 it's a historical site. It's the place where
21 Juneteenth -- Juneteenth was first observed, so
22 there's a lot of cultural importance to that
23 particular area insofar as the African-American
24 community is concerned in Galveston County.

25 Q. I'm looking at Illustrative Plan

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1 3 on 175, you have Commissioner Precinct 1 in
2 control for Bolivar Peninsula and Galveston
3 Island, correct?

4 A. Right. Everything -- the entire
5 kit and caboodle is in Precinct 1. So this is
6 to demonstrate that there was absolutely no
7 need to split Galveston Island at all, but for
8 the historical and cultural importance of the
9 City of Galveston as it pertains to -- well,
10 really the -- community, but particularly the
11 Black community given it's importance in terms
12 of the observation, initial celebration of
13 Juneteenth.

14 But if all of -- if it's
15 important for the Commission for all of
16 Galveston Island and all of Pelican Island, all
17 of the Bolivar Peninsula to be in a single
18 district, then Illustrative Plan 3 is the one
19 to consider.

20 Although, I would now suggest
21 that they should consider Illustrative Plan 3A
22 because it has one less split of municipality
23 and there would be no issue at all about
24 driving around that particular precinct without
25 entering into another precinct.

Declaration of Tye Rush

Background Information

1. Pursuant to 28 U.S.C. § 1746, I, Tye Rush, declare the following:
2. My name is Tye Rush and I am over the age of 18.
3. I am currently a Senior Fellow at the UCLA Voting Rights Project (VRP). At the UCLA VRP my duties include managing and processing data and maps, conducting statistical analysis of voting results, and working with census data or voter file data to assess racial/ethnic demographics. I am the head of redistricting mapping and GIS at UCLA VRP. In my role with VRP I teach advanced courses and train undergraduate students, graduate students, and research fellows on how to properly draw maps to redistrict cities, counties, and states. During my time as Senior Fellow with the UCLA Voting Rights Project, I collaborated with statisticians and political scientists to conduct mapping analysis in numerous jurisdictions. I also completed mapping training with Dr. Matt A. Barreto, Dr. Gabriel Sanchez, and Dr. Loren Collingwood.
4. I have designed and taught a full undergraduate course on voting rights, including mapping at UCLA in the department of Political Science.
5. Beyond my work at UCLA VRP, I have been hired as a consultant to draw and evaluate maps in California for different organizations and advocacy groups as they pertain to redistricting efforts in 2021.
6. I received my B.A. in Public Service/Political Science from the University of California, Riverside in 2016. I received my M.A. in Political Science from the

University of California, Los Angeles in 2019. My doctoral dissertation project concerning the Voting Rights Act was awarded the Dissertation Scholars Award from Princeton University Mamdouha S. Bobst Center for Peace and Justice.

7. My full professional qualifications and activities are set forth in my curriculum vitae. A true and correct copy has been attached hereto as Appendix A. I am being compensated by the Plaintiffs at a rate of \$275 an hour for my work and \$350 per hour for any oral testimony in this case.

Scope of Work

8. The Petteway Plaintiffs in this suit requested that I investigate the ability to draw a mapping plan for Galveston County, Texas that both meets the standards set forth in *Gingles* I and does not dilute the voting strength of Black and Latino communities from electing their candidates of choice.
9. To conduct this analysis, I used ESRI Redistricting software, Dave's Redistricting Application (DRA), and qGIS. ESRI Redistricting is an online Geographic Information System (GIS) software that allows users to draw maps and district boundaries. It is the world's leading GIS mapping software and is commonly used by GIS specialists throughout the country.

Executive Summary

10. Galveston County's Black and Latino populations are sufficiently large enough in combination to constitute a majority in a single-member Galveston County Commission District.

11. Galveston County's Black and Latino populations are geographically compact such that they can constitute a majority in a single-member Galveston County Commission District.
12. A single-member Galveston County Commission District that provides the opportunity for Black and Latino voters to elect candidates of choice, while also complying with traditional redistricting principles, is possible to draw in multiple configurations.

Galveston County, Texas Demographics

13. According to the 2020 Decennial Census, there has been an increase in the Hispanic (and/or Latino) total population in Galveston County, while there has been a decrease in the Anglo total population. Further, comparing the 2020 Decennial Census to the 2010 Decennial Census, it is clear that there has been an increase in the Hispanic Voting Age Population (VAP).
14. In Table 1, I have provided a chart demonstrating the demographic changes in Galveston County, TX between 2010 and 2020.

Table 1: Galveston County, TX Demographics 2010 - 2020¹

	2010 Census		2020 Census	
	Total	Percent	Total	Percent
Total Population	291,309		350,682	
Anglo	172,652	59.3%	191,358	54.6%
Hispanic	65,270	22.4%	88,636	25.3%
Black	39,229	13.5%	43,120	12.3%
	2010 ACS 5-Year Estimates		2019 ACS 5-Year Estimates	
Total Citizen Voting Age Population (CVAP)	197,805		234,350	
Anglo Citizen Voting Age Population (CVAP)	133,300	67.4%	150,220	64.1%
Hispanic Citizen Voting Age Population (CVAP)	29,350	14.8%	42,775	18.3%
Black Citizen Voting Age Population (CVAP)	28,315	14.3%	30,190	12.9%

Source: The Decennial Census and ACS Data in this table were compiled using Social Explorer. For more information, visit: <https://www.socialexplorer.com/product>

¹ Redistricting & Voting Rights Data Office. "Citizen Voting Age Population by Race and Ethnicity." 2022. American Community Survey. U.S. Census Bureau. <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>

15. According to the 2020 Decennial Census, the Latino CVAP in Galveston County increased from 29,350 to 42,775. According to the 2019 American Community Survey (ACS) 5 year estimates, the Latino CVAP increased about four percent. The combined Black and Latino CVAP in the County is 31.8 %. When including Asian Americans and other non-Anglo populations, the total racial minority CVAP of Galveston was 35.9% based on the 2019 ACS 5 year estimates.
16. When examining the 2012 Commissioner Court’s map, it is clear that there was an increase in the minority total population and CVAP in Commissioner Precinct 3.
17. Table 2, below, provides demographic information from the 2020 Decennial Census applied to the 2012 Galveston County Commissioner Precinct 3.

Table 2: Galveston County, TX Precinct 3 in Commissioners Court 2012 Adopted Plan

	2020 Data	
	Total	Percent
Total Population	79,916	
Anglo	24,007	30.0%
Hispanic	27,124	33.9%
Black	26,506	33.2%
Total Citizen Voting Age Population	54,521	
Anglo Citizen Voting Age Population	20,857	38.3%
Hispanic Citizen Voting Age Population	13,714	25.2%
Black Citizen Voting Age Population	18,163	33.3%

Source: The Decennial Census and ACS Data in this table come from the reports generated by DRA 2020. For more information, visit: <https://davesredistricting.org/maps#aboutdata>

18. Under the Commissioners Court plan adopted in 2012 and using 2020 data from the Census Bureau's American Community Survey (ACS) 5-year estimates, Commissioner Precinct 3 would consist of a majority Black and Latino citizen voting age population.
19. Specifically, the CVAP of Precinct 3 would be 33.3% Black and 25.2% Latino.
20. Based on 2020 American Community Survey (ACS) data from the U.S, Census Bureau, Commissioner Precinct 3 in the 2012 plan was a majority-minority precinct in 2021.
21. The adopted map in 2021 for the Galveston County Commissioners Court does not include a majority Black and Latino commissioner district
22. Under the 2021 adopted map, Precinct 3 contains a Latino CVAP of 20.6% and a Latino VAP of 23.0%. Under the 2021 adopted map, Precinct 3 contains a Black CVAP of 14.4% and Black VAP of 14.0%. None of the precincts in the 2021 adopted map contain a Black and Latino majority VAP or CVAP.
23. Table 3, below, provides a demographic breakdown of the 2021 adopted map for Galveston County Commissioner Precinct 3.

Table 3: Galveston County, TX Precinct 3 in Commissioners Court 2021 Adopted Plan

	2020 Data	
	Total	Percent
Total Population	87,697	
Anglo	47,460	54.1%
Hispanic	22,725	25.9%
Black	13,543	15.4%
Total Citizen Voting Age Population	64,753	
Anglo Citizen Voting Age Population	40,422	62.4%
Hispanic Citizen Voting Age Population	13,325	20.6%
Black Citizen Voting Age Population	9,354	14.4%
Total Voting Age Population	71,389	
Anglo Voting Age Population	41,421	58.0%
Hispanic Voting Age Population	16,431	23.0%
Black Voting Age Population	9,974	14.0%

Source: The Decennial Census and ACS Data in this table come from the reports generated by DRA 2020. For more information, visit: <https://davesredistricting.org/maps#aboutdata>

24. For over 20 years, Precinct 3 has been represented by Commissioner Stephen Holmes, a Black male and candidate of choice for the Black and Latino voters within the precinct.
25. Precinct 3 has been the sole district where Black and Latino voters have been able to elect their candidate of choice since 1988.

Gingles Standards

26. Section 2 of the Voting Rights Act is violated when an electoral system dilutes the voting strength of a minority community, depriving the members of that community of their right to an equal opportunity to elect representatives of their choice. 52 U.S.C. § 10301.
27. The U.S. Supreme Court, in *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986), identified three necessary preconditions (“the Gingles preconditions”) for a claim of vote dilution under Section 2 of the Voting Rights Act:
- a. the minority group must be “sufficiently large and geographically compact to constitute a majority in a single-member district”;
 - b. the minority group must be “politically cohesive”; and
 - c. the majority must vote “sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.”

Redistricting Principles in Galveston County

28. Galveston County listed the following six factors² considered in adopting the 2021 Commissioners Court Precinct Map:
- a. Compliance with the requirements under the Fourteenth Amendment to the U.S. Constitution and with the VRA, with the most important requirements being the equalization of the population and making precincts geographically sound.
 - b. Unified representation on Galveston Island and Bolivar Peninsula.

² Defs. 1st Supp. Resp. to U.S. Interrog. No. 1

- c. Compactness of Commissioners Court precincts.
- d. Minimizing splitting of voting tabulation districts (VTDs).
- e. Only after the prior factors were achieved, ensuring incumbents resided in their precincts.
- f. Partisan composition of districts.

Gingles I: The Minority Group Must be “Sufficiently large and geographically compact to constitute a majority in a single member district.”

- 29. The Latino and Black communities of Galveston County are sufficiently large and geographically compact to constitute a majority in one of the Commissioners Court precincts.
- 30. From 2010 to 2020, the Black and Latino populations combined grew at a faster rate and in larger numbers than the Anglo population in Galveston.
- 31. Below are three demonstrative maps, labeled DEMONSTRATIVE MAP 1, DEMONSTRATIVE MAP 2, AND DEMONSTRATIVE MAP 3. Each of these maps create a majority Black and Latino district in Commissioner Precinct 3.
- 32. In drawing demonstration maps, I considered compliance with the one-person, one-vote requirement as applied to local jurisdictions and traditional redistricting criteria³—compactness, contiguity, preservation of political subdivisions, preservation of communities of interest, preservation of cores of prior districts, and incumbent

³ National Conference of State Legislatures. “Redistricting Criteria.” <https://www.ncsl.org/redistricting-and-census/redistricting-criteria>

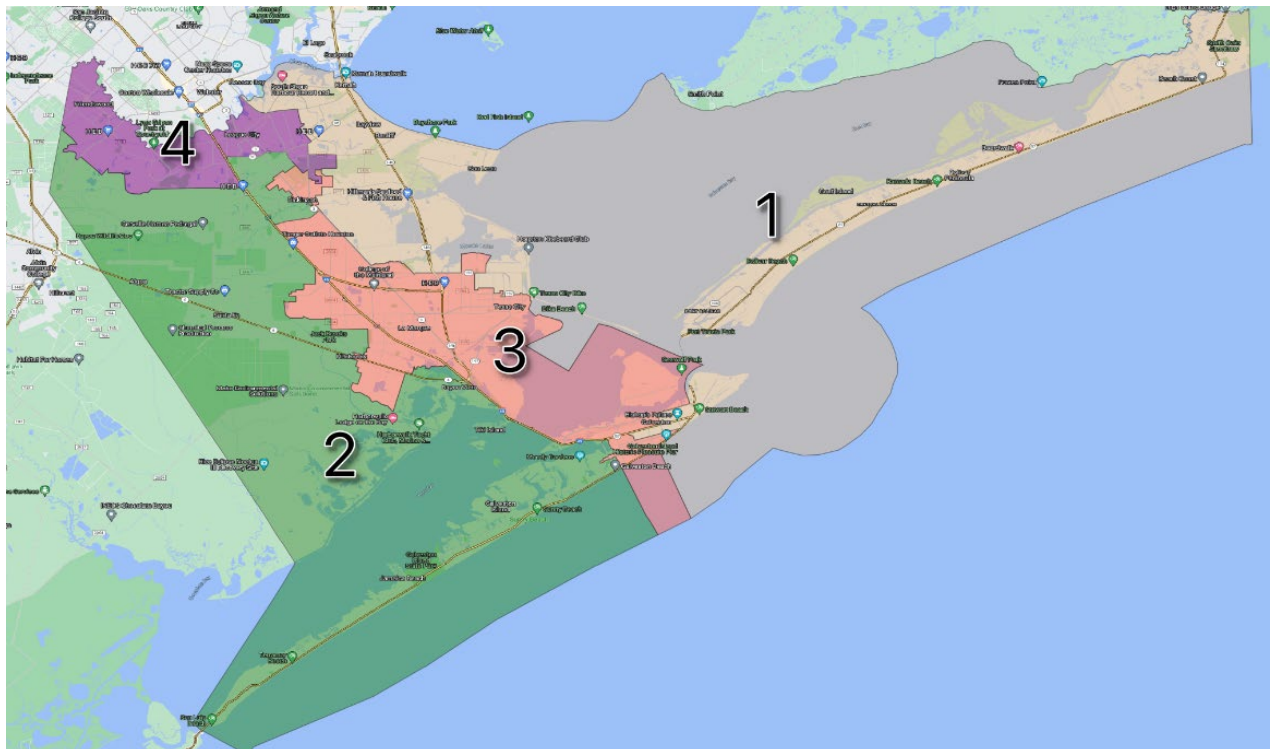
protection. I was also aware and mindful of the above six redistricting factors considered by Galveston County.

33. These demonstration maps were drawn using DRA 2020, an online redistricting platform that uses data from the Decennial Census and from the Census Bureau's American Community Survey (ACS).⁴

DEMONSTRATIVE MAP 1

34. Figure 1, below, shows DEMONSTRATIVE MAP 1, where the majority black and Hispanic district is Precinct 3.

Figure 1: Demonstrative Map 1



⁴ DRA 2020. <https://davesredistricting.org/maps#aboutus>

35. Table 4, below, provides a demographic breakdown of DEMONSTRATIVE MAP 1 from the total population tabulations in the 2020 Decennial Census and from the Citizen Voting Age Population (CVAP) 5-year estimates in the 2020 American Community Survey (ACS) data.

Table 4: Demographics of DEMONSTRATIVE MAP 1

Precinct	Total Pop	Deviation	Total CVAP	Anglo CVAP	Hispanic CVAP	Black CVAP
1	88625	1.09%	62349	68.96%	18.55%	9.46%
2	86200	-1.68%	62652	73.89%	15.42%	5.83%
3	87007	-0.76%	59663	40.41%	26.14%	30.42%
4	88850	1.35%	54661	69.62%	16.72%	7.33%

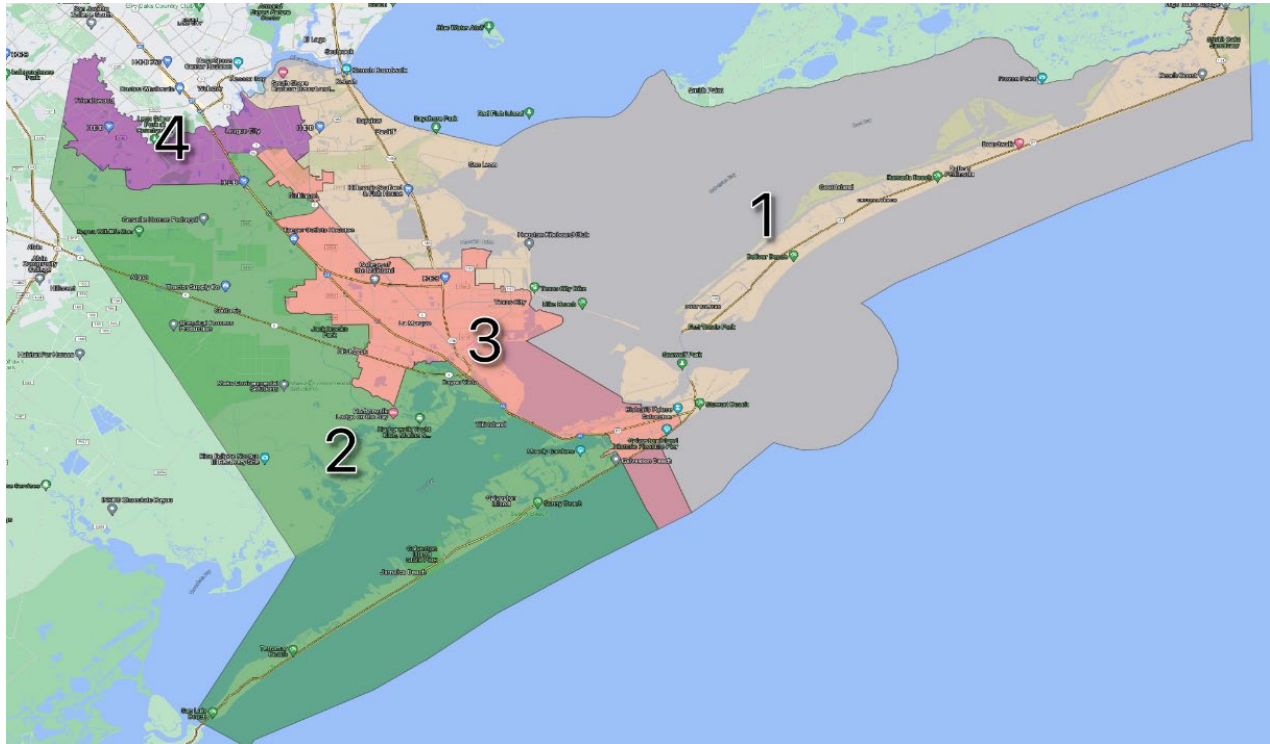
Source: The Decennial Census and ACS Data in this table come from the reports generated by DRA 2020. For more information, visit: <https://davesredistricting.org/maps#aboutdata>

36. In drawing DEMONSTRATIVE MAP 1, I considered compliance with the commission's stated redistricting criteria.
37. DEMONSTRATIVE MAP 1 equalizes the population by balancing the total population deviation between the smallest and largest Precincts, so that it remains under the 10% deviation threshold.
38. DEMONSTRATIVE MAP 1 does not split any VTs.
39. In DEMONSTRATIVE MAP 1, the Black and Latino combined CVAP is 56.56%, which is above the 50.01% *Gingles* I threshold.

DEMONSTRATIVE MAP 2

40. Figure 2, below, shows DEMONSTRATIVE MAP 2, where the majority black and Hispanic district is Precinct 3.

Figure 2: DEMONSTRATIVE MAP 2



41. Table 5, below, provides a demographic breakdown of DEMONSTRATIVE MAP 2 from the total population tabulations in the 2020 Decennial Census and from the Citizen Voting Age Population (CVAP) 5-year estimates in the 2020 American Community Survey (ACS) data.

Table 5: Demographics of DEMONSTRATIVE MAP 2

Precinct	Total Pop	Deviation	Total CVAP	Anglo CVAP	Hispanic CVAP	Black CVAP
1	85335	-2.66%	66386	63.73%	21.78%	7.47%
2	86200	-1.68%	67231	67.28%	18.63%	7.51%
3	92696	5.73%	70494	35.72%	31.18%	30.04%
4	86451	-1.39%	63271	66.85%	17.69%	6.10%

Source: The Decennial Census and ACS Data in this table come from the reports generated by DRA 2020. For more information, visit: <https://davesredistricting.org/maps#aboutdata>

42. In drawing DEMONSTRATIVE MAP 2, I consider compliance with the commission's stated redistricting criteria.

43. DEMONSTRATIVE MAP 2 equalizes the population by balancing the total population deviation between the smallest and largest Precincts, so that it remains under the 10% deviation threshold.

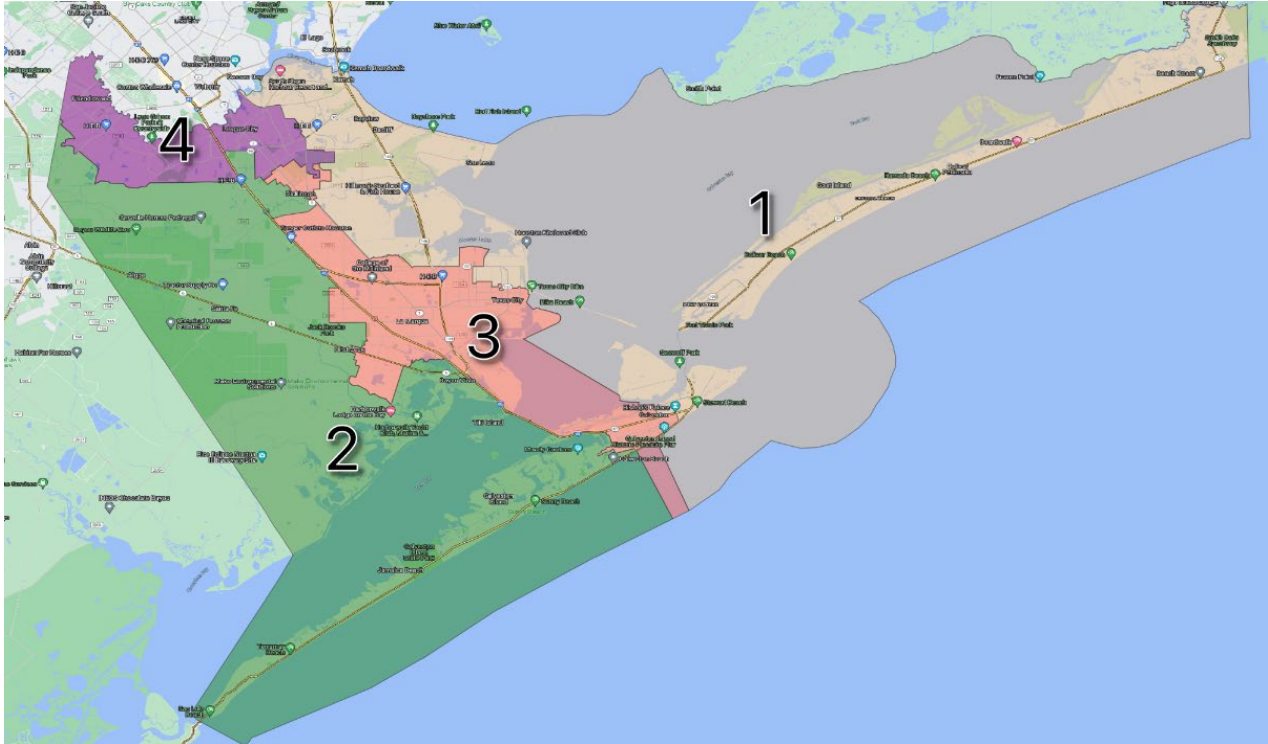
44. DEMONSTRATIVE MAP 2 does not split any VTGs.

45. In DEMONSTRATIVE MAP 2, the Black and Latino combined CVAP is 61.22%, which is above the 50.01% *Gingles* I threshold.

DEMONSTRATIVE MAP 3

46. Figure 3, below, shows DEMONSTRATIVE MAP 3, where the majority black and Hispanic district is Precinct 3.

Figure 3: DEMONSTRATIVE MAP 3



47. Table 6, below, provides a demographic breakdown of DEMONSTRATIVE MAP 3 from the total population tabulations in the 2020 Decennial Census and from the Citizen Voting Age Population (CVAP) 5-year estimates in the 2020 American Community Survey (ACS) data.

Table 6: Demographics of Demonstrative Map 3

Precinct	Total Pop	Deviation	Total CVAP	Anglo CVAP	Hispanic CVAP	Black CVAP
1	86536	-1.29%	60523	70.42%	19.18%	7.22%
2	87749	0.09%	63363	73.82%	15.67%	5.68%
3	89918	2.56%	61900	39.73%	25.80%	31.67%
4	86479	-1.36%	53539	69.97%	15.78%	7.72%

Source: The Decennial Census and ACS Data in this table come from the reports generated by DRA 2020. For more information, visit: <https://davesredistricting.org/maps#aboutdata>

48. In drawing DEMONSTRATIVE MAP 3, I considered compliance with the commission's stated redistricting criteria.
49. DEMONSTRATIVE MAP 3 equalizes the population by balancing the total population deviation between the smallest and largest Precincts, so that it remains under the 10% deviation threshold.
50. DEMONSTRATIVE MAP 3 splits only five VTDs to achieve lower population deviation from the smallest precinct to the largest precinct, although only the 10% deviation threshold is required.
51. DEMONSTRATIVE MAP 3 splits five voting precincts to achieve a lower population deviation.
52. In DEMONSTRATIVE MAP 3, the Black and Latino combined CVAP is 57.47%, which is above the 50.01% *Gingles* I threshold.
53. I balance these factors in the three demonstration maps above and show that a map can be drawn that preserves Precinct 3 as a majority black and Hispanic Commissioners Court precinct.

54. In each of the three demonstration maps above, a Black and Hispanic majority district, Precinct 3, was drawn, keeping communities of interest together while balancing the legal redistricting requirements.

The Adopted Map Cracks Apart Galveston County’s Black and Latino Voters

55. The 2021 adopted map visibly cracks the Black and Latino communities among all four precincts.

56. The Brennan Center for Justice’s guide on redistricting defines cracking as a process that “splits groups of people with similar characteristics, such as voters of the same party affiliation, across multiple districts. With their voting strength divided, these groups struggle to elect their preferred candidates in any of the districts.”⁵

57. Specifically, Latino and Black communities in La Marque and Texas City are split up between multiple precincts compared to the 2012 plan.

58. La Marque and Texas City are majority Latino and Black CVAP cities in Galveston County, according to the ACS 2019-5 Year Estimates on Citizen Voting Age Population.

⁵ Julia Kirschenbaum and Michael Li. “Gerrymandering Explained” (2021). Brennan Center for Justice.

Table 7: Citizen Voting Age Population in La Marque and Texas City

	La Marque City, Texas		Texas City City, Texas	
Total Citizen Voting Age Population:	12,005		34,440	
Anglo CVAP	4,825	40.2%	15,450	44.9%
Hispanic CVAP	2,665	22.2%	8,025	23.3%
Black CVAP	4,000	33.3%	9,910	28.8%
Hispanic + Black CVAP	6,665	55.50%	17,935	52.10%

Source: The Decennial Census and ACS Data in this table were compiled using Social Explorer. For more information, visit: <https://www.socialexplorer.com/product>

Figure 4: La Marque, TX in Galveston County Commissioners Court Adopted Map 2

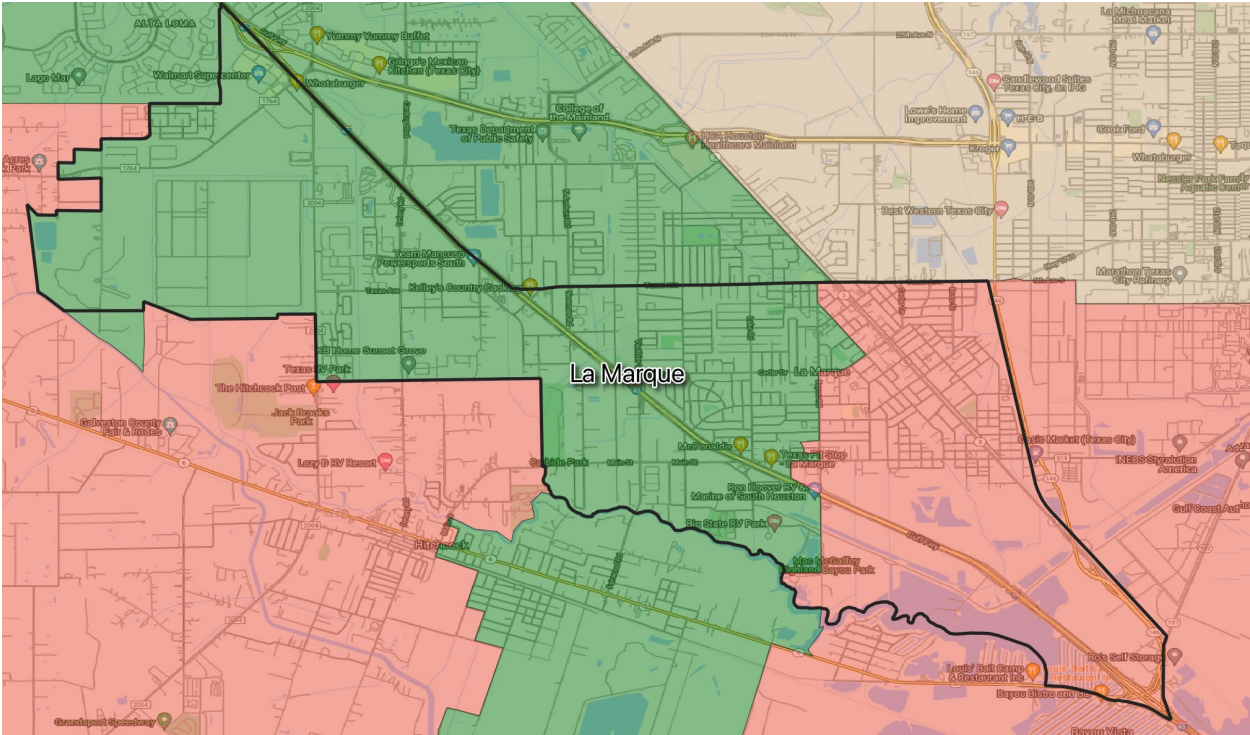
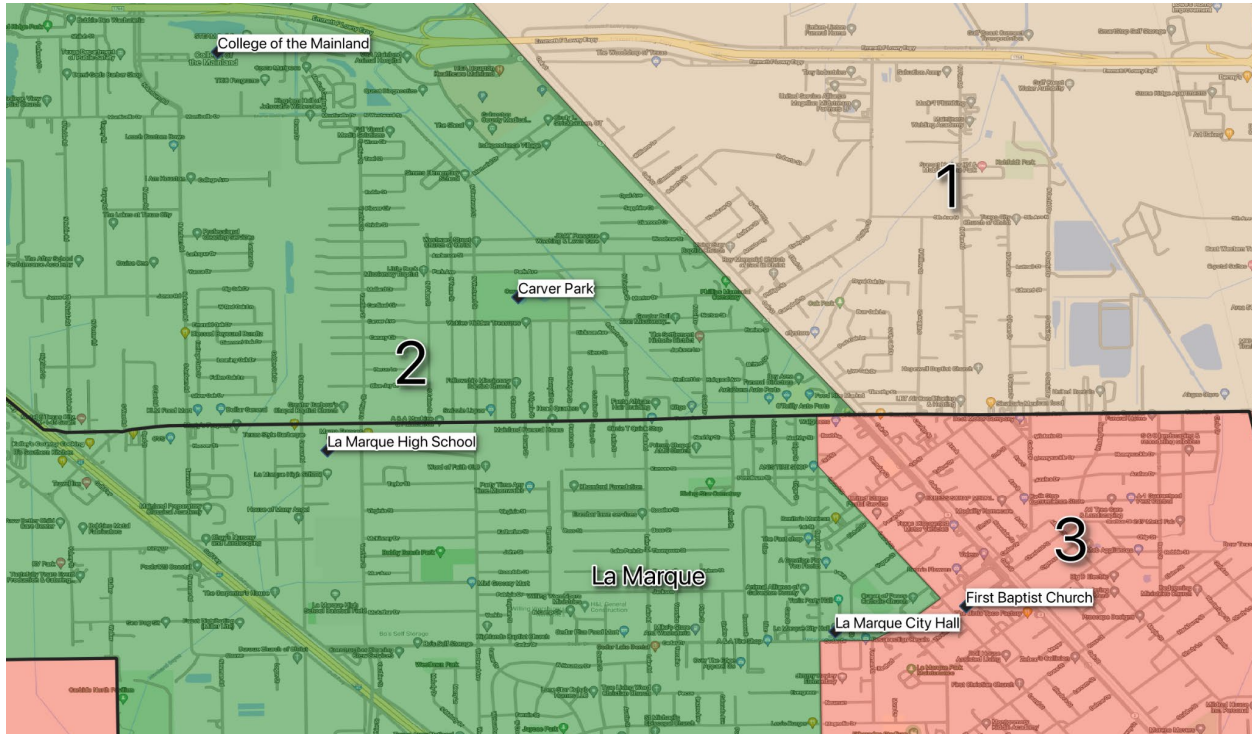


Figure 4 (Zoomed In): La Marque, TX in Galveston County Commissioners Court Adopted Map 2



59. La Marque City Hall was redistricted into Precinct 2 of the adopted Map 2, while the rest of La Marque was redistricted into Precinct 3 of the adopted Map 2, the former minority opportunity district.

60. The La Marque First Baptist Church remains in Precinct 3 of the adopted Map 2 after redistricting, the former minority opportunity district, but is split up from the rest of La Marque that is included in Precinct 2.

61. Carver Park in Texas City, Texas was part of a land donation in 1948 so that a park serving the black community in the county could be built.⁶ Carver Park has been

⁶ Moore Memorial Public Library. "Parks & Community Centers." <https://www.texascitytx.gov/389/Parks-Community-Centers>

redistricted from Precinct 3, the former minority opportunity district, to Precinct 2 of the adopted Map 2.

62. College of the Mainland in Texas City, Texas, a college with a majority Latino and Black student body⁷ has been redistricted from Precinct 3, the former minority opportunity district, to Precinct 2 of the adopted Map 2.

63. La Marque High School is 60.8% Black and 25.9% Latino.⁸

64. La Marque High School, the supermajority Latino and Black high school, was redistricted from Precinct 3, the former minority opportunity district, to Precinct 2 of the adopted Map 2.

Analysis of Galveston County Commissioners Court Proposed Map 1

65. Table 8, below, provides demographic information from the 2020 Decennial Census applied to the 2012 Galveston County Commissioner Precinct 3.

⁷ College of the Mainland. “Demographics & Diversity Report.” College Confidential. <https://www.collegefactual.com/colleges/college-of-the-mainland/student-life/diversity/>

⁸ The Texas Tribune. “La Marque High School.” <https://schools.texastribune.org/districts/texas-city-isd/la-marque-high-school/>

Table 8: Galveston County, TX Commissioners Court Proposed Map 1

	Precinct 1	Precinct 2	Precinct 3	Precinct 4
Total Pop	87,659	86,431	88,633	87,959
Total CVAP	60,697	61,968	61,195	55,465
White CVAP	68.65%	72.02%	41.73%	71.42%
Hispanic CVAP	20.74%	16.16%	24.28%	15.33%
Black CVAP	8.09%	7.55%	30.86%	5.82%

Source: The Decennial Census and ACS Data in this table come from the reports generated by DRA 2020. For more information, visit: <https://davesredistricting.org/maps#aboutdata>


66. The 2021 proposed Map 1 was one of two final redistricting plan options. Proposed Map 2 was ultimately adopted by the Commissioners Court at the end of 2021 redistricting cycle, selected over Map 1.
67. In proposed Map 1, the core of the precinct that has been the sole district where Black and Latino voters have been able to elect their candidate of choice, Precinct 3, is preserved.
68. Under proposed Map 1, Precinct 3 would consist of a majority Black and Latino citizen voting age population. Specifically, the citizen voting age population of Precinct 3 using 2020 ACS data, generated from DRA 2020 population reports, would be 30.86% Black and 24.28% Latino.
69. I have examined research on local elections and the research reports that in proposed Map 1, Precinct 3 performs for the minority preferred candidates.

Conclusion

70. It is my understanding that discovery is ongoing and there is data not yet produced. As more data becomes available or if additional evidence is discovered, I reserve my right to supplement this report and to provide additional analysis.

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

Dated: January 13, 2023

Executed by:  _____
Tye Rush

Appendix A

Resume of Tye Rush

Tye Rush

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 INFORMATION Los Angeles, CA 90095

trush001@ucla.edu
 www.tyerush.com

EDUCATION **University of California, Los Angeles**, Los Angeles, CA

Ph.D., Political Science, *expected 2022*

Committee: Dr. Matthew A. Barreto (Chair), Dr. Natalie Masuoka, Dr. Lorrie Frasure, Dr. Loren Collingwood, and Chad Dunn, Esquire

Dissertation: *Staying in Power: The Origins of Voter ID Laws and Their Role in Electoral Strategy Today*

C. Phil, Political Science Summer 2020

Master of Arts, Political Science Fall 2019

University of California, Riverside, Riverside, CA

B.A., Political Science, June 2016

Magna Cum Laude

RESEARCH **Senior Policy Fellow**

September 2018 to Present

EXPERIENCE

UCLA Voting Rights Project
 University of California, Los Angeles
 Supervisor: Matt Barreto, Ph.D.

Redistricting and Voting Fellow

June 2019 to October 2019

Supervisor: Kathay Feng, J.D.
 Common Cause
 Los Angeles, CA

Research Fellow

September 2017 to Present

UCLA Latino Policy and Politics Initiative
 University of California, Los Angeles
 Supervisor: Matt Barreto, Ph.D.

Voting Rights Research Consultant

June 2018 to June 2019

Supervisor: Matt Barreto, Ph.D.
 Latino Decisions
 Los Angeles, CA

Predoctoral Fellow

June 2016 to September 2016

UCLA Political Science: Race, Ethnicity, and Politics Subfield
 University of California, Los Angeles
 Supervisor: Matt Barreto, Ph.D.

Research Intern

March 2016 to July 2016

Supervisor: Michael Cohen, Ph.D.
 Cohen Research Group
 Washington, D.C.

Research Assistant

September 2015 to March 2016

Supervisor: Loren Collingwood, Ph.D.
 University of California, Riverside

ACADEMIC

PUBLICATIONS

1. Lemi, D. C., Osorio, M., and Rush, Tye (2020). Introducing People Of Color Also Know Stuff. *PS: Political Science Politics*, 53(1), 140-141.

WORKING
 PAPERS &
 PROJECTS

1. Rush, Tye. "Estimating the Effects of Strict Voter ID Laws at the County Level." (*Working paper*).
2. Barreto, Matt, Tye Rush, Jonathan Collins, and Greg Leslie. "The Effects of Racial Efficacy on African American Voter Enthusiasm." (*Under Review*).

3. Roman, Marcel and Tye Rush. “The Effects of Historical Institutional Investment on Voting Behavior.” (*Working paper*).
4. Collingwood, Loren, Francisco Pedraza, and Tye Rush. “Relieving the Conscience: White Guilt and Candidate Evaluation.” (*Working paper*).

PUBLIC
POLICY AND
LEGAL
WRITING

1. Portugal et al. v. Franklin County. (2022) Expert Report of Tye Rush on behalf of UCLA Voting Rights Project – Challenging Districting Rules and Proposed Maps. U.S. District Court for the Eastern District of Washington. <https://latino.ucla.edu/research/violation-of-the-washington-voting-rights-act-of-2018/>
2. “Vote Choice of Latino Voters in the 2020 Presidential Election.” (2021) with the UCLA Latino Policy and Politics Initiative.
3. Black Voters Matter v. Raffensperger. (2020) Expert Report of Matt Barreto on behalf of UCLA Voting Rights Project – Challenging Postage Requirement. US District Court for the Northern District of Georgia Atlanta Division. <https://acluga.org/black-voters-matter-v-raffensperger/>
4. Black Voters Matter v. Raffensperger. (2020) Expert Report of Matt Barreto on behalf of UCLA Voting Rights Project – Challenging Voting Burdens at Polling Locations. US District Court for the Northern District of Georgia Atlanta Division. <https://acluga.org/black-voters-matter-v-raffensperger/>
5. “Protecting Public Health in the 2020 Elections.” (2020) with the UCLA Voting Rights Project, Voting Rights Lab, and Union of Concerned Scientists Center for Science and Democracy.
6. “Protecting Democracy: Implementing Equal and Safe Access to the Ballot Box During a Global Pandemic.” (2020) with the UCLA Voting Rights Project.
7. “Implementing and Assessing Automatic Voter Registration: Lessons Learned and Policy Recommendations to Improve Voter Registration in the U.S.” (2020) with the UCLA Voting Rights Project.
8. “Debunking the Myth of Voter Fraud in Mail Ballots.” (2020) with the UCLA Voting Rights Project, University of New Mexico Center for Social Policy, and Union of Concerned Scientists.
9. “Age Discrimination in Voting at Home..” (2020) with UCLA Voting Rights Project, Equal Citizens, Vote At Home, and The Andrew Goodman Foundation.
10. “Whitewashing Representation: How Using Citizenship Data to Gerrymander Will Undermine Our Democracy.” (2019) with Common Cause Educational Fund.

AWARDS &
HONORS

Princeton Dissertation Scholar, Princeton University: Mamdouha S. Bobst Center for Peace and Justice	2022
Dissertation Fellow, Ford Foundation	2021–2022 (Deferred)
President’s Pre-Professoriate Fellow, University of California Office of the President	2021–2022
Travel Grant, Class and Inequality Section of APSA	2021
Lee Ann Fujii Travel Grant, APSA	2020, 2021
Research Fellow at the Institute on Inequality and Democracy at UCLA Luskin	2019–2020
Minority Fellow, American Political Science Association	2017–2018
Travel Grant, American Political Science Association	2017
MFP Travel Grant, APSA	2017
Graduate Fellowship Award, BLU Educational Foundation	2016
University of California, Los Angeles	
• Graduate Council Diversity Fellowship	2020
• Political Psychology Pre-Doctoral Research Fellowship	2019
• Graduate Summer Research Mentorship Award (2nd)	2018
• Political Psychology Fellowship	2017
• Graduate Summer Research Mentorship Award	2017
• Eugene V. Cota-Robles Graduate Fellowship	2016
• Race, Ethnicity, and Politics Pre-Doctoral Summer Fellowship	2016

University of California, Riverside

- Political Science Academic Excellence Award 2016
- Rosemary Schraer Memorial Scholarship 2015
- Mellon Advancing Intercultural Studies Seminar Fellowship 2015

TEACHING	Careers in Political Science, Instructor	Summer 2022
	Election Law and Voting Rights, Instructor	Summer 2020, Summer 2021
	U.S. Latino Politics, Matt Barreto, Ph.D.	Spring 2021
	Intro to American Politics, Lynn Vavreck, Ph.D.	Winter 2019
	Intro to American Politics, Tom Schwartz, Ph.D.	Fall 2018
	World Politics, Joslyn Barnhart, Ph.D.	Spring 2018
	Introduction to Data Analysis, Jesse Acevedo, Ph.D.	Winter 2018
	Politics of American Suburbanization, Lorrie Frasure-Yokley, Ph.D.	Fall 2017

SERVICE AND MENTORSHIP	Board Member	February 2019 to Present
	People of Color Also Know Stuff POCexperts.org	
	McNair Program Graduate Student Mentor	March 2019 to June 2020
	Academic Advancement Program University of California, Los Angeles	
	Graduate Student Mentor	October 2020 to Present
	Black Educator Pipeline (BEP) BLU Educational Foundation	

CONFERENCE PARTICIPATION	<ul style="list-style-type: none"> • Politics of Race, Immigration, and Ethnicity Consortium (2015, 2017, 2019) • American Political Science Association (2018, 2019) • Western Political Science Association (2018, 2019) • Midwest Political Science Association (2018, 2020) • National Conference of Black Political Scientists (NCOBPS) (2018, 2020) • Mellon Advancing Intercultural Studies Capstone Conference (2016)
-----------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

MEMBERSHIP	<ul style="list-style-type: none"> • American Political Science Association (APSA) • National Conference of Black Political Scientists (NCOBPS) • Western Political Science Association (WPSA) • Midwestern Political Science Association (MPSA)
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COMPUTER SKILLS	R, Stata, L ^A T _E X, Markdown, Maptitude, Wordpress, ArcGIS, and qGIS
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, et al.,)
)
Plaintiffs,)
)
v.) Civil Action No.
)
GALVESTON COUNTY, TEXAS,) 3:22-CV-00057
et al.,)
) (Consolidated)
Defendants.)

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UNITED STATES OF AMERICA,)
)
Plaintiffs,)
)
v.) Civil Action No.
)
GALVESTON COUNTY, TEXAS,) 3:22-CV-00093
et al.,)
)
Defendants.)

-----X
DICKINSON BAY AREA BRANCH)
NAACP, et al.,)
)
Plaintiffs,)
)
v.) Civil Action No.
)
GALVESTON COUNTY, TEXAS,) 3:22-CV-00117
et al.,)
)
Defendants.)

-----X
REMOTE VIDEOTAPED DEPOSITION OF TYE ANTHONY RUSH
Friday, April 21, 2023; 8:13 a.m. PDT
Reported by: Cindy L. Sebo, RMR, CRR, RPR, CSR,
CCR, CLR, RSA, NYRCR, NYACR, Remote CA CSR #14409,
NJ CCR #30XI00244600, NJ CRT #30XR00019500,
Washington State CSR #23005926, Remote Counsel
Reporter, LiveLitigation Authorized Reporter

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Remote Videotaped Deposition of TYE
ANTHONY RUSH, held remotely before Cindy L. Sebo,
Registered Merit Court Reporter, Certified Real-Time
Reporter, Registered Professional Reporter,
Certified Shorthand Reporter, Certified Court
Reporter, Certified LiveNote Reporter, Real-Time
Systems Administrator, California Shorthand Reporter
#14409, New Jersey Certified Court Reporter,
#30XI00244600, New Jersey Certified Realtime
Reporter #30XR00019500, New York Realtime Certified
Reporter, New York Association Certified Reporter,
Washington State CSR #23005926, Remote Counsel
Reporter, LiveLitigation Authorized Reporter and
Notary Public, beginning at approximately 8:13 a.m.
PDT, when were present on behalf of the respective
parties:

Job No. 5835166

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A P P E A R A N C E S:

(All via Zoom Video Communications)

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THOR CHRISTIANSON, ESQUIRE
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Washington, D.C. 20037
202.737.8808
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ALSO PRESENT:

SAM FRANCIS, Videographer
DAN ACOSTA, Veritext Legal Solutions
ELIZABETH HOLCOMBE, Paralegal, Holtzman Vogel

1 BY MR. HOLT:

2 Q. Okay. So I want to return to where
3 we left off here.

4 Let's go to -- back to Page 11 of
5 your report. It's Exhibit 2.

6 I'm going to share the screen here.

7 Can you see that there, Mr. Rush?

8 A. I do.

9 Q. Okay. So what I want to ask you
10 about is -- you used this -- kind of the same
11 wording following each of your demonstrative maps,
12 but, here, you say, in Demon- -- Paragraph 39, In
13 Demonstrative Map 1, the Black and Latino -- the
14 Black and Latino combined CVAP is 56.56 percent,
15 which is above the 50.01 percent Gingles I
16 threshold.

17 What -- explain to me your use of
18 the 50.01 percent Gingles I threshold.

19 Could you walk me through how you
20 arrived at that standard?

21 A. My understanding is that's just a
22 stylistic translation of opportunity, so above a

1 majority.

2 Q. Okay. So a minority CVAP above
3 50 percent -- that's the Gingles I threshold, in
4 your opinion?

5 A. It can be a threshold.

6 Q. What you stated here is not it could
7 be; you said, above the 50.01 Gingles I threshold.

8 A. Yeah. My understanding is it
9 just -- it depends -- I -- I don't claim to issue
10 any legal statements, or anything like that, but I
11 was just instructed that -- in -- in this case,
12 that that was the threshold I should do the
13 analysis for, just a majority, not necessarily
14 50.01.

15 Q. Okay. You say you were instructed.
16 Did you receive a -- a document or
17 kind of instructions that this is kind of the
18 guidelines you were supposed to follow?

19 A. No.

20 Q. Who -- who instructed you that that
21 was the -- the threshold?

22 A. I was asked by counsel.

1 Q. Okay. Now, as you look through your
2 different map options, you would agree that
3 there's varying -- actually, scratch that.

4 So you -- you go here to the 10th of
5 a percentage point here on this 50.01 percent,
6 correct?

7 A. Yes.

8 Q. So you would agree that sometimes a
9 tenth or two of a percentage point is enough to
10 satisfy the Gingles I threshold or to fall short
11 of it, correct?

12 A. No.

13 Q. No.

14 Okay. So if it's a 49.99, does that
15 meet the Gingles I threshold that you did here?

16 A. My understanding of Gingles I is
17 that it requires the minority group to constitute
18 a majority in a single-member district.

19 So what you're pointing to is just a
20 stylistic -- a style -- a style choice for
21 quantifying in a number what a majority could be.

22 Q. But would 49.99 percent be a

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, THE
HONORABLE DERRECK ROSE,
MICHAEL MONTEZ, SONNY
JAMES and PENNY POPE,

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS,
and HONORABLE MARK HENRY,
in his official capacity as Galveston
County Judge,

Defendants.

Civil Action No. 3:22-cv-57

UNITED STATES OF AMERICA,

Plaintiff,

v.

GALVESTON COUNTY, TEXAS,
GALVESTON COUNTY
COMMISSIONERS COURT, and
HONORABLE MARK HENRY, in
his official capacity as Galveston
County Judge,

Defendants.

Civil Action No. 3:22-cv-93

DICKINSON BAY AREA BRANCH
NAACP, GALVESTON BRANCH
NAACP, MAINLAND BRANCH
NAACP, GALVESTON LULAC
COUNCIL 151, EDNA COURVILLE,
JOE A. COMPIAN, and LEON
PHILLIPS,

Civil Action No. 3:22-cv-117

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS,
HONORABLE MARK HENRY, in
his official capacity as Galveston
County Judge, and DWIGHT D.
SULLIVAN, in his official capacity as
Galveston County Clerk

Defendants.

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**EXPERT REPORT OF ANTHONY E. FAIRFAX
ON BEHALF OF THE UNITED STATES OF AMERICA**

Table of Contents

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I. Introduction

1. I have been retained by counsel representing the United States in this lawsuit to draw and analyze an Illustrative Plan that uses a “least change”¹ approach. I use the 2012-2021 Galveston County, Texas, commissioners court redistricting plan as the basis for a “least change” Illustrative Plan that adheres to traditional redistricting criteria and satisfies the first precondition of *Thornburg v. Gingles* (“*Gingles*”)².

II. Background

2. In 2011, the Galveston County commissioners court redrew its precincts with the proposed plan eliminating the only majority-minority commissioner precinct (Commissioner Precinct 3). Pursuant to Section 5 of the Voting Rights Act (“VRA”), the Attorney General of the United States objected to the County’s proposed map. Subsequently, in 2012, the commissioners court revised the map and adopted a plan that maintained a majority-minority commissioner precinct (Commissioner Precinct 3).
3. In 2021, during the most recent decennial redistricting cycle, the Galveston County commissioners court once again redrew its commissioner precincts with a proposed plan that eliminated the only majority-minority commissioner precinct (Commissioner Precinct 3).
During the redistricting process, the commissioners court conducted one hearing to receive

¹ “A least change plan is one in which makes only the most minimally required line changes to satisfy equal population requirements.” Grofman, Bernard and Cervas, Jonathan, *The Terminology of Districting* (March 30, 2020). Available at SSRN: <https://ssrn.com/abstract=3540444> or <http://dx.doi.org/10.2139/ssrn.3540444>; *Wright v. City of Albany*, 306 F Supp 2d 1228, 1237 (MD Ga. 2003).

² *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986)

input from the public for its proposed maps. On November 12, 2021, the commissioners court adopted that plan.

4. On March 24, 2022, the United States filed a complaint challenging the 2021 Galveston County commissioners court redistricting plan. The complaint challenged the plan “as a violation of Section 2 of the Voting Rights Act because it results in Black and Hispanic citizens not having an equal opportunity to participate in the political process and to elect their candidates of choice and was adopted, in part, for a discriminatory purpose.”³

III. Qualifications

5. I received a Bachelor of Science degree in Electrical Engineering (BSEE) from Virginia Tech in 1982 and a Master of Geospatial Information Science and Technology (MGIST) degree from North Carolina State University in 2016.
6. Currently, I am a demographic and mapping consultant and the CEO/Principal Consultant of CensusChannel LLC. As a consultant working on redistricting issues over the last thirty years, I have developed nearly one thousand redistricting plans during the last four decennial redistricting cycles. I have drawn redistricting plans for jurisdictions of all sizes, from statewide plans to plans for small municipalities. In the course of my career, I have also had the opportunity to draw and analyze many plans for jurisdictions within multiple states throughout the country. In addition, during that timeframe, I have provided consulting services for numerous non-profit and public-sector groups centering on redistricting plan development, analysis, and training.

³ <https://www.justice.gov/opa/press-release/file/1486821/download>

7. Throughout the redistricting cycles, I have provided services and/or training for several notable national and regional organizations including: the American Civil Liberties Union (ACLU), Campaign Legal Center (CLC), Congressional Black Caucus Institute (CBC Institute), Louisiana Legislative Black Caucus (LLBC), NAACP, NAACP Legal Defense Fund (NAACP LDF), Power Coalition for Equity and Justice, Southern Coalition for Social Justice (SCSJ), and Southern Echo.
8. Recently, I was hired by the NAACP LDF to develop an illustrative redistricting plan for the *Robinson v. Ardoin*, No. 3:22-cv-00211 (M.D. La.) court case. The illustrative plan included two majority-Black congressional districts rather than one that was included in the state legislature's approved plan. The illustrative plan, report, and testimony provided evidence of the first precondition in *Gingles* in proving the dilution of Black voting strength in violation of Section 2 of the VRA. The effort included plan development, expert report, rebuttal report, and testimony.
9. In 2021, I was hired by the ACLU to develop an illustrative redistricting plan in *Arkansas State Conference NAACP v. Arkansas Board of Apportionment*, No. 4:21-cv-01239 (E.D. Ark.). The illustrative plan included five additional majority-Black House districts beyond those in the Board of Apportionment plan. The plan, report, and testimony provided evidence of the first precondition *Gingles* in proving the dilution of Black⁴ voting strength in violation of Section 2 of the VRA. The overall effort included plan development, expert report, rebuttal report, and testimony.

⁴ The term "Black" refers to Black or African American.

10. Prior to this round of redistricting, I was hired by the CLC to develop illustrative redistricting plans, associated expert reports, depositions, and provide testimony in *Holloway v. City of Virginia Beach*, No. 2:18-cv-00069 (E.D. Va.). The Illustrative plans included two majority Latino⁵, Black and Asian (LBA) combined coalition districts to provide evidence of the first precondition in *Gingles* for the city of Virginia Beach, VA. Ultimately, for the remedial phase, I developed a plan which included three majority Latino, Black, and Asian coalition districts for the city of Virginia Beach, VA.

11. Also, prior to the 2020 redistricting cycle, I was hired by the City of Everett, Washington, to perform the duties of Districting Master. I was tasked with assisting the city's Redistricting Commission with developing its first districting plan. The city moved from a seven-member at-large voting system to five single-member districts and two members elected at-large. As Districting Master, I shepherded the commission through the entire plan development process as they successfully developed the city's districting system.

12. In addition to the above noted litigation in Arkansas, Louisiana, and Virginia, I have testified and provided depositions as a redistricting expert in North Carolina and Texas. I provided testimony with a focus on demographic and mapping analysis in federal and state court cases. This included: *Covington v. North Carolina* (North Carolina), *NC NAACP v. State of North Carolina* (North Carolina), *Wright v. North Carolina* (North Carolina) *Perez v. Perry* (Texas), and *Perez v. Abbott* (Texas).

⁵ The terms "Hispanic" or "Latino" may be used interchangeably throughout this report.

13. My redistricting and geographic information system (GIS) experience and detailed work as an expert are contained within my attached resume (See Appendix A). I am being compensated at a rate of \$200 per hour for my work on this case.

IV. Software, Data, and Technical Process Utilized

14. The software utilized to develop the Illustrative Plan was Maptitude for Redistricting (“Maptitude”) by Caliper Corporation. Maptitude for Redistricting is one of the leading redistricting software applications utilized by consultants, major non-profit groups, and governmental entities.⁶ The software includes the Census 2020 tabular (“PL94-171”) and map data for Galveston County, TX, that was utilized during the map-drawing process.

15. ESRI’s⁷ ArcGIS’s ArcMap application was used to generate county and district maps for the Illustrative and 2012-2021⁸ plans.

16. Several datasets were acquired and utilized during this effort:

- a) The 2010 and 2020 census data for the total population were obtained from Caliper Corporation’s datasets for Galveston County, TX.⁹
- b) The geographic boundaries for the 2012 Galveston County commissioner precincts were obtained from Galveston County through discovery. An updated shapefile of the Galveston County Voting Districts (“VTDs”) was also obtained through discovery in this case.
- c) To evaluate district configurations, I downloaded the most recent race/ethnicity citizenship data from the Redistricting Data Hub.¹⁰ This included the 2020 5-Year American

⁶ See <https://www.caliper.com/mtrnews/clients.htm> for Maptitude for Redistricting’s client list.

⁷ ESRI, the creator of the “shapefile,” is one of the leading GIS corporations in the world.

⁸ The Galveston County commissioners court plan that was in place from 2012 through November 12, 2021, is referred to throughout this report as the “2012-2021 Plan” or the “previous plan.”

⁹ Caliper Corporation provides 2020 Census Data (PL94-171 data) in a format readable for their software, Maptitude for Redistricting. The population data are identical to the data provided by the Census Bureau.

¹⁰ The Redistricting Data Hub is a non-partisan project of the Fair Representation in Redistricting Initiative and operates as an independent and autonomous project, overseen by the Fair Representation in Redistricting advisory

Community Survey (ACS) Citizen Voting Age Population (CVAP) dataset at the block-group level for Galveston County, TX.¹¹

- d) In order to review the CVAP data at various geographic levels for the Illustrative and 2012-2021 Plans, I utilized Maptitude for Redistricting's disaggregation/aggregation process.¹² The disaggregation/aggregation process is an accepted industry process when evaluating citizenship data or other data that is not provided at the census block or other levels. Once the disaggregation/aggregation process was completed, estimated CVAP data were available for review at the block level (as well as other Census levels).

V. Summary of Opinions

17. A summary of my conclusions and opinions includes the following:

- a) Galveston County has seen growth in the combined Black and Latino population such that it comprised 38.29% of the County's total population in 2020. Also, in 2020, the Not Hispanic White Alone ("Anglo") population decreased to less than 55% of the County's total population.
- b) It is possible to draw a "least change" Illustrative Plan that adheres to traditional redistricting criteria, contains a majority Black and Latino coalition commissioner precinct, and satisfies the first precondition of *Thornburg v. Gingles*. The Illustrative Plan performs as well or better¹³ than the previously enacted 2012-2021 Plan when comparing traditional redistricting criteria (See Appendices).
- c) Galveston County's Black and Latino population is sufficiently large and geographically compact to constitute a majority of the voting age and citizen voting age population in one of the commissioner precincts in a plan that adheres to traditional redistricting criteria. The Illustrative Plan easily meets the first precondition of *Gingles*.

VI. Methodology

18. First, I obtained the relevant data to recreate the 2012-2021 Plan for the commissioners court precincts for Galveston County. The 2012-2021 Plan was reconstructed using the Maptitude

committee. It aggregates various Census data into a readily available format for download through a central website. See <https://www.redistrictingdatahub.org>.

¹¹ See <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>

¹² Disaggregation apportions a population to a lower geographic area from a higher geographic area using a percentage of a matching population field at both geographic levels. In this instance, voting age population was used as the weighted variable to apportion amounts to census blocks. Aggregation sums up the lower-level results to all other higher geographic levels that are to be used. Maptitude also includes a pure geographic disaggregation/aggregation process based on area size, an approach not appropriate to this analysis.

¹³ The Illustrative Plan performs better than the 2012-2021 Plan for compactness.

application and the shapefile that was provided to me by the United States' counsel, who obtained the files through discovery from the county. Maptitude was also utilized to develop the Illustrative Plan.

19. The preliminary analysis included a review of the County's Anglo (Not Hispanic or Latino White Alone), Black or African American ("Black"), and Hispanic or Latino ("Latino") populations over the 2010 and 2020 decennial censuses as well as the latest ACS data. The populations were analyzed by reviewing the total population, voting age population ("VAP"), and Citizen Voting Age Population ("CVAP") for the County.¹⁴
20. When considering race and ethnicity, the U.S. Department of Justice's (DOJ) guidance on aggregating race and ethnicity for Section 2 of the VRA was followed.¹⁵ PL94-171 Census data fields that follow the DOJ guidance on race and ethnicity aggregation are included with the Maptitude dataset. Throughout this report analysis, the term Black refers to the DOJ guidance aggregation of Black or African American race categories.
21. The Hispanic or Latino population counts consist of all persons who, regardless of any race selected on the census survey, identified as Hispanic or Latino. The Black population counts consist of all persons who selected Not Hispanic Black Alone¹⁶ plus Not Hispanic Black/White.¹⁷ To determine the total coalition population for Galveston County, Black and

¹⁴ Citizen voting age population includes persons who are citizens above the age of 18 years. CVAP data is typically provided by the American Community Survey.

¹⁵ See <https://www.justice.gov/opa/press-release/file/1429486/download> The DOJ's guidance reflects the Office of Management Budget (OMB) Bulletin NO. 00-02 on "Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Enforcement." https://www.whitehouse.gov/wp-content/uploads/2017/11/bulletins_b00-02.pdf

¹⁶ The Alone category includes only surveyed persons who selected one race (e.g., single race White, etc.).

¹⁷ For the Galveston County analysis, the Black population equates to those persons who selected Not Hispanic and Black or African American, either singly or in combination with White. Other two or more race categories did not exceed the one percent threshold and were not aggregated.

Latino populations were summed together.¹⁸ For the Anglo population, the Not Hispanic White Alone race category was used. In addition to the total population fields, the same DOJ aggregation guidance was used for VAP.

22. The 2012-2021 Plan was used as a starting point for the development of the Illustrative Plan. The 2012-2021 Plan contained four single-member commissioner precincts. Three of the commissioner precincts were majority Anglo, while one commissioner precinct was majority Black and Latino.
23. When creating the Illustrative Plan, I used the “least change” approach to develop the plan. The least change approach makes the minimal number of changes necessary to bring the plan within acceptable population deviation¹⁹ and adhere to traditional redistricting criteria. Core retention²⁰ analysis was performed to verify the minimal change in commissioner precinct configuration.
24. After developing the Illustrative Plan, the plan was evaluated to determine whether it satisfied the first precondition of *Gingles*.²¹ The first precondition of *Gingles* requires demonstration that the minority population is sufficiently numerous and geographically compact to enable the creation of at least one single-member majority-minority district. Thus,

¹⁸ Throughout this report the term Black and Latino denotes a combined population of Black and Latino persons.

¹⁹ The “One person, one vote” principle of the Fourteenth Amendment’s Equal Protection Clause directs that county commissioner districts be equally populated. The courts have ruled that county commissioner districts should be held under a “substantial” equality standard. Courts have accepted an overall population deviation of up to 10% between the lowest and highest populated districts. A series of Supreme Court cases helped define the equal population criteria, beginning with: *Baker v. Carr*, 369 U.S. 186 (1962); *Gray v Sanders*, 372 U.S. 368 (1963); and *Wesberry v. Sanders*, 376 U.S. 1 (1964).

²⁰ Core retention provides the population retained or moved from a baseline plan to the modified plan.

²¹ See *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

analysis was performed to determine whether the Illustrative Plan met the two components of the first precondition of *Gingles*.

25. To supplement the report, I generated data reports that summarized the plan's performance on traditional redistricting criteria and generated maps (using 2020 Census Data)²² presenting the geographic results. Finally, my findings and conclusions are presented and discussed below.

VII. Demographic Profile of the County of Galveston, TX

A. Galveston County, TX – Total Population

26. According to the decennial censuses of 2010 and 2020, Galveston County's total population grew from 291,309 to 350,682 persons—an increase of 59,373 or 20.38%—between 2010 and 2020. (See Table 1).

²² The final maps were generated using ESRI's ArcGIS application.

Table 1 – Total Population by Race/Ethnicity (2010 - 2020) for Galveston, TX

Race/Ethnicity	2010		2020		Inc/Dec	
	#	%	#	%	#	%
Total Pop	291,309	100.00%	350,682	100.00%	59,373	20.38%*
Black	40,332	13.85%	45,637	13.01%	5,305	-0.83%
Latino	65,270	22.41%	88,636	25.28%	23,366	2.87%
Anglo	172,652	59.27%	191,358	54.57%	18,706	-4.70%
American Indian	1,052	0.36%	1,036	0.30%	-16	-0.07%
Asian	8,515	2.92%	12,202	3.48%	3,687	0.56%
Pacific Islander	128	0.04%	223	0.06%	95	0.02%
Some Other Race	426	0.15%	1,455	0.41%	1,029	0.27%
Black and Latino	105,602	36.25%	134,273	38.29%	28,671	2.04%

Note: Excluding Black, race categories are Not Hispanic Alone (Single Race). Black includes the aggregation of Black race categories, specifically Not Hispanic Black Alone plus Not Hispanic Black/White. Latino is Hispanic or Latino of all races. Rounding errors may exist in the table.

*The increase in total population from 2010 to 2020

Source: U.S. Census Bureau PL94-171 data for 2010 & 2020

27. The Latino population grew from 65,270 to 88,636 (22.41% to 25.28%), while the Black population increased by 5,305 persons from 40,332 to 45,637 persons (13.85% to 13.01%).

The combined Black and Latino population increased as well. The Black and Latino population grew by 28,671 persons, from 105,602 in 2010 to 134,273 in 2020. The percentage of the Black and Latino combined population increased from 36.25% to 38.29%.

28. In addition, the Anglo population increased from 172,652 persons in 2010 to 191,358 persons in 2020; however, it decreased in the percentage of the total population from 59.27% to 54.57% (See Table 1).

B. Galveston County, TX – Voting Age Population

29. According to the decennial censuses of 2010 and 2020, Galveston County’s voting age population grew from 217,142 to 267,382 persons - an increase of 50,240 or 23.14% - between 2010 and 2020 (See Table 2).

Table 2 – Voting Age Population by Race/Ethnicity (2010 - 2020) for Galveston, TX

Race/Ethnicity	2010		2020		Inc/Dec	
	#	%	#	%	#	%
Total VAP	217,142	100.00%	267,382	100.00%	50,240	23.14%*
Black VAP	28,716	13.22%	33,341	12.47%	4,625	-0.76%
Latino VAP	42,649	19.64%	60,159	22.50%	17,510	2.86%
Anglo VAP	136,259	62.75%	155,020	57.98%	18,761	-4.77%
American Indian VAP	842	0.39%	868	0.32%	26	-0.06%
Asian VAP	6,427	2.96%	9,707	3.63%	3,280	0.67%
Pacific Islander VAP	103	0.05%	182	0.07%	79	0.02%
Some Other Race VAP	281	0.13%	1,023	0.38%	742	0.25%
Black and Latino VAP	71,365	32.87%	93,500	34.97%	22,135	2.10%

Note: Excluding Black, race categories are Not Hispanic Alone (Single Race). Black includes the aggregation of Black race categories, specifically Not Hispanic Black Alone plus Not Hispanic Black/White race. Latino is Hispanic or Latino of all races. Rounding errors may exist in the table.

*The increase in total population from 2010 to 2020

Source: U.S. Census Bureau PL94-171 data for 2010 & 2020

30. The Latino voting age population (“HVAP”) grew from 42,649 to 60,159 (19.64% to 22.50%), while the Black VAP (“BVAP”) increased by 4,625 persons from 28,716 to 33,341 persons (13.22% to 12.47%). The combined Black and Latino population increased as well. The Black and Latino population grew by 22,135, from 71,365 in 2010 to 93,500 in 2020. The percentage of the Black and Latino combined population increased from 32.87% to 34.97%.

31. In addition, the Anglo VAP (“WVAP”) increased from 136,259 persons in 2010 to 155,020 persons in 2020; however, the total Anglo VAP decreased by 4.77% from 62.75% in 2010 to 57.98% in 2020 (See Table 2).

C. Galveston County, TX – Citizen Voting Age Population

32. Reviewing the 2020 5-Year ACS data²³ shows that the Latino CVAP (“HCVAP”) for Galveston, TX was 45,950 persons or 19.20% of the total CVAP (See Table 3).

Table 3 – CVAP by Race/Ethnicity (2020 5-Year ACS) for Galveston County, TX

Race/Ethnicity	2020	
	#	%
Total CVAP	239,305	100.00%
Black CVAP	30,510	12.75%
Latino CVAP	45,950	19.20%
Anglo CVAP	151,450	63.29%
American Indian CVAP	685	0.29%
Asian CVAP	6,860	2.87%
Pacific Islander CVAP	45	0.02%
Black and Latino CVAP	76,460	31.95%

Note: Race categories are Not Hispanic Alone (Single Race). Latino is Hispanic or Latino of all races. All data are county-level 2020 5-Year ACS and not block-level aggregations from Maptitude.

Source: U.S. Census Bureau 2020 5-Year ACS data

33. The Black CVAP (“BCVAP”) was 30,510 or 12.75%, and Anglo CVAP (“WCVAP”) was 151,450 with 63.29% of the CVAP. The combined Black and Latino CVAP was 76,460, with 31.95% of the total CVAP.

²³ The 2020 and 2019 1 Year ACS data for Galveston, TX did not include Black CVAP and thus those datasets were not used for county CVAP comparison.

VIII. The Illustrative Plan

A. Introduction

34. The Illustrative Plan was developed using the “least change” approach (See Figure 1).

Therefore, minimal changes were made to the previous plan to bring the plan within acceptable population deviation.

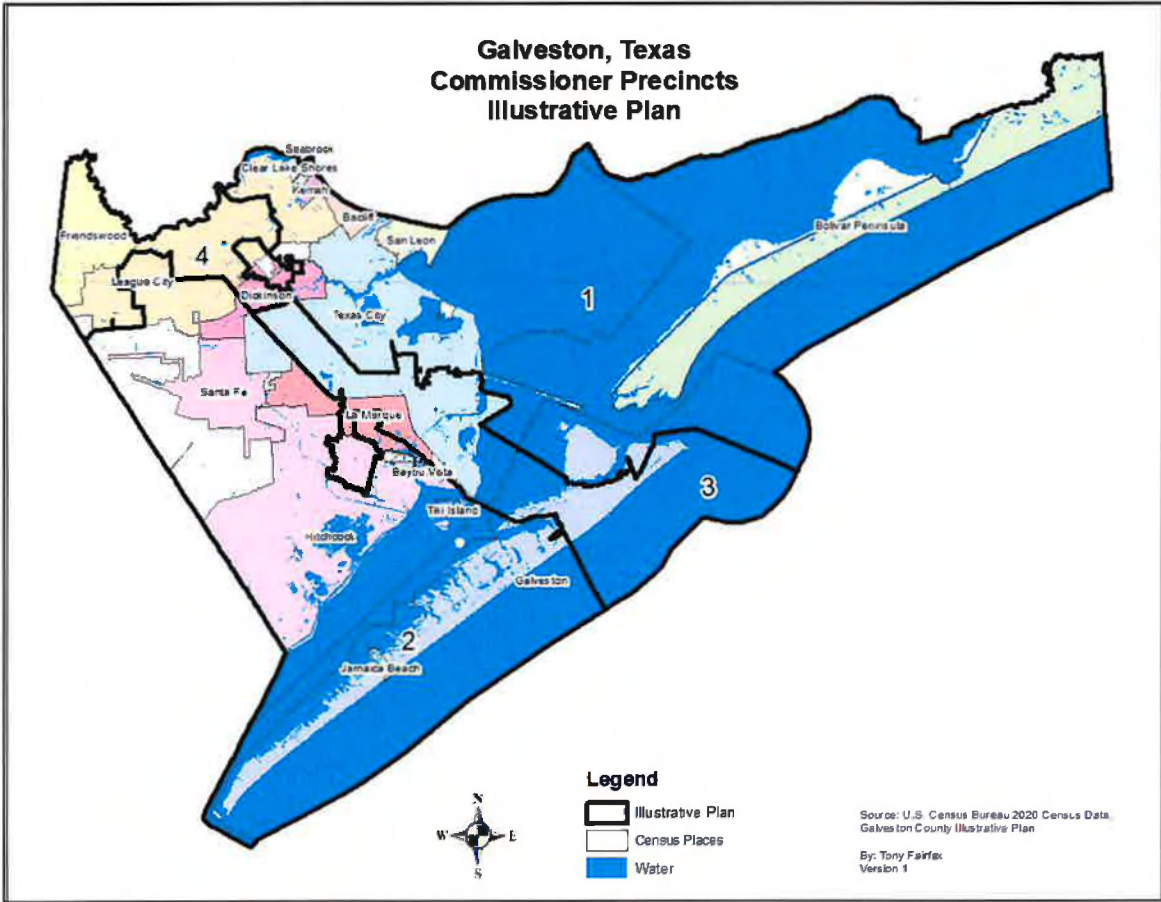


Figure 1 – Illustrative Plan for Galveston County Commissioner Precincts

35. In addition, the Illustrative Plan is only intended for demonstrative purposes.²⁴ There are other least change and non-least change plan alternatives that could be used that adhere to federal, state, and traditional redistricting criteria and satisfy the first precondition of *Gingles*.

36. The 2012-2021 Plan and the Illustrative Plan utilize a single-member, four commissioner precinct scheme. Besides the number of commissioner precincts, Galveston County does not appear to have adopted any written redistricting criteria for plan development. However, it is expected and desired that the County plans, at a minimum, adhere to the one person, one vote principle established by the Fourteenth Amendment's Equal Protection Clause. This principle directs districts to be equally populated. The Illustrative Plan was developed to adhere to this criterion.

B. Adhering to the Equal Population Criteria – One-Person, One-Vote

37. Adherence to equally populating the commissioner precincts requires them to be configured within an acceptable range of the “ideal population” size using the 2020 Census data. The ideal population size for Galveston County is 87,671 for each commissioner precinct (*See* Table 4)²⁵. Reviewing the overall population deviation²⁶ (or absolute overall range) from the ideal of the 2012-2021 Plan using 2020 Census Data shows a deviation of 15,665 or 17.87%

²⁴ It should be understood that many variations of this plan could be generated that incorporate additional political and community desires while adhering to federal and state redistricting criteria, and contain a majority Black and Latino coalition commissioner precinct to satisfy the first precondition of *Gingles*.

²⁵ The ideal population size is calculated by dividing the County's 2020 total population of 350,682 by the number of commissioner precincts, which is four (4).

²⁶ The population deviation of a commissioner precinct is calculated by subtracting the district or commissioner precinct population from the ideal population size. The population deviation percentage is calculated by dividing the resultant population deviation by the ideal population size. The overall population deviation percentage of a plan is obtained by adding the deviation percentage of the most populated precinct and the absolute value of the least populated. For example, the chart above shows Commissioner Precinct 2's population is 9.04% higher than the ideal and Precinct 3's population 8.83% below the ideal, resulting in a total deviation of 17.87%.

of the ideal. 17.87% exceeds the generally accepted 10% overall population deviation for county commissioner plans. The courts have ruled that county districts should be held under a “substantial” equality standard. The courts have accepted, for local jurisdictions, an overall population deviation of up to 10% between the lowest and highest populated districts.²⁷

**Table 4 – Galveston County 2012-2021 Plan’s Population Deviation
Using 2020 Census Data**

Comm. Precinct	Population	Ideal Population	Deviation	% Deviation
1	85,408	87,671	-2,263	-2.58%
2	95,596	87,671	7,925	9.04%
3	79,931	87,671	-7,740	-8.83%
4	89,747	87,671	2,076	2.37%
Overall Plan			15,665	17.87%

Source: 2012-2021 Plan data extracted from Maptitude for Redistricting reports

38. Since the starting configuration for the Illustrative Plan was the 2012-2021 Plan²⁸, the plan was modified to bring the commissioner precincts within acceptable overall population deviation. Also, this was achieved using the “least change” approach. That is to say, reducing the overall population deviation to under 10% using minimal change and adhering to traditional redistricting criteria.

39. Reviewing the 2012-2021 Plan reveals that the highest overpopulated Commissioner Precinct 2 is adjacent to the lowest populated Commissioner Precinct 3. Therefore, to achieve

²⁷ The acceptable overall population deviation of 10% for local jurisdictions was reaffirmed in the Supreme Court case of *Evenwel v. Abbott*, 136 S. Ct. 1120 (2016).

²⁸ The shapefile of the 2012-2021 commissioners court plan (as well as the 2021 Adopted Plan) provided by the County does not align exactly with census block geography. Consequently, during the plan recreation process using the Maptitude software, some of the 2020 census blocks were not assigned to a commissioner precinct. There were nine nonpopulated census blocks that were unassigned to a commissioner precinct. These census blocks were assigned to the same commissioner precinct that its VTD was assigned to. Six of the census blocks were in the Seabrook Area, one was on the west side of Texas City, another was Bolivar Peninsula water block on its west side, and one water block in Hitchcock.

minimal change, it only requires an exchange of VTD(s) between these two commissioner precincts in order to achieve acceptable overall population deviation.²⁹

40. Bringing the 2012-2021 Plan's overall population deviation within an acceptable range of 10% requires an exchange of only one VTD from Commissioner Precinct 2 to Commissioner Precinct 3. There are at least two options for the movement of a single VTD that would cure malapportionment. The option selected was the reassignment of VTD 218 in the City of Galveston originally contained within Commissioner Precinct 2 in the 2012-2021 Plan (*See* Figure 2). VTD 218 was chosen primarily because shifting it brings the overall plan population deviation within the acceptable 10% and makes the Commissioner Precinct and plan more compact than other observed options.³⁰

41. As Figure 3 shows, VTD 218 is added to Commissioner Precinct 3. Thus, 4,628 persons are added to Commissioner Precinct 3 and reduces Commissioner Precinct 2 by the same. By moving VTD 218, Commissioner Precinct 2's overpopulation is reduced to 3,297 (3.76%), and Commissioner Precinct 3 is underpopulated by 3,112 (-3.55%). The result is an overall population deviation of the Illustrative Plan of 6,409 or 7.31% of the ideal population size (*See* Table 5).

²⁹ The deviations of the other commissioner precincts (1 and 4) were low enough to not require changing.

³⁰ Multiple options were observed including a similar single VTD exchange which shifts VTD 223 and also brings the plan with an acceptable deviation of under 10% overall. However, shift VTD 223 creates a plan less compact than shifting VTD 218.

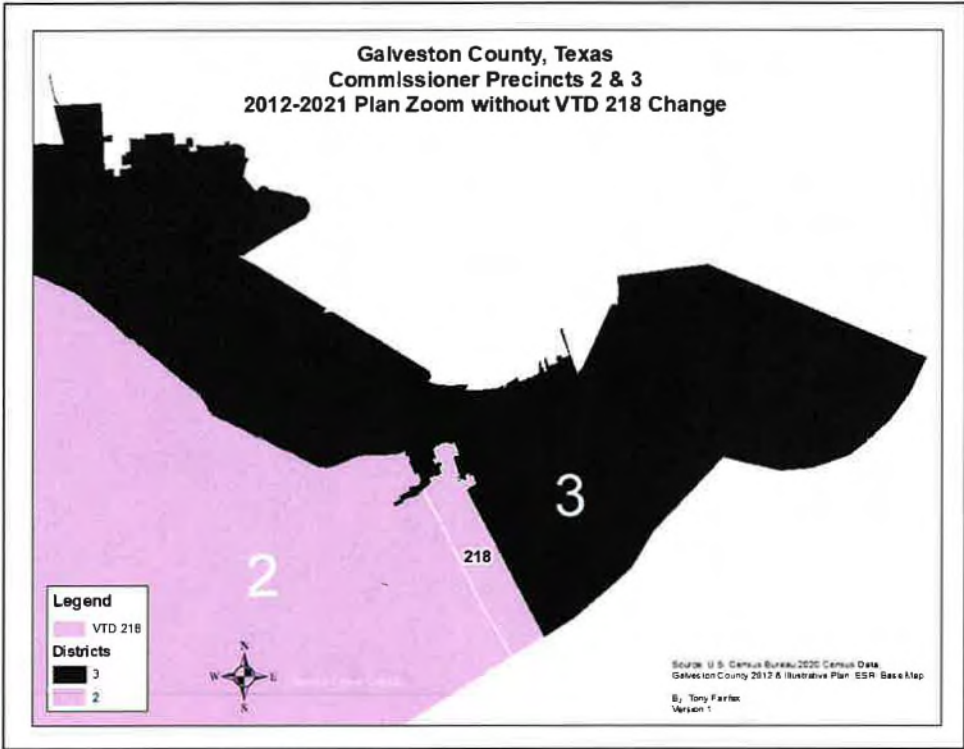


Figure 2 – 2012-2021 Plan Zoom with VTD 218

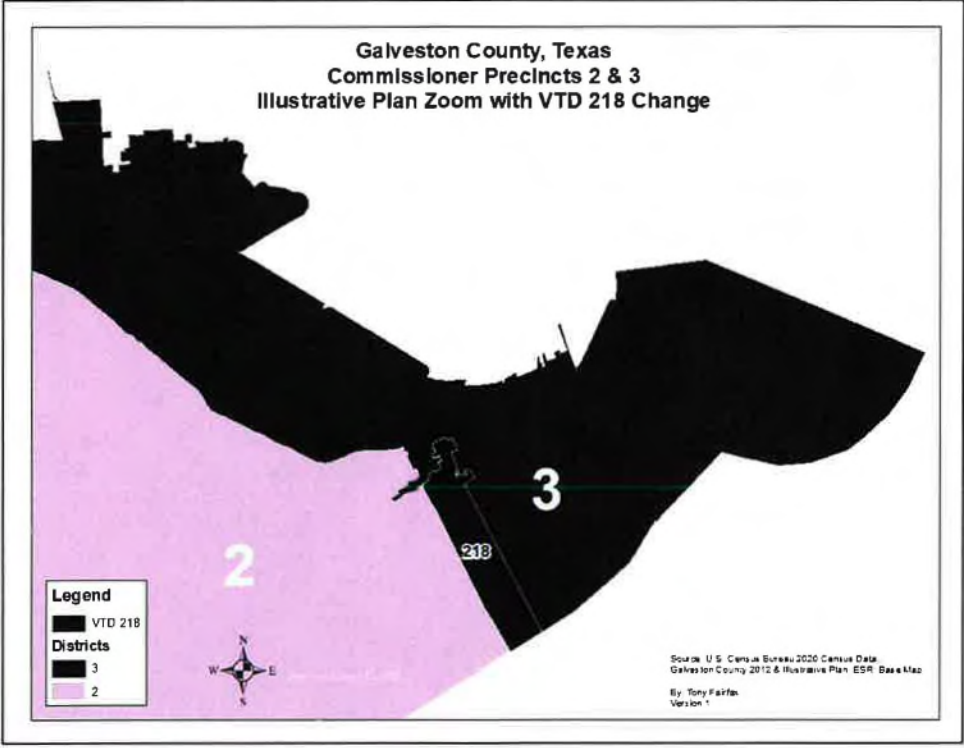


Figure 3 – Illustrative Plan Zoom of with VTD 218 added

**Table 5 – Galveston County Illustrative Plan’s Population Deviation
Using 2020 Census Data**

Comm. Precinct	Population	Ideal Population	Deviation	% Deviation
1	85,408	87,671	-2,263	-2.58%
2	90,968	87,671	3,297	3.76%
3	84,559	87,671	-3,112	-3.55%
4	89,747	87,671	2,076	2.37%
Overall Plan			6,409	7.31%

Source: Illustrative Plan data extracted from Maptitude for Redistricting reports

C. Adhering to Traditional Redistricting Criteria

42. Although Galveston County does not appear to have any specific criteria for developing redistricting plans, the Illustrative Plan adheres to traditional redistricting criteria. Reviewing several traditional redistricting criteria shows that the Illustrative Plan performs at the same level or better (in regards to compactness) than the 2012-2021 Plan (*See Appendices*).

43. In addition, because of the “least change” approach, the Illustrative Plan performs excellently in preserving district cores. The Illustrative Plan’s Commissioner Precinct 3 has 94.53% of the population originating with the 2012-2021 Plan’s Commissioner Precinct 3. Commissioner Precincts 1, 2, and 4 have 100% of the population originating from the correlating 2012-2021 Plan’s commissioner precincts (*See Appendix C – Core Retention*)

IX. Illustrative Plan – Satisfying the First Precondition of *Gingles*

44. The *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986) case established that the plaintiffs in a VRA Section 2 minority vote dilution case must show that the minority group “is sufficiently large and geographically compact to form a majority in a single-member district.” The Illustrative Plan meets both components of the first precondition of *Gingles*.

A. Satisfying *Gingles*' Sufficiently Large Component

45. The first component of the precondition of *Gingles* requires demonstrating that one or more majority-minority districts can be developed in which the minority population is “sufficiently large” to constitute a majority.³¹ In the context of this analysis, this means showing the creation of one or more majority-Black and Latino commissioner precincts within Galveston County. The term “majority” has been reaffirmed to mean greater than 50% VAP for the minority population within the district.³² In some circumstances, evidence of the minority group being greater than 50% CVAP may also be required.³³

46. According to 2020 Census data, Galveston County consisted of a Black and Latino VAP that was 34.97% (*See* Table 2). In addition, the 2020 5-Year ACS data yielded a Black and Latino CVAP percentage of 31.95% (*See* Table 3).

47. The Illustrative Plan, as with the 2012-2021 Plan, includes one majority-Black and Latino commissioner precinct (using VAP and CVAP). *See* Table 6 for Commissioner Precinct 3 data.

Table 6 – VAP & CVAP Demographics for Illustrative Plan’s Commissioner Precinct 3

Comm. Pct 3	TTL VAP/ CVAP	Anglo	Anglo %	Latino	Latino %	Black	Black %	BlkLat	BlkLat %
VAP	65,074	22,920	35.22%	19,894	30.57%	19,147	29.42%	39,041	59.99%
CVAP	57,864	24,637	42.58%	14,099	24.37%	17,816	30.79%	31,914	55.15%

Note: The Anglo and Black VAP and CVAP are Not Hispanic Alone (Single Race) categories. BlkLat is Black and Latino summed together. Latino is Hispanic or Latino all races. Rounding errors may exist in the table.

Source: U.S. Census Bureau 2020 Census Data & 2020 5-Yr ACS Data extracted from Maptitude for Redistricting reports

³¹ *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

³² *Bartlett v. Strickland*, 556 U.S. 1 (2009)

³³ *Valdespino v. Alamo Heights Indep. Sch. Dist.*, 168 F.3d 848, 852 (5th Cir. 1999) (“[T]his court has required vote dilution claimants to prove that their minority group exceeds 50% of the relevant population”); *see also id.* at 850.

48. According to 2020 Census data, Commissioner Precinct 3 of the Illustrative Plan has an WVAP of 22,920 (35.22%), HVAP of 19,894 (30.57%), and a BVAP of 19,147 (29.42%). The Black and Latino VAP is 39,041 (59.99%).

49. Table 6 shows that according to the 2020 5-Year ACS data, Commissioner Precinct 3 of the Illustrative Plan has an WCVAP of 24,637 (42.58%), HCVAP of 14,099 (24.37%), and a BCVAP of 17,816 (30.79%). The Black and Latino CVAP is 31,914 (55.15%).

50. The data shows that Commissioner Precinct 3 is majority Black and Latino, measured by both VAP and CVAP. Finally, the results of the demographic analysis clearly show that the Illustrative Plan satisfies the “sufficiently large” component of the first precondition of *Gingles*.

B. Satisfying *Gingles*’ Geographically Compact Component

51. The second component of the first *Gingles* precondition is to show that the majority-minority district is “geographically compact.” Various measures have been developed to quantify the compactness of a district or a plan.

52. Compactness refers to the irregular shape or dispersion of the district boundary lines. Geographic compactness can be demonstrated by analyzing statistical compactness measures.³⁴ Many compactness measures, such as the ones used in this report, are developed such that the resultant value exists between 0 and 1, whereby the closer the value is to 1, the more compact the district.

³⁴ Compactness measures quantify the geographic shape of the districts as compared to a designated perfectly compact shape, such as a circle.

53. I used three of the most widely used measures to determine compactness: Reock, Polsby-Popper, and Convex Hull (area).³⁵ As mentioned above, each of these measures indicates a more compact commissioner precinct as the value moves closer to 1. The Illustrative Plan has mean values of 0.29 for Reock, 0.19 for Polsby-Popper, and 0.62 for Convex Hull. Commissioner Precinct 3 of the Illustrative Plan produces the values of 0.16 for Reock, 0.10 for Polsby-Popper, and 0.49 for the Convex Hull (*See Table 7*). The overall compactness measures for the Illustrative Plan range from 0.16 to 0.39 for Reock, 0.10 to 0.30 for Polsby-Popper, and 0.49 to 0.73 for Convex Hull (*See Appendix C - Compactness*).
54. Reviewing the compactness measures of a particular plan alone provides some context to the compactness of the plan. However, a comparative analysis with one or more plans is desired when determining whether a plan is sufficiently compact. Preferably, a plan should be compared to the previously enacted plan that has been approved. Thus, Table 7 presents the compactness measures of the Illustrative Plan and the 2012-2021 Plan in three different ways.
55. A primary way of comparing compactness between different plans is to compare the mean or average of the measures. For example, when comparing the plans' compactness mean, the Illustrative Plan performs equally in two measures and better than the 2012-2021 Plan in one of the three measures (*See Table 7*).

³⁵ *Maptitude for Redistricting* documentation defines the compactness measures: 1) Reock: “[T]he Reock test computes the ratio of the area of the district to the area of the minimum enclosing circle for the district.” 2) Polsby-Popper: “The Polsby-Popper test computes the ratio of the district area to the area of a circle with the same perimeter: $4\pi\text{Area}/(\text{Perimeter}^2)$.” 3) Convex Hull: “[The Convex Hull Test] computes only a ratio of the area of the district to the area of the convex hull of the district, without regard to population within the areas.” Convex Hull is routinely referred to as a “rubber-band” enclosure or polygon.

Table 7 – Galveston County, TX 2012-2021 Plan/Illustrative Plan Compactness Measures

Commissioner Precinct	2012-2021 Plan Reock	Illustrative Plan Reock	2012-2021 Plan Polsby-Popper	Illustrative Plan Polsby-Popper	2012-2021 Plan Convex Hull	Illustrative Plan Convex Hull
1	0.28	0.28	0.23	0.23	0.69	0.69
2	0.39	0.39	0.28	0.30	0.71	0.73
3	0.16	0.16	0.09	0.10	0.48	0.49
4	0.34	0.34	0.14	0.14	0.55	0.55
Mean	0.29	0.29	0.19	0.19	0.61	0.62

Source: Galveston County Illustrative Plan data from Maptitude for Redistricting Compactness Report

56. When comparing the plans using a district-by-district comparison shows that the Illustrative Plan is more compact for two commissioner precincts using Polsby-Popper and Convex Hull (Commissioner Precincts 2 and 3). However, when comparing all of the other commissioner precincts and measurements, the Illustrative Plan is equally as compact as the 2012-2021 Plan (Commissioner Precincts 1 and 4).
57. Reviewing the majority Black and Latino Commissioner Precinct 3 for the Illustrative Plan shows that it is more compact than the 2012-2021 Plan using Polsby-Popper and Convex Hull. The Illustrative Plan is equally compact using the Reock measurement.
58. Analyzing the compactness measurements for all commissioner precincts overall indicates that the Illustrative Plan is more compact than the 2012-2021 Plan. Finally, the compactness analysis results clearly show that the Illustrative Plan satisfies the “Geographically Compact” component of the first precondition of *Gingles*.

X. Conclusions

59. Galveston County, Texas, has seen growth in the Black and Latino combined population such that it stands at well over a third of the county's total population (38.29%) in 2020. Also, in 2020, the County's Anglo population decreased to less than 55% of the total population.
60. Galveston County's Black and Latino VAP increased from 2010 to 2020 as well and now stands over a third of the total VAP. During the same period, the Anglo VAP decreased significantly. In addition, according to 2020 Census data, Galveston County had a Black and Latino VAP of 34.97%, and the 2020 5-Year ACS shows a Black and Latino CVAP percentage of 31.95%.
61. The Illustrative Plan adheres to commonly used traditional redistricting principles such as equal population, contiguity, compactness, as well as not affecting the political subdivision splits or respect to communities of interest that exist in the 2012-2021 plan. In fact, the Illustrative Plan performs better than that plan on two redistricting criteria (equal population and compactness).
62. Given the analysis and results of the Illustrative Plan, I conclude that the Black and Latino population in Galveston County is sufficiently large and geographically compact to create a single-member majority-Black and Latino coalition commissioner precinct that adheres to traditional redistricting criteria. In addition, the Illustrative Plan satisfies the first precondition of *Gingles*. Finally, using the "least change" approach, the Illustrative Plan has shown that a majority-Black and Latino commissioner precinct can be drawn without race predominating the map-making process.

63. In addition, while considering configuration options for the Illustrative Plan, other designs evidently exist that contain a majority-Black and Latino commissioner precinct and adhere to traditional redistricting criteria. Thus, I also conclude that other County commissioner precinct plans can be generated that adhere to traditional redistricting criteria, contain a majority-Black and Latino commissioner precinct, and satisfy the first precondition of *Gingles*.

XI. Appendices

64. The following appendices are included with this report:

- Appendix A - Resume of Anthony E. Fairfax
- Appendix B - Maps of the Illustrative and 2012-2021 Commissioners Court Plans
- Appendix C - Redistricting Criteria Comparison Reports (Standard Maptitude Data Reports – Illustrative and 2012-2021 Commissioners Court Plans)

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of January 2023.



ANTHONY E. FAIRFAX

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, THE
HONORABLE DERRECK ROSE,
MICHAEL MONTEZ, SONNY
JAMES and PENNY POPE,

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS,
and HONORABLE MARK HENRY,
in his official capacity as Galveston
County Judge,

Defendants.

Civil Action No. 3:22-cv-57

UNITED STATES OF AMERICA,

Plaintiff,

v.

GALVESTON COUNTY, TEXAS,
GALVESTON COUNTY
COMMISSIONERS COURT, and
HONORABLE MARK HENRY, in
his official capacity as Galveston
County Judge,

Defendants.

Civil Action No. 3:22-cv-93

DICKINSON BAY AREA BRANCH
NAACP, GALVESTON BRANCH
NAACP, MAINLAND BRANCH
NAACP, GALVESTON LULAC
COUNCIL 151, EDNA COURVILLE,
JOE A. COMPIAN, and LEON
PHILLIPS,

Civil Action No. 3:22-cv-117

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS,
HONORABLE MARK HENRY, in
his official capacity as Galveston
County Judge, and DWIGHT D.
SULLIVAN, in his official capacity as
Galveston County Clerk

Defendants.

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**REBUTTAL EXPERT REPORT OF ANTHONY E. FAIRFAX
ON BEHALF OF THE UNITED STATES OF AMERICA**

April 7, 2023

1. I have been retained by the United States to determine whether it is possible to draw an Illustrative Plan with a majority-Black and Latino Commissioner Precinct in the County of Galveston, Texas. This additional report serves as a response to Dr. Mark Owens' report (dated March 17, 2023)¹, which, among other things, evaluated my initial January 13, 2023 expert report and Illustrative Plan.
2. Dr. Owens makes several claims that are not directed to my expert report. Therefore, this rebuttal report will be focused on his findings and my responses that are germane to my Illustrative Plan ("the Illustrative Plan"). For reasons explained more fully below, it remains my expert opinion that a majority-Black and Latino Commissioner Precinct can be drawn adhering to state and federal redistricting criteria and satisfying the first precondition of *Thornburg v. Gingles* ("Gingles").²

A. Response to Dr. Owens' Claims Regarding Compactness of Illustrative's Precinct 3

3. First, Dr. Owens' claim that the "Illustrative Alternatives for Precinct 3 are Not Compact" is not substantiated.³ The Illustrative Plan is shown to be "geographically compact" since it is more compact than the prior commissioners court redistricting plan for the County that was in effect from 2012 to 2021 ("the 2012-2021 Plan").⁴ In my report, I used the 2012-2021 Plan to establish "acceptable" compactness scores because it is the last legally enforceable commissioners court plan used by the County. My report demonstrates that the Illustrative

¹ This rebuttal addresses Dr. Owens' report that was served on March 17, 2023, which was later amended on March 31, 2023. None of the specific topics and conclusions addressed herein were amended or revised in Dr. Owens' March 31 amended report. However, the citations in this report refer to the March 31 amended report.

² *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986)

³ Owens March 31, 2023 Report, Page 15.

⁴ The last legally enforceable commissioner precinct plan with the 2020 Census Data.

Plan is more compact than the 2012-2021 Plan overall and specifically with regard to the majority-Black and Latino Precinct (Commissioner Precinct 3).⁵

4. Even comparing the Illustrative Plan to the commissioners court redistricting plan approved in 2021 (“the 2021 Enacted Plan”) provides evidence that the Illustrative Plan is similarly compact. It is important to note that the first precondition of *Gingles* does not require the Illustrative Plan to be most compact plan or have the most compact commissioner precincts. Tables 1 – 3 contain Reock, Polsby-Popper, and Convex-Hull’s compactness scores for the 2012-2021, 2021 Enacted, and Illustrative Plans.

Table 1 - Reock scores for Precinct Plans

Reock score	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.
2012-2021 Plan	0.28	0.39	0.16	0.34	0.29
2021 Enacted Plan	0.30	0.24	0.23	0.29	0.27
Illustrative Plan	0.28	0.39	0.16	0.34	0.29

Table 2 - Polsby-Popper scores for Precinct Plans

Polsby-Popper	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.
2012-2021 Plan	0.23	0.28	0.09	0.14	0.19
2021 Enacted Plan	0.28	0.21	0.12	0.22	0.21
Illustrative Plan	0.23	0.30	0.10	0.14	0.19

Table 3 - Convex-Hull scores for Precinct Plans

Convex-Hull	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.
2012-2021 Plan	0.69	0.71	0.48	0.55	0.61
2021 Enacted Plan	0.76	0.71	0.47	0.67	0.65
Illustrative Plan	0.69	0.73	0.49	0.55	0.62

Source: Maptitude for Redistricting Compactness Reports

⁵ Dr. Owens’ report has several numeric compactness differences from the actual Illustrative Plan. The Reock mean measurement for the 2012-2021 plan is 0.29 instead of 0.22 as he has in his table. Owens March 31, 2023 Report, Page 16. Also, the 2012-2021 Plan’s Convex Hull score for Precinct 4 is 0.55 instead of 0.15 and its mean is 0.61 instead of 0.51 as stated in his report. Owens March 31, 2023 Report, Page 17. These may be due to the shapefile from the County, configured such that it overlaps 2020 census blocks. Importing the plan into Maptitude leaves a few census blocks unassigned and must be manually assigned. If they are not assigned, inaccurate compactness measures may occur.

5. A review of all the compactness measures reveals that the 2021 Enacted Plan overall and its Commissioner Precinct 3 are only slightly more compact than the Illustrative Plan.⁶

Therefore, Dr. Owens’ analysis does not provide enough evidence that the Illustrative Plan’s Precinct 3 is not compact.⁷

B. Response to Dr. Owens’ Claims Regarding Illustrative Plan Prioritizing Race

6. Second, Dr. Owens claims that the Illustrative Plan prioritizes race over traditional redistricting principles.⁸ This is not the case. The Illustrative Plan was created using the “least change” approach, which makes only the most minimally required changes to satisfy equal population requirements.⁹ Beginning with the 2012-2021 Plan—a legally enforceable plan without race being shown to predominate—I used the minimum changes to bring the 2012-2021 Plan to an acceptable population deviation, which is the commonly accepted standard of a 10% overall population deviation for local jurisdictions. This required that I move only one VTD from Commissioner Precinct 2 to Commissioner Precinct 3 to create the Illustrative Plan. Because the primary goal was to bring the Illustrative Plan within acceptable population deviation, race was not considered at all during the development process.

⁶ Dr. Owens also mentions, “the standard deviation of the scores across all districts is the lowest” In the 2021 Enacted Plan. Owens March 31, 2023 Report, Page 16. Standard deviation only provides an indication of the varying compactness scores. It does not provide an indication that assists in the determination of the “geographically compact” component of the first precondition of *Gingles*.

⁷ Table 13 in Dr. Owens’ report outlines travel contiguity, which he states is another factor in compactness. Owens March 31, 2023 Report, Page 17. However, most compactness analyses, articles, and reports that I have reviewed do not use travel contiguity as a measure of compactness. See, e.g., Fryer, R. G., & Holden, R. (2011). Measuring the Compactness of Political Districting Plans. *The Journal of Law & Economics*, 54(3), 493–535. <https://doi.org/10.1086/661511>.

⁸ See Owens March 31, 2023 Report, Pages 18-20. Owens’ discussion of the Illustrative Plan’s alleged prioritization of race is a bit confusing. There are two paragraphs that focus on the Illustrative Plan, however they are almost identical. Owens March 31, 2023 Report, Page 20.

⁹ Grofman, Bernard and Cervas, Jonathan, *The Terminology of Districting* (March 30, 2020). Available at SSRN: <https://ssrn.com/abstract=3540444>.

7. Further, since I developed the Illustrative Plan to satisfy the first precondition of *Gingles*, I also factored in whether the movement of one VTD made the precincts and plan more or less compact. Dr. Owens’ claim that the Illustrative Plan prioritized race over traditional redistricting criteria centers on the movement of this single VTD from Commissioner Precinct 2 to Commissioner Precinct 3. However, Dr. Owens provides no evidence to support his claim. As stated in my original report, the movement of VTD 218 makes the Illustrative Plan more compact than the 2012-2021 Plan and more compact than moving VTD 223, which Dr. Owens’ report implies should have been moved instead (see Appendix A).¹⁰ Dr. Owens seems to critique the selection of VTD 218 over VTD 223 by only asserting that VTD 223 would bring the precincts closer to the ideal population size.¹¹ However, the movement of VTD 218 brings the plan within acceptable population deviation while achieving more compactness than moving VTD 223.
8. In addition, Dr. Owens seems to infer that it was inappropriate that I selected VTD 218 because it contains a lower Black citizen voting age population (“BCVAP”). He mentions, “...voting district 223 would have reduced the population deviation further and had a higher concentration of BCVAP than voting district 218.”¹² However, I selected VTD 218 because it improved Commissioner Precinct 3’s compactness and brought the plan within an acceptable population deviation.
9. Dr. Owens also states, “[t]his opportunity to increase the Black and Hispanic populations in Precinct 3 would limit the ability for Precinct 2 to be contiguous on the island.”¹³ His

¹⁰ Fairfax January 13, 2023 Report, Page 17, note 30.

¹¹ The ideal population size I calculated by dividing the number of commissioner precincts in the jurisdiction by the total population. Fairfax January 13, 2023 Report, Page 15.

¹² Owens March 31, 2023 Report, Page 20.

¹³ Owens March 31, 2023 Report, Page 20.

comment seems to assert that selecting VTD 223 would prevent Commissioner Precinct 2 from being contiguous with the mainland portion of the precinct. This is true; adding VTD 223 to Commissioner Precinct 3 would cut off interstate I-45 and cause the island portion of Commissioner Precinct 2 to be noncontiguous with the mainland portion. This result reinforces the appropriateness of my decision to select VTD 218 as opposed to VTD 223.¹⁴

C. Response to Dr. Owens' Claims Regarding Galveston County Lacking a Compact Community of Interest

10. Third, Dr. Owens' claims that Galveston County lacks a compact community of interest" is unsupported and misplaced.¹⁵ Establishing a compact community of interest (COI) is not part of the Section 2 vote dilution test when considering the first precondition of Gingles. COIs could be considered or prioritized if the Galveston County Commissioners Court's redistricting criteria stipulated consideration of COIs for precinct creation. The commissioners court has no such redistricting criteria, if any criteria at all. Thus, the focus for developing this redistricting plan lies with satisfying the "sufficiently large" and "geographically compact" aspects of Gingles.

11. In addition, Dr. Owens uses data areas too large to perform the appropriate COI analysis. Dr. Owens analyzed the four small to very large populated Census County Divisions (CCDs) to conclude that because these CCDs differ in socioeconomic aspects, such as education attainment, income, employment status, and other characteristics by age and gender, within the Black and Latino communities both separately and combined, they lack a COI.¹⁶

¹⁴ Nevertheless, as stated in my report, moving either VTD would be acceptable to meet equal population considerations. Fairfax January 13, 2023 Report, Page 17, note 30.

¹⁵ Owens March 31, 2023 Report, Page 26.

¹⁶ See Owens March 31, 2023 Report, Page 9. CCDs are "designed to represent community areas focused on trading centers or, in some instances, major land use areas. They have visible, permanent, and easily described boundaries." <https://www2.census.gov/geo/pdfs/reference/GARM/Ch8GARM.pdf>

12. In addition to COIs being an unnecessary consideration here in seeking to satisfy the first precondition of *Gingles*, these socioeconomic data must be analyzed by commissioner precinct, specifically the majority-Black and Latino precinct in the 2012-2021 Plan's Commissioner Precinct 3, if one were trying to use that data to analyze certain common characteristics of the Black and Latino community. This can only be done by considering socioeconomic data provided by the Census Bureau at a lower level than CCDs, such as census block groups and census tracts.¹⁷ Thus, the analysis Dr. Owens provides does not demonstrate that these common characteristics of COIs are not compact enough to form a majority-Black and Latino commissioner precinct.¹⁸

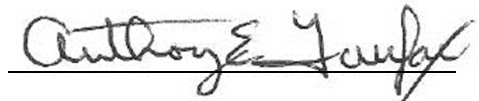
D. Conclusion

13. Despite Dr. Owens' claims, the Illustrative Plan is sufficiently compact, overall and with regard to Commissioner Precinct 3, and does not prioritize race. Therefore, I continue to conclude that the Black and Latino population in Galveston County, Texas, is sufficiently large and geographically compact to constitute a majority-Black and Latino commissioner precinct that adheres to state and federal redistricting criteria and satisfies the first precondition of *Gingles*.

¹⁷ See Education Examples: [https://data.census.gov/table?q=s1501&g=050XX00US48167\\$1400000](https://data.census.gov/table?q=s1501&g=050XX00US48167$1400000). Other census tract level tables are accessible for income (S1903) [https://data.census.gov/table?q=s1903&g=050XX00US48167\\$1400000](https://data.census.gov/table?q=s1903&g=050XX00US48167$1400000) and Work Full Time (S2303) [https://data.census.gov/table?q=s2303&g=050XX00US48167\\$1400000](https://data.census.gov/table?q=s2303&g=050XX00US48167$1400000). Dr. Owens wrongly states that he is not able to obtain this data though it is publicly available. Owens March 17, 2023 Report, Page 8

¹⁸ Lastly, Dr. Owens asserts in his report that the Illustrative Plan must show that either the Black population or the Latino population separately comprise the majority of the VAP and CVAP to establish a majority-minority commissioner precinct. However, the test for *Gingles* is for the specific minority population to garner a majority; in this case, the coalition of Black and Latino voters must comprise a population majority of a commissioner precinct.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 7th day of April 2023.

A handwritten signature in cursive script, reading "Anthony E. Fairfax", written in black ink over a horizontal line.

ANTHONY E. FAIRFAX

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, et al., : Civil Action No
Plaintiff, : 3:22-CV-00057
vs. :
GALVESTON COUNTY, TEXAS, et al., : (Consolidated)
Defendant. :

UNITED STATES OF AMERICA, :
Plaintiff, :
vs. : 3:22-CV-00093
GALVESTON COUNTY, TEXAS, et al., :
Defendant. :

DICKINSON BAY AREA BRANCH :
NAACP, et al., :
Plaintiff, :
vs. : 3:22-CV-00117
GALVESTON COUNTY, TEXAS, et al., :
Defendant. :

Zoom Deposition of MATTHEW BARRETO, taken on behalf of
defendant by Shawn Sheehy of Holtzman Vogel Baran, commencing at
9:23 a.m., on Thursday, April 20, 2023, before Linda C. Marshall,
CSR, RPR.

APPEARANCES:

FOR THE PLAINTIFF BERNADETTE REYES, Esquire
(PETTEWAY): ALEXANDRA COPPER, Esquire
 VALENCIA RICHARDSON, Esquire
FOR THE UNITED STATES: THARANI JAYARMAN, Esquire
 K'SHAANI SMITH, Esquire
FOR THE DEFENDANT: SHAWN SHEEHY, Esquire
 Holtzman, Vogel, Baran

EXHIBIT 26

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I-N-D-E-X

Witness

Page

Matthew Barreto

Examination by Mr. Sheehy 4

EXHIBITS

Marked:

Exhibit No. 1 - Notice of Deposition for Barreto 8

Exhibit No. 2 - Declaration of Matthew Barreto 21

Exhibit No. 3 - Rebuttal Declaration of Barreto 33

Exhibit No. 4 - Cambridge University Press document 45

Exhibit No. 5 - Disclosure Avoidance - 2020 Census 54

Exhibit No. 6 - Trounstine Expert Reporter 72

Exhibit No. 7 - CNN Document 84

Exhibit No. 8 - "How Texas Voted 2022"..... 91

Exhibit No. 9 - Stanford Law Review, June 2016 98

Exhibit No. 10 - "Candidate Choice Without Party Labels" 102

Exhibit No. 11 - Cooper Declaration 113

Exhibit No. 12 - Georgia Secretary of State document 121

1 voter only has a 25-percent probability of being Hispanic, we're
2 fairly certain there's at least one Hispanic voter in that
3 precinct, 75 plus 25 equals one, in terms of percentages.

4 So all of the probabilities are summed and added together
5 to give us the ultimate estimate. This is the exact, correct
6 application of BISG. It's meant to sum and aggregate two
7 ecological units.

8 Q If an African-American voter with the last name Smith lives
9 in Friends Wood, is there a risk that BISG will mis-predict that
10 voter as White?

11 A It all depends on the exact demographics of their
12 neighborhood, and it gives them a resulting probability of being
13 of different racial or ethnic groups. And so at the individual
14 voter level, any potential over or under assignment on a
15 probability is largely irrelevant because it is the summation of
16 those probabilities down to an ecological unit.

17 Q Okay. And you said you reported your error rates in your
18 rebuttal report for BISG?

19 MS. REYES: Objection, form.

20 THE WITNESS: I said, they are included as part of our
21 probability estimates and taken into account.

22 BY MR. SHEEHY:

23 Q Now when you say included in your probability estimates, if
24 your, if your estimate says, an individual voter is 60 percent,
25 probably, white. Does that mean there's a 40 percent chance

1 that they are not White?

2 A Generally, yes.

3 Q Okay. And what am I missing?

4 MS. REYES: Objection, form.

5 THE WITNESS: Well, it would give them a probability
6 of being White, Latino, Black, Asian or other and so those, all
7 of those probabilities combined should sum to, roughly, one or
8 100 percent.

9 Q Okay. Let's look at page one of Exhibit Three, the
10 rebuttal report.

11 Professor, how are you doing? You think we can go another
12 20 minutes to lunch?

13 A Yeah, that sounds fine to me.

14 MR. SHEEHY: Court reporter, does that work for you?

15 THE COURT REPORTER: Yeah, sure. That's fine. Thank
16 you.

17 BY MR. SHEEHY:

18 Q We placed in front of you, professor, page one and
19 paragraph six of your rebuttal report. Do you see that?

20 A I do.

21 Q And this is paragraph six, you take -- you disagree with
22 Professor Alford in his 75-percent threshold, is that correct?

23 A Yes, I think that is what this section is referring to.

24 Q And you say that a bright-line threshold, like that
25 advanced by Dr. Dr. Alford, would be inconsistent with social

1 science practice and standards that typically look for standards
2 across data, not one single specific threshold. Is that
3 correct?

4 A Yes.

5 Q So to be clear, for Gingles Two, it's your position there
6 is no bright-line threshold for at which cohesion exist?

7 A I know much jurisdiction is unique and that we need to come
8 to each jurisdiction and understand what the patterns are. My
9 preference is to look at the overall patterns across multiple
10 elections and then, tell the court what I've seen in those
11 patterns.

12 Q So you would disagree, so you do disagree with a 75-percent
13 threshold that Dr. Dr. Alford --

14 MS. REYES: Objection, form.

15 THE WITNESS: Yes. I disagree that that should be
16 applied to any sort of cohesion bright line.

17 BY MR. SHEEHY:

18 Q And you would disagree with 65-percent as being a cohesion
19 bright line?

20 A Yes, I would --

21 MS. REYES: Objection, form.

22 THE WITNESS: I would disagree with any requirement
23 for a specific bright line. I think it's better to look at the
24 data as a whole and see what it tells us about the degree of
25 cohesion.

1 BY MR. SHEEHY:

2 Q If Latinos are voting for Candidate A, at 50-percent plus
3 one across five elections, would that be sufficient in your
4 opinion to establish cohesion?

5 A In which elections are you talking about?

6 Q Just a hypothetical election, Latinos vote for Candidate A
7 50-percent plus one in five election cycles, is that sufficient
8 for cohesion?

9 A You're not talking about Galveston, specifically. You're
10 just saying, if such a hypothetical happened to exist, is that
11 right?

12 Q Yes. I mean, you're, you just mentioned that you would
13 look at overall patterns of election results across multiple
14 elections. My question to you is, is, A, across multiple
15 elections, Latinos vote 50 percent plus one for Candidate A, is
16 that sufficient for cohesion?

17 A So, I would say --

18 MS. REYES: Objection.

19 THE WITNESS: Excuse me.

20 MS. REYES: Sorry. Objection, form, sorry.

21 Go ahead.

22 THE WITNESS: The first is that, I'm not familiar with
23 any real elections in which five times in a row Latinos voted 50
24 plus one. And so, it's not something I'm familiar with running
25 across in my analysis and it seems farfetched. It doesn't seem

1 like that's what's happening in this specific case at all.

2 Secondly, I would say, what I'm looking for is a
3 pattern that demonstrates a racial or ethnic group as a
4 candidate of choice, that if only they voted, who would they
5 elect.

6 Q And if only Latinos voted and Latinos voted across five
7 elections, 50-percent plus one, would you say that in that
8 election Latinos were cohesive?

9 A Again, I think this, sort of, hypothetical is, is not what
10 I'm seeing in the Galveston data at all. And I would say,
11 whoever the community votes for is their candidate of choice,
12 that we would leave it to the voters to decide who they'd look
13 for, galvanize around. And so, if the same candidate won five
14 elections in a row by one vote, we could say that that was the
15 candidate of choice because they won the election from that
16 racial or ethnic group.

17 MR. SHEEHY: Well, professor, I think I'm at a good
18 stopping point for us to just go ahead and take a lunch break,
19 if that works for you.

20 THE WITNESS: Okay, that makes sense.

21 MR. SHEEHY: All right. So let's come back, it's 2:49
22 p.m. on the East Coast, let's just come back at 3:50 p.m. on the
23 East Coast, 12:50 p.m. on the West Coast.

24 THE VIDEOGRAPHER: All right. This is end of media
25 number two. The time is 2:49 p.m. and we're off the record.

1 (Lunch recess.)

2 THE VIDEOGRAPHER: The time is 2:54 p.m. and this
3 begins media number three. We are on the record.

4 BY MR. SHEEHY:

5 Q Good afternoon, Professor Barreto. Do you understand
6 you're still under oath?

7 A Yes, I do.

8 Q Did you have any substantive conversations with anyone
9 about your testimony while on break?

10 A No.

11 Q Professor Barreto, I'd like to return to your BISG
12 analysis, if we could please. I'd like to bring up page 11 of
13 Exhibit Three, your rebuttal report. And we can scroll down,
14 you can see table three.

15 So, Professor Barreto, my question to you is, is this the
16 results of your BISG analysis?

17 A I think you broke up a little bit. Can you --

18 Q Yes.

19 A -- repeat?

20 Q Is table three the results of your BISG analysis?

21 A Can the person controlling the screen scroll up? It's
22 right in the middle of the table. This is part of it. I
23 believe there are at least three tables maybe, even four in this
24 rebuttal report that include BISG, but this is one of them.

25 Q Okay. So table four on page 14, is this another table

1 And then the respondent will say whether they strongly
2 agree, somewhat agree or all the way down to strongly disagree
3 with the statement. And after understanding your answers to
4 those four questions, it's been found that that item among
5 others -- there's ones on immigration and lots of other things,
6 this is just one example but your attitude on racial resentment
7 are highly predictive of partisan attachment in vote choice.

8 I would say, probably, almost nobody disagrees with that in
9 political science. It would be very hard to find someone who
10 disagrees with the findings on racial resentment.

11 Q Okay. Now, did you cite any studies like the Sears study
12 for voters in Galveston County?

13 A Now, voters in Galveston County are undoubtedly included in
14 many of the studies. Some of the studies have over samples in
15 Texas. Most are national studies in which all Americans in
16 every county in the U.S. are randomly sampled to be included.
17 Some of the studies do specifically have Texas over samples and
18 sometimes they talk about that.

19 Q But do any of them mention samples taken from Galveston
20 County?

21 A I would have to go back and look. Usually, they just
22 describe them as national random samples, which would mean that
23 everyone everywhere has an opportunity and is included. But
24 most of the studies are either national in scope or tend to
25 focus on southern states or states that used to be section five

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

TERRY PETTEWAY, THE
HONORABLE DERRECK ROSE,
MICHAEL MONTEZ, SONNY
JAMES and PENNY POPE,

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS,
and HONORABLE MARK HENRY,
in his official capacity as Galveston
County Judge,

Defendants.

Civil Action No. 3:22-cv-57

UNITED STATES OF AMERICA,

Plaintiff,

v.

GALVESTON COUNTY, TEXAS,
GALVESTON COUNTY
COMMISSIONERS COURT, and
HONORABLE MARK HENRY, in
his official capacity as Galveston
County Judge,

Defendants.

Civil Action No. 3:22-cv-93

DICKINSON BAY AREA BRANCH
NAACP, GALVESTON BRANCH
NAACP, MAINLAND BRANCH
NAACP, GALVESTON LULAC
COUNCIL 151, EDNA COURVILLE,
JOE A. COMPIAN, and LEON
PHILLIPS,

Civil Action No. 3:22-cv-117

<i>Plaintiffs,</i>	§
	§
v.	§
	§
GALVESTON COUNTY, TEXAS,	§
HONORABLE MARK HENRY, in	§
his official capacity as Galveston	§
County Judge, and DWIGHT D.	§
SULLIVAN, in his official capacity as	§
Galveston County Clerk	§
	§
<i>Defendants.</i>	§

**SECOND CORRECTED EXPERT REPORT OF JESSICA TROUNSTINE
ON BEHALF OF THE UNITED STATES OF AMERICA**

April 21, 2023

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1. My name is Jessica Trounstein. I am a tenured Professor of Political Science at the University of California, Merced. I hold the Foundation Board of Trustees Presidential Chair, and I serve as Chair of the Political Science Department.
2. I was retained by the United States in March of 2022 as an expert witness to analyze elections in Galveston County, Texas. Specifically, I was asked to estimate the degree of polarized voting in Galveston County, to analyze the degree of political cohesion between Latino and Black voters in Galveston County, and to analyze whether and how the Galveston County Commissioners Court map that was adopted on November 12, 2021 (“Adopted Map”), will affect the opportunity that Black and Latino voters in Galveston County have to elect a candidate of their choice.

I. Summary of Findings

3. Elections in Galveston County reveal a high degree of racial polarization. Black voters voted as a cohesive bloc in 89% of elections, and Latino voters voted as a cohesive bloc in 92% of elections. White voters preferred a different first-choice candidate than cohesive Black or Latino voters 89% of the time.
4. Black voters supported Black candidates 82% of the time, and Latino voters supported Latino candidates 81% of the time. White voters supported Black candidates only 18% of the time and supported Latino candidates only 6% of the time.
5. Those candidates who were the first choice of Black and Latino voters lost a majority of their elections.
6. Black and Latino voters preferred the same candidate in 77% of general elections. Black and Latino voters were politically cohesive in both partisan and nonpartisan elections, indicating that overlapping interests drive their shared partisanship, not the other way around.
7. The Adopted Map does not afford Galveston County’s Black and Latino voters an equal opportunity to elect a candidate of choice to office.

II. Expert Witness Background

8. I received my B.A. in political science from the University of California, Berkeley in 1998 and my Ph.D. in political science from the University of California, San Diego in 2004. From 2004 to 2009, I was an assistant professor of politics and public policy at Princeton University. I have been at UC Merced since 2009. I was promoted to associate professor with tenure in 2012 and to full professor in 2019. I teach undergraduate and graduate courses on research design and empirical methods, American politics, and local politics.

9. My curriculum vitae is attached as Appendix A.
10. My research focus is local politics, with broad training in American politics and institutions. I am the author of two award-winning books, *Segregation by Design: Local Politics and Inequality in American Cities* (Cambridge University Press, 2018) and *Political Monopolies in American Cities: The Rise and Fall of Bosses and Reformers* (University of Chicago Press, 2008). I have published numerous peer-reviewed articles in top political science journals focused on elections and representation that are directly relevant to the research included and the opinions presented in this report.
11. I served as an expert witness on behalf of petitioners/plaintiffs in *Martinez v. City of Clovis*, 19CECG03855 (Cal. Super. Ct.) and prepared a written report in September 2020.
12. I served as an expert witness on behalf of the United States in *United States v. City of Hesperia*, 5:19-cv-02298 (C.D. Cal.) and prepared a written report in April 2022.
13. I have never previously testified as an expert at trial or by deposition.
14. My compensation is \$250 per hour for research and \$350 per hour for expert witness testimony and deposition. No part of my compensation is dependent upon the conclusions that I reach or on the opinions that I offer.

III. Overview of Galveston County, Texas

15. Galveston County is governed by a five-member Commissioners Court, which consists of four commissioners and a county judge. Commissioners are elected by districts, known as precincts, for four-year terms in partisan elections. The terms are staggered with elections for Commissioner Precincts 1 and 3 held concurrently with presidential elections and Commissioner Precincts 2 and 4 with the Texas gubernatorial elections.
16. Primary elections take place in March. If no candidate receives greater than 50% of the vote, a runoff between the top two primary finishers occurs later in the year, typically in May.
17. As of November 2022, the Commissioners Court consists of Mark Henry (County Judge), and Commissioners Darrell Apffel (Precinct 1), Joseph Giusti (Precinct 2),

Stephen Holmes (Precinct 3), and Robin Armstrong¹ (Precinct 4). Henry, Apffel, and Giusti are white. Holmes and Armstrong are Black. There are currently no Latino members of the Commissioners Court.²

IV. Data Sources

18. I examined all contested Commissioners Court general elections for the 20-year period of 2002 to 2022 for which precinct-level election returns were available to me as of November 30, 2022.
19. For methodological reasons that are explained in Appendix B, I used the following demographic groupings in my analysis: those persons who identified as Latino/Hispanic, those persons who identified as Black/African American, and the remainder of the County's population. In Galveston County, approximately 93% of this remainder group is non-Hispanic white. For clarity, my discussion refers to this category as "white."³
20. I also examined 2016 and 2020 general elections in Galveston County for other local, state, and national offices that included Black or Latino candidates for which precinct-level data were available to me as of November 30, 2022.
21. Finally, I examined Democratic primary elections between 2002 and 2022 for the Commissioners Court, and other county, state, and national offices that included Black and Latino candidates for which precinct-level data were available to me as of November 30, 2022.⁴
22. Election returns came from data tabulated at the voting district (VTD)-level provided by Galveston County.
23. Data on the demographic makeup of VTDs came from aggregating block-level data from the Census and American Community Survey to the VTD-level. For elections held between 2014 and 2022, I used block-level estimates of the citizen voting age population of Black, Latino, and white residents from the 2020 Census and 2016-2022

¹ In May 2022, Commissioner Armstrong was appointed by Judge Henry after Commissioner Ken Clark passed away.

² The race/ethnicity of candidates and elected officials was gathered from numerous publicly-available sources, including published candidate biographies and news reports.

³ Estimates of the citizen voting age population were generated by Professor John Logan of Brown University at the census block-level. *See* Appendix D for additional details. I aggregated these to the VTD- and precinct-level using ArcGis.

⁴ I did not analyze Republican primaries due to a lack of participation by Black and Latino voters in these elections. *See* Appendix B for additional details.

American Community Survey.⁵ For elections held between 2002 and 2012, I used block-level data on voting age Black, Latino, and white populations from the 2010 Census.⁶

24. To analyze racially polarized voting, I looked to see whether voters from different racial/ethnic groups preferred different candidates for office.

V. Methodology

A. Racially Polarized Voting Analysis

25. To generate estimates of racial/ethnic group voting from aggregate data, I used a statistical procedure that is appropriate for analyzing elections with more than two candidates and/or more than two racial/ethnic groups. This procedure is known as Rows by Columns (RxC) and is a generalized form of ecological inference. Then, to ensure that my conclusions were not dependent upon the method I chose, I generated estimates using two other statistical procedures, Goodman's Bivariate Ecological Regression and King's Ecological Inference. Additional details are included in Appendix B.
26. To evaluate racial polarization in Galveston County, I analyzed: (i) the political cohesiveness of Black and Latino voters, (ii) the extent to which white voters preferred different candidates than those candidates preferred by Black and Latino voters, and (iii) the extent to which Black- and Latino-preferred candidates won elections.
27. Cohesion, generally, refers to something that literally or figuratively sticks together. Political cohesion, then, occurs when a group of voters sticks together in expressing their preferences at the ballot box. In other words, the larger a group's vote share for a single candidate, the stronger is that group's cohesion.
28. In statistical terms, because cohesion is a continuous, not a discrete, variable, there is no universally-accepted approach for determining cohesiveness. Published scholarship uses different strategies to denote cohesion. Many scholars look to see whether, on average, members of a group prefer one candidate over another (*see, e.g.,* Abrajano et al., 2015, Cho 1974). Other scholars (*see, e.g.,* McDaniel 2018,

⁵ These estimates were generated by Professor Logan. They combine information from the Census 2020 Public Law 94-171 Summary file and the 2016-2020 American Community Survey. I verified the accuracy of these estimates by consolidating block-level data to Census tract data and comparing to data from the Census. Similar estimates are unavailable for the 2010 Census.

⁶ I downloaded these data from the National Historical Geographic Information System (NHGIS).

Collingwood et al. 2016) analyze the relative degree of cohesion across different groups or across time periods.⁷ However, neither of these approaches allows for simple summarization of the data.

29. Thus, to summarize how frequently groups vote cohesively, we need an accounting threshold.
30. If we imagine a two-candidate race in which voters flip coins to determine their vote, we would expect each candidate to receive 50% of the total votes cast. Thus, in a two-candidate race, the farther away from 50% a candidate's vote share is, the clearer is the electorate's preference for that candidate and the more cohesive is that group. Lichtman and Herbert (1993) suggest 60% represents a clear preference. That is, if in an election, 60% of Latinos supported the same candidate, then Latinos are noted to have voted cohesively in that election.
31. In analyzing the political cohesiveness of Black and Latino voters in Galveston County, I used 60% as my threshold across the two-candidate races that I analyzed. That is, if in a two-candidate race, 60% of Latino voters supported candidate A, and 40% supported candidate B, I noted that Latinos voted as a cohesive bloc in that election. However, I also present estimates of each group's support for each candidate in Appendix C, allowing readers to see relative cohesion over time across groups.
32. For races with more than two candidates, I adjusted the 60% threshold that I used for two-candidate races based on the number of candidates running in the race, thereby ensuring consistency across elections with differing numbers of candidates. Specifically, because 60% is equal to 1.2 times 50%, I considered a group to vote cohesively when the share of votes delivered to the group's preferred candidate was at least 1.2 times an equal division of the vote for effective candidates.⁸ For example, in elections with four candidates, an equal division of the vote would provide 25% of the ballots to each candidate, and I would consider a group to vote cohesively in such an election if the share of votes that the group delivered to its preferred candidate was $1.2 * 25%$ or 30%.
33. To identify those elections in which Black voters or Latino voters were cohesive, I first determined which candidate received the largest share of the Black vote and which candidate received the largest share of the Latino vote. If a group's vote share

⁷ The large literature on cohesion in political science focuses more on cohesion among legislators than on cohesion among voters. That literature tends to define cohesion as stability in majority coalitions over time (*see, e.g.*, Diermeier and Feddersen 1998).

⁸ By effective candidate, I mean a candidate that received at least 5% of the total vote.

for their preferred candidate was equal to or greater than the applicable cohesion threshold, I noted that the vote was cohesive for that group.

34. To determine whether Black and Latino voters are and were *collectively* politically cohesive, I looked to see whether the two groups selected the same first-choice candidate in general elections. It is more appropriate to analyze intergroup coordination in general elections, rather than in primaries, because primary elections are the arena in which groups that have similar ideologies or political orientations vie to determine their nominee for the general election. Voters usually support the candidate in the general election who shares their political orientation, regardless of whether that candidate was the voters' preferred candidate in the primary election (Atkeson 1998).⁹ Similarly, I looked to see whether Black and Latino voters selected the same candidate in the general election, regardless of whom they supported in the primary.
35. In most cases in the United States, racial/ethnic cohesiveness will find its expression through the two-party system. Indeed, it would be difficult to conceptualize racial or ethnic cohesion within a single group or between two groups that did not manifest itself by a clear partisan preference. In other words, the fact that Latino and Black voters tend to support candidates from one party is a reflection of their cohesion, not an alternative explanation for it.
36. I then turned to analyzing polarization. I determined an election to be polarized when (i) the Black or Latino vote was cohesive and (ii) white voters voted for different candidates than did Black or Latino voters.
37. Finally, I investigated election outcomes, seeking to identify the frequency with which the Black- or Latino-preferred candidates lost their elections. For this final analysis only, I did not consider statewide or multi-county contests in the tabulation of the number of elections won or lost by Black- and/or Latino-preferred candidates. Instead, I only examined elections for which the relevant electorate was fully contained within Galveston County. I excluded statewide and multi-county contests from my election results tabulation because with this analysis, I was only interested in the power of Black and Latino voters in Galveston County to elect their candidates of choice. This allowed me to infer broadly whether Black and Latino voters in Galveston County are represented by the elected officials whom they most prefer. Conversely, in statewide and multi-county elections, Black and Latino Galveston

⁹ In cities, white voters are ideologically more conservative than are Black and Latino voters (Schaffner, Rhodes, and La Raja 2020).

County voters might overwhelmingly support a candidate who ends up losing the election because voters in other counties supported a different candidate.¹⁰

B. Reconstituted Election Analysis

38. To determine the extent to which the Adopted Map affords Black and Latino voters in Galveston County an equal opportunity to elect a candidate of choice to office, I performed a reconstituted elections analysis. In essence, a reconstituted election analysis takes candidates who have run in prior elections and estimates how those candidates would have fared had they run for office under maps different from those under which they ran.
39. I performed this reconstituted election analysis under two different Commissioners Court maps—(i) the Adopted Map and (ii) an illustrative map contained in the January 13, 2023, expert witness report of Anthony E. Fairfax (“Illustrative Map”). Specifically, I performed my reconstituted election analysis on Commissioner Precinct 3.
40. I used the vote shares received by candidates in five different countywide elections to determine which candidate would have won in Commissioner Precinct 3 under each of the two maps. Specifically, because there was very little overlap between the VTDs in Commissioner Precinct 3 under the two maps, it was necessary to analyze elections that covered the entire County. It was also important to analyze elections that featured polarization as identified in the analysis described above, as this was the scenario that was most likely to affect the opportunity for Black and Latino voters in Galveston County to elect a candidate of choice. Accordingly, I analyzed all five general elections that met these criteria: the 2006 and 2010 elections for County Judge and the 2020 elections for Galveston County Sheriff, 405th District Court Judge, and U.S. House District 14.

¹⁰ It is important to note that these statewide and multi-county elections are useful for determining political cohesion and polarization for Galveston County. As discussed above, it is meaningful to ask whether Black or Latino voters in Galveston County clearly prefer a particular congressional candidate, for example, and whether that candidate is also preferred by white voters, even if the final outcome of the congressional election is not informative for this report.

VI. Results of Racially Polarized Voting Analysis

A. All Elections

41. As shown in Table 1, I analyzed a total of 36 elections—22 general elections and 14 primary elections (including primary runoffs) that covered VTDs located in Galveston County. 26 of these elections were fully contained in Galveston County.
42. Across these 36 elections, Black and Latino voters voted as a cohesive bloc for their preferred candidate 89% of the time and 92% of the time, respectively. This degree of cohesion is notable because it accounts for elections in which Black and Latino candidates ran for office, elections in which they did not, elections at the Commissioners Court-level, county-wide elections, partisan elections, and non-partisan elections.
43. In the 22 general elections that I analyzed, Black and Latino voters selected the same first-choice candidate 77% of the time. In the elections in which Black and Latino voters selected the same first-choice candidate, white voters selected a different first choice candidate 88% of the time.
44. In 24 of the elections that I analyzed, Black or Latino candidates ran for office against white candidates.¹¹ In the 11 elections featuring Black candidates, Black voters voted as a cohesive bloc for the Black candidate 82% of the time. In the 16 elections featuring Latino candidates, Latino voters voted as a cohesive bloc for Latino candidates 81% of the time. White voters, by contrast, supported Black or Latino candidates in only three out of these 24 elections.
45. In the 26 elections that were fully contained within Galveston County, the Black-preferred candidate lost or was forced into a runoff 58% of the time. The Latino-preferred candidate lost or was forced into a runoff in 50% of elections. White-preferred candidates lost or were forced into a runoff in only 31% of elections. This means that a majority of the time, Latino and Black voters in Galveston County are unable to elect the candidate of their choice, while white voters in Galveston County usually see their candidates of choice win.
46. I discuss these findings in more detail in the sections that follow. Estimates of support for each candidate by each racial/ethnic group are provided in Appendix C.

¹¹ Two elections among the 36 that I analyzed, the 2004 general election for Commissioner Precinct 3 and the 2012 primary election for Commissioner Precinct 3, featured only Black candidates. These two elections are excluded from the 24 elections discussed here because it was not possible for white voters to select a non-Black candidate.

Table 1: Racially Polarized Voting Analysis

	22 General Elections			14 Primary Elections			Grand Total		
	Total	Out of		Total	Out of		Total	Out of	
Polarized (Black or Latino cohesive, white opposition)	20	22	91%	12	14	86%	32	36	89%
Black Cohesive Vote for Black Candidates	5	7	71%	4	4	100%	9	11	82%
Latino Cohesive Vote for Latino Candidate	6	8	75%	7	8	88%	13	16	81%
Black Cohesive Vote	20	22	91%	12	14	86%	32	36	89%
Latino Cohesive Vote	20	22	91%	13	14	93%	33	36	92%
Latino & white Voters Different First Choice Candidate	17	22	77%	11	14	79%	28	36	78%
Black & white Voters Different First Choice Candidate	20	22	91%	8	14	57%	28	36	78%
Black & Latino Voters Same First Choice Candidate	17	22	77%	4	14	29%	21	36	58%
Black & Latino Voters Same First Choice Candidate, white opposition	15	17	88%	2	4	50%	17	21	81%
Latino-Preferred Candidate Won	11	20	55%	2	6	33%	13	26	50%
Black-Preferred Candidate Won	8	20	40%	3	6	50%	11	26	42%
White-Preferred Candidate Won	13	20	65%	5	6	83%	18	26	69%
White Voters Prefer Black Candidate	1	7	14%	1	4	25%	2	11	18%
White Voters Prefer Latino Candidate	1	8	13%	0	8	0%	1	16	6%

B. Commissioners Court Elections

47. I considered Commissioners Court elections to be the most probative for my conclusions as these are the elections that are most directly affected by the redistricting in Galveston County.
48. For elections held between 2002 and 2022, I was able to obtain precinct-level election returns for 15 contested elections for Commissioners Court—the most recent of which occurred in 2014. Although it is regrettable that we do not have more recent endogenous elections to analyze, these older elections still enable us to establish patterns of racial polarization. Political scientists generally agree that elections throughout the United States have become increasingly racially/ethnically polarized over the last 20 years (Abramowitz and McCoy 2019). This means that if we see racial polarization in older elections, it is likely that these patterns persist and may have grown stronger. Between 2002 and 2022, Black candidates ran in three Commissioners Court elections (two primaries and one general election) and Latino candidates ran in two primary elections and no general elections. Black candidates only ran for office in Commissioner Precinct 3, while Latino candidates ran for office in Commissioner Precincts 1 and 2.
49. Turnout¹² was low among Latino voters, averaging only 1.6% across the nine general elections analyzed. Black voter turnout averaged 32% and white turnout averaged 35% in these same races.
50. To show the relationship between Black and Latino voters and candidate preference graphically, I generated a pooled Goodman’s regression for the seven Commissioners Court general elections in which Black and Latino voters preferred the same candidate.¹³ In each election, I calculated the vote share received by the candidate preferred by Black and Latino voters in a VTD.¹⁴ Then, I regressed this total on the

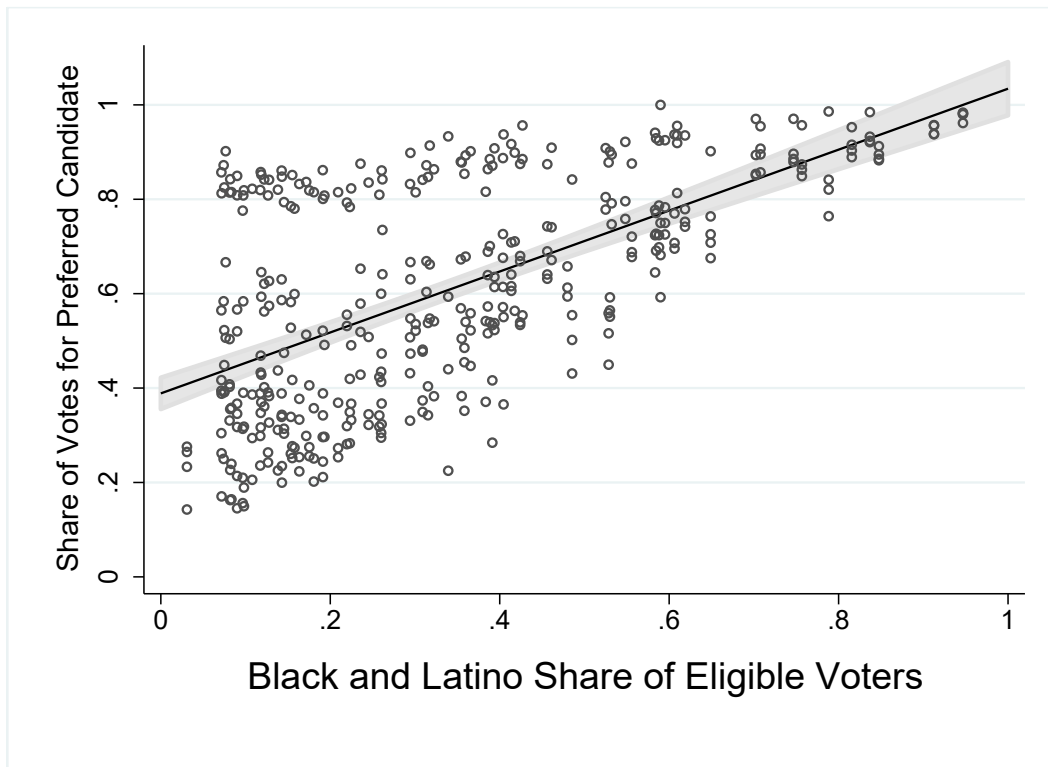
¹² Throughout this report, turnout figures refer to turnout among voting age citizens, not to turnout among registered voters.

¹³ As explained in Appendix B, Goodman’s regression is not my preferred statistical option for producing point estimates of voter support for each candidate in these elections. I use it here for a different purpose: to provide a visual representation of the linear relationship between voter demographics and candidate vote share. I used a pooled approach because the limited number of precincts in each election can lead outliers to have outsized or misleading effects on the results. Aggregating makes the average support/opposition for the preferred candidate clear over the entire time span.

¹⁴ Two elections in which Black and Latino voters preferred different first choice candidates are excluded from this analysis because the data are missing on the dependent variable. Another strategy for analysis is to generate duplicate observations for each VTD in these two elections—with one observation representing the vote share for the preferred candidate of Latino voters and one observation representing the vote share for the preferred candidate of Black voters. This

Black and Latino share of eligible voters in that VTD. The predicted results are displayed in Chart 1 below. The results are statistically significant at a level that is below 0.000,¹⁵ meaning that the relationship between the Black and Latino share of eligible voters and the precinct-level vote for their preferred candidate is extremely unlikely to be due to chance.

Chart 1: Endogenous Elections in Galveston County Reveal Racial Polarization¹⁶



51. Chart 1 reveals political polarization in Galveston County. In VTDs in which the Black and Latino share of eligible voters is small, the candidates preferred by Black and Latino voters win a small share of the vote. We can therefore conclude that white voters generally prefer different candidates than do Black and Latino voters. Furthermore, it is apparent that Black- and Latino-preferred candidates only win

strategy also produces statistically significant results, but the duplication of VTDs overweights these elections, and so I do not prefer that approach.

¹⁵ Significance levels below 0.05 are generally accepted for publication in political science (Pollock and Edwards 2020).

¹⁶ Chart 1 presents data from seven general elections to Commissioners Court between 2002 and 2014 in which Black and Latino voters preferred the same candidate. It displays a scatterplot showing the predicted share of the vote received by Black and Latino voters' preferred candidate and the Black and Latino share of eligible voters in each VTD. A linear regression line with 95% confidence bands is fit through the data.

greater than 50% of the vote when Black and Latino voters comprise a substantial share of the electorate.

C. Partisan Exogenous Elections

52. Of the 36 elections that I analyzed, three were general elections and eight were primary elections, including primary runoffs, for higher-level offices, including Galveston County Sheriff, U.S. House of Representatives, District Court Judge, Attorney General, Comptroller of Public Accounts, Commissioner of General Land, and Lieutenant Governor.
53. Across these 11 elections, seven Latino candidates and six Black candidates ran for office. Latino voters cohesively supported Latino candidates and Black voters cohesively supported Black candidates in 100% of these elections. White voters in Galveston County did not support a single Black or Latino candidate in these elections. In all three general elections, Black and Latino voters in Galveston County preferred the same candidate as their first choice. As a result of these patterns of cohesion and opposition, I determined that 100% of these elections were polarized.
54. Turnout in the general elections was 13.1% among Latino voters in Galveston County, 78.1% among white voters in Galveston County, and 40.8% among Black voters in Galveston County. In the Democratic primary, turnout was only 2.2% for Latino voters in Galveston County, 3.1% for white voters in Galveston County, and 14.8% for Black voters in Galveston County.

D. Nonpartisan Exogenous Elections

55. Finally, to ensure that my conclusions were not dependent upon the presence of partisan labels, ten of the 36 elections that I analyzed were nonpartisan local elections in Galveston County with VTDs that overlapped with the VTDs found in Commissioner Precinct 3. These included general elections for Galveston City city council and mayor, La Marque city council, League City city council, Texas City city commission and mayor, and Galveston County Navigation and Canal Commissioner in 2016 and 2020.
56. Across these ten elections, I found patterns similar to those described above. Specifically, Black voters cohesively preferred Black candidates in three out of the five elections in which Black candidates ran, and Latino voters preferred Latino candidates in five out of the seven elections in which Latino candidates ran. White voters only supported one Latino candidate and one Black candidate. In seven out of the ten nonpartisan elections, Black and Latino voters preferred the same first choice candidate. Overall, I determined that 90% (nine out of ten) of these elections were

polarized with Black or Latino voters cohesively supporting different candidates than white voters.

57. Turnout in these ten elections averaged 14.9% for Latino voters, 33.6% for Black voters, and 30.6% for white voters.

VII. Results of Reconstituted Election Analysis

58. Table 2 presents the results of my reconstituted election analysis. In every election, the candidate preferred by Black and Latino voters (noted in bold) would have lost the election had they run in Commissioner Precinct 3 under the Adopted Map, but would have won their election had they run in Commissioner Precinct 3 under the Illustrative Map.

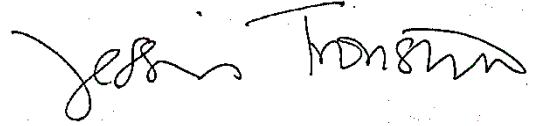
Table 2: Commissioner Precinct 3 Reconstituted Election Analysis—Adopted Map vs. Illustrative Map

	Commissioner Precinct 3 in Adopted Map	Commissioner Precinct 3 in Illustrative Map
2006 County Judge		
Chris Stevens	53.7%	21.0%
James D. Yarbrough	46.3%	79.0%
2010 County Judge		
Mark Henry	67.7%	25.8%
James D. Yarbrough	32.3%	74.2%
2020 Galveston County Sheriff		
Henry Trochesset	66.8%	35.1%
Mark Salinas	33.2%	64.9%
2020 405 th District Court Judge		
Jared Robinson	67.2%	33.9%
Teresa Hudson	32.8%	66.1%
2020 U.S. House District 14		
Randy Weber	67.6%	34.2%
Adrienne Bell	32.4%	65.8%

Conclusion

After analyzing 36 elections—that covered multiple levels of government, partisan and nonpartisan elections, and primary and general elections—I am confident in asserting that elections in Galveston County are racially polarized. Black and Latino voters vote cohesively in support of candidates that are generally opposed by white voters. Black and Latino voters often see their preferred candidates lose elections, particularly when they do not constitute a majority of the electorate. Furthermore, based on my reconstituted election analysis, I am also confident in asserting that the Galveston County Commissioners Court map that was adopted on November 12, 2021, does not afford Galveston County’s Black and Latino voters an equal opportunity to elect a candidate of choice to office.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of April 2023.

A handwritten signature in black ink, appearing to read "Jessica Trounstine". The signature is written in a cursive style with a horizontal line underneath the name.

JESSICA TROUNSTINE

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*Appendix B: Methodological Appendix*Data Source Details

To determine the extent (if any) of racially polarized voting in Galveston County, Texas, I examined all contested Commissioners Court general elections for the 20-year period of 2002 to 2022 (nine elections) for which precinct-level election returns were available to me as of November 30, 2022.

Over the last 20 years, only two Black candidates and no Latino candidates have run in general elections for Commissioners Court. In addition to featuring very few candidates of color, Commissioners Court general elections are frequently uncontested and/or precinct-level election returns are not available for analysis. I supplemented the analysis of Commissioners Court elections with elections for other offices to understand whether Black and Latino voters in Galveston County tend to vote for Black and Latino candidates when offered the chance to do so.

I examined a total of 36 elections. Specifically, I examined general elections in Galveston County for local, state, and national offices that featured Black or Latino candidates and for which precinct-level data were available to me as of November 30, 2022. I analyzed elections that were recent, with electorates found in voting districts (VTDs) that overlapped with the VTDs found in Commissioner Precinct 3 and those in which the winning candidate received less than 75% of the vote. In total, this search yielded eight nonpartisan local elections in 2020 and two nonpartisan local elections in 2016, as well as three partisan elections for higher-level offices in 2020. Finally, I examined Democratic primary elections for Commissioners (six elections between 2002 and 2022), County Judge (zero elections between 2002 and 2022), and higher-level offices (eight elections in 2022).

Due to a lack of participation by Black and Latino voters in Republican primaries, I did not analyze Republican primaries. A long history of racial sorting between the two major parties in the United States means that a majority of Black voters support the Democratic party and Democratic candidates in elections, while a majority of white voters support the Republican party and Republican candidates. Latino voters are more divided between the parties, but in Texas, Latino voters are more likely to support the Democratic Party and Democratic candidates.¹⁷ Less than 0.5% of the citizen voting age population of Latino and Black residents in Galveston County participated in the Republican gubernatorial primary in 2022, making it impossible to analyze their support for candidates.

Election returns are from Galveston County tabulated by VTDs.

¹⁷ <https://www.pewresearch.org/religion/religious-landscape-study/compare/party-affiliation/by/racial-and-ethnic-composition/among/state/texas/>

The race/ethnicity of the candidates for office was gathered from numerous sources, including published candidate biographies and news reports.

Determining the degree of racially polarized voting requires comparing election results with data on the racial/ethnic composition of VTDs. I downloaded map files of VTDs from the National Historical Geographic Information (NHGIS) website¹⁸ for 2010 and 2020, and from the Texas Legislative Council for 2022. I built estimates of the composition of each VTD by aggregating block-level data from the Census.¹⁹ Aggregating data from the block-level minimizes the number of Census geographies that are split across VTDs and Commissioner Precincts, thereby improving the accuracy of the data. To facilitate my Rows by Columns analysis that is described below, I combined non-Latino white residents with other non-Latino and non-Black racial/ethnic groups. In Galveston County, approximately 93% of this white/other group is non-Hispanic white. Thus, I refer to this category as “white.” I also used two different Censuses to produce demographic estimates because populations change over time and using both Censuses allows for more accurate estimation of the voter population. For elections held between 2014 and 2022, I use block-level estimates of the citizen voting age population of Black, Latino, and white residents from the 2020 Census.²⁰ For elections held between 2002 and 2012, I use block-level data on voting-age Black, Latino, and Other populations from the 2010 Census, file SF1a.²¹

Methodology Details

When social scientists analyze the extent of racially polarized voting, they look to see if voters from different racial/ethnic groups prefer different candidates for office. However, we often do not have information on individuals’ vote choices. What we know is how voters behave in the aggregate. To estimate polarized voting from aggregate data, I rely on a statistical technique that is considered the current best practice for complex electoral environments like those in Galveston.

The electorate in Galveston County has three large predominate racial/ethnic groups—Latinos, Blacks, and whites—and many of the elections in which Black and Latino candidates run for office feature three or more candidates. Statistical techniques to

¹⁸ Manson, Jonathan Schroeder, David Van Riper, Tracy Kugler, and Steven Ruggles. IPUMS National Historical Geographic Information System: Version 17.0 [dataset]. Minneapolis, MN: IPUMS. 2022. <http://doi.org/10.18128/D050.V17.0>.

¹⁹ Unlike some states, Texas does not disseminate voter registration data by race, necessitating the use of Census data to identify Black and Latino voting populations.

²⁰ These estimates were generated by Professor John Logan (*see* Appendix D), and combine information from the Census 2020 Public Law 94-171 Summary file and the 2016-2020 American Community Survey. I verified the accuracy of these estimates by consolidating block-level data to Census tract data and comparing to data from the Census. Similar estimates are unavailable for the 2010 Census.

²¹ I downloaded these data from NHGIS.

generate group-level estimates using aggregate data typically assume two groups and two candidates, and so they must be modified in the case of Galveston County.

In this section, I review different methods for producing estimates of candidate support across racial/ethnic groups and explain why I relied on the method that I did. All of these methods are standard tools in voting rights analysis and in political science.

I derived group-level estimates using three different ecological inference methods: Goodman's (1953) Bivariate Ecological Regression (Goodman's), King's (1997) Ecological Inference (EI), and Rosen et al. (2001) and Lau et al.'s (2006) Rows by Columns (RxC).²² My conclusions do not depend on the methodology selected.

Goodman's Bivariate Ecological Regression

Goodman's analysis uses a statistical method, regression analysis, to summarize the relationship between the racial/ethnic composition of each VTD and the share of the vote cast for each candidate. Regression analysis assumes a linear relationship between the share of the population for the group in question and the share of the vote for the candidate and calculates a line that best fits the data. This line is used to predict how a district would have voted if it were comprised entirely of one racial/ethnic group. This method has been widely used in voting rights cases and has been upheld by the Supreme Court as a valid method for providing evidence of racially polarized voting. However, sometimes the regression generates out-of-bounds estimates, *i.e.*, less than 0% or greater than 100% of voters supporting a particular candidate. This problem is especially acute when the relationship between race/ethnicity and vote choice is very strong and/or when the racial/ethnic group comprises a small share of the electorate. In Galveston County, racial/ethnic group composition at the precinct-level ranges from zero to 75% for each group—making out-of-bounds estimates common. King's EI and the RxC method prevent these out-of-bound estimates.

²² I also considered using homogenous precinct analysis. Homogenous precinct analysis identifies a set of VTDs in which a single racial/ethnic group comprises a very high (~90%) concentration of voters. By determining the share of the vote allocated to each candidate in these homogenous districts, an analyst can determine which candidate(s) the voters of the group in question supported. However, this type of analysis is only reasonable when districts are sufficiently homogenous. In Galveston County, there are no VTDs that feature such a high concentration of Black or Latino voters. Aside from this limited opportunity for analysis, homogenous precinct analysis is problematic for two additional reasons. First, it discards a tremendous amount of data. That is, we would like to be able to make use of the vote choices of Black and Latino residents who live in both integrated and segregated VTDs, not just those who live in the segregated districts. Second, (and related to the first point), the voters who live in segregated VTDs may not represent the broader Black or Latino community. The other three methods address these concerns by utilizing data from every VTD in the County.

Kings EI and RxC: Maximum Likelihood Estimation

Both King's EI and RxC use maximum likelihood estimation—which is different from the regression analysis that Goodman's uses—to predict how a VTD comprised of 100% of the group in question would have voted. This method takes information that we observe (*e.g.*, the total vote for the Latino candidate and the share of voters that are Latino) to make inferences about parameters that we do not observe (*e.g.*, the share of Latino voters who supported the Latino candidate). Additionally, King's EI and RxC incorporate information about the range of possible values (*e.g.*, vote proportions must lie between 0 and 1). The observed data is used to generate a set of feasible values for the unknown parameters, and the parameter values that maximize the likelihood of getting the data that we observed are estimated. King's EI technique was developed to generate estimates for elections with two candidates and two racial/ethnic groups. To estimate EI for elections with more than two candidates, the estimation is run repeatedly, pairing each candidate with the rest of the candidates. Later scholars (*e.g.*, Rosen et al. 2001, Lau et al. 2006), generalized the technique for elections with more than two candidates and/or more than two racial/ethnic groups so that the estimates are generated for all candidates and all racial/ethnic groups at the same time, namely the RxC method.

King's EI has been the benchmark method used by lower courts for evaluating racial polarization since the late 1990s (King, Rosen, and Tanner 2004). However, it is most suitable for jurisdictions in which there are only two major racial/ethnic groups, whereas the RxC method allows for both multiple racial/ethnic groups and multiple candidates. Political science has come to view RxC as the optimal methodology in these more complex electoral settings (Rosen et al., 2001).

Both EI and RxC prevent out-of-bounds estimates for any bivariate relationship, but, unlike Goodman's, both can generate totals that exceed 100% in the aggregate. For instance, the regression might predict that 40% of Latino voters supported candidate A, 60% supported candidate B, and 30% supported candidate C. Although this is not ideal, it is better than producing out of bounds estimates for each candidate given that the goal of this analysis is to determine point estimates of voter support and to compare them across candidates in a given election. Both EI and RxC allow researchers to determine which candidate received the largest share of the vote compared to all others. My analyses indicate that in Galveston County, RxC produces totals that are closer to 100% than does EI. So, while I present the results from all of these different methods, my summary conclusions and my discussion highlight the RxC results.

For all estimates included in this report, I used two software packages called eiPack (Lau, Moore, and Kellerman, 2020) and eiCompare for R (Collingwood et al., 2016). The package eiPack produces estimates from Goodman's and RxC regressions, while eiCompare produces iterated estimates from King's EI.

Appendix C: Estimates of Racial/Ethnic Group Support for Candidates

**General Elections for County Commissioners
WHITE VOTE**

Election Date	Precinct	Candidate	Ethnicity	Party	Won	RXC		EI		Goodman	
						EST	SE	EST	SD	EST	SE
5-Nov-02	4	Ken Clark	W	R	1	88.37	1.13	89.33	0.15	92.71	1.69
5-Nov-02	4	Chris John Mallios	W	D	0	11.55	1.06	10.54	0.03	7.29	1.69
2-Nov-04	3	Stephen Holmes	B	D	1	26.65	3.99	26.95	0.88	17.57	5.83
2-Nov-04	3	Lewis Parker, Jr.	B	R	0	72.79	4.24	73.73	0.07	82.43	5.83
7-Nov-06	2	Bryan Lamb	W	D	1	42.92	3.74	43.17	0.32	40.58	4.24
7-Nov-06	2	Albert Choate	W	R	0	57.16	3.76	56.69	0.29	59.42	4.24
2-Nov-10	2	Kevin O'Brien	W	R	1	72.58	2.88	74.08	0.50	74.72	3.34
2-Nov-10	2	Bryan Lamb	W	D	0	27.41	2.90	25.92	0.50	25.28	3.34
6-Nov-12	1	Ryan Dennard	W	R	1	75.73	3.37	79.68	1.58	75.75	3.24
6-Nov-12	1	Winston Cochran	W	D	0	24.27	3.36	20.22	1.50	24.25	3.24

Bold=Meets Cohesion Threshold

**General Elections for County Judge
LATINO VOTE**

Election Date	Candidate	Ethnicity	Party	Won	RXC		EI		Goodman	
					EST	SE	EST	SE	EST	SE
5-Nov-02	James D. Yarbrough	W	D	1	97.50	1.86	99.99	0.00	96.93	3.33
5-Nov-02	Dan Murphy		L	0	2.46	1.82	0.00	0.00	3.07	3.33
7-Nov-06	James D. Yarbrough	W	D	1	96.37	3.06	97.57	1.78	97.46	7.46
7-Nov-06	Chris Stevens		R	0	3.66	3.04	1.52	0.85	2.54	7.46
2-Nov-10	Mark Henry	W	R	1	6.40	4.76	10.41	2.93	15.13	8.66
2-Nov-10	James D. Yarbrough	W	D	0	93.57	4.74	90.11	2.90	84.87	8.66
4-Nov-14	Mark Henry	W	R	1	62.18	7.57	26.78	6.58	62.64	7.67
4-Nov-14	William F. "Bill" Young		I	0	37.86	7.53	73.33	6.49	37.36	7.67

**General Elections for County Judge
BLACK VOTE**

Election Date	Candidate	Ethnicity	Party	Won	RXC		EI		Goodman	
					EST	SE	EST	SE	EST	SE
5-Nov-02	James D. Yarbrough	W	D	1	98.90	0.94	80.89	0.11	101.87	2.33
5-Nov-02	Dan Murphy		L	0	1.10	0.93	19.10	0.08	-1.87	2.33
7-Nov-06	James D. Yarbrough	W	D	1	98.15	1.66	99.38	0.11	106.58	5.30
7-Nov-06	Chris Stevens		R	0	1.86	1.69	0.93	0.42	-6.58	5.30
2-Nov-10	Mark Henry	W	R	1	1.83	1.73	1.01	0.22	-14.66	6.16
2-Nov-10	James D. Yarbrough	W	D	0	98.19	1.67	99.11	0.16	114.66	6.16
4-Nov-14	Mark Henry	W	R	1	9.53	5.01	11.07	1.44	8.84	5.54
4-Nov-14	William F. "Bill" Young		I	0	90.46	5.00	88.70	1.51	91.16	5.54

Bold=Meets Cohesion Threshold

**General Elections for Exogenous Nonpartisan Elections
LATINO VOTE**

Election Date	District	Candidate	Ethnicity	Won	City	Position	RXC		EI		Goodman	
							EST	SE	EST	SE	EST	SE
3-Nov-20	1	Johnson, E.R.	B	1	Galveston	City Council	47.86	27.96	94.33	1.77	6.08	95.30
3-Nov-20	1	Woods, Tarris L.	B	0	Galveston		42.30	25.66	0.05	0.01	54.17	59.38
3-Nov-20	1	Godinich, Doug	W	0	Galveston		27.36	20.32	65.23	8.65	39.76	36.23
3-Nov-20	4	Quiroga, Bill	L	1	Galveston	City Council	51.71	27.56	98.59	1.55	35.40	112.30
3-Nov-20	4	Hardcastle, Jason	W	0	Galveston		49.32	28.57	2.36	2.90	64.60	112.30
3-Nov-20		Quiroga, Roger "Bo"	L	1	Galveston	Mayor	68.96	15.28	NA		71.14	15.34
3-Nov-20		Brown, Craig	W	0	Galveston		19.83	12.33	NA		15.85	14.25
3-Nov-20		Guzman Jr., Raymond	L	0	Galveston		8.78	3.29	NA		8.65	3.06
3-Nov-20		Keese, Bill	W	0	Galveston		4.72	3.42	NA		2.29	4.42
3-Nov-20		Casey, James	W	0	Galveston		3.09	2.45	NA		2.07	4.14
3-Nov-20	B	Divine, Laura	W	1	La Marque	City Council	53.84	NA	NA		43.79	27.53
3-Nov-20	B	Compian, Joe	L	0	La Marque		68.01	NA	NA		76.01	23.42
3-Nov-20	B	Robinson, Raushida	B	0	La Marque		15.12	NA	NA		-19.80	4.12
3-Nov-20	5	Hicks, Justin	W	1	League City	City Council	41.42	5.50	33.95	0.34	54.29	8.19
3-Nov-20	5	Chorn, Wes	W	0	League City		36.48	20.23	74.02	11.68	10.11	14.07
3-Nov-20	5	Rogers, Fred	B	0	League City		28.64	4.64	30.56	1.00	35.60	8.90
3-Nov-20		Bowie, Thelma	B	1	Texas City	City Commission	9.78	7.80	9.29	9.08	-3.38	13.82
3-Nov-20		Yackly, Kevin	W	0	Texas City		48.08	7.80	53.93	1.91	50.41	7.37
3-Nov-20		Garza, Jr., Abel	L	0	Texas City		9.95	7.71	78.44	0.12	1.84	11.00
3-Nov-20		Clawson, Bruce	W	0	Texas City		48.13	10.65	52.70	6.00	51.13	10.20
3-Nov-20	4	Clark, Jami	W	1	Texas City	City Commission	40.79	NA	9.45	1.40	201.40	50.90
3-Nov-20	4	Gomez, Henry	L	0	Texas City		79.99	NA	90.89	0.42	-101.40	50.90
3-Nov-20		Johnson, Dredrick	B	1	Texas City	Mayor	88.23	10.32	35.71	0.10	113.90	19.50
3-Nov-20		Roberts, Phil	W	0	Texas City		11.96	10.52	64.42	0.02	-13.90	19.50
8-Nov-16	4	Kinsey, Todd	W	1	League City	City Council	22.32	8.85	3.31	4.52	36.67	9.99
8-Nov-16	4	Salcedo, Rudy	L	0	League City		77.55	8.91	99.52	0.35	63.33	9.99
8-Nov-16		Byrd, Dennis	W	1	Galveston		34.38	21.66	50.95	2.39	28.38	28.41

**General Elections for Exogenous Nonpartisan Elections
BLACK VOTE**

Election Date	District	Candidate	Ethnicity	Won	City	Position	RXC		EI		Goodman	
							EST	SE	EST	SE	EST	SE
3-Nov-20	1	Johnson, E.R.	B	1	Galveston	City Council	46.03	24.33	98.76	0.92	5.00	75.39
3-Nov-20	1	Woods, Tarris L.	B	0	Galveston		51.25	28.47	0.00	0.01	74.31	46.97
3-Nov-20	1	Godinich, Doug	W	0	Galveston		27.27	20.06	2.33	2.56	20.69	28.66
3-Nov-20	4	Quiroga, Bill	L	1	Galveston	City Council	52.06	28.03	99.99	0.00	76.20	230.10
3-Nov-20	4	Hardcastle, Jason	W	0	Galveston		49.27	28.65	1.88	2.11	23.80	230.10
3-Nov-20		Quiroga, Roger "Bo"	L	1	Galveston	Mayor	40.47	15.38	NA		39.01	14.69
3-Nov-20		Brown, Craig	W	0	Galveston		31.16	13.21	NA		32.61	13.65
3-Nov-20		Guzman Jr., Raymond	L	0	Galveston		17.50	3.25	NA		17.59	2.94
3-Nov-20		Keese, Bill	W	0	Galveston		10.09	4.04	NA		11.23	4.23
3-Nov-20		Casey, James	W	0	Galveston		2.52	2.17	NA		-0.44	3.97
3-Nov-20	B	Divine, Laura	W	1	La Marque	City Council	21.06	NA	NA		17.22	8.64
3-Nov-20	B	Compian, Joe	L	0	La Marque		54.01	NA	NA		54.05	7.35
3-Nov-20	B	Robinson, Raushida	B	0	La Marque		22.48	NA	NA		28.74	1.29
3-Nov-20	5	Hicks, Justin	W	1	League City	City Council	1.95	0.87	0.63	0.15	-28.93	8.67
3-Nov-20	5	Chorn, Wes	W	0	League City		93.60	7.17	93.36	11.30	145.90	14.88
3-Nov-20	5	Rogers, Fred	B	0	League City		3.05	2.83	0.69	0.20	-16.97	9.42
3-Nov-20		Bowie, Thelma	B	1	Texas City	City Commission	82.23	9.83	91.60	2.55	86.77	10.66
3-Nov-20		Yackly, Kevin	W	0	Texas City		3.47	3.15	0.10	0.04	-4.87	5.68
3-Nov-20		Garza, Jr., Abel	L	0	Texas City		23.38	8.65	13.34	3.37	24.41	8.48
3-Nov-20		Clawson, Bruce	W	0	Texas City		4.72	4.25	0.06	0.11	-6.31	7.86
3-Nov-20	4	Clark, Jami	W	1	Texas City	City Commission	20.15	NA	16.47	1.17	-165.00	61.00
3-Nov-20	4	Gomez, Henry	L	0	Texas City		46.17	NA	83.47	1.14	265.00	61.00
3-Nov-20		Johnson, Dredrick	B	1	Texas City	Mayor	81.71	12.03	97.75	3.95	83.50	15.10
3-Nov-20		Roberts, Phil	W	0	Texas City		18.21	12.20	5.13	2.59	16.50	15.10
8-Nov-16	4	Kinsey, Todd	W	1	League City	City Council	3.69	3.76	2.41	3.09	-25.85	10.55
8-Nov-16	4	Salcedo, Rudy	L	0	League City		96.26	3.79	99.45	0.15	125.85	10.55
8-Nov-16		Byrd, Dennis	W	1	Galveston		28.59	19.44	46.09	1.30	20.00	25.25

EXPERT REPORT OF JOHN R. ALFORD, Ph.D.

Scope of Inquiry

I have been retained by the Defendants as an expert to provide analysis related to *NAACP, et al. v. Galveston County, et al.*, *Pettaway, et al. v. Galveston County, et al.*, and *United States v. Galveston County, et al.* All three cases allege that the current Galveston County Commissioner district map violates Section 2 of the Voting Rights Act. My specific focus is on *Gingles 2* and 3, as well as racially polarized voting. I have examined the reports provided by plaintiffs' experts Dr. Kassra Oskooii, Dr. Jessica Trounstine, and the joint report of Dr. Matt Barreto and Mr. Michael Rios in this case. My rate of compensation in this matter is \$500 per hour.

Qualifications

I am a tenured full professor of political science at Rice University. At Rice, I have taught courses on redistricting, elections, political representation, voting behavior and statistical methods at both the undergraduate and graduate level. Over the last thirty years, I have worked with numerous local governments on districting plans and on Voting Rights Act issues. I have previously provided expert reports and/or testified as an expert witness in voting rights and statistical issues in a variety of court cases, including on behalf of the U.S. Attorney in Houston, the Texas Attorney General, a U.S. Congressman, and various cities and school districts.

In the 2000 round of redistricting, I was retained as an expert to provide advice to the Texas Attorney General in his role as Chair of the Legislative Redistricting Board. I subsequently served as the expert for the State of Texas in the state and federal litigation involving the 2001 redistricting for U.S. Congress, the Texas Senate, the Texas House of Representatives, and the Texas State Board of Education. In the 2010 round of redistricting in Texas, I was again retained as an expert by the State of Texas to assist in defending various state election maps and systems, including the district maps for the U.S. Congress, the Texas Senate, the Texas House of Representatives, and the current at-large system for electing Justices to the State Supreme Court

and Court of Appeals, as well as the winner-take-all system for allocating Electoral College votes.

I have also worked as an expert on redistricting and voting rights cases at the state and/or local level in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Michigan, Mississippi, New Mexico, New York, Pennsylvania, Washington, and Wisconsin. The details of my academic background, including all publications in the last ten years, and work as an expert, including all cases in which I have testified by deposition or at trial in the last four years, are covered in the attached CV (Appendix 1).

Data and Sources

In preparing this report, I have reviewed the reports filed by the plaintiffs' experts in this case. I have relied on the analysis provided to date by Dr. Kassra Oskooii, Dr. Jessica Trounstone, Dr. Matt Barreto, and Mr. Michael Rios in their expert reports in these cases. I have also relied on various election and demographic data they provided in their disclosures related to their reports in this case, as well as the election returns for Galveston County that are available on the County website.

Assessing Cohesion for *Gingles* 2 and 3

While the definition of a "candidate of choice" is clear (50% + 1 in the case of a two-candidate contest), the level of voter cohesion needed to meet the *Gingles* threshold is less clear. To date, neither the courts nor the academic literature have provided any bright-line standard. As Dr. Trounstone notes in her report, "in statistical terms, because cohesion is a continuous, not a discrete, variable, there is no universally accepted approach for determining cohesiveness." (page 4). There have been suggestions that something in the range of 80% plus would be evidence of cohesion, but no consensus has been reached on this, or any other standard. Recently, some plaintiff's experts have proposed, as Trounstone does here, a minimal 60 percent threshold. However, this is simply an arbitrary choice, as 60% is clearly much closer to the no-cohesion level of 50% than it is to the complete-cohesion level of 100%.

A non-arbitrary threshold can be derived from considering the scale itself. The extent of cohesion varies from no cohesion at a 50%-50% split in a two-candidate contest, to perfect cohesion at 100% of a group voting for the same candidate. In the simplest two-party case, the

range of cohesion (from 50% to 100%) covers 50 percentage points. Thus, the halfway point between the complete absence of cohesion at 50% and perfect cohesion at 100% is found at 75%. Cohesion levels below 75% are closer to non-cohesion than they are to complete cohesion. Similarly, cohesion levels above 75% are closer to complete cohesion than they are to the complete absence of cohesion.

Establishing a level as low as 60% to demonstrate cohesion is also problematic when you consider that it means that 40%, a substantial minority, have a different candidate of choice. This high level of crossover among minority voters in turn limits the performance of minority districts, even when they are drawn to provide minority voters a clear majority. For example, if minority cohesion is at 60%, and non-minority cohesion is at 80% (about where it is here), then a district where minorities are 55% of the adult eligible population will yield a losing vote share for the minority preferred candidate of only 42%, even if minority voters turn out at the same rate as non-minority voters. The district would need to be drawn to have a turned-out minority voter proportion of over 75% before it would yield a majority vote share of over 50% for the minority-preferred candidate. Any tendency for minority voters to turn out at lower rates than non-minority voters would push the necessary level of minority population up even higher. Note that this level of packing would not be required if the standard for cohesion was set at 75%, as the same 55% minority district scenario outlined above would yield a majority vote for the minority-preferred candidate when minority cohesion reached 75%. The weakness of the low 60% threshold is even more apparent when applied mechanically, as Dr. Trounstine does, to multiparty contests, where it would yield a finding of cohesion in a four-person contest at a level of 30% for one candidate, even though 70% of the group would not be supporting that candidate.

Partisan General Elections in Dr. Oskooii's Report

Dr. Oskooii provides the results of two types of Ecological Inference (EI) analysis utilizing, first, an earlier iterative approach, and, second, the more recent RxC EI technique. The results are, as Dr. Oskooii notes, substantively similar, and for my discussion, I will focus on the reported results utilizing the more appropriate RxC technique. The RxC results for 25 general election contests between 2016 and 2020 are reported for the whole County in Figure 6 (with Blacks and Latinos combined), and in Figure 8 in Exhibit C in the Appendix, with Blacks and Latinos reported separately. Dr. Oskooii provides no indication of the race or ethnicity of the candidates

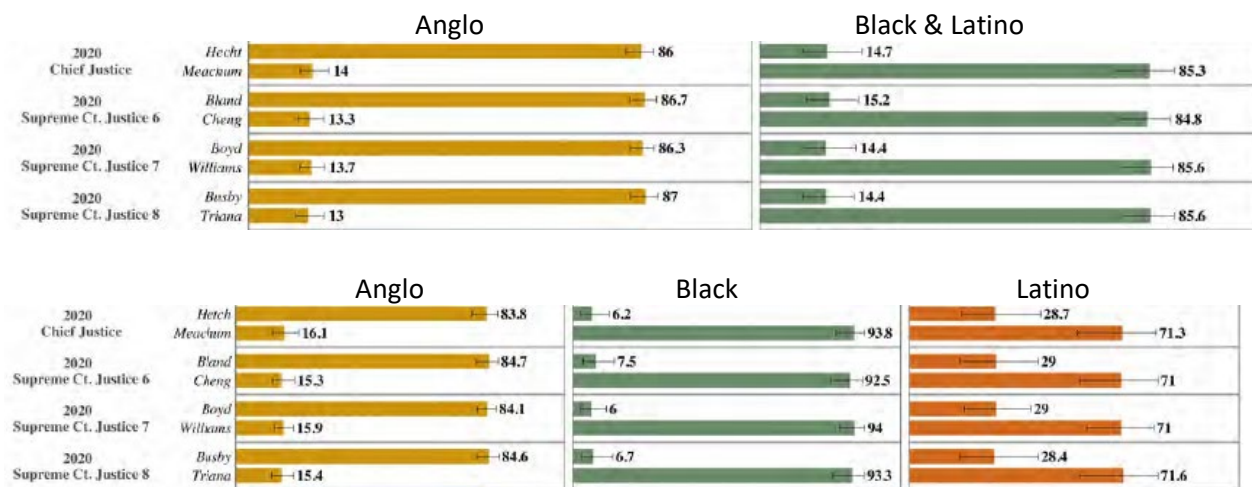
in these contests, nor does he provide any party labels in these tables, nor is there any mention of the race, ethnicity or party of any of the candidates in his discussion of the results of the EI analysis. Given the importance of the issue of racial voting in this case, and the fact that defendants have raised the issue of partisan (as opposed to racial), voter polarization, this is a curious choice. Courts have long held that racially contested elections are particularly probative, and the Fifth Circuit has addressed the importance of showing something more than mere partisan voting when assessing racial polarization.

Dr. Oskooii's overall summary of these EI estimates is that "the countywide RxC analysis depicted in Figure 6 indicates that Black-Latino voters in Galveston vote cohesively to support their candidates of choice countywide, while Galveston's Anglo voters likewise vote as bloc countywide to disfavor the candidate of choice of Black-Latino voters and support their own (different) candidate of choice." (page 15, paragraph 46). A look at the results indicates that in every election, the Black/Latino support for their candidate of choice is in the mid-80% range across years and from top to bottom of the ballot. Similarly, Anglo support for the opposing candidate is also in the mid-80% range across years and from top to bottom of the ballot.

Dr. Oskooii also provides additional EI results that estimate the vote patterns separately for Black and Latino voters in his Figure 8, Appendix C. Here, the cohesion estimates for Black and Anglo voters are also in the 80 or 90 percent range, but the estimates for Latino voters drop to the high 60 to low 70 percent range, a level that fails to reach the 75% level discussed above as the middle point between cohesion and lack of cohesion.

What Dr. Oskooii does not mention is an additional remarkable consistency in the EI results. In all 25 contests the candidate of choice of Black and Hispanic voters is the Democrat and the candidate of choice of Anglo voters is the Republican. In contrast, no such relationship is found regarding the race or ethnicity of the candidates. Thus, the EI analysis of general elections provided by Dr. Oskooii clearly establishes that voting in partisan elections in Galveston County is clearly polarized according to the party affiliation of the candidates. The impact of the candidate's party label is clear, consistent, and stable. This is true even though the race/ethnicity of the candidates varies across these elections. For example, consider the EI results extracted from Dr. Oskooii's Figures 6 and 8 reproduced below in Figure 1 for the ballot cluster of four State Supreme Court contests in the 2020 general election.

Figure 1: Extracted EI results from Oskooii Figures 6 and 8



The Chief Justice contest was between an Anglo Republican (Hecht) and an Anglo Democrat, (Meachum). The Justice Place 6 contest was between an Anglo Republican(Bland) and an Asian Democrat(Cheng). The Justice Place 7 contest was between an Anglo Republican (Boyd) and a Black Democrat (Williams). The Justice Place 8 contest was between an Anglo Republican (Busby) and a Hispanic Democrat (Tirana). Estimated support of combined Black and Hispanic voters for the Democratic candidate is cohesive at about 85% and varies by less than a single percentage point based on whether the Democratic candidate was Anglo, Black, Hispanic, or Asian. Similarly, Anglos vote cohesively for the Republican candidate, and in opposition to the Democratic candidate, at about 86.5%, and Anglo opposition to the Democratic candidate varies by less than a single percentage point based on whether the Democratic candidate was Anglo, Black, Hispanic, or Asian. The same pattern also holds when the voting of Blacks and Hispanic is estimated separately, as shown in the lower panel extracted from Dr. Oskooii’s Figure 8. More broadly, this same pattern is evident across the entire set of 25 elections analyzed by Dr. Oskooii. In short, there is nothing here to suggest that Anglo voters are voting as a bloc to defeat minority candidates on account of their race, only that they are voting as a bloc for Republican candidates and to defeat Democratic candidates at almost exactly the same level of cohesion regardless of the race or ethnicity of the Democratic candidates.

Partisan General Elections in the Report of Dr. Barreto and Mr. Rios

The Barreto/Rios report expands the timeframe of general elections analyzed by including some earlier 2014 elections as well as some more recent 2022 elections. Like Dr. Oskooii, the Barreto/Rios report finds a stable pattern of partisan polarization. As they summarize on page 7:

In elections across Galveston County ecological inference models point to a clear pattern of racially polarized voting. Hispanic voters and Black voters demonstrate unified and cohesive voting, siding for the same candidates of choice with high support. In contrast, Anglo voters strongly block vote against minority candidates of choice. Anglo block voting appears to be uniform across elections from 2014 to 2022 with rates over 85% opposition to minority-preferred candidates. Anglo voters demonstrate considerable block voting against Hispanic and Black candidates of choice, regularly voting in the exact opposite pattern of Hispanic and Black voters in Galveston.

However, as was true for Dr. Oskooii report, and despite its clear importance to this case, the Barreto/Rios report does not include any information regarding the party affiliation or the race or ethnicity of any of the candidates in these contests. But again, the party of candidates dominates in accounting for the observed voting patterns. In all 29 contests the candidate of choice of Black and Hispanic voters is the Democrat and the candidate of choice of Anglo voters is the Republican. As we can see for example in the 2022 elections in their Table 2, Black support for the Democratic candidate is in the low-to-mid 90 percent range, regardless of whether the Democratic candidate is Black, Latino, or Anglo. Similarly, Latino support for the Democratic candidate is in the low-to-mid 60 percent range (again falling below the 75% threshold of cohesion discussed above), regardless of whether the Democratic candidate is Black, Latino, or Anglo. Finally, Anglo support for the Republican candidate is in the low-to-mid 80 percent range, regardless of whether the Democratic candidate is Black, Latino, or Anglo.

Also note that this same pattern of support is evident in the 2018 U.S. Senate election in the Barreto/Rios Table 2, even though the Republican candidate Ted Cruz is Hispanic and the Democratic candidate O'Rourke is an Anglo. Eighty-five percent of Anglo voters supported Cruz, while minority voters supported O'Rourke, a pattern entirely consistent with partisan polarization and entirely inconsistent with racial/ethnic polarization. Moreover, in the 2018 Republican primary, Cruz received over 85 percent of the vote in Galveston County (in a five-way contest that included three Anglo candidates and one Black candidate). Given that, as Dr. Oskooii notes "in Galveston County, the evidence indicates that Black and Latino voters

participate in Republican Party Primary elections at practically non-existent levels” (page 9), this clearly shows that Anglo Republican voters are willing to support a Hispanic candidate over Anglo candidates even within the party. Thus, the Barreto/Rios EI analysis of general elections, like that provided by Dr. Oskooii, clearly establishes that voting in partisan elections in Galveston County is polarized according to the party affiliation of the candidates. In contrast to the race or ethnicity of candidates, the impact of the candidate’s party label is clear, consistent, and stable. This is true even though the race/ethnicity of the candidates varies across these elections.

Barreto/Rios on Separating Party and Race

Unlike the Oskooii and the Trounstine reports, the Barreto/Rios report provides no analysis of primary elections at all. They indicate that “primary elections are also not as probative a source of information about political cohesion, given the relatively low voter turnout and the skewed nature of the electorate.” (page 13). However, in previous published research, Dr. Barreto and his coauthors commented at length about the 2008 Democratic presidential primary, noting that, while Black voters supported the minority candidate Barak Obama at levels around 80 percent, Latino voters did not support Obama, but instead supported his Anglo opponent (Hillary Clinton). This Latino support for the Anglo candidate over the minority candidate was particularly crucial in Texas, where they noted that “without high Latino turnout and a 2–1 vote favoring Clinton, Obama would have won the state of Texas outright, and perhaps the nomination on March 4” (page 756).¹

Rather than providing actual analysis of voting in Galveston County in primaries or non-partisan local elections, the Barreto/Rios report attempts to turn this clear evidence of party polarization in partisan general elections into evidence of racial polarization by citing a variety of national-level political science literature that they characterize as demonstrating that partisan voting itself should be treated as essentially racial in nature. As they state on page 7:

In Galveston County, most elections are partisan and candidates register and run for office most commonly as a Democrat or Republican whether it is for local county office or statewide. In these instances, partisan general elections are often understood by voters

¹ Barreto, M., Fraga, L., Manzano, S., Martinez-Ebers, V., & Segura, G. (2008). “Should They Dance with the One Who Brung 'Em?” Latinos and the 2008 Presidential Election. *PS: Political Science & Politics*, 41(4), 753-760. doi:10.1017/S1049096508080967

through a racial/ethnic lens. Indeed, political science research has proven conclusively that attitudes about racial public policy issues, views on immigrants, and even racial animus influence partisanship among White voters. Thus, it is voters views on matters of race that often push White voters today into voting for Republican candidates in the first place, providing a clear link to racially polarized voting even when one considers partisanship.

However, the Barreto/Rios report does not offer any local analysis to buttress this speculative interpretation of older national level analysis, which is often directed at different matters than what is at issue here with regard to the current voting behavior in Galveston County elections. One of the more recent studies that they give weight to focuses on the unwillingness of White voters to vote for a Black president. As they summarize on page 11:

Perhaps the most conclusive causal evidence that racial attitudes are driving partisanship, and not merely conservative ideology, comes from the detailed and comprehensive analysis presented by Kuziemko and Washington (2018). Importantly, this paper disentangles antipathy toward Black people from other factors that may motivate White Americans to support the Republican party and not be willing to vote for a Black president, such as conservative principles, support for reduced government intervention, and other policy preferences (e.g., foreign policy). The overall effect in this paper is driven by White Americans in the southern states including Texas, showing that White Americans in the South relative to White Americans outside the South possess very similar attitudes on conservatism, outside the dimension of racial attitudes, such as economic and foreign policy. The findings also demonstrate that Democratic commitments to general civil rights in 1963 do not produce defections towards the Republican party among Southern whites, if they are unwilling to support a Jewish, Catholic, or Woman president, all other groups that were associated with liberal beliefs at the time. Instead, it is only among those who have negative racial attitudes or who are unwilling to support a Black president who leave the Democratic Party for the Republican Party.

The figure below is a copy of a figure from that article that relates directly to the issue of White voters' willingness to vote for a Black candidate for President. As the Barreto/Rios discussion quoted above suggests, the high levels of unwillingness among Whites in the late 1950s to vote for a Black candidate in the South (over 90%), compared to the non-South (40%) is compatible with room for that difference to drive defections in the South toward the Republican party, and in turn alter Republican sentiment on racial issues. However, the starkest takeaway from the table is the trend over time. In the late 1950s, even in the non-South, 60% of Whites were unwilling to vote for a Black candidate for president. But that was 65 years ago, and by 2000 over 90% of both Southern and non-Southern Whites are willing to vote for a Black candidate for president. In 1958, when less than 10% of Southern Whites would support a Black president,

the movement of Southern Whites into the Republican party had the potential to shift party sentiment on this issue. That potential no longer exists, and at least with regard to supporting a Black candidate for president, the sentiment itself is nearly gone.

Figure 2: Reproduced Figure 2 from Kuziemko and Washington

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KUZIEMKO AND WASHINGTON: WHY DEMOCRATS LOST THE SOUTH

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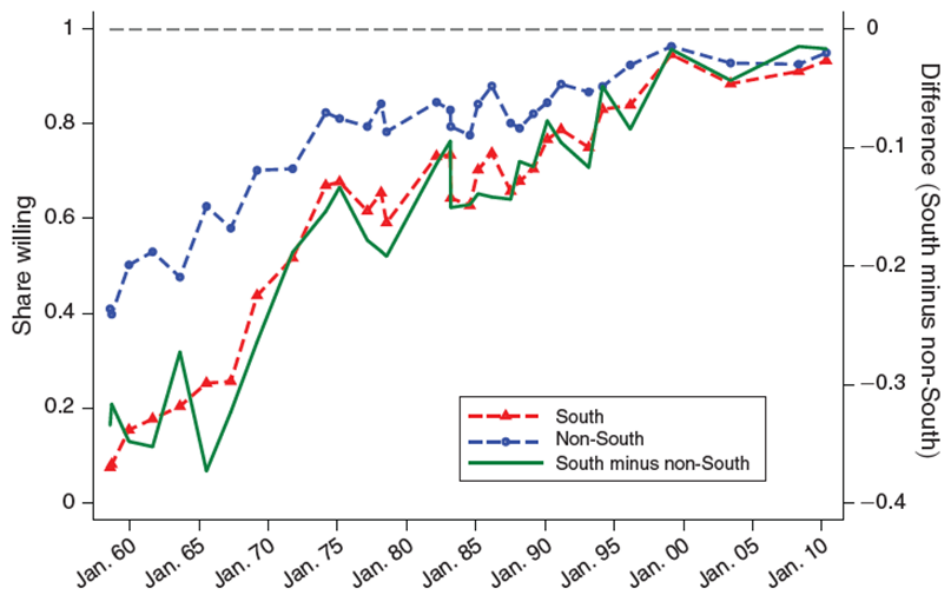


FIGURE 2. SHARE OF WHITES WILLING TO VOTE FOR A BLACK PRESIDENT, BY REGION

Notes: Here and throughout the paper, we code “yes” as 1 and “no” and (rare) “don’t know” as 0. Here and throughout the paper we use provided survey weights for the GSS data.

Source: Data come from Gallup (1958–2003) and GSS (1974–2010).

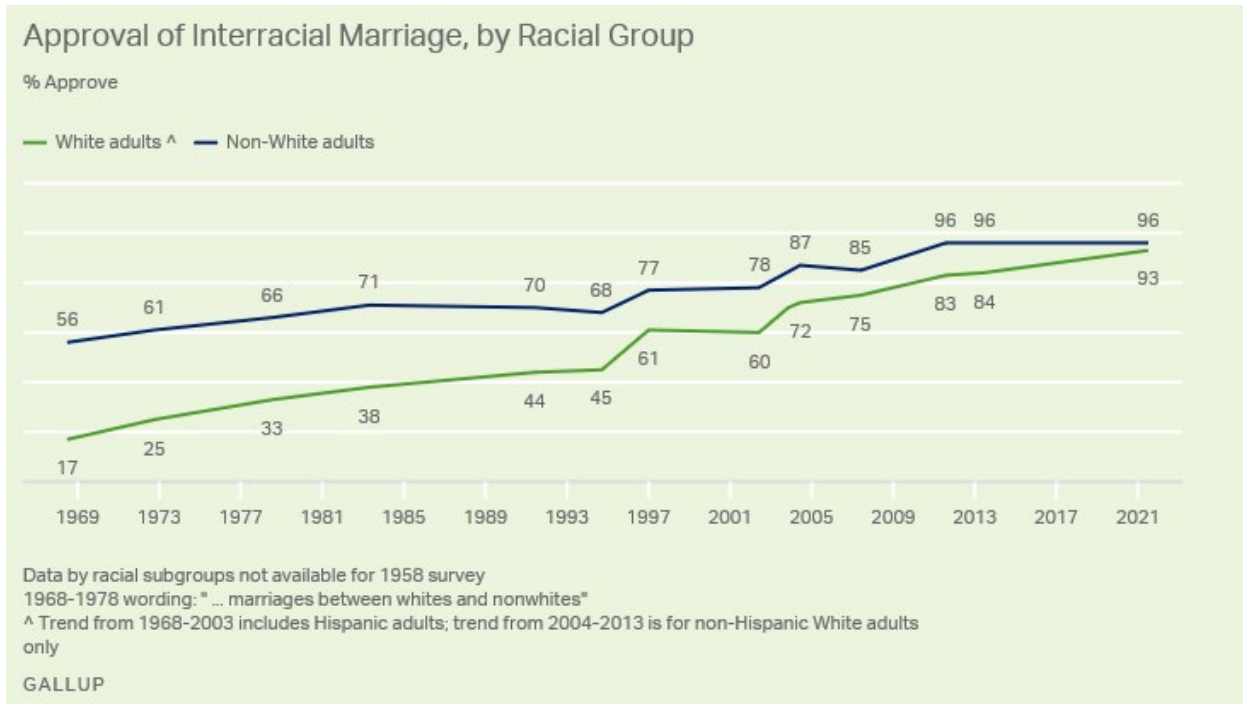
A similar pattern is apparent in another area cited in the Barreto/Rios report to support their argument that party polarization is essentially racial polarization. As they state on page 10:

Other research demonstrates that, recently, particularly after the election of Barack Obama, white American partisan preferences are increasingly the result of “old-fashioned racism.” In prior social science research, old-fashioned racism is, in part, conceived as a desire to maintain intimate social distance between the races. Published research by Tesler (2013) demonstrates that white Americans who oppose intra-racial dating are more likely to identify with the Republican party. This correlation did not exist during the 1980s-early 2000s. But it manifested after the election of Barack Obama, the first Black president.

However, the correlation in the Tesler article is very modest. As Tesler puts it “[t]o be sure, that significant correlation of .11 is still not especially strong.” In fact, a correlation of .11 is very weak and suggests that, at best, variation in opinion about interracial dating might account for only about 1% of the variation in party identification. Indeed Tesler’s additional analysis focusing on opposition to interracial marriage suggests an impact too weak to actually shift anyone a meaningful distance on the seven-point party identification scale. Perhaps the most important point here though is that the portion of the population that we are talking about when we consider opposition to interracial marriage has shrunk dramatically over time. Figure 3 below reproduces two Gallop charts that detail the trend since 1969.² Tesler’s analysis focused on support for interracial marriage in 2006. At that time White opposition to interracial marriage had already declined from over 80% to less than 30%. By 2021 White opposition was below 10% and also no longer statistically different from Black opposition to interracial marriage. Thus, the impact of this measure of racism on party identification is very slight, and the proportion of the population that this applies to is now so small that even this slight impact is much reduced.

² “U.S. Approval of Interracial Marriage at New High of 94%” by Justin McCarthy, Social & Policy Issues, Gallop, September 10, 2021, <https://news.gallup.com/poll/354638/approval-interracial-marriage-new-high.aspx>

Figure 3: Reproduced Charts from a 2021 Gallop Report



Approval of Interracial Marriage, by Region

	1991	2002	2011	2021
	% Approve	% Approve	% Approve	% Approve
East	54	67	90	94
Midwest	50	60	86	93
South	33	59	79	93
West	60	79	91	97

GALLUP

The key point here is that while the Barreto/Rios report provides appropriate ‘intensely local’ analysis of voting behavior in Galveston County, which clearly establishes that elections are polarized based on the political party of the candidates, the report provides no local analysis at all to support the claim that this partisan polarization is “inseparable” from racial polarization. Instead, the report simply references selected articles based on national samples that might or might not support some indirect impact of race on party at some point in time. In some cases, that connection is extremely tenuous. The most recent piece (2020) they cite, “The inseparability of race and partisanship in the United States” by Westwood and Peterson, concludes, according to them, that racial discrimination and partisan discrimination are inseparable. But this

conclusion is not based on an examination of voting behavior at all. Instead, it reflects the impact on a measure of feelings toward the opposite party after being treated unfairly by an anonymous player identified as being of a different race than the subject in an economic game involving sharing money.

Partisan General Elections in the Report of Dr. Trounstine³

Dr. Trounstine's report includes a smaller set of partisan general elections than does Dr. Oskooii's report or the Barreto/Rios report. Dr. Trounstine divides her analysis of the partisan general elections into separate tables by type (exogenous, County Judge, and County Commissioner) and, within type by racial/ethnic group (Latino, Black, White). To make it easier to see the full results, I have combined her key RxC estimates into a single table.

Table 1 below includes the 12 elections analyzed in Dr. Trounstine's report. Two of the County Judge elections are listed separately at the bottom of the Table, since they are not two-party contested elections (one has no Republican candidate and one has no Democratic candidate), and as such are not directly comparable to the ten two-party elections. Overall, the pattern for the ten two-party contested elections follows the pattern of partisan polarization found in Dr. Oskooii's report and the Barreto/Rios report. Using Dr. Trounstine's minimal 60% cohesion threshold, Black voters give cohesive support to all the Democratic candidates, Latino voters are also cohesive, if at modestly lower levels, in support of all but one of the Democratic candidates. White voters are cohesive in support of all but one of the Republican candidates. As was true for the partisan general election analysis in Dr. Oskooii's report and the Barreto/Rios report, the influence of the candidate's party label is clear, but polarization does not appear to be driven by the race or ethnicity of the candidates.

³ Yesterday, March 16, 2023, I received from counsel Professor. Trounstine's amended report, amending her report submitted on January 27, 2023. Although, after an initial review, I am satisfied that my report adequately addresses Professor Trounstine report, including its amendments, I reserve the right to supplement my analysis of Professor Trounstine's report on or before March 31, 2023 to address Professor Trounstine's amendments.

Table 1: Combined RxC estimates from Dr. Trounstine's Tables on Pages A-17 through A-21, A-25, and A26

Election Date	Position	Candidate	Ethnicity	Party	Won	RxC EI Estimate		
						Latino	Black	White
3-Nov-20	County. Sheriff	Trochesset, Henry	W	R	1	23.02	1.38	84.89
3-Nov-20		Salinas, Mark	L	D	0	77.06	98.63	15.08
3-Nov-20	Dist. Court Judge 405	Robinson, Jared	W	R	1	25.15	1.17	84.43
3-Nov-20		Hudson, Teresa	B	D	0	74.60	98.89	15.62
3-Nov-20	U.S. House Dist. 14	Weber, Randy	W	R	1	24.24	1.13	84.92
3-Nov-20		Bell, Adrienne	B	D	0	75.95	98.85	14.8
7-Nov-06	County Judge	Chris Stevens		R	0	3.66	1.86	60.5
7-Nov-06		James D. Yarbrough	W	D	1	96.37	98.15	39.47
2-Nov-10	County Judge	Mark Henry	W	R	1	6.40	1.83	77.07
2-Nov-10		James D. Yarbrough	W	D	0	93.57	98.19	22.95
5-Nov-02	Co. Comm. P4	Ken Clark	W	R	1	3.66	9.59	88.37
5-Nov-02		Chris John Mallios	W	D	0	95.66	90.72	11.55
2-Nov-04	Co. Comm. P3	Lewis Parker, Jr.	B	R	0	4.92	1.26	72.79
2-Nov-04		Stephen Holmes	B	D	1	95.37	99.16	26.65
7-Nov-06	Co. Comm. P2	Albert Choate	W	R	0	15.12	27.21	57.16
7-Nov-06		Bryan Lamb	W	D	1	84.81	72.15	42.92
2-Nov-10	Co. Comm. P2	Kevin O'Brien	W	R	1	10.75	16.78	72.58
2-Nov-10		Bryan Lamb	W	D	0	89.28	83.1	27.41
6-Nov-12	Co. Comm. P1	Ryan Dennard	W	R	1	50.49	19.05	75.73
6-Nov-12		Winston Cochran	W	D	0	49.45	80.88	24.27
5-Nov-02	County Judge	James D. Yarbrough	W	D	1	97.50	98.9	80.61
5-Nov-02		Dan Murphy		L	0	2.46	1.1	19.4
4-Nov-14	County Judge	Mark Henry	W	R	1	62.18	9.53	80.4
4-Nov-14		William F. "Bill" Young		I	0	37.86	90.46	19.61

Party Primaries and Non-Partisan General Elections - Dr. Oskooii's Report

Both Dr. Oskooii and Dr. Trounstine examine elections outside of the partisan general elections discussed above. Dr. Barreto and Mr. Rios decline to consider any primary elections, asserting that the partisan general elections are the most critical. The Barreto/Rios report offers an extended defense of focusing only on general partisan elections that is addressed in a separate section below.

Table 2: RxC Estimates for Democratic Primaries from Dr. Oskooii’s Figure 15 (with Anglo Estimate Added)

Dem. Primary Contest	LastName	Candidate Race/Ethnicity	From Trounstine Fig. 15		Added
			Black	Latino	Anglo
Chief Justice 2020	Zimmerer	Anglo	26.0%	41.3%	12.5%
Chief Justice 2020	Meachum	Anglo	74.0%	58.7%	87.5%
Supreme CT Justice 8 2020	Triana	Hispanic	56.1%	69.5%	75.7%
Supreme CT Justice 8 2020	Kelly	Anglo	43.9%	30.5%	24.3%
Supreme CT Justice 7 2020	Williams	Black	81.2%	62.1%	71.2%
Supreme CT Justice 7 2020	Voss	Anglo	18.8%	37.9%	28.8%
Supreme CT Justice 6 2020	Praeger	Anglo	21.2%	22.3%	15.3%
Supreme CT Justice 6 2020	Cheng	Asian	78.8%	77.7%	84.7%
CT of Appeals Justice 4 2020	Miears	Anglo	18.3%	39.4%	15.8%
CT of Appeals Justice 4 2020	Clinton	Asian	81.7%	60.6%	84.2%
US House District 2018	Bell	Black	92.0%	69.8%	85.2%
US House District 2018	Barnes	Black	8.0%	30.2%	14.8%
Lt Governor 2018	Cooper	Black	83.6%	72.9%	45.2%
Lt Governor 2018	Collier	Anglo	16.4%	27.4%	54.8%
Comptroller 2018	Mahoney	Anglo	50.9%	57.2%	47.1%
Comptroller 2018	Chevalier	Black	49.1%	42.8%	52.9%
Railroad Commissioner 2018	Spellmon	Black	71.7%	60.7%	50.9%
Railroad Commissioner 2018	McAllen	Anglo	28.3%	39.3%	49.1%
Commissioner Land Office 2018	Suazo	Hispanic	47.0%	50.9%	60.9%
Commissioner Land Office 2018	Morgan	Anglo	53.0%	49.1%	39.1%

Dr. Oskooii summarizes the results for the Democratic primary contest by noting that “preferences are not as strong for any one candidate as they are in general elections. Nevertheless, the vote point estimates for the analyses indicate that a majority of Black voters and of Latino voters shared the same candidate preferences in 9 out of 10 of the primary elections” (page 24). However, preferred candidate is not the same thing as cohesion. Using the 75% threshold, Black voters are cohesive in only 5 of the 10 elections, and Latino voters are cohesive in only 1 of the 10 elections. Even using the minimal 60% threshold, Black and Latino voters are both cohesive in only 6 of the 10 elections, a far different pattern from that seen in the partisan general elections. What Dr. Oskooii did not include for these primaries were the estimates for Anglo voters, something that was included for the general election analysis

discussed above. I have added estimates for Anglo voter preference from an RxC EI performed on the data provided by Dr. Oskooii as the last column in Table 2 above to complete the picture.

What is clear from the Anglo vote estimates is that the shared preferences of Black and Hispanic voters are also largely the preferences of Anglo voters. As Dr. Oskooii noted, in 9 out of 10 elections the candidate of choice was the same for Black and Latino voters, but it is also the case that in 8 of 10 elections the candidate of choice was the same for Latino and Anglo voters, and in 7 out of 10 elections the candidate of choice was the same for Black and Anglo voters. In 7 of the 9 elections where Black and Latino voters preferred the same candidate, Anglo voters also preferred that candidate. In the two elections where Anglo's did not share the jointly preferred candidate of Black and Latino voters, Anglo voters, splitting 55%-45% and 53%-47%, were not voting cohesively in opposition to the candidate preferred by both Black and Latino voters.

Party Primaries and Non-Partisan General Elections - Dr. Trounstine's Report

Dr. Trounstine's report includes analysis of a wide variety of primary and non-partisan general elections. Many of these contests involve more than two candidates, and these contests reveal a clear problem in the reported RxC EI estimates. While the two-candidate estimates for general elections reported above in Table 1 add correctly to roughly 100%, the same is not true for the primary and non-partisan elections covered in Dr. Trounstine's report. In multiple instances, the sum of the estimates either exceed 100% or fail to reach 100%, as is true in the 2022 Commissioner of the General Land Office contest reported below in Table 3, where the estimates of Latino voter support for the four candidates sums to 115% while the estimates for Anglo support only sums to 97%. Similarly, in the non-partisan elections reported below in Table 5, in the 2016 Galveston County Navigation and Canal Commission contest the estimates of Black voter support for the four candidates sums to 135% while the estimates for Anglo support only sum to 88%. Dr. Trounstine recognizes this issue as discussed in her Appendix B:

Both EI and RxC prevent out-of-bounds estimates for any bivariate relationship, but, unlike Goodman's, both can generate totals that exceed 100% in the aggregate. For instance, the regression might predict that 40% of Latino voters supported candidate A, 60% supported candidate B, and 30% supported candidate C. Although this is not ideal, it is better than producing out of bounds estimates for each candidate given that the goal of this analysis is to determine point estimates of voter support and to compare them across candidates in a given election. Both EI and RxC allow researchers to determine which candidate received the largest share of the vote compared to all others. My

analyses indicate that in Galveston County, RxC produces totals that are closer to 100% than does EI. So, while I present the results from all of these different methods, my summary conclusions and my discussion highlight the RxC results.

While Dr. Trounstine is correct about the problem of iterative EI generating totals that exceed 100%, the same is not true for an actual RxC estimate using the current correct analysis procedure. Dr. Trounstine's disclosed 'R' code indicates she used a procedure labeled 'ei.reg.Bayes' in the eiPack software package to produce her RxC estimates. Despite its label, the procedure is not the Bayesian implementation of the Rosen et al RxC analysis. It is instead simply a Bayesian version of the much earlier Goodman's regression approach. The actual Bayesian implementation of the Rosen et al RxC analysis is a procedure labeled 'ei.MD.bayes' in the eiPack software. Figure 4 below provides the relevant summary descriptions from the eiPack software. This confusion is not unique to Dr. Trounstine's analysis. In fact, the original version of the eiCompare software (produced by Dr. Barreto and Dr. Collingwood) that Dr. Trounstine used for her iterative EI estimation included the same mistake.

In the tables below, the estimates from Dr. Trounstine's analysis are supplemented with a replication for each contest using the data provided by Dr. Trounstine, but the tables below show the results from performing the analysis with the correct ei.MD.bayes instead of the ei.reg.Bayes procedure used erroneously by Dr. Trounstine. These corrected results will be discussed after a discussion of the results provided by Dr. Trounstine.

Figure 4: eiPack Documentation for ei.reg.Bayes and ei.MD.bayes

<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> ei.reg.bayes {eiPack} R Documentation </div> <h2 style="margin-top: 10px;">Ecological regression using Bayesian Normal regression</h2> <p>Description</p> <p>Estimate an ecological regression using Bayesian normal regression.</p> <p>Usage</p> <pre>ei.reg.bayes(formula, data, sample = 1000, weights = NULL, truncate=F</pre>
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> ei.MD.bayes {eiPack} R Documentation </div> <h2 style="margin-top: 10px;">Multinomial Dirichlet model for Ecological Inference in RxC tables</h2> <p>Description</p> <p>Implements a version of the hierarchical model suggested in Rosen et al. (2001)</p> <p>Usage</p> <pre>ei.MD.bayes(formula, covariate = NULL, total = NULL, data, lambda1 = 4, lambda2 = 2, covariate.prior.list = NULL, tune.list = NULL, start.list = NULL, sample = 1000, thin burnin = 1000, verbose = 0, ret.beta = 'r', ret.mcmc = TRUE, usrfun = NULL)</pre>

Trounstine ‘RxC’ Estimates

Dr. Trounstine divides her analysis of eight 2022 exogenous Democratic primary elections or runoffs into three separate tables by racial/ethnic group (Latino, Black, White). To make it easier to see the full results, I have combined her key RxC estimates into a single table. Looking at three columns labeled ‘Trounstine RxC EI Estimate’ in Table 3 below, it is clear that the results do not suggest that Blacks and Latinos provide cohesive support to the same candidate. In fact, they only share the same preferred candidate in one of the eight contests.

While the actual RxC estimates listed under the heading ‘Replication RxC EI Estimate’ are clearly different from the Trounstine Bayesian regression estimates, the overall pattern suggests a similar conclusion. Even using Trounstine’s very weak cohesion standard, in only one contest (the 2022 Democratic primary for the General Land Office) do both Blacks and Latinos both provide cohesive support to a minority candidate. The levels of support at 41 and 42 percent,

respectively, are very modest, with almost 60 percent of each group of voters supporting a non-Hispanic candidate over Martinez. Anglo voters are also very divided, but the preferred candidate of Anglo voters is Martinez.

Table 3: Combined ‘RxC’ Estimates from Dr. Trounstine’s Tables on Pages A-27 through A-29 with Additional Replication Results

Election Date	Office	Candidate	Ethnicity	Won	Trounstine RxC EI Estimate			Replication RxC EI Estimate		
					Latino	Black	White	Latino	Black	White
24-May-22	Attorney General	Jaworski, Joe	W	0	26.26	77.5	73.62	69.2%	66.8%	71.5%
24-May-22		Garza, Rochelle Mercedes	L	1	73.55	22.51	26.44	30.8%	33.2%	28.5%
24-May-22	Compt. of Public Accounts	Dudding, Janet	W	1	18.57	67.21	82.05	63.7%	61.2%	65.3%
24-May-22		Vega, Angel Luis	L	0	81.25	32.83	17.99	36.3%	38.8%	34.7%
24-May-22	Comm. of General Land Off.	Martinez, Sandragrace	L	0	86.23	74.47	35.71	51.1%	65.3%	49.6%
24-May-22		Kleberg, Jay	W	1	13.66	25.6	64.3	48.9%	34.7%	50.4%
1-Mar-22	U.S. House Dist 14	Williams, Mikal	W	1	76.43	12.83	57.39	45.5%	38.3%	46.7%
1-Mar-22		Howard, Eugene	B	0	23.64	87.13	42.64	54.5%	61.7%	53.3%
1-Mar-22	Lieutenant Governor	Collier, Mike	W	1	9.25	18.29	49.88	34.6%	25.1%	42.5%
1-Mar-22		Brailey, Carla	B	0	46.83	55.18	22.8	34.2%	46.1%	30.4%
1-Mar-22		Beckley, Michelle	W	0	49.99	24.11	26.24	31.2%	28.8%	27.1%
1-Mar-22	Attorney General	Jaworski, Joe	W	Run Off	18.13	24.8	50.43	44.2%	34.3%	56.7%
1-Mar-22		Garza, Rochelle Mercedes	L	Run Off	43.57	7.34	26.65	21.6%	18.7%	18.5%
1-Mar-22		Merritt, Lee	B	0	15.97	41.57	13.08	14.5%	29.1%	12.0%
1-Mar-22		Fields, Mike	B	0	15.50	21.67	6.54	13.5%	13.8%	7.8%
1-Mar-22		Raynor, S. "TBone"	W	0	10.90	4.62	2.37	6.2%	4.1%	5.0%
1-Mar-22	Compt. of Public Accounts	Dudding, Janet	W	Run Off	23.58	45.9	61.21	46.7%	45.6%	49.9%
1-Mar-22		Vega, Angel Luis	L	Run Off	68.82	18.17	18.47	32.8%	30.1%	26.8%
1-Mar-22		Mahoney, Tim	W	0	8.91	35.42	20.09	20.5%	24.3%	23.3%
1-Mar-22	Comm. of General Land Off.	Martinez, Sandragrace	L	Run Off	86.11	25.22	26.97	42.3%	41.3%	31.2%
1-Mar-22		Suh, Jinny	W	0	19.82	30.73	22.14	18.7%	25.8%	25.0%
1-Mar-22		Kleberg, Jay	W	Run Off	5.47	5.64	33.01	25.0%	12.0%	27.5%
1-Mar-22		Lange, Michael	W	0	3.94	36.62	14.64	14.0%	20.9%	16.3%

Dr. Trounstine also proves analysis for a set of endogenous Democratic primaries for County Commissioner. Again, Dr. Trounstine’s three separate tables for Black, Latino, and White voters have been combined below for ease of viewing. As was true for the exogenous primaries in Table 3, the endogenous primaries in Table 4 do not show Black and Latino cohesion. In only one of the six primary contests do Black and Hispanic voters provide cohesive support to the same candidate, and that candidate is also cohesively supported by White voters.

Similarly, the actual RxC estimates listed under the heading ‘Replication RxC EI Estimate’ do not show racial polarization. In the two contests with a Latino candidate, Black and Latino voters are divided across various candidates, but in neither contest is the candidate of choice of either group the Latino candidate. In the two contests with no minority candidate, both Black and Latino voters are divided across various candidates, but in both cases the candidate of choice of Anglo is also the candidate of choice of Black and Latino voters. In the two contests with Black

candidates, both Black and Latino voters are supporting the Black candidate(s), but so are Anglo voters.

Table 4: Combined ‘RxC’ Estimates from Dr. Trounstine’s Tables on Pages A-22 through A-24 with Additional Replication Results

Galveston County Commissioner - Democratic Primary					Trounstine RxC EI Estimate			Replication RxC EI Estimate		
Election Date	Precinct	Candidate	Ethnicity	Won	Latino	Black	White	Latino	Black	White
12-Mar-02	2	Eddie Janek	W	1	39.36	59.69	61.21	52.6%	59.2%	65.3%
12-Mar-02	2	Rosie Morales	L	0	61.49	38.68	38.56	47.4%	40.8%	34.7%
9-Mar-04	1	Patrick Doyle	W	Run Off	19.92	31.54	55.74	34.5%	31.3%	51.0%
9-Mar-04	1	John Ford		Run Off	45.55	18.57	16.62	23.8%	24.5%	22.5%
9-Mar-04	1	Tom Butler		0	6.71	30.06	3.15	3.4%	4.3%	1.6%
9-Mar-04	1	Larry Edrozo	L	0	20.43	34.48	20.43	18.5%	17.8%	12.6%
9-Mar-04	1	Dianna Puccetti	W	0	25.09	52.43	25.09	19.8%	22.1%	12.3%
13-Apr-04	1	Patrick Doyle	W	1	33.65	48.73	74.11	58.5%	52.5%	69.7%
13-Apr-04	1	John Ford		0	66.10	51.52	25.9	41.5%	47.5%	30.3%
7-Mar-06	2	Bryan Lamb	W	1	39.19	34.87	58.41	57.5%	42.4%	59.2%
7-Mar-06	2	Robert Cheek	W	0	16.62	40.78	20.93	21.4%	18.6%	23.6%
7-Mar-06	2	Nick Stepchinski	W	0	16.48	34.1	14.03	12.5%	18.0%	11.7%
7-Mar-06	2	John Bertolino	W	0	49.80	28.74	2.05	8.6%	21.0%	5.5%
4-Mar-08	3	Stephen Holmes	B	1	36.28	53.1	66.53	50.1%	62.0%	51.2%
4-Mar-08	3	Eugene Lewis	B	0	32.40	48.25	12.28	25.0%	31.2%	24.3%
4-Mar-08	3	Robert Hutchins	W	0	20.45	1.6	29.34	24.9%	6.7%	24.5%
29-May-12	3	Stephen Holmes	B	1	77.88	95.35	85.81	85.1%	94.8%	85.1%
29-May-12	3	James Hobgood	B	0	22.10	4.66	14.24	14.9%	5.2%	14.9%

The final set of elections provided by Dr. Trounstine are a selection of local non-partisan elections in Galveston County. These are provided as a check on the partisan elections. As Dr. Trounstine indicates on page 12:

[T]o ensure that my conclusions were not dependent upon the presence of partisan labels, ten of the 36 elections that I analyzed were nonpartisan local elections in Galveston County with VTDs that overlapped with the VTDs found in Commissioner Precinct 3. These included general elections for Galveston City city council and mayor, La Marque city council, League City city council, Texas City city commission and mayor, and Galveston County Navigation and Canal Commissioner in 2016 and 2020.

Table 5: Combined ‘RxC’ Estimates from Dr. Trounstone’s Tables on Pages A-30 through A-35 with Additional Replication Results

Election Date	City	Position	Candidate	Ethnicity	Won	Trounstone RxC EI Estimate			Replication RxC EI Estimate		
						Latino	Black	White	Latino	Black	White
3-Nov-20	Galveston	City Council 1	Johnson, E.R.	B	1	47.86	46.03	62.13	36.3%	41.2%	54.6%
3-Nov-20	Galveston		Woods, Tarris L.	B	0	42.30	51.25	24.72	29.1%	41.7%	32.6%
3-Nov-20	Galveston		Godinich, Doug	W	0	27.36	27.27	15.85	34.7%	17.1%	12.8%
3-Nov-20	Galveston	City Council 4	Quiroga, Bill	L	1	51.71	52.06	64.42	75.5%	53.2%	47.8%
3-Nov-20	Galveston		Hardcastle, Jason	W	0	49.32	49.27	28.32	24.5%	46.8%	52.2%
3-Nov-20	Galveston	Mayor	Quiroga, Roger "Bo"	L	1	68.96	40.47	37.38	17.8%	19.3%	47.9%
3-Nov-20	Galveston		Brown, Craig	W	0	19.83	31.16	44.55	26.2%	18.5%	40.6%
3-Nov-20	Galveston		Guzman Jr., Raymond	L	0	8.78	17.5	4.73	22.9%	23.3%	4.9%
3-Nov-20	Galveston		Keese, Bill	W	0	4.72	10.09	5.89	19.3%	20.6%	4.2%
3-Nov-20	Galveston		Casey, James	W	0	3.09	2.52	5.65	13.8%	18.3%	2.5%
3-Nov-20	La Marque	City Council Dist B	Divine, Laura	W	1	53.84	21.06	43.18	27.1%	27.5%	53.1%
3-Nov-20	La Marque		Compian, Joe	L	0	68.01	54.01	3.75	35.1%	39.7%	31.4%
3-Nov-20	La Marque		Robinson, Raushida	B	0	15.12	22.48	26.93	37.8%	32.8%	15.4%
3-Nov-20	League City	City Council 5	Hicks, Justin	W	1	41.42	1.95	39.61	31.5%	36.6%	38.8%
3-Nov-20	League City		Chorn, Wes	W	0	36.48	93.6	28.14	32.0%	34.5%	33.1%
3-Nov-20	League City		Rogers, Fred	B	0	28.64	3.05	31.26	36.5%	28.9%	28.1%
3-Nov-20	Texas City	City Commission	Bowie, Thelma	B	1	9.78	82.23	12.15	22.4%	59.5%	19.6%
3-Nov-20	Texas City		Yackly, Kevin	W	0	48.08	3.47	31.83	23.4%	14.0%	30.8%
3-Nov-20	Texas City		Garza, Jr., Abel	L	0	9.95	23.38	25.31	29.1%	15.4%	24.8%
3-Nov-20	Texas City		Clawson, Bruce	W	0	48.13	4.72	19.73	25.2%	11.1%	24.8%
3-Nov-20	Texas City	City Commission 4	Clark, Jami	W	1	40.79	20.15	85.96	46.5%	50.0%	68.2%
3-Nov-20	Texas City		Gomez, Henry	L	0	79.99	46.17	10.9	53.5%	50.0%	31.8%
3-Nov-20	Texas City	Mayor	Johnson, Dredrick	B	1	88.23	81.71	34.53	46.5%	75.0%	50.9%
3-Nov-20	Texas City		Roberts, Phil	W	0	11.96	18.21	65.55	53.5%	25.0%	49.1%
8-Nov-16	League City	City Council 4	Kinsey, Todd	W	1	22.32	3.69	68.58	49.5%	50.7%	57.4%
8-Nov-16	League City		Salcedo, Rudy	L	0	77.55	96.26	31.45	50.5%	49.3%	42.6%
8-Nov-16	Galveston	Nav. & Canal Comm.	Byrd, Dennis	W	1	34.38	28.59	43.09	27.3%	23.6%	44.0%
8-Nov-16	Galveston		McDermott, Shane	W	0	18.13	21.78	22.27	25.2%	24.5%	21.9%
8-Nov-16	Galveston		Quiroga, Bill	L	0	34.45	68.55	2.99	25.7%	30.5%	16.1%
8-Nov-16	Galveston		Mihovil, Robert	W	0	25.60	15.93	19.97	21.9%	21.4%	18.1%

Based on these results, Dr. Trounstone concludes that “I determined that 90% (nine out of ten) of these elections were polarized with Black and Latino voters cohesively supporting different candidates than white voters” (page 12-13). This was corrected in the March 15th version of the report to read “Black or Latino voters,” and that change is important. While Black and Latino voters are nearly always cohesively supporting the same Democratic candidate in partisan general elections at or above Trounstone’s 60% level, the same is not true here. In fact, based on Dr. Trounstone’s assessment of cohesion, Blacks and Latino are only providing cohesive support to the same candidate in five out of the ten elections (but note that in the corrected estimations discussed below, it is zero out of ten).

In addition, Table 5 provides a clear illustration of the problem mentioned above in Trounstone’s mechanical reformulation of the minimal 60% threshold applied to contests with more than 2

candidates. As we can see in the final election in Table 5, the 2016 contest for Galveston County Navigation and Canal Commission, Dr. Trounstine treats the 34.45% share of the Latino vote for the Latino candidate Quiroga as cohesive, based on it exceeding the calculated 30% threshold of cohesion in a four-way contest ($25\% \times 1.2 = 30\%$). But note that an almost identical 34.38% of Latino voters supported an Anglo candidate (Byrd), and presumably the majority of Latino voters supported an Anglo candidate in the election. Contrast this to Dr. Trounstine's estimates for Black voters, where 69% support the Latino candidate. Similarly, in the 2020 Texas City Commission at large contest, Clawson is identified by Dr. Trounstine as cohesively supported by Latino voters at 48.13%, despite the statistically and substantively identical estimate of 48.08% support for Yackly in that contest. Again, Dr. Trounstine's estimate of Black voter support for Bowie, at over 80%, suggests that cohesion above 75% is possible, even in a four-person contest.

The actual RxC estimates listed under the heading "Replication RxC EI Estimate" very clearly do not show cohesion or racial polarization. There is not a single contest out of ten in which both Latino and Black voters are cohesive, even using Dr. Trounstine's very modest 60% threshold. Dr. Trounstine says that the purpose of examining these non-partisan contests was to "ensure that my conclusions were not dependent upon the presence of partisan labels." (page 12). That is a very appropriate caution, and the conclusion of that test is clear. Nothing in Table 5 above looks anything like the polarization in the general elections documented by Dr. Trounstine, the Oskooii report, or the Barreto/Rios report. All the conclusions based on the partisan general elections are in fact clearly "dependent upon the presence of partisan labels." The clear patterns of both cohesion and of polarization in those general partisan elections vanish once the partisan label is removed.

Trounstine's Summary Scatterplot

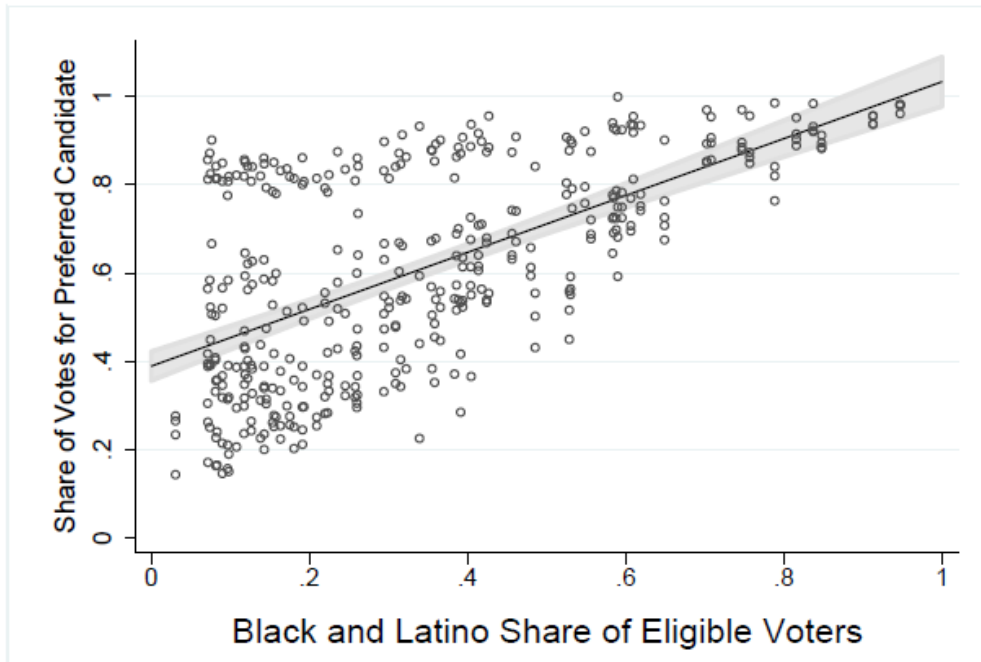
Dr. Trounstine also includes a scatterplot in her report on page 11 to illustrate the overall level of polarization in Galveston County. A copy of the plot is included here as Figure 5 below. She summarizes the plot as indicating that:

Chart 1 reveals political polarization in Galveston County. In VTDs in which the Black and Latino share of eligible voters is small, the candidates preferred by Black and Latino voters win a small share of the vote. We can therefore conclude that white voters generally prefer different candidates than do Black and Latino voters. Furthermore, it is

apparent that Black- and Latino-preferred candidates only win greater than 50% of the vote when Black and Latino voters comprise a substantial share of the electorate. However, the details of the plot suggest a more nuance conclusion. The intercept of the regression line appears to be near 40%, indicating that the expected vote share for the preferred candidate of Black and Hispanic voters in a precinct with 100% Anglo voters would be very close to 40%, a level of crossover voting that doesn't suggest clearly polarized voting. Note also that even in the range below 10% combined minority (90% Anglo), there are numerous VTDs on the plot in the range above 50% and reaching well into the 80% range in terms of vote share for the preferred candidate of Black and Latino voters. Similarly, the conclusion that “Black- and Latino-preferred candidates only win greater than 50% of the vote when Black and Latino voters comprise a substantial share of the electorate” does not tell us what substantial means. Here again we can see from the regression line that the expected share of the vote for the preferred candidate of Black and Hispanic voters in a VTD exceeds 50% at a point slightly below 20% combined minority population (80% + Anglo).

Figure 5: Reproduction of Trounstine’s Chart on Page 11 titled “Chart 1: Endogenous Elections in Galveston County Reveal Racial Polarization”

Chart 1: Endogenous Elections in Galveston County Reveal Racial Polarization



Summary Conclusions

The partisan general election analysis provided in the reports of Dr. Oskooii, Dr. Trounstine, and the Barreto/Rios report indicate that Black voters cohesively support Democratic candidates, regardless of those candidates' race or ethnicity. Hispanic voters are less cohesive, falling below the 75% threshold that I suggest more appropriately defines cohesion. Similarly, Anglo voters cohesively vote for Republican candidates, and in opposition to Democratic candidates, regardless of the race or ethnicity of those Democratic candidates. Thus, it is Black and Hispanic voter support for *Democratic* candidates, and Anglo voter support for *Republican* candidates, that the general election analysis reveals. The analysis of Democratic primaries and non-partisan general elections reported by Dr. Oskooii and Dr. Trounstine shows a very different picture of voting behavior from the general elections. The relatively high and stable levels of Black and Hispanic joint support for one candidate, along with relatively high and stable Anglo support for an opposing candidate seen in the general elections, is not evident in the primary or the non-partisan contests, and in these elections that lack a partisan cue voting is not racially polarized.

March 17, 2023

A handwritten signature in black ink, appearing to read "John R. Alford", is written over a horizontal line.

John R. Alford, Ph.D.

Appendix 1

CV

John R. Alford

Curriculum Vitae

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Dept. of Political Science
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Employment:

Professor, Rice University, 2015 to present.
Associate Professor, Rice University, 1985-2015.
Assistant Professor, University of Georgia, 1981-1985.
Instructor, Oakland University, 1980-1981.
Teaching-Research Fellow, University of Iowa, 1977-1980.
Research Associate, Institute for Urban Studies, Houston, Texas, 1976-1977.

Education:

Ph.D., University of Iowa, Political Science, 1981.
M.A., University of Iowa, Political Science, 1980.
M.P.A., University of Houston, Public Administration, 1977.
B.S., University of Houston, Political Science, 1975.

Books:

Predisposed: Liberals, Conservatives, and the Biology of Political Differences. New York: Routledge, 2013. Co-authors, John R. Hibbing and Kevin B. Smith.

Articles:

“Political Orientations Vary with Detection of Androstenone,” with Amanda Friesen, Michael Gruszczynski, and Kevin B. Smith. **Politics and the Life Sciences**. (Spring, 2020).

“Intuitive ethics and political orientations: Testing moral foundations as a theory of political ideology.” with Kevin Smith, John Hibbing, Nicholas Martin, and Peter Hatemi. **American Journal of Political Science**. (April, 2017).

“The Genetic and Environmental Foundations of Political, Psychological, Social, and Economic Behaviors: A Panel Study of Twins and Families.” with Peter Hatemi, Kevin Smith, and John Hibbing. **Twin Research and Human Genetics**. (May, 2015.)

“Liberals and conservatives: Non-convertible currencies.” with John R. Hibbing and Kevin B. Smith. **Behavioral and Brain Sciences** (January, 2015).

“Non-Political Images Evoke Neural Predictors Of Political Ideology.” with Woo-Young Ahn, Kenneth T. Kishida, Xiaosi Gu, Terry Lohrenz, Ann Harvey, Kevin Smith, Gideon Yaffe, John Hibbing, Peter Dayan, P. Read Montague. **Current Biology**. (November, 2014).

“Cortisol and Politics: Variance in Voting Behavior is Predicted by Baseline Cortisol Levels.” with Jeffrey French, Kevin Smith, Adam Guck, Andrew Birnie, and John Hibbing. **Physiology & Behavior**. (June, 2014).

“Differences in Negativity Bias Underlie Variations in Political Ideology.” with Kevin B. Smith and John R. Hibbing. **Behavioral and Brain Sciences**. (June, 2014).

“Negativity bias and political preferences: A response to commentators Response.” with Kevin B. Smith and John R. Hibbing. **Behavioral and Brain Sciences**. (June, 2014).

“Genetic and Environmental Transmission of Political Orientations.” with Carolyn L. Funk, Matthew Hibbing, Kevin B. Smith, Nicholas R. Eaton, Robert F. Krueger, Lindon J. Eaves, John R. Hibbing. **Political Psychology**, (December, 2013).

“Biology, Ideology, and Epistemology: How Do We Know Political Attitudes Are Inherited and Why Should We Care?” with Kevin Smith, Peter K. Hatemi, Lindon J. Eaves, Carolyn Funk, and John R. Hibbing. **American Journal of Political Science**. (January, 2012)

“Disgust Sensitivity and the Neurophysiology of Left-Right Political Orientations.” with Kevin Smith, John Hibbing, Douglas Oxley, and Matthew Hibbing, **PlosONE**, (October, 2011).

“Linking Genetics and Political Attitudes: Re-Conceptualizing Political Ideology.” with Kevin Smith, John Hibbing, Douglas Oxley, and Matthew Hibbing, **Political Psychology**, (June, 2011).

“The Politics of Mate Choice.” with Peter Hatemi, John R. Hibbing, Nicholas Martin and Lindon Eaves, **Journal of Politics**, (March, 2011).

“Not by Twins Alone: Using the Extended Twin Family Design to Investigate the Genetic Basis of Political Beliefs” with Peter Hatemi, John Hibbing, Sarah Medland, Matthew Keller, Kevin Smith, Nicholas Martin, and Lindon Eaves, **American Journal of Political Science**, (July, 2010).

“The Ultimate Source of Political Opinions: Genes and the Environment” with John R. Hibbing in **Understanding Public Opinion**, 3rd Edition eds. Barbara Norrander and Clyde Wilcox, Washington D.C.: CQ Press, (2010).

“Is There a ‘Party’ in your Genes” with Peter Hatemi, John R. Hibbing, Nicholas Martin and Lindon Eaves, **Political Research Quarterly**, (September, 2009).

“Twin Studies, Molecular Genetics, Politics, and Tolerance: A Response to Beckwith and Morris” with John R. Hibbing and Cary Funk, **Perspectives on Politics**, (December, 2008). This is a solicited response to a critique of our 2005 APSR article “Are Political Orientations Genetically Transmitted?”

“Political Attitudes Vary with Physiological Traits” with Douglas R. Oxley, Kevin B. Smith, Matthew V. Hibbing, Jennifer L. Miller, Mario Scalora, Peter K. Hatemi, and John R. Hibbing, **Science**, (September 19, 2008).

“The New Empirical Biopolitics” with John R. Hibbing, **Annual Review of Political Science**, (June, 2008).

“Beyond Liberals and Conservatives to Political Genotypes and Phenotypes” with John R. Hibbing and Cary Funk, **Perspectives on Politics**, (June, 2008). This is a solicited response to a critique of our 2005 APSR article “Are Political Orientations Genetically Transmitted?”

“Personal, Interpersonal, and Political Temperaments” with John R. Hibbing, **Annals of the American Academy of Political and Social Science**, (November, 2007).

“Is Politics in our Genes?” with John R. Hibbing, **Tidsskriftet Politik**, (February, 2007).

“Biology and Rational Choice” with John R. Hibbing, **The Political Economist**, (Fall, 2005)

“Are Political Orientations Genetically Transmitted?” with John R. Hibbing and Carolyn Funk, **American Political Science Review**, (May, 2005). (The main findings table from this article has been reprinted in two college level text books - Psychology, 9th ed. and Invitation to Psychology 4th ed. both by Wade and Tavris, Prentice Hall, 2007).

“The Origin of Politics: An Evolutionary Theory of Political Behavior” with John R. Hibbing, **Perspectives on Politics**, (December, 2004).

“Accepting Authoritative Decisions: Humans as Wary Cooperators” with John R. Hibbing, **American Journal of Political Science**, (January, 2004).

“Electoral Convergence of the Two Houses of Congress” with John R. Hibbing, in **The Exceptional Senate**, ed. Bruce Oppenheimer, Columbus: Ohio State University Press, (2002).

“We’re All in this Together: The Decline of Trust in Government, 1958-1996.” in **What is it About Government that Americans Dislike?**, eds. John Hibbing and Beth Theiss-Morse, Cambridge: Cambridge University Press, (2001).

“The 2000 Census and the New Redistricting,” **Texas State Bar Association School Law Section Newsletter**, (July, 2000).

“Overdraft: The Political Cost of Congressional Malfeasance” with Holly Teeters, Dan Ward, and Rick Wilson, **Journal of Politics** (August, 1994).

"Personal and Partisan Advantage in U.S. Congressional Elections, 1846-1990" with David W. Brady, in **Congress Reconsidered** 5th edition, eds. Larry Dodd and Bruce Oppenheimer, CQ Press, (1993).

"The 1990 Congressional Election Results and the Fallacy that They Embodied an Anti-Incumbent Mood" with John R. Hibbing, **PS** 25 (June, 1992).

"Constituency Population and Representation in the United States Senate" with John R. Hibbing. **Legislative Studies Quarterly**, (November, 1990).

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"Personal and Partisan Advantage in U.S. Congressional Elections, 1846-1990" with David W. Brady, in **Congress Reconsidered** 4th edition, eds. Larry Dodd and Bruce Oppenheimer, CQ Press, (1988). Reprinted in *The Congress of the United States, 1789-1989*, ed. Joel Silby, Carlson Publishing Inc., (1991), and in *The Quest for Office*, eds. Wayne and Wilcox, St. Martins Press, (1991).

"Can Government Regulate Fertility? An Assessment of Pro-natalist Policy in Eastern Europe" with Jerome Legge. **The Western Political Quarterly** (December, 1986).

"Partisanship and Voting" with James Campbell, Mary Munro, and Bruce Campbell, in **Research in Micropolitics. Volume 1 - Voting Behavior**. Samuel Long, ed. JAI Press, (1986).

"Economic Conditions and Individual Vote in the Federal Republic of Germany" with Jerome S. Legge. **Journal of Politics** (November, 1984).

"Television Markets and Congressional Elections" with James Campbell and Keith Henry. **Legislative Studies Quarterly** (November, 1984).

"Economic Conditions and the Forgotten Side of Congress: A Foray into U.S. Senate Elections" with John R. Hibbing, **British Journal of Political Science** (October, 1982).

"Increased Incumbency Advantage in the House" with John R. Hibbing, **Journal of Politics** (November, 1981). Reprinted in *The Congress of the United States, 1789-1989*, Carlson Publishing Inc., (1991).

"The Electoral Impact of Economic Conditions: Who is Held Responsible?" with John R. Hibbing, **American Journal of Political Science** (August, 1981).

"Comment on Increased Incumbency Advantage" with John R. Hibbing, Refereed communication: **American Political Science Review** (March, 1981).

"Can Government Regulate Safety? The Coal Mine Example" with Michael Lewis-Beck, **American Political Science Review** (September, 1980).

Awards and Honors:

CQ Press Award - 1988, honoring the outstanding paper in legislative politics presented at the 1987 Annual Meeting of the American Political Science Association. Awarded for "The Demise of the Upper House and the Rise of the Senate: Electoral Responsiveness in the United States Senate" with John Hibbing.

Research Grants:

National Science Foundation, 2009-2011, "Identifying the Biological Influences on Political Temperaments", with John Hibbing, Kevin Smith, Kim Espy, Nicolas Martin and Read Montague. This is a collaborative project involving Rice, University of Nebraska, Baylor College of Medicine, and Queensland Institute for Medical Research.

National Science Foundation, 2007-2010, "Genes and Politics: Providing the Necessary Data", with John Hibbing, Kevin Smith, and Lindon Eaves. This is a collaborative project involving Rice, University of Nebraska, Virginia Commonwealth University, and the University of Minnesota.

National Science Foundation, 2007-2010, "Investigating the Genetic Basis of Economic Behavior", with John Hibbing and Kevin Smith. This is a collaborative project involving Rice, University of Nebraska, Virginia Commonwealth University, and the Queensland Institute of Medical Research.

Rice University Faculty Initiatives Fund, 2007-2009, "The Biological Substrates of Political Behavior". This is in assistance of a collaborative project involving Rice, Baylor College of Medicine, Queensland Institute of Medical Research, University of Nebraska, Virginia Commonwealth University, and the University of Minnesota.

National Science Foundation, 2004-2006, "Decision-Making on Behalf of Others", with John Hibbing. This is a collaborative project involving Rice and the University of Nebraska.

National Science Foundation, 2001-2002, dissertation grant for Kevin Arceneaux, "Doctoral Dissertation Research in Political Science: Voting Behavior in the Context of U.S. Federalism."

National Science Foundation, 2000-2001, dissertation grant for Stacy Ulbig, "Doctoral Dissertation Research in Political Science: Sub-national Contextual Influences on Political Trust."

National Science Foundation, 1999-2000, dissertation grant for Richard Engstrom, "Doctoral Dissertation Research in Political Science: Electoral District Structure and Political Behavior."

Rice University Research Grant, 1985, Recent Trends in British Parliamentary Elections.

Faculty Research Grants Program, University of Georgia, Summer, 1982. Impact of Media Structure on Congressional Elections, with James Campbell.

Papers Presented:

"The Physiological Basis of Political Temperaments" 6th European Consortium for Political Research General Conference, Reykjavik, Iceland (2011), with Kevin Smith, and John Hibbing.

"Identifying the Biological Influences on Political Temperaments" National Science Foundation Annual Human Social Dynamics Meeting (2010), with John Hibbing, Kimberly Espy, Nicholas Martin, Read Montague, and Kevin B. Smith.

"Political Orientations May Be Related to Detection of the Odor of Androstenone" Annual meeting of the Midwest Political Science Association, Chicago, IL (2010), with Kevin Smith, Amanda Balzer, Michael Gruszczynski, Carly M. Jacobs, and John Hibbing.

"Toward a Modern View of Political Man: Genetic and Environmental Transmission of Political Orientations from Attitude Intensity to Political Participation" Annual meeting of the American Political Science Association, Washington, DC (2010), with Carolyn Funk, Kevin Smith, and John Hibbing.

"Genetic and Environmental Transmission of Political Involvement from Attitude Intensity to Political Participation" Annual meeting of the International Society for Political Psychology, San Francisco, CA (2010), with Carolyn Funk, Kevin Smith, and John Hibbing.

"Are Violations of the EEA Relevant to Political Attitudes and Behaviors?" Annual meeting of the Midwest Political Science Association, Chicago, IL (2010), with Kevin Smith, and John Hibbing.

"The Neural Basis of Representation" Annual meeting of the American Political Science Association, Toronto, Canada (2009), with John Hibbing.

“Genetic and Environmental Transmission of Value Orientations” Annual meeting of the American Political Science Association, Toronto, Canada (2009), with Carolyn Funk, Kevin Smith, Matthew Hibbing, Pete Hatemi, Robert Krueger, Lindon Eaves, and John Hibbing.

“The Genetic Heritability of Political Orientations: A New Twin Study of Political Attitudes” Annual Meeting of the International Society for Political Psychology, Dublin, Ireland (2009), with John Hibbing, Cary Funk, Kevin Smith, and Peter K Hatemi.

“The Heritability of Value Orientations” Annual meeting of the Behavior Genetics Association, Minneapolis, MN (2009), with Kevin Smith, John Hibbing, Carolyn Funk, Robert Krueger, Peter Hatemi, and Lindon Eaves.

“The Ick Factor: Disgust Sensitivity as a Predictor of Political Attitudes” Annual meeting of the Midwest Political Science Association, Chicago, IL (2009), with Kevin Smith, Douglas Oxley Matthew Hibbing, and John Hibbing.

“The Ideological Animal: The Origins and Implications of Ideology” Annual meeting of the American Political Science Association, Boston, MA (2008), with Kevin Smith, Matthew Hibbing, Douglas Oxley, and John Hibbing.

“The Physiological Differences of Liberals and Conservatives” Annual meeting of the Midwest Political Science Association, Chicago, IL (2008), with Kevin Smith, Douglas Oxley, and John Hibbing.

“Looking for Political Genes: The Influence of Serotonin on Political and Social Values” Annual meeting of the Midwest Political Science Association, Chicago, IL (2008), with Peter Hatemi, Sarah Medland, John Hibbing, and Nicholas Martin.

“Not by Twins Alone: Using the Extended Twin Family Design to Investigate the Genetic Basis of Political Beliefs” Annual meeting of the American Political Science Association, Chicago, IL (2007), with Peter Hatemi, John Hibbing, Matthew Keller, Nicholas Martin, Sarah Medland, and Lindon Eaves.

“Factorial Association: A generalization of the Fulker between-within model to the multivariate case” Annual meeting of the Behavior Genetics Association, Amsterdam, The Netherlands (2007), with Sarah Medland, Peter Hatemi, John Hibbing, William Coventry, Nicholas Martin, and Michael Neale.

“Not by Twins Alone: Using the Extended Twin Family Design to Investigate the Genetic Basis of Political Beliefs” Annual meeting of the Midwest Political Science Association, Chicago, IL (2007), with Peter Hatemi, John Hibbing, Nicholas Martin, and Lindon Eaves.

“Getting from Genes to Politics: The Connecting Role of Emotion-Reading Capability” Annual Meeting of the International Society for Political Psychology, Portland, OR, (2007.), with John Hibbing.

“The Neurological Basis of Representative Democracy.” Hendricks Conference on Political Behavior, Lincoln, NE (2006), with John Hibbing.

“The Neural Basis of Representative Democracy” Annual meeting of the American Political Science Association, Philadelphia, PA (2006), with John Hibbing.

“How are Political Orientations Genetically Transmitted? A Research Agenda” Annual meeting of the Midwest Political Science Association, Chicago Illinois (2006), with John Hibbing.

"The Politics of Mate Choice" Annual meeting of the Southern Political Science Association, Atlanta, GA (2006), with John Hibbing.

"The Challenge Evolutionary Biology Poses for Rational Choice" Annual meeting of the American Political Science Association, Washington, DC (2005), with John Hibbing and Kevin Smith.

"Decision Making on Behalf of Others" Annual meeting of the American Political Science Association, Washington, DC (2005), with John Hibbing.

"The Source of Political Attitudes and Behavior: Assessing Genetic and Environmental Contributions" Annual meeting of the Midwest Political Science Association, Chicago Illinois (2005), with John Hibbing and Carolyn Funk.

"The Source of Political Attitudes and Behavior: Assessing Genetic and Environmental Contributions" Annual meeting of the American Political Science Association, Chicago Illinois (2004), with John Hibbing and Carolyn Funk.

"Accepting Authoritative Decisions: Humans as Wary Cooperators" Annual Meeting of the Midwest Political Science Association, Chicago, Illinois (2002), with John Hibbing

"Can We Trust the NES Trust Measure?" Annual Meeting of the Midwest Political Science Association, Chicago, Illinois (2001), with Stacy Ulbig.

"The Impact of Organizational Structure on the Production of Social Capital Among Group Members" Annual Meeting of the Southern Political Science Association, Atlanta, Georgia (2000), with Allison Rinden.

"Isolating the Origins of Incumbency Advantage: An Analysis of House Primaries, 1956-1998" Annual Meeting of the Southern Political Science Association, Atlanta, Georgia (2000), with Kevin Arceneaux.

"The Electorally Indistinct Senate," Norman Thomas Conference on Senate Exceptionalism, Vanderbilt University; Nashville, Tennessee; October (1999), with John R. Hibbing.

"Interest Group Participation and Social Capital" Annual Meeting of the Midwest Political Science Association, Chicago, Illinois (1999), with Allison Rinden.

"We're All in this Together: The Decline of Trust in Government, 1958-1996." The Hendricks Symposium, University of Nebraska, Lincoln. (1998)

"Constituency Population and Representation in the United States Senate," Electing the Senate; Houston, Texas; December (1989), with John R. Hibbing.

"The Disparate Electoral Security of House and Senate Incumbents," American Political Science Association Annual Meetings; Atlanta, Georgia; September (1989), with John R. Hibbing.

"Partisan and Incumbent Advantage in House Elections," Annual Meeting of the Southern Political Science Association (1987), with David W. Brady.

"Personal and Party Advantage in U.S. House Elections, 1846-1986" with David W. Brady, 1987 Social Science History Association Meetings.

"The Demise of the Upper House and the Rise of the Senate: Electoral Responsiveness in the United States Senate" with John Hibbing, 1987 Annual Meeting of the American Political Science Association.

"A Comparative Analysis of Economic Voting" with Jerome Legge, 1985 Annual Meeting of the American Political Science Association.

"An Analysis of Economic Conditions and the Individual Vote in Great Britain, 1964-1979" with Jerome Legge, 1985 Annual Meeting of the Western Political Science Association.

"Can Government Regulate Fertility? An Assessment of Pro-natalist Policy in Eastern Europe" with Jerome Legge, 1985 Annual Meeting of the Southwestern Social Science Association.

"Economic Conditions and the Individual Vote in the Federal Republic of Germany" with Jerome S. Legge, 1984 Annual Meeting of the Southern Political Science Association.

"The Conditions Required for Economic Issue Voting" with John R. Hibbing, 1984 Annual Meeting of the Midwest Political Science Association.

"Incumbency Advantage in Senate Elections," 1983 Annual Meeting of the Midwest Political Science Association.

"Television Markets and Congressional Elections: The Impact of Market/District Congruence" with James Campbell and Keith Henry, 1982 Annual Meeting of the Southern Political Science Association.

"Economic Conditions and Senate Elections" with John R. Hibbing, 1982 Annual Meeting of the Midwest Political Science Association. "Pocketbook Voting: Economic Conditions and Individual Level Voting," 1982 Annual Meeting of the American Political Science Association.

"Increased Incumbency Advantage in the House," with John R. Hibbing, 1981 Annual Meeting of the Midwest Political Science Association.

Other Conference Participation:

Roundtable Participant – Closing Round-table on Biopolitics; 2016 UC Merced Conference on Bio-Politics and Political Psychology, Merced, CA.

Roundtable Participant “Genes, Brains, and Core Political Orientations” 2008 Annual Meeting of the Southwestern Political Science Association, Las Vegas.

Roundtable Participant “Politics in the Laboratory” 2007 Annual Meeting of the Southern Political Science Association, New Orleans.

Short Course Lecturer, "What Neuroscience has to Offer Political Science" 2006 Annual Meeting of the American Political Science Association.

Panel chair and discussant, "Neuro-scientific Advances in the Study of Political Science" 2006 Annual Meeting of the American Political Science Association.

Presentation, "The Twin Study Approach to Assessing Genetic Influences on Political Behavior" Rice Conference on New Methods for Understanding Political Behavior, 2005.

Panel discussant, "The Political Consequences of Redistricting," 2002 Annual Meeting of the American Political Science Association.

Panel discussant, "Race and Redistricting," 1999 Annual Meeting of the Midwest Political Science Association.

Invited participant, "Roundtable on Public Dissatisfaction with American Political Institutions", 1998 Annual Meeting of the Southwestern Social Science Association.

Presentation, "Redistricting in the '90s," Texas Economic and Demographic Association, 1997.

Panel chair, "Congressional Elections," 1992 Annual Meeting of the Southern Political Science Association.

Panel discussant, "Incumbency and Congressional Elections," 1992 Annual Meeting of the American Political Science Association.

Panel chair, "Issues in Legislative Elections," 1991 Annual Meeting of the Midwest Political Science Association.

Panel chair, "Economic Attitudes and Public Policy in Europe," 1990 Annual Meeting of the Southern Political Science Association

Panel discussant, "Retrospective Voting in U.S. Elections," 1990 Annual Meeting of the Midwest Political Science Association.

Co-convener, with Bruce Oppenheimer, of Electing the Senate, a national conference on the NES 1988 Senate Election Study. Funded by the Rice Institute for Policy Analysis, the University of Houston Center for Public Policy, and the National Science Foundation, Houston, Texas, December, 1989.

Invited participant, Understanding Congress: A Bicentennial Research Conference, Washington, D.C., February, 1989.

Invited participant--Hendricks Symposium on the United States Senate, University of Nebraska, Lincoln, Nebraska, October, 1988

Invited participant--Conference on the History of Congress, Stanford University, Stanford, California, June, 1988.

Invited participant, "Roundtable on Partisan Realignment in the 1980's", 1987 Annual Meeting of the Southern Political Science Association.

Professional Activities:

Other Universities:

Invited Speaker, Annual Lecture, Psi Kappa -the Psychology Club at Houston Community College, 2018.

Invited Speaker, Annual Allman Family Lecture, Dedman College Interdisciplinary Institute, Southern Methodist University, 2016.

Invited Speaker, Annual Lecture, Psi Sigma Alpha – Political Science Dept., Oklahoma State University, 2015.

Invited Lecturer, Department of Political Science, Vanderbilt University, 2014.

Invited Speaker, Annual Lecture, Psi Kappa -the Psychology Club at Houston Community College, 2014.

Invited Speaker, Graduate Student Colloquium, Department of Political Science, University of New Mexico, 2013.

Invited Keynote Speaker, Political Science Alumni Evening, University of Houston, 2013.

Invited Lecturer, Biology and Politics Masters Seminar (John Geer and David Bader), Department of Political Science and Biology Department, Vanderbilt University, 2010.

Invited Lecturer, Biology and Politics Senior Seminar (John Geer and David Bader), Department of Political Science and Biology Department, Vanderbilt University, 2008.

Visiting Fellow, the Hoover Institution, Stanford University, 2007.

Invited Speaker, Joint Political Psychology Graduate Seminar, University of Minnesota, 2007.

Invited Speaker, Department of Political Science, Vanderbilt University, 2006.

Member:

Editorial Board, Journal of Politics, 2007-2008.

Planning Committee for the National Election Studies' Senate Election Study, 1990-92.

Nominations Committee, Social Science History Association, 1988

Reviewer for:

American Journal of Political Science

American Political Science Review

American Politics Research

American Politics Quarterly

American Psychologist

American Sociological Review

Canadian Journal of Political Science

Comparative Politics

Electoral Studies

Evolution and Human Behavior

International Studies Quarterly

Journal of Politics
Journal of Urban Affairs
Legislative Studies Quarterly
National Science Foundation
PLoS ONE
Policy Studies Review
Political Behavior
Political Communication
Political Psychology
Political Research Quarterly
Public Opinion Quarterly
Science
Security Studies
Social Forces
Social Science Quarterly
Western Political Quarterly

University Service:

Member, University Senate, 2021-2023.

Member, University Parking Committee, 2016-2022.

Member, University Benefits Committee, 2013-2016.

Internship Director for the Department of Political Science, 2004-2018.

Member, University Council, 2012-2013.

Invited Speaker, Rice Classroom Connect, 2016.

Invited Speaker, Glasscock School, 2016.

Invited Speaker, Rice Alumni Association, Austin, 2016.

Invited Speaker, Rice Alumni Association, New York City, 2016.

Invited Speaker, Rice TEDxRiceU , 2013.

Invited Speaker, Rice Alumni Association, Atlanta, 2011.

Lecturer, Advanced Topics in AP Psychology, Rice University AP Summer Institute, 2009.

Scientia Lecture Series: "Politics in Our Genes: The Biology of Ideology" 2008

Invited Speaker, Rice Alumni Association, Seattle, San Francisco and Los Angeles, 2008.

Invited Speaker, Rice Alumni Association, Austin, Chicago and Washington, DC, 2006.

Invited Speaker, Rice Alumni Association, Dallas and New York, 2005.

Director: Rice University Behavioral Research Lab and Social Science Computing Lab, 2005-2006.

University Official Representative to the Inter-university Consortium for Political and Social Research, 1989-2012.

Director: Rice University Social Science Computing Lab, 1989-2004.

Member, Rice University Information Technology Access and Security Committee, 2001-2002

Rice University Committee on Computers, Member, 1988-1992, 1995-1996; Chair, 1996-1998, Co-chair, 1999.

Acting Chairman, Rice Institute for Policy Analysis, 1991-1992.

Divisional Member of the John W. Gardner Dissertation Award Selection Committee, 1998

Social Science Representative to the Educational Sub-committee of the Computer Planning Committee, 1989-1990.

Director of Graduate Admissions, Department of Political Science, Rice University, 1986-1988.

Co-director, Mellon Workshop: Southern Politics, May, 1988.

Guest Lecturer, Mellon Workshop: The U.S. Congress in Historical Perspective, May, 1987 and 1988.

Faculty Associate, Hanszen College, Rice University, 1987-1990.

Director, Political Data Analysis Center, University of Georgia, 1982-1985.

External Consulting:

Expert Witness, Dixon v. Lewisville ISD, racially polarized voting analysis, 2022.

Expert Witness, Soto Palmer v. Hobbs, (Washington State), racially polarized voting analysis, 2022.

Expert Witness, Pendergrass v. Raffensperger, (Georgia State House and Senate), racially polarized voting analysis, 2022.

Expert Witness, LULAC, et al. v. Abbott, et al., Voto Latino, et al. v. Scott, et al., Mexican American Legislative Caucus, et al. v. Texas, et al., Texas NAACP v. Abbott, et al., Fair Maps Texas, et al. v. Abbott, et al., US v. Texas, et al. (consolidated cases) challenges to Texas Congressional, State Senate, State House, and State Board of Education districting, 2022.

Expert Witness, Robinson/Galmon v. Ardoin, (Louisiana), racially polarized voting analysis, 2022.

Expert Witness, Christian Ministerial Alliance et al v. Arkansas, racially polarized voting analysis, 2022.

Expert Witness, Johnson v. Wisconsin Elections Commission, 2022.

Expert Witness, Rivera, et al. v. Schwab, Alonzo, et al. v. Schwab, Frick, et al. v. Schwab, (consolidated cases) challenge to Kansas congressional map, 2022.

Expert Witness, Grant v. Raffensperger, challenge to Georgia congressional map, 2022

Expert Witness, Brooks et al. v. Abbot, challenge to State Senate District 10, 2022.

Expert Witness, Elizondo v. Spring Branch ISD, 2022.

Expert Witness, Portugal v. Franklin County, et al., challenge to Franklin County, Washington at large County Commissioner's election system, 2022.

Consulting Expert, Gressman Math/Science Petitioners, Pennsylvania Congressional redistricting, 2022.

Consultant, Houston Community College – evaluation of election impact for redrawing of college board election districts, 2022.

Consultant, Lone Star College – evaluation of election impact for redrawing of college board election districts, 2022.

Consultant, Killeen ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Houston ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Brazosport ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Dallas ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Lancaster ISD – redrawing of all school board member election districts including demographic analysis and redrawing of election districts, 2021.

Consultant, City of Baytown – redrawing of all city council member election districts including demographic analysis and redrawing of election districts, 2021.

Consultant, Goose Creek ISD – redrawing of all board member election districts including demographic analysis and redrawing of election districts, 2021.

Expert Witness, Bruni et al. v. State of Texas, straight ticket voting analysis, 2020.

Consulting Expert, Sarasota County, VRA challenge to district map, 2020.

Expert Witness, Kumar v. Frisco ISD, TX, racially polarized voting analysis, 2019.

Expert Witness, Vaughan v. Lewisville ISD, TX, racially polarized voting analysis, 2019.

Expert Witness, Johnson v. Ardoin, (Louisiana), racially polarized voting analysis, 2019.

Expert Witness, Flores et al. v. Town of Islip, NY, racially polarized voting analysis, 2018.

Expert Witness, Tyson v. Richardson ISD, racially polarized voting analysis, 2018.

Expert Witness, Dwight v. State of Georgia, racially polarized voting analysis, 2018.

Expert Witness, NAACP v. East Ramapo Central School District, racially polarized voting analysis, 2018.

Expert Witness, Georgia NAACP v. State of Georgia, racially polarized voting analysis, 2018.

Report of Dr. Kassra Oskooii

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

DICKINSON BAY AREA BRANCH	§	
NAACP, et al.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Civil Action No. 3:22-cv-117- JVB
	§	
GALVESTON COUNTY, TEXAS, et al.,	§	
	§	
<i>Defendants.</i>	§	

TERRY PETTEWAY, et al.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Civil Action No. 3:22-cv-57-JVB
	§	[Lead Consolidated Case]
	§	
GALVESTON COUNTY, TEXAS, et al.	§	
	§	
<i>Defendants.</i>	§	

UNITED STATES OF AMERICA,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 3:22-cv-93-JVB
	§	
GALVESTON COUNTY, TEXAS, et al.	§	
	§	
<i>Defendants.</i>	§	

EXPERT DECLARATION AND REPORT OF DR. KASSRA A.R. OSKOOII

January 13, 2023

EXHIBIT 29

Report of Dr. Kassra Oskooii

I. Executive Summary

1. I am an Associate Professor and Provost Teaching Fellow in the department of Political Science and International Relations at the University of Delaware. I have been engaged in this matter by counsel for Plaintiffs the Dickinson Bay Area Branch NAACP, Galveston Branch NAACP, Mainland Branch NAACP, Galveston LULAC Council 151, Edna Courville, Joe A. Compian, and Leon Phillips (collectively, “Plaintiffs”) to conduct a racially polarized voting (“RPV”) analysis of Galveston County concerning the 2021 redistricting of their four County Commissioners Precincts (the “2021 Commissioner Precincts”).
2. I was retained to examine whether racially polarized voting exists in Galveston, and specifically, whether Latino¹ and Black² populations in Galveston, including within three demonstrative single-member Commissioner Precincts provided by Plaintiffs, are politically cohesive, and whether Galveston’s Anglo populations vote sufficiently as a bloc to enable them to usually defeat the Black and Latino preferred candidate in the 2021 Commissioners Precincts. The framework I used for examining racially polarized voting was established in the United States Supreme Court case *Thornburg v. Gingles*, 478 U.S. 30 (1986), and in numerous subsequent cases.
3. My opinions on Anglo bloc voting and Black-Latino cohesion are based on a careful analysis of a comprehensive list of relevant contested general and primary election results from 2016 to 2020. To examine the presence or absence of RPV, I relied on two well-established and rigorous statistical methods to estimate voting patterns by race: the Iterative Ecological Inference (“EI”) method and the EI Rows by Columns (“RxC”) method. The statistical methods I rely on to estimate vote choice by race are agnostic as to *why* voters support or oppose different candidates; the analysis simply shows *which* candidates different groups of voters prefer.
4. I conducted a series of electoral performance analyses across different commissioner precinct boundaries to determine whether Anglos vote as a bloc to usually defeat Black and Latino preferred candidates. A performance analysis reconstructs previous election results based on newly adopted or proposed commissioner precinct boundaries to determine whether the amalgamation of the voting tabulation districts (“VTDs”) will elect or defeat Black and Latino preferred candidates.
5. My analysis relies on data constructed from a variety of reliable sources. I collected election returns from the Texas Legislative Council’s (“TLC”) Capitol Data Portal and the Redistricting Data Hub. I then joined the election data with Citizen Voting Age Population (“CVAP”) estimates by race based on the 2016-2020 5-year American Community Survey (ACS) data retrieved from the Redistricting Data Hub. I also received three demonstrative Commissioner precinct boundary shapefiles from counsel for Plaintiffs as well as shapefiles for the 2012-2020 Galveston County Commissioner

¹ The term “Latino” used in in this report is co-terminus with the term “Hispanic” in any underlying sources or data I have relied upon.

² The terms “Black” and “African-American” are used interchangeably for purposes of this report.

Report of Dr. Kassra Oskooii

Precincts and the 2021 Adopted Galveston County Commissioner Precincts, all of which I merged with the election and CVAP data at the VTD level.

6. Overall, the accumulated evidence I examined leads me to conclude the following:
 - a. By using two ecological inference techniques, RxC and EI, which are the standard methods of measuring Racially Polarized Voting, and applying these to past electoral results paired with Citizen Voting Age population data, I have identified definitive evidence of Racially Polarized Voting both county-wide and in the subject jurisdictions.
 - b. Specifically, Black and Latino voters in Galveston vote cohesively such that a large majority of Black and Latino voters favor the same candidates both countywide in Galveston and in each of the three demonstrative commissioner precincts I analyzed below.
 - c. Anglo voters in Galveston also engage in bloc voting such that a large majority of Galveston's Anglo voters favor their own set of candidates both countywide and in the 2021 Commissioners Precincts. The candidates favored by a large majority of Galveston's Anglo voters are different than, and ran against, those favored by the Black and Latino voters.
 - d. In each of the four 2021 Commissioner Precincts, past election results indicate that the Anglo voters in each precinct will bloc vote in sufficient quantity to defeat the Black and Latino preferred candidate in every election analyzed.
 - e. As a consequence, electoral performance analysis results for the 2021 Commissioner Precincts indicates that the candidates favored by a large majority of Black and Latino voters will be defeated in each of the 2021 Commissioner Precincts, depriving Black and Latino voters of any opportunity to elect their candidate of choice within the 2021 Commissioner Precincts.
 - f. Electoral performance analysis results show that cohesive Black and Latino voters would be able to elect a candidate of their choice in Plaintiffs' demonstrative precinct maps.
7. I know of the facts set forth in this declaration of my own personal knowledge and could and would competently testify to those facts if asked to do so.
8. I reserve the right to amend and supplement the opinions expressed in this Report in light of additional facts, testimony, and or/materials brought to my attention concerning this matter.

Report of Dr. Kassra Oskooii

II. Background and Qualifications

9. I am an Associate Professor and Provost Teaching Fellow in the department of Political Science and International Relations at the University of Delaware, having joined the faculty in 2016. I am also an affiliated faculty member at the Center for Political Communication, Center for the Study of Diversity, and Race, Justice, Policy Research Initiative. My current Curriculum Vitae is appended to this declaration as **Exhibit A**.
10. My academic specializations include race and ethnicity politics, political behavior, political psychology, and political methodology. I teach courses on the Voting Rights Act, race and ethnicity in politics, and American political behavior. I received my Ph.D. in Political Science, specializing in American politics, minority and race politics and political methodology, from the University of Washington in Seattle, Washington in 2016. Prior to that, I received my master's degree in political science at the University of Washington and received a political methodology field certificate from the Center for Statistics & the Social Sciences in 2013. I received my Bachelor of Arts in Political Science in 2008 at the University of Washington, with minors in Human Rights and Law, Societies, and Justice.
11. My research focuses on American political behavior, political methodology, minority politics, political psychology, political representation, voting rights, and redistricting.
12. I have published numerous peer-reviewed, social science articles in leading journals, including *Sociological Methods and Research*, *Political Behavior*, *Public Opinion Quarterly*, *Political Psychology*, *British Journal of Political Science*, *Electoral Studies*, *Perspectives on Politics*, *Urban Affairs Review*, and *The Journal of Public Policy*.
13. Of particular relevance to this report, in 2022 I co-authored a paper in the journal *Sociological Methods and Research* titled "Estimating Candidate Support in Voting Rights Act Cases: Comparing Iterative EI & EI-RxC Methods."³ I also co-developed a software package called "eiCompare," which is a reproducible code that quantifies, compares, and represents racially polarized voting data. The publication describing this package was accepted in the *R Journal* in 2016, in a paper titled "eiCompare: Comparing Ecological Inference Estimates across EI and EI:RxC."⁴ This package enables social scientists to use aggregate-level election data to predict individual-level voting behavior by racial or ethnic group affiliations, and to my knowledge it has been cited in academic papers and in court filings.⁵ A full list of my peer-reviewed publications is included in my C.V., appended to this declaration as **Exhibit A**.

³ Available at <https://journals.sagepub.com/doi/full/10.1177/0049124119852394>.

⁴ Available at <https://journal.r-project.org/archive/2016/RJ-2016-035/RJ-2016-035.pdf>.

⁵ For example, the Southern District of New York accepted my Colleague, Dr. Matthew Barretto's, use of the eiCompare software in the matter *NAACP v. E. Ramapo Cent. Sch. Dist.*, 462 F. Supp. 3d 369, 383 (S.D.N.Y. 2020) ("Through a statistical package and method called eiCompare, Dr. Barreto then used both King's EI and RxC to estimate voting preference by race and compared the results").

Report of Dr. Kassra Oskooii

14. For over ten years, I have conducted racially polarized voting analyses in jurisdictions across the United States, including in California, Georgia, Florida, Kansas, Maryland, Texas, Wisconsin, and Washington. I was retained as an expert consultant by the State of Maryland to advise them on their 2021 Congressional and Legislative redistricting plans as it relates to compliance with state and federal requirements.
15. I have been retained as an expert witness in redistricting and voting rights cases such as *Baltimore County Branch of the NAACP v. Baltimore County*, 21-cv-03232-LKG (D. Md.) and *Common Cause Florida v. Lee*, 4:22-cv-109-AW-MAF (N.D. Fla.); *Reyes v. Chilton*, 4:21-cv-05075-MKD (E.D. Wash.).
16. I was compensated at a flat fee of \$20,500 for this Report and Declaration and am being compensated at a rate of \$250 per hour for additional work in this matter. My compensation is not in any way contingent on the content of my opinions or the outcome of this matter.

III. Racially Polarized Voting (“RPV”)

17. The analysis of RPV in this report is relevant to Plaintiffs’ allegations that the 2021 commissioner map violates Section 2 of the Voting Rights Act of 1965. As set forth in my 2022 paper “Estimating Candidate Support in Voting Rights Act Cases: Comparing Iterative EI and EI-RxC Methods”:

In Thornburg v. Gingles, 478 U.S. 30 [(1986)], the court established a legal framework to guide VRA challenges to legislative districts or at-large voting systems that have been accused of diluting minority voting opportunities. According to *Gingles*, there are three prongs that plaintiffs must establish through an analysis of voting data to make a successful claim: (1) the minority group is both geographically compact and large enough to create a single-member district, (2) the minority group tends to vote together and is politically cohesive, and (3) the nonminority (majority group) tends to vote in the opposite direction, such that it can usually block the minority groups’ preferred candidate (Ross 1993).

18. In general, RPV occurs when a minority racial group or groups favor candidates (termed “candidates of choice”) that are disfavored by the majority racial group. If a majority of voters from both the minority and majority racial groups vote for the same candidate in a contest, RPV is usually not present in that contest.
19. In situations where RPV is clearly present, majority voters, for example, Anglo voters, may be able to consistently prevent minority voters, for instance, Black and Latino voters, from electing their candidates of choice by voting as a bloc against minority voters’ preferred candidate.

Report of Dr. Kassra Oskooii

IV. Data and Methodology

A. Election Data

20. For each VTD⁶ inside Galveston County, I obtained election data from the Texas Legislative Council's ("TLC") Capitol Data Portal⁷ and the Redistricting Data Hub.⁸ In total, I collected election returns for 25 available exogenous (state or federal offices) and endogenous (county offices) contested general election contests from year 2016 to 2020. I was unable to include any 2022 general election results in my analysis because, to my knowledge, the 2022 General Election results are not yet available through the Texas Legislative Council Data Portal or the Redistricting Data Hub. Contested elections in this context are defined as elections in which at least two candidates run against each other. An election must be contested in order to use it to examine RPV patterns.
21. **Table 1** provides the list of the general elections that I analyzed for this Report.⁹ I focus on the two top-vote-receiving candidates in each contest since none of the candidates outside of the top two received at least 5 percent of the total countywide votes; in the majority of elections, any other candidates that ran for office received far less than 5 percent of the total votes.

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⁶ VTDs are the U.S. Census geographic equivalent of county election precincts. They are created for the purposes of relating U.S. Census data to election precinct data.

⁷ This is available at <https://data.capitol.texas.gov/dataset/comprehensive-election-datasets-compressed-format>. This file includes a text file describing the specific data parameters, which I have appended to this expert report as **Exhibit D**.

⁸ This is available at <https://redistrictingdatahub.org/state/texas/>, and I have appended pages describing the data sources and collection parameters as **Exhibit E**.

⁹ I relied on the Texas Secretary of State website (<https://www.sos.state.tx.us/elections/historical/elections-results-archive.shtml>) for the total Galveston County votes by candidates reported in Table 1. For 2020 see: <https://results.texas-election.com/county>; For 2018 see: https://elections.sos.state.tx.us/elchist331_county84.htm; For 2016 see: https://elections.sos.state.tx.us/elchist319_county84.htm.

Report of Dr. Kassra Oskooii

Table 1: List of General Elections Analyzed¹⁰

Contest	Type	Year	Jurisdiction	Candidate Name	Votes	Candidate Name	Votes
U.S. President	General	2020	Galveston	Joe Biden	58,842	Donald Trump	93,911
U.S. Senate	General	2020	Galveston	Mary Hegar	55,094	John Cornyn	94,317
U.S. House District 14	General	2020	Galveston	Adrienne Bell	55,672	Randy Weber	97,136
Railroad Commissioner	General	2020	Galveston	Chrysta Castaneda	53,564	James Wright	92,535
County Sheriff	General	2020	Galveston	Mark Salinas	55,054	Henry Trochesset	95,504
Chief Justice, Supreme Court	General	2020	Galveston	Amy Meachum	54,988	Nathan Hecht	92,676
Supreme Court Justice Place 8	General	2020	Galveston	Gisela Triana	53,732	Brett Busby	92,999
Supreme Court Justice Place 7	General	2020	Galveston	Staci Williams	54,511	Jeff Boyd	92,606
Supreme Court Justice Place 6	General	2020	Galveston	Kathy Cheng	55,087	Jane Bland	96,068
Criminal Appeals Court Place 3	General	2020	Galveston	Elizabeth Frizell	55,868	Bret Richardson	94,719
Criminal Appeals Court Place 4	General	2020	Galveston	Tina Clinton	55,234	Kevin Yeary	94,985
Criminal Appeals Court Place 9	General	2020	Galveston	Brandon Birmingham	54,541	David Newell	95,386
U.S. Senate	General	2018	Galveston	Beto O'Rourke	45,065	Ted Cruz	67,641
U.S. House District 14	General	2018	Galveston	Adrienne Bell	42,187	Randy Weber	68,811
Governor	General	2018	Galveston	Lupe Valdez	39,314	Greg Abbott	72,104
Lt. Governor	General	2018	Galveston	Mike Collier	43,074	Dan Patrick	67,527
Attorney General	General	2018	Galveston	Justin Nelson	43,998	Ken Paxton	65,948
Comptroller of Public Accounts	General	2018	Galveston	Joi Chevalier	39,800	Glenn Hegar	68,397
Commissioner of General Land Office	General	2018	Galveston	Miguel Suazo	39,954	George P. Bush	68,747
Commissioner of Agriculture	General	2018	Galveston	Kim Olson	43,517	Sid Miller	66,035
Railroad Commissioner	General	2018	Galveston	Roman McAllen	40,178	Christi Craddick	68,563
County Court Judge 2	General	2018	Galveston	Kerry Pettijohn	41,962	Kerri Foley	68,845
U.S. President	General	2016	Galveston	Hillary Clinton	43,658	Donald Trump	73,757
U.S. House District 14	General	2016	Galveston	Michael Cole	42,344	Randy Weber	78,766
Railroad Commissioner	General	2016	Galveston	Grady Yarbrough	40,015	Wayne Christian	72,067

22. The list of 25 general elections from 2016 – 2020 I rely on is extremely robust and comprehensive. Given the fact that, as detailed later in this Report, the racially polarized voting patterns were consistent across every individual election, this list provided more than ample data from which I could draw statistically reliable conclusions. I did not examine elections from before 2016 for several reasons: (i) the more recent elections are the most probative of current and future voting patterns, (ii) a composite of 25 elections is a more than adequate data set particularly when, as in Galveston, the results are all consistent with each other. Out of the 25 total contests, 23 are exogenous elections (state or federal offices). I was able to locate two contested endogenous (county-level offices) general elections on the Texas Legislative Council's website that were labeled Galveston County and that covered the entire county boundaries: the 2020 Galveston County Sheriff election between Mark Salinas and Henry Trochesset and the 2018 Galveston County Court at Law No. 2 between Kerry Pettijohn and Kerri Foley.

23. Additionally, I analyzed 10 head-to-head contested primary elections. "Head-to-head" in this context means that there were only two candidates.

¹⁰ The Texas Secretary of State's website indicates that 2018 Attorney General candidate Ken Paxton received 67,948 votes in Galveston County; however, the Texas Legislative Council data, the Redistricting Hub data, and the official Galveston County Elections website (<https://www.galvestonvotes.org/home/showpublisheddocument/7331/637595459234600000>) indicate he received 65,948 votes. Because I used TLC (an official government source) and Redistricting Hub data to perform the analysis in this paper, and the Galveston County website confirms it, I report that number in this table.

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24. In this context, I note that primary election results are generally *not* very probative of voting patterns for large demographic groups. This is because:
- a. Turnout in primary elections in Texas (and generally nationwide) is incredibly low. For example, voter turnout in Texas Republican primaries between 2016 and 2020 ranged from a low of 10.4%¹¹ in 2018 to a high of 19.8%¹² in 2016. Turnout in the Texas Democratic primaries ranged from a low of 7.2%¹³ in 2018 to a high of 13.1%¹⁴ in 2020. This means that the election results for any primary do not provide an accurate or reliable picture of the political choices of anything approaching a majority of any particular demographic group of voters.
 - b. The ideological positions of the candidates in primary elections are likely to be closer to each other and the stakes of the election are lower in that it is the general election that ultimately decides which candidate will be the one actually elected to office. Further, only voters with stronger partisan identification are likely to participate in partisan primaries in the first place, so they do not reflect the choices of all voters in a demographic group. Therefore, courts have held, for example, that “[p]rimaries are less probative than general elections for detecting racially polarized voting in an at-large district because general elections present the same candidate pool to every voter, while primary elections limit voters to one party’s candidates.” *Patino v. City of Pasadena*, 230 F. Supp. 3d 667, 694 (S.D. Tex. 2017).
25. My sole purpose for analyzing primary election results was to provide very marginal additional context for Black and Latino voting patterns in Galveston County.
26. I limited my analysis to head-to-head contests. Because primary elections feature candidates from the same party, contests with more than two candidates do not exhibit the same vote distribution patterns as general elections in Texas (where, regardless of the number of candidates, the top two vote getters receive over 95% of the total vote). There is no majority vote requirement for primary elections in Texas, meaning that the top two candidates in a multi-party contest often receive far less than 50% of the vote. I did not analyze primary runoff results because the turnout in such contests is so low as to not offer meaningful insight into voting patterns for a large group. For example, the turnout in the 2016 Democratic Primary runoff was a mere 1.5%.¹⁵ Such a low number of voters would not provide a reliable data point on which to conduct statistical analysis for a whole demographic group.

¹¹ Texas Legislative Council, Red-206_18RP for Plan E2106, https://data.capitol.texas.gov/dataset/ad1ae979-6df9-4322-98cf-6771cc67f02d/resource/7567f5d7-5800-4e93-b2fa-dae925f41e8f/download/plane2106r206_18rp.pdf.

¹² Texas Legislative Council, Red-206_16RP for Plan E2106, https://data.capitol.texas.gov/dataset/ad1ae979-6df9-4322-98cf-6771cc67f02d/resource/e8ce512b-ba11-4fef-80df-3398f19b3902/download/plane2106r206_16rp.pdf.

¹³ Texas Legislative Council, Red-206_18DP for Plan E2106, https://data.capitol.texas.gov/dataset/ad1ae979-6df9-4322-98cf-6771cc67f02d/resource/35097514-bf3a-4bff-b841-2b5f506aa165/download/plane2106r206_18dp.pdf.

¹⁴ Texas Legislative Council, Red-206_20DP for Plan E2106, https://data.capitol.texas.gov/dataset/ad1ae979-6df9-4322-98cf-6771cc67f02d/resource/7c8c1e6c-9653-48a2-b71b-261ca240be0c/download/plane2106r206_20dp.pdf.

¹⁵ Texas Legislative Council, Red-206_16DR for Plan E2106, https://data.capitol.texas.gov/dataset/ad1ae979-6df9-4322-98cf-6771cc67f02d/resource/353c0b5e-f6f4-4911-8086-7b4a8af94ac9/download/plane2106r206_16dr.pdf.

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27. In Galveston County, the evidence indicates that Black and Latino voters participate in Republican Party Primary elections at practically non-existent levels. The Texas Legislative Council provides data on the turnout of voters with Spanish Surnames (“SSTO”) across a variety of political districts. The SSTO voter data for the two State House of Representative districts that contain Galveston County (House Districts 23 and 24) show that voters with Spanish Surnames accounted for only 6.6% and 6.0% of the voters in the 2020 Republican Primary elections in those districts respectively.¹⁶ Although the Texas Legislative Council does not produce data showing Black turnout in particular elections, the detailed findings later in this Report show that less than 10% of Black voters as a whole support the Republican candidate in any given general election contest. Taken together with the SSTO data, this makes it reasonable to conclude that analyzing Republican Party primaries would not provide even marginally useful analysis of Black and Latino voting patterns. Because my analysis of primary elections was for a limited additional comparison of Black and Latino voters, I therefore restricted this analysis to Democratic Party primary elections.

28. **Table 2** provides the list of the primary elections I analyzed for this Report.¹⁷

Table 2: List of Primary Elections Analyzed

Contest	Type	Year	Jurisdiction	Candidate Name	Votes	Candidate Name	Votes
Chief Justice, Supreme Court	Primary	2020	Galveston	Amy Meachum	14,354	Jerry Zimmerer	3,585
Supreme Court Justice Place 8	Primary	2020	Galveston	Gisela Triana	12,077	Peter Kelly	5,247
Supreme Court Justice Place 7	Primary	2020	Galveston	Staci Williams	11,465	Brandy Voss	6,076
Supreme Court Justice Place 6	Primary	2020	Galveston	Kathy Cheng	14,174	Larry Praeger	3,565
Criminal Appeals Court Place 4	Primary	2020	Galveston	Tina Clinton	13,703	Steven Mears	3,424
U.S. House District 14	Primary	2018	Galveston	Adrienne Bell	8,739	Levy Barnes	1,192
Lt. Governor	Primary	2018	Galveston	Mike Collier	4,381	Michael Cooper	5,242
Comptroller of Public Accounts	Primary	2018	Galveston	Joi Chevalier	5,165	Tim Mahoney	4,206
Commissioner of General Land Office	Primary	2018	Galveston	Miguel Suazo	5,691	Tex Morgan	3,677
Railroad Commissioner	Primary	2018	Galveston	Roman McAllen	4,002	Chris Spellmon	5,267

29. These were the only head-to-head primary contests between 2016 and 2020 for which I found countywide data using the Texas Legislative Council data.

B. Racial Data

30. For demographic data, I relied on the Redistricting Data Hub to obtain the 2020 Census Redistricting Data (P.L. 94-171) Voting Tabulation District (VTD) shapefile for the state of Texas¹⁸ and the 2020 Citizens Voting Age Population (CVAP) data by race and

¹⁶ Texas Legislative Council, Red-237T_20RP for Plan E2316, https://data.capitol.texas.gov/dataset/71af633c-21bf-42cf-ad48-4fe95593a897/resource/21163824-1617-45ac-8512-bc89ffed6a1/download/planh2316r237_20rp.pdf.

¹⁷ I relied on the Texas Secretary of State website (<https://www.sos.state.tx.us/elections/historical/elections-results-archive.shtml>) for the total Galveston County votes by candidates reported in Table 2. For 2020 see: <https://results.texas-election.com/county>; For 2018 see: https://elections.sos.state.tx.us/elchist324_county84.htm.

¹⁸ This file is available at <https://redistrictingdatahub.org/dataset/texas-vtd-boundaries-2020>.

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ethnicity for the state of Texas from the 2016-2020 American Community Survey (ACS) 5-year estimates at the Census block group level.¹⁹

31. Next, I joined the election data with the CVAP data by VTDs and created the following variables for each VTD: percent votes received by each candidate, total votes received between the top two candidates, and percent Anglo, Black, and Latino CVAP.²⁰

C. Precinct Boundary Data Sources and Observations

32. I received Galveston County Commissioner Precinct shapefiles for the 2012 boundaries, which I refer to as the “Benchmark Map,” and the newly enacted 2021 precincts boundaries shapefile (“2021 Commissioners Precincts”) from counsel for Plaintiffs. I understand Defendants produced these shapefiles in this Matter.
33. I also received three shapefiles from counsel for Plaintiffs as a set of demonstrative maps, which I call Map 1, Map 2, and Map 3.
34. The precinct boundaries that I received are reflected in demonstrative maps attached as **Figures 1 – 5 in Exhibit B**, appended to this Report.

D. RPV Methodology

35. Several methods are available to assess the *Gingles* preconditions of Anglo bloc voting and minority cohesion.²¹ Of these, social scientists and voting rights experts most often

¹⁹ I used the following variables to construct Anglo, Black, and Latino CVAP estimates: “CVAP_WHT20 CVAP Estimate for White Alone”, “CVAP_BLK20 CVAP Estimate for Black or African American Alone or In Combination”, and “CVAP_HSP20 CVAP Estimate for Hispanic or Latino.” The data file is available at https://redistrictingdatahub.org/wp-content/uploads/2022/04/readme_tx_cvap_2020_2020_b_shp.txt.

I subset the datasets to Galveston County and used a standard estimation method called “areal interpolation” to aggregate CVAP population data by race and ethnicity to VTDs. The publicly available software that I relied on to calculate CVAP estimates for each Galveston County VTD is called the “areal” software package (<https://cran.r-project.org/web/packages/areal/vignettes/areal.html>) for the publicly available statistical computing and graphics software, R (<https://www.r-project.org>).

²⁰ Given that other racial and ethnic groups comprise a small portion of the total CVAP population in Galveston County, I combined all the other groups into a percent “other” variable. This decision is also consistent with my task of examining the vote preferences of Anglo, Black, and Latino voters.

²¹ Clarke, B. and Reagan, R.T., 2002. *Redistricting Litigation: An Overview of Legal, Statistical, and Case-management Issues*. Federal Judicial Center.

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rely on Ecological Inference (EI)²², which has been deemed as the “...benchmark method courts rely upon to evaluate RPV patterns in voting rights lawsuits.”²³

36. Two variations of EI have emerged to estimate individual-level voting behavior using aggregate-level data.²⁴ The first is often referred to as King’s Iterative EI,²⁵ and often preferred when there are two racial groups and two candidates. The second—and more computationally intensive method—is called EI Rows by Columns (RxC),²⁶ which allows multiple rows (candidates) and multiple columns (racial groups) to be estimated simultaneously in one model (rather than iteratively). Both versions of EI operate similarly in that the following VTD-level data is required to estimate vote choice by racial or ethnic groups: (1) the percentage of each racial and ethnic group under consideration; (2) the percentage of votes received by each candidate; and (3) the total votes cast between the candidates at each VTD. A comprehensive assessment of the two methods using VTD-level data ranging from two candidates and two racial groups to multiple candidates and up to four racial groups has found that they produce substantively similar RPV results.²⁷

²² “Ecological inference is the process of using aggregate (i.e., “ecological”) data to infer discrete individual-level relationships of interest when individual-level data are not available. Ecological inferences are required in political science research when individual-level surveys are unavailable (e.g., local or comparative electoral politics), unreliable (racial politics), insufficient (political geography), or infeasible (political history). They are also required in public policy (e.g., for applying the Voting Rights Act) and other academic disciplines ranging from epidemiology and marketing to sociology and quantitative history.” (page 2) King, G. and Roberts, M., 2012. EI: a (n R) program for ecological inference. *Harvard University*.

²³ Barreto, M., Collingwood, L., Garcia-Rios, S. and Oskooii, K.A., 2022. Estimating candidate support in Voting Rights Act cases: Comparing iterative EI and EI-R×C methods. *Sociological Methods & Research*, 51(1), pp.271-304. [quote from page 6]

²⁴ “...Where survey research or other means of individual-level data collection are infeasible, ecological inference is best and often the only hope of making progress. Ecological inference is the process of extracting clues about individual behavior from information reported at the group or aggregate level.” [Page 1] King, G., Tanner, M.A. and Rosen, O. eds., 2004. *Ecological inference: New methodological strategies*. Cambridge University Press; see also, Rosen, O., Jiang, W., King, G. and Tanner, M.A., 2001. Bayesian and frequentist inference for ecological inference: The R×C case. *Statistica Neerlandica*, 55(2), pp.134-156.

²⁵ King, G., 2013. A solution to the ecological inference problem. In *A Solution to the Ecological Inference Problem*. Princeton University Press.

²⁶ Rosen, O., Jiang, W., King, G. and Tanner, M.A., 2001. Bayesian and frequentist inference for ecological inference: The R×C case. *Statistica Neerlandica*, 55(2), pp.134-156.

²⁷ Barreto, M., Collingwood, L., Garcia-Rios, S. and Oskooii, K.A., 2022. Estimating candidate support in Voting Rights Act Cases: Comparing iterative EI and EI-R×C Methods. *Sociological Methods & Research*, 51(1), pp.271-304.

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37. In this Report, I use both methods to estimate RPV patterns. Specifically, I rely on the “eiCompare” R software package,²⁸ which includes the necessary functions to estimate vote choice by race with both RxC and iterative EI.²⁹

V. Initial Comparison of Benchmark and Adopted Commissioner Precincts

38. A visual comparison of the 2012 benchmark map in **Figure 1 (Ex. B)** to the 2021 adopted map in **Figure 2 (Ex. B)** illustrates that a drastic change in the precinct boundaries occurred in 2021. In terms of the CVAP composition of the commissioner precincts, Precinct 3 changed the most, going from over 58% Black and Latino combined CVAP (majority-minority precinct) in the benchmark to under 29% Black and Latino combined CVAP (Anglo-majority precinct) in 2021. This means that there are no majority-minority commissioner precincts in Galveson under the 2021 Commissioners Precinct plan. By dispersing the minority population across the different precincts, which is known as “cracking,” all the adopted 2021 commissioner precincts are now comprised of majority Anglo CVAP.

VI. Analysis of Racially Polarized Voting Patterns

39. This section reports all the ecological inference analysis results to determine whether there is racially polarized voting in the jurisdiction such that Latino-Black voters are cohesive (in that a majority of Black-Latino voters vote for the same candidates) and Anglo voters vote as a bloc in opposition to Black-Latino candidates of choice. In order to follow the *Gingles* framework, I performed this analysis (1) countywide for all groups, (2) at the district level for Black-Latino voters in the three Plaintiff *Gingles I* demonstrative maps, and (3) at the district level for Anglo voters in the 2021 Commissioners Precincts. To help further understand the results, I produced plots with vote choice estimates for each candidate and the racial groups under consideration.

A. Countywide Racially Polarized Voting Patterns

40. **Figure 6** below reflects the RxC model for the Anglo voting majority as well as the combined eligible Black-Latino voting minority in Galveston County.³⁰ The left side of the plot lists the name of each contest, the year in which the elections were held, and the associated candidate names. The color-coded panels report vote estimates for the racial groups. The bars in the plot represent estimated vote percentages and the lines/bands

²⁸ Collingwood, L., Oskooii, K., Garcia-Rios, S. and Barreto, M., 2016. eiCompare: Comparing Ecological Inference Estimates across EI and EI: RxC. *R J.*, 8(2), p.92.

²⁹ To ensure that each VTD under consideration has at least two total votes cast in an election and entails at least 1% CVAP for any given racial group (i.e., Anglo, Black, and Latino), I subset the data to VTDs with at least 50 CVAP observations. This means that the dataset for the RPV analyses has 11 fewer VTDs than the total number present in the County. In these 11 VTDs combined, there are fewer than 117 total CVAP counts and only 100 total votes cast for the 2020 U.S. Presidential election—an extremely small fraction of the total CVAP and votes in Galveston County (e.g., for the U.S. Presidential election, a decrease of 0.0007% of the total votes cast).

³⁰ More specifically, I added the Black and Latino CVAP columns and divided it by the total CVAP column to create a percent Black and Latino CVAP variable.

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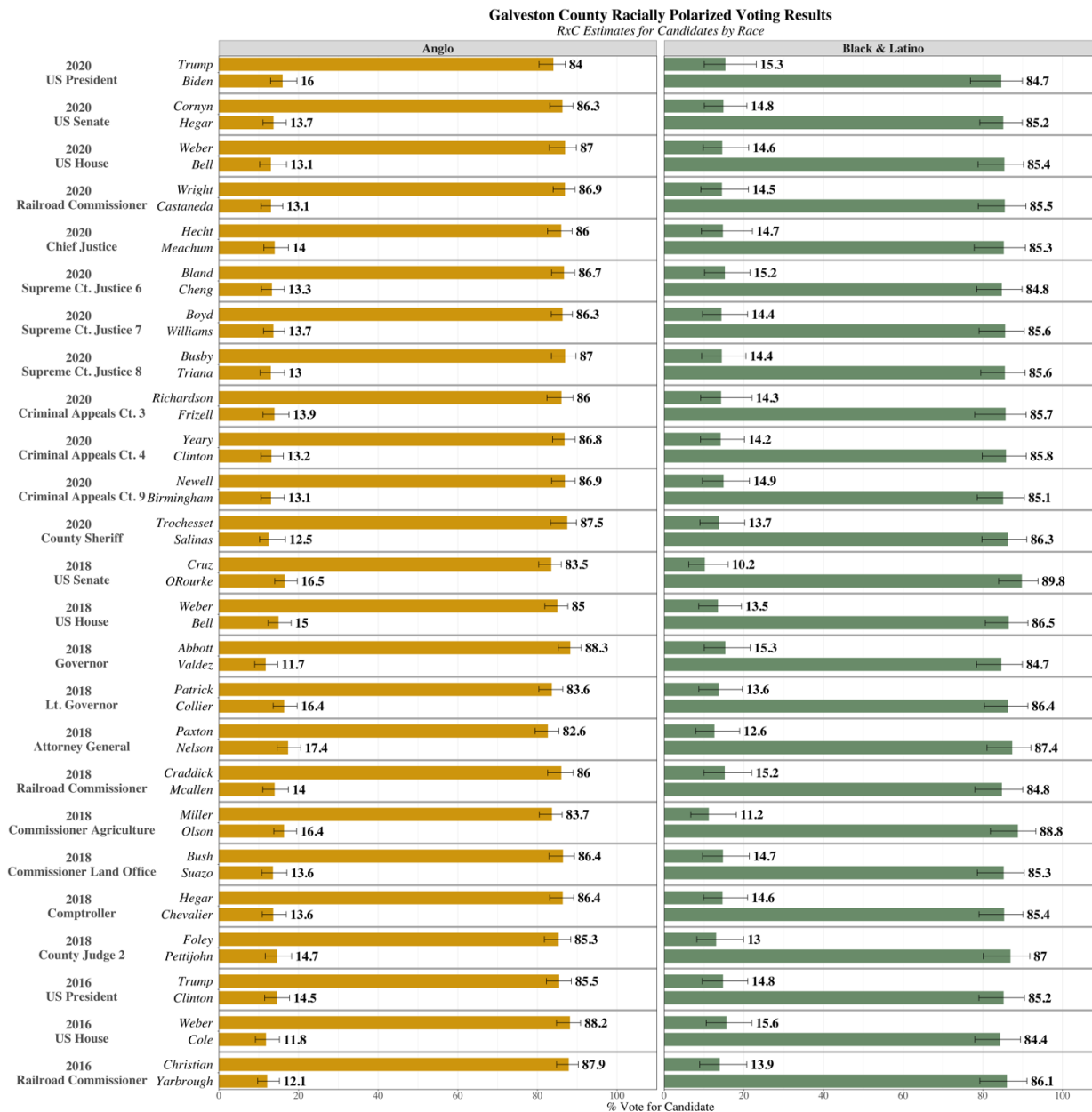
attached to each bar represent 95% confidence intervals (CIs) around the point estimates.³¹ Vote estimate percentages are also provided at tail ends of the CI bands.

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³¹ Confidence intervals provide information about a range in which the expected value lies within a certain degree of probability. Scientific studies often report 90% or 95% CIs, with some studies, depending on context, reporting 67% CIs or lower. CIs are sensitive to the sample size and the standard deviation of the study groups. If the sample size is small and dispersion is high, the CIs become wider. Each electoral jurisdiction is unique with different racial group concentrations and sizes across different VTDs. Therefore, analysts should not apply overly strict or rigid guidelines to all jurisdiction across the country. CIs are just one piece of information that may aid analysts in examining RPV patterns.

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Figure 6: Galveston County RxC Estimates for Candidates by Race



41. Beginning with the first election on **Figure 6**, I find clear evidence of RPV patterns. In the 2020 election for the U.S. President, Donald Trump received an estimated 84.0% of the Anglo vote, while only receiving 15.3% of the Black-Latino vote. In contrast, Joe Biden received an estimated 16% of the Anglo vote, while receiving 84.7% of the Black-Latino vote.

42. Going from the high-profile Presidential election to the lower-profile Judicial contests reveals similar RPV patterns. For example, in the 2020 contest for the Texas Supreme Court Place 1 Chief Justice, Nathan Hecht received an estimated 86.0% of the Anglo vote, while only receiving 14.7% of the Black-Latino vote. Hetch's competition, Amy

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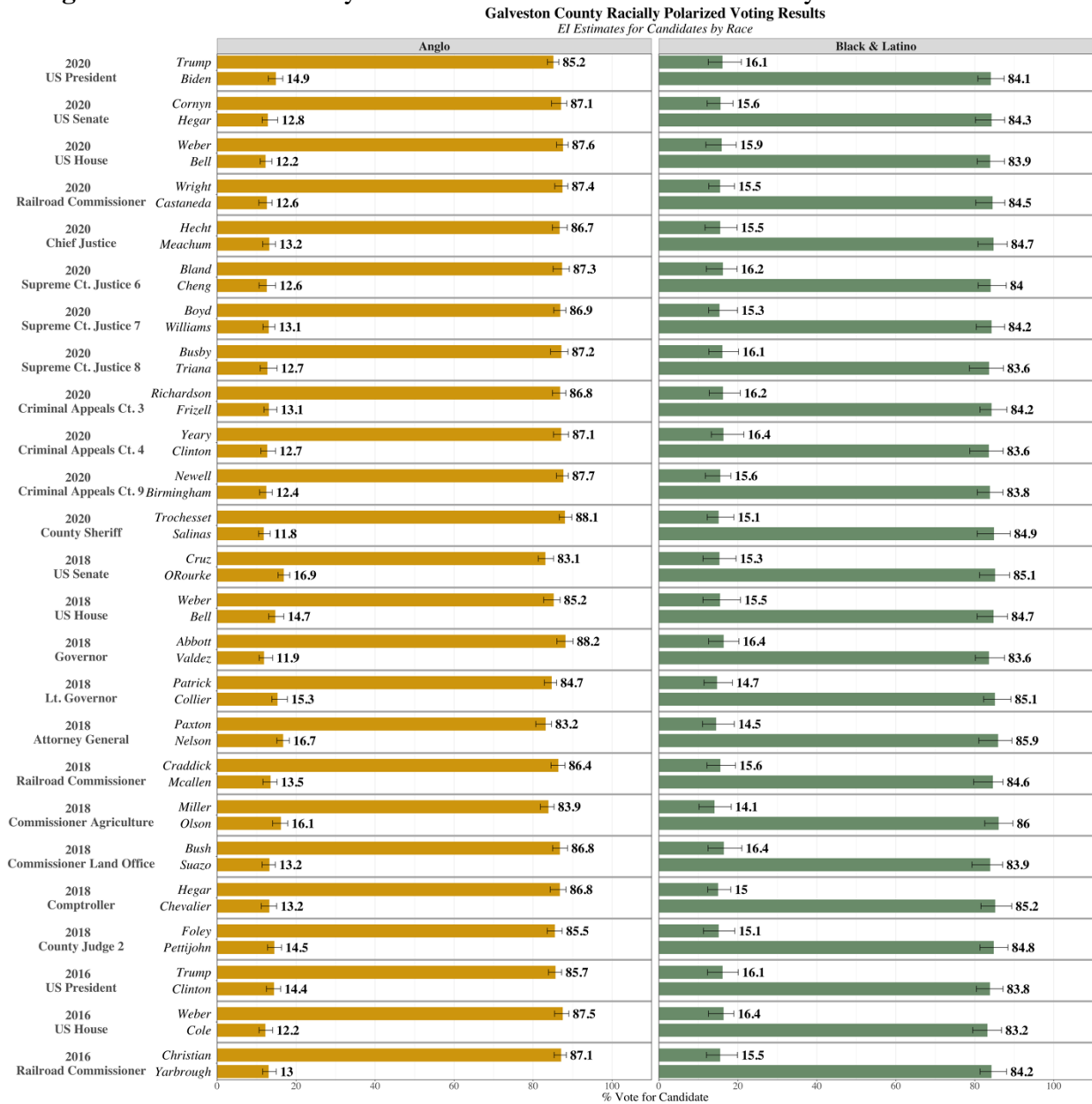
Meachum, who lost the countywide vote by over 37,600 votes (see **Table 1**), was clearly the preferred candidate of Black-Latino voters. She received an estimated 85.3% of the combined Black-Latino vote. In comparison, candidate Meachum received only 14.0% of the Anglo vote.

43. Moving to the endogenous 2020 County Sheriff election, Anglo voters once again, preferred the opposite candidate from the one that Black-Latino voters cohesively support. In this election, Henry Trochesset won the election and received an estimated 87.5% of the Anglo vote, while only getting 13.7% of the Black-Latino vote. In stark contrast, 86.3% of Black-Latino voters supported Mark Salinas, who received only 12.5% of the Anglo vote. Similarly, in the 2018 Galveston County Judge 2 race, Foley won the election and received an estimated 85.3% of the Anglo vote, while only getting 13% of the Black-Latino vote, whereas Pettijohn received only an estimated 14.7% of the Anglo vote but 87% of the Black-Latino vote.
44. RPV exists in every single contest. All the candidates that Anglo voters did not support received overwhelming support from Black-Latino voters. The degree of RPV is so stark that less than 18% of Anglo voters supported Black-Latino preferred candidates. Stated differently, the candidates that Black and Latino voters opposed received at least 82% of the Anglo vote across 25 different elections from 2016-2020.
45. As **Table 1** helps illustrate, the Anglo-preferred candidates received more votes than any Black-Latino candidates of choice.
46. In sum, the countywide RxC analysis depicted in **Figure 6** indicates that Black-Latino voters in Galveston vote cohesively to support their candidates of choice countywide, while Galveston's Anglo voters likewise vote as bloc countywide to disfavor the candidate of choice of Black-Latino voters and support their own (different) candidate of choice.
47. In **Figure 7** I present the countywide results of the EI iterative models.

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Figure 7: Galveston County Iterative EI Estimates for Candidates by Race



48. The results are highly consistent with the findings produced by the RxC models. Once again, the candidate preferences of Anglo voters are clearly very different than the candidate preferences of Black-Latino voters. Going even as far back as the 2016 election, it becomes evident that strong RPV is present in Galveston County. For instance, Donald Trump received an estimated 85.7% of the Anglo vote during the 2016 Presidential election, while Hilary Clinton received only 14.4% of the Anglo vote. The vote estimates are in the *opposite* direction when viewing the Black-Latino plot panel: 83.8% of the Black-Latino voters in Galveston County supported Clinton, while only 16.1% supported Trump.

49. Going from the high-profile Presidential election to the lower-profile 2016 Railroad Commissioner contest reveals the same RPV pattern. Wayne Christian, who received

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nearly twice as many votes as Grady Yarbrough, was supported by 87.1% of the Anglo voters, but just 15.5% of the Black-Latino voters.

50. Across the twenty-five contests analyzed using the EI iterative model, the evidence clearly points to divergent candidate preferences by race, with over 83% of Anglo voters opposing the candidates that the Black-Latino voters cohesively preferred.
51. In sum, the countywide EI analysis depicted in **Figure 7** is consistent with the RxC analysis and further supports that Black-Latino voters in Galveston vote cohesively to support their candidates of choice countywide, while Galveston's Anglo voters likewise vote as bloc to disfavor the Black-Latino candidates of choice and support their own (different) candidate of choice. In every single election, Anglo voters clearly preferred the exact opposite candidates that Black-Latino voters supported.
52. Overall, both the EI and RxC countywide estimations show that Black-Latino voters are politically cohesive. There is not a single instance across both methods where the Black-Latino candidate of choice estimate is below 83%. For example, in the 2020 election, Biden, Hegar, Bell, Castaneda, Meachum, Cheng, Williams, Triana, Frizell, Clinton, Birmingham, and Salinas all received 83% or more of the Black-Latino vote estimate produced by the EI or RxC model. The same trend holds true for 2018 and 2016 elections. Simply put, the accumulated evidence suggests that Galveston County Black-Latino voters are politically cohesive, and that the vast majority of Anglo voters vote against such candidates of choice.

B. Supplemental Countywide Analysis of Black and Latino voting patterns

53. To supplement my countywide analysis, I also analyzed cohesive voting among Black and Latino voters separately. The results of my RxC and EI analysis are shown in **Figures 8 and 9** in **Exhibit C** to my Report. As **Figures 8 and 9** illustrate, RPV patterns are clearly present and consistent across both methods even where Black and Latino voters are separated. That is, a clear majority of Black and Latino voters preferred candidates that a clear majority of Anglo voters voted against.
54. To ensure that differential turnout rates by race are not responsible for the conclusions that I have drawn about RPV patterns, I have also conducted EI analyses that account for turnout disparities. More specifically, I divided the candidate vote columns for each election by the total CVAP in Galveston County to obtain the percentage of eligible voters who did not turnout. I then calculated vote choice estimates by race for those who voted while accounting for those who did not. This EI estimation technique is identical to the standard method except for accounting for the share of eligible voters who did not turnout. This analysis is depicted in **Figure 10** in **Exhibit C** to my Report.
55. As **Figure 10** shows, accounting for turnout does not alter any of the substantive inferences that I have drawn about the presence of RPV in Galveston County. In every single contest, RPV is clearly present. Across all elections at every level I examined, Anglos vote against candidates that Black and Latino voters prefer. In some cases, the gap in candidate preference by race widens when adjusting for turnout. For example, in

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the endogenous election of County Sheriff in 2020, over 98% of Black and Latino voters supported Mark Salinas, while only 17.3% of Anglo voters did the same.

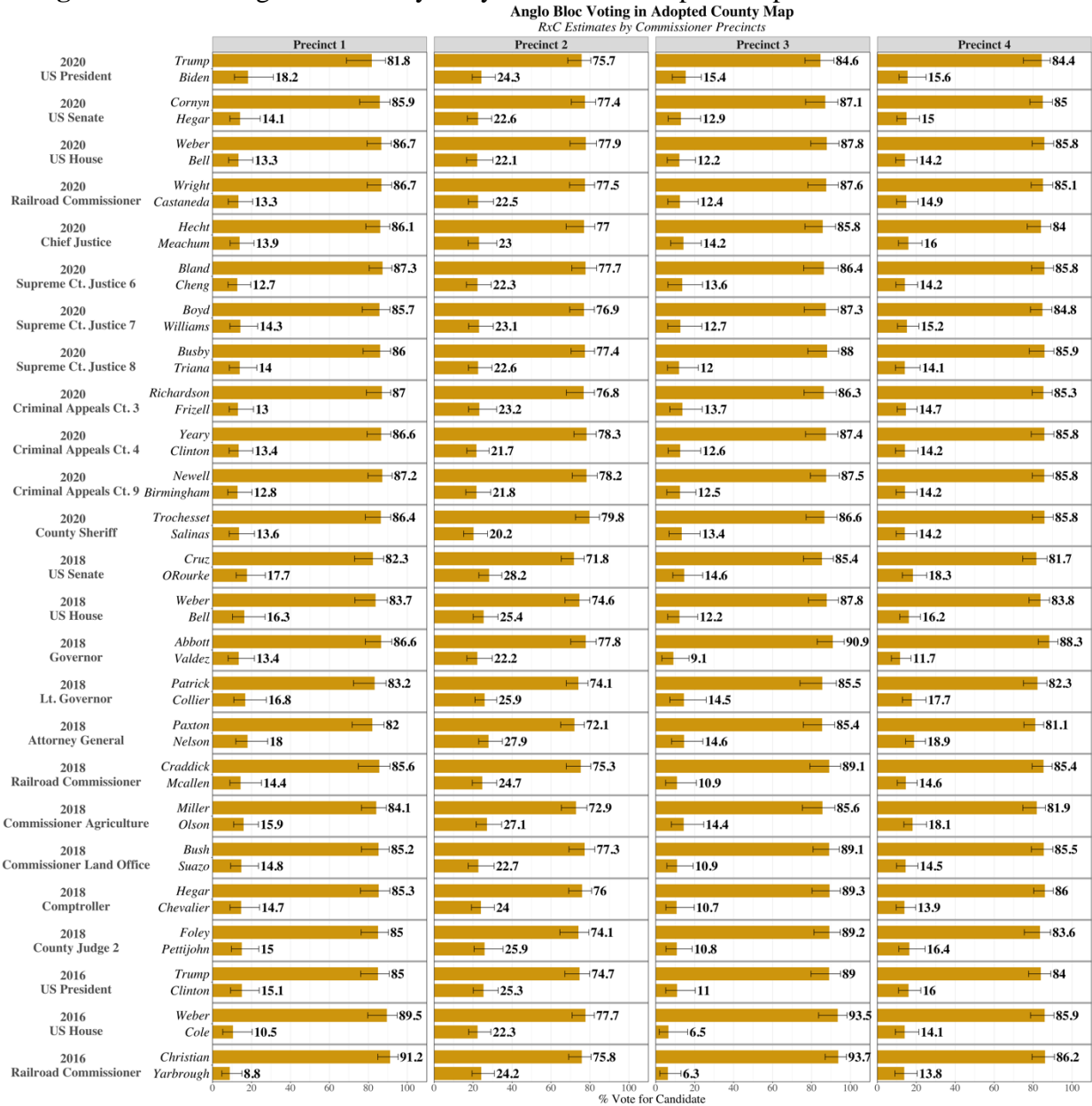
C. 2021 Commissioner Precinct-Specific Anglo Bloc Voting Analysis

56. To evaluate the presence or absence of Anglo Bloc voting in each one of the four newly adopted 2021 Commissioner precincts, I performed the same RxC and EI analyses. The estimates for the Anglo vote shares are depicted in **Figures 11** and **12** below and show very clear and highly consistent Anglo bloc voting in each one of the four Commissioner precincts in Galveston County. That is, a clear majority of Anglo voters in each Commissioner precinct voted for the same exact candidates as Anglos countywide.
57. Anglo bloc voting is particularly evident in the newly adopted precinct 3, with the lowest estimate in an election being 80% and the highest being 94.3% of the Anglos (across EI and RxC models) supporting Anglo-preferred candidates identified in the previous Countywide analyses.

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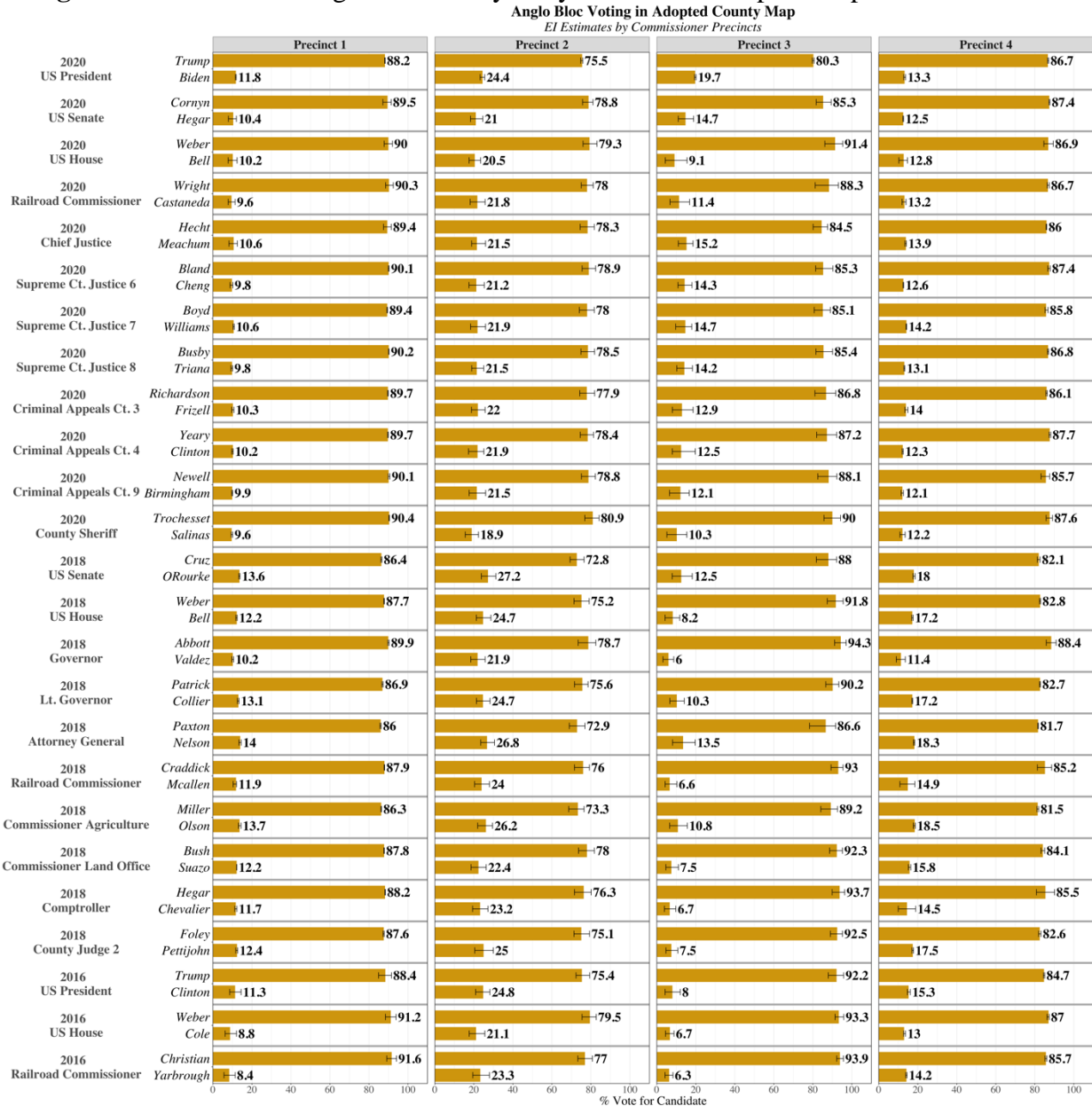
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Figure 11: RxC Anglo Bloc Analysis by Precinct in Adopted Map



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Figure 12: Iterative EI Anglo Bloc Analysis by Precinct in Adopted Map



D. Demonstrative Precinct-Specific Black and Latino Cohesion Analysis

58. I performed the same RxC and EI mode analyses to measure Black-Latino cohesion in the redrawn majority-minority commissioner precinct (Precinct 3) contained in the three *Gingles I* demonstrative maps provided by Plaintiffs’ counsel. I understand these maps are explained in further detail in the Expert Report of William Cooper filed concomitantly with this declaration.

59. This Commissioner precinct-specific analysis is useful to show that Black and Latino voters are cohesive both across the whole county and in Plaintiffs’ demonstrative majority-minority districts. Because of the small number of VTDs in each individual

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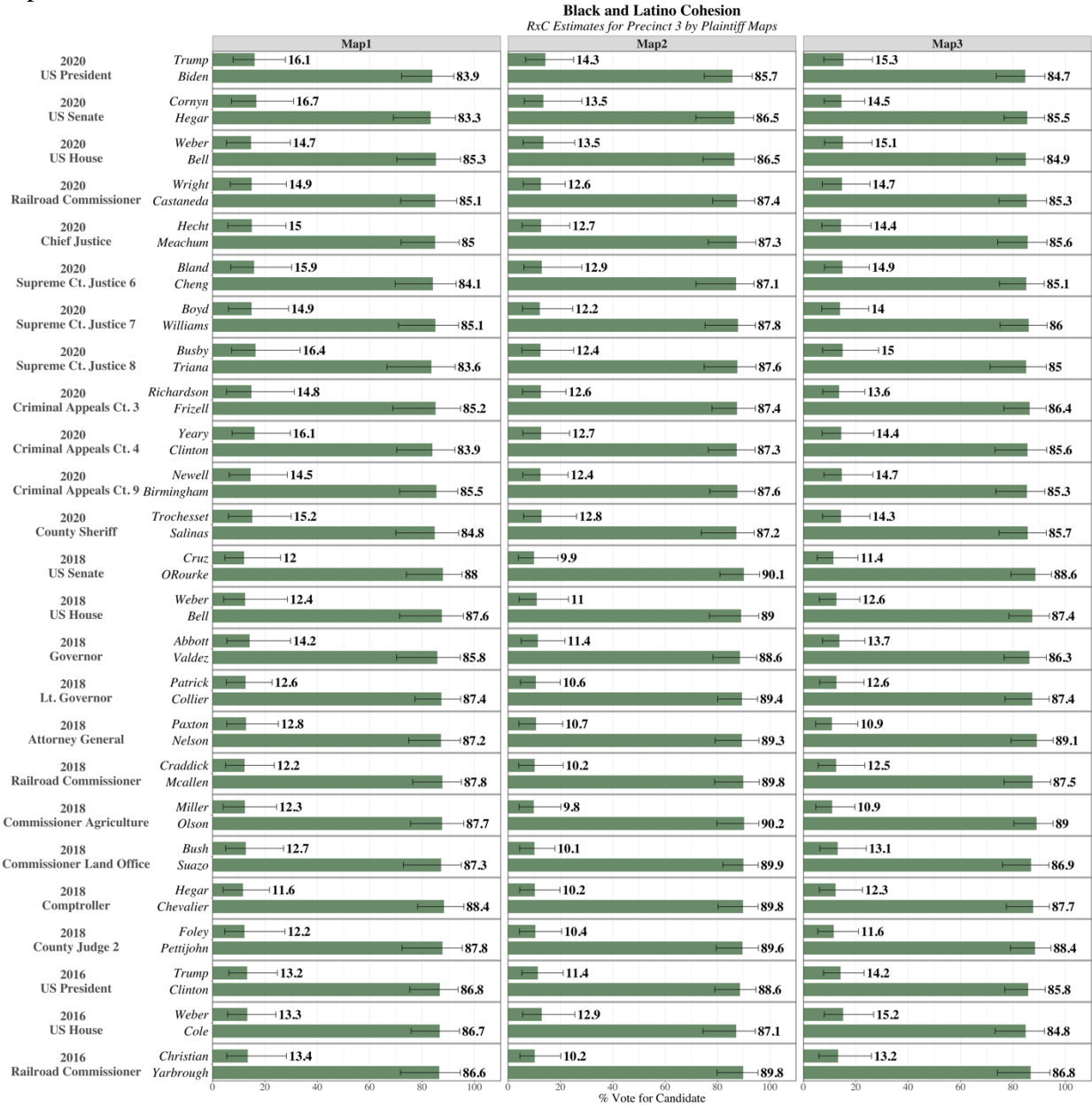
district, a countywide analysis remains the most reliable option for determining RPV; however, the precinct-level analysis below indicates that Black-Latino voters in each iteration of Plaintiffs' demonstrative majority-minority districts would vote cohesively for the same candidate of choice.

60. This is further supported by the electoral performance analyses summarized in Section VII of this the Report, which confirms that the Black-Latino preferred candidates would have lost in every new 2021 Commissioners precinct. It stands to reason that if there is RPV in a district, replacing a majority Black-Latino CVAP population in the district with an Anglo CVAP majority would directly lead to the Black-Latino-preferred candidates losing every election in that district to the Anglo-preferred candidates. The corollary of that would be that, if there is RPV, reconfiguring the district to again be majority Black-Latino CVAP would result in the Black-Latino preferred candidates defeating the Anglo-preferred candidates in that district.
61. **Figure 13** below reflects the RxC model analysis for the eligible Black-Latino voters in Precinct 3 of the Plaintiff Maps 1, 2, and 3. Just as I found for my county-wide analysis, I find clear evidence of Black-Latino cohesive voting patterns within these demonstrative precincts. In fact, all elections show Black-Latino support of at least 83% for their candidates of choice.

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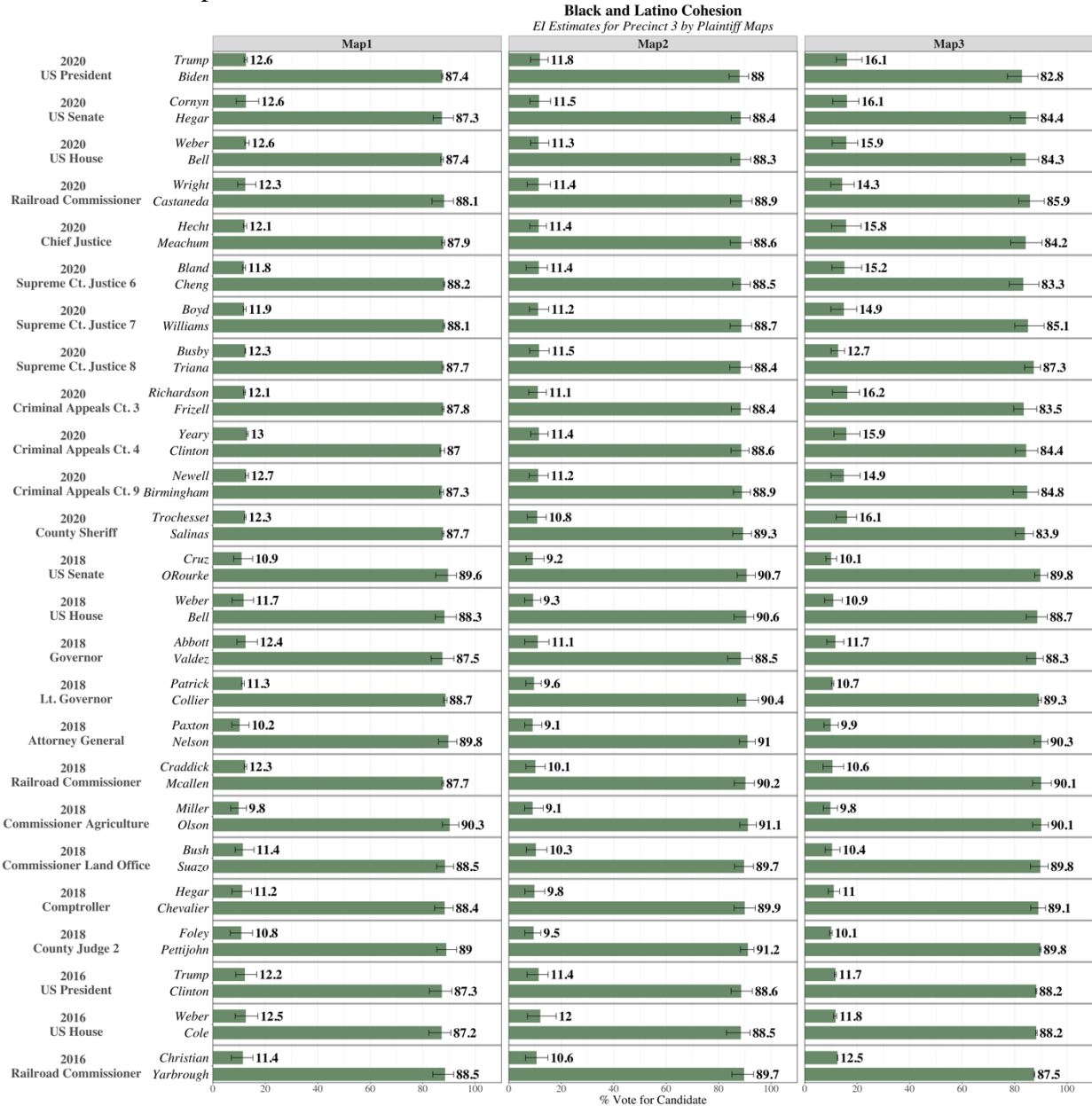
Figure 13: RxC Estimates of Black-Latino Candidate Preferences in Precinct 3 of Demonstrative Maps 1, 2, and 3



62. **Figure 14** below shows the EI iterative model analysis for the eligible Black-Latino voters in Precinct 3 of the Plaintiff Maps 1, 2, and 3. As can be seen, the EI results are highly consistent with the vote estimates produced by the RxC model. Once again, I find clear evidence of Black-Latino cohesive voting patterns within these demonstrative precincts.

Report of Dr. Kassra Oskooii

Figure 14: Iterative EI Estimates of Black-Latino Candidate Preferences in Precinct 3 of Demonstrative Maps 1, 2, and 3



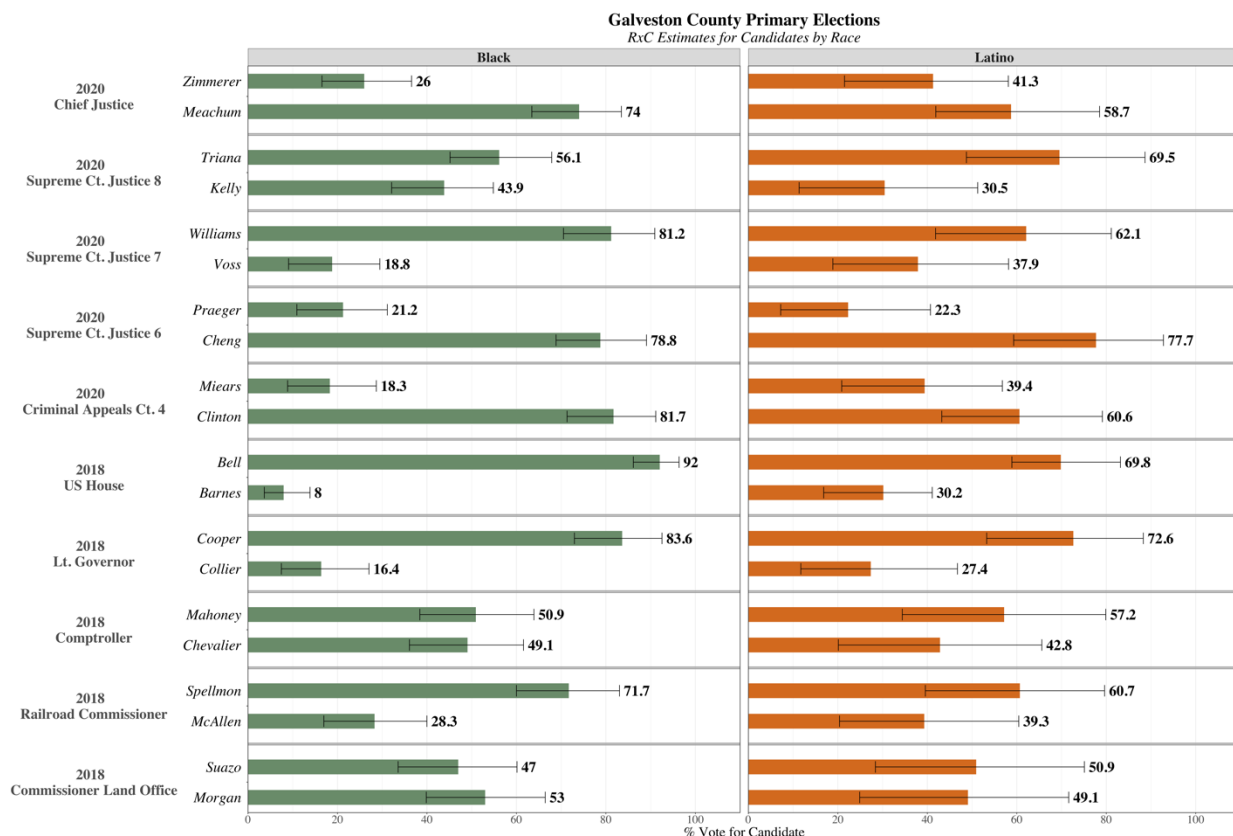
E. Supplemental Analysis of Racially Polarized Voting in Primary Elections

63. For the reasons stated in paragraph 24 above, primary elections should generally not be considered as having significant probative value in assessing the voting patterns of whole demographic groups or in answering the fundamental RPV questions posed by *Gingles* (the *Gingles II* and *III* factors). Nevertheless, as there may be some marginal value in adding additional context to voting patterns, I analyzed the 10 head-to-head Democratic Primary contests for which I was able to find data.

64. **Figure 15** below shows the analysis for the 10 elections:

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Figure 15: Galveston County Primary Election Analysis



65. As one would expect when comparing intra-party elections with low voter participation, preferences are not as strong for any one candidate as they are in general elections. Nevertheless, the vote point estimates for the analyses indicate that a majority of Black voters and of Latino voters shared the same candidate preferences in 9 out of 10 of the primary elections. In the sole election contest in which the point estimates indicate slightly different preferred candidates (2018 Commissioner Land Office), neither group had a particularly strong preference, with a less than 3% differential between the candidates.

66. To the extent primary election results are considered at all, these results show further contextual support for the cohesion of Black and Latino voters in Galveston County.

VII. Electoral Performance Analysis

67. Thus far, I have found clear evidence of RPV in Galveston County in the form of Anglo bloc voting patterns against candidates that Black and Latino voters cohesively voted for. I have also found that all the Black and Latino candidates of choice have received far less votes countywide than the Anglo preferred candidates (see **Table 1** above). The next question is whether this kind of Anglo bloc voting is sufficient to defeat Black-Latino candidates of choice across county commissioner precincts in the 2021 Commissioners Precinct map. To answer this question, I conducted electoral performance analyses in each Precinct of this map.

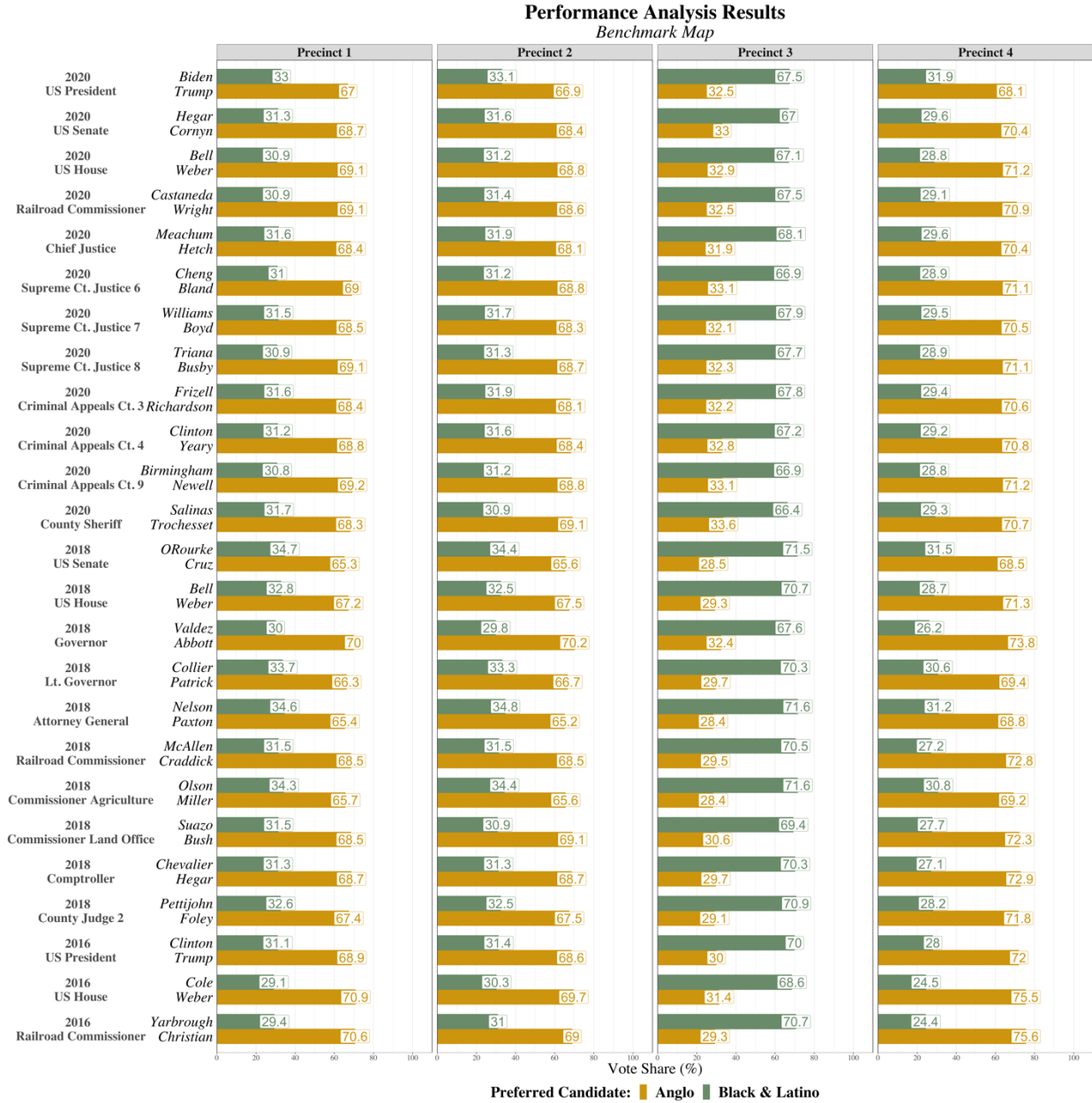
Report of Dr. Kassra Oskooii

68. An electoral performance analysis is a simple, yet effective approach to examining the success (or failure) of different candidates under different maps or precinct boundaries. To conduct a performance analysis, one does not need to rely on any estimation methods. All that is required is to identify the VTDs that fall inside the electoral jurisdictions of interest (e.g., 2021 adopted commissioner precinct boundaries) and then aggregate the candidate votes in each jurisdiction. The aggregated vote total for each candidate is then divided by the total votes cast in that given election in that jurisdiction (e.g., Commissioner precinct 3 of the 2021 adopted boundaries) to produce vote percentages.
69. To get a complete picture of how changes to political boundaries can impact the electoral success of Latino- and Black-preferred candidates, I first begin by looking at the 2012 Benchmark precinct boundaries. **Figure 16** plots the percentage of the votes each candidate received in each commissioner precinct (i.e., Precinct 1, Precinct 2, Precinct 3, and Precinct 4). Based on the RPV results discussed above, I was able to identify and color-code the preferred candidates of Black-Latino voters and Anglo voters.

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Report of Dr. Kassra Oskooii

Figure 16: Electoral Performance Results of the Benchmark 2012 Commissioner Precinct Boundaries

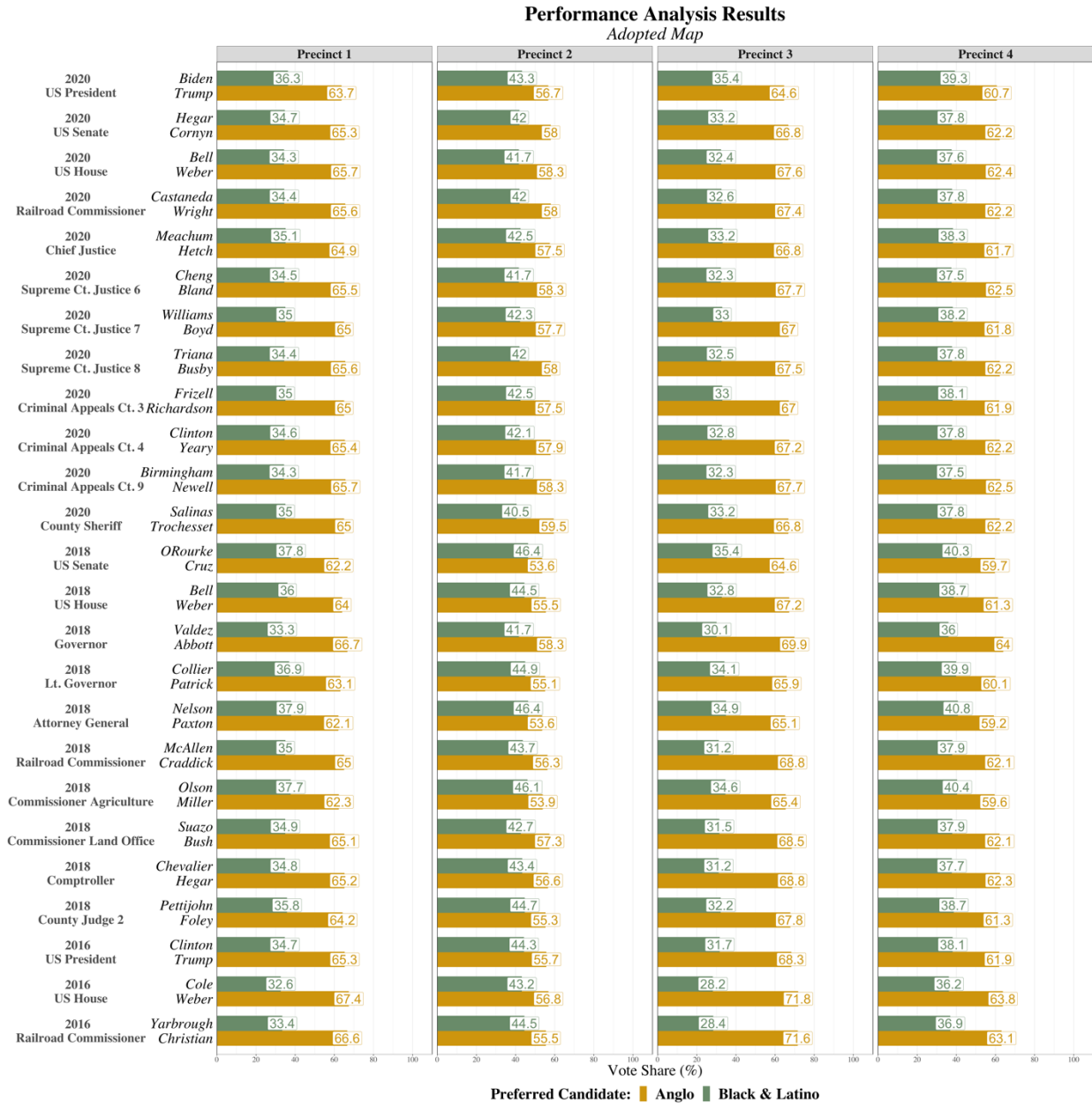


70. The performance results, which are based on actual vote counts rather than statistical estimates of vote choice, show that all the Anglo-preferred candidates in every commissioner precinct except for Precinct 3 beat the Black-Latino candidates of choice. Thus, in every majority Anglo precinct, the Anglo candidate of choice won election under the benchmark plan, which one would expect if there is RPV present. Also, as one would expect if RPV exists, the Black-Latino candidates of choice were able to defeat the Anglo candidates of choice in Precinct 3, which was the only majority-minority commissioner precinct in Galveston County under the pre-2021 benchmark plan.

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71. However, the changes made in the adopted 2021 Commissioners Precinct boundaries completely removed any opportunity Black and Latino voters have to elect their candidates of choice in any of the commissioner precincts. **Figure 17** is a performance analysis for each of the 2021 Commissioners Precincts using past electoral results. This figure conclusively shows that when past election results are matched to the 2021 Commissioners Precincts, the candidates of choice of Black and Latino voters will be defeated with clear and definitive margins in every new Precinct.

Figure 17: Electoral Performance Results of the Adopted 2021 Commissioner Precinct Boundaries



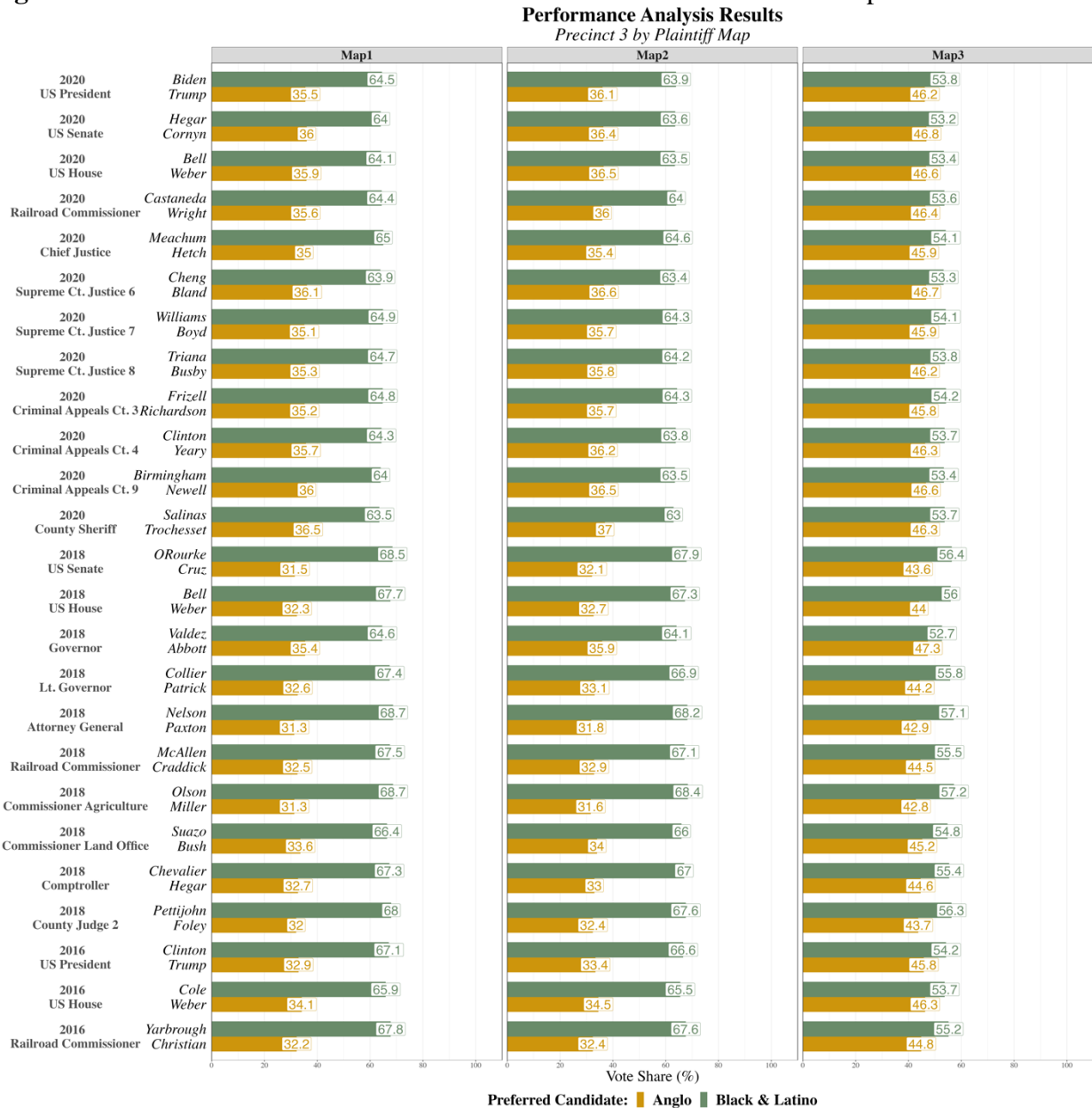
Report of Dr. Kassra Oskooii

72. As shown above, the Anglo-preferred candidate wins 25 out of 25 (100%) elections in each commissioner precinct. For 2021 adopted Precincts 1, 3, and 4, these margins range from 25 to 30% more vote share for the Anglo-preferred candidates. For 2021 adopted Precinct 2, the margins are slightly less, ranging from 7.2 – 16.6% more vote share for the Anglo-preferred candidates. Nonetheless, these margins show that even in elections that were competitive at a statewide level (for example the 2018 U.S. Senate race in which Cruz received 50.89% of the vote compared to O’Rourke’s 48.33% of the vote),³² the configuration of the 2021 Commissioners Precincts together with high Anglo bloc voting will make it virtually impossible for any Black and Latino candidate of choice to win an election in any 2021 Commissioners precinct.
73. In sum, **Figure 17** illustrates how Anglo-preferred candidates will almost certainly defeat minority preferred candidates in each of the adopted 2021 Commissioners Precincts. Consistent with the countywide results, the performance analysis shows that Anglo bloc voting is certainly sufficient to defeat Black-Latino preferred candidates in every adopted 2021 Commissioner Precinct.
74. These reconstituted election results also lend independent credence to the RPV analysis in the Report in that it follows as a logical conclusion that if there is significant RPV, then the only majority-minority precinct in the benchmark map would always elect the minority-preferred candidate while the three majority-majority precincts would never elect the minority-preferred candidate. Further, when the sole majority-minority precinct is eliminated in 2021, none of the now four majority-majority precincts elect a minority-preferred candidate.
75. For the same reason, it stands to reason that, given the stark RPV, a reconstituted majority-minority precinct would provide minority voters an opportunity to elect their candidate of choice. Reconstituted election results for each of Plaintiffs’ demonstrative precincts support this assertion. In **Figure 18** below I show the performance analysis results of the majority-minority Precinct 3 in each iteration of the Plaintiffs’ demonstrative maps. As the results show, Black and Latino voters will have the opportunity elect their candidates of choice under any of the three demonstrative boundaries.

³² https://elections.sos.state.tx.us/elchist331_state.htm.

Report of Dr. Kassra Oskooii

Figure 18: Electoral Performance of Plaintiff’s Precinct 3 Demonstrative Maps 1-3



VIII. Conclusion

I performed a variety of methodologically sound analyses and considered the issues presented from multiple angles, which led me to determine that racially polarized voting does exist in Galveston County both at the county-wide level and in specific commissioner precincts. Specifically, Black and Latino voters in Galveston vote cohesively for their candidates of choice, and Anglo voters vote as a bloc to oppose these candidates and to elect their own, distinct, candidate of choice. In the 2021 Commissioners Plan, Anglo voters will almost certainly vote as a bloc to prevent any chance of a Black and Latino candidate of choice from being elected.

Report of Dr. Kassra Oskooii

To the best of my knowledge, the foregoing report and its exhibits include all of the opinions I have formed to date that, if called upon to testify, I would provide in this matter. I have also included in the text, footnotes, and exhibits, all of the basis and reasons for these opinions, as well as all of the data, facts, assumptions, and authorities considered in forming them.



Kassra A.R. Oskooii
January 13, 2023

Exhibit B

Figure 1. Benchmark Map

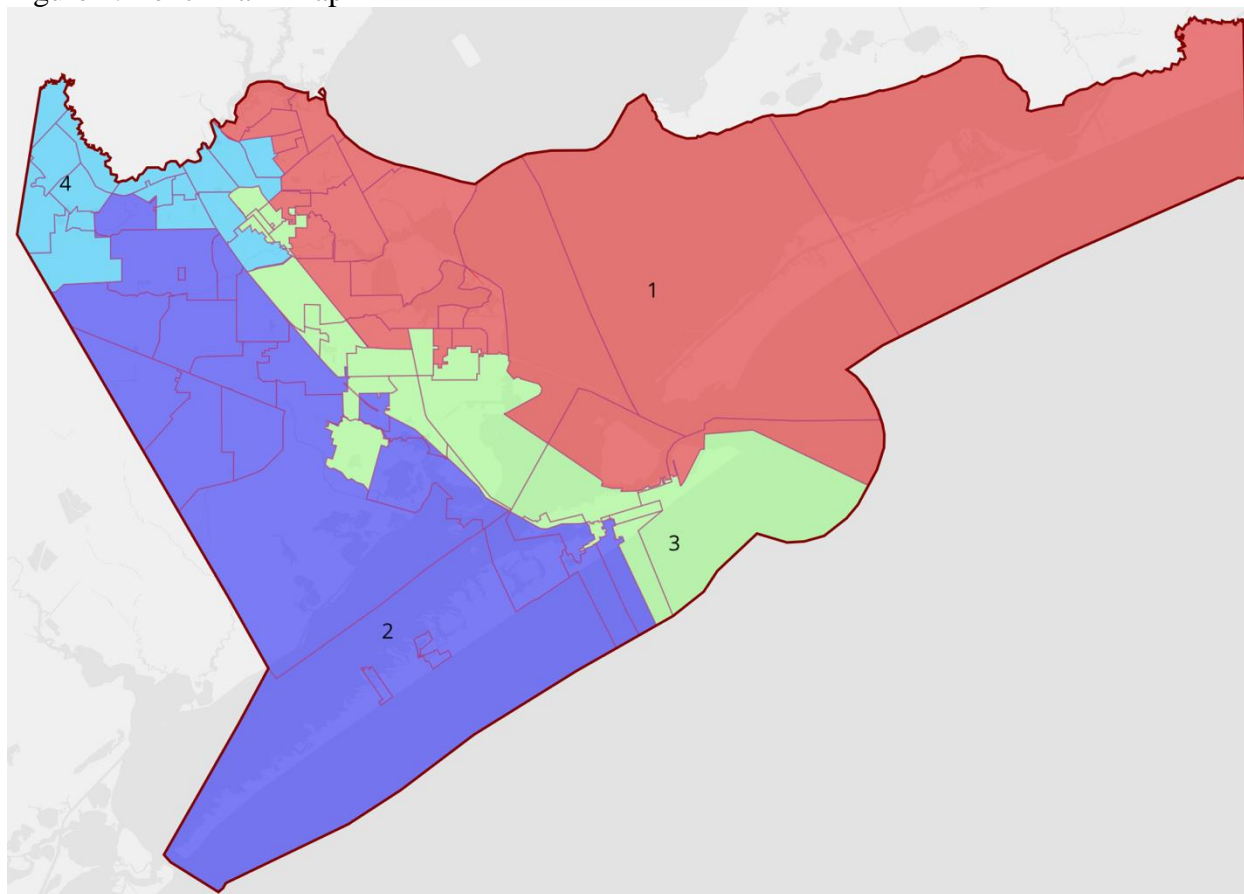


Figure 2. Adopted Map

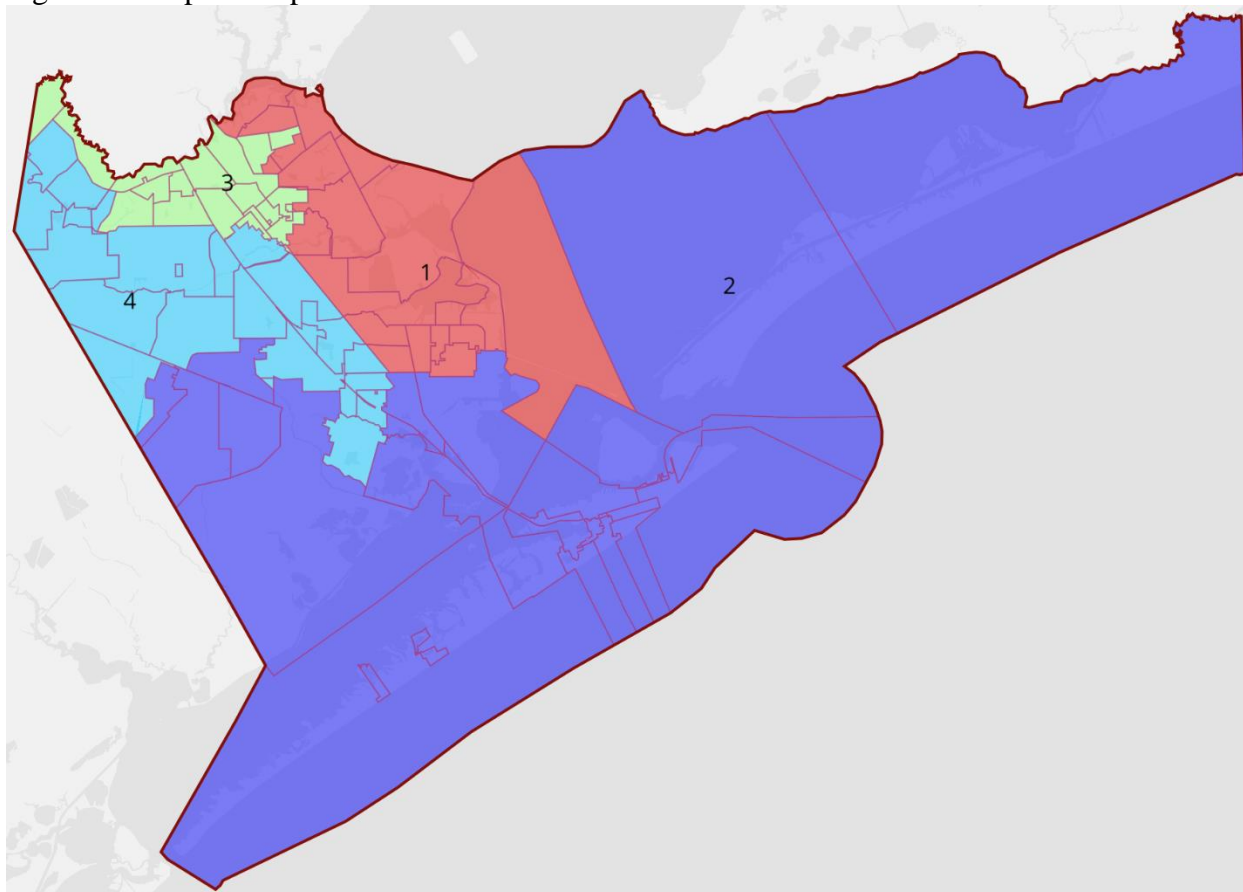


Figure 3. Plaintiff Map 1

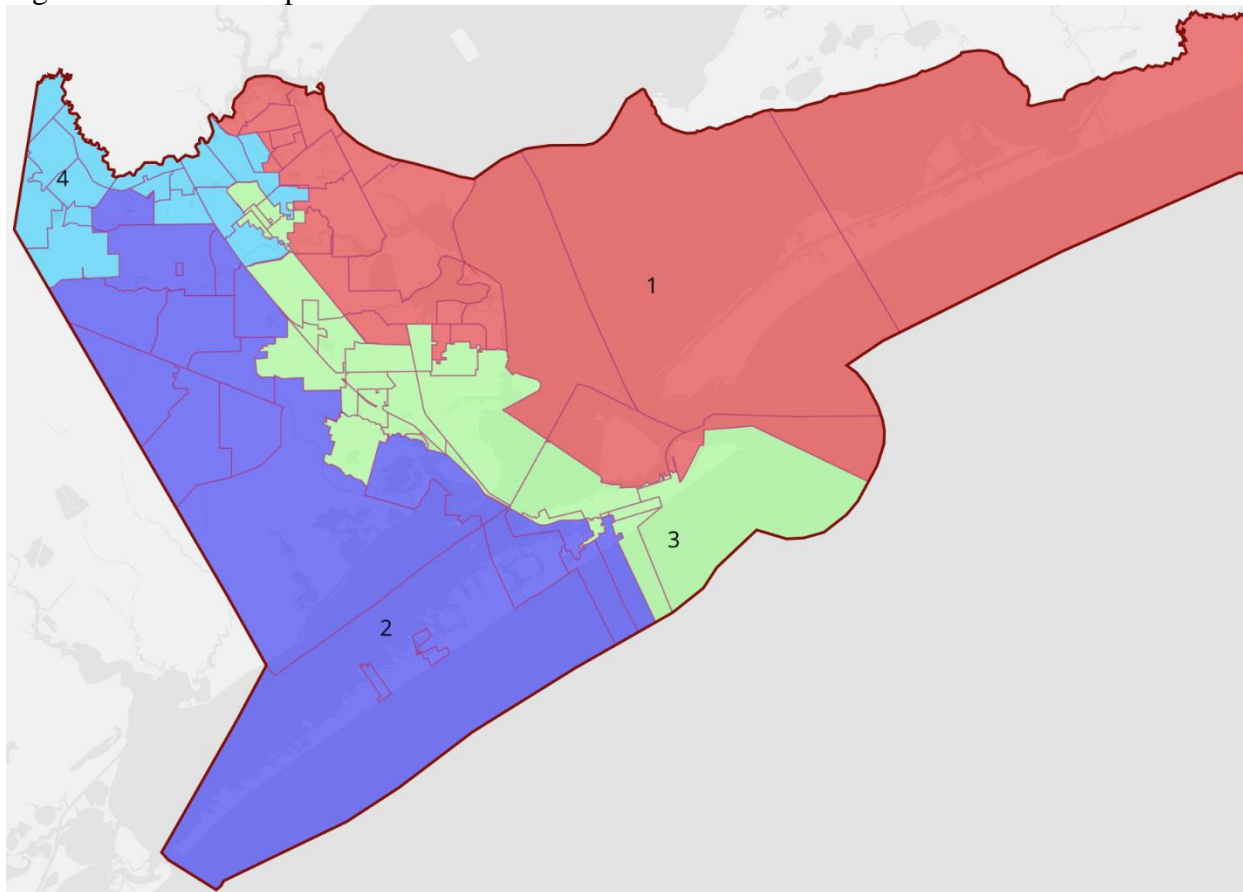


Figure 4. Plaintiff Map 2

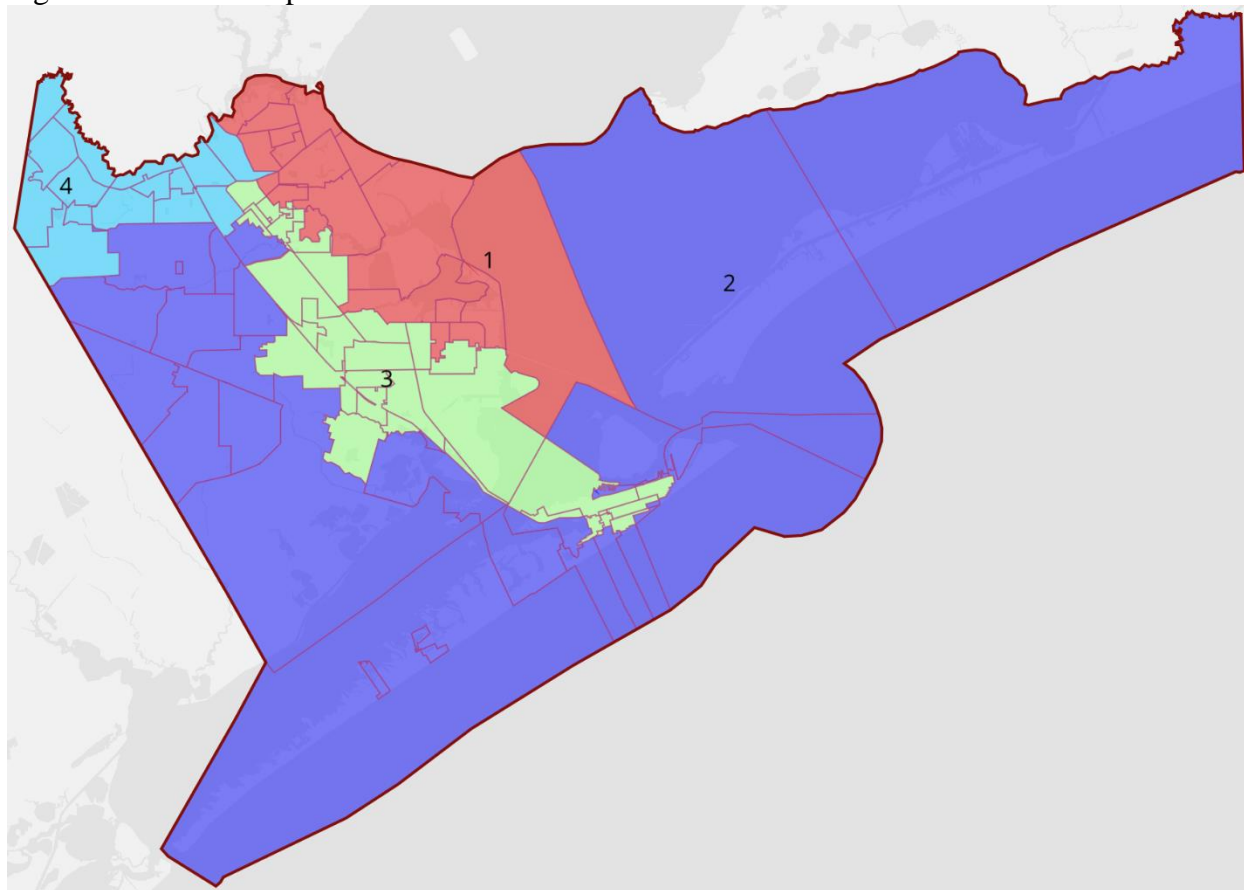


Figure 5. Plaintiff Map 3

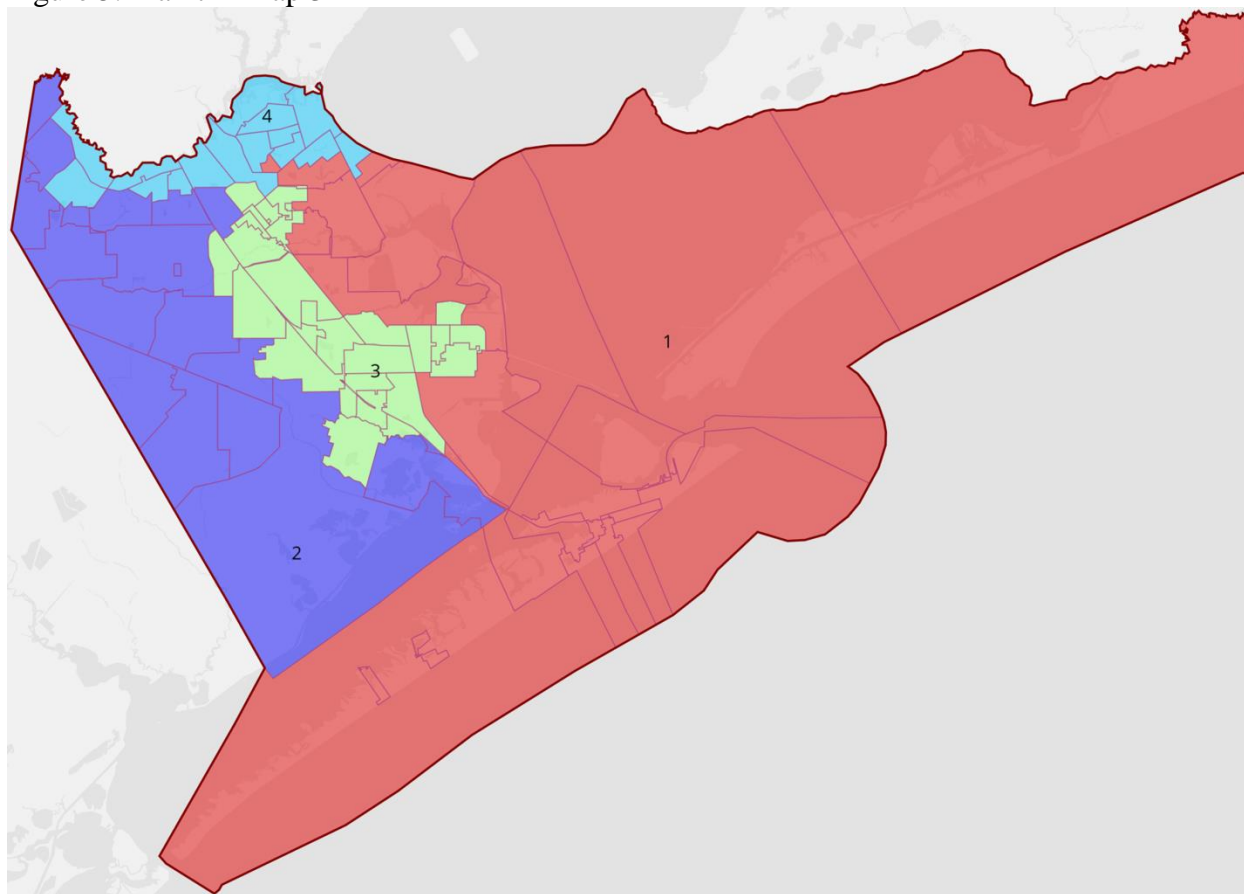


Exhibit C

Figure 8: Galveston County Anglo, Black, Latino RxC Estimates

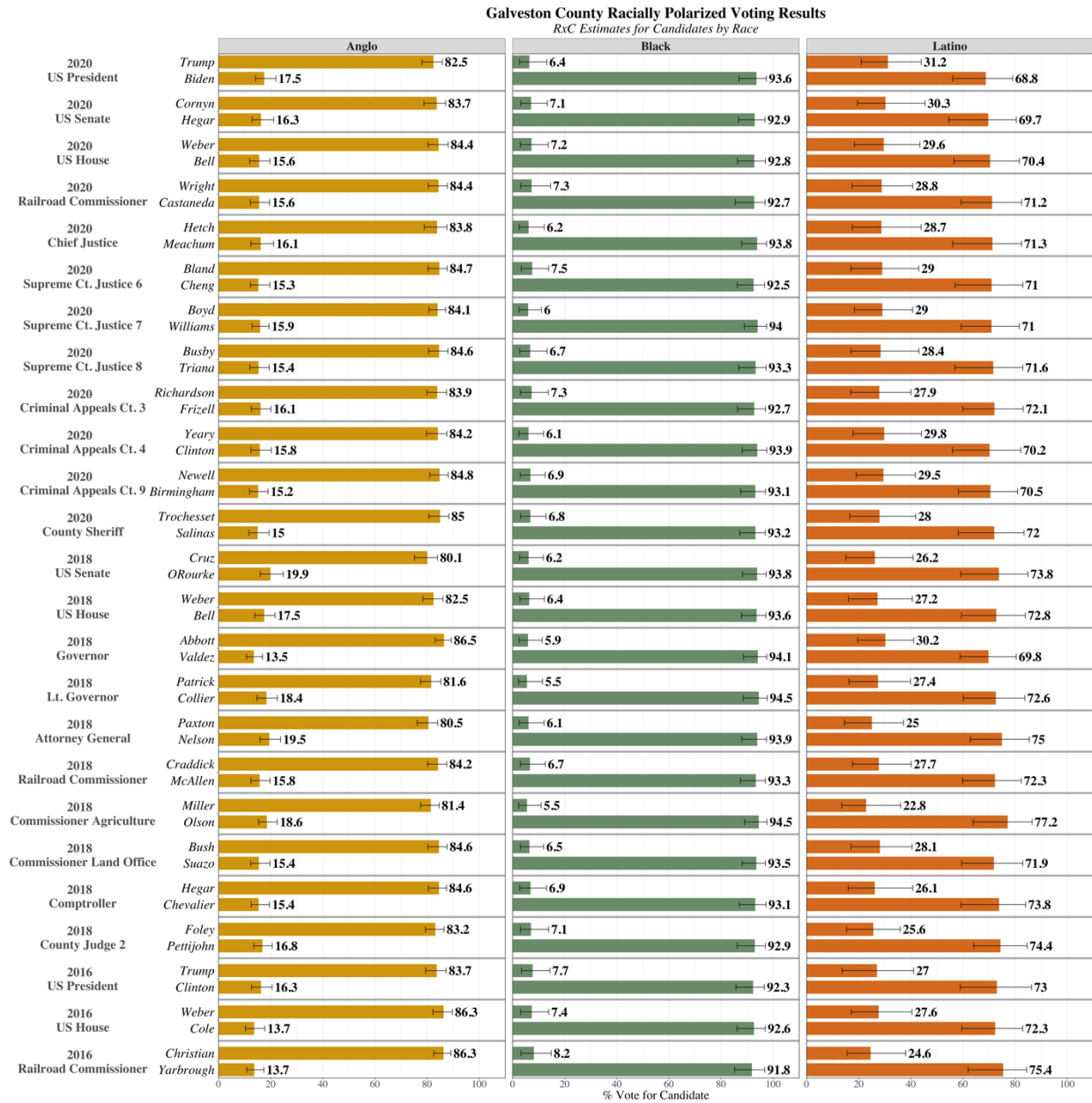


Figure 9: Galveston County Anglo, Black, Latino EI Estimates

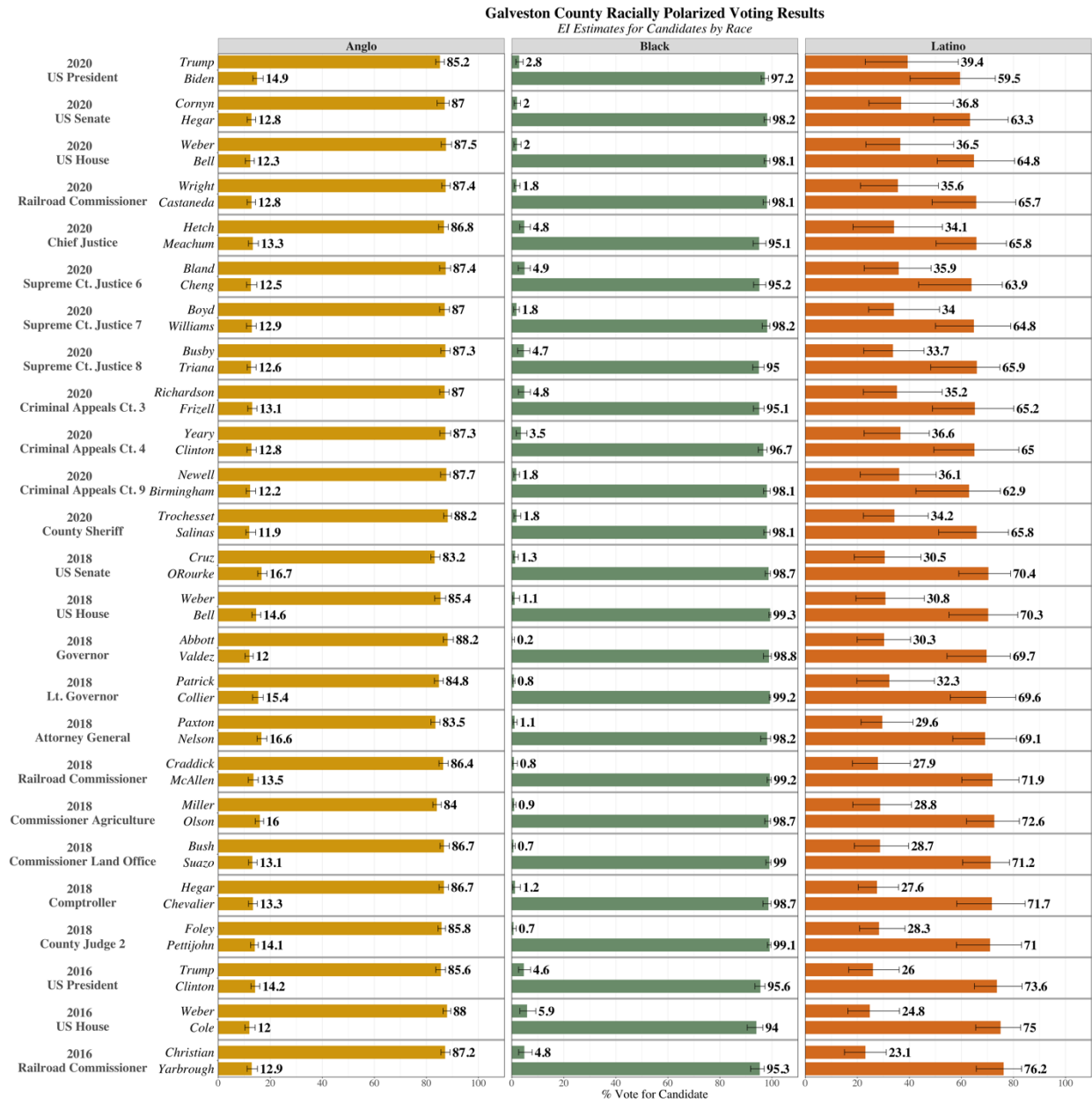
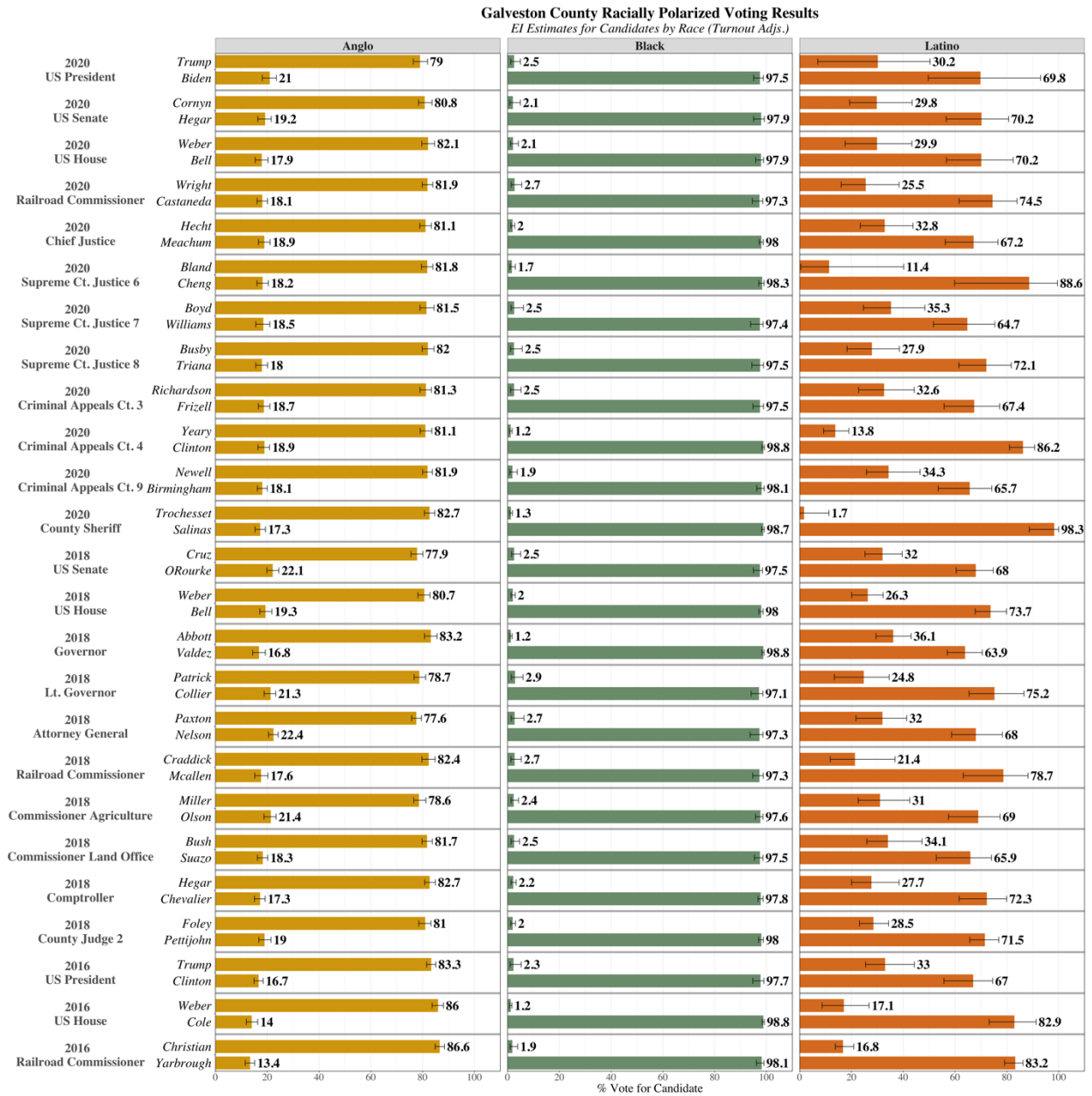


Figure 10: Galveston County Turnout-Adjusted RPV Estimates



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DICKINSON BAY AREA BRANCH	§	
NAACP, et al.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Civil Action No. 3:22-cv-117- JVB
	§	
GALVESTON COUNTY, TEXAS, et al.,	§	
	§	
<i>Defendants.</i>	§	

TERRY PETTEWAY, et al.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Civil Action No. 3:22-cv-57-JVB
	§	[Lead Consolidated Case]
	§	
GALVESTON COUNTY, TEXAS, et al.	§	
	§	
<i>Defendants.</i>	§	

UNITED STATES OF AMERICA,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 3:22-cv-93-JVB
	§	
GALVESTON COUNTY, TEXAS, et al.	§	
	§	
<i>Defendants.</i>	§	

REBUTTAL REPORT OF DR. KASSRA A.R. OSKOOII

April 4, 2023

1. My background and qualifications are set forth in my expert report dated January 13, 2023.
2. I have recently reviewed the report of Dr. Alford and now offer this rebuttal.

EXHIBIT 30

Dr. Alford changes the scope of the inquiry in an attempt to divert attention away from the clear Racially Polarized Voting patterns and Anglo Bloc-Voting in Galveston County.

3. Dr. Alford attempts to change the *Gingles* 2/3 bloc-voting framework to downplay evidence of strong patterns of racially polarized voting (“RPV”).
4. First, Dr. Alford changes the scope of the inquiry by attempting to explain *why* rather than *if* different demographic groups prefer different candidates, attributing one reason for the strong RPV patterns to the partisan labels of the candidates but not disputing that Anglo and Minority voters do prefer different candidates. However, an examination of RPV patterns is not an inquiry into the reasons underlying the vote choice of different demographic groups; simply put, RPV occurs when minority voters favor candidates (termed “candidates of choice”) that are disfavored by the majority racial group voters.
5. Additionally, one cannot assume that Anglo/Minority voters in Galveston County did or did not support Republican/Democratic candidates purely based on some sort of blind or uncritical allegiance to partisan labels that is devoid of any underlying or distinct group-based issue stances, concerns or priorities, and their related policy prescriptions. Indeed, the basis for Minority *and* Anglo support/opposition for candidates along party lines can be explained by Anglo/Minority voters’ past or present observations and perceptions that Republican/Democratic candidates, in Galveston County, tend to better represent their group’s interests. As such, Dr. Alford’s efforts to emphasize a connection between Anglo/Minority voting behavior and partisan labels in partisan elections neither undermines nor is at odds with the undisputed evidence that Minority voters in Galveston County prefer one set of candidates that Anglo voters disfavor, and that the opposition set of candidates that Anglo voters prefer consistently win in all the 2021 Commissioner precincts.

6. Second, Dr. Alford incorrectly substitutes “candidates of choice” with “minority candidates” in parts of his report (e.g., see Alford Report Page 5) to, once again, change the goal posts. In doing so, Dr. Alford draws deterministic conclusions about voting behavior and the race of the candidates. But one cannot automatically assume that racial/ethnic minority candidates are preferred by Minority voters as much as one cannot also assume that Anglo candidates are automatically the candidates of choice of Anglo voters. It is precisely for this reason that the courts have required experts to estimate vote choice to *determine* which candidates are preferred by Minority voters and which candidates are preferred by Anglo voters. Therefore, “minority candidates” is not interchangeable with minority “candidates of choice” as Dr. Alford appears to insinuate.
7. Although the race of candidates is not, on its own, relevant to determine who the Minority and Anglo candidates of choice are strictly for the *Gingles 2/3* analysis, the racial makeup of the candidates is telling in this instance as to the interconnectedness of race and partisanship in this jurisdiction and is consistent with what one might expect from a region where there is a high degree of racially polarized voting. Of the 25 contested general elections I analyzed, only 1 (4%) featured a Republican candidate, Ted Cruz, who may be readily externally identifiable by voters as a person of color (either by their physical appearance or by an ethnic surname). By contrast, 13 of the 25 contests (52%) featured a Democratic candidate who was readily externally identifiable as a person of color. Further, of the 22 Galveston County Government elected officials, only one out of 19 Republican (5.3%) officials is readily externally identifiable as a person of color, and that official, Commissioner Robin Armstrong, was appointed to an uncontested seat rather than nominated in a Republican primary election, and thus the requisite data does not exist to establish him as a candidate of choice for any group of

voters. By contrast 4 out of 4 (100%) of the current Democratic officials are readily externally identifiable as persons of color.¹ So, the data supports the conclusion that Anglo voters in Galveston County are nominating and voting for almost exclusively Anglo candidates in partisan general elections while Minority voters in Galveston County are nominating and voting for predominantly Minority candidates in such elections. This pattern suggests a deep connection between race and partisanship in the subject jurisdiction.

8. Third, Dr. Alford entirely misconstrues, either on purpose or through omission, the well-explained reason for including any primary voting analysis in my January 13 Report. Because generally over 85 percent of Anglos vote for Republican candidates in the general election—which happen to be their candidates of choice in Galveston County for a range of possible reasons not relevant to *Gingles 2/3* inquiries—one cannot draw any conclusions from projected Anglo voting in Democratic primaries. Any such voting does not represent the choice of the vast majority of Anglo voters in Galveston County and so cannot be taken as a basis for labeling somebody as the Anglo candidate of choice. Under these circumstances, polarization, such as it may be, would come from the fact that a meaningful number of Anglos do not participate in the Democratic Primary and a meaningful number of Minority voters do not participate in the Republican Primary (see my January 13 Report at pages 8-9 for further discussion).
9. Dr. Alford does not account for the very significant caveats I placed around primary voting analysis or the actual purpose of my inclusion of any primary analysis, which was to analyze whether even at the low-turnout, intra-primary contests, a majority of those Black and Hispanic

¹ The list of officials was obtained from the official Galveston County website available at <https://www.galvestoncountytexas.gov/our-county/elected-officials>. The list did not account for the new County Commissioner for Precinct 4, Robin Armstrong.

voters who do vote in primaries (which is a very small percentage of the total voters) share the same candidate preferences (January 13 Report at pages 8-9). Again, Dr. Alford attempts to alter the *Gingles* 2/3 bloc-voting framework by taking an inquiry which may have some marginal value in another context and trying to cram it into the well-established parameters for analyzing bloc voting. As courts have noted, “[p]rimaries are less probative than general elections for detecting racially polarized voting . . . because general elections present the same candidate pool to every voter, while primary elections limit voters to one party’s candidates.” *Patino v. City of Pasadena*, 230 F. Supp. 3d 667, 694 (S.D. Tex. 2017).

10. Finally, Dr. Alford attempts to establish bright line standards in opining about legally significant RPV while at the same time acknowledging that the courts have not adopted bright line standards. This approach is unpersuasive given that the United States Supreme Court in *Gingles* (describing what have come to be known as the second and third *Gingles* factors) has highlighted that:

As must be apparent, the degree of racial bloc voting that is cognizable as an element of a § 2 vote dilution claim will vary according to a variety of factual circumstances. Consequently, there is no simple doctrinal test for the existence of legally significant racial bloc voting.

Thornburg v. Gingles, 478 U.S. 30, 56 (1986).

11. The Court did, however, clearly lay out parameters for determining legally significant bloc voting, which political science experts have been applying for decades:

A showing that a significant number of minority group members usually vote for the same candidates is one way of proving the political cohesiveness necessary to a vote dilution claim, and, consequently, establishes minority bloc voting within the context of § 2. And, in general, a white bloc vote that normally will defeat the combined strength of minority support plus white “crossover” votes rises to the level of legally significant white bloc voting.

Thornburg v. Gingles, 478 U.S. 30, 56 (1986) (internal citations removed).

12. While there is “no simple doctrinal test for the existence of legally significant racial bloc voting,” Galveston County does not present a borderline case under any accepted method for analyzing bloc voting. In Galveston County, the RPV between Anglo and Minority voters is extensive and undeniable. As detailed in Figures 6 and 7 of my January 13 Report, the net difference between Black and Latino candidate voting preferences and that of Anglo voting preferences is consistently 70 percentage points or greater across the different contests.
13. Furthermore, the performance analysis results provided in my Report readily corroborate the significance of this polarization: when there is a majority-Minority district present in the County, the candidates of choice for Minority voters receive a majority of the votes in that district; when one eliminates the majority-Minority districts in the County, no candidates of choice for Minority voters receive a majority of votes in any of the Anglo-majority districts. This pattern undeniably follows the plain language laid out by the Supreme Court, which has been applied for decades: “a significant number of minority group members usually vote for the same candidates . . . [a]nd, in general, a white bloc vote that normally will defeat the combined strength of minority support plus white “crossover” votes.” Although a Voting Rights Act claim requires more than just a showing of the second and third *Gingles* factors, Galveston County is a textbook example of racially polarized voting and Dr. Alford’s attempt to change the framework in his Report does not alter my conclusions.

I reserve the right to supplement my declaration considering additional facts, testimony and/or materials that may come to light.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed: April 04, 2023

_____ 

_____ Dr. Kassra A.R. Oskooii

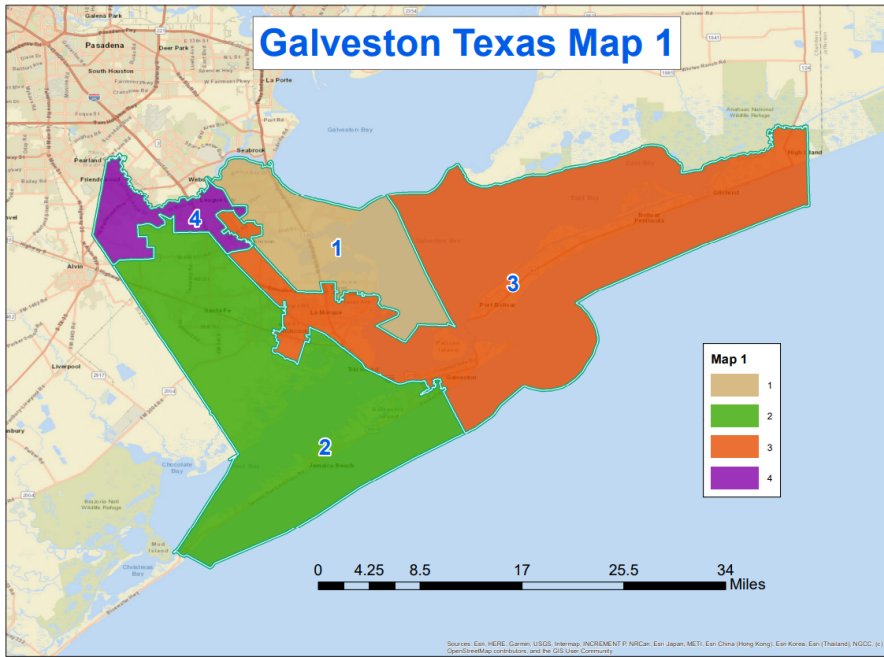
Redistricting

Galveston County Commissioners Proposed Precincts

The Galveston County Commissioners Court will be discussing and voting to redistrict county commissioner's precincts in the next few weeks. Below are the two proposed maps that will be considered. Public comment is now open for county residents via the form on this page.

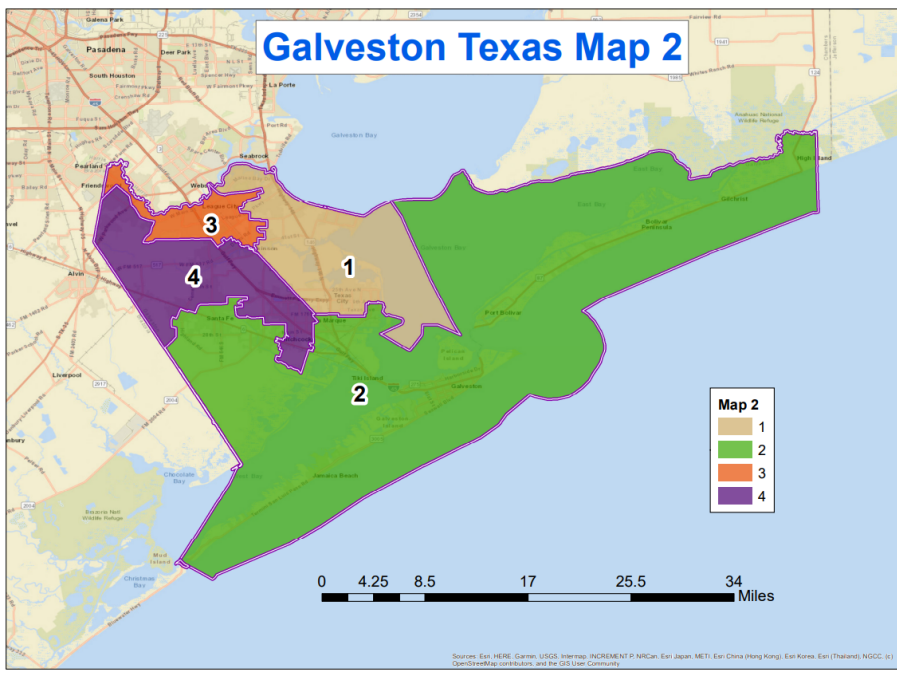
Interactive Redistricting Maps

You may click on the map to access an interactive version.



Proposed Redistricting Map 2

You may click on the map to access an interactive version.



**Exhibit
0028**
1/17/2023
Mark Henry

Public Comment

EXHIBIT 31

Full Address

Street Number and Name

Unit Number

City *State/Province/Region*

Postal/ZIP Code

Full Name

First Name *Last Name*

Comment

500 Character limit 500 characters

To receive a copy of your submission, please fill out your email address below and submit.

Email Address

I'm not a robot reCAPTCHA
Privacy - Terms