

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

TERRY PETTEWAY, <i>et al.</i> ,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	Civil Action No. 3:22-cv-57
GALVESTON, TEXAS, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

UNITED STATES OF AMERICA,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	Civil Action No. 3:22-cv-93
GALVESTON, TEXAS, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

Dickinson Bay Area Branch NAACP, <i>et al.</i> ,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	Civil Action No. 3:22-cv-117
GALVESTON, TEXAS, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

**PETTEWAY PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

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NATURE AND STAGE OF PROCEEDING

This case was filed by Plaintiffs Terry Petteway, Penny Pope, and Derreck Rose (“Petteway Plaintiffs” or “Plaintiffs”) to challenge the 2021 redistricting process for the Galveston County Commissioners Court.¹ Petteway Plaintiffs allege that Defendants have violated Section 2 of the Voting Rights Act (“VRA”), as well as the Fourteenth and Fifteenth Amendments of the U.S. Constitution. On June 8, 2022, Defendants filed a Motion to Dismiss, Doc. 46, which this Court granted as to former Plaintiff Michael Montez, but denied as to all remaining claims on March 30, 2023. Doc. 125. Discovery has closed,² and trial is set for August 7, 2023. Defendants now move for Summary Judgment on Counts 3, 4, and 5 of the Petteway Plaintiffs’ Second Amended Complaint. *See* Defs’ Br. at 1-2; Petteway Plaintiffs’ Second Amended Complaint (“SAC”), Doc. 42 at 30-32.

SUMMARY OF ARGUMENT

Defendants’ Motion for Summary Judgment should be denied. Defendants contend that Plaintiffs have failed to satisfy the three *Gingles* preconditions necessary to establish a violation under Section 2 of the VRA, and that they are entitled to summary judgment on Plaintiffs’ racial gerrymandering claim. Defendants are wrong on each score.

First, Petteway Plaintiffs have satisfied the first *Gingles* prong. Indeed, the County itself proposed a map in which Black and Hispanic voters formed the majority of eligible voters in the historical opportunity district, Precinct 3. Their own proposed map—

¹ Additional Plaintiffs Sonny James and Michael Montez have since been dismissed. *See* Docs. 100, 125.

² The depositions of Thomas Bryan and Dale Oldham have not yet occurred; Mr. Bryan provided only one day of availability in the next month for his deposition—June 20, 2023. This may necessitate a supplement to this opposition.

ultimately rejected by the Commissioners Court—thus defeats Defendants’ motion with respect to *Gingles* 1. Moreover, Petteway Plaintiffs’ expert, Mr. Tye Rush, drew several demonstration and alternative maps that satisfy *Gingles* 1, including several that retain a coastal precinct—the purported main redistricting objective of the majority-bloc of the Commission.

Second, Defendants’ contention that there are no disputed facts as to *Gingles* 2 and 3 is likewise misplaced. The record evidence shows that voting in Galveston County is highly racially polarized, specifically, that Black and Hispanic voters routinely vote cohesively for one set of candidates while white voters vote in polar opposition. Moreover, the record evidence shows that, in the absence of a district drawn to ensure an equal opportunity for Black and Hispanic voters, white voters usually defeat the preferred candidates of minority voters. Defendants incorrectly contend that the evidence shows that partisanship, not race, explains the voting patterns. As Plaintiffs’ experts, Dr. Matt Barreto and Mr. Michael Rios, show, partisanship is merely a proxy for race in Galveston County.

Third, substantial record evidence supports Plaintiffs’ racial gerrymandering claim. The evidence shows that, contrary to his claim otherwise, the Galveston County mapdrawer, Thomas Bryan, considered racial data in his mapdrawing process. Moreover, the three Commissioners responsible for adopting the plan did not list partisanship as a motivation, and two of the three have expressly stated that partisan considerations played no role in their choice. The record also contains powerful evidence of alternative maps that show that a coastal precinct could have—and would have— been drawn without surgically dismantling the existing majority-minority Precinct, demonstrating the pretextual nature of

the coastal precinct rationale. This evidence precludes Defendants’ motion for summary judgment on Plaintiffs’ racial gerrymandering claim.³

COUNTER-STATEMENT OF FACT

I. The 2020 Census revealed population growth among Black and Hispanic Galveston residents in the past decade.

The total population of Galveston County increased by more than 20 percent, from 291,309 residents in 2010 to 350,682 residents in 2020. SAC, Doc. 42 ¶ 48; Answer to SAC, Doc. 142 ¶ 48. Additionally, the Black citizen voting age population (“CVAP”) in the County increased from 28,315 in 2010 to 30,190 in 2020. Ex. 2 (Decl. of Tye Rush; hereinafter “Rush Corrected Rep.”) at 4. The Hispanic or Latino CVAP increased from 29,350 in 2010 to 42,775 in 2020. *Id.* As a result of this substantial growth in the County’s minority population, the white share of the County’s CVAP fell from 67.4 percent in 2010 to 64.1 percent in 2020. *Id.*

II. The Benchmark Plan.

The Benchmark Plan—the plan used for Commissioners Court elections from 2012 to 2021—contained one precinct, Precinct 3, in which Black and Hispanic voters formed a majority of the voting age population (“VAP”). Using 2020 Census data, the CVAP of Benchmark Precinct 3 is 33.17 percent Black and 33.94 percent Latino. Ex. 3 (Expert Decl. and Rep. of William S. Cooper; hereinafter “Cooper Rep.”) at 123. As a majority-minority Commissioner district on both a VAP and CVAP basis, Precinct 3 in the Benchmark Plan

³ Defendants provide no argument as to the totality-of-circumstances factors. As Plaintiffs’ expert Dr. Traci Burch demonstrates, Ex. 1 (Expert Decl. and Rep. of Traci Burch; hereinafter “Burch Rep.”) at 21-38, Black and Hispanic residents in Galveston County easily satisfy the totality of the circumstances test.

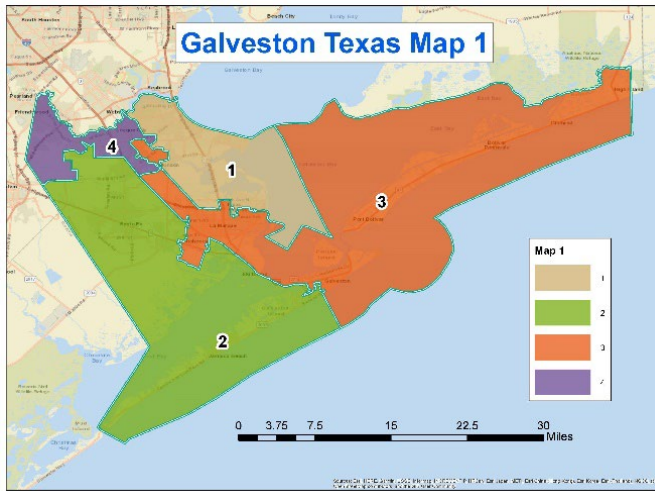
has long performed to provide Black and Hispanic voters the opportunity to elect their preferred candidate. *See, e.g., id.* ¶¶ 50-51, 123. Until the filing of this lawsuit,⁴ Precinct 3 was the only Commissioners Court district that elected a minority candidate, and remains the only district where a minority candidate has won a primary and contested general election. *See* Ex. 4 (Decl. of Dr. Matt A. Barreto and Michael Rios, MPP; hereinafter “Barreto Rep.”) ¶ 27, Table 2 at 14.

Based on population growth, the 2020 Census revealed that the Benchmark Plan was malapportioned. SAC, Doc. 42 ¶ 63; Answer to SAC, Doc. 142 ¶ 63. Shifting just one voting district in the Benchmark Plan, however, would have balanced the population to be within a legally permissive deviation. *See, e.g.,* Ex. 24 at DEFS00036191-36193.

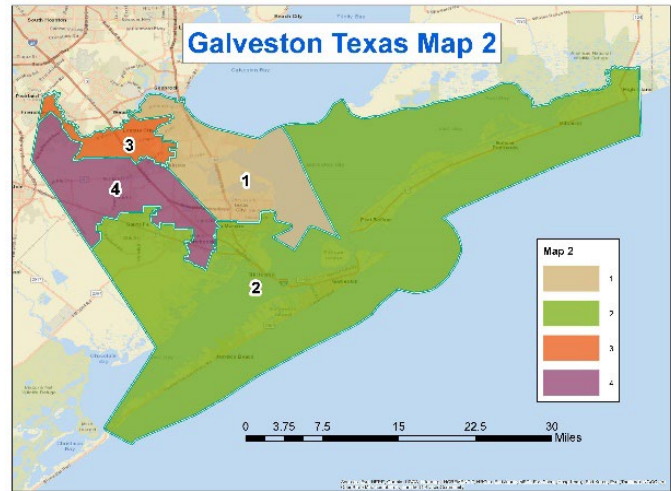
III. The 2021 redistricting process lacked consideration of community concerns.

Defendants ultimately proposed two redistricting maps to the public on October 29, 2021. Ex. 25 (Defs.’ Responses to United States’ Requests for Admissions) ¶ 45. The first proposal, Map 1, largely maintained the same lines as the Benchmark Plan, but added the mostly Anglo Bolivar Peninsula to Commissioner Precinct 3. *See* Doc. 176-31 at 43 (Ex. 28 to Henry Dep.) (displaying Proposed Map 1); SAC, Doc. 42 ¶ 72; Answer to SAC, Doc. 142 ¶ 72; Ex. 24 at DEFS00036191-36193. Under this proposal, Precinct 3 would have retained its status as a majority-minority VAP precinct, and Black and Latino voters would have constituted 55 percent of the precinct’s CVAP. Ex. 2 (Rush Corrected Rep.) ¶¶ 67-68.

⁴ During this litigation, Commissioner Ken Clark passed away, and Commissioner Robin Armstrong was appointed to his seat. Commissioner Armstrong ran unopposed in 2022, in the Precinct 4 primary and general elections.



Proposed Map 1



Proposed Map 2 (Enacted Plan)

The second proposal, Map 2 (“Enacted Plan”)—which was ultimately adopted—entirely dismantled Precinct 3 and fragmented Galveston County’s minority population evenly among all four Precincts. See Doc. 176-31 at 43 (Ex. 28 to Henry Dep.) (displaying Proposed Map 2); Ex. 26 at DEFS00018660.

No Commissioner precinct in the Enacted Plan is majority-minority. Ex. 4 (Barreto Rep.) ¶ 45, 14; Ex. 2 (Rush Corrected Rep.) ¶ 55. By spreading the County’s Black and Latino population across all four Commissioner precincts, the County has ensured that minority voters will have no opportunity to elect their preferred candidate in any precinct. Ex. 4 (Barreto Rep.) ¶ 45.

On November 12, 2021, the Commissioners Court held the first and only public meeting regarding the two proposed redistricting plans. SAC, Doc. 42 ¶ 76; Answer to SAC, Doc. 142 ¶ 76. It was set one day before the November 13, 2021 deadline to submit enacted plans to the Texas Secretary of State—even though Defendants had made plans to redistrict in early 2022, *see, e.g.*, Dep. of Tyler Drummond, Ex. 10 at 154:12-22; Dep. of

Mark Henry, Ex. 11 at 289:8-290:1, Ex. 27 at DEFS00013498; Ex. 28 (Ex. 17 to Henry Dep.) at 11; Ex. 29 at DEFS00029196; Ex. 30 at DEFS00011722, and were aware that redistricting needed to occur before the November 2021 candidate filing deadline for the next Commissioners Court election, *see* Henry Dep. Ex. 11 at 281:5-9. Indeed, evidence shows that it was always the Commissioners’ intent to adopt a plan the same day as the sole public hearing, originally intending to do so weeks prior to the deadline. *See, e.g.*, Ex. 31 at DEFS00036272 (“[W]e’re past our deadline on this project where we originally wanted to have a special meeting tomorrow [October 29] to discuss and possibly adopt.”).

During the November 12 hearing, the Commissioners Court heard public testimony on the adoption of the Enacted Plan. Many residents—and an overwhelming majority of speakers—expressed concern that the map would significantly dilute minority communities’ voting strength in the County and eliminate any opportunity for Black and Latino voters to elect their candidate of choice. *See generally* Nov. 12, 2021 Hearing Transcript, Ex. 32.⁵ Residents likewise alleged that Map 2 was drawn to ensure the electoral defeat of Precinct 3 Commissioner Stephen Holmes, who residents described as the only commissioner to represent the interests of the Black and Latino community. One Galveston County resident who spoke at the hearing explained that she was “against the

⁵ *See also* Dep. of Derreck Rose, Ex. 13 at 42:4-14 (noting that residents in attendance were “appalled” by the proposed maps because “they would not have a voice, a person of their choice that they could vote on, [and] have a voice in their community”); Ex. 1 (Burch Rep.) at 37 (observing that “29 people spoke against the redistricting plans in the November 12 special session, with only one person clearly supporting the plan”); Dep. of Darrell Apffel, Ex. 14 at 221:15-24. This does not include the more than 100 comments the commissioners received through the public comment portal expressing concerns about racial discrimination and minority vote suppression. Burch Rep. Ex. 1 at 35. Judge Henry and Commissioners Apffel and Giusti admit that they did not read all, or even most, of the more than 500 comments made through the online portal. *See* Dep. of Mark Henry, Ex. 11 at 273:19-274:16; Apffel Dep. Ex. 14 at 176:15-23, 187:7-12; Dep. of Joseph Giusti, Ex. 15 at 128:17-129:12, 135:3-9.

proposed maps” because they “annihilated Commissioner Holmes’ precinct, and I knew that would be detrimental to the community at large,” as “that was the only majority/minority area in the county where the voters felt that they could elect a candidate of their choice.” Dep. of Roxy Hall Williamson, Ex. 12 at 98:8-24.⁶

The commissioners did not respond to any concerns raised by members of the public at the November 12 hearing, or otherwise incorporate any public feedback into the Enacted Plan before voting to approve it. *See, e.g.*, Giusti Dep. Ex. 15 at 157:19-158:11 (admitting that there was no “consideration made by the commissioners either during or following the special session to tweak the plan in response to” public comments); *id.* at 273:21-274:9; Apffel Dep. Ex. 14 at 221:25-222:9. Only Commissioner Holmes objected to the proposed maps; he also introduced his own proposed alternative maps that maintained Precinct 3 as an opportunity district, which the commissioners did not discuss or put to a vote. *See* Nov. 12, 2021 Hearing Transcript, Ex. 32 at 76:3-16; Ex. 33 at Holmes 000323-346; Apffel Dep. Ex. 14 at 222:10:223:1.

Instead, the Commissioners Court voted 3-1 to adopt Map 2 at the November 12, 2021, hearing. *See* Nov. 12, 2021 Hearing Transcript, Ex. 32 at 81:5-12; Ex. 34 at DEFS00011471-11473 (order adopting map).⁷

⁶ *See also* Hall Williamson Dep., Ex. 12, at 54:3-5 (“currently Stephen Holmes is the favorite guy.... If it were not him, another person of color or person of their choice”); *id.* at 100:2-10; Giusti Dep. Ex. 15 at 258:18-259:10 (admitting that residents described effective representation by Commissioner Holmes and concerns that they “would not be as well represented with someone else”).

⁷ Commissioner Holmes voted against the map, while Commissioner Ken Clark was absent from the vote. *See* Ex. 34 at DEFS00011471-11473.

IV. Defendants intentionally diluted the votes of Black and Hispanic voters.

Under the Enacted Plan, Precinct 3's CVAP is now just 9 percent Black and 19 percent Hispanic. Ex. 4 (Barreto Rep.) at 14. The Enacted Plan visibly cracks the Black and Hispanic communities across all four Precincts, including splitting Black and Hispanic communities in the majority-minority cities of La Marque and Texas City. Ex. 2 (Rush Corrected Rep.) ¶¶ 55, 57-64.

The evidence shows that Defendants considered race during the redistricting process. To draw the proposed maps, the Commissioners employed the same attorneys who drew the maps denied preclearance by the Department of Justice in 2011.⁸ *See* Henry Dep. Ex. 11 at 74:12-21; 131:3-11; Ex. 35 at US0000017-21. Moreover, Defendants' mapmaker in 2021, Thomas Bryan, created multiple maps which explicitly considered race, generating a spreadsheet that contained detailed racial data of the maps. *See* Ex. 36 at DEFS00031696; Ex. 26 at DEFS00018660.

Judge Henry and Commissioners Giusti and Apffel have also testified to their knowledge of the County's racial demographics and concentration of minorities in benchmark Precinct 3. *See* Henry Dep. Ex. 11 at 268:24-269:1 (Q. "You have an idea of where, you know, minority populations live, right?" A. To some extent, I suppose."); *id.* at 225:23-226:1 (Q. "You were aware from the 2011 litigation, weren't you, that Precinct 3

⁸ This is also a fact which raised grave concerns among members of the public, with respect to the discriminatory nature of the proposed maps. *See, e.g.*, Dep. of Lucretia Lofton, Ex. 16 at 189:14-25; Dep. of Barbara Anders, Ex. 17 at 182:23-183:1 ("[T]he same people that drew these maps did the same ones in 2011 that tried to dilute the voting population of Black and Brown people in Galveston County."); *id.* at 243:7-12 ("[The commissioners] had all the statistics and stuff and what the map[] was going to do. They didn't put that out to the public so they could see it. So they were aware. They hired the map drawing people. They could ask them. They could see what the calls and what the effects would be when they had different scenarios.").

was the only majority/minority district in the whole county, right?” A. “Yes.”); Apffel Dep. Ex. 14 at 284:4-7 (Q. “And so, you have a rough idea of where certain ethnic groups and racial groups live... in the county currently?” A. “Yes.”); Giusti Dep. Ex. 15 at 165:20-166:8 (admitting that, benchmark Precinct 3 had a majority-minority Black and Hispanic voting age and registered voter population); *id.* at 174:2-6, 175:11-13.

Judge Henry and Commissioner Apffel have likewise both acknowledged seeing racial data prior to voting on the proposed plans. *See* Henry Dep. Ex. 11 at 54:15-20 (testifying that he sees demographic data “when we’re doing redistricting as it’s presented to me”); *id.* at 246:5-11, 261:13-16; Ex. 37 at US0001534 (Galveston Daily News article quoting Commissioner Apffel, “I saw [the racial makeup of the proposed maps], but just for a second.”); Apffel Dep. Ex. 14 at 227:3-5 (“So my recollection is I didn’t look at [racial data]. But maybe that’s saying I did. If I did, it was just for a second.”); *id.* at 230:9-231:25. Commissioner Apffel likewise testified to his understanding of the correlation between partisanship and race in Galveston County. *See* Apffel Dep. Ex. 14 at 294:1-5.

The County approved the Enacted Plan despite knowing that alternative map proposals would maintain Commissioner Precinct 3 as a majority-minority district. Defendants have offered several rationales for adopting the Enacted Plan, including: 1) compliance with federal law, 2) creation of a coastal precinct combining Bolivar Peninsula and Galveston Island, 3) compactness of the district lines, 4) minimizing splitting voting precincts, 5) incumbency protection, and 6) partisanship. Ex. 38 (Defs’ Second Supp. Responses to Petteway Plaintiffs’ Requests for Production and Interrogatories) ¶ 1; *see also* Ex. 2 (Rush Corrected Rep.) ¶ 28.

But Defendants could have adopted a plan that achieves these goals without dismantling Precinct 3 as a majority-minority district. *See* Doc. 176-6 (Am. Owens Rep.) at 3 (Defendants’ expert describing equal white population among all four Precincts as a feature of the Enacted Plan); Ex. 5 (Expert Decl. & Rebuttal of Tye Rush, hereinafter “Rush Corrected Rebuttal”) ¶ 16 (demonstrating compact coastal precincts that complied with Defendants’ principles); Ex. 1 (Burch Rep.) at 12-14, 47-51. As Plaintiffs’ expert Dr. Burch notes, “the purported desire for a ‘coastal precinct’ cannot explain the fragmentation of the minority population” where several alternatives existed that maintained Precinct 3 as an opportunity district, and where the community expressed virtually no interest in the creation of a coastal precinct. Ex. 1 (Burch Rep.) at 12-14; *see also* Hall Williamson Dep. Ex. 12 at 97:8-18 (“no one was in favor of [a coastal precinct]”). No Commissioner who voted for the maps expressed partisanship as a motivation. Commissioner Giusti did not mention partisanship as a goal when asked. Giusti Dep. Ex. 15 at 53:11-21, 88:4-15, 138:12-25. And Judge Henry and Commissioner Apffel both emphatically denied in their deposition testimony having any partisan motivation for choosing Map 2. *See* Henry Dep. Ex. 11 at 257:3-7; at 258:15-20 (Q. “[I]s [] one of the reasons that you like [the enacted] map[] [that] it would help keep Galveston County red?” A. “No. I already had that with three commissioners.”); Apffel Dep. Ex. 14 at 193:6-8 (Q. “[W]as . . . partisanship a factor in your evaluation of these maps?” A. “Not at all.”); *id.* at 258:24-259-8, 147:23-148:2, 221:1-4 (testifying that he would “absolutely” oppose any attempt at partisan redistricting).

V. Black and Hispanic voters in Galveston exhibit political cohesion.

Black and Hispanic voters in Galveston County have a long history of shared

political and social interests, which results in strong political cohesion between the groups. Experts for the Petteway Plaintiffs, Dr. Barreto and Mr. Rios, found evidence of overwhelming racially polarized voting, as Black and Hispanic voters voted together in every election for local, state, and federal office between 2014 and 2022, while white voters consistently voted together to defeat the candidate preferred by Black and Latino voters. Ex. 4 (Barreto Rep.) ¶¶ 22-25. Residents confirm the shared interests and political cohesion of Black and Hispanic voters. *See, e.g.*, Dep. of Penny Pope, Ex. 18 at 66:9-20 (testifying that Black and Hispanic voters tend to support the same or similar candidates); *id.* at 38:5-12, 40:19-24, 42:3-18, 43:3-13, 68:9-16, 97:19-98:8 (testifying that Black and Hispanic voters share interests with respect to education, employment, housing, and the criminal justice system); Dep. of Terry Petteway, Ex. 19 at 45:11-20 (testifying that he believes Black and Hispanic voters in the County usually vote for the same candidate); Rose Dep. Ex. 13 at 56:24-58:2 (describing a shared history of “[t]he Black and Brown community” with respect to policing and education).⁹

At the same time, Dr. Barreto and Mr. Rios found that “Anglo block voting appears to be uniform across elections from 2014 to 2022 with rates [of] over 85 [percent] opposition to minority-preferred candidates. Anglo voters demonstrate considerable block voting against Hispanic and Black candidates of choice, regularly voting in the exact

⁹ *See also, e.g.*, Anders Dep. Ex. 17 at 241:22-23; Dep. of Edna Courville, Ex. 20 at 207:14-20 (testifying that “Black and Latino voters have shared policy priorities regarding education”); Dep. of Joe Compian, Ex. 21 at 172:24-173:1 (“Present me a candidate that has issues that I agree with and we have a shared interest in certain areas, the Black and Brown voters, Latino voters.”); *id.* at 200:20-201:9, 213:11-214:12, 216:2-8 (describing how Black and Latino voters “share concerns and issues,” with respect to COVID, funding for public services, and government appointments); Appfel Dep. Ex. 14 at 199:24-200:7 (testifying to the shared interests of Black and Hispanic voters in juvenile justice and truancy issues).

opposite pattern of Hispanic and Black voters in Galveston.” Ex. 4 (Barreto Rep.) ¶ 24. And across all elections analyzed, there has never been a minority Republican candidate who won a primary for local office. Ex. 8 (Apr. 14, 2023 Rebuttal Decl. of Dr. Matt A. Barreto and Mr. Michael Rios; hereinafter “Barreto Rebuttal”) ¶ 17.

Finally, the totality of the circumstances demonstrates that, under the Enacted Plan, Black and Hispanic voters lack an equal opportunity to elect their candidates of choice and to participate in the political process. Petteway Plaintiffs’ expert Dr. Bruch demonstrates that, across all major socioeconomic indicators, “Black and Hispanic residents of Galveston County face disadvantages with respect to education, income, employment, health, housing, and criminal justice.” Ex. 1 (Burch Rep.) at 3; *see also id.* at 21-38.

STANDARD OF REVIEW

A court may only grant summary judgment if “no genuine issues of material fact exist, and the moving party is entitled to judgment as a matter of law.” Fed. R. Civ. P. 65(a); *Elizondo v. Spring Branch Indep. Sch. Dist.*, No. 4:21-cv-1997, 2023 WL 2466401, at *2 (S.D. Tex. Feb. 13, 2023), *report and recommendation adopted*, No. 4:21-cv-1997, 2023 WL 2465779 (S.D. Tex. Mar. 10, 2023). In determining whether summary judgment is appropriate, “[t]he court construes the evidence in the light most favorable to the nonmoving party and draws all reasonable inferences in that party’s favor.” *Elizondo*, 2023 WL 2466401 at *2 (citing *R.L. Inv. Prop., LLC v. Hamm*, 715 F.3d 145, 149 (5th Cir. 2013)). “[T]he Court does not weigh evidence, assess credibility, or determine the most reasonable inference to be drawn from the evidence.” *Id.* (quoting *Honore v. Douglas*, 833 F.2d 565, 567 (5th Cir. 1987) (internal quotation marks omitted)).

ARGUMENT

I. Disputed issues of material fact preclude summary judgment on Petteway Plaintiffs’ Section 2 claim.

Disputed issues of material fact preclude summary judgment on Petteway Plaintiffs’ Section 2 claims.¹⁰ Moreover, because this Court is bound to apply en banc Fifth Circuit precedent permitting Section 2 coalition claims, it should reject Defendants’ invitation to do otherwise. Defs’ Br. at 17-19; *see also LULAC Council No. 4434 v. Clements*, 999 F.2d 831, 864 (5th Cir. 1993) (en banc).

a. *Gingles* Prong 1 is satisfied.

Gingles 1 is satisfied—or at the very least disputed material facts preclude summary judgment for Defendants. The first *Gingles* precondition requires plaintiffs to demonstrate that minority voters can constitute the majority of voters “in some reasonably configured [] district.” *Cooper v. Harris*, 581 U.S. 285, 301 (2017); *see also LULAC v. Perry*, 548 U.S. 399, 430 (2006). The “§ 2 compactness inquiry should take into account traditional districting principles such as maintaining communities of interest and traditional boundaries.” *Abrams v. Johnson*, 521 U.S. 74, 92 (1997) (internal quotation marks omitted). The first *Gingles* precondition “does not require some aesthetic ideal,” *Houston v. Lafayette Cnty., Miss.*, 56 F.3d 606, 611 (5th Cir. 1995), but rather involves a “highly factual” analysis specific to the community at issue, *Fusilier v. Landry*, 963 F.3d 447, 458

¹⁰ Defendants conflate Petteway Plaintiffs’ Section 2 results and intent claims, but their frameworks differ. *See, e.g., Bartlett v. Strickland*, 556 U.S. 1, 20 (2009) (plurality op.) (explaining that, in requiring a majority-minority showing for *Gingles* 1, “[o]ur holding does not apply to cases in which there is intentional discrimination against a racial minority”); *Garza v. Cnty. of Los Angeles*, 918 F.2d 763, 769 (9th Cir. 1990) (“We hold that, to the extent that *Gingles* does require a majority showing, it does so only in a case where there has been no proof of intentional dilution of minority voting strength.”).

(5th Cir. 2020); *see also id.* at 457-58 (affirming district court’s conclusion that *Gingles* prong 1 was satisfied despite “district’s contorted horseshoe shape” because it “maintained communities of interest, [was] contiguous [], protected incumbents, and respected the principle of one person, one vote.”)

i. Defendants’ own Map 1 satisfies *Gingles* 1.

The Court need not even reach Plaintiffs’ *Gingles* 1 demonstration plans because *Defendants* have drawn a plan that satisfies the first *Gingles* precondition. The County presented two maps to the public, “Map 1” and “Map 2 (Enacted Plan).” Doc. 176-36 (Bryan Decl.) ¶¶ 7-9. As Defendants’ redistricting counsel, Dale Oldham, testified before presenting these maps to the Commissioners, he “concluded that the maps comported with what my clients requested and complied with the U.S. Constitution and the Voting Rights Act.” Doc. 108-1 (Oldham Decl.) ¶ 15. Defendants’ mapmaker, Thomas Bryan, testifies that he “did not consider racial demographic data” in drawing Map 1. Doc. 176-36 (Bryan Decl.) ¶ 5. Map 1’s purpose was to be “least changes” from the existing map. Ex. 24 at DEFS00036193. By Mr. Bryan’s calculation, Precinct 3 under Map 1 would have a combined Black and Hispanic VAP of 58 percent. Ex. 26 at DEFS00018660 (Pop Pivot Tab).¹¹ Unless Defendants contend that Mr. Oldham’s and Mr. Bryan’s declarations about the legality of Map 1 are untrue, they cannot plausibly object to *their own* plan. Moreover, as Map 1 was drawn expressly to have the “least changes” from the Benchmark Plan, it

¹¹ According to NAACP expert, Dr. William Cooper, Precinct 3 under Map 1 would have a combined Black and Hispanic CVAP of 55 percent. Ex. 3 (Cooper Rep.) ¶ 73 & Figure 13.

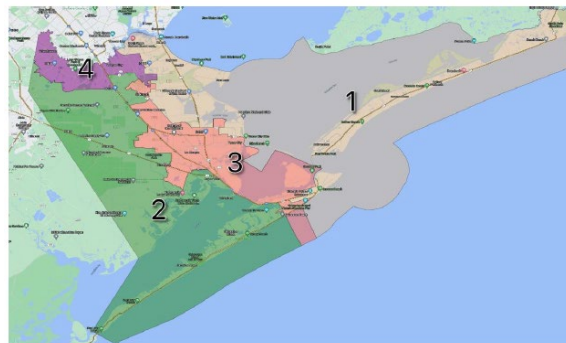
necessarily would have “maintain[ed] communities of interest and traditional boundaries,” *Abrams*, 521 U.S. at 91, and “protect[ed] incumbents,” *Fusilier*, 963 F.3d at 458.

ii. Mr. Rush’s demonstration plans satisfy *Gingles* 1.

The maps drawn by Petteway Plaintiffs’ expert, Mr. Rush, likewise satisfy *Gingles* 1. Mr. Rush has drawn a total of seven maps¹² with a combined Black and Latino CVAP above 50% for Precinct 3. *See* Ex. 2 (Rush Corrected Rep.) at 10-16; Ex. 5 (Rush Corrected Rebuttal) at App. B; Ex. 1 (Burch Rep.) at 13-14 & App. B; Ex. 6 (5.15.23 Decl. of Tye Rush) ¶ 8 & attached Tex. Legislative Council Maps & Data.

Rush Maps 1, 2, 2b, and 3 are similar in configuration to Mr. Bryan’s Map 1, making minimal changes to the Benchmark Plan, and thus emphasizing “preservation of communities of interest, preservation of cores of prior districts, and incumbent protection.” Ex. 2 (Rush Corrected Rep.) ¶ 32. For example, below is Rush Map 1:

Rush Map 1



Id. at 10. Mr. Rush’s demonstration plans have compactness scores comparable to the

¹² Rush maps 1, 2, 2b, 3 and the Alternative Maps 2, 3, and 4 that he drew for inclusion in Dr. Burch’s report all exceed 50 percent combined Black and Hispanic CVAP. *See* Ex. 2 (Rush Corrected Rep.) at 11, 13, 15; Ex. 5 (Rush Corrected Rebuttal) at 7-8, 18.

Enacted Plan. For example, Rush Map 1 has an average Reock¹³ score of 0.28, compared to the Enacted Plan’s Reock score of 0.27. *See* Doc. 176-8 (Am. Owens Rep.) at 16. Rush Map 1’s Reock score for Precinct 3 is 0.21, compared to 0.23 in the Enacted Plan. *Id.*; *see also* Dep. of Mark Owens, Ex. 22 at 236:15-237:22 (Defendants’ expert testifying that Rush Map 1 has similar or same compactness scores as Enacted Plan).

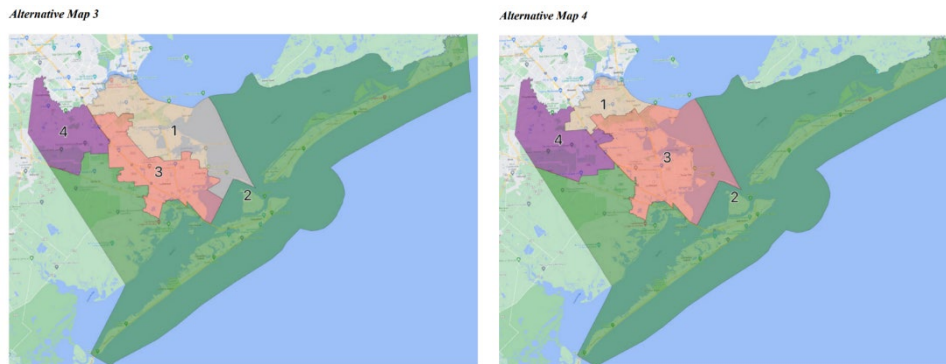
Defendants contend that Mr. Rush’s maps—and all other Plaintiffs’ demonstration plans—are racial gerrymanders that “drew misshapen boundaries and plainly subordinated race-neutral districting principles.” Defs’ Br. at 27. Moreover, and without evidence, Defendants contend that Mr. Rush “stated that [he] drew [his] illustrative plans with the express purpose of creating a majority Black and Latino . . . Precinct 3” *Id.* at 26. But the only thing Defendants cite is Mr. Rush’s recitation of the *Gingles* 1 majority-minority district requirement. *See* Ex. 2 (Rush Corrected Rep.) at 2. Had Defendants asked Mr. Rush at his deposition, they would have learned that Mr. Rush did not consider race *at all* while drawing any of the maps he submitted in this case, and instead checked their demographics *only after* drawing them. Ex. 7 (6.2.23 Decl. of Tye Rush) ¶ 1. Moreover, Defendants misleadingly quote from Mr. Rush’s deposition transcript to contend that he “was ‘instructed’ by counsel for the Petteway Plaintiffs to draw a map with a majority-minority precinct.” Defs’ Br. at 27. But Mr. Rush only testified that, in *assessing* the maps he drew for compliance with *Gingles* 1, he was “instructed” that *Gingles* 1 required a majority

¹³ Reock is a common mathematical compactness score that compares the area of a district to the area of the smallest circle that will encompass the district. *See, e.g.*, Doc. 176-8 (Am. Owens Rep.) at 6.

minority district. Dep. of Tye Rush, Ex. 23 at 192:6-22. The words “draw a map” appear nowhere on the pages cited by Defendants.

Defendants also criticize Rush’s Map 1 because it creates a passage in Precinct 3 to its northernmost territory in Dickinson. *See* Defs’ Br. at 26, 28, 33. But Rush Map 1 and Bryan Map 1 are *precisely the same* in this regard. *Compare* Ex. 2 (Rush Corrected Rep.) at 10-11 *with* Doc 176-31 at 43 (Ex. 28 to Henry Dep.) (Map 1). Indeed, as Defendants acknowledge, the factor motivating this aspect of the plan—in the Benchmark Plan, Defendants’ Map 1, and the Rush maps—is “a ‘bubble’ at the top to capture Commissioner Holmes’ house.” Defs’ Br. at 5. Including an incumbent in a precinct is a traditional districting criterion, not a racial gerrymander. *See Fusilier*, 963 F.3d at 457-58.¹⁴

Defendants entirely ignore the other Alternative Maps Mr. Rush drew, all of which satisfy *Gingles* 1, are more compact than the Enacted Plan, and include a coastal precinct.



See Ex. 1 (Burch Rep.) at App. B at 3-4. In both plans, Precinct 3 has a majority Black and Hispanic CVAP. *Id.*; *see also* Ex. 6 (5.15.23 Rush Decl.) ¶ 8 & Tex. Legislative Council

¹⁴ Defendants also complain about the length of Precinct 3 in Mr. Rush’s demonstration plans. *See* Defs’ Br. at 30-31. But this objection is peculiar given the even greater distance the Enacted Plan’s Precinct 2 spans. *See* Doc. 176-31 at 43 (Ex. 28 to Henry Dep.) (Enacted Plan); *supra* at Counter Statement of Fact, Part III.

Exhibits. And both plans adhere to Defendants’ professed desire for a unified coastal precinct. *See* Defs’ Br. at 34. Moreover, Precinct 3 under these two plans have compactness scores that exceed and, in the case of Alternative Plan 4 *double*, the compactness score of the Enacted Plan’s Precinct 3. *Compare* Ex. 5 (Rush Corrected Rebuttal) at Table 1 *with* Doc. 176-8 (Am. Owens Rep.) at 16-17. These maps easily satisfy *Gingles* 1 and beat the Enacted Plan on traditional redistricting criteria by any measure.

iii. Mr. Rush’s maps combine communities of interest.

Mr. Rush’s maps also join communities of interest. In *LULAC v. Perry*, the Supreme Court held that a Texas congressional district that spanned from the Mexican border to Austin was “noncompact for § 2 purposes” because of its geographic expanse and its combination of two Latino communities on either end with differing socioeconomic statuses and interests. 548 U.S. 399, 435 (2006). But the Court “emphasize[d] it is the enormous geographical distance separating the Austin and Mexican-border communities, coupled with the disparate needs and interests of these populations—not either factor alone—that renders District 25 noncompact for § 2 purposes.” *Id.*

Defendants contend that Mr. Rush’s maps combine minority communities with different socioeconomic statuses, highlighting the fact that Black and Hispanic residents of League City have higher household incomes and home ownership rates, and lower poverty rates than Black and Hispanic residents of Dickinson, Texas City, and Galveston. But League City only comprises a tiny portion of Mr. Rush’s maps. For example, Rush Maps

1 and 3 include just 17 people from League City.¹⁵ Of those 17 people, none are Black and 7 are Hispanic. Ex. 7 (6.2.23 Decl. Of Tye Rush) ¶¶ 3, 6. Likewise, Mr. Rush’s coastal precinct Alternative Plan 4 includes 750 people from League City, of whom 74 are Black and 494 are Hispanic. *Id.* ¶ 10. That these League City residents could be removed from Mr. Rush’s maps without affecting their one-person, one-vote compliance illustrates how weak Defendants’ arguments are regarding League City minorities’ socioeconomic status.

Second, none of Mr. Rush’s maps include a Precinct 3 that spans an “enormous geographical distance.” *LULAC*, 548 U.S. at 435. Indeed, Mr. Rush’s iterations of Precinct 3 are geographically *smaller* than Precinct 2 in the Enacted Plan. Third, Defendants’ expert Dr. Owens, when shown Rush’s coastal precinct Alternative Plan 4 at his deposition,¹⁶ agreed that “Precinct 3 in [Rush Alternative Plan 4] doesn’t have any of the features that concern [him] about including Galveston Island” and that it “doesn’t have any of those socioeconomic differences that [he] w[as] concerned about with respect to some of the other plans [he] looked at.” Owens Dep. Ex. 22 at 263:23-264:14.

b. *Gingles* Prongs 2 and 3 are satisfied.

Gingles prongs 2 and 3 require Plaintiffs to demonstrate that the minority group in question is politically cohesive, and that the white majority votes sufficiently as a bloc to enable it usually to defeat the minority group’s preferred candidate. *Campos v. City of Baytown, Tex.*, 840 F.2d 1240, 1243 (5th Cir. 1988) (citing *Thornburg v. Gingles*, 478 U.S.

¹⁵ These League City residents are only included to balance population. Ex. 7 (6.2.23 Decl. Of Tye Rush) ¶¶ 3, 6.

¹⁶ Dr. Owens acknowledged that the Rush coastal precinct Alternative Maps were included in Dr. Burch’s report, which he reviewed, but that he did not respond to these maps in his report. Owens Dep. Ex. 22 at 269:5-22.

30, 49-51 (1986)). “The second and third parts, cohesion and majority bloc voting, are usually proven by statistical evidence of racially polarized voting.” *Id.*

i. Black and Hispanic voters are cohesive.

Plaintiffs have shown that there is political cohesion between Black and Hispanic voters in Galveston County. The relevant inquiry is “whether the minority group together votes in a cohesive manner for the minority candidate.” *Id.* at 1245. Political cohesion requires showing that a “significant number of minority group members usually vote for the same candidate,” and “may be demonstrated by statistical evidence of racial bloc voting or testimony from persons familiar with the community in question.” *Rodriguez v. Harris Cnty., Tex.*, 964 F. Supp. 2d 686, 754-55 (S.D. Tex. 2013), *aff’d sub nom. Gonzalez v. Harris Cnty., Tex.*, 601 F. App’x 255 (5th Cir. 2015). Plaintiffs’ experts, Dr. Barreto and Mr. Rios, analyzed 29 local, state, and federal elections, and found that elections in Galveston County are racially polarized. Ex. 4 (Barreto Rep.) ¶¶ 10, 21. Specifically, Dr. Barreto and Mr. Rios conducted several Ecological Inference (“EI”) analyses which found that Black and Hispanic residents in Galveston County voted for the same candidates *in every election*, at a rate of approximately 75 percent of the voting population—an overwhelming demonstration of cohesion among Black and Hispanic residents. *See* Ex. 4 (Barreto Rep.) ¶¶ 21-25, Table 1 at 17-19; Ex. 8 (Barreto Rebuttal) Table 4 at 14-16.

Contrary to Defendants’ assertion, there is no bright-line rule for establishing cohesion: Defendants’ 75 percent threshold is fabricated—though Plaintiffs still satisfy it. *Cf.* Defs’ Br. at 38-39. The relevant legal inquiry is whether a “significant number” of minority voters usually vote for the same candidate, *see Rodriguez*, 964 F. Supp. 2d at 755,

and a bright-line threshold is inconsistent with this sort of fact-specific inquiry, Ex. 8 (Barreto Rebuttal) ¶¶ 6-11. Indeed, Defendants' expert, Dr. Alford, justifies the threshold merely because 75 percent is the "halfway point" between 50 percent and 100 percent. Doc 176-47 (Alford Rep.) at 2-3; Ex. 8 (Barreto Rebuttal) ¶ 8. And Defendants' other expert, Dr. Owens, acknowledges that 70 percent of minority voters voting for the same candidates would be sufficient to establish cohesion. Owens Dep. at 124:24-125:14. Moreover, even if this Court were to recognize Dr. Alford's arbitrary 75 percent threshold, Plaintiffs' experts Dr. Barreto and Mr. Rios show that Black and Hispanic voters in Galveston still clear this fabricated bar: Black and Hispanic voters, separately and together, vote for the same candidates at a "3-to-1 margin." Ex. 4 (Barreto Rep.) ¶¶ 10, 21.

Defendants additionally contend that there is no political cohesion between Black and Hispanic voters because the analyses showed "a gap larger than 10 [percent] between Black and Latino voters who voted for the Democratic Party candidate," but cite no source supporting why this arbitrary "gap" undermines evidence of cohesion. *See* Defs' Br. at 42. In any event, as Dr. Barreto and Mr. Rios explain, "analysis of actual vote history can be important in understanding Hispanic voting patterns with more precision," given the smaller pool of eligible Hispanic voters and their historically lower rates of voter registration and voter turnout. Ex. 4 (Barreto Rep.) ¶ 28. When analyzing actual vote history using Spanish Surname data from the Texas Legislative Council, Hispanic voters demonstrate overwhelming cohesion with Black voters. *See id.* ¶ 28, Table 1 at 17 (Barreto Rep.); Ex. 8 (Barreto Rebuttal) ¶¶ 35-38. Further, lay witness testimony establishes that Black and Latino voters in Galveston County share common interests with respect to

housing, policing, employment, and other interests, resulting in political cohesion. *See supra* at Counter Statement of Facts, Part V.

Defendants also wrongly contend that Plaintiffs have not shown the presence of racially polarized voting at the Precinct level. *See* Defs’ Br. at 21-22, 40. But Dr. Barreto and Mr. Rios *did* present statistical evidence showing that voting is racially polarized within each Precinct, in addition to County-wide. Ex. 8 (Baretto Rebuttal) ¶¶ 21, 33. And even if they had not conducted this precise Precinct-level analysis, the fair inference from County-level data—given the extreme nature of the polarization—is that polarization exists within each of the four Precincts.

In sum, there is, at a minimum, a genuine dispute of fact regarding the extent to which Black and Hispanic voters in Galveston County demonstrate political cohesion.

ii. White voters usually defeat the minority preferred candidate.

The evidence confirms that Plaintiffs have satisfied the third *Gingles* precondition, or at the very least there are genuine disputes of material fact that would require the Court to weigh the evidence presented by the parties’ experts. Neither Defendants nor their experts dispute that racially polarized voting exists, and that white voters consistently defeat minority-preferred candidates. *See, e.g.*, Ex. 8 (Baretto Rebuttal) ¶ 12; Defs’ Br. at 44. Instead, Defendants attempt to explain away the overwhelming evidence of racially polarized voting by attributing it to partisan politics rather than race.

Generally, “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.” *Rodriguez*, 964 F. Supp. 2d at 757 (internal quotation marks omitted). As such, Defendants are flatly wrong that “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,” rather than political affiliation. Defs’ Br. at 44. Rather, the Fifth Circuit has expressly held that “courts should not summarily dismiss vote dilution claims in cases where racially divergent voting patterns correspond with partisan affiliation.” *LULAC No. 4434*, 999 F.2d at 860–61. Recognizing that “even partisan affiliation may serve as a proxy for illegitimate racial considerations,” the Fifth Circuit requires inquiry into: 1) the percentage of white voters that make up each political party in the jurisdiction, 2) the extent to which the Republican Party nominates minority candidates for office in the jurisdiction, and 3) any differences in the level of support among white Republican voters for minority or white Republican candidates. *Id.* at 860-62; *see also* Ex. 8 (Barreto Rebuttal) ¶ 15.

Plaintiffs’ experts Dr. Barreto and Mr. Rios demonstrate that, in Galveston County, partisan politics serve as a proxy for race, and the vast majority of white voters vote with the Republican Party to defeat minority-preferred, Democratic candidates. Specifically, the vast majority of Republican voters in Galveston County are white, and the vast majority of Democratic voters are minorities. Ex. 8 (Barreto Rebuttal) ¶ 16; *see also* Apffel Dep. Ex. 14 at 294:1-5 (acknowledging the correlation between race and partisanship in Galveston County). In the elections that Dr. Barreto and Mr. Rios examined, there was not a single minority Republican who has won a primary election for Galveston County Judge or County Commissioner, even though “the 2022 Democratic candidate for Galveston County

Judge (King) was Black, the 2020 Democratic candidate for Galveston County Sheriff (Salinas) was Hispanic, and the only two Black people ever nominated in a primary and subsequently elected to the Galveston County Commission have been Democrats.” Ex. 8 (Barreto Rebuttal) ¶ 17, Table 2 at 7. Finally, Dr. Barreto and Mr. Rios found that, even where minority Republican candidates have run in statewide elections, Black and Hispanic Republicans have been defeated in primary elections by white voters in Galveston County. *Id.* ¶ 17. Indeed, the only minority to win a statewide Republican primary, Ted Cruz, received the lowest vote share among Galveston County Republicans of any statewide Republican across all election cycles analyzed. *Id.* ¶¶ 19-20, 24. Lay witness testimony further confirms that Black and Hispanic voters do not typically vote Republican, nor do white voters vote Democrat, in Galveston County. *See supra* at Counter Statement of Facts, Part V. In sum, there is at least a genuine dispute whether partisan affiliation is a proxy for race in Galveston County, such that white (Republican) voters usually defeat minority-preferred (Democratic) candidates.¹⁷

II. Factual disputes preclude summary judgment on Petteway Plaintiffs’ racial gerrymandering claim.

Factual disputes further preclude summary judgment on Petteway Plaintiffs’ racial gerrymandering claim. It violates the Fourteenth Amendment where “race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district.” *Bethune-Hill v. Va. State Bd. of Elections*,

¹⁷ This Galveston County-specific analysis disproves Defendants’ contention that Dr. Barreto and Mr. Rios analyzed party as a proxy for race only at the national level. *See* Defs’ Br. at 47.

580 U.S. 178, 187 (2017) (quoting *Miller v. Johnson*, 515 U.S. 900, 916 (1995)). While a “conflict or inconsistency” with traditional districting principles “may be persuasive circumstantial evidence tending to show racial predomination,” *id.* at 190, “[r]ace may predominate even when a reapportionment plan respects traditional principles,” *id.* at 189. That is so because “[t]raditional redistricting principles . . . are numerous and malleable,” and mapdrawers can “deploy[] [them] in various combination and permutations . . . [to] construct . . . maps that look consistent with traditional, race-neutral principles,” but in which “race still may predominate.” *Id.* at 190.

Racial predominance may be shown by direct or circumstantial evidence. One “often highly persuasive” way to show that race, as opposed to some other purported motivation, explained the district lines is to proffer an “alternative districting plan” that achieves the purported goal “without moving so many members of a minority group.” *Cooper*, 581 U.S. at 317-18; *see also LULAC v. Abbott*, 601 F. Supp. 3d 147, 176-77 (W.D. Tex. 2022) (noting that “all nine Justices agree[] that [alternative] maps are helpful evidence of legislative intent”).

The record contains both direct and circumstantial evidence that race was the predominant motivating factor in both Mr. Bryan’s drawing of the Enacted Plan and in the Commissioner Court’s adoption of the Enacted Plan. Although Mr. Bryan asserts that he did not view racial data as he was drawing the plan, the racial makeup of the benchmark Precincts was known prior to his work commencing. *See Cooper*, 581 U.S. at 315 (“Whether the racial make-up of the county was displayed on his computer screen or just fixed in his head . . . [the mapdrawer’s] denial of race-based districting r[ang] hollow.”)

(internal quotation marks omitted) (second brackets in original). Moreover, Mr. Bryan created multiple draft maps in an iterative process. For each, he generated a spreadsheet that contained detailed racial data, including the racial composition of *each Census block* within each proposed precinct in a sortable Excel column. Ex. 36 at DEFS00031696 (spreadsheet for first draft map). The breadth of the racial data Mr. Bryan added to his spreadsheet increased as he progressed. By the time he settled on Map 1 and Map 2 by October 21, 2021 to preview to the Commissioners, he had constructed a dedicated Tab within his analytics spreadsheet for the racial data:

14		1519	2020	2020	2020	2020			
15	Map 1	CVAP Total	PL Total	PL VAP Total	PL VAP BNH	PL VAP HISP			
16	Row Label	Sum of acs_	Sum of PL_	Sum of PL_	Sum of PL_	Sum of PL_	% BNH VAP	% HISP VAP	% Min VAP
17	1.000000	61,608	87,659	66,625	4,589	15,017	7%	23%	29%
18	2.000000	57,445	86,431	67,003	5,018	13,159	7%	20%	27%
19	3.000000	59,948	86,633	68,547	19,235	20,371	26%	30%	58%
20	4.000000	55,345	87,959	65,207	3,447	11,612	5%	16%	23%
21	Grand Total	234,346	350,682	267,382	32,289	60,159	12%	22%	35%
22									
23	Low	-5.5%	-1.4%	-2.5%					
24	Average	58,586	87,671	66,846					
25	High	5.2%	1.1%	2.5%					
26									
27		1519	2020	2020	2020	2020			
28	Map2	CVAP Total	PL Total	PL VAP Total	PL VAP BNH	PL VAP HISP			
29	Row Label	Sum of acs_	Sum of PL_	Sum of PL_	Sum of PL_	Sum of PL_	% BNH VAP	% HISP VAP	% Min VAP
30	1.000000	61,215	87,689	66,641	6,332	16,404	10%	25%	34%
31	2.000000	63,802	87,697	71,389	9,254	16,431	13%	23%	36%
32	3.000000	55,319	88,111	64,704	4,716	14,908	7%	23%	30%
33	4.000000	54,010	87,185	64,648	11,987	12,416	19%	19%	38%
34	Grand Total	234,346	350,682	267,382	32,289	60,159	12%	22%	35%
35									

Ex. 26 at DEFS00018660 (Pop Pivot Tab). The columns in red and green are the “Black Not Hispanic” and “Hispanic” VAP for each Precinct in the benchmark plan, Map 1, and Map 2. *Id.* Mr. Bryan created a new column—not reported by the Census but instead the result of his own Excel commands—to calculate the combined minority VAP for each Precinct in all three plans. *Id.* Moreover, to visualize the racial distribution in each plan, he created “Conditional Formatting” rules to generate a heat map within the spreadsheet to create a colored gradient of red-white-green. *Id.* This special formatting allowed Mr. Bryan to display visually how far each Precinct’s racial composition was from the highest or lowest values among the Precincts. *Id.* For example, in both the Benchmark Plan and Map

1, Precinct 3 has a concentrated Black VAP, shown in green, while the other precincts have lower values shown in red. In Map 2, none of the Precincts have green shading for Black VAP, illustrating the fracturing of Black voters. *Id.* This special formatting was not part of Mr. Bryan’s earlier template, *see, e.g.*, Ex. 36 at DEFS00031696, belying his assertion that, in assessing the plan, he “considered total population, not race or ethnicity,” Defs.’ Ex. 17 (Bryan Decl.) ¶ 6.

Defendants cite Commissioner Apffel’s deposition testimony, in which he denies knowing the racial composition of the Enacted Plan’s Precincts and denies having been provided any demographic information other than total population in his meeting with Mr. Oldham. Defs’ Br. at 53; *see* Apffel Dep. Ex. 14 at 160:13-161:22. But Commissioner Holmes took contemporaneous handwritten notes of a November 9, 2021, phone call he received from Commissioner Apffel at 12:58 p.m., in which Commissioner Apffel celebrated the fracturing of the minority population in Map 2.

I informed him that map 2 was discriminatory to the minority voters especially in Prec 3. He stated that the minority population especially in Prec 3 was divided fairly evenly amongst all Precs in Map 2 + that Dale Oldham told him this was a legal map. Also informed me that Mike Guarino

Ex. 39 at Holmes 000188 (Holmes Notes). Commissioner Apffel’s statement to Commissioner Holmes—among other evidence—directly contradicts his testimony disclaiming any knowledge of the plan’s racial demographics. Indeed, Commissioner Apffel’s testimony suggests that an important feature of Map 2 to him was that it split the

minority population across all four Precincts. Apffel Dep. Ex. 14 at 264:13-23; *see also Walters v. Boston City Council*, No. 22-12048-PBS, 2023 WL 3300466, at *1 (D. Mass. May 8, 2023) (enjoining plan as racial gerrymander where motivation was to achieve “racial balancing”). Punctuating that fact, at the end of the call, Commissioner Apffel asked if Commissioner Holmes had “sicked the NAACP on ‘em.” Ex. 39 at Holmes 000188.

Defendants also cite Commissioner Giusti’s deposition testimony asserting that he did not receive demographic data for Maps 1 or 2. Defs’ Br. at 53; Giusti Dep. Ex. 15 at 127:13-19. But Commissioner Giusti attended the same October 22, 2021, Zoom meeting with Mr. Oldham and Mr. Bryan as Commissioner Holmes, and Mr. Oldham and Mr. Bryan displayed the racial data for Maps 1 and 2 on the Zoom screen. Ex. 39 at Holmes 000184 (Holmes Notes); *see also* Giusti Dep. Ex. 15 at 175:9-17, 176:5-9 (describing where minority population is located, and expressing no concerns about Precinct 3 losing its majority-minority status).

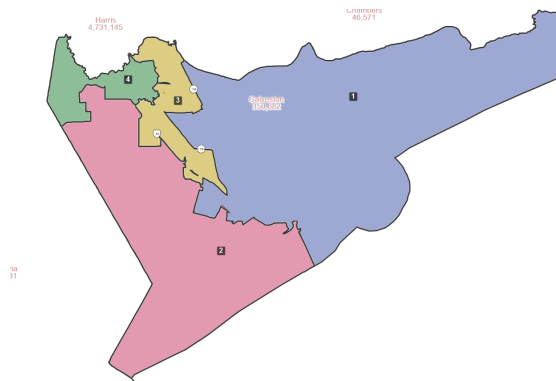
Although Defendants’ *counsel* has sought to defend the enactment of Map 2 as motivated by partisanship,¹⁸ none of the Commissioners who voted for the map have expressed partisan motivation. *See supra* at Counter Statement of Facts, Part IV. Their clients having disclaimed partisan motivation, Defendants are left to contend that a desire for a “coastal precinct” necessarily resulted in the fracturing of Precinct 3’s minority

¹⁸ A *post hoc* rationale offered by litigation counsel that contradicts their clients’ sworn testimony is not cognizable evidence. *See Abbott v. Equity Grp.*, 2 F.3d 613, 619 (5th Cir. 1993) (“[U]nsubstantiated assertions are not competent summary judgment evidence.”).

population across all four precincts. Defs’ Br. at 34. But the evidence shows that this is a pretextual explanation.

First, Commissioner Giusti testified that he was aware of no discussion among the commissioners about the creation of a coastal precinct, and that he was unaware of any other conversations with anyone about creating such a precinct. Giusti Dep. Ex. 15 at 106:10-109:13. Commissioner Apffel testified that *both* Map 1 and Map 2 created coastal precincts in his mind. Apffel Dep. Ex. 14 at 184:8-13.¹⁹ And Judge Henry testified that the *only* thing he cared about was creating a coastal precinct—that the remainder of the lines did not matter to him at all because they only affected the commissioners, not him. Henry Dep. Ex. 11 at 174:20-175:4 (“[T]o me, as long as we joined Bolivar, Galveston, and that’s really it, then the rest of the lines are not that important.”).

Second, if creating a coastal precinct were the overriding goal, one would expect Mr. Bryan to have been given that instruction out the gate. But his first draft map on October 15, 2021, created no coastal precinct—though it did subsume the minority population in central Galveston County with white voters from League City and Kemah.



¹⁹ See also Apffel Dep. Ex. 14 at 126:10-127:13, 138:8-22 (stating that his “only motivating factor” to draw the Bolivar Peninsula out of his district was that “it did not make sense for [him] – for a 20-minute meeting to drive four hours”).

Ex. 40 (map displaying DEFS00031696); Ex. 36 (DEFS00031696) (block assignment file for October 15, 2021 draft map).

Third, if creating a coastal precinct were really the motivation—and if the remaining precinct lines were irrelevant—then the Commissioners Court could have, and would have, done so without fracturing Galveston County’s minority population into four pieces and ensuring that each Precinct was two-thirds white. *See supra* at Counter Statement of Facts, Part IV; *see also Cooper*, 581 U.S. at 317 (describing alternative maps as “key evidence” in disproving stated intent).²⁰ Multiple district configurations are possible that create a coastal precinct without fracturing the minority population into three different precincts.²¹ Ex. 1 (Burch Rep.) at 12-14, 36-37, 38. Given Judge Henry’s purported view that the lines outside the coastal precinct were irrelevant to him, and the public outcry at the November 12 hearing, the Commissioners could have adopted a map that aimed to satisfy the Commissioners’ wants and the public’s concerns.²² The record evidence supports Petteway Plaintiffs’ claim that the Enacted Plan was drawn with the overriding goal of creating a two-thirds/one-third split between white and minority voters within each precinct.

CONCLUSION

For the foregoing reasons, this Court should deny Defendants’ Motion for Summary Judgment.

²⁰ The *Cooper* Court discussed alternative maps as a tool to disentangle race and politics. Here, Defendants have disclaimed a partisan motivation behind the Enacted Plan. But the alternative maps have the same evidentiary value in disproving the “coastal precinct” rationale.

²¹ Two of those alternative maps, Rush Alternative Maps 3 and 4, are shown above. *See supra* at Argument, Part I.a.

²² In light of this evidence, Defendants’ contention that the Enacted Plan lacks bizarrely shaped districts is beside the point. *See Bethune-Hill*, 580 U.S. at 187.

Respectfully submitted this 2nd day of June, 2023.

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CERTIFICATE OF SERVICE

I certify that on June 2, 2023, the foregoing document was filed electronically and served on all parties of record via CM/ECF.

/s/Valencia Richardson
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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, <i>et al.</i> ,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	Civil Action No. 3:22-cv-57
GALVESTON, TEXAS, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

UNITED STATES OF AMERICA,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	Civil Action No. 3:22-cv-93
GALVESTON, TEXAS, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

Dickinson Bay Area Branch NAACP, <i>et al.</i> ,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	Civil Action No. 3:22-cv-117
GALVESTON, TEXAS, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

**EXHIBIT LIST IN SUPPORT OF PETTEWAY PLAINTIFFS’
RESPONSE IN OPPOSITION TO DEFENDANTS’ MOTION FOR
SUMMARY JUDGMENT**

Exhibit No.	Description
1	January 27, 2023 Expert Declaration and Report of Traci Burch
2	May 15, 2023 Corrected Expert Declaration and Report of Tye Rush
3	January 13, 2023 Expert Declaration and Report of William S. Cooper
4	January 13, 2023 Expert Declaration and Report of Matt A. Barreto and Michael Rios
5	May 15, 2023 Corrected Expert Declaration and Rebuttal of Tye Rush
6	May 15, 2023 Expert Declaration of Tye Rush
7	June 2, 2023 Expert Declaration of Tye Rush
8	April 14, 2023 Expert Declaration and Rebuttal of Matt A. Barreto and Michael Rios
9	June 2, 2023 Attorney Declaration of Mark Gaber
10	Deposition of Tyler Drummond [Excerpted]
11	Deposition of Mark Henry [Excerpted]
12	Deposition of Roxy Hall Williamson [Excerpted]
13	Deposition of Derreck Rose [Excerpted]
14	Deposition of Darrell Apffel [Excerpted]
15	Deposition of Joseph Giusti [Excerpted]
16	Deposition of Lucretia Lofton [Excerpted]
17	Deposition of Barbara Anders [Excerpted]
18	Deposition of Penny Pope [Excerpted]
19	Deposition of Terry Petteway [Excerpted]
20	Deposition of Edna Courville [Excerpted]
21	Deposition of Joe Compian [Excerpted]
22	Deposition of Dr. Mark Owens [Excerpted]
23	Deposition of Tye Rush [Excerpted]
24	DEFS00036191 - DEFS00036193, October 15, 2021 email thread
25	Defs' Responses to United States' Requests for Admissions
26	DEFS00018660, October 28, 2021 Block Assignment File
27	DEFS00013498, September 23, 2021 email thread
28	Ex. 17 to Henry Dep., Agenda for April 5, 2021 Commissioners Court meeting
29	DEFS00029196, April 6, 2021 email thread
30	DEFS00011722, Holtzman Vogel engagement letter
31	DEFS00036272, October 26, 2021 email thread
32	November 12, 2021 Hearing Transcript
33	Holmes000323 - Holmes000346, email thread between Commissioner Holmes and Chad Dunn

34	DEFS00011471- DEFS00011473, November 12, 2021 order adopting Enacted Plan
35	US0000017- US0000021, 2012 letter from the Department of Justice
36	DEFS00031696, October 15, 2021 Block Assignment File
37	US0001534, December 22, 2021 email with Galveston Daily News article included
38	Defs' Second Supp. Responses to Petteway Plaintiffs' Requests for Production and Interrogatories
39	Holmes000181 - Holmes000191, Commissioner Holmes' notes
40	Map of DEFS00031696, map generated from Block Assignment File contained in DEFS00031696

Exhibit 1

**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 TRACI BURCH

JANUARY 27, 2023

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QUALIFICATIONS AND BACKGROUND

My name is Traci Burch. I am an Associate Professor of Political Science at Northwestern University and Research Professor at the American Bar Foundation. I received my Ph.D. in Government and Social Policy from Harvard University in 2007.

Over the past 15 years, I have led several large, long-term quantitative and qualitative research projects on political participation in the United States. I have participated in and coauthored several book chapters and articles that examine race, political participation, and inequality, and am widely regarded as an expert on political behavior, barriers to voting, and political participation. My work has been widely cited and replicated and has won several awards. In particular, my dissertation on the effects of felony disenfranchisement on voting in North Carolina, Georgia, and other states, “Punishment and Participation: How Criminal Convictions Threaten American Democracy” won the Robert Noxon Toppan Prize for the Best Dissertation on a Subject of Political Science at Harvard in 2007. I also achieved national recognition for this work; the dissertation was also awarded the E.E. Schattschneider Award from the American Political Science Association for the best dissertation in American Government, and the William Anderson Award for the best dissertation in federalism, intergovernmental relations, and state and local politics. Several articles from this dissertation, including work evaluating voting patterns among people with felony convictions in North Carolina, Georgia, Florida, Missouri, and Michigan, have been published in leading peer-reviewed journals.

My articles “Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout and Party Registration of Florida’s Ex-Felons” and “Turnout and Party Registration among Criminal Offenders in the 2008 General Election,” which appeared in the peer-reviewed journals *Law and Society Review* and *Political Behavior*, respectively, included my calculations of felony disenfranchisement. My academic book on the community-level effects of criminal convictions on political participation, *Trading Democracy for Justice*, was published by the University of Chicago Press and also won multiple national awards from the American Political Science Association and its sections, including the Ralph J. Bunche Award for the best scholarly work that explores the phenomenon of ethnic and cultural pluralism and best book awards from the law and politics and urban politics sections. *Trading Democracy for Justice*, as well as the articles “The Effects of Imprisonment and Community Supervision on Political Participation,” “Did Disenfranchisement Laws Help Elect President Bush?” “Skin Color and the Criminal Justice System,” “The Old Jim Crow,” and “Turnout and Party Registration among Criminal Offenders in the 2008 General Election” rely on the analysis of large criminal justice and voter registration data files. In addition to my published work, I also have conducted analyses of legal financial obligations and barriers to voting as an expert witness.

I have worked with Professors Kay Schlozman, Sidney Verba, and Henry Brady on book chapters and articles related to the causes and consequences of inequality in political participation. I also collected data on congressional hearings and interest group activities for that book. For my coauthored article with Jennifer Hochschild and our book with Vesla Weaver, I analyzed the legislative history of several racial policies, including the 1965 Hart-Cellar Act. We explore political participation and attitudes in our book as well.

I have testified before the U.S. Commission on Civil Rights about the collateral consequences of felony convictions with respect to voting and other issues. I have received several grants for my work, including a grant from the Stanford University Center on Poverty and Inequality. I also serve as co-Principal Investigator on a National Science Foundation grant that supports graduate and postdoctoral fellowships at the American Bar Foundation. I have served on Editorial Boards of leading journals including Political Behavior and Law and Social Inquiry. Currently, I am on the Board of Overseers for the General Social Survey, a longstanding national public opinion survey run by the National Opinion Research Center at the University of Chicago. I routinely review the work of my peers for tenure, scholarly journals, university presses, and grants and have served as a reviewer for the American Political Science Review, The American Journal of Political Science, The Journal of Politics, Political Behavior, the National Science Foundation, Cambridge University Press, Princeton University Press, the University of Chicago Press, Oxford University Press, and many other entities. I also am a member of the Executive Council of the Elections, Public Opinion, and Voting Behavior Section of the American Political Science Association.

My curriculum vitae is appended to this declaration as Appendix C. I am being compensated \$350 per hour for work in this case, plus expenses, and my payment is not contingent upon the outcome of this case. This is my tenth engagement as an expert witness. I previously testified at trial or in a deposition or both in the following matters: *Jones vs. DeSantis*, Consolidated Case No. 4:19-cv-300 (N.D. Fla.); *Community Success Initiative v. Moore*, Case No. 19-cv-15941 (N.C. Super. Ct.); *People First of Alabama v. Merrill*, Case No. 2:20-cv-00619-AKK (N.D. Ala.); *Florida State Conference of the NAACP v. Lee*, Case No. 4:21-cv-00187-MW-MAF (N.D. Fla.). I was also deposed in the matters *One Wisconsin Institute Inc. v. Jacobs*, Case No. 15-CV-324-JDP (W.D. Wis.), and *Luft v. Evers*, Case No. 20-CV-768-JDP (E.D. Wis.), and testified in a preliminary injunction hearing in *Robinson et al. v. Ardoin*, Case No. 22 CV-00211 (M.D. La.) In all cases where an opinion was issued, the courts accepted and relied on my expert testimony.

SCOPE OF THE REPORT

I was asked by counsel for the Petteway Plaintiffs and NAACP Plaintiffs to conduct an analysis of the adoption of the 2021 enacted map in light of the guidelines set forth in *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977), as well as under certain Senate Factors related to Section 2 of the Voting Rights Act. As I understand that other experts will focus on the historical background of the redistricting, racially disparate impact, and racially polarized voting in Galveston more broadly, I focus my report on the other *Arlington Heights* factors and a totality of the circumstances analysis under Section 2 of the VRA.

OPINIONS OFFERED

A. Summary

Based upon my research and analysis, I conclude the following:

1. The historical record suggests that the Commissioners Court acted intentionally in 2021 to pass a map that would diminish the ability of Galveston's minority voters, and specifically Black and Latino voters, to elect a candidate of their choice because the Commissioners Court believed they could accomplish that goal in the wake of the 2013 Supreme Court decision in *Shelby County v. Holder*.
2. The redistricting process the Commissioners Court undertook in 2021 deviated from the county's past practice with respect to redistricting. Specifically:
 - i. the Commissioners Court failed to adopt any redistricting criteria to guide the process as they did in 2001 and as other counties in Texas continue to do today;
 - ii. unlike in past redistricting cycles, the Commissioners Court held only one public hearing to discuss the commissioners precinct map; that meeting was held the day before the candidate filing period opened for the next general election;
 - iii. the Commissioners Court failed to publicly release any information or analysis regarding the 2020 Census results to Galveston residents at any point in the process;
 - iv. the single redistricting hearing took place during business hours and at a location that was too small for the assembled crowd, in contrast to the multiple locations and evening times offered in the prior redistricting cycle;
 - v. the sole minority member of the Commissioners Court and the representative of the majority-minority precinct was excluded from key deliberations of the court.

Notably, the Commissioners Court was on notice of several of these deviations, and their significance, such as the failure to adopt redistricting criteria and exclusion of the only representative of the majority-minority precinct, because these procedural deviations were noted by the U.S. Department of Justice in its 2012 preclearance objection letter as probative of discriminatory intent in the prior redistricting cycle.

3. The conduct of County Judge Mark Henry in particular indicates a disregard for the input of minority voters in the redistricting process. This is apparent from his failure to take into account substantial written public comments rejecting both proposed maps as racially discriminatory, as well as his comments during the November 12, 2021 public hearing, among other factors.
4. Black and Hispanic residents of Galveston County face disadvantages with respect to education, income, employment, health, housing, and criminal justice. These factors can affect voter participation.

5. Race and implicit racial cues still appear in campaign materials and politicians' statements in Galveston County.
6. Historically, Galveston County only rarely has elected minority candidates for office; only three minority members have been elected to the Commissioners Court since 1990.
7. With the exception of the commissioner elected in the majority Black and Latino district, elected officials are not responsive to the needs of Black and Hispanic constituencies in Galveston.
8. The stated reasons for supporting the adopted plan—adhering to “one person one vote,” equalizing districts within ten percentage points, establishing a coastal precinct based on community of interest, and majority support for the adopted plan—are either unsupported by the legislative record or can be accomplished without eliminating the majority Black and Latino precinct.

In formulating these opinions, I relied on my analysis of standard sources for political scientists such as my review of the relevant literature in political science and other disciplines. I also relied on documents provided to me by the attorneys for the plaintiffs such as deposition and trial transcripts. I also analyzed publicly available information, including websites, recordings of public meetings, newspaper articles, and data from the census and other surveys. All of the data and facts relied upon in forming these opinions, as well as assumptions I made in forming my opinions, are cited in this report and included in its Appendix.

B. Arlington Heights Analysis

The Supreme Court, in *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977), outlined the following factors as relevant to determining discriminatory intent: (1) “The impact of the official action” -- whether it “bears more heavily on one race than another,” (2) “The historical background of the decision,” (3) “The specific sequence of events leading up to the challenged decision,” (4) “Departures from the normal procedural sequence,” and (5) “The legislative or administrative history . . . especially where there are contemporary statements by members of the decision making body, minutes of its meetings, or reports.” *Id.* at 266–68. I discuss evidence that the court may find useful for evaluating each of the Arlington Heights factors in the following sections.

Racially Disparate Impact

As a starting point, the Court in *Arlington Heights* looks to whether “the official action . . . bears more heavily on one race than another.” The redistricting plan enacted in 2021 fragments the only pre-existing majority-minority commissioners precinct in Galveston, Precinct 3, dividing its population among four new commissioners precincts.¹ As a result, this new plan establishes all four precincts as majority-White in terms of total population, voting-age population, and citizen

¹ See generally, Expert Report and Declaration of William S. Cooper, Section III.B (January 13, 2013).

voting age population.² For several reasons, the discriminatory impact of the maps was foreseeable, and indeed foreseen, by the Commissioners Court.

First, the evidence supports that drawers and supporters of the 2021 enacted plan knew about the racially disparate impact on Galveston's Black and Latino voters. Judge Henry and Commissioner Ken Clark were on the Commissioners Court when a map that diluted minority voting power was not precleared by the Department of Justice in 2011, and thus knew that Precinct 3 functioned as a majority-minority precinct.³ They had retained the same counsel from the 2011 cycle, Dale Oldham, to draw their map in 2021.

The record also indicates that the Commissioners Court either reviewed racial data or were otherwise aware of the County's demographics such that they knew the 2021 enacted plan would fragment the only majority-minority precinct among all four new precincts. For example, Judge Henry acknowledged that he was aware that Precinct 3 was a majority-minority precinct,⁴ as did Commissioner Giusti.⁵ Judge Henry also acknowledged that he knew at the time that the enacted plan would split what was the majority-minority Precinct 3 among the four new precincts.⁶ Commissioner Apffel admits that he saw racial data about the new precincts "but just for a second" (Ferguson 2021a).

Second, even if map-drawers and members of the Commissioners Court were not aware during the map-drawing process, the impact of the 2021 enacted map on the minority community was obvious by the time it was adopted. This is evidenced by the volume of public comment submitted by dozens of individuals expressing concern about the effects of the changes to Precinct 3 on minority voting power. In the November 12, 2021 special session, a majority of the speakers indicated that they were concerned that the maps diluted minority voting strength. For instance, Stephanie Swanson, with the Fair Vote Texas Coalition, said:

The folks that live in Precinct 3 work together, play together, and worship together. They have worked to elect Commissioner Holmes to this seat for more than 20 years now. They can be considered a coalition district which is protected under the Voting Rights Act. In the benchmark plan, the African American community consists of 32.7% of citizen voting age population, and the Hispanic community consists of 21.9% of citizen voting age population which totals 54.6% thereby triggering section 2 Voting Rights Act. . . And here we are again, ten years later, in the exact same place. Geographic Strategies has been hired once again to draw the county's districts, the Commissioners Court did not adopt redistricting criteria, they did not include Commissioner Holmes in the deliberations of the map proposals that are being presented today, and they again have included the Bolivar Peninsula in the map proposal in Precinct 3. And in map proposal 2, the county is proposing

² Expert Report and Declaration of William S. Cooper, Section III.B (January 13, 2013).

³ Henry Deposition, 225:23-25 – 226:1-4. Re Commissioner Clark's awareness, see (Aulds 2011a, b).

⁴ Henry Deposition, 225:23-25 – 226:1-4.

⁵ Giusti Deposition, 166:4-8.

⁶ Henry Deposition 218:3-8.

to dismantle the coalition district that Commissioner Holmes represents, that courts have upheld the validity of coalition districts, and dismantling a coalition district is indicative of intentional discrimination. I also would like to point out that jurisdictions that have a history of repeatedly discriminating against voters of color can be placed back under the preclearance provision of the Voting Rights Act. We ask that you remove Bolivar Peninsula from Map 1, and that you preserve the coalition district in Precinct 3, and resoundingly reject Map 2.⁷

Commissioner Holmes also presented evidence to the rest of the commissioners that the new map would dismantle the coalition precinct:

The importance of that is, for Precinct 3 in its current configuration, as an over 60% Black and Hispanic VAP population, the map that the commissioners just made a motion on, the largest population of Blacks and Hispanics together is 35%, and that won't have any way to pick the candidate of their choice. I have been the candidate of choice in Precinct 3, not because I'm Black, but because I think I've been the best candidate. But the point is, people have the ability in the precinct to pick the candidate of their choice. White, Black, Hispanic or whatever they should have that right. They should have that right. Some people don't think they should have protections under the Voting Rights Act.⁸

Commissioner Holmes also presented alternative maps that would achieve the required population targets without dismantling the coalition district. The commissioners did not discuss or consider these alternatives; instead, they immediately moved to vote in favor of Map 2 after Commissioner Holmes was finished speaking.

Even before the November 12 meeting, comments that came in through the online portal also expressed concerns about the racial impact of the redistricting plans. A comment submitted Friday, November 5, 2021 argued, "This is vastly uneven and will completely eliminate African American representation in Galveston County . . . to add Crystal beach and Bolivar gives the impression that The County Judge and the other commissioners have an additional agenda that doesn't include fairness and representation within Galveston County."⁹ A comment submitted Tuesday, November 9 argues that Map 2 "completely dilutes the minority vote countywide."¹⁰ These early comments would have provided some indication about racial concerns to the commissioners.

Third, as far as the process itself, the commissioners who supported the enacted plan do not appear to have made any effort to mitigate the negative effects of the plan on Galveston's Black and Latino voters. Commissioner Giusti said that he was unaware of any efforts to preserve the

⁷ 55:30. "CC Special 11-12-21." Available online <https://livestream.com/accounts/21068106/events/6315620/videos/227296657>. Accessed 17 Jan 2023.

⁸ 1:23:57. "CC Special 11-12-21."

⁹ Public Comment Submission #1283416.

¹⁰ Public Comment Submission #1290630.

coalition district.¹¹ Commissioner Apffel stated he believed it would be “impossible” to preserve the coalition district, but later admitted that this opinion was based only on his “belief” and not on actual evidence.¹² Likewise, Judge Henry said that he never asked whether there was a way to preserve Precinct 3 as majority-minority.¹³

The lack of any attempt to preserve the majority-minority precinct is unsurprising given the fact that two of the commissioners who voted for the map, Judge Henry and Commissioner Apffel, have expressed antagonism toward the majority-minority district and a desire to modify it. For example, Commissioner Apffel described the previous map, with its coalition district, as gerrymandered, and equates gerrymandering with drawing majority-minority districts:

Q. What -- when you mentioned gerrymandered like before, what do you -- what are you referring to?

A. Like -- like I just said, drawing lines and making districts that just encompass and circle a certain type of people.

Q. What do you mean, certain type of people?

A. Well, you're the one referring to, for example, people of color, or minorities.

Q. Oh, so that's -- that's what you meant?

A. Yeah.

Q. So when you said gerrymandered like before, were you not -- were you referring to any prior maps?

A. Yeah. I think the map that Stephen Holmes was under, the previous map, was a gerrymandered map.¹⁴

Similarly, Judge Henry said that in the old plan, Precinct 3 looked gerrymandered to him and it had to be that way because they had to keep it as a majority-minority precinct.¹⁵ Given the fact that these commissioners held such negative views of the coalition precinct, it is not surprising that they would favor a plan to eliminate it.

¹¹ Giusti Deposition, p. 162 line 23 – p. 163 line 3 (“Q. Are you aware of any efforts to maintain by any of the commissioners or anyone responsible for drawing 2021 redistricting plans effort to maintain Precinct 3 as a majority-minority Black and Hispanic precinct? A. Not that I'm aware of.”)

¹² Apffel Deposition, 261:22-24; 262: 21.

¹³ Henry Deposition, 224 l. 4-25, p. 225 l. 1.

¹⁴ Apffel Deposition, 264:13 – 265:4.

¹⁵ Henry Deposition, 241:11-19.

To summarize the discussion, the new redistricting plan adopted by the Galveston County Commissioners Court has a racially disparate impact on minority voters because it eliminates the coalition precinct, Precinct 3, and redraws all four precincts to have a White majority. The commissioners knew that their plan would negatively affect Black and Hispanic voters in Galveston County, and there is no evidence that the commissioners who voted for the plan took any steps to mitigate these negative effects. Moreover, the record shows that at least two commissioners viewed the coalition district negatively, describing it as “gerrymandered” based on race. Thus, the record supports that the process undertaken to adopt the 2021 enacted plan was designed to eliminate the majority-minority district.

Historical Background

The next consideration posed by the Court in the *Arlington Heights* opinion involves the examination of “the historical background of the decision . . . particularly if it reveals a series of official actions taken for invidious purposes.” In Galveston County, there is evidence of such a series of official actions to taken to dismantle Precinct 3 as a coalition district and deny Black and Latino voters the equal opportunity to elect their candidate of choice.

First, the Galveston County commissioners have been found to have taken actions that disadvantage minority voters several times. In particular, the commissioners have drawn commissioner precincts and Constable/Justice of the Peace precincts in ways that diluted minority voting strength. The Department of Justice failed to grant preclearance to the County’s redistricting plans for the Constable/Justice of the Peace districts in 1992¹⁶ and 2012, and to the Commissioners Court redistricting plan in 2012.¹⁷ The county had to enter into a consent decree for the 1992 Constable/Justice of the Peace maps as well as for failing to provide election materials in Spanish in 2007.¹⁸

The plan to redraw the commissioners precincts in 2011 serves as an important precursor to the 2021 redistricting. The main point is that the Department of Justice highlighted several procedural anomalies during that redistricting cycle that pointed to a discriminatory purpose:

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

¹⁶ Letter from John R. Dunne to Judge Ray Holbrook, March 17, 1992. Available online: <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/TX-2450.pdf>. Accessed 17 Jan 2023.

¹⁷ Letter from Thomas E. Perez to James Trainor, March 5, 2012. Available online: <https://www.justice.gov/crt/voting-determination-letter-38>. Accessed 17 Jan 2023.

¹⁸ Consent Decree, Judgment, and Order, *United States v. Galveston County*, CV No.: 3:07-cv-00377 (S.D. Tex. 2007), Dkt. 5.

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.¹⁹

As I show below, these procedural steps that the Department of Justice raised as problematic—the failure to adopt redistricting criteria and the exclusion of Commissioner Holmes from key decisions—appear again during the 2021 redistricting of the Commissioner Precincts.

The Supreme Court struck down the preclearance provision that prevented Galveston County from enacting their original 2011 plan in *Shelby County v. Holder* 570 U.S. 529 (2013). In the wake of that decision, many states and localities began to enact election changes that detrimentally affected minority voters. For instance, hundreds of polling places in jurisdictions formerly subject to preclearance closed between 2012 and 2018.²⁰ States (including Texas) immediately passed strict Voter ID provisions after *Shelby* that had been blocked under Section 5 of the Voting Rights Act (Billings et al. 2022). Voter purging also increased in formerly covered jurisdictions after *Shelby* (Feder and Miller 2020). Recent studies suggest that eliminating preclearance had negative effects on minority voter turnout (De Rienzo Jr 2022, Billings et al. 2022).

The elimination of preclearance for Galveston County, as with other covered jurisdictions, allowed the county to pursue electoral changes that would have been blocked prior to 2013 because of their effects on minority voters. For instance, in August 2013, just months after the *Shelby* decision, the county moved to enact the Constable/JP precincts that the Department of Justice had objected to in 2012 once they no longer had to satisfy the obligations of Section 5. Galveston County was the first jurisdiction to redistrict after *Shelby* and did so without consulting the federal government (Swift 2013). Trial testimony in a previous case shows that the county intentionally waited until after *Shelby* was passed to enact the plan that had drawn the objections from the Justice Department.²¹

The evidence suggests that the commissioners also thought that the lack of a preclearance requirement was important to their ability to accomplish their longstanding goals during the 2021 redistricting cycle.

At the April 5, 2021 meeting of the Commissioners Court, Galveston General Counsel Paul Ready began by presenting an engagement letter to retain Dale Oldham and the firm Holtzman, Vogel, Josefiak, and Torchinsky for the approval of the commissioners.

When it came time for the Commissioners to vote, Mr. Ready made it clear that Mr. Oldham was involved in the 2011 round of redistricting as “the demographer 10 years ago” and describing the firm Holtzman, Vogel, Josefiak and Torchinsky as “a firm out of DC that was brought to us by

¹⁹ Letter from Thomas E. Perez to James Trainor, March 5, 2012.

²⁰ See (*The Leadership Conference Education Fund 2019*).

²¹ Trial Transcript Vol. 3, at 139:9–140:2, *Petteway v. Galveston County*, Case No. 3:13-cv-00308 (S.D. Tex. 2014), Dkt. 76.

Dale Oldham, who was involved in the last redistricting, that was an activity that was part of the firm.”²² A commissioner asked off camera whether there was another firm perhaps from Houston who could do the work, and Ready replied that Oldham’s involvement in the last round of redistricting was the reason for hiring him:

Unknown: Is there anybody in Houston?

Ready: There are. The reason this letter is the one in front of you is because Oldham has already got the familiarity with Galveston County having done it 10 years ago and so it should be a shorter more efficient path for him to adjust his prior work as opposed to somebody recreate it.²³

A few minutes later, after an exchange about the release of the census data, Judge Henry brings up redistricting litigation:

Judge Henry: We would not expect litigation on the JP constables like we got last time.

Ready: It’s hard to say. I will say among the changes is that there’s no more preclearance so on that end it’s a little bit cleaner. The other thing to sort of note is that although we don’t expect final data until the fall . . .²⁴

These two exchanges are important because they show that the commissioners are hiring the same person to work from the same maps as 2011 that eliminated Galveston’s only majority-minority commissioners precinct, but they expect a different outcome due to the fact that preclearance of redistricting plans is no longer required under Section 5 of the Voting Rights Act.

Commissioner Holmes later said that he thinks the plan was to run “the same playbook that happened in 2012, only this year, you don’t have to have approval from the justice department to approve the maps.”²⁵

To conclude, the evidence presented here shows that Galveston County’s enactment of the 2021 redistricting plan is consistent with the county’s past pattern of attempting to eliminate majority-minority districts. Importantly, the commissioners themselves discussed a connection between the past redistricting cycle and their goals for the current cycle.

Sequence of Events

The Court in *Arlington Heights* found that analyzing the “specific sequence of events leading up to the challenged decision,” in this case, the redistricting map enacted in Galveston County, may shed light on the reasons the decision was made. The sequence of events is important to show if the process was rushed and executed in a way that deviated from prior standard practices or that limited public transparency and input. Furthermore, the timing of certain statements made by Judge

²² 16:15. “CC REG 04-05-21.” Available online

<https://livestream.com/accounts/21068106/events/6315620/videos/219596656>.

²³ 17:59. “CC REG 04-05-21.”

²⁴ 19:55. “CC REG 04-05-21.”

²⁵ 1:22:16. “CC Special 11-12-21.”

Henry and other actors relative to the passage of the map makes particular rationales advanced by the commissioners suspect.

My understanding of the timeline relevant for my discussion regarding the 2021 redistricting cycle, based on publicly available information, is as follows:

Table 1: 2021 Redistricting Timeline

April 5	2021—Retain redistricting counsel ²⁶
August 12	2021—Census redistricting data released (U. S. Census Bureau 2021)
October 29	2021—Redistricting Maps 1 and 2 posted to Galveston County Website for public comment ²⁷
October 29	2021—Judge Henry posts that he supports Map 2 because of coastal precinct ²⁸
November 9	2021—First Public Notice of Nov 12, 2021 Special Meeting posted. ²⁹
November 10	2021—Community leaders in Galveston and Bolivar Peninsula say they have not provided feedback in support of coastal precinct (Ferguson 2021e)
November 12	2021—Public meeting at League City Annex; 2021 enacted map adopted ³⁰

The Galveston County Commissioners Court had unusually little on the public agenda regarding redistricting in 2021. The commissioners and county judge also made very few public statements regarding the process or the reasoning behind their decisions.

The redistricting calendar was shifted this year because of the late arrival of the census data. However, the commissioners knew the approximate window between when the data would arrive and when they wanted to pass the maps; they could have planned their process to accommodate public hearings. For example, Judge Henry knew that the census data for redistricting would be released in August of 2021.³¹ However, unlike in 2011, he did not attempt to schedule a public

²⁶ “Minutes.”

<http://agenda.galvestoncountytexas.gov/sirepub/mtgviewer.aspx?meetid=2613&doctype=MINUTE>
S.

²⁷ See County of Galveston, TX. “Redistricting.” Available online <https://www.galvestoncountytexas.gov/our-county/county-judge/redistricting>. Accessed 27 Jan 2023.

²⁸ "Exhibit 0031 - 61_Exhibit.pdf"

²⁹ Email from Linda Liechty, November 9, 2021. "DEFS00031013"

³⁰ “Minutes.”

<http://agenda.galvestoncountytexas.gov/sirepub/mtgviewer.aspx?meetid=2641&doctype=AGENDA>

³¹ Henry Deposition, 156:4-17.

hearing or meeting to provide those data to the public.³² Judge Henry also expressed that he wanted to have the maps adopted by mid-November in time for the candidate filing process.³³

At the April 5, 2021 regular session, the commissioners discussed their understanding that the census data for redistricting would arrive later than usual. General Counsel Paul Ready raised the possibility that some work could be possible sooner:

The other thing to sort of note is that while we're not expecting the final data until the fall, I'd say it's possible maybe even likely that we get preliminary data over the summer and we could begin planning conceptually though you may not finalize the lines until then.³⁴

As noted above, the census data were released on August 12, 2021. The Commissioners expected as early as April 5, 2021 that the data would be released “sometime late summer, early fall”³⁵ and had every opportunity to structure the process to allow for greater transparency and public input. There was ample time to schedule in-person public meetings. For instance, Commissioner Apffel was able to attend a meeting of the Bolivar Chamber of Commerce to discuss redistricting on Bolivar Peninsula on November 11, 2021 (2021a). Notably, this meeting occurred after the president of the Bolivar Chamber of Commerce was quoted in the newspaper saying that she thought the majority of people would prefer to keep Commissioner Apffel and not to have one coastal precinct (Ferguson, 2021e).

This sequence of events is also important for contextualizing one particular justification for adopting the map that was chosen: the coastal precinct justification. As noted above, the redistricting plans were posted to the county website on October 29, 2021. That same day, Judge Henry also posted a statement in support of the maps to his social media. He wrote on Facebook, “Having a coastal precinct will ensure that those residents directly along the coast have a dedicated advocate on commissioners court” according to the Galveston Daily News (Ferguson 2021d). This stated interest in establishing a coastal precinct came *before* any public comment on the new precinct maps had been solicited at all. There was in fact no concerted push from affected areas such as the Bolivar Peninsula or the City of Galveston (Ferguson 2021d). Judge Henry’s post seems to create a public desire for a coastal community of interest united into one district out of thin air; these areas had not been lumped together in a precinct before, and there is no evidence of public advocacy for this single coastal precinct in 2021 before Judge Henry’s October 29, 2021 social media post (Ferguson 2021e).

Moreover, a purported desire for a coastal precinct cannot explain the decision to crack apart the minority community outside the coastal precinct. The map³⁶ below, which is contained in the Appendix to Dr. Baretto’s and Dr. Rios’s report, shows the 2021 enacted plan boundaries over demographic shading by census voting tabulation district. This map shows that the minority community’s splintering in the 2021 enacted plan was a map-wide feature:

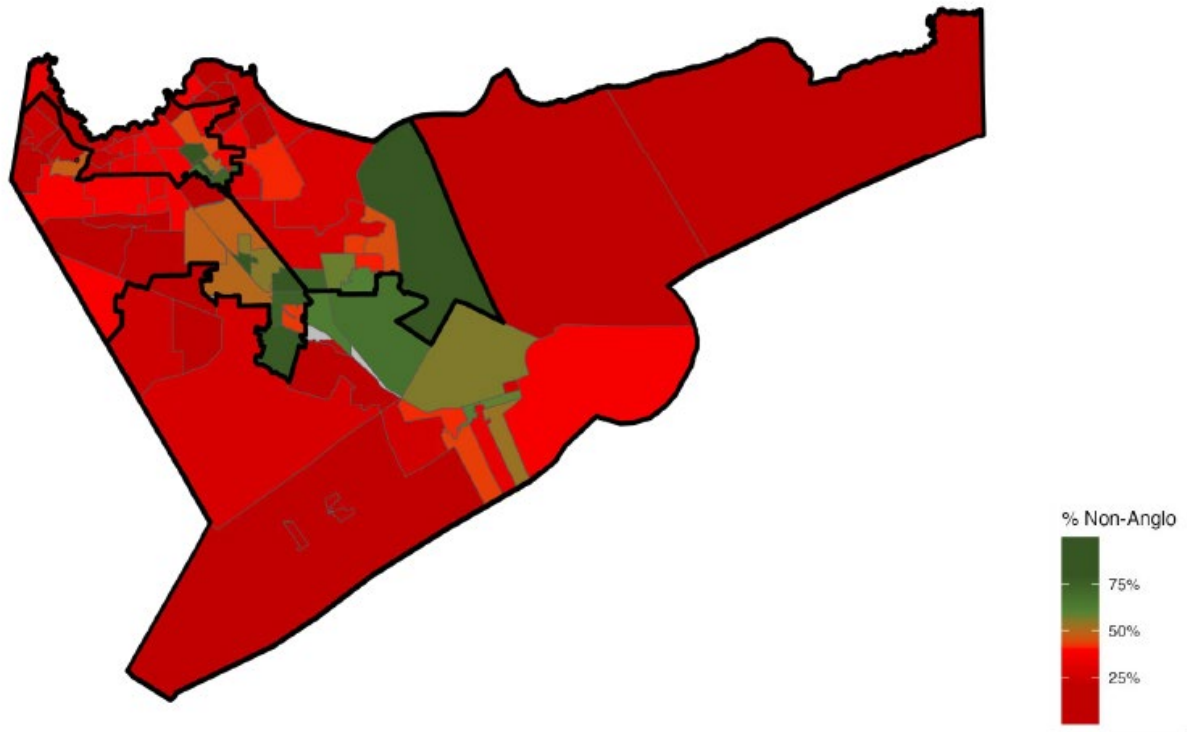
³² Henry Deposition, 159:14-25.

³³ Henry Deposition, 152:20 –153:5.

³⁴ 20:06. “CC REG 04-05-21.”

³⁵ 18:56. “CC REG 04-05-21.”

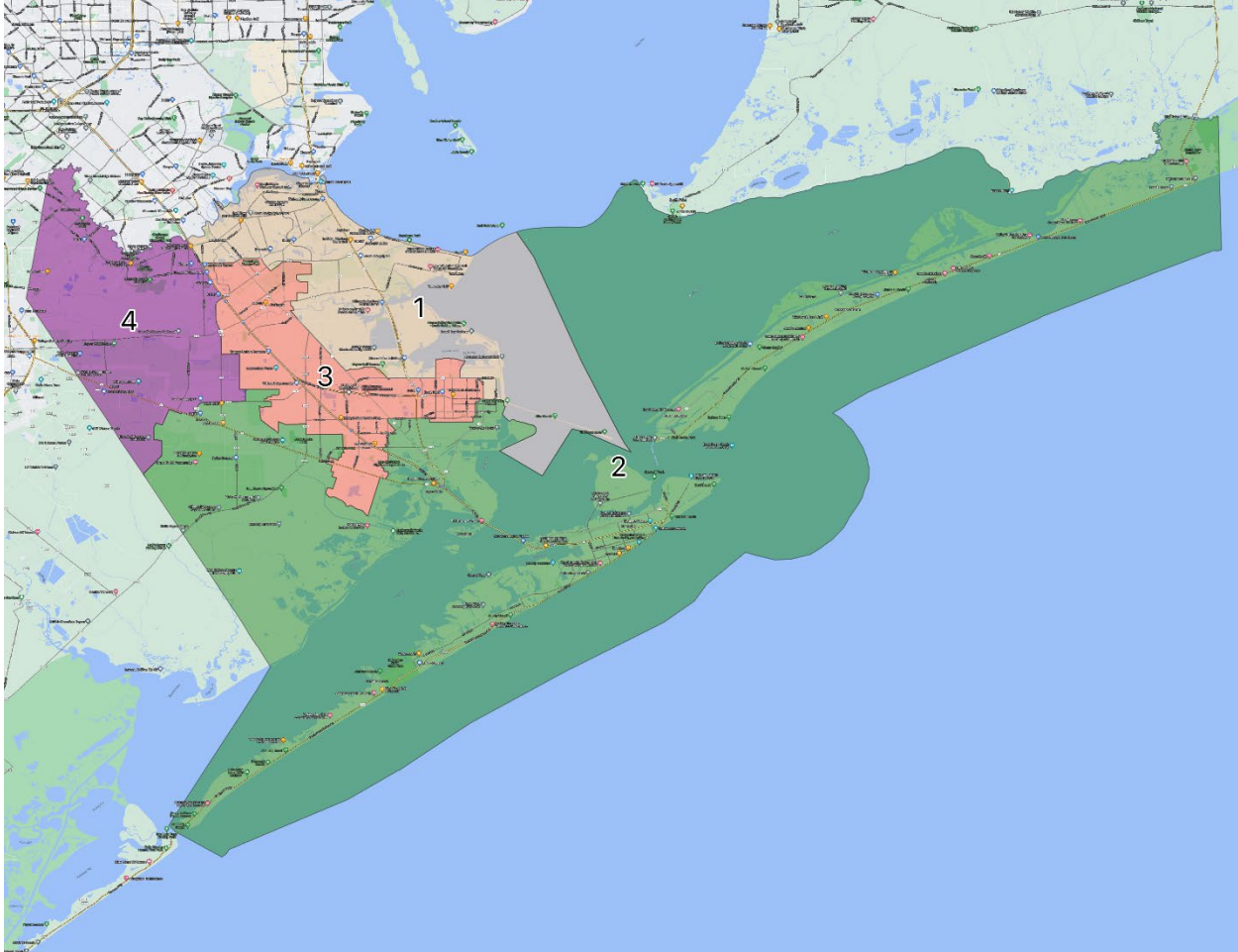
³⁶ Declaration of Dr. Matt A. Barreto and Michael Rios, page 170.



While it appears obvious from the map, the question of whether creating a coastal precinct can explain the elimination of a minority opportunity precinct can be tested by determining whether alternative maps are possible that satisfy the purported desire for a coastal precinct without such a striking effect on the minority population. To answer this question, I was provided a series of maps drawn by Petteway Plaintiffs’ mapping expert that do just that.

Alternative Map 1

Alternative Map 1 keeps the so-called “coastal precinct”—Precinct 2—unchanged. Thus, it directly tests whether the creation of a coastal precinct in the precise configuration adopted by the Commission explains the fragmentation of the minority population. As Alternative Map 1 shows, the creation of Precinct 2 as a “coastal precinct” does not explain the cracking of the minority population, because Precinct 3 in this alternative map remains a compact majority-minority precinct.



This and other alternative maps, which are included in Appendix B to my report, show a sampling of ways in which a coastal precinct can be created while retaining a compact, majority-minority precinct.

These alternative maps illustrate that the purported desire for a “coastal precinct” cannot explain the fragmentation of the minority population. Moreover, it is noteworthy that Judge Henry and Commissioner Apffel have both disclaimed in deposition testimony that partisanship—*i.e.*, a desire to create an additional Republican precinct—explained the fragmentation of the minority community as well.³⁷

Departures from the Normal Procedural Sequence

Although examining the particular sequence of events helps shed light on the intentions of the Commissioners Court, the 2021 timeline is even more notable for the *absence* of certain events and procedures as compared to both Galveston County’s prior practice, and the standard practice

³⁷ For instance, when asked was “partisanship a factor in your evaluation of these maps?” he responded, “Not at all.” See Apffel Deposition 193:6-8. Similarly, when Judge Henry was asked about the importance of passing the maps “to keep Galveston County red,” he replied that he “already had that with three commissioners.” See Henry Deposition 258:15-259:9.

of jurisdictions at the local and state levels. In this case, the pattern of departures from prior and normal procedural sequences seems designed to stifle transparency and opposition for several reasons.

First, from the beginning, even the process of hiring the law firm was different from that followed in 2011. For instance, in 2011, the commissioners court agenda included notice of executive sessions (on April 19, 2011 and April 26, 2011) during which law firms were interviewed for redistricting, with a meeting to hire the firm on May 17, 2011.³⁸ In 2021, the court appeared to follow no such process. No interviews of firms for redistricting purposes appear on the public agenda, and Judge Henry has admitted that he specifically sought out the firm that he had worked with in 2011.³⁹ As noted before, there was no public disclosure of who the county intended to retain before the April 5, 2021 meeting to vote on the engagement. More telling, the other Commissioners did not seem familiar with the firm or the engagement letter in the April 5, 2021 meeting. Commissioner Clark said the engagement letter had not been posted online and Commissioner Holmes asked, “Who are we hiring?”⁴⁰ There was no indication that other bids were considered, although other bids were received.⁴¹

Second, no other public meetings, executive sessions, or workshops on redistricting were held between the April 5, 2021 meeting where the law firm was hired and the November 12, 2021 special session in which the 2021 enacted plan was adopted. This lack of public meetings is unusual for Galveston. In 2011, redistricting workshops were on the Commissioners Court public agenda on March 29, 2011 and June 21, 2011 (the census redistricting data were released beginning in February of that year),⁴² and the Commissioners Court presented the results of the 2010 Census on August 2, 2011.⁴³ Thereafter, the Commissioners Court held five public hearings specifically to solicit comment on the maps, before a final meeting on August 30, 2021 to vote on maps that had been modified in response to public comment.⁴⁴

In contrast, any consideration by the Galveston County Commissioners Court of proposed maps, other than the November 12, 2021 hearing in which they held a final vote, happened behind closed doors. There was no pre-Census working session, no presentation of the Census results, and no hearings held for public comment before final maps were proposed in October.

³⁸ See Agendas at

<http://agenda.galvestoncountytexas.gov/sirepub/mtgviewer.aspx?meetid=97&doctype=AGENDA>;
<http://agenda.galvestoncountytexas.gov/sirepub/mtgviewer.aspx?meetid=99&doctype=AGENDA>;
 and

<http://agenda.galvestoncountytexas.gov/sirepub/mtgviewer.aspx?meetid=102&doctype=AGENDA>;

³⁹ Henry Deposition, 120:3-18.

⁴⁰ 16:13. “CC REG 04-05-21.”

⁴¹ Letter from Allison, Bass, & Magee, L.L.P., February 6, 2020.

⁴² See Agendas at

<http://agenda.galvestoncountytexas.gov/sirepub/mtgviewer.aspx?meetid=94&doctype=AGENDA>
 and

<http://agenda.galvestoncountytexas.gov/sirepub/mtgviewer.aspx?meetid=107&doctype=AGENDA>.

⁴³ Letter from Thomas E. Perez to James Trainor, March 5, 2012.

⁴⁴ Letter from Thomas E. Perez to James Trainor, March 5, 2012.

Furthermore, the lack of public consideration of the proposed maps was designed specifically to avoid requiring a public meeting. Commissioner Giusti says that holding meetings with just two commissioners is a way to get around open meetings rules:

Q. So when you talk about the law related to quorums, during the process, for example, I believe the October 2021 meeting where you met with Dale Oldham and you were present and Tyler Drummond and Jed Web was also present, was that set up in a manner to avoid violating the law that applies to quorums?

MS. OLALDE: Objection; form.

THE WITNESS: Yes, I would assume it is . . .⁴⁵

Commissioner Apffel explains the two-commissioner redistricting meetings similarly:

Q. But only with Judge Henry and you, from the Commissioners Court?

A. Yeah. Because as I told you, it's the judge's duty and responsibility to handle redistricting, in my opinion. And more than two people would be a quorum.⁴⁶

Judge Henry confirmed that no more than two commissioners met at a time to discuss redistricting in order to avoid a quorum, which triggers the requirements for transparency under the Open Meetings Act.⁴⁷ Judge Henry described the requirements as follows:

We are -- anytime there's a quorum, which is three or more, we're required to notice that publicly, notice the public about what we're going to be discussing, give at least 72 hours, and have it recorded.⁴⁸

These comments suggest that the commissioners structured their meetings in pairs or directly with Mr. Oldham in succession in order to avoid the requirements of open meetings and minimize transparency in the process.

Commissioner Holmes also was excluded from full participation in the redistricting process. During the November 12, 2021 meeting, he said:

And the other part of it was, essentially, meeting with the lawyer that one time, I didn't have any input in this process. I didn't have a vote on whether or not we would put these maps online, I didn't have a vote on which maps would get put online. I did not get an opportunity to submit a map.⁴⁹

The exclusion of Commissioner Holmes was a suspicious exercise called out as such by the Department of Justice in 2012:

⁴⁵ Giusti Deposition, 104:14-105:7.

⁴⁶ Apffel Deposition, 129:10-15.

⁴⁷ Henry Deposition, 172:11-21; 353:16-22.

⁴⁸ Henry Deposition, 354:17-21.

⁴⁹ 1:21:25. "CC Special 11-12-21."

“The evidence also indicates that the process may have been characterized by a deliberate exclusion from meaningful involvement in key deliberations of the only member of the Commissioners Court elected by the minority ability to elect their own county commissioner. Precinct 3 is the only precinct in the county where minority voters have the ability to elect candidate of choice, and it is the only precinct currently represented by a minority person.”⁵⁰

As was the case in 2012, at the time of the redistricting, Commissioner Holmes was still the sole minority member of the Commissioners Court and the representative of the only minority coalition precinct.

Third, redistricting criteria were not adopted to guide the process, despite the fact that such criteria have been adopted in Galveston in the past and continue to be used in other counties in Texas today. Prior to the attempts to eliminate the majority-minority Precinct 3 that began in 2011, Galveston County, like others in Texas, adopted redistricting criteria to guide the redistricting process. In 2001, for instance, the redistricting criteria were adopted at a May 7, 2001 regular meeting of the Galveston County Commissioners Court. Many counties across Texas continued to use this format to adopt redistricting criteria during the 2021 cycle.⁵¹

Fourth, when the proposed maps were released by the county on October 29, 2021, the public was given no quantitative information about the maps. Again, there was a lack of transparency: the underlying population and demographic data were not released with the maps. Interested citizens could not see how the proposed maps changed precinct demographics by viewing information made publicly available by the county.

Finally, the lack of in-person public meetings denied the public the opportunity to provide meaningful feedback on the maps. This lack of in-person engagement was a departure from the normal procedural sequence.⁵² Unlike in 2011, where the Commissioners Court held five public hearings on redistricting in the two weeks before the map was approved,⁵³ in 2021 during the two weeks between when the maps were released on October 29, 2021 and approved, only one in-person special session was called with the minimum of 72 hours notice. That meeting was held on November 12, 2021, the day before the candidate filing period for the 2022 general election. It was

⁵⁰ Letter from Thomas E. Perez to James Trainor, March 5, 2012.

⁵¹ See orders from Glasscock County

<https://www.co.glasscock.tx.us/upload/page/0784/2021/Order%20Adpoting%20Criteria.pdf>;

Nacogdoches County

<https://www.co.nacogdoches.tx.us/downloads/Order%20Adopting%20Criteria%20For%20Use%20in%20the%202021%20Redistricting%20Process.pdf>; and Harris County

<https://cao.harriscountytexas.gov/Portals/20/Documents/Redistricting%20Order.pdf?ver=ebmKIX1ellRIVmYTTNE6Kg%3d%3d>.

⁵² This departure is not due to COVID-19 precautions; the Commissioners Court was still holding in-person meetings with public comments throughout 2021.

⁵³ Agenda,

<http://agenda.galvestoncountytexas.gov/sirepub/mtgviewer.aspx?meetid=115&doctype=AGENDA>.

held at 1:30pm in the Calder Road Annex in League City. By contrast, in 2011, those five meetings were all held in the evening, after work, in several cities across the county.⁵⁴

The November 12, 2021 meeting is also notable for its inconvenience. The location was not designed to accommodate the crowd, over 100 people, who showed up to discuss the redistricting plan. The meeting room was standing-room only, with people overflowing into halls and other rooms.⁵⁵ Many people could not hear the meeting. The crowd was upset:

Rev. W. H. King: “You called a meeting where you KNEW there would not be enough space for the people. You have elderly people standing up on the outside. You know better than that. [applause]. These are voters. They pay for the buildings that Galveston has. They should be able to come into the building comfortably without having to stand on walls and chairs and being able to stand on their legs or using their canes or their walkers.”⁵⁶

Lucretia Lofton: “The fact that this meeting was called at a time that conflicts with most taxpaying citizens reinforces the notion that the community interest is not considered which is beyond reproachment because the same people that pay their taxes into this exact county lack inclusiveness and equality.”⁵⁷

Rev. Timmy Sikes: “The same thing that was going on twenty-three years ago is the same thing that’s going on today. And excuse me if I get emotional because its personal to me, not only personal but it’s personal to everybody that’s present. This county has facilities that are large enough to hold a crowd that’s in here and outside, and on a Friday at 1:30, they want to have a meeting because they didn’t think we were gonna show up.”⁵⁸

As audience members note, the meeting location was inconvenient, people did not have an opportunity to hear the discussion, and sufficient accommodations were not made for the elderly or other people with disabilities. The Commissioners Court should have been aware that there would be significant public interest in redistricting, given the hundreds of online public comments on the current maps and the hundreds of attendees at redistricting public hearings in 2011 (Aulds 2011c), yet still failed to hold even one fully accessible public meeting. The image of the overflowing room below illustrates the point:

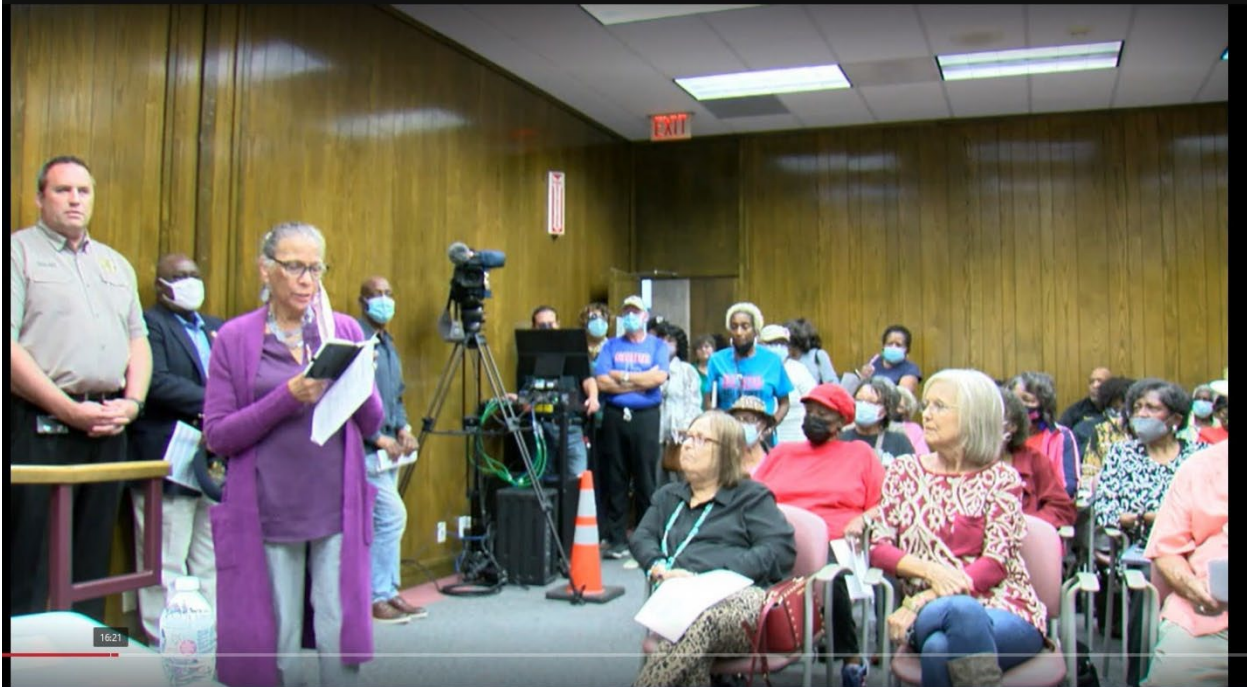
⁵⁴ *Id.*

⁵⁵ See attached image of the meeting room.

⁵⁶ 40:32. “CC Special 11-12-21.”

⁵⁷ 52:56. “CC Special 11-12-21.”

⁵⁸ 1:10:30. “CC Special 11-12-21.”



Some Commissioners might argue that the online comments were sufficient for public engagement with the maps. However, according to the 2021 American Community Survey, while 96.6% of non-Hispanic White people in Galveston have access to a computer with broadband internet at home, only 89.6% of Black Galveston residents do. One difference between the online portal and the in-person public comments lies in the commissioners' response to them. At public meetings, all the commissioners who are present hear every public comment. However, the commissioners may not have reviewed all the online comments to the map. This was the case in Galveston. For instance, Commissioner Apffel admits that he only saw some of the comments:

Q. Did you review the comments that -- excuse me. Did you review all the comments that were submitted through the website?

A. Drop the word all, and maybe some. But not all.⁵⁹

Likewise, Judge Henry admits that he read only a few of the online comments, less than a dozen, while Commissioner Giusti also says he reviewed about 15 of the online comments.⁶⁰

To summarize the evidence presented, it is clear that the process that produced the redistricting plan enacted by Galveston County departed substantially from past practices. These departures had the intent and the effect of minimizing public input and transparency. Failing to adopt redistricting criteria, hold convenient public hearings, or release quantitative data made it much more difficult for the public to provide feedback on the maps. Online participation was not a replacement for the in-person meetings—the commissioners who supported the plan admit that they did not read more than a few of the online comments.

⁵⁹ Apffel Deposition, 187:7-12.

⁶⁰ Henry Deposition, 273–274; Giusti Deposition 124:2-5.

Contemporaneous Statements

The factors articulated in *Arlington Heights* acknowledge the importance of contemporaneous statements by decisionmakers for showing their intent. In particular, I would like to point to three statements that I would characterize as attempts by Judge Henry to diminish the input of minority voters. All took place during the November 12, 2021 special session.

First, at the beginning of the meeting, members of the public complained that they were not able to hear the proceedings. In response, Judge Henry threatened, “I will clear you out if you make a noise, I will clear you out of here. I’ve got constables here.”⁶¹ Commissioner Giusti later said of these remarks:

I did not think it was personally the thing to do. I didn't think it was the way to treat people. I mean, asking them to quiet down is one thing, but it to me was a little aggressive.⁶²

Commissioner Giusti later said that he could recall the judge asking a deputy to remove a disruptive individual from a meeting in the past, but not making a comment toward an entire group.⁶³

The second comment occurred in the middle of the meeting. Several members of the audience stood up to request that the commissioners go back to the drawing board and consider new maps that were more favorable to minority voters. In response, Judge Henry said:

If I could address one recurring theme, we don't have time, we must adopt a map by tomorrow according to the secretary of state. That's not our requirement, that's the state of Texas requirement.⁶⁴

The audience rightly noted that the fact that no changes could be made in response to their feedback rendered the meeting pointless. As Wendy Langham said:

After hearing you say that, why do you even have us here? [audience agreement]. You had no intention of changing the map, of even getting our input. I hadn't thought that this was what I was going to say to you, but this seems so dishonest. It's like you're placating us.⁶⁵

As Ms. Langham noted, Judge Henry's comment made it clear that the community's participation at the meeting would have no effect on the outcome.

The final comment occurred near the end of the meeting. As he was calling for a vote on Map 2, Judge Henry said:

We did online questions, some people responded, 440 total responses as of about 12:30 this afternoon . . . of the 440 that came in, 168 did not discuss a particular map they just called me names mostly, of the people who did choose a map preference, Map 1 received

⁶¹ 10:40. “CC Special 11-12-21.”

⁶² Giusti Deposition, p. 250 lines 13-16.

⁶³ Giusti Deposition, p. 252 l 1-3.

⁶⁴ 34:50. “CC Special 11-12-21.”

⁶⁵ 35:04. “CC Special 11-12-21.”

64 responses Map 2 received 208 responses. Of those responding to a particular map, 76.4% Map 2, 23.5[%] Map 1.⁶⁶

On its face, this statement does not seem hostile to the interests of minority voters. But Judge Henry has said he accounted for online public comment by asking for this breakdown from staff.⁶⁷ However, this breakdown only describes the number of comments that supported a particular map. It noticeably does not account for comments that rejected either or both maps, including those that rejected them on the grounds that they were both discriminatory against Galveston’s voters of color. I reviewed and categorized the 446 submissions that came into the County prior to 1:30pm, when the November 12, 2021 meeting on the redistricting maps began. By my estimation, over half of the 168 comments Judge Henry says “did not discuss a particular map” expressed concerns about race and/or minority vote dilution.⁶⁸ In other words, Judge Henry dismissed as devoid of meaningful content nearly every comment that did not support the maps and that expressed concerns about racial discrimination and minority vote dilution.

In sum, these three comments by Judge Henry point to antipathy toward the views of the minority constituency. In the November 12, 2021 meeting, Judge Henry threatened a largely minority audience with forcible removal from the meeting, told them that their input would have no effect on the outcome, and characterized the online feedback in a way that discarded concerns about minority vote dilution and racial discrimination. These comments are especially important in light of the fact that the commissioners in support of Map 2 said very little else during the special session or otherwise during the redistricting process.

C. The “Senate Factors”

Senate Factor 5: Effects of discrimination

Currently, in Galveston County, 57.0% of the population is non-Hispanic White, 12.3% is non-Hispanic Black, and 25.0% is Hispanic.⁶⁹ I have been asked to provide information relevant for evaluating Senate Factor 5, or “the extent to which minority group members bear the effects of discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process.” In the following section, I will outline the historical and contemporary factors that have shaped racial disparities in socioeconomic status, housing, health, and criminal justice and the ways that these disparities can affect political participation. There are significant gaps between Black, White, and Latino people in Galveston County along each of these dimensions.

⁶⁶ 1:16:44. “CC Special 11-12-21.”

⁶⁷ Henry Deposition 273:15-23.

⁶⁸ These figures are approximations because I do not have the particular coding assigned to each comment by Judge Henry’s staff.

⁶⁹ U.S. Census Bureau. “Citizen Voting Age Population by Race and Ethnicity.” Available online from <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>. Accessed 20 Jan 2023. For the citizen voting age population in Galveston County, 63.3% are non-Hispanic White, 12.7% are non-Hispanic Black, and 19.2% are Hispanic.

1. Education

People with higher educational attainment are more likely to vote (Almond and Verba 1963, Brady, Verba, and Schlozman 1995, Burden 2009, Campbell et al. 1980, Verba, Schlozman, and Brady 1995b). Verba, Schlozman, and Brady argue that the relationship between socioeconomic status and voting exists because people with greater education also tend to have more of the resources such as time, money, and civic skills that affect the calculus of participation (1995: 282). Education makes it easier for individuals to navigate the costs of voting such as acquiring information about the candidates and issues or learning how to register and vote (Verba, Schlozman, and Brady 1995b).

Black and Latino people historically have faced educational discrimination in Galveston County, which has hindered their ability to vote. Although the U. S. Supreme Court ruled segregation in public schools unconstitutional in *Brown v. Board of Education* in 1954, and Congress outlawed segregation in public accommodations in the Civil Rights Act of 1964, as I will discuss, districts in the county and across the state failed to desegregate for several years after those rulings. For instance, by 1961, the Southern Educational Reporting Service found that in Galveston County, only the Moody State Home had desegregated (Southern Educational Reporting Service 1961, 1961). The process of desegregation did begin later in the 1960s, partly as a result of court orders in the Texas City⁷⁰ and Galveston⁷¹ Independent School Districts (ISD). Eventually, as a result of *United States v. State of Texas*, the entire state was subject to a comprehensive desegregation plan (LBJ School of Public Policy 1982). Galveston ISD did not achieve unitary status until 2009 (Suayan 2009).

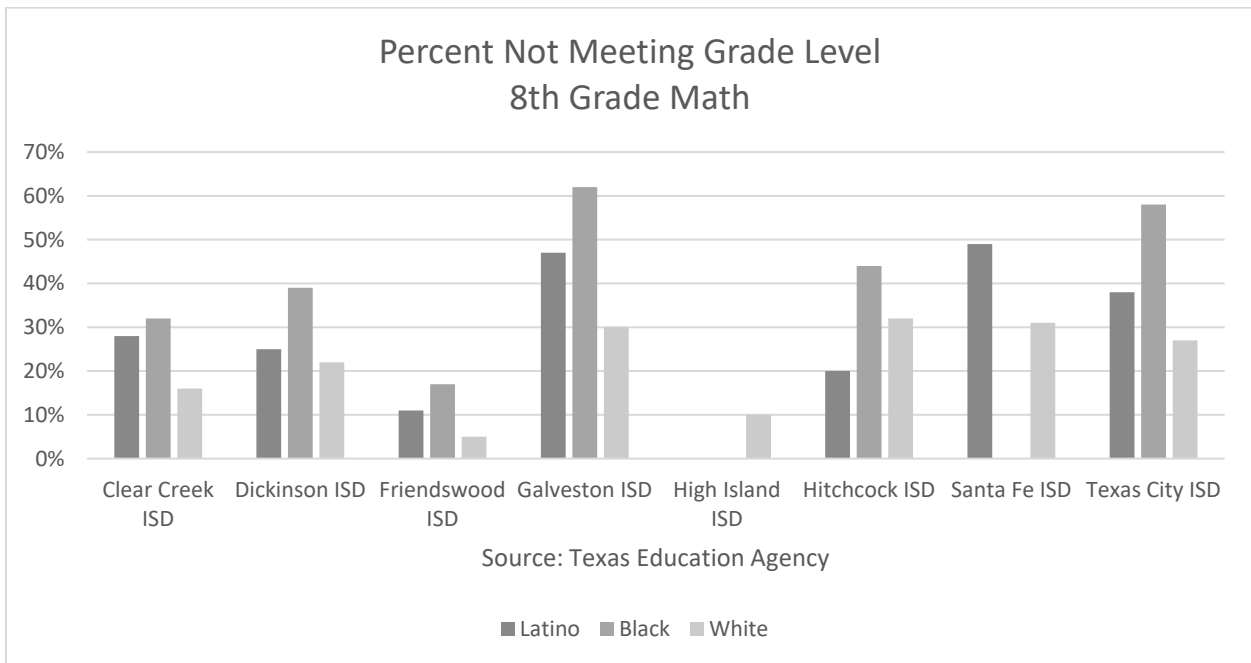
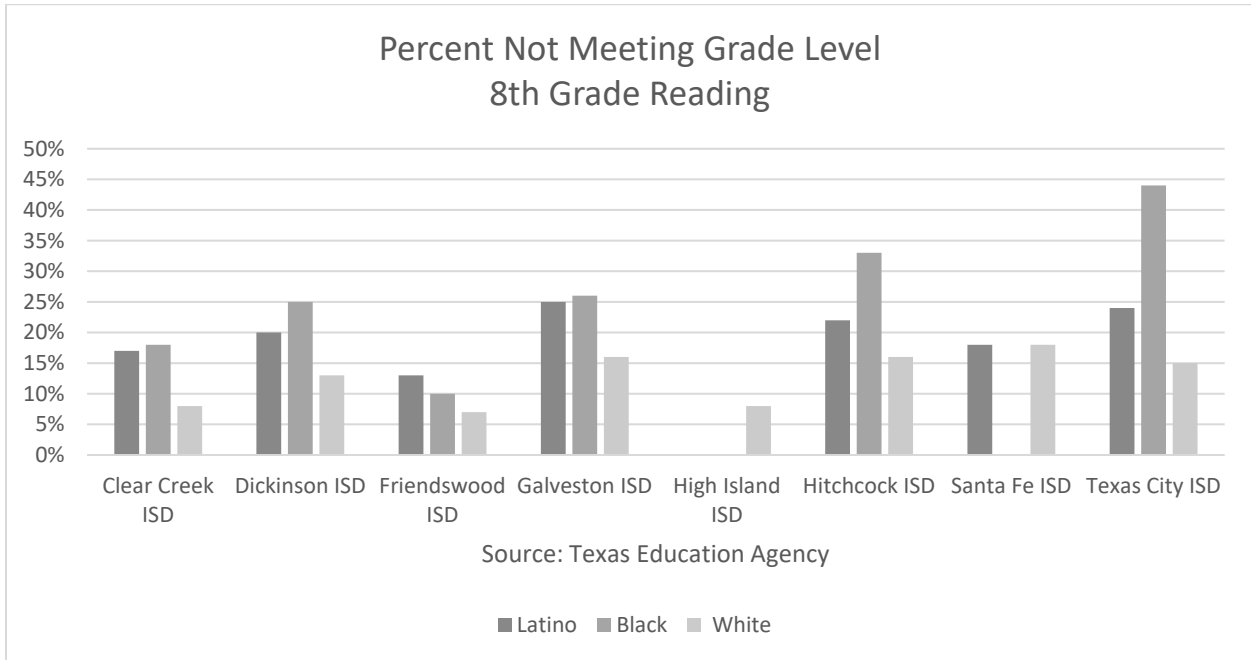
Today, there are eight school districts serving students in Galveston County. These districts range in diversity; High Island ISD and Santa Fe ISD are only 18 and 23% non-White, respectively (2022). Hitchcock ISD, Galveston ISD, Texas City ISD, and Dickinson ISD all are more than 70% non-White (2022). The largest district, Clear Creek ISD, as well as Galveston ISD, is still moderately segregated (ProPublica 2017).

Racial gaps in achievement scores persist in all eight districts that serve the students of Galveston County. According to **Figure 1**, which shows the percent of 8th graders who were not proficient in math and reading for each district, Black and Hispanic students were less likely than White students to be proficient in either subject in all eight school districts (Texas Education Agency 2022). Black and Hispanic students also are less likely to enroll in AP Math classes than their presence in the population would suggest. For instance, in Clear Creek, Black and Hispanic students are 8.2 and 30.9% of the district, but only 3 and 14% of the students enrolled in AP math courses, respectively (U. S. Department of Education 2018).

⁷⁰ *Evans v. Brooks*, Civil No. 2803 (Galveston Div., S.D. Tex.).

⁷¹ *Smiley v. Vollert*, 453 F. Supp. 463 (S.D. Tex. 1978).

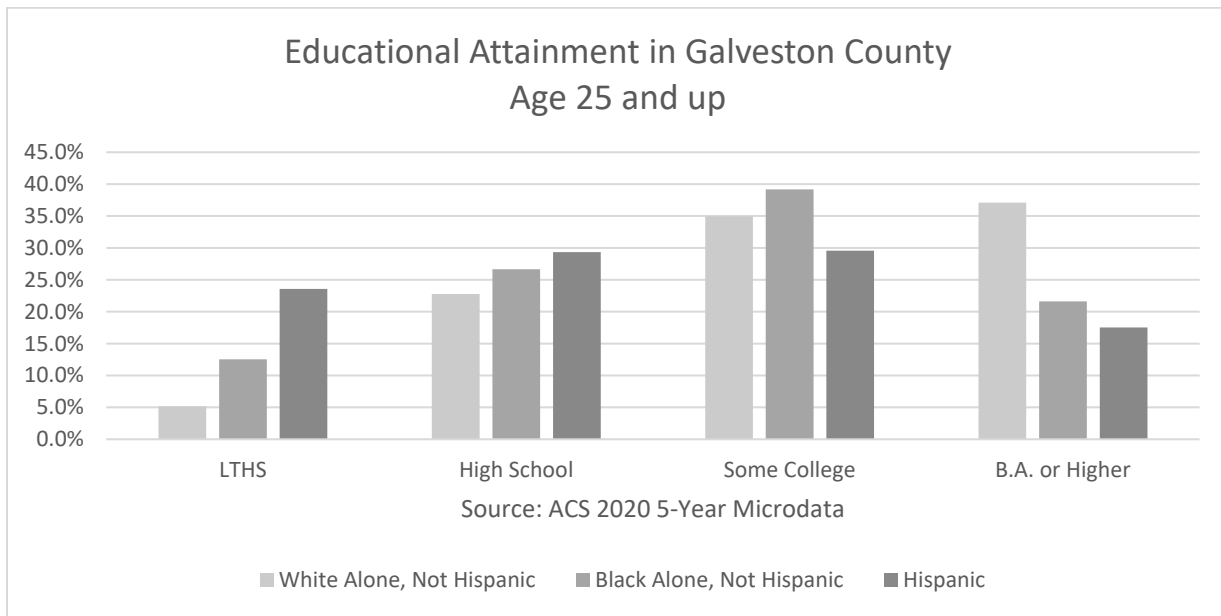
Figure 1: Percent Not Meeting Grade Level, 8th Grade Reading (a) and Math (b).
 Source: Texas Education Agency



School suspensions have been shown to increase subsequent arrests and other anti-social behavior in youth (Mowen and Brent 2016, Hemphill et al. 2006). The evidence suggests that racial disparities in school suspensions exist in Galveston County school districts as well (U. S. Department of Education 2018). For instance, in Clear Creek ISD, Black students are absent three times as many days as White students due to suspensions on a per-capita basis (U. S. Department of Education 2018).

Historical and contemporary educational disparities such as these have led to disparities in educational attainment among the people of Galveston County. Although there have been gains in educational attainment over time, racial gaps persist. **Figure 2** shows estimates of the educational attainment of Galveston County residents over the age of 25 by race, calculated using the 2020 5-Year Public-Use Microdata from the American Community Survey. The data shows that White adults are far more likely than Black and Latino adults in the county to have earned a bachelor's or postgraduate degree, and that Black and Latino Galveston County residents have lower educational attainment overall. As a reminder, 28% of Galveston County residents are age 55 or older, which means that they were school age during the time when districts in Galveston County were still at least partially segregated (U. S. Census Bureau 2022).

Figure 2: Educational Attainment in Galveston County by Race, Age 25 and Up.



2. Income, Poverty, and Wealth

Income and wealth affect voting to the extent that greater income can make it easier to overcome the costs of voting, such as having the ability to afford time off work to go to the polls (Verba, Schlozman, and Brady 1995a). Educational discrimination such as that faced by Black Galveston residents can produce disparities in socioeconomic wellbeing (Long 2010). However, decades of persistent discrimination in employment and access to capital also contribute to economic disparities.

In Galveston County, Black and Hispanic residents are worse off economically than their White counterparts. For instance, as shown in **Figure 3**, the median income of Black Galveston County households, at \$45,831, is more than \$40,000 less than the median income of White households (\$86,165) (County Health Rankings and Roadmaps 2022). White households in Galveston also have a higher median income than that of Latino households, which is \$60,297 (County Health Rankings and Roadmaps 2022). There are racial disparities in child poverty in Galveston County, as well. As shown in **Figure 4**, the poverty rate for Black children in Galveston is 3 times higher than that of White children in the county, and the poverty rate for Latino children is more than 2

times higher than that of White children in Galveston County (County Health Rankings and Roadmaps 2022).

Figure 3: Median Household Income in Galveston County by Race

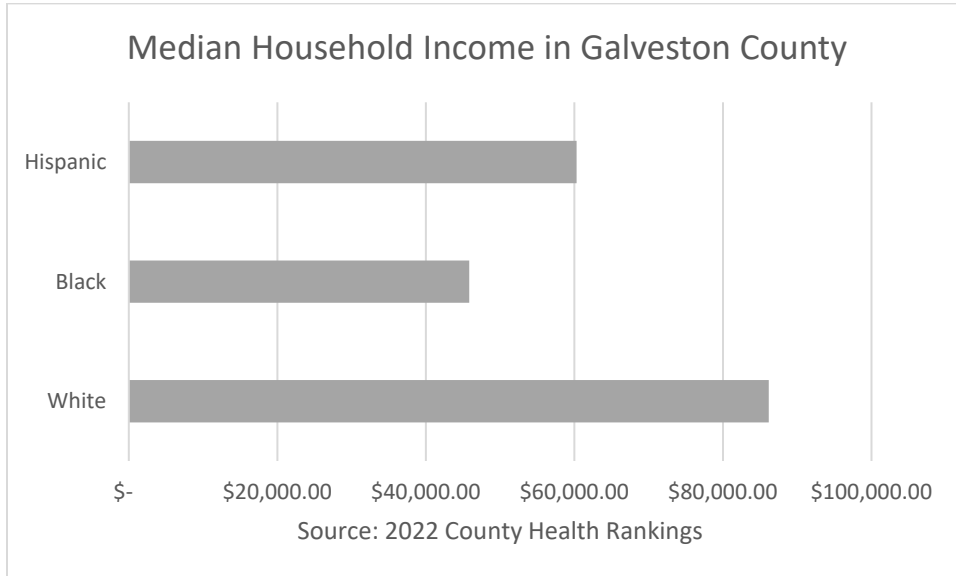
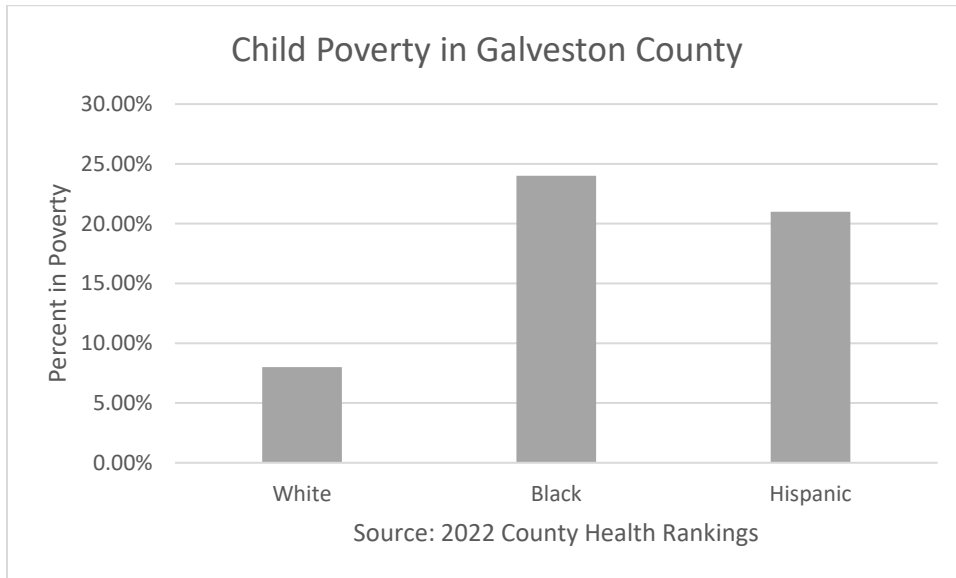
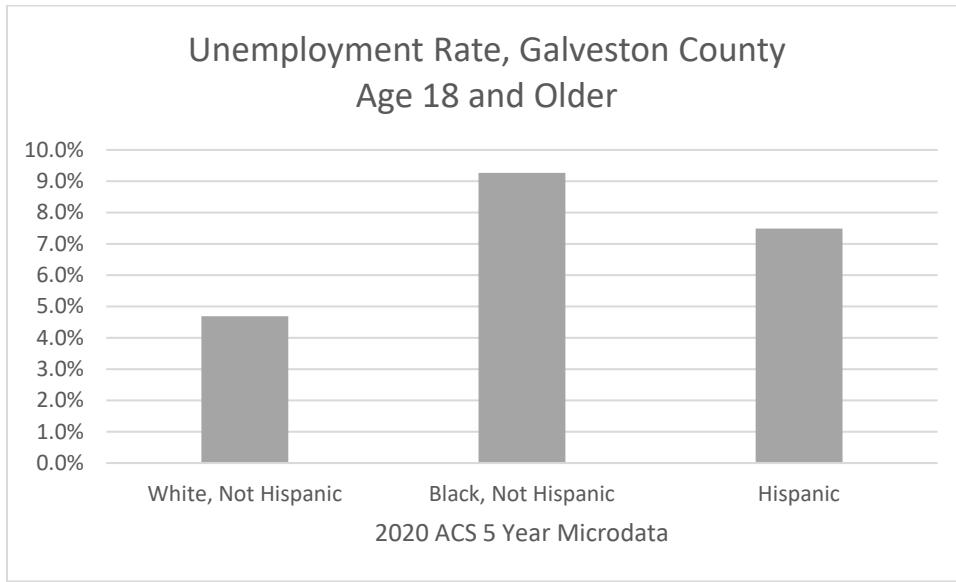


Figure 4: Child Poverty in Galveston County by Race.



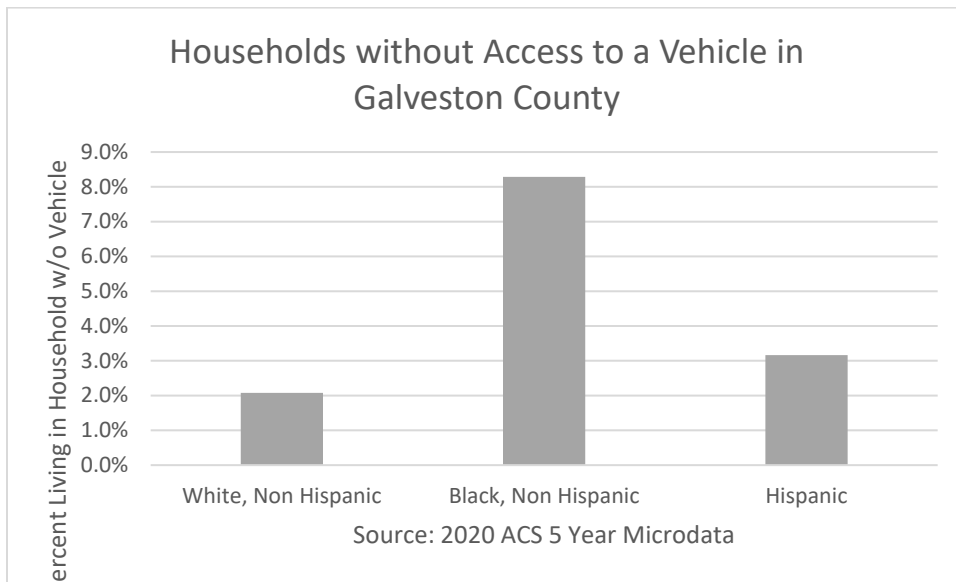
Employment also can affect voter turnout. Rosenstone and Hansen argue that work is an important site for recruitment into politics, which also increases voter turnout (Rosenstone and Hansen 1993). The evidence depicted in **Figure 5** shows that the Black unemployment rate in Galveston County is more than twice that of White Galveston County workers; unemployment is higher for Latinos living in Galveston County as well.

Figure 5: Unemployment Rate by Race in Galveston County, Age 18 and Older.



Economic disparities can translate into political disparities some additional ways. One other mechanism is through access to transportation. As **Figure 6** shows, in Galveston County, access to vehicles varies by race, such that Black households are four times more likely to lack access to a vehicle than White households. Latino households are more likely to lack access to a vehicle as well. Studies have shown that polling place distance affects voter turnout, and those effects are related to transportation access (Brady and McNulty 2011, Bagwe, Margitic, and Stashko 2020). In states with no excuse absentee voting, people tend to offset issues accessing physical polling places with voting by mail; however, in states with limited absentee ballot options such as Texas (National Conference of State Legislatures 2022), the “substitution to mail-in voting” is smaller (Bagwe, Margitic, and Stashko 2020: 4).

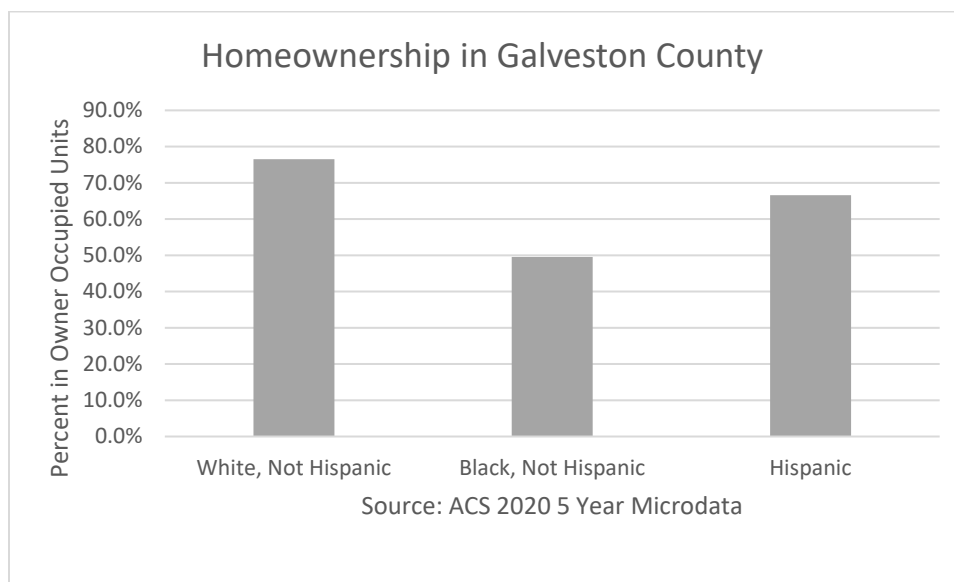
Figure 6: Households without Access to a Vehicle in Galveston County by Race.



3. Housing and Racial Residential Segregation

Neighborhood context matters for political mobilization and political outcomes (Burbank 1997, Burch 2013, Cohen and Dawson 1993, Huckfeldt, Plutzer, and Sprague 1993, Huckfeldt 1979, Tam Cho and Rudolph 2008). However, where people live also matters because racial residential segregation has been shown to decrease Black voter turnout. Researchers argue that segregated Black areas have less access to public goods, such as polling places or transportation, that might matter for voting (Zingher and Moore 2019). Racial residential segregation also affects politics indirectly because it is an important determinant of economic and health outcomes. Racial residential segregation increases Black poverty rates, lowers Black educational attainment, and increases income inequality between Black and White residents (Ananat 2011). Research attributes these effects to isolation from quality schools and jobs (Kruse 2013, Massey and Fischer 2006, Wilson 1996). Racial residential segregation also contributes to the test score gap between Black and White students (Reardon, Kalogrides, and Shores 2019), to inequalities in the provision of public goods, to lower public goods expenditures (Trounstine 2016), and to worse health outcomes and greater exposure to environmental toxins (Ard 2016, Kramer and Hogue 2009).

The historical evidence suggests that communities in Galveston County were segregated by race. In particular, Black-White racial residential segregation was high in communities in the county. In the period before World War II, racial residential segregation was the result of lending and insurance practices sanctioned by the Federal Housing Administration (FHA) and private actors. In order to prevent lending to places where Black people lived, the FHA relied on Residential Security Maps that were produced by the Home Owners Loan Corporation (“HOLC”) (2021b). These maps “color-coded neighborhoods using racial composition as a primary indicator of their acceptability as candidates for mortgage investment” (Kimble 2007: 405). The maps assigned grades to neighborhoods based on racial composition, “with ‘A’ being most desirable and a ‘D’ grade ensuring rejection” (Kimble 2007: 405). The HOLC map for Galveston is shown in Figure 7 and follows this traditional grading system for lending based on neighborhood race (2021b). Galveston and Texas City continued to be marked by high racial residential segregation into the 1980s (Hwang and Murdock 1982).

Figure 8: Homeownership in Galveston County by Race.

The second aspect of residence and housing relates to disaster recovery and displacement. In Galveston County, government policies have racialized patterns of resettlement after Hurricane Ike in 2008. Hurricane Ike destroyed 528 public housing units in Galveston City; overall, Galveston City’s Black population decline was three times that of the White population decline in the aftermath of the hurricane (Hamideh and Rongerude 2018). The city resisted rebuilding those housing units for years, and still has not replaced them all despite a court order (Hamideh and Rongerude 2018, Dancy 2018). Displacement after Hurricane Ike has affected minority populations in Galveston County as a whole (Fucile-Sanchez and Davlasheridze 2020). Overall, in the county, the non-Hispanic Black population has declined from 15.0% of the population in 2000 to 12.3% in 2020.

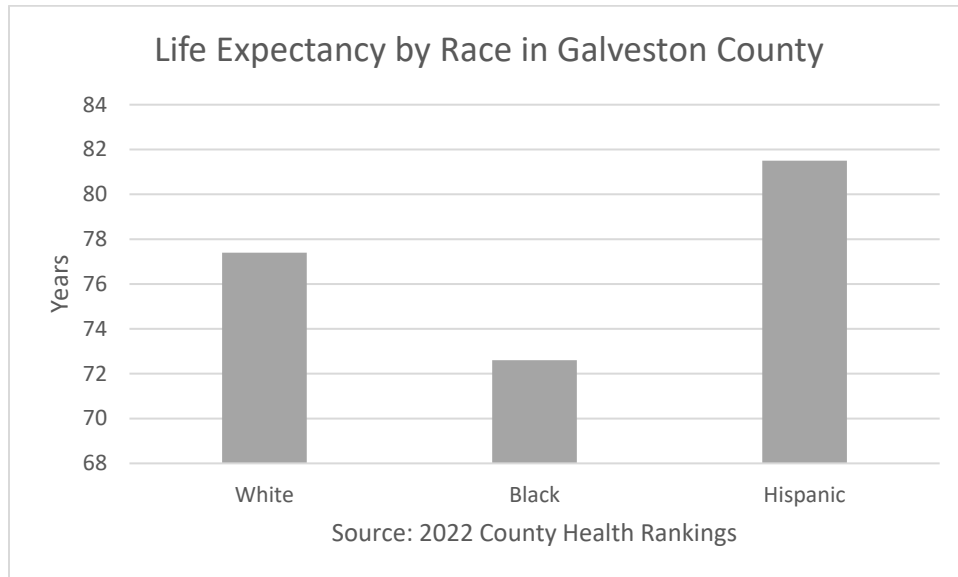
4. Health

Health status also may affect voting. Several studies have associated poor health with lower voter turnout (Blakely, Kennedy, and Kawachi 2001, Lyon 2021, Pacheco and Fletcher 2015). The effects of health on voting may take many pathways, such as reducing the availability of free time and money that could otherwise be devoted to politics (Pacheco and Fletcher 2015). Impaired cognitive functioning or physical disability also may make voting more difficult (Pacheco and Fletcher 2015). Poor health is likely the reason that voter turnout declines in old age (Pacheco and Fletcher 2015). People with disabilities also are less likely to vote; problems with polling place accessibility only partially explain this gap (Schur, Ameri, and Adya 2017, Schur et al. 2002).

Black residents of Galveston County, by many measures, suffer worse health outcomes than both White and Latino households in the county. For instance, premature mortality for Black Galveston County residents, at 572 per 100,000 residents, is higher than that for White (392 per 100,000 residents) and Latino residents (292 per 100,000 residents) (County Health Rankings and Roadmaps 2022). Infant mortality for Black babies in the county is twice as high as that for White and Latino babies (County Health Rankings and Roadmaps 2022). The Black homicide rate is four times higher than the White and Latino homicide rates (County Health Rankings and Roadmaps 2022). Moreover, despite similar incidence rates of invasive cancers, Black invasive cancer

mortality is higher than that of White and Latinos in Galveston County (2020). Overall, health disparities between racial groups in Galveston leads to disparities in life expectancy: as **Figure 9** shows, average life expectancy for Black Galveston County residents is just 72.6 years, compared with 77.4 years for White residents and 81.5 years for Latino residents of the county (County Health Rankings and Roadmaps 2022).

Figure 9: Life Expectancy by Race in Galveston County



5. Criminal Justice

A growing body of research shows that criminal justice interactions affect political behavior. Several studies have shown that, for individuals, contact with the criminal justice system, from police stops, to arrest, to incarceration, directly decreases voter turnout (Burch 2011, Lerman and Weaver 2014, Weaver and Lerman 2010). Primarily, criminal justice contact decreases turnout through “the combined forces of stigma, punishment and exclusion” which impose “barriers to most avenues of influence” and diminish “factors such as civic capacity, governmental trust, individual efficacy, and social connectedness that encourage activity” (Burch 2007: 12).

In Galveston County, criminal justice contact varies by race. Black people in Galveston County are disproportionately likely to be arrested. According to federal data, despite being only 12.3% of the county population, Black people were 21.5% of the people arrested in Galveston County across all reporting agencies in 2016 (Federal Bureau of Investigation 2018).⁷² The disparities in incarceration are even higher: 30.2% of Galveston County Jail inmates are White, 30.0% are Latino, and 39.8% are Black (Bureau of Justice Statistics 2022). It is worth noting that the disparity in incarceration is not explained by the disparity in arrests: Black Galvestonians are a minority of those arrested in the county, but a majority of jail inmates.

Disparities in criminal justice can affect voting through a number of mechanisms, but felony disenfranchisement is an important one. Although most people in Galveston County jail have not

⁷² The data do not report on Hispanic ethnicity for the Galveston agencies.

been convicted of a felony and may vote while incarcerated, many people do not. In fact, jail incarceration can still decrease voting even when a person is not disenfranchised (White 2019).

Racial discrimination accounts for some of this disparity. Studies have shown that racial disparities in arrest are caused by factors that make it more likely that police will stop or search Black people, such as spatially differentiated policing, racial residential segregation, and discrimination (Beckett, Nyrop, and Pfingst 2006, Gelman, Fagan, and Kiss 2007, Ousey and Lee 2008, Pierson et al. 2020). Racial disparities in bail decisions (Arnold, Dobbie, and Yang 2018) and in sentencing also may contribute to incarceration disparities (Bushway and Piehl 2001, Mitchell 2005, Steffensmeier and Demuth 2000, Steffensmeier, Ulmer, and Kramer 1998).

There is evidence of racial discrimination by criminal justice authorities that operate in Galveston County. For instance, in a scene that “evoked images of slavery and the long history of racism and violence by whites against black people,” two White police officers on horseback tied up a mentally ill Black man and paraded through the streets of Galveston (Zaveri 2019). Galveston’s police chief said that the officers exercised “poor judgment” and could have waited for a vehicle to become available (Zaveri 2019). Other incidents raise allegations of racial profiling and police brutality against minority citizens (Heath 2021, Ferguson 2021c).

Senate Factor 6: Racial Appeals in Campaigns

Whether politics is marked by “the use of overt or subtle racial appeals in political campaigns” also is relevant to the consideration of section 2 of the Voting Rights Act. A deep and robust literature on racial appeals in politics exists in political science (Hutchings and Valentino 2004, Stephens-Dougan 2021). Writing in 2001, Mendelberg argued that a “norm of racial equality,” which held that “southern segregation and the ideology of white supremacy were illegitimate” gained ascendance in the U. S. (Mendelberg 2001: 70). The norm of racial equality meant that using explicitly racist rhetoric or espousing explicitly racist policy positions would not help, and may even hurt, politicians (Mendelberg 2001). However, because “racial attitudes are still a potent force in American politics,” candidates still have an incentive to appeal to White racial fears (Valentino, Hutchings, and White 2002: 76). These two phenomena, the need to appear racially egalitarian while activating racial attitudes, means that campaigns would work to activate White voters’ negative racial attitudes through covert or implicit means such as images or coded language (Valentino, Hutchings, and White 2002, Mendelberg 2001).

Implicit racial appeals make racial attitudes and concerns more salient in the minds of voters, even without explicitly mentioning or referring to a particular race or group (Valentino, Hutchings, and White 2002, Mendelberg 2001). Implicit racial appeals may rely on certain code words or issues, use images of minority exemplars, or a combination of both, to make race more salient to voters (Valentino, Hutchings, and White 2002). In particular, Caliendo and McIlwain highlight racist appeals, which “prime antiminority racial fear, resentment, and bias . . . through a variety of audiovisual and textual cues that associate persons of color with long-standing, negative, racial stereotypes” (McIlwain and Caliendo 2014: 1159). These implicit racial appeals can rely on code words such as “inner-city” or “sanctuary city” or reference crime, welfare, and illegal immigration (Brader, Valentino, and Suhay 2008, Collingwood and O'Brien 2019, Hurwitz and Peffley 2005, Valentino, Hutchings, and White 2002). Referring to immigration as racial “invasion” is also a longstanding trope, one that is associated with violence (Lindsay 2018, Collins 2019). More broadly, McIlwain and Caliendo argue that racial appeals in television ads typically include

elements such as, “a salient stereotype, most often those of criminality, laziness, taking undeserved advantage, and the charge of liberalism (read, “extreme” liberal, “dangerously” liberal, “radical,”etc.); a minority opponent’s image; all-White, noncandidate images; and an exposed audience that includes a high percentage of White potential voters” (McIlwain and Caliendo 2014: 1159).

In several instances, political officials in Galveston County have used racialized language privately and publicly against minorities. In 2019, Yolanda Waters, the chairwoman for Galveston County's Republican Party, refused to resign her post after referring to another Black Republican, J. T. Edwards, in private text messages as a “Typical Nig” (Svitek 2019). Ads targeting minorities are commonplace and often contain the “images of minority exemplars” and “certain code words or issues” that Valentino, Hutchings, and White argue increase the salience of ethnicity to voters (Valentino, Hutchings, and White 2002). For instance, campaign materials from Jackie Peden, a candidate for tax assessor in Galveston County, showed an MS-13 gang member and made claims about illegal immigrant voting (the man in the ad was not in Galveston County, nor was he registered as a voter there) (Ferguson 2020b). Ads and materials from several state and congressional legislators also use anti-immigrant language. For instance, Randy Weber has run anti-immigrant ads with minority exemplars, and Brandon Creighton uses invasion language to refer to immigrants.⁷³ Candidates in the Republican primary for State Senate District 11 also used invasion language in reference to immigrants (Natario 2022).

Senate Factor 7: Minority Elected Officials

Minorities are underrepresented relative to their share of the population with respect to Senate factor 7, or “the extent to which members of the minority group have been elected to public office in the jurisdiction.” There have been two Black people and no Latinos elected County Commissioner in Galveston County: Stephen Holmes and his predecessor, Wayne Johnson III, both serving Precinct 3 (Heath 2022). No people of color have served as County Judge.

Dr. Robin Armstrong recently was appointed to serve as the County Commissioner for Precinct 4 after the death of Ken Clark (Heath 2022). The county argues that, because Dr. Armstrong is Black, he represents the needs of minority communities in Galveston (Ferguson 2022). For his part, Dr. Armstrong says he has ties to the Black community in Galveston County. For instance, he says:

“I have very strong relationships in the Black community as my father served on the school board in La Marque ISD for many years and my mother taught school in Galveston for 34 years. I have relationships with Black and Hispanic evangelical pastors and leaders as well through many years of service. I will fight the Democrat narrative about conservative Republicans and educate all communities the value of working together to solve our problems” (Yanez 2022).

However, despite his claims, it is important to note that Dr. Armstrong holds several views that are outside the mainstream of Black Americans. For instance, despite the racial disparities in COVID-19 infections and deaths in Black communities, especially early in the pandemic, Dr. Armstrong advocated for unproven and potentially dangerous treatments over vaccines (Bethel

⁷³ See <https://gopadtracker.com/node/3877> [and https://gopadtracker.com/node/4769](https://gopadtracker.com/node/4769) [for examples.](#)

2021). He is famous for conducting unauthorized “observational” studies of hydroxychloroquine on elderly nursing home patients with COVID-19, in some cases without the knowledge or consent of them or their families (Romo 2020). Dr. Armstrong has made several statements minimizing the importance of racism against Black Americans, such as America is “ ‘not really as racist’ as portrayed” and that “police officers are ‘not racist by and large’” (Bethel 2021). Dr. Armstrong says that the protests in support of Black Lives Matter were more violent than the Capitol Riots (Bethel 2021). For comparison, in the 2021 Pew Survey of Black Americans,⁷⁴ 82% of Black Americans say that racism is an “extremely” or “very big” problem for Black people, and 80% say that police brutality is an “extremely” or “very big” problem. Eighty-three percent of Black Americans express support for the Black Lives Matter movement (DeAngelis 2022). Only 3% of Black Americans say that there is no discrimination against Black Americans. Lopez-Bunyasi and Philpot (2015) argue that Black people are unlikely to support even Black candidates who are racially conservative (Lopez Bunyasi and Wright Rigueur 2015), as Dr. Armstrong appears to be based on these comments.

Dr. Armstrong is aware that he is not aligned with most minorities in Galveston County and does not have their support. He did not receive any endorsements from the NAACP, LULAC, or other minority groups.⁷⁵ When asked, he said that he was not “the minority candidate of choice to represent Precinct 4.”⁷⁶ Dr. Armstrong also disagrees that he “automatically represent[s] your African American constituents just because you yourself are African American.”⁷⁷

Senate Factor 8: Lack of Responsiveness

Under Section 2 of the Voting Rights Act, courts may consider additional factors, such as whether there is a lack of responsiveness on the part of elected officials to the particularized needs of minority group members. The longstanding and persistent gaps in socioeconomic status, incarceration, and health discussed throughout this report demonstrate the lack of responsiveness of public officials to the needs of Galveston’s minority communities. Research has shown that public policies are important for creating and sustaining racial disparities.

It also is the case that Galveston County residents express the belief that certain Galveston public officials are not responsive to them and their needs. In the public meeting on the new redistricting plan, several Galvestonians stood up and expressed their frustration with the County Judge and Commissioners, saying that they felt ignored and disregarded:

Wendy Langham: “After hearing you say that, why do you even have us here? [AUDIENCE AGREEMENT]. You had no intention of changing the map, or even getting our input. I hadn’t thought that this was what I was going to say to you, but this seems so dishonest. It’s like you’re placating us. We don’t matter to you. Juneteenth is something that’s come up in the paper here recently. It

⁷⁴ Pew Research Center. 2022. Topline Questionnaire. <https://www.pewresearch.org/race-ethnicity/2022/08/30/black-americans-have-a-clear-vision-for-reducing-racism-but-little-hope-it-will-happen/#h-black-americans-see-racism-in-our-laws-as-a-big-problem-and-discrimination-as-a-roadblock-to-progress>. Accessed 8 Dec 2022.

⁷⁵ Armstrong Deposition, 55:12-14; 56:8-10; 57:21-23.

⁷⁶ Armstrong Deposition, 91:1-4.

⁷⁷ Armstrong Deposition, 97:10-13.

involves Galveston and Galveston County. That involves us. Us as Black people. You're telling me that I don't matter. I don't like that."⁷⁸

Dr. Edna Courville: "And they could care less! Not only do you portray selfishness, but you're arrogant with it. [CHEERS] You're arrogant. And this arrogance has got to stop. It's all over the nation. It has to stop. You need to stop it. You just disregard people; you act like we don't exist. We exist. Our tax dollars exist."⁷⁹

Tierrisha Gibson: "I have looked and watched your faces the whole time while people have been up here talking, and it's like you're thinking about something else."⁸⁰

Leon Phillips: "[I]t looks as though you're tired of hearing me talk, Mr. Hear me, just listen to what I'm saying."⁸¹

Throughout the evening, when speakers raised concerns such as these, the audience applauded and cheered, indicating their agreement.

Several residents also expressed the belief that they would not be well represented under the new maps by the current commissioners to whom they were being reassigned. For instance:

Wendy Langham: "Now the three of you sitting up there, can you say that you know anything about my life and the way I live? You can't. This man [indicates Commissioner Holmes] does. He's lived it. He lives with us. He helps us. Y'all are doing this [HOLDS UP SIGN THAT READS "Politicians Picking Voters."] Y'all are picking who you want to vote for you so that you get into office. I want to pick who I want to vote for, and I'm telling you right now it's not you."⁸²

Pastor Jerry Lee: "Commissioner Holmes has been a help not only to this precinct, but all over. During storms, during anything, freezes, he's fed folk, everybody has come. He has a strong representation not only in this district. But you know what? You're not gonna treat me the way he treats me. You're not gonna look out for me the way he looks out for me. So I want you to know this, from a minister's point, one day we're all going to have to lay down and die, and we're going to have to answer to God for what we do." [APPLAUSE]⁸³

Dr. Annette Jenkins: "So the maps that you have drawn are very discriminatory and it is going backwards . . . all the things that Commissioner Holmes has done for us . . . we could always go and call him, talk to him, we had a disaster he was

⁷⁸ 35:04. "CC Special 11-12-21."

⁷⁹ 31:20. "CC Special 11-12-21."

⁸⁰ 1:03:10. "CC Special 11-12-21."

⁸¹ 1:05:16. "CC Special 11-12-21."

⁸² 36:18. "CC Special 11-12-21."

⁸³ 33:10. "CC Special 11-12-21."

always there to help us and lend us a helping hand. I can't say that about some of you all that's in here today. . . ."⁸⁴

Mayor Dedrick Johnson: "This decision was made without including a majority side of the table that this vastly affects. Commissioner Stephen Holmes has not only been a good steward of his constituency, but he's been a superhero in his community. He's done things that none of us have ever seen either of you do for Black and brown people." [CHEERS].⁸⁵

Again, the reactions to the comments of these citizens and community leaders suggest that these sentiments reflected those of the audience generally.

With respect to the online comments, over one hundred online comments expressed concerns about racial discrimination and minority voter suppression. For instance, the voter in Submission 1294673 writes:

"I would like a 3rd map option that protects minority voters and gives voice to the actual will of the citizens that line in this area or that you choose map 1 WITHOUT Bolivar. Map 2 should be stricken because it clearly discriminates against race, which is still forbidden. Hopefully we can get rid of political gerrymanderingin [sic] the future and the blatant power grabs by old White men."⁸⁶

People who expressed such concerns about racism overwhelmingly voted against Map 2.

For their part, although the commissioners have paid lip service to representing their minority constituents in theory, in practice they have taken few actions to engage with them. Commissioner Apffel says he never did voter outreach or other events specifically to Black and Hispanic voters⁸⁷ and Commissioner Giusti says that his election materials were printed only in English.⁸⁸ Commissioner Apffel says he is not familiar with issues specific to minority communities:

Q. And based on your experience living in Texas City, and your interactions with the Black and Hispanic communities in Texas City, have you become -- or did you become familiar with the issues most pressing to those communities?

A. That's -- that's been asked. I don't -- I -- I never was able -- I didn't identify any -- any wants, needs, or desires, that those folks had. They would come to me. Then I would have handled them and addressed them. But I --

Q. Did you --

A. -- can't sit here and think of any.⁸⁹

In the past, these commissioners have demonstrated a lack of support for policy stances important to the Black and Hispanic communities, failing to remove confederate statues and funneling \$1.8

⁸⁴ 25:09. "CC Special 11-12-21."

⁸⁵ 46:25. "CC Special 11-12-21."

⁸⁶ DEFS00003646.

⁸⁷ Apffel Deposition, 292:1-3.

⁸⁸ Giusti Deposition, 32:14-16

⁸⁹ Apffel Deposition, 292: 14-25.

million of county dollars toward building a border wall (Ferguson 2021b, 2020a). Commissioner Holmes was the only commissioner to support removing the confederate statue or to reject spending county money on the border wall (Ferguson 2021b, 2020a).

Senate Factor 9: Tenuousness

With respect to Senate Factor 9, or “whether the policy underlying the challenged standard or practice is tenuous,” there are few stated rationales for supporting the adopted plan on the public record. In fact, during the November 12, 2021 special session, again, the only public meeting where the Commissioners Court discussed the maps, the commissioners did not make an opening statement or other remarks to explain why Map 2 (the one that ultimately was adopted) was the best option for the county. As Norman Pappous, a Galveston Republican, said to the commissioners during that November 12, 2021 meeting, “Should these lines be interpreted as an attempt to disenfranchise people in our community, it’s your job to go to them to make sure their voices are heard.”⁹⁰ However, no such explanation was forthcoming. There is some evidence that at least some commissioners stated (1) putting coastal areas into one Commissioner Precinct, (2) public support for Map 2 and (3) the need to equalize population across precincts as a basis for supporting the adopted plan. I consider these three rationales in turn below.

First, County Judge Mark Henry and some commissioners have expressed support for Map 2, the adopted plan, based on consolidating coastal areas into the same precinct. For instance, Judge Henry posted on Facebook that “Having a coastal precinct will ensure that those residents directly along the coast have a dedicated advocate on commissioners court” according to the Galveston Daily News (Ferguson 2021d). Commissioner Apffel agreed in his deposition that a coastal community was intriguing to everybody.⁹¹ However, there is no basis for believing that coastal communities thought that their interests would be served by Map 2. There is little evidence of a push for a coastal precinct coming from the public or community leaders. For instance, several days *after* Judge Henry commented on the benefits of a coastal precinct, the President of the Bolivar Peninsula Chamber of Commerce said, “I think right now, two voices on commissioners court is better than one” (Ferguson 2021e). She reported hearing mixed feedback about the idea of a coastal precinct (Ferguson 2021e). At the time of the Facebook post, the Chamber of Commerce of Bolivar had not yet submitted any feedback regarding the redistricting plans, and no Bolivar meeting took place until the evening of November 11, 2021 (Ferguson 2021e). Likewise, the city of Galveston had not met to discuss a recommendation on the maps when Judge Henry made his social media post (Ferguson 2021e). The online comments also came after this post, and among the comments supporting Map 2, feedback about coastal communities appeared in only a minority. It is worth noting that the Department of Justice says that the county offered a similar justification that the public wanting Bolivar Peninsula and Galveston Island to be joined into coastal precinct to justify the 2011 redistricting; however, even back then “a review of all the audio and video recordings of the public meetings shows that only one person made such a comment.”

It also is worth noting that the desire to draw new maps with a coastal precinct does not necessitate eliminating Precinct 3 as a majority-minority district. The plaintiffs have presented multiple plans

⁹⁰ 27:55. “CC Special 11-12-21.”

⁹¹ Apffel Deposition 184:4-18. It is worth noting that Commissioner Apffel also expressed in his deposition that Bolivar Peninsula was a long drive for him. See Apffel Deposition, 126:18-127:5.

that manage to combine coastal areas into one precinct while maintaining Precinct 3 as a coalition district; several such maps are attached to this report in Appendix B.⁹² Thus the stated goal of creating a new coastal precinct does not justify splitting up racial minorities across the four new precincts.

A second basis for supporting the adopted plan involves public feedback. Judge Henry claims that the public strongly supported Map 2 in the online comments; Commissioner Apffel says that this was an important rationale for voting for this map.⁹³

I have described the implications of Judge Henry's breakdown of the online comments with respect to how he disregards comments that express concerns about minority voting dilution. Here, I want to note that my review of the public comments, contrary to the overwhelming supermajority of support for Map 2 asserted by Judge Henry in the November 12, 2021 meeting, instead shows that the online comments were divided pretty evenly between people who wrote to support Map 2 and those who supported a different option. I classified 218 responses as supportive of Map 2 (including 215 responses for Map 2 and 3 responses in favor of either map). However, I found that 197 people either supported Map 1 as is or opposed one or both maps as outlined in the plans. The remainder of the responses that came in before the 1:30pm meeting did not exert a clear preference. The characterization that "168 people did not discuss a particular map they just called me names" is inaccurate; often they discussed, and rejected, one or both maps.⁹⁴

More importantly, if we consider the online commentary in conjunction with the public comments made at the special session, it is clear that a majority of the people who expressed an opinion through these public venues did not express support for Map 2. I observed that 29 people spoke against the redistricting plans in the November 12 special session, with only one person clearly supporting the plan.

Considering the public commentary reflected in these two venues is important, because the public was otherwise largely shut out of the deliberations as we have seen previously. For instance, there were no other public meetings, and as Commissioner Giusti admits, no surveys of Galveston residents, no consultation with the Black community, no consultation with the Hispanic community or others to see what they wanted.⁹⁵ The meeting on Bolivar took place the evening of November 11, 2021, the night before the special session and long after the redistricting plans had been submitted (Ferguson 2021e).

Finally, a few commissioners have indicated that they were motivated by traditional redistricting principles. For instance, at the April 5, 2021 general meeting of the commissioners court, Commissioner Clark mentioned having to "adhere to the one man one vote rule, the ten percent rule."⁹⁶ Likewise, in his deposition, Commissioner Apffel also said that equalizing the population

⁹² Cooper Declaration pp. 32-37.

⁹³ Apffel Deposition, 192:18-23.

⁹⁴ When asked in his deposition about the meaning of this statement, he said "There are people who don't really care which map it is. They just want to take shots." See Henry Deposition 275:8-12.

⁹⁵ Giusti Deposition, pp. 98-100

⁹⁶ 19:42. "CC REG 04-05-21."

was one important reason for his vote for the adopted plan.⁹⁷ Commissioner Giusti also said that “leveling out the population” was important.⁹⁸ However, the need to balance population across precincts does not require the elimination of the coalition precinct: it is possible to achieve precinct population totals with deviation in the 10% range even in maps that retain a majority-minority precinct in Galveston County. Commissioner Holmes presented the other commissioners with examples of such maps publicly at the November 12, 2021 hearing.

In conclusion, Judge Henry and the Commissioners purported reasoning for adopting the 2021 enacted plan—the desire for a united coastal commissioners precinct and the public support of the adopted plan—are inconsistent with the factual evidence of the redistricting process. Not only is it possible to achieve population deviations in the accepted range even in plans that incorporate a coalition precinct, there is no evidence that coastal communities wanted this change. Nor is there evidence that a majority of the public supported the map the commissioners adopted, especially where a minority of the comments submitted via the online forum and in person during the November 12, 2021 hearing expressed support for the Map 2 that was eventually adopted as the 2021 enacted plan.

* * * * *

I reserve the right to continue to supplement this report upon receiving 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.

Dated: January 27, 2023



Traci Burch

⁹⁷ Apffel Deposition, 192:18-19.

⁹⁸ Giusti Deposition, 45:24-25.

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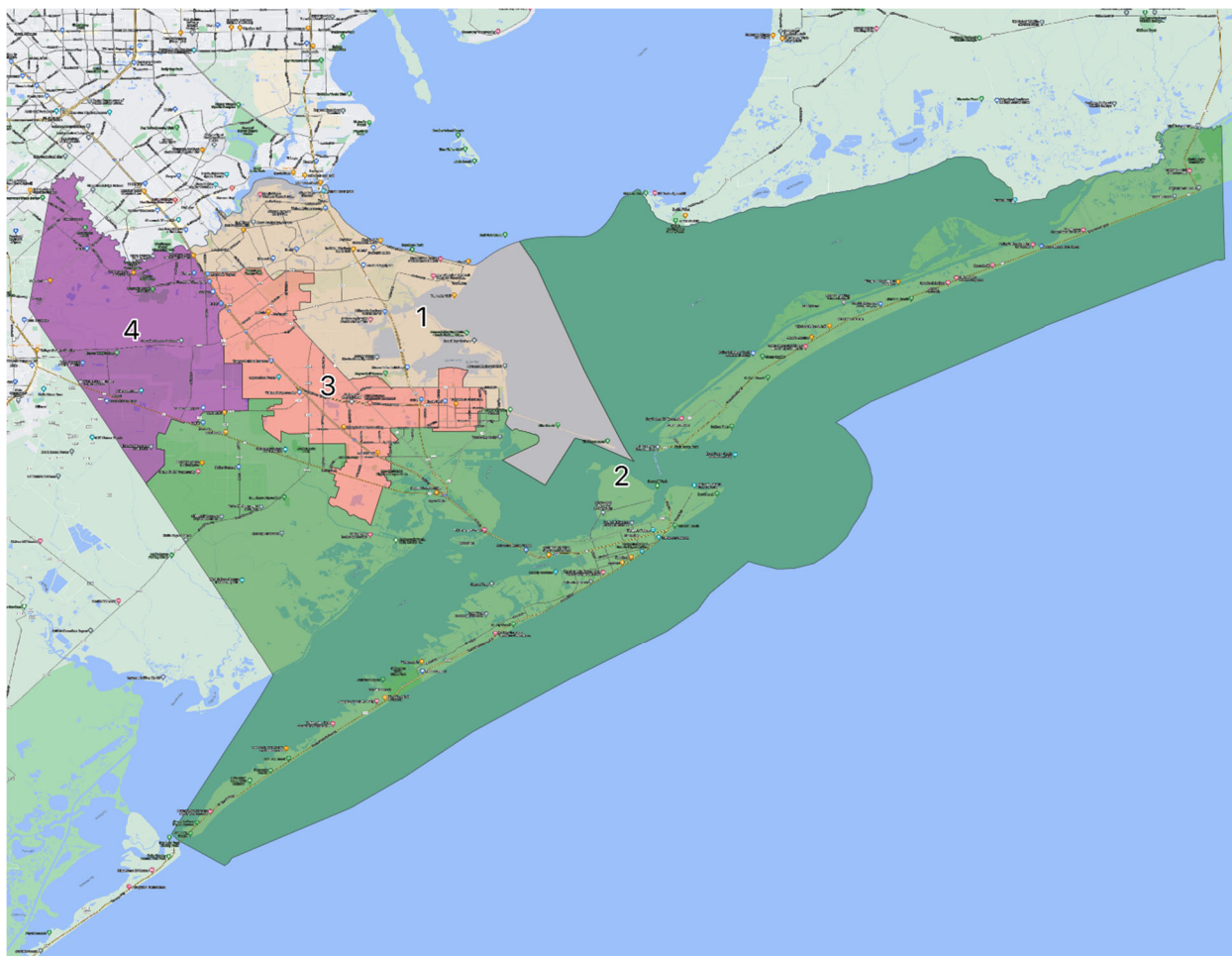
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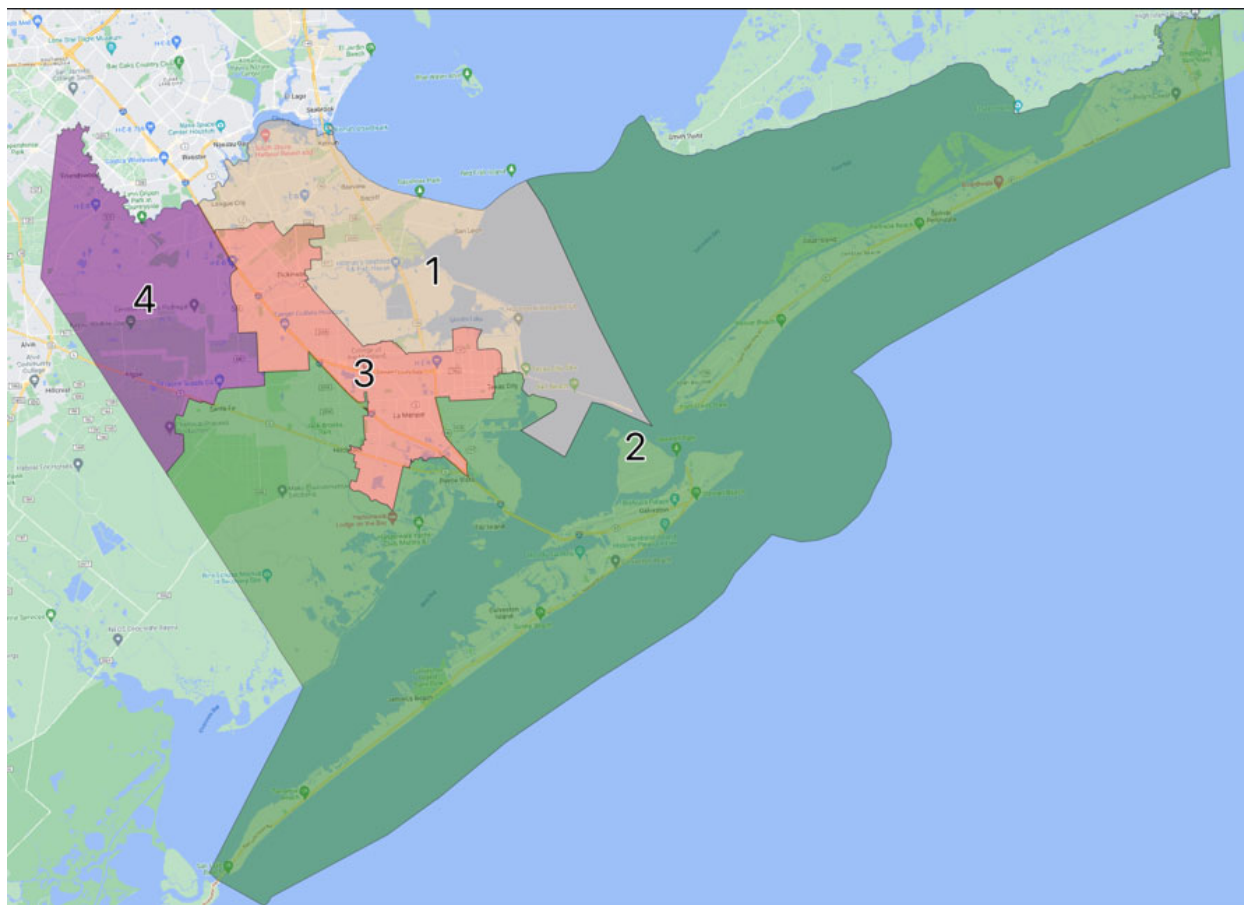
APPENDIX B: ALTERNATIVE MAPS

Alternative Map 1



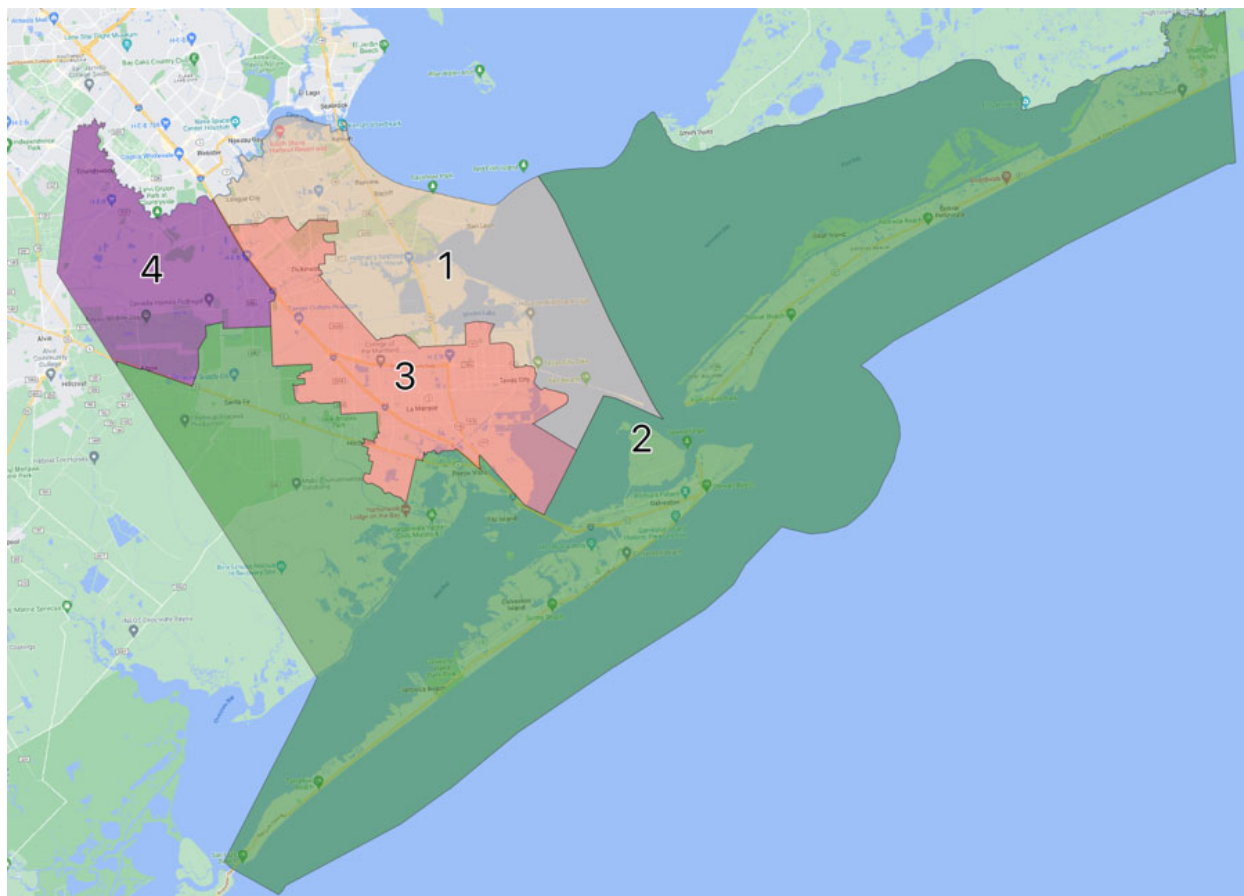
Precinct	Total Population	Anglo CVAP	Non-Anglo CVAP	Hispanic CVAP	Black CVAP	Asian CVAP	Native CVAP
1	88,586	69.9%	30.1%	19.0%	7.3%	3.1%	1.0%
2	87,697	62.4%	37.6%	20.6%	14.5%	1.7%	1.0%
3	86,450	45.9%	54.1%	23.1%	26.4%	3.2%	0.4%
4	87,949	74.5%	25.5%	14.0%	5.2%	4.9%	1.1%

Alternative Map 2



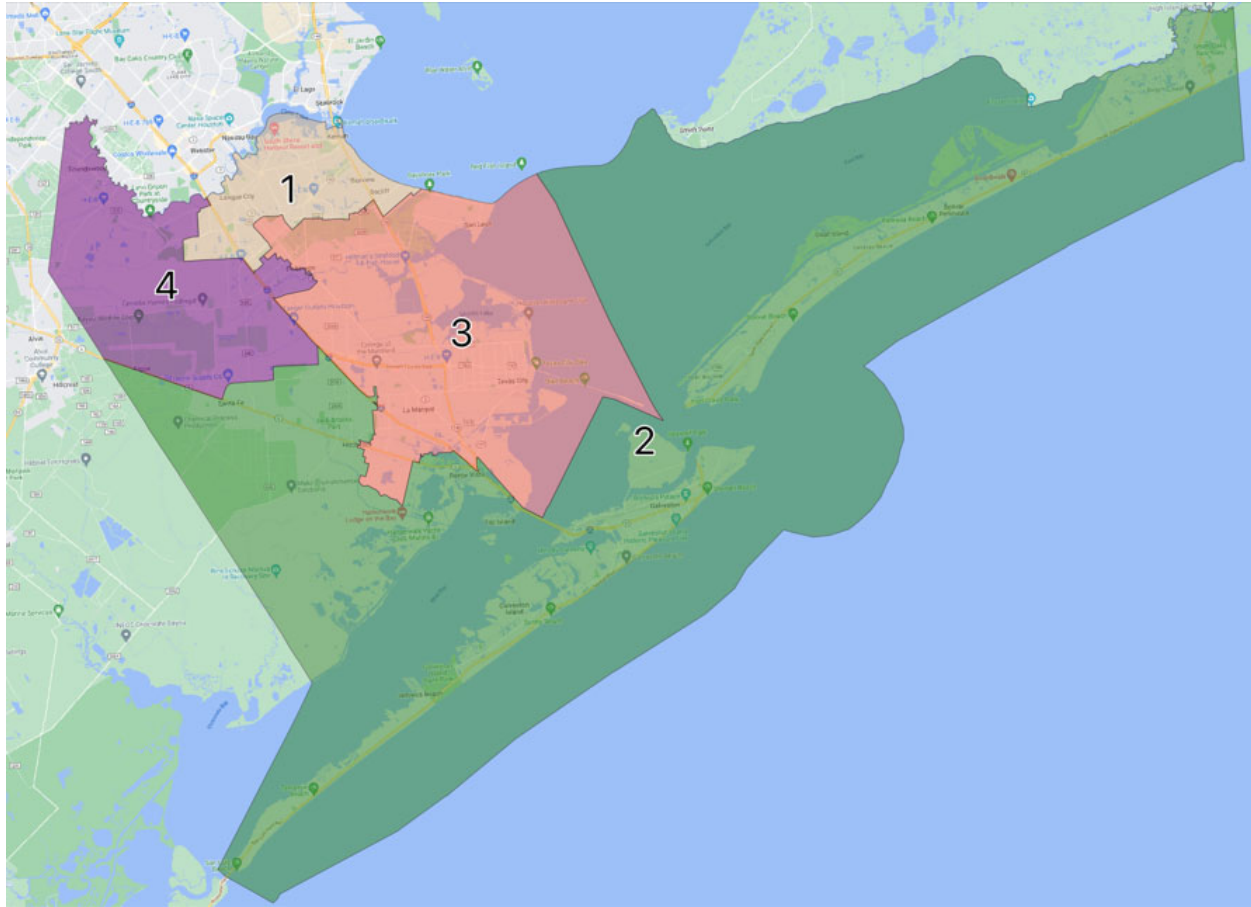
Precinct	Total Population	Anglo CVAP	Non-Anglo CVAP	Hispanic CVAP	Black CVAP	Asian CVAP	Native CVAP
1	88,586	69.9%	30.1%	19.0%	7.3%	3.1%	1.0%
2	87,173	63.5%	36.5%	20.5%	13.1%	2.0%	1.0%
3	86,974	45.1%	54.9%	23.2%	27.5%	2.9%	0.4%
4	87,949	74.5%	25.5%	14.0%	5.2%	4.9%	1.1%

Alternative Map 3



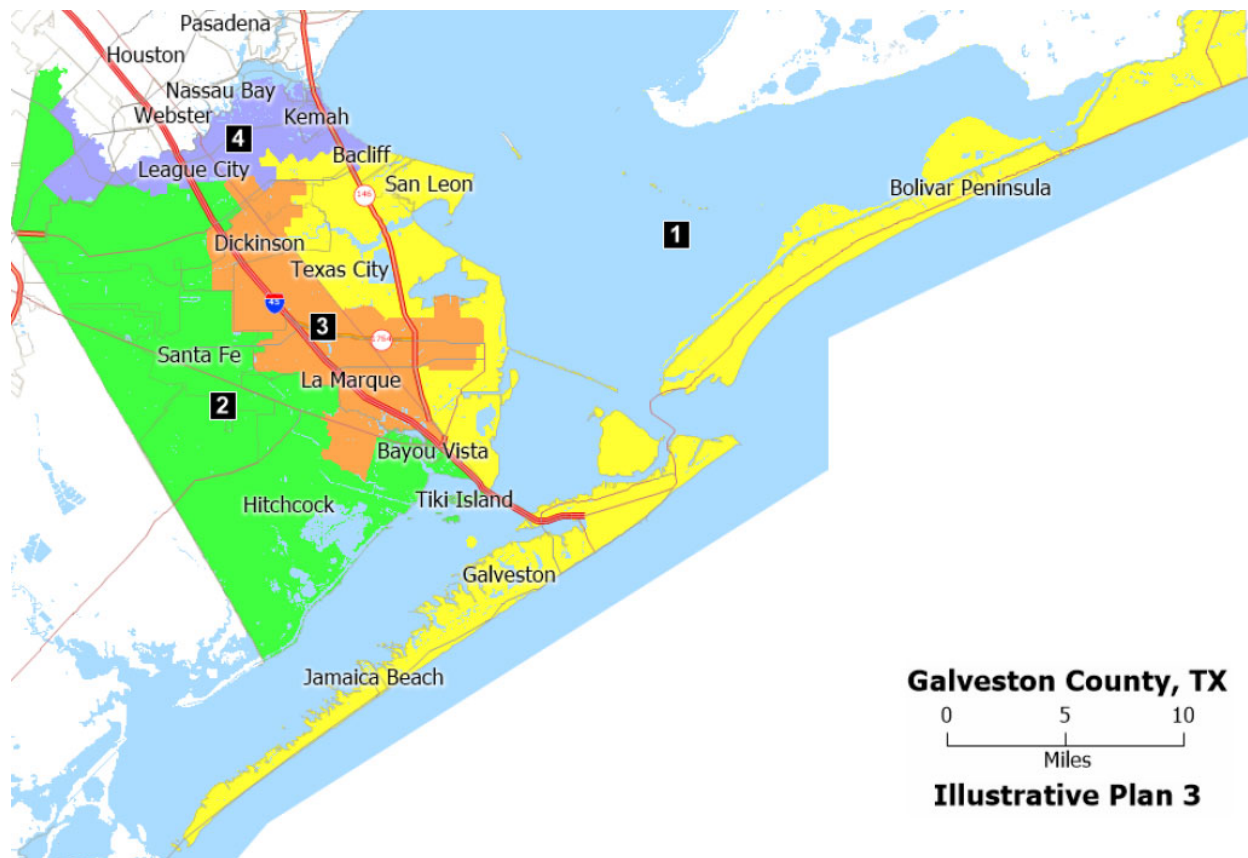
Precinct	Total Population	Anglo CVAP	Non-Anglo CVAP	Hispanic CVAP	Black CVAP	Asian CVAP	Native CVAP
1	88,586	69.9%	30.1%	19.0%	7.3%	3.1%	1.0%
2	87,222	66.1%	33.9%	20.2%	10.9%	1.7%	1.1%
3	87,738	44.0%	56.0%	23.6%	28.3%	2.7%	0.5%
4	87,136	73.5%	26.5%	13.4%	6.4%	5.7%	0.9%

Alternative Map 4



Precinct	Total Population	Anglo CVAP	Non-Anglo CVAP	Hispanic CVAP	Black CVAP	Asian CVAP	Native CVAP
1	89,244	69.7%	30.3%	18.0%	6.4%	4.7%	1.1%
2	87,514	64.1%	35.9%	21.0%	11.9%	2.0%	1.0%
3	87,826	44.9%	55.2%	25.0%	27.7%	1.3%	0.5%
4	86,098	75.7%	24.3%	12.0%	6.3%	5.0%	1.0%

Alternative Map 5 (NAACP Plaintiffs' Illustrative Map 3)



*Population and Demographic information available in expert report of William S. Cooper

Traci Burch

Employment

- Associate Professor, Northwestern University Department of Political Science (2014-Present)
- Research Professor, American Bar Foundation (2007- Present)
- Assistant Professor, Northwestern University Department of Political Science (2007-2014)

Education

- *Harvard University*
Ph.D. in Government and Social Policy
Dissertation: *Punishment and Participation: How Criminal Convictions Threaten American Democracy*
Committee: Jennifer Hochschild (Chair), Sidney Verba, and Gary King
- *Princeton University*
A.B. in Politics, *magna cum laude*

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- Schlozman, Kay Lehman, Sidney Verba, Henry Brady, Traci Burch, and Phillip Jones. 2012. "Who Sings in the Heavenly Chorus? The Shape of the Organized Interest System." In Schlozman, Kay Lehman, Sidney Verba, and Henry Brady, The Unheavenly Chorus, Princeton: Princeton University Press.
- Schlozman, Kay Lehman, Sidney Verba, Henry Brady, Phillip Jones, and Traci Burch. 2012. "Political Voice through Organized Interest Activity." In Schlozman, Kay Lehman, Sidney Verba, and Henry Brady, The Unheavenly Chorus, Princeton: Princeton University Press.
- Burch, Traci. 2012. "Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout and Party Registration of Florida's Ex-Felons." *Political Behavior* 34 (1); 1-26.
- Burch, Traci. 2011. "Turnout and Party Registration among Criminal Offenders in the 2008 General Election." *Law and Society Review* 45(3): 699-730.
- Burch, Traci. 2011. "Fixing the Broken System of Financial Sanctions." *Criminology and Public Policy* 10(3).
- Hochschild, Jennifer; Vesla Weaver, and Traci Burch. 2011. "Destabilizing the American Racial Order." *Daedalus* 140; 151-165.

- Burch, Traci. 2009. “Can the New Commander-In-Chief Sustain His All Volunteer Standing Army?” *The Dubois Review on Race* 6(1).
- Burch, Traci. 2009. “Review of *Imprisoning Communities*, by Todd Clear.” *Law and Society Review* 43(3) 716-18.
- Burch, Traci. 2009. “American Politics and the Not-So-Benign Neglect of Criminal Justice,” in *The Future of American Politics*, ed. Gary King, Kay Schlozman, and Norman Nie. (New York: Routledge).
- Schlozman, Kay Lehman and Traci Burch. 2009. “Political Voice in an Age of Inequality,” in *America at Risk: Threats to Liberal Self-Government in an Age of Uncertainty*, ed. Robert Faulkner and Susan Shell (Ann Arbor: University of Michigan Press).
- Hochschild, Jennifer and Traci Burch. 2007. “Contingent Public Policies and the Stability of Racial Hierarchy: Lessons from Immigration and Census Policy,” in *Political Contingency: Studying the Unexpected, the Accidental, and the Unforeseen*, ed. Ian Shapiro and Sonu Bedi (New York: NYU Press).

Grants

- Co-Principal Investigator. “Fellowship and Mentoring Program on Law and Inequality.” September 1, 2020 to August 31, 2023. \$349, 313. National Science Foundation.

Honors and Fellowships

- American Political Science Association 2014 Ralph J. Bunche Award (for *Trading Democracy for Justice*).
- American Political Science Association Urban Section 2014 Best Book Award (for *Trading Democracy for Justice*).
- American Political Science Association Law and Courts Section 2014 C. Herman Pritchett Award (for *Trading Democracy for Justice*).
- Research grant, Stanford University Center for Poverty and Inequality (2012).
- American Political Science Association E. E. Schattschneider Award for the best doctoral dissertation in the field of American Government (2009)
- American Political Science Association William Anderson Award for the best doctoral dissertation in the field of state and local politics, federalism, or intergovernmental relations (2008)

- American Political Science Association Urban Section Best Dissertation in Urban Politics Award (2008)
- Harvard University Robert Noxon Toppan Prize for the best dissertation in political science (2007)
- Institute for Quantitative Social Sciences Research Fellowship (2006-07)
- *European Network on Inequality* Fellowship (2005)
- Research Fellowship, The Sentencing Project (2005)
- Doctoral Fellow, Malcolm Weiner Center for Inequality and Social Policy (2004-07)

Professional Service

- APSA Law and Courts Section Best Paper Award Committee (2020-2021)
- APSA Elections, Public Opinion, and Voting Behavior Executive Committee (2020-2023)
- General Social Survey Board of Overseers (2020-2025)
- APSA Kammerer Prize Committee (2017)
- Associate Editor, *Political Behavior* (2015-2019)
- APSA Law and Courts Section, Lifetime Achievement Award Prize Committee (2014-2015)
- Law and Society Association, Kalven Prize Committee (2013-2014)
- American Political Science Association, Urban Politics Section Dissertation Prize Committee (2012-13)
- American Political Science Association, Urban Politics Section Executive Committee (2012-13)
- Law and Society Association Diversity Committee, (2012-2013)
- American Political Science Association, Urban Politics Section Program Co-Chair (2011)
- Associate Editor, *Law and Social Inquiry*
- American Political Science Association, Urban Politics Section Book Prize Committee (2009)

- Reviewer for *The American Political Science Review*, *Public Opinion Quarterly*, *American Politics Research*, and *Time-Sharing Experiments in the Social Sciences*.

Presentations and Invited Talks

- American Political Science Association Annual Conference, Montreal, Canada. “Not All Black Lives Matter: Officer-Involved Deaths and the Role of Victim Characteristics in Shaping Political Interest and Voter Turnout.” September 2022.
- University of Pennsylvania. Virtual. “Voice and Representation in American Politics.” April 2021.
- University of Michigan. Virtual. “Which Lives Matter? Factors Affecting Mobilization in Response to Officer-Involved Killings.” February 2021.
- University of Pittsburgh. Virtual. “Policing and Participation.” November 2020.
- Hamilton College Constitution Day Seminar. Virtual. “Racial Protests and the Constitution.” September 2020.
- New York Fellows of the American Bar Foundation. New York, NY. “Police Shootings and Political Participation.” March 2020.
- Pennsylvania State University, State College, PA. “Effect of Officer Involved Killings on Protest. November 2019.
- Princeton University. Princeton NJ. “Effects of Police Shootings on Protest among Young Blacks.” November 2019.
- Missouri Fellows of the American Bar Foundation. Branson, MO. Police Shootings and Political Participation in Chicago. September 2019.
- Northwestern University. “Police Shootings and Political Participation.” November, 2018.
- Princeton University. Princeton, NJ. “Police Shootings and Political Participation.” September, 2018.
- University of California at Los Angeles. Los Angeles, CA. “Police Shootings and Political Participation.” August, 2018.
- American Bar Association Annual Meeting. Chicago, IL. “Police Shootings and Political Participation.” August 2018.
- American Bar Endowment Annual Meeting. Lexington, KY. “Effects of Police Shooting

in Chicago on Political Participation.” June 2018.

- Vanderbilt University. “Effects of Police Shootings in Chicago on Political Participation.” April 2018.
- Washington University in St. Louis. “Effects of Pedestrian and Auto Stops on Voter Turnout in St. Louis.” February 2018.
- Fellows of the American Bar Foundation, Los Angeles. “Assaulting Democracy.” January 2018.
- Northwestern University Reviving American Democracy Conference. Panel presentation. “Barriers to Voting.” January 2018.
- University of Illinois at Chicago. “Effects of Police Shootings in Chicago on Political Participation.” October, 2017.
- Chico State University. “Constitution Day Address: Policing and Political Participation.” September, 2017.
- Fellows of the American Bar Foundation, Atlanta, Georgia. “Policing in Georgia.” May 2017.
- United States Commission on Civil Rights. Testimony. “Collateral Consequences of Mass Incarceration.” May 2017.
- Northwestern University Pritzker School of Law. “Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis.” April 2017.
- University of California at Los Angeles. Race and Ethnic Politics Workshop. “Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis.” March 2017.
- University of North Carolina at Chapel Hill. American Politics Workshop. “Effects of Police Stops of Cars and Pedestrians on Voter Turnout in St. Louis.” February 2017.
- National Bar Association, St. Louis MO. “Political Effects of Mass Incarceration.” July 2016.
- Harvard University, Edmond J. Safra Center for Ethics. Inequalities/Equalities in Cities Workshop. April 2016.
- American Political Science Association Annual Meeting. September 2015. “Responsibility for Racial Justice.” Discussant.

- St. Olaf College. April 2015. “The Collateral Consequences of Mass Incarceration.”
- Northwestern University. Institute for Policy Research. February 2015. “The Civic Culture Structure.”
- Texas A&M University. Race, Ethnicity, and Politics Workshop. September 2014. “Trading Democracy for Justice.”
- Columbia University Teachers College. The Suburban Promise of Brown Conference. May 2014. “Can We All Get Along, Revisited: Racial Attitudes, the Tolerance for Diversity, and the Prospects for Integration in the 21st Century.”
- University of Kentucky. Reversing Trajectories: Incarceration, Violence, and Political Consequences Conference. April 2014. “Trading Democracy for Justice.”
- University of Chicago. American Politics Workshop. March 2014. “How Geographic Differences in Neighborhood Civic Capacity Affect Voter Turnout.”
- Kennedy School of Government, Harvard University. February 2014. “Trading Democracy for Justice.”
- University of Michigan. American Politics Workshop. December 2013. “Trading Democracy for Justice.”
- Yale University. American Politics and Public Policy Workshop. September 2013. “Trading Democracy for Justice.”
- American Political Science Association Annual Meeting. August 2013. “The Heavenly Chorus Is Even Louder: The Growth and Changing Composition of the Washington Pressure System.” With Kay Lehman Schlozman, Sidney Verba, Henry Brady, and Phillip Jones.
- National Bar Association, Miami Florida, July 2013. “The Collateral Consequences of Mass Imprisonment.”
- Loyola University. American Politics Workshop. December 2012. “Mass Imprisonment and Neighborhood Voter Turnout.”
- Marquette University School of Law. November 2012. “The Collateral Consequences of Mass Imprisonment.”
- Yale University. Detaining Democracy Conference. November 2012. “The Effects of Imprisonment and Community Supervision on Political Participation.”

- Brown University. American Politics Workshop. October 2012. “Mass Imprisonment and Neighborhood Voter Turnout.”
- American Bar Association National Meeting, August 2012. “Mass Imprisonment: Consequences for Society and Politics.”
- University of Madison-Wisconsin. American Politics Workshop. March 2012. “The Spatial Concentration of Imprisonment and Racial Political Inequality.”
- American Political Science Association Annual Meeting. 2011. “Theme Panel: How Can Political Science Help Us Understand the Politics of Decarceration?”
- University of Pennsylvania. Democracy, Citizenship, and Constitutionalism Conference. April, 2011. “Vicarious Imprisonment and Neighborhood Political Inequality.”
- University of Chicago School of Law. Public Laws Colloquium. Chicago, IL. November, 2010. ““The Effects of Neighborhood Incarceration Rates on Individual Political Efficacy and Perceptions of Discrimination.”
- Pomona College. November, 2010. “Incarceration Nation.”
- University of Washington. Surveying Social Marginality Workshop. October 2010. “Using Government Data to Study Current and Former Felons.”
- American Bar Foundation, Chicago, IL, September 2010. “The Effects of Neighborhood Incarceration Rates on Individual Political Attitudes.”
- Northwestern University. Chicago Area Behavior Conference. May 2010. “Trading Democracy for Justice: The Spillover Effects of Incarceration on Voter Turnout in Charlotte and Atlanta.”
- Annual Meeting of the Law and Society Association, Chicago, IL, May 2010. “Neighborhood Criminal Justice Involvement and Voter Turnout in the 2008 General Election.”
- Annual Meeting of the Southern Political Science Association, Atlanta, GA, January 2010. “The Art and Science of Voter Mobilization: Grassroots Perspectives on Registration and GOTV from Charlotte, Atlanta, and Chicago.”
- University of Illinois at Chicago. Institute for Government and Public Affairs. November 2009. “Turnout and Party Registration among Convicted Offenders during the 2008 Presidential Election.”

- Annual Meeting of the American Political Science Association, Toronto, Ontario, Canada, September 2009. "I Wanted to Vote for History: Turnout and Party Registration among Convicted Offenders during the 2008 Presidential Election."
- Harris School of Public Policy, University of Chicago. American Politics Workshop. December 2008. "Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation."
- Northwestern University School of Law. Law and Political Economy Colloquium. November 2008. "Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout Rates and Candidate Preferences of Florida's Ex-Felons."
- University of California, Berkeley. Center for the Study of Law and Society. October 2008. "Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation."
- Law and Society Association Annual Meeting, Montreal, Canada, May 2008. "Did Disfranchisement Laws Help Elect President Bush? New Evidence on the Turnout Rates and Candidate Preferences of Florida's Ex-Felons."
- Law and Society Association Annual Meeting, Montreal, Canada, May 2008. "Trading Democracy for Justice? The Spillover Effects of Imprisonment on Neighborhood Voter Participation."
- Midwest Political Science Association Conference, Chicago, IL, April 2007. Paper: "Concentrated Incarceration: How Neighborhood Incarceration Decreases Voter Registration."

Working Papers Under Review

- "Introduction" (with Jenn Jackson and Periloux Peay) in *Freedom Dreams: A Symposium on Abolition*. Eds. Jenn Jackson, Periloux Peay, and Traci Burch. Social Science Quarterly.
- "The Effects of Community Police Performance on Protest in Chicago" (For Symposium Honoring John Hagan)
- Which Lives Matter?

Additional Activities

- Expert witness in *Kelvin Jones vs. Ron DeSantis, etc. et al.* (U.S. District Court for the Northern District of Florida Consolidated Case No. 4:19-cv-00).

- Expert witness in *Community Success Initiative, et al., Plaintiffs v. Timothy K. Moore* (Superior Court, Wake County, NC Case No. 19-cv-15941).
- Expert witness in *People First of Alabama v. Merrill* (U.S. District Court in Birmingham, Alabama, Case No. 2: 20-cv-00619-AKK)
- Expert witness in *Florida State Conference of the NAACP v. Lee* (U.S. District Court in the Northern District of Florida, Case No. 4:21-cv-00187-MW-MAF)
- Expert witness in *One Wisconsin Institute Inc. v. Jacobs* (U.S. District Court in the Western District of Wisconsin, Case No. 15-CV-324-JDP).
- Expert witness in *Alpha Phi Alpha Fraternity Inc., et al. v. Raffensperger* (U.S. District Court for the Northern District of Georgia, Case No. 1:21-cv-05337-SCJ)
- Expert witness in *Robinson, et al. v. Ardoin* (U.S. District Court for the Middle District of Louisiana, Civil Action No. 22-cv-00211).
- Expert witness in *Nairne, et al. v. Ardoin* (U.S. District Court for the Middle District of Louisiana, Civil Action No. 3:22-cv-00178 SDD-SDJ).
- Expert witness in *White, et al. v. State Board of Election Commissioners, et al.* (U. S. District Court for the Northern District of Mississippi, Civil Action No. 4:22-cv-00062-SA-JMV).

Exhibit 2

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 percent Hispanic (and/or Latino) population in Galveston County, while there has been a decrease in the percent Anglo population. Further, comparing the 2019 American Community Survey (ACS) 5 year estimates to the 2010 American Community Survey (ACS) 5 year estimates, it is clear that there has been an increase in the percent Hispanic Citizen Voting Age Population (CVAP).
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 31.2 %. 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 2 replaced Precinct 3 as the commission precinct with the highest Latino and Black populations. Under the 2021 adopted map Precinct 2 contains a Latino CVAP of 20.6% and a Latino VAP of 23.0%. Under the 2021 adopted map, Precinct 2 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 2.

Table 3: Galveston County, TX Precinct 2 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	9,511	13.3%

Source: The Decennial Census and ACS Data in this table come from the reports generated by DRA 2020 and ESRI redistricting. 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>

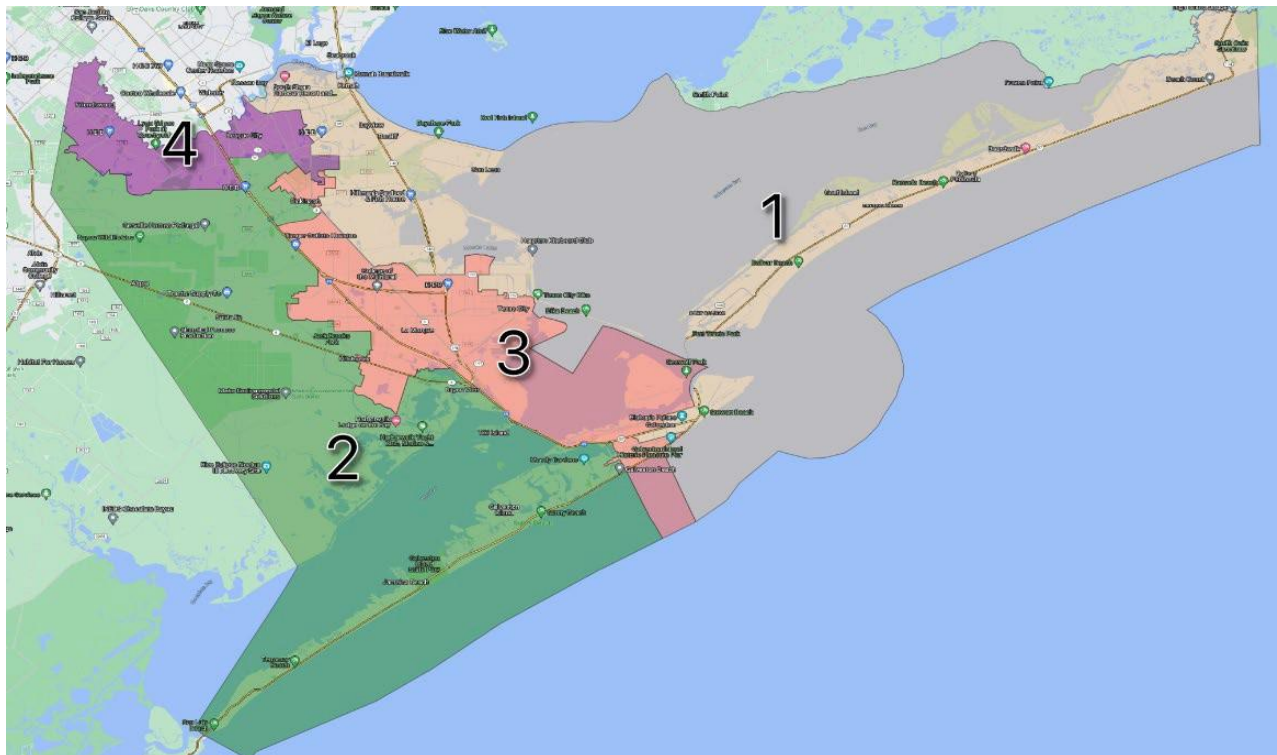
protection. I was also aware and mindful of the above six redistricting factors considered by Galveston County.

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%

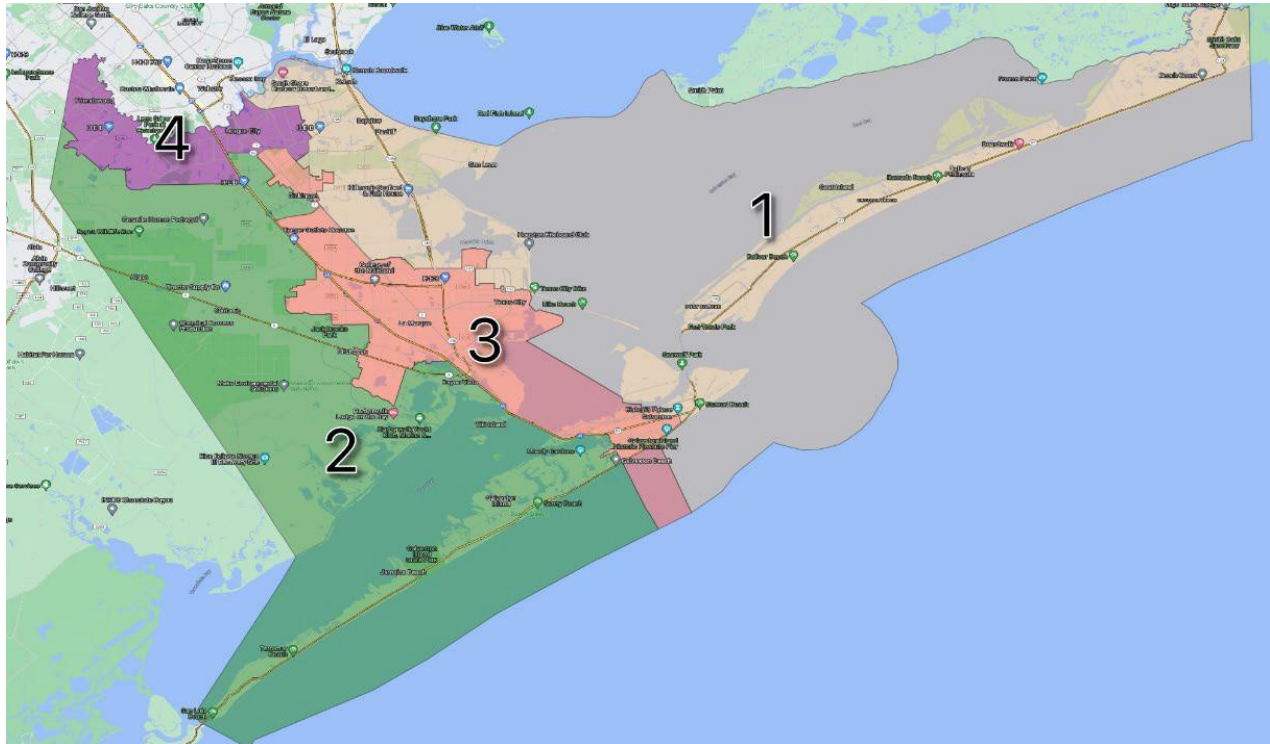
Source: The Decennial Census and ACS Data in this table come from the reports generated by DRA 2020. For more information, visit: <https://davesredistricting.org/maps#aboutdata>

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 VTDs.
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.

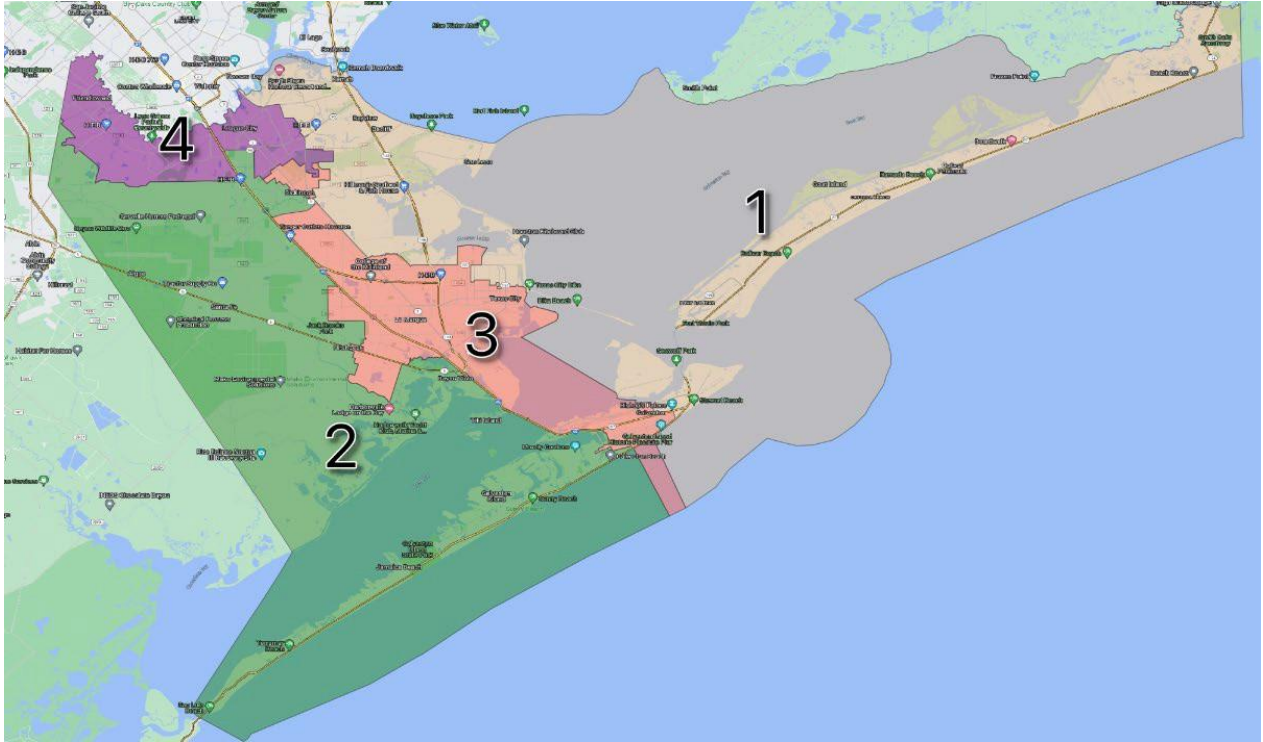
44. DEMONSTRATIVE MAP 2 does not split any VTDs.

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, 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

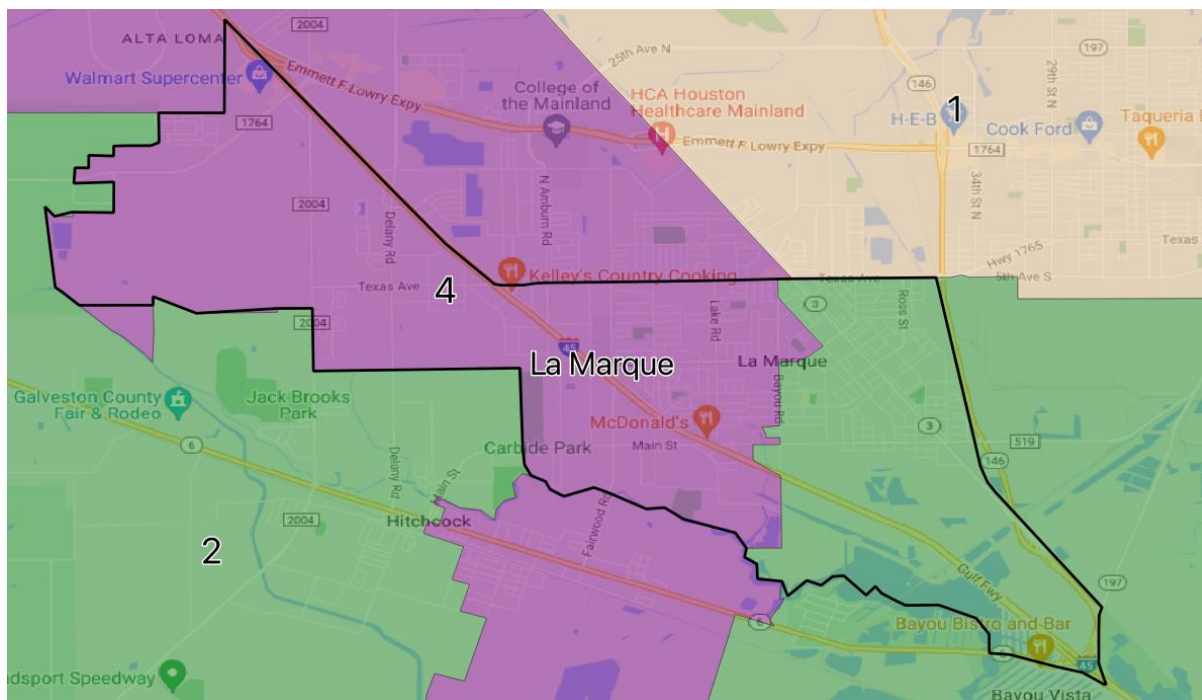
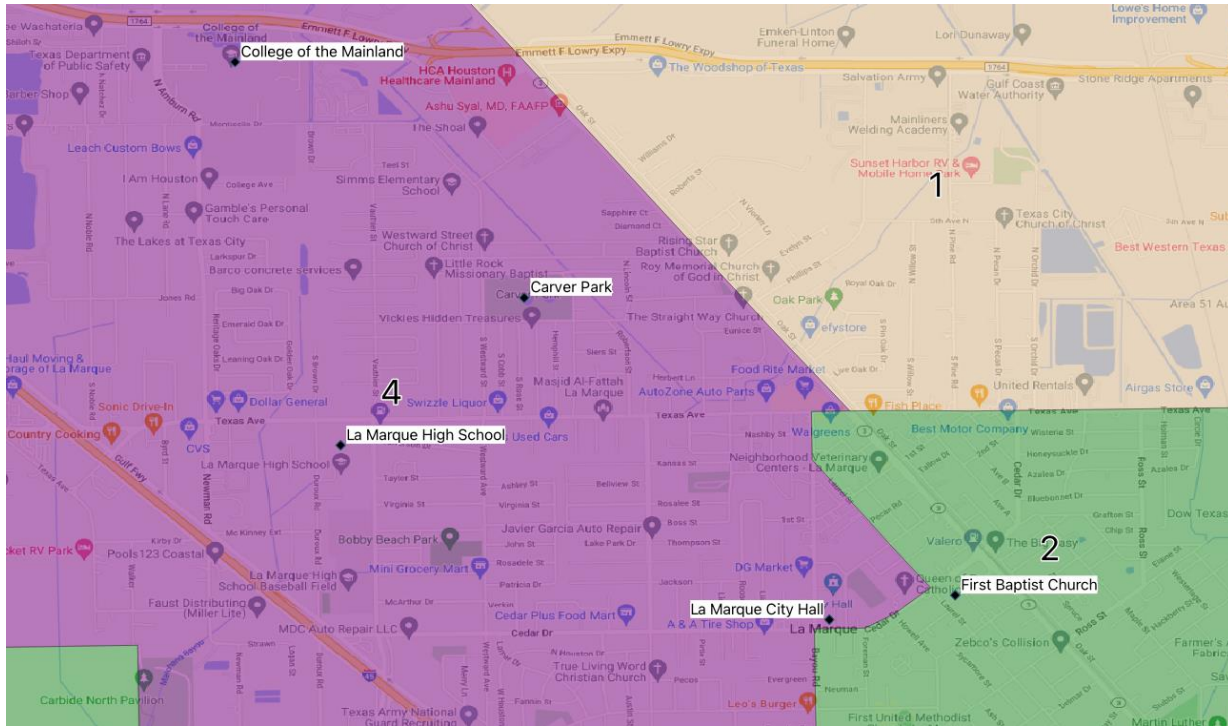


Figure 4 (Zoomed In): La Marque, TX in Galveston County Commissioners Court Adopted Map 2



59. La Marque City Hall was redistricted into Precinct 4 of the adopted Map 2, while the rest of La Marque was redistricted into Precinct 2 of the adopted Map 2.

60. The La Marque First Baptist Church is in Precinct 2 of the adopted Map 2 after redistricting, but is split up from the rest of La Marque that is included in Precinct 4.

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 4 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 4 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 4 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 Galveston County Commissioner Proposed Map 1.

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: May 15, 2023

Executed by:  _____
Tye Rush

Appendix A

Resume of Tye Rush

Tye Rush

CONTACT 4289 Bunche Hall
 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 2023*

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

Voting Rights Research Consultant

June 2018 to June 2019

Supervisor: Matt Barreto, Ph.D.
 Latino Decisions
 Los Angeles, CA

Research Fellow

September 2017 to 2018

UCLA Latino Policy and Politics Initiative
 University of California, Los Angeles
 Supervisor: Matt Barreto, Ph.D.

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

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. Barreto, Matt, Tye Rush, Jonathan Collins, and Greg Leslie. "The Effects of Racial Efficacy on African American Voter Enthusiasm." (*Revise and Resubmit*).
2. Rush, Tye. "Jim Crow in a Brooks Brothers Suit: What Motivates State Legislators to Act on Voter ID Bills." (*Working paper*).
 - UCLA Bunche Center Rising to the Challenge Graduate Research Award, 2022

3. Rush, Tye. “Listen to Me When I’m Talking to You: The Impact of the 26th Amendment on Representation in Congress.” (*Working paper*).
4. Rush, Tye. “Estimating the Effects of Strict Voter ID Laws at the County Level.” (*Working paper*).
5. Rush, Tye, Matt Barreto, Chad Dunn, and Michael Rios. “How Framing Effects Impact Vote-By-Mail Uptake Among Communities of Color.” (*Working paper*).
- Russell Sage Foundation Presidential Authority Grant (Matt Barreto and Chad Dunn) , 2020
6. Collingwood, Loren, Bryan Wilcox-Archuleta, Matt Barreto, and Tye Rush. “Who Nominates? Racial Polarization at the Nominating Petition Stage.” (*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

External Awards

- CBC Spouses Education Scholarship, Congressional Black Caucus Foundation 2022–2023
- Princeton Dissertation Scholar, Princeton University: 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, 2022
- 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

- UCLA Rising to the Challenge Graduate Summer Research Fellowship 2022
- 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	
	Lab Organizer	June 2018 to June 2020
	Race, Ethnicity, and Immigration Lab University of California, Los Angeles	
	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	• 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	• American Political Science Association (APSA)
	• National Conference of Black Political Scientists (NCOBPS)
	• Western Political Science Association (WPSA)
	• Midwestern Political Science Association (MPSA)

CONSULTING EXPERT	• New Mexico, 2023, Navajo Nation et al. v. San Juan County, Expert for plaintiffs related to redistricting.
	• Texas, 2023, Petteway et al. v. Galveston County, Expert for plaintiffs related to redistricting.
	• Washington, 2022, Portugal et al. v. Franklin County, Expert for plaintiffs related to redistricting.
	• California, 2021, Consulting expert for Evitarus Inc. in Los Angeles City Council contract for demographic analysis related to redistricting in Council Districts 8, 9, and 10.

COMPUTER SKILLS	R, Stata, L ^A T _E X, Markdown, Maptitude, Wordpress, ArcGIS, and qGIS
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Exhibit 3

**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
GALVESTON COUNTY, TEXAS, et al. § [Lead Consolidated Case]
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

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.

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

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.

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

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.

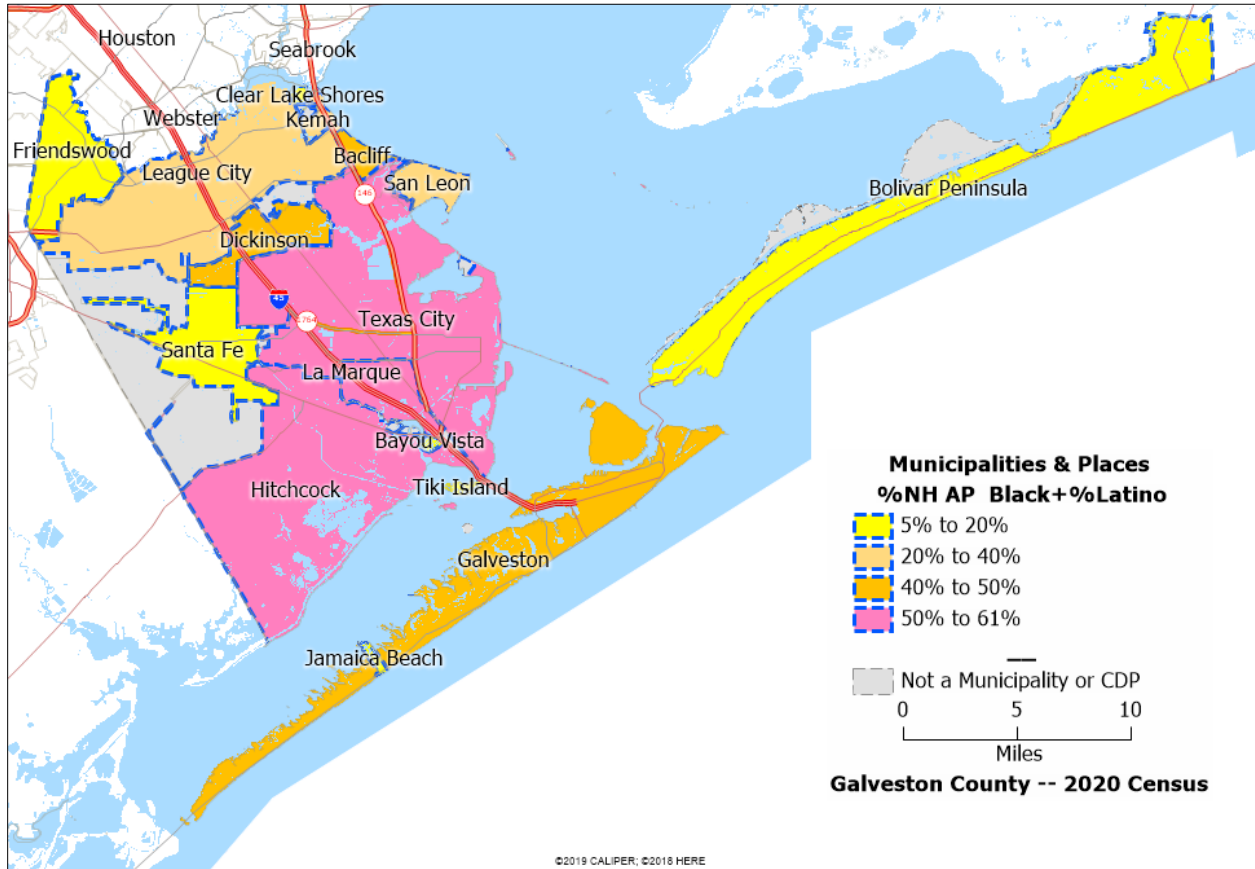
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⁹ The 1-Year ACS is available at <https://data.census.gov/table?q=S2901&g=0500000US48167>, but it does not include block group and census tract level CVAP estimates.

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.

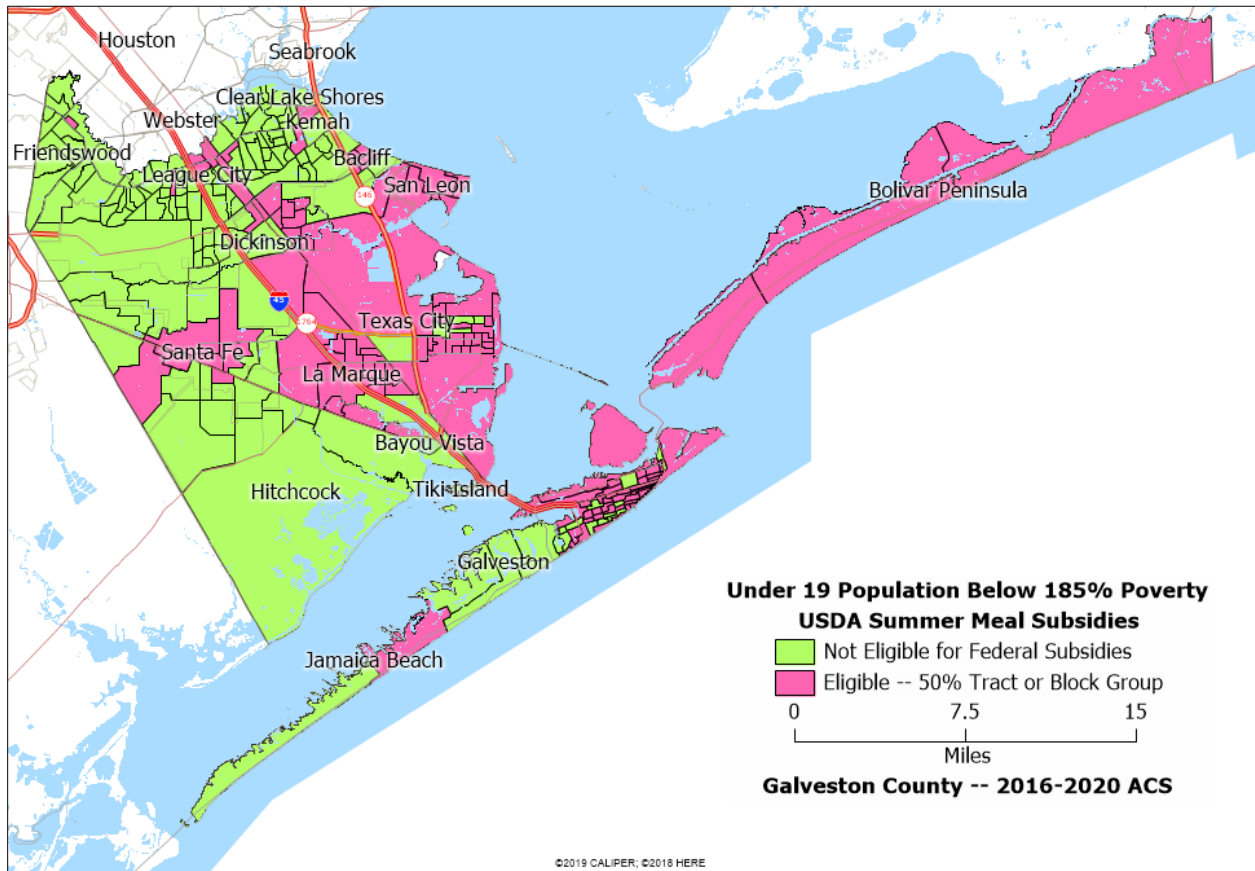
42. In **Figure 5**, I have identified the population of those under 19 years old living below 185% of the poverty line. I did this using eligibility in the U.S. Department of Agriculture's subsidies to local governments, school districts, and non-profits for summer meal assistance to children 18 years 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

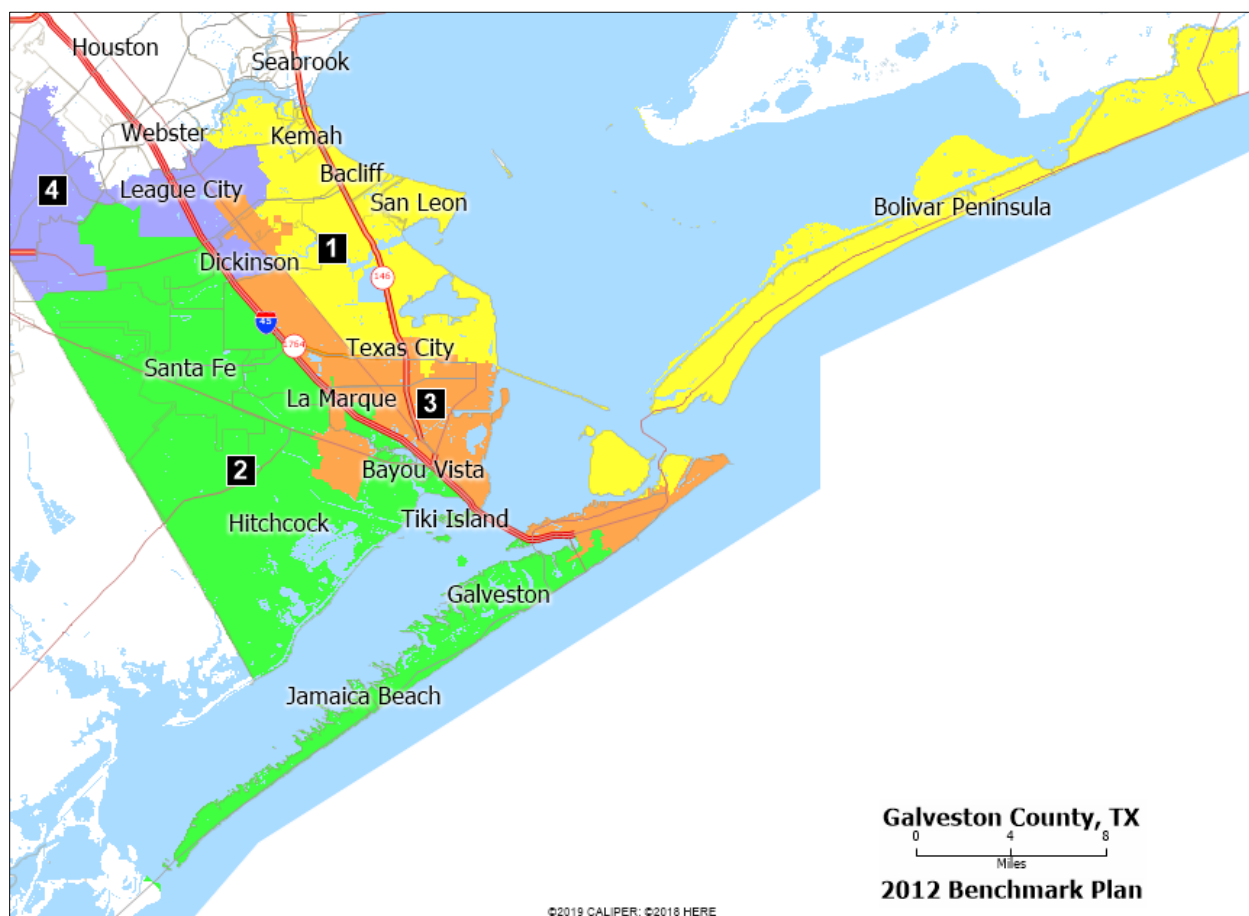


43. As shown in **Figure 5**, less prosperous households are concentrated on the Galveston Bay side of the County – stretching from Dickinson and San Leon south to Galveston Island and the Bolivar Peninsula. This more economically challenged region encompasses communities with significant Black and Latino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

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

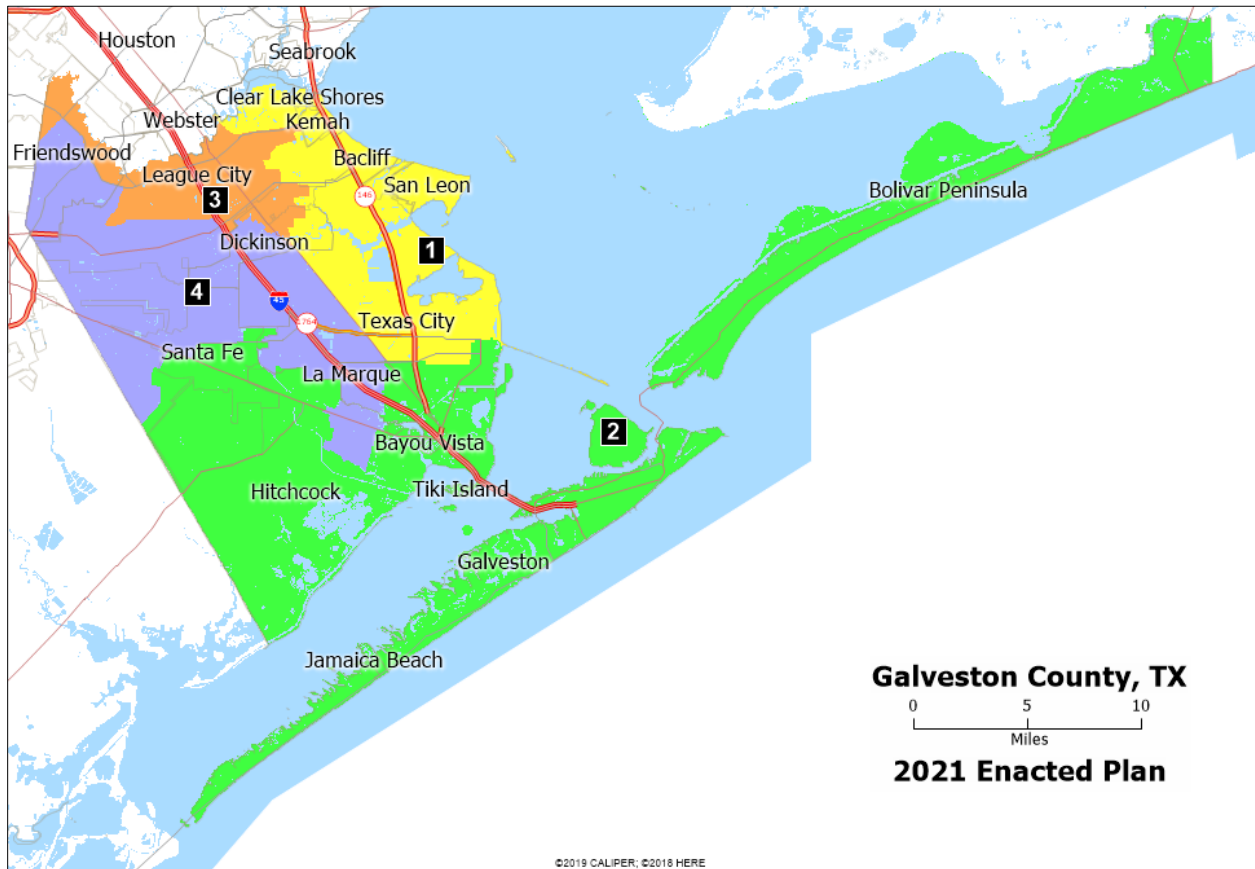
51. According to the updated 2020 Census numbers, Precinct 3 stood the test of time as a majority-minority precinct: Column 8 of Figure 7 shows that the NH DOJ B+LVAP in Precinct 3 was 58.31%.

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.

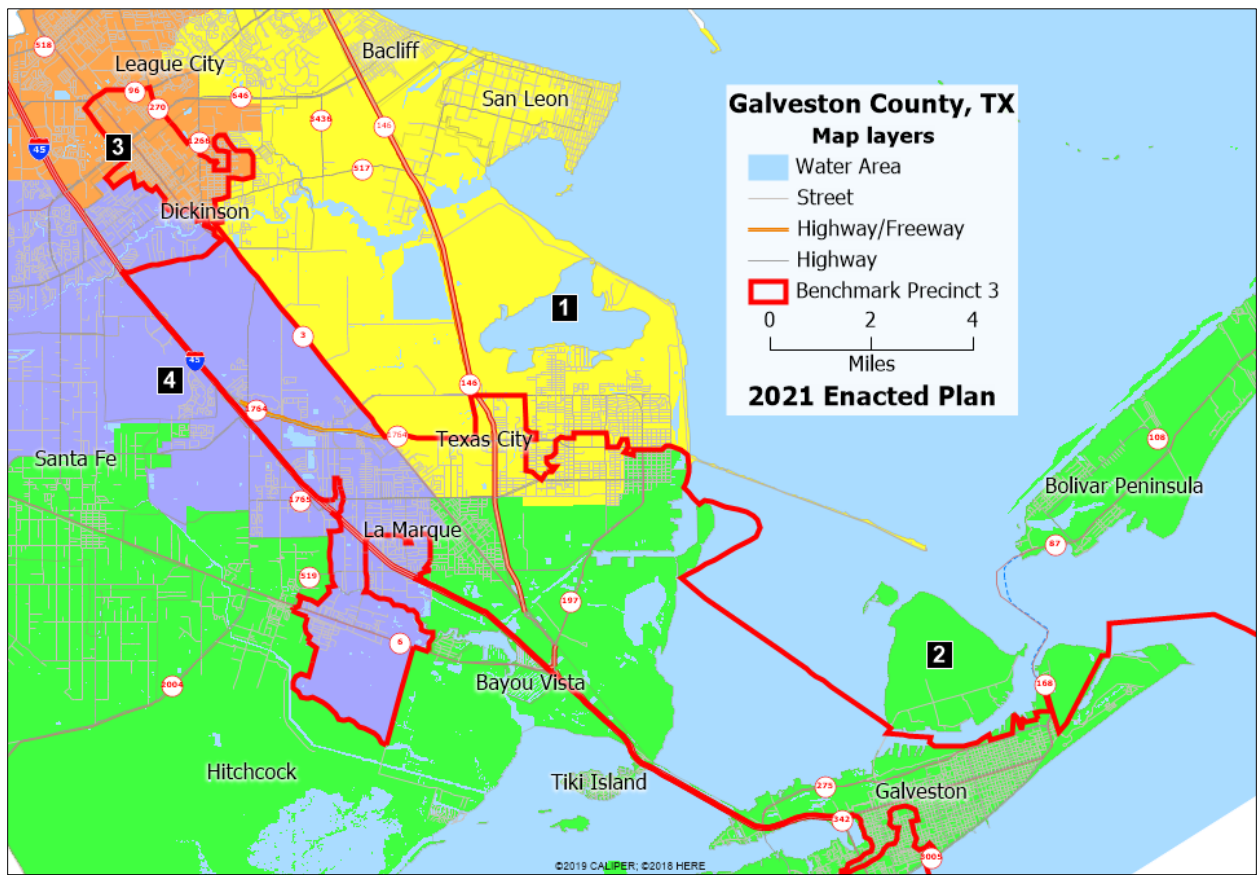
54. The 2021 Enacted Plan places all of the Bolivar Peninsula and Galveston Island in a single precinct (Precinct 2). I understand that during the 2021 redistricting cycle, creating a

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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!8j!673517960>.

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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.

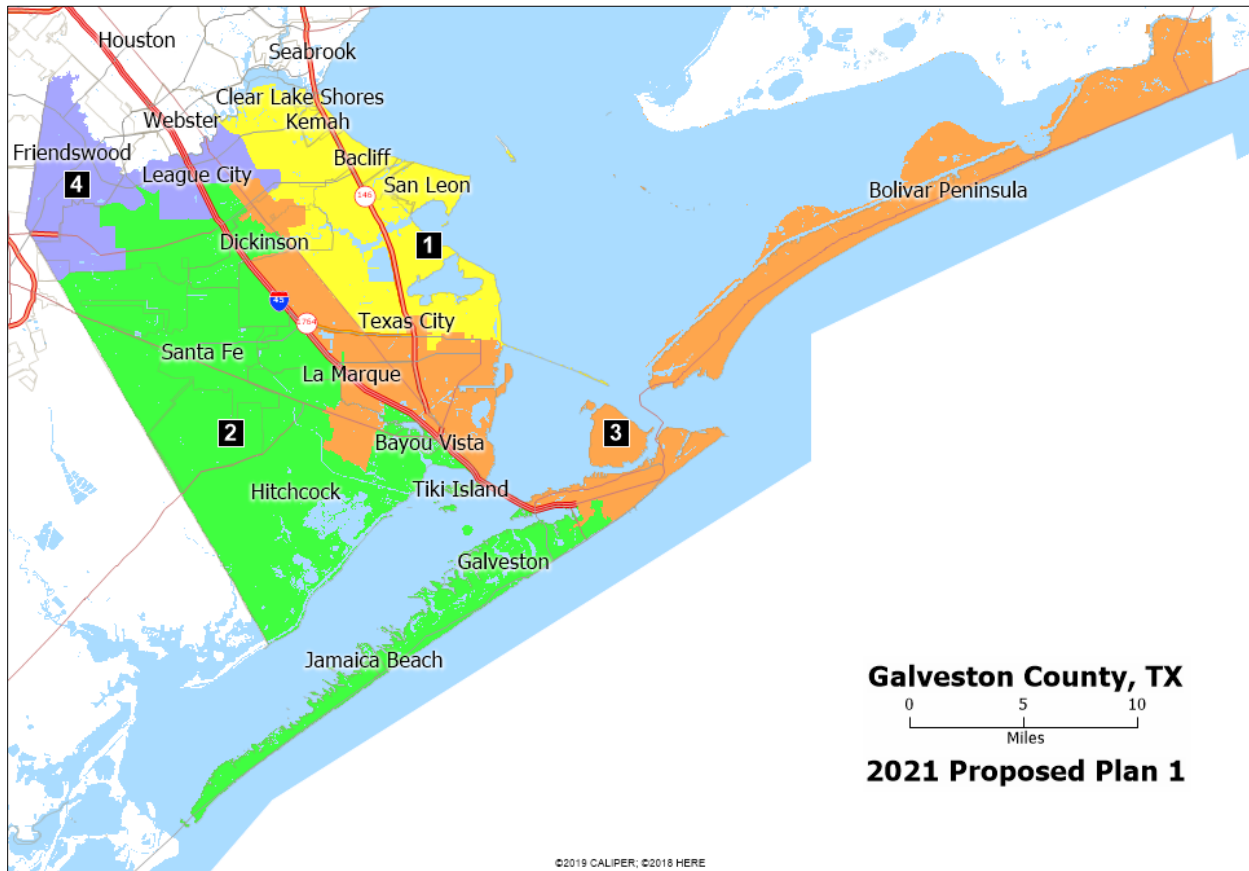
²⁴ I was provided the following address information from Plaintiffs’ counsel for the commissioners, which I understand are consistent with the addresses listed for these individuals in a Jan. 26, 2022 voter file produced as DEFS00029727 in this litigation:

- 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

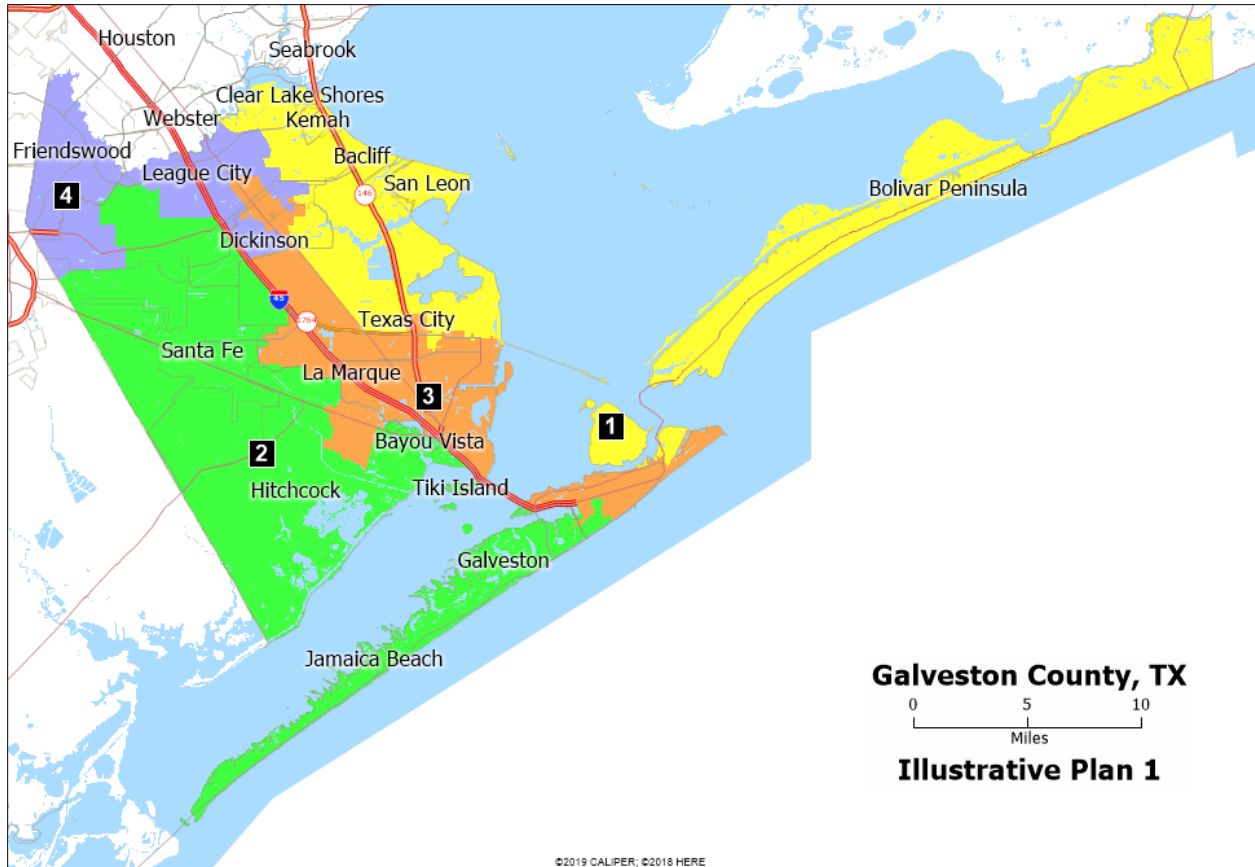
²⁶ Travel time calculated for 10 a.m. CST, Dec. 16, 2022. Source: <https://www.google.com/maps/dir/High+Island+Bridge,+High+Island,+TX+77623/Galveston,+TX/@29.4471065,-94.8741244,10z/data=!3m1!4b1!4m13!4m12!1m5!1m1!1s0x863ee2717948f7e9:0xee79f897909c5120!2m2!1d-94.388755!2d29.5946589!1m5!1m1!1s0x863f59c8c4059259:0xe58b03c9b9eaec1!2m2!1d-94.7976958!2d29.3013479>.

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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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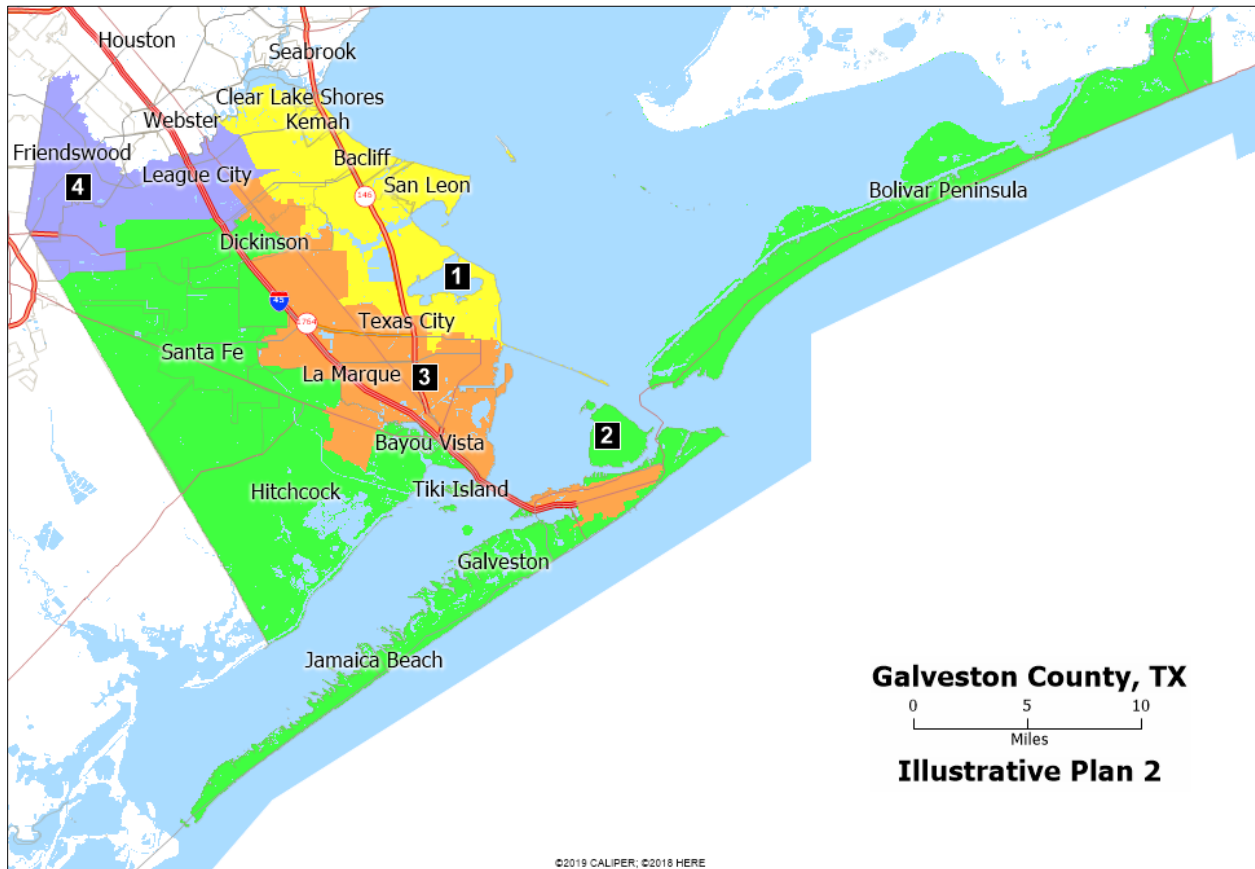
- Excluding unpopulated areas, Illustrative Map 1 splits just one populated VTD in order to avoid pairing incumbents and keeps 11 communities whole (CDPs and municipalities) with 15 populated splits.
- Travel time from the northern extremity of Precinct 3 (near the Chester L. Davis Sportsplex) to East 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.

*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***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:

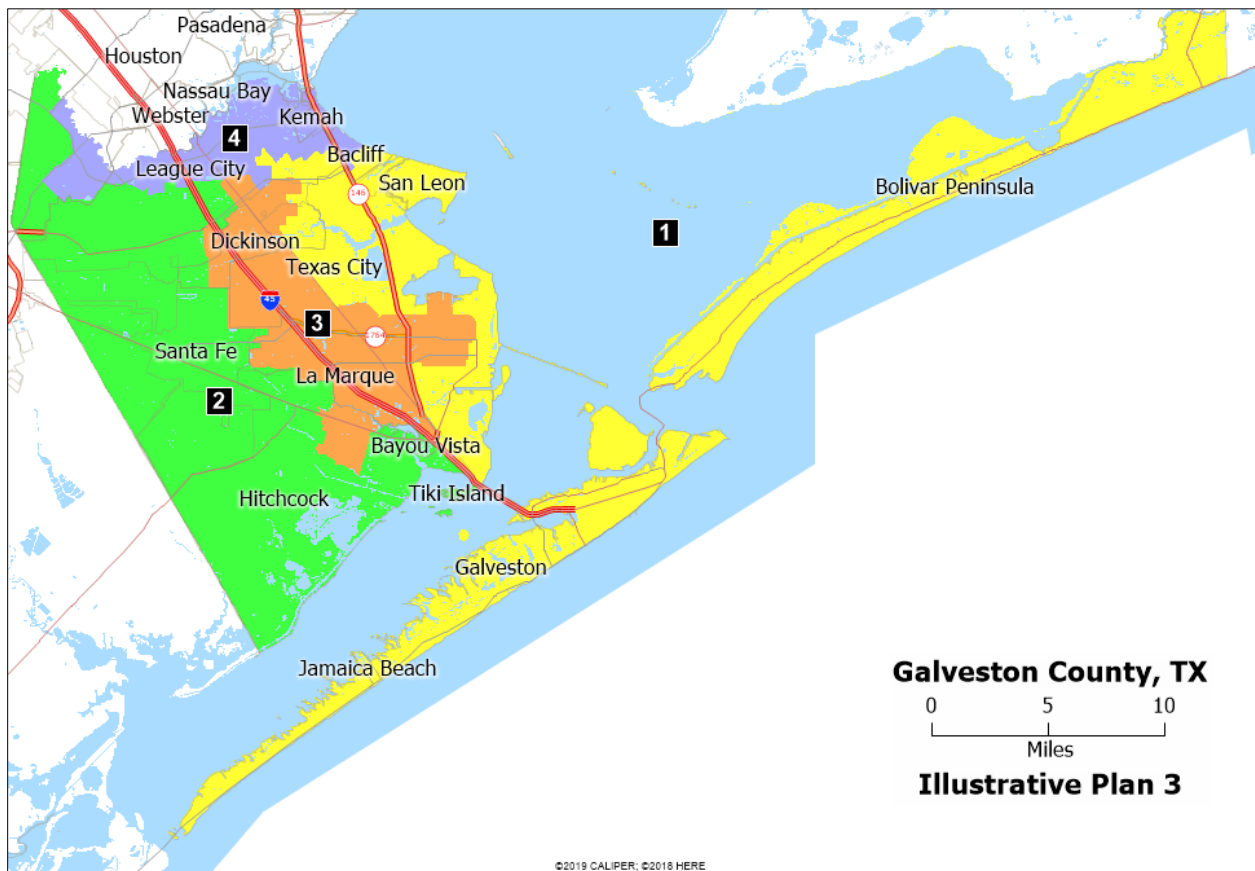
- Commissioner precincts in the plan are contiguous and population deviations by precinct are within +/- 5%.
- Commissioner precincts are reasonably shaped and compact within the context of the complex Galveston County geography.
- Excluding unpopulated areas, Illustrative Map 2 contains nine populated 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

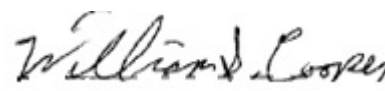
97. The three Illustrative Maps in this report are just three examples of a multitude of potential plans adhering to traditional redistricting principles that would result in maps that maintain a majority B+L CVAP Commissioners Precinct. For example, Galveston Island could be divided between Precincts 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

Expert Declaration and Report of William S. Cooper
January 2023

EXHIBIT A

November 30, 2022

William S. Cooper
P.O. Box 16066
Bristol, VA 24209
276-669-8567
bcooper@msn.com

Summary of Redistricting Work

I have a B.A. in Economics from Davidson College in Davidson, North Carolina.

Since 1986, I have prepared proposed redistricting maps of approximately 750 jurisdictions for Section 2 litigation, Section 5 comment letters, and for use in other efforts to promote compliance with the Voting Rights Act of 1965. I have analyzed and prepared election plans in over 100 of these jurisdictions for two or more of the decennial censuses – either as part of concurrent legislative reapportionments or, retrospectively, in relation to litigation involving many of the cases listed below.

From 1986 to 2022, I have prepared election plans for Section 2 litigation in Alabama, Connecticut, Florida, Georgia, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, and Wyoming.

Post-2020 Redistricting Experience

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, Utah, Bolivar County, Miss., and Washington County, Miss. In addition, a school board plan I developed was adopted by the Jefferson County, Alabama Board of Education (*Stout v. Jefferson County*).

In 2022, I have testified at trial in seven Sec. 2 lawsuits: Alabama (Congress), Arkansas (Supreme and Appellate Courts), Florida (voter suppression), Georgia (State

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House, State Senate, and Congress), Louisiana (Congress) and Maryland (Baltimore County Commission).

2010s Redistricting Experience

I developed statewide legislative plans on behalf of clients in nine states (Alabama, Connecticut, Florida, Georgia, Kentucky, Mississippi, South Carolina, Texas, and Virginia), as well as over 150 local redistricting plans in approximately 30 states – primarily for groups working to protect minority voting rights. In addition, I have prepared congressional plans for clients in eight states (Alabama, Florida, Georgia, Louisiana, Maryland, Ohio, Pennsylvania, South Carolina, and Virginia).

In March 2011, I was retained by the Sussex County, Virginia Board of Supervisors and the Bolivar County, Mississippi Board of Supervisors to draft new district plans based on the 2010 Census. In the summer of 2011, both counties received Section 5 preclearance from the U.S. Department of Justice (DOJ).

Also in 2011, I was retained by way of a subcontract with Olmedillo X5 LLC to assist with redistricting for the Miami-Dade County, Florida Board of Commissioners and the Miami-Dade, Florida School Board. Final plans were adopted in late 2011 following public hearings.

In the fall of 2011, I was retained by the City of Grenada, Mississippi to provide redistricting services. The ward plan I developed received DOJ preclearance in March 2012.

In 2012 and 2013, I served as a redistricting consultant to the Tunica County, Mississippi Board of Supervisors and the Claiborne County, Mississippi Board of Supervisors.

In *Montes v. City of Yakima* (E.D. Wash. Feb. 17, 2015) the court adopted, as a remedy for the Voting Rights Act Section 2 violation, a seven single-member district plan

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that I developed for the Latino plaintiffs. I served as the expert for the Plaintiffs in the liability and remedy phases of the case.

In *Pope v. Albany County* (N.D.N.Y. Mar. 24, 2015), the court approved, as a remedy for a Section 2 violation, a plan drawn by the defendants, creating a new Black-majority district. I served as the expert for the Plaintiffs in the liability and remedy phases of the case.

In 2016, two redistricting plans that I developed on behalf of the plaintiffs for consent decrees in Section 2 lawsuits in Georgia were adopted (*NAACP v. Fayette County, Georgia* and *NAACP v. Emanuel County, Georgia*).

In 2016, two federal courts granted summary judgment to the plaintiffs based in part on my *Gingles 1* testimony: *Navajo Nation v. San Juan County, Utah* (C.D. Utah 2016) and *NAACP v. Ferguson-Florissant School District, Missouri* (E. D. Mo. August 22, 2016).

Also in 2016, based in part on my analysis, the City of Pasco, Washington admitted to a Section 2 violation. As a result, in *Glatt v. City of Pasco* (E.D. Wash. Jan. 27, 2017), the court ordered a plan that created three Latino majority single-member districts in a 6 district, 1 at-large plan.

In 2018, I served as the redistricting consultant to the Governor Wolf interveners at the remedial stage of *League of Women Voters, et al. v. Commonwealth of Pennsylvania*.

In August 2018, the Wenatchee City Council adopted a hybrid election plan that I developed – five single-member districts with two members at-large. The Wenatchee election plan is the first plan adopted under the Washington Voting Rights Acts of 2018.

In February 2019, a federal court ruled in favor of the plaintiffs in a Section 2 case regarding Senate District 22 in Mississippi, based in part on my *Gingles 1* testimony in *Thomas v. Bryant* (S.D. Ms. Feb 16, 2019).

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In the summer of 2019, I developed redistricting plans for the Grand County (Utah) Change of Form of Government Study Committee.

In the fall of 2019, a redistricting plan I developed for a consent decree involving the Jefferson County, Alabama Board of Education was adopted *Traci Jones, et al. v. Jefferson County Board of Education, et al.*

In May 2020, a federal court ruled in favor of the plaintiffs in a Section 2 case in *NAACP et al. v. East Ramapo Central School District, NY*, based in part on my *Gingles 1* testimony. In October 2020, the federal court adopted a consent decree plan I developed for elections to be held in February 2021.

In May and June of 2020, I served as a consultant to the City of Quincy, Florida – the Defendant in a Section 2 lawsuit filed by two Anglo voters (*Baroody v. City of Quincy*). The federal court for the Northern District of Florida ruled in favor of the Defendants. The Plaintiffs voluntarily dismissed the case.

In the summer of 2020, I provided technical redistricting assistance to the City of Chestertown, Maryland.

I am currently a redistricting consultant and expert for the plaintiffs in *Jayla Allen v. Waller County, Texas*. I testified remotely at trial in October 2020.

Since 2011, I have served as a redistricting and demographic consultant to the Massachusetts-based Prison Policy Initiative for a nationwide project to end prison-based gerrymandering. I have analyzed proposed and adopted election plans in about 25 states as part of my work.

In 2018 (Utah) and again in 2020 (Arizona), I have provided technical assistance to the Rural Utah Project for voter registration efforts on the Navajo Nation Reservation.

Post-2010 Demographics Experience

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My trial testimony in Section 2 lawsuits usually includes presentations of U.S. Census data with charts, tables, and/or maps to demonstrate socioeconomic disparities between non-Hispanic Whites and racial or ethnic minorities.

I served as a demographic expert for plaintiffs in four state-level voting cases related to the Covid-19 pandemic (South Carolina, Alabama, and Louisiana) and state court in North Carolina.

I have also served as an expert witness on demographics in non-voting trials. For example, in an April 2017 opinion in *Stout v. Jefferson County Board of Education* (Case no.2:65-cv-00396-MHH), a school desegregation case involving the City of Gardendale, Ala., the court made extensive reference to my testimony.

I provide technical demographic and mapping assistance to the Food Research and Action Center (FRAC) in Washington D.C and their constituent organizations around the country. Most of my work with FRAC involves the Summer Food Program and Child and Adult Care Food Program. Both programs provide nutritional assistance to school-age children who are eligible for free and reduced price meals. As part of this project, I developed an online interactive map to determine site eligibility for the two programs that has been in continuous use by community organizations and school districts around the country since 2003. The map is updated annually with new data from a Special Tabulation of the American Community Survey prepared by the U.S. Census Bureau for the Food and Nutrition Service of the U.S. Department of Agriculture.

Historical Redistricting Experience

In the 1980s and 1990s, I developed voting plans in about 400 state and local jurisdictions – primarily in the South and Rocky Mountain West. During the 2000s and

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2010s, I prepared draft election plans involving about 350 state and local jurisdictions in 25 states. Most of these plans were prepared at the request of local citizens' groups, national organizations such as the NAACP, tribal governments, and for Section 2 or Section 5 litigation.

Election plans I developed for governments in two counties – Sussex County, Virginia and Webster County, Mississippi – were adopted and precleared in 2002 by the U.S. Department of Justice. A ward plan I prepared for the City of Grenada, Mississippi was precleared in August 2005. A county supervisors' plan I produced for Bolivar County, Mississippi was precleared in January 2006.

In August 2005, a federal court ordered the State of South Dakota to remedy a Section 2 voting rights violation and adopt a state legislative plan I developed (*Bone Shirt v. Hazeltine*).

A county council plan I developed for Native American plaintiffs in a Section 2 lawsuit (*Blackmoon v. Charles Mix County*) was adopted by Charles Mix County, South Dakota in November 2005. A plan I drafted for Latino plaintiffs in Bethlehem, Pennsylvania (*Pennsylvania Statewide Latino Coalition v. Bethlehem Area School District*) was adopted in March 2009. Plans I developed for minority plaintiffs in Columbus County, North Carolina and Montezuma- Cortez School District in Colorado were adopted in 2009.

Since 1986, I have testified at trial as an expert witness on redistricting and demographics in federal courts in the following voting rights cases (approximate most recent testimony dates are in parentheses). I also filed declarations and was deposed in most of these cases.

Alabama

Caster v. Merrill (2022)

Chestnut v. Merrill (2019)

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Alabama State Conference of the NAACP v. Alabama (2018)
Alabama Legislative Black Caucus et al. v. Alabama et al. (2013)

Arkansas

The Christian Ministerial Alliance v. Hutchinson (2022)

Colorado

Cuthair v. Montezuma-Cortez School Board (1997)

Florida

NAACP v. Lee (2022)

Baroody v. City of Quincy (2020)

Georgia

Pendergrass v. Raffensperger (2022)

Alpha Phi Alpha v. Raffensperger (2022)

Cofield v. City of LaGrange (1996)

Love v. Deal (1995)

Askew v. City of Rome (1995)

Woodard v. Lumber City (1989)

Louisiana

Galmon v. Ardoin (2022)

Terrebonne Parish NAACP v. Jindal, et al. (2017)

Wilson v. Town of St. Francisville (1996)

Reno v. Bossier Parish (1995)

Knight v. McKeithen (1994)

Maryland

NAACP v. Baltimore County (2022)

Cane v. Worcester County (1994)

Mississippi

Thomas v. Bryant (2019)

Fairley v. Hattiesburg (2014)

Boddie v. Cleveland School District (2010)

Fairley v. Hattiesburg (2008)

Boddie v. Cleveland (2003)

Jamison v. City of Tupelo (2006)

Smith v. Clark (2002)

NAACP v. Fordice (1999)

Addy v Newton County (1995)

Ewing v. Monroe County (1995)

Gunn v. Chickasaw County (1995)

Nichols v. Okolona (1995)

November 30, 2022

Montana

Old Person v. Brown (on remand) (2001)

Old Person v. Cooney (1998)

Missouri

Missouri NAACP v. Ferguson-Florissant School District (2016)

Nebraska

Stabler v. Thurston County (1995)

New York

NAACP v. East Ramapo Central School District (2020)

Pope v. County of Albany (2015)

Arbor Hills Concerned Citizens v. Albany County (2003)

Ohio

A. Philip Randolph Institute, et al. v. Ryan (2019)

South Carolina

Smith v. Beasley (1996)

South Dakota

Bone Shirt v. Hazeltine (2004)

Cottier v. City of Martin (2004)

Tennessee

Cousins v. McWherter (1994)

Rural West Tennessee African American Affairs Council v. McWherter (1993)

Texas

Jayla Allen v. Waller County, Texas

Utah

Navajo Nation v. San Juan County (2017), brief testimony –11 declarations, 2 depositions

Virginia

Smith v. Brunswick County (1991)

Henderson v. Richmond County (1988)

McDaniel v. Mehfoud (1988)

White v. Daniel (1989)

Wyoming

Large v. Fremont County (2007)

In addition, I have filed expert declarations or been deposed in the following cases that did not require trial testimony. The dates listed indicate the deposition date or

November 30, 2022

date of last declaration or supplemental declaration:

Alabama

People First of Alabama v. Merrill (2020), Covid-19 demographics only
Alabama State NAACP v. City of Pleasant Grove (2019)
James v. Jefferson County Board of Education (2019)
Voketz v. City of Decatur (2018)

Arkansas

Mays v. Thurston (2020)-- Covid-19 demographics only)

Connecticut

NAACP v. Merrill (2020)

Florida

Florida State Conference of the NAACP v. Lee, et al., (2021)
Calvin v. Jefferson County (2016)
Thompson v. Glades County (2001)
Johnson v. DeSoto County (1999)
Burton v. City of Belle Glade (1997)

Georgia

Dwight v. Kemp (2018)
Georgia NAACP et al. v. Gwinnett County, GA (2018)
Georgia State Conference NAACP et al v. Georgia (2018)
Georgia State Conference NAACP, et al. v. Fayette County (2015)
Knighton v. Dougherty County (2002)
Johnson v. Miller (1998)
Jones v. Cook County (1993)

Kentucky

Herbert v. Kentucky State Board of Elections (2013)

Louisiana

Power Coalition for Equity and Justice v. Edwards (2020), Covid-19 demographics only
Johnson v. Ardoin (2019)
NAACP v. St. Landry Parish Council (2005)
Prejean v. Foster (1998)
Rodney v. McKeithen (1993)

Maryland

Baltimore County NAACP v. Baltimore County (2022)
Benisek v. Lamone (2017)
Fletcher v. Lamone (2011)

Mississippi

Partee v. Coahoma County (2015)

November 30, 2022

Figgs v. Quitman County (2015)
West v. Natchez (2015)
Williams v. Bolivar County (2005)
Houston v. Lafayette County (2002)
Clark v. Calhoun County (on remand)(1993)
Teague v. Attala County (on remand)(1993)
Wilson v. Clarksdale (1992)
Stanfield v. Lee County(1991)

Montana

Alden v. Rosebud County (2000)

North Carolina

Lewis v. Alamance County (1991)
Gause v. Brunswick County (1992)
Webster v. Person County (1992)

Rhode Island

Davidson v. City of Cranston (2015)

South Carolina

Thomas v. Andino (2020), Covid-19 demographics only
Vander Linden v. Campbell (1996)

South Dakota

Kirkie v. Buffalo County (2004)
Emery v. Hunt (1999)

Tennessee

NAACP v. Frost, et al. (2003)

Virginia

Moon v. Beyer (1990)

Washington

Glatt v. City of Pasco (2016)
Montes v. City of Yakima (2014)

###

Expert Declaration and Report of William S. Cooper
January 2023

EXHIBIT B

Exhibit B – Methodology and Sources

1. In the preparation of this report, I analyzed population data from the Decennial Census and the American Community Survey (“ACS”). I reported and analyzed socioeconomic data from the 5-year 2015-2019 ACS published by the U.S. Census Bureau. I also reported citizenship data from the Special Tabulation of the 5-Year 2016-2020 ACS, the 2009-2013 ACS, and the 1-Year 2021 ACS.

2. For my redistricting analysis, I used a geographic information system (GIS) software package called *Maptitude for Redistricting*, developed by the Caliper Corporation. This software is deployed by many local and state governing bodies across the country for redistricting and other types of demographic analysis.

3. The geographic boundary files that I used with *Maptitude* are created from the U.S. Census 2020 TIGER (Topologically Integrated Geographic Encoding and Referencing) files and versions from earlier decades (1990, 2000, and 2010).

4. I used population data from the U. S. Census 1990, 2000, 2010, and 2020 PL 94-171 data files. The PL 94-171 dataset is published in electronic format and is the complete count population file designed by the Census Bureau for use in

legislative redistricting. The file contains basic race and ethnicity data on the total population and voting-age population found in units of Census geography such as states, counties, municipalities, townships, reservations, school districts, census tracts, census block groups, precincts (called voting districts or “VTDs” by the Census Bureau) and census blocks.

5. I developed the illustrative plans presented in this report using *Maptitude for Redistricting*. The *Maptitude for Redistricting* software processes the TIGER files to produce a map for display on a computer screen. The software also merges demographic data from the PL 94-171 files to match the relevant decennial Census geography.

6. The attachment on the next page explains calculations for the four compactness measures included with the exhibits associated with each redistricting plan in my report.

Reock Test

The Reock test is an area-based measure that compares each district to a circle, which is considered to be the most compact shape possible. For each district, the Reock test computes the ratio of the area of the district to the area of the minimum enclosing circle for the district. The measure is always between 0 and 1, with 1 being the most compact. The Reock test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan.

See [Reock 1961] and [Young 1988].

Polsby-Popper Test

The Polsby-Popper test computes the ratio of the district area to the area of a circle with the same perimeter: $4\pi\text{Area}/(\text{Perimeter}^2)$. The measure is always between 0 and 1, with 1 being the most compact. The Polsby-Popper test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan.

See [Cox 1929], [Polsby and Popper 1991], and [Niemi, Grofman, Carlucci, and Hofeller 1990].

Area / Convex Hull (Minimum Convex Figure) Test

The Area/Convex Hull test computes the ratio the district area to the area of the convex hull of the district (minimum convex polygon which completely contains the district). The measure is always between 0 and 1, with 1 being the most compact. The Minimum Convex Polygon test computes one number for each district and the minimum, maximum, mean and standard deviation for the plan.

See [Niemi, Grofman, Carlucci, and Hofeller 1990].

Perimeter Test

The Perimeter test computes the sum of the perimeters of all the districts. 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.

See [Young 1988].

Source for definitions: *Maptitude for Redistricting* technical documentation.

###

Expert Declaration and Report of William S. Cooper

January 2023

EXHIBIT C

Selected Socio-Economic Data

Galveston County, Texas

Single-Race African Americans and Latinos vis-à-vis Non-Hispanic Whites

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

COOPER EXHIBIT C

C02003.DETAILED RACE - Universe: TOTAL POPULATION

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

	Galveston County, Texas		
	Population	Margin of Error (+/-)	% of Total
Total:	332,885	*****	100.0%
Population of one race:	323,317	1,148	97.1%
White	262,336	1,576	78.8%
Black or African American	41,809	900	12.6%
American Indian and Alaska Native	1,306	393	0.4%
Asian alone	10,946	476	3.3%
Native Hawaiian and Other Pacific Islander	123	95	0.0%
Some other race	6,797	1,223	2.0%
Population of two or more races:	9,568	1,148	2.9%
Two races including Some other race	1,256	473	0.4%
Two races excluding Some other race, and three or more races	8,312	1,130	2.5%
Population of two races:	8,884	1,102	2.7%
White; Black or African American	2,954	858	0.9%
White; American Indian and Alaska Native	1,962	392	0.6%
White; Asian	1,813	544	0.5%
Black or African American; American Indian and Alaska Native	304	203	0.1%
All other two race combinations	1,851	534	0.6%
Population of three races	631	330	0.2%
Population of four or more races	53	76	0.0%

Note: Hispanics may be of any race. See Table B03002 and chart.

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

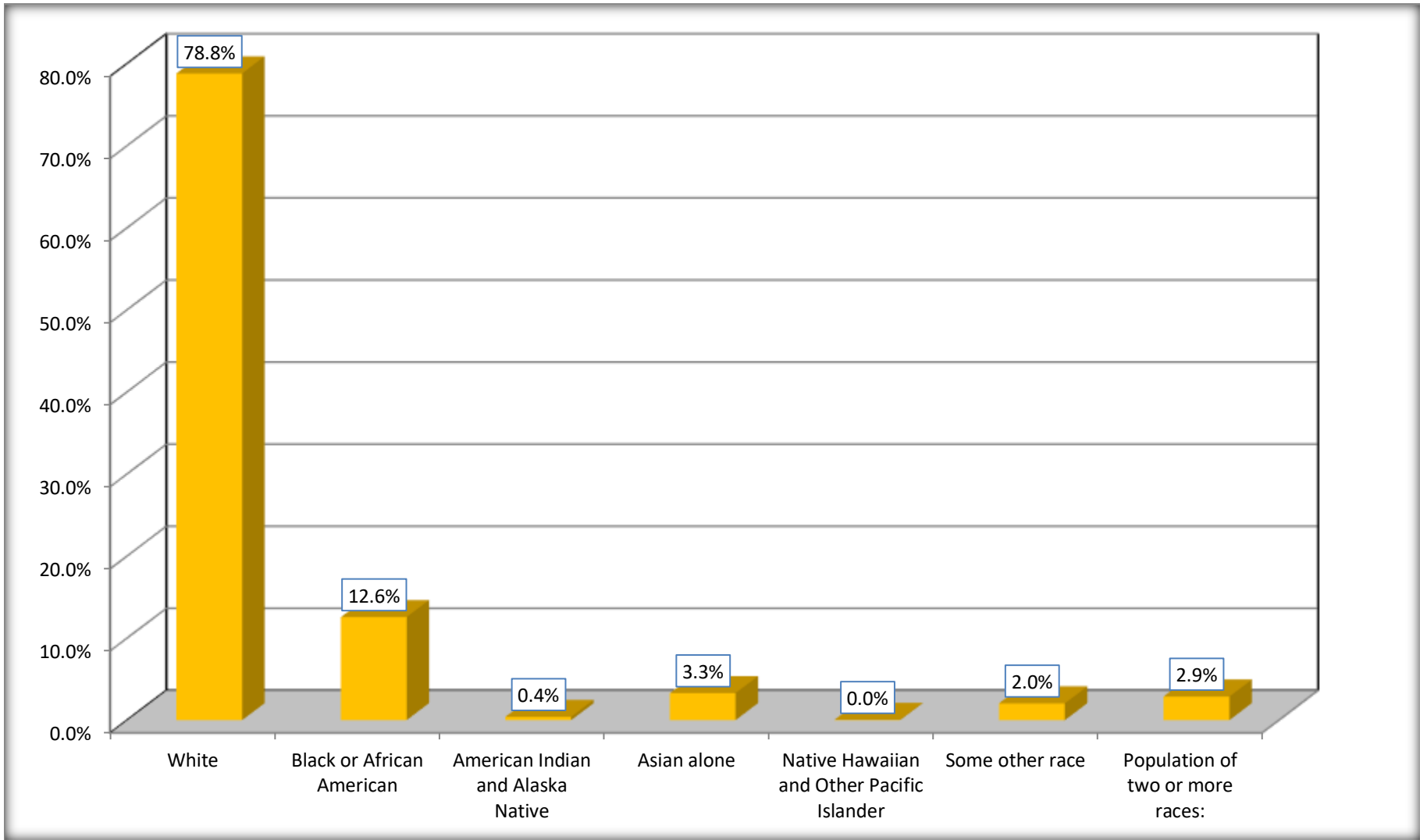
Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

COOPER EXHIBIT C

Population by Race Galveston County, Texas



Source: C02003.DETAILED RACE - Universe: TOTAL POPULATION
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

B03002. HISPANIC OR LATINO ORIGIN BY RACE - Universe: TOTAL POPULATION

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

	Galveston County, Texas		
	Population	Margin of Error (+/-)	% of Total
Total:	332,885	*****	100.0%
Not Hispanic or Latino:	250,882	*****	75.4%
White alone	190,948	143	57.4%
Black or African American alone	41,105	854	12.3%
American Indian and Alaska Native alone	785	318	0.2%
Asian alone	10,840	474	3.3%
Native Hawaiian and Other Pacific Islander alone	110	95	0.0%
Some other race alone	282	179	0.1%
Two or more races:	6,812	951	2.0%
Two races including Some other race	342	376	0.1%
Two races excluding Some other race, and three or more races	6,470	965	1.9%
Hispanic or Latino	82,003	*****	24.6%

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

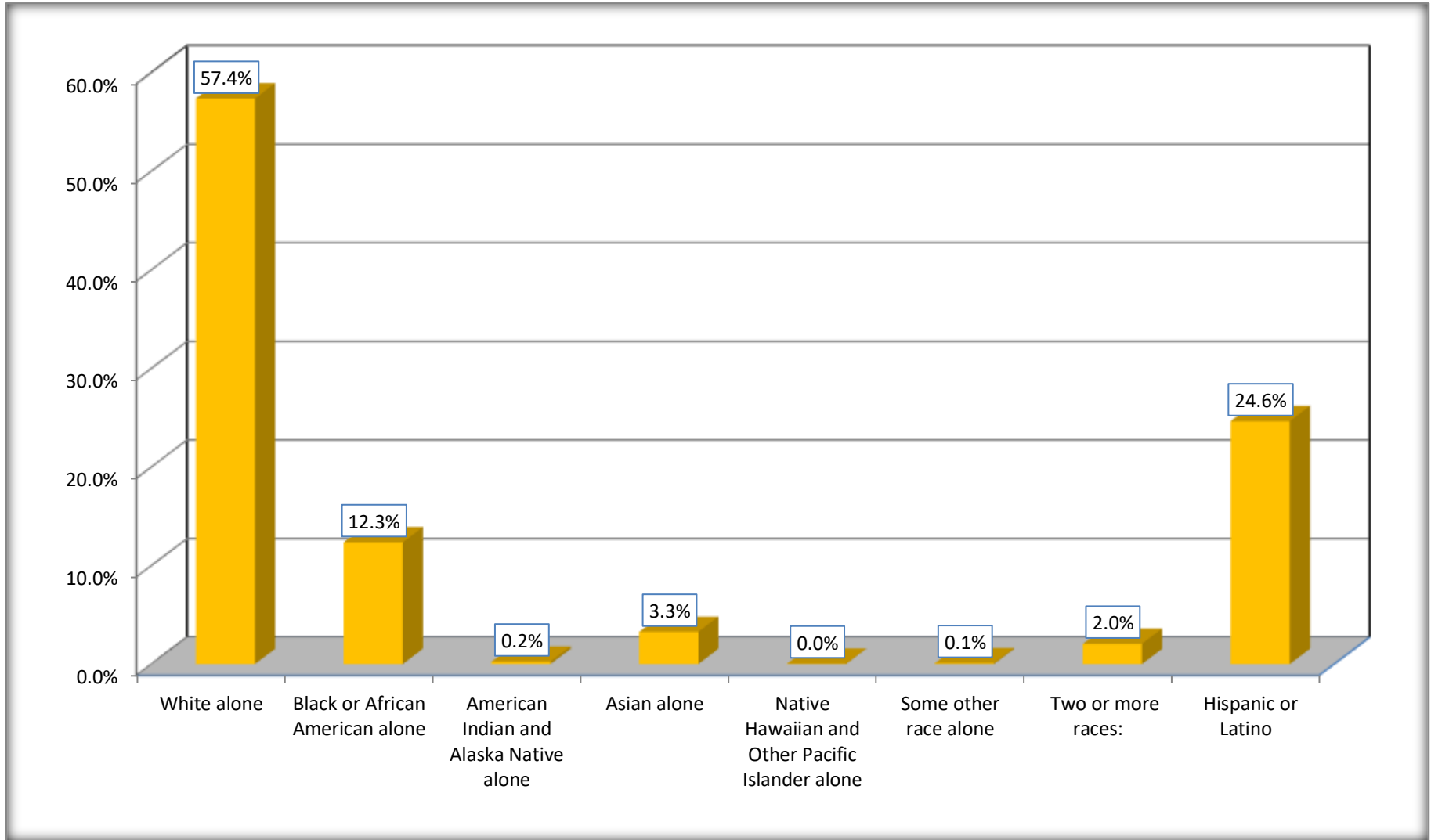
Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Non-Hispanic by Race and Hispanic Population

Galveston County, Texas



Source: B03002. HISPANIC OR LATINO ORIGIN BY RACE - Universe: TOTAL POPULATION
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

B03002. HISPANIC OR LATINO ORIGIN BY RACE

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

	Galveston County, Texas		
	Population	Margin of Error (+/-)	% of Total
Hispanic or Latino:	82,003	*****	100.0%
White alone	71,388	1,556	87.1%
Black or African American alone	704	314	0.9%
American Indian and Alaska Native alone	521	200	0.6%
Asian alone	106	82	0.1%
Native Hawaiian and Other Pacific Islander alone	13	14	0.0%
Some other race alone	6,515	1,168	7.9%
Two or more races:	2,756	688	3.4%
Two races including Some other race	914	370	1.1%
Two races excluding Some other race, and three or more races	1,842	560	2.2%

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

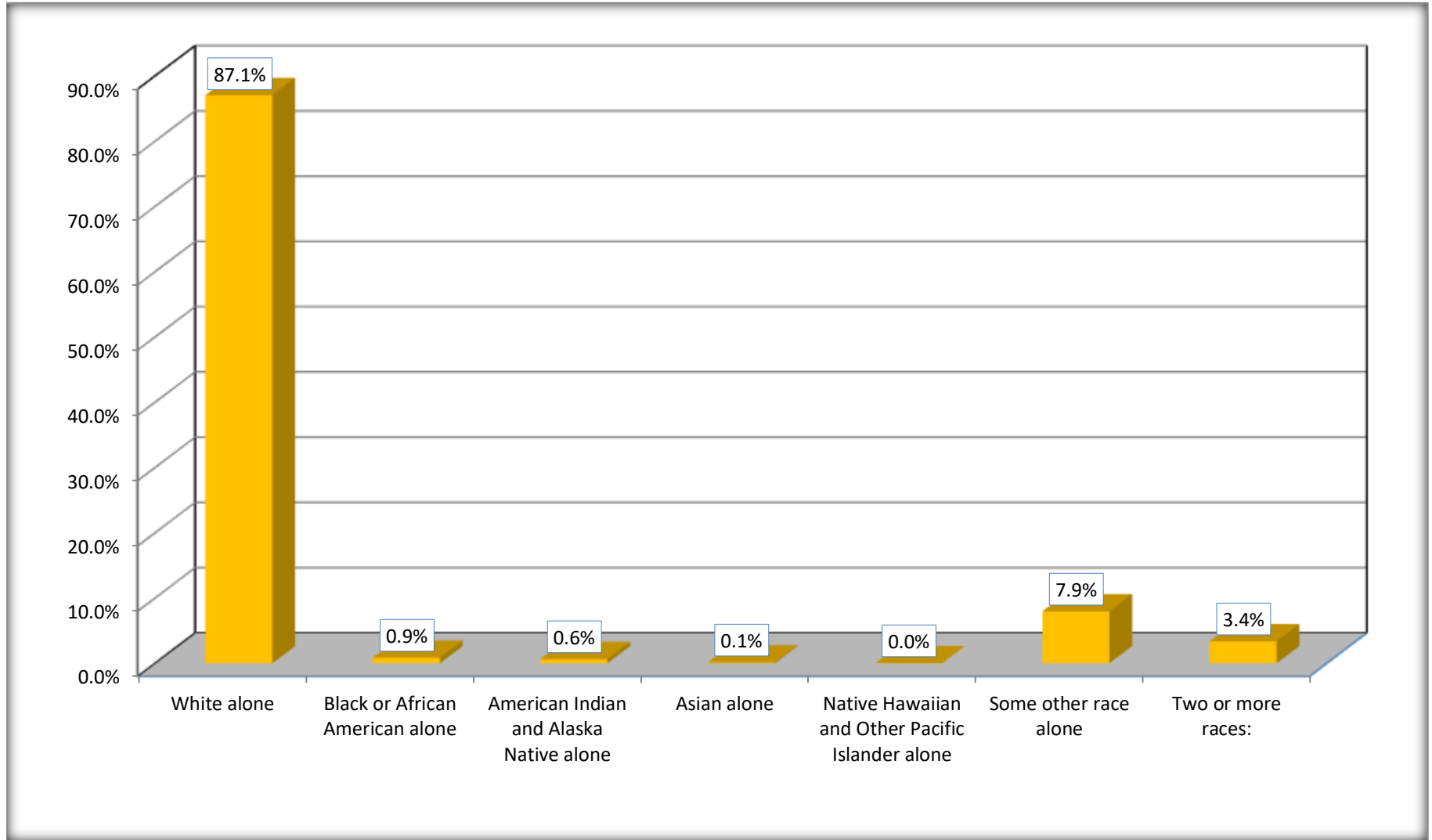
Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Hispanic or Latino Origin by Race

Galveston County, Texas



Source: B03002. HISPANIC OR LATINO ORIGIN BY RACE
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C
B01001. SEX BY AGE

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

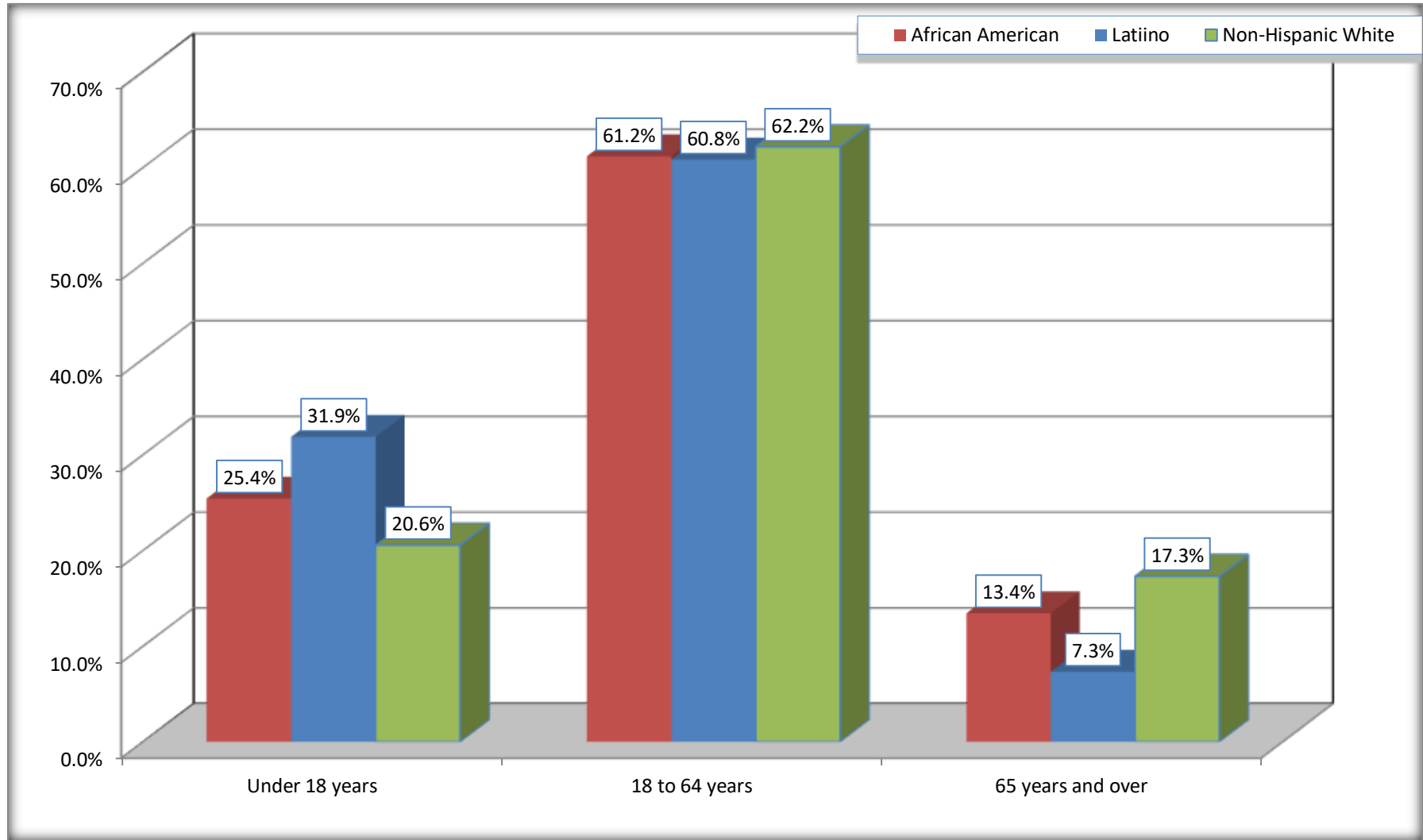
	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	41,809	100.0%	82,003	100.0%	190,948	100.0%
Under 18 years	10,623	25.4%	26,121	31.9%	39,240	20.6%
18 to 64 years	25,573	61.2%	49,882	60.8%	118,686	62.2%
65 years and over	5,613	13.4%	6,000	7.3%	33,022	17.3%
Male:	20,057	48.0%	41,294	50.4%	94,199	49.3%
Under 18 years	5672	13.6%	13358	16.3%	19,978	10.5%
18 to 64 years	12,108	29.0%	25,200	30.7%	58,925	30.9%
65 years and over	2,277	5.4%	2,736	3.3%	15,296	8.0%
Female:	21,752	52.0%	40,709	49.6%	96,749	50.7%
Under 18 years	4,951	11.8%	12,763	15.6%	19,262	10.1%
18 to 64 years	13,465	32.2%	24,682	30.1%	59,761	31.3%
65 years and over	3,336	8.0%	3,264	4.0%	17,726	9.3%

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

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

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

Population by Age Galveston County, Texas



Source: B01001. SEX BY AGE
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

B05003. SEX BY AGE BY CITIZENSHIP STATUS

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

	Galveston County, Texas					
	African American	% of AA Total by Age	Latino	% of Latino Total by Age	White, Not Hispanic	% of NHW Total by Age
Total:	41,809	100.0%	82,003	100.0%	190,948	100.0%
Under 18 years:	10,623	100.0%	26,121	100.0%	39,240	100.0%
Native	10,427	98.2%	24,445	93.6%	39,072	99.6%
Foreign born:	196	1.8%	1,676	6.4%	168	0.4%
Naturalized U.S. citizen	196	1.8%	72	0.3%	21	0.1%
Not a U.S. citizen	0	0.0%	1,604	6.1%	147	0.4%
18 years and over:	31,186	100.0%	55,882	100.0%	151,708	100.0%
Native	29,763	95.4%	37,711	67.5%	147,823	97.4%
Foreign born:	1,423	4.6%	18,171	32.5%	3,885	2.6%
Naturalized U.S. citizen	834	2.7%	5,066	9.1%	2,278	1.5%
Not a U.S. citizen	589	1.9%	13,105	23.5%	1,607	1.1%
Male:	20,057	48.0%	41,294	50.4%	94,199	49.3%
Under 18 years:	5,672	100.0%	13,358	100.0%	19,978	100.0%
Native	5,476	96.5%	12,536	93.8%	19,894	99.6%
Foreign born:	196	3.5%	822	6.2%	84	0.4%
Naturalized U.S. citizen	196	3.5%	47	0.4%	17	0.1%
Not a U.S. citizen	0	0.0%	775	5.8%	67	0.3%
18 years and over:	14,385	100.0%	27,936	100.0%	74,221	100.0%
Native	13,641	94.8%	18,447	66.0%	72,415	97.6%
Foreign born:	744	5.2%	9,489	34.0%	1,806	2.4%
Naturalized U.S. citizen	394	2.7%	2,432	8.7%	990	1.3%
Not a U.S. citizen	350	2.4%	7,057	25.3%	816	1.1%

COOPER EXHIBIT C

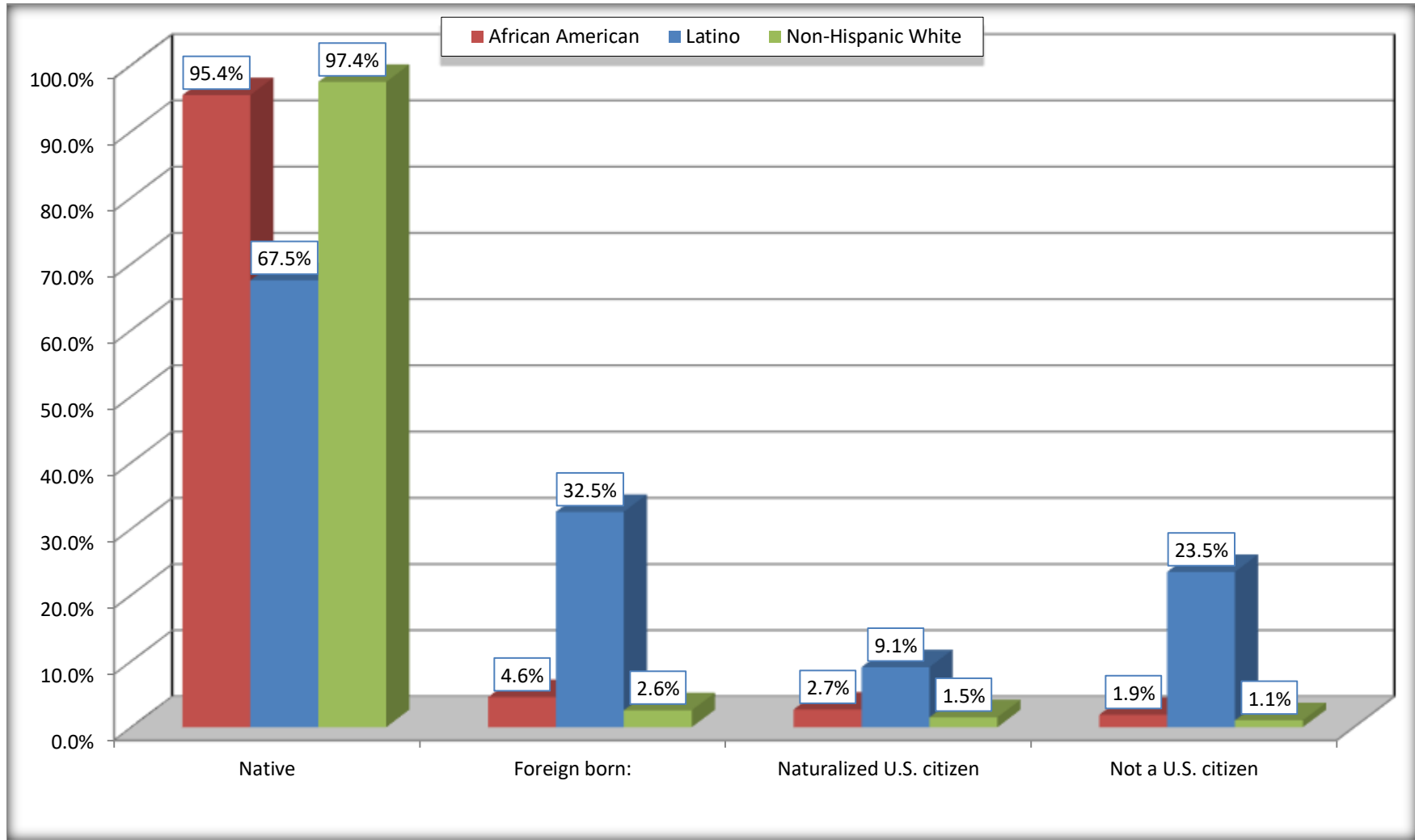
	Galveston County, Texas					
	African American	% of AA by Age	Latino	% of Latino by Age	White, Not Hispanic	% of NHW by Age
Female:	21,752	52.0%	40,709	49.6%	96,749	50.7%
Under 18 years:	4,951	100.0%	12,763	100.0%	19,262	100.0%
Native	4,951	100.0%	11,909	93.3%	19,178	99.6%
Foreign born:	0	0.0%	854	6.7%	84	0.4%
Naturalized U.S. citizen	0	0.0%	25	0.2%	4	0.0%
Not a U.S. citizen	0	0.0%	829	6.5%	80	0.4%
18 years and over:	16,801	100.0%	27,946	100.0%	77,487	100.0%
Native	16,122	96.0%	19,264	68.9%	75,408	97.3%
Foreign born:	679	4.0%	8,682	31.1%	2,079	2.7%
Naturalized U.S. citizen	440	2.6%	2,634	9.4%	1,288	1.7%
Not a U.S. citizen	239	1.4%	6,048	21.6%	791	1.0%

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>

Citizenship Status of Voting Age Population (18 and Over)

Galveston County, Texas



Source: B05003. SEX BY AGE BY CITIZENSHIP STATUS
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

B07004. GEOGRAPHICAL MOBILITY IN THE PAST YEAR BY RACE FOR CURRENT RESIDENCE IN THE UNITED STATES - Universe: POPULATION 1 YEAR AND OVER
 Data Set: 2015-2019 American Community Survey 5-Year Estimates

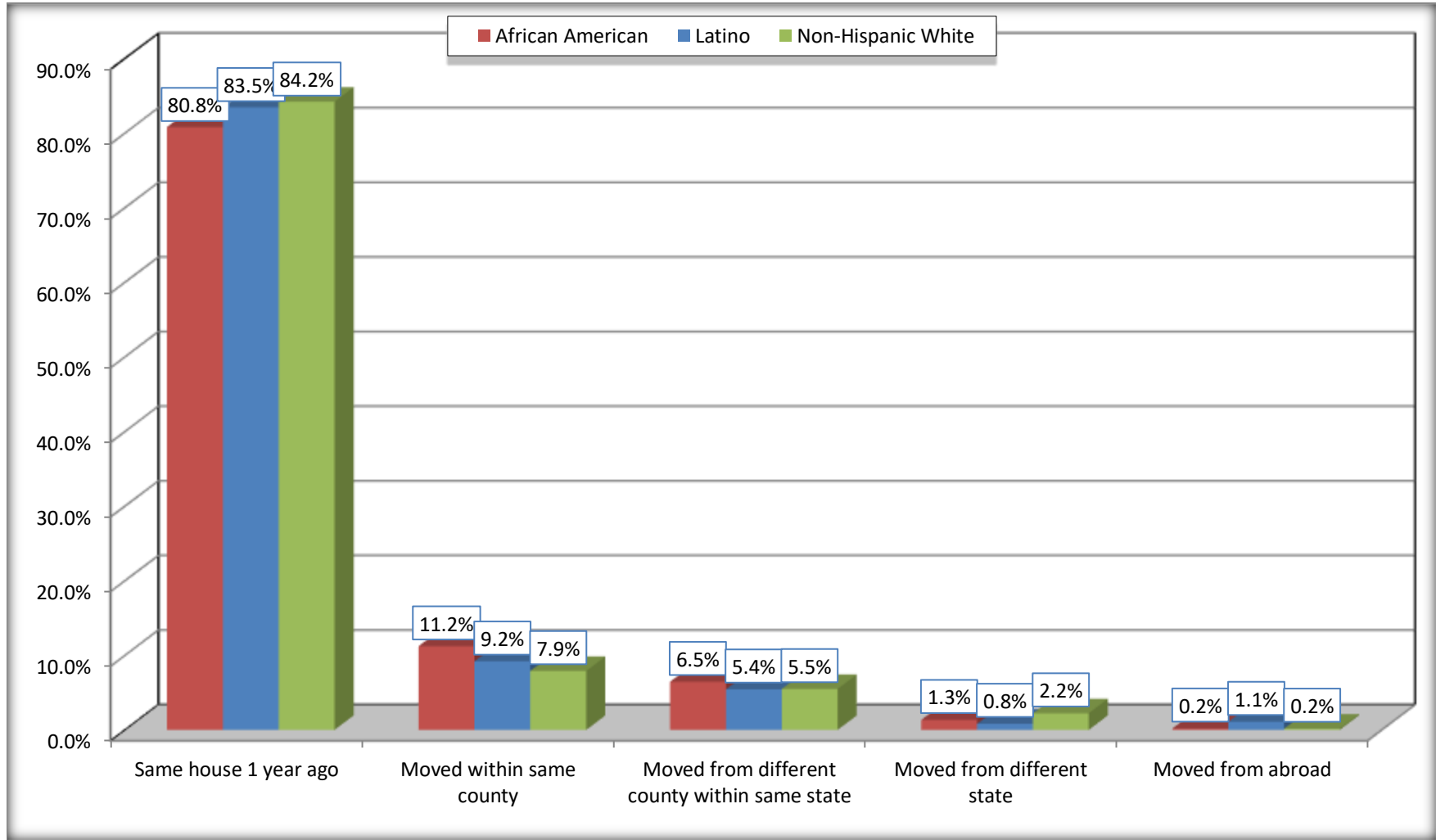
	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	41,324	100.0%	80,379	100.0%	188,817	100.0%
Same house 1 year ago	33,387	80.8%	67,087	83.5%	158,991	84.2%
Moved within same county	4,636	11.2%	7,381	9.2%	14,916	7.9%
Moved from different county within same state	2,666	6.5%	4,367	5.4%	10,364	5.5%
Moved from different state	554	1.3%	667	0.8%	4,214	2.2%
Moved from abroad	81	0.2%	877	1.1%	332	0.2%

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>

Geographical Mobility in the Past Year (Population 1 Year and Over)

Galveston County, Texas



Source: B07004. GEOGRAPHICAL MOBILITY IN THE PAST YEAR BY RACE FOR CURRENT RESIDENCE IN THE UNITED STATES - Universe: POPULATION 1 YEAR AND OVER
 Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

B08105. MEANS OF TRANSPORTATION TO WORK - Universe: WORKERS 16 YEARS AND OVER

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

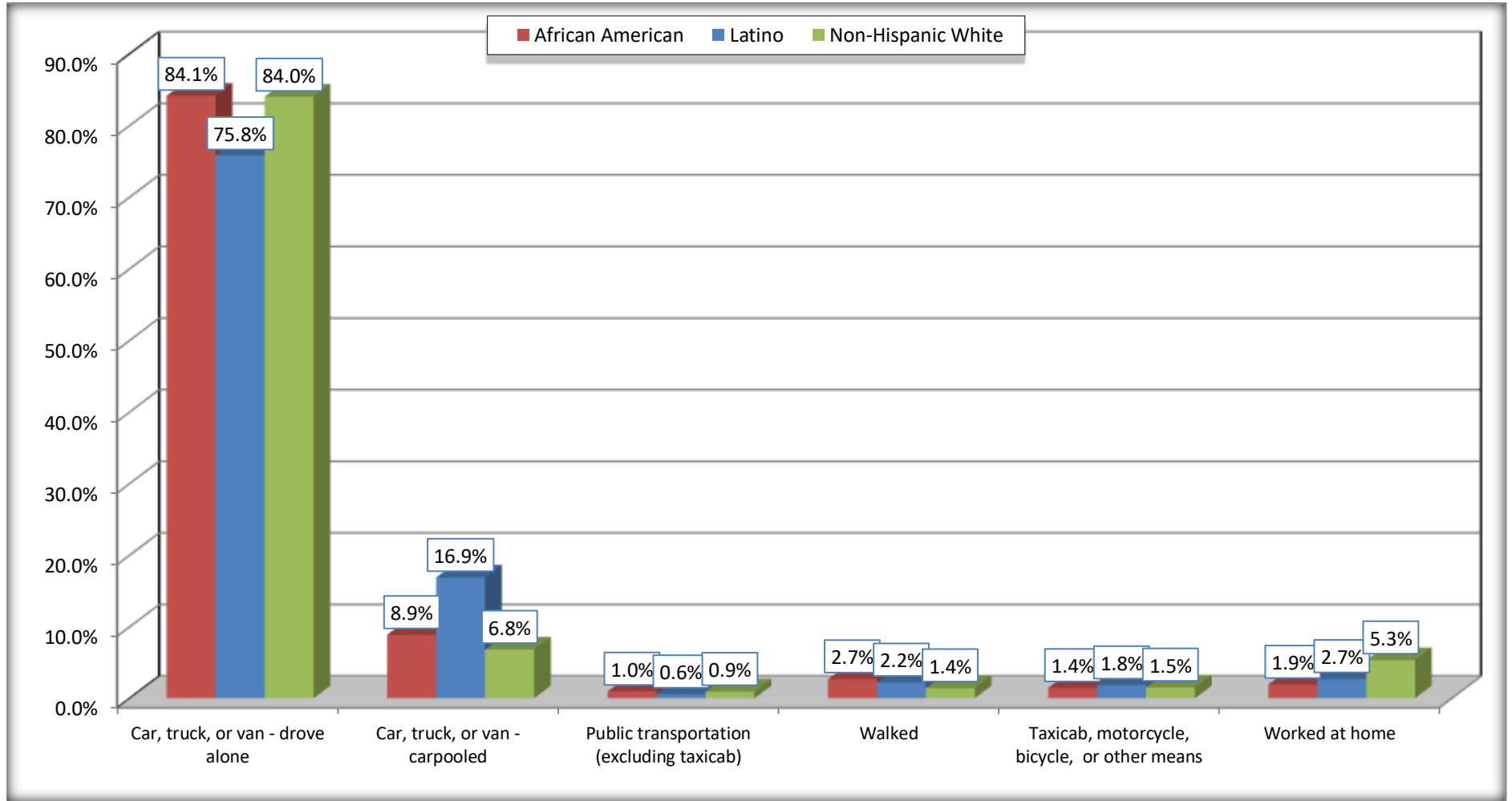
	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	17,026	100.0%	37,011	100.0%	92,681	100.0%
Car, truck, or van - drove alone	14,327	84.1%	28,065	75.8%	77,876	84.0%
Car, truck, or van - carpoled	1,508	8.9%	6,240	16.9%	6,299	6.8%
Public transportation (excluding taxicab)	162	1.0%	208	0.6%	847	0.9%
Walked	456	2.7%	819	2.2%	1,319	1.4%
Taxicab, motorcycle, bicycle, or other means	246	1.4%	679	1.8%	1,407	1.5%
Worked at home	327	1.9%	1,000	2.7%	4,933	5.3%

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

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

Means of Transportation to Work (Workers 16 Years and Over)

Galveston County, Texas



Source: B08105. MEANS OF TRANSPORTATION TO WORK - Universe: WORKERS 16 YEARS AND OVER
 Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

B11002. HOUSEHOLD TYPE BY RELATIVES AND NONRELATIVES FOR POPULATION IN HOUSEHOLDS

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

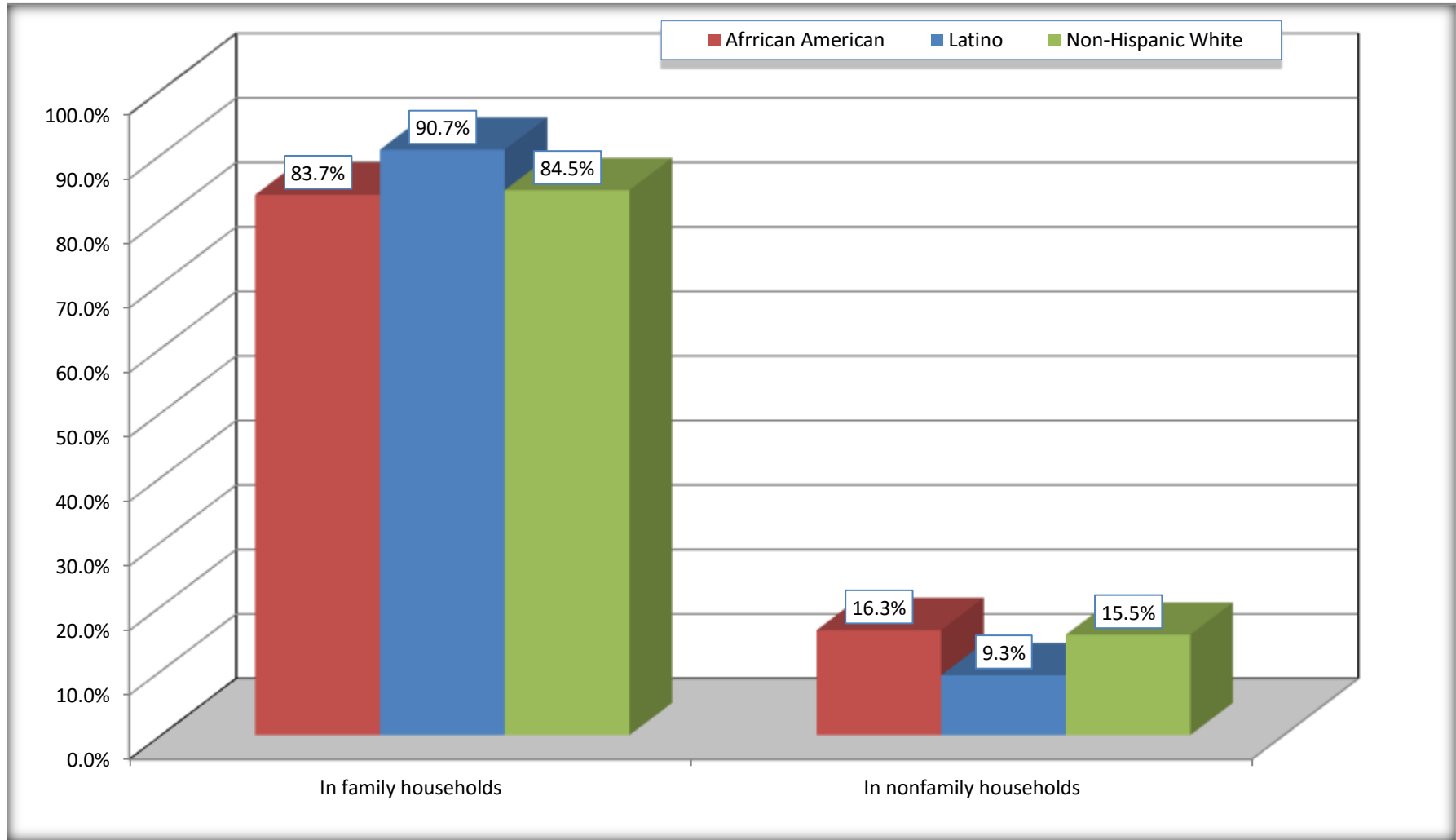
	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	39,946	100.0%	74,089	100.0%	196,450	100.0%
In family households	33,446	83.7%	67,217	90.7%	165,927	84.5%
In nonfamily households	6,500	16.3%	6,872	9.3%	30,523	15.5%

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>

Household Type for Population in Households

Galveston County, Texas



Source: B11002. HOUSEHOLD TYPE BY RELATIVES AND NONRELATIVES FOR POPULATION IN HOUSEHOLDS
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

B12002. MARITAL STATUS FOR THE POPULATION 15 YEARS AND OVER

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

	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	33,089	100.0%	60,256	100.0%	158,585	100.0%
Never married	14,432	43.6%	21,784	36.2%	37,624	23.7%
Now married (except separated)	10,450	31.6%	29,898	49.6%	88,043	55.5%
Separated	847	2.6%	1,651	2.7%	2,565	1.6%
Widowed	2,489	7.5%	1,791	3.0%	9,981	6.3%
Divorced	4,871	14.7%	5,132	8.5%	20,372	12.8%
Male:	15,462	46.7%	30,154	50.0%	77,733	49.0%
Never married	6,986	21.1%	12,148	20.2%	20,438	12.9%
Now married (except separated)	5,761	17.4%	14,509	24.1%	44,721	28.2%
Separated	457	1.4%	529	0.9%	1,029	0.6%
Widowed	382	1.2%	549	0.9%	2,423	1.5%
Divorced	1,876	5.7%	2,419	4.0%	9,122	5.8%
Female:	17,627	53.3%	30,102	50.0%	80,852	51.0%
Never married	7,446	22.5%	9,636	16.0%	17,186	10.8%
Now married (except separated)	4,689	14.2%	15,389	25.5%	43,322	27.3%
Separated	390	1.2%	1,122	1.9%	1,536	1.0%
Widowed	2,107	6.4%	1,242	2.1%	7,558	4.8%
Divorced	2,995	9.1%	2,713	4.5%	11,250	7.1%

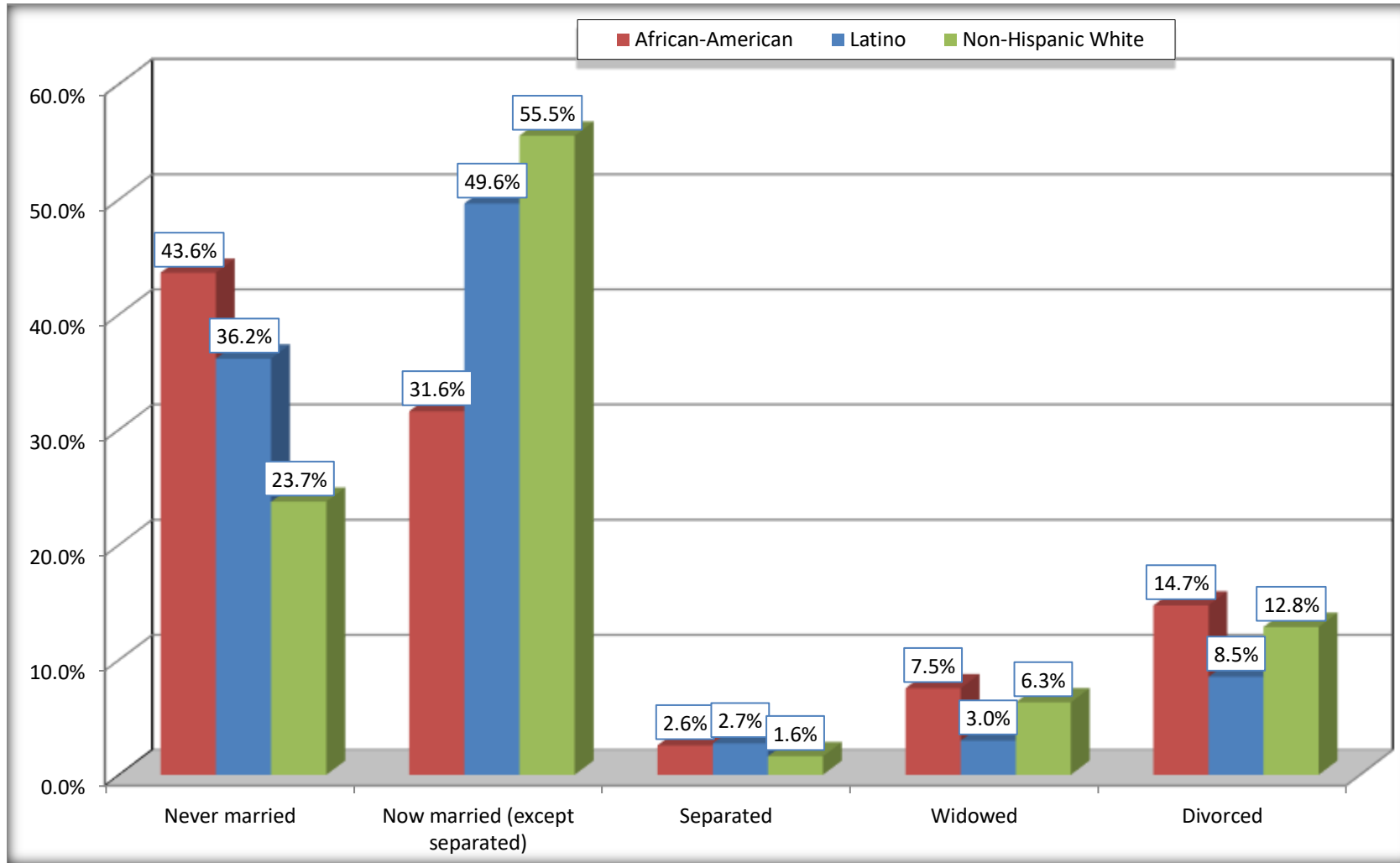
Source: U.S. Census Bureau, 2015-2019 American Community

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see

<http://www.census.gov/acs/www/UseData/index.htm>

Marital Status for the Population 15 Years and Over

Galveston County, Texas



Source: B12002. MARITAL STATUS FOR THE POPULATION 15 YEARS AND OVER
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

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

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

	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	27,266	100.0%	46,854	100.0%	137,755	100.0%
Less than high school diploma	3,688	13.5%	12,126	25.9%	7,413	5.4%
High school graduate, GED, or alternative	7,686	28.2%	13,650	29.1%	32,168	23.4%
Some college or associate's degree	10,074	36.9%	12,998	27.7%	48,147	35.0%
Bachelor's degree or higher	5,818	21.3%	8,080	17.2%	50,027	36.3%
Male:	12,459	45.7%	23,313	49.8%	66,857	48.5%
Less than high school diploma	1,992	7.3%	6,986	14.9%	3,838	2.8%
High school graduate, GED, or alternative	3,521	12.9%	6,730	14.4%	15,250	11.1%
Some college or associate's degree	4,855	17.8%	6,225	13.3%	23,345	16.9%
Bachelor's degree or higher	2,091	7.7%	3,372	7.2%	24,424	17.7%
Female:	14,807	54.3%	23,541	50.2%	70,898	51.5%
Less than high school diploma	1,696	6.2%	5,140	11.0%	3,575	2.6%
High school graduate, GED, or alternative	4,165	15.3%	6,920	14.8%	16,918	12.3%
Some college or associate's degree	5,219	19.1%	6,773	14.5%	24,802	18.0%
Bachelor's degree or higher	3,727	13.7%	4,708	10.0%	25,603	18.6%

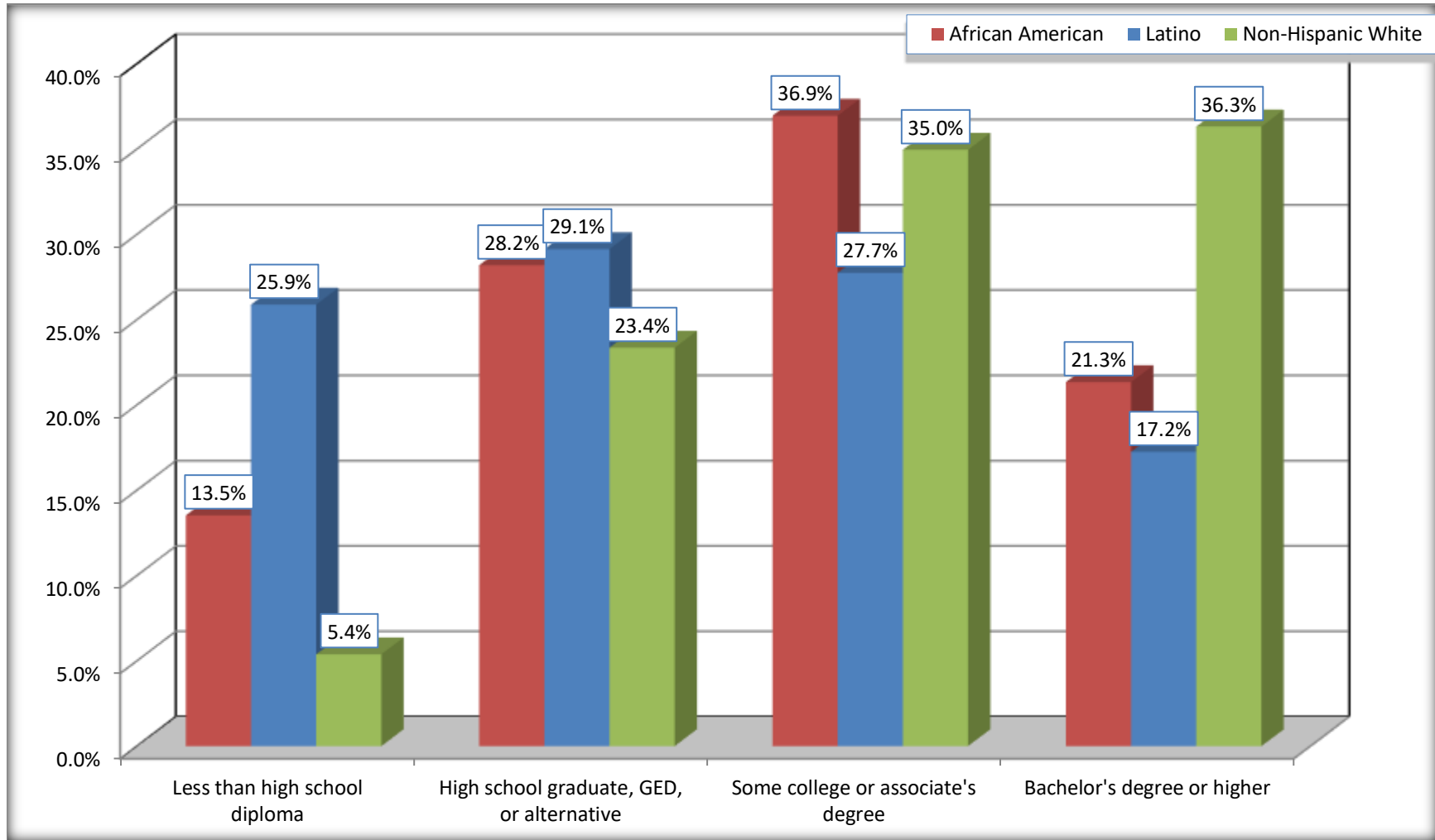
Source: U.S. Census Bureau, 2015-2019 American Community Survey

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

COOPER EXHIBIT C

Educational Attainment for the Population 25 Years and Older

Galveston County, Texas



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

COOPER EXHIBIT C

B16005. NATIVITY BY LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER

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

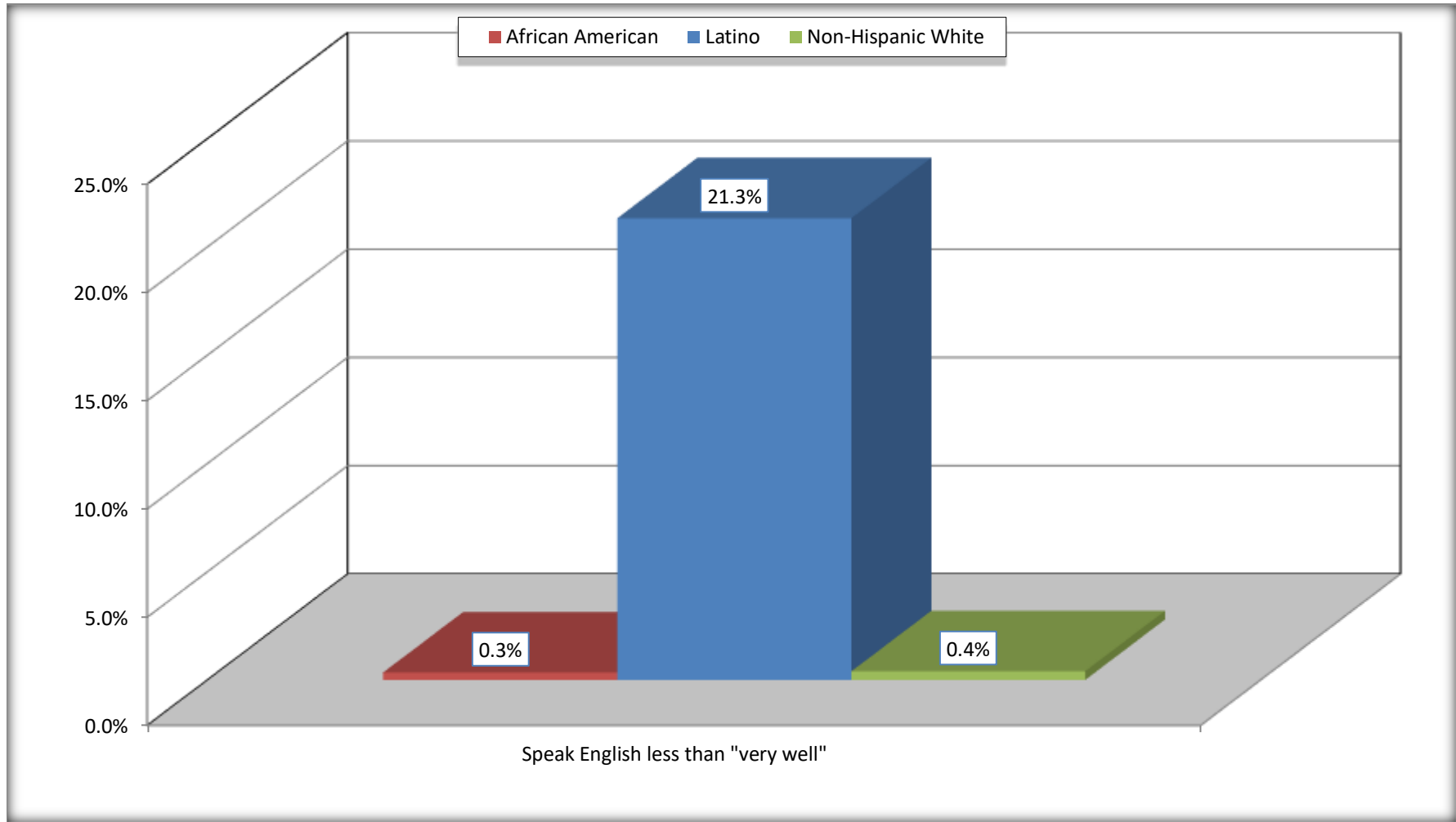
	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	39,265	100.0%	75,135	100.0%	180,484	100.0%
Speak only English	37,433	95.3%	29,018	38.6%	174,240	96.5%
Speak another language	1,832	4.7%	46,117	61.4%	6,244	3.5%
Speak English "very well"	1,697	4.3%	30,097	40.1%	5,449	3.0%
Speak English less than "very well"	135	0.3%	16,020	21.3%	795	0.4%
Native:	37,646	95.9%	55,505	73.9%	176,431	97.8%
Speak only English	36,360	92.6%	27,840	37.1%	171,976	95.3%
Speak another language	1,286	3.3%	27,665	36.8%	4,455	2.5%
Speak English "very well"	1,227	3.1%	24,175	32.2%	4,148	2.3%
Speak English less than "very well"	59	0.2%	3,490	4.6%	307	0.2%
Foreign born:	1,619	4.1%	19,630	26.1%	4,053	2.2%
Speak only English	1,073	2.7%	1,178	1.6%	2,264	1.3%
Speak another language	546	1.4%	18,452	24.6%	1,789	1.0%
Speak English "very well"	470	1.2%	5,922	7.9%	1,301	0.7%
Speak English less than "very well"	76	0.2%	12,530	16.7%	488	0.3%

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>

Speak English Less than "Very Well" (Population 5 Years and Over)

Galveston County, Texas



Source: B16005. NATIVITY BY LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER

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

COOPER EXHIBIT C

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

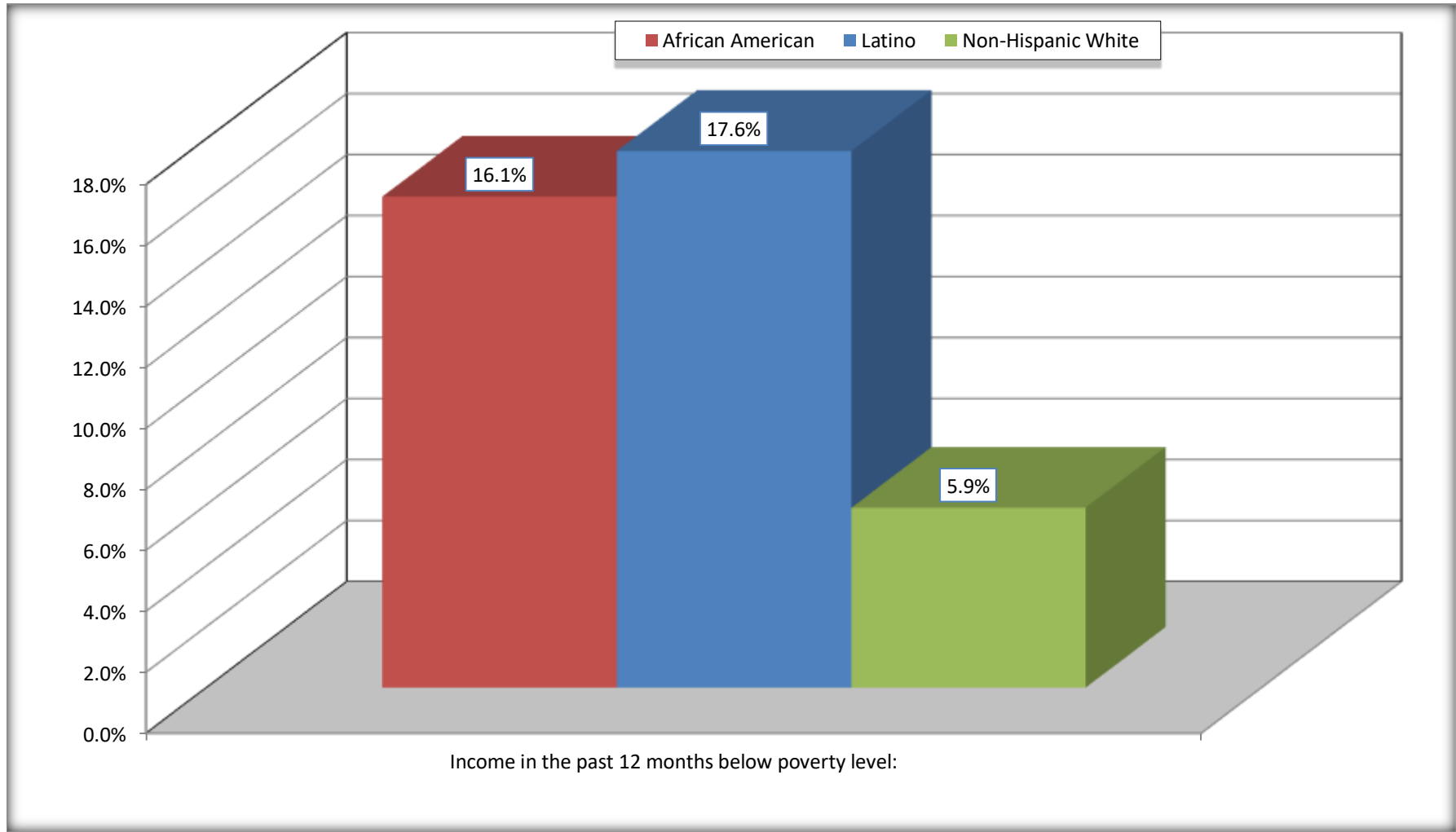
	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	9,529	100.0%	18,275	100.0%	53,098	100.0%
Income in the past 12 months below poverty level:	1,535	16.1%	3,224	17.6%	3,120	5.9%
Married-couple family:	217	2.3%	1,537	8.4%	1,318	2.5%
With related children under 18 years	95	1.0%	1,231	6.7%	407	0.8%
Other family:	1,318	13.8%	1,687	9.2%	1,802	3.4%
Male householder, no wife present	8	0.1%	256	1.4%	186	0.4%
With related children under 18 years	0	0.0%	237	1.3%	163	0.3%
Female householder, no husband present	1,310	13.7%	1,431	7.8%	1,616	3.0%
With related children under 18 years	1,105	11.6%	1,360	7.4%	1,305	2.5%
level:	7,994	83.9%	15,051	82.4%	49,978	94.1%
Married-couple family:	4,345	45.6%	11,060	60.5%	41,691	78.5%
With related children under 18 years	2,060	21.6%	5,664	31.0%	16,877	31.8%
Other family:	3,649	38.3%	3,991	21.8%	8,287	15.6%
Male householder, no wife present	719	7.5%	1,353	7.4%	2,539	4.8%
With related children under 18 years	237	2.5%	825	4.5%	1,504	2.8%
Female householder, no husband present	2,930	30.7%	2,638	14.4%	5,748	10.8%
With related children under 18 years	1,670	17.5%	1,552	8.5%	2,842	5.4%

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 County, Texas

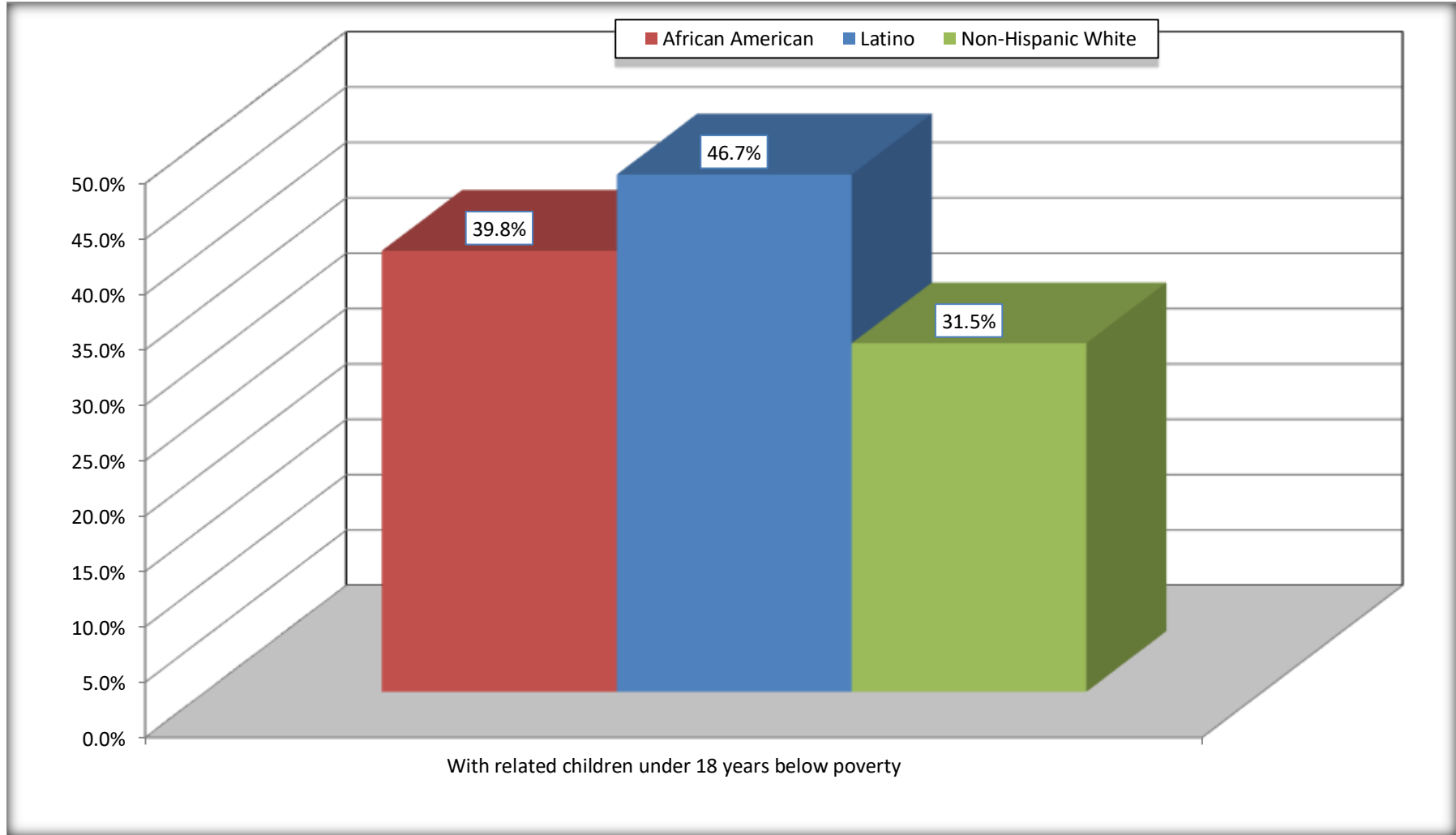


Source: B17010. POVERTY STATUS IN THE PAST 12 MONTHS OF FAMILIES BY FAMILY TYPE BY PRESENCE OF RELATED CHILDREN UNDER 18 YEARS
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

Female-headed Households with Related Children Below Poverty in the Past 12 Months

Galveston County, 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

COOPER EXHIBIT C

B17020 POVERTY STATUS IN THE PAST 12 MONTHS BY AGE - Universe: POPULATION FOR WHOM

POVERTY STATUS IS DETERMINED

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

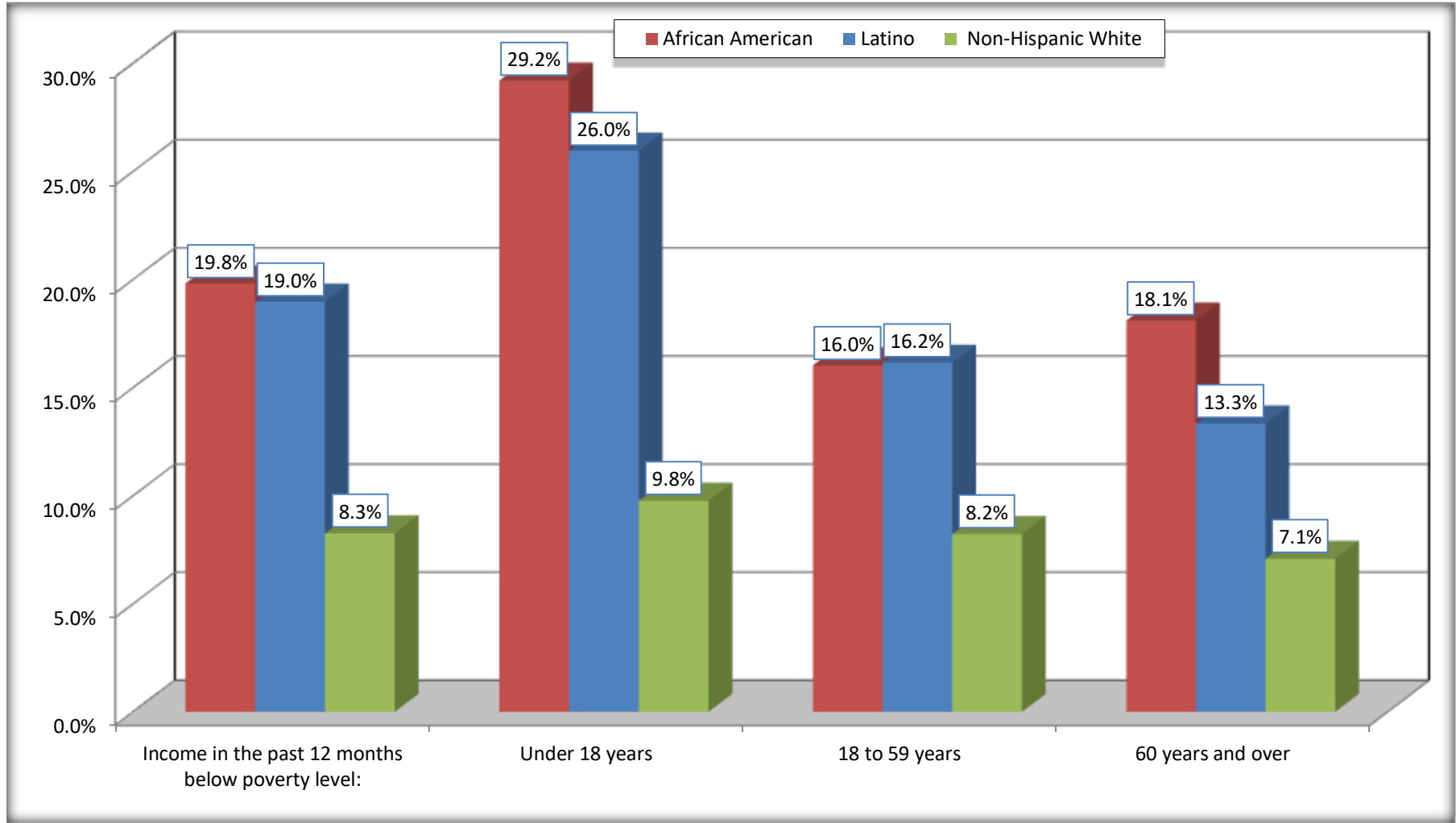
	Galveston County, Texas					
	African American	% of AA By Age	Latino	% of Latino Total	White, Not Hispanic	% of NHW By Age
Total:	40,214	100.0%	80,560	100.0%	187,629	100.0%
Income in the past 12 months below poverty level:	7,970	19.8%	15,286	19.0%	15,500	8.3%
Under 18 years	3,037	29.2%	6,665	26.0%	3,808	9.8%
18 to 59 years	3,584	16.0%	7,466	16.2%	8,377	8.2%
60 years and over	1,349	18.1%	1,155	13.3%	3,315	7.1%
Income in the past 12 months at or above poverty	32,244	80.2%	65,274	81.0%	172,129	91.7%
Under 18 years	7,363	70.8%	19,012	74.0%	35,171	90.2%
18 to 59 years	18,777	84.0%	38,758	83.8%	93,470	91.8%
60 years and over	6,104	81.9%	7,504	86.7%	43,488	92.9%

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>

Population Below Poverty in the Past 12 Months

Galveston County, Texas



Source: B17020 POVERTY STATUS IN THE PAST 12 MONTHS BY AGE - Universe: POPULATION FOR WHOM POVERTY STATUS IS DETERMINED
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

B19001. HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)

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

	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	14,949	100.0%	22,987	100.0%	77,915	100.0%
Less than \$ 10,000	1,531	10.2%	1,230	5.4%	3,415	4.4%
\$ 10,000 to \$ 14,999	1,355	9.1%	1,027	4.5%	1,945	2.5%
\$ 15,000 to \$ 24,999	1,698	11.4%	2,369	10.3%	5,531	7.1%
\$ 25,000 to \$ 34,999	1,399	9.4%	2,284	9.9%	5,474	7.0%
\$ 35,000 to \$ 49,999	2,048	13.7%	3,051	13.3%	6,796	8.7%
\$ 50,000 to \$ 74,999	2,515	16.8%	4,100	17.8%	11,451	14.7%
\$ 75,000 to \$ 99,999	1,438	9.6%	2,789	12.1%	9,397	12.1%
\$ 100,000 to \$ 149,999	1,572	10.5%	3,521	15.3%	15,256	19.6%
\$ 150,000 to \$ 199,999	506	3.4%	1,694	7.4%	8,606	11.0%
\$ 200,000 or more	887	5.9%	922	4.0%	10,044	12.9%

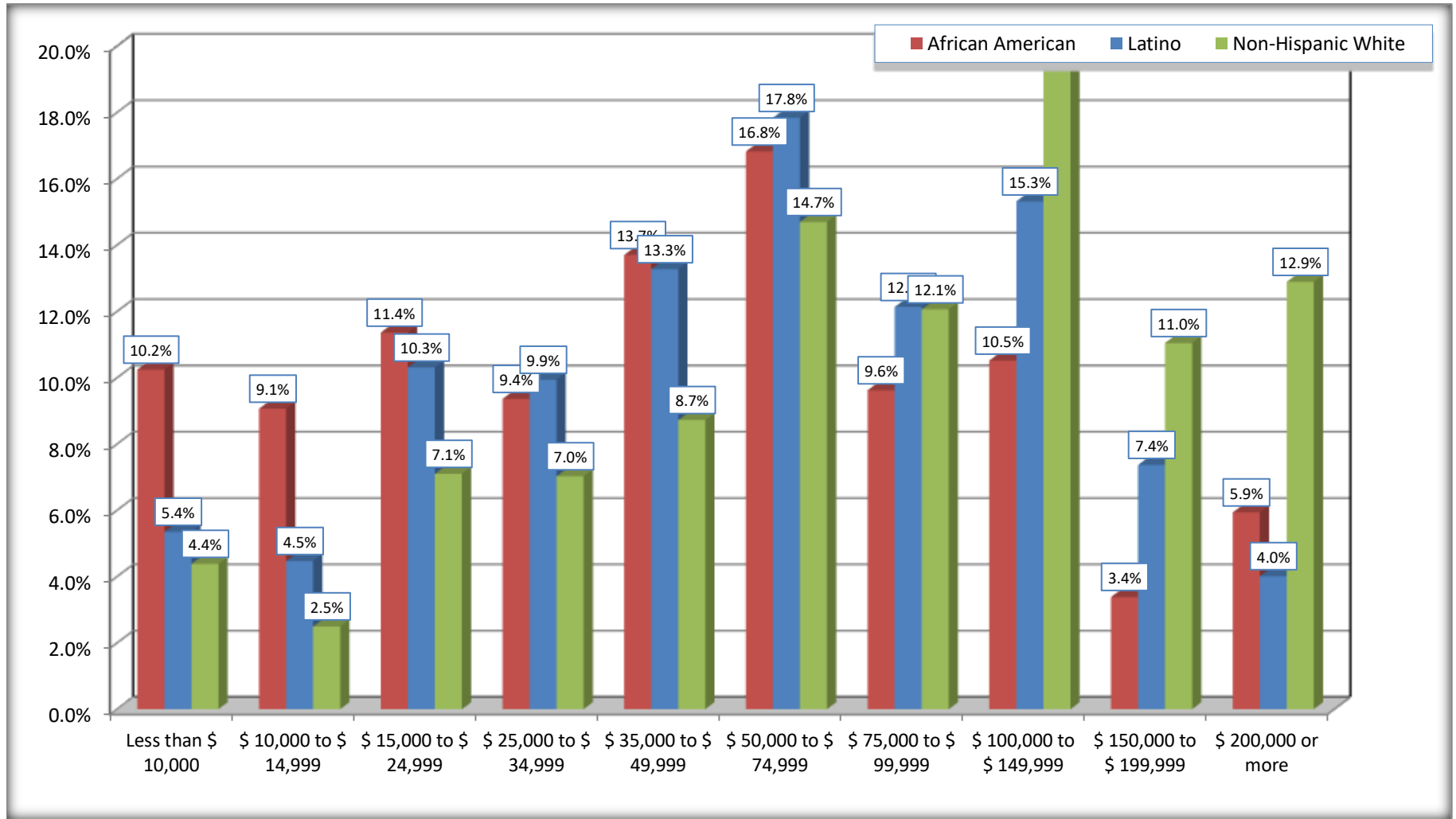
Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see

<http://www.census.gov/acs/www/UseData/index.htm>

Household Income in the Past 12 Months

Galveston County, Texas



Source: B19001. HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)
 Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

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

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

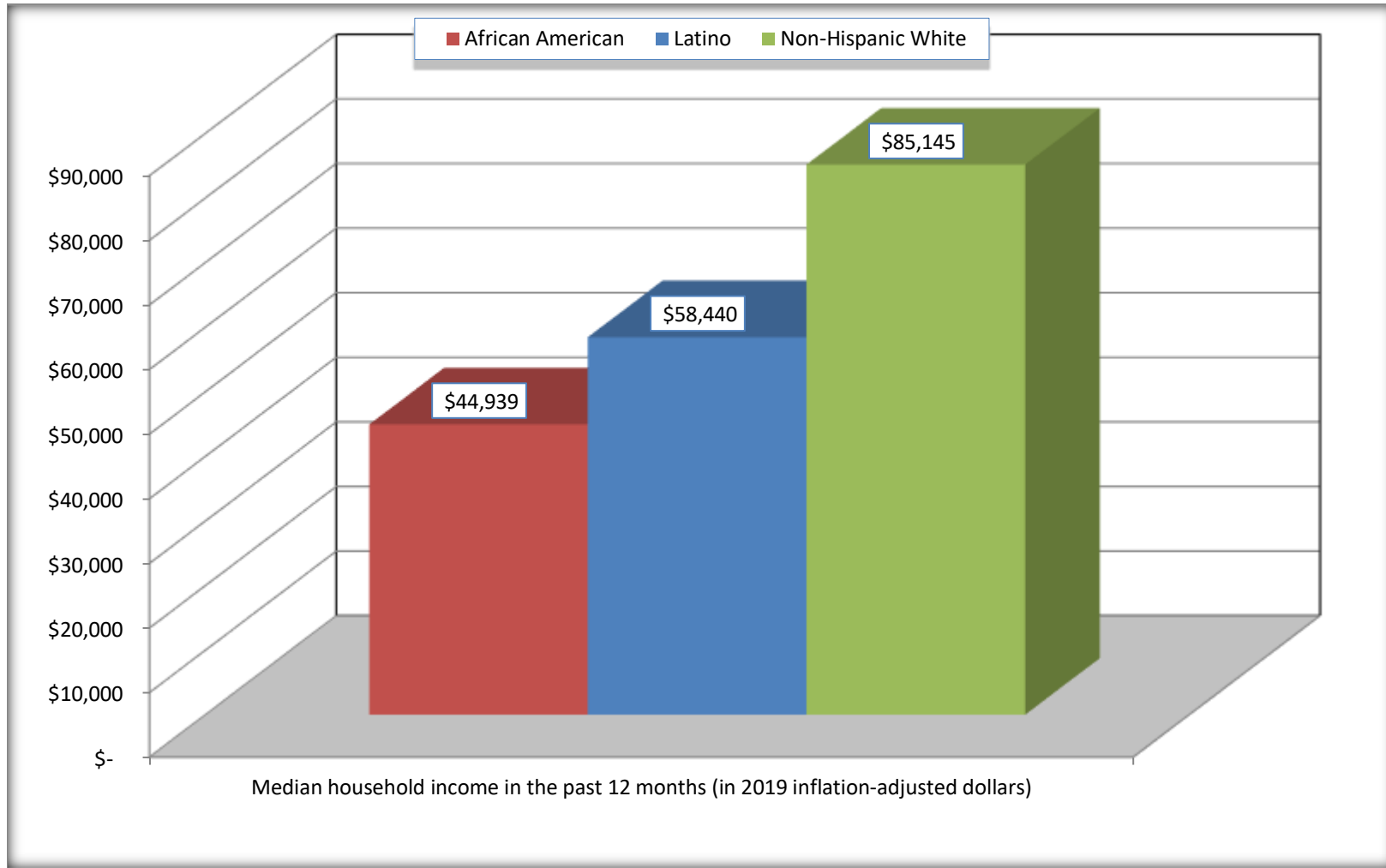
	Galveston County, Texas		
	African American	Latino	White, Not Hispanic
Median household income in the past 12 months (in 2019 inflation-adjusted dollars)	\$ 44,939	\$ 58,440	\$ 85,145

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

Galveston County, 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

COOPER EXHIBIT C

B19101. FAMILY INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)

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

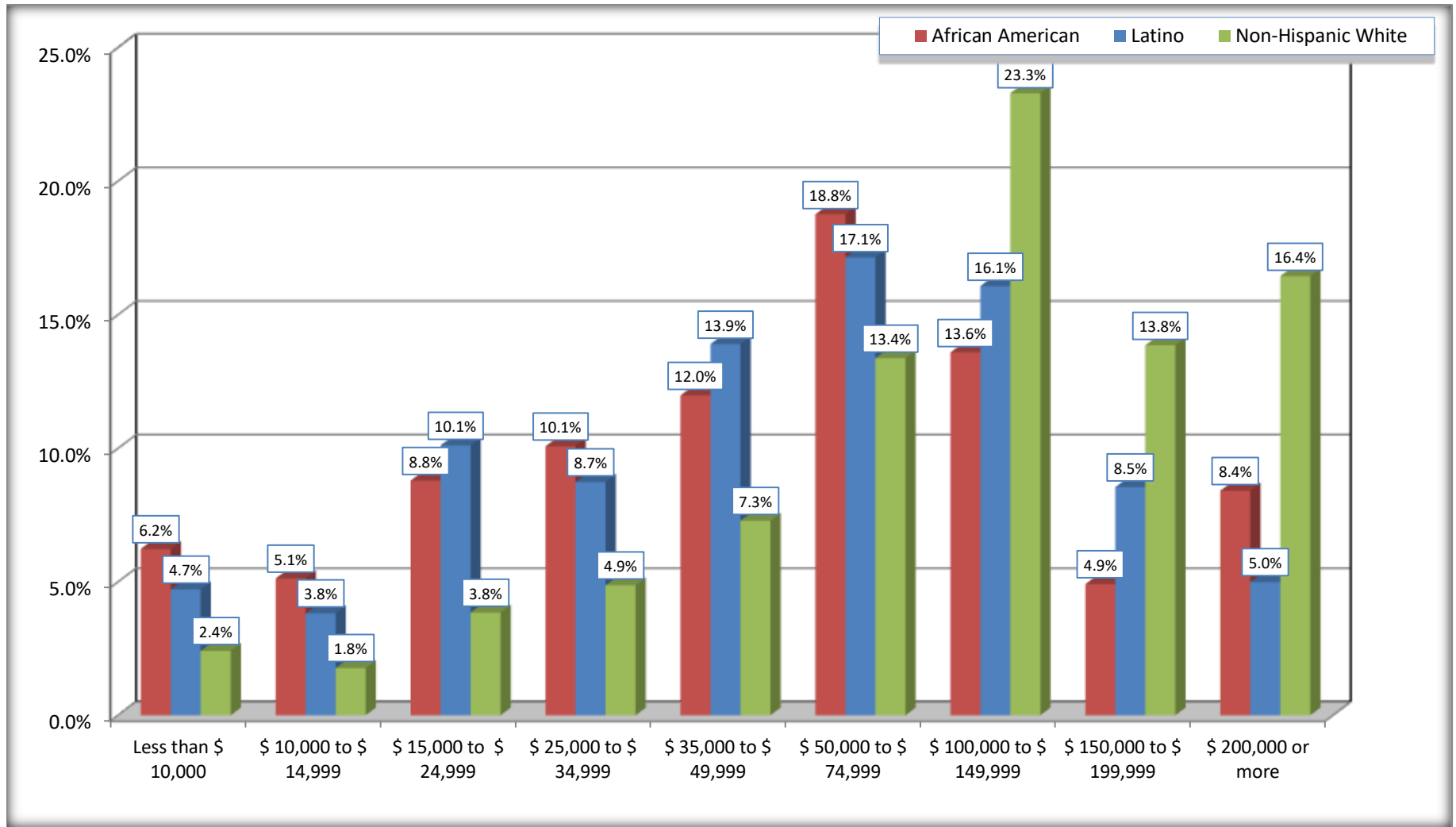
	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	9,529	100.0%	18,275	100.0%	53,098	100.0%
Less than \$ 10,000	593	6.2%	861	4.7%	1,279	2.4%
\$ 10,000 to \$ 14,999	488	5.1%	698	3.8%	940	1.8%
\$ 15,000 to \$ 24,999	837	8.8%	1,846	10.1%	2,041	3.8%
\$ 25,000 to \$ 34,999	960	10.1%	1,596	8.7%	2,584	4.9%
\$ 35,000 to \$ 49,999	1,141	12.0%	2,539	13.9%	3,868	7.3%
\$ 50,000 to \$ 74,999	1,787	18.8%	3,132	17.1%	7,100	13.4%
\$ 100,000 to \$ 149,999	1,294	13.6%	2,936	16.1%	12,363	23.3%
\$ 150,000 to \$ 199,999	468	4.9%	1,561	8.5%	7,353	13.8%
\$ 200,000 or more	801	8.4%	912	5.0%	8,729	16.4%

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 Income in the Past 12 Months

Galveston County, Texas



Source: B19101. FAMILY INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)
 Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

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

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

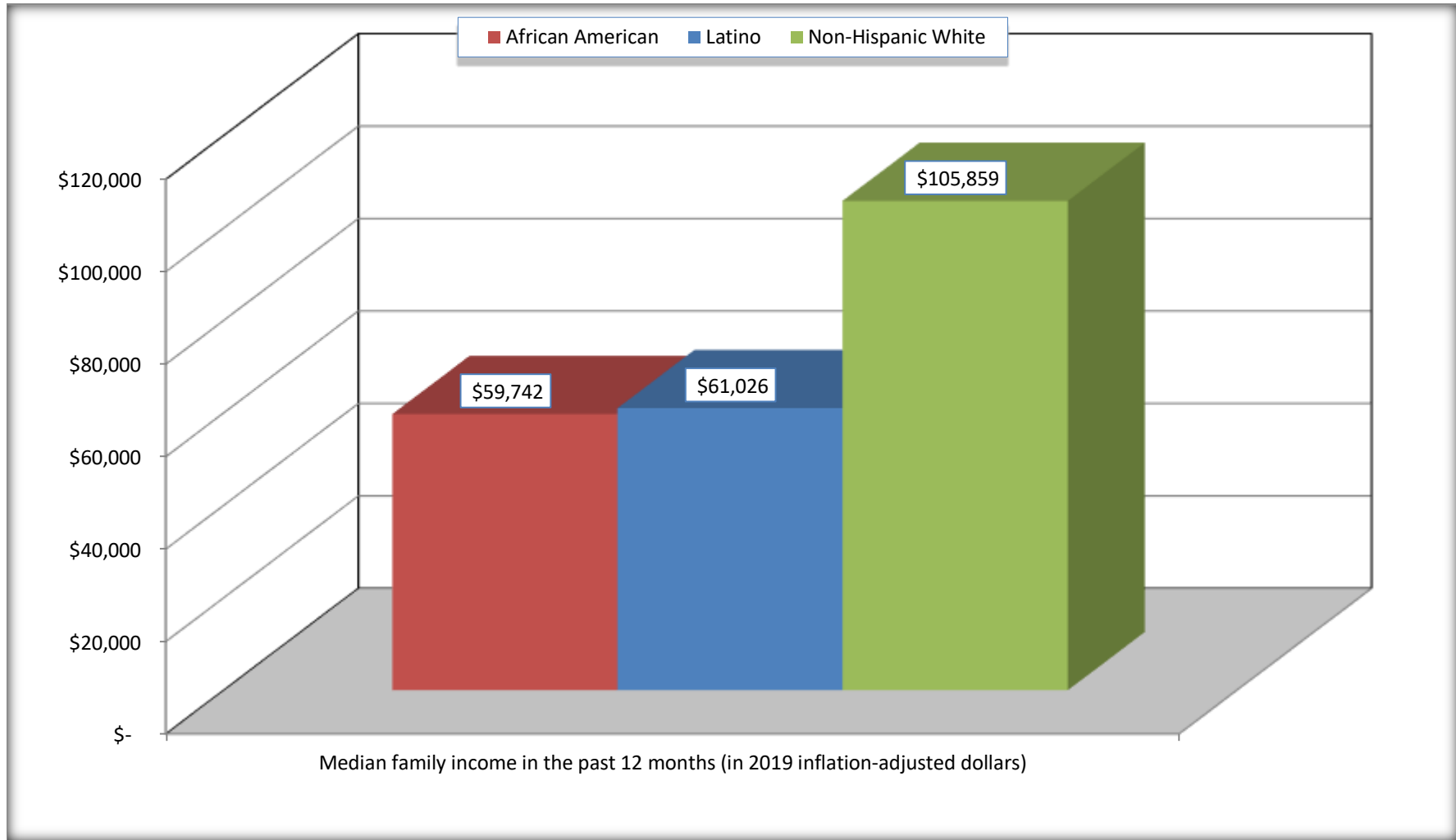
	Galveston County, Texas		
	African American	Latino	White, Not Hispanic
Median family income in the past 12 months (in 2019 inflation-adjusted dollars)	\$ 59,742	\$ 61,026	\$ 105,859

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 County, 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

COOPER EXHIBIT C

B19202. MEDIAN NONFAMILY HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)

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

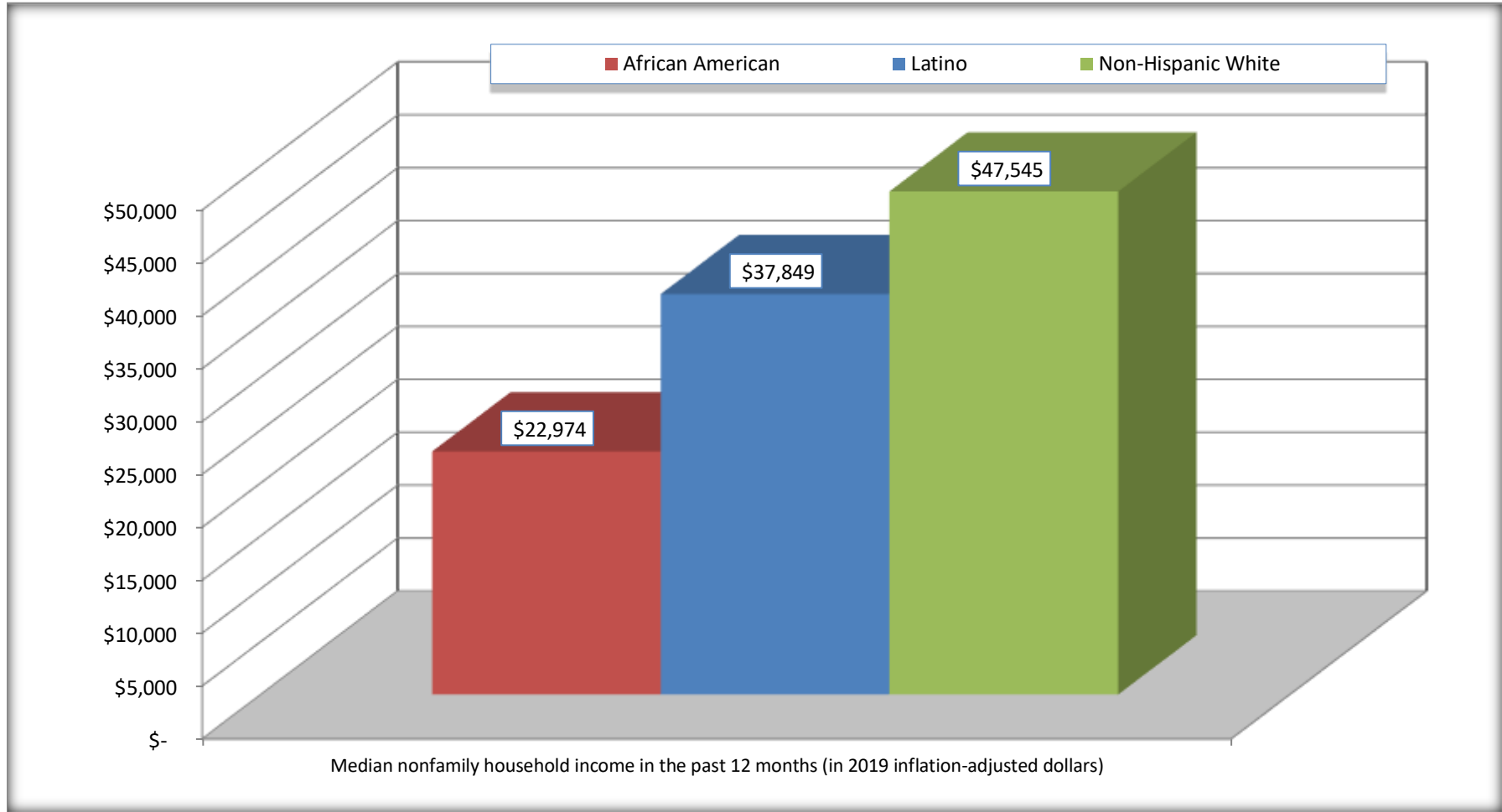
	Galveston County, Texas		
	African American	Latino	White, Not Hispanic
Median nonfamily household income in the past 12 months (in 2019 inflation-adjusted dollars)	\$ 22,974	\$ 37,849	\$ 47,545

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 Non-Family Income in the Past 12 Months

Galveston County, Texas



Source: B19202. MEDIAN NONFAMILY HOUSEHOLD INCOME IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS)
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

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

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

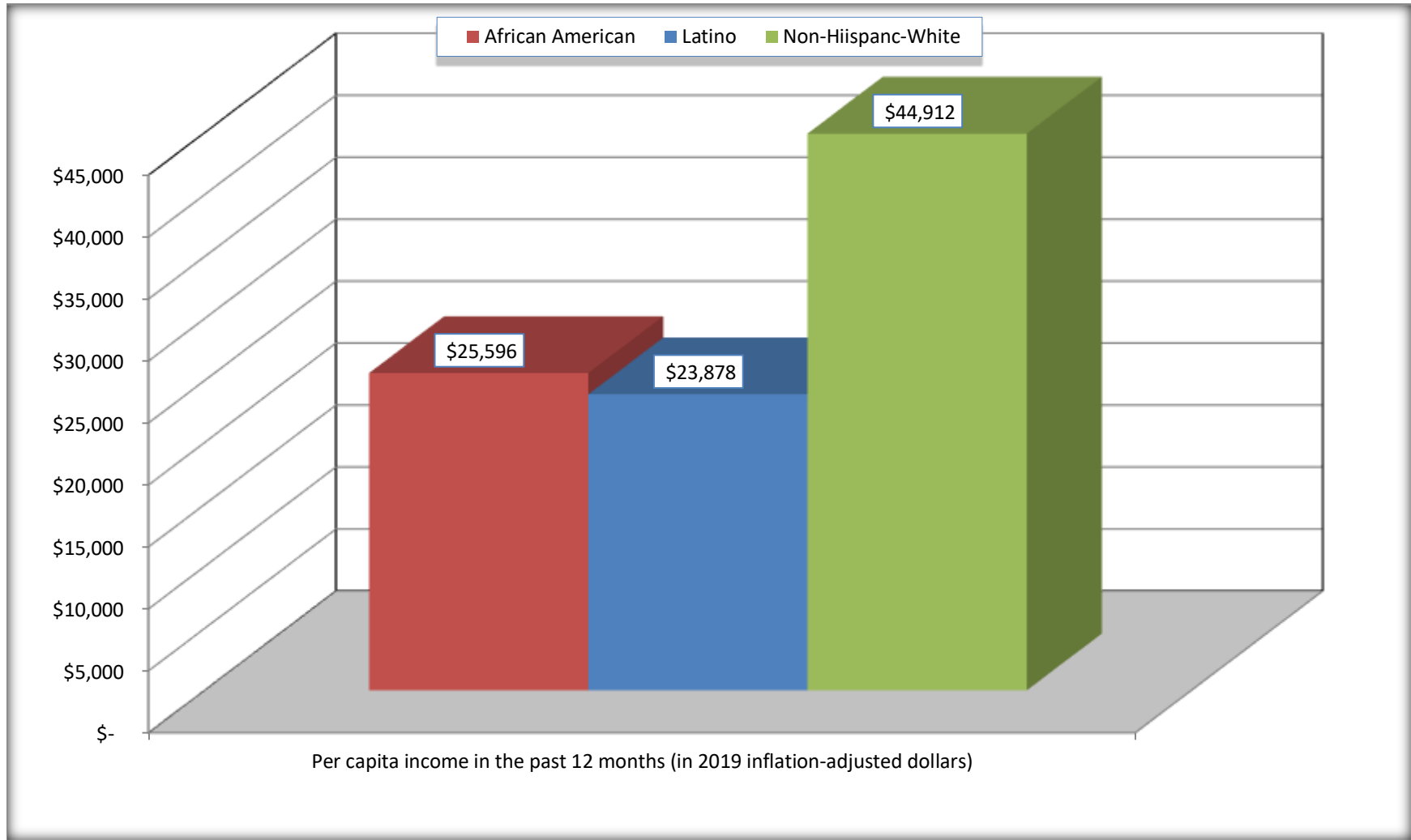
	Galveston County, Texas		
	African American	Latino	White, Not Hispanic
Per capita income in the past 12 months (in 2019 inflation-adjusted dollars)	\$ 25,596	\$ 23,878	\$ 44,912

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 County, 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

COOPER EXHIBIT C

B20017. MEDIAN EARNINGS IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS) BY SEX BY WORK EXPERIENCE IN THE PAST 12 MONTHS FOR THE POPULATION 16 YEARS AND OVER WITH EARNINGS IN THE PAST 12 MONTHS

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

	Galveston County, Texas		
	African American	Latino	White, Not Hispanic
Median earnings in the past 12 months (in 2019 inflation-adjusted dollars) --			
Total:	\$ 30,125	\$ 28,834	\$ 51,070
Male --			
Total	\$ 32,017	\$ 35,328	\$ 63,940
Worked full-time, year-round in the past 12 months	\$ 46,901	\$ 46,483	\$ 82,124
Other	\$ 7,468	\$ 11,608	\$ 13,253
Female --			
Total	\$ 26,423	\$ 22,961	\$ 38,415
Worked full-time, year-round in the past 12 months	\$ 39,599	\$ 33,202	\$ 54,485
Other	\$ 8,739	\$ 9,799	\$ 11,646

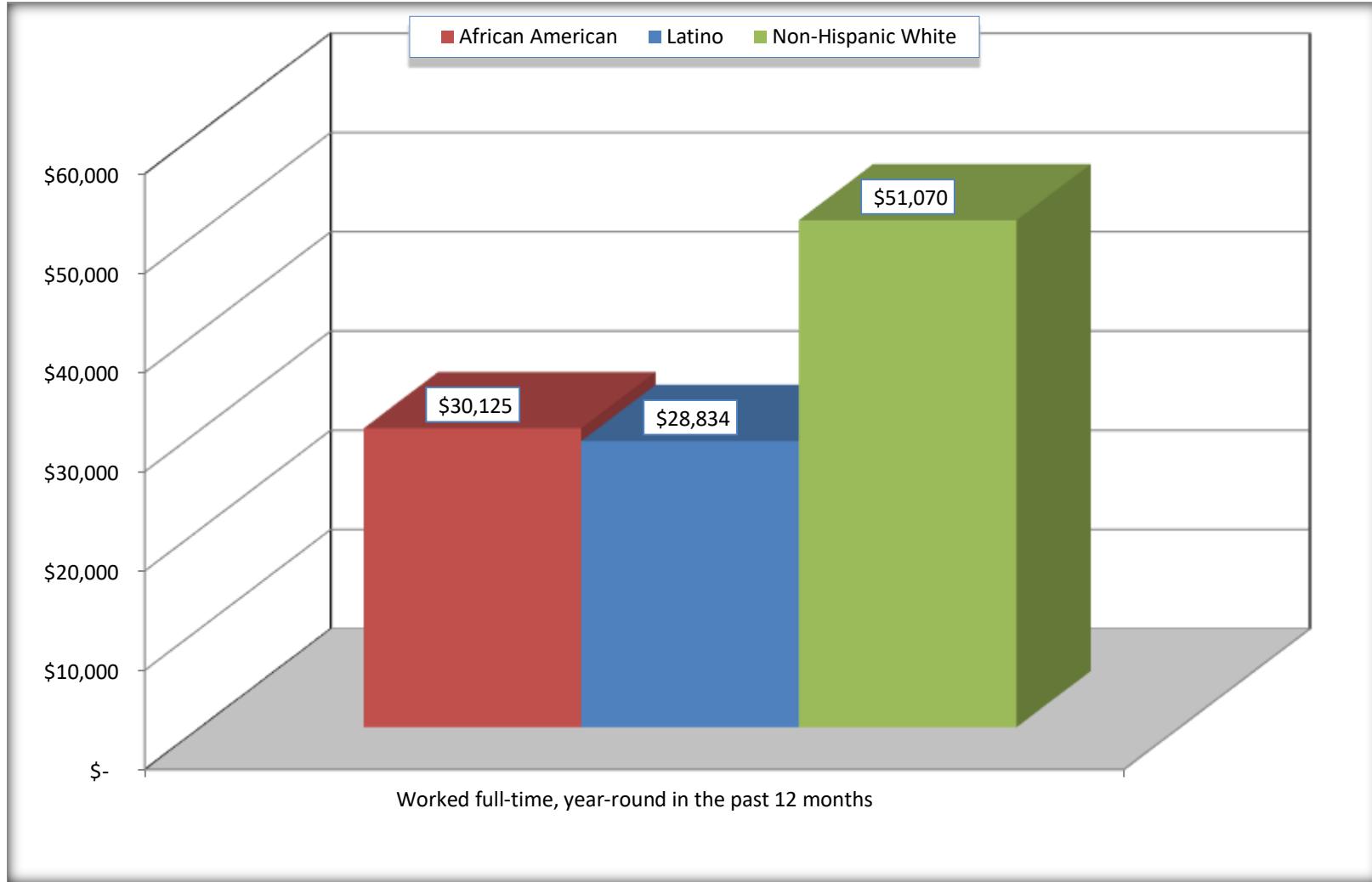
Source: U.S. Census Bureau, 2015-2019 American Community Survey

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

COOPER EXHIBIT C

Median earnings in the Past 12 Months (16 Years and Over with Earnings)

Galveston County, Texas



Source: B20017. MEDIAN EARNINGS IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS) BY SEX BY WORK EXPERIENCE IN THE PAST
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

B20005. SEX BY WORK EXPERIENCE IN THE PAST 12 MONTHS BY EARNINGS IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS) FOR THE POPULATION 16 YEARS AND OVER

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

	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	32,412	100.0%	58,697	100.0%	156,626	100.0%
Worked full-time, year-round in the past 12 months:	12,606	38.9%	26,533	45.2%	70,644	45.1%
No earnings	0	0.0%	0	0.0%	37	0.0%
With earnings:	12,606	38.9%	26,533	45.2%	70,607	45.1%
\$ 1 to \$ 9,999 or loss	352	1.1%	998	1.7%	694	0.4%
\$ 10,000 to \$ 19,999	1,028	3.2%	2,680	4.6%	3,167	2.0%
\$ 20,000 to \$ 29,999	1,925	5.9%	5,037	8.6%	6,368	4.1%
\$ 30,000 to \$ 49,999	3,871	11.9%	6,913	11.8%	12,238	7.8%
\$ 50,000 to \$ 74,999	2,898	8.9%	5,051	8.6%	16,075	10.3%
\$ 75,000 or more	2,532	7.8%	5,854	10.0%	32,065	20.5%
Other:	19,806	61.1%	32,164	54.8%	85,982	54.9%
No earnings	12,101	37.3%	17,805	30.3%	52,345	33.4%
With earnings: less than full time, year-round	7,705	23.8%	14,359	24.5%	33,637	21.5%
Male:	15,157	46.8%	29,487	50.2%	76,828	49.1%
Worked full-time, year-round in the past 12 months:	6,472	20.0%	16,526	28.2%	41,587	26.6%
No earnings	0	0.0%	0	0.0%	0	0.0%
With earnings:	6,472	20.0%	16,526	28.2%	41,587	26.6%
\$ 1 to \$ 9,999 or loss	273	0.8%	432	0.7%	280	0.2%
\$ 10,000 to \$ 19,999	457	1.4%	1,153	2.0%	1,634	1.0%
\$ 20,000 to \$ 29,999	701	2.2%	2,856	4.9%	2,786	1.8%
\$ 30,000 to \$ 49,999	2,072	6.4%	4,379	7.5%	5,723	3.7%
\$ 50,000 to \$ 74,999	1,548	4.8%	3,421	5.8%	7,690	4.9%
\$ 75,000 or more	1,421	4.4%	4,285	7.3%	23,474	15.0%

COOPER EXHIBIT C

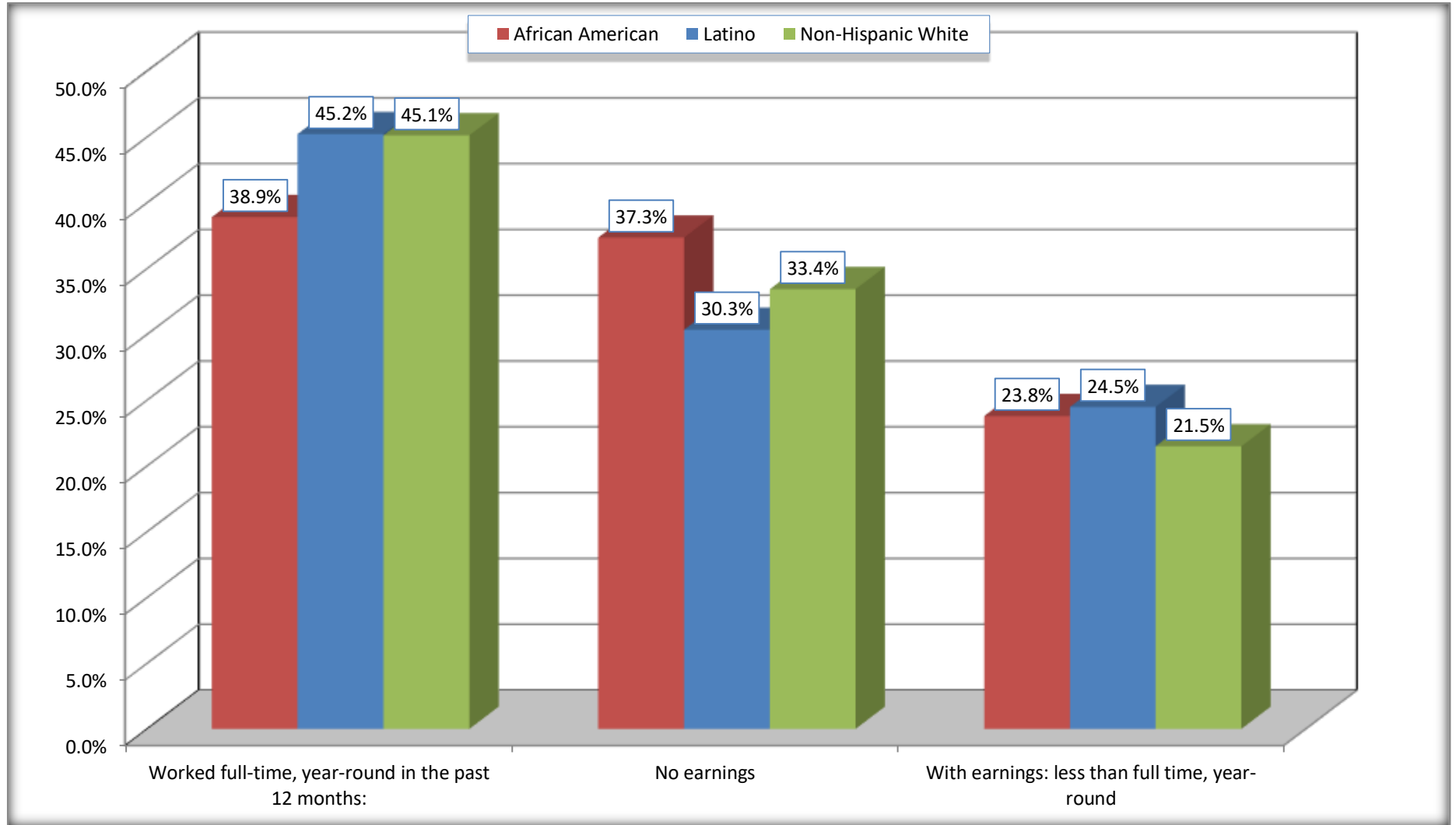
	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Other:	8,685	26.8%	12,961	22.1%	35,241	22.5%
No earnings	5,454	16.8%	6,246	10.6%	20,489	13.1%
With earnings:	3,231	10.0%	6,715	11.4%	14,752	9.4%
Female:	17,255	53.2%	29,210	49.8%	79,798	50.9%
Worked full-time, year-round in the past 12 months:	6,134	18.9%	10,007	17.0%	29,057	18.6%
No earnings	0	0.0%	0	0.0%	37	0.0%
With earnings:	6,134	18.9%	10,007	17.0%	29,020	18.5%
\$ 1 to \$ 9,999 or loss	79	0.2%	566	1.0%	414	0.3%
\$ 10,000 to \$ 19,999	571	1.8%	1,527	2.6%	1,533	1.0%
\$ 20,000 to \$ 29,999	1,224	3.8%	2,181	3.7%	3,582	2.3%
\$ 30,000 to \$ 49,999	1,799	5.6%	2,534	4.3%	6,515	4.2%
\$ 50,000 to \$ 74,999	1,350	4.2%	1,630	2.8%	8,385	5.4%
\$ 75,000 or more	1,111	3.4%	1,569	2.7%	8,591	5.5%
Other:	11,121	34.3%	19,203	32.7%	50,741	32.4%
No earnings	6,647	20.5%	11,559	19.7%	31,856	20.3%
With earnings:	4,474	13.8%	7,644	13.0%	18,885	12.1%

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

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

Employment and Earnings in in the Past 12 Months (16 Years and Over)

Galveston County, Texas



Source: B20005. SEX BY WORK EXPERIENCE IN THE PAST 12 MONTHS BY EARNINGS IN THE PAST 12 MONTHS (IN 2019 INFLATION-ADJUSTED DOLLARS) FOR THE POPULATION 16 YEARS AND OVER

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

COOPER EXHIBIT C

C21001. SEX BY AGE BY VETERAN STATUS FOR THE CIVILIAN POPULATION 18 YEARS**AND OVER**

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

	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	31,162	100.0%	55,856	100.0%	151,338	100.0%
Veteran	2,593	8.3%	2,785	5.0%	15,913	10.5%
Nonveteran	28,569	91.7%	53,071	95.0%	135,425	89.5%
Male:	14,361	46.1%	27,910	50.0%	73,881	48.8%
18 to 64 years:	12,084	38.8%	25,174	45.1%	58,585	38.7%
Veteran	1,488	4.8%	1,457	2.6%	7,277	4.8%
Nonveteran	10,596	34.0%	23,717	42.5%	51,308	33.9%
65 years and over:	2,277	7.3%	2,736	4.9%	15,296	10.1%
Veteran	888	2.8%	1,097	2.0%	7,186	4.7%
Nonveteran	1,389	4.5%	1,639	2.9%	8,110	5.4%
Female:	16,801	53.9%	27,946	50.0%	77,457	51.2%
18 to 64 years:	13,465	43.2%	24,682	44.2%	59,731	39.5%
Veteran	193	0.6%	155	0.3%	1,205	0.8%
Nonveteran	13,272	42.6%	24,527	43.9%	58,526	38.7%
65 years and over:	3,336	10.7%	3,264	5.8%	17,726	11.7%
Veteran	24	0.1%	76	0.1%	245	0.2%
Nonveteran	3,312	10.6%	3,188	5.7%	17,481	11.6%

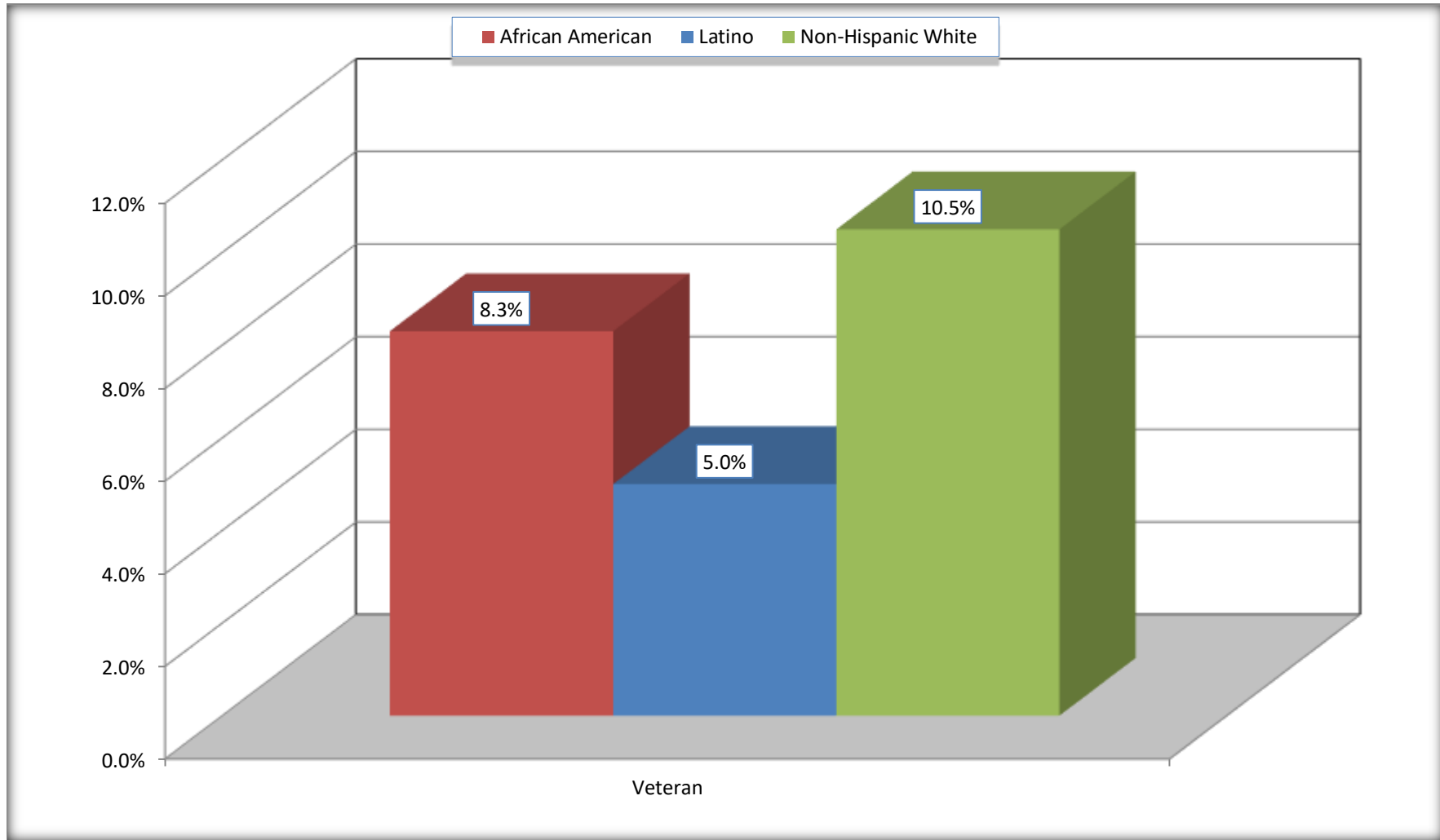
Source: U.S. Census Bureau, 2015-2019 American Community Survey

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

COOPER EXHIBIT C

Veterans in the Civilian Population 18 Years and Over

Galveston County, Texas



Source: C21001. SEX BY AGE BY VETERAN STATUS FOR THE CIVILIAN POPULATION 18 YEARS AND OVER
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

B22005. RECEIPT OF FOOD STAMPS/SNAP IN THE PAST 12 MONTHS BY RACE OF HOUSEHOLDER

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

	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	14,949	100.0%	22,987	100.0%	77,915	100.0%
HH received Food Stamps/SNAP in the past 12 months	4,370	29.2%	3,464	15.1%	5,237	6.7%
HH did not receive Food Stamps/SNAP in the past 12 months	10,579	70.8%	19,523	84.9%	72,678	93.3%

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

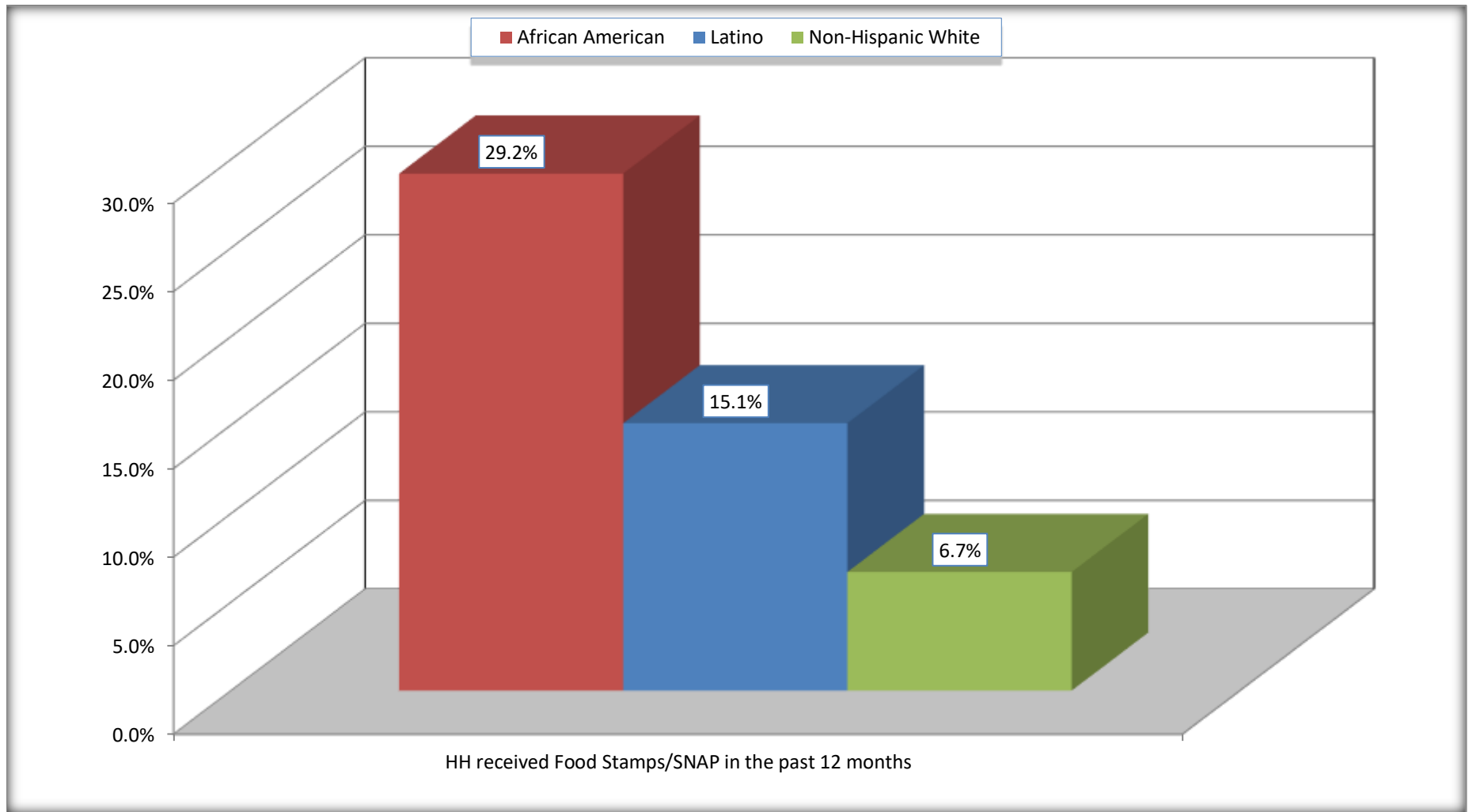
For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey

<http://www.census.gov/acs/www/UseData/index.htm>

COOPER EXHIBIT C

Receipt of Food Stamps/SNAP in the Past 12 Months by Household

Galveston County, Texas



Source: B22005. RECEIPT OF FOOD STAMPS/SNAP IN THE PAST 12 MONTHS BY RACE OF HOUSEHOLDER
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

C23002. SEX BY AGE BY EMPLOYMENT STATUS FOR THE POPULATION 16 YEARS AND OVER

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

	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	32,412	100.0%	58,697	100.0%	156,626	100.0%
In labor force:	19,496	60.2%	40,394	68.8%	99,407	63.5%
In Armed Forces	24	0.1%	26	0.0%	370	0.2%
Civilian:	18,554	57.2%	39,297	66.9%	91,965	58.7%
Employed	17,327	53.5%	37,543	64.0%	94,038	60.0%
Unemployed	2,145	6.6%	2,825	4.8%	4,999	3.2%
Not in labor force	12,916	39.8%	18,303	31.2%	57,219	36.5%
Male:	15,157	46.8%	29,487	50.2%	76,828	49.1%
16 to 64 years:	12,880	39.7%	26,751	45.6%	61,532	39.3%
In labor force:	8,657	26.7%	22,476	38.3%	49,622	31.7%
In Armed Forces	24	0.1%	26	0.0%	340	0.2%
Civilian:	8,633	26.6%	22,450	38.2%	49,282	31.5%
Employed	7774	24.0%	20974	35.7%	46907	29.9%
Unemployed	859	2.7%	1,476	2.5%	2,375	1.5%
Not in labor force	4,223	13.0%	4,275	7.3%	11,910	7.6%
65 years and over:	2,277	7.0%	2,736	4.7%	15,296	9.8%
In labor force:	386	1.2%	566	1.0%	4,298	2.7%
Employed	349	1.1%	528	0.9%	4,138	2.6%
Unemployed	37	0.1%	38	0.1%	160	0.1%
Not in labor force	1,891	5.8%	2,170	3.7%	10,998	7.0%

COOPER EXHIBIT C

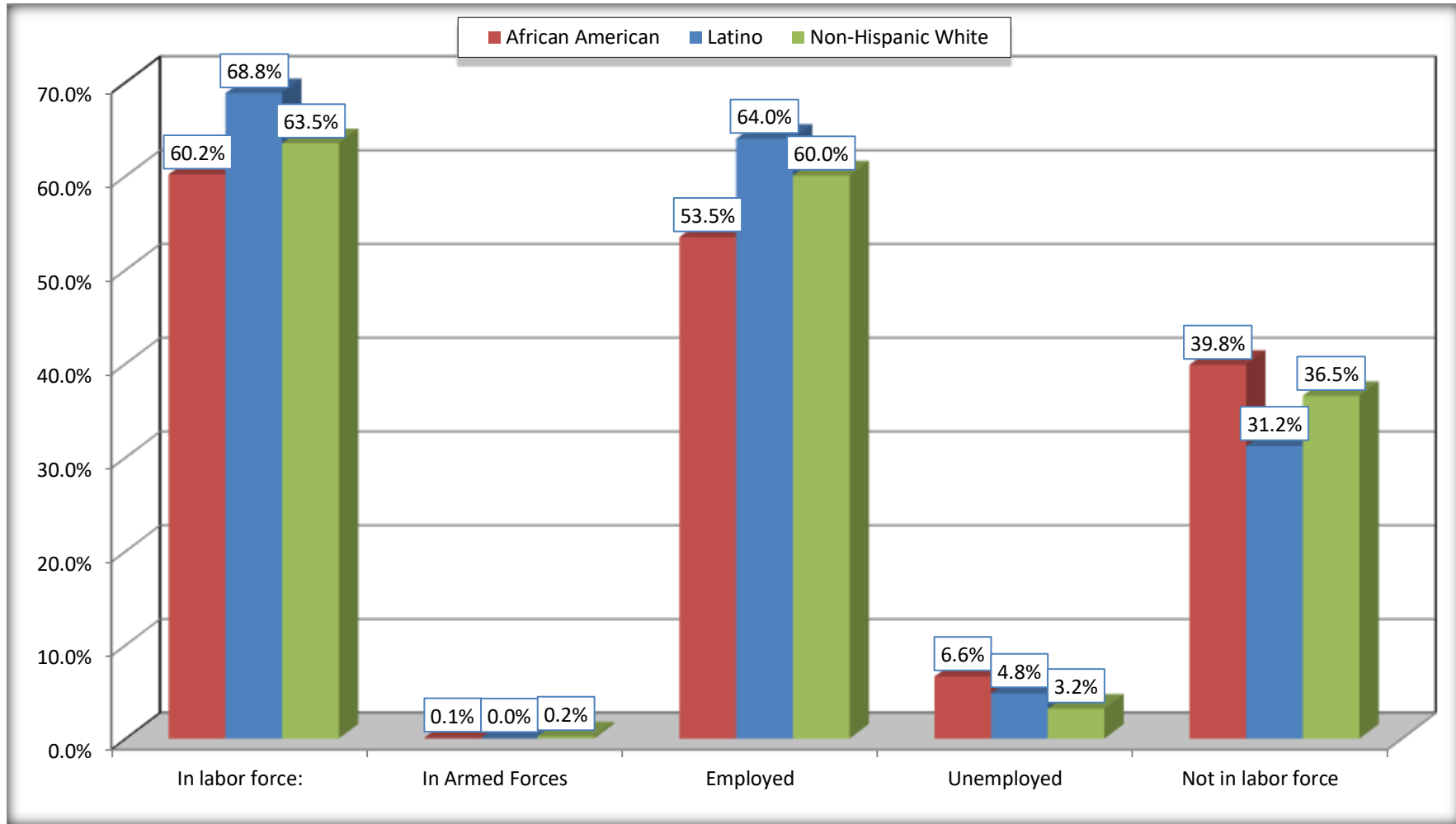
	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Female:	17,255	53.2%	29,210	49.8%	79,798	50.9%
16 to 64 years:	13,919	42.9%	25,946	44.2%	62,072	39.6%
In labor force:	9,921	30.6%	16,847	28.7%	42,713	27.3%
In Armed Forces	0	0.0%	0	0.0%	30	0.0%
Civilian:	9,921	30.6%	16,847	28.7%	42,683	27.3%
Employed	8,736	27.0%	15,577	26.5%	40,307	25.7%
Unemployed	1,185	3.7%	1,270	2.2%	2,376	1.5%
Not in labor force	3,998	12.3%	9,099	15.5%	19,359	12.4%
65 years and over:	3,336	10.3%	3,264	5.6%	17,726	11.3%
In labor force:	532	1.6%	505	0.9%	2,774	1.8%
Employed	468	1.4%	464	0.8%	2,686	1.7%
Unemployed	64	0.2%	41	0.1%	88	0.1%
Not in labor force	2,804	8.7%	2,759	4.7%	14,952	9.5%

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>

Employment Status for the Population 16 years and over

Galveston County, Texas

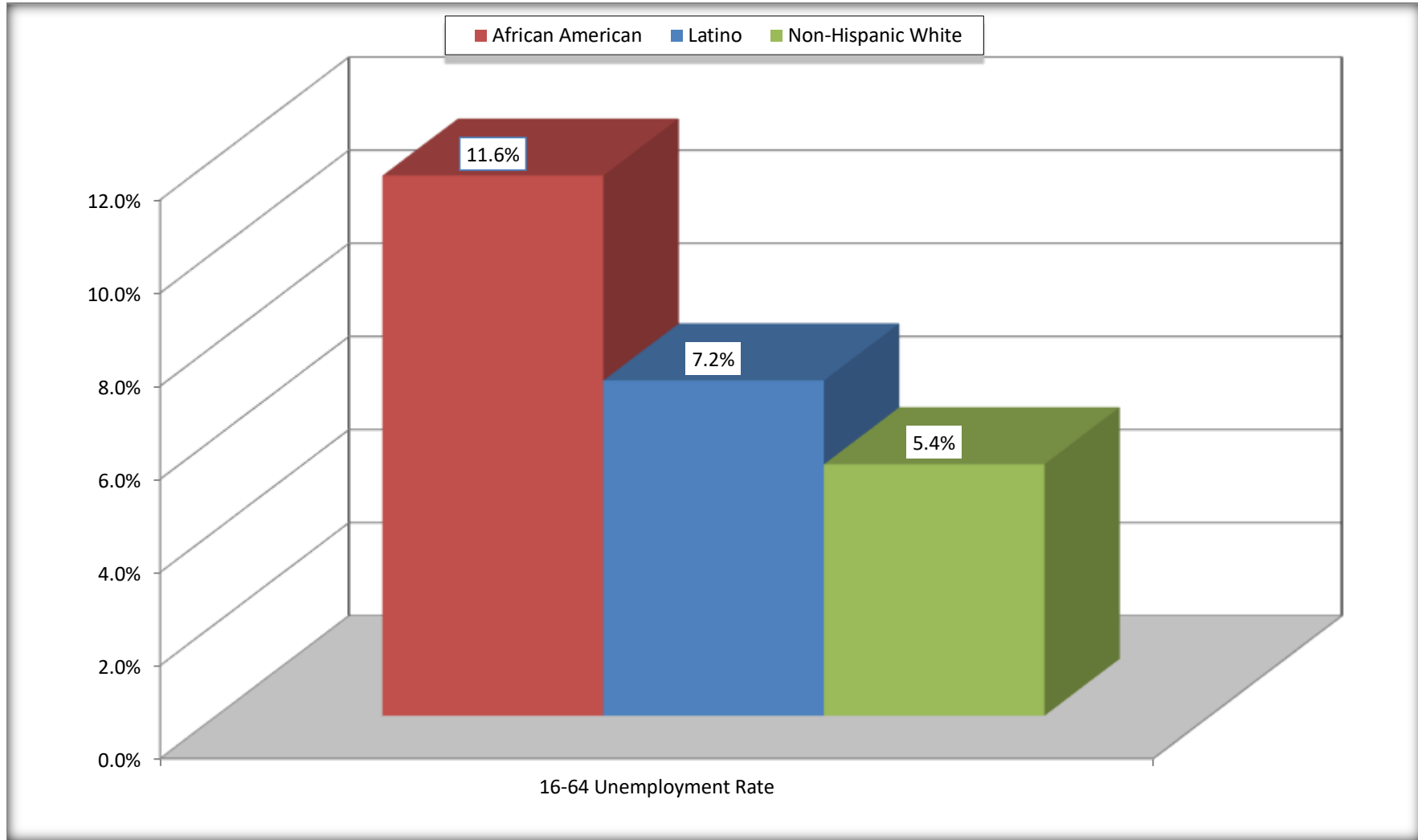


Source: C23002. SEX BY AGE BY EMPLOYMENT STATUS FOR THE POPULATION 16 YEARS AND OVER
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

Unemployment of Working Age Population (Ages 16 to 64) (As a Percent of 16-64 Civilian Labor Force)

Galveston County, Texas



Source: C23002. SEX BY AGE BY EMPLOYMENT STATUS FOR THE POPULATION 16 YEARS AND OVER
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

C24010. SEX BY OCCUPATION FOR THE CIVILIAN EMPLOYED POPULATION 16 YEARS AND OVER

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

	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	17,327	100.0%	37,543	100.0%	94,038	100.0%
Management, professional, and related occupations	5,493	31.7%	9,493	25.3%	46,631	49.6%
Service occupations	4,759	27.5%	9,270	24.7%	10,842	11.5%
Sales and office occupations	3,933	22.7%	7,444	19.8%	18,880	20.1%
Natural resources, construction, and maintenance occupations:	818	4.7%	5,890	15.7%	7,620	8.1%
Production, transportation, and material moving occupations	2,324	13.4%	5,446	14.5%	10,065	10.7%
Male:	8,123	46.9%	21,502	57.3%	51,045	54.3%
Management, business, science, and arts occupations:	2,288	13.2%	4,504	12.0%	23,018	24.5%
Service occupations	2,003	11.6%	4,237	11.3%	5,033	5.4%
Sales and office occupations	1,053	6.1%	2,421	6.4%	7,442	7.9%
Natural resources, construction, and maintenance occupations:	754	4.4%	5,757	15.3%	7,268	7.7%
Production, transportation, and material moving occupations	2,025	11.7%	4,583	12.2%	8,284	8.8%
Female:	9,204	53.1%	16,041	42.7%	42,993	45.7%
Management, professional, and related occupations	3,205	18.5%	4,989	13.3%	23,613	25.1%
Service occupations	2,756	15.9%	5,033	13.4%	5,809	6.2%
Sales and office occupations	2,880	16.6%	5,023	13.4%	11,438	12.2%
Natural resources, construction, and maintenance occupations:	64	0.4%	133	0.4%	352	0.4%
Production, transportation, and material moving occupations	299	1.7%	863	2.3%	1,781	1.9%

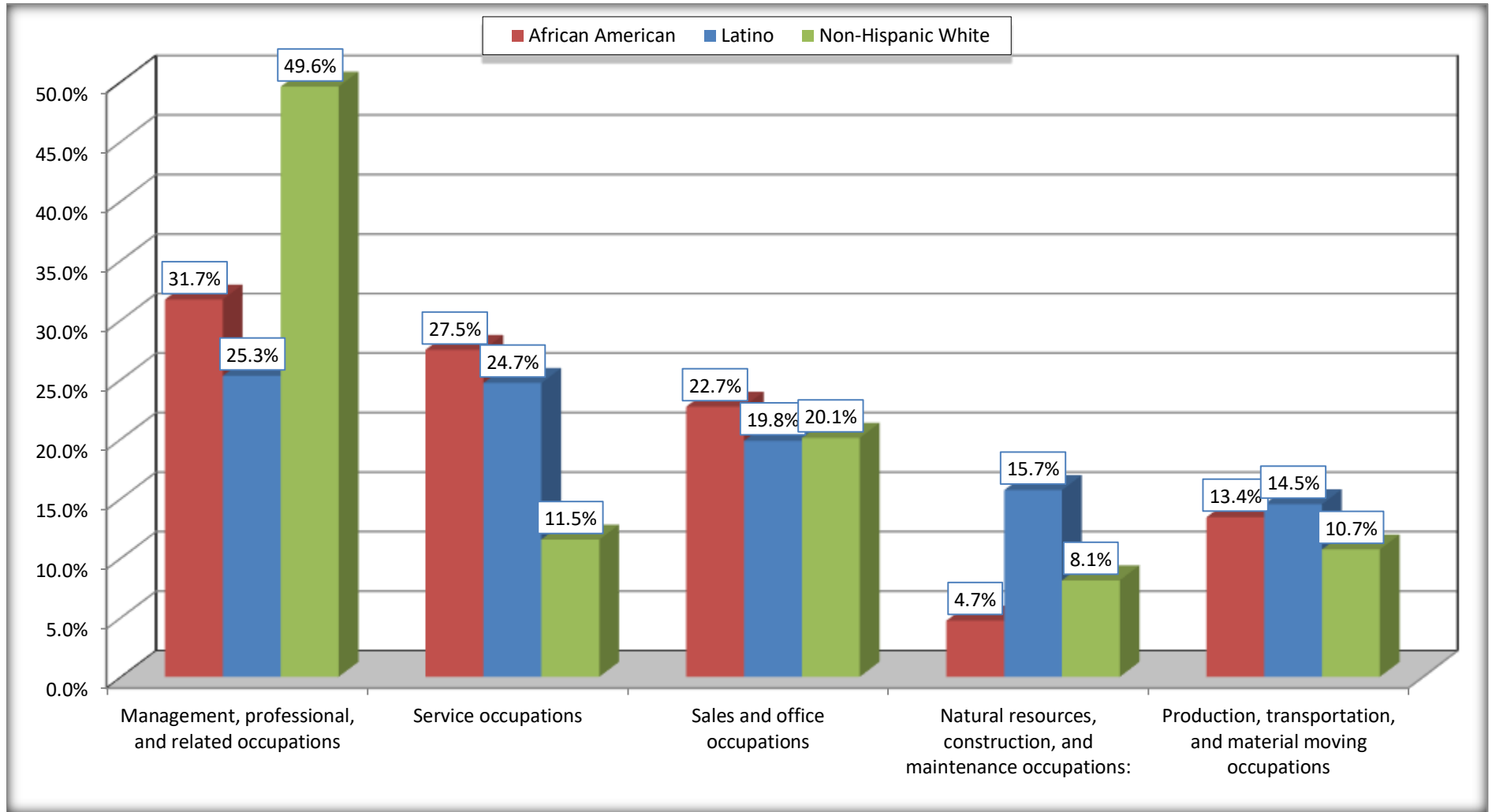
Source: U.S. Census Bureau, 2015-2019 American Community Survey

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

COOPER EXHIBIT C

Occupation for the Civilian Employed 16 Years and Over Population

Galveston County, Texas



Source: C24010. SEX BY OCCUPATION FOR THE CIVILIAN EMPLOYED POPULATION 16 YEARS AND OVER
 Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

B25003. TENURE - Universe: OCCUPIED HOUSING UNITS

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

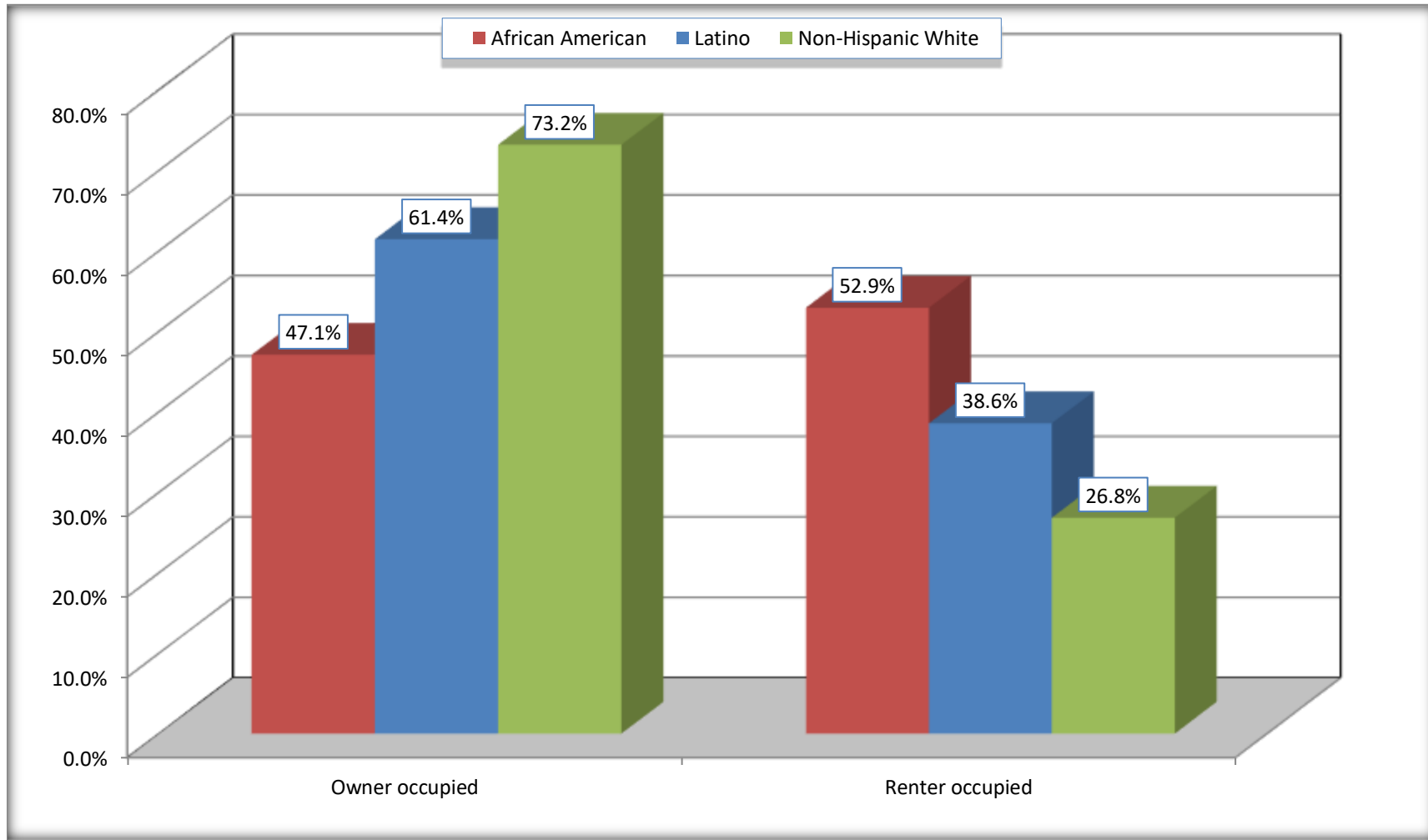
	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	14,949	100.0%	22,987	100.0%	77,915	100.0%
Owner occupied	7,037	47.1%	14,122	61.4%	57,011	73.2%
Renter occupied	7,912	52.9%	8,865	38.6%	20,904	26.8%

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 County, Texas



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

COOPER EXHIBIT C

B25014. OCCUPANTS PER ROOM - Universe: OCCUPIED HOUSING UNITS

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

	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	14,949	100.0%	22,987	100.0%	77,915	100.0%
1.00 or less occupants per room	14,713	98.4%	21,009	91.4%	76,862	98.6%
1.01 or more occupants per room	236	1.6%	1,978	8.6%	1,053	1.4%

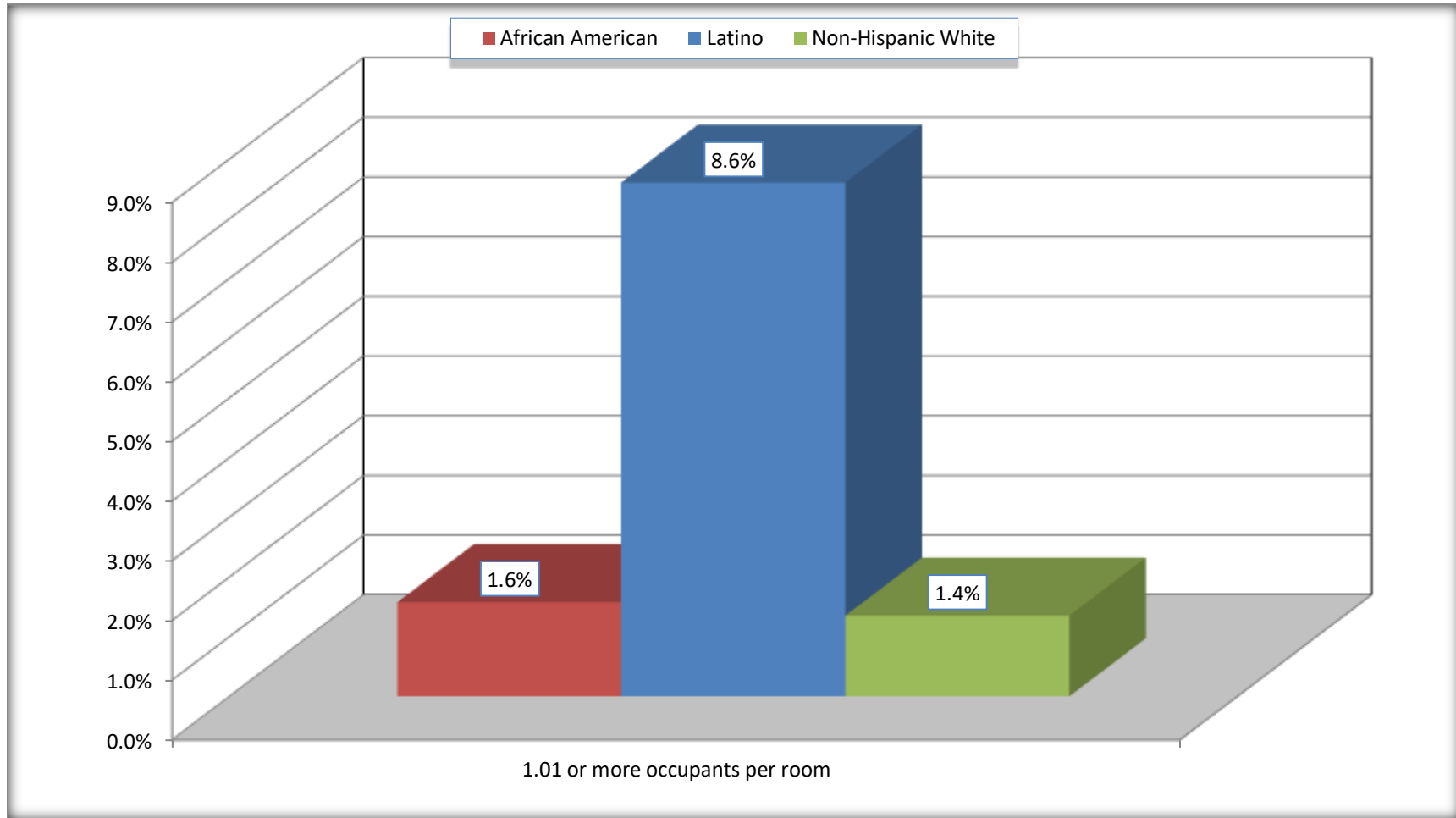
Source: U.S. Census Bureau, 2015-2019 American Community Survey

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

COOPER EXHIBIT C

More than One Person per Room (Crowding) by Household

Galveston County, Texas



Source: B25014. OCCUPANTS PER ROOM - Universe: OCCUPIED HOUSING UNITS
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C
B18101. AGE BY DISABILITY STATUS

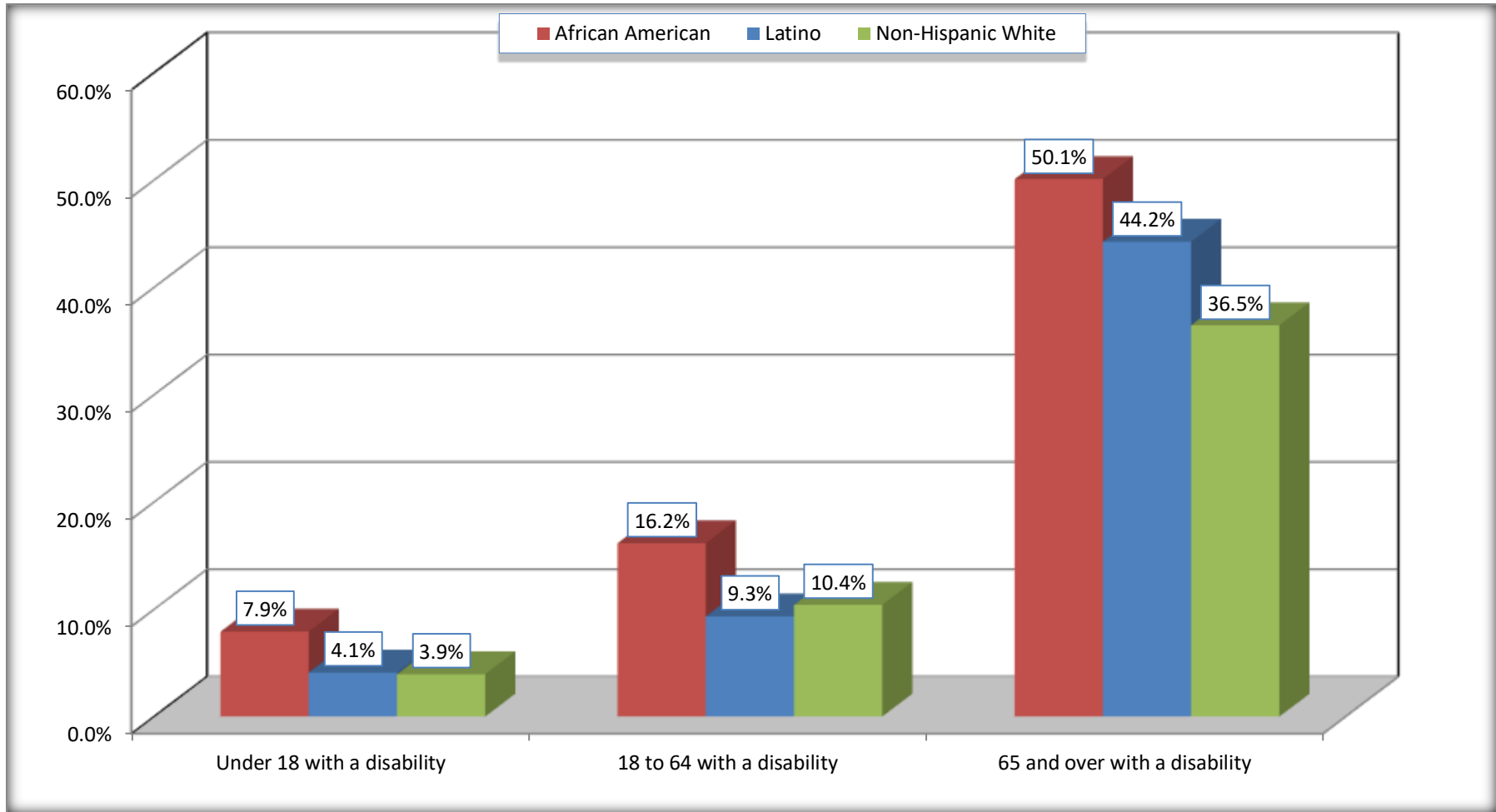
Data Set: 2015-2019 American Community Survey 5-Year Estimates

	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	40,467	100.0%	81,224	100.0%	188,122	100.0%
Under 18 years:	10,600	26.2%	26,102	32.1%	39,219	20.8%
With a disability	838	2.1%	1,070	1.3%	1,542	0.8%
No disability	9,762	24.1%	25,032	30.8%	37,677	20.0%
18 to 64 years:	24,503	60.6%	49,240	60.6%	116,725	62.0%
With a disability	3,958	9.8%	4,596	5.7%	12,156	6.5%
No disability	20,545	50.8%	44,644	55.0%	104,569	55.6%
65 years and over:	5,364	13.3%	5,882	7.2%	32,178	17.1%
With a disability	2,686	6.6%	2,602	3.2%	11,730	6.2%
No disability	2,678	6.6%	3,280	4.0%	20,448	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>

Disability by Age Galveston County, Texas



Source: B18101. AGE BY DISABILITY STATUS
Data Set: 2015-2019 American Community Survey 5-Year Estimates

COOPER EXHIBIT C
C27001B. HEALTH INSURANCE COVERAGE STATUS BY AGE

Data Set: 2014-2018 American Community Survey 5-Year Estimates

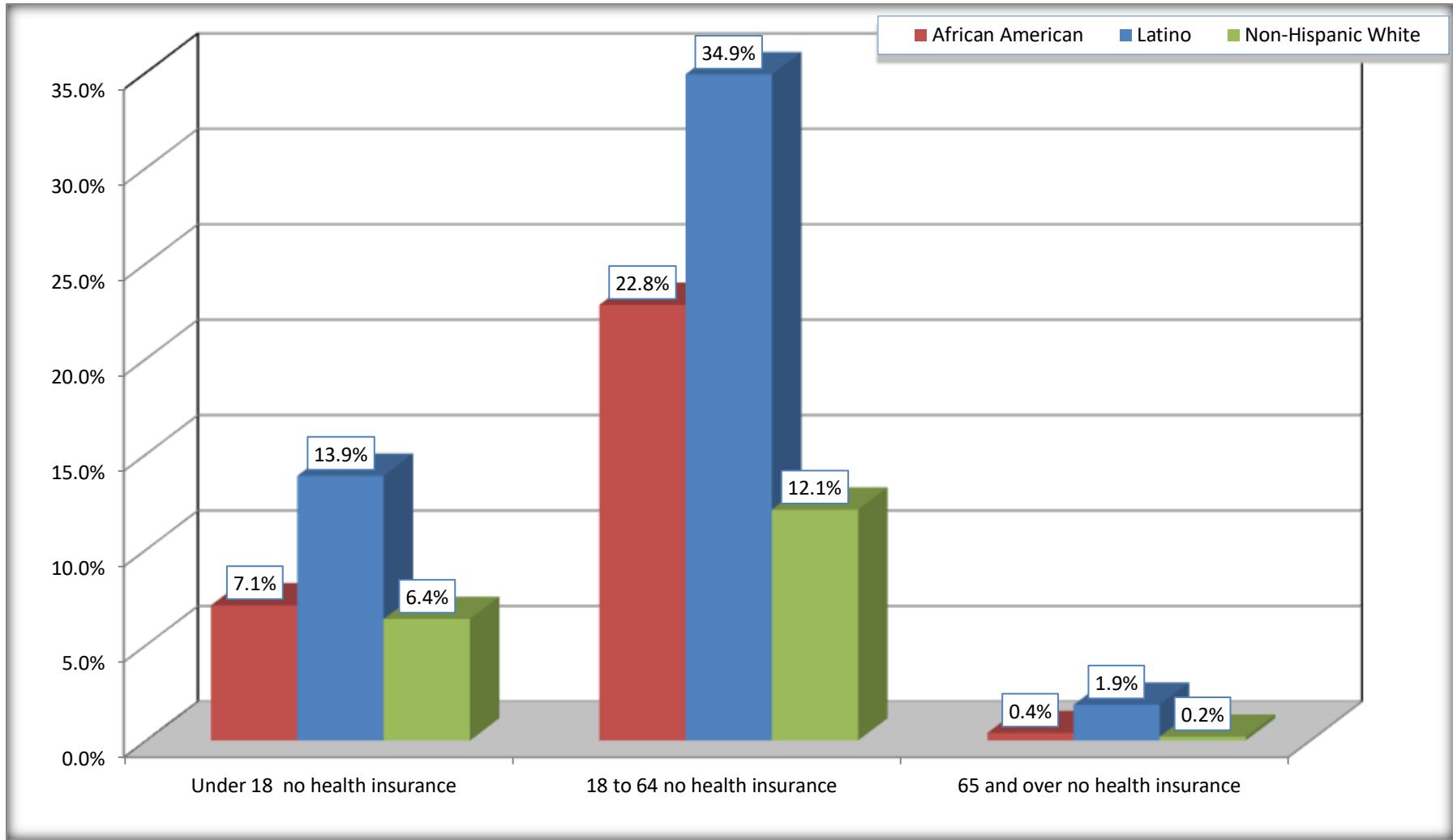
	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	40,467	100.0%	81,224	100.0%	188,122	100.0%
Under 18 years:	11,241	27.8%	27,371	33.7%	41,566	22.1%
With health insurance coverage	10,445	25.8%	23,576	29.0%	38,920	20.7%
No health insurance coverage	796	2.0%	3,795	4.7%	2,646	1.4%
18 to 64 years:	23,862	59.0%	47,971	59.1%	114,378	60.8%
With health insurance coverage	18,416	45.5%	31,228	38.4%	100,546	53.4%
No health insurance coverage	5,446	13.5%	16,743	20.6%	13,832	7.4%
65 years and over:	5,364	13.3%	5,882	7.2%	32,178	17.1%
With health insurance coverage	5,343	13.2%	5,772	7.1%	32,113	17.1%
No health insurance coverage	21	0.1%	110	0.1%	65	0.0%

Source: U.S. Census Bureau, 2014-2018 American Community Survey

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

Lack of Health Insurance Coverage by Age

Galveston County, Texas



Source: C27001B. HEALTH INSURANCE COVERAGE STATUS BY AGE
Data Set: 2014-2018 American Community Survey 5-Year Estimates

COOPER EXHIBIT C

B28009. PRESENCE OF A COMPUTER AND TYPE OF INTERNET SUBSCRIPTION IN HOUSEHOLD

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

	Galveston County, Texas					
	African American	% of AA Total	Latino	% of Latino Total	White, Not Hispanic	% of NHW Total
Total:	40,347	100.0%	80,879	100.0%	187,627	100.0%
Has a computer:	36,406	90.2%	76,280	94.3%	180,705	96.3%
With dial-up Internet subscription alone	13	0.0%	83	0.1%	838	0.4%
With a broadband Internet subscription	33,453	82.9%	69,357	85.8%	170,254	90.7%
Without an Internet subscription	2,940	7.3%	6,840	8.5%	9,613	5.1%
No Computer	3,941	9.8%	4,599	5.7%	6,922	3.7%

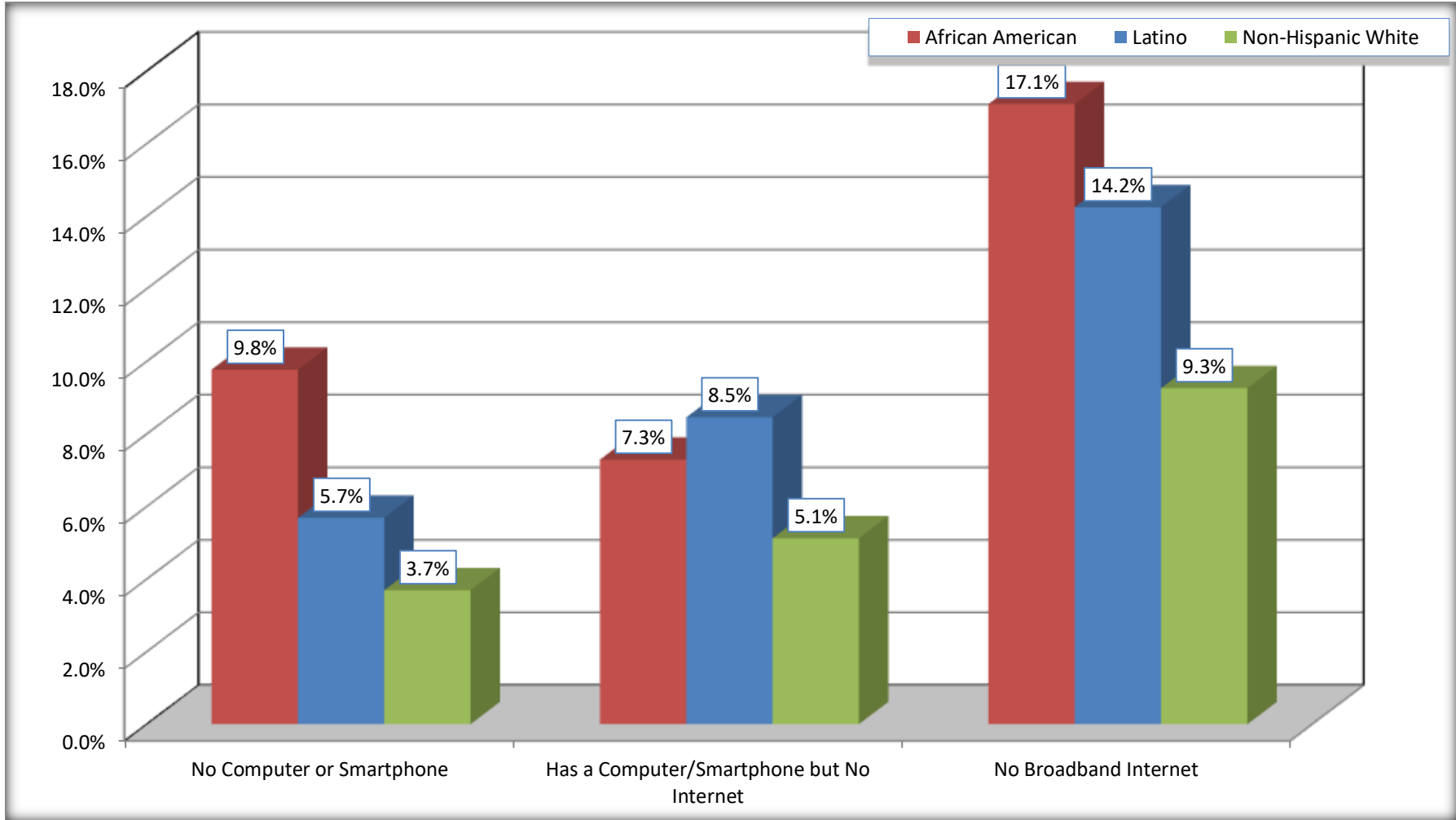
Source: U.S. Census Bureau, 2015-2019 American Community Survey

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see Survey Methodology.

<http://www.census.gov/acs/www/UseData/index.htm>

Computer/Smartphone and Internet Access

Galveston County, Texas



Source: B28009. PRESENCE OF A COMPUTER AND TYPE OF INTERNET SUBSCRIPTION IN HOUSEHOLD
Data Set: 2015-2019 American Community Survey 5-Year Estimates

[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:

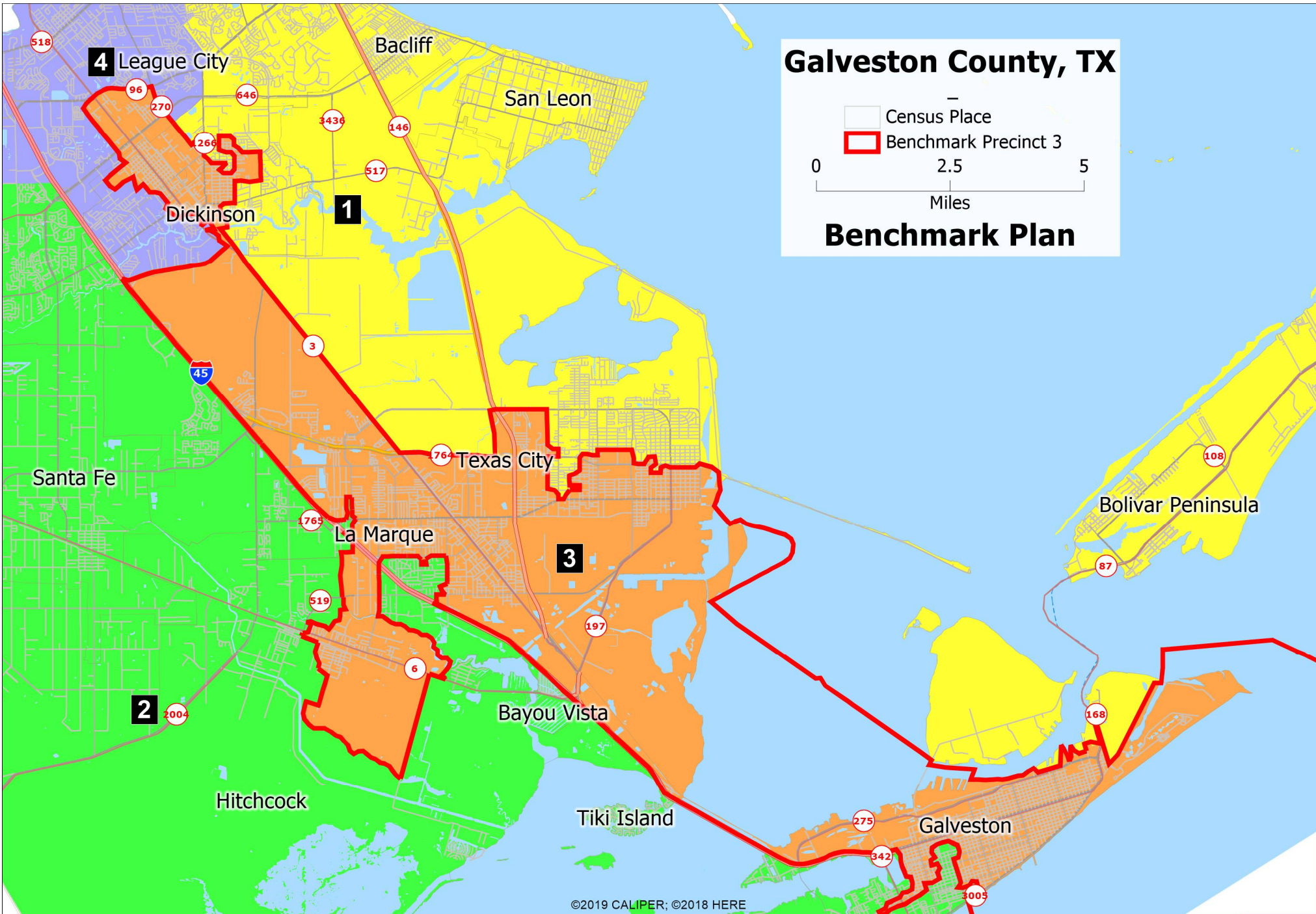
http://www.fairdata2000.com/ACS_2015_19/Galveston/

Expert Declaration and Report of William S. Cooper

January 2023

EXHIBIT E

COOPER EXHIBIT E-1



**Population Summary Report (2020 Census) --
Galveston County, TX -- 2012 Benchmark Plan**

Precinct	2020 Pop.	Deviation	% Dev.	Any Part Black	% Any Part Black	Nh Any Part Black	% NH Any Part Black	Latino	% Latino	NH White	% NH White
1	85408	-2263	-2.58%	7224	8.46%	6681	7.82%	22280	26.09%	50769	59.44%
2	95596	7925	9.04%	9430	9.86%	8843	9.25%	21319	22.30%	58916	61.63%
3	79931	-7740	-8.83%	26511	33.17%	25508	31.91%	27129	33.94%	24010	30.04%
4	89747	2076	2.37%	6009	6.70%	5595	6.23%	17908	19.95%	57663	64.25%
Total	350682			49174	14.02%	46627	13.30%	88636	25.28%	191358	54.57%

Ideal District Size 87671

Total Deviation* 17.87%

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 + Latino	%18+ NH AP Black + Latino
1	65748	4688	7.13%	14934	22.71%	41774	63.54%	19622	29.84%
2	73739	6187	8.39%	14634	19.85%	47895	64.95%	20821	28.24%
3	61278	19130	31.22%	18741	30.58%	20755	33.87%	37871	61.80%
4	66617	3967	5.95%	11850	17.79%	44596	66.94%	15817	23.74%
Total	267382	33972	12.71%	60159	22.50%	155020	57.98%	94131	35.20%

2016-2020 Special Tabulation

District	% NH DOJ Black CVAP*	% Latino CVAP	% NH Whie CVAP	NH DOJ Black + Latino CVAP
1	8.32%	19.76%	69.41%	28.08%
2	7.95%	16.32%	71.59%	24.27%
3	33.15%	25.16%	38.25%	58.31%
4	5.36%	16.32%	70.93%	21.68%

Note: Citizen Voting Age Population (CVAP) percentages are disaggregated from block-group level 2016-2020 ACS estimates (with a survey midpoint of July 2018)

Black CVAP estimates include NH Single -race Black and 2 race counts for NH Black and White

Source for CVAP disaggregation: Redistricting Data Hub

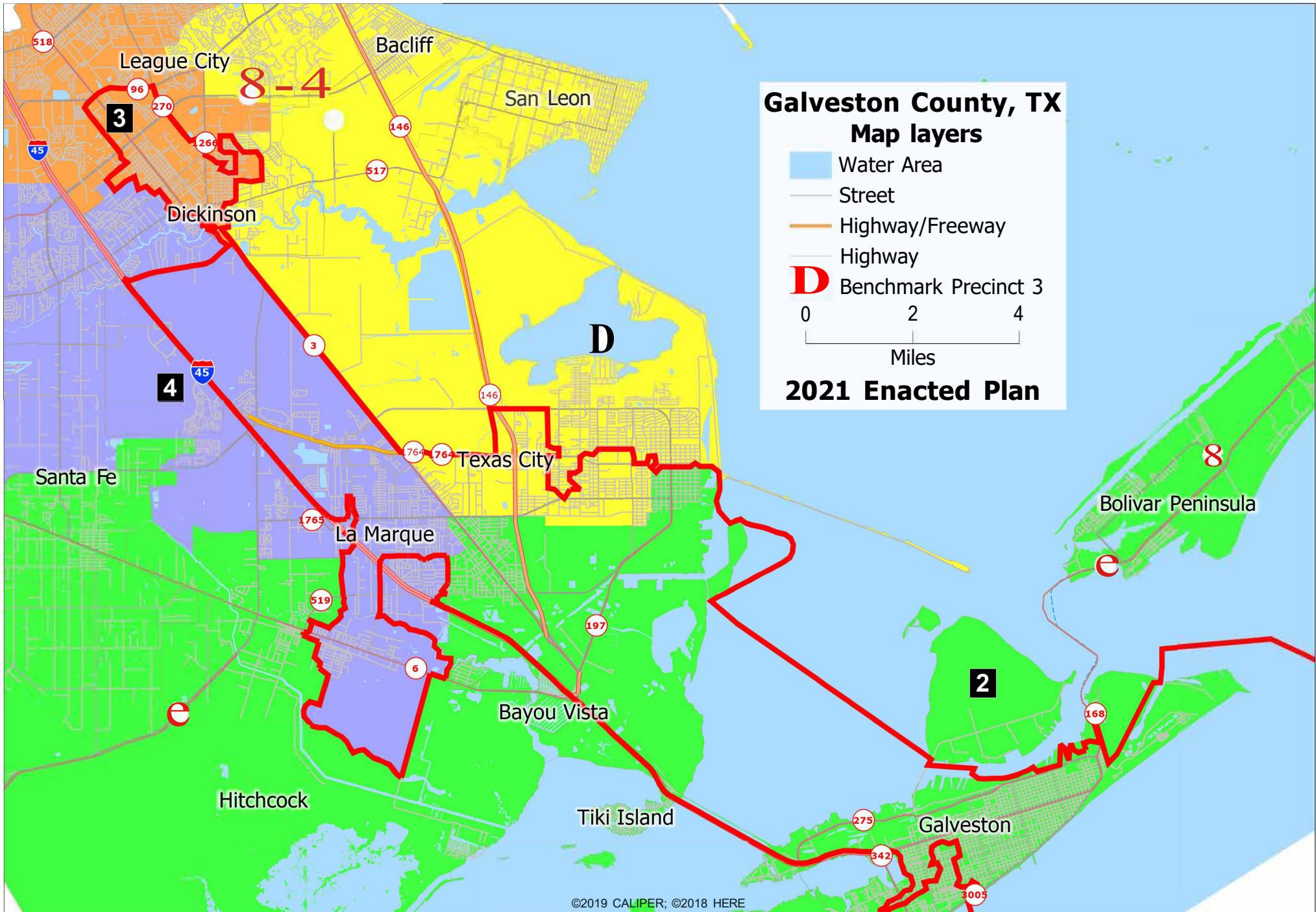
<https://redistrictingdatahub.org/dataset/texas-cvap-data-disaggregated-to-the-2020-block-level-2020/>

Expert Declaration and Report of William S. Cooper

January 2023

EXHIBIT F

COOPER EXHIBIT F-1



**Population Summary Report (2020 Census) --
Galveston County, TX -- 2021 Enacted Plan**

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	87689	18	0.02%	10175	11.60%	9528	10.87%	24445	27.88%	48169	54.93%
2	87697	26	0.03%	13543	15.44%	12889	14.70%	22725	25.91%	47460	54.12%
3	88111	440	0.50%	7656	8.69%	7149	8.11%	22573	25.62%	50534	57.35%
4	87185	-486	-0.55%	17800	20.42%	17061	19.57%	18893	21.67%	45195	51.84%
Total	350682			49174	14.02%	46627	13.30%	88636	25.28%	191358	54.57%
Ideal District Size		87671									
Total Deviation*			1.05%								

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	66641	6714	10.07%	16404	24.62%	39306	58.98%	23118	34.69%
2	71389	9671	13.55%	16431	23.02%	41421	58.02%	26102	36.56%
2	64704	5101	7.88%	14908	23.04%	38952	60.20%	20009	30.92%
4	64648	12486	19.31%	12416	19.21%	35341	54.67%	24902	38.52%
Total	267382	33972	12.71%	60159	22.50%	155020	57.98%	94131	35.20%

District	% NH DOJ Black CVAP	% Latino CVAP	% NH Whie CVAP	% NH DJ Black + Latino CVAP
1	10.68%	21.60%	65.05%	32.28%
2	14.29%	20.58%	62.43%	34.87%
3	9.38%	19.00%	64.03%	28.38%
4	18.18%	15.32%	61.65%	33.50%

Note: Citizen Voting Age Population (CVAP) percentages are disaggregated from block-group level 2016-2020 ACS estimates (with a survey midpoint of July 2018)

NH DOJ 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/maryland-cvap-data-disaggregated-to-the-2020-block-level-2020/>

User:

Plan Name: 2021 Enacted_Plan Galveston

Plan Type: Local

Contiguity Report

Sunday, December 18, 2022

3:11 PM

District	Number of Distinct Areas
1	1
2	1
3	1
4	1

User:

Plan Name: 2021 Enacted_Plan Galveston

Plan Type: Local

Communities of Interest (Condensed)

Sunday, December 18, 2022

3:15 PM

Whole Town/City : 9

Town/City Splits: 17

Zero Population Town/City Splits: 1

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	4,149	19.90%				
1	Kemah	1,807	100.00%				
1	League City	30,575	27.33%				
1	San Leon	6,135	100.00%				
1	Seabrook	0	0.00%				
1	Texas City	31,421	60.54%				
2	Bayou Vista	1,763	100.00%				
2	Bolivar Peninsula	2,769	100.00%				
2	Galveston	53,695	100.00%				
2	Hitchcock	4,707	64.47%				
2	Jamaica Beach	1,078	100.00%				
2	La Marque	5,864	32.52%				
2	Santa Fe	8,105	63.64%				
2	Texas City	1,906	3.67%				
2	Tiki Island	1,106	100.00%				
3	Dickinson	7,034	33.74%				
3	Friendswood	11,004	36.08%				
3	League City	66,414	59.37%				
4	Dickinson	9,664	46.36%				
4	Friendswood	19,491	63.92%				
4	Hitchcock	2,594	35.53%				
4	La Marque	12,166	67.48%				
4	League City	14,876	13.30%				
4	Santa Fe	4,630	36.36%				
4	Texas City	18,571	35.78%				

User:

Plan Name: 2021 Enacted_Plan Galveston

Plan Type: Local

Political Subdivison Splits Between Districts

Sunday, December 18, 2022

3:13 PM

Split Counts

Number of subdivisions split into more than one district: Number of splits involving no population:

County	1	County	0
Voting District	7	Voting District	3

Number of times a subdivision is split into multiple districts:

County	3
Voting District	7

County	Voting District	District	Population
<i>Split Counties:</i>			
Galveston TX		1	87,689
Galveston TX		2	87,697
Galveston TX		3	88,111
Galveston TX		4	87,185
<i>Split VTDs:</i>			
Galveston TX	000227	2	5,227
Galveston TX	000227	4	0
Galveston TX	000258	2	1,387
Galveston TX	000258	4	2,247
Galveston TX	000263	3	10,220
Galveston TX	000263	4	2,311
Galveston TX	000336	1	1,494
Galveston TX	000336	4	4,588
Galveston TX	000341	3	4,544
Galveston TX	000341	4	0
Galveston TX	000471	3	4,599
Galveston TX	000471	4	0
Galveston TX	000490	1	1,618
Galveston TX	000490	3	6,074

COOPER EXHIBIT F-3D

User:

Plan Name: 2021 Enacted_Plan Galveston

Plan Type: Local

Measures of Compactness Report

Sunday, December 18, 2022

3:12 PM

	Reock	Polsby-Popper	Area/Convex Hull	Perimeter
Mean	0.27	0.21	0.65	
Min	0.23	0.12	0.47	
Max	0.30	0.28	0.76	
Std. Dev.	0.04	0.07	0.13	
Sum				395.40

Higher Number is Better

Lower Number is Better

District	Reock	Polsby-Popper	Area/Convex Hull	Perimeter
1	0.30	0.28	0.76	70.74
2	0.24	0.21	0.71	194.27
3	0.23	0.12	0.47	57.27
4	0.29	0.22	0.67	73.12

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.

Expert Declaration and Report of William S. Cooper

January 2023

EXHIBIT G

BEIRNE, MAYNARD & PARSONS, L.L.P.

401 W. 15TH STREET
SUITE 845
AUSTIN, TEXAS 78701

JAMES E. "TREY" TRAINOR, III

(512) 623-6700
FAX (512) 623-6701

DIRECT DIAL (512) 8623-6753
EMAIL: TTRAINOR@BMP LLP.COM

October 14, 2011

Chief, Voting Section
Civil Rights Division
Room 7254-NWB
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, D.C. 20530

Re: Submission under Section 5, Voting Rights Act of 2011 redistricting of
commissioner precincts for Galveston County, Texas and request for expedited
consideration

Dear Voting Section:

On behalf of Galveston County, Texas (hereinafter, "County"), I hereby submit the
following changes affecting voting for consideration pursuant to 42 U.S.C. §1973(c).

Galveston County seeks preclearance of its August 30, 2011 Order adopting changes to
the boundaries of its commissioner precincts.¹

The changes to the commissioner precincts were a result of population changes identified
in the 2010 Census.

Galveston County respectfully requests expedited consideration of this submission
pursuant to 28 C.F.R. §51.34 for preclearance by November 12, 2011, the first date on which
candidates may apply for a place on a Republican or Democrat primary ballot. December 12,
2011 will conclude the period within which candidates may file an application for a place on the
primary ballot.

In compliance with 28 C.F.R. Part 51, I am supplying the following information, or
reference to the relevant attachment where the information is located, on behalf of the County:

¹ Not to be confused with a voting precinct, a district used for electing a commissioner, justice of the peace and
constable is called a "precinct" in Texas.

Voting Section, Civil Rights Division, Dept. of Justice
October 14, 2011
Page 2

Section 51.27

- (a) **A copy of any ordinance, enactment, order or regulation embodying a change affecting voting.**

A copy of the Galveston County Commissioners Court Order adopting the boundary changes for its commissioner precincts is attached to this submission as Exhibit "A."

- (b) **A copy of any ordinance, enactment, order, or regulation embodying the vote practice that is proposed to be repealed, amended, or otherwise changed.**

A copy of the Galveston County Commissioners Court Order adopting the existing commissioner precincts is attached to this submission as Exhibit "B."

- (c) **If the change affecting voting is not readily apparent on the face of the documents provided under paragraph (a) and (b) of this section or is not embodied in a document, a clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the prior and proposed situation with respect to voting.**

The change alters the boundaries of the commissioner precincts. The Plan makes changes to the boundaries of all four County Commissioner districts. The difference in population and demographics between the newly adopted and current precincts is shown in the following charts.

A map showing the new precincts is attached as Exhibit "C," and a map of the prior precincts is attached as Exhibit "D." The Plan makes changes to the boundaries of all four County Commissioner districts. Additionally, both maps are submitted in .dbf format on the enclosed disk.

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Existing Districts Total Population

District	Persons	Deviation	Hispanic % of Total Population	Non-Hispanic Anglo % of Total Population	Non-Hispanic Black % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
1	61,152	-16.03%	28.70	55.80	10.76	2.72	0.14
2	76,684	5.30%	20.05	67.51	7.83	2.69	0.09
3	63,534	-12.76%	29.51	32.56	35.27	0.87	0.19
4	89,939	23.50%	15.12	73.46	4.72	4.71	0.18
Totals	291,309						

2011 Adopted Districts Total Population

District	Persons	Deviation	Hispanic % of Total Population	Non-Hispanic Anglo % of Total Population	Non-Hispanic Black % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
1	71,814	-1.39%	23.02	63.42	9.13	2.62	0.15
2	72,956	0.18%	17.62	70.21	7.41	2.80	0.09
3	74,679	2.54%	31.53	33.54	31.36	1.67	0.15
4	71,860	-1.33%	17.17	70.74	5.35	4.66	0.19
Totals	291,309						

Existing Districts Voting Age Population

District	Total VAP	Hispanic % of Total VAP	Non-Hispanic Anglo % of Total VAP	Non-Hispanic Black % of Total VAP	Non-Hispanic Asian % of Total VAP	Non-Hispanic Other % of Total VAP
1	47,404	24.93	60.09	10.34	2.85	0.14
2	57,818	17.62	70.90	7.28	2.69	0.08
3	46,487	25.68	36.95	35.01	0.94	0.15
4	65,433	13.31	75.81	4.64	4.71	0.16
Totals	217,142					

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2011 Adopted Districts Voting Age Population

District	Total VAP	Hispanic % of Total VAP	Non- Hispanic Anglo % of Total VAP	Non- Hispanic Black % of Total VAP	Non- Hispanic Asian % of Total VAP	Non- Hispanic Other % of Total VAP
1	53,365	19.72	67.48	8.61	2.68	0.13
2	55,108	15.38	73.52	6.76	2.78	0.08
3	56,976	27.78	38.18	30.60	1.87	0.14
4	51,693	15.14	73.46	5.16	4.64	0.17
Totals	217,142					

- (d) The name, title, address and telephone number of the person making the submission.**

The person making the submission is Mr. James E. "Trey" Trainor, III at the law firm of Beirne, Maynard & Parsons, L.L.P., 401 W. 15th Street, Suite 845, Austin, Texas 78701, phone (512) 623-6700 and fax (512) 623-6701

- (e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.**

The name of the submitting authority is Galveston County, Texas

- (f) If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.**

Not applicable

- (g) Identification of the person or body responsible for making the change and the mode of decision (e.g., act of State legislature, ordinance of city council, administrative decision by registrar).**

The changes to the commissioner precincts were adopted by the Galveston County Commissioners Court by Order dated August 30, 2011.

- (h) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.**

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October 14, 2011

Page 5

The proposed changes to the commissioner precincts boundaries are made pursuant to Texas Constitution Article 5, §18(b). Each county is divided into four commissioners precincts, in each of which are elected, by the qualified voters of the county, one county commissioner who holds office for four years. The commissioners court exercises certain powers and jurisdiction over county business under the Texas Constitution and various state laws.

A county commissioners court, which is assigned certain tasks that would normally be considered legislative in nature, and which performs certain executive or administrative functions for the county that affect all citizens of the county, is a unit of local government subject to restriction against substantial variation from equal population. *Avery v. Midland County, Texas*, 390 US 474 (1968).

(i) The date of adoption of the change affecting voting.

The changes to commissioner precincts were adopted by the Commissioners Court of Galveston County, Texas by Order dated August 30, 2011.

(j) The date on which the change is to take effect.

The order is effective on the later of January 1, 2012 or when preclearance is obtained.

(k) A statement that the change has not yet been enforced or administered, or an explanation of why such statement cannot be made.

The change has not yet been enforced or administered.

(l) Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.

The change affects the entire jurisdiction of Galveston County, Texas.

(m) A statement of the reasons for the change.

The proposed changes in county commissioner precincts were necessitated by population shifts disclosed by the 2010 Census. Based on the County's population of 291,309, commissioner precincts with perfectly equalized population would each contain 72,827 people (one would necessarily contain 72,828 due to the odd number of total people).

Due to the population changes over the past decade, the existing commissioner precincts now have a total maximum deviation (i.e., as between the most populous and least populous precincts, measured in reference to the ideal precinct size) of 39.53%. This

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meant the existing plan was subject to challenge under the one person-one vote principle, because of a maximum deviation exceeding ten percent, which the courts have recognized as *prima facie* constitutional. Under the proposed plan the total maximum deviation is reduced to 3.93%.

(n) A statement of the anticipated effect of the change on members of racial or language minority groups.

The proposed changes in county commissioner precincts are in compliance with all applicable federal laws and 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. The proposed change does not retrogress racial or language minorities' ability to effectively exercise their electoral franchise.

As noted in the above chart for total population for the existing districts, the majority of the population growth in Galveston County, according to the 2010 Census, occurred in current commissioner precinct four. In fact, that precinct is 17,112 people over the ideal district population causing the overall deviation to be 39.53%. Moreover, commissioner precincts four and two will continue to be the predominant growth areas for Galveston County because of the spillover of population from Harris County.

Leaving commissioner precinct four with a high deviation in population would appear to violate the principles announced by the court in *Larios v. Cox*, 300 F. Supp. 1320 (N.D. GA 2004), and affirmed by the U.S. Supreme Court in *Cox v. Larios*, 542 U.S. 947 (2004). Therefore, the high growth district could not be substantially over populated vis a vis the low growth districts. Therefore the commissioners court attempted to equalize districts as much as possible without creating a significant retrogression.

Similarly, in order to maintain the continuity of districts and limit the amount of voter confusion, the court attempted to maintain the core of the current districts and minimize the changes to the districts to the extent necessary to rectify the population deviations. Care was taken, consistent with these policies, to maintain the coalition of minority voting strength in precinct three close to the current voting strength without making radical changes to the existing districts so that a commissioner of the minority community's choice would still largely represent the same population within the current district.

Given the unique geography of Galveston County, which has two dramatically isolated geographic components – Galveston Island and Bolivar Peninsula – the proposed plan did not dramatically reshape the current configuration of districts. However, public comment did call for the joining of Bolivar Peninsula and Galveston Island into a commissioner precinct. The proposed plan accomplished the joining of those these two geographic

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areas, without appreciably increasing the Anglo vote in precinct three, following the same transportation structure that physically links them – the ferry route.

- (o) **A statement identifying any past or pending litigation concerning the change or related voting practices.**

There is currently no litigation involving the County's newly enacted redistricting plan.

- (p) **A statement that the prior practice has been precleared (with the date) or is not subject to the preclearance requirement and a statement that the procedure for the adoption of the change has been precleared (with the date) or is not subject to the preclearance requirement, or an explanation of why such statement cannot be made.**

The prior redistricting plan was precleared on February 5, 2002. A copy of the prior preclearance letter is attached hereto as Exhibit "E."

Section 51.28

- (a) **Demographic information**
- (1) **Total and voting age population of the affected area before and after the change, by race and language group.**

See charts above in response to Section 51.27(c).

- (2) **The number of registered voters for the affected area by voting precinct before and after the change, by race and language group.**

Data on registration by race is not collected or reported in Texas, although it is possible to determine the approximate number of persons who are registered voters who have Spanish surnames. This information, reported by the Texas Secretary of State, is attached as Exhibit "F."

- (3) **Any estimates of population, by race and language group, made in connection with the adoption of the change.**

It was not necessary to make any estimates in connection with the adoption of the change.

- (b) **Maps**

- (1) **The prior and new boundaries of the voting unit or units.**

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Maps depicting the newly adopted and the current commissioner precincts are attached hereto as Exhibits "C" and "D," respectively. Additionally, the maps are included on the disk included with this submission.

(2) The prior and new boundaries of voting precincts.

The change does not affect voting precincts.

(3) The location of racial and language minority groups.

The maps are included on the disk included with this submission.

(4) Any natural boundaries or geographical features that influenced the selection of the prior or new units.

All adjustments to the boundaries of the territories constituting the four county commissioner precincts are based on 2010 Census Geography as depicted on the latest TIGER files available from the Census Bureau. The precise boundaries of the census blocks used to build the commissioner precincts, in many instances, follow highways, county roads, city streets, and other geographic features, all as depicted in the 2010 TIGER files and as further depicted in the attached map of the proposed commissioner precincts as Exhibit "C."

(5) The location of prior and new polling places.

The change does not affect polling places.

(6) The location of prior and new voter registration sites.

The change does not affect voter registration.

(c) Annexations

Not applicable.

(d) Election Returns

Election returns for the past ten (10) years are being provided on magnetic media. Additionally, election returns from 2007 to 2010 may also be accessed on the County's website at <http://www.galvestonvotes.org/Resources/PastElectionReturns.html>.

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(e) Language usage

Not applicable.

(f) Publicity and participation

From the outset of the redistricting process, the Galveston County Commissioners Court took steps to ensure the full participation of all interested persons and groups. Specifically, the County conducted five (5) public hearings in addition to two regularly scheduled Commissioners Court meetings to take public input on redistricting.

At a Commissioners Court meeting held on August 2, 2011, the County's redistricting consultants presented a preliminary demographic report showing the results of the 2010 Census as they related to the existing commissioner precincts. This presentation highlighted the need to redistrict resulting from population imbalances among precincts that exceeded the ten percent maximum deviation acceptable under the one person-one vote requirement of the United States Constitution. At this meeting, the Court was also presented with two preliminary redistricting proposals for commissioner precincts and accepted public comment.

The Commissioners Court then conducted five (5) public hearings at various locations throughout the County to receive public comment on redistricting of county commissioner and justice of the peace precincts. The following is a list of the dates, times and locations of those meetings:

Date	Time	Location	Address
08/15/11	7:00 p.m.	Calder Road Annex	174 Calder Road League City, TX 77573
08/16/11	6:00 p.m.	West County Annex	11730 State Hwy. 6 Santa Fe, TX 77510
08/17/11	6:00 p.m.	Crystal Beach Annex	946 Noble Carl Road Crystal Beach, TX 77650
08/22/11	7:00 p.m.	Nessler Center	2010 Fifth Avenue North Texas City, TX 77590
08/23/11	7:00 p.m.	Galveston County Courthouse	722 Moody Galveston, TX 77550

The Commissioner Court met again on August 30, 2011, and received comment from the County's redistricting consultants and were presented with a new proposal that incorporated changes based upon public comment. Namely, the Bolivar Peninsula portion of Galveston County was included in the same commissioner precinct as a

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portion of Galveston Island as requested by the residents of Bolivar Peninsula. This proposal was adopted by the Commissioner Court by a vote of three to two.

(1) Copies of newspaper articles discussing the proposed change.

Copies of newspaper articles discussing the proposed changes are attached as Exhibit "G."

(2) Copies of public notices that describe the proposed change and invite public comment or participation in hearings and statements regarding where such public notices appeared (e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups).

A copy of the notices of the public hearings and agendas of the Commissioners Court meetings at which the redistricting plans were discussed and/or adopted are attached as Exhibit "H."

(3) Minutes or accounts of public hearings concerning the proposed change.

Minutes of the Commissioners Court Meetings at which the proposed redistricting plans were discussed and adopted are attached as Exhibit "I." The meetings were tape recorded, and a transcript will be provided upon request.

(4) Statements, speeches, and other public communications concerning the proposed change.

Statements and public communications are reflected in the newspaper articles and minutes of the Commissioner Court meetings.

(5) Copies of comments from the general public.

Comments from the general public are reflected in the newspaper articles and minutes of the Commissioners Court meetings.

(6) Excerpts from legislative journals containing discussion of a submitted enactment, or other material revealing its legislative purpose.

Not applicable.

(g) Availability of the submission

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Attached as Exhibit "J" is a copy of the public notice which will be posted at the Galveston County Courthouse stating the availability of the preclearance submission for public inspection.

A complete duplicate copy of the submission is available for public inspection during normal business hours at the Galveston County Courthouse, Galveston, Texas.

(h) Minority group contacts

The following individuals reside in Galveston County, Texas, and are familiar with the proposed change, and were active in the political process by which the Plan was adopted:

The Honorable Stephen Holmes
Commissioner, Precinct 3
2516 Texas Avenue, Room 121
Texas City, TX 77590
(409) 770-5806

Dr. Dotti Jones
College of the Mainland
1200 Amburn Road
Texas City, TX 77591
(409) 938-1211

Rev. James Daniels
2327 Texas Avenue
Texas City, TX 77590

Henry Gomez
P.O. Box 3785
Galveston, TX 77552

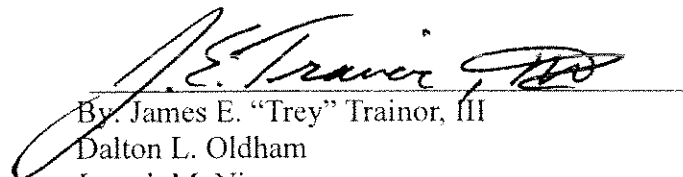
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It has been the purpose of this submission to provide available relevant information that will be helpful to the Department without unduly burdening the record. Please let me know if there is any underlying data or other information that the Department would find helpful when reviewing this submission.

Thank you for your assistance and expedited consideration.

Respectfully submitted,

BEIRNE MAYNARD & PARSONS L.L.P.
401 W. 15th Street, Suite 845
Austin, Texas 78701
(512) 623-6700
(512) 623-6701 fax


By: James E. "Trey" Trainor, III
Dalton L. Oldham
Joseph M. Nixon

ATTORNEYS FOR GALVESTON COUNTY, TEXAS

NOTICE OF SUBMISSION OF REDISTRICTING PLAN
TO THE DEPARTMENT OF JUSTICE

Galveston County has submitted its redistricting plan for Commissioner Precincts to the United States Department of Justice for its review under Section 5 of the Voting Rights Act, 42 USC § 1973c. A complete duplicate copy of the submission is available for public review in the County Legal Department, Galveston County Courthouse, 722 Moody Avenue 5th Floor, Galveston, Texas 77550. Any comments regarding the submission may be sent to:

CHIEF, VOTING SECTION
CIVIL RIGHTS DIVISION
ROOM 7254-NWB
DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20530

Honorable Mark Henry
County Judge
Galveston County

Exhibit C

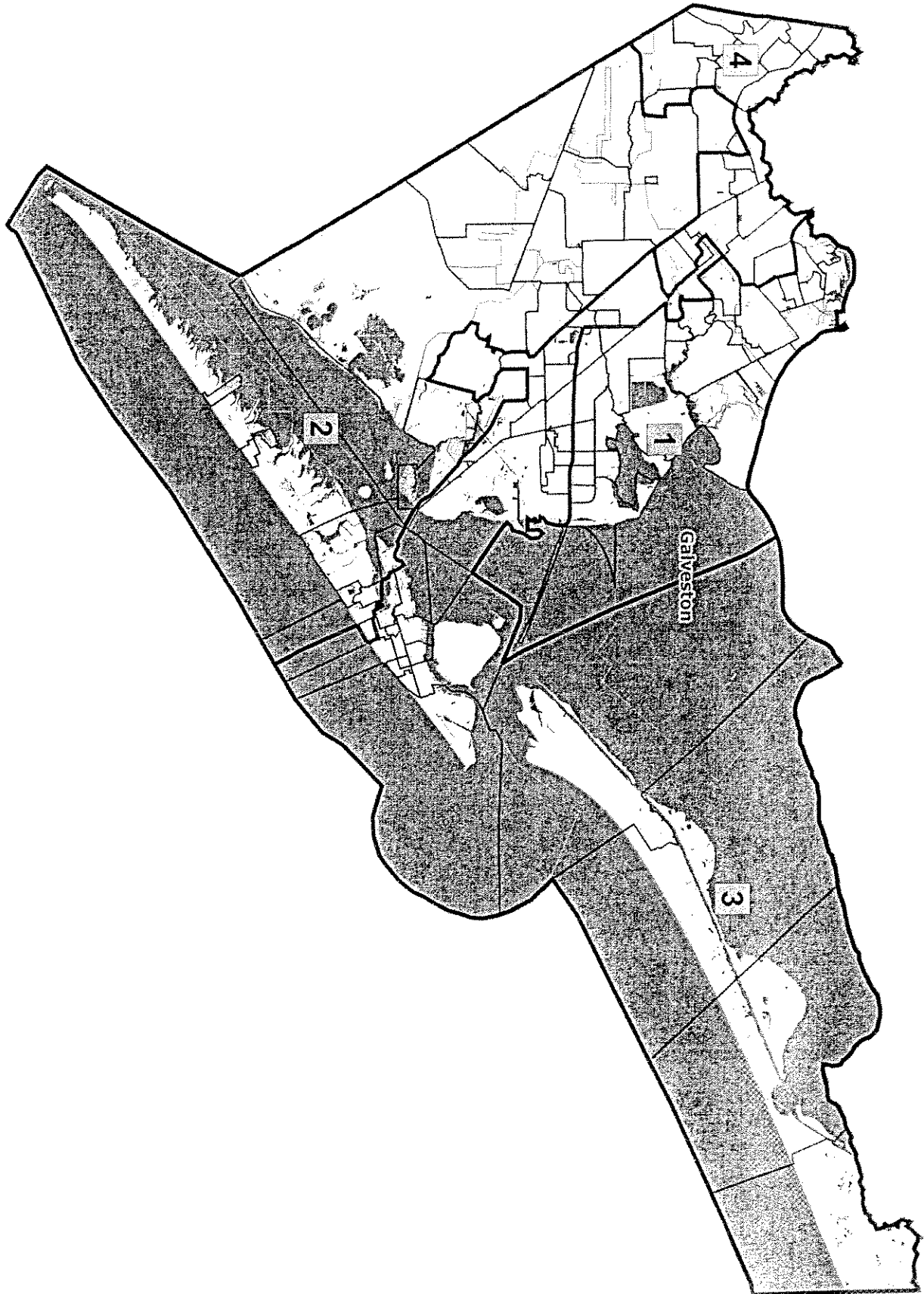
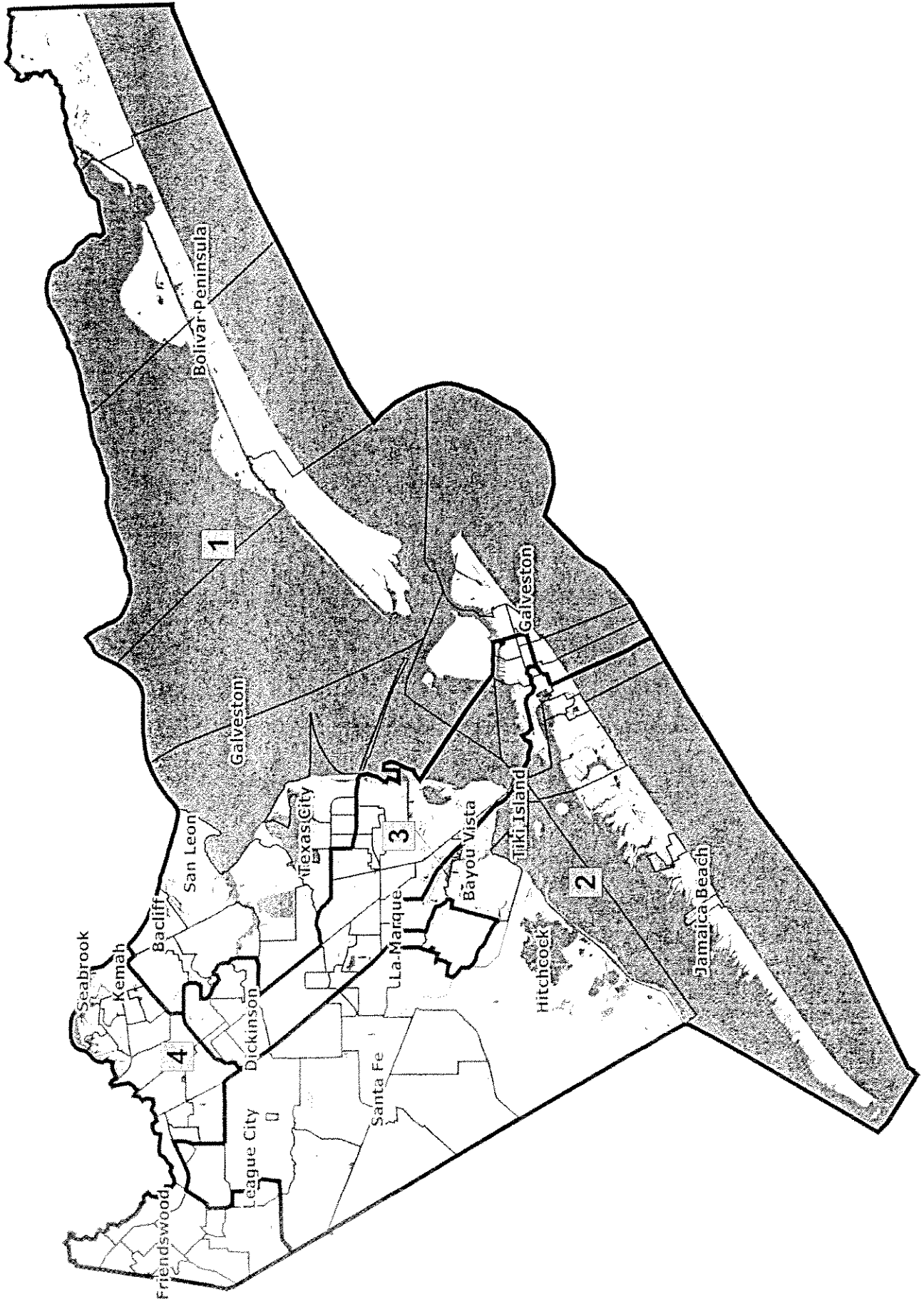


Exhibit D

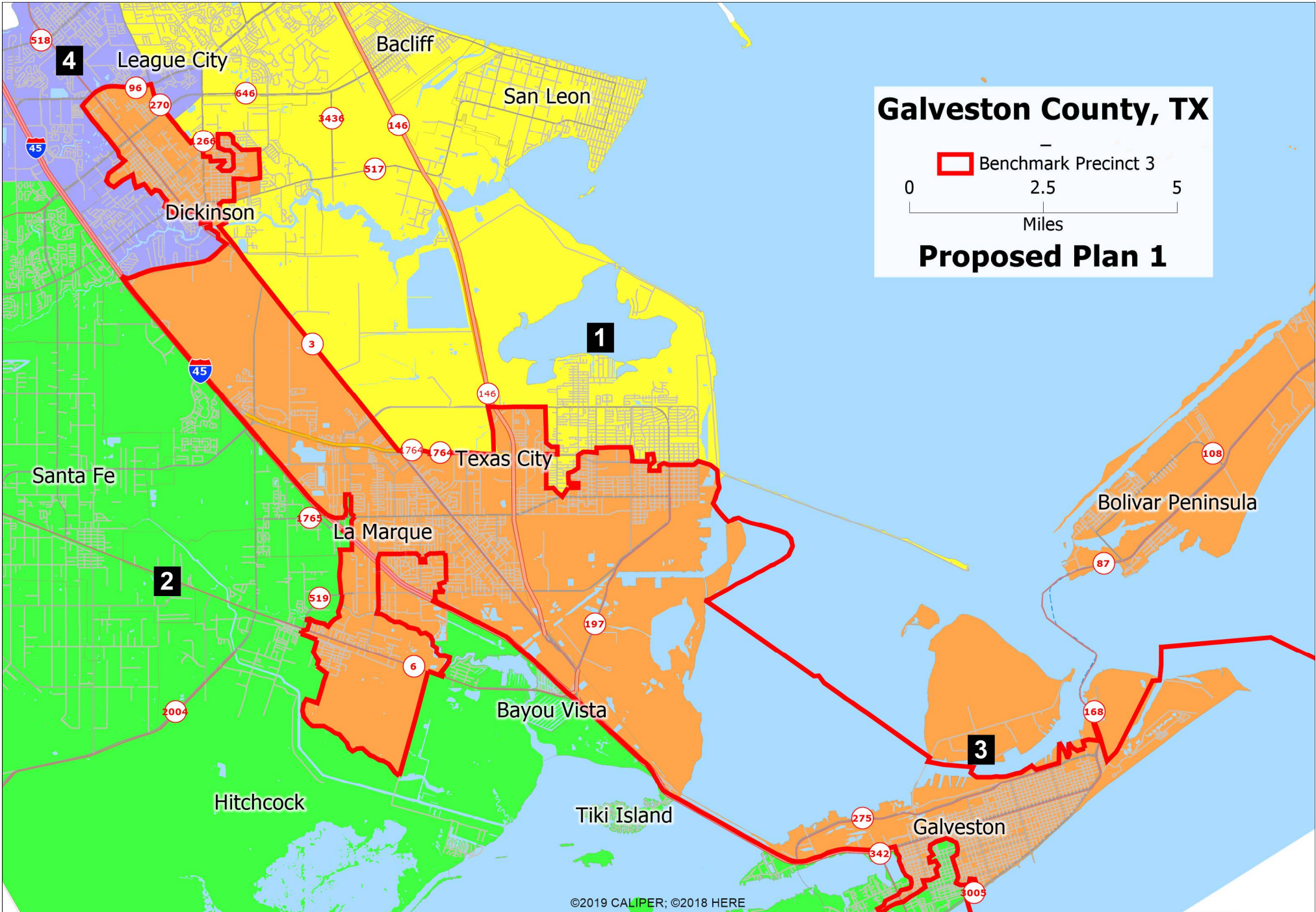


Expert Declaration and Report of William S. Cooper

January 2023

EXHIBIT H

COOPER EXHIBIT H-1



**Population Summary Report (2020 Census) --
Galveston County, TX -- County-Proposed Plan 1**

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	87659	-12	-0.01%	7721	8.81%	7187	8.20%	22516	25.69%	51958	59.27%
2	86431	-1240	-1.41%	8286	9.59%	7756	8.97%	19157	22.16%	53838	62.29%
3	88633	962	1.10%	27485	31.01%	26411	29.80%	29389	33.16%	29075	32.80%
4	87959	288	0.33%	5682	6.46%	5273	5.99%	17574	19.98%	56487	64.22%
Total	350682			49174	14.02%	46627	13.30%	88636	25.28%	191358	54.57%
Ideal District Size		87671									
Total Deviation*			2.51%								

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	66625	4964	7.45%	15017	22.54%	42105	63.20%	19981	29.99%
2	67003	5391	8.05%	13159	19.64%	44041	65.73%	18550	27.69%
3	68547	19856	28.97%	20371	29.72%	25271	36.87%	40227	58.69%
4	65207	3761	5.77%	11612	17.81%	43603	66.87%	15373	23.58%
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	8.04%	20.74%	68.65%	28.78%
2	7.50%	16.16%	72.02%	23.66%
3	30.72%	24.28%	41.73%	55.00%
4	5.74%	15.33%	71.42%	21.07%

Note: Citizen Voting Age Population (CVAP) percentages are disaggregated from block-group level 2016-2020 ACS estimates (with a survey midpoint of July 2018)

NH DOJ 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/maryland-cvap-data-disaggregated-to-the-2020-block-level-2020/>

User:

Plan Name: Galveston_Proposed_Plan 1

Plan Type: Local

Contiguity Report

Sunday, December 18, 2022

2:42 PM

District	Number of Distinct Areas
1	1
2	1
3	1
4	1

User:

Plan Name: Galveston_Proposed_Plan 1

Plan Type: Local

Communities of Interest (Condensed)

Sunday, December 18, 2022

2:46 PM

Whole Town/City : 10

Town/City Splits: 19

Zero Population Town/City Splits: 3

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	3,954	18.97%				
1	Galveston	0	0.00%				
1	Kemah	1,807	100.00%				
1	League City	40,520	36.22%				
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 Beach	1,078	100.00%				
2	La Marque	5,281	29.29%				
2	League City	18,984	16.97%				
2	Santa Fe	12,735	100.00%				
2	Texas City	2,882	5.55%				
2	Tiki Island	1,106	100.00%				
3	Bolivar Peninsula	2,769	100.00%				
3	Dickinson	7,259	34.82%				
3	Galveston	31,503	58.67%				
3	Hitchcock	2,594	35.53%				
3	La Marque	12,749	70.71%				
3	League City	750	0.67%				
3	Texas City	28,076	54.10%				
4	Dickinson	5,612	26.92%				
4	Friendswood	30,495	100.00%				
4	League City	51,611	46.14%				
4	Texas City	0	0.00%				

User:

Plan Name: Galveston_Proposed_Plan 1

Plan Type: Local

Political Subdivison Splits Between Districts

Sunday, December 18, 2022

2:43 PM

Split Counts

Number of subdivisions split into more than one district: Number of splits involving no population:

County	1	County	0
Voting District	8	Voting District	5

Number of times a subdivision is split into multiple districts:

County	3
Voting District	8

County	Voting District	District	Population
<i>Split Counties:</i>			
Galveston TX		1	87,659
Galveston TX		2	86,431
Galveston TX		3	88,633
Galveston TX		4	87,959
<i>Split VTDs:</i>			
Galveston TX	000105	1	0
Galveston TX	000105	3	687
Galveston TX	000144	1	3,954
Galveston TX	000144	3	195
Galveston TX	000192	1	701
Galveston TX	000192	3	965
Galveston TX	000225	2	3,715
Galveston TX	000225	3	0
Galveston TX	000263	2	6,597
Galveston TX	000263	4	5,934
Galveston TX	000301	1	0
Galveston TX	000301	3	2,024
Galveston TX	000334	2	0
Galveston TX	000334	3	2,594
Galveston TX	000453	1	0
Galveston TX	000453	4	9,217

COOPER EXHIBIT H-3D

User:

Plan Name: Galveston_Proposed_Plan 1

Plan Type: Local

Measures of Compactness Report

Sunday, December 18, 2022

2:45 PM

	Reock	Polsby-Popper	Area/Convex Hull	Perimeter
Mean	0.33	0.22	0.67	
Min	0.28	0.14	0.56	
Max	0.39	0.30	0.77	
Std. Dev.	0.05	0.09	0.09	
Sum				429.80

Higher Number is Better

Lower Number is Better

District	Reock	Polsby-Popper	Area/Convex Hull	Perimeter
1	0.30	0.29	0.77	69.35
2	0.39	0.30	0.71	112.75
3	0.28	0.15	0.63	184.70
4	0.34	0.14	0.56	63.00

Measures of Compactness Report

Measures of Compactness Summary

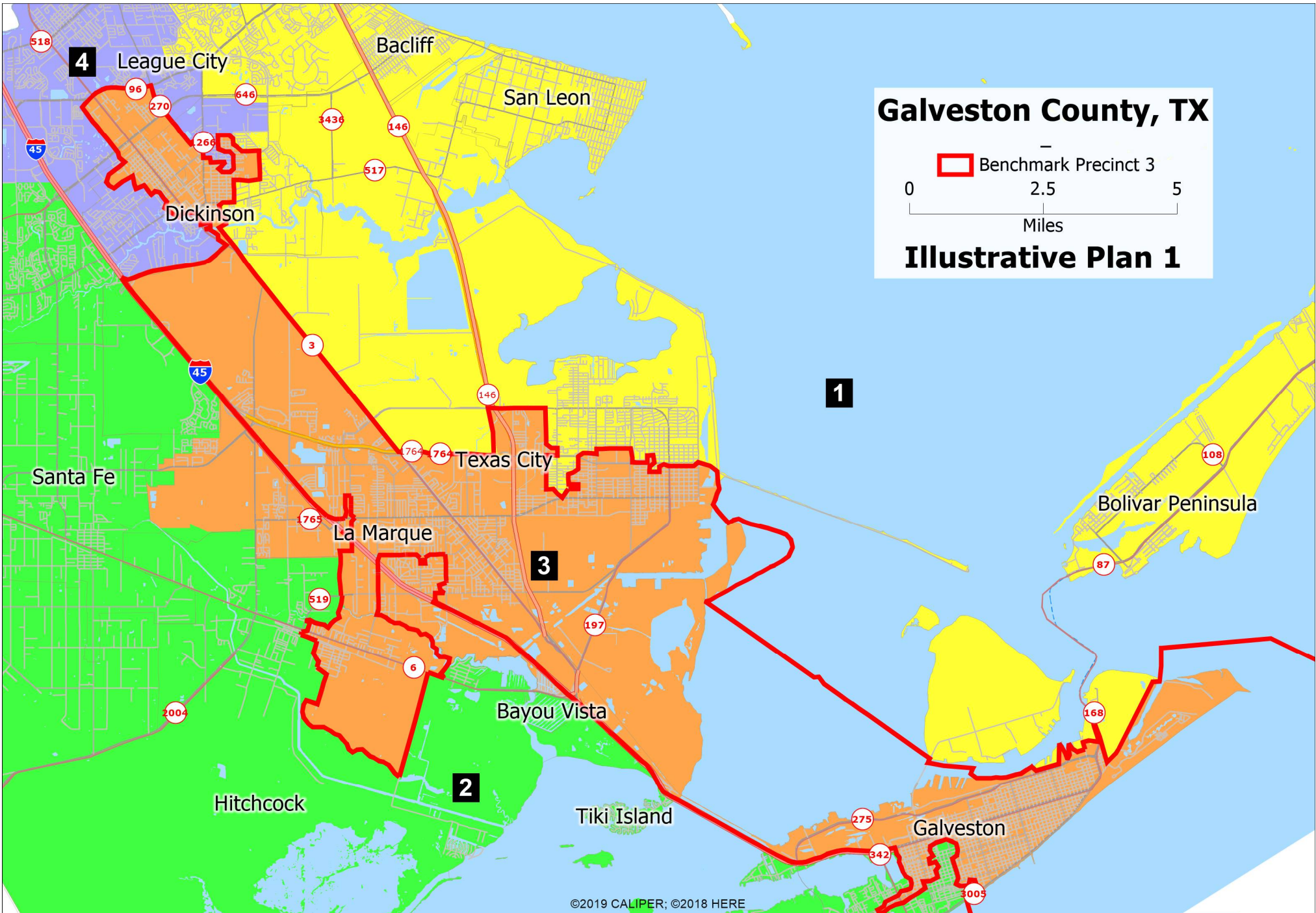
Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.
Area / Convex Hull	The measure is always between 0 and 1, with 1 being the most compact.
Perimeter	The Perimeter test computes one number for the whole plan. If you are comparing several plans, the plan with the smallest total perimeter is the most compact.

Expert Declaration and Report of William S. Cooper

January 2023

EXHIBIT I

COOPER EXHIBIT I-1



COOPER EXHIBIT I-2

**Population Summary Report (2020 Census) --
Galveston County, TX -- Illustrative Plan 1**

District	2020 Population	Deviation	% Deviation	Any Part Black	NH Any Part Black	NH Any Part Black	% NH Any Part Black	Latino	% Latino	NH White	% NH White
1	87336	-335	-0.38%	6935	7.94%	6935	7.94%	22018	25.21%	52404	60.00%
2	87025	-646	-0.74%	7070	8.12%	7070	8.12%	18894	21.71%	55007	63.21%
3	88502	831	0.95%	27281	30.83%	27281	30.83%	29554	33.39%	27919	31.55%
4	87819	148	0.17%	5341	6.08%	5341	6.08%	18170	20.69%	56028	63.80%
Total	350682			46627	13.30%	46627	13.30%	88636	25.28%	191358	54.57%
Ideal District Size		87671									
Total Deviation*		1.69%									

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	67096	4827	7.19%	14806	22.07%	42908	63.95%	19633	29.26%
2	67208	4890	7.28%	12963	19.29%	44709	66.52%	17853	26.57%
3	67809	20427	30.12%	20412	30.10%	23941	35.31%	40839	60.22%
4	65269	3828	5.86%	11978	18.35%	43462	66.59%	15806	24.21%
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	8.13%	20.56%	68.65%	28.70%
2	7.34%	15.68%	72.02%	23.02%
3	31.56%	25.04%	41.73%	56.60%
4	5.48%	15.32%	71.42%	20.80%

Note: Citizen Voting Age Population (CVAP) percentages are disaggregated from block-group level 2016-2020 ACS estimates (with a survey midpoint of July 2018)

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/maryland-cvap-data-disaggregated-to-the-2020-block-level-2020/>

User:

Plan Name: Illustrative_Plan_1_Galveston

Plan Type: Local

Contiguity Report

Sunday, December 18, 2022

4:02 PM

District	Number of Distinct Areas
1	1
2	1
3	1
4	1

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%				

User:

Plan Name: Illustrative_Plan_1_Galveston

Plan Type: Local

Political Subdivision Splits Between Districts

Sunday, December 18, 2022

3:48 PM

Split Counts

Number of subdivisions split into more than one district: Number of splits involving no population:

County	1	County	0
Voting District	12	Voting District	12

Number of times a subdivision is split into multiple districts:

County	3
Voting District	13

County	Voting District	District	Population
<i>Split Counties:</i>			
Galveston TX		1	87,336
Galveston TX		2	87,025
Galveston TX		3	88,502
Galveston TX		4	87,819
<i>Split VTDs:</i>			
Galveston TX	000225	2	3,715
Galveston TX	000225	3	0
Galveston TX	000276	2	3,095
Galveston TX	000276	3	0
Galveston TX	000311	1	0
Galveston TX	000311	3	4,883
Galveston TX	000334	2	0
Galveston TX	000334	3	2,594
Galveston TX	000338	1	0
Galveston TX	000338	3	9,063
Galveston TX	000399	3	733
Galveston TX	000399	4	0
Galveston TX	000453	1	0
Galveston TX	000453	3	0
Galveston TX	000453	4	9,217
Galveston TX	000454	3	0
Galveston TX	000454	4	7,221
Galveston TX	000482	2	0
Galveston TX	000482	4	407
Galveston TX	000488	2	0
Galveston TX	000488	4	6,205
Galveston TX	000490	1	3,594
Galveston TX	000490	4	4,098
Galveston TX	001051	1	824
Galveston TX	001051	3	0

COOPER EXHIBIT I-3D

User:

Plan Name: Illustrative_Plan_1_Galveston

Plan Type: Local

Measures of Compactness Report

Sunday, December 18, 2022

4:04 PM

	Reock	Polsby-Popper	Area/Convex Hull	Perimeter
Sum	N/A	N/A	N/A	447.94
Min	0.17	0.11	0.51	N/A
Max	0.37	0.29	0.69	N/A
Mean	0.29	0.19	0.61	N/A
Std. Dev.	0.09	0.09	0.09	N/A

District	Reock	Polsby-Popper	Area/Convex Hull	Perimeter
1	0.28	0.24	0.69	147.82
2	0.37	0.29	0.69	113.68
3	0.17	0.11	0.51	116.97
4	0.34	0.12	0.55	69.47

Measures of Compactness Report

Measures of Compactness Summary

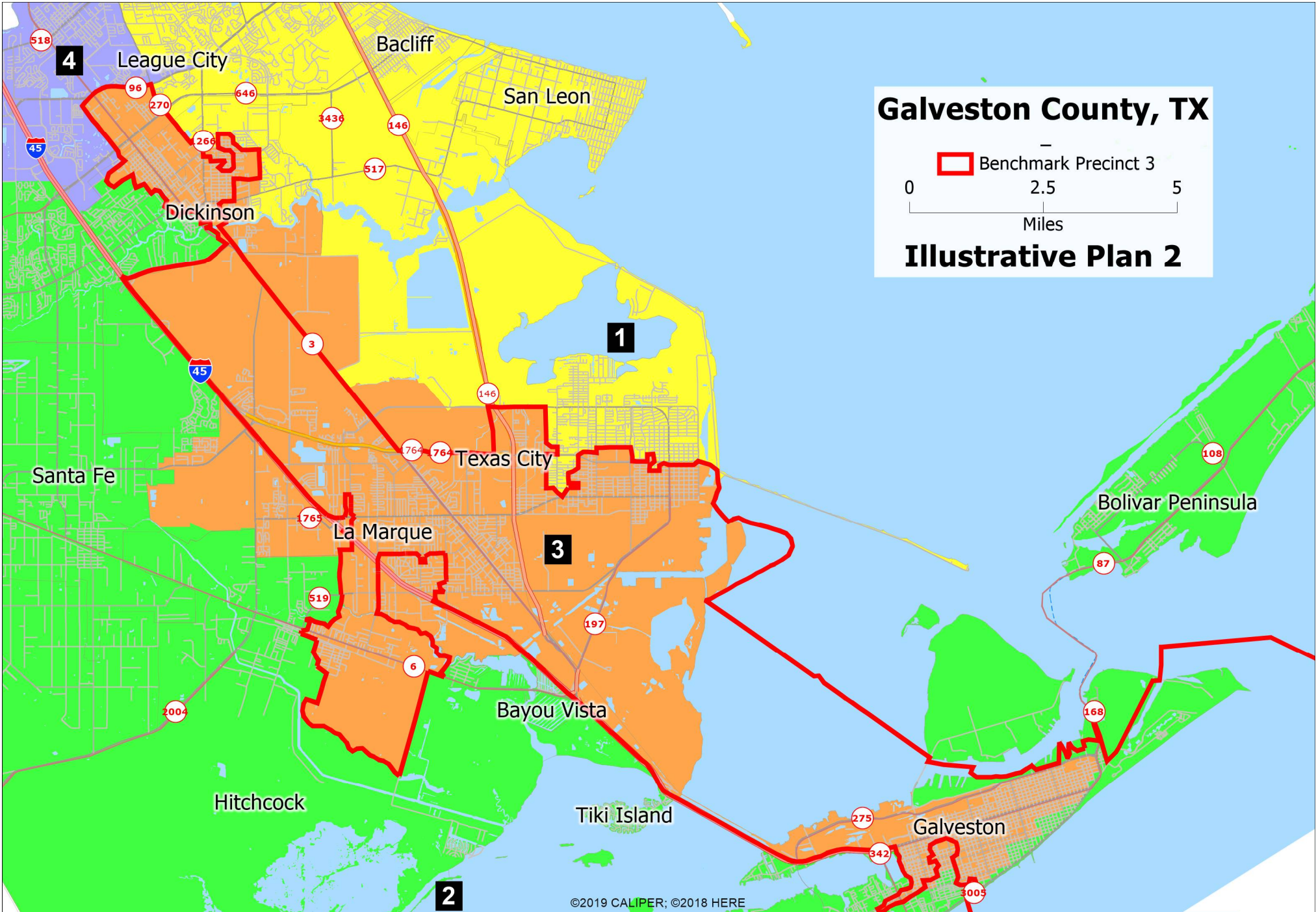
Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.
Area / Convex Hull	The measure is always between 0 and 1, with 1 being the most compact.
Perimeter	The Perimeter test computes one number for the whole plan. If you are comparing several plans, the plan with the smallest total perimeter is the most compact.

Expert Declaration and Report of William S. Cooper

January 2023

EXHIBIT J

COOPER EXHIBIT J-1



COOPER EXHIBIT J-2

**Population Summary Report (2020 Census) --
Galveston County, TX -- Illustrative Plan 2**

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	87674	3	0.00%	7864	8.97%	7321	8.35%	22604	25.78%	51710	58.98%
2	87402	-269	-0.31%	7876	9.01%	7371	8.43%	19128	21.89%	55343	63.32%
3	87899	228	0.26%	28001	31.86%	26894	30.60%	29964	34.09%	27603	31.40%
4	87707	36	0.04%	5433	6.19%	5041	5.75%	16940	19.31%	56702	64.65%
Total	350682			49174	14.02%	46627	13.30%	88636	25.28%	191358	54.57%

Ideal District Size 87671

Total Deviation* 0.57%

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	66553	5056	7.60%	15049	22.61%	41881	62.93%	20105	30.21%
2	69368	5178	7.46%	13272	19.13%	46424	66.92%	18450	26.59%
3	67026	20122	30.02%	20656	30.82%	23516	35.08%	40778	60.84%
4	64435	3616	5.61%	11182	17.35%	43199	67.04%	14798	22.96%
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	8.51%	20.73%	68.06%	28.87%
2	6.42%	16.31%	73.16%	23.50%
3	31.35%	25.16%	40.46%	55.84%
4	6.42%	14.45%	71.26%	20.81%

Note: Citizen Voting Age Population (CVAP) percentages are disaggregated from block-group level 2016-2020 ACS estimates (with a survey midpoint of July 2018)

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/maryland-cvap-data-disaggregated-to-the-2020-block-level-2020/>

User:

Plan Name: Illustrative_Plan_2_Galveston

Plan Type: Local

Contiguity Report

Sunday, December 18, 2022

4:16 PM

District	Number of Distinct Areas
1	1
2	1
3	1
4	1

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%				

User:

Plan Name: **Illustrative_Plan_2_Galveston**

Plan Type: **Local**

Political Subdivison Splits Between Districts

Sunday, December 18, 2022

4:18 PM

Split Counts

Number of subdivisions split into more than one district: Number of splits involving no population:

County	1	County	0
Voting District	9	Voting District	0

Number of times a subdivision is split into multiple districts:

County	3
Voting District	9

County	Voting District	District	Population
<i>Split Counties:</i>			
Galveston TX		1	87,674
Galveston TX		2	87,402
Galveston TX		3	87,899
Galveston TX		4	87,707
<i>Split VTDs:</i>			
Galveston TX	000144	1	2,927
Galveston TX	000144	3	1,222
Galveston TX	000172	1	743
Galveston TX	000172	3	326
Galveston TX	000192	1	832
Galveston TX	000192	3	834
Galveston TX	000218	2	2,439
Galveston TX	000218	3	2,189
Galveston TX	000306	2	2,479
Galveston TX	000306	3	5,539
Galveston TX	000311	2	11
Galveston TX	000311	3	4,872
Galveston TX	000314	2	797
Galveston TX	000314	3	5,407
Galveston TX	000315	2	1,381
Galveston TX	000315	3	4,470
Galveston TX	000453	1	1,237
Galveston TX	000453	4	7,980

COOPER EXHIBIT J-3D

User:

Plan Name: Illustrative_Plan_2_Galveston

Plan Type: Local

Measures of Compactness Report

Sunday, December 18, 2022

4:17 PM

	Reock	Polsby-Popper	Area/Convex Hull	Perimeter
Mean	0.28	0.18	0.65	
Min	0.20	0.11	0.60	
Max	0.39	0.24	0.74	
Std. Dev.	0.08	0.06	0.06	
Sum				449.87

Higher Number is Better

Lower Number is Better

District	Reock	Polsby-Popper	Area/Convex Hull	Perimeter
1	0.27	0.24	0.74	73.14
2	0.25	0.15	0.64	229.65
3	0.20	0.11	0.60	95.76
4	0.39	0.20	0.62	51.32

Measures of Compactness Report

Measures of Compactness Summary

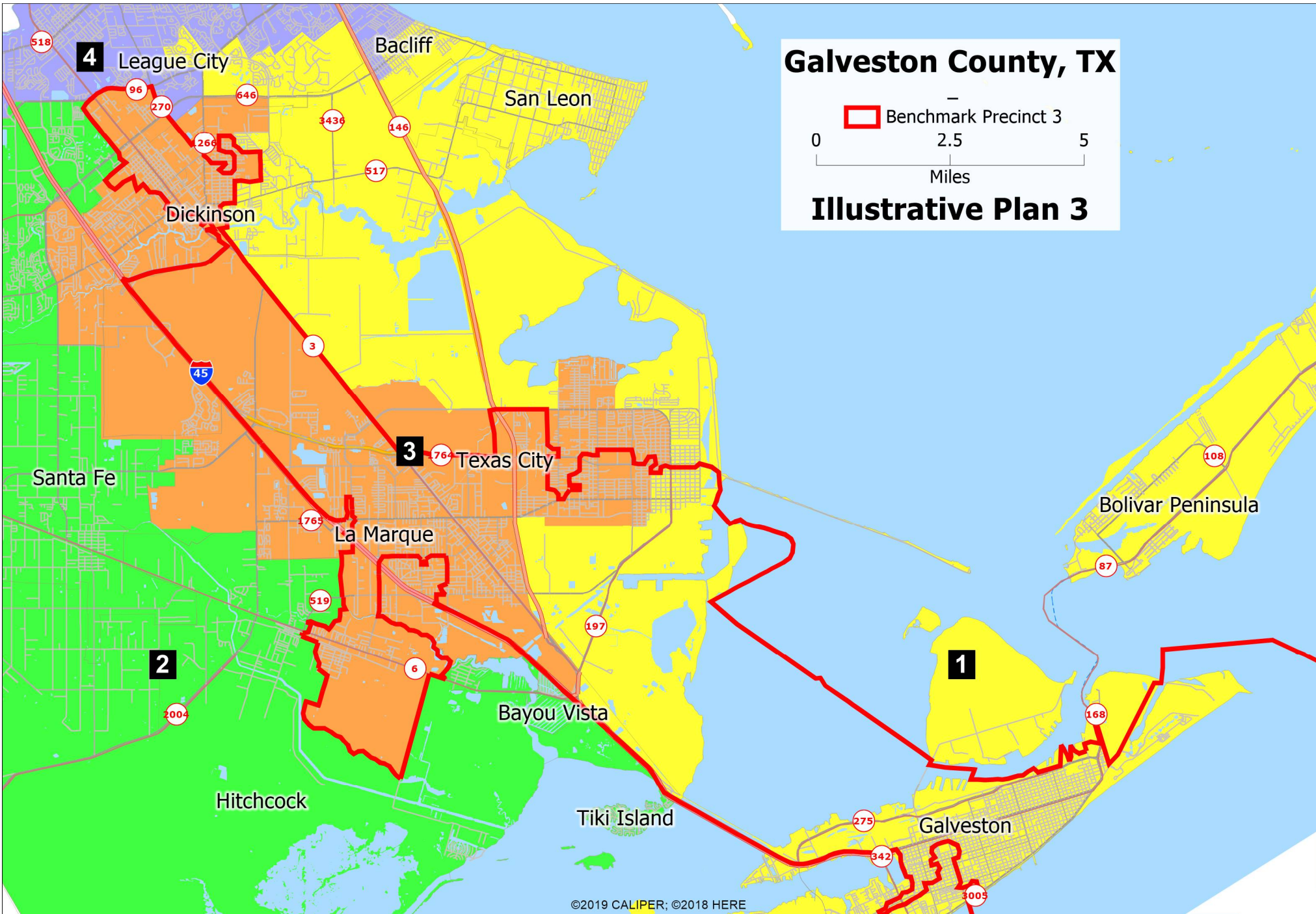
Reock	The measure is always between 0 and 1, with 1 being the most compact.
Polsby-Popper	The measure is always between 0 and 1, with 1 being the most compact.
Area / Convex Hull	The measure is always between 0 and 1, with 1 being the most compact.
Perimeter	The Perimeter test computes one number for the whole plan. If you are comparing several plans, the plan with the smallest total perimeter is the most compact.

Expert Declaration and Report of William S. Cooper

January 2023

EXHIBIT K

COOPER EXHIBIT K-1



COOPER EXHIBIT K-2

**Population Summary Report (2020 Census) --
Galveston County, TX -- Illustrative Plan 3**

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	88189	518	0.59%	13323	15.11%	12650	14.34%	25071	28.43%	44979	51.00%
2	89190	1519	1.73%	5126	5.75%	4782	5.36%	16837	18.88%	60239	67.54%
3	87208	-463	-0.53%	24840	28.48%	23772	27.26%	28885	33.12%	30870	35.40%
4	86095	-1576	-1.80%	5885	6.84%	5423	6.30%	17843	20.72%	55270	64.20%
Total	350682			49174	14.02%	46627	13.30%	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	70936	9424	13.29%	17823	25.13%	39158	55.20%	27247	38.42%
2	66812	3306	4.95%	11162	16.71%	46954	70.28%	14468	21.66%
3	64741	17413	26.90%	19267	29.76%	25238	38.98%	36680	56.66%
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	14.56%	21.85%	56.53%	36.40%
2	4.74%	14.57%	72.55%	19.31%
3	28.23%	24.12%	39.03%	52.34%
4	5.62%	16.37%	69.55%	21.99%

Note: Citizen Voting Age Population (CVAP) percentages are disaggregated from block-group level 2016-2020 ACS estimates (with a survey midpoint of July 2018)

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/maryland-cvap-data-disaggregated-to-the-2020-block-level-2020/>

User:

Plan Name: Illustrative_Plan_3_Galveston

Plan Type: Local

Contiguity Report

Sunday, December 18, 2022

4:20 PM

District	Number of Distinct Areas
1	1
2	1
3	1
4	1

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%				

User:

Plan Name: Illustrative_Plan_3_Galveston

Plan Type: Local

Political Subdivision Splits Between Districts

Wednesday, January 4, 2023

3:17 PM

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	88,189
Galveston TX		2	89,190
Galveston TX		3	87,208
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 EXHIBIT K-3D

User:

Plan Name: Illustrative_Plan_3_Galveston

Plan Type: Local

Measures of Compactness Report

Wednesday, January 4, 2023

3:24 PM

	Reock	Polsby-Popper	Area/Convex Hull	Perimeter
Mean	0.27	0.20	0.64	
Min	0.21	0.13	0.52	
Max	0.35	0.24	0.74	
Std. Dev.	0.06	0.05	0.10	
Sum				393.22

Higher Number is Better

Lower Number is Better

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	0.35	0.18	0.60	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.

Expert Declaration and Report of William S. Cooper

January 2023

EXHIBIT L

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 DEFS0001 1898. This map has a lower population deviation than Map Proposal 1 which had a population deviation of 2.5%. See DEFS0001 1898. 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

[SLIP SHEET]

The following exhibits have been produced in native format.

EXHIBIT M

Illustrative Map 1 Shapefile

EXHIBIT N

Illustrative Map 2 Shapefile

EXHIBIT O

Illustrative Map 3 Shapefile

Exhibit 4

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		

Table 3: Galveston County Ecological Inference (EI) Candidate Choice Confidence Intervals (CVAP)

Year	Office	Candidate	[LOWER] EI - Anglo (CVAP)	[UPPER] EI - Anglo (CVAP)	[LOWER] EI - Non- Anglo (CVAP)	[UPPER] EI - Non- Anglo (CVAP)	[LOWER] EI - Anglo (CVAP)	[UPPER] EI - Anglo (CVAP)	[LOWER] EI - Hispanic (CVAP)	[UPPER] EI - Hispanic (CVAP)	[LOWER] EI - Black (CVAP)	[UPPER] EI - Black (CVAP)	
2022	Attorney General	Paxton	84.1	87.4	13.1	20.1	84.4	87.1	22.0	46.2	0.4	1.7	
		Garza	12.8	16.2	79.2	86.2	12.8	15.7	49.1	79.2	98.0	99.7	
	County Judge	Henry	86.1	89.2	15.1	21.1	85.6	88.8	16.8	42.1	0.3	2.3	
		King	10.8	13.8	78.7	84.8	11.2	14.2	58.6	79.9	99.5	99.7	
	Governor	Abbott	84.6	87.2	14.2	20.6	84.8	87.9	21.2	48.4	0.3	0.6	
		O'Rourke	12.2	15.5	79.7	85.9	12.5	15.5	53.0	78.6	98.8	99.7	
	Lt. Governor	Patrick	83.8	87.1	13.8	19.7	83.9	87.0	17.8	45.8	0.4	2.3	
		Collier	13.1	16.3	79.8	86.2	13.2	16.1	48.9	78.6	99.3	99.6	
	U.S. House of Reps, District #14	Weber	85.9	89.1	16.1	22.4	86.0	88.9	20.7	43.6	0.3	0.8	
		Williams	11.4	14.6	77.5	84.3	11.1	14.0	58.0	78.8	99.4	99.8	
	District 122 Judge	Jones	86.1	88.6	15.4	21.1	86.1	89.2	19.3	39.2	0.3	1.0	
		Walsdorf	11.5	14.3	79.3	84.6	10.7	13.9	61.9	80.6	99.4	99.8	
	District Attorney	Roady	86.2	89.7	17.4	23.3	86.7	89.5	17.4	39.5	0.6	2.2	
		Dragony	9.8	13.6	77.2	83.2	10.0	13.3	58.3	81.2	98.7	99.6	
	2020	County Sheriff	Trochesset	86.7	89.3	13.4	18.7	87.0	89.5	16.8	35.4	0.3	0.7
			Salinas	10.7	13.5	82.0	86.2	10.7	13.9	64.1	83.0	99.2	99.7
President		Trump	84.0	87.5	11.5	18.4	83.4	87.0	20.4	48.1	0.3	1.0	
		Biden	12.9	16.4	81.0	87.6	12.7	16.0	51.6	78.7	99.4	99.7	
U.S. Senate		Cornyn	85.6	88.4	13.5	19.8	85.5	88.8	16.8	38.7	0.3	1.2	
		Hegar	11.3	14.5	80.6	86.9	11.5	14.4	57.9	80.5	98.0	99.7	

	U.S. House of Reps, District #14	Weber	86.1	88.8	14.1	20.3	86.3	89.3	18.4	39.7	0.5	1.2	
		Bell	10.6	14.2	79.6	85.3	10.9	14.1	60.1	81.0	96.7	99.5	
	District 405 Judge	Robinson	86.2	89.0	14.1	20.0	86.0	89.1	19.4	38.4	0.5	3.0	
		Hudson	10.9	14.4	80.4	85.9	11.4	14.3	64.9	80.6	98.3	99.6	
	District 56 Judge	Cox	86.8	89.8	14.8	21.7	86.4	90.1	17.6	38.3	0.4	1.4	
		Lindsey	10.1	12.9	78.8	84.4	10.2	13.9	57.8	80.6	98.1	99.7	
2018	Attorney General	Paxton	83.4	85.7	8.0	14.0	83.2	85.6	9.0	22.1	0.5	1.0	
		Nelson	14.1	16.8	86.0	91.5	14.3	16.4	77.2	90.8	97.8	99.4	
	Governor	Abbott	87.7	90.6	13.7	19.4	87.8	90.3	9.6	23.9	0.2	1.6	
		Valdez	9.7	12.4	81.7	86.7	9.8	12.5	78.9	90.1	99.0	99.9	
	Lt. Governor	Patrick	84.4	86.7	9.9	14.2	84.0	86.6	9.0	24.2	0.4	2.1	
		Collier	13.2	16.0	85.4	90.3	13.4	16.0	75.1	91.3	99.0	99.6	
	U.S. Senate	Cruz	82.8	85.3	9.0	13.6	82.7	85.5	9.1	24.3	0.5	2.1	
O'Rourke		14.4	17.2	86.6	90.6	14.2	16.7	77.3	92.1	99.2	99.6		
U.S. House of Reps, District #14	Weber	85.0	87.7	9.9	15.6	85.3	87.8	9.1	20.7	0.3	2.2		
	Bell	12.2	14.8	84.3	89.8	12.1	14.8	77.9	89.9	97.7	99.7		
2016	President	Trump	85.8	88.1	11.0	16.0	85.0	88.2	10.5	24.7	0.2	2.5	
		Clinton	12.1	14.7	84.2	89.7	11.9	14.9	73.6	90.1	99.3	99.7	
	Supreme Court Justice, Position #5	Green	86.7	89.4	12.6	18.0	87.0	89.4	9.9	22.3	0.3	0.8	
		Garza	10.2	13.3	81.5	86.5	10.7	12.9	77.8	90.5	98.9	99.6	
U.S. House of Reps, District #14	Weber	87.1	89.7	13.4	19.1	87.5	90.0	11.9	22.8	0.1	0.7		
	Cole	10.2	13.0	80.1	86.7	10.3	13.1	76.5	87.9	99.6	99.8		

	District 10 Judge	Neves	87.5	89.8	13.5	18.7	87.6	90.3	11.5	25.7	0.2	0.7	
		Walker	9.8	12.2	81.4	86.9	9.8	12.3	74.5	90.6	99.6	99.8	
2014	Attorney General	Paxton	84.8	87.8	16.2	22.0	84.9	87.9	10.9	26.2	0.1	1.6	
		Houston	11.8	15.2	77.9	83.7	11.9	15.1	76.0	89.2	99.0	99.8	
	County Commissioner, Precinct #4	Clark	82.0	92.1	30.5	62.4	81.3	91.1	33.3	40.5	0.0	26.2	
		Hutchins	8.1	20.6	39.3	69.8	6.7	18.2	59.6	67.0	77.3	99.8	
	Governor	Abbott	84.0	87.3	14.2	20.0	84.5	87.2	8.9	23.5	0.1	0.4	
		Davis	13.2	15.4	79.2	85.8	12.9	15.9	77.3	90.1	98.5	99.9	
	Lt. Governor	Patrick	84.7	87.4	13.0	19.1	84.6	87.6	8.5	22.1	0.1	0.5	
		Van De Putte	12.1	15.3	80.9	85.6	12.4	15.4	76.9	90.2	99.1	99.9	
	U.S. Senate	Cornyn	87.7	90.4	18.6	26.2	87.7	90.2	10.1	23.3	0.9	3.3	
		Alameel	9.2	12.4	74.6	81.1	9.5	12.5	79.0	88.9	96.7	99.0	
	Supreme Court Justice, Position #7	Boyd	85.4	88.4	15.2	22.1	85.5	88.4	9.9	20.5	0.1	0.4	
	Benavides	11.2	14.6	78.8	84.7	11.8	15.0	79.2	89.4	99.4	99.9		
U.S. House of Reps, District #14	Weber	86.6	89.3	17.2	23.4	86.8	89.7	10.7	23.3	0.4	2.6		
	Brown	10.5	13.4	77.0	83.2	10.6	13.5	77.2	90.2	96.9	99.3		

Table 4: Galveston County Ecological Inference (EI) Candidate Choice Confidence Intervals (SSTO)

Year	Office	Candidate	[LOWER] EI - Spanish Surname (SSTO)	[UPPER] EI - Spanish Surname (SSTO)
2022	Attorney General	Paxton	10.0	40.4
		Garza	59.5	90.6
	County Judge	Henry	27.1	37.7
		King	63.8	73.0
	Governor	Abbott	34.3	41.0
		O'Rourke	58.0	64.8
	Lt. Governor	Patrick	8.9	44.8
		Collier	56.0	91.4
	U.S. House of Reps, District #14	Weber	25.1	38.5
		Williams	61.9	76.2
District 122 Judge	Jones	24.7	37.6	
	Walsdorf	63.5	75.8	
District Attorney	Roady	24.3	36.4	
	Dragony	63.2	75.9	
2020	County Sheriff	Trochesset	37.1	46.2
		Salinas	54.4	62.8
	President	Trump	5.3	45.3
		Biden	57.6	94.7
U.S. Senate	Cornyn	30.2	41.4	
	Hegar	60.9	70.6	

	U.S. House of Reps, District #14	Weber	37.0	43.7
		Bell	55.7	61.6
	District 405 Judge	Robinson	27.6	40.8
		Hudson	59.1	74.6
	District 56 Judge	Cox	27.5	41.2
		Lindsey	58.4	72.3
2018	Attorney General	Paxton	7.5	17.7
		Nelson	82.1	93.3
	Governor	Abbott	22.9	34.5
		Valdez	65.4	78.2
	Lt. Governor	Patrick	7.1	29.8
		Collier	72.4	93.4
	U.S. Senate	Cruz	5.6	30.5
O'Rourke		75.8	92.5	
U.S. House of Reps, District #14	Weber	7.6	15.0	
	Bell	84.8	92.3	
2016	President	Trump	0.0	1.1
		Clinton	86.6	99.9
	Supreme Court Justice, Position #5	Green	27.0	31.6
		Garza	91.2	99.8
	U.S. House of Reps, District #14	Weber	28.5	34.5
Cole		65.0	72.4	

	District 10 Judge	Neves	29.0	34.2
		Walker	65.4	70.7
2014	Attorney General	Paxton	15.3	17.3
		Houston	82.7	84.5
	County Commissioner, Precinct #4	Clark	0.0	0.2
		Hutchins	70.2	99.8
	Governor	Abbott	13.7	18.4
		Davis	81.9	87.0
	Lt. Governor	Patrick	12.6	16.5
		Van De Putte	83.6	87.6
	U.S. Senate	Cornyn	11.0	17.5
		Alameel	83.2	89.0
	Supreme Court Justice, Position #7	Boyd	13.3	14.1
	Benavides	84.0	86.6	
U.S. House of Reps, District #14	Weber	11.2	16.7	
	Brown	83.6	88.4	

Table 5: Galveston County Ecological Inference (EI) Candidate Choice Confidence Intervals (Estimated Actual Vote)

Year	Office	Candidate	[LOWER] EI - Anglo Voters	[UPPER] EI - Anglo Voters	[LOWER] EI - Hispanic Voters	[UPPER] EI - Hispanic Voters	[LOWER] EI - Black Voters	[UPPER] EI - Black Voters	
2022	Attorney General	Paxton	79.4	81.4	12.0	39.2	0.3	1.7	
		Garza	18.5	20.4	56.6	86.8	97.9	99.7	
	County Judge	Henry	81.6	83.6	12.3	42.3	0.3	2.1	
		King	16.5	18.6	61.4	86.3	99.4	99.7	
	Governor	Abbott	79.9	81.7	20.0	41.5	0.3	0.7	
		O'Rourke	18.2	20.2	52.8	86.0	99.1	99.6	
	Lt. Governor	Patrick	79.3	81.3	12.7	41.5	0.0	0.7	
		Collier	18.7	20.7	56.5	85.9	97.5	99.5	
	U.S. House of Reps, District #14	Weber	81.4	83.4	12.9	44.8	0.3	0.6	
		Williams	16.2	18.3	59.1	87.9	98.3	99.7	
	District 122 Judge	Jones	81.2	83.4	13.9	39.8	0.3	2.3	
		Walsdorf	16.6	19.0	64.0	86.3	97.8	99.6	
	District Attorney	Roady	82.4	84.8	15.2	34.5	0.5	1.1	
		Dragony	15.2	17.6	63.4	85.4	97.5	99.4	
	2020	County Sheriff	Trochesset	81.7	84.1	10.9	34.3	0.1	0.9
			Salinas	16.0	18.3	64.1	87.3	98.0	99.7
President		Trump	79.1	81.4	23.7	25.8	0.4	1.6	
		Biden	18.6	20.5	74.4	76.3	98.9	99.5	
U.S. Senate		Cornyn	81.1	83.4	14.1	34.9	0.3	0.7	
		Hegar	16.4	18.6	69.2	86.4	99.4	99.7	

	U.S. House of Reps, District #14	Weber	81.8	84.0	10.6	35.2	0.4	2.8
		Bell	15.8	18.2	59.7	88.1	98.8	99.5
	District 405 Judge	Robinson	81.7	83.5	13.3	37.6	0.3	0.6
		Hudson	16.5	18.5	64.6	88.8	98.9	99.6
District 56 Judge	Cox	82.9	84.9	16.0	37.7	0.6	1.7	
	Lindsey	15.0	17.3	59.8	84.1	98.8	99.4	
2018	Attorney General	Paxton	78.4	80.3	13.7	14.4	0.7	2.7
		Nelson	19.6	21.7	85.6	86.0	99.0	99.4
	Governor	Abbott	83.7	85.8	9.2	24.0	0.3	1.4
		Valdez	14.0	16.0	74.7	92.9	97.5	99.9
	Lt. Governor	Patrick	79.5	81.9	7.0	25.2	0.3	1.4
		Collier	18.5	20.4	76.8	93.0	98.3	99.7
	U.S. Senate	Cruz	78.5	80.3	5.9	27.7	0.5	1.4
O'Rourke		19.3	21.3	75.8	92.5	97.7	99.6	
U.S. House of Reps, District #14	Weber	81.2	82.7	8.5	24.0	0.2	1.4	
	Bell	17.1	19.3	76.7	93.2	99.3	99.8	
2016	President	Trump	79.9	81.3	8.1	26.6	0.4	1.0
		Clinton	18.7	20.1	71.4	92.3	99.6	99.8
	Supreme Court Justice, Position #5	Green	82.1	83.6	8.3	25.1	0.1	1.0
		Garza	16.4	17.9	75.3	92.0	99.4	99.9
	U.S. House of Reps, District #14	Weber	82.1	83.8	8.9	25.5	0.0	0.2
		Cole	16.4	17.3	77.3	91.2	99.7	99.8
District 10 Judge	Neves	82.7	84.0	8.1	30.3	0.0	0.1	

		Walker	16.1	17.8	71.5	92.0	99.7	99.8
2014	Attorney General	Paxton	81.6	83.3	7.6	22.3	0.1	0.5
		Houston	16.7	18.9	75.6	93.3	99.5	99.9
	County Commissioner, Precinct #4	Clark	86.5	87.4	33.6	41.5	0.0	0.2
		Hutchins	12.2	13.4	57.3	67.2	98.2	99.9
	Governor	Abbott	80.5	82.4	5.0	22.7	0.0	0.0
		Davis	17.7	19.5	79.8	93.5	99.8	100.0
	Lt. Governor	Patrick	80.9	83.0	6.0	21.1	0.1	1.6
		Van De Putte	17.2	18.9	76.5	96.4	99.9	99.9
	U.S. Senate	Cornyn	83.9	86.3	5.9	17.0	0.1	0.5
		Alameel	13.8	16.0	80.6	93.5	99.6	99.9
Supreme Court Justice, Position #7	Boyd	81.3	83.6	7.0	23.3	0.1	1.5	
	Benavides	16.5	18.4	77.2	93.1	98.9	99.9	
U.S. House of Reps, District #14	Weber	83.0	85.5	5.6	23.4	0.1	0.5	
	Brown	14.8	16.6	80.1	94.5	99.1	99.9	

Table 6: Galveston County EI Rows by Columns (RxC) Candidate Choice Confidence Intervals (CVAP)

Year	Office	Candidate	[LOWER] RxC - Anglo (CVAP)	[UPPER] RxC - Anglo (CVAP)	[LOWER] RxC - Non- Anglo (CVAP)	[UPPER] RxC - Non- Anglo (CVAP)	[LOWER] RxC - Anglo (CVAP)	[UPPER] RxC - Anglo (CVAP)	[LOWER] RxC - Hispanic (CVAP)	[UPPER] RxC - Hispanic (CVAP)	[LOWER] RxC - Black (CVAP)	[UPPER] RxC - Black (CVAP)	
2022	Attorney General	Paxton	82.7	88.7	10.7	22.7	78.1	86.1	19.3	47.1	3.1	13.7	
		Garza	11.3	17.3	77.3	89.3	13.9	21.9	52.9	80.7	86.3	96.9	
	County Judge	Henry	84.4	89.8	13.4	24.4	80.5	87.4	22.4	46.4	3.1	12.8	
		King	10.2	15.6	75.6	86.6	12.6	19.5	53.6	77.6	87.2	96.9	
	Governor	Abbott	83.0	88.7	11.3	22.9	78.7	86.1	21.3	47.9	2.7	12.7	
		O'Rourke	11.3	17.0	77.1	88.6	13.9	21.3	52.1	78.6	87.4	97.3	
	Lt. Governor	Patrick	82.9	88.4	10.7	21.9	78.1	85.1	20.5	44.9	3.4	14.1	
		Collier	11.6	17.1	78.1	89.3	14.9	21.9	55.1	79.5	85.9	96.6	
	U.S. House of Reps, District #14	Weber	83.7	89.9	13.4	26.0	79.6	87.6	24.4	50.4	3.0	11.9	
		Williams	10.1	16.3	74.0	86.6	12.3	20.4	49.6	75.6	88.0	97.0	
	District 122 Judge	Jones	84.5	89.8	13.0	24.0	80.9	87.6	21.4	46.2	2.9	12.8	
		Walsdorf	10.2	15.5	76.0	87.0	12.4	19.1	53.8	78.6	87.2	97.1	
	District Attorney	Roady	84.8	90.6	15.0	26.7	81.4	88.3	25.2	51.0	3.4	13.9	
		Dragony	9.4	15.2	73.3	85.0	11.7	18.6	49.0	74.8	86.1	96.6	
	2020	County Sheriff	Trochesset	85.1	90.6	11.0	21.6	81.5	88.9	17.8	42.0	3.3	13.4
			Salinas	9.4	14.9	78.3	89.0	11.1	18.5	58.0	82.2	86.6	96.7
President		Trump	83.2	88.4	9.7	19.5	77.4	85.9	17.9	45.1	3.1	13.3	
		Biden	11.6	16.8	80.5	90.3	14.1	22.6	54.9	82.1	86.7	96.9	
U.S. Senate		Cornyn	84.3	89.7	11.8	22.2	79.4	87.7	18.7	46.8	3.0	13.0	
	Hegar	10.3	15.7	77.8	88.2	12.3	20.6	53.2	81.3	87.0	97.0		

	U.S. House of Reps, District #14	Weber	84.9	90.0	12.6	22.4	82.0	88.1	18.8	41.3	3.2	13.1	
		Bell	10.0	15.1	77.6	87.4	11.9	18.0	58.7	81.2	86.9	96.8	
	District 405 Judge	Robinson	84.6	90.0	11.8	22.1	81.6	88.1	19.3	41.2	3.0	12.2	
		Hudson	10.0	15.4	77.8	88.2	11.9	18.4	58.8	80.7	87.8	97.0	
	District 56 Judge	Cox	85.4	90.8	13.6	24.0	80.8	88.8	22.6	47.2	3.0	13.2	
		Lindsey	9.2	14.6	76.0	86.4	11.2	19.2	52.8	77.4	86.8	97.0	
2018	Attorney General	Paxton	82.6	86.9	6.2	14.6	78.8	84.6	9.0	28.6	3.1	12.9	
		Nelson	13.2	17.4	85.4	93.8	15.4	21.2	71.4	91.0	87.1	96.9	
	Governor	Abbott	87.0	91.4	11.3	20.2	84.0	89.6	13.2	34.3	3.0	14.0	
		Valdez	8.6	13.1	79.8	88.7	10.4	16.0	65.7	86.8	86.0	97.0	
	Lt. Governor	Patrick	83.5	87.7	7.6	16.1	79.3	85.6	9.5	30.7	3.5	13.7	
		Collier	12.3	16.5	83.9	92.3	14.4	20.7	69.3	90.5	86.3	96.5	
	U.S. Senate	Cruz	82.5	86.8	6.2	15.0	79.0	84.4	9.5	29.0	2.8	12.3	
O'Rourke		13.2	17.5	85.0	93.8	15.6	21.0	71.0	90.5	87.7	97.2		
U.S. House of Reps, District #14	Weber	84.6	89.0	7.9	16.7	80.8	86.7	10.2	30.5	3.3	13.1		
	Bell	11.0	15.4	83.3	92.1	13.3	19.2	69.5	89.8	86.9	96.7		
2016	President	Trump	85.3	89.5	7.6	16.2	82.3	87.2	11.2	30.9	3.0	14.4	
		Clinton	10.5	14.7	83.8	92.4	12.8	17.7	69.1	88.8	85.6	97.0	
	Supreme Court Justice, Position #5	Green	86.7	91.4	9.5	19.2	84.6	89.9	9.8	29.9	4.0	14.8	
		Garza	8.6	13.3	80.8	90.5	10.1	15.4	70.1	90.2	85.2	96.0	
U.S. House of Reps, District #14	Weber	87.0	91.2	10.7	19.6	83.8	89.5	12.2	33.8	3.9	14.8		
	Cole	8.8	13.1	80.4	89.3	10.5	16.2	66.2	87.8	85.2	96.2		

	District 10 Judge	Neves	87.4	91.6	10.4	19.2	84.8	90.0	11.1	31.7	3.6	14.1	
		Walker	8.4	12.6	80.8	89.6	10.0	15.2	68.3	88.9	85.9	96.4	
2014	Attorney General	Paxton	85.4	90.0	11.6	21.0	82.9	88.5	14.3	37.8	4.3	15.2	
		Houston	10.0	14.5	79.0	88.4	11.5	17.1	62.2	85.7	84.8	95.7	
	County Commissioner, Precinct #4	Clark	77.6	95.8	19.5	71.8	80.3	94.2	15.3	75.8	12.0	77.7	
		Hutchins	4.2	22.4	28.2	80.5	5.8	19.7	24.2	84.7	22.3	88.0	
	Governor	Abbott	84.0	88.9	10.2	20.4	81.1	86.5	10.7	34.4	3.5	14.9	
		Davis	11.1	16.0	79.6	89.8	13.5	18.9	65.6	89.3	85.1	96.5	
	Lt. Governor	Patrick	85.3	89.8	9.3	18.8	82.0	87.3	11.1	34.3	3.7	13.8	
		Van De Putte	10.2	14.7	81.2	90.7	12.7	18.0	65.7	88.9	86.2	96.3	
	U.S. Senate	Cornyn	88.8	92.9	14.3	22.9	87.2	91.5	13.2	33.1	4.7	17.1	
		Alameel	7.1	11.2	77.1	85.7	8.5	12.8	66.9	86.8	82.9	95.3	
Supreme Court Justice, Position #7	Boyd	86.2	90.3	11.2	19.8	83.2	88.4	10.4	33.5	4.0	14.7		
	Benavides	9.7	13.8	80.2	88.8	11.6	16.8	66.4	89.6	85.3	96.0		
U.S. House of Reps, District #14	Weber	87.9	92.2	12.4	21.3	86.2	90.8	11.9	32.0	4.7	15.7		
	Brown	7.8	12.1	78.7	87.6	9.2	13.8	68.0	88.1	84.3	95.3		

Table 7: Galveston County EI Rows by Columns (RxC) Candidate Choice Confidence Intervals (SSTO)

Year	Office	Candidate	[LOWER] RxC - Spanish Surname (SSTO)	[UPPER] RxC - Spanish Surname (SSTO)
2022	Attorney General	Paxton	14.1	58.3
		Garza	41.7	85.9
	County Judge	Henry	13.6	59.6
		King	40.4	86.4
	Governor	Abbott	10.3	56.8
		O'Rourke	43.2	89.7
	Lt. Governor	Patrick	10.2	55.2
		Collier	44.8	89.8
	U.S. House of Reps, District #14	Weber	13.3	58.9
		Williams	41.1	86.7
	District 122 Judge	Jones	11.1	61.9
		Walsdorf	38.1	88.9
	District Attorney	Roady	12.2	56.0
		Dragony	44.0	87.8
2020	County Sheriff	Trochesset	10.9	57.5
		Salinas	42.5	89.1
	President	Trump	12.4	59.5
		Biden	40.5	87.6
U.S. Senate	Cornyn	13.1	57.3	

		Hegar	42.7	86.9	
	U.S. House of Reps, District #14	Weber	10.8	57.8	
		Bell	42.2	89.2	
	District 405 Judge	Robinson	11.4	55.8	
		Hudson	44.2	88.6	
	District 56 Judge	Cox	13.3	59.1	
		Lindsey	40.9	86.7	
2018	Attorney General	Paxton	9.9	50.9	
		Nelson	49.1	90.1	
	Governor	Abbott	9.7	52.9	
		Valdez	47.1	90.3	
	Lt. Governor	Patrick	9.6	44.5	
		Collier	55.5	90.4	
	U.S. Senate	Cruz	10.1	45.9	
O'Rourke		54.1	89.9		
U.S. House of Reps, District #14	Weber	9.4	50.8		
	Bell	49.2	90.6		
2016	President	Trump	7.7	49.9	
		Clinton	50.1	92.3	
	Supreme Court Justice, Position #5	Green	9.0	48.1	
		Garza	51.9	91.0	
U.S. House of Reps, District #14	Weber	10.1	51.1		
	Cole	48.9	89.9		

	District 10 Judge	Neves	10.0
		Walker	48.7
			51.3
			90.0
2014	Attorney General	Paxton	6.8
		Houston	57.8
			42.2
			93.2
	County Commissioner, Precinct #4	Clark	14.2
		Hutchins	18.5
			81.5
			85.8
	Governor	Abbott	9.1
		Davis	54.2
			45.8
			90.9
	Lt. Governor	Patrick	8.3
	Van De Putte	56.1	
		43.9	
		91.7	
U.S. Senate	Cornyn	8.3	
	Alameel	58.6	
		41.4	
		91.7	
Supreme Court Justice, Position #7	Boyd	9.3	
	Benavides	59.6	
		40.4	
		90.7	
U.S. House of Reps, District #14	Weber	10.0	
	Brown	56.0	
		44.0	
		90.0	

Table 8: Galveston County EI Rows by Columns (RxC) Candidate Choice Confidence Intervals (Estimated Actual Vote)

Year	Office	Candidate	[LOWER] RxC - Anglo Voters	[UPPER] RxC - Anglo Voters	[LOWER] RxC - Hispanic Voters	[UPPER] RxC - Hispanic Voters	[LOWER] RxC - Black Voters	[UPPER] RxC - Black Voters
2022	Attorney General	Paxton	74.7	80.0	12.9	44.1	2.7	11.9
		Garza	20.0	25.4	55.9	87.1	88.1	97.3
	County Judge	Henry	76.3	82.0	12.7	46.2	3.3	13.2
		King	18.0	23.7	53.8	87.3	86.8	96.7
	Governor	Abbott	74.4	80.5	13.2	44.4	2.4	10.7
		O'Rourke	19.5	25.6	55.6	86.9	89.3	97.7
	Lt. Governor	Patrick	74.0	79.8	14.8	46.9	2.4	10.8
		Collier	20.2	26.0	53.1	85.2	89.2	97.7
	U.S. House of Reps, District #14	Weber	76.7	82.3	14.7	49.1	2.9	12.3
		Williams	17.7	23.3	50.9	85.3	87.7	97.1
	District 122 Judge	Jones	76.8	81.9	13.7	43.4	2.8	11.2
		Walsdorf	18.1	23.2	56.6	86.3	88.8	97.2
	District Attorney	Roady	77.7	83.2	14.5	47.0	3.2	12.9
		Dragony	16.8	22.3	53.0	85.5	87.1	96.8
2020	County Sheriff	Trochesset	76.9	82.5	12.9	43.2	2.9	13.0
		Salinas	17.5	23.1	56.8	87.1	87.0	97.1
	President	Trump	73.7	80.3	12.4	45.5	2.8	11.0
		Biden	19.7	26.3	54.5	87.6	89.0	97.2
	U.S. Senate	Cornyn	76.7	82.2	12.8	45.0	2.8	11.7
		Hegar	17.8	23.3	55.0	87.2	88.3	97.2

U.S. House of Reps, District #14	Weber	77.5	82.7	13.9	41.6	2.7	12.5
	Bell	17.3	22.5	58.4	86.1	87.5	97.3
District 405 Judge	Robinson	77.6	83.1	8.7	38.0	2.9	12.5
	Hudson	16.9	22.4	62.1	91.3	87.5	97.1
District 56 Judge	Cox	77.8	83.6	15.6	45.9	3.0	12.7
	Lindsey	16.4	22.2	54.1	84.4	87.4	97.0
Attorney General	Paxton	73.5	78.7	7.8	33.5	2.5	11.2
	Nelson	21.3	26.5	66.5	92.2	88.8	97.5
Governor	Abbott	79.4	84.5	8.3	34.9	3.4	13.4
	Valdez	15.5	20.6	65.1	91.7	86.6	96.6
Lt. Governor	Patrick	74.7	80.1	7.9	32.2	3.2	12.8
	Collier	19.9	25.3	67.8	92.1	87.2	96.8
U.S. Senate	Cruz	73.7	79.0	6.9	33.8	2.3	11.5
	O'Rourke	21.0	26.3	66.2	93.1	88.5	97.7
U.S. House of Reps, District #14	Weber	76.5	81.6	7.6	31.3	2.3	10.0
	Bell	18.4	23.5	68.7	92.4	90.0	97.7
President	Trump	76.8	80.2	6.8	28.6	2.4	10.8
	Clinton	19.8	23.2	71.4	93.2	89.2	97.6
Supreme Court Justice, Position #5	Green	79.2	82.6	6.9	27.2	2.7	11.9
	Garza	17.4	20.8	72.8	93.1	88.0	97.3
U.S. House of Reps, District #14	Weber	79.3	82.9	7.4	30.4	2.0	9.3
	Cole	17.1	20.7	69.6	92.6	90.7	98.0

	District 10 Judge	Neves	79.3	83.1	7.4	29.5	2.6	11.3
		Walker	16.9	20.7	70.5	92.6	88.7	97.4
2014	Attorney General	Paxton	78.3	82.3	7.8	30.5	2.9	12.5
		Houston	17.7	21.7	69.5	92.2	87.5	97.1
	County Commissioner, Precinct #4	Clark	80.0	90.1	12.6	76.2	10.9	76.9
		Hutchins	9.9	20.0	23.8	87.4	23.1	89.1
	Governor	Abbott	76.7	80.9	6.8	31.3	2.5	10.5
		Davis	19.1	23.3	68.7	93.2	89.5	97.5
	Lt. Governor	Patrick	77.3	81.9	5.4	32.6	2.4	11.5
		Van De Putte	18.1	22.7	67.4	94.6	88.5	97.6
	U.S. Senate	Cornyn	81.7	85.7	6.9	35.3	3.0	12.9
		Alameel	14.3	18.3	64.7	93.1	87.1	97.0
Supreme Court Justice, Position #7	Boyd	78.4	82.9	5.9	30.1	2.7	12.6	
	Benavides	17.1	21.6	69.9	94.1	87.4	97.3	
U.S. House of Reps, District #14	Weber	80.6	84.7	6.3	32.0	3.3	13.4	
	Brown	15.3	19.4	68.0	93.7	86.6	96.7	

Appendix B: Performance Analysis of Additional Maps

Table 1: Performance Analysis of Plaintiff Proposed Map A

			Plaintiff (Rush) Proposed Map A			
			1	2	3	4
	Anglo CVAP		68.8%	73.6%	40.4%	69.6%
	Black CVAP		9.4%	6.0%	30.5%	7.2%
	Hispanic CVAP		18.5%	15.5%	26.1%	16.7%
	Other CVAP		3.3%	4.9%	3.0%	6.5%
2022	Governor	Abbott	63.6%	70.5%	39.9%	68.8%
		O'Rourke	36.4%	29.5%	60.1%	31.2%
	Attorney General	Paxton	63.4%	70.4%	39.5%	68.5%
		Garza	36.6%	29.6%	60.5%	31.5%
	Lt. Governor	Patrick	63.3%	70.1%	39.5%	68.2%
		Collier	36.7%	29.9%	60.5%	31.8%
	County Judge	Henry	65.3%	71.4%	40.7%	70.9%
		King	34.7%	28.6%	59.3%	29.1%
	U.S. House of Reps, District #14	Weber	65.3%	71.8%	41.1%	70.5%
		Williams	34.7%	28.2%	58.9%	29.5%
	District Judge #122	Jones	65.1%	71.7%	40.6%	70.5%
Walsdorf		34.9%	28.3%	59.4%	29.5%	
District Attorney	Roady	66.1%	72.8%	41.9%	71.6%	
	Dragony	33.9%	27.2%	58.1%	28.4%	
2020	President	Trump	62.9%	69.5%	38.4%	67.7%
		Biden	37.1%	30.5%	61.6%	32.3%

	Senate	Cornyn	64.8%	70.9%	38.8%	70.1%
		Hegar	35.2%	29.1%	61.2%	29.9%
	Sheriff	Trochesset	64.7%	71.7%	39.3%	70.2%
		Salinas	35.3%	28.3%	60.7%	29.8%
U.S. House of Reps, District #14	Weber	65.1%	71.4%	39.0%	70.9%	
	Bell	34.9%	28.6%	61.0%	29.1%	
2018	Senate	Cruz	60.6%	68.5%	35.1%	68.1%
		O'Rourke	39.4%	31.5%	64.9%	31.9%
	Governor	Abbott	65.4%	73.1%	39.0%	73.5%
		Valdez	34.6%	26.9%	61.0%	26.5%
	Lt. Governor	Patrick	61.8%	69.4%	36.1%	69.1%
		Collier	38.2%	30.6%	63.9%	30.9%
	Attorney General	Paxton	60.8%	68.1%	34.7%	68.5%
Nelson		39.2%	31.9%	65.3%	31.5%	
U.S. House of Reps, District #14	Weber	62.6%	70.4%	35.9%	70.9%	
	Bell	37.4%	29.6%	64.1%	29.1%	
2016	President	Clinton	35.8%	28.7%	63.5%	28.3%
		Trump	64.2%	71.3%	36.5%	71.7%
	Supreme Court, Position #5	Green	66.3%	72.8%	36.1%	75.1%
		Garza	33.7%	27.2%	63.9%	24.9%
U.S. House of Reps, District #14	Weber	66.7%	72.3%	37.5%	75.3%	
	Cole	33.3%	27.7%	62.5%	24.7%	
2014	Senate	Cornyn	69.0%	75.2%	37.5%	79.5%

	Alameel	31.0%	24.8%	62.5%	20.5%
U.S. House of Reps, District #14	Weber	67.9%	74.0%	36.5%	78.5%
	Brown	32.1%	26.0%	63.5%	21.5%
Governor	Abbott	64.6%	70.7%	34.3%	75.6%
	Davis	35.4%	29.3%	65.7%	24.4%
Lt. Governor	Patrick	64.9%	71.4%	35.0%	75.4%
	Van De Putte	35.1%	28.6%	65.0%	24.6%
Attorney General	Paxton	65.9%	72.1%	34.7%	77.0%
	Houston	34.1%	27.9%	65.3%	23.0%
Supreme Court, Position #7	Boyd	66.1%	72.2%	34.3%	77.3%
	Benavides	33.9%	27.8%	65.7%	22.7%

Table 2: Performance Analysis of Plaintiff Proposed Map B

			Plaintiff (Rush) Proposed Map B			
			1	2	3	4
	Anglo CVAP		68.9%	73.6%	40.0%	70.3%
	Black CVAP		9.2%	6.0%	30.7%	6.9%
	Hispanic CVAP		18.6%	15.5%	26.3%	16.1%
	Other CVAP		3.3%	4.9%	2.9%	6.7%
2022	Governor	Abbott	64.9%	70.5%	39.4%	68.9%
		O'Rourke	35.1%	29.5%	60.6%	31.1%
	Attorney General	Paxton	64.8%	70.4%	38.9%	68.7%
		Garza	35.2%	29.6%	61.1%	31.3%
	Lt. Governor	Patrick	64.7%	70.1%	39.0%	68.3%
		Collier	35.3%	29.9%	61.0%	31.7%
	County Judge	Henry	66.7%	71.4%	40.2%	71.1%
		King	33.3%	28.6%	59.8%	28.9%
	U.S. House of Reps, District #14	Weber	66.6%	71.8%	40.6%	70.6%
		Williams	33.4%	28.2%	59.4%	29.4%
	District Judge #122	Jones	66.5%	71.7%	40.1%	70.6%
Walsdorf		33.5%	28.3%	59.9%	29.4%	
District Attorney	Roady	67.5%	72.8%	41.4%	71.8%	
	Dragony	32.5%	27.2%	58.6%	28.2%	
2020	President	Trump	64.5%	69.5%	37.7%	67.9%
		Biden	35.5%	30.5%	62.3%	32.1%

	Senate	Cornyn	66.3%	70.9%	38.2%	70.3%
		Hegar	33.7%	29.1%	61.8%	29.7%
	Sheriff	Trochesset	66.2%	71.7%	38.8%	70.4%
		Salinas	33.8%	28.3%	61.2%	29.6%
	U.S. House of Reps, District #14	Weber	66.6%	71.4%	38.4%	71.1%
Bell		33.4%	28.6%	61.6%	28.9%	
2018	Senate	Cruz	62.4%	68.5%	34.3%	68.3%
		O'Rourke	37.6%	31.5%	65.7%	31.7%
	Governor	Abbott	67.2%	73.1%	38.2%	73.7%
		Valdez	32.8%	26.9%	61.8%	26.3%
	Lt. Governor	Patrick	63.6%	69.4%	35.3%	69.3%
		Collier	36.4%	30.6%	64.7%	30.7%
	Attorney General	Paxton	62.7%	68.1%	33.9%	68.7%
Nelson		37.3%	31.9%	66.1%	31.3%	
U.S. House of Reps, District #14	Weber	64.5%	70.4%	35.1%	71.1%	
	Bell	35.5%	29.6%	64.9%	28.9%	
2016	President	Clinton	33.7%	28.7%	64.4%	28.0%
		Trump	66.3%	71.3%	35.6%	72.0%
	Supreme Court, Position #5	Green	68.4%	72.8%	35.3%	75.3%
		Garza	31.6%	27.2%	64.7%	24.7%
U.S. House of Reps, District #14	Weber	68.7%	72.3%	36.7%	75.6%	
	Cole	31.3%	27.7%	63.3%	24.4%	

2014	Senate	Cornyn	71.8%	75.2%	36.3%	79.7%
		Alameel	28.2%	24.8%	63.7%	20.3%
	U.S. House of Reps, District #14	Weber	70.7%	74.0%	35.3%	78.8%
		Brown	29.3%	26.0%	64.7%	21.2%
	Governor	Abbott	67.4%	70.7%	33.2%	75.8%
		Davis	32.6%	29.3%	66.8%	24.2%
	Lt. Governor	Patrick	67.6%	71.4%	33.9%	75.7%
		Van De Putte	32.4%	28.6%	66.1%	24.3%
	Attorney General	Paxton	68.7%	72.1%	33.6%	77.2%
		Houston	31.3%	27.9%	66.4%	22.8%
Supreme Court, Position #7	Boyd	68.9%	72.2%	33.1%	77.6%	
	Benavides	31.1%	27.8%	66.9%	22.4%	

Table 3: Performance Analysis of Plaintiff Proposed Map C

		Plaintiff (Rush) Proposed Map C				
		1	2	3	4	
Anglo CVAP		69.0%	72.6%	38.1%	69.4%	
Black CVAP		9.1%	6.4%	32.8%	7.4%	
Hispanic CVAP		18.5%	16.1%	26.3%	16.8%	
Other CVAP		3.3%	4.9%	2.8%	6.4%	
2022	Governor	Abbott	65.0%	68.6%	37.3%	68.7%
		O'Rourke	35.0%	31.4%	62.7%	31.3%
	Attorney General	Paxton	64.8%	68.4%	36.9%	68.5%
		Garza	35.2%	31.6%	63.1%	31.5%
	Lt. Governor	Patrick	64.8%	68.2%	37.0%	68.1%
		Collier	35.2%	31.8%	63.0%	31.9%
	County Judge	Henry	66.7%	69.5%	38.1%	70.9%
		King	33.3%	30.5%	61.9%	29.1%
	U.S. House of Reps, District #14	Weber	66.7%	70.0%	38.4%	70.4%
		Williams	33.3%	30.0%	61.6%	29.6%
	District Judge #122	Jones	66.5%	69.8%	37.9%	70.4%
Walsdorf		33.5%	30.2%	62.1%	29.6%	
District Attorney	Roady	67.5%	71.1%	39.0%	71.6%	
	Dragony	32.5%	28.9%	61.0%	28.4%	
2020	President	Trump	64.6%	67.6%	35.7%	67.7%
		Biden	35.4%	32.4%	64.3%	32.3%

	Senate	Cornyn	66.4%	69.0%	36.0%	70.0%
		Hegar	33.6%	31.0%	64.0%	30.0%
	Sheriff	Trochesset	66.3%	69.9%	36.5%	70.2%
		Salinas	33.7%	30.1%	63.5%	29.8%
	U.S. House of Reps, District #14	Weber	66.7%	69.5%	36.1%	70.8%
Bell		33.3%	30.5%	63.9%	29.2%	
2018	Senate	Cruz	62.4%	66.5%	32.3%	68.1%
		O'Rourke	37.6%	33.5%	67.7%	31.9%
	Governor	Abbott	67.2%	71.0%	36.0%	73.4%
		Valdez	32.8%	29.0%	64.0%	26.6%
	Lt. Governor	Patrick	63.7%	67.5%	33.2%	69.1%
		Collier	36.3%	32.5%	66.8%	30.9%
	Attorney General	Paxton	62.7%	66.1%	31.8%	68.5%
Nelson		37.3%	33.9%	68.2%	31.5%	
U.S. House of Reps, District #14	Weber	64.5%	68.4%	32.9%	70.9%	
	Bell	35.5%	31.6%	67.1%	29.1%	
2016	President	Clinton	33.7%	30.6%	66.5%	28.3%
		Trump	66.3%	69.4%	33.5%	71.7%
	Supreme Court, Position #5	Green	68.5%	70.9%	33.1%	75.1%
		Garza	31.5%	29.1%	66.9%	24.9%
U.S. House of Reps, District #14	Weber	68.8%	70.5%	34.3%	75.3%	
	Cole	31.2%	29.5%	65.7%	24.7%	

2014	Senate	Cornyn	71.9%	73.5%	33.4%	79.5%
		Alameel	28.1%	26.5%	66.6%	20.5%
	U.S. House of Reps, District #14	Weber	70.7%	72.2%	32.6%	78.5%
		Brown	29.3%	27.8%	67.4%	21.5%
	Governor	Abbott	67.4%	68.7%	30.8%	75.6%
		Davis	32.6%	31.3%	69.2%	24.4%
	Lt. Governor	Patrick	67.6%	69.4%	31.5%	75.5%
		Van De Putte	32.4%	30.6%	68.5%	24.5%
	Attorney General	Paxton	68.7%	70.2%	31.1%	77.0%
		Houston	31.3%	29.8%	68.9%	23.0%
Supreme Court, Position #7	Boyd	69.0%	70.3%	30.7%	77.3%	
	Benavides	31.0%	29.7%	69.3%	22.7%	

Table 4: Performance Analysis of Maps Proposed by Commissioner Holmes (2021)

		Commissioner Holmes Proposed Map A (Rejected)				Commissioner Holmes Proposed Map B (Rejected)				
		1	2	3	4	1	2	3	4	
	Anglo CVAP	68.7%	72.7%	40.4%	70.7%	68.5%	74.0%	40.0%	69.7%	
	Black CVAP	9.3%	6.8%	31.3%	5.8%	9.2%	6.3%	31.5%	6.3%	
	Hispanic CVAP	19.4%	16.2%	25.0%	16.3%	19.0%	15.3%	25.7%	16.8%	
	Other CVAP	2.6%	4.3%	3.4%	7.2%	3.3%	4.4%	2.7%	7.2%	
2022	Governor	Abbott	67.4%	68.6%	36.6%	69.2%	64.9%	70.9%	37.5%	68.5%
		O'Rourke	32.6%	31.4%	63.4%	30.8%	35.1%	29.1%	62.5%	31.5%
	Attorney General	Paxton	67.3%	68.4%	36.2%	69.0%	64.7%	70.8%	37.0%	68.4%
		Garza	32.7%	31.6%	63.8%	31.0%	35.3%	29.2%	63.0%	31.6%
	Lt. Governor	Patrick	67.2%	68.2%	36.2%	68.7%	64.7%	70.5%	37.0%	68.0%
		Collier	32.8%	31.8%	63.8%	31.3%	35.3%	29.5%	63.0%	32.0%
	County Judge	Henry	69.0%	69.6%	37.6%	71.2%	66.5%	71.9%	38.3%	70.6%
		King	31.0%	30.4%	62.4%	28.8%	33.5%	28.1%	61.7%	29.4%
	U.S. House of Reps, District #14	Weber	69.0%	69.9%	37.9%	71.0%	66.5%	72.2%	38.7%	70.3%
		Williams	31.0%	30.1%	62.1%	29.0%	33.5%	27.8%	61.3%	29.7%
	District Judge #122	Jones	68.8%	69.7%	37.5%	70.9%	66.3%	72.1%	38.3%	70.3%
Walsdorf		31.2%	30.3%	62.5%	29.1%	33.7%	27.9%	61.7%	29.7%	
District Attorney	Roady	69.8%	71.0%	38.6%	72.1%	67.4%	73.2%	39.6%	71.5%	
	Dragony	30.2%	29.0%	61.4%	27.9%	32.6%	26.8%	60.4%	28.5%	
2020	President	Trump	67.0%	68.0%	35.0%	68.1%	64.2%	70.2%	36.0%	67.5%

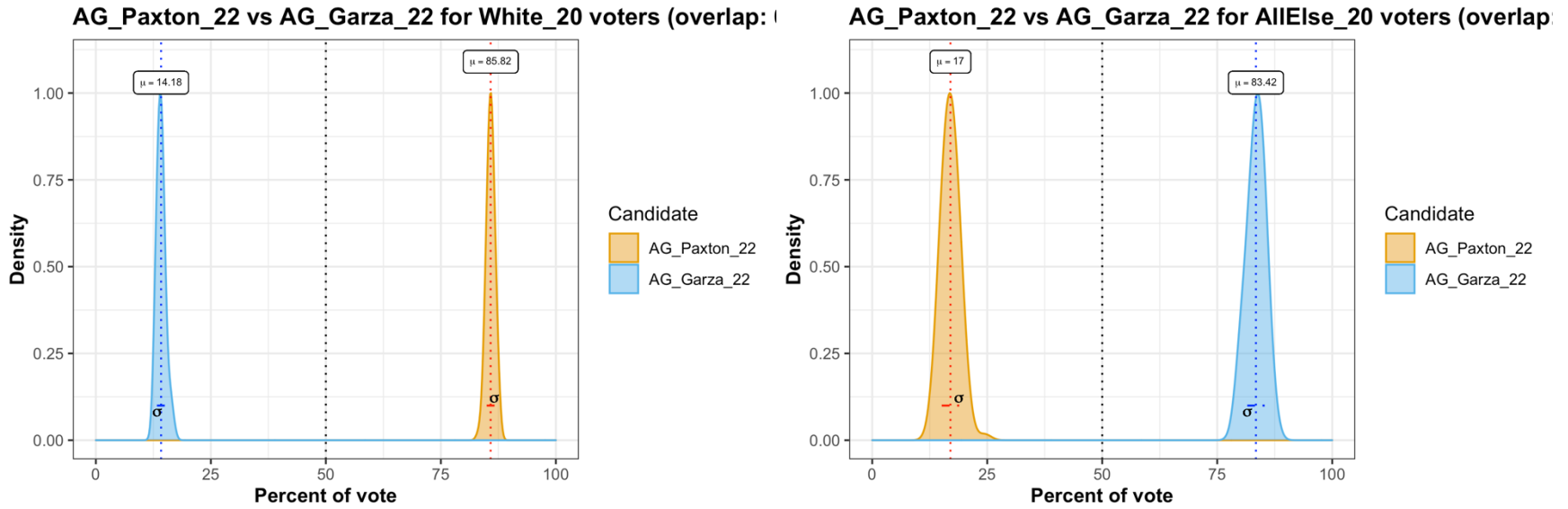
	Biden	33.0%	32.0%	65.0%	31.9%	35.8%	29.8%	64.0%	32.5%
Senate	Cornyn	68.6%	69.3%	35.7%	70.3%	65.9%	71.7%	36.5%	69.9%
	Hegar	31.4%	30.7%	64.3%	29.7%	34.1%	28.3%	63.5%	30.1%
Sheriff	Trochesset	68.3%	70.1%	36.5%	70.6%	65.8%	72.2%	37.5%	70.1%
	Salinas	31.7%	29.9%	63.5%	29.4%	34.2%	27.8%	62.5%	29.9%
U.S. House of Reps, District #14	Weber	69.1%	69.8%	35.8%	71.1%	66.3%	72.1%	36.7%	70.6%
	Bell	30.9%	30.2%	64.2%	28.9%	33.7%	27.9%	63.3%	29.4%
Senate	Cruz	65.3%	66.7%	31.5%	68.4%	62.0%	69.4%	32.7%	67.9%
	O'Rourke	34.7%	33.3%	68.5%	31.6%	38.0%	30.6%	67.3%	32.1%
Governor	Abbott	69.9%	71.2%	35.5%	73.7%	66.8%	74.0%	36.7%	73.2%
	Valdez	30.1%	28.8%	64.5%	26.3%	33.2%	26.0%	63.3%	26.8%
Lt. Governor	Patrick	66.3%	67.7%	32.6%	69.4%	63.2%	70.4%	33.8%	68.9%
	Collier	33.7%	32.3%	67.4%	30.6%	36.8%	29.6%	66.2%	31.1%
Attorney General	Paxton	65.4%	66.3%	31.3%	68.7%	62.3%	69.1%	32.4%	68.2%
	Nelson	34.6%	33.7%	68.7%	31.3%	37.7%	30.9%	67.6%	31.8%
U.S. House of Reps, District #14	Weber	67.1%	68.5%	32.5%	71.2%	64.0%	71.3%	33.7%	70.7%
	Bell	32.9%	31.5%	67.5%	28.8%	36.0%	28.7%	66.3%	29.3%
President	Clinton	31.3%	30.5%	66.8%	28.0%	34.2%	27.4%	66.0%	28.6%
	Trump	68.7%	69.5%	33.2%	72.0%	65.8%	72.6%	34.0%	71.4%
Supreme Court, Position #5	Green	70.5%	70.8%	33.2%	75.3%	67.7%	74.0%	33.8%	74.8%
	Garza	29.5%	29.2%	66.8%	24.7%	32.3%	26.0%	66.2%	25.2%

	U.S. House of Reps, District #14	Weber	70.8%	70.4%	34.8%	75.4%	68.0%	73.5%	35.4%	75.0%
		Cole	29.2%	29.6%	65.2%	24.6%	32.0%	26.5%	64.6%	25.0%
2014	Senate	Cornyn	73.9%	72.6%	34.5%	79.6%	70.9%	75.7%	35.9%	79.2%
		Alameel	26.1%	27.4%	65.5%	20.4%	29.1%	24.3%	64.1%	20.8%
	U.S. House of Reps, District #14	Weber	72.9%	71.4%	33.4%	78.5%	69.8%	74.6%	34.8%	78.2%
		Brown	27.1%	28.6%	66.6%	21.5%	30.2%	25.4%	65.2%	21.8%
	Governor	Abbott	69.7%	68.1%	31.3%	75.5%	66.4%	71.6%	32.6%	75.1%
		Davis	30.3%	31.9%	68.7%	24.5%	33.6%	28.4%	67.4%	24.9%
	Lt. Governor	Patrick	70.0%	68.9%	31.7%	75.4%	66.7%	72.3%	33.2%	75.1%
		Van De Putte	30.0%	31.1%	68.3%	24.6%	33.3%	27.7%	66.8%	24.9%
	Attorney General	Paxton	71.0%	69.4%	31.6%	77.0%	67.8%	72.9%	32.9%	76.6%
		Houston	29.0%	30.6%	68.4%	23.0%	32.2%	27.1%	67.1%	23.4%
Supreme Court, Position #7	Boyd	71.2%	69.4%	31.2%	77.4%	68.0%	72.9%	32.5%	77.0%	
	Benavides	28.8%	30.6%	68.8%	22.6%	32.0%	27.1%	67.5%	23.0%	

Appendix C: Density Plots of Ecological Inference (EI) Iterative Candidate Choice Estimates

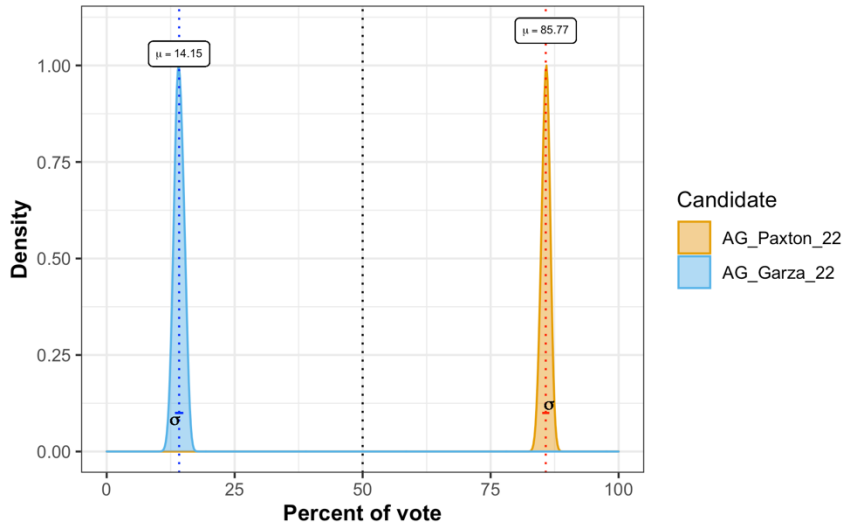
I. 2022 Attorney General

Anglo and Non-Anglo (CVAP)

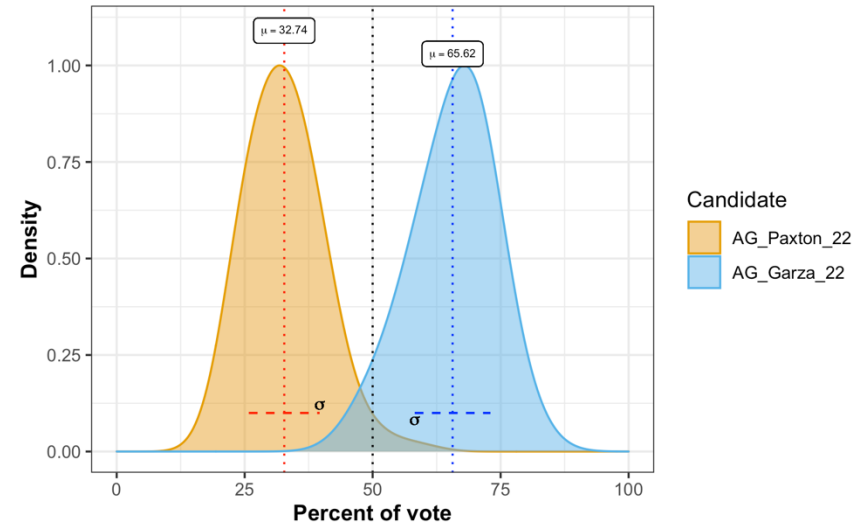


Anglo, Hispanic, and Black (CVAP)

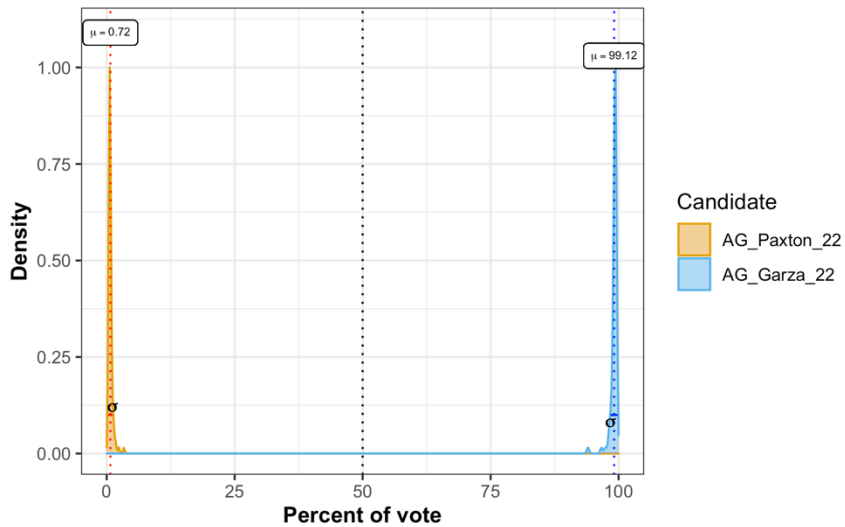
AG_Paxton_22 vs AG_Garza_22 for Anglo_20 voters (overlap: 0.00)



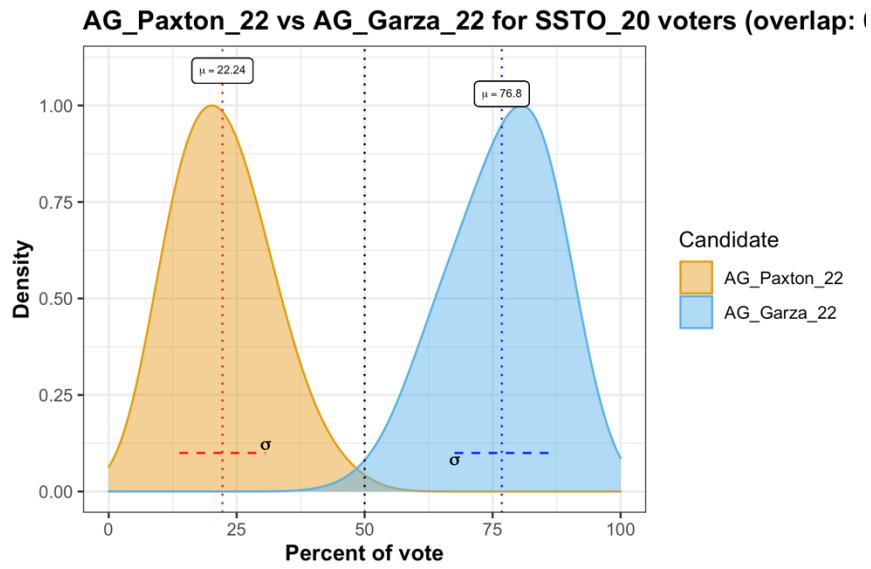
AG_Paxton_22 vs AG_Garza_22 for Hisp_20 voters (overlap: 3.00)



AG_Paxton_22 vs AG_Garza_22 for Black_20 voters (overlap: 0.00)

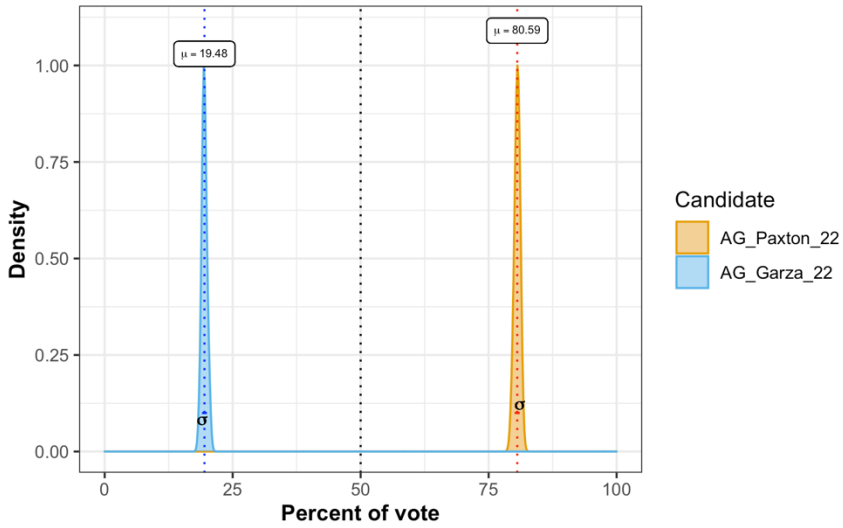


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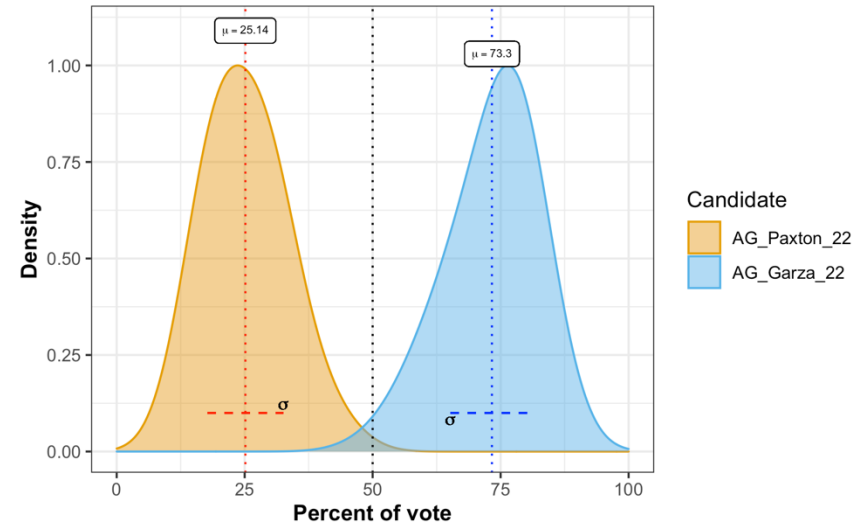


Anglo, Hispanic, and Black (Estimated Actual Vote)

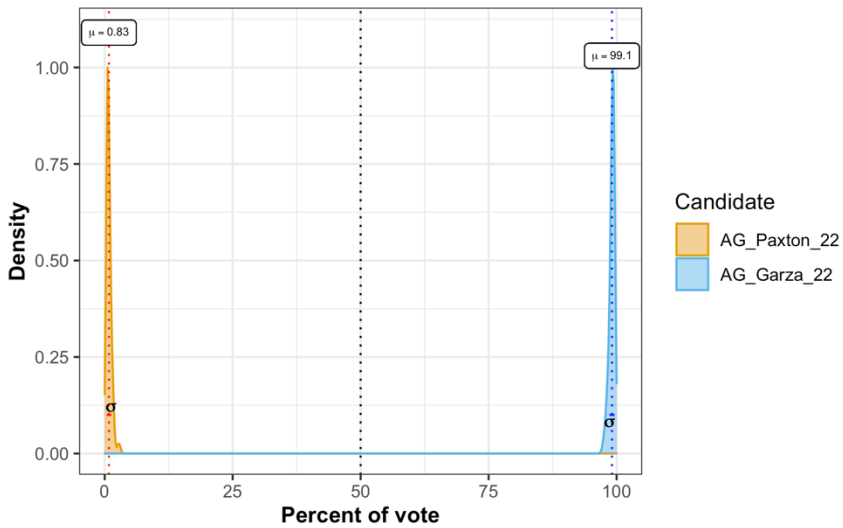
AG_Paxton_22 vs AG_Garza_22 for Wht_Vote22 voters (overlaid)



AG_Paxton_22 vs AG_Garza_22 for Hsp_Vote22 voters (overlaid)



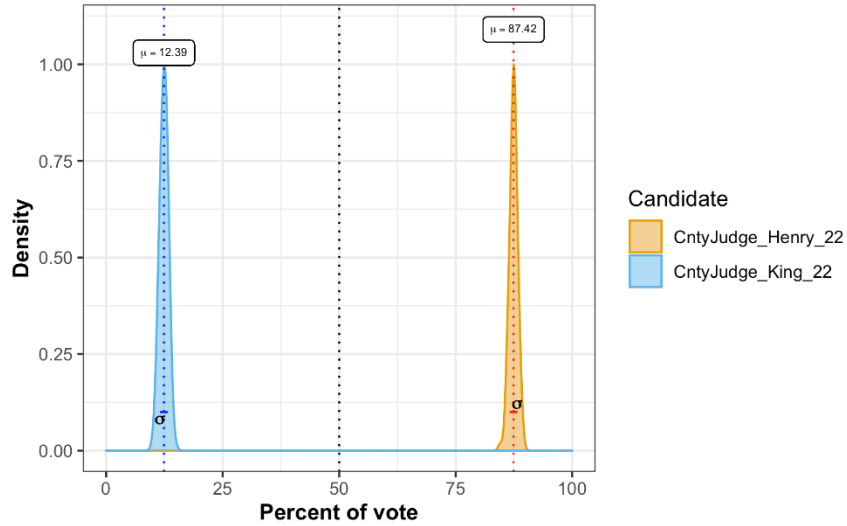
AG_Paxton_22 vs AG_Garza_22 for Blk_Vote22 voters (overlaid)



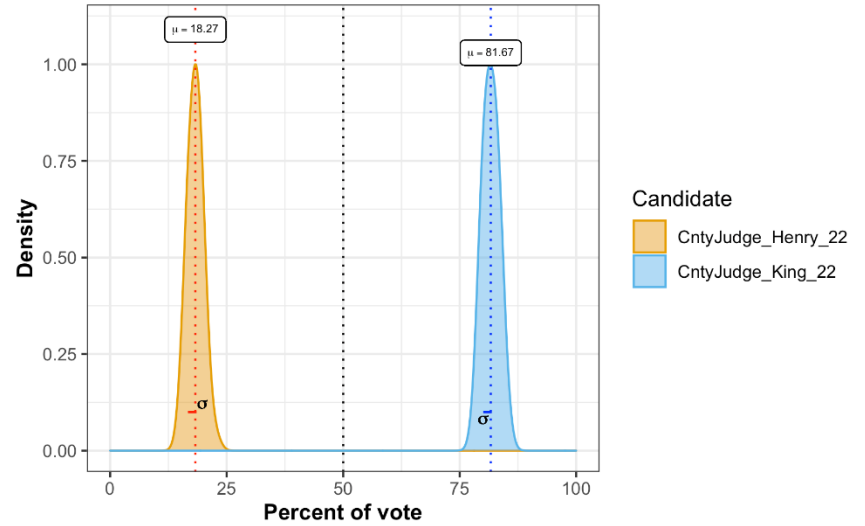
II. 2022 County Judge

Anglo and Non-Anglo (CVAP)

CntyJudge_Henry_22 vs CntyJudge_King_22 for White_20 vot

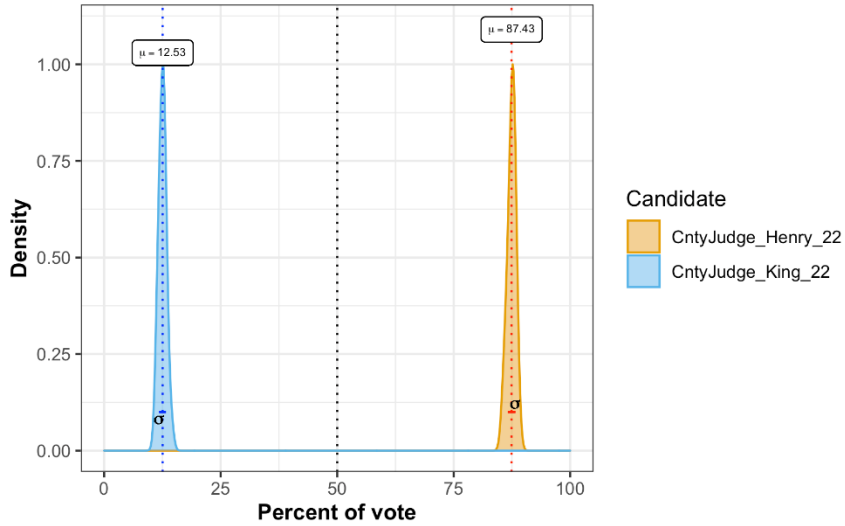


CntyJudge_Henry_22 vs CntyJudge_King_22 for AllElse_20 vc

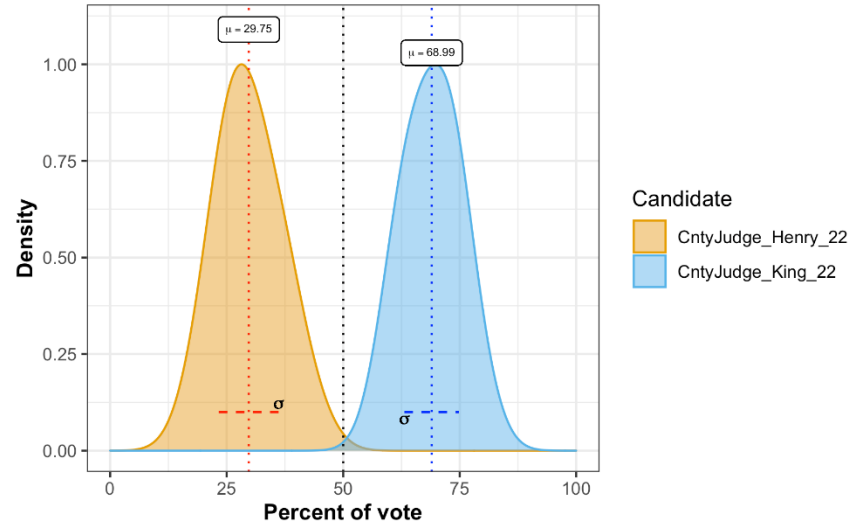


Anglo, Hispanic, and Black (CVAP)

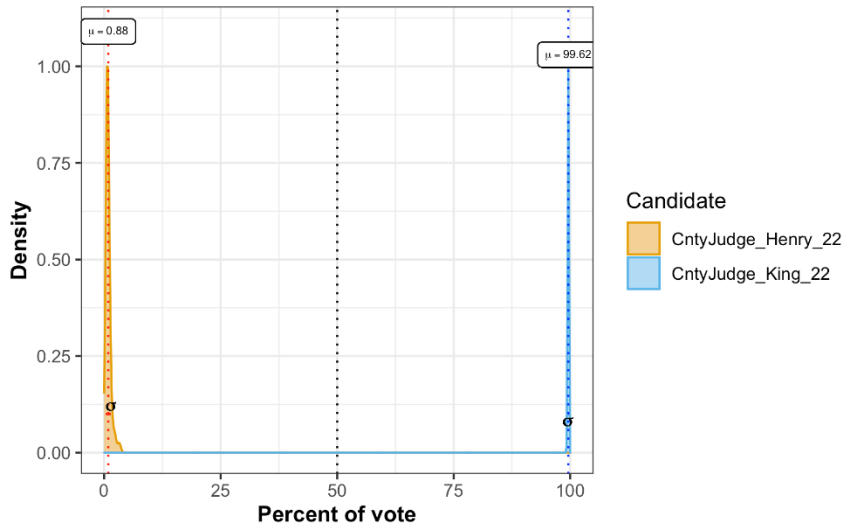
CntyJudge_Henry_22 vs CntyJudge_King_22 for Anglo_20 vot



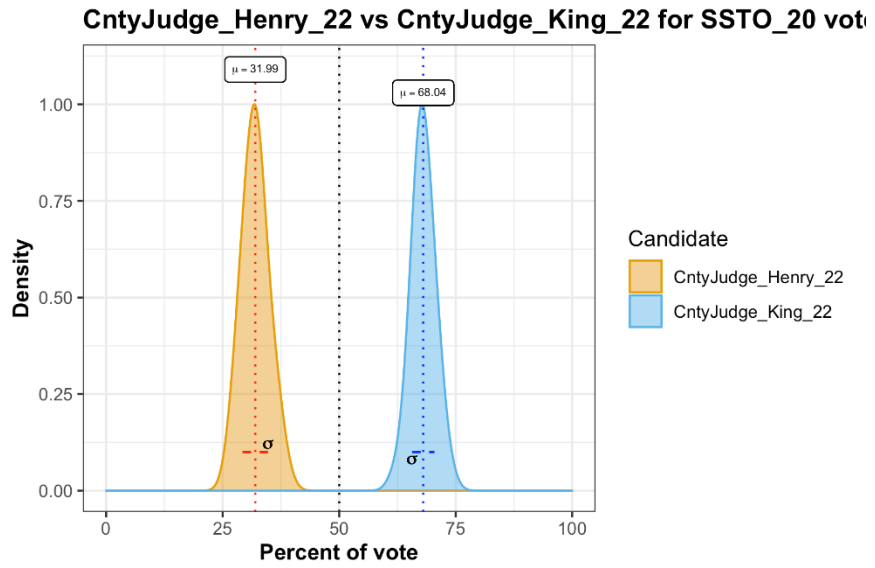
CntyJudge_Henry_22 vs CntyJudge_King_22 for Hisp_20 vote



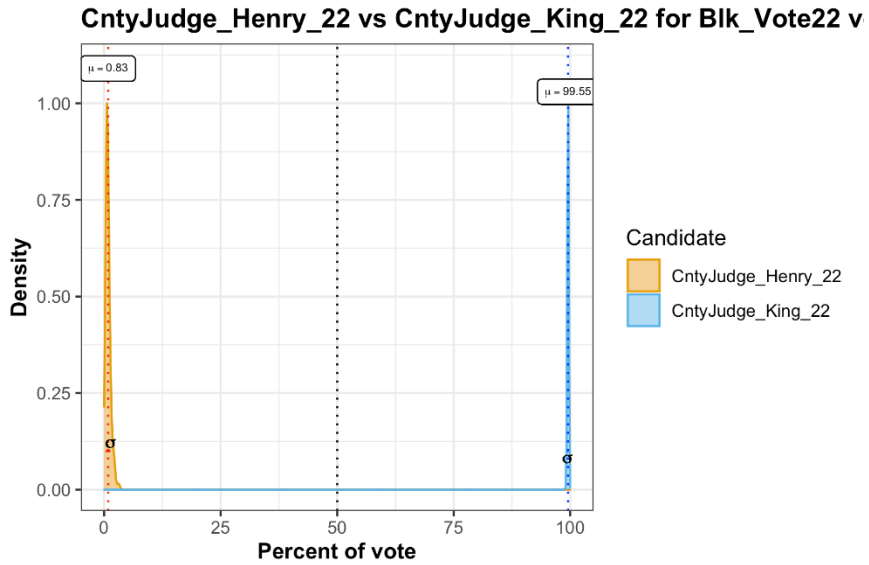
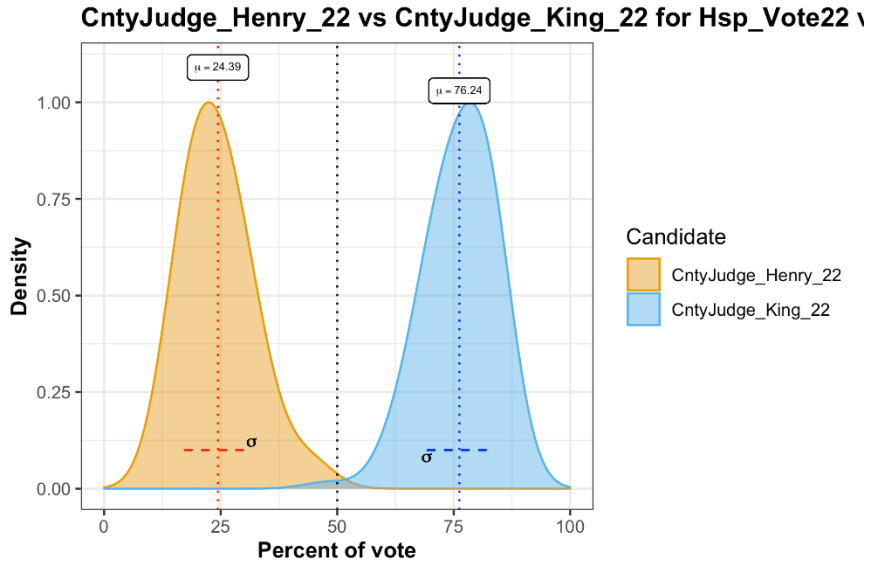
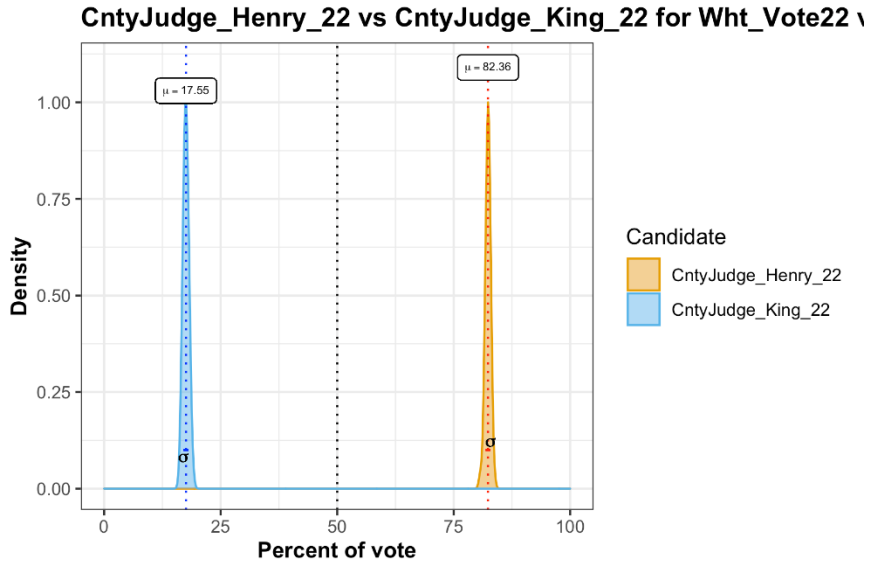
CntyJudge_Henry_22 vs CntyJudge_King_22 for Black_20 vot



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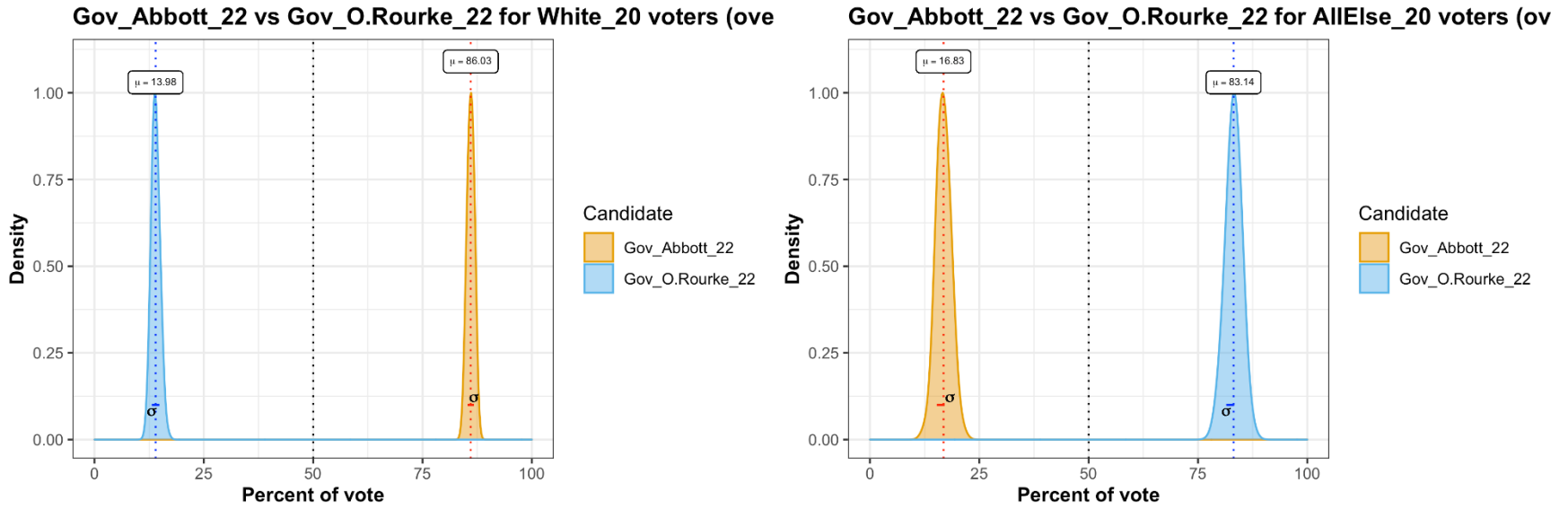


Anglo, Hispanic, and Black (Estimated Actual Vote)



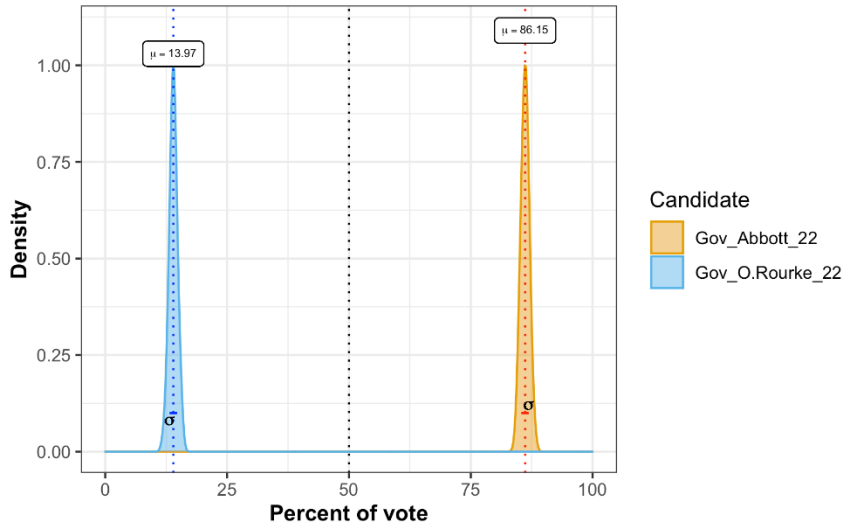
III. 2022 Governor

Anglo and Non-Anglo (CVAP)

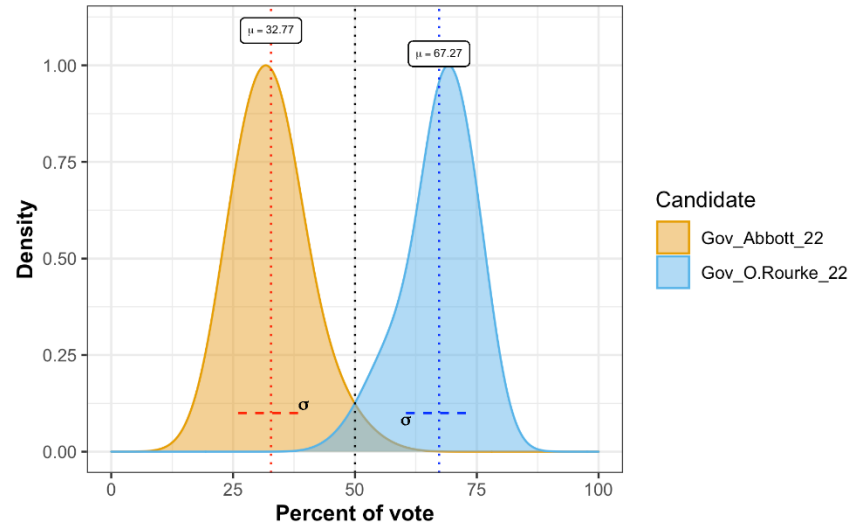


Anglo, Hispanic, and Black (CVAP)

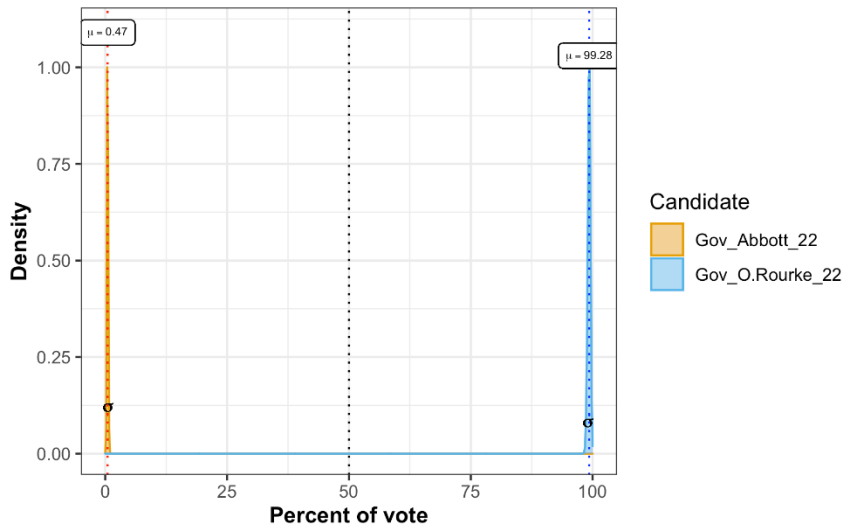
Gov_Abbott_22 vs Gov_O.Rourke_22 for Anglo_20 voters (overl



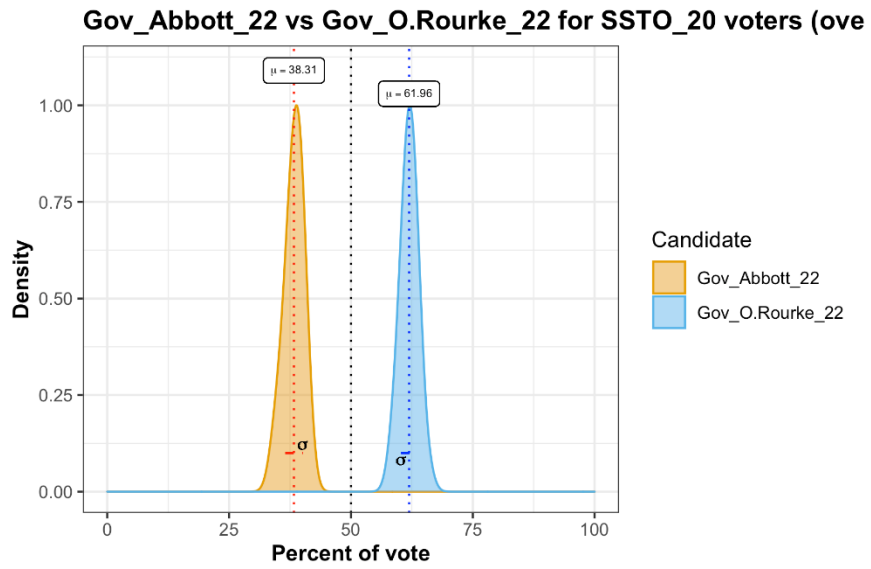
Gov_Abbott_22 vs Gov_O.Rourke_22 for Hisp_20 voters (overl



Gov_Abbott_22 vs Gov_O.Rourke_22 for Black_20 voters (overl

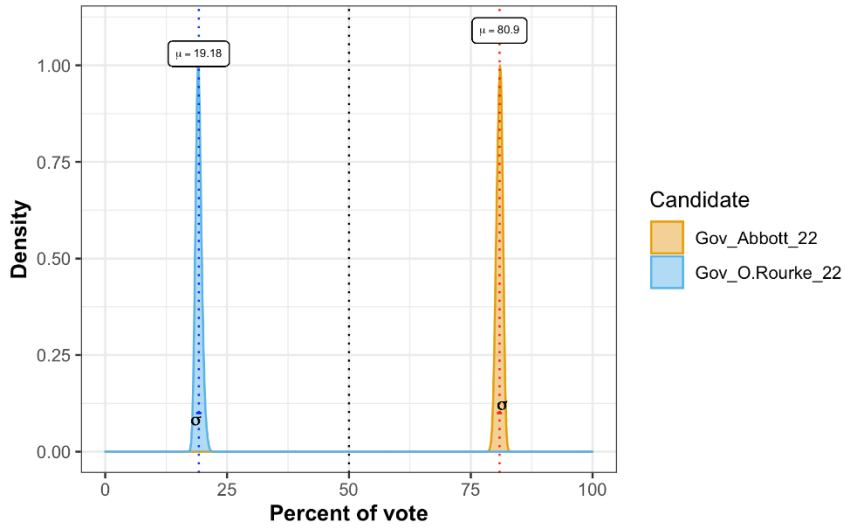


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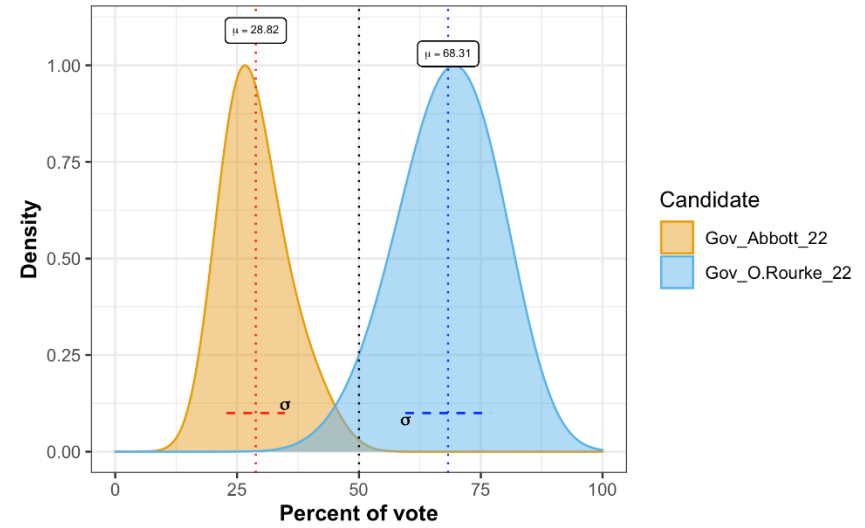


Anglo, Hispanic, and Black (Estimated Actual Vote)

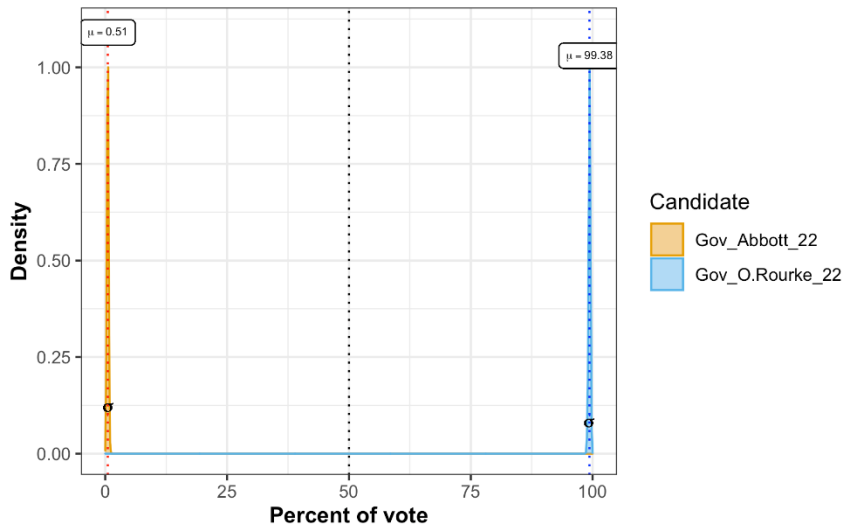
Gov_Abbott_22 vs Gov_O.Rourke_22 for Wht_Vote22 voters (c



Gov_Abbott_22 vs Gov_O.Rourke_22 for Hsp_Vote22 voters (c

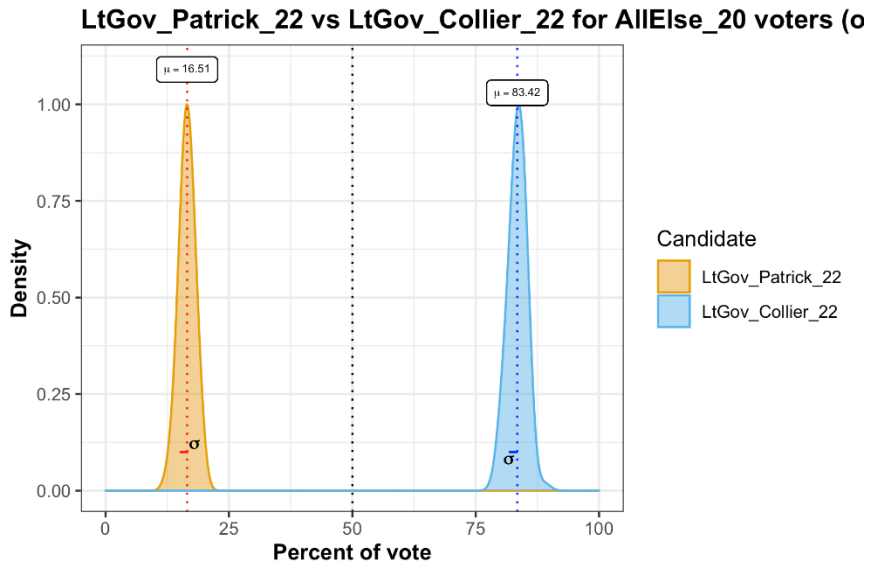
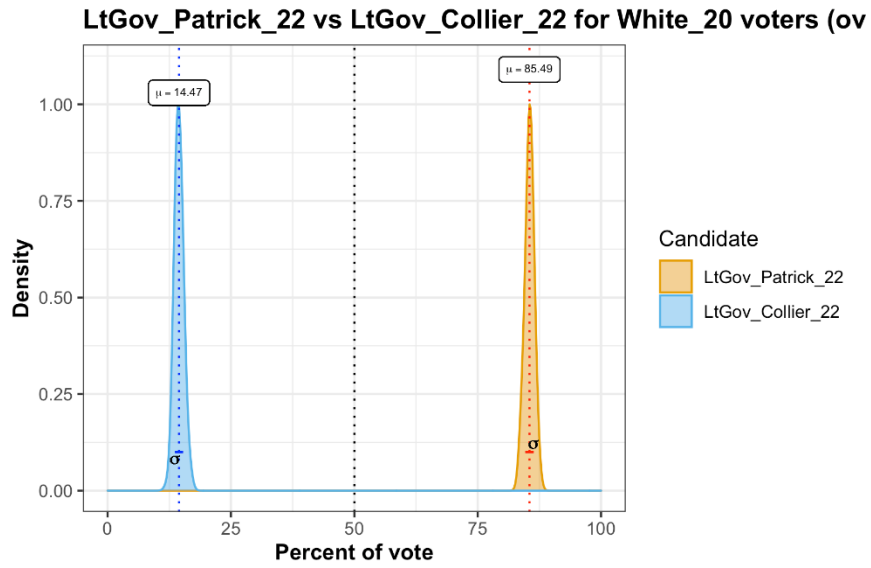


Gov_Abbott_22 vs Gov_O.Rourke_22 for Blk_Vote22 voters (o



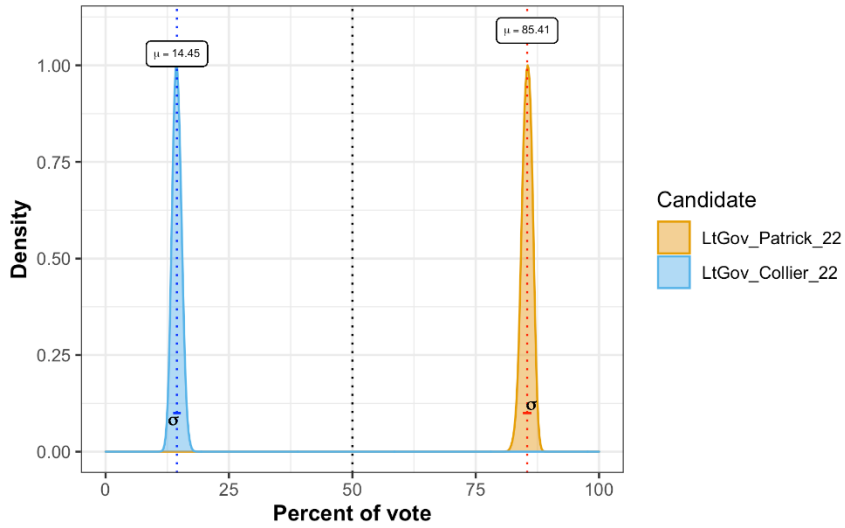
IV. 2022 Lt. Governor

Anglo and Non-Anglo (CVAP)

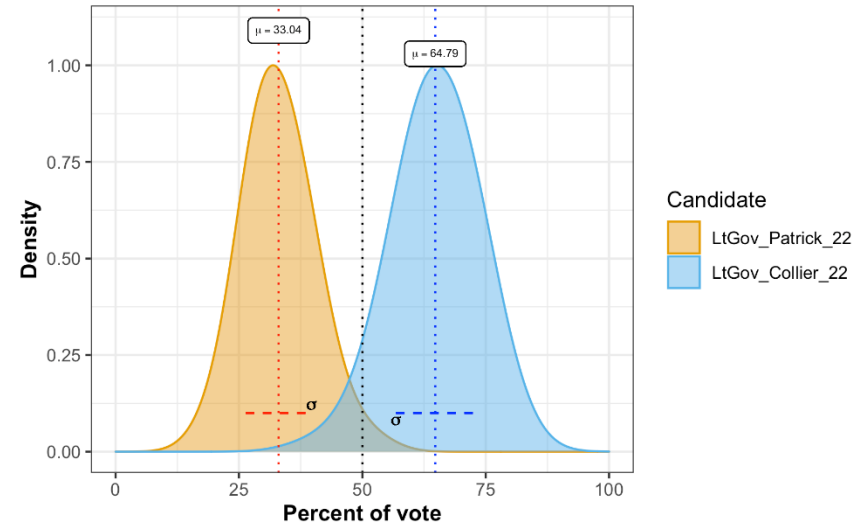


Anglo, Hispanic, and Black (CVAP)

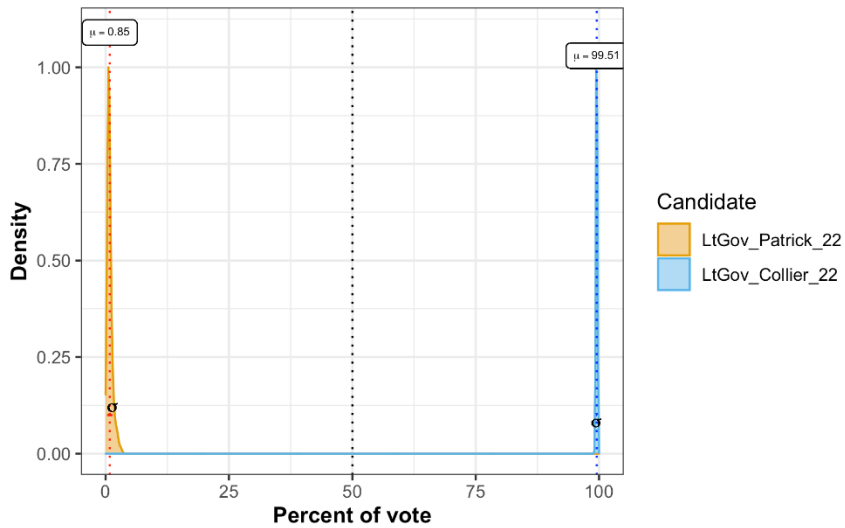
LtGov_Patrick_22 vs LtGov_Collier_22 for Anglo_20 voters (ov



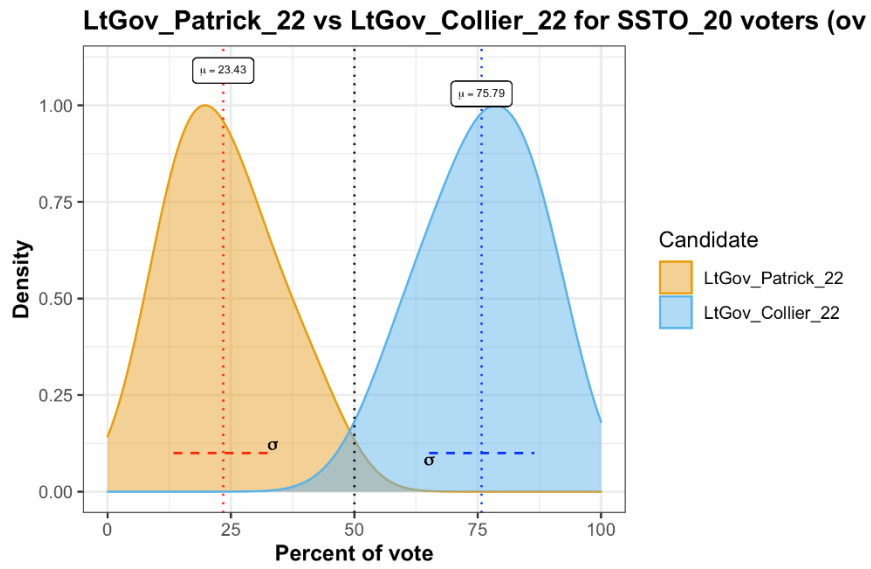
LtGov_Patrick_22 vs LtGov_Collier_22 for Hisp_20 voters (ove



LtGov_Patrick_22 vs LtGov_Collier_22 for Black_20 voters (ov

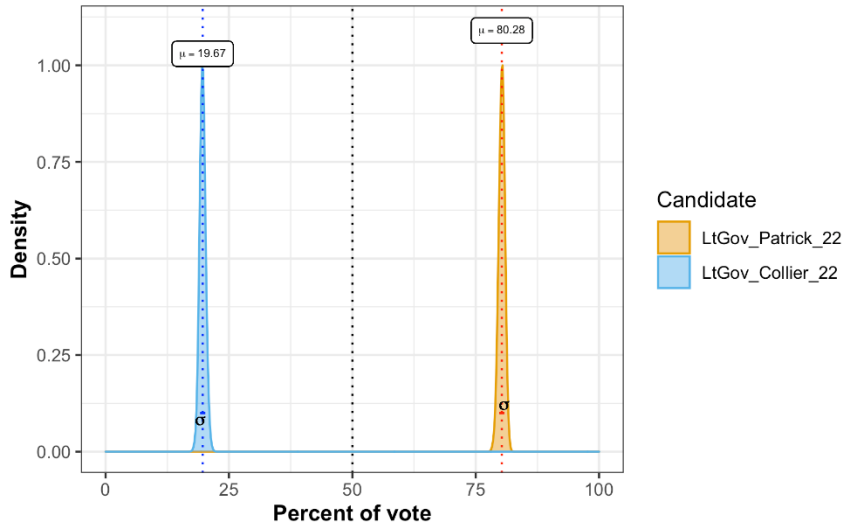


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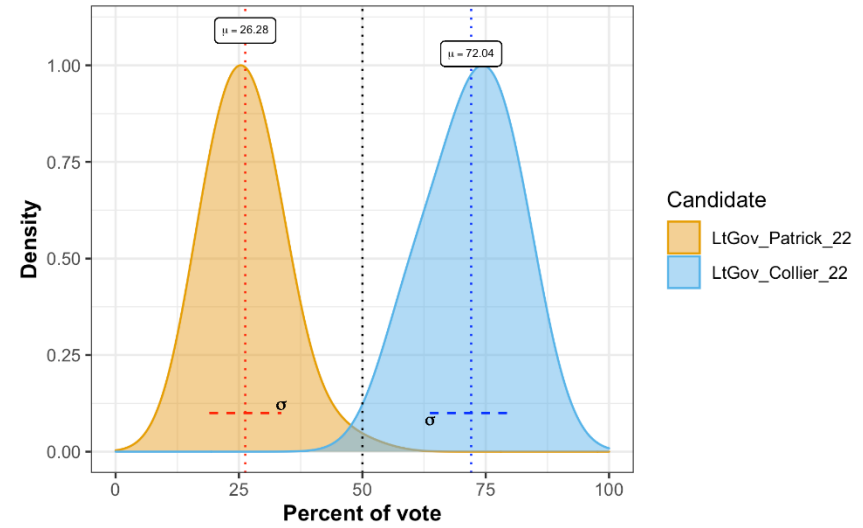


Anglo, Hispanic, and Black (Estimated Actual Vote)

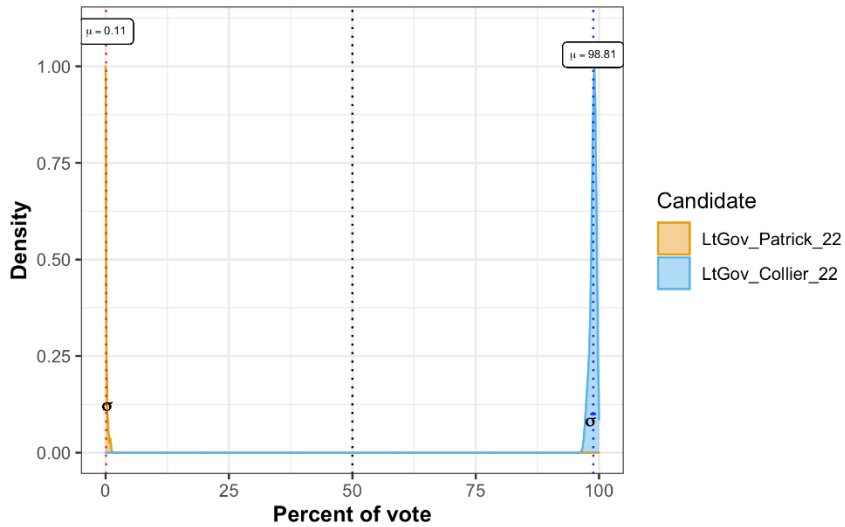
LtGov_Patrick_22 vs LtGov_Collier_22 for Wht_Vote22 voters (



LtGov_Patrick_22 vs LtGov_Collier_22 for Hsp_Vote22 voters (

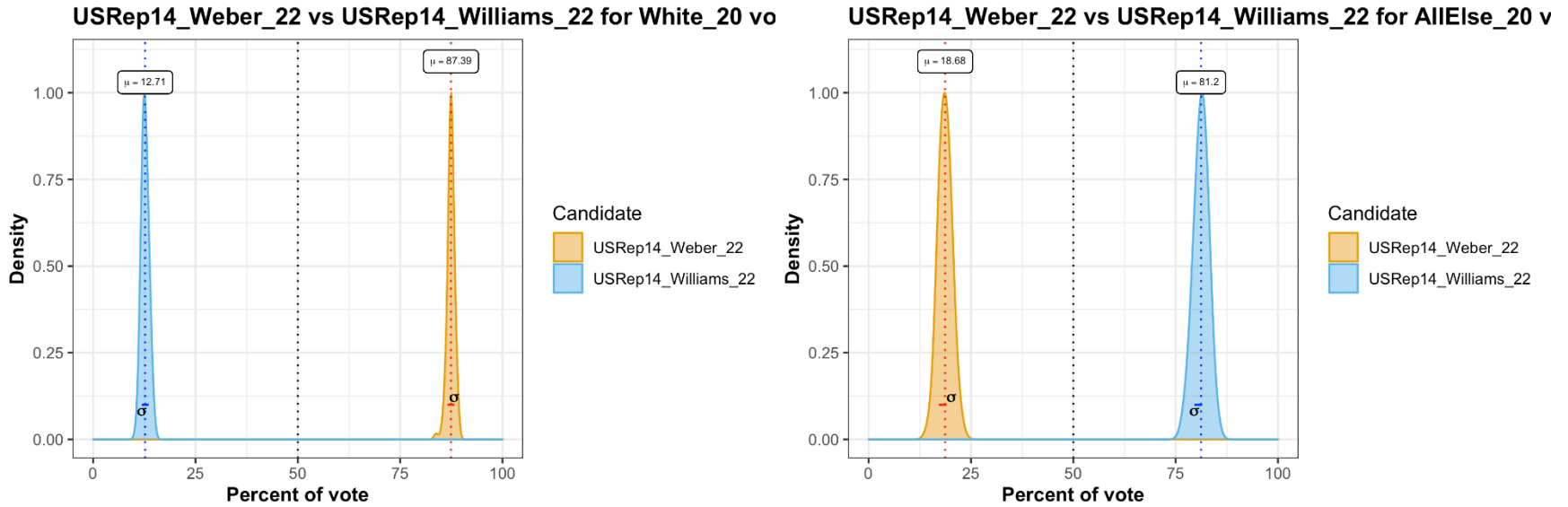


LtGov_Patrick_22 vs LtGov_Collier_22 for Blk_Vote22 voters (



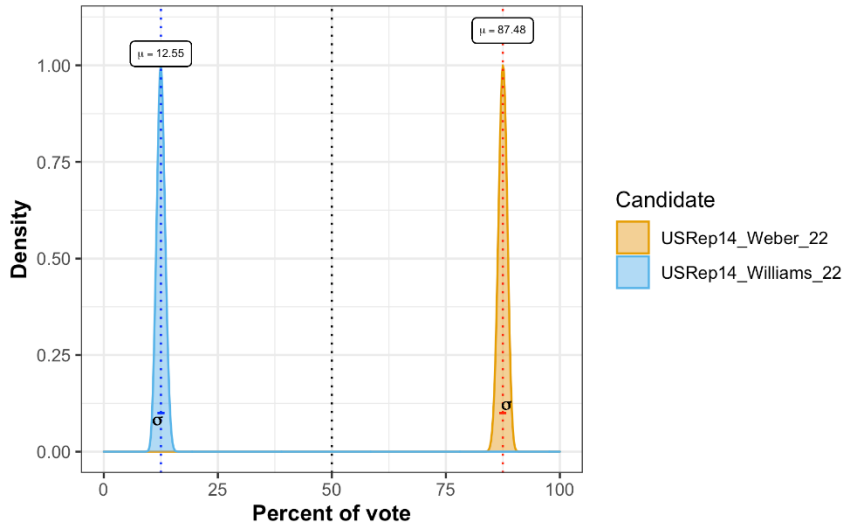
V. 2022 U.S. House of Reps, District #14

Anglo and Non-Anglo (CVAP)

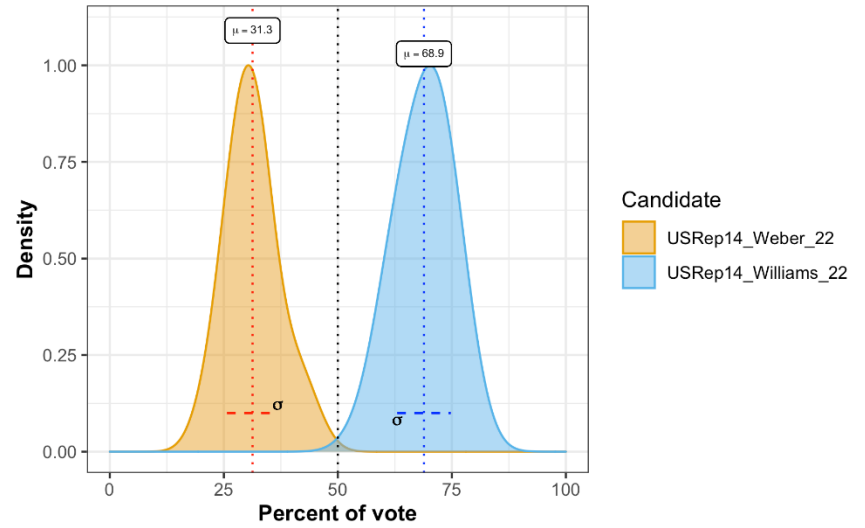


Anglo, Hispanic, and Black (CVAP)

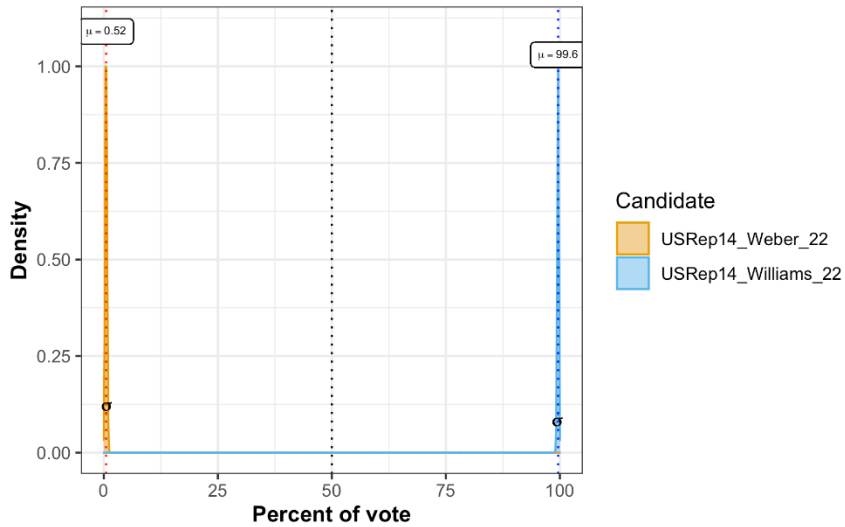
USRep14_Weber_22 vs USRep14_Williams_22 for Anglo_20 vc



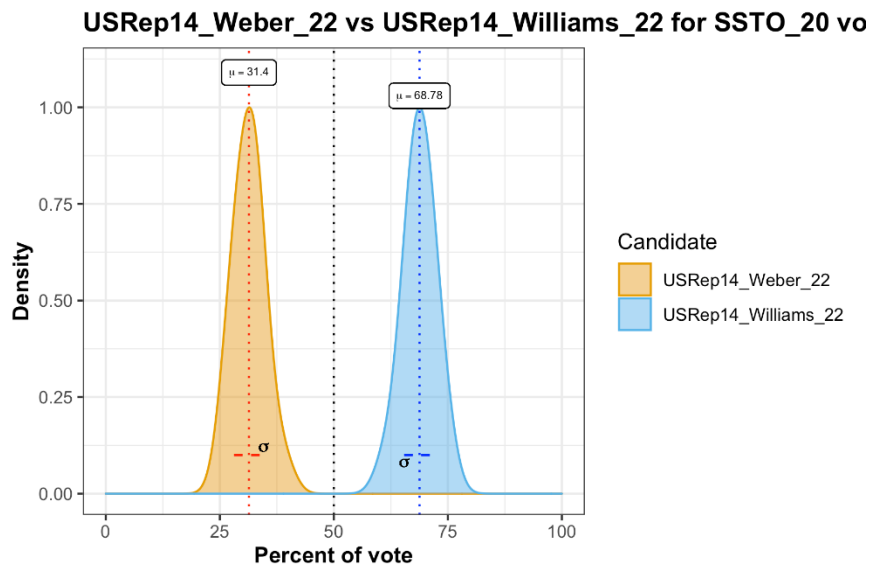
USRep14_Weber_22 vs USRep14_Williams_22 for Hisp_20 vot



USRep14_Weber_22 vs USRep14_Williams_22 for Black_20 vo

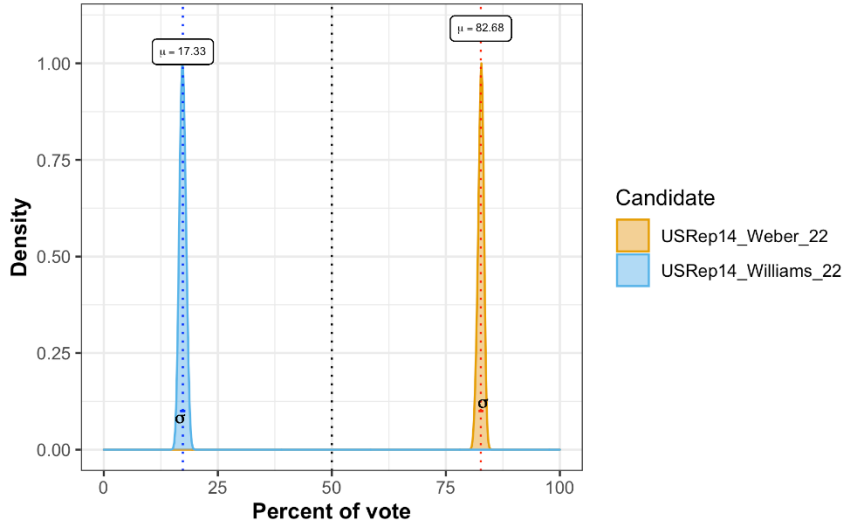


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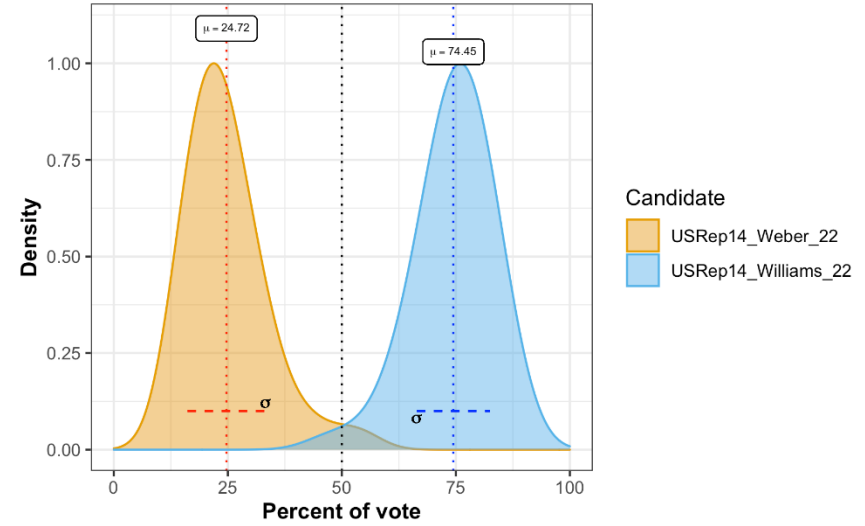


Anglo, Hispanic, and Black (Estimated Actual Vote)

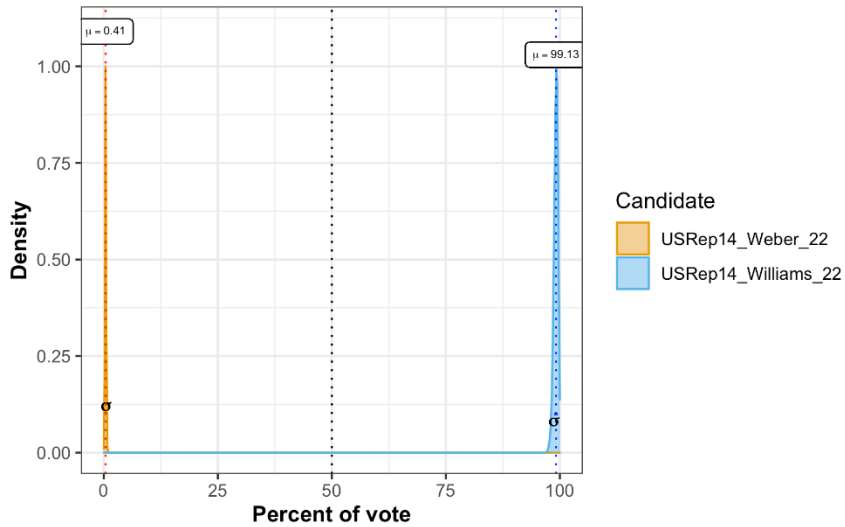
USRep14_Weber_22 vs USRep14_Williams_22 for Wht_Vote22



USRep14_Weber_22 vs USRep14_Williams_22 for Hsp_Vote22



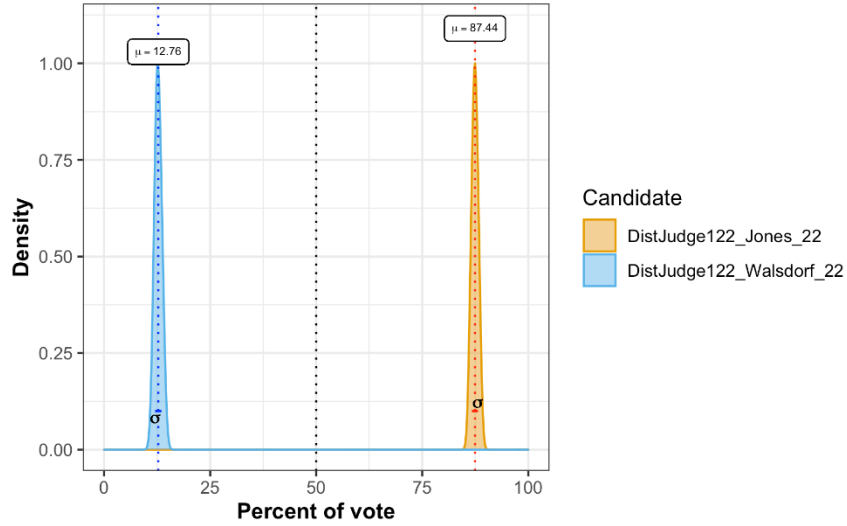
USRep14_Weber_22 vs USRep14_Williams_22 for Blk_Vote22



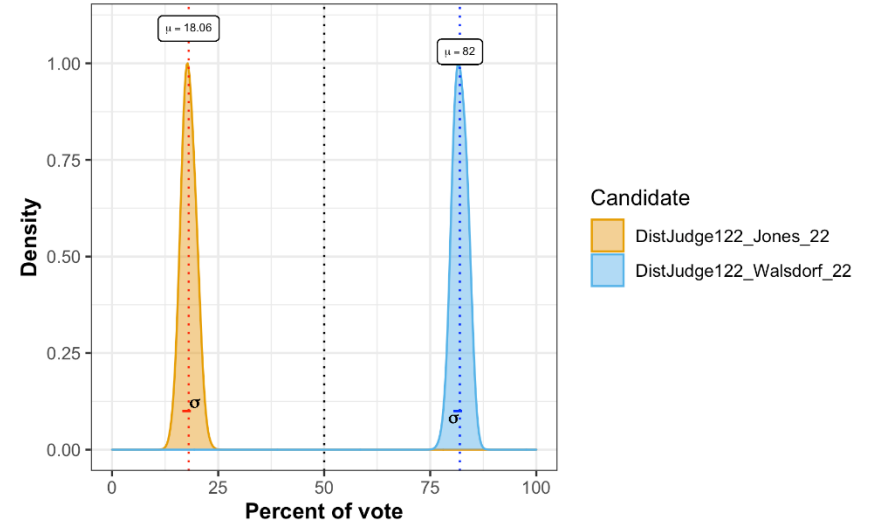
VI. 2022 District 122 Judge

Anglo and Non-Anglo (CVAP)

DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for WH

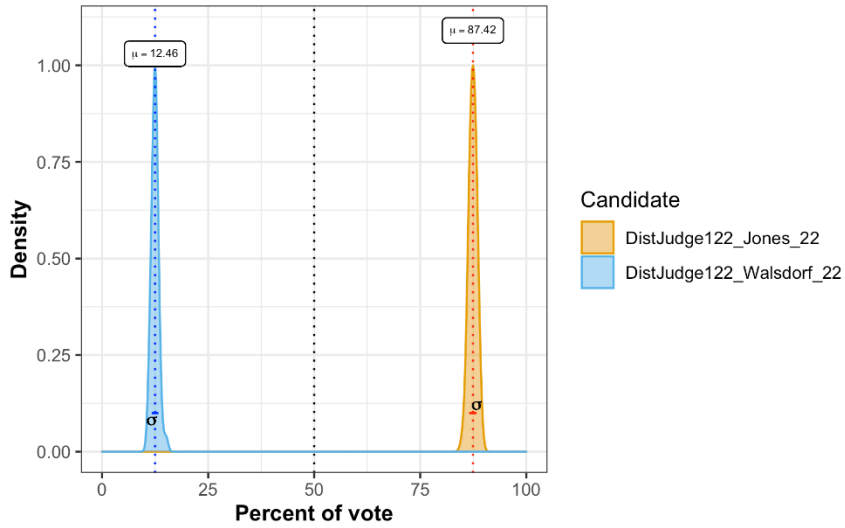


DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for All

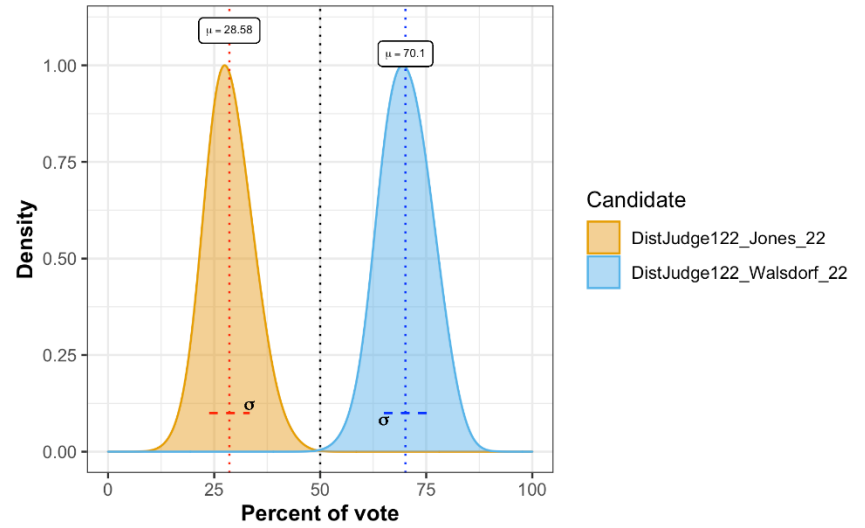


Anglo, Hispanic, and Black (CVAP)

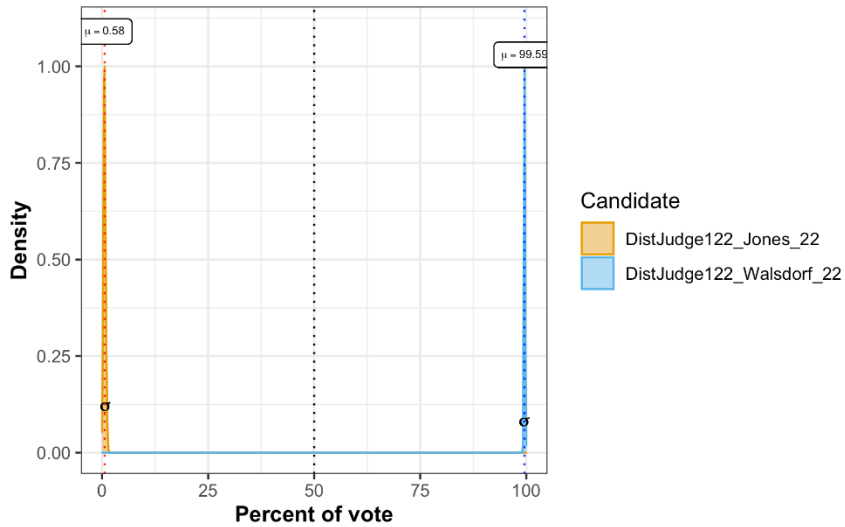
DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for An



DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for His

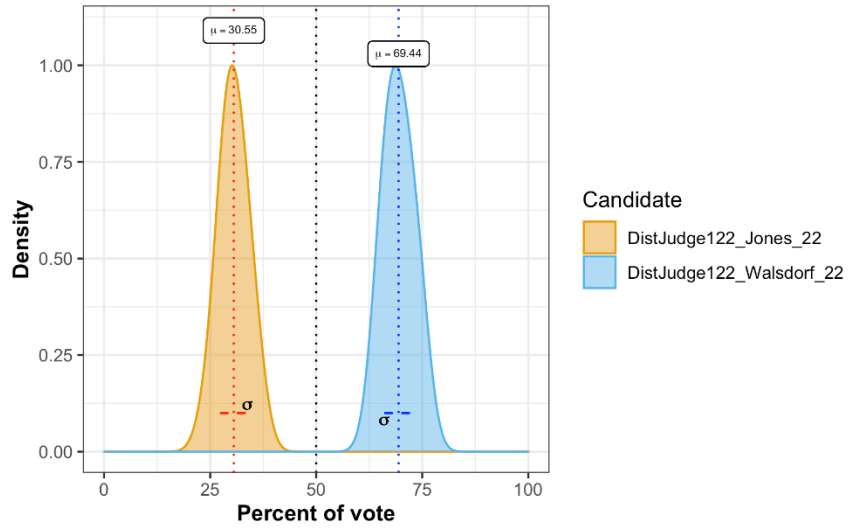


DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for Bla



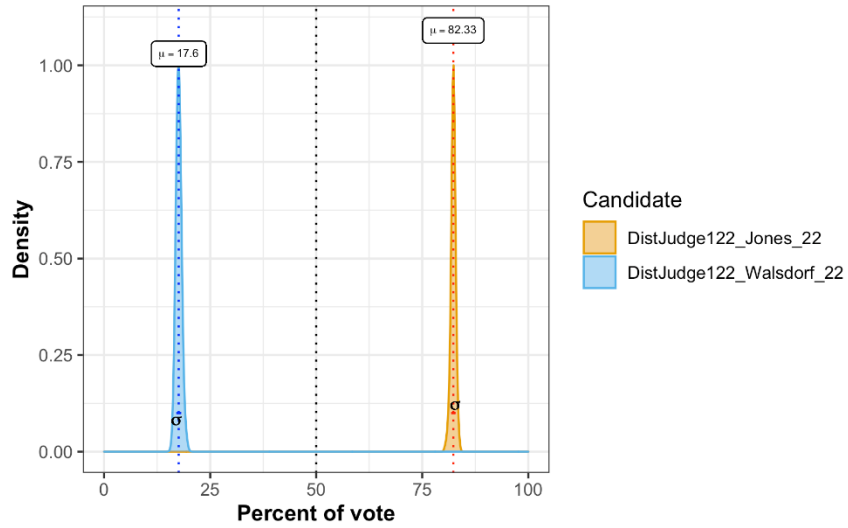
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DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for SS'

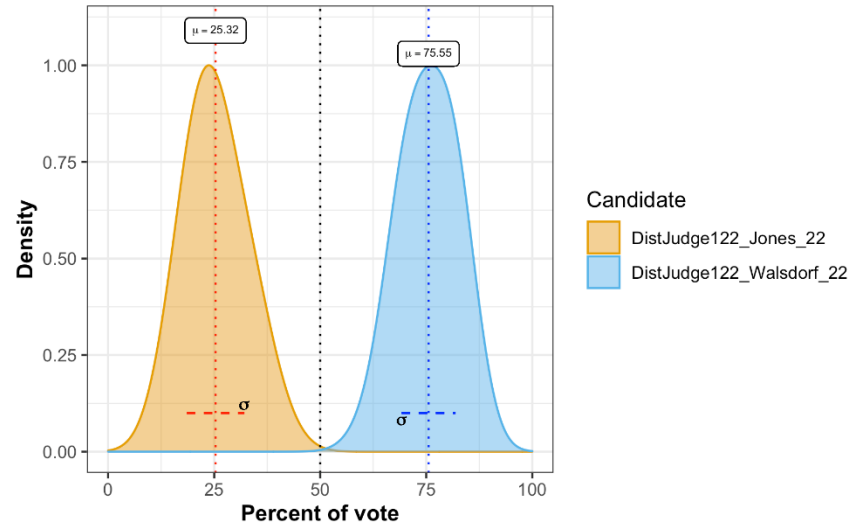


Anglo, Hispanic, and Black (Estimated Actual Vote)

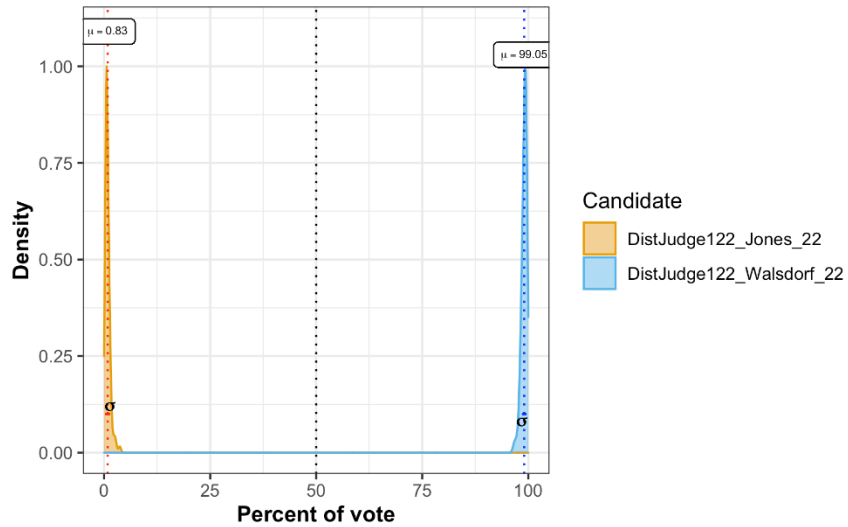
DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for Wh



DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for Hsp



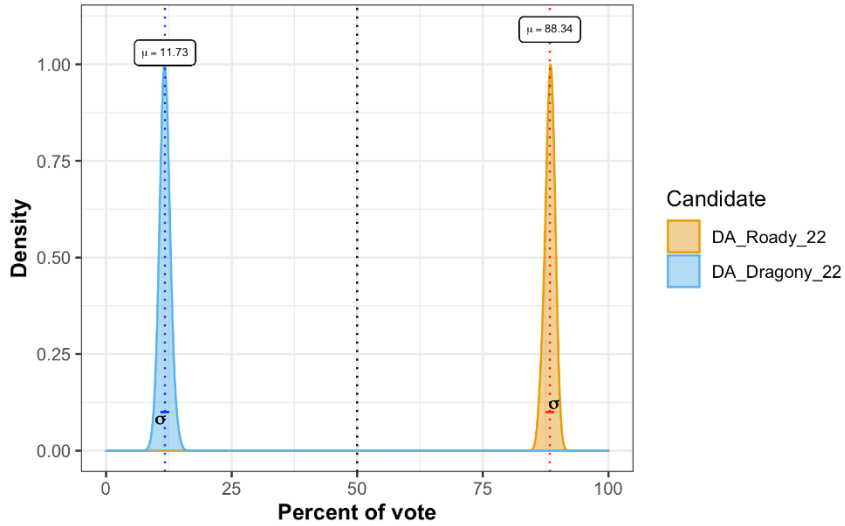
DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for Blk



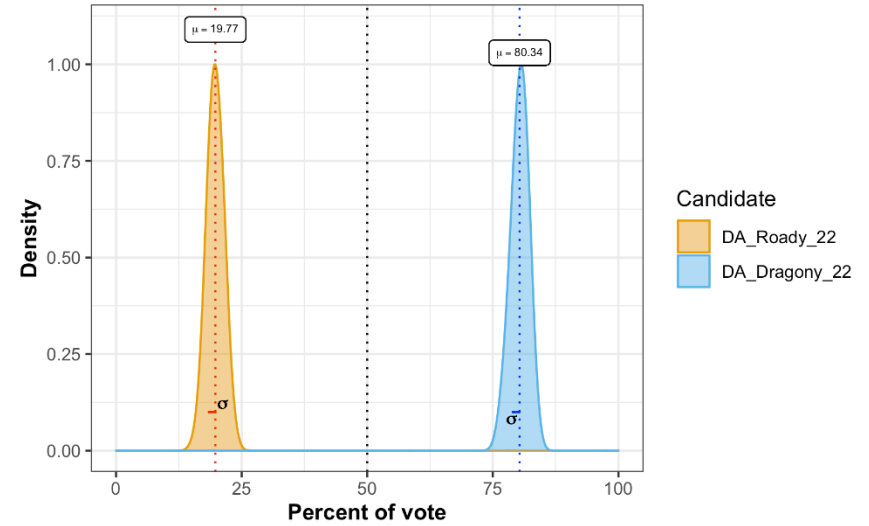
VII. 2022 District Attorney

Anglo and Non-Anglo (CVAP)

DA_Roady_22 vs DA_Dragony_22 for White_20 voters (overlap

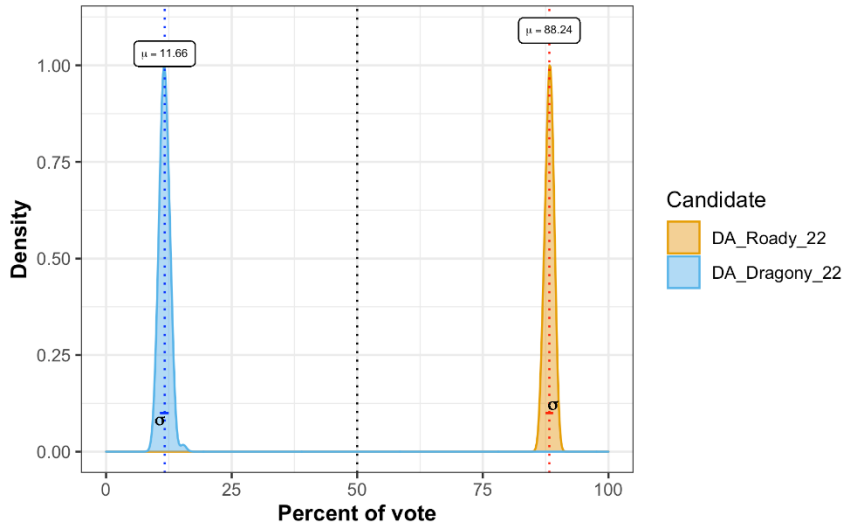


DA_Roady_22 vs DA_Dragony_22 for AllElse_20 voters (overla

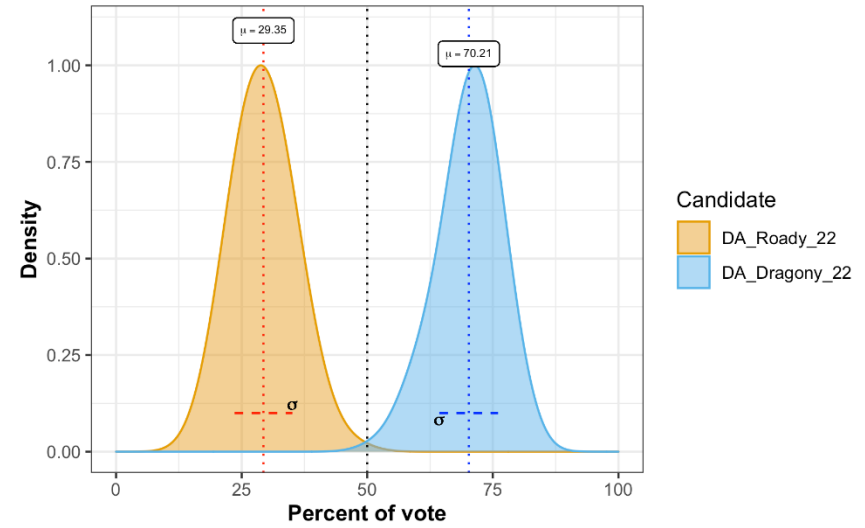


Anglo, Hispanic, and Black (CVAP)

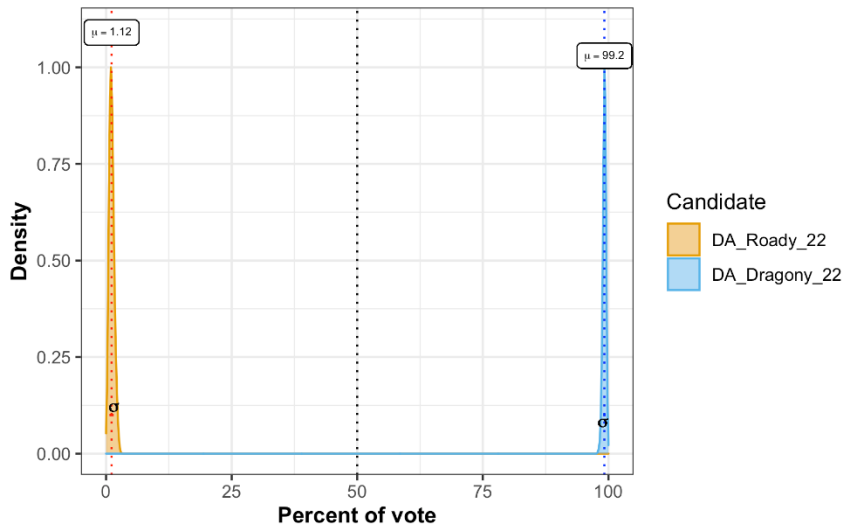
DA_Roady_22 vs DA_Dragony_22 for Anglo_20 voters (overlap:



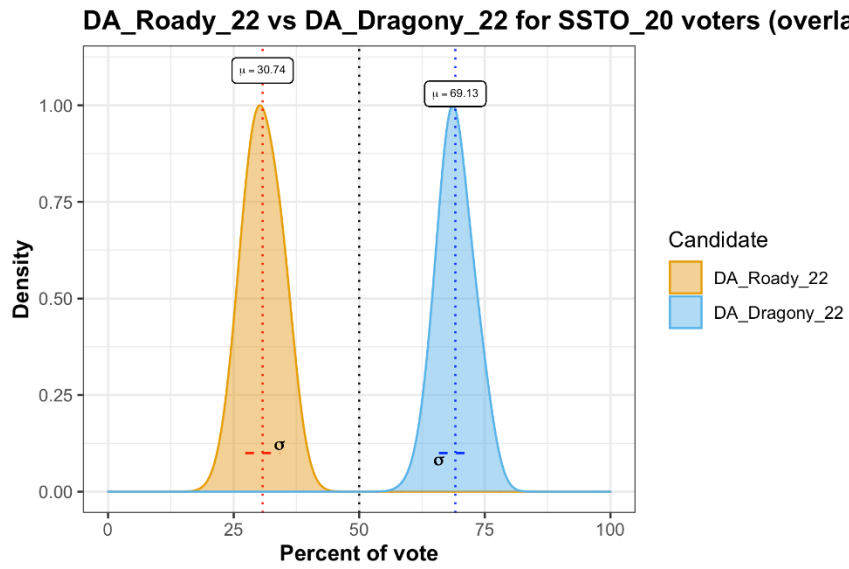
DA_Roady_22 vs DA_Dragony_22 for Hisp_20 voters (overlap:



DA_Roady_22 vs DA_Dragony_22 for Black_20 voters (overlap:

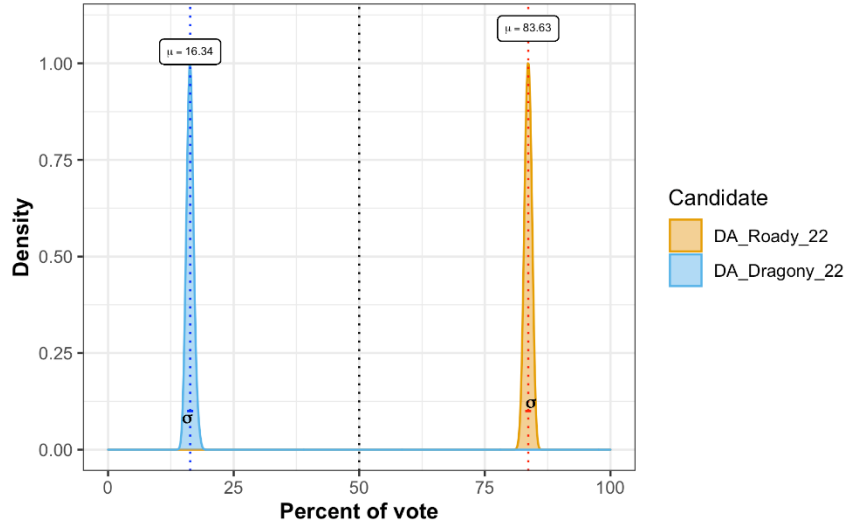


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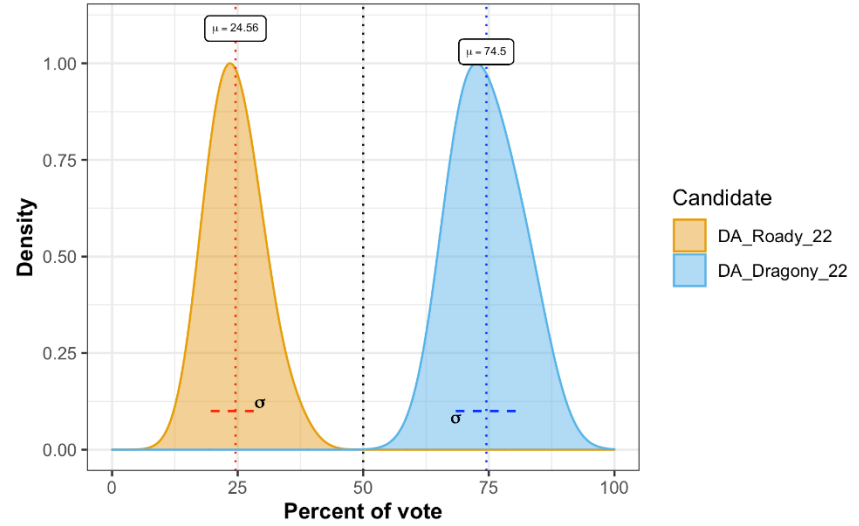


Anglo, Hispanic, and Black (Estimated Actual Vote)

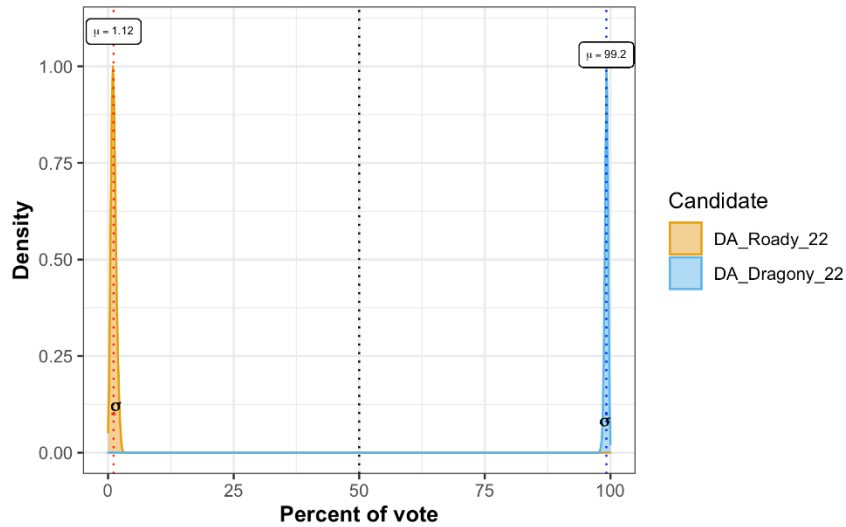
DA_Roady_22 vs DA_Dragony_22 for Wht_Vote22 voters (over



DA_Roady_22 vs DA_Dragony_22 for Hsp_Vote22 voters (over

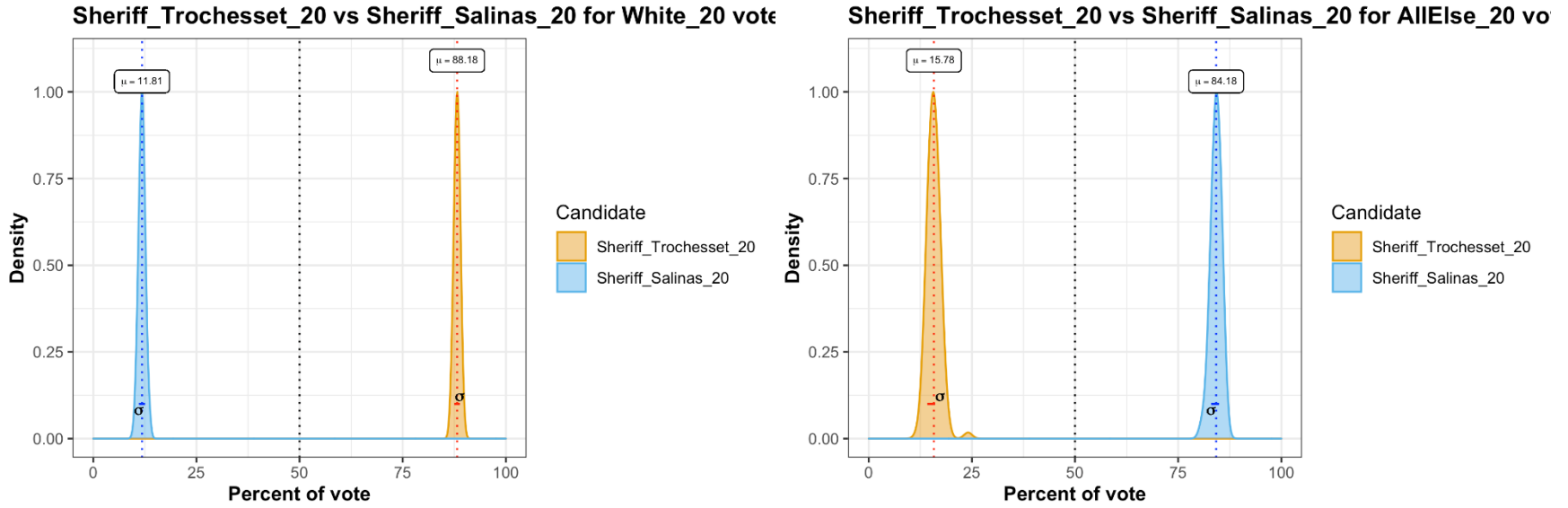


DA_Roady_22 vs DA_Dragony_22 for Black_20 voters (overlap



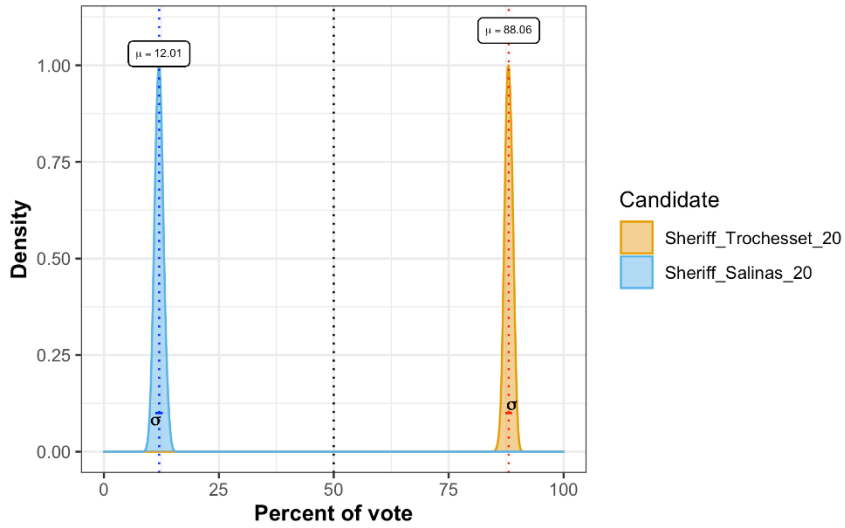
VIII. 2020 County Sheriff

Anglo and Non-Anglo (CVAP)

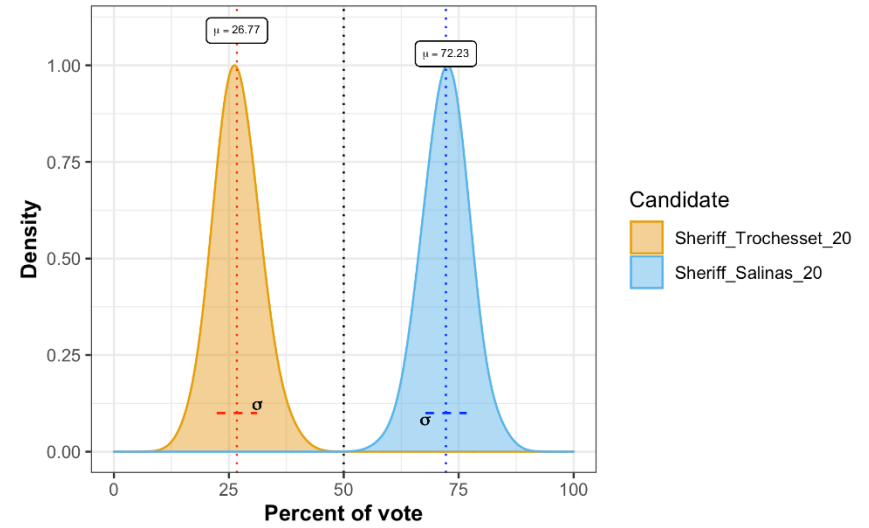


Anglo, Hispanic, and Black (CVAP)

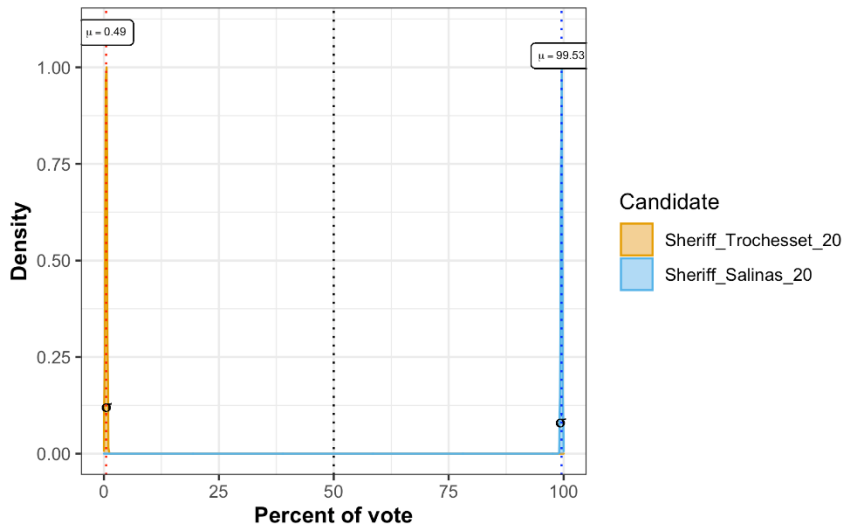
Sheriff_Trochesset_20 vs Sheriff_Salinas_20 for Anglo_20 vote



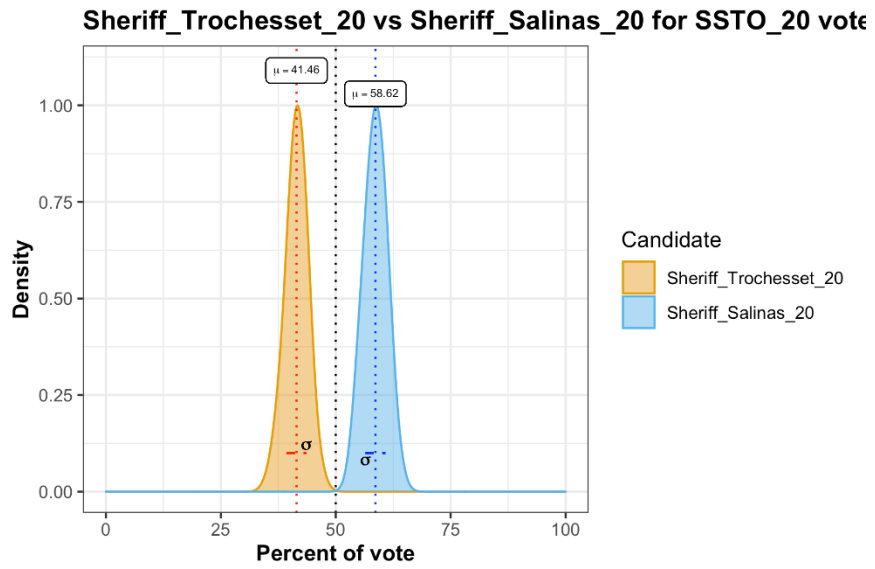
Sheriff_Trochesset_20 vs Sheriff_Salinas_20 for Hisp_20 voter



Sheriff_Trochesset_20 vs Sheriff_Salinas_20 for Black_20 vote

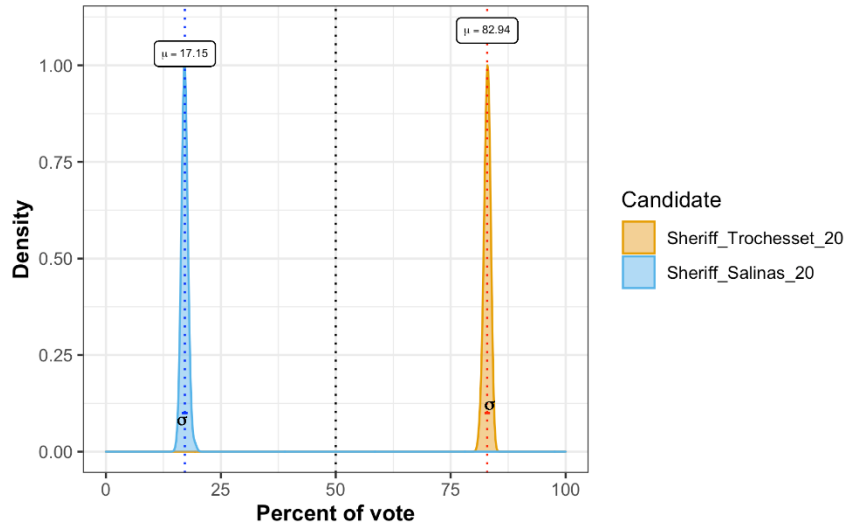


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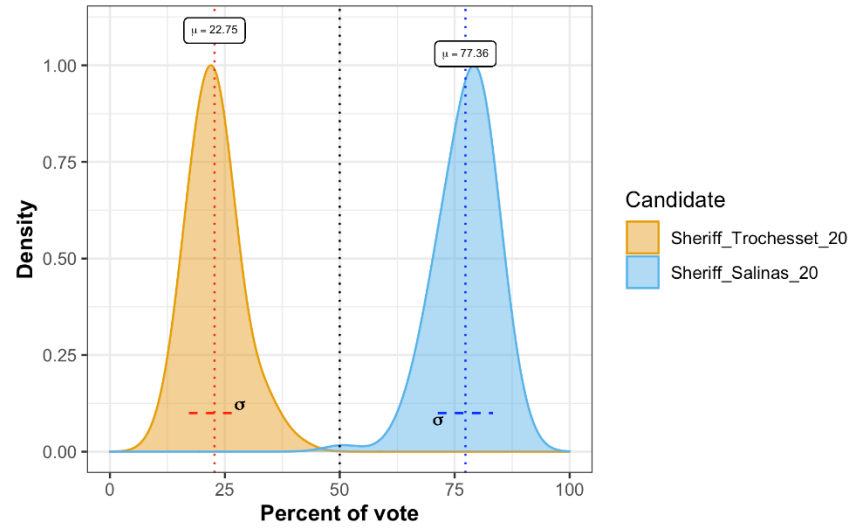


Anglo, Hispanic, and Black (Estimated Actual Vote)

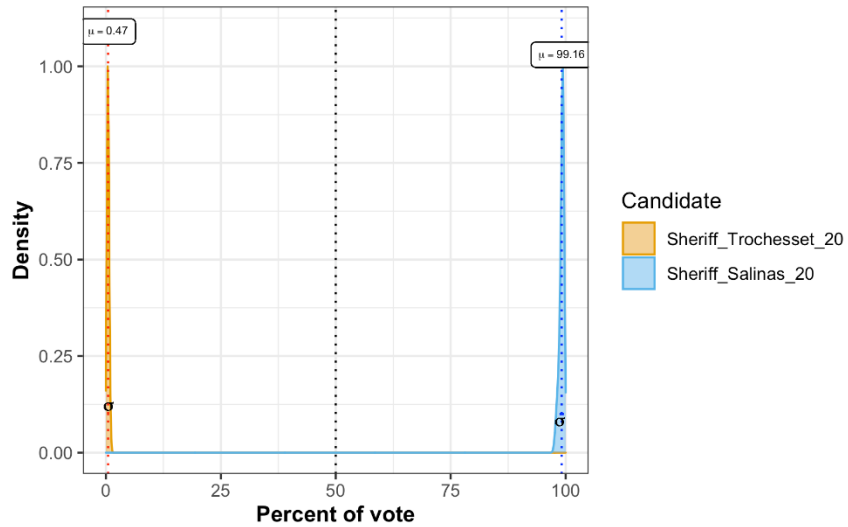
Sheriff_Trochesset_20 vs Sheriff_Salinas_20 for Wht_Vote20 v



Sheriff_Trochesset_20 vs Sheriff_Salinas_20 for Hsp_Vote20 v

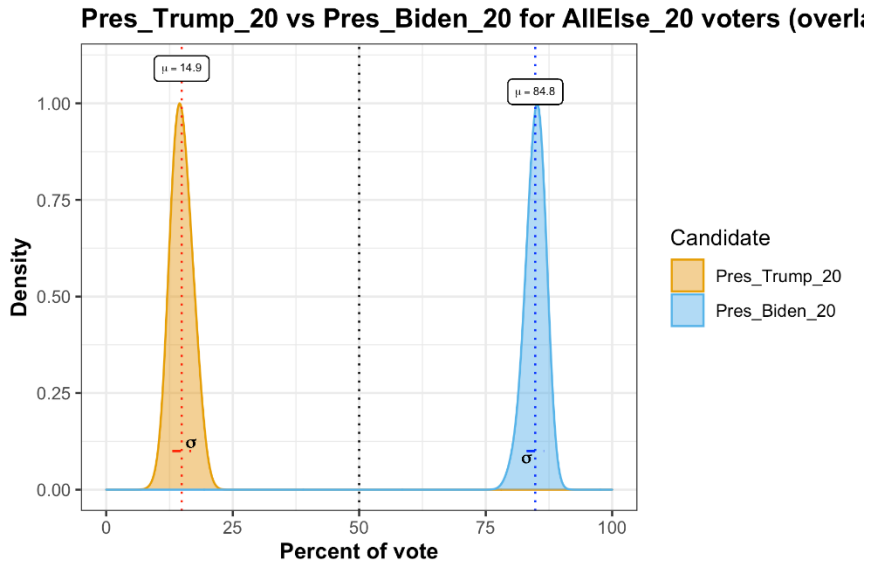
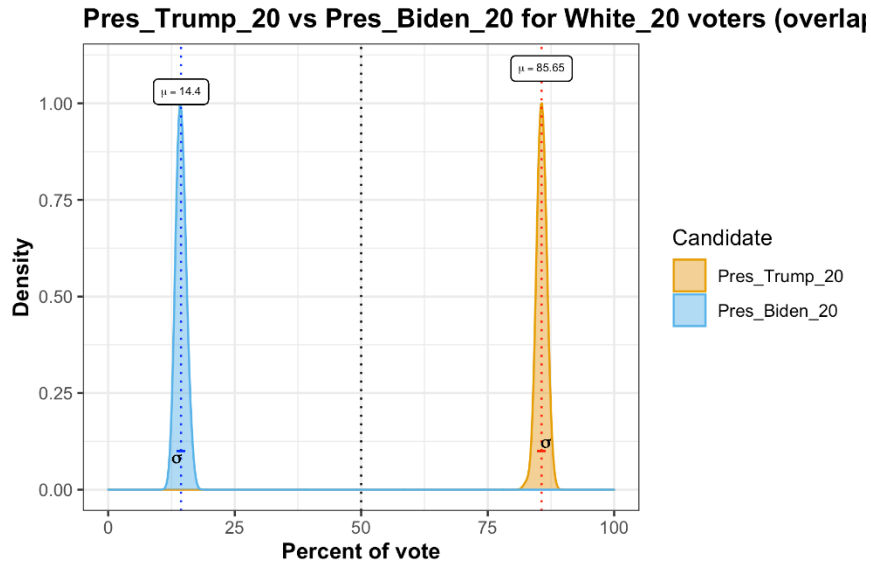


Sheriff_Trochesset_20 vs Sheriff_Salinas_20 for Blk_Vote20 v



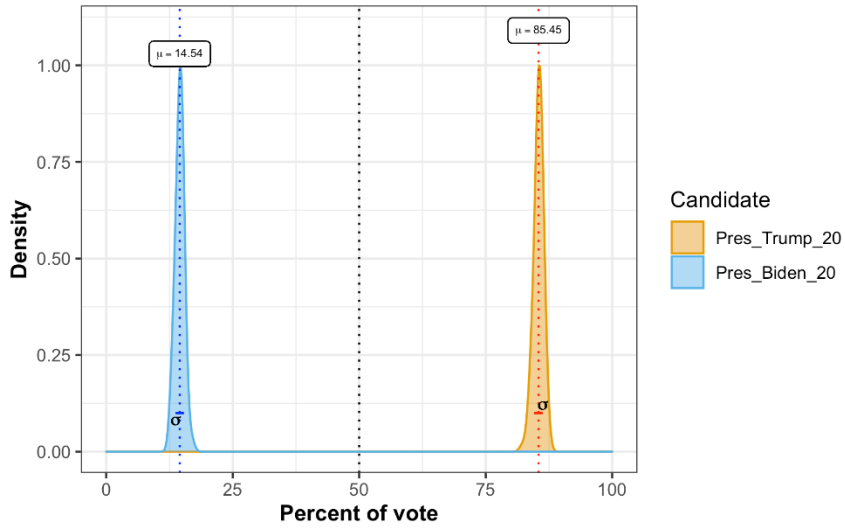
IX. 2020 President

Anglo and Non-Anglo (CVAP)

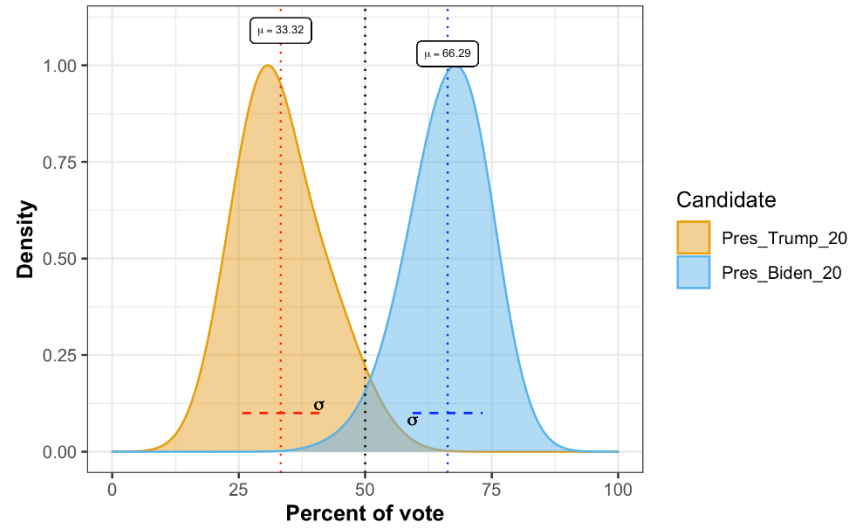


Anglo, Hispanic, and Black (CVAP)

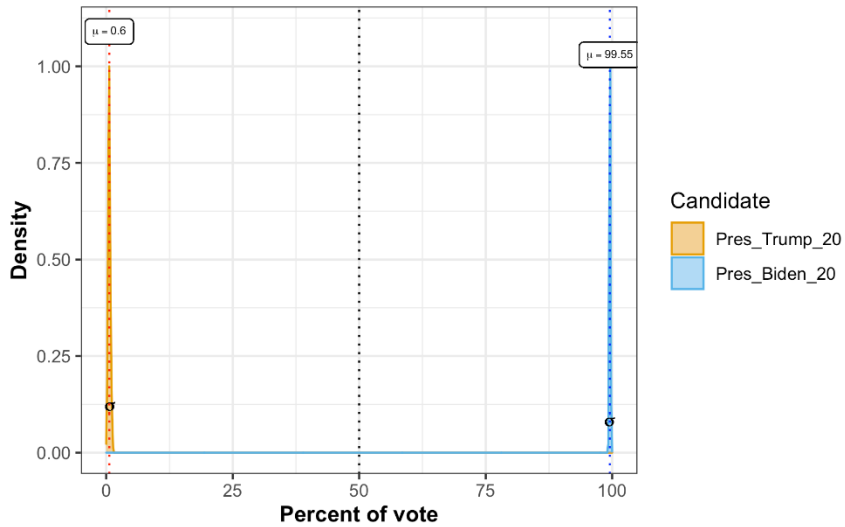
Pres_Trump_20 vs Pres_Biden_20 for Anglo_20 voters (overlap)



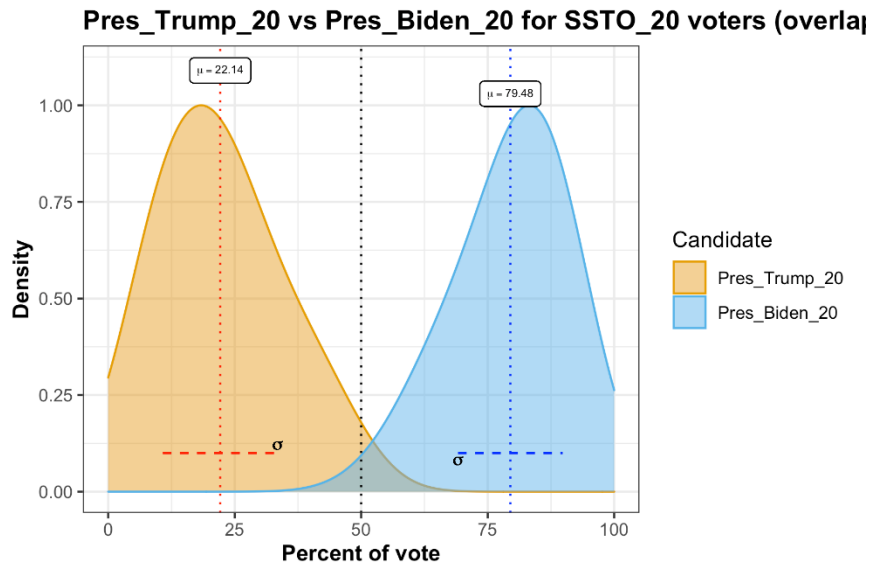
Pres_Trump_20 vs Pres_Biden_20 for Hisp_20 voters (overlap)



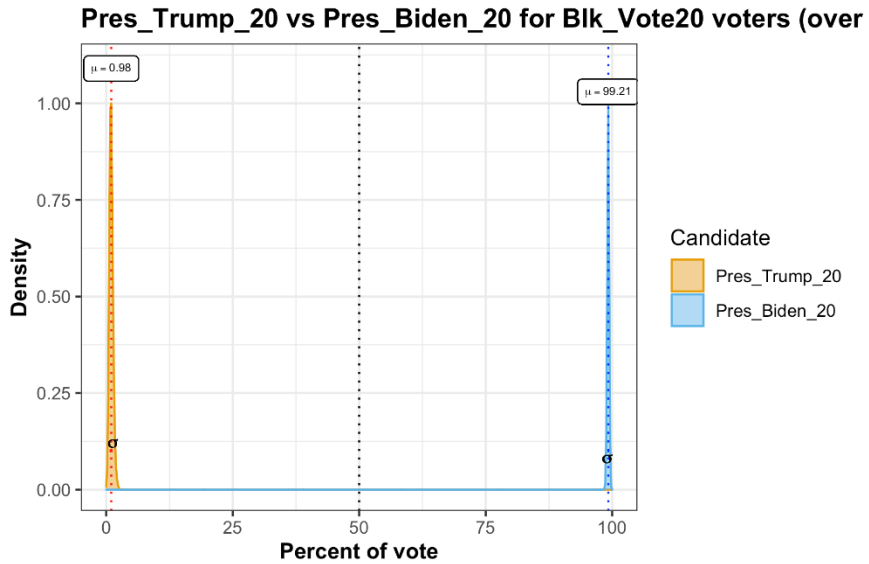
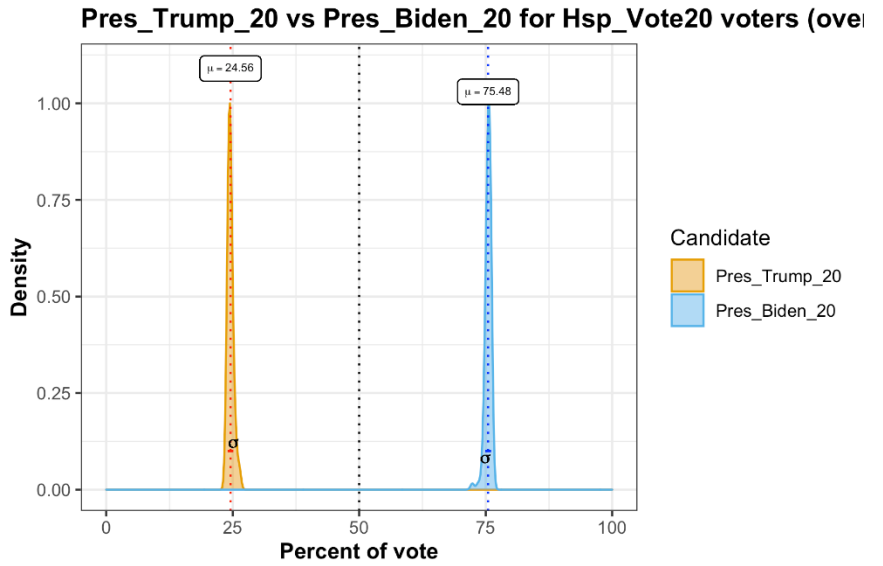
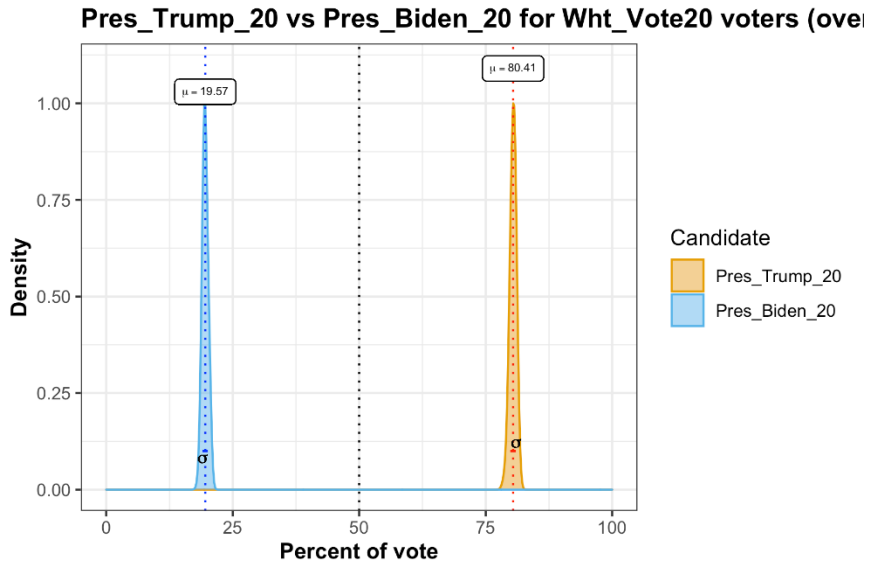
Pres_Trump_20 vs Pres_Biden_20 for Black_20 voters (overlap)



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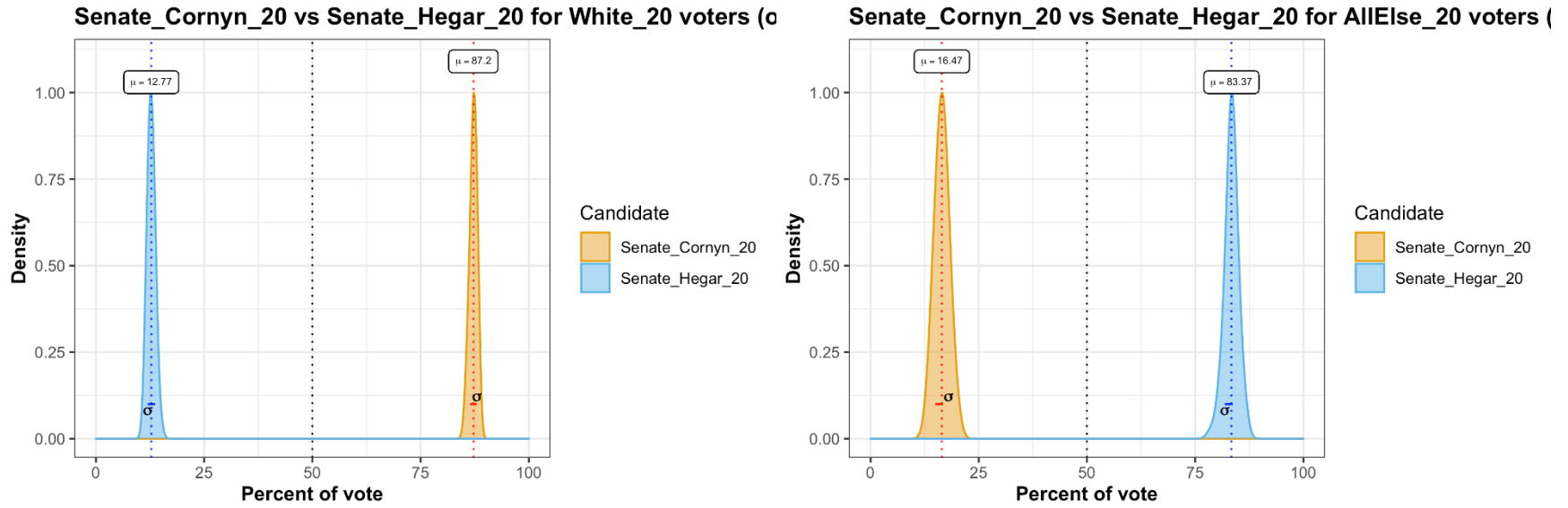


Anglo, Hispanic, and Black (Estimated Actual Vote)



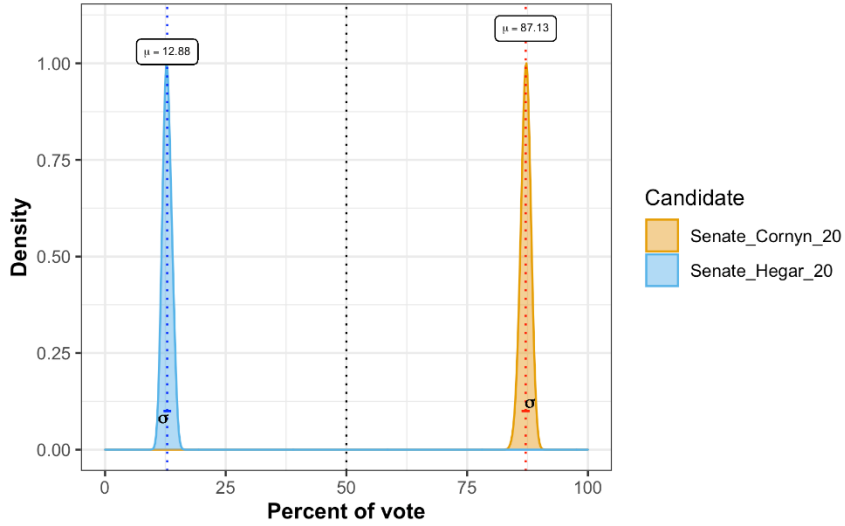
X. 2020 U.S. Senate

Anglo and Non-Anglo (CVAP)

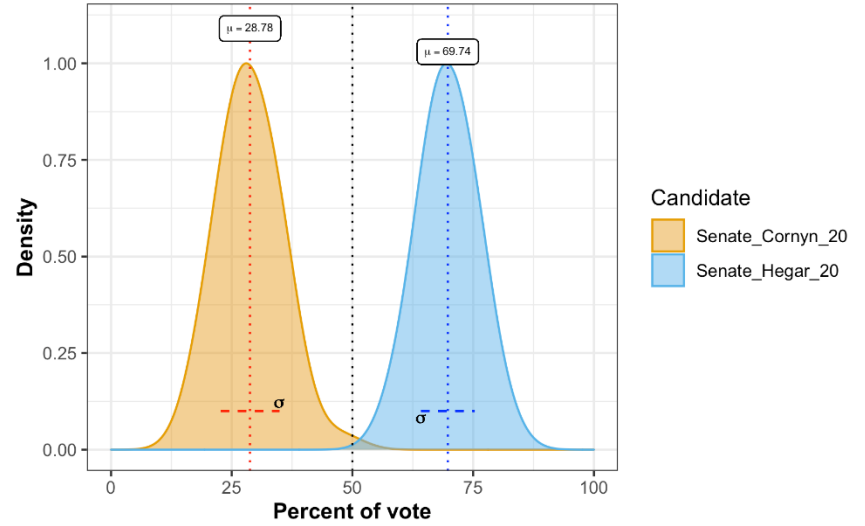


Anglo, Hispanic, and Black (CVAP)

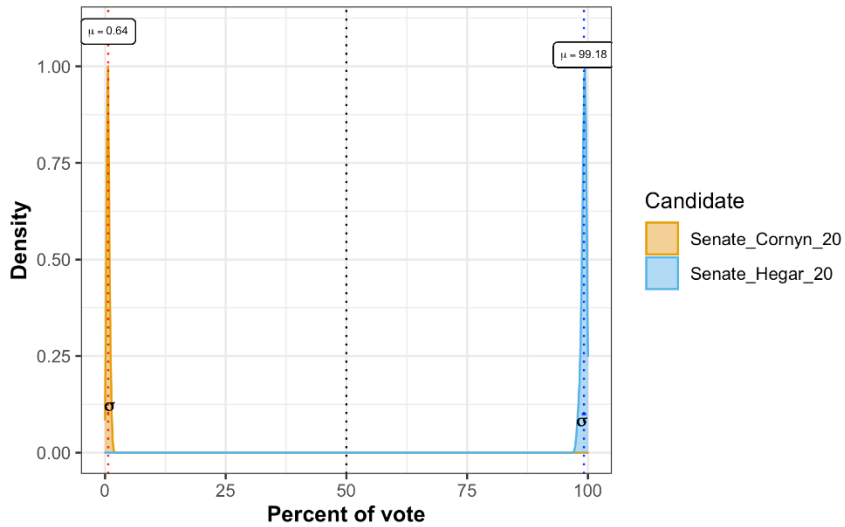
Senate_Cornyn_20 vs Senate_Hegar_20 for Anglo_20 voters (c



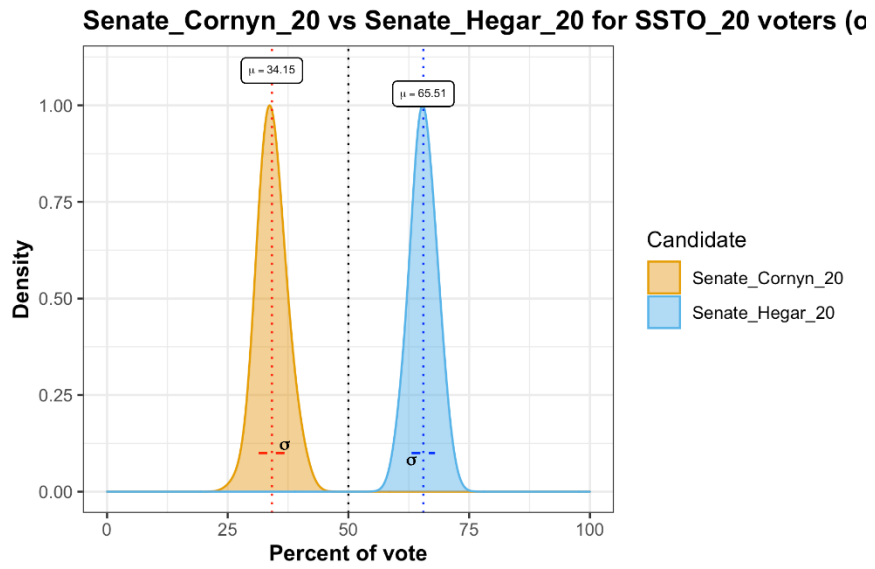
Senate_Cornyn_20 vs Senate_Hegar_20 for Hisp_20 voters (ov



Senate_Cornyn_20 vs Senate_Hegar_20 for Black_20 voters (o

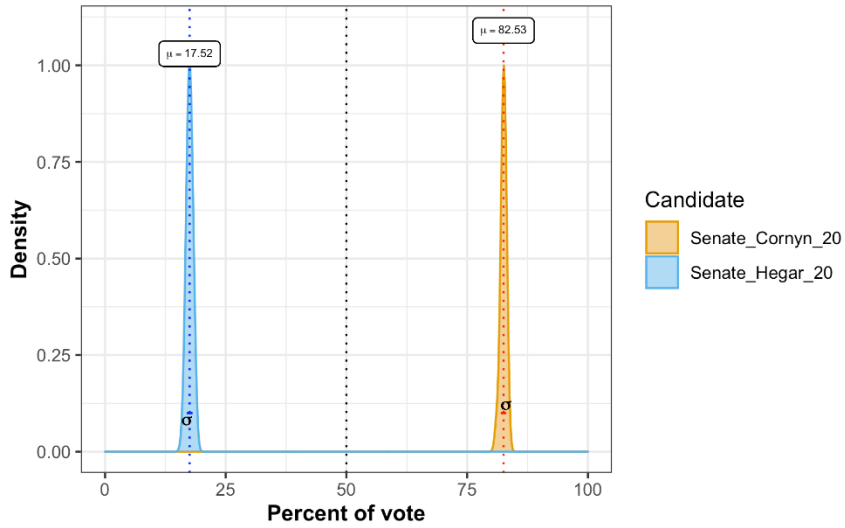


SSTO

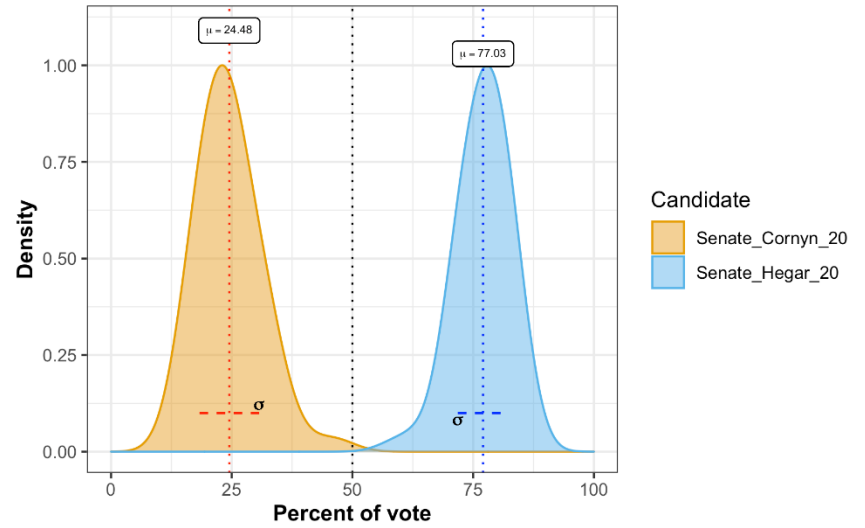


Anglo, Hispanic, and Black (Estimated Actual Vote)

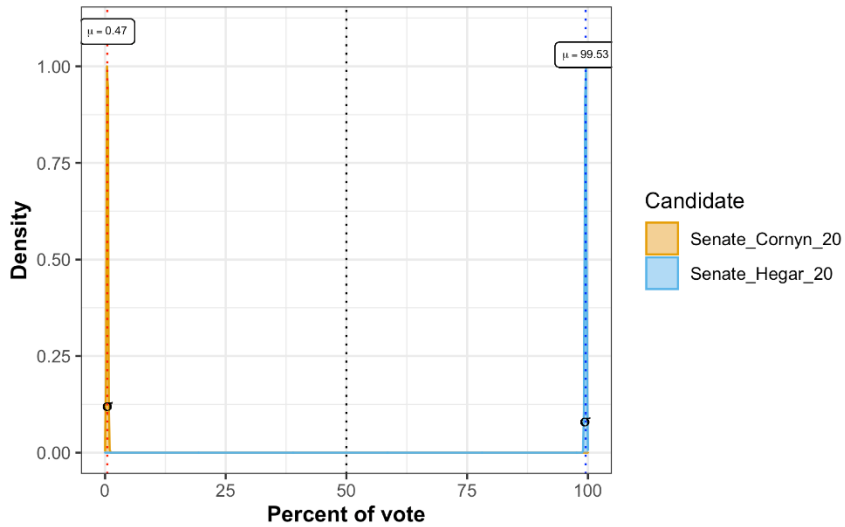
Senate_Cornyn_20 vs Senate_Hegar_20 for Wht_Vote20 voters



Senate_Cornyn_20 vs Senate_Hegar_20 for Hsp_Vote20 voters



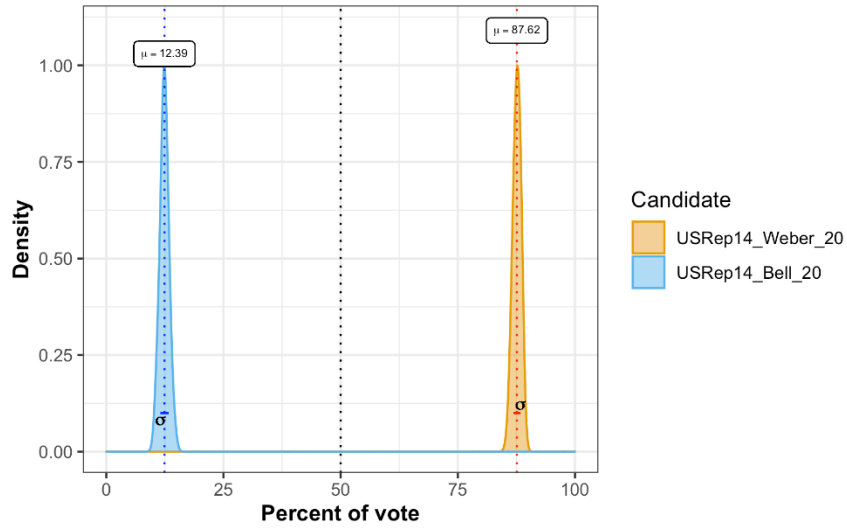
Senate_Cornyn_20 vs Senate_Hegar_20 for Blk_Vote20 voters



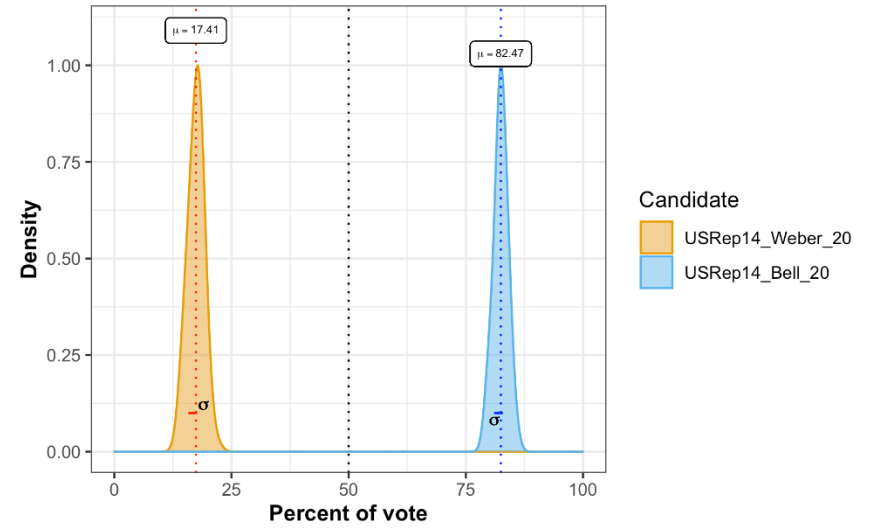
XI. 2020 U.S. House of Reps, District #14

Anglo and Non-Anglo (CVAP)

USRep14_Weber_20 vs USRep14_Bell_20 for White_20 voters

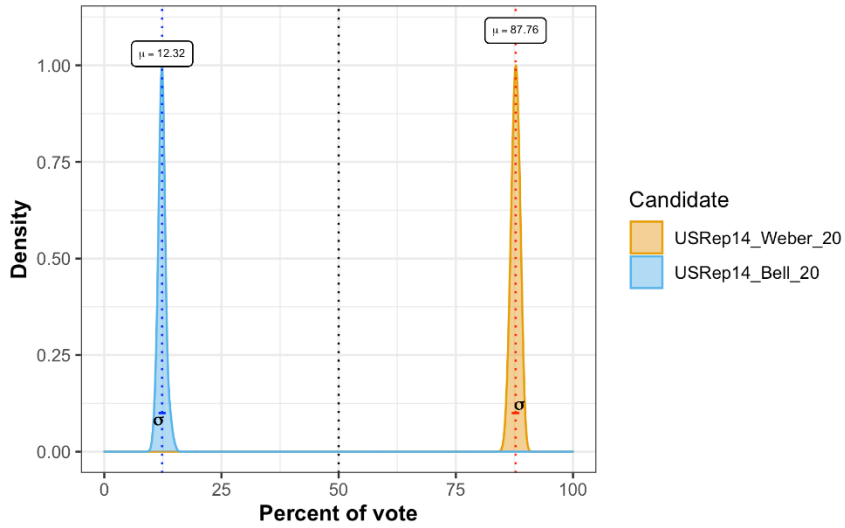


USRep14_Weber_20 vs USRep14_Bell_20 for AllElse_20 voters

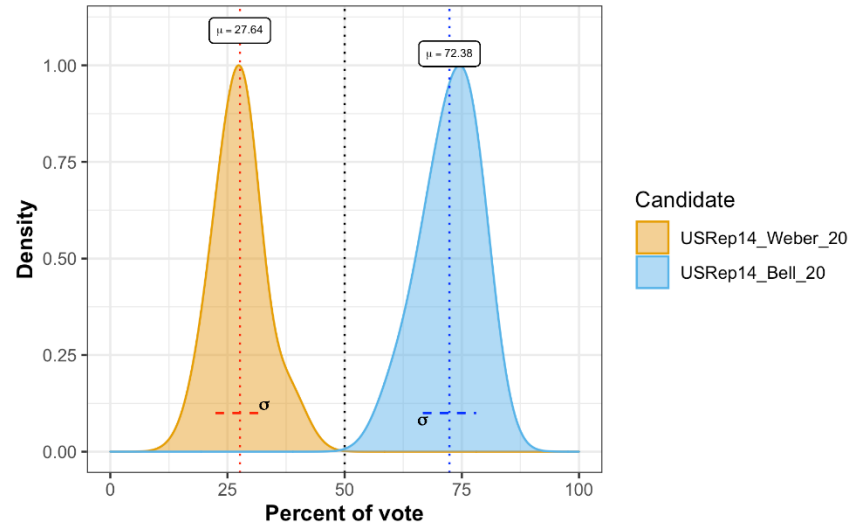


Anglo, Hispanic, and Black (CVAP)

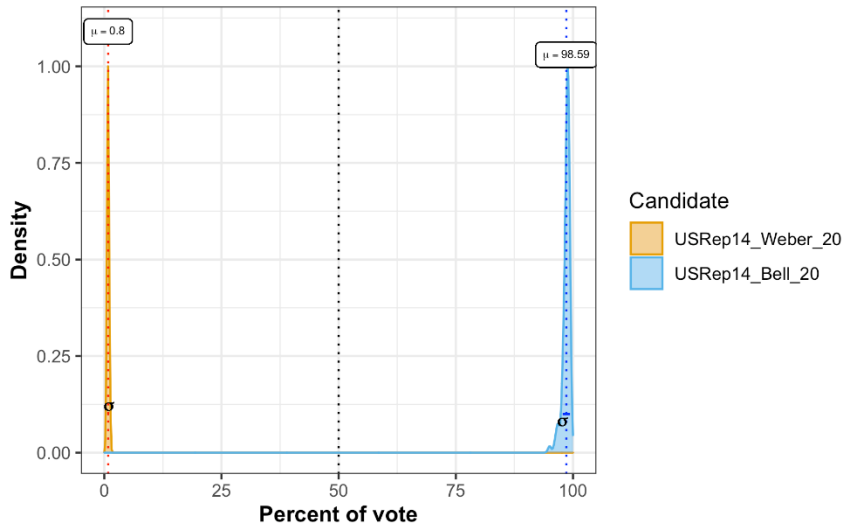
USRep14_Weber_20 vs USRep14_Bell_20 for Anglo_20 voters



USRep14_Weber_20 vs USRep14_Bell_20 for Hisp_20 voters (c

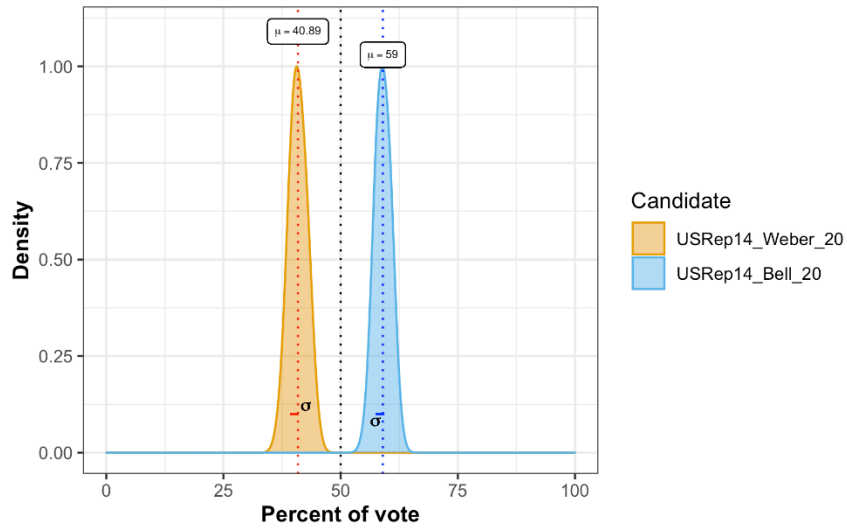


USRep14_Weber_20 vs USRep14_Bell_20 for Black_20 voters



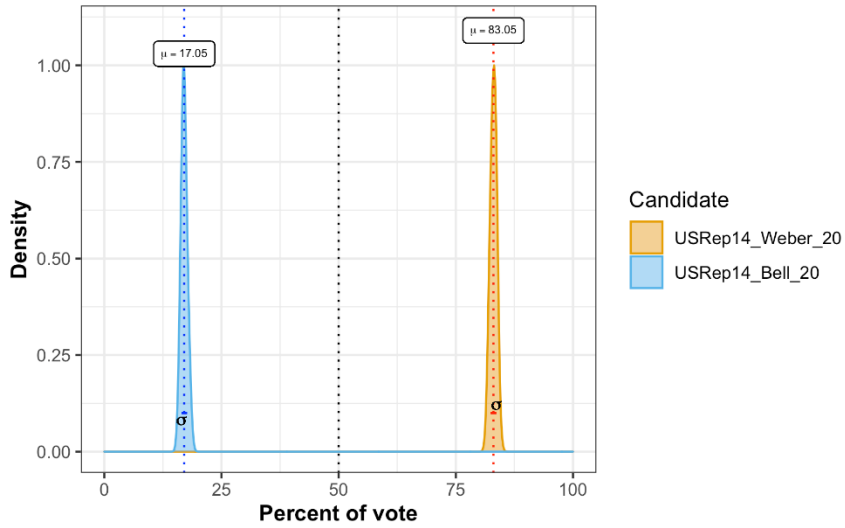
SSTO

USRep14_Weber_20 vs USRep14_Bell_20 for SSTO_20 voters

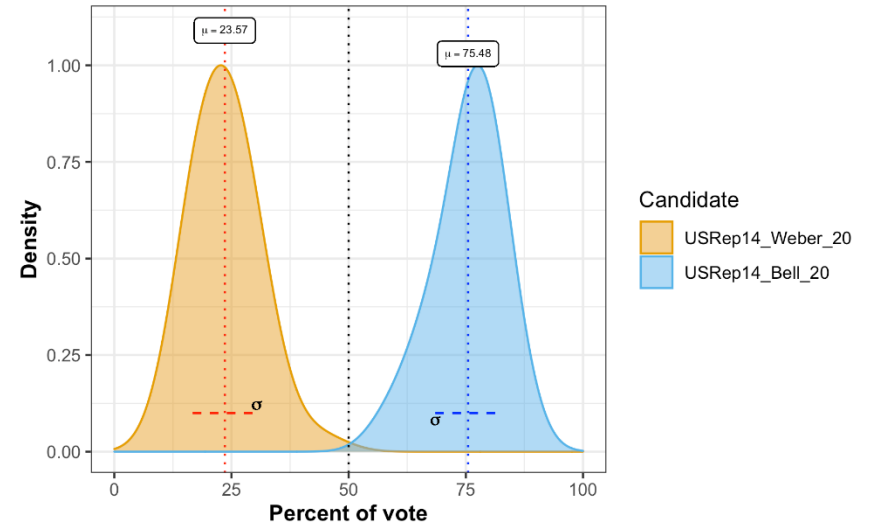


Anglo, Hispanic, and Black (Estimated Actual Vote)

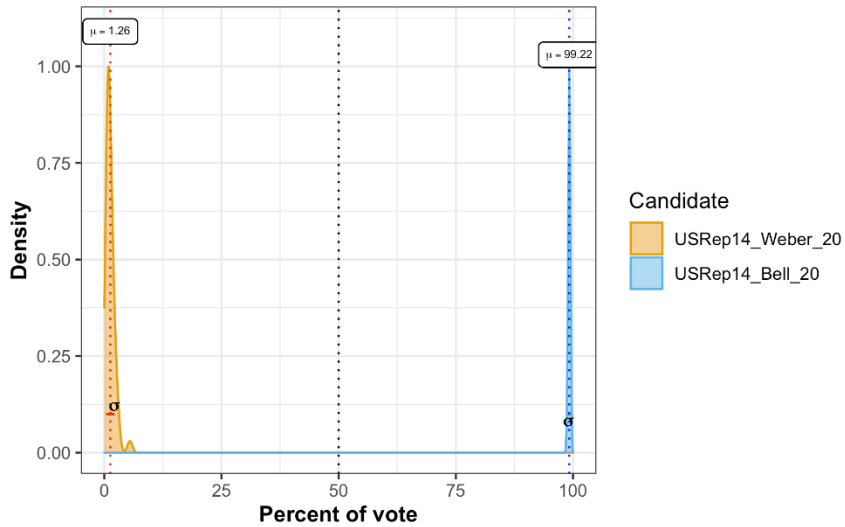
USRep14_Weber_20 vs USRep14_Bell_20 for Wht_Vote20 vote



USRep14_Weber_20 vs USRep14_Bell_20 for Hsp_Vote20 vote

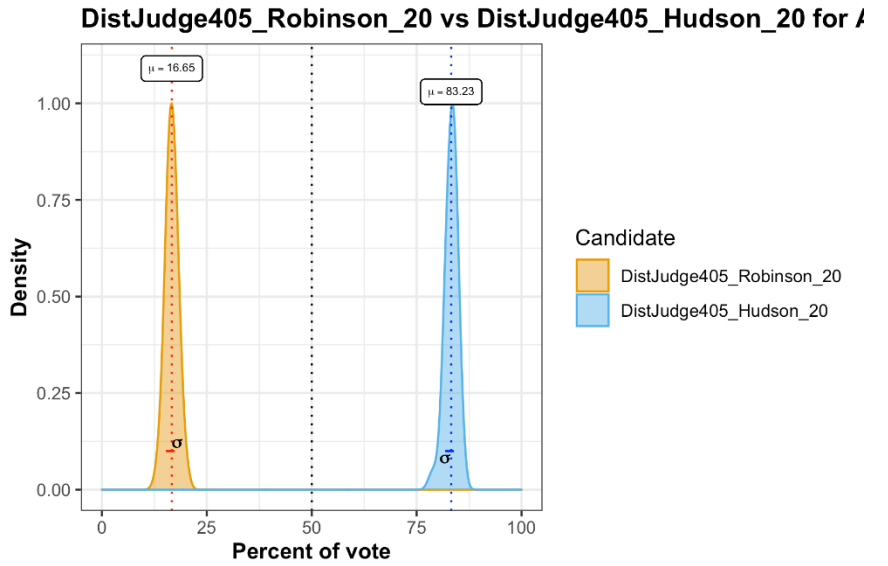
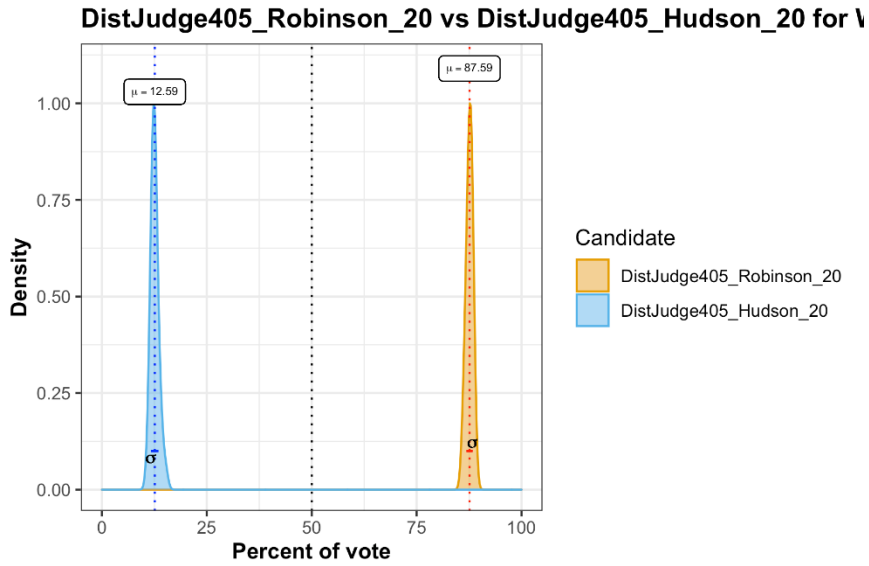


USRep14_Weber_20 vs USRep14_Bell_20 for Blk_Vote20 voter



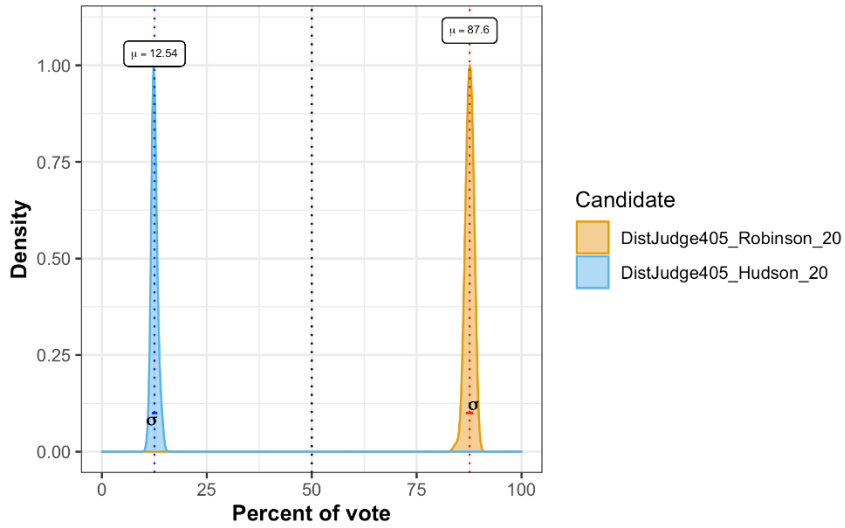
XII. 2020 District 405 Judge

Anglo and Non-Anglo (CVAP)

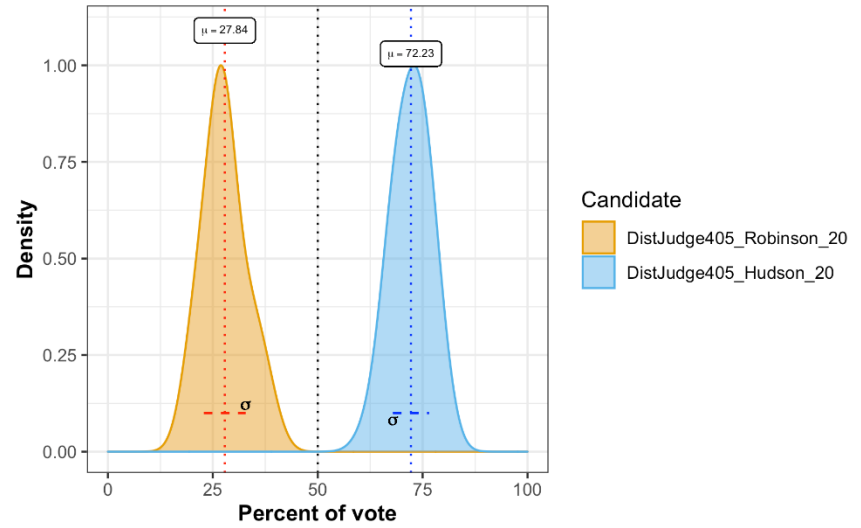


Anglo, Hispanic, and Black (CVAP)

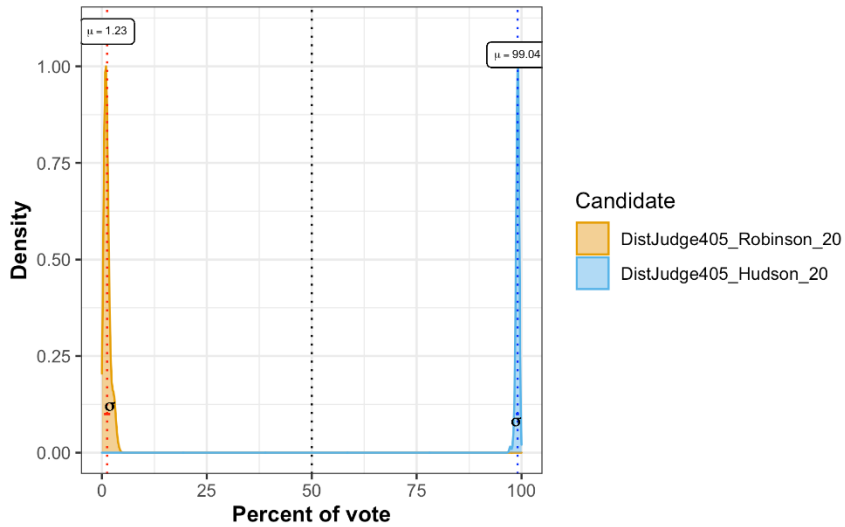
DistJudge405_Robinson_20 vs DistJudge405_Hudson_20 for I



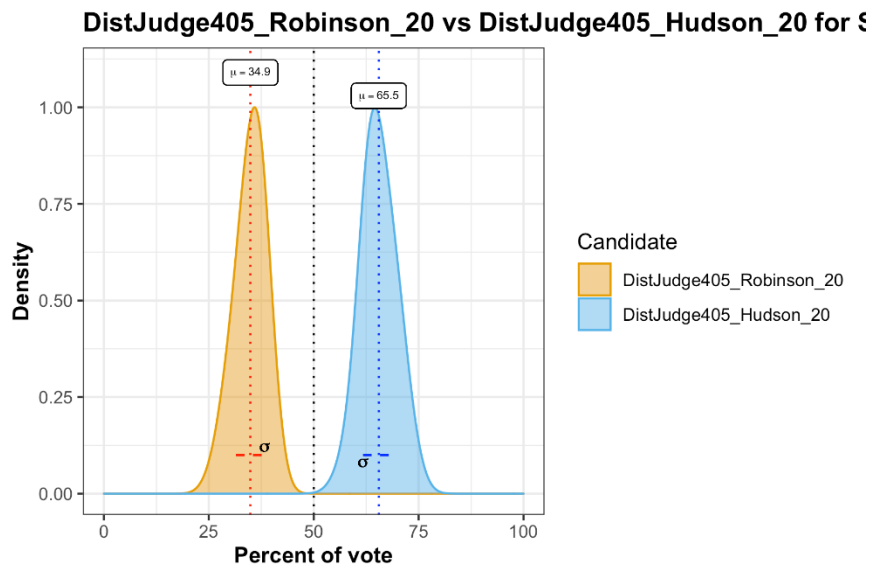
DistJudge405_Robinson_20 vs DistJudge405_Hudson_20 for H



DistJudge405_Robinson_20 vs DistJudge405_Hudson_20 for B

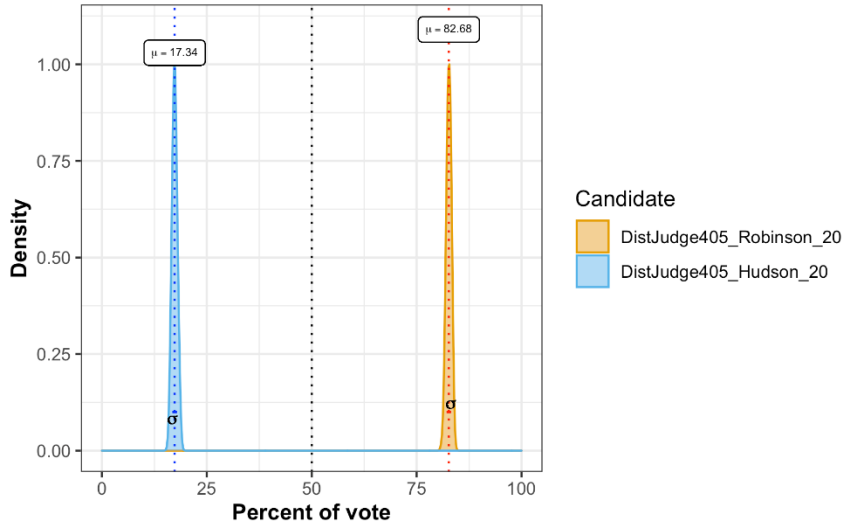


SSTO

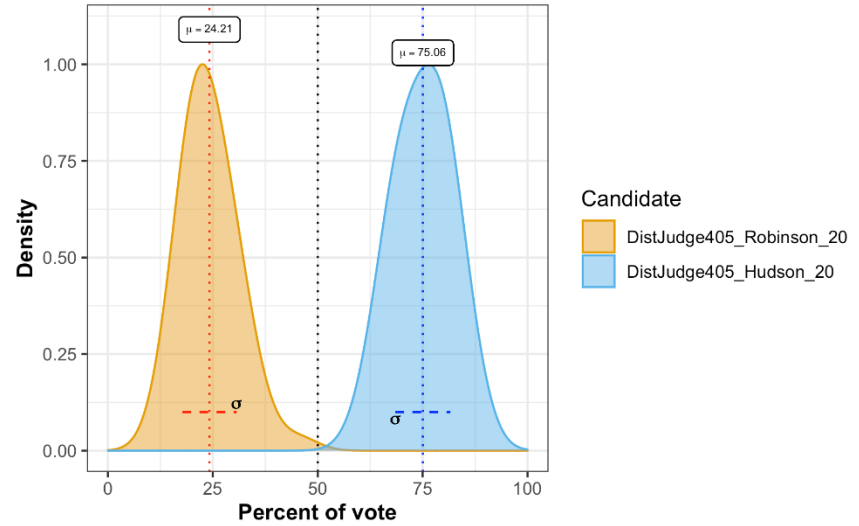


Anglo, Hispanic, and Black (Estimated Actual Vote)

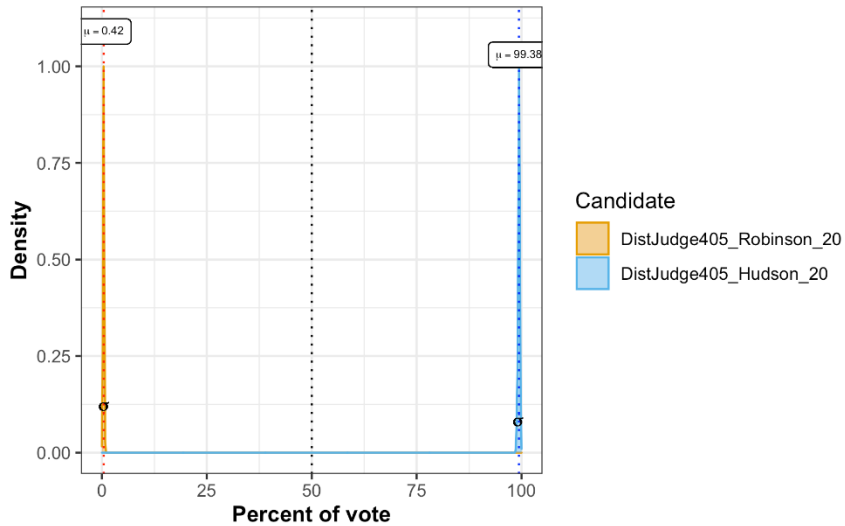
DistJudge405_Robinson_20 vs DistJudge405_Hudson_20 for v



DistJudge405_Robinson_20 vs DistJudge405_Hudson_20 for t

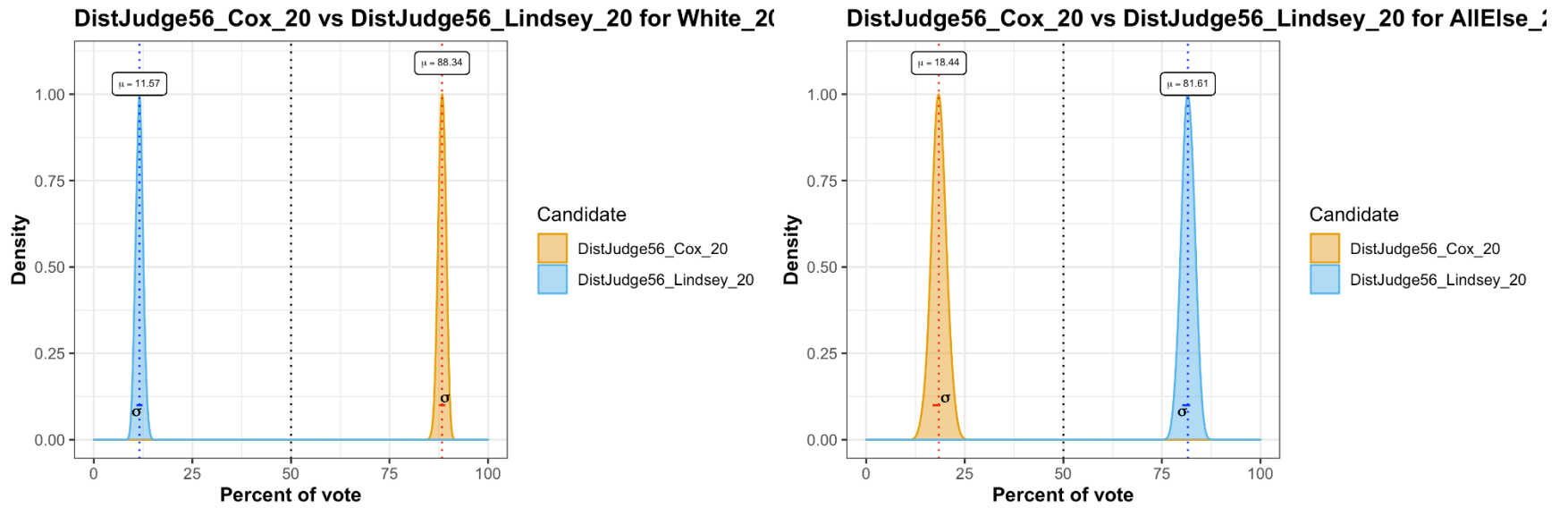


DistJudge405_Robinson_20 vs DistJudge405_Hudson_20 for E



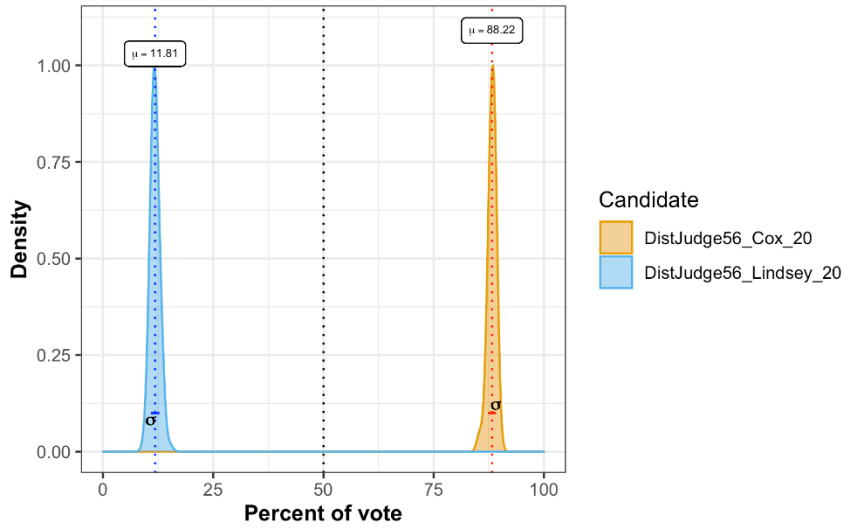
XIII. 2020 District 56 Judge

Anglo and Non-Anglo (CVAP)

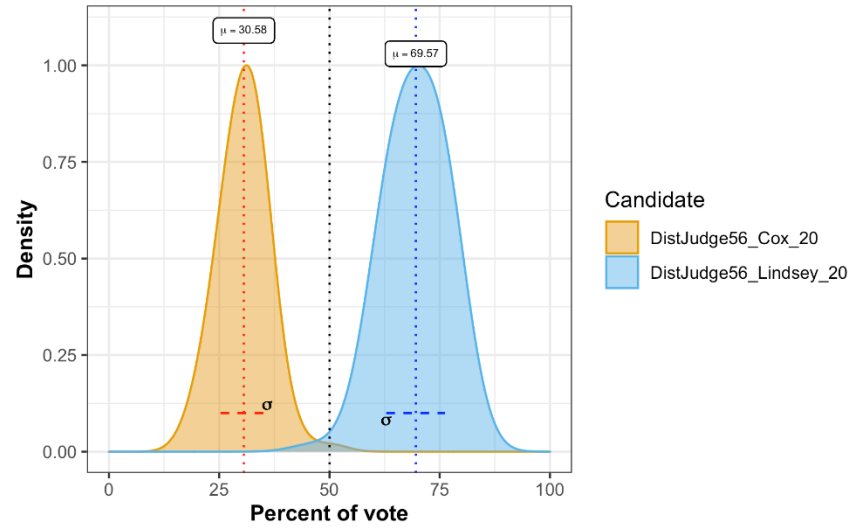


Anglo, Hispanic, and Black (CVAP)

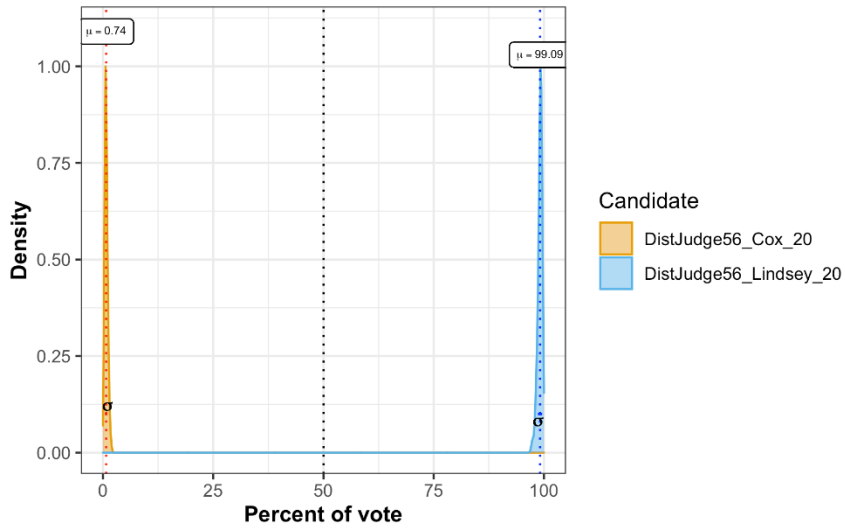
DistJudge56_Cox_20 vs DistJudge56_Lindsey_20 for Anglo_21



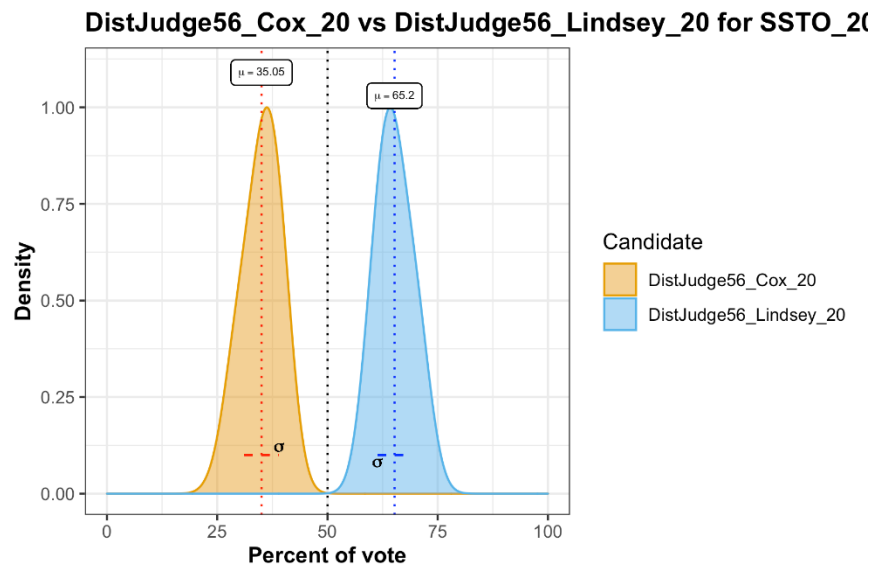
DistJudge56_Cox_20 vs DistJudge56_Lindsey_20 for Hisp_20



DistJudge56_Cox_20 vs DistJudge56_Lindsey_20 for Black_20

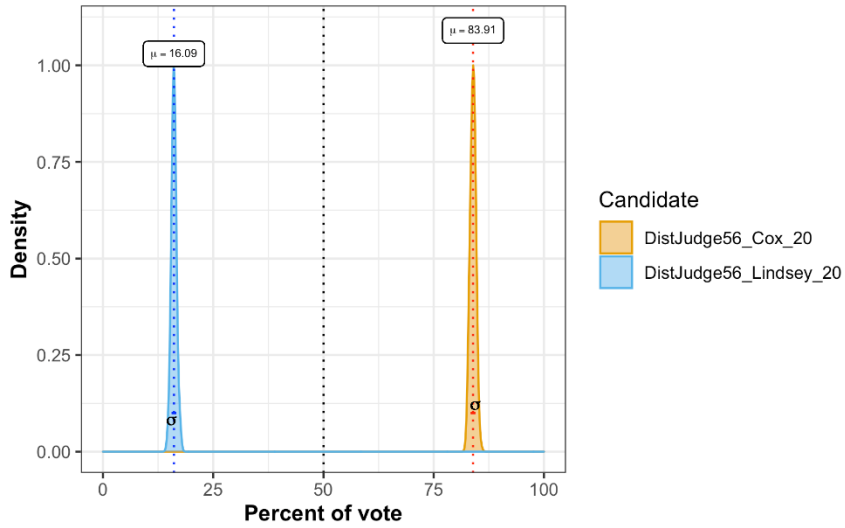


SSTO

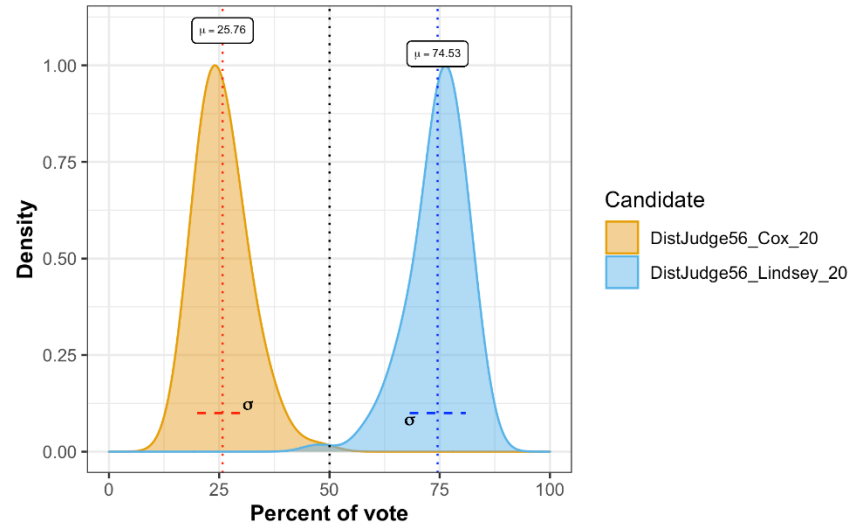


Anglo, Hispanic, and Black (Estimated Actual Vote)

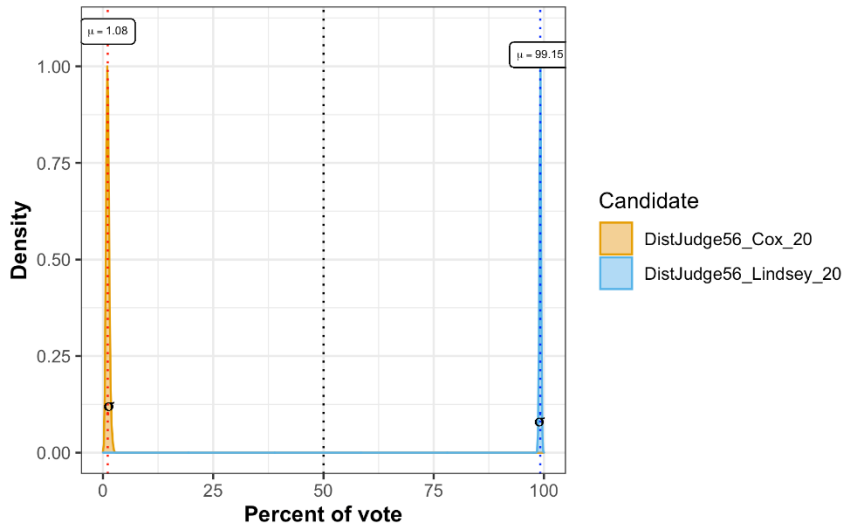
DistJudge56_Cox_20 vs DistJudge56_Lindsey_20 for Wht_Vot



DistJudge56_Cox_20 vs DistJudge56_Lindsey_20 for Hsp_Vot

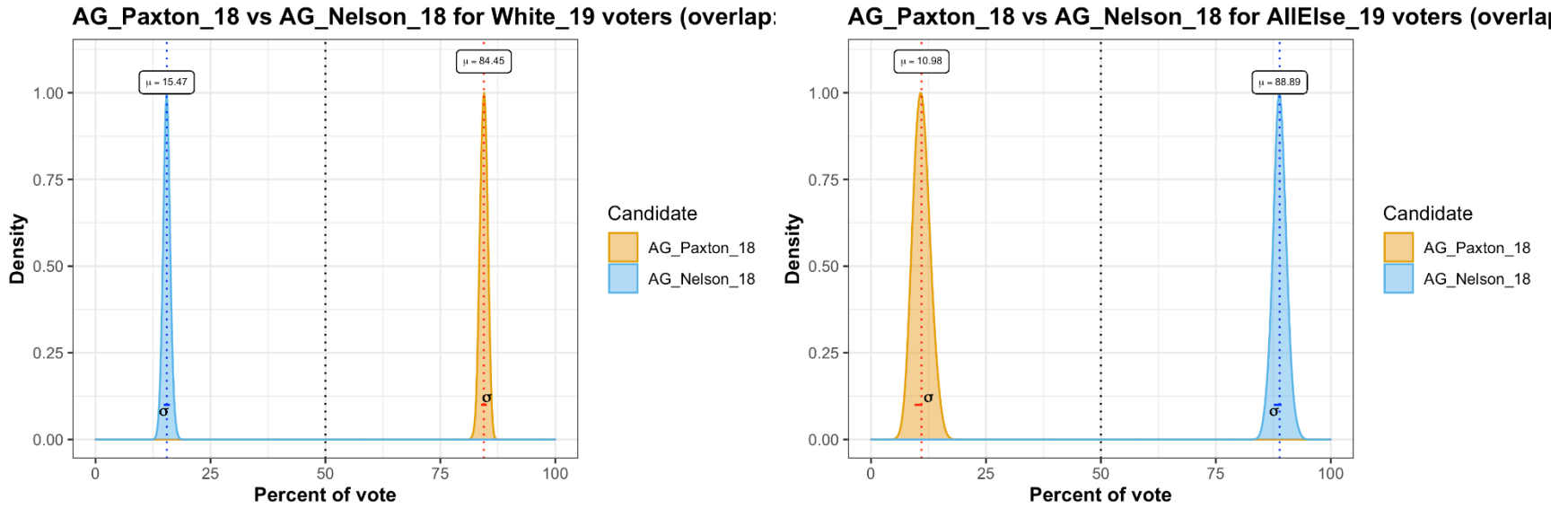


DistJudge56_Cox_20 vs DistJudge56_Lindsey_20 for Blk_Vote



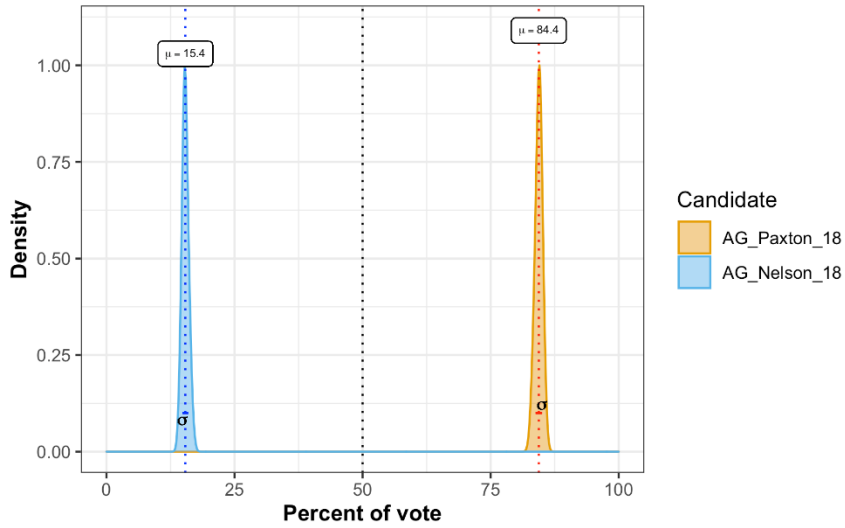
XIV. 2018 Attorney General

Anglo and Non-Anglo (CVAP)

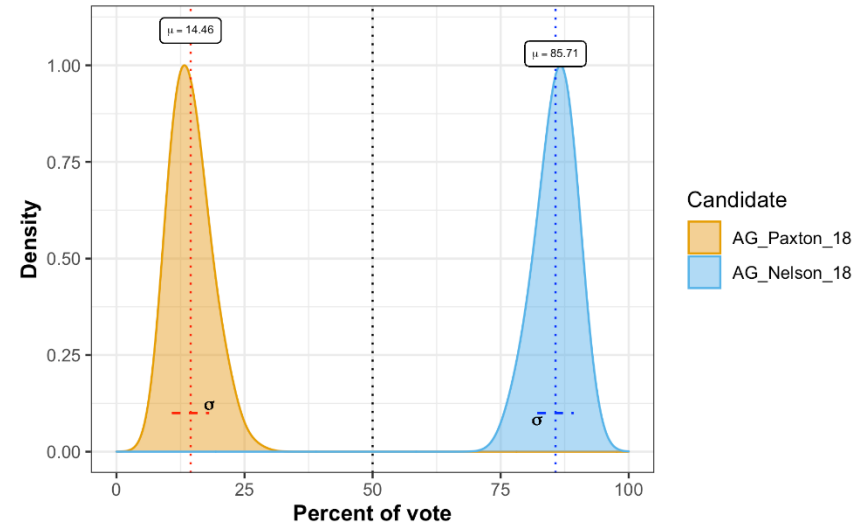


Anglo, Hispanic, and Black (CVAP)

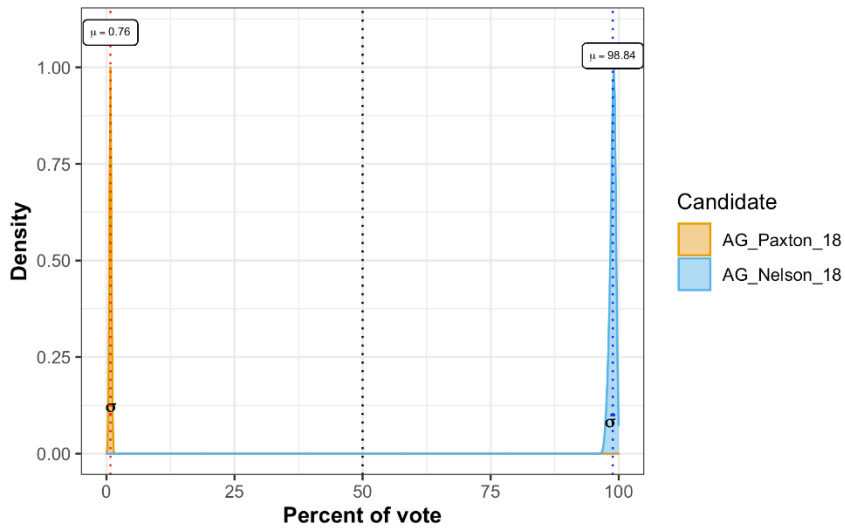
AG_Paxton_18 vs AG_Nelson_18 for Anglo_19 voters (overlap: 0%)



AG_Paxton_18 vs AG_Nelson_18 for Hisp_19 voters (overlap: 0%)

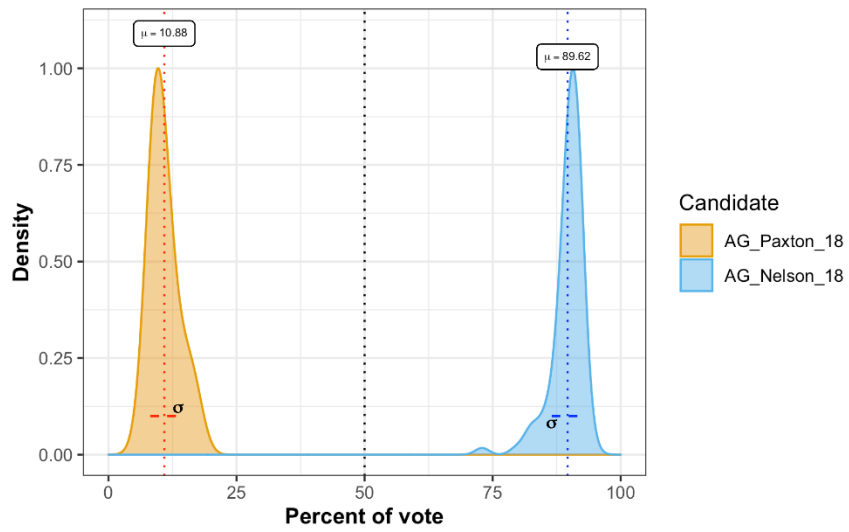


AG_Paxton_18 vs AG_Nelson_18 for Black_19 voters (overlap: 0%)



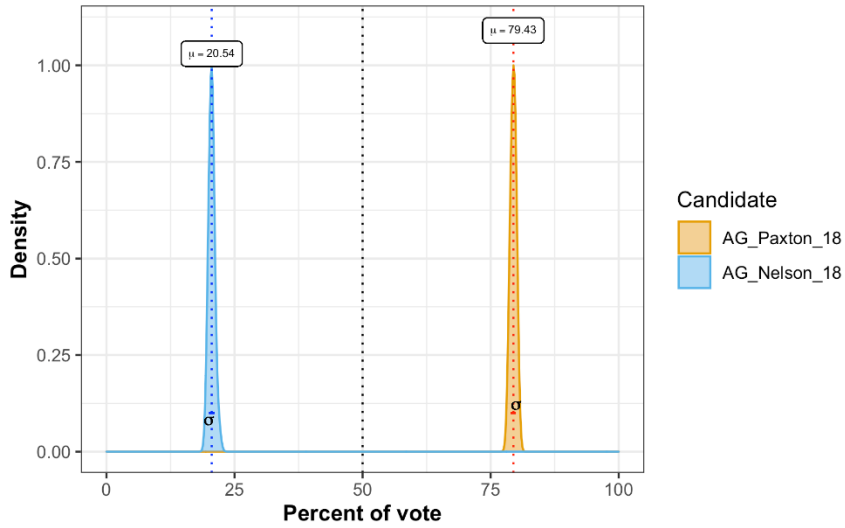
SSTO

AG_Paxton_18 vs AG_Nelson_18 for SSTO_18 voters (overlap:

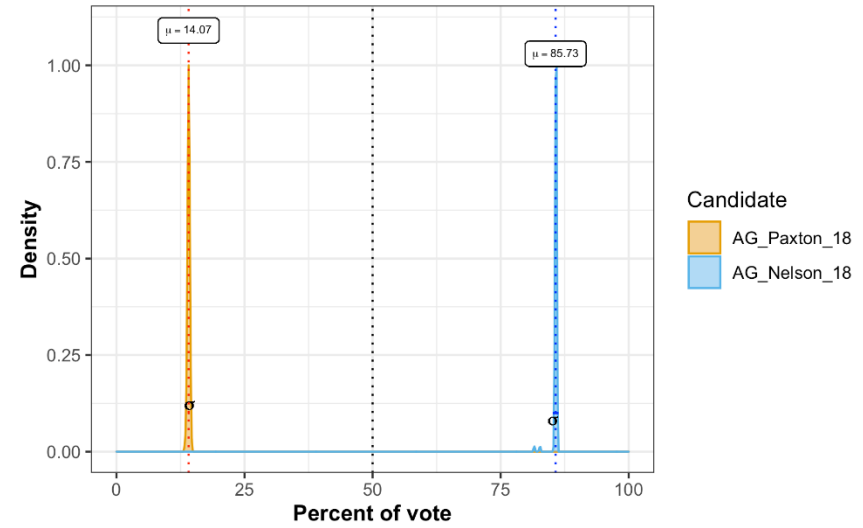


Anglo, Hispanic, and Black (Estimated Actual Vote)

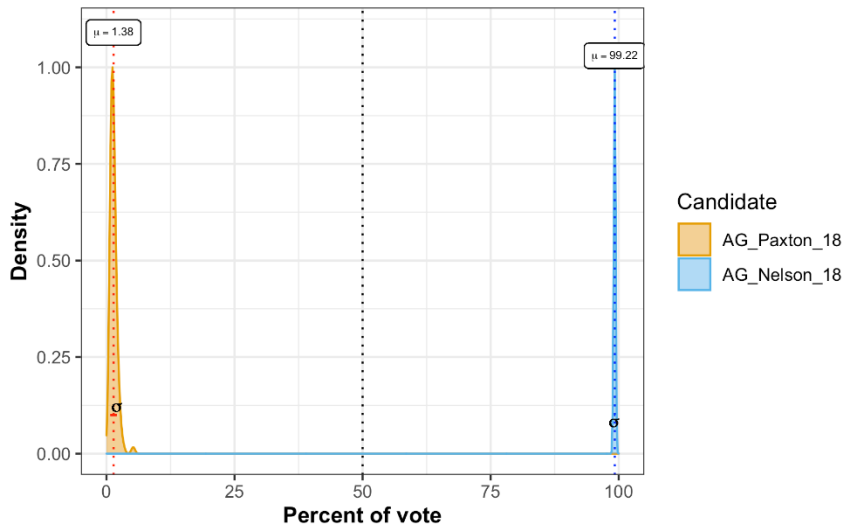
AG_Paxton_18 vs AG_Nelson_18 for Wht_Vote18 voters (overl



AG_Paxton_18 vs AG_Nelson_18 for Hsp_Vote18 voters (overl

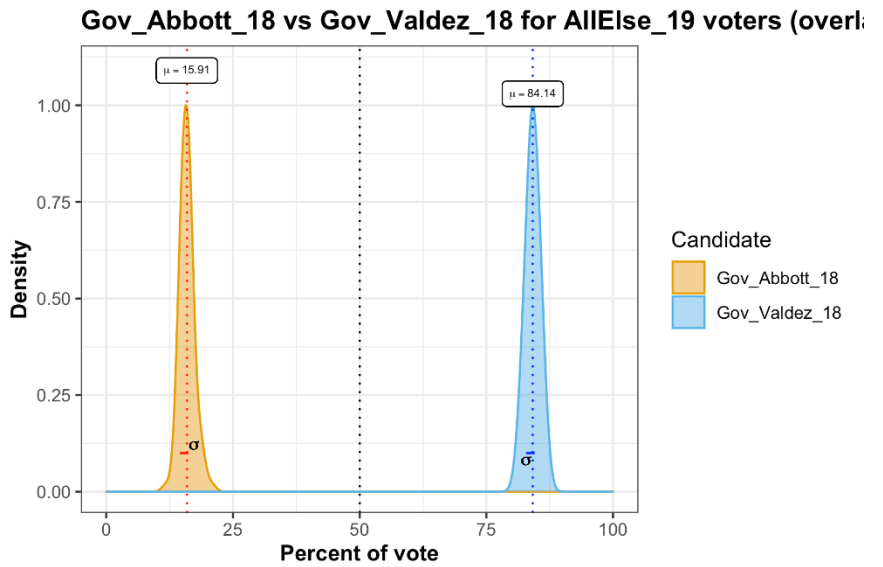
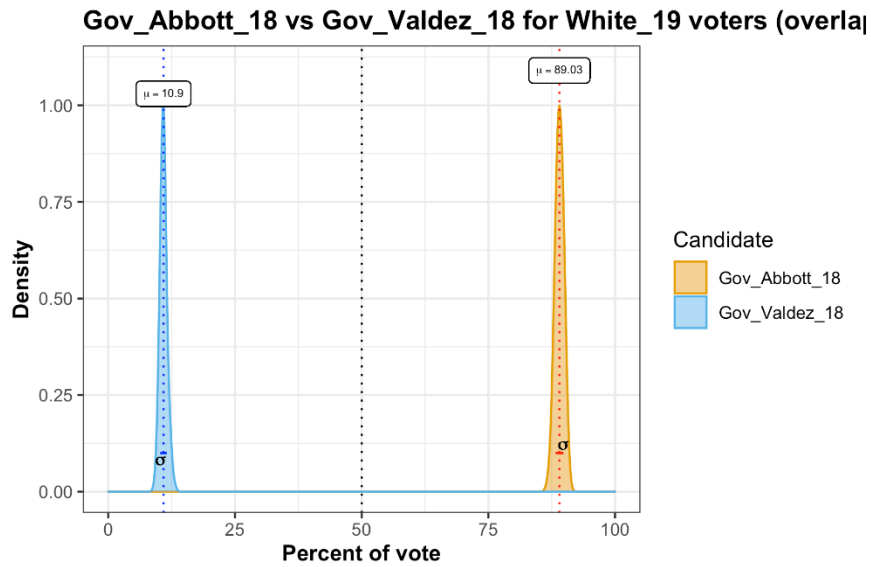


AG_Paxton_18 vs AG_Nelson_18 for Blk_Vote18 voters (overl



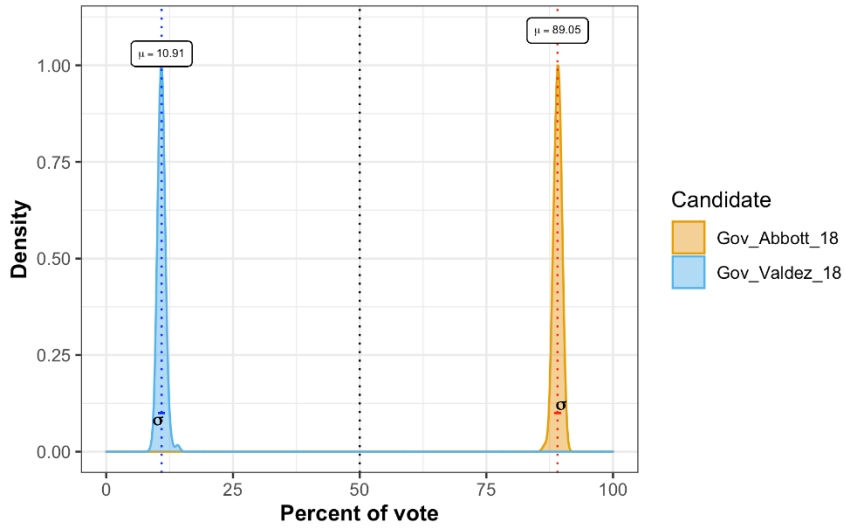
XV. 2018 Governor

Anglo and Non-Anglo (CVAP)

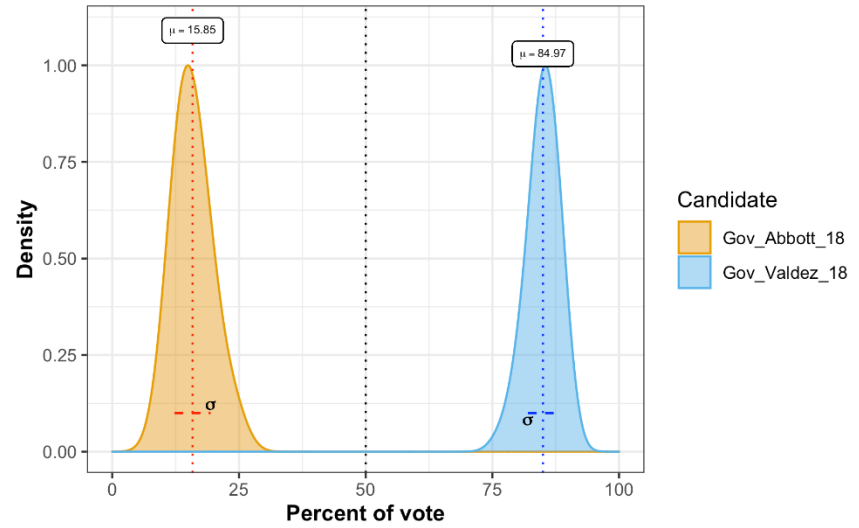


Anglo, Hispanic, and Black (CVAP)

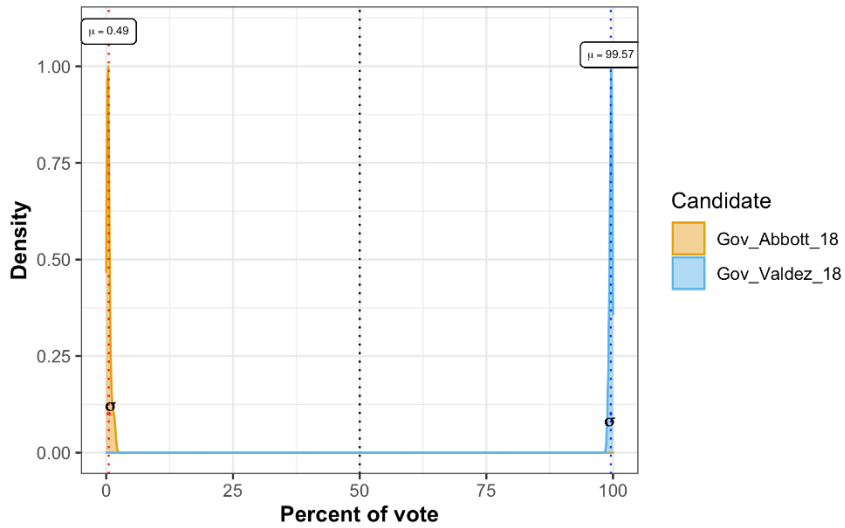
Gov_Abbott_18 vs Gov_Valdez_18 for Anglo_19 voters (overlap)



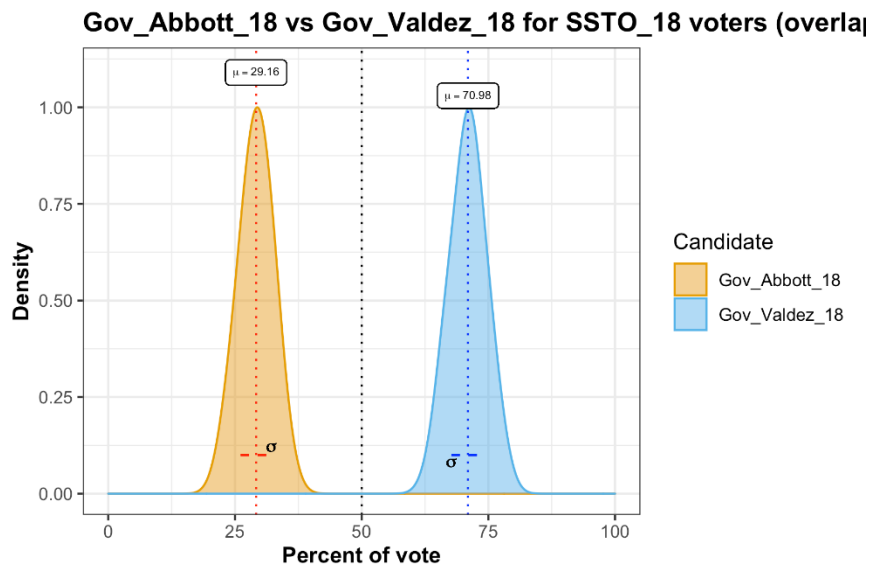
Gov_Abbott_18 vs Gov_Valdez_18 for Hisp_19 voters (overlap)



Gov_Abbott_18 vs Gov_Valdez_18 for Black_19 voters (overlap)

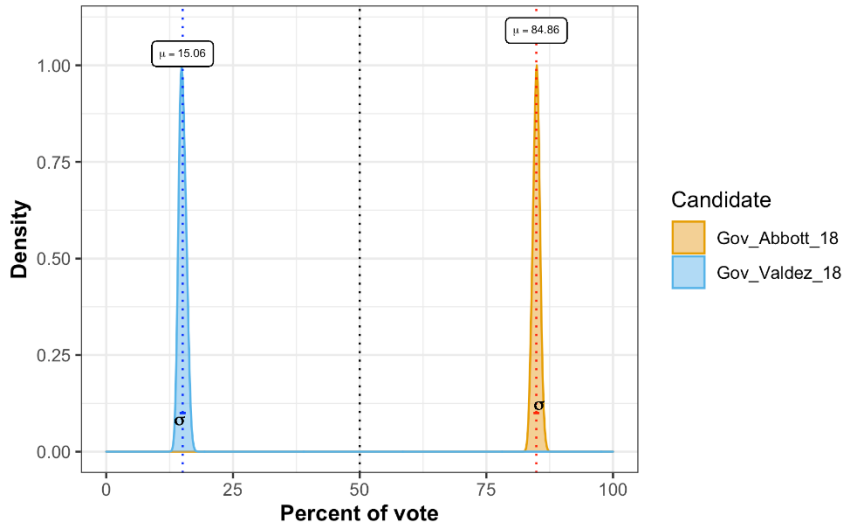


SSTO

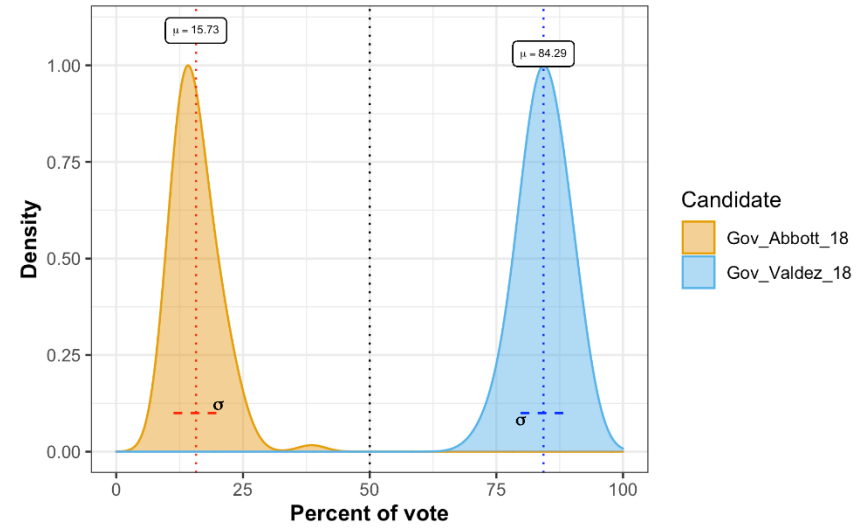


Anglo, Hispanic, and Black (Estimated Actual Vote)

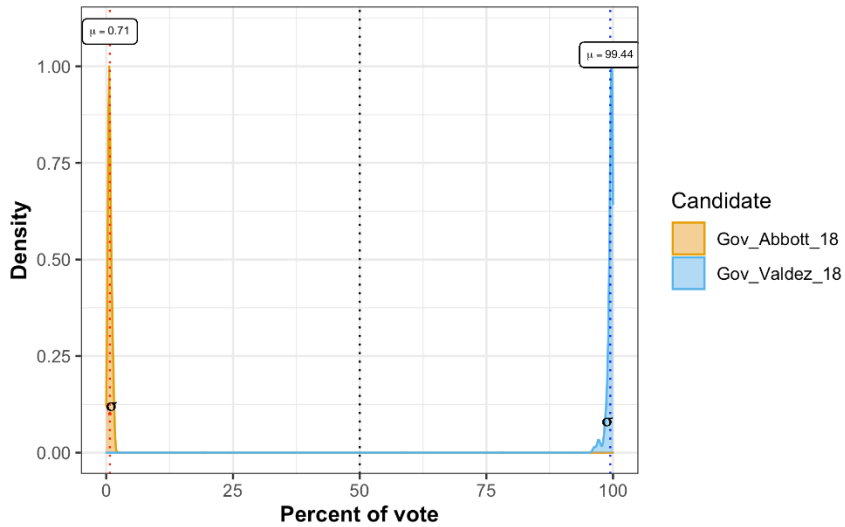
Gov_Abbott_18 vs Gov_Valdez_18 for Wht_Vote18 voters (ove



Gov_Abbott_18 vs Gov_Valdez_18 for Hsp_Vote18 voters (ove

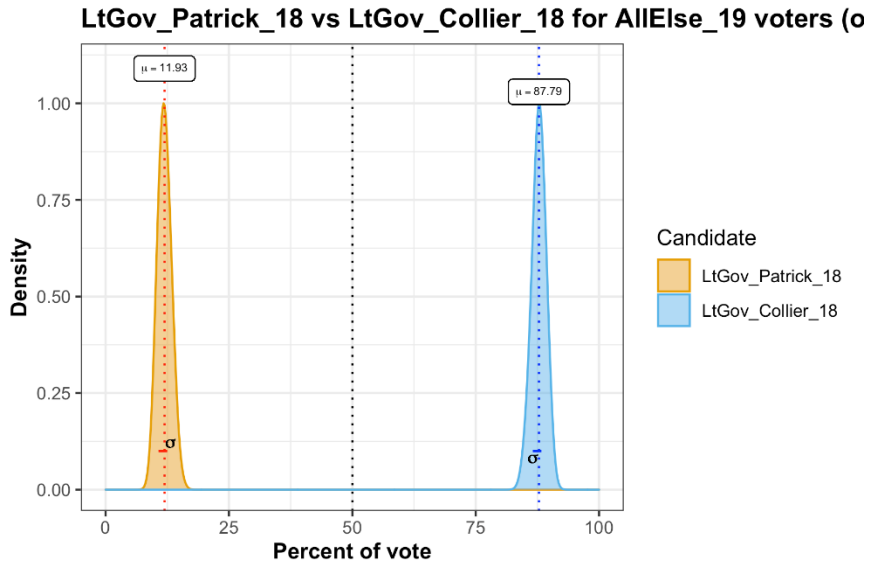
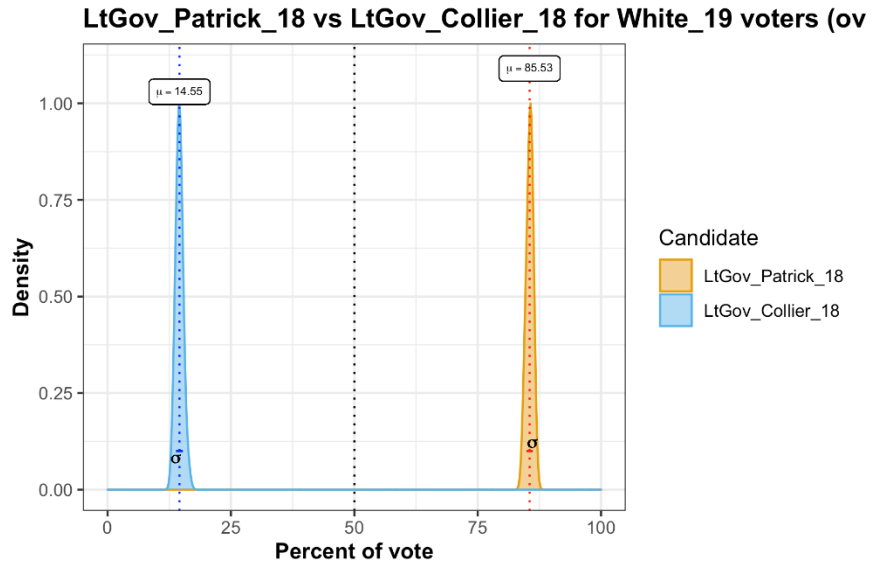


Gov_Abbott_18 vs Gov_Valdez_18 for Blk_Vote18 voters (over



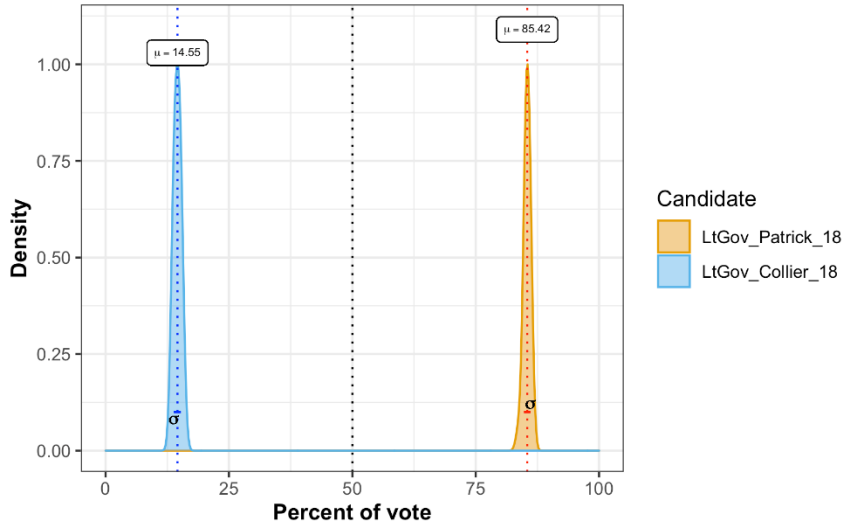
XVI. 2018 Lt. Governor

Anglo and Non-Anglo (CVAP)

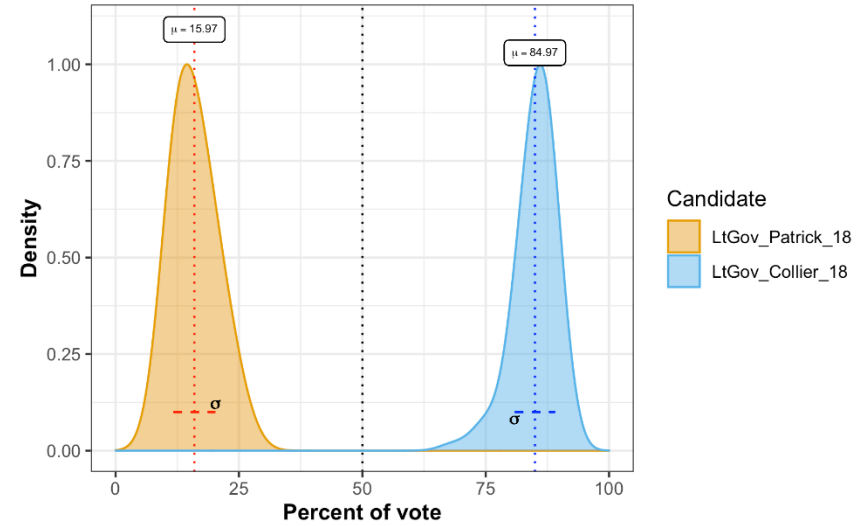


Anglo, Hispanic, and Black (CVAP)

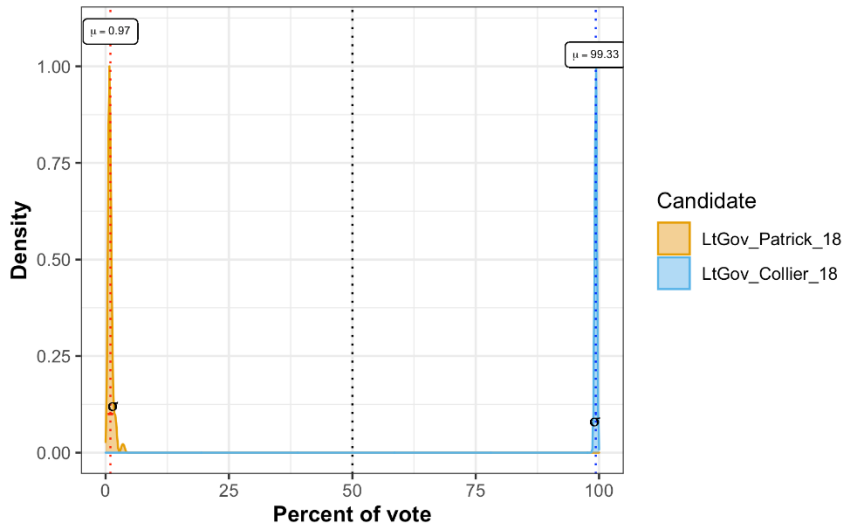
LtGov_Patrick_18 vs LtGov_Collier_18 for Anglo_19 voters (ov



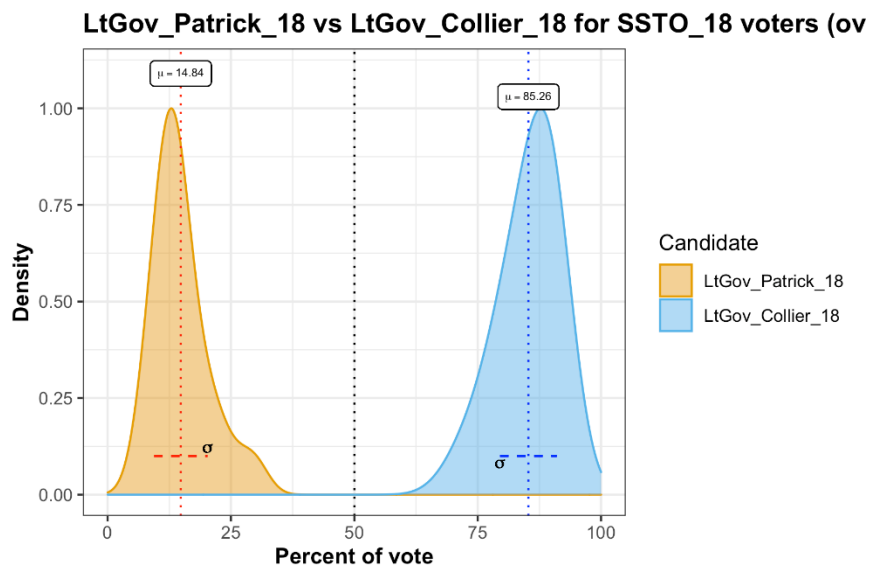
LtGov_Patrick_18 vs LtGov_Collier_18 for Hisp_19 voters (ove



LtGov_Patrick_18 vs LtGov_Collier_18 for Black_19 voters (ov

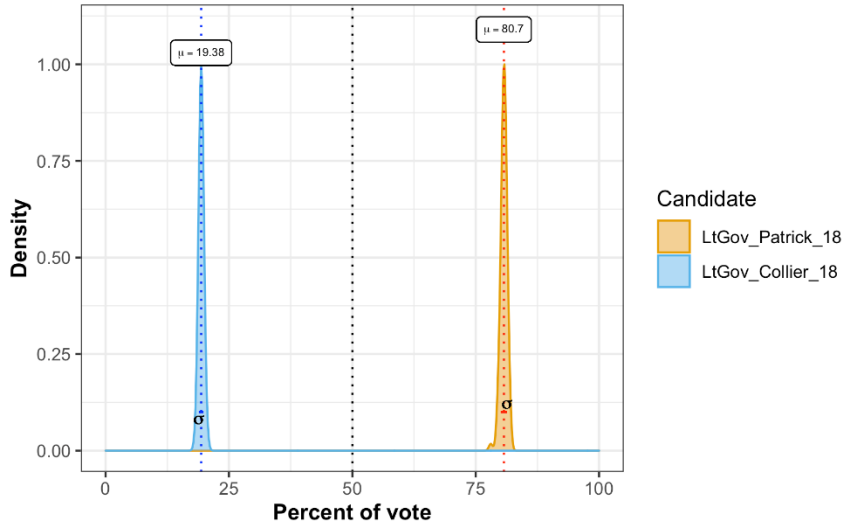


SSTO

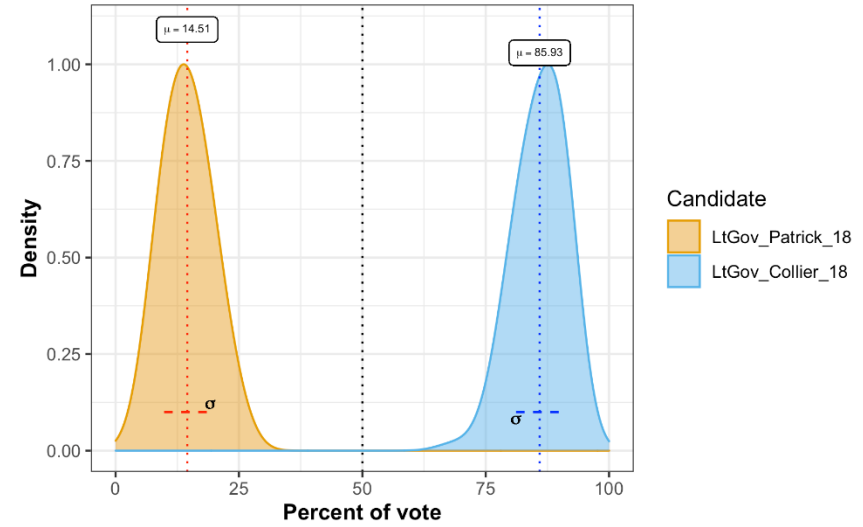


Anglo, Hispanic, and Black (Estimated Actual Vote)

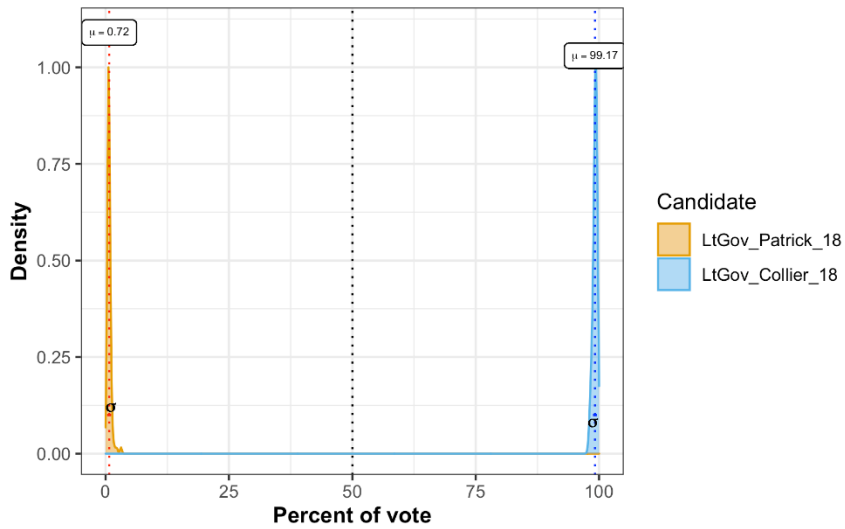
LtGov_Patrick_18 vs LtGov_Collier_18 for Wht_Vote18 voters (



LtGov_Patrick_18 vs LtGov_Collier_18 for Hsp_Vote18 voters (



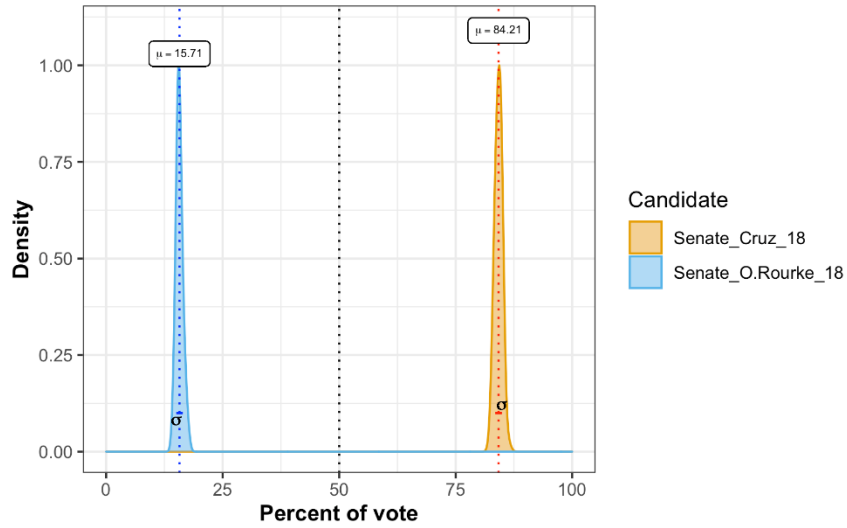
LtGov_Patrick_18 vs LtGov_Collier_18 for Blk_Vote18 voters (



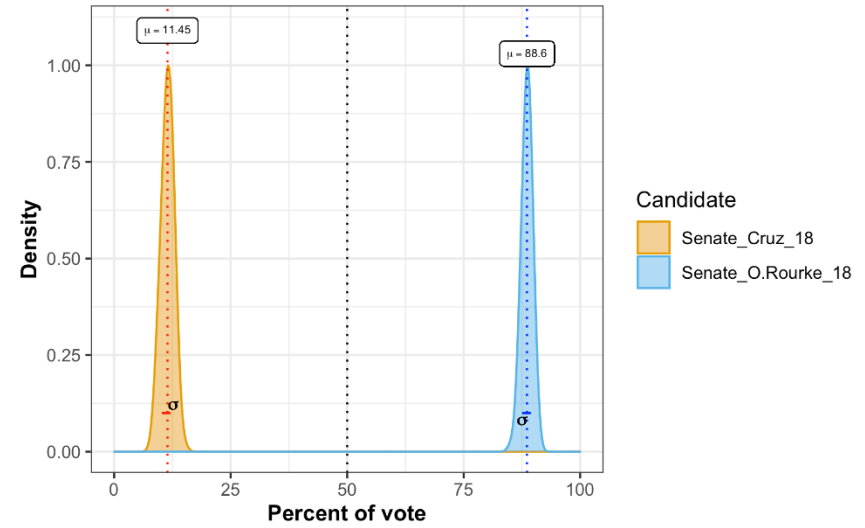
XVII. 2018 U.S. Senate

Anglo and Non-Anglo (CVAP)

Senate_Cruz_18 vs Senate_O.Rourke_18 for White_19 voters (

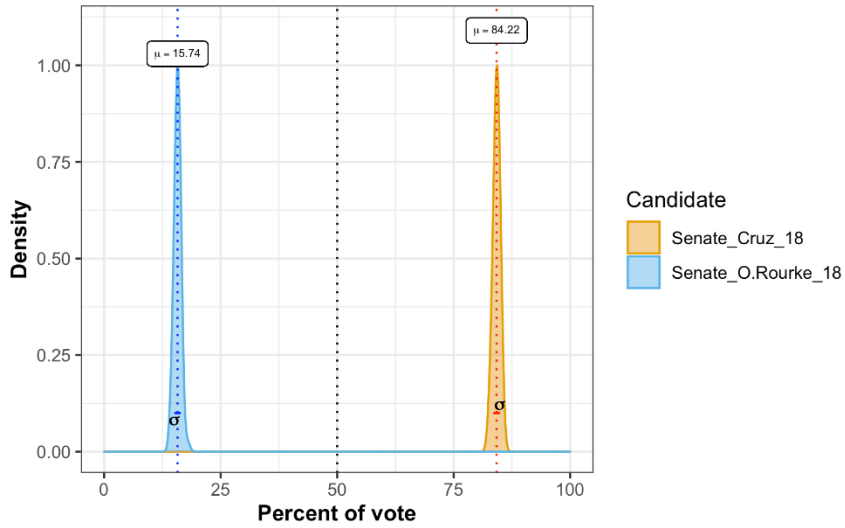


Senate_Cruz_18 vs Senate_O.Rourke_18 for AllElse_19 voters

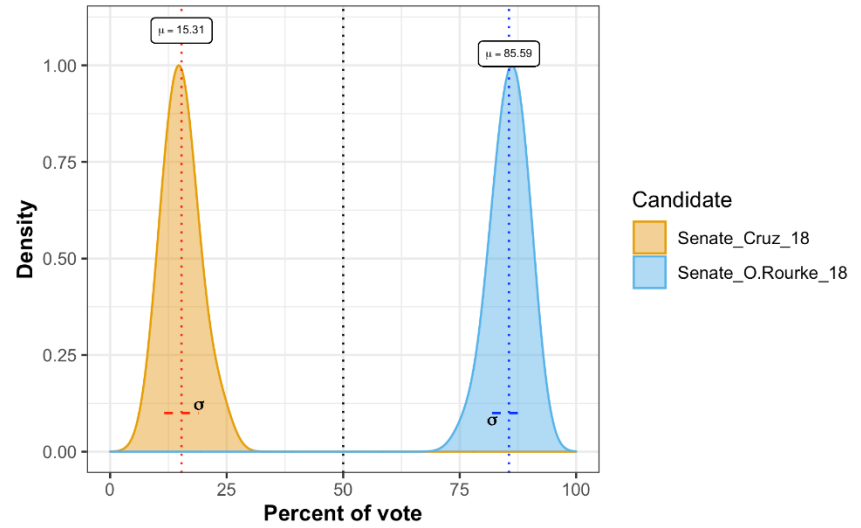


Anglo, Hispanic, and Black (CVAP)

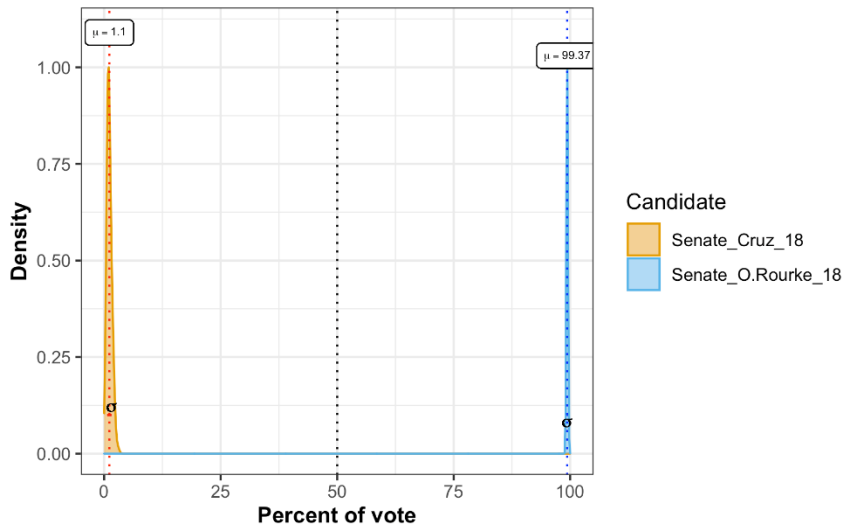
Senate_Cruz_18 vs Senate_O.Rourke_18 for Anglo_19 voters (



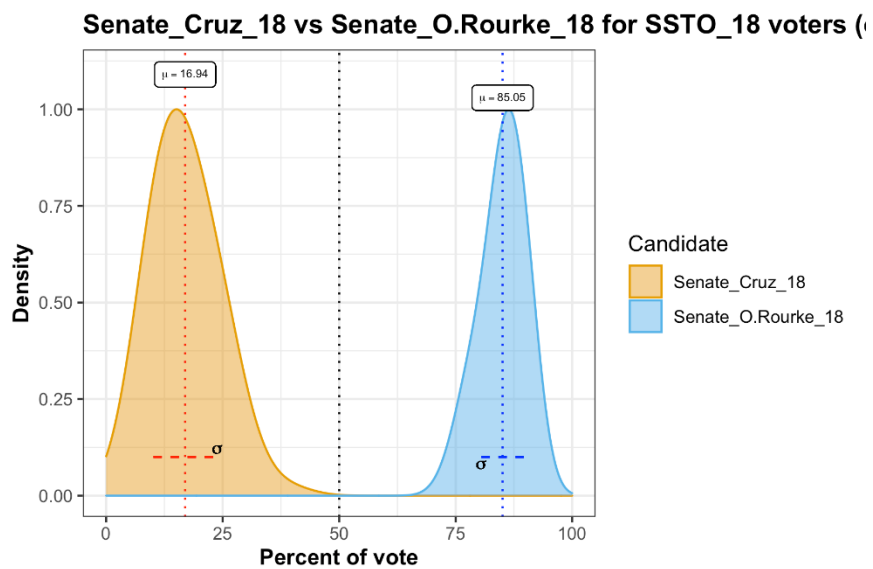
Senate_Cruz_18 vs Senate_O.Rourke_18 for Hisp_19 voters (o



Senate_Cruz_18 vs Senate_O.Rourke_18 for Black_19 voters (

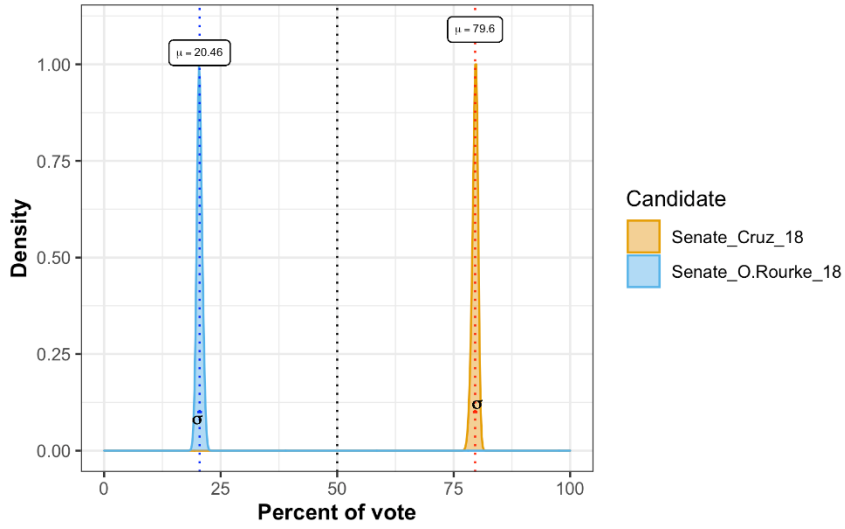


SSTO

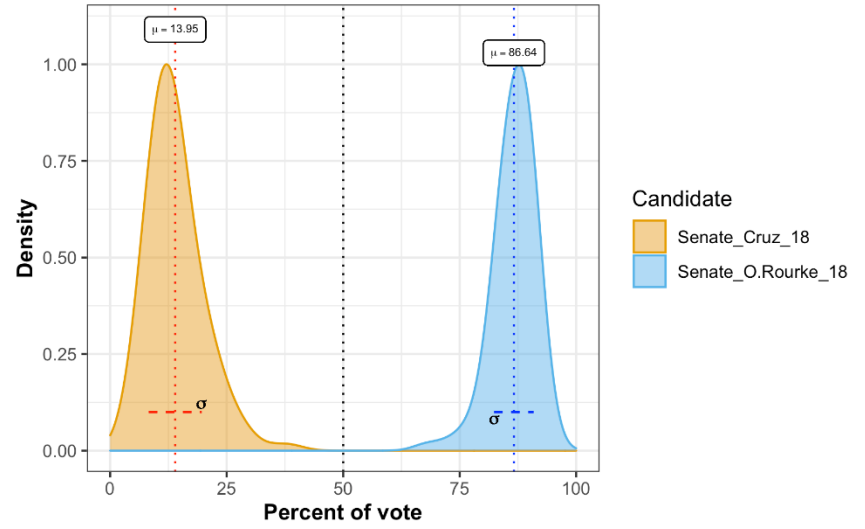


Anglo, Hispanic, and Black (Estimated Actual Vote)

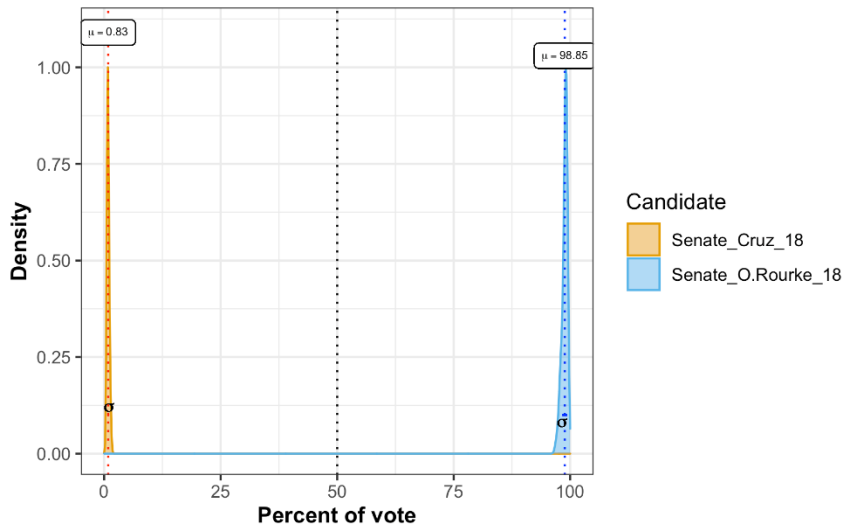
Senate_Cruz_18 vs Senate_O.Rourke_18 for Wht_Vote18 voter



Senate_Cruz_18 vs Senate_O.Rourke_18 for Hsp_Vote18 voter



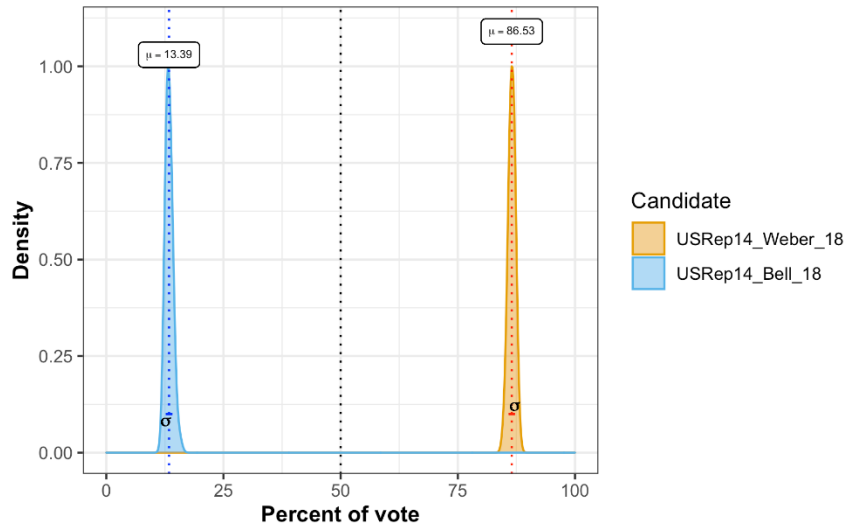
Senate_Cruz_18 vs Senate_O.Rourke_18 for Blk_Vote18 voters



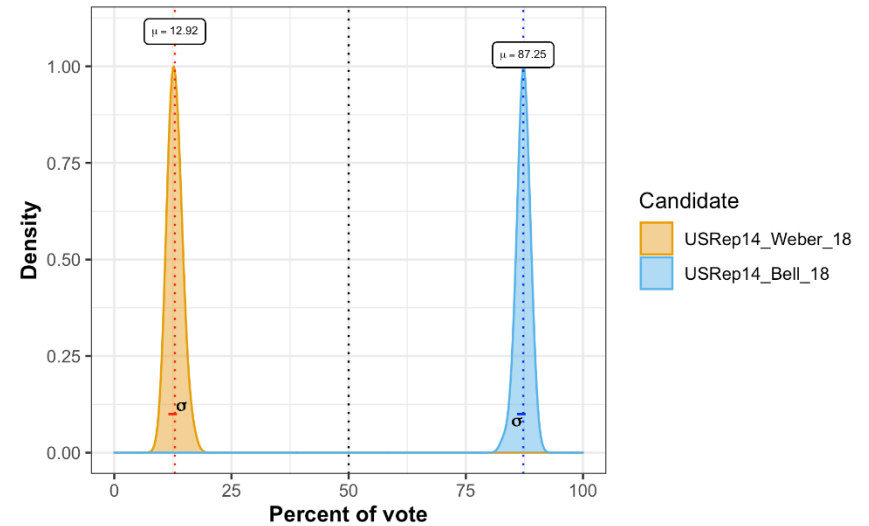
XVIII. 2018 U.S. House of Reps, District #14

Anglo and Non-Anglo (CVAP)

USRep14_Weber_18 vs USRep14_Bell_18 for White_19 voters

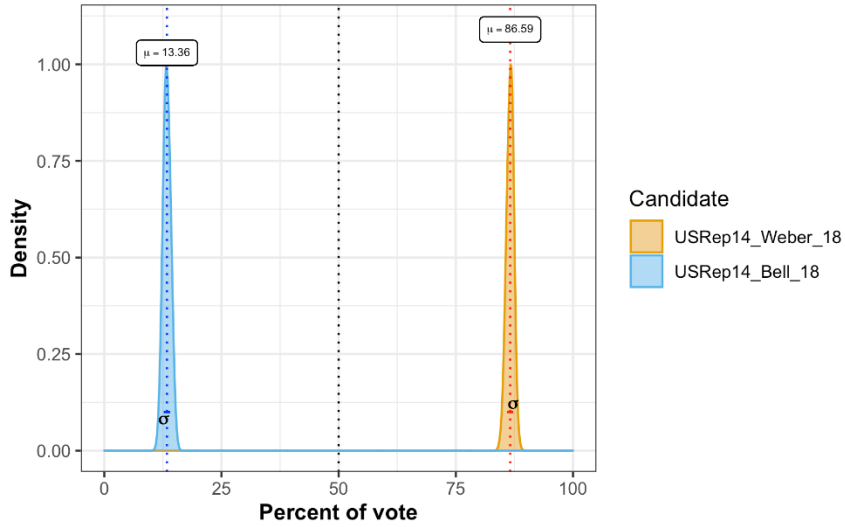


USRep14_Weber_18 vs USRep14_Bell_18 for AllElse_19 voters

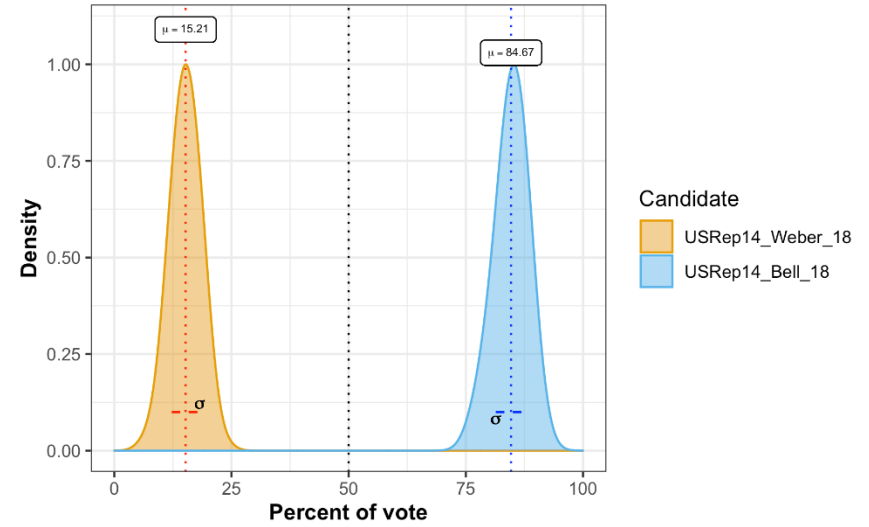


Anglo, Hispanic, and Black (CVAP)

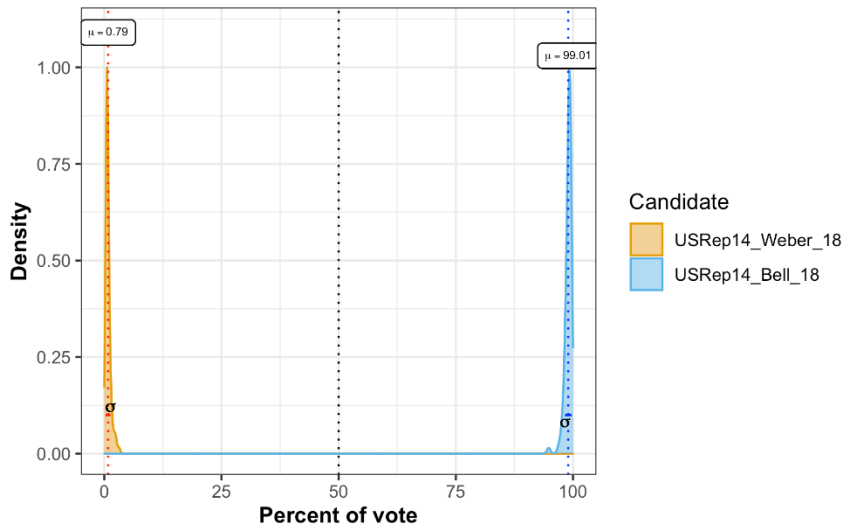
USRep14_Weber_18 vs USRep14_Bell_18 for Anglo_19 voters



USRep14_Weber_18 vs USRep14_Bell_18 for Hisp_19 voters (

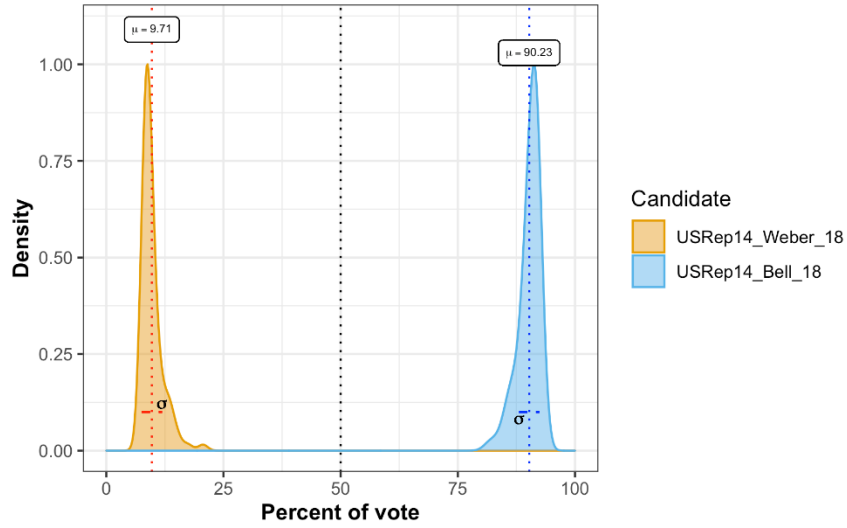


USRep14_Weber_18 vs USRep14_Bell_18 for Black_19 voters



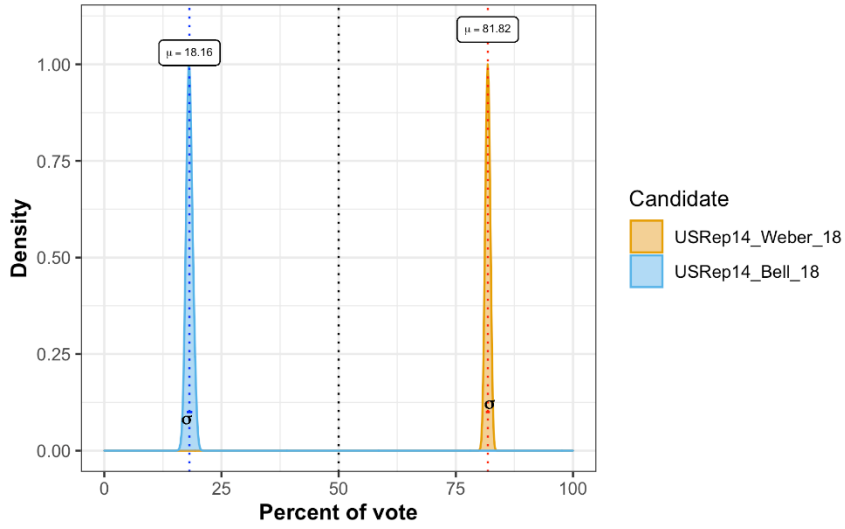
SSTO

USRep14_Weber_18 vs USRep14_Bell_18 for SSTO_18 voters

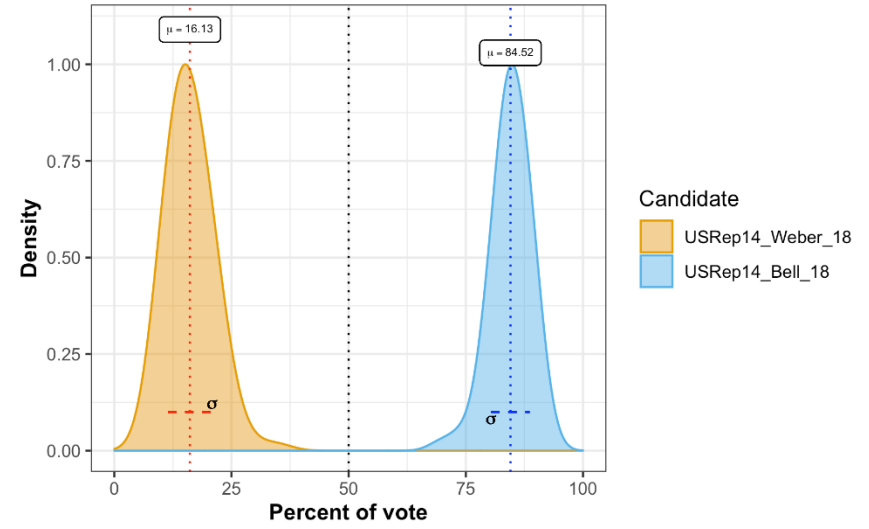


Anglo, Hispanic, and Black (Estimated Actual Vote)

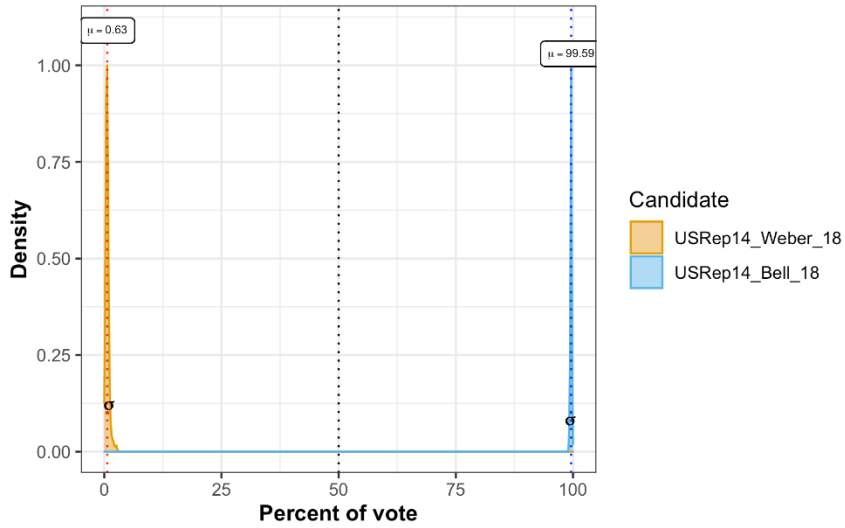
USRep14_Weber_18 vs USRep14_Bell_18 for Wht_Vote18 vote



USRep14_Weber_18 vs USRep14_Bell_18 for Hsp_Vote18 vote



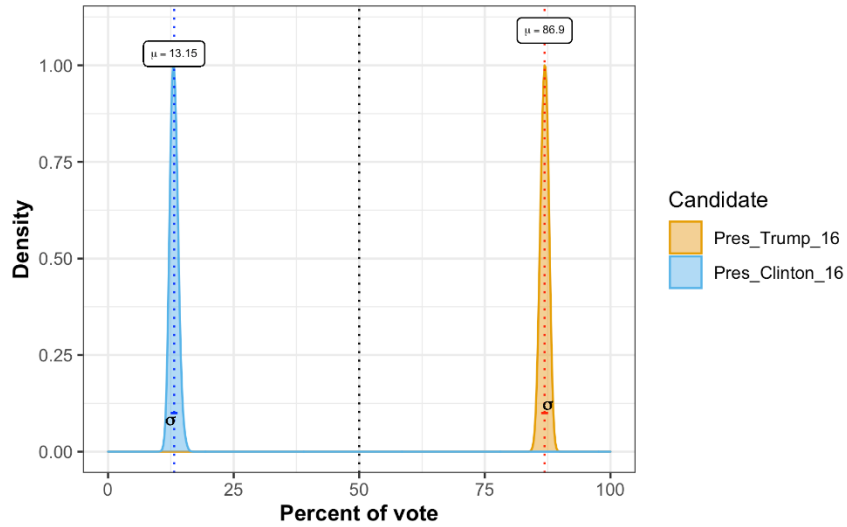
USRep14_Weber_18 vs USRep14_Bell_18 for Blk_Vote18 voter



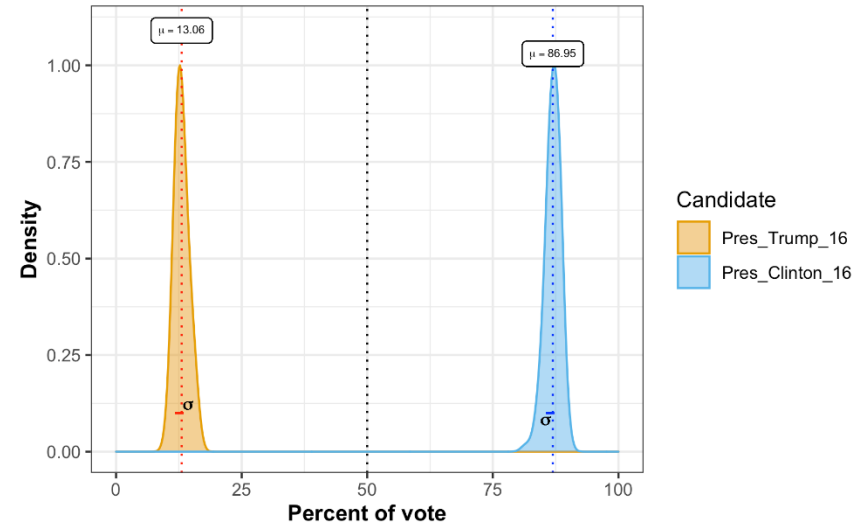
XIX. 2016 President

Anglo and Non-Anglo (CVAP)

Pres_Trump_16 vs Pres_Clinton_16 for White_16 voters (overl:

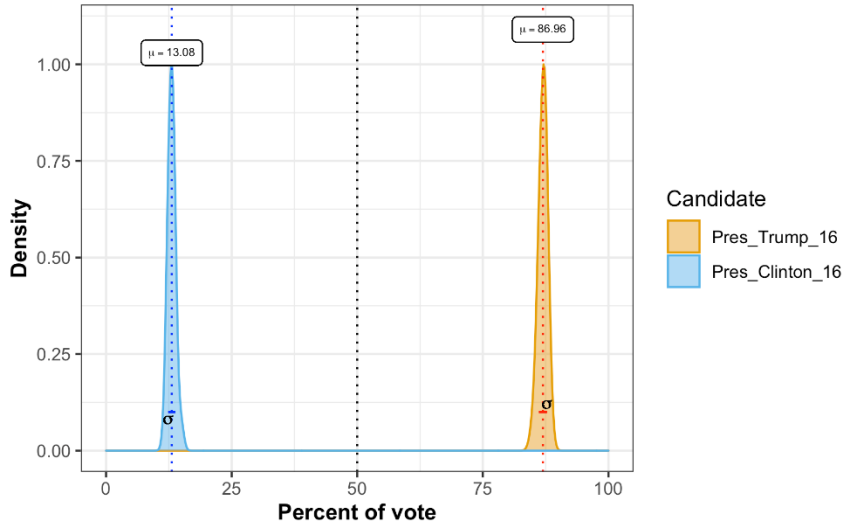


Pres_Trump_16 vs Pres_Clinton_16 for AllElse_16 voters (overl

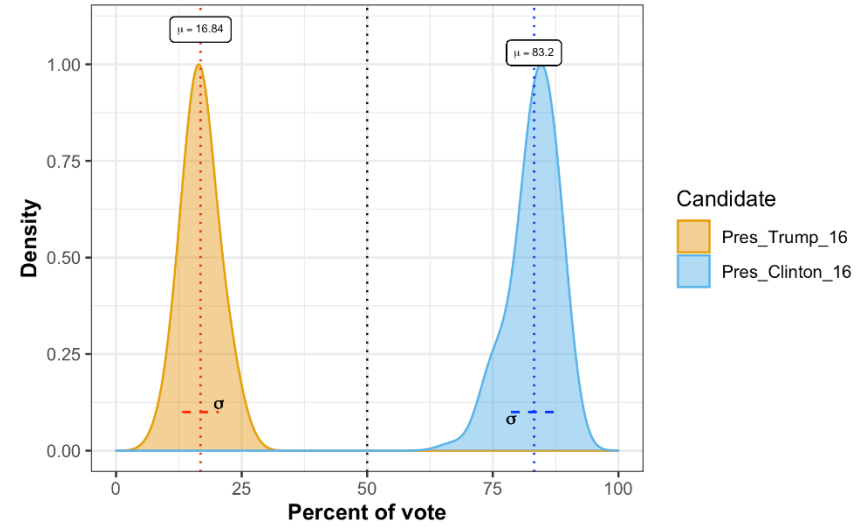


Anglo, Hispanic, and Black (CVAP)

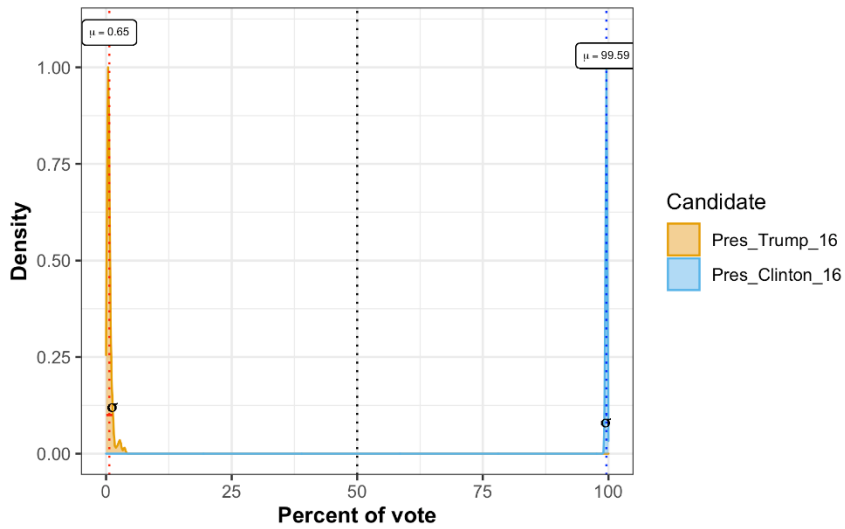
Pres_Trump_16 vs Pres_Clinton_16 for Anglo_16 voters (overl



Pres_Trump_16 vs Pres_Clinton_16 for Hisp_16 voters (overla

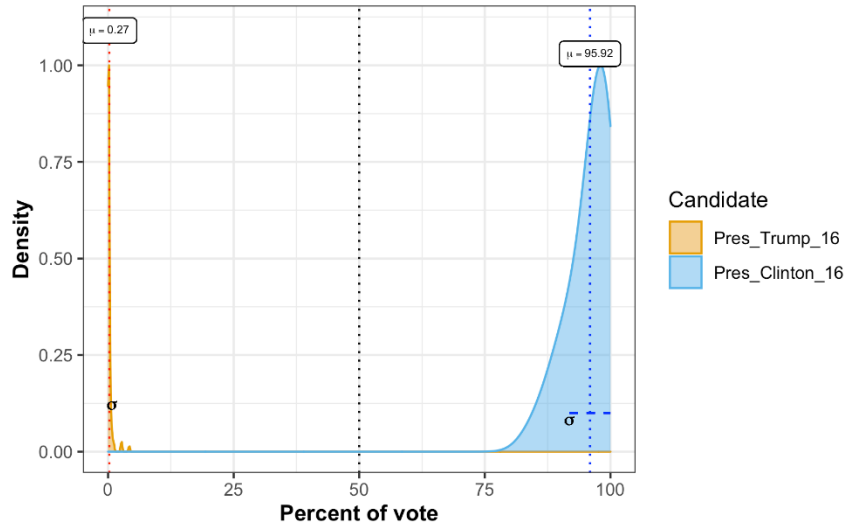


Pres_Trump_16 vs Pres_Clinton_16 for Black_16 voters (overl



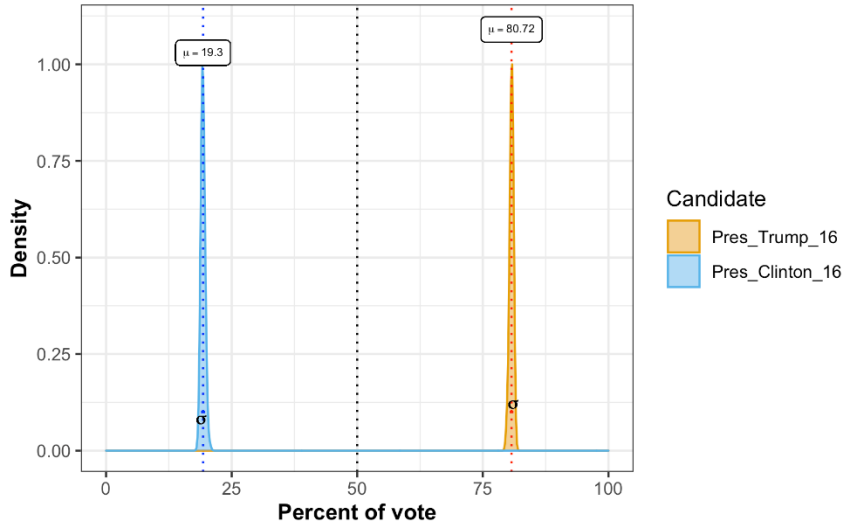
SSTO

Pres_Trump_16 vs Pres_Clinton_16 for SSTO_16 voters (overl

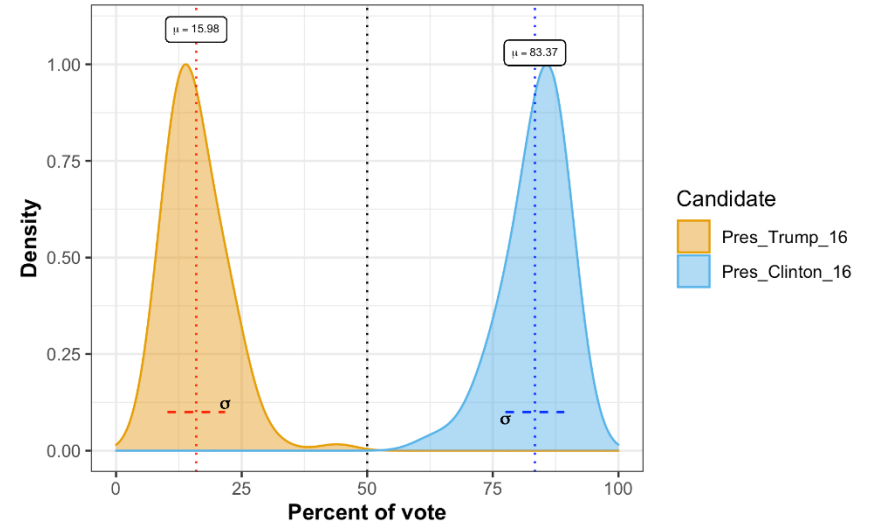


Anglo, Hispanic, and Black (Estimated Actual Vote)

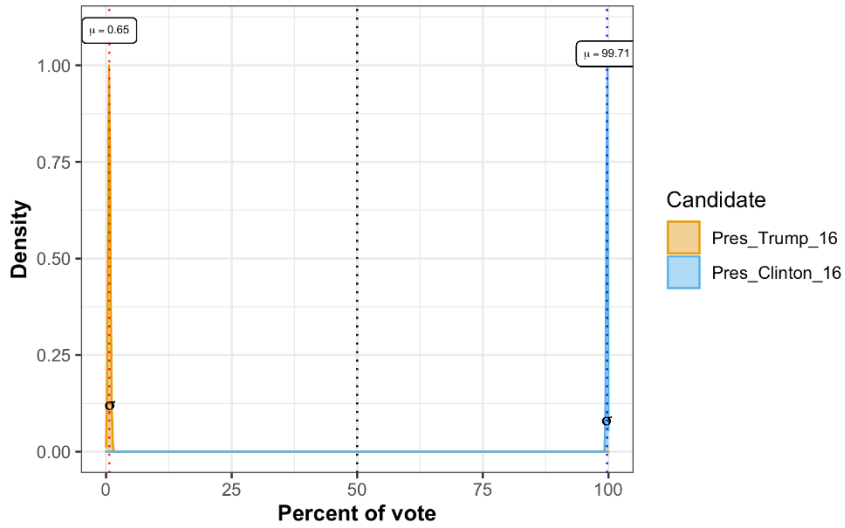
Pres_Trump_16 vs Pres_Clinton_16 for Wht_Vote16 voters (ov



Pres_Trump_16 vs Pres_Clinton_16 for Hsp_Vote16 voters (ov

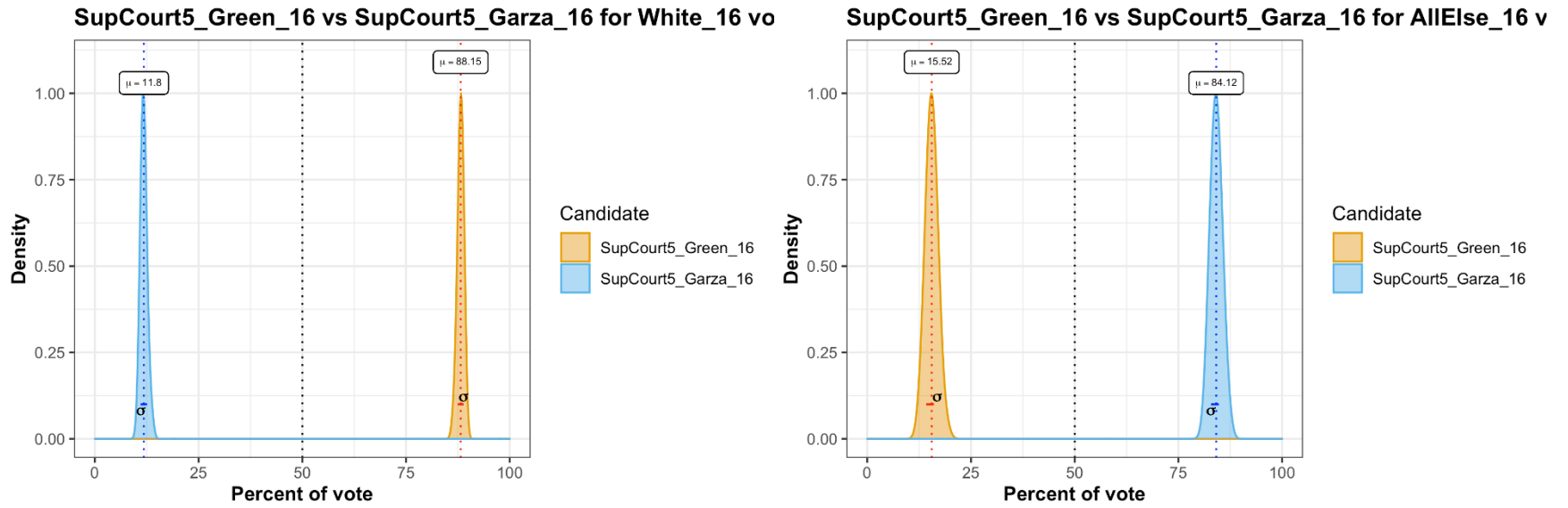


Pres_Trump_16 vs Pres_Clinton_16 for Blk_Vote16 voters (ove



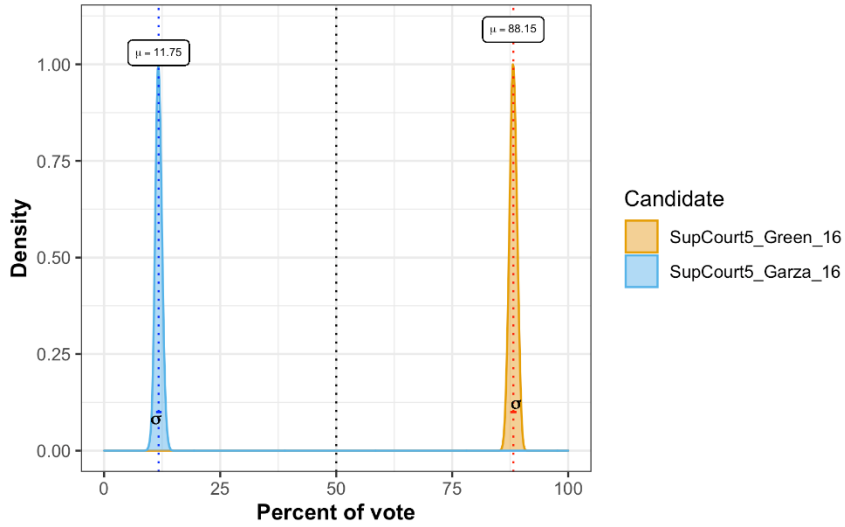
XX. 2016 Supreme Court Justice, Position #5

Anglo and Non-Anglo (CVAP)

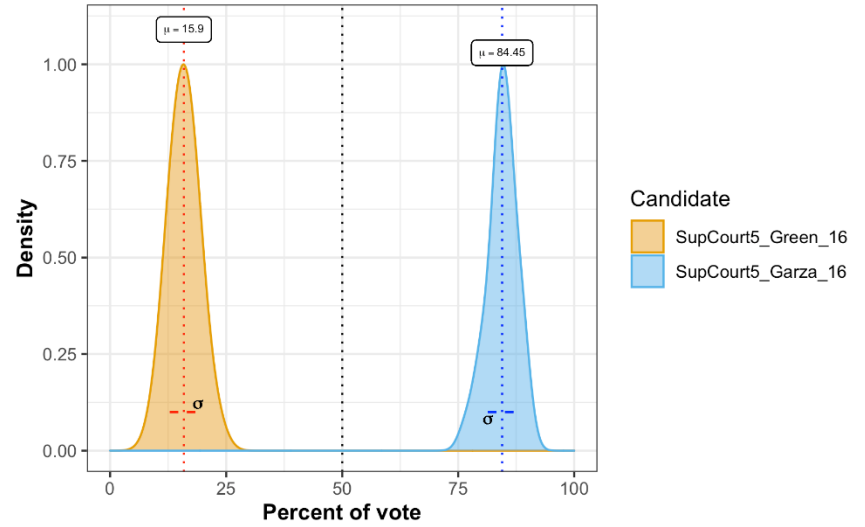


Anglo, Hispanic, and Black (CVAP)

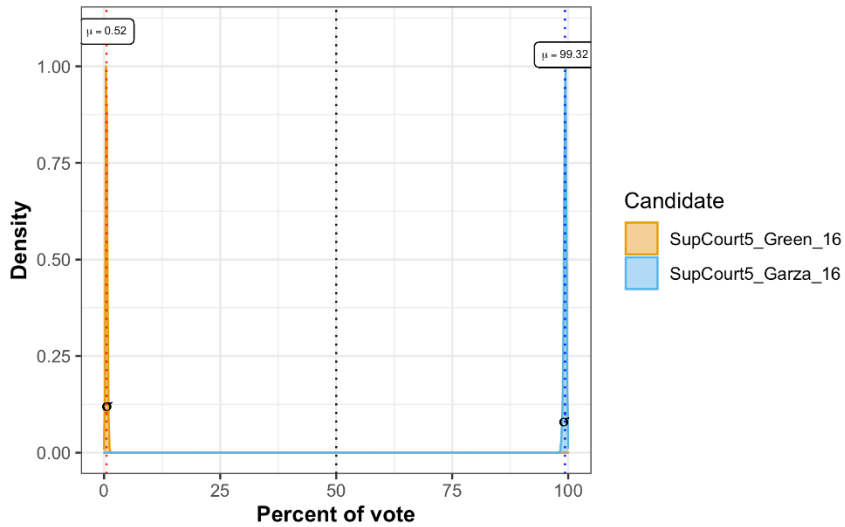
SupCourt5_Green_16 vs SupCourt5_Garza_16 for Anglo_16 vc



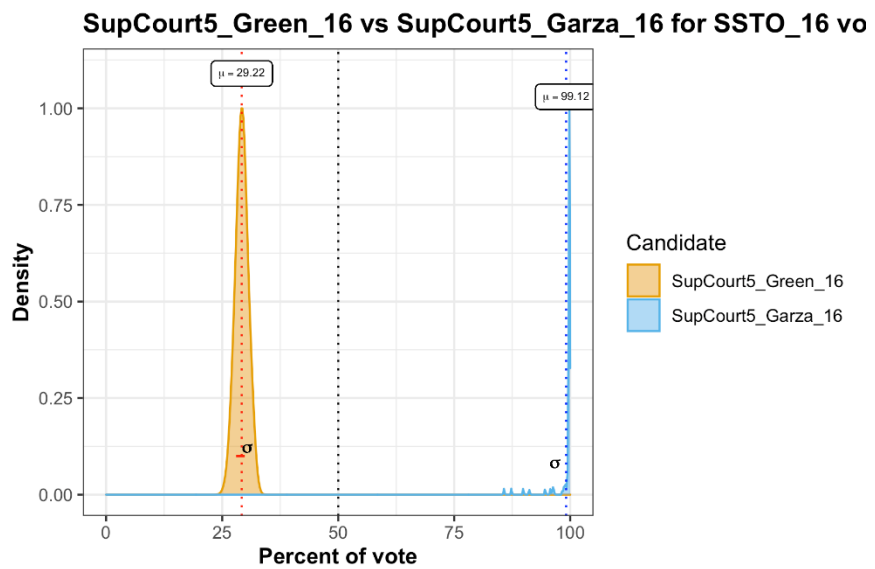
SupCourt5_Green_16 vs SupCourt5_Garza_16 for Hisp_16 vote



SupCourt5_Green_16 vs SupCourt5_Garza_16 for Black_16 vo

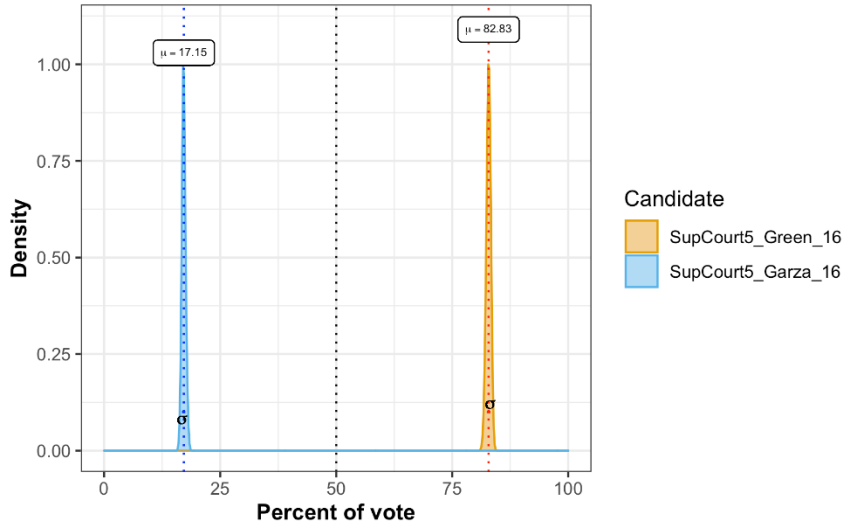


SSTO

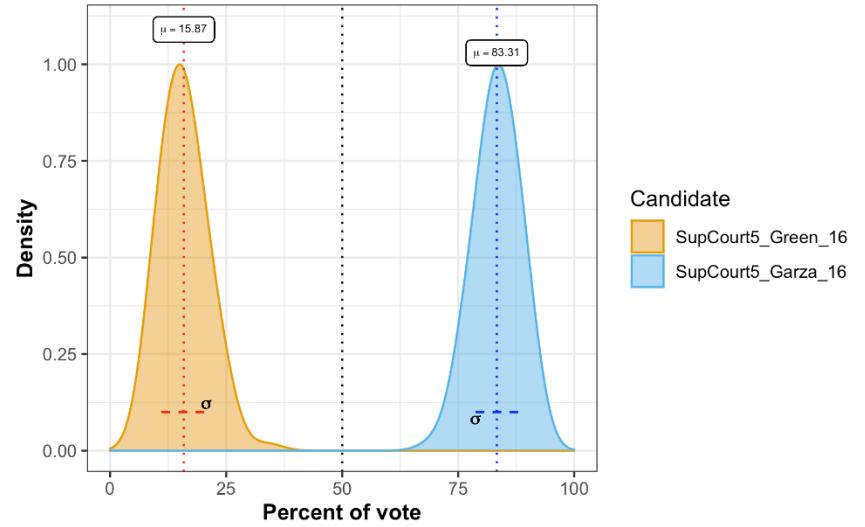


Anglo, Hispanic, and Black (Estimated Actual Vote)

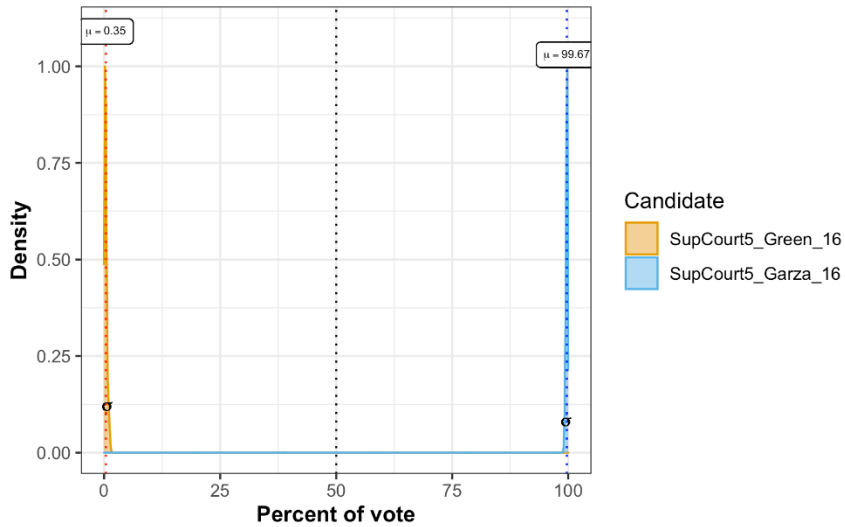
SupCourt5_Green_16 vs SupCourt5_Garza_16 for Wht_Vote16



SupCourt5_Green_16 vs SupCourt5_Garza_16 for Hsp_Vote16



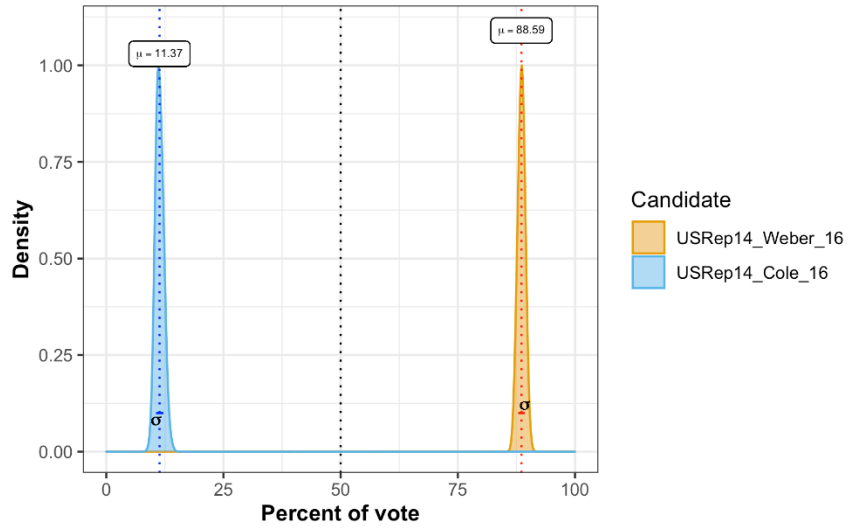
SupCourt5_Green_16 vs SupCourt5_Garza_16 for Blk_Vote16



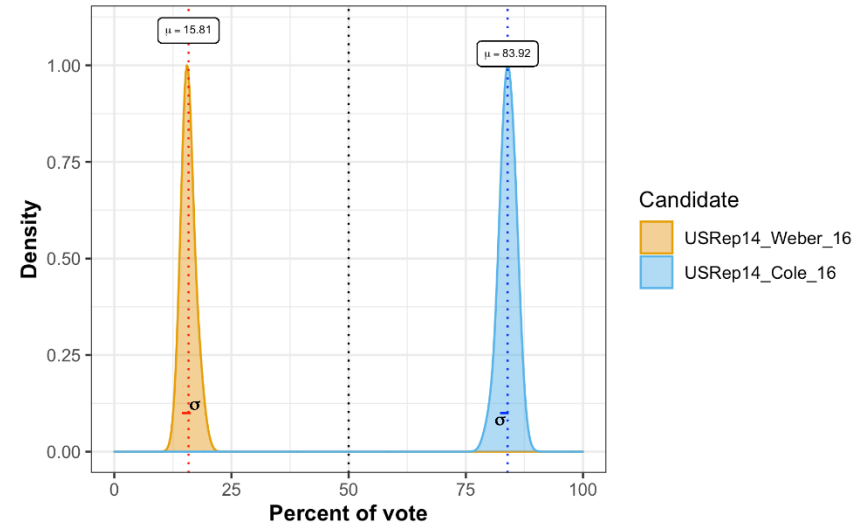
XXI. 2016 U.S. House of Reps, District #14

Anglo and Non-Anglo (CVAP)

USRep14_Weber_16 vs USRep14_Cole_16 for White_16 voters

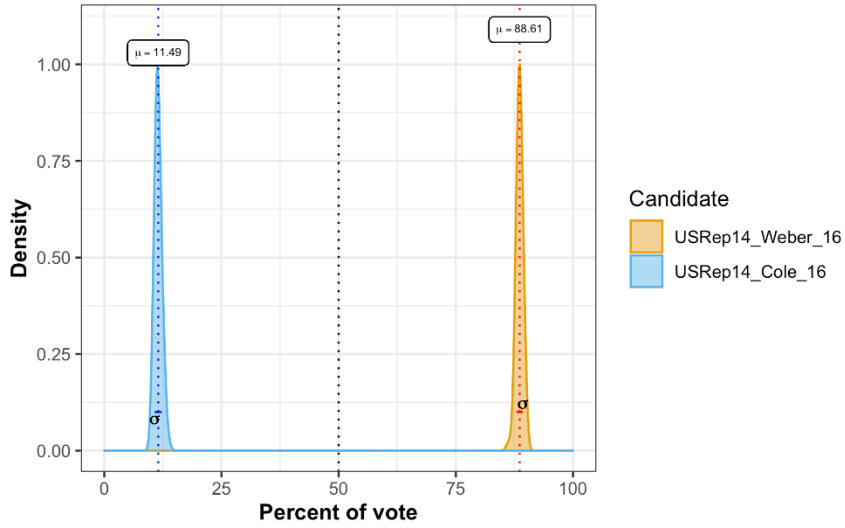


USRep14_Weber_16 vs USRep14_Cole_16 for AllElse_16 voter

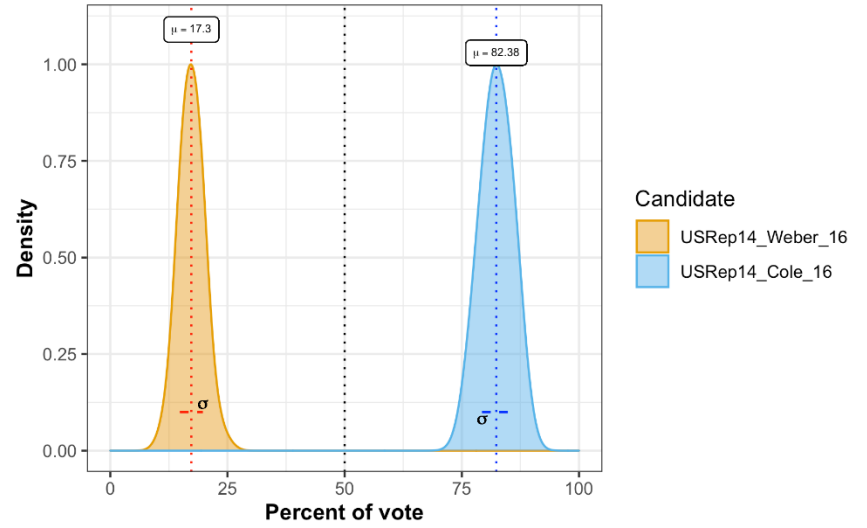


Anglo, Hispanic, and Black (CVAP)

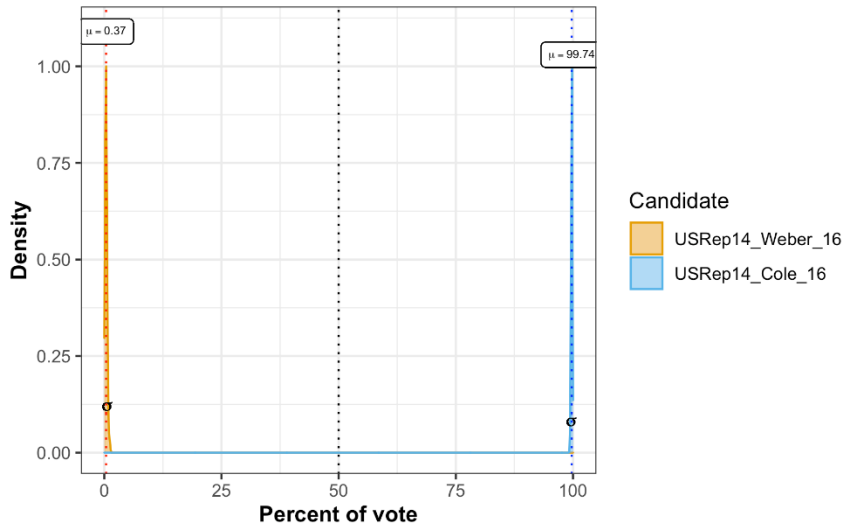
USRep14_Weber_16 vs USRep14_Cole_16 for Anglo_16 voters



USRep14_Weber_16 vs USRep14_Cole_16 for Hisp_16 voters (

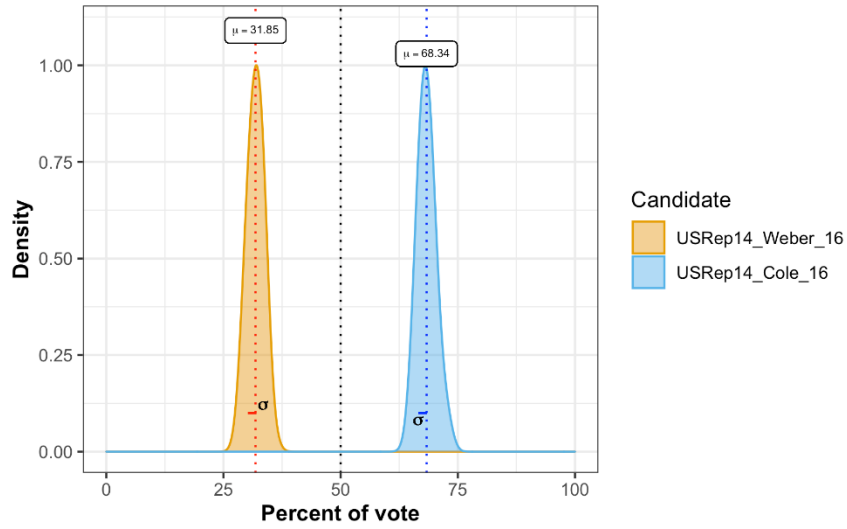


USRep14_Weber_16 vs USRep14_Cole_16 for Black_16 voters



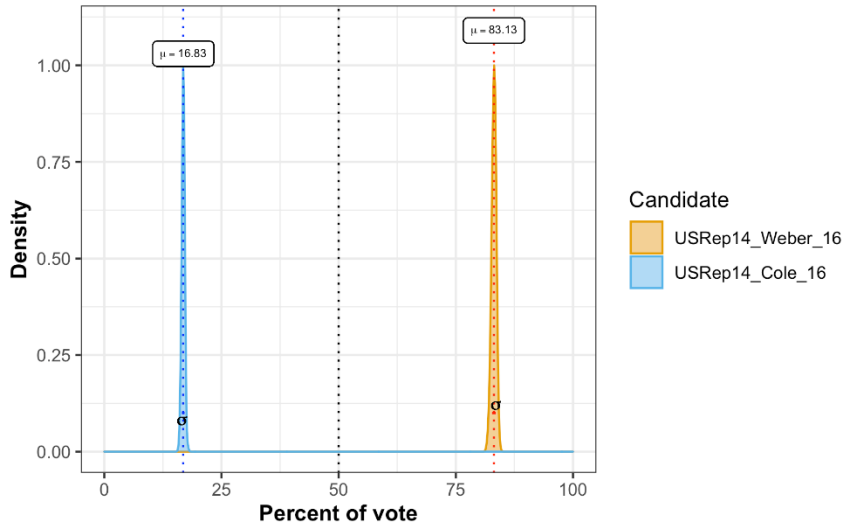
SSTO

USRep14_Weber_16 vs USRep14_Cole_16 for SSTO_16 voters

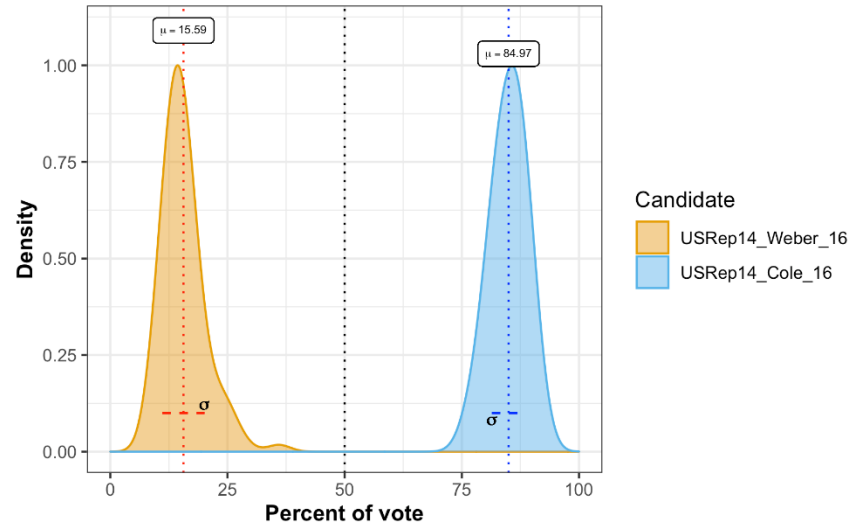


Anglo, Hispanic, and Black (Estimated Actual Vote)

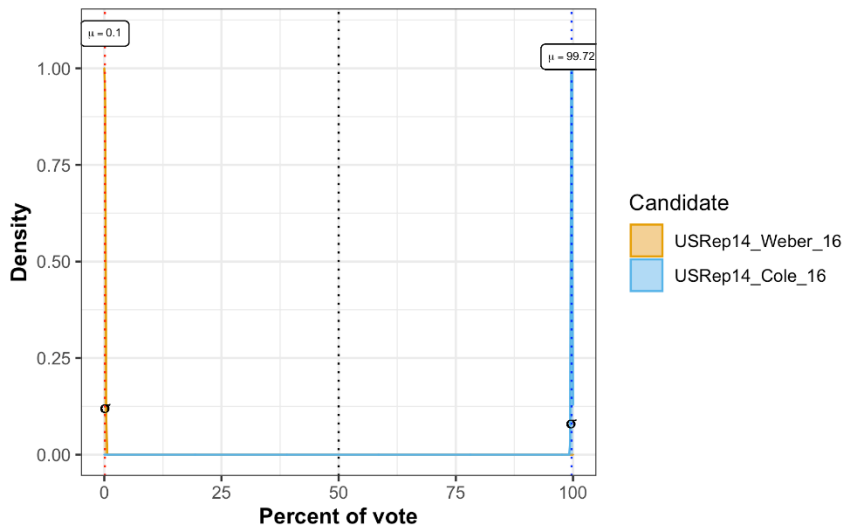
USRep14_Weber_16 vs USRep14_Cole_16 for Wht_Vote16 vote



USRep14_Weber_16 vs USRep14_Cole_16 for Hsp_Vote16 vote

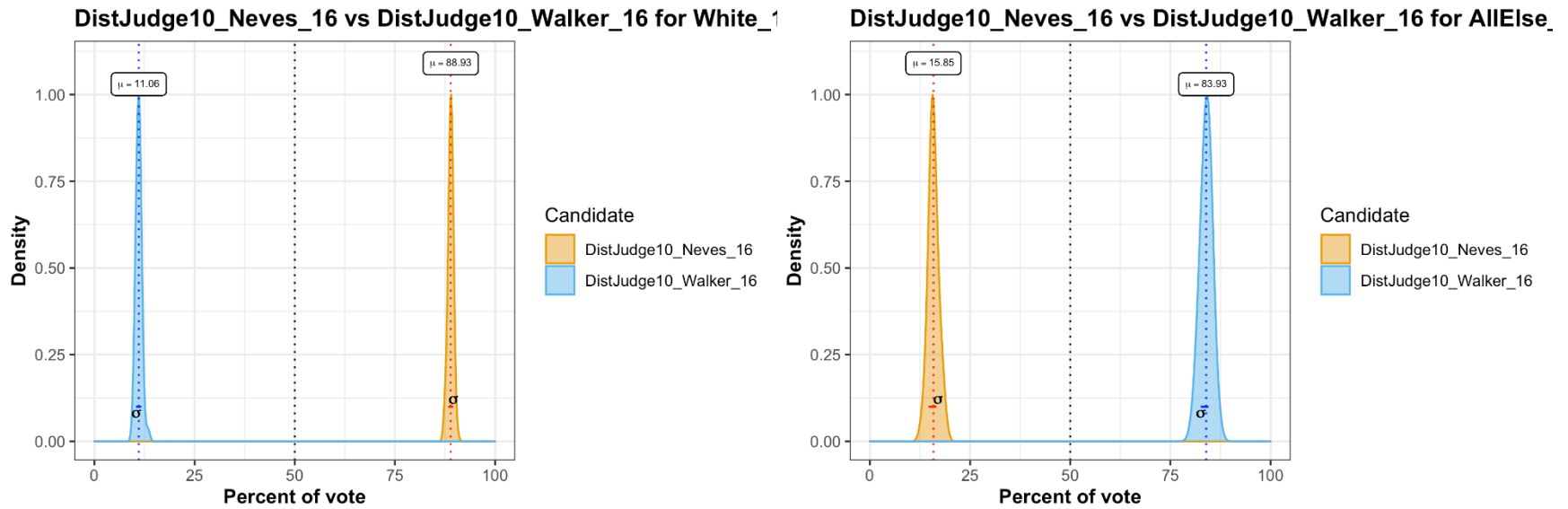


USRep14_Weber_16 vs USRep14_Cole_16 for Blk_Vote16 vote



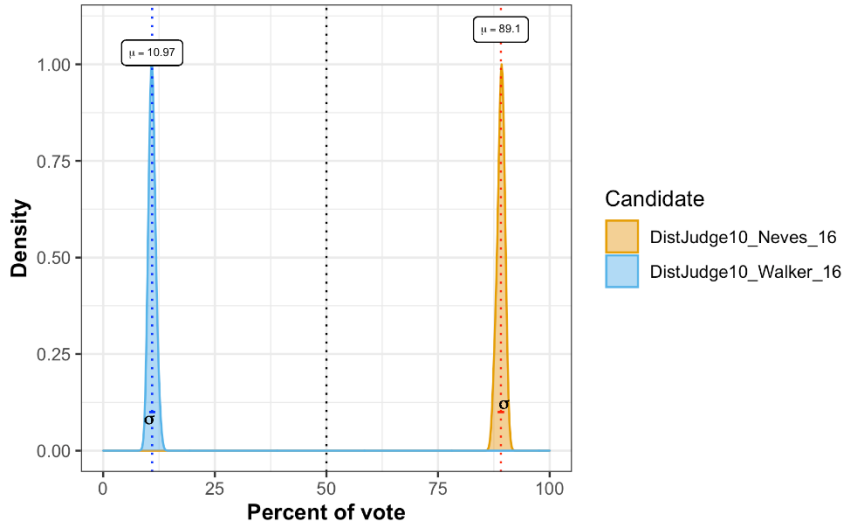
XXII. 2016 District 10 Judge

Anglo and Non-Anglo (CVAP)

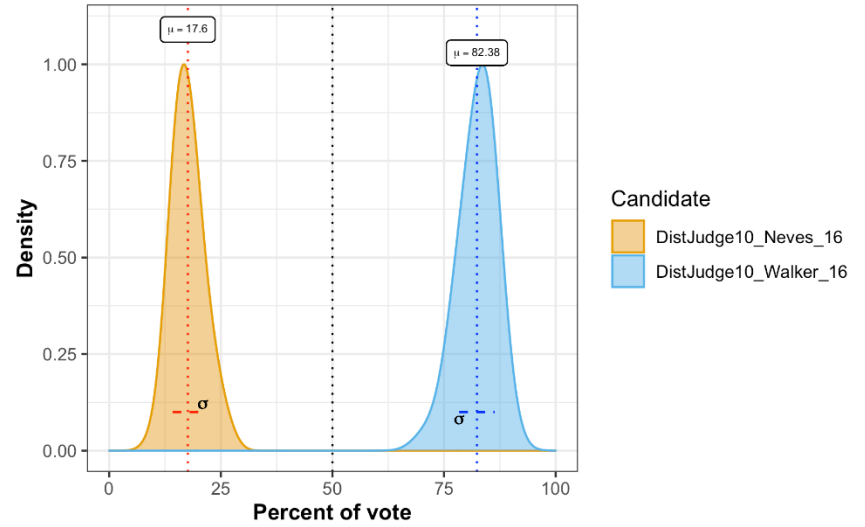


Anglo, Hispanic, and Black (CVAP)

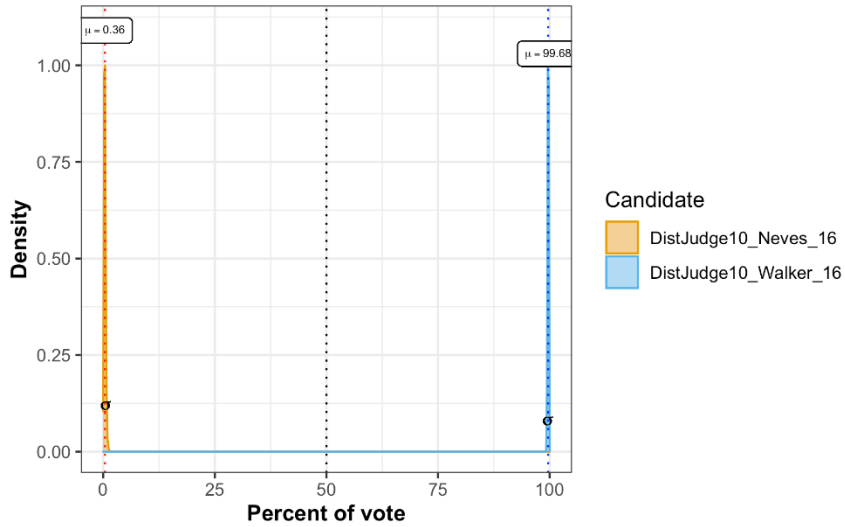
DistJudge10_Neves_16 vs DistJudge10_Walker_16 for Anglo_



DistJudge10_Neves_16 vs DistJudge10_Walker_16 for Hisp_16

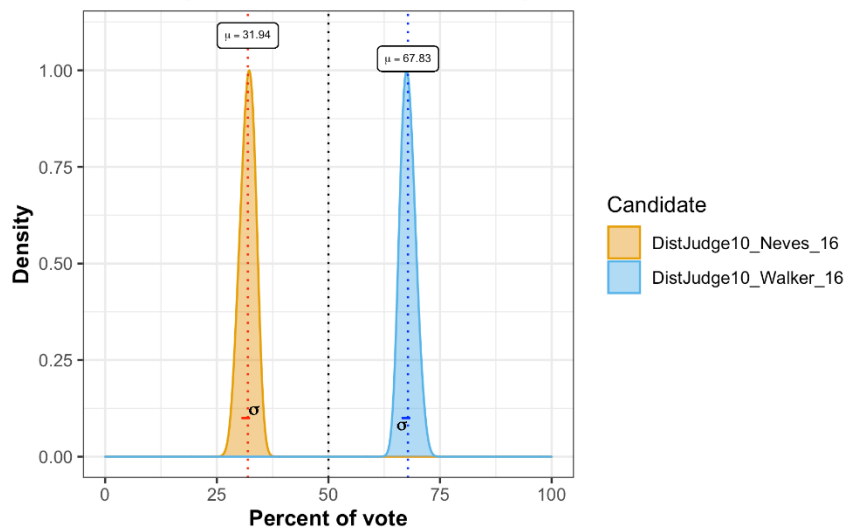


DistJudge10_Neves_16 vs DistJudge10_Walker_16 for Black_1



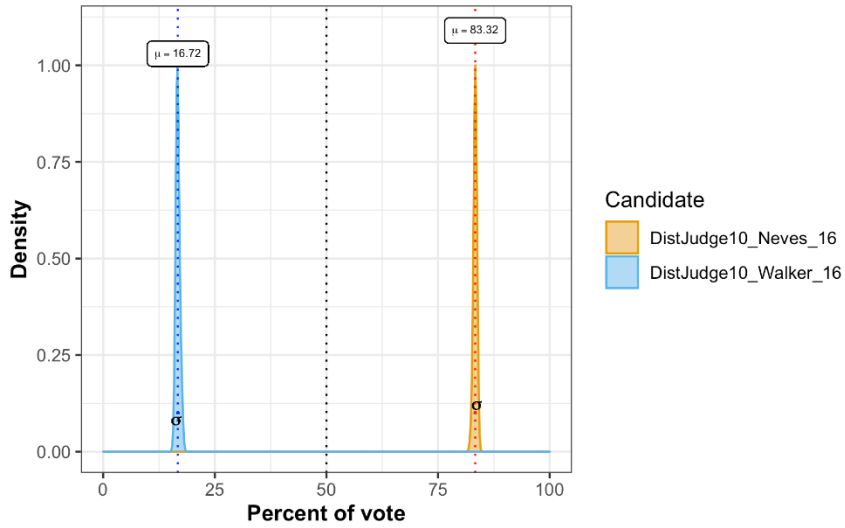
SSTO

DistJudge10_Neves_16 vs DistJudge10_Walker_16 for SSTO_1

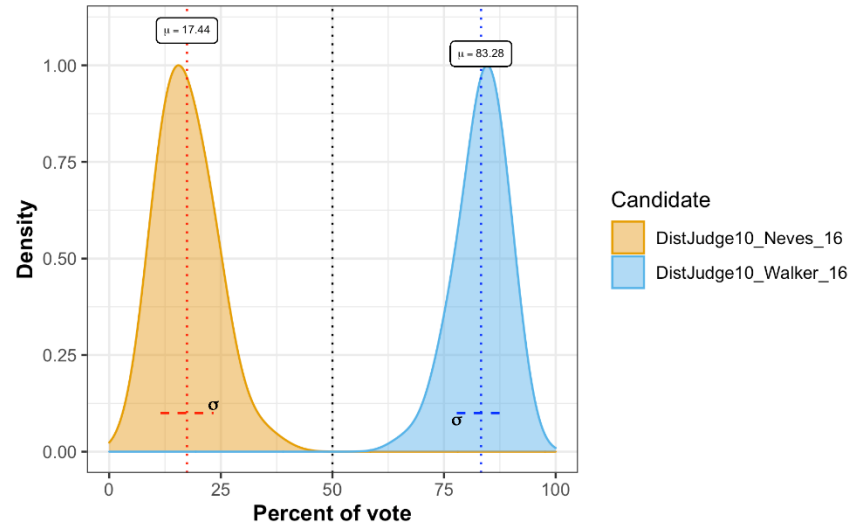


Anglo, Hispanic, and Black (Estimated Actual Vote)

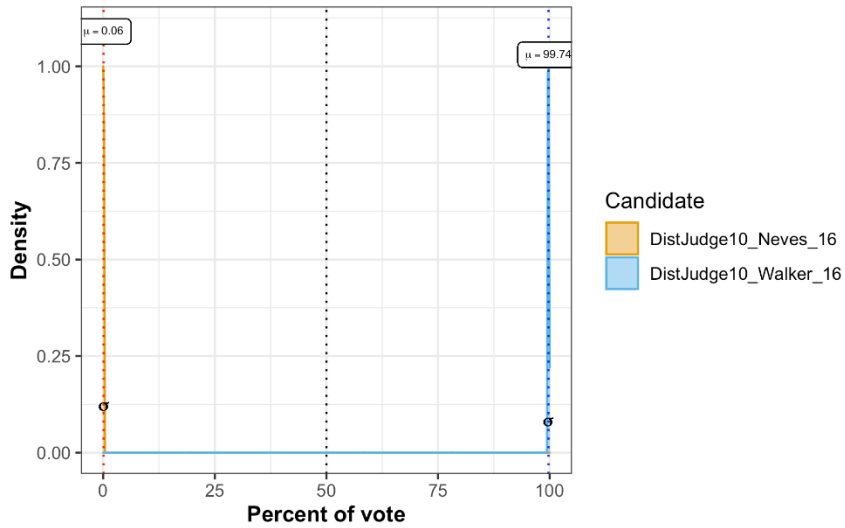
DistJudge10_Neves_16 vs DistJudge10_Walker_16 for Wht_Vc



DistJudge10_Neves_16 vs DistJudge10_Walker_16 for Hsp_Vc

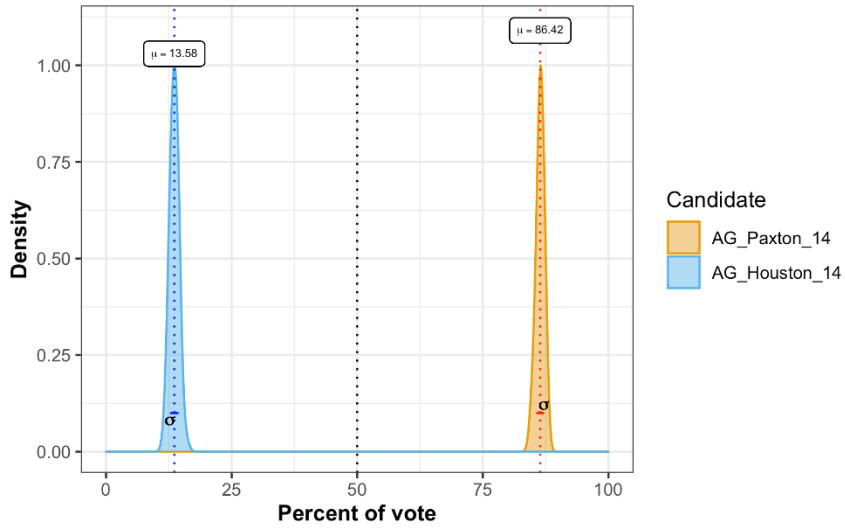


DistJudge10_Neves_16 vs DistJudge10_Walker_16 for Blk_Vot

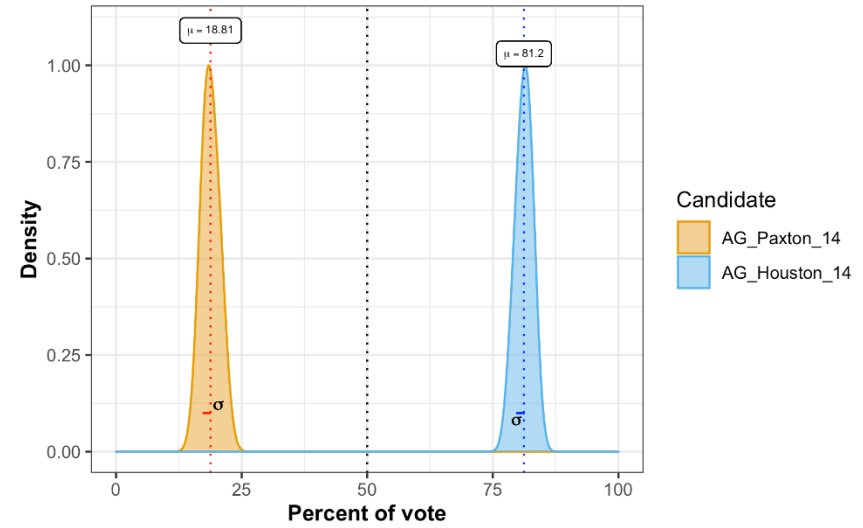


Anglo and Non-Anglo (CVAP)

AG_Paxton_14 vs AG_Houston_14 for White_16 voters (overl

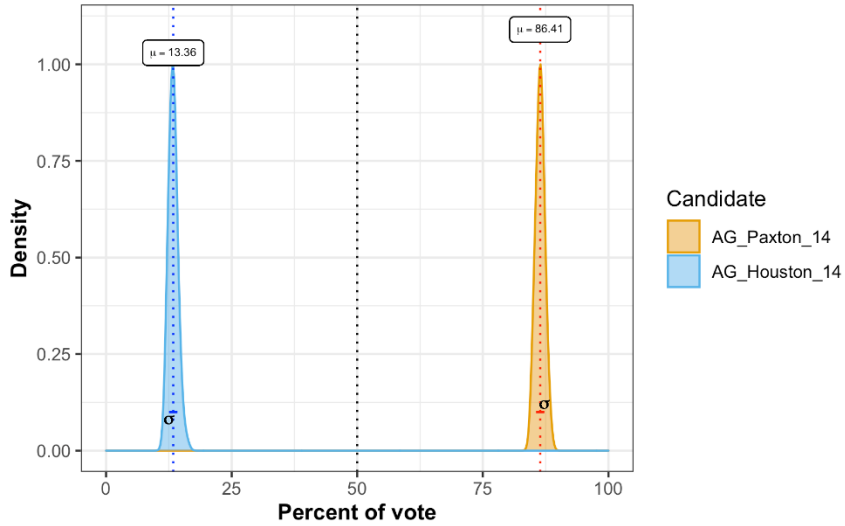


AG_Paxton_14 vs AG_Houston_14 for AllElse_16 voters (overl

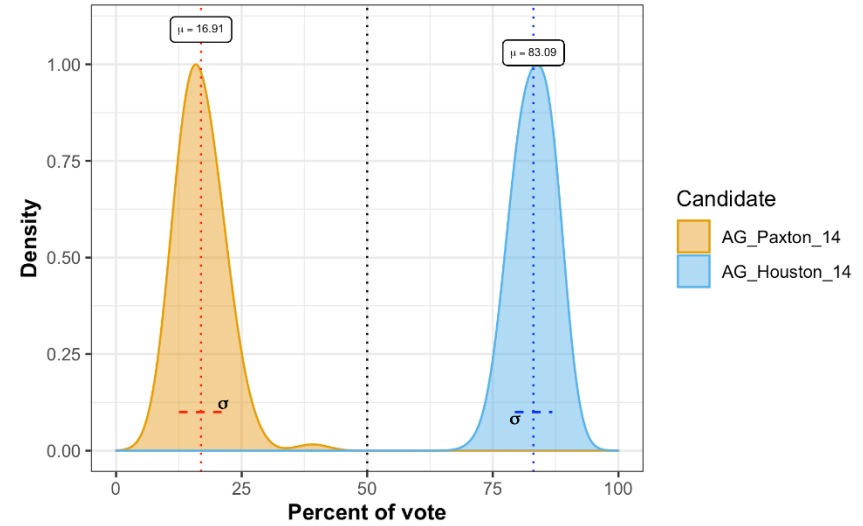


Anglo, Hispanic, and Black (CVAP)

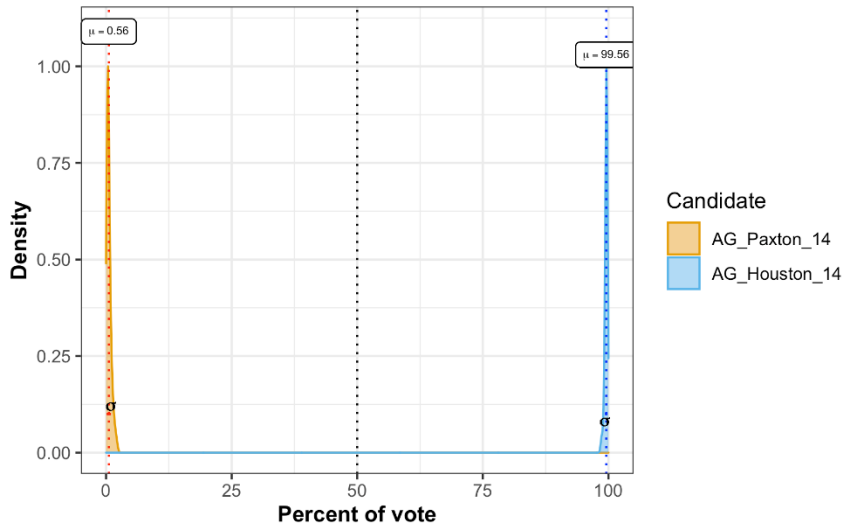
AG_Paxton_14 vs AG_Houston_14 for Anglo_16 voters (overlap



AG_Paxton_14 vs AG_Houston_14 for Hisp_16 voters (overlap

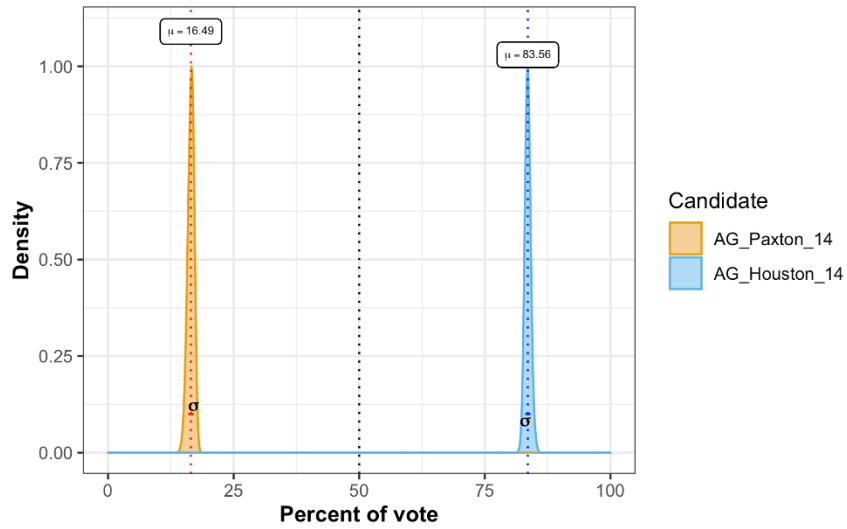


AG_Paxton_14 vs AG_Houston_14 for Black_16 voters (overlap



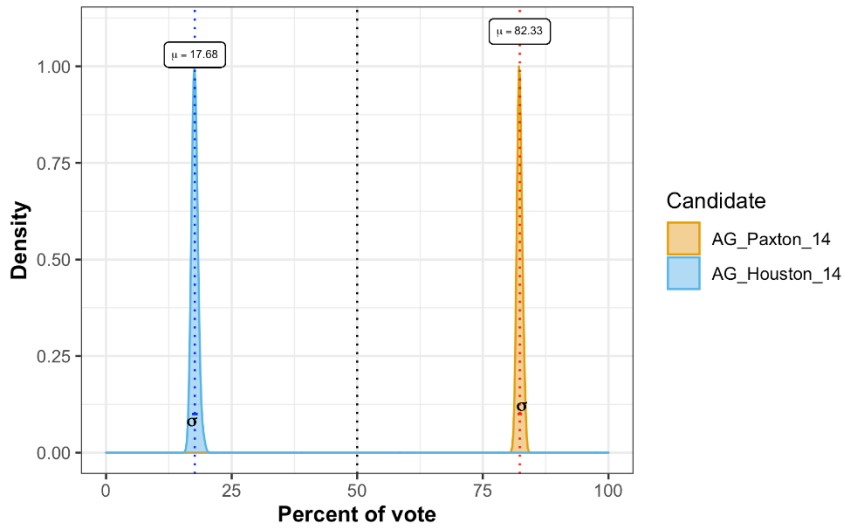
SSTO

AG_Paxton_14 vs AG_Houston_14 for SSTO_14 voters (overla

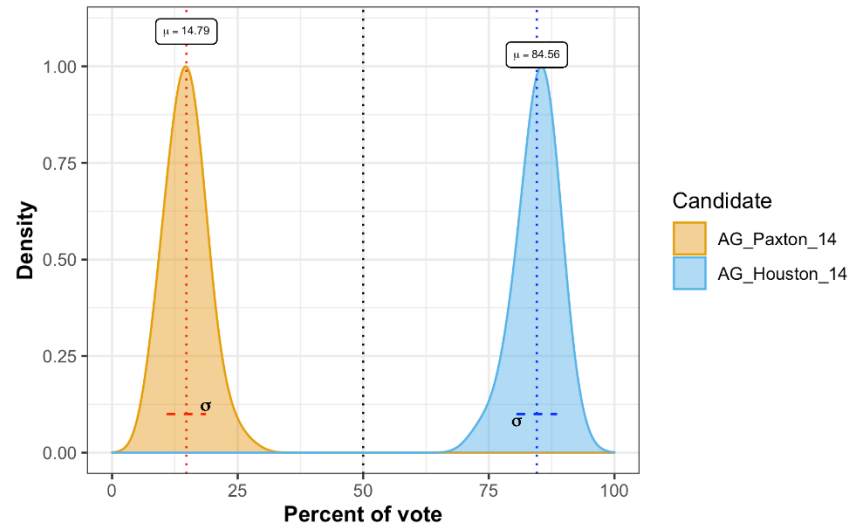


Anglo, Hispanic, and Black (Estimated Actual Vote)

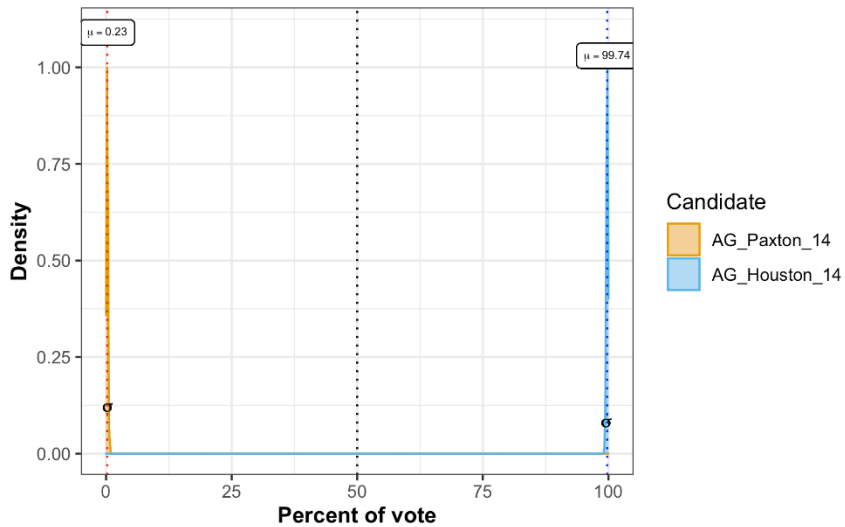
AG_Paxton_14 vs AG_Houston_14 for Wht_Vote14 voters (ove



AG_Paxton_14 vs AG_Houston_14 for Hsp_Vote14 voters (ove



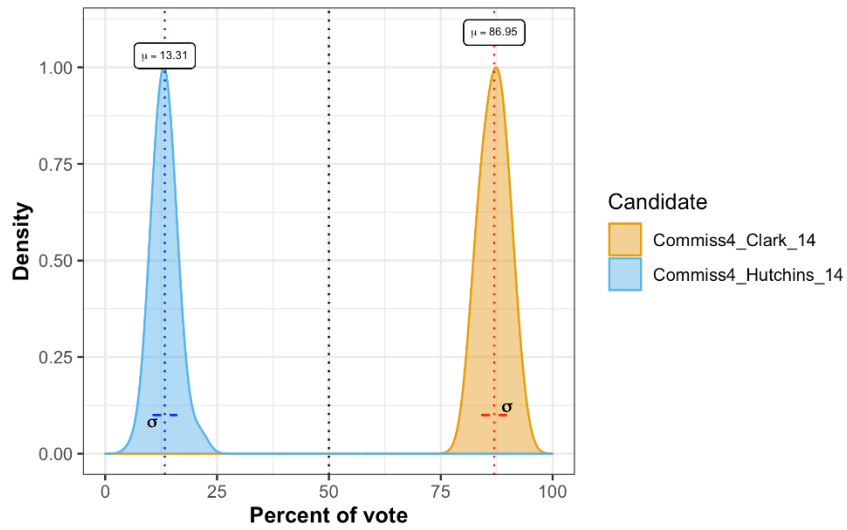
AG_Paxton_14 vs AG_Houston_14 for Blk_Vote14 voters (over



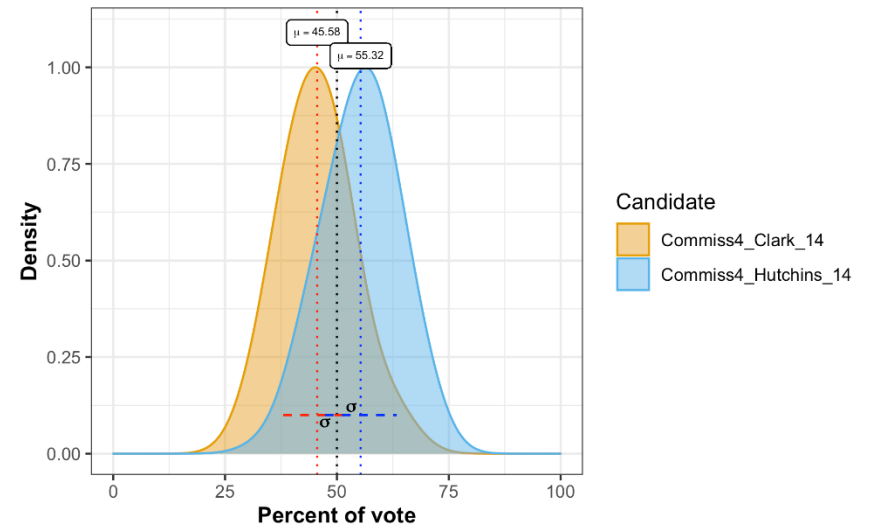
XXIV. 2014 County Commissioner, Precinct #4

Anglo and Non-Anglo (CVAP)

Commiss4_Clark_14 vs Commiss4_Hutchins_14 for White_16

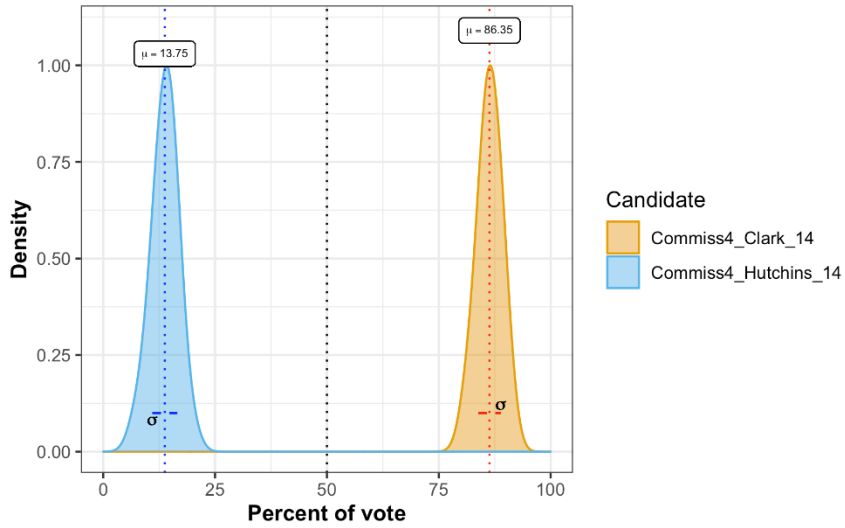


Commiss4_Clark_14 vs Commiss4_Hutchins_14 for AllElse_16

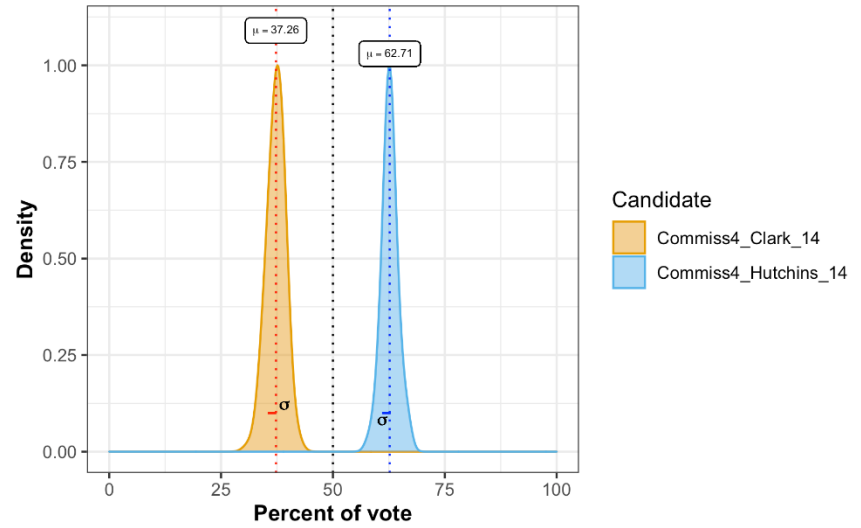


Anglo, Hispanic, and Black (CVAP)

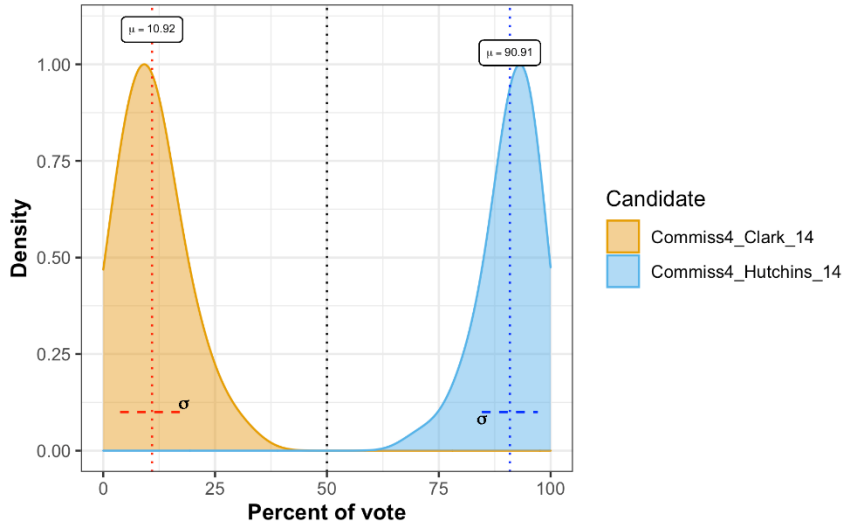
Commiss4_Clark_14 vs Commiss4_Hutchins_14 for Anglo_16



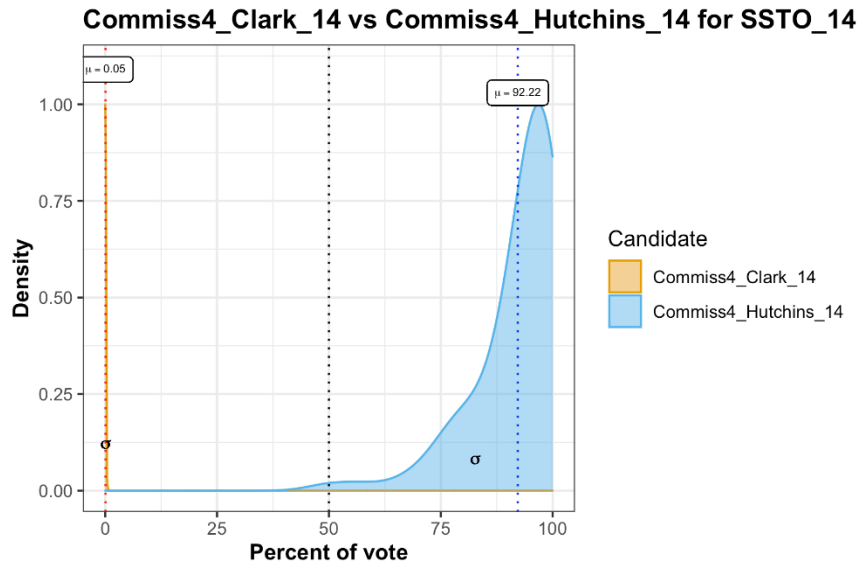
Commiss4_Clark_14 vs Commiss4_Hutchins_14 for Hisp_16 v



Commiss4_Clark_14 vs Commiss4_Hutchins_14 for Black_16 v

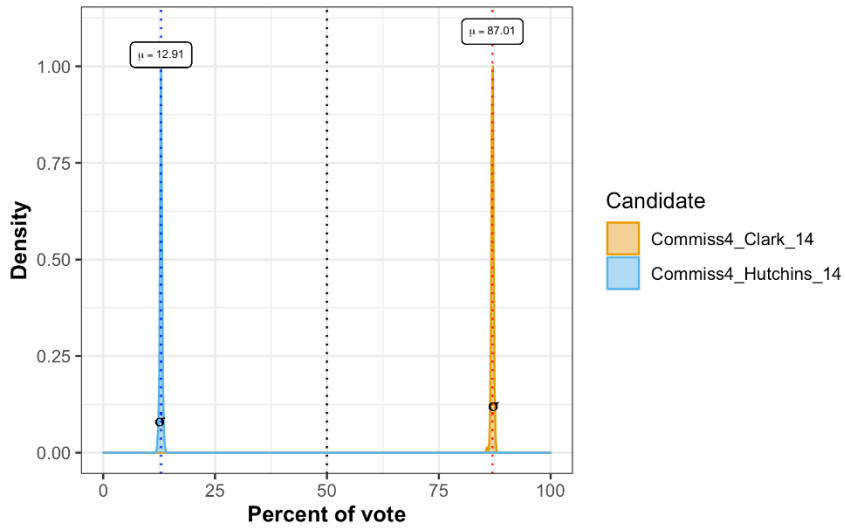


SSTO

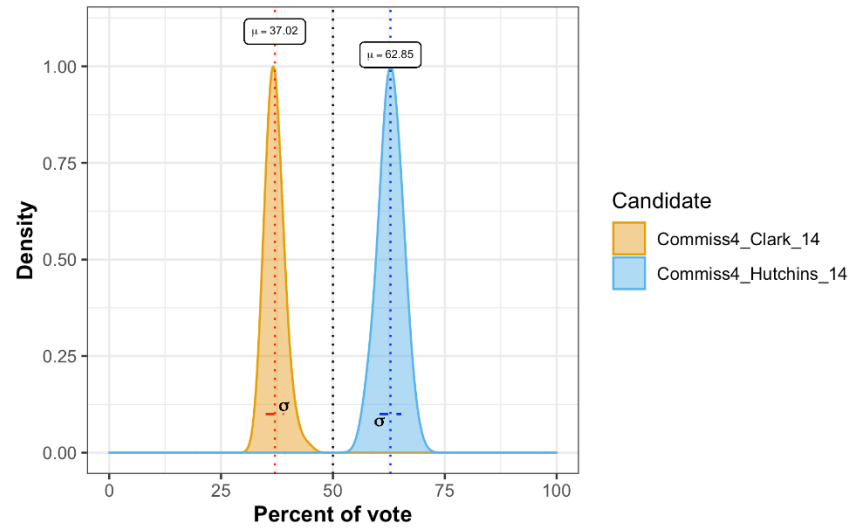


Anglo, Hispanic, and Black (Estimated Actual Vote)

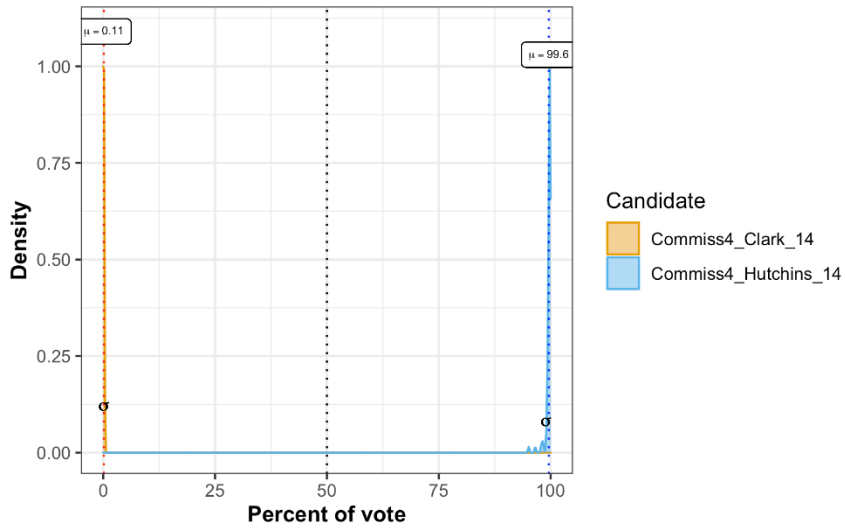
Commiss4_Clark_14 vs Commiss4_Hutchins_14 for Wht_Vote



Commiss4_Clark_14 vs Commiss4_Hutchins_14 for Hsp_Vote



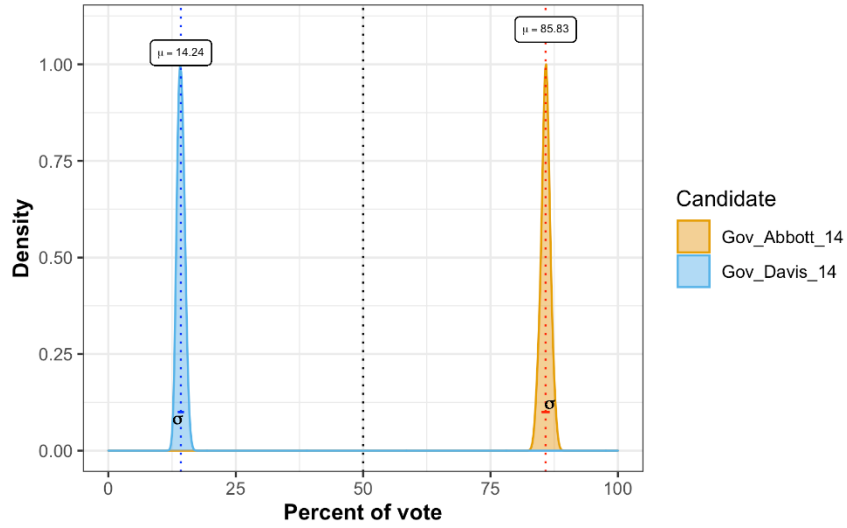
Commiss4_Clark_14 vs Commiss4_Hutchins_14 for Blk_Vote1



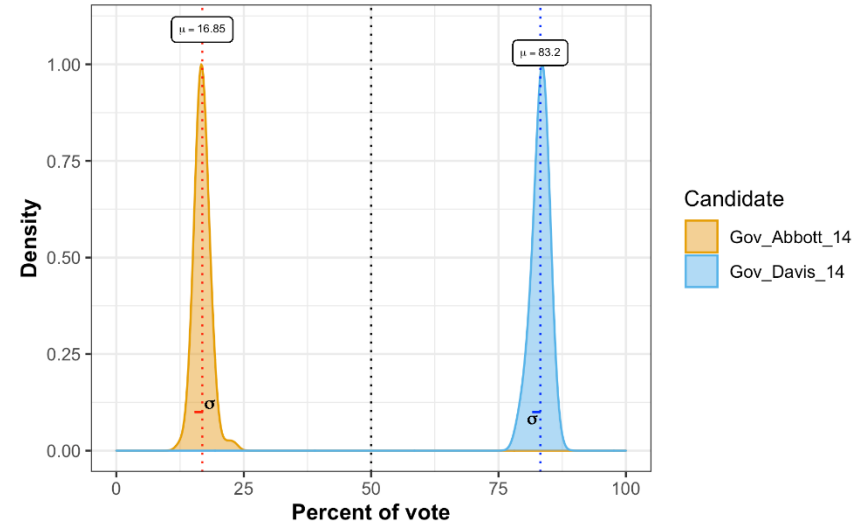
XXV. 2014 Governor

Anglo and Non-Anglo (CVAP)

Gov_Abbott_14 vs Gov_Davis_14 for White_16 voters (overlap)

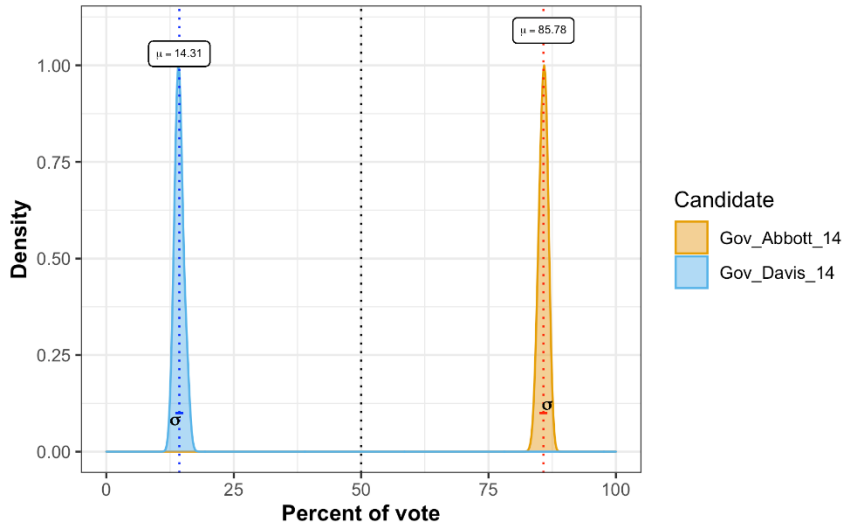


Gov_Abbott_14 vs Gov_Davis_14 for AllElse_16 voters (overla

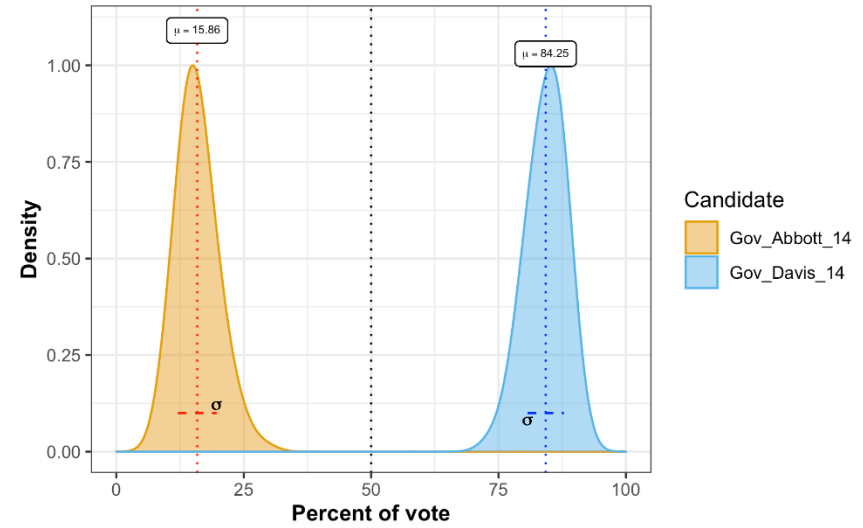


Anglo, Hispanic, and Black (CVAP)

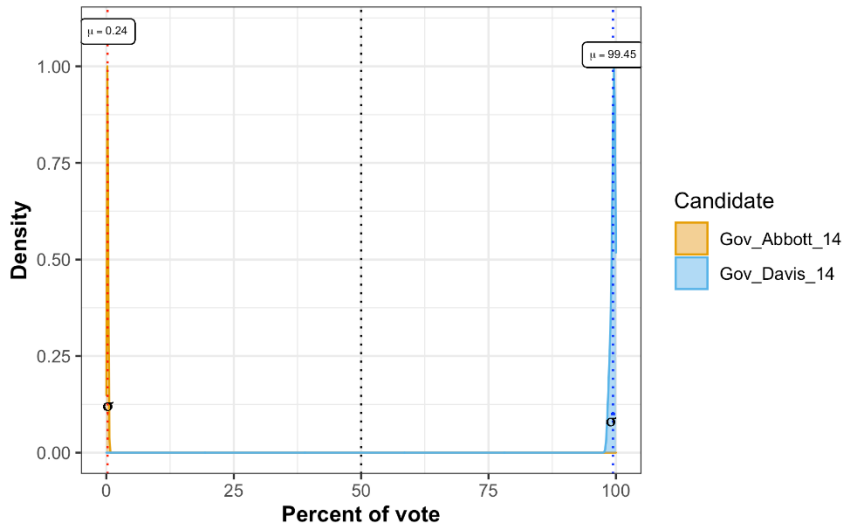
Gov_Abbott_14 vs Gov_Davis_14 for Anglo_16 voters (overlap



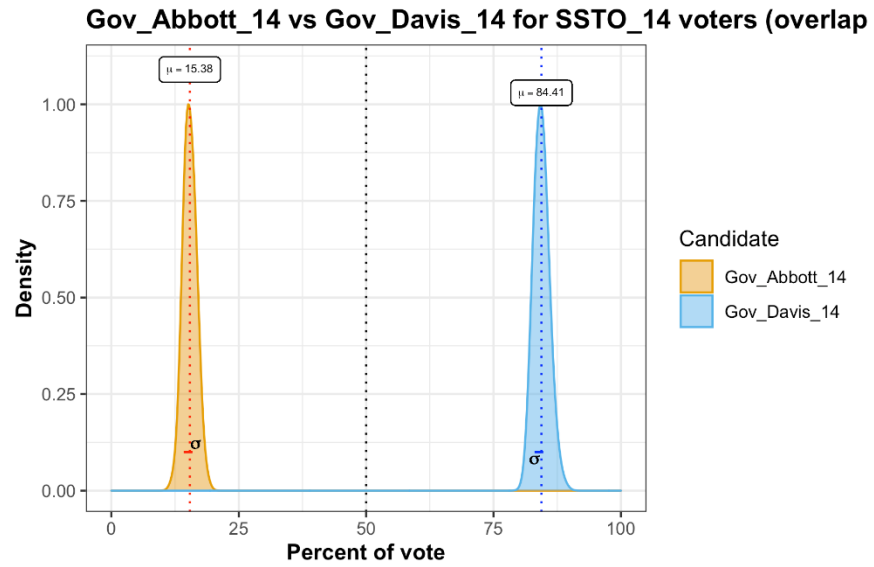
Gov_Abbott_14 vs Gov_Davis_14 for Hisp_16 voters (overlap:



Gov_Abbott_14 vs Gov_Davis_14 for Black_16 voters (overlap

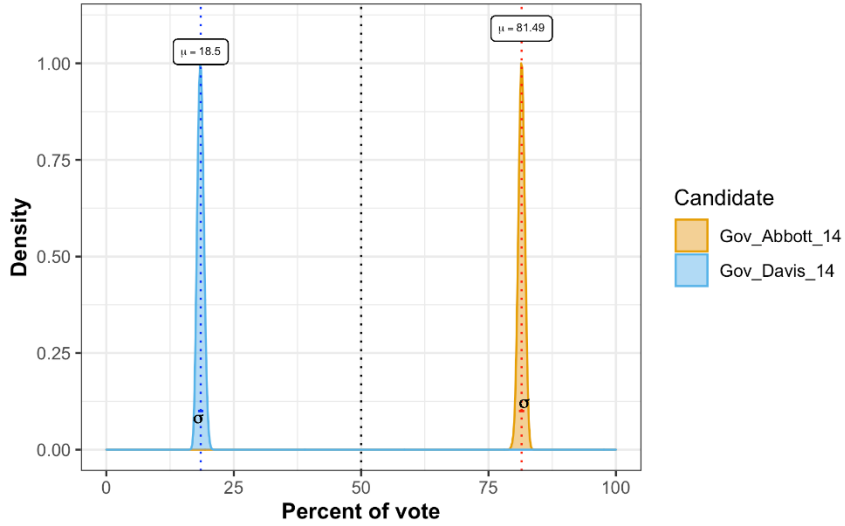


SSTO

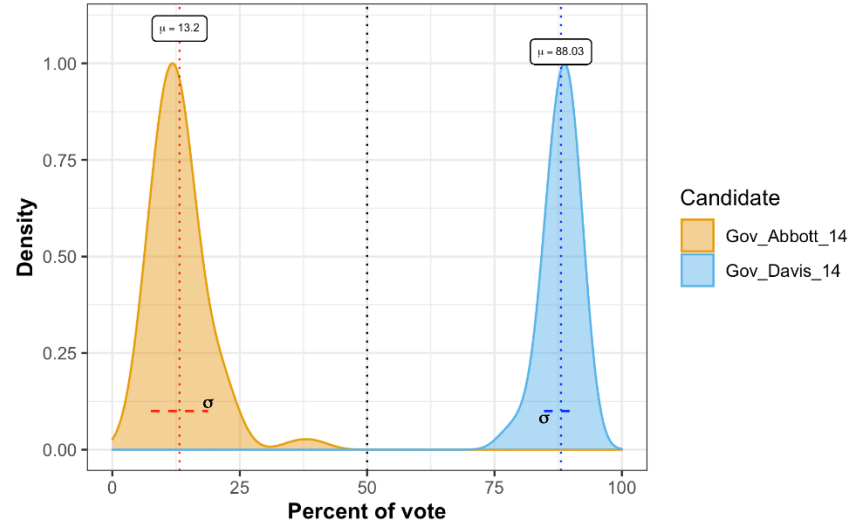


Anglo, Hispanic, and Black (Estimated Actual Vote)

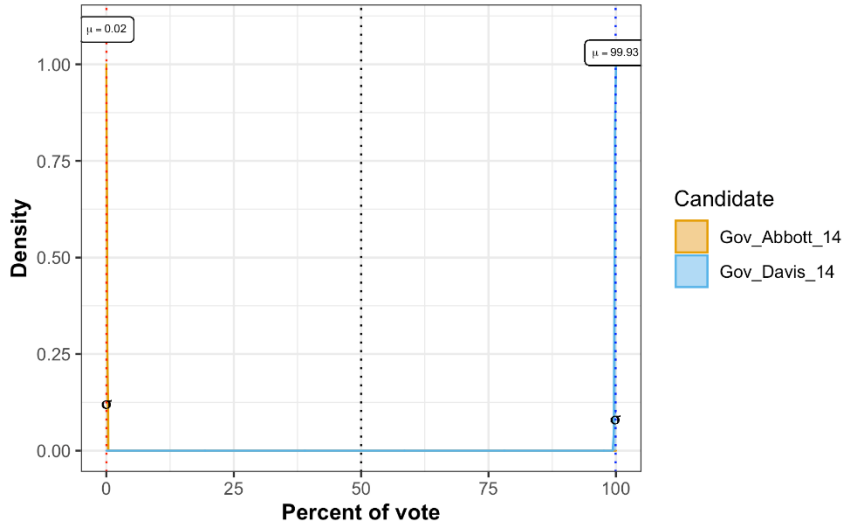
Gov_Abbott_14 vs Gov_Davis_14 for Wht_Vote14 voters (overl



Gov_Abbott_14 vs Gov_Davis_14 for Hsp_Vote14 voters (overl



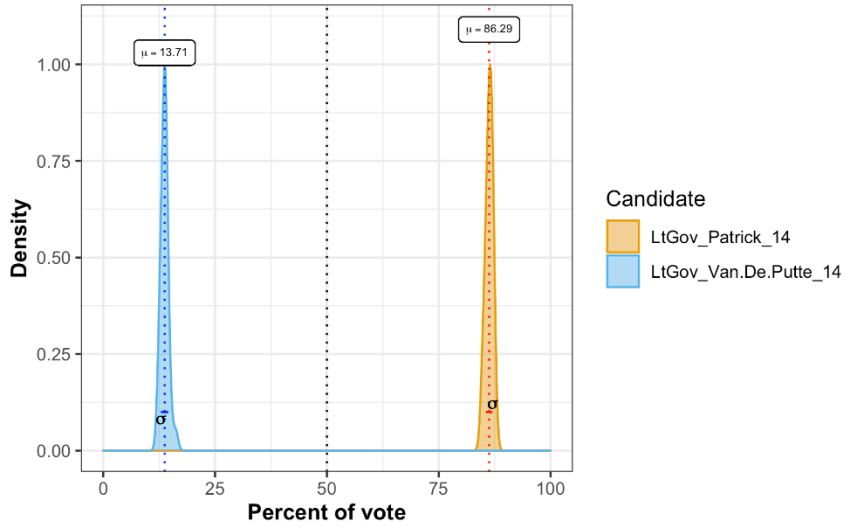
Gov_Abbott_14 vs Gov_Davis_14 for Blk_Vote14 voters (overl



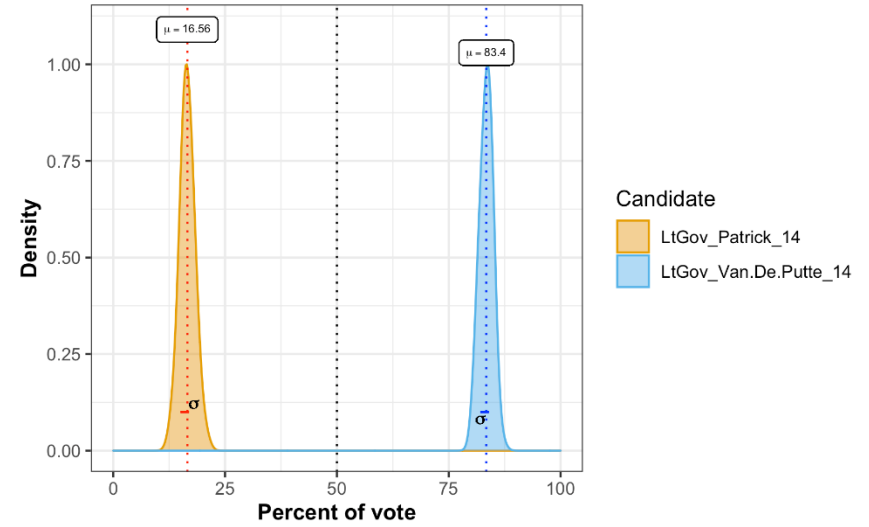
XXVI. 2014 Lt. Governor

Anglo and Non-Anglo (CVAP)

LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for White_16 vote

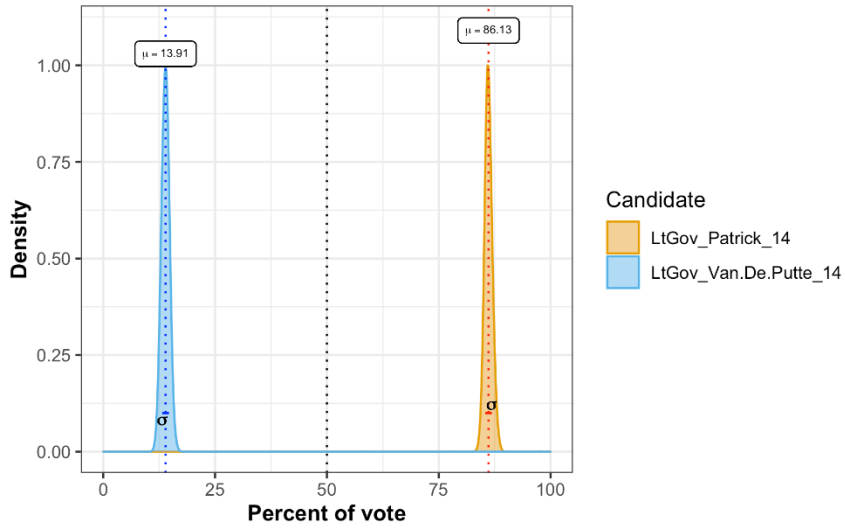


LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for AllElse_16 vo

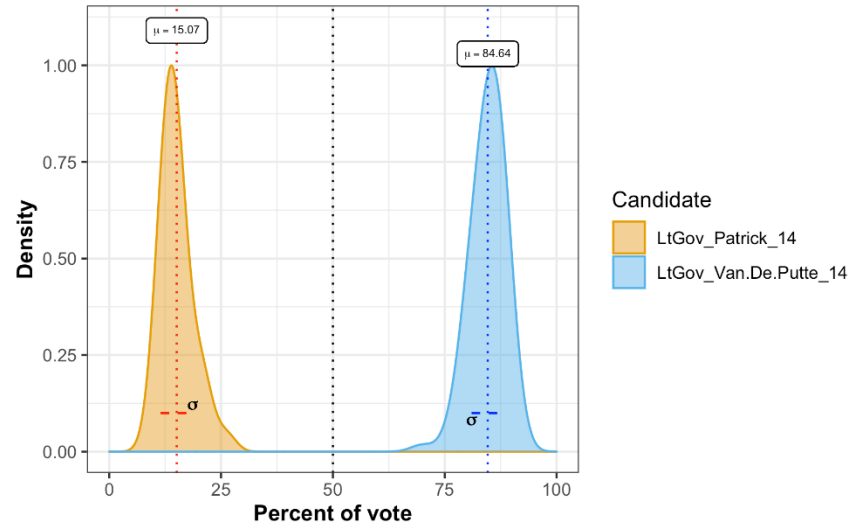


Anglo, Hispanic, and Black (CVAP)

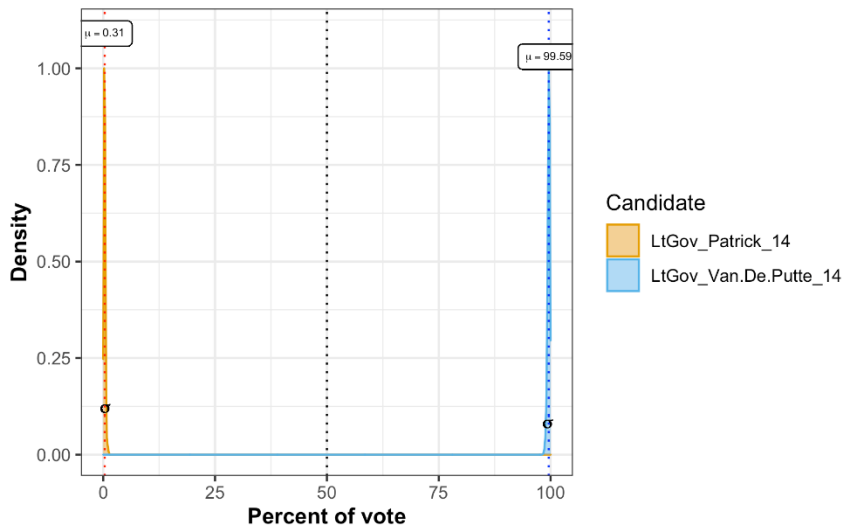
LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for Anglo_16 vote



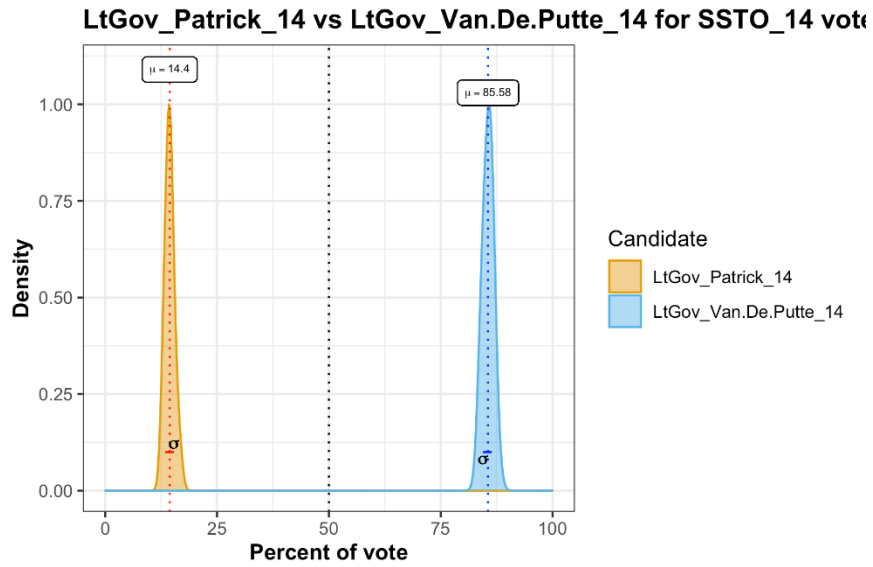
LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for Hisp_16 voter



LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for Black_16 vote

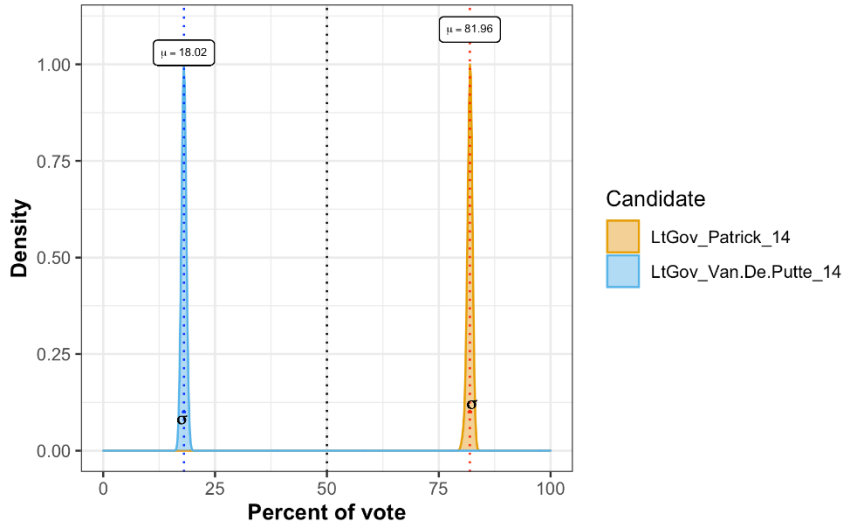


SSTO

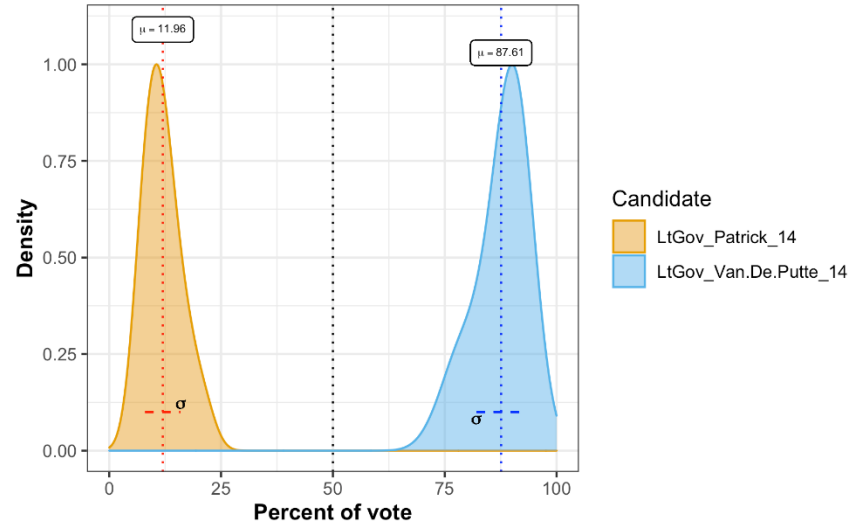


Anglo, Hispanic, and Black (Estimated Actual Vote)

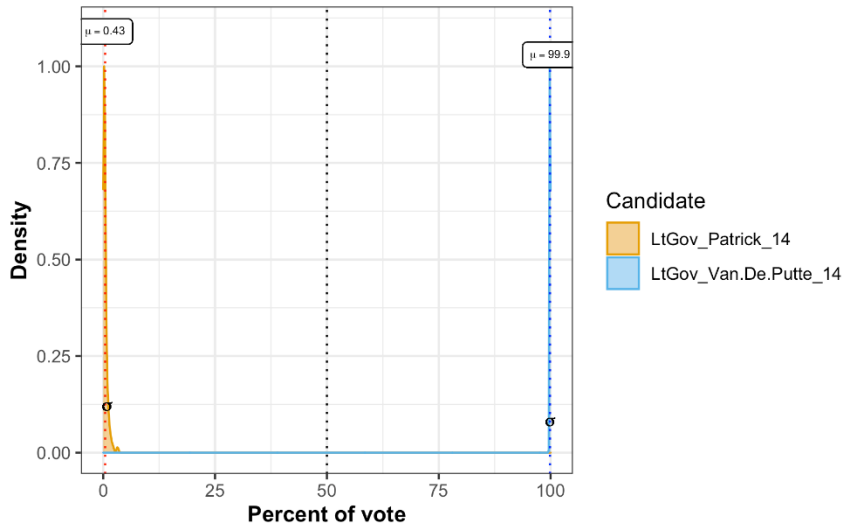
LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for Wht_Vote14 v



LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for Hsp_Vote14 v



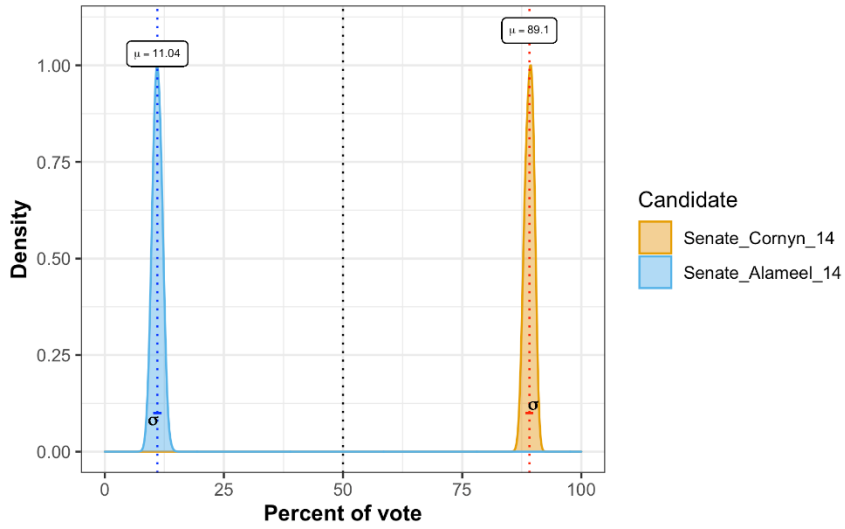
LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for Blk_Vote14 v



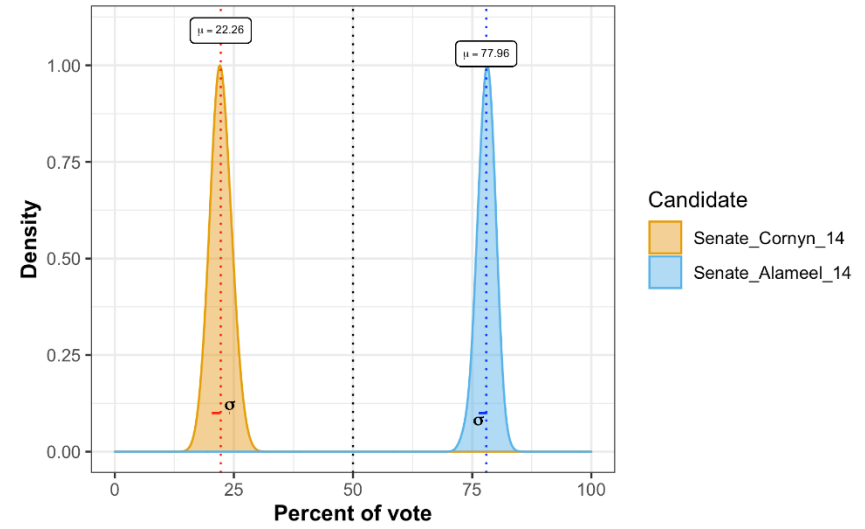
XXVII. 2014 U.S. Senate

Anglo and Non-Anglo (CVAP)

Senate_Cornyn_14 vs Senate_Alameel_14 for White_16 voters

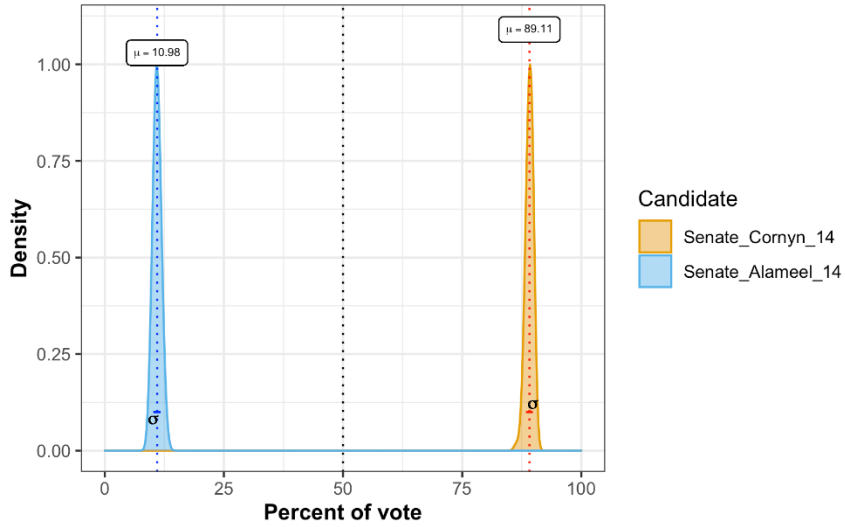


Senate_Cornyn_14 vs Senate_Alameel_14 for AllElse_16 voter

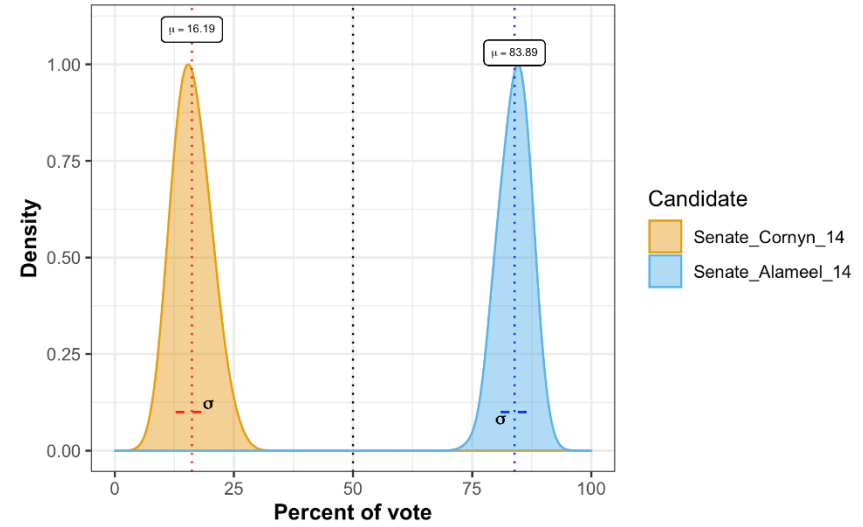


Anglo, Hispanic, and Black (CVAP)

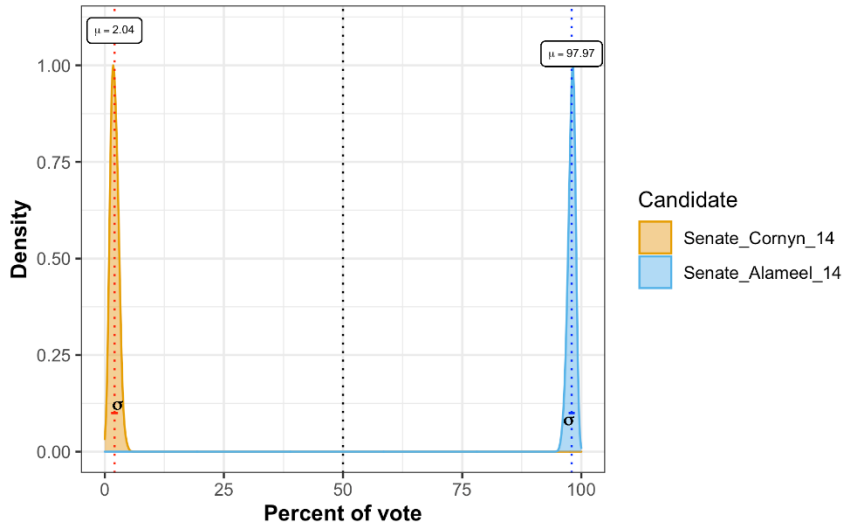
Senate_Cornyn_14 vs Senate_Alameel_14 for Anglo_16 voters



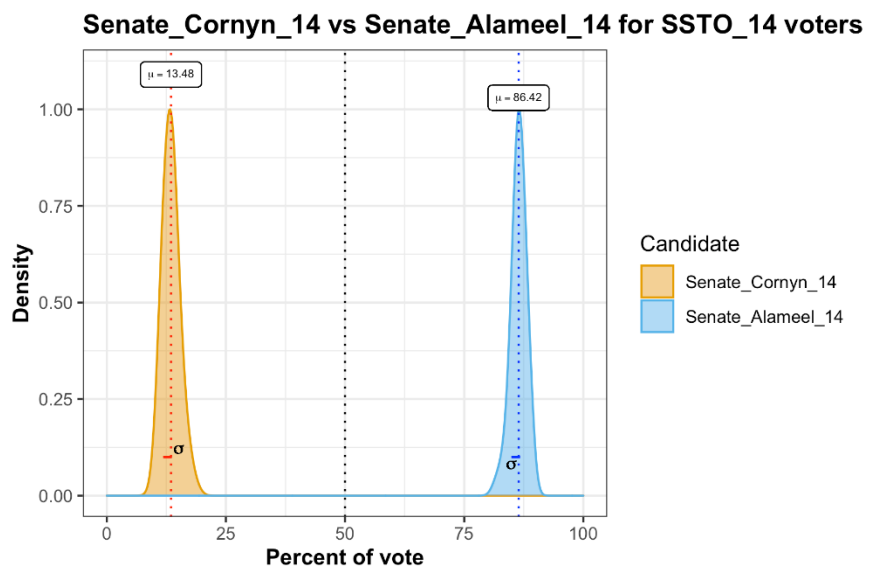
Senate_Cornyn_14 vs Senate_Alameel_14 for Hisp_16 voters (



Senate_Cornyn_14 vs Senate_Alameel_14 for Black_16 voters

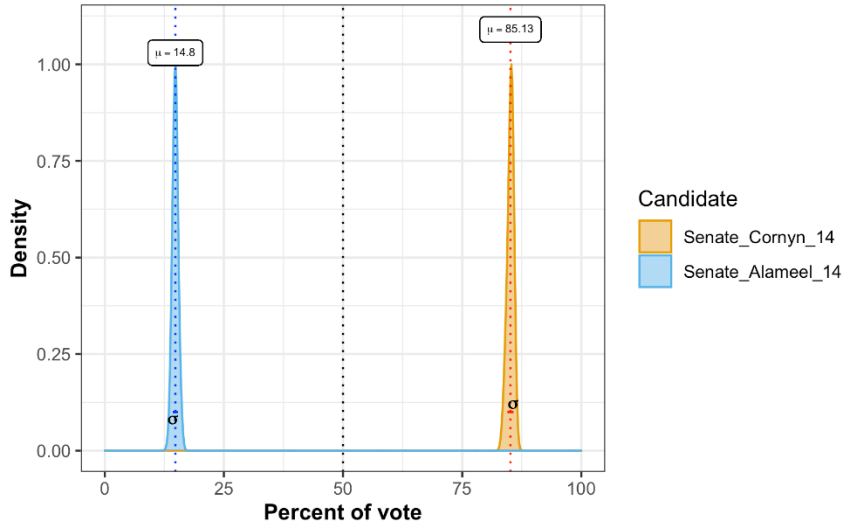


SSTO

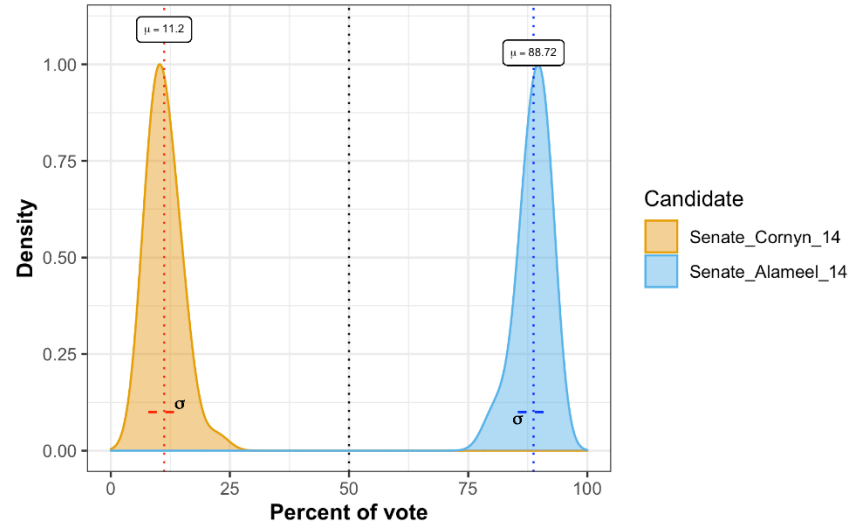


Anglo, Hispanic, and Black (Estimated Actual Vote)

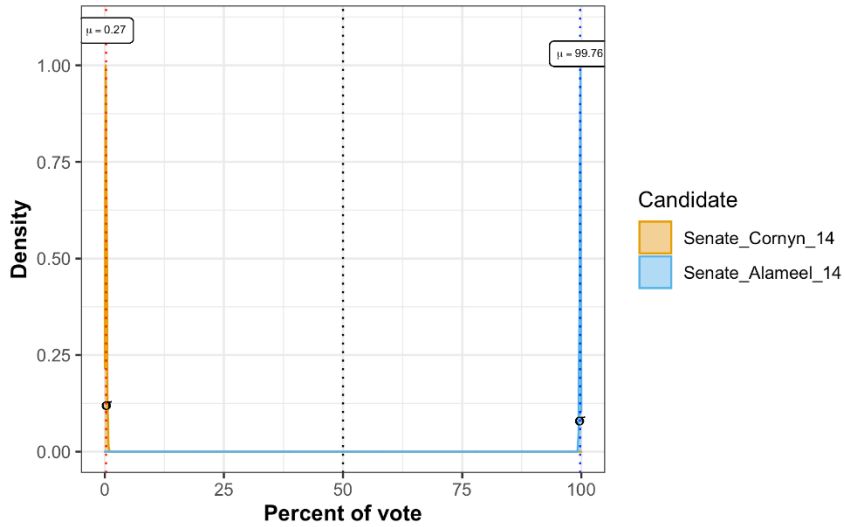
Senate_Cornyn_14 vs Senate_Alameel_14 for Wht_Vote14 vote



Senate_Cornyn_14 vs Senate_Alameel_14 for Hsp_Vote14 vote

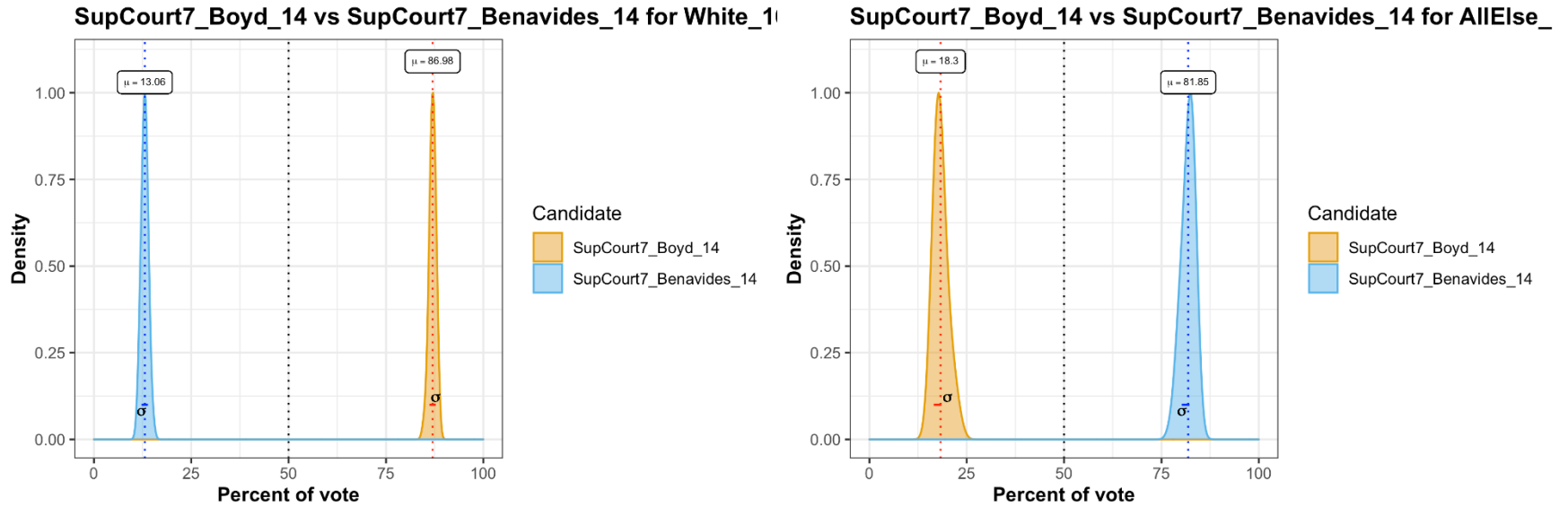


Senate_Cornyn_14 vs Senate_Alameel_14 for Blk_Vote14 vote



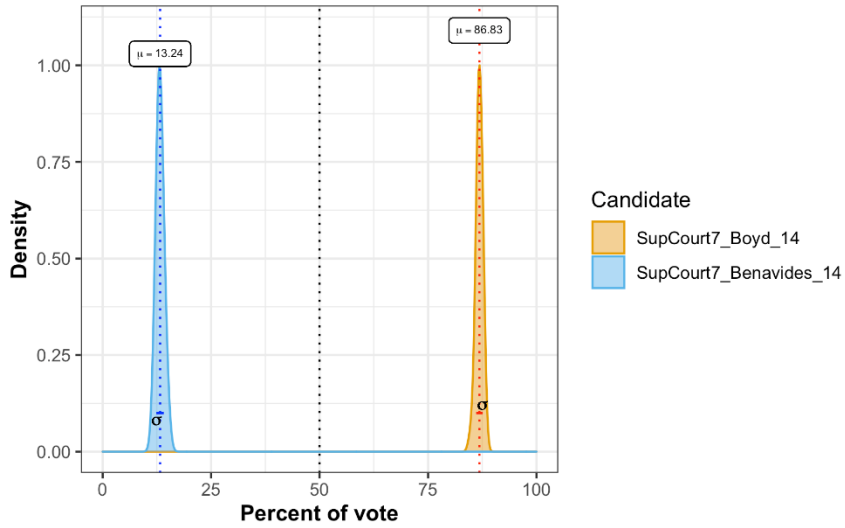
XXVIII. 2014 Supreme Court Justice, Position #7

Anglo and Non-Anglo (CVAP)

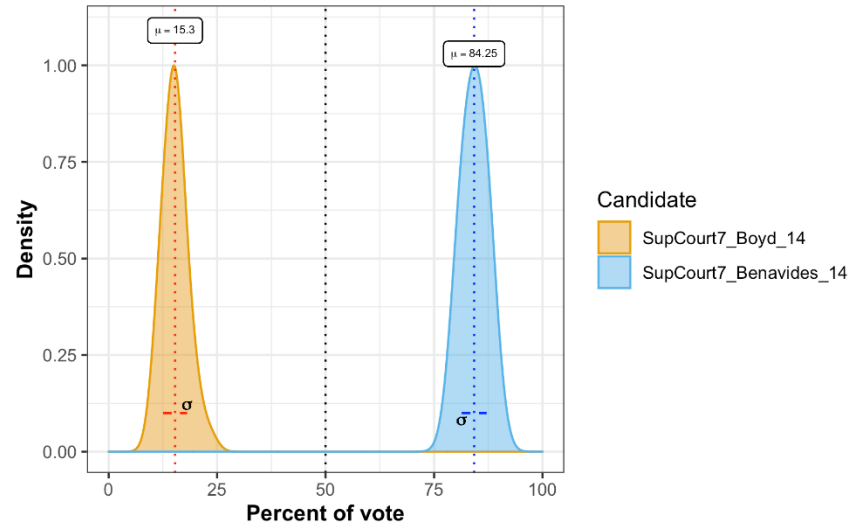


Anglo, Hispanic, and Black (CVAP)

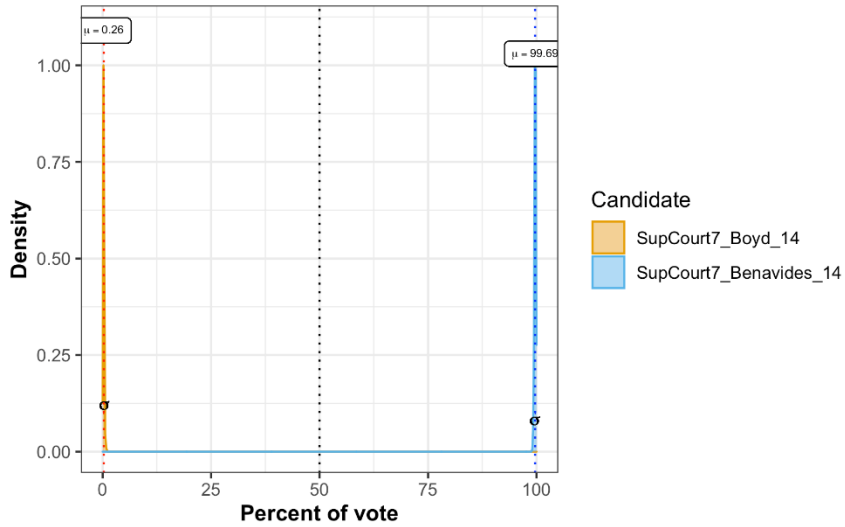
SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for Anglo_1



SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for Hisp_16

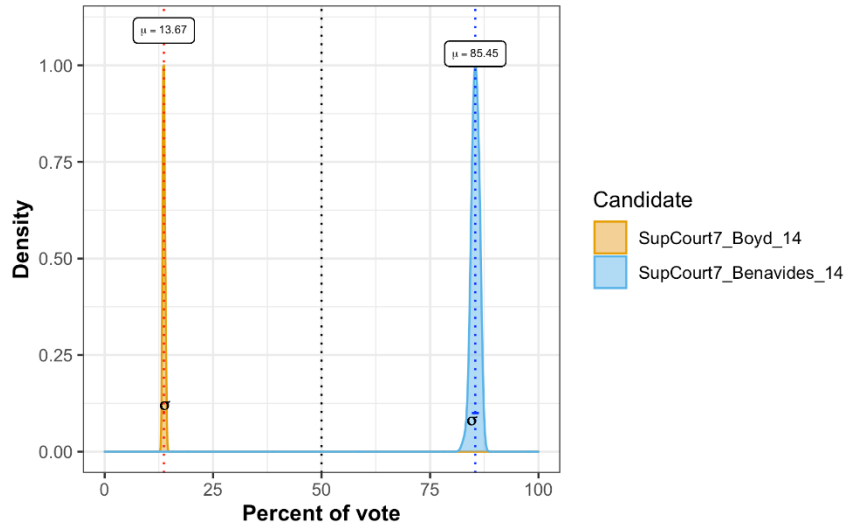


SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for Black_1



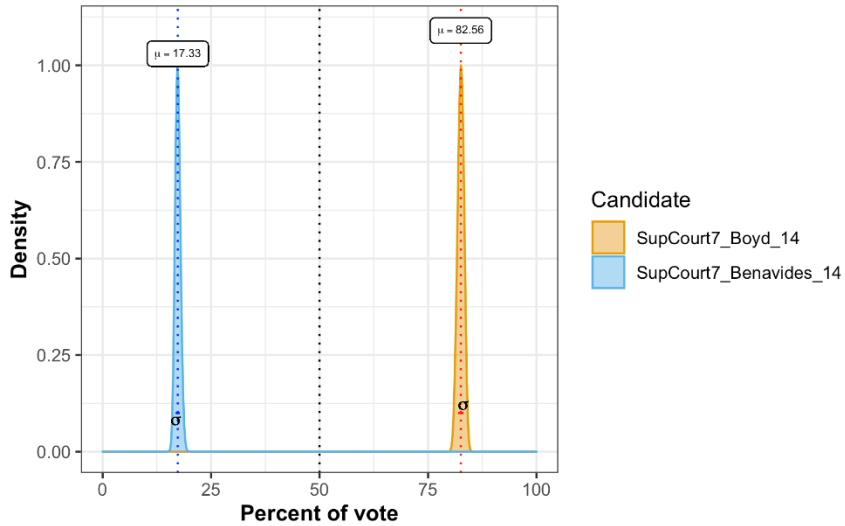
SSTO

SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for SSTO_1.

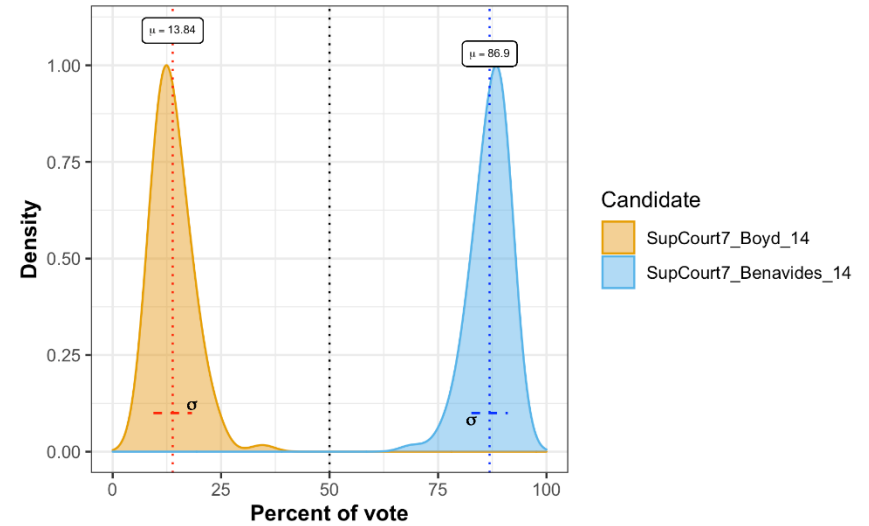


Anglo, Hispanic, and Black (Estimated Actual Vote)

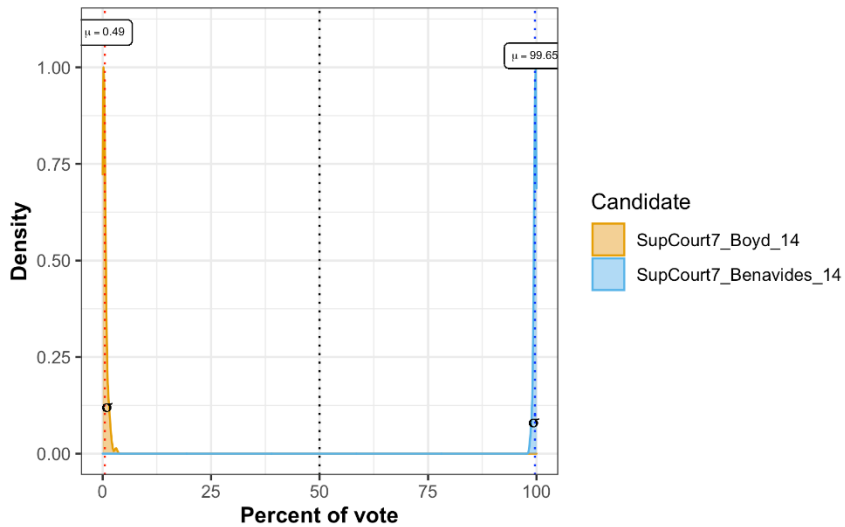
SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for Wht_Vot



SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for Hsp_Vot

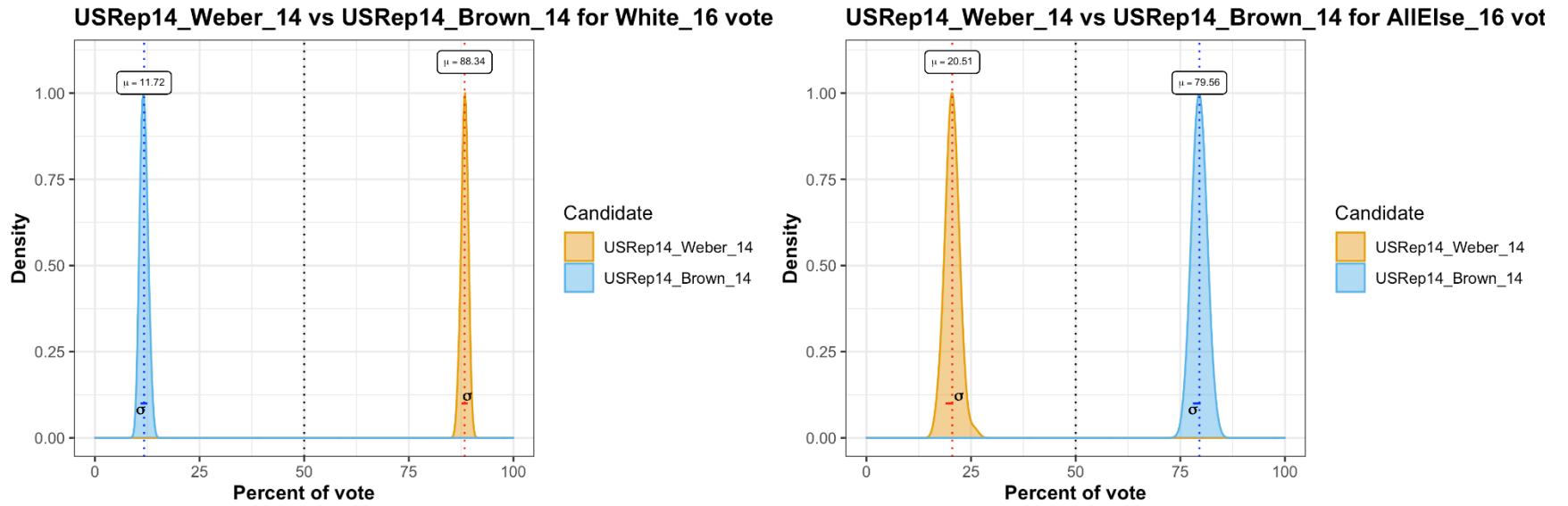


SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for Blk_Vot



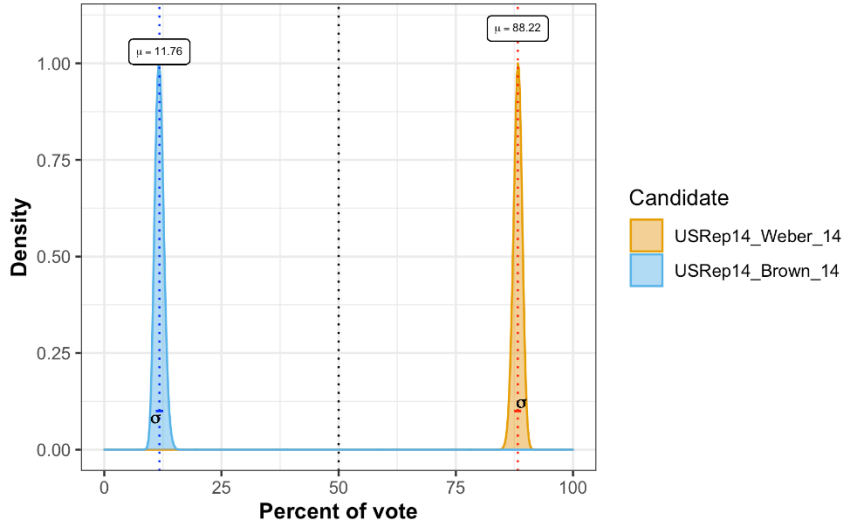
XXIX. 2014 U.S. House of Reps, District #14

Anglo and Non-Anglo (CVAP)

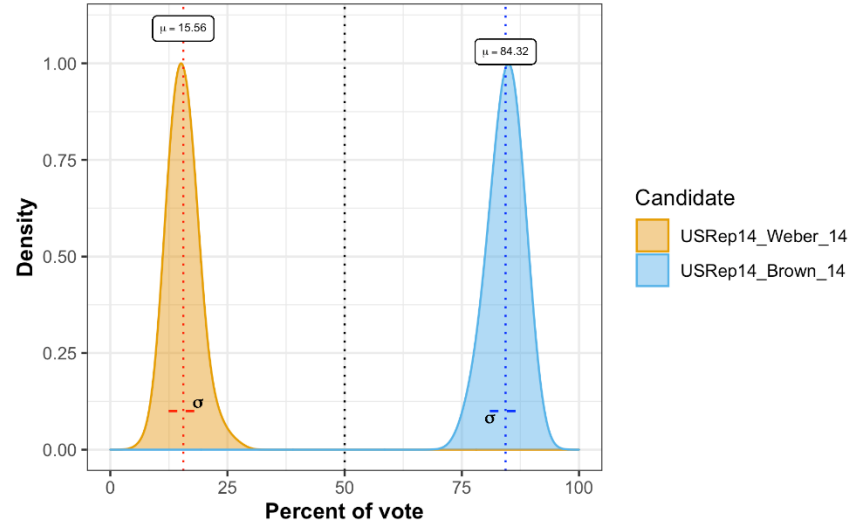


Anglo, Hispanic, and Black (CVAP)

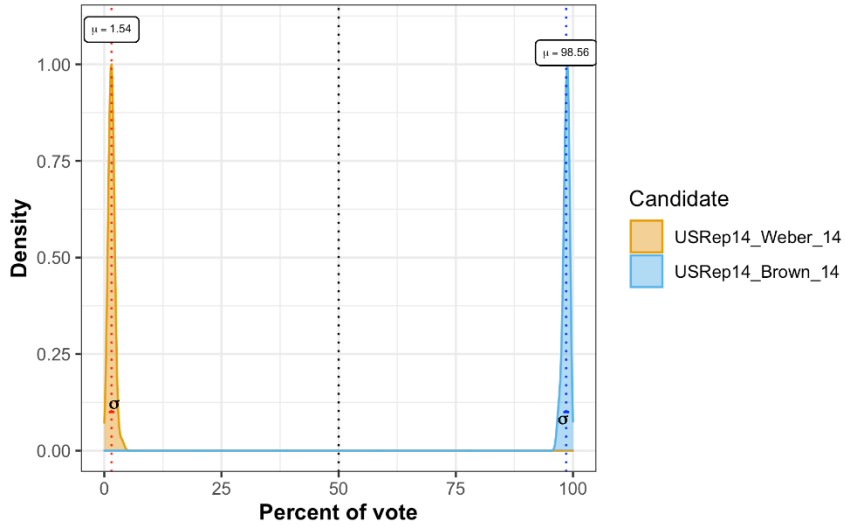
USRep14_Weber_14 vs USRep14_Brown_14 for Anglo_16 vote



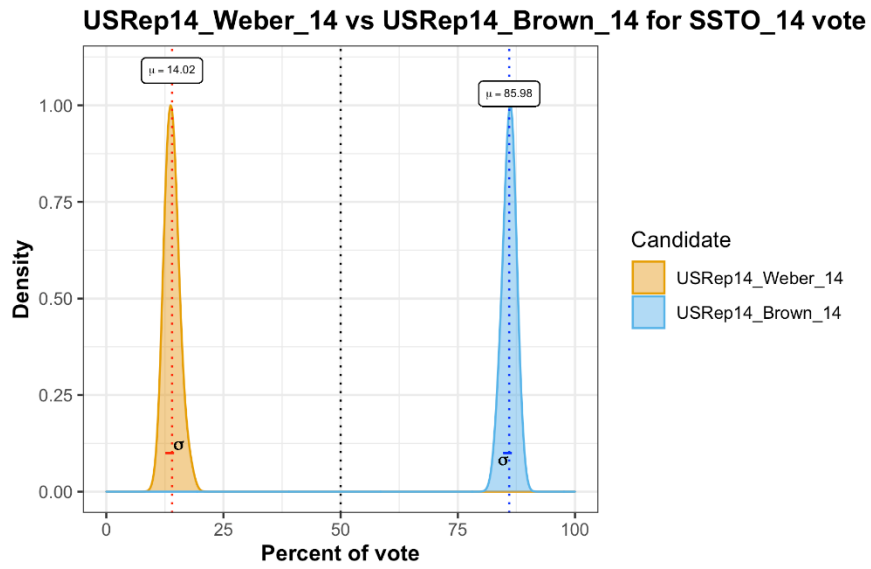
USRep14_Weber_14 vs USRep14_Brown_14 for Hisp_16 voters:



USRep14_Weber_14 vs USRep14_Brown_14 for Black_16 vote

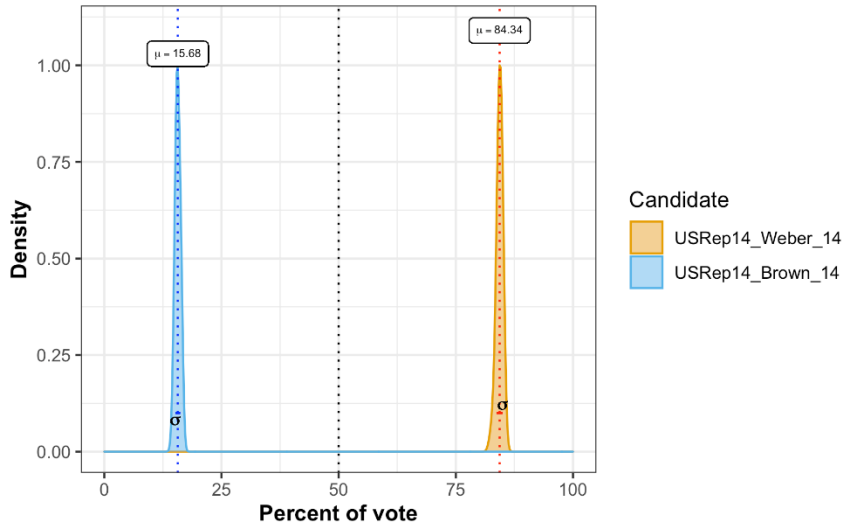


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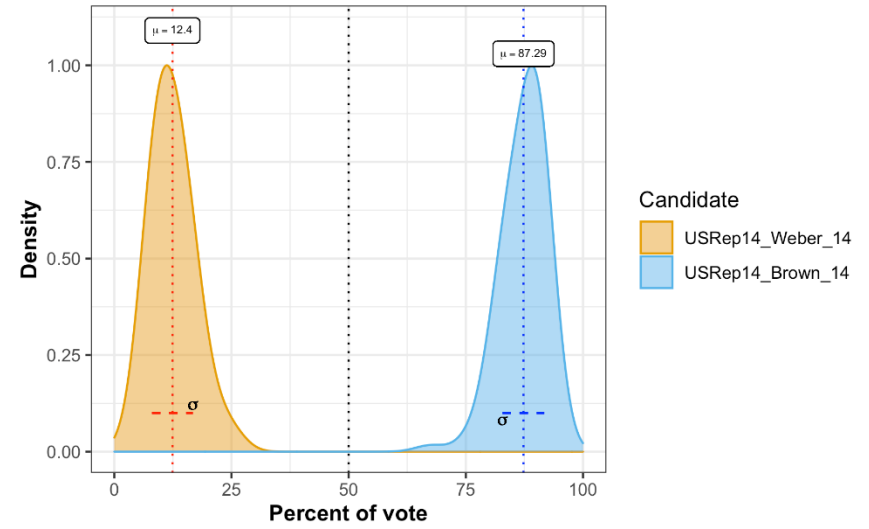


Anglo, Hispanic, and Black (Estimated Actual Vote)

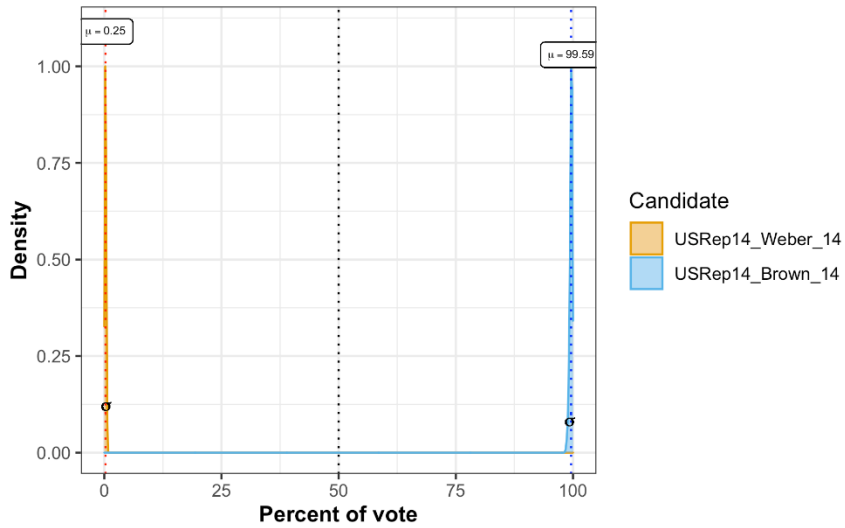
USRep14_Weber_14 vs USRep14_Brown_14 for Wht_Vote14 v



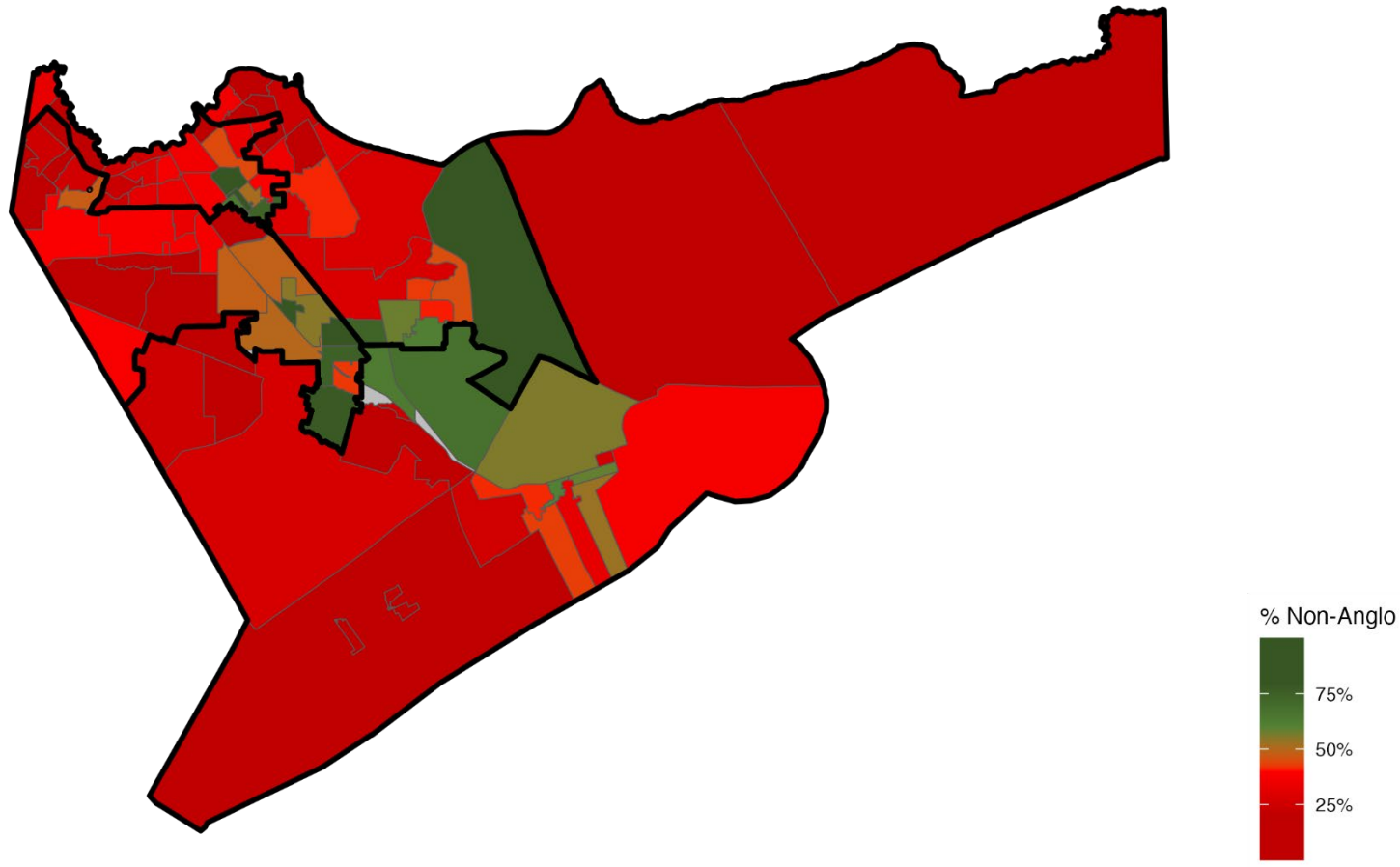
USRep14_Weber_14 vs USRep14_Brown_14 for Hsp_Vote14 v



USRep14_Weber_14 vs USRep14_Brown_14 for Blk_Vote14 v



Appendix D: Galveston County Adopted Map Racial Heatmap (2020 CVAP)



Appendix E1: Resume of Matt Barreto, PhD



MATT A. BARRETO – BARRETOM@UCLA.EDU

UNIVERSITY OF CALIFORNIA, LOS ANGELES, 3345 BUNCHE HALL, LOS ANGELES CA 90095 / 909.489.2955

EMPLOYMENT:

Professor, Political Science, University of California Los Angeles (2015 – present)
Professor, Chicana/o Studies, University of California Los Angeles (2015 – present)
Co-Founder & Faculty Director, Latino Policy & Politics Initiative (LPPI)
Co-Founder & Faculty Director, UCLA Voting Rights Project (VRP)

Dept. Political Science, University of Washington

Professor (2014 – 2015)

Associate Professor (2009 – 2014)

Assistant Professor (2005 – 2009)

Co-Founder & Director, Washington Institute for the Study of Ethnicity and Race

Founding Director, Center for Democracy and Voting Rights, UW School of Law

Affiliated Research Centers

Latino Policy & Politics Initiative (LPPI), University of California, Los Angeles

Chicano Studies Research Center (CSRC), University of California, Los Angeles

Center for the Study of Los Angeles (CSLA), Loyola Marymount University

PERSONAL:

Born: June 6, 1976
San Juan, Puerto Rico

High School: 1994, Washburn Rural HS, Topeka, KS

EDUCATION:

Ph.D., Political Science, June 2005

University of California – Irvine

Sub Fields: American Politics / Race, Ethnicity and Politics / Methodology

Thesis: Ethnic Cues: The Role of Shared Ethnicity in Latino Political Participation

Thesis Committee: Bernard Grofman (chair), Louis DeSipio, Katherine Tate, Carole Uhlaner

Thesis Awards: *Ford Foundation Dissertation Fellowship for Minorities, 04-05*

University of California President's Dissertation Fellowship, 04-05

University of California Institute for Mexico & the U.S. Dissertation Grant, 04-05

Master of Science, Social Science, March 2003

University of California – Irvine

Bachelor of Science, Political Science, May 1998

Eastern New Mexico University, Portales, NM

Minor: English. Cumulative GPA: 3.9, *Summa Cum Laude*

PUBLICATION RECORD

Google Scholar citation indices: Cites: 5,372 h-index: 37 i10-index: 65 i100-index: 13 Cites/year: 298

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7. Francisco Pedraza and Matt Barreto. 2008. "Exit Polls and Ethnic Diversity: How to Improve Estimates and Reduce Bias Among Minority Voters." In Wendy Alvey and Fritz Scheuren (eds.) Elections and Exit Polling. Hoboken, NJ: Wiley and Sons.
6. Adrian Pantoja, Matt Barreto and Richard Anderson. 2008. "Politics *y la Iglesia*: Attitudes Toward the Role of Religion in Politics Among Latino Catholics" In Michael Genovese, Kristin Hayer and Mark J. Rozell (eds.) Catholics and Politics. Washington, D.C: Georgetown University Press..
5. Barreto, Matt. 2007. "The Role of Latino Candidates in Mobilizing Latino Voters: Revisiting Latino Vote Choice." In Rodolfo Espino, David Leal and Kenneth Meier (eds.) Latino Politics: Identity, Mobilization, and Representation. Charlottesville: University of Virginia Press.
4. Abosch, Yishaiya, Matt Barreto and Nathan Woods. 2007. "An Assessment of Racially Polarized Voting For and Against Latinos Candidates in California." In Ana Henderson (ed.) Voting Rights Act Reauthorization of 2006: Perspectives on Democracy, Participation, and Power. Berkeley, CA: UC Berkeley Public Policy Press.
3. Barreto, Matt and Ricardo Ramírez. 2005. "The Race Card and California Politics: Minority Voters and Racial Cues in the 2003 Recall Election." In Shaun Bowler and Bruce Cain (eds.) Clicker Politics: Essays on the California Recall. Englewood-Cliffs: Prentice-Hall.
2. Barreto, Matt and Nathan Woods. 2005. "The Anti-Latino Political Context and its Impact on GOP Detachment and Increasing Latino Voter Turnout in Los Angeles County." In Gary Segura and Shawn Bowler (eds.) Diversity in Democracy: Minority Representation in the United States. Charlottesville: University of Virginia Press.
1. Pachon, Harry, Matt Barreto and Frances Marquez. 2004. "Latino Politics Comes of Age in the Golden State." In Rodolfo de la Garza and Louis DeSipio (eds.) Muted Voices: Latino Politics in the 2000 Election. New York: Rowman & Littlefield

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RESEARCH AWARDS AND FELLOWSHIPS

June 2020	WK Kellogg Foundation UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$2,500,000 – 24 months
June 2020	Casey Family Foundation UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$900,000 – 18 months
Aug 2018	Provost Initiative for Voting Rights Research UCLA Latino Policy & Politics Initiative [With Chad Dunn]	\$90,000 – 24 months
April 2018	Democracy Fund & Wellspring Philanthropic UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$200,000 – 18 months
March 2018	AltaMed California UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$250,000 – 12 months
Dec 2017	California Community Foundation UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$100,000 – 12 months
July 2013	Ford Foundation UW Center for Democracy and Voting Rights	\$200,000 – 12 months
April 2012	American Values Institute [With Ben Gonzalez] Racial Narratives and Public Response to Racialized Moments	\$40,000 – 3 months
Jan 2012	American Civil Liberties Union Foundation [With Gabriel Sanchez] Voter Identification Laws in Wisconsin	\$60,000 – 6 months
June 2011	State of California Citizens Redistricting Commission An Analysis of Racial Bloc Voting in California Elections	\$60,000 – 3 months
Apr 2011	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? A national conference on the political and social incorporation of American Muslims	\$50,000 – 18 months
Jan 2011	impreMedia [With Gary Segura] Latino public opinion tracking poll of voter attitudes in 2011	\$30,000 – 6 months
Oct 2010	National Council of La Raza (NCLR) [With Gary Segura] Measuring Latino Influence in the 2010 Elections	\$128,000 – 6 months
Oct 2010	We Are America Alliance (WAAA) [With Gary Segura] Latino and Asian American Immigrant Community Voter Study	\$79,000 – 3 months
May 2010	National Council of La Raza (NCLR) [With Gary Segura] A Study of Latino Views Towards Arizona SB1070	\$25,000 – 3 months
Apr 2010	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? The influence of religiosity in Muslim political incorporation	\$50,000 – 18 months
Oct 2009	American Association of Retired Persons (AARP) [With Gary Segura] Health care reform and Latino public opinion	\$25,000 – 3 months
Nov 2008	impreMedia & National Association of Latino Elected Officials (NALEO) [With Gary Segura] 2008 National Latino Post-Election Survey, Presidential Election	\$46,000 – 3 months

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RESEARCH GRANTS AND FELLOWSHIPS CONTINUED...

July 2008	National Association of Latino Elected Officials (NALEO) [With Gary Segura] Latino voter outreach survey – an evaluation of Obama and McCain	\$72,000 – 3 months
June 2008	The Pew Charitable Trusts, Make Voting Work Project [with Karin MacDonald and Bonnie Glaser] Evaluating Online Voter Registration (OVR) Systems in Arizona and Washington	\$220,000 – 10 months
April 2008	National Association of Latino Elected Officials (NALEO) & National Council of La Raza (NCLR), 2008 Latino voter messaging survey	\$95,000 – 6 months
Dec. 2007	Research Royalty Fund, University of Washington 2008 Latino national post-election survey	\$39,000 – 12 months
Oct. 2007	Brenan Center for Justice, New York University [with Stephen Nuño and Gabriel Sanchez] Indiana Voter Identification Study	\$40,000 – 6 months
June 2007	National Science Foundation, Political Science Division [with Gary Segura] American National Election Study – Spanish translation and Latino oversample	\$750,000 – 24 months
Oct. 2006	University of Washington, Vice Provost for Undergraduate Education Absentee voter study during the November 2006 election in King County, WA	\$12,000 – 6 months
Mar. 2006	Latino Policy Coalition Public Opinion Research Grant [with Gary Segura] Awarded to the Washington Institute for the Study of Ethnicity and Race	\$40,000 – 18 months
2005 – 2006	University of Washington, Institute for Ethnic Studies, Research Grant	\$8,000 – 12 months
Mar. 2005	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Conduct Exit Poll during Los Angeles Mayoral Election, Mar. 8 & May 17, 2005 Awarded to the Center for the Study of Los Angeles	\$30,000 – 6 months
2004 – 2005	Ford Foundation Dissertation Fellowship for Minorities	\$21,000 – 12 months
2004 – 2005	University of California President's Dissertation Fellowship	\$14,700 – 9 months
2004 – 2005	University of California Mexico-US (UC MEXUS) Dissertation Grant	\$12,000 – 9 months
Apr – 2004	UC Regents pre-dissertation fellowship, University of California, Irvine,	\$4,700 – 3 months
2003 – 2004	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Awarded to the Center for the Study of Los Angeles	\$20,000 – 12 months
2002 – 2003	Ford Foundation Grant on Institutional Inequality [with Harry Pachon] Conducted longitudinal study of Prop 209 on Latino and Black college admittance Awarded to Tomás Rivera Policy Institute	\$150,000 – 12 months
2002 – 2003	Haynes Foundation Grant on Economic Development [with Louis Tornatzky] Knowledge Economy in the Inland Empire region of Southern California Awarded to Tomás Rivera Policy Institute	\$150,000 – 18 months
2001 – 2002	William F Podlich Graduate Fellowship, Center for the Study of Democracy, University of California, Irvine	\$24,000 – 9 months

RESEARCH UNDER REVIEW/WORKING PAPERS:

Barreto, Matt, and Christopher Parker. The Great White Hope: Donald Trump, Race, and the Crisis of American Politics. Under Contract, University of Chicago Press, *expected 2020*

Barreto, Matt and Christopher Parker. “The Great White Hope: Existential Threat and Demographic Anxiety in the Age of Trump.” Revise and Resubmit.

Barreto, Matt, Natalie Masuoka, Gabe Sanchez and Stephen El-Khatib. “Religiosity, Discrimination and Group Identity Among Muslim Americans” Revise and Resubmit

Barreto, Matt, Gabe Sanchez and Barbara Gomez. “Latinos, Blacks, and Black Latinos: Competition, Cooperation, or Indifference?” Revise and Resubmit

Walker, Hannah, Matt Barreto, Stephen Nuño, and Gabriel Sanchez. “A comprehensive review of access to valid photo ID and the right to vote in America” [Under review]

Gutierrez, Angela, Angela Ocampo, Matt Barreto and Gary Segura. “From Proposition 187 to Donald Trump: New Evidence that Anti-Immigrant Threat Mobilizes Latino Voters.” [Under Review]

Collins, Jonathan, Matt Barreto, Gregory Leslie and Tye Rush. “Racial Efficacy and Voter Enthusiasm Among African Americans Post-Obama” [Under Review]

Oskooii, Kassra, Matt Barreto, and Karam Dana. “No Sharia, No Mosque: Orientalist Notions of Islam and Intolerance Toward Muslims in the United States” [Under Review]

Barreto, Matt, David Redlawsk and Caroline Tolbert. “Framing Barack Obama: Muslim, Christian or Black?” [Working paper]

EXPERT REPORTS:

- Benton, Chelan, Yakima counties signature rejection, 2022-23, *Reyes et al. v. Chilton et al.*
- San Juan County, New Mexico 2022-23, *Navajo Nation v. San Juan County, NM*
- Texas Statewide redistricting, 2022, *LULAC v. Abbott* (on behalf of Mexican American Legislative Caucus)
- Texas Statewide redistricting, 2021-22, *Brooks v. Abbott* Senate District 10 (Tarrant County)
- Baltimore County Council, 2021-22, *NAACP v. Baltimore County*, (on behalf of NAACP and ACLU-MD)
- Maryland Office of Attorney General, 2021-22, racially polarized voting analysis as part of statewide redistricting
- Pennsylvania House Democrats, 2021-22, racially polarized voting analysis as part of statewide redistricting
- Washington State Senate Democrats, 2021-22, racially polarized voting analysis as part of statewide redistricting
- City of San Jose, 2021, racially polarized voting analysis as part of city redistricting
- Santa Clara County, 2021, racially polarized voting analysis as part of county redistricting
- Pennsylvania, 2020, *Boockvar v. Trump*, Expert for Intervenors, (Perkins Coie) related to voter intimidation
- Missouri, 2020, *Missouri NAACP vs. State of Missouri*, Expert for plaintiffs related to vote by mail
- Georgia, 2020, *Black Voters Matter vs. Raffensperger*, Expert for plaintiffs related to vote by mail
- New York, 2019, Expert for NYAG *New York v. U.S. Immigration and Customs Enforcement 1:19-cv-08876*
- North Carolina, 2019, Expert for Plaintiffs in North Carolina voter ID lawsuit, *NAACP v. Cooper*
- East Ramapo CSD, 2019, Expert for Plaintiffs in Section 2 VRA lawsuit, assessed polarized voting
- New York, 2018, Expert for Plaintiffs in Census Citizenship Lawsuit, *New York v. U.S. Dept of Commerce* (also an expert related cases: *California v. Ross* and *Kravitz v. Dept of Commerce*)
- Dallas County, TX, 2017, Expert for Defense in Section 2 VRA lawsuit, *Harding v. Dallas County*
- Kansas, 2016, Expert for Plaintiffs in Kansas voter registration lawsuit, *Fish v. Kobach 2:16-cv-02105-JAR*
- North Dakota, 2015, Expert for Plaintiffs in North Dakota voter ID lawsuit, *Brakebill v. Jaeger 1:16-cv-00008-CSM*
- Alabama, 2015, Expert for Plaintiffs in Alabama voter ID lawsuit, *Birmingham Ministries v. State of Alabama 2:15-cv-02193-LSC*
- Texas, 2014, Testifying Expert for Plaintiffs in Texas voter ID lawsuit, *Veasey v. Perry 2:13-cv-00193*
- Galveston County, TX Redistricting, 2013, Expert report for Dunn & Brazil, LLC, Demographic analysis, vote dilution analysis, and racially polarized voting analysis for Section 2 lawsuit Galveston County JP/Constable districting
- Pasadena, TX Redistricting, 2013, Expert report for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, and racially polarized voting analysis for Section 2 lawsuit within Pasadena School District
- Harris County, TX Redistricting, 2011, Testifying Expert for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, and racially polarized voting analysis for Section 2 lawsuit within Harris County
- Pennsylvania, 2012, Testifying Expert for ACLU Foundation of Pennsylvania in voter ID lawsuit, *Applewhite v. Commonwealth of Pennsylvania No. 330 MD 2012*
- Milwaukee County, WI, 2012, Testifying Expert for ACLU Foundation of Wisconsin in voter ID lawsuit, *Frank v. Walker 2:11-cv-01128(LA)*
- Orange County, FL, 2012, Consulting Expert for Latino Justice/PRLDEF, Racially polarized voting analysis in Orange County, Florida

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- Anaheim, CA, 2012, Consulting Expert for Goldstein, Demchak & Baller Legal, Racially polarized voting analysis for CVRA redistricting case Anaheim, CA
- Los Angeles County, CA, 2011, Consulting Expert for Goldstein, Demchak & Baller Legal, Racially polarized voting analysis for three redistricting cases in L.A.: Cerritos Community College Board; ABC Unified Schools; City of West Covina
- Harris County, TX Redistricting, 2011, Consulting Expert for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, for Section 5 objection within Harris County
- Monterey County, CA Redistricting, 2011, Consulting Expert for City of Salinas, Demographic analysis, creation of alternative maps, and racially polarized Voting analysis within Monterey County
- Los Angeles County Redistricting Commission, 2011, Consulting Expert for Supervisor Gloria Molina, Racially Polarized voting analysis within L.A. County
- State of California, Citizens Redistricting Commission, 2011, Consulting Expert, Racially Polarized Voting analysis throughout state of California
- Asian Pacific American Legal Center, 2011, Racially Polarized Voting analysis of Asian American candidates in Los Angeles for APALC redistricting brief
- Lawyers' Committee for Civil Rights and Arnold & Porter, LLP, 2010-12, Racially Polarized Voting analysis of Latino and Asian candidates in San Mateo County, concerning San Mateo County Board of Supervisors
- ACLU of Washington, 2010-11, preliminary analysis of Latino population patterns in Yakima, Washington, to assess ability to draw majority Latino council districts
- State of Washington, 2010-11, provided expert analysis and research for *State of Washington v. MacLean* in case regarding election misconduct and voting patterns
- Los Angeles County Chicano Employees Association, 2008-10, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (6 reports issued 08-10)
- Brennan Center for Justice and Fried, Frank, Harris, Shriver & Jacobson LLP, 2009-10 Amicus Brief submitted to Indiana Supreme Court, *League of Women Voters v. Rokita*, regarding access to voter identification among minority and lower resource citizens
- State of New Mexico, consulting expert for state in *AAPD v. New Mexico*, 2008,
- District of Columbia Public Schools (DCPS), statistical consultant for survey methodology of opinion survey of parents in DCPS district (for pending suit), 2008,
- Brennan Center for Justice, 2007-08, Amicus Brief submitted to U.S. Supreme Court, and cited in Supreme Court decision, *Crawford v. Marion County*, regarding access to voter identification among minority and lower-resource citizens
- Los Angeles County Chicano Employees Association, 2002-07, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (12 + reports issued during 5 years)
- Monterrey County School Board, 2007, demographic and population analysis for VRA case
- Sweetwater Union School District, 2007-08, Racially Polarized Voting analysis, and demographic and population analysis for VRA case
- Mexican American Legal Defense Fund, 2007-08, Racially Polarized Voting analysis for Latino candidates, for City of Whittier city council races, for VRA case
- ACLU of Washington, 2008, preliminary analysis of voting patterns in Eastern Washington, related to electability of Latino candidates
- Nielsen Media Research, 2005-08, with Willie C. Velasquez Institute, assessed the methodology of Latino household recruitment in Nielsen sample

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**TEACHING
EXPERIENCE:**UCLA & UW 2005 – Present

- Minority Political Behavior (Grad Seminar)
- Politics of Immigration in the U.S. (Grad Seminar)
- Introduction to Empirical/Regression Analysis (Grad Seminar)
- Advanced Empirical/Regression Analysis (Grad Seminar)
- Qualitative Research Methods (Grad Seminar)
- Political Participation & Elections (Grad Seminar)
- The Voting Rights Act (Law School seminar)
- Research methodology II (Law School Ph.D. program seminar)
- U.S. Latino Politics
- Racial and Ethnic Politics in the U.S.
- Politics of Immigration in the U.S.
- Introduction to American Government
- Public Opinion Research
- Campaigns and Elections in the U.S.
- Presidential Primary Elections

Teaching Assistant

University of California, Irvine

2002 – 2005

- Intro to American Politics (K. Tate)
- Intro to Minority Politics (L. DeSipio)
Recognized as Outstanding Teaching Assistant, Winter 2002
- Statistics and Research Methods (B. Grofman)
Recognized as Outstanding Teaching Assistant, Winter 2003

**BOARD &
RESEARCH
APPOINTMENTS****Founding Partner**

Barreto Segura Partners (BSP) Research, LLC

2021 - Present**Founding Partner**

Latino Decisions

2007 – 2020**Board of Advisors**

American National Election Study, University of Michigan

2010 – 2017**Advisory Board**States of Change: Demographics & Democracy Project
*CAP, AEI, Brookings Collaborative Project*2014 – Present**Research Advisor**

American Values Institute / Perception Institute

2009 – 2014**Expert Consultant**

State of California, Citizens Redistricting Committee

2011 – 2012**Senior Scholar & Advisory Council**

Latino Policy Coalition, San Francisco, CA

2006 – 2008**Board of Directors**

CASA Latina, Seattle, WA

2006 – 2009**Faculty Research Scholar**

Tomás Rivera Policy Institute, University of Southern California

1999 – 2009

PHD STUDENTS

UCLA & UW

Committee Chair or Co-Chair

- Francisco I. Pedraza – University of California, Riverside (UW Ph.D. 2009)
- Loren Collingwood – University of California, Riverside (UW Ph.D. 2012)
- Betsy Cooper – Public Religion Research Institute, Washington DC (UW Ph.D. 2014)
- Sergio I. Garcia-Rios – Cornell University (UW Ph.D. 2015)
- Hannah Walker – Rutgers University (UW Ph.D. 2016)
- Kassra Oskooii – University of Delaware (UW Ph.D. 2016)
- Angela Ocampo – Arizona State University (UCLA Ph.D. 2018)
- Ayobami Lanionu – University of Toronto (UCLA Ph.D. 2018)
- Bryan Wilcox-Archuleta – Facebook Analytics (UCLA 2019)
- Tyler Reny – Claremont Graduate University (UCLA 2020)
- Adria Tinin – Environmental Policy Analyst (UCLA Ph.D. 2020)
- Angie Gutierrez – University of Texas (UCLA Ph.D. 2021)
- Vivien Leung – Bucknell University (UCLA Ph.D. 2021)
- Marcel Roman – University of Texas (UCLA Ph.D. 2021)
- Shakari Byerly-Nelson – *in progress* (UCLA)

Committee Member

- Jessica Stewart – Emory University (UCLA Ph.D. 2018)
- Jonathan Collins – Brown University (UCLA Ph.D., 2017)
- Lisa Sanchez – University of Arizona (UNM Ph.D., 2016)
- Nazita Lajevardi – Michigan State University (UC San Diego Ph.D., 2016)
- Kiku Huckle – Pace University (UW Ph.D. 2016)
- Patrick Rock (Social Psychology) – (UCLA Ph.D. 2016)
- Raynee Gutting – Loyola Marymount University (Stony Brook Ph.D. 2015)
- Christopher Towler – Sacramento State University (UW Ph.D. 2014)
- Benjamin F. Gonzalez – San Diego State University (UW Ph.D. 2014)
- Marcela Garcia-Castañon – San Francisco State University (UW Ph.D. 2013)
- Justin Reedy (Communications) – University of Oklahoma (UW Ph.D. 2012)
- Dino Bozonelos – Cal State San Marcos (UC Riverside Ph.D. 2012)
- Brandon Bosch – University of Nebraska (UW Ph.D. 2012)
- Karam Dana (Middle East Studies) – UW Bothell (UW Ph.D. 2010)
- Joy Wilke – *in progress* (UCLA ABD)
- Erik Hanson – *in progress* (UCLA)
- Christine Slaughter – Princeton (UCLA Ph.D. 2021)
- Lauren Goldstein (Social Psychology) – *in progress* (UCLA)
- Barbara Gomez-Aguinaga – University of Nebraska (UNM Ph.D. 2020)
- Bang Quan Zheng – Florida International University (UCLA Ph.D. 2020)

Appendix E2: Resume of Michael Rios, MPP

MICHAEL RIOS

Phone: (909) 465-3947
michaelrios@uclavrp.org

3250 Public Affairs Building
Los Angeles, CA 90065

EDUCATION

Master of Public Policy Degree
University of California, Los Angeles
Luskin School of Public Affairs

June 2020

Bachelor of Arts, Political Science
University of California, Riverside
Magna Cum Laude

June 2017

WORK EXPERIENCE

UCLA Voting Rights Project
UCLA Latino Policy and Politics Initiative

- Data Scientist
- Research Analyst
- Policy Fellow

Feb. 2022 - Present
June 2021 - Feb. 2022
June 2019 - June 2021

RESEARCH EXPERIENCE

WHITE PAPERS:

- Riverside County Redistricting Memo (December 2021)
- UCLA VRP Report Urges Changes to Proposed Maps in Yolo County to Preserve the Strength of the Latino Vote (November 2021)
- Georgia: COVID-19 and Language Access Litigation (November 2020)
- Voting and Infection Prevention of COVID-19 (April 2020)

POLICY REPORTS:

- From Eligibility to the Ballot Box: Examining the Racial and Ethnic Voter Turnout Gaps in the U.S. and California (September 2022)
- Vote Choice of Latino Voters in the 2020 U.S. Senate Elections (July 2022)
- UCLA VRP Report Urges Orange County to Create Its First Latino-Majority District During the 2021 Redistricting Process (November 2021)
- Latino Voters in the 2021 Recall Election (September 2021)
- Opportunities and Challenges Facing California with the 2021 California Recall (July 2021)
- Latinas Exiting the Workforce: How the Pandemic Revealed Historic Disadvantages and Heightened Economic Hardship (August 2021)
- Analysis of New York State's Absentee Ballot Laws and Process and the Immediate Need for Absentee Ballot Reform (August 2020)

EXPERT CONSULTING ON VOTING RIGHTS:

- Petteway et al. v. Galveston County, Texas et al. (March 2022)
- Maryland Statewide Redistricting (March 2022)

- Baltimore County Branch of the National Association for the Advancement of Colored People, et al. v. Baltimore County, Maryland (February 2022)
- Navajo Nation, et al. v. San Juan County, New Mexico et al. (February 2022)
- Soto Palmer et al. v. Hobbs et al. (January 2022)
- Brooks et al. v. Abbott et al. (November 2021)
- Dallas County Commissioners Redistricting (November 2021)
- Harris County Commissioners Redistricting (November 2021)
- Fort Bend County Commissioners Redistricting (November 2021)
- Reyes et al. v. Chilton et al. (May 2021)
- Native American Rights Fund on access to absentee ballot dropboxes in Trump et al. vs. Cegavske (September 2020)
- Gabriel et al. v. Franklin County et al. (October 2020)
- Texas League of United Latin American Citizens v. Abbott (October 2020)

Exhibit 5

Expert Declaration and Rebuttal of Tye Rush

1. I submitted an Expert Declaration and Report on January 13, 2023, for the Petteway Plaintiffs in *Petteway v. Galveston County*, 3:22-cv-57. I am submitting this additional expert declaration to provide analysis and expert opinion in response to the March 31, 2023, Expert Report of Dr. Mark Owens.
2. An updated copy of my curriculum vitae has been attached hereto as Appendix A.

Response to Dr. Owens' Definition and Use of Traditional Redistricting Principles

3. In Dr. Owens' March 31 report, he fails to define the term "traditional redistricting principles." In his only attempt to define "traditional redistricting principles" explicitly, Dr. Owens claims such principles encourage plans to "align precincts in a North-South or East-West configuration."¹ This definition is entirely made up by Dr. Owens and is not to be found in any Galveston County redistricting materials anywhere.²
4. Moreover, in Dr. Owens' analysis on compactness, one of the few traditional redistricting principles he relies on, he utilized both the travel time and physical distance it takes to travel from one end of a Commissioner Precinct to another to measure compactness of the demonstrative maps included in my report. This is not a generally accepted measure to assess the compactness of districts in mapping plans. This is not commonly used by redistricting bodies or experts.

¹ Owens March 31, 2023 Report, Page 6.

² National Conference of State Legislatures. "Redistricting Criteria." <https://www.ncsl.org/redistricting-and-census/redistricting-criteria>; Texas Redistricting. "Summary of Legal Requirements." <https://redistricting.capitol.texas.gov/reqs>; Defs. 1st Supp. Resp. to U.S. Interrog. No. 1.

5. Additionally, distance and travel time are measures that capture the government's placement of roads and other means of transportation.³ It is problematic to analyze compactness in Galveston County with these measures because there are several transportation barriers that impact distance and travel time, such as the water mass between the mainland and Galveston Island or Bolivar Peninsula. If the court were to rely on Dr. Owens' definition it would create a precedent that could easily dismiss the compactness of state legislative and congressional districts drawn by the state of Texas.⁴
6. Further, Dr. Owens does not report the distance or travel for Precinct 3 in the Benchmark plan.⁵ This conveniently omits the comparison between the Demonstrative maps and the Benchmark map.
7. It is clear from Dr. Owens' report that the Enacted plan prioritizes a new and untested theory of compactness over other traditional redistricting principles without any justification.
8. In the three demonstrative maps included in my January 13 report, I considered and adhered to traditional redistricting principles in drawing each map, including compactness, contiguity, preservation of political subdivisions, preservation of communities of interest, and preservation of cores of prior districts, and incumbent protection.² Dr. Owens' claims that my demonstrative maps prioritize race or constitute

³ Guest, O., Kanayet, F.J. & Love, B.C. Gerrymandering and computational redistricting. *J Comput Soc Sc* 2, 119–131 (2019). <https://doi.org/10.1007/s42001-019-00053-9>

⁴ Texas State House Districts Plan H2316 (Effective Jan 18, 2022). <https://data.texas.gov/dataset/Texas-State-House-Districts-Plan-H2316-Effective-J/srhv-sc4z>;

Texas State Senate Districts Plan S2168 (Effective Jan 18, 2022). <https://data.texas.gov/dataset/Texas-State-Senate-Districts-Plan-S2168-Effective-/cfti-fcdb>;

Texas U.S. Congressional Districts Plan C2193 (Effective Jan 18, 2022). <https://data.texas.gov/dataset/Texas-U-S-Congressional-Districts-Plan-C2193-Effec/739c-52ri>

⁵ Owens March 31, 2023 Report, Page 17, Table 13.

a racial gerrymander are wrong, and he offers no actual evidence of this. I followed traditional redistricting principles and maintained an existing performing district, as I explain below.

Response to Dr. Owens' Claim That Demonstrative Maps Violate Traditional Redistricting Principles

9. In his report Dr. Owens relies heavily on measures of compactness in an attempt to argue that the three demonstrative maps in my January 13 report are not compact. Dr. Owens reports compactness scores for Reock, Polsby-Popper, and Convex-Hull measures, which are all ratios from 0 to 1, where a value of 1 represents more compactness on these measures. However, Tables 10, 11, and 12 of Dr. Owens' report demonstrate how the three demonstrative maps submitted in my January 13 report are compact.
10. In Table 10 of Dr. Owens' report, he shows the average Reock compactness score for each map under consideration. Not only does this table report that the three demonstrative maps I submitted in my January 13 report are, on average, more compact than the Benchmark map, but this table reports that, on average, the three demonstrative maps that I submitted are either more or are equally as compact as the Enacted plan. Using these accepted compactness measures finds no compactness issues at all with my three demonstrative maps. This table reports that Precinct 3, the minority opportunity district in the three demonstrative maps I submitted in my January 13 report, is either as compact or more compact than Precinct 3 in the Benchmark map.
11. In Table 11 of Dr. Owens' report, he shows the average Polsby-Popper compactness score for each map under consideration. This table reports that two of the three

demonstrative maps I submitted in my January 13 report are, on average, more compact than the Benchmark map. Additionally, this table reports that the minority opportunity district in the three demonstrative maps I submitted in my January 13 report, Precinct 3, is either as compact or more compact than Precinct 3 in the Benchmark map. Also, Precinct 3 in each of these three demonstrative maps is just as compact as Precinct 3 in the Enacted plan.

12. In Table 12 of Dr. Owens' report, he shows the average Convex-Hull compactness score for each map under consideration. This table reports that the three demonstrative maps I submitted in my January 13 report are, on average, more compact than the Benchmark map. This table also reports that the minority opportunity district in the three demonstrative maps I submitted in my January 13 report, Precinct 3, is more compact than Precinct 3 in the both the Benchmark map and in the Enacted plan.
13. The tables on compactness in Dr. Owens' report show that I meet or exceed compactness standards, all while balancing compactness with other traditional redistricting principles.
14. In his report, Dr. Owens claims that "Any division of Galveston Island is unnecessary given that its population of 54,774 (including Pelican Island) is less than the ideal district population."⁶ This assertion clearly ignores preservation of cores of prior districts in favor of a goal that is not a traditional redistricting principle, specifically unified representation on Galveston Island and Bolivar Peninsula. In the Benchmark map, Galveston Island and Bolivar Peninsula are likewise divided between Precincts 1, 2, and 3 to reflect established communities of interest that exist on Galveston Island.

⁶ Owens March 31, 2023 Report, Page 18.

For example, in the Benchmark plan, the segment of Galveston Island that is included in Precinct 3, the minority opportunity district, includes “14 historically African American churches that were organized more than 100 years ago and still serve the community today.”⁷ In the demonstration maps, I keep these historically Black churches in Precinct 3. Moreover, Dr. Owens’ concern about dividing Galveston Island’s 54,774 population is peculiar, considering that the Enacted Plan divides (1) the City of Dickinson, population 20,847, into three precincts, (2) Texas City, population 51,898, into three precincts, (3) Friendswood, population 41,213 into two precincts, (4) La Marque, population 18,030, into two precincts, and (5) Santa Fe, population 12,735, into two precincts.

15. Dr. Owens’ position that Galveston Island and the Bolivar Peninsula should be in the same precinct calls into question the state legislative and congressional district maps drawn by the State of Texas. Indeed, in State House Plan H2316 numerous islands are split along the Gulf Coast.⁸ Perhaps further evidence to refute Dr. Owens theory that Bolivar Peninsula and Galveston Island must be drawn together into a single district is the enacted State Senate Plan S2168 in which Bolivar Peninsula is split into Senate District 4 while Galveston Island is split into Senate District 11⁹ even though each Senate district contains over 900,000 people.
16. In addition to his flawed analysis of the compactness of the January 13 demonstrative maps, Dr. Owens entirely ignores the additional demonstrative plans I drew that

⁷ Galveston.Com & Company. “African American Historic Places.” <https://www.galveston.com/whattodo/tours/self-guided-tours/african-american-historic-places/>

⁸ Texas State House Districts Plan H2316 (Effective Jan 18, 2022). <https://data.texas.gov/dataset/Texas-State-House-Districts-Plan-H2316-Effective-J/srhv-sc4z>

⁹ Texas State Senate Districts Plan S2168 (Effective Jan 18, 2022). <https://data.texas.gov/dataset/Texas-State-Senate-Districts-Plan-S2168-Effective-/cfti-fcdb>

provided for inclusion in Dr. Burch's report. In Table 1, below, are the compactness scores for these maps, showing a significant outperformance compared to the Enacted plan. Table 2, below, are the demographics for these maps.

**Table 1: Compactness Measures for Demonstrative Maps Unifying Coast in Precinct 2
(Maps Shown in January 27, 2023 Report of Dr. Traci Burch)**

	Precinct	Reock	Polsby-Popper	Convex-Hull
Enacted	Precinct 1	0.30	0.28	0.76
	Precinct 2	0.24	0.22	0.71
	Precinct 3	0.23	0.12	0.47
	Precinct 4	0.29	0.23	0.67
	Average	0.27	0.21	0.65
V1	Precinct 1	0.29	0.26	0.71
	Precinct 2	0.25	0.22	0.71
	Precinct 3	0.32	0.19	0.60
	Precinct 4	0.36	0.35	0.82
	Average	0.30	0.26	0.71
V2	Precinct 1	0.29	0.26	0.71
	Precinct 2	0.25	0.21	0.72
	Precinct 3	0.29	0.17	0.55
	Precinct 4	0.37	0.36	0.82
	Average	0.30	0.25	0.70
V3	Precinct 1	0.29	0.26	0.71
	Precinct 2	0.24	0.21	0.66
	Precinct 3	0.28	0.20	0.64
	Precinct 4	0.47	0.39	0.82

	Average	0.32	0.27	0.71
V4	Precinct 1	0.35	0.30	0.72
	Precinct 2	0.24	0.21	0.65
	Precinct 3	0.47	0.35	0.80
	Precinct 4	0.40	0.29	0.79
	Average	0.37	0.29	0.74

Source: Esri Online Redistricting.

Table 2: Demographics for Demonstrative Maps Unifying Coast in Precinct 2 (Maps Shown in January 27, 2023 Report of Dr. Traci Burch)

	Precinct	Anglo CVAP	Hispanic CVAP	Black CVAP
Enacted	Precinct 1	65.02%	21.59%	10.81%
	Precinct 2	62.43%	20.58%	14.45%
	Precinct 3	64.06%	19.01%	9.38%
	Precinct 4	61.66%	15.32%	18.20%
V1	Precinct 1	69.90%	19.00%	7.29%
	Precinct 2	62.43%	20.58%	14.45%
	Precinct 3	45.90%	23.09%	26.35%
	Precinct 4	74.54%	13.98%	5.17%
V2	Precinct 1	69.90%	19.00%	7.29%
	Precinct 2	63.50%	20.46%	13.12%
	Precinct 3	45.08%	23.16%	27.54%
	Precinct 4	74.54%	13.98%	5.17%
V3	Precinct 1	69.90%	19.00%	7.29%
	Precinct 2	66.07%	20.20%	10.93%
	Precinct 3	44.02%	23.55%	28.28%
	Precinct 4	73.52%	13.41%	6.35%

V4	Precinct 1	69.67%	18.00%	6.44%
	Precinct 2	64.14%	21.02%	11.90%
	Precinct 3	44.82%	24.97%	27.69%
	Precinct 4	75.72%	12.00%	6.28%

Source: The ACS Data in this table comes from reports generated by DRA 2020. For more information, visit: <https://davesredistricting.org/maps#aboutdata>

Response to Dr. Owens' Claim That Demonstrative Maps Prioritize Race

17. Dr. Owens makes several claims that are directed to my January 13 report and the three demonstrative that I included in that report.¹⁰
18. In the first line directly addressing these demonstrative maps, Dr. Owens claims that they prioritize race over traditional redistricting principles.¹¹ In both my January 13 report and this rebuttal report, I have explicitly defined traditional redistricting principles, stated which ones I consider in drawing these three demonstration maps, and explain how I balance these principles individually and how my demonstrative maps adhere to these principles.
19. In examining Demonstrative Map 1, Dr. Owens notes that I preserve cores of prior districts of the Benchmark plan in considering the boundaries of Precincts 1, 2, and 3 on Galveston Island. Dr. Owens' report also noted that I move VTD 214 (4621 total CVAP, 22% HCVAP, 42% WCVAP, and 35% BCVAP), a majority Black + Latino CVAP VTD, from Precinct 3, the minority opportunity precinct, to Precinct 1, a

¹⁰ Owens March 31, 2023 Report, Page 24 and 25.

¹¹ Owens March 31, 2023 Report, Page 24.

majority Anglo Precinct.¹² This conflicts with Dr. Owens’ conclusion that this map “surgically splice[s] voting precincts on racial grounds.”¹³

20. Dr. Owens’ report misuses the term “split,” a precise redistricting term that describes when a single voting district (VTD) is divided into at least two different Commissioners Court Precincts. He uses this term instead to describe how the adjacent VTDs 439, 341, and 144 are in three different precincts in Demonstrative Map 1,¹⁴ which serves to mischaracterize precincts in Demonstrative Map 1. The assignment of VTDs 439, 341, and 144 in Demonstrative Map 1 follows the assignment of these VTDs in the Benchmark plan, preserving part of the core of Precinct 3 from that Benchmark plan.
21. Additionally, Dr. Owens’ report speculates that in drawing Demonstrative Map 1, I decided to include VTD 341 in Precinct 3 and not the adjacent VTDs 439 and/or 144 due to the Black CVAP of these VTDs,¹⁵ but this claim is unfounded. A quick examination of the Benchmark plan shows that VTD 341 was included in Precinct 3, whereas VTDs 439 and 144 were not included in Precinct 3. I preserve cores of prior districts, among adhering to other traditional redistricting principles.
22. Dr. Owens notes that in Demonstrative Map 1, Precinct 3 does not include VTD 399, suggesting that this is due to the demographic breakdown of that VTD¹⁶ and he details the demographic breakdown in an adjacent VTD included in Precinct 3 to make this point.¹⁷ However, I state in this report several traditional redistricting principles that I consider in drawing demonstrative maps. Among these principles is the preservation of

¹² Owens March 31, 2023 Report, Page 24, Point 1.

¹³ Owens March 31, 2023 Report, Page 3.

¹⁴ Owens March 31, 2023 Report, Page 24, point 2.

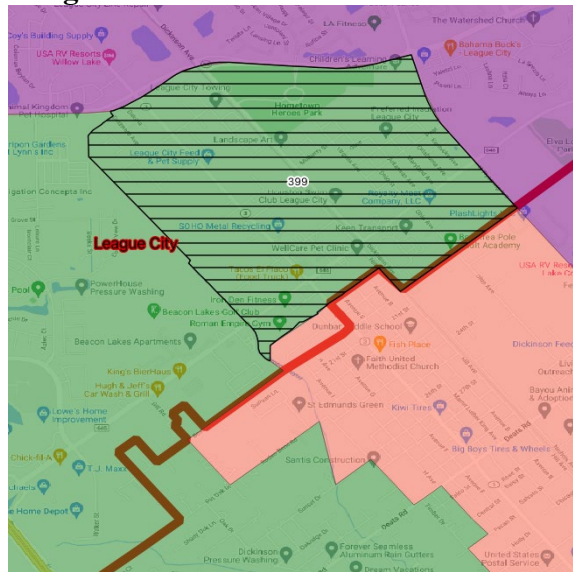
¹⁵ Owens March 31, 2023 Report, Page 24, point 2a.

¹⁶ Owens March 31, 2023 Report, Page 24, point 3.

¹⁷ Owens March 31, 2023 Report, Page 24, point 4.

political subdivisions. Figure 1, below, shows VTD 399, denoted by the line shading, and the border between League City and Dickinson. Figure 1 shows that VTD 399 is part of League City and including it in Precinct 2, restores it to a district that represents more of League City than did Precinct 3.

Figure 1: Precinct 399 in Demonstrative Map 1



23. Dr. Owens’ report claims that Demonstrative Map 1 forces portions of Precinct 1 around Moses Lake and that this reduces the compactness of Precinct 1 in this map plan.¹⁸ However, this is simply not true. Table 3 below reports measures of compactness from Precinct 1 as is and measures of compactness from Precinct 1 without those VTDs that surround Moses Lake. Across all three measures of compactness, excluding the VTDs in Precinct 1 that surround Moses Lake produces a less compact Precinct 1.

¹⁸ Owens March 31, 2023 Report, Page 25, point 5.

Table 3: Impact of VTDs Around Moses Lake on Precinct 1 Compactness in Demonstrative Map 1

Precinct	Reock	Polsby-Popper	Convex-Hull
1	0.29	0.21	0.66
1 (excluding VTDs around Moses Lake)	0.27	0.2	0.61

Source: Esri Online Redistricting.

24. In Dr. Owens' March 31 report, he evaluates Demonstrative Map 2 from my January 13 report. His evaluation contains several major errors in the description of which VTDs are included in which precinct. First, Dr. Owens claims that in Demonstrative Map 1, I include VTD 148 in Precinct 3, and then in Demonstrative Map 2, I move VTD 148 to Precinct 1.¹⁹ This claim is factually incorrect. VTD 148 was not included with Precinct 3 in any of the three demonstrative maps in my report. Moreover, Dr. Owens continues to speculate, using the demographic breakdown of VTD 148, why he believes one might include VTD 148 in Precinct 3 in Demonstrative Map 1 but not in Demonstrative Map 2. Again, the underlying description of which Precinct VTD 148 falls in is false and any speculation based on Dr. Owens' mistake is erroneous.

25. Dr. Owens' notes that Demonstrative Map 2 has a deviation of 8.4% from the least populated precinct and the most populated precinct.²⁰ This population deviation is within the 10% threshold and is, therefore, acceptable for satisfying the population equality requirement. However, I propose Demonstrative Map 2b, where the only change to Demonstrative Map 2 is moving VTD 150 from Precinct 3 to Precinct 1. In Demonstrative Map 2b, population deviation is reduced to 3.79% from the least

¹⁹ Owens March 31, 2023 Report, Page 25, point 2.

²⁰ Owens March 31, 2023 Report, Page 25, First Point 3.

populated precinct and the most populated precinct. Additionally, Demonstrative Map 2b's demographic composition and compactness scores are negligibly impacted and, instead, are virtually the same as that of Demonstrative Map 2. I include these measures and the map in Appendix B for reference.

26. Dr. Owens claims that in Demonstrative Map 3, I include VTD 218 in Precinct 2 to “drive the district as far south as possible.”²¹ The adjacent VTD to the west of VTD 218 –VTD 224– is just as far south and so is every other adjacent VTD in Precinct 2 for this demonstrative map. Thus VTD 218 is not an outlier “far south” geography, it is consistent with other VTDs. He does not explain this speculation or the impact of this speculation on any metric or measure that can be used to evaluate Demonstrative Map 3 or Precinct 2 in this map plan.

27. Dr. Owens claims that the three demonstrative maps that I include in my January 13 report prioritize race over traditional redistricting principles, but I demonstrate here that these racial gerrymander claims come from deeply flawed speculation. Moreover, in response to this speculation, I demonstrate that balancing several traditional redistricting principles refutes each of his claims.

Conclusion

28. The Latino and Black population is sufficiently large and compact enough to satisfy Gingles I, while producing a minimal change map that preserves cores of Commissioner Precincts as adopted in 2012.

²¹ Owens March 31, 2023 Report, Page 25, Second Point 3.

29. Dr. Owens offers extensive speculation and new theories, but he does not offer any substantive evidence in his report to refute our claim that Gingles I can be met while following traditional redistricting principles.

30. 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.

31. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 15, 2023



Executed by: _____

Tye Rush

Appendix A

Resume of Tye Rush

Tye Rush

CONTACT 4289 Bunche Hall
 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 2023*

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

Voting Rights Research Consultant

June 2018 to June 2019

Supervisor: Matt Barreto, Ph.D.
 Latino Decisions
 Los Angeles, CA

Research Fellow

September 2017 to 2018

UCLA Latino Policy and Politics Initiative
 University of California, Los Angeles
 Supervisor: Matt Barreto, Ph.D.

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

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. Barreto, Matt, Tye Rush, Jonathan Collins, and Greg Leslie. "The Effects of Racial Efficacy on African American Voter Enthusiasm." (*Revise and Resubmit*).
2. Rush, Tye. "Jim Crow in a Brooks Brothers Suit: What Motivates State Legislators to Act on Voter ID Bills." (*Working paper*).
 - UCLA Bunche Center Rising to the Challenge Graduate Research Award, 2022

3. Rush, Tye. “Listen to Me When I’m Talking to You: The Impact of the 26th Amendment on Representation in Congress.” (*Working paper*).
4. Rush, Tye. “Estimating the Effects of Strict Voter ID Laws at the County Level.” (*Working paper*).
5. Rush, Tye, Matt Barreto, Chad Dunn, and Michael Rios. “How Framing Effects Impact Vote-By-Mail Uptake Among Communities of Color.” (*Working paper*).
- Russell Sage Foundation Presidential Authority Grant (Matt Barreto and Chad Dunn) , 2020
6. Collingwood, Loren, Bryan Wilcox-Archuleta, Matt Barreto, and Tye Rush. “Who Nominates? Racial Polarization at the Nominating Petition Stage.” (*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

External Awards

- CBC Spouses Education Scholarship, Congressional Black Caucus Foundation 2022–2023
- Princeton Dissertation Scholar, Princeton University: 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, 2022
- 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

- UCLA Rising to the Challenge Graduate Summer Research Fellowship 2022
- 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 | |
| Lab Organizer | June 2018 to June 2020 |
| Race, Ethnicity, and Immigration Lab
University of California, Los Angeles | |
| 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

- 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

- American Political Science Association (APSA)
- National Conference of Black Political Scientists (NCOBPS)
- Western Political Science Association (WPSA)
- Midwestern Political Science Association (MPSA)

CONSULTING
EXPERT

- New Mexico, 2023, Navajo Nation et al. v. San Juan County, Expert for plaintiffs related to redistricting.
- Texas, 2023, Petteway et al. v. Galveston County, Expert for plaintiffs related to redistricting.
- Washington, 2022, Portugal et al. v. Franklin County, Expert for plaintiffs related to redistricting.
- California, 2021, Consulting expert for Evitarus Inc. in Los Angeles City Council contract for demographic analysis related to redistricting in Council Districts 8, 9, and 10.

COMPUTER
SKILLS

R, Stata, L^AT_EX, Markdown, Maptitude, Wordpress, ArcGIS, and qGIS

Appendix B

Figure B1: Demonstrative Map 2b

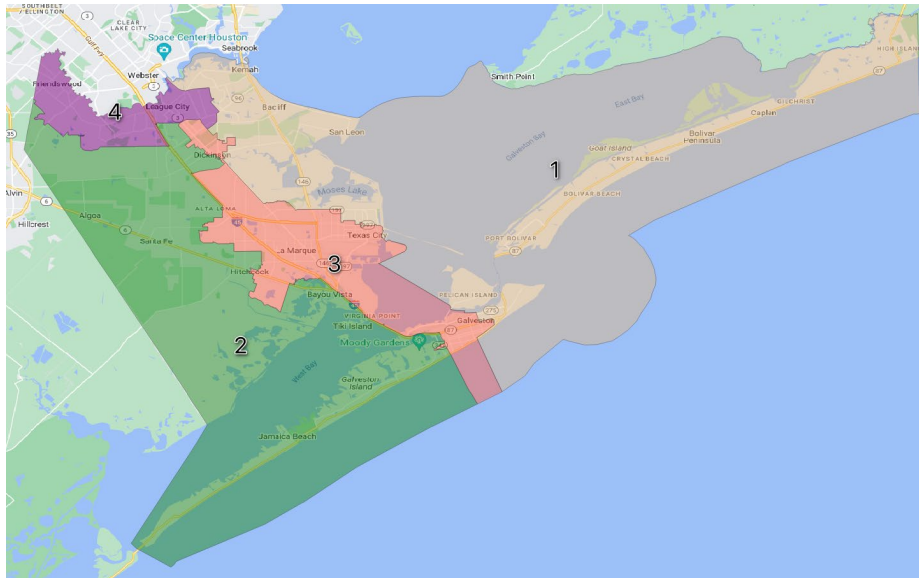


Table B1: Compactness in Demonstrative Map 2b

Precinct	Reock	Polsby-Popper	Convex-Hull
1	0.3	0.26	0.69
2	0.33	0.26	0.67
3	0.16	0.13	0.55
4	0.31	0.17	0.58

Source: Esri Online Redistricting.

Table B2: Demographics in Demonstrative Map 2b

Precinct	Total Population	Total CVAP	Anglo CVAP	Hispanic CVAP	Black CVAP
1	89,518	62,783	70.14%	19.15%	7.68%
2	86,200	62,652	73.89%	15.42%	5.83%
3	88,513	60,578	39.23%	25.78%	32.14%
4	86,451	53,312	70.07%	16.24%	7.06%

Source: The ACS Data in this table comes from reports generated by DRA 2020. For more information, visit: <https://davesredistricting.org/maps#aboutdata>

Exhibit 6

**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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DECLARATION OF TYE RUSH

MAY 15, 2023

I, Tye Rush, pursuant to 28 U.S.C. § 1746, hereby declare and state as follows:

1. On April 21, 2023, I was deposed in the above-captioned matter.
2. During the deposition, I was asked questions about my expert report dated January 13, 2023 and my rebuttal report dated April 14, 2023. During this deposition, clerical and typographical errors in my report were pointed out to me.
3. Following the deposition, I reviewed my January 13, 2023 report and made the following corrections:
 - Correction of typographical errors in paragraph 13 and clarifying data source referred to.
 - Correction of typographical errors in paragraph 15.
 - Correction of Black Voting Age Population in Table 3.
 - Correction of typographical errors in paragraph 22 and 23 and clarification of which precinct referred to.
 - Correction of typographical error in title of Table 3.
 - Correction of typographical error in Table 7
 - Correction of error in precinct labels due to conversion of map from software program to word processing document in maps displayed in Figures 4 and subsequent paragraphs 59 through 64.
 - Correction of typographical error in paragraph 65.
 - Attached updated resume.
4. Following the deposition, I reviewed my April 14, 2023 rebuttal report and made the following corrections:
 - Correction of typographical errors in precinct labels of Table 2 due to conversion of chart from software program to word processing document.
5. I have corrected the errors in my Corrected Expert Report dated May 15, 2023 and Corrected Rebuttal Report dated May 15, 2023.
6. These corrections do not change any of my conclusions.
7. I did not make any other changes in preparing my Corrected Expert Report and Corrected Rebuttal Report.

8. In addition, at my deposition I was asked about the fact that Dave’s Redistricting App includes people who may identify as both Black and Hispanic under each category, such that they may be double counted if those two categories were added together in determining the Black and Hispanic CVAP of a district. I noted at my deposition that this information could be determined. I have been provided reports generated by the Texas Legislative Council (“TLC”) for the maps I have drawn in this case: Maps 1, 2, 2b, and 3, as well as the maps that were provided to Dr. Traci Burch for her report, Alternative Maps 1, 2, 3, and 4. TLC provides CVAP in two categories—those who identify as Hispanic, and those who identify as “Not Hispanic.” Within the latter category, TLC reports the CVAP data for a variety of categories, including three categories of Black voters: Black Alone, Black plus White, and Black plus American Indian. The TLC data addresses the question raised by Defendants’ counsel at my deposition and shows that for each version of Precinct 3 I reported to have a combined Black and Hispanic CVAP over 50%, that precinct remains over 50% based upon the TLC reports. The TLC reports for the maps is attached to this Declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of May 2023.

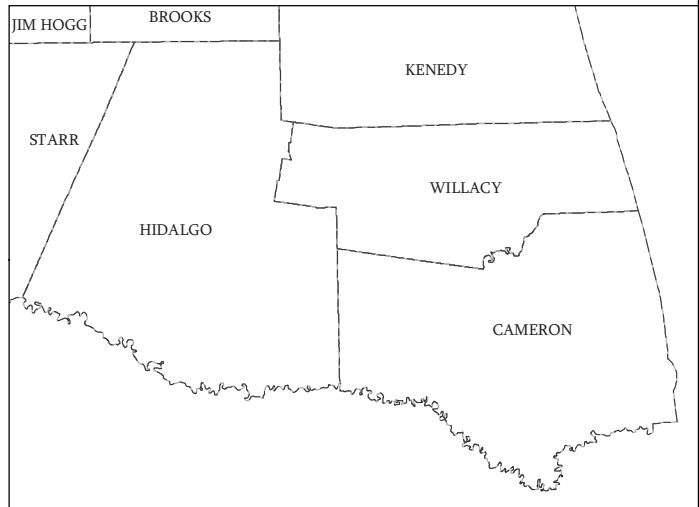
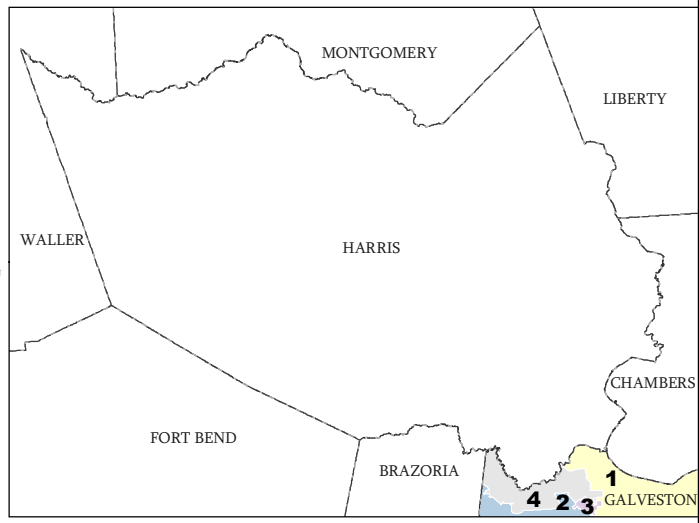
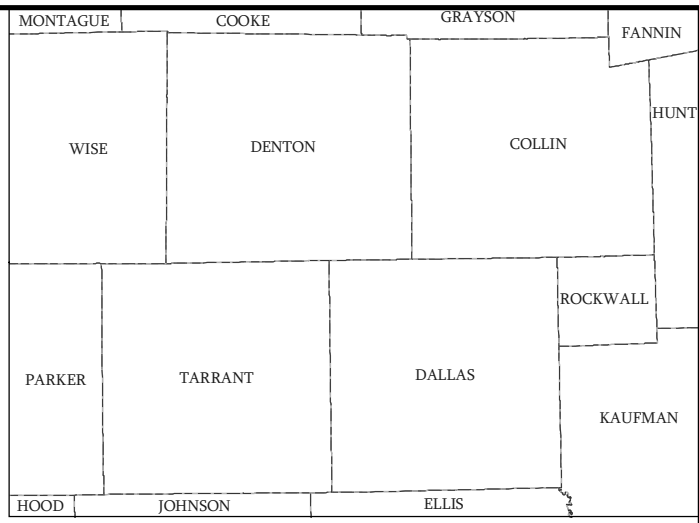
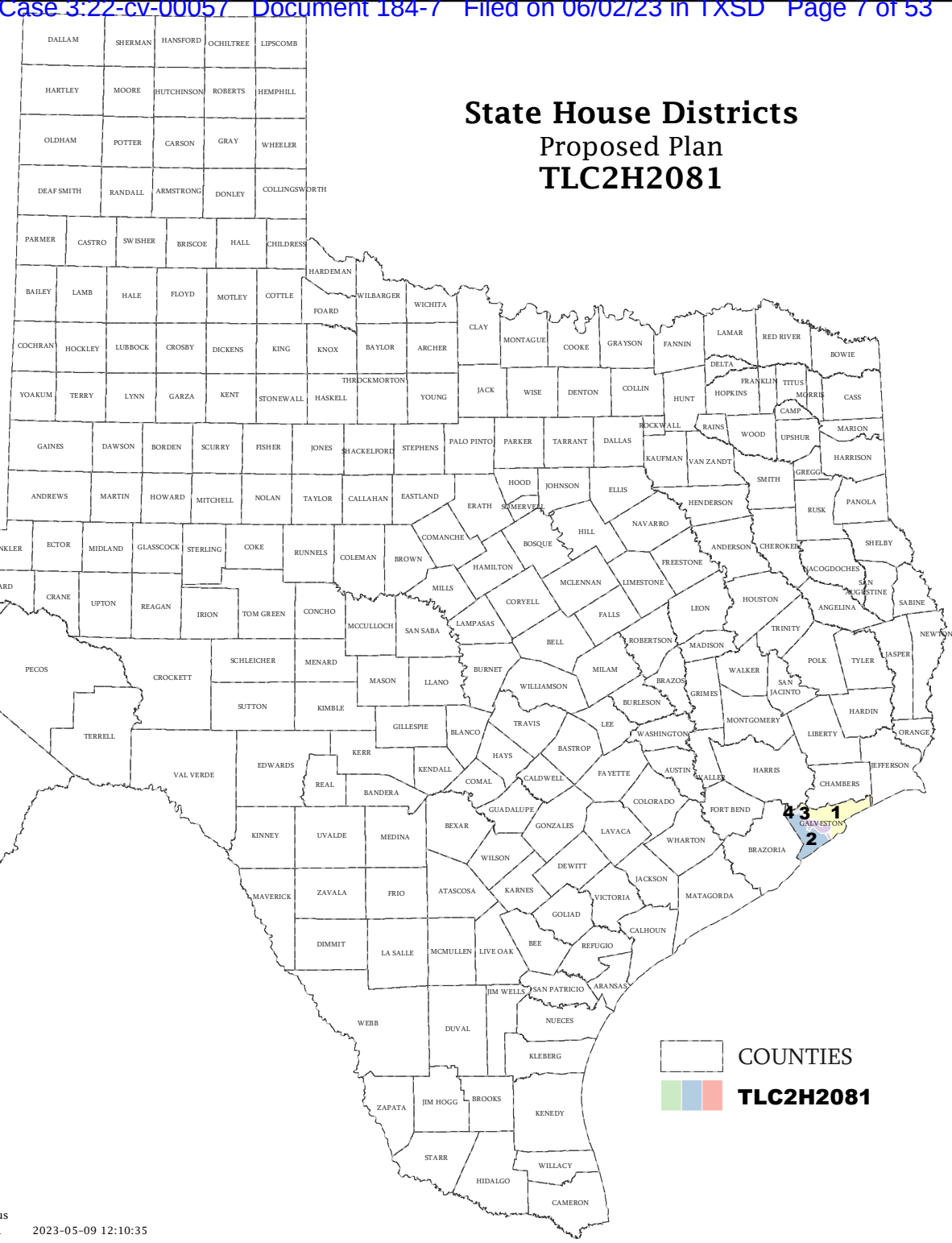
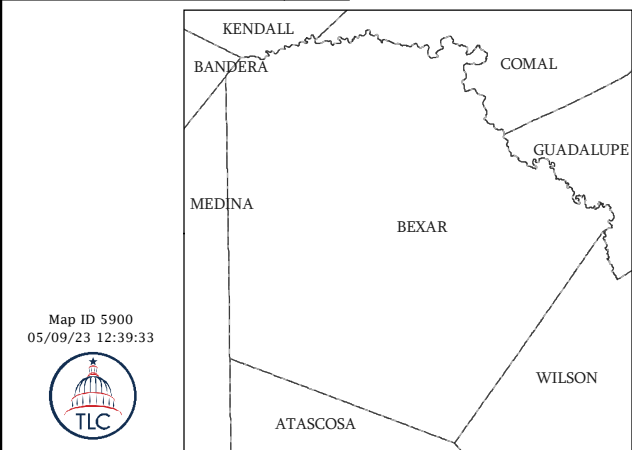
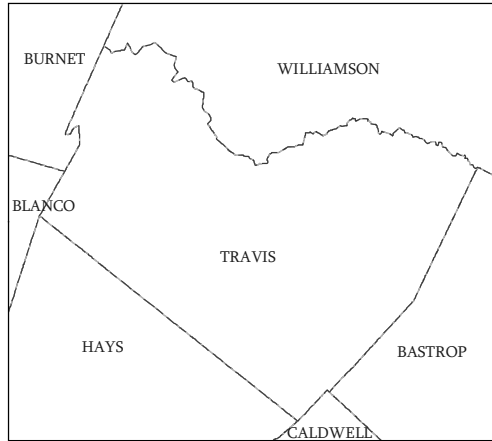


Tye Rush

TYE RUSH DEMONSTRATIVE MAP 1

Texas Legislative Council (TLC) Map and Data Report

State House Districts Proposed Plan TLC2H2081

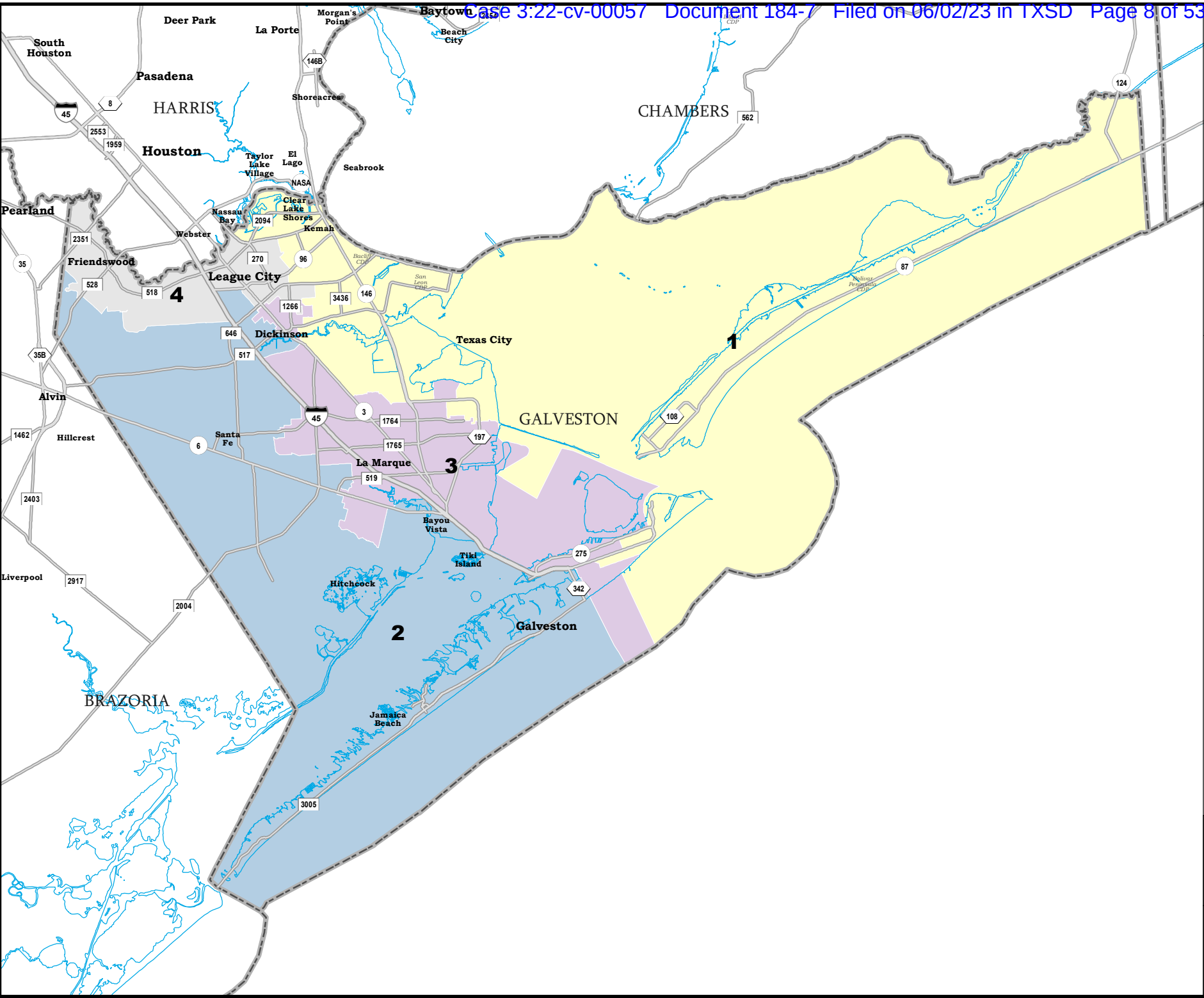


COUNTIES
TLC2H2081

Map ID 5900
05/09/23 12:39:33



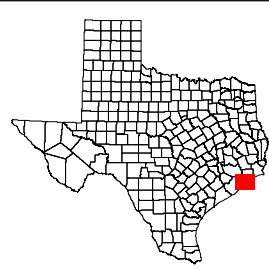
56321
2020 Census
TLC2H2081
2023-05-09 12:10:35



GALVESTON COUNTY


State House Districts Proposed Plan TLC2H2081

 COUNTIES
 **TLC2H2081**



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56321
2020 Census
TLC2H2081 2023-05-09 12:10:35



HOUSE DISTRICTS - TLC2H2081

Total State Population	29,145,505
Total Districts Required	150
Ideal District Population	194,303
Unassigned Population	28,794,823
Districts in Plan	4
Unassigned Geography	Yes
Districts Contiguous	Yes

	Population	-----Deviation-----	
		Total	Percent
Plan Overall Range		2,650	1.37%
Smallest District (2)	86,200	-108,103	-55.64%
Largest District (4)	88,850	-105,453	-54.27%
Average (mean)	87,671	106,633	54.88%

TLC2H2081

District Population Analysis with County Subtotals

HOUSE DISTRICTS - TLC2H2081

	Deviation		Total	Anglo	Non-Anglo	Asian	Black	Hispanic	B+H	%Anglo	%Non-Anglo	%Asian	%Black	%Hispanic	%B+H
DISTRICT 1	-105,678	Total:	88,625	52,081	36,544	3,980	8,809	21,980	30,201	58.8	41.2	4.5	9.9	24.8	34.1
	-54.39 %	VAP:	69,148	43,306	25,842	3,057	6,183	14,896	20,856	62.6	37.4	4.4	8.9	21.5	30.2
Galveston (25%)			88,625	52,081	36,544	3,980	8,809	21,980	30,201	58.8	41.2	4.5	9.9	24.8	34.1
DISTRICT 2	-108,103	Total:	86,200	55,030	31,170	3,462	7,483	18,329	25,328	63.8	36.2	4.0	8.7	21.3	29.4
	-55.64 %	VAP:	67,231	45,234	21,997	2,667	5,050	12,525	17,400	67.3	32.7	4.0	7.5	18.6	25.9
Galveston (25%)			86,200	55,030	31,170	3,462	7,483	18,329	25,328	63.8	36.2	4.0	8.7	21.3	29.4
DISTRICT 3	-107,296	Total:	87,007	27,924	59,083	1,602	27,020	29,947	55,897	32.1	67.9	1.8	31.1	34.4	64.2
	-55.22 %	VAP:	65,966	23,596	42,370	1,155	19,795	20,604	39,892	35.8	64.2	1.8	30.0	31.2	60.5
Galveston (25%)			87,007	27,924	59,083	1,602	27,020	29,947	55,897	32.1	67.9	1.8	31.1	34.4	64.2
DISTRICT 4	-105,453	Total:	88,850	56,323	32,527	6,592	5,862	18,380	23,837	63.4	36.6	7.4	6.6	20.7	26.8
	-54.27 %	VAP:	65,037	42,884	22,153	4,550	4,015	12,134	15,983	65.9	34.1	7.0	6.2	18.7	24.6
Galveston (25%)			88,850	56,323	32,527	6,592	5,862	18,380	23,837	63.4	36.6	7.4	6.6	20.7	26.8

American Community Survey Special Tabulation
 Using Census and American Community Survey Data
HOUSE DISTRICTS - TLC2H2081

Special Tabulation of Citizen Voting Age Population (CVAP) from the 2017-2021 American Community Survey with Margins of Error														
2020 Census			Hispanic CVAP	Not Hispanic or Latino Citizen Voting Age Population (CVAP)										
District	Total	VAP		CVAP	% Hispanic	% Black Alone	% Black + White	% Black + American Indian	% White Alone	% American Indian Alone	% Asian Alone	% Native Hawaiian Alone	% American Indian + White	% Asian + White
1	88,625	69,148	65,340 (±2,992)	18.8 (±1.9)	8.6 (±1.3)	0.5 (±0.4)	0.1(±0.2)	68.0 (±2.3)	0.1 (±0.2)	2.6 (±0.7)	0.1 (±0.2)	0.7 (±0.3)	0.4 (±0.3)	0.1 (±0.2)
2	86,200	67,231	61,905 (±2,790)	16.6 (±2.0)	6.5 (±1.2)	0.8 (±0.4)	0.0(±0.2)	71.1 (±2.2)	0.1 (±0.2)	3.5 (±1.0)	0.0 (±0.2)	0.9 (±0.4)	0.3 (±0.3)	0.3 (±0.3)
3	87,007	65,966	62,450 (±2,574)	28.3 (±2.4)	27.1 (±2.0)	1.0 (±0.5)	0.2(±0.2)	40.9 (±1.8)	0.4 (±0.3)	1.1 (±0.4)	0.1 (±0.2)	0.4 (±0.3)	0.1 (±0.2)	0.4 (±0.3)
4	88,850	65,037	56,865 (±2,861)	16.0 (±2.4)	6.8 (±1.8)	0.5 (±0.5)	0.1(±0.2)	70.8 (±2.0)	0.2 (±0.2)	4.5 (±1.0)	0.0 (±0.2)	0.5 (±0.3)	0.5 (±0.3)	0.2 (±0.3)

The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. Because the MOE can only be calculated using whole block groups, all block groups with more than 50% of the population in a district are included in the analysis. The Red-118 report provides a summary of the block groups used in the analysis.

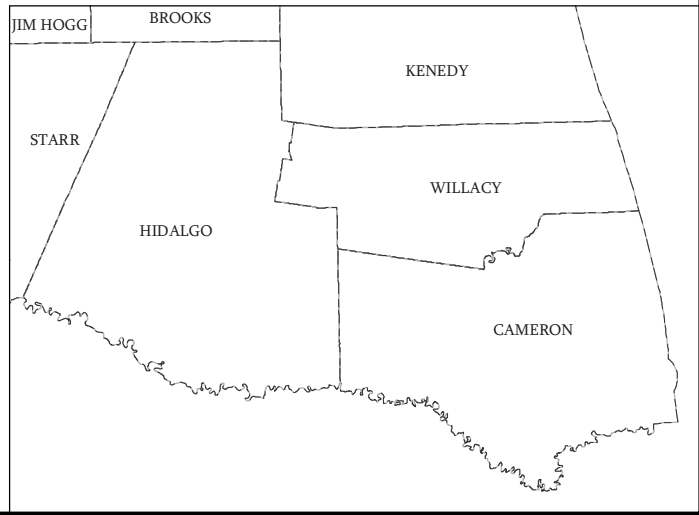
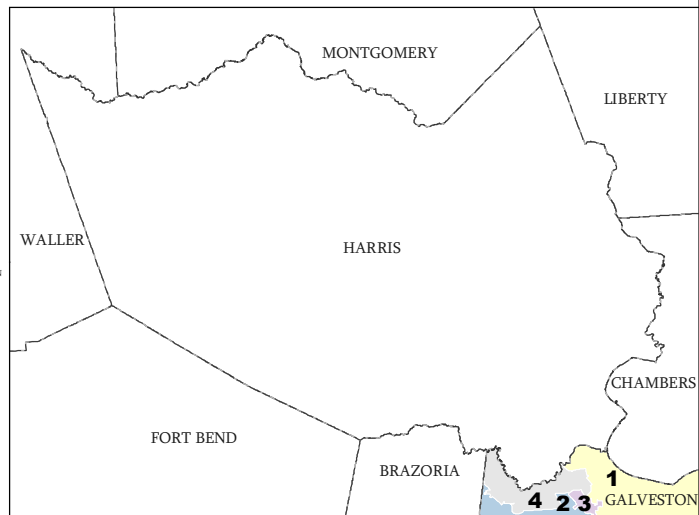
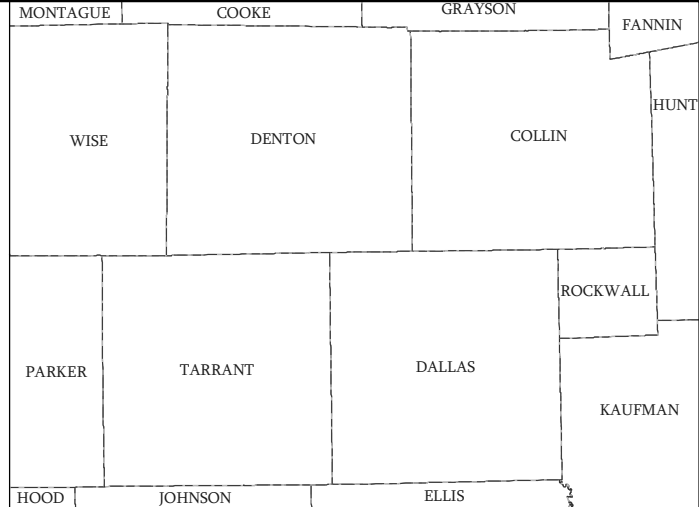
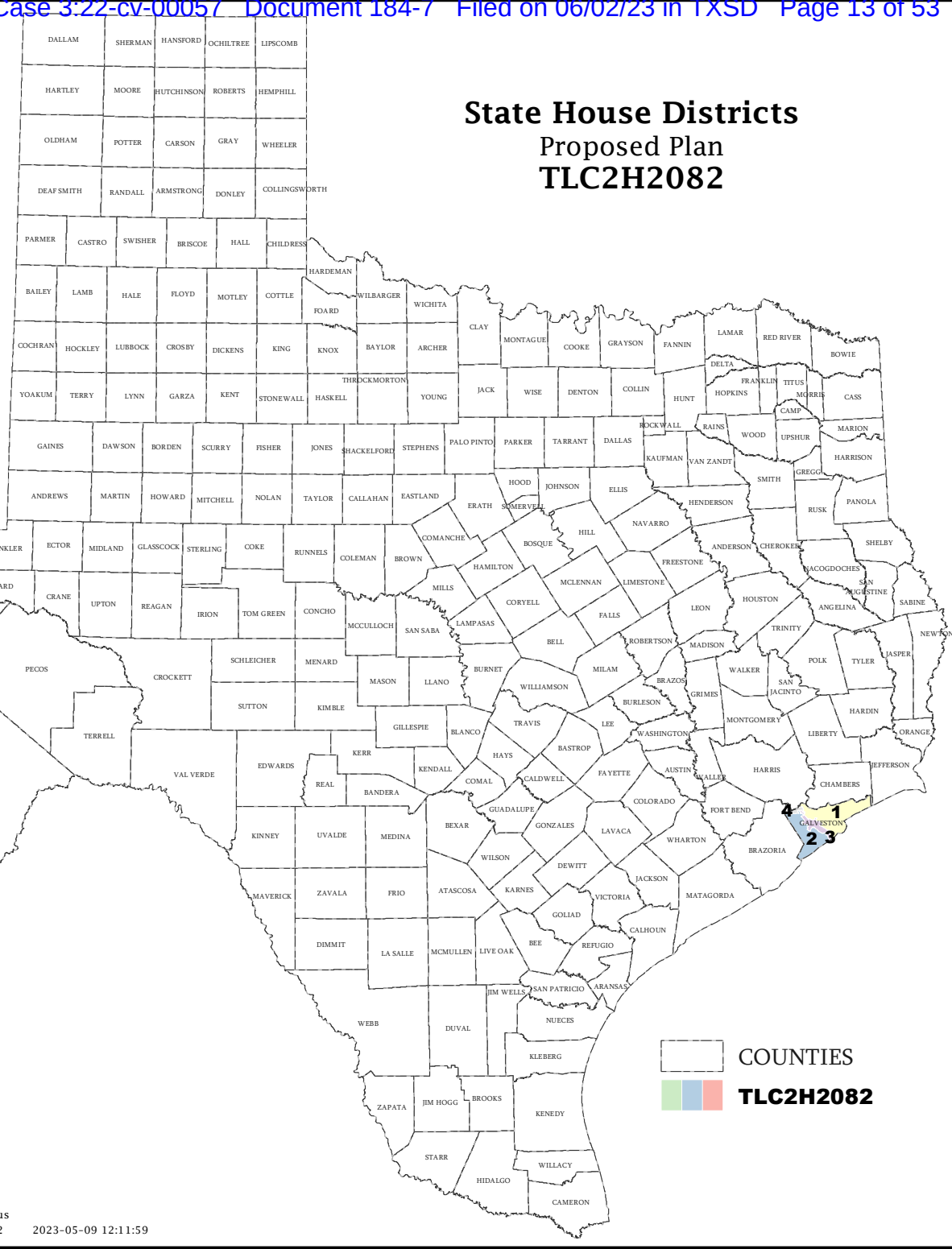
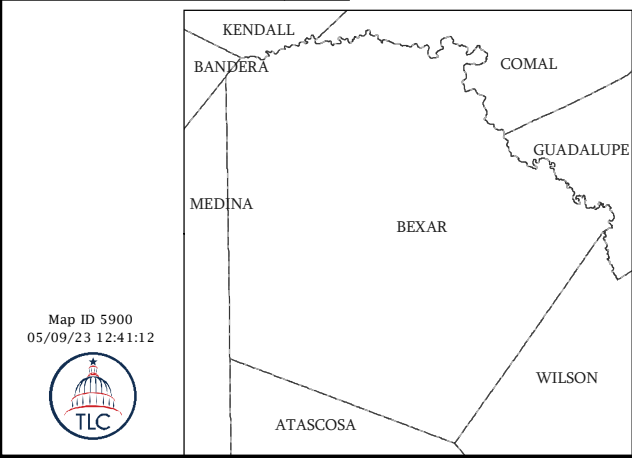
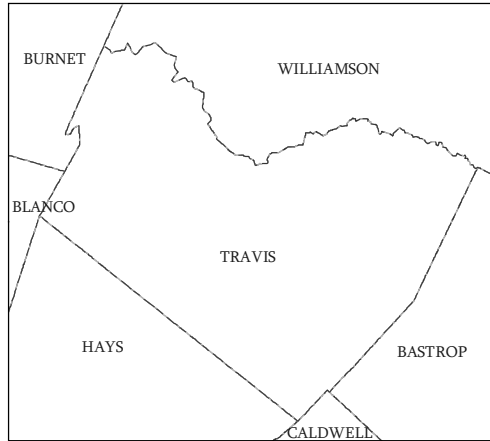
The percent for each CVAP population category is that group's CVAP divided by the CVAP total.

Numbers in parentheses are margins of error at 90% confidence level.

TYE RUSH DEMONSTRATIVE MAP 2

Texas Legislative Council (TLC) Map and Data Report

State House Districts Proposed Plan TLC2H2082

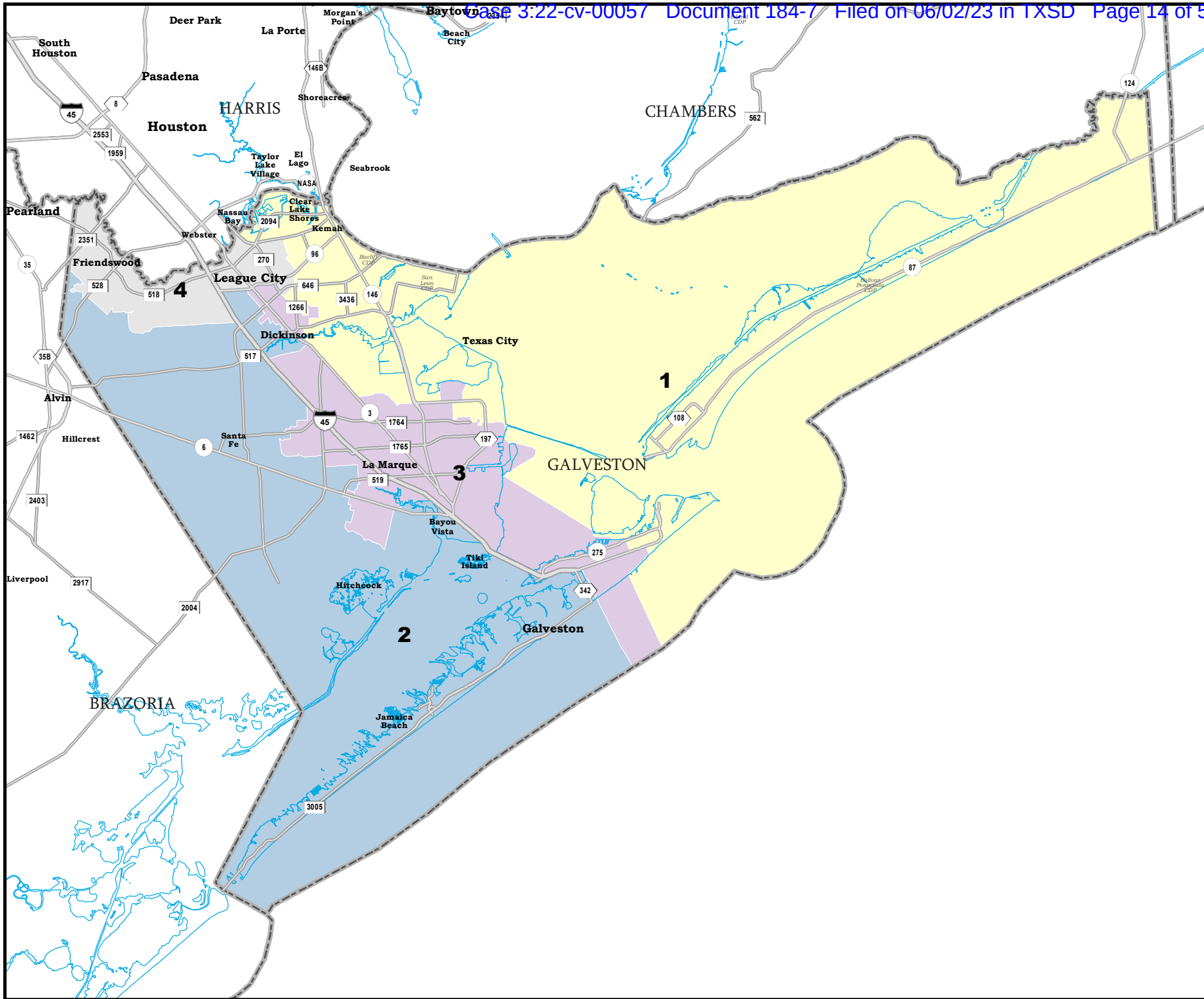


COUNTIES
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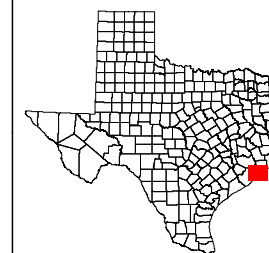


56322
2020 Census
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GALVESTON COUNTY

State House Districts Proposed Plan TLC2H2082



56322
 2020 Census
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Map ID 5900
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HOUSE DISTRICTS - TLC2H2082

Total State Population	29,145,505
Total Districts Required	150
Ideal District Population	194,303
Unassigned Population	28,794,823
Districts in Plan	4
Unassigned Geography	Yes
Districts Contiguous	Yes

	Population	-----Deviation-----	
		Total	Percent
Plan Overall Range		7,361	3.79%
Smallest District (1)	85,335	-108,968	-56.08%
Largest District (3)	92,696	-101,607	-52.29%
Average (mean)	87,671	106,633	54.88%

TLC2H2082

District Population Analysis with County Subtotals

HOUSE DISTRICTS - TLC2H2082

	Deviation		Total	Anglo	Non-Anglo	Asian	Black	Hispanic	B+H	%Anglo	%Non-Anglo	%Asian	%Black	%Hispanic	%B+H
DISTRICT 1	-108,968	Total:	85,335	50,983	34,352	3,916	7,259	21,460	28,144	59.7	40.3	4.6	8.5	25.1	33.0
	-56.08 %	VAP:	66,386	42,309	24,077	3,024	4,959	14,461	19,198	63.7	36.3	4.6	7.5	21.8	28.9
Galveston (24%)			85,335	50,983	34,352	3,916	7,259	21,460	28,144	59.7	40.3	4.6	8.5	25.1	33.0
DISTRICT 2	-108,103	Total:	86,200	55,030	31,170	3,462	7,483	18,329	25,328	63.8	36.2	4.0	8.7	21.3	29.4
	-55.64 %	VAP:	67,231	45,234	21,997	2,667	5,050	12,525	17,400	67.3	32.7	4.0	7.5	18.6	25.9
Galveston (25%)			86,200	55,030	31,170	3,462	7,483	18,329	25,328	63.8	36.2	4.0	8.7	21.3	29.4
DISTRICT 3	-101,607	Total:	92,696	29,745	62,951	1,715	28,782	31,837	59,520	32.1	67.9	1.9	31.0	34.3	64.2
	-52.29 %	VAP:	70,494	25,183	45,311	1,224	21,177	21,981	42,642	35.7	64.3	1.7	30.0	31.2	60.5
Galveston (26%)			92,696	29,745	62,951	1,715	28,782	31,837	59,520	32.1	67.9	1.9	31.0	34.3	64.2
DISTRICT 4	-107,852	Total:	86,451	55,600	30,851	6,543	5,650	17,010	22,271	64.3	35.7	7.6	6.5	19.7	25.8
	-55.51 %	VAP:	63,271	42,294	20,977	4,514	3,857	11,192	14,891	66.8	33.2	7.1	6.1	17.7	23.5
Galveston (25%)			86,451	55,600	30,851	6,543	5,650	17,010	22,271	64.3	35.7	7.6	6.5	19.7	25.8

American Community Survey Special Tabulation
 Using Census and American Community Survey Data
HOUSE DISTRICTS - TLC2H2082

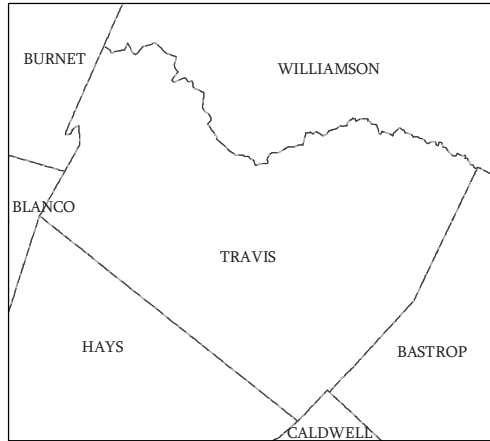
Special Tabulation of Citizen Voting Age Population (CVAP) from the 2017-2021 American Community Survey with Margins of Error														
2020 Census			Hispanic CVAP	Not Hispanic or Latino Citizen Voting Age Population (CVAP)										
District	Total	VAP		CVAP	% Hispanic	% Black Alone	% Black + White	% Black + American Indian	% White Alone	% American Indian Alone	% Asian Alone	% Native Hawaiian Alone	% American Indian + White	% Asian + White
1	85,335	66,386	62,370 (±2,939)	19.2 (±1.9)	6.7 (±1.3)	0.5 (±0.4)	0.0(±0.2)	69.3 (±2.3)	0.1 (±0.2)	2.9 (±0.7)	0.1 (±0.2)	0.7 (±0.3)	0.4 (±0.3)	0.1 (±0.2)
2	86,200	67,231	61,905 (±2,790)	16.6 (±2.0)	6.5 (±1.2)	0.8 (±0.4)	0.0(±0.2)	71.1 (±2.2)	0.1 (±0.2)	3.5 (±1.0)	0.0 (±0.2)	0.9 (±0.4)	0.3 (±0.3)	0.3 (±0.3)
3	92,696	70,494	65,420 (±2,635)	27.5 (±2.3)	28.0 (±1.9)	1.0 (±0.5)	0.3(±0.3)	40.9 (±1.8)	0.4 (±0.3)	1.0 (±0.4)	0.1 (±0.2)	0.4 (±0.2)	0.1 (±0.2)	0.4 (±0.3)
4	86,451	63,271	56,865 (±2,861)	16.0 (±2.4)	6.8 (±1.8)	0.5 (±0.5)	0.1(±0.2)	70.8 (±2.0)	0.2 (±0.2)	4.5 (±1.0)	0.0 (±0.2)	0.5 (±0.3)	0.5 (±0.3)	0.2 (±0.3)

The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. Because the MOE can only be calculated using whole block groups, all block groups with more than 50% of the population in a district are included in the analysis. The Red-118 report provides a summary of the block groups used in the analysis.
 The percent for each CVAP population category is that group's CVAP divided by the CVAP total.
 Numbers in parentheses are margins of error at 90% confidence level.

TYE RUSH DEMONSTRATIVE MAP 2b

Texas Legislative Council (TLC) Map and Data Report

State House Districts Proposed Plan TLC2H2083

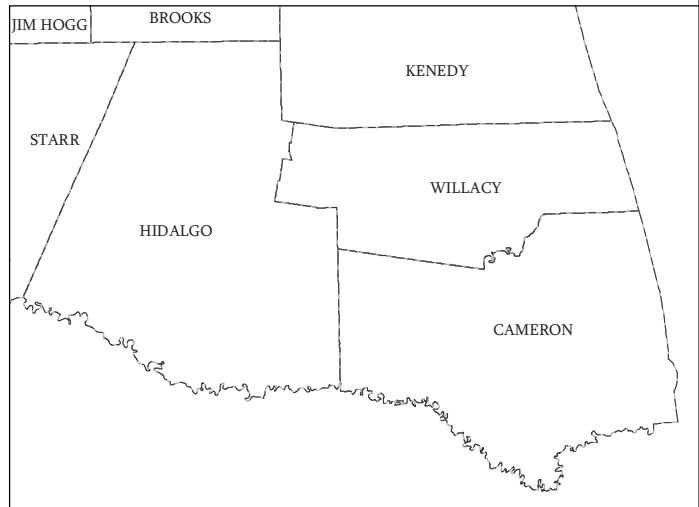
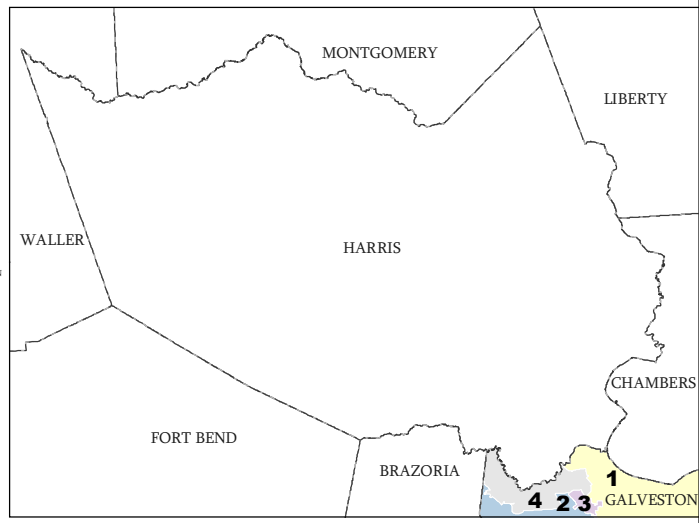
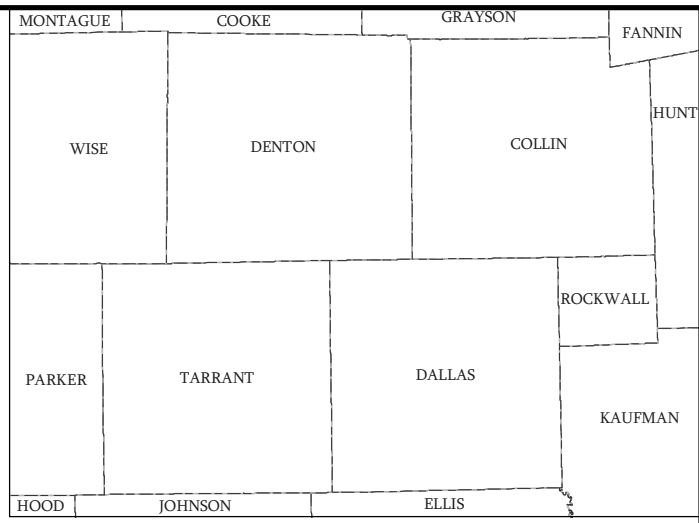
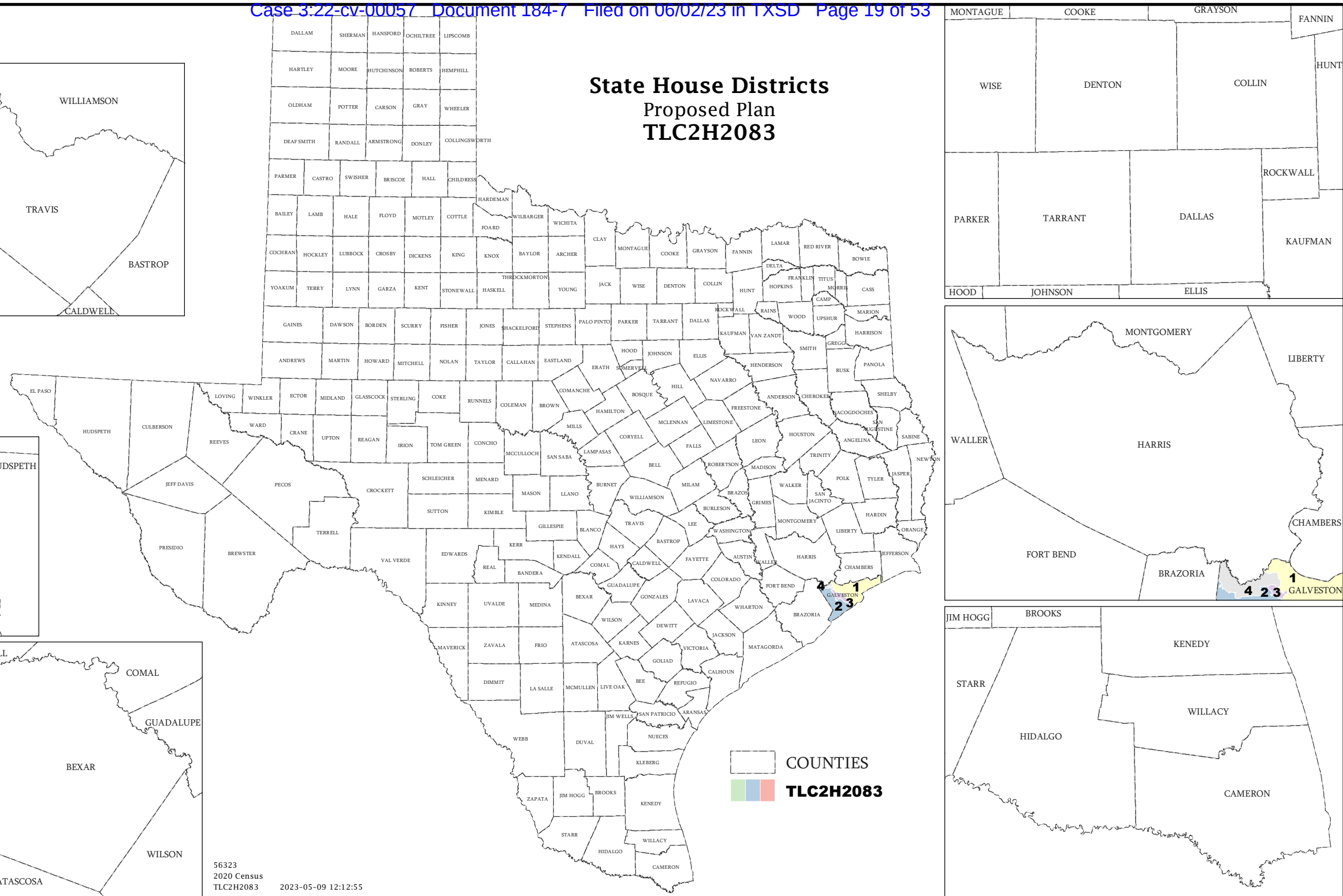


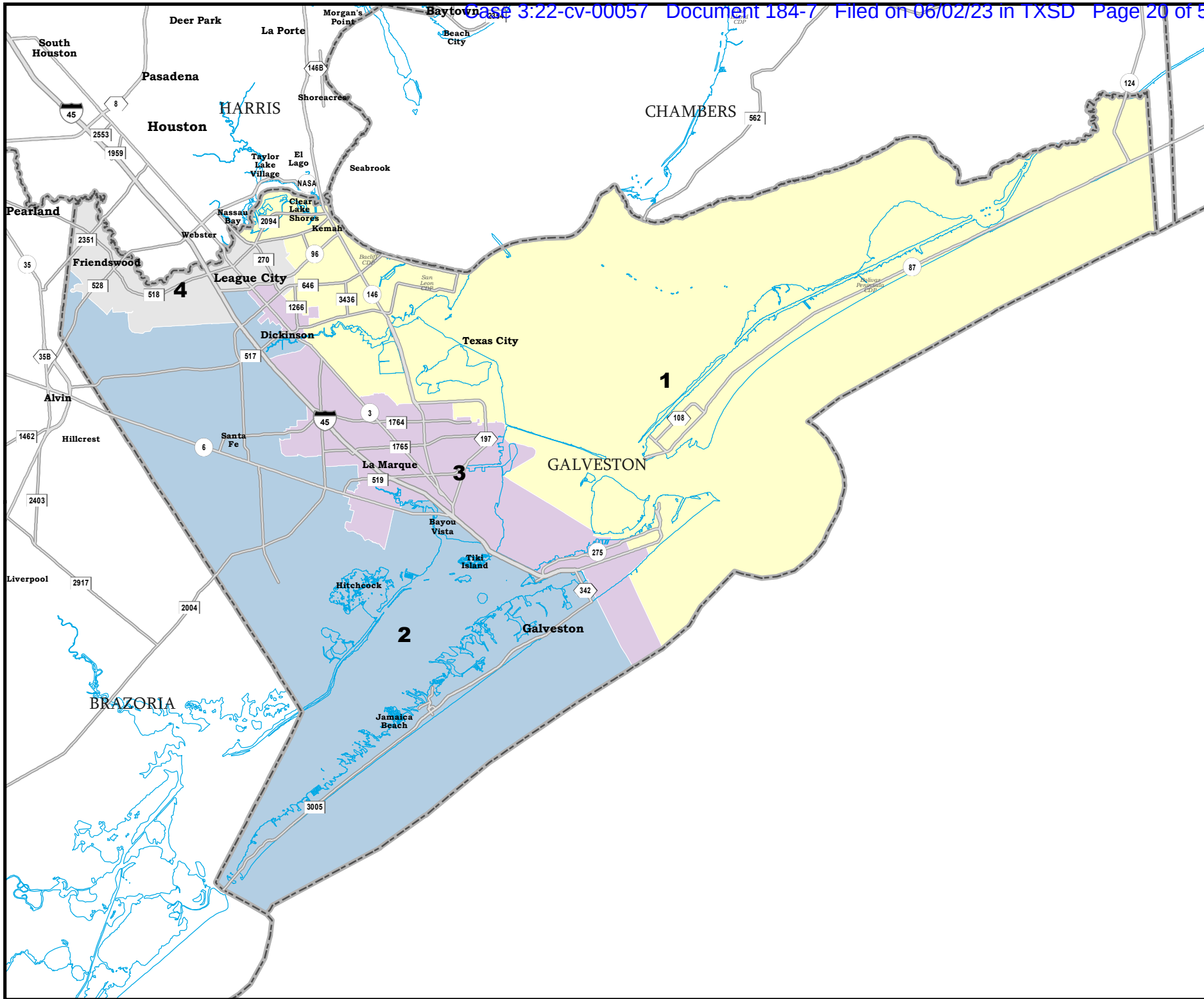
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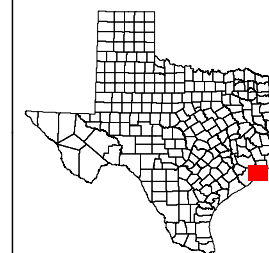
COUNTIES
TLC2H2083





GALVESTON COUNTY

State House Districts Proposed Plan TLC2H2083



HOUSE DISTRICTS - TLC2H2083

Total State Population	29,145,505
Total Districts Required	150
Ideal District Population	194,303
Unassigned Population	28,794,823
Districts in Plan	4
Unassigned Geography	Yes
Districts Contiguous	Yes

	Population	-----Deviation-----	
		Total	Percent
Plan Overall Range		3,318	1.71%
Smallest District (2)	86,200	-108,103	-55.64%
Largest District (1)	89,518	-104,785	-53.93%
Average (mean)	87,671	106,633	54.88%

TLC2H2083

District Population Analysis with County Subtotals

HOUSE DISTRICTS - TLC2H2083

	Deviation		Total	Anglo	Non-Anglo	Asian	Black	Hispanic	B+H	%Anglo	%Non-Anglo	%Asian	%Black	%Hispanic	%B+H
DISTRICT 1	-104,785	Total:	89,518	53,099	36,419	4,002	7,753	22,824	29,980	59.3	40.7	4.5	8.7	25.5	33.5
	-53.93 %	VAP:	69,616	44,078	25,538	3,086	5,308	15,410	20,484	63.3	36.7	4.4	7.6	22.1	29.4
Galveston (26%)			89,518	53,099	36,419	4,002	7,753	22,824	29,980	59.3	40.7	4.5	8.7	25.5	33.5
DISTRICT 2	-108,103	Total:	86,200	55,030	31,170	3,462	7,483	18,329	25,328	63.8	36.2	4.0	8.7	21.3	29.4
	-55.64 %	VAP:	67,231	45,234	21,997	2,667	5,050	12,525	17,400	67.3	32.7	4.0	7.5	18.6	25.9
Galveston (25%)			86,200	55,030	31,170	3,462	7,483	18,329	25,328	63.8	36.2	4.0	8.7	21.3	29.4
DISTRICT 3	-105,790	Total:	88,513	27,629	60,884	1,629	28,288	30,473	57,684	31.2	68.8	1.8	32.0	34.4	65.2
	-54.45 %	VAP:	67,264	23,414	43,850	1,162	20,828	21,032	41,356	34.8	65.2	1.7	31.0	31.3	61.5
Galveston (25%)			88,513	27,629	60,884	1,629	28,288	30,473	57,684	31.2	68.8	1.8	32.0	34.4	65.2
DISTRICT 4	-107,852	Total:	86,451	55,600	30,851	6,543	5,650	17,010	22,271	64.3	35.7	7.6	6.5	19.7	25.8
	-55.51 %	VAP:	63,271	42,294	20,977	4,514	3,857	11,192	14,891	66.8	33.2	7.1	6.1	17.7	23.5
Galveston (25%)			86,451	55,600	30,851	6,543	5,650	17,010	22,271	64.3	35.7	7.6	6.5	19.7	25.8

American Community Survey Special Tabulation
 Using Census and American Community Survey Data
HOUSE DISTRICTS - TLC2H2083

Special Tabulation of Citizen Voting Age Population (CVAP) from the 2017-2021 American Community Survey with Margins of Error														
2020 Census			Hispanic CVAP	Not Hispanic or Latino Citizen Voting Age Population (CVAP)										
District	Total	VAP		CVAP	% Hispanic	% Black Alone	% Black + White	% Black + American Indian	% White Alone	% American Indian Alone	% Asian Alone	% Native Hawaiian Alone	% American Indian + White	% Asian + White
1	89,518	69,616	64,170 (±2,982)	19.4 (±1.9)	6.7 (±1.3)	0.5 (±0.4)	0.0(±0.2)	69.2 (±2.3)	0.1 (±0.2)	2.9 (±0.7)	0.1 (±0.2)	0.7 (±0.3)	0.4 (±0.3)	0.1 (±0.2)
2	86,200	67,231	61,905 (±2,790)	16.6 (±2.0)	6.5 (±1.2)	0.8 (±0.4)	0.0(±0.2)	71.1 (±2.2)	0.1 (±0.2)	3.5 (±1.0)	0.0 (±0.2)	0.9 (±0.4)	0.3 (±0.3)	0.3 (±0.3)
3	88,513	67,264	63,620 (±2,586)	27.5 (±2.4)	28.7 (±2.0)	1.0 (±0.5)	0.3(±0.3)	40.2 (±1.8)	0.4 (±0.3)	0.9 (±0.4)	0.1 (±0.2)	0.4 (±0.3)	0.1 (±0.2)	0.4 (±0.3)
4	86,451	63,271	56,865 (±2,861)	16.0 (±2.4)	6.8 (±1.8)	0.5 (±0.5)	0.1(±0.2)	70.8 (±2.0)	0.2 (±0.2)	4.5 (±1.0)	0.0 (±0.2)	0.5 (±0.3)	0.5 (±0.3)	0.2 (±0.3)

The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. Because the MOE can only be calculated using whole block groups, all block groups with more than 50% of the population in a district are included in the analysis. The Red-118 report provides a summary of the block groups used in the analysis.

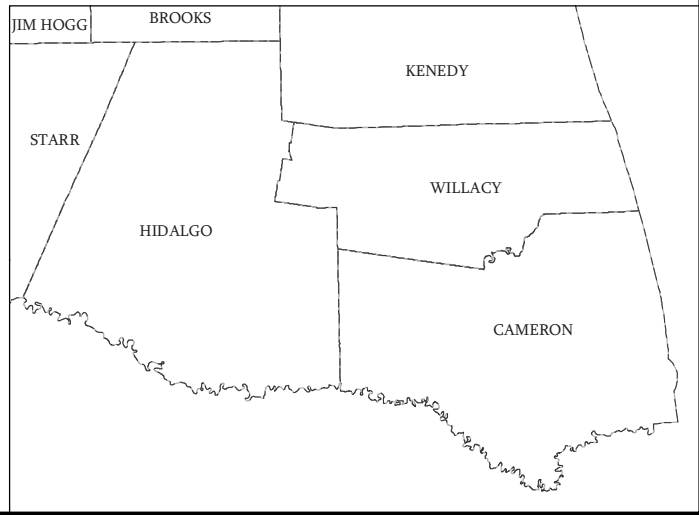
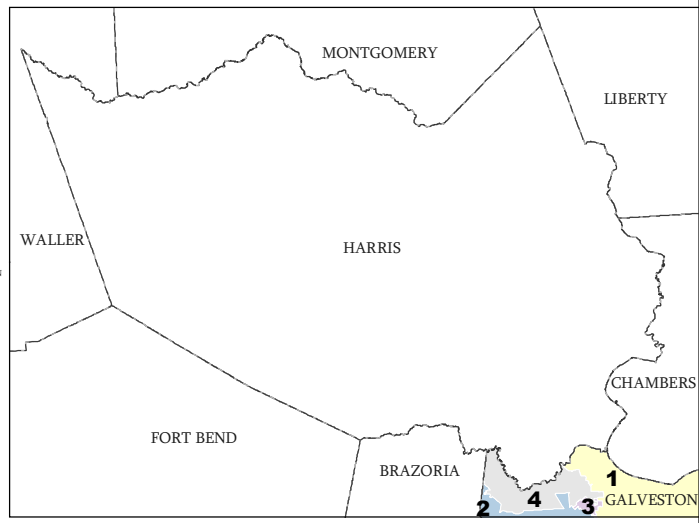
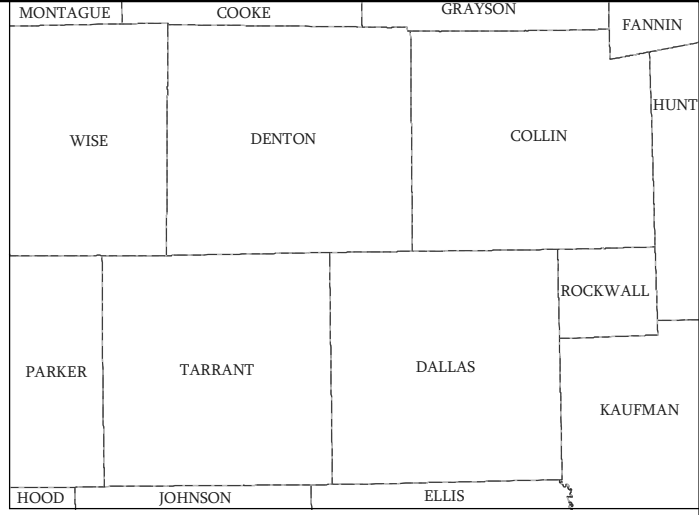
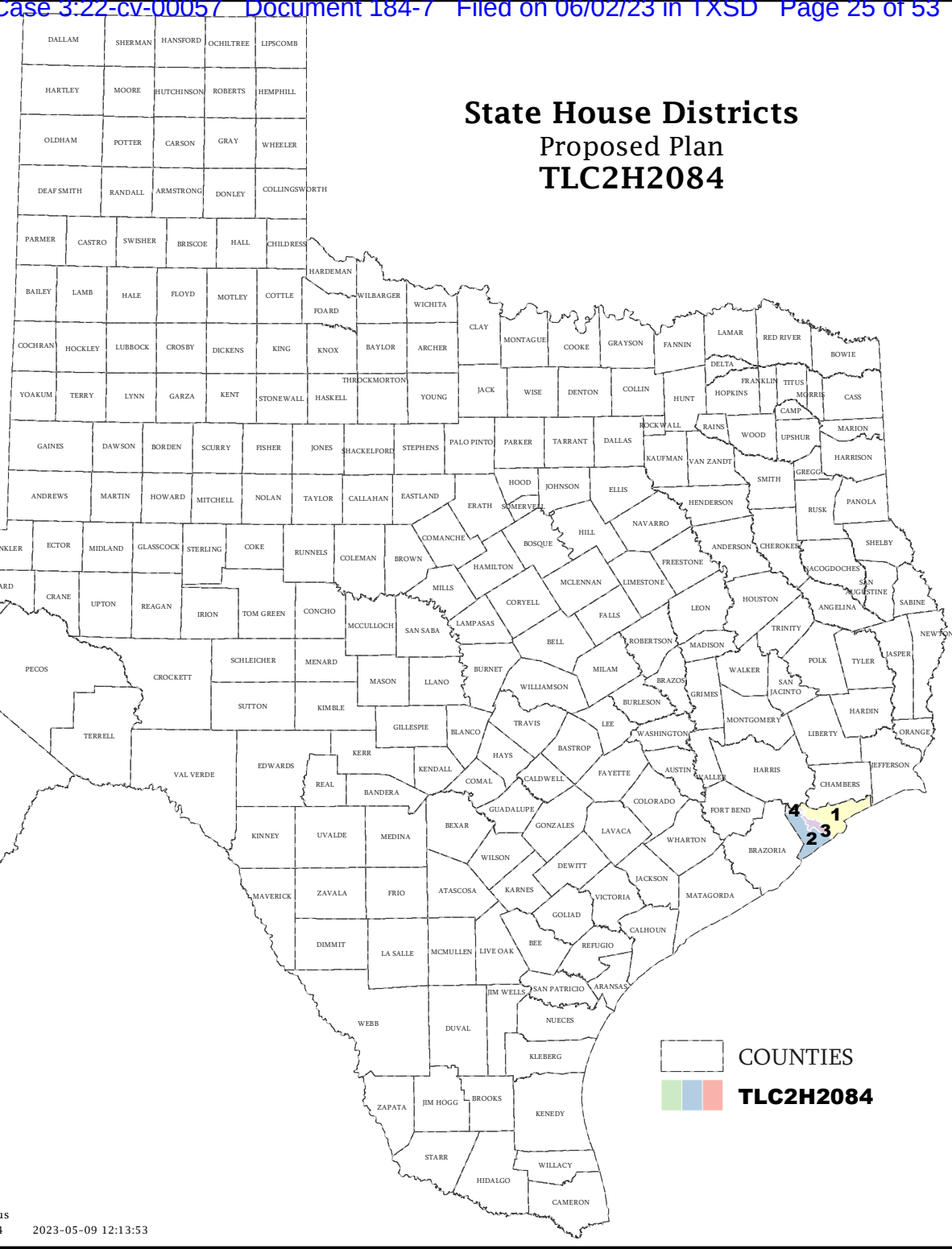
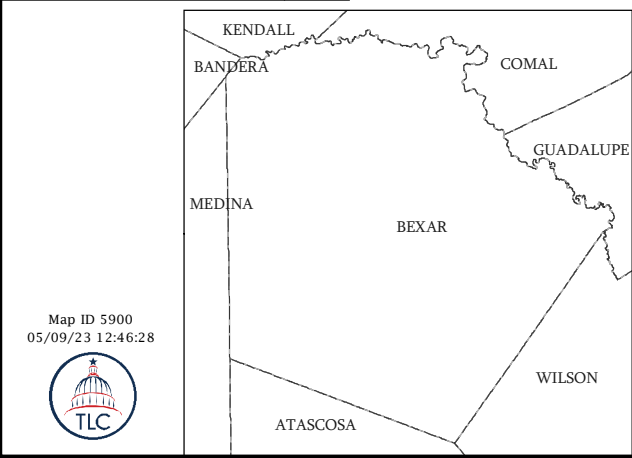
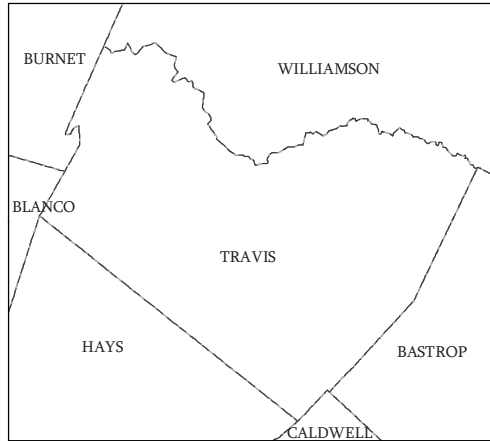
The percent for each CVAP population category is that group's CVAP divided by the CVAP total.

Numbers in parentheses are margins of error at 90% confidence level.

TYE RUSH DEMONSTRATIVE MAP 3

Texas Legislative Council (TLC) Map and Data Report

State House Districts Proposed Plan TLC2H2084

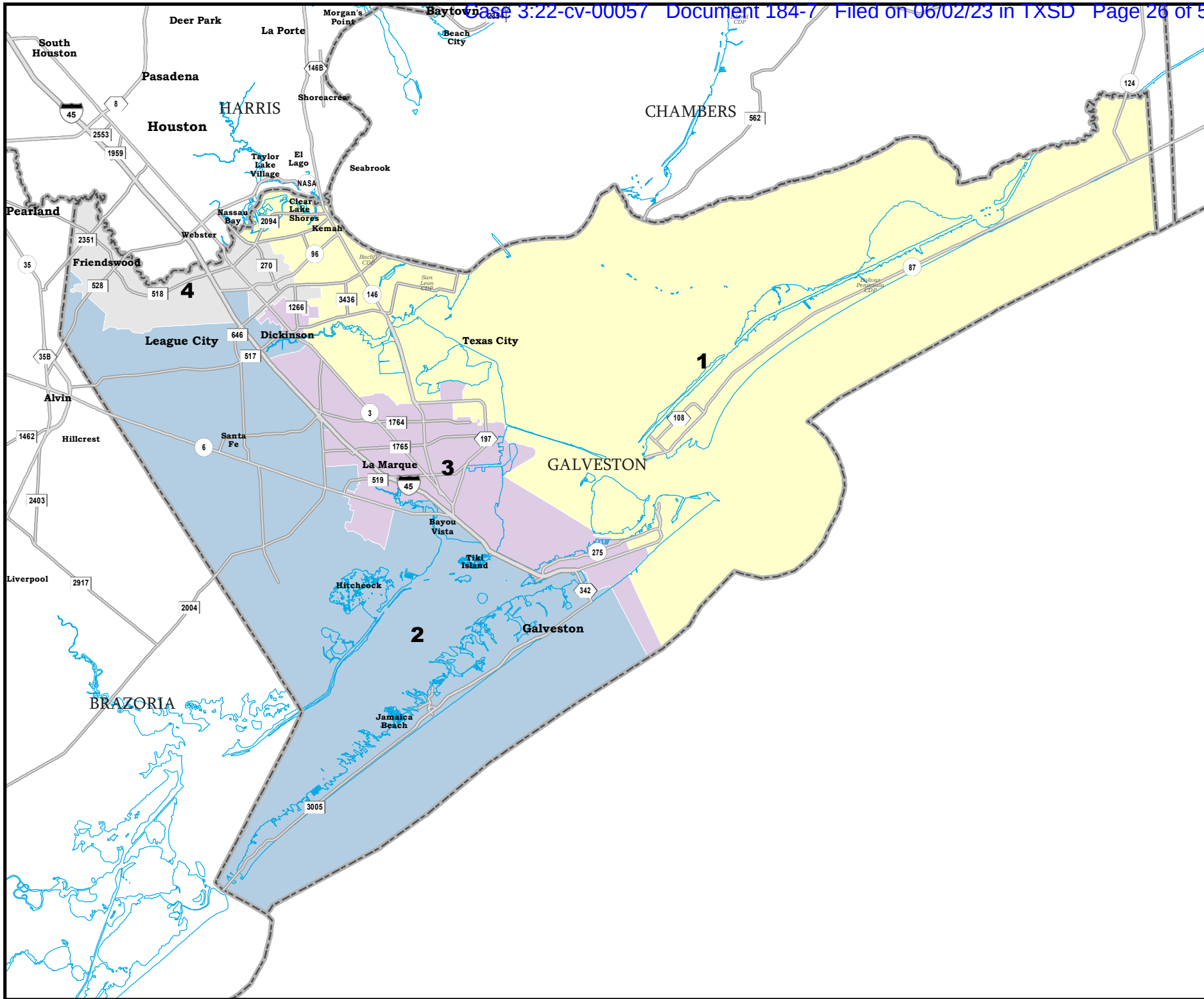


COUNTIES
TLC2H2084

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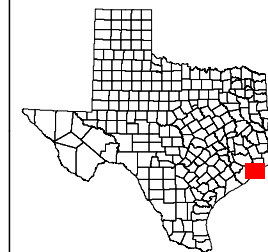


56324
2020 Census
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GALVESTON COUNTY

State House Districts Proposed Plan TLC2H2084



HOUSE DISTRICTS - TLC2H2084

Total State Population	29,145,505
Total Districts Required	150
Ideal District Population	194,303
Unassigned Population	28,794,823
Districts in Plan	4
Unassigned Geography	Yes
Districts Contiguous	Yes

	Population	-----Deviation-----	
		Total	Percent
Plan Overall Range		3,439	1.77%
Smallest District (4)	86,479	-107,824	-55.49%
Largest District (3)	89,918	-104,385	-53.72%
Average (mean)	87,671	106,633	54.88%

TLC2H2084

District Population Analysis with County Subtotals

HOUSE DISTRICTS - TLC2H2084

	Deviation		Total	Anglo	Non-Anglo	Asian	Black	Hispanic	B+H	%Anglo	%Non-Anglo	%Asian	%Black	%Hispanic	%B+H
DISTRICT 1	-107,767	Total:	86,536	52,407	34,129	4,102	7,459	20,822	27,715	60.6	39.4	4.7	8.6	24.1	32.0
	-55.46 %	VAP:	67,267	43,340	23,927	3,138	5,061	14,064	18,914	64.4	35.6	4.7	7.5	20.9	28.1
Galveston (25%)			86,536	52,407	34,129	4,102	7,459	20,822	27,715	60.6	39.4	4.7	8.6	24.1	32.0
DISTRICT 2	-106,554	Total:	87,749	55,931	31,818	3,479	7,651	18,773	25,913	63.7	36.3	4.0	8.7	21.4	29.5
	-54.84 %	VAP:	68,250	45,878	22,372	2,666	5,148	12,768	17,727	67.2	32.8	3.9	7.5	18.7	26.0
Galveston (25%)			87,749	55,931	31,818	3,479	7,651	18,773	25,913	63.7	36.3	4.0	8.7	21.4	29.5
DISTRICT 3	-104,385	Total:	89,918	28,274	61,644	1,589	28,405	31,078	58,408	31.4	68.6	1.8	31.6	34.6	65.0
	-53.72 %	VAP:	68,394	24,038	44,356	1,138	20,900	21,435	41,830	35.1	64.9	1.7	30.6	31.3	61.2
Galveston (26%)			89,918	28,274	61,644	1,589	28,405	31,078	58,408	31.4	68.6	1.8	31.6	34.6	65.0
DISTRICT 4	-107,824	Total:	86,479	54,746	31,733	6,466	5,659	17,963	23,227	63.3	36.7	7.5	6.5	20.8	26.9
	-55.49 %	VAP:	63,471	41,764	21,707	4,487	3,934	11,892	15,660	65.8	34.2	7.1	6.2	18.7	24.7
Galveston (25%)			86,479	54,746	31,733	6,466	5,659	17,963	23,227	63.3	36.7	7.5	6.5	20.8	26.9

American Community Survey Special Tabulation
 Using Census and American Community Survey Data
HOUSE DISTRICTS - TLC2H2084

Special Tabulation of Citizen Voting Age Population (CVAP) from the 2017-2021 American Community Survey with Margins of Error														
2020 Census			Hispanic CVAP	Not Hispanic or Latino Citizen Voting Age Population (CVAP)										
District	Total	VAP		CVAP	% Hispanic	% Black Alone	% Black + White	% Black + American Indian	% White Alone	% American Indian Alone	% Asian Alone	% Native Hawaiian Alone	% American Indian + White	% Asian + White
1	86,536	67,267	62,700 (±3,056)	18.9 (±1.9)	6.3 (±1.2)	0.5 (±0.4)	0.0(±0.2)	70.1 (±2.4)	0.1 (±0.2)	2.8 (±0.7)	0.1 (±0.2)	0.7 (±0.3)	0.4 (±0.3)	0.1 (±0.2)
2	87,749	68,250	61,160 (±2,779)	16.9 (±2.0)	6.1 (±1.1)	0.8 (±0.4)	0.0(±0.2)	71.2 (±2.2)	0.1 (±0.2)	3.5 (±1.0)	0.0 (±0.2)	0.9 (±0.4)	0.3 (±0.3)	0.3 (±0.3)
3	89,918	68,394	66,345 (±2,647)	27.7 (±2.3)	27.9 (±1.9)	1.0 (±0.5)	0.2(±0.3)	40.7 (±1.8)	0.4 (±0.3)	1.0 (±0.4)	0.1 (±0.2)	0.4 (±0.2)	0.1 (±0.2)	0.4 (±0.3)
4	86,479	63,471	55,805 (±2,730)	15.7 (±2.4)	7.3 (±1.9)	0.5 (±0.5)	0.1(±0.2)	70.4 (±1.9)	0.2 (±0.2)	4.6 (±1.0)	0.0 (±0.2)	0.5 (±0.3)	0.5 (±0.3)	0.2 (±0.3)

The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. Because the MOE can only be calculated using whole block groups, all block groups with more than 50% of the population in a district are included in the analysis. The Red-118 report provides a summary of the block groups used in the analysis.

The percent for each CVAP population category is that group's CVAP divided by the CVAP total.

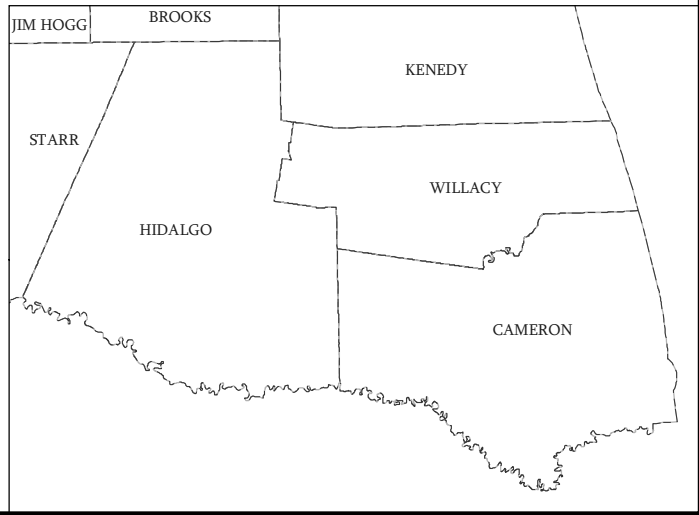
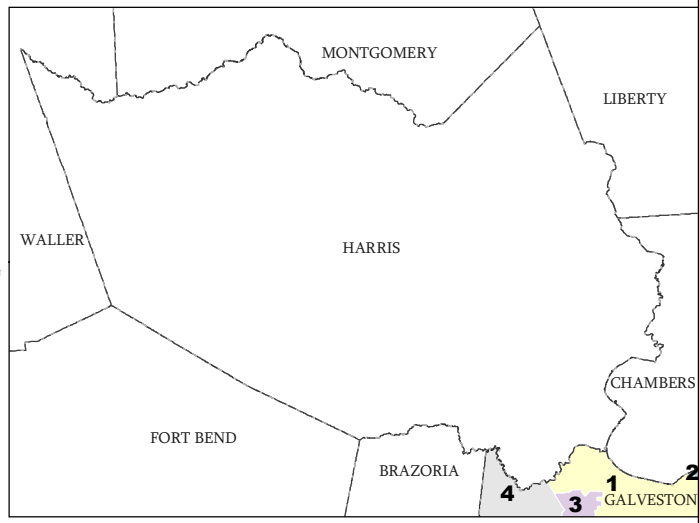
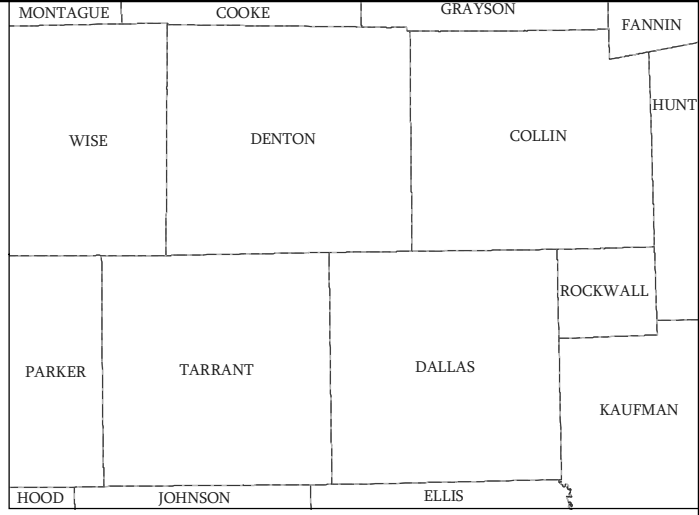
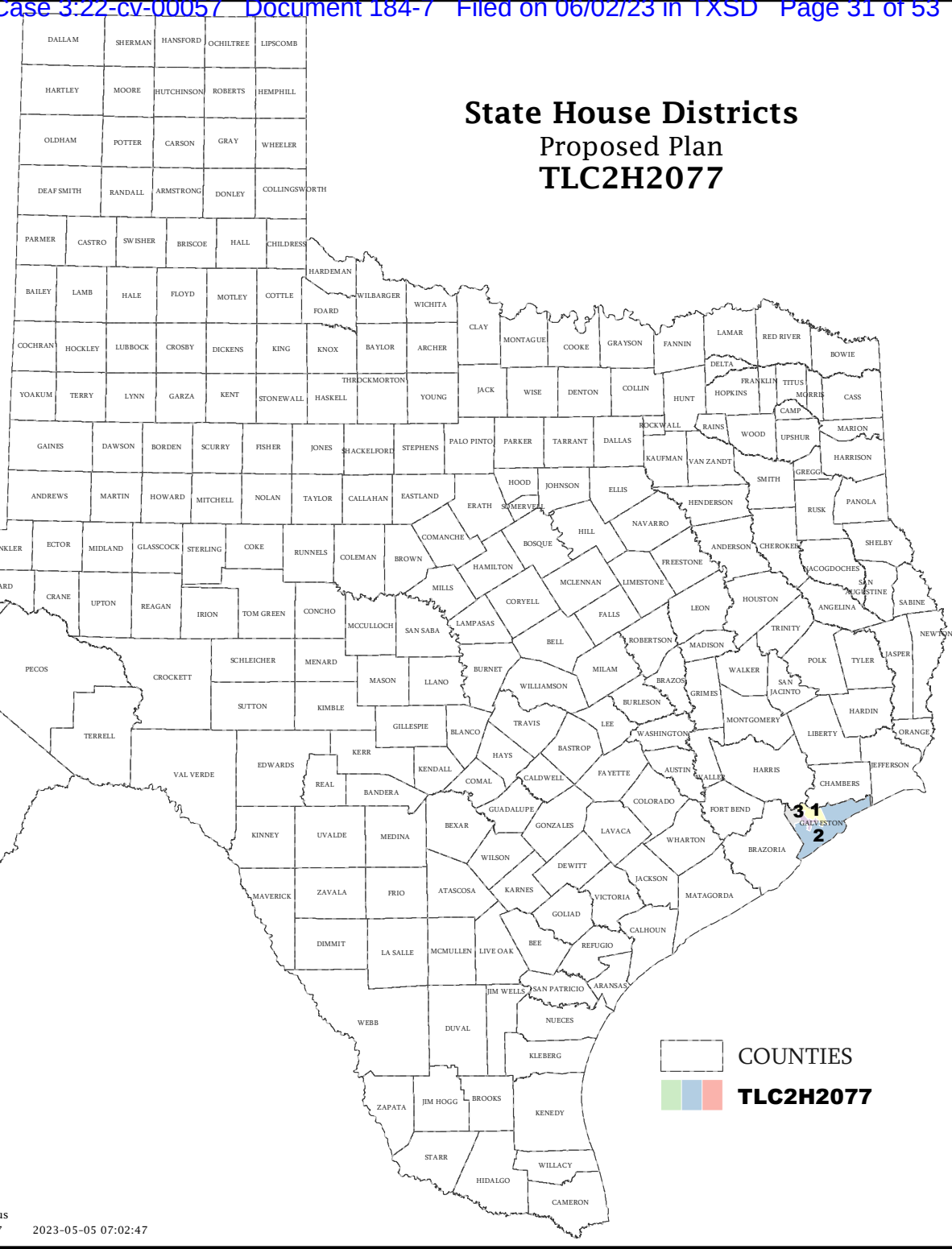
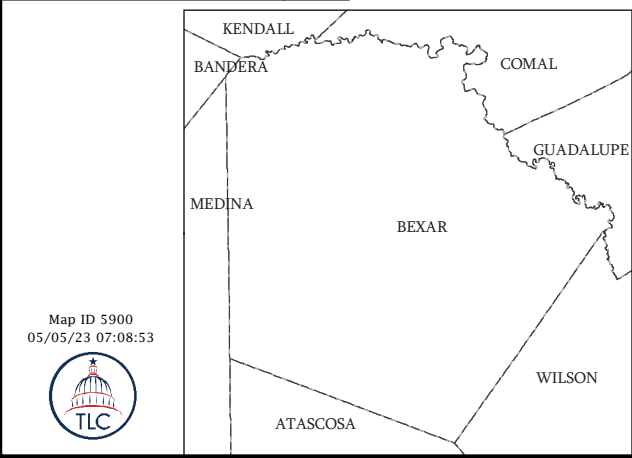
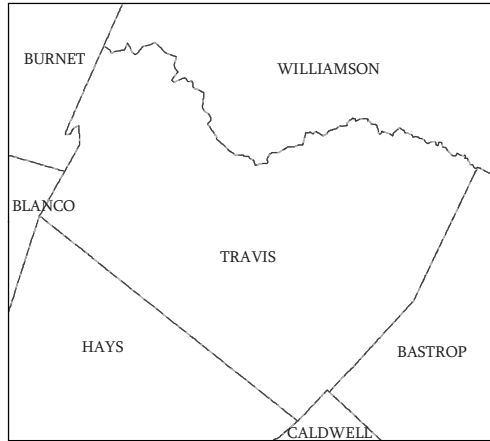
Numbers in parentheses are margins of error at 90% confidence level.

TYE RUSH DEMONSTRATIVE MAP UNIFYING COAST V1

(Alternative Map 1 included in report of Dr. Traci Burch)

Texas Legislative Council (TLC) Map and Data Report

State House Districts Proposed Plan TLC2H2077

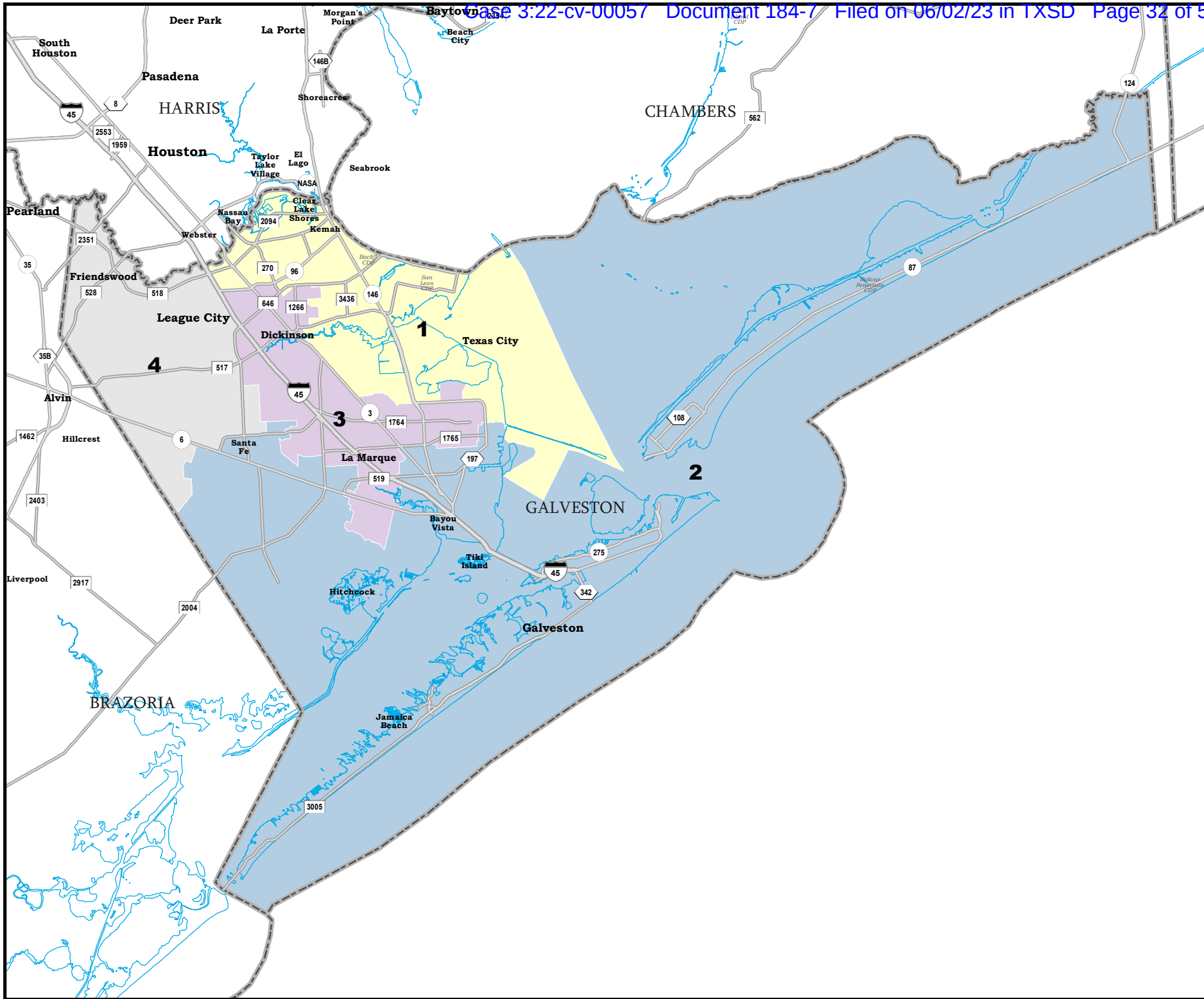


COUNTIES
TLC2H2077

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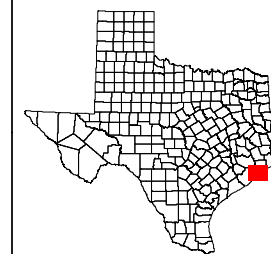


56311
2020 Census
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GALVESTON COUNTY

State House Districts Proposed Plan TLC2H2077



HOUSE DISTRICTS - TLC2H2077

Total State Population	29,145,505
Total Districts Required	150
Ideal District Population	194,303
Unassigned Population	28,794,823
Districts in Plan	4
Unassigned Geography	Yes
Districts Contiguous	Yes

	Population	-----Deviation-----	
		Total	Percent
Plan Overall Range		2,136	1.10%
Smallest District (3)	86,450	-107,853	-55.51%
Largest District (1)	88,586	-105,717	-54.41%
Average (mean)	87,671	106,633	54.88%

TLC2H2077

HOUSE DISTRICTS - TLC2H2077

	Deviation		Total	Anglo	Non-Anglo	Asian	Black	Hispanic	B+H	%Anglo	%Non-Anglo	%Asian	%Black	%Hispanic	%B+H
DISTRICT 1	-105,717	Total:	88,586	53,809	34,777	4,403	7,033	21,504	28,050	60.7	39.3	5.0	7.9	24.3	31.7
	-54.41 %	VAP:	67,552	43,563	23,989	3,261	4,755	14,314	18,884	64.5	35.5	4.8	7.0	21.2	28.0
Galveston (25%)			88,586	53,809	34,777	4,403	7,033	21,504	28,050	60.7	39.3	5.0	7.9	24.3	31.7
DISTRICT 2	-106,606	Total:	87,697	47,460	40,237	2,487	13,543	22,725	35,614	54.1	45.9	2.8	15.4	25.9	40.6
	-54.87 %	VAP:	71,389	41,421	29,968	2,000	9,974	16,431	26,102	58.0	42.0	2.8	14.0	23.0	36.6
Galveston (25%)			87,697	47,460	40,237	2,487	13,543	22,725	35,614	54.1	45.9	2.8	15.4	25.9	40.6
DISTRICT 3	-107,853	Total:	86,450	31,748	54,702	2,493	23,323	28,100	50,406	36.7	63.3	2.9	27.0	32.5	58.3
	-55.51 %	VAP:	64,359	25,918	38,441	1,859	16,787	18,760	35,123	40.3	59.7	2.9	26.1	29.1	54.6
Galveston (25%)			86,450	31,748	54,702	2,493	23,323	28,100	50,406	36.7	63.3	2.9	27.0	32.5	58.3
DISTRICT 4	-106,354	Total:	87,949	58,341	29,608	6,253	5,275	16,307	21,193	66.3	33.7	7.1	6.0	18.5	24.1
	-54.74 %	VAP:	64,082	44,118	19,964	4,309	3,527	10,654	14,022	68.8	31.2	6.7	5.5	16.6	21.9
Galveston (25%)			87,949	58,341	29,608	6,253	5,275	16,307	21,193	66.3	33.7	7.1	6.0	18.5	24.1

American Community Survey Special Tabulation
 Using Census and American Community Survey Data
HOUSE DISTRICTS - TLC2H2077

Special Tabulation of Citizen Voting Age Population (CVAP) from the 2017-2021 American Community Survey with Margins of Error														
2020 Census			Hispanic CVAP	Not Hispanic or Latino Citizen Voting Age Population (CVAP)										
District	Total	VAP		CVAP	% Hispanic	% Black Alone	% Black + White	% Black + American Indian	% White Alone	% American Indian Alone	% Asian Alone	% Native Hawaiian Alone	% American Indian + White	% Asian + White
1	88,586	67,552	64,810 (±3,338)	17.8 (±2.2)	7.0 (±1.6)	0.4 (±0.3)	0.1(±0.2)	69.9 (±2.2)	0.1 (±0.2)	3.2 (±0.8)	0.0 (±0.2)	0.7 (±0.3)	0.7 (±0.4)	0.2 (±0.3)
2	87,697	71,389	63,930 (±2,263)	21.4 (±1.6)	14.4 (±1.3)	0.4 (±0.3)	0.2(±0.3)	60.8 (±1.8)	0.2 (±0.2)	1.6 (±0.4)	0.1 (±0.2)	0.6 (±0.3)	0.2 (±0.2)	0.2 (±0.2)
3	86,450	64,359	58,390 (±2,774)	24.9 (±2.6)	23.4 (±2.2)	1.4 (±0.6)	0.1(±0.2)	45.5 (±2.3)	0.4 (±0.3)	3.2 (±1.0)	0.1 (±0.2)	0.3 (±0.3)	0.2 (±0.2)	0.5 (±0.4)
4	87,949	64,082	59,430 (±2,756)	16.1 (±2.2)	5.0 (±1.2)	0.7 (±0.5)	0.0(±0.2)	73.1 (±2.2)	0.2 (±0.2)	3.7 (±0.9)	0.0 (±0.2)	0.7 (±0.4)	0.3 (±0.3)	0.2 (±0.2)

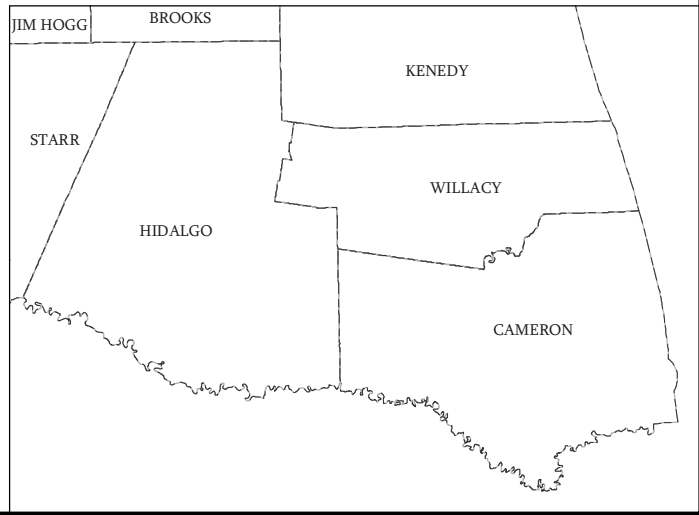
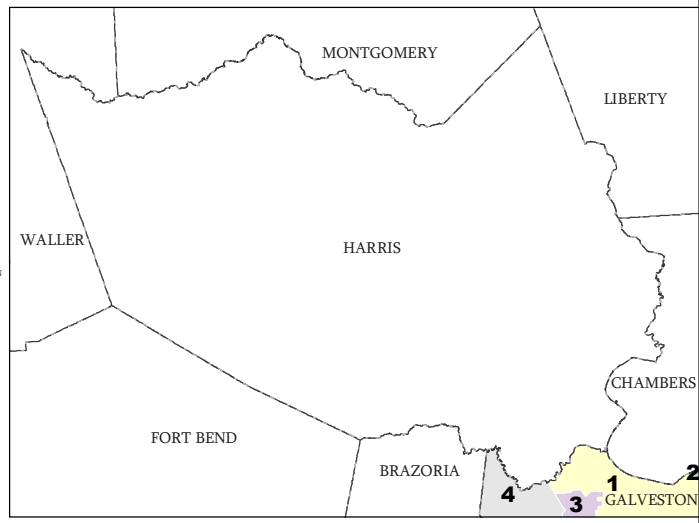
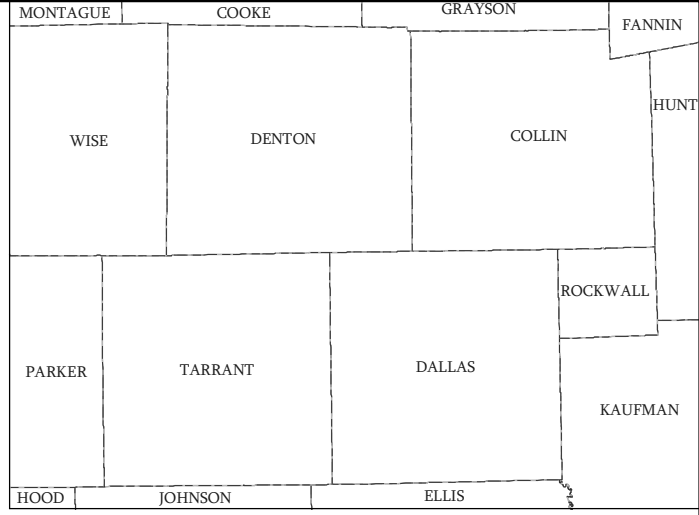
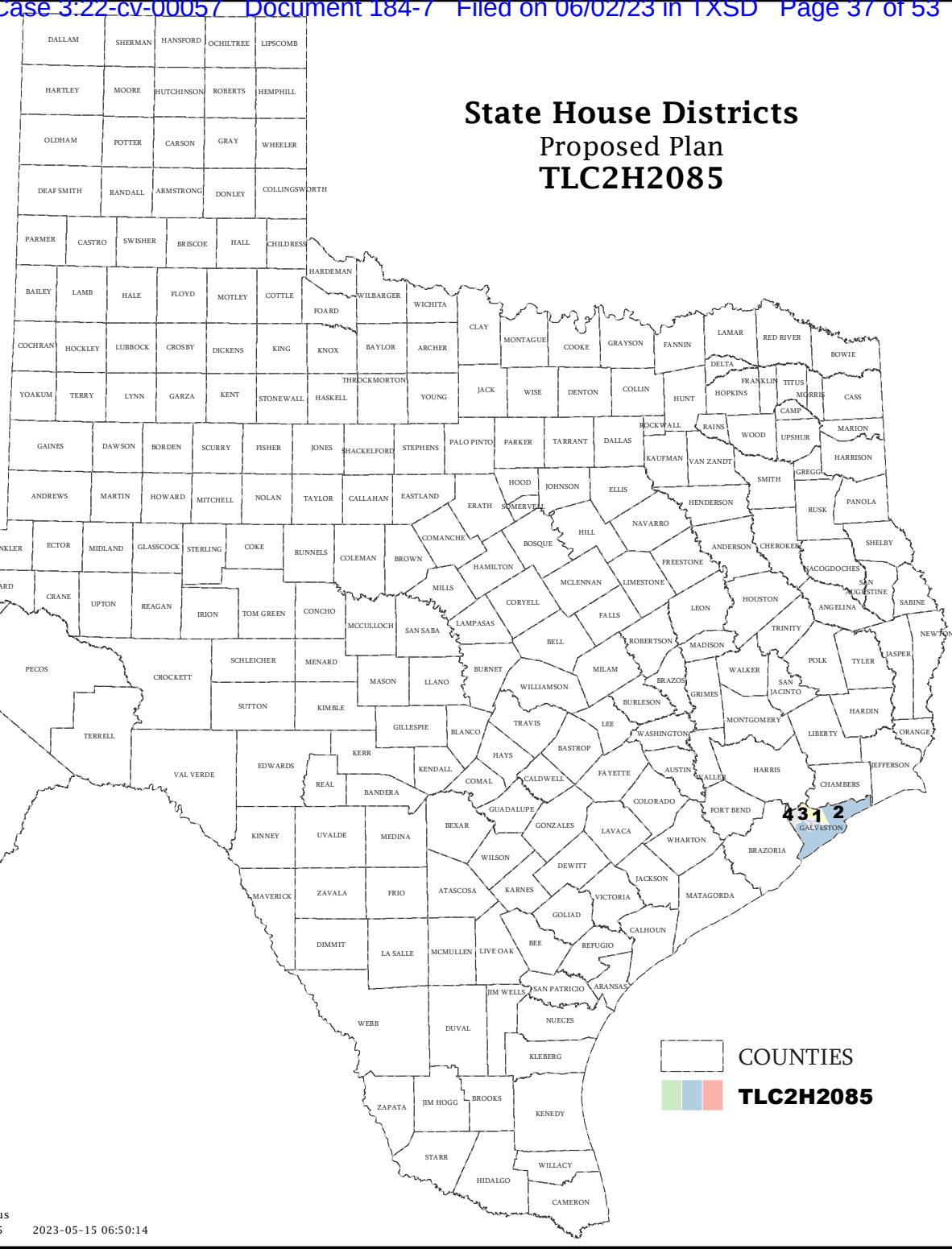
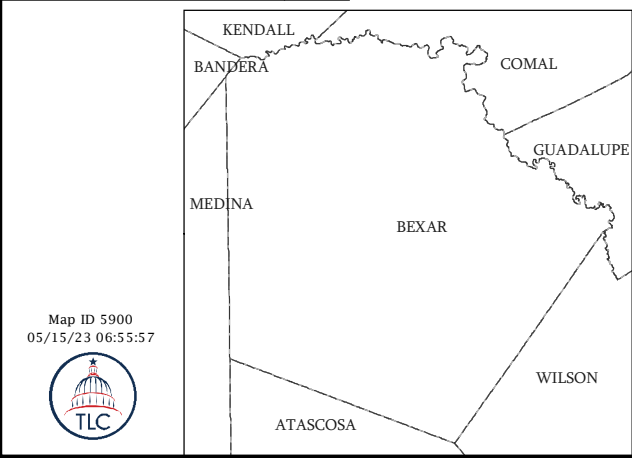
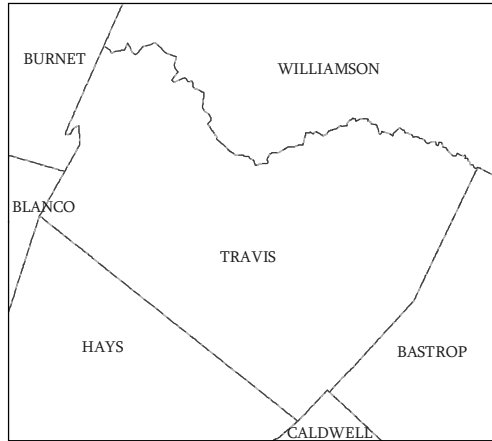
The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. Because the MOE can only be calculated using whole block groups, all block groups with more than 50% of the population in a district are included in the analysis. The Red-118 report provides a summary of the block groups used in the analysis.
 The percent for each CVAP population category is that group's CVAP divided by the CVAP total.
 Numbers in parentheses are margins of error at 90% confidence level.

TYE RUSH DEMONSTRATIVE MAP UNIFYING COAST V2

(Alternative Map 2 included in report of Dr. Traci Burch)

Texas Legislative Council (TLC) Map and Data Report

State House Districts Proposed Plan TLC2H2085

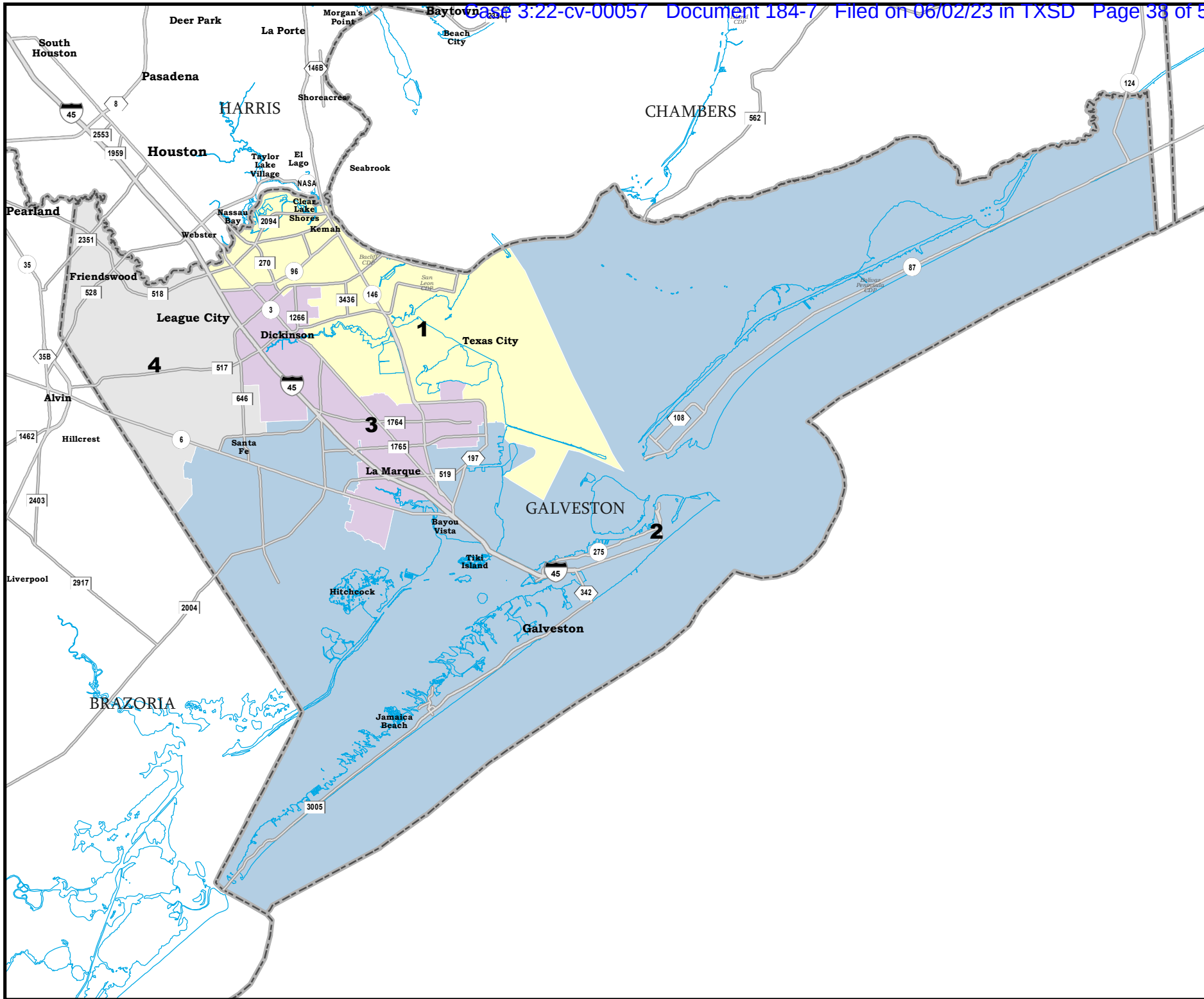


COUNTIES
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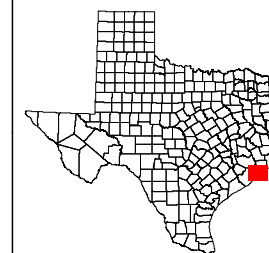


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GALVESTON COUNTY

State House Districts Proposed Plan TLC2H2085



HOUSE DISTRICTS - TLC2H2085

Total State Population	29,145,505
Total Districts Required	150
Ideal District Population	194,303
Unassigned Population	28,794,823
Districts in Plan	4
Unassigned Geography	Yes
Districts Contiguous	Yes

	Population	-----Deviation-----	
		Total	Percent
Plan Overall Range		1,612	0.83%
Smallest District (3)	86,974	-107,329	-55.24%
Largest District (1)	88,586	-105,717	-54.41%
Average (mean)	87,671	106,633	54.88%

TLC2H2085

HOUSE DISTRICTS - TLC2H2085

	Deviation		Total	Anglo	Non-Anglo	Asian	Black	Hispanic	B+H	%Anglo	%Non-Anglo	%Asian	%Black	%Hispanic	%B+H
DISTRICT 1	-105,717	Total:	88,586	53,809	34,777	4,403	7,033	21,504	28,050	60.7	39.3	5.0	7.9	24.3	31.7
	-54.41 %	VAP:	67,552	43,563	23,989	3,261	4,755	14,314	18,884	64.5	35.5	4.8	7.0	21.2	28.0
Galveston (25%)			88,586	53,809	34,777	4,403	7,033	21,504	28,050	60.7	39.3	5.0	7.9	24.3	31.7
DISTRICT 2	-107,130	Total:	87,173	47,965	39,208	2,665	12,661	22,387	34,398	55.0	45.0	3.1	14.5	25.7	39.5
	-55.14 %	VAP:	70,880	41,695	29,185	2,138	9,292	16,172	25,168	58.8	41.2	3.0	13.1	22.8	35.5
Galveston (25%)			87,173	47,965	39,208	2,665	12,661	22,387	34,398	55.0	45.0	3.1	14.5	25.7	39.5
DISTRICT 3	-107,329	Total:	86,974	31,243	55,731	2,315	24,205	28,438	51,622	35.9	64.1	2.7	27.8	32.7	59.4
	-55.24 %	VAP:	64,868	25,644	39,224	1,721	17,469	19,019	36,057	39.5	60.5	2.7	26.9	29.3	55.6
Galveston (25%)			86,974	31,243	55,731	2,315	24,205	28,438	51,622	35.9	64.1	2.7	27.8	32.7	59.4
DISTRICT 4	-106,354	Total:	87,949	58,341	29,608	6,253	5,275	16,307	21,193	66.3	33.7	7.1	6.0	18.5	24.1
	-54.74 %	VAP:	64,082	44,118	19,964	4,309	3,527	10,654	14,022	68.8	31.2	6.7	5.5	16.6	21.9
Galveston (25%)			87,949	58,341	29,608	6,253	5,275	16,307	21,193	66.3	33.7	7.1	6.0	18.5	24.1

American Community Survey Special Tabulation
 Using Census and American Community Survey Data
HOUSE DISTRICTS - TLC2H2085

2020 Census			Special Tabulation of Citizen Voting Age Population (CVAP) from the 2017-2021 American Community Survey with Margins of Error												
District	Total	VAP	CVAP	Hispanic CVAP % Hispanic	Not Hispanic or Latino Citizen Voting Age Population (CVAP)										% Remainder 2 or More Other
					% Black Alone	% Black + White	% Black + American Indian	% White Alone	% American Indian Alone	% Asian Alone	% Native Hawaiian Alone	% American Indian + White	% Asian + White		
1	88,586	67,552	64,810 (±3,338)	17.8 (±2.2)	7.0 (±1.6)	0.4 (±0.3)	0.1(±0.2)	69.9 (±2.2)	0.1 (±0.2)	3.2 (±0.8)	0.0 (±0.2)	0.7 (±0.3)	0.7 (±0.4)	0.2 (±0.3)	
2	87,173	70,880	63,280 (±2,291)	21.4 (±1.8)	13.4 (±1.3)	0.4 (±0.3)	0.2(±0.3)	61.6 (±1.8)	0.4 (±0.3)	1.7 (±0.5)	0.0 (±0.2)	0.7 (±0.3)	0.2 (±0.2)	0.2 (±0.2)	
3	86,974	64,868	59,040 (±2,750)	24.9 (±2.5)	24.4 (±2.1)	1.3 (±0.6)	0.1(±0.2)	44.9 (±2.3)	0.2 (±0.2)	3.1 (±1.0)	0.1 (±0.2)	0.3 (±0.3)	0.2 (±0.2)	0.5 (±0.4)	
4	87,949	64,082	59,430 (±2,756)	16.1 (±2.2)	5.0 (±1.2)	0.7 (±0.5)	0.0(±0.2)	73.1 (±2.2)	0.2 (±0.2)	3.7 (±0.9)	0.0 (±0.2)	0.7 (±0.4)	0.3 (±0.3)	0.2 (±0.2)	

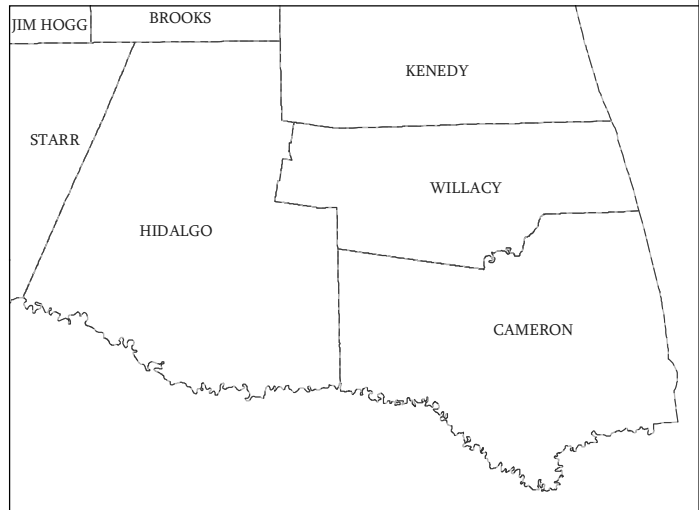
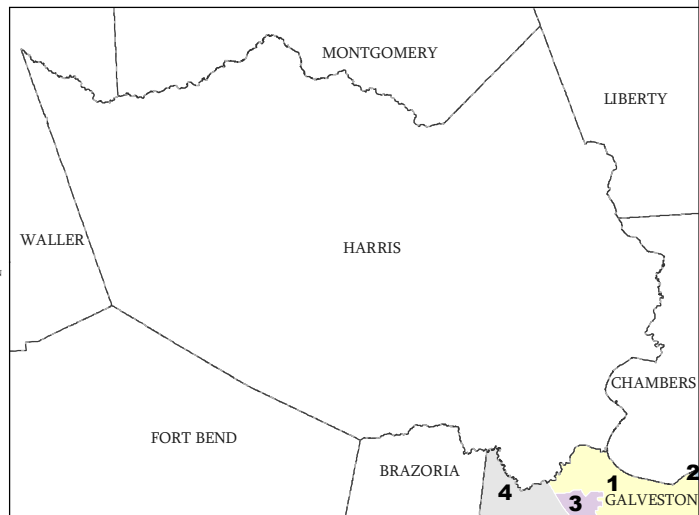
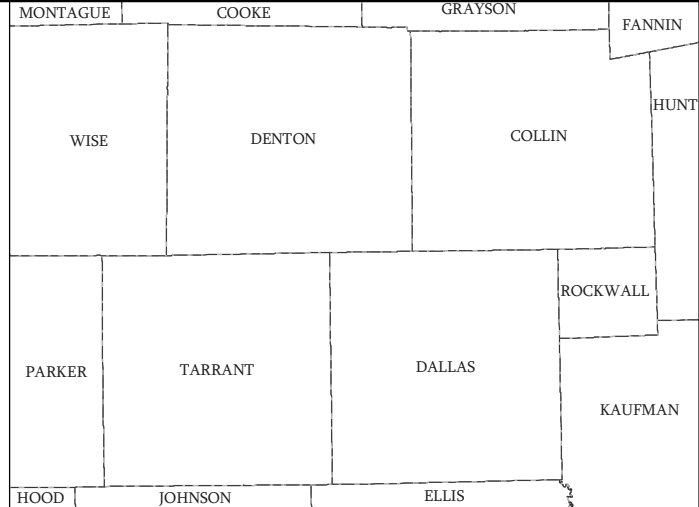
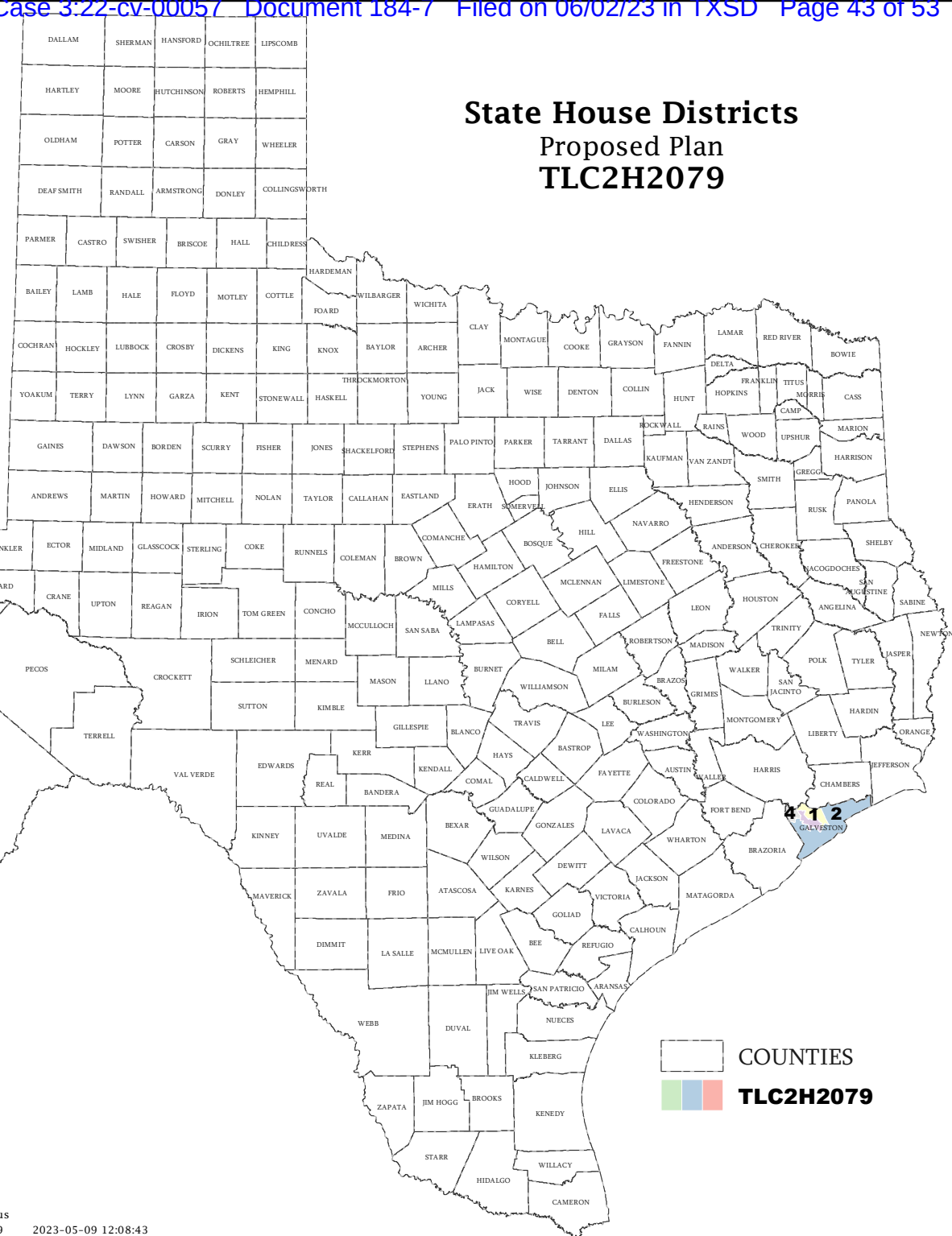
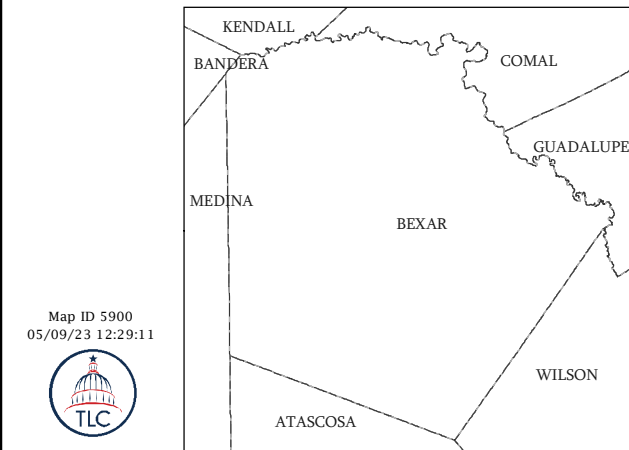
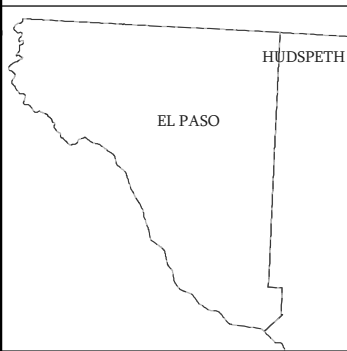
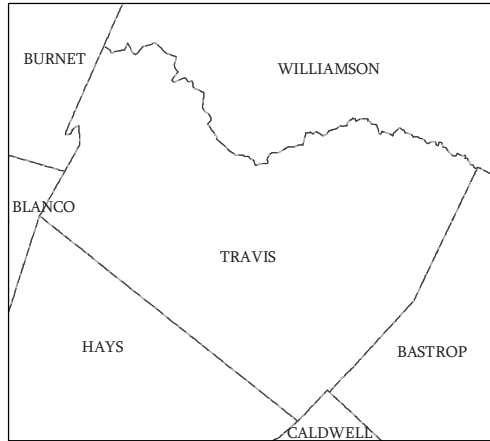
The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. Because the MOE can only be calculated using whole block groups, all block groups with more than 50% of the population in a district are included in the analysis. The Red-118 report provides a summary of the block groups used in the analysis.
 The percent for each CVAP population category is that group's CVAP divided by the CVAP total.
 Numbers in parentheses are margins of error at 90% confidence level.

TYE RUSH DEMONSTRATIVE MAP UNIFYING COAST V3

(Alternative Map 3 included in report of Dr. Traci Burch)

Texas Legislative Council (TLC) Map and Data Report

State House Districts Proposed Plan TLC2H2079

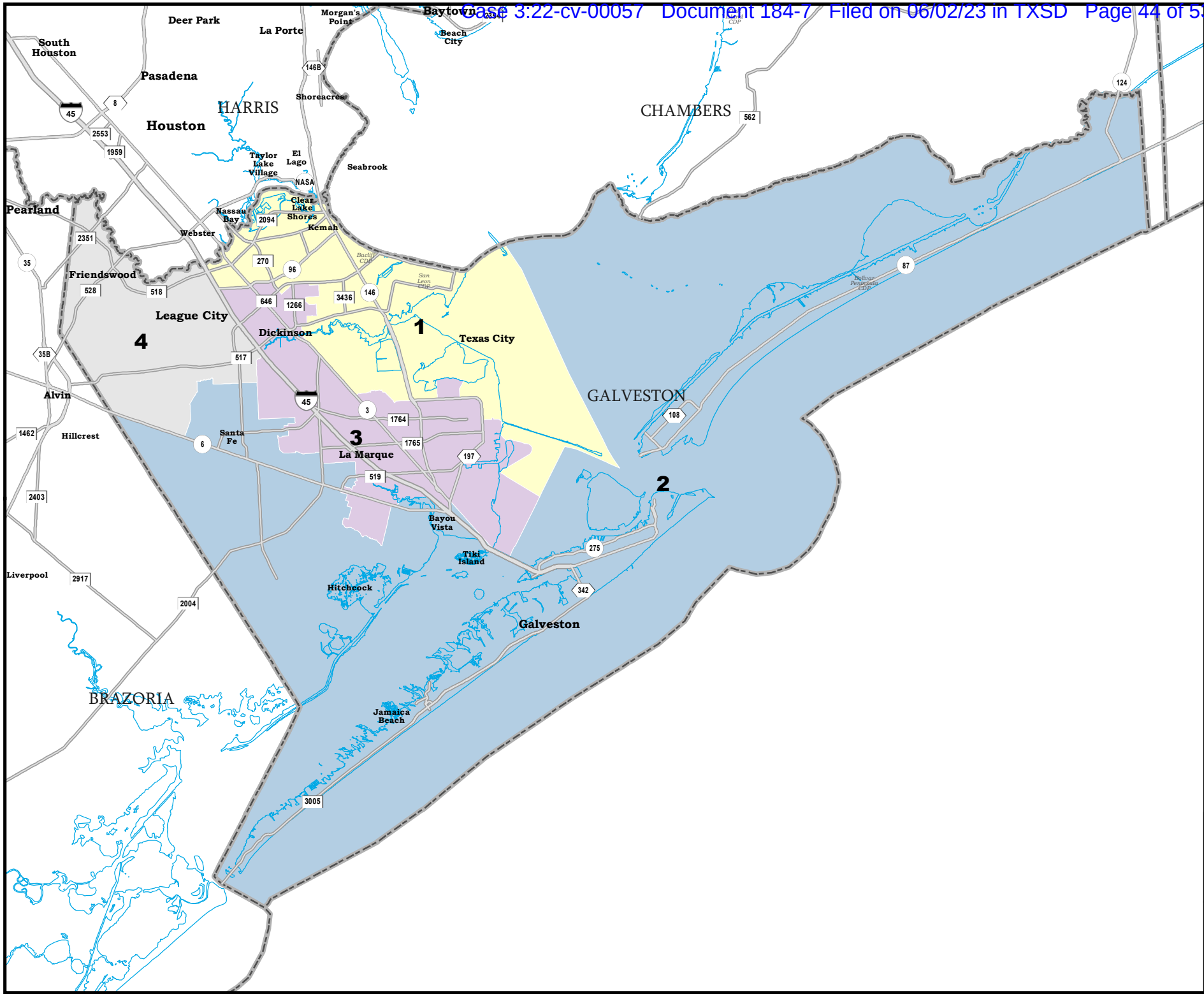


COUNTIES
TLC2H2079

Map ID 5900
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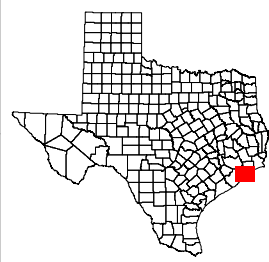


GALVESTON COUNTY


State House Districts Proposed Plan TLC2H2079


 COUNTIES

TLC2H2079



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 2020 Census
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HOUSE DISTRICTS - TLC2H2079

Total State Population	29,145,505
Total Districts Required	150
Ideal District Population	194,303
Unassigned Population	28,794,823
Districts in Plan	4
Unassigned Geography	Yes
Districts Contiguous	Yes

	Population	-----Deviation-----	
		Total	Percent
Plan Overall Range		1,450	0.74%
Smallest District (4)	87,136	-107,167	-55.15%
Largest District (1)	88,586	-105,717	-54.41%
Average (mean)	87,671	106,633	54.88%

TLC2H2079

HOUSE DISTRICTS - TLC2H2079

	Deviation		Total	Anglo	Non-Anglo	Asian	Black	Hispanic	B+H	%Anglo	%Non-Anglo	%Asian	%Black	%Hispanic	%B+H
DISTRICT 1	-105,717	Total:	88,586	53,809	34,777	4,403	7,033	21,504	28,050	60.7	39.3	5.0	7.9	24.3	31.7
	-54.41 %	VAP:	67,552	43,563	23,989	3,261	4,755	14,314	18,884	64.5	35.5	4.8	7.0	21.2	28.0
Galveston (25%)			88,586	53,809	34,777	4,403	7,033	21,504	28,050	60.7	39.3	5.0	7.9	24.3	31.7
DISTRICT 2	-107,081	Total:	87,222	50,843	36,379	2,494	10,615	21,559	31,619	58.3	41.7	2.9	12.2	24.7	36.3
	-55.11 %	VAP:	71,303	44,082	27,221	2,013	7,832	15,669	23,250	61.8	38.2	2.8	11.0	22.0	32.6
Galveston (25%)			87,222	50,843	36,379	2,494	10,615	21,559	31,619	58.3	41.7	2.9	12.2	24.7	36.3
DISTRICT 3	-106,565	Total:	87,738	30,563	57,175	2,163	25,385	28,896	53,222	34.8	65.2	2.5	28.9	32.9	60.7
	-54.84 %	VAP:	65,385	25,081	40,304	1,612	18,358	19,343	37,245	38.4	61.6	2.5	28.1	29.6	57.0
Galveston (25%)			87,738	30,563	57,175	2,163	25,385	28,896	53,222	34.8	65.2	2.5	28.9	32.9	60.7
DISTRICT 4	-107,167	Total:	87,136	56,143	30,993	6,576	6,141	16,677	22,372	64.4	35.6	7.5	7.0	19.1	25.7
	-55.15 %	VAP:	63,142	42,294	20,848	4,543	4,098	10,833	14,752	67.0	33.0	7.2	6.5	17.2	23.4
Galveston (25%)			87,136	56,143	30,993	6,576	6,141	16,677	22,372	64.4	35.6	7.5	7.0	19.1	25.7

American Community Survey Special Tabulation
 Using Census and American Community Survey Data
HOUSE DISTRICTS - TLC2H2079

Special Tabulation of Citizen Voting Age Population (CVAP) from the 2017-2021 American Community Survey with Margins of Error														
2020 Census			Hispanic CVAP	Not Hispanic or Latino Citizen Voting Age Population (CVAP)										
District	Total	VAP		CVAP	% Hispanic	% Black Alone	% Black + White	% Black + American Indian	% White Alone	% American Indian Alone	% Asian Alone	% Native Hawaiian Alone	% American Indian + White	% Asian + White
1	88,586	67,552	64,810 (±3,338)	17.8 (±2.2)	7.0 (±1.6)	0.4 (±0.3)	0.1(±0.2)	69.9 (±2.2)	0.1 (±0.2)	3.2 (±0.8)	0.0 (±0.2)	0.7 (±0.3)	0.7 (±0.4)	0.2 (±0.3)
2	87,222	71,303	65,605 (±2,466)	21.4 (±2.0)	10.9 (±1.1)	0.4 (±0.3)	0.2(±0.3)	64.2 (±1.7)	0.1 (±0.2)	1.5 (±0.4)	0.1 (±0.2)	0.8 (±0.4)	0.2 (±0.2)	0.1 (±0.2)
3	87,738	65,385	61,125 (±2,762)	25.3 (±2.5)	24.8 (±2.1)	1.3 (±0.6)	0.1(±0.2)	44.3 (±2.2)	0.4 (±0.3)	2.7 (±0.9)	0.1 (±0.2)	0.3 (±0.2)	0.1 (±0.2)	0.6 (±0.4)
4	87,136	63,142	55,020 (±2,588)	15.0 (±1.9)	6.3 (±1.4)	0.8 (±0.5)	0.0(±0.2)	72.1 (±2.4)	0.2 (±0.2)	4.5 (±1.0)	0.0 (±0.2)	0.5 (±0.3)	0.3 (±0.3)	0.2 (±0.2)

The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. Because the MOE can only be calculated using whole block groups, all block groups with more than 50% of the population in a district are included in the analysis. The Red-118 report provides a summary of the block groups used in the analysis.

The percent for each CVAP population category is that group's CVAP divided by the CVAP total.

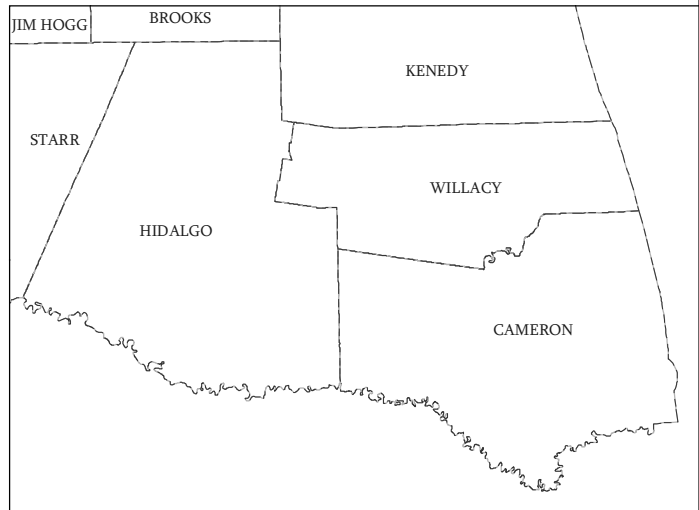
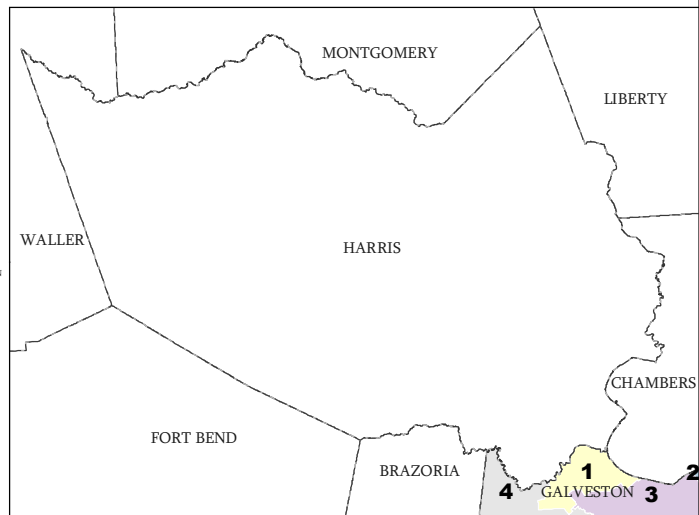
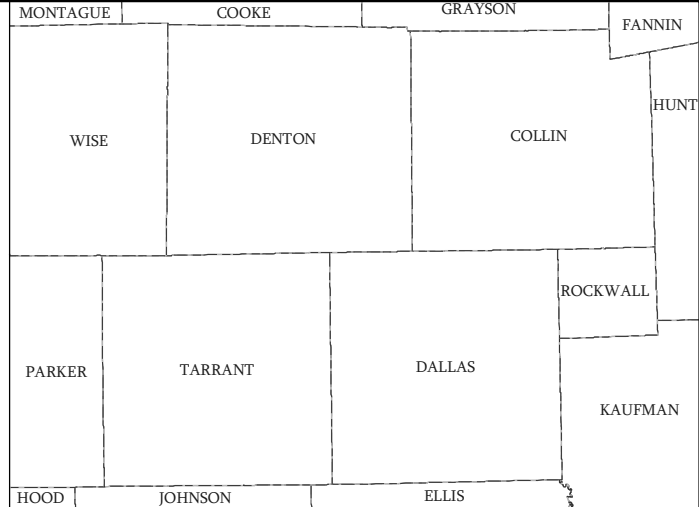
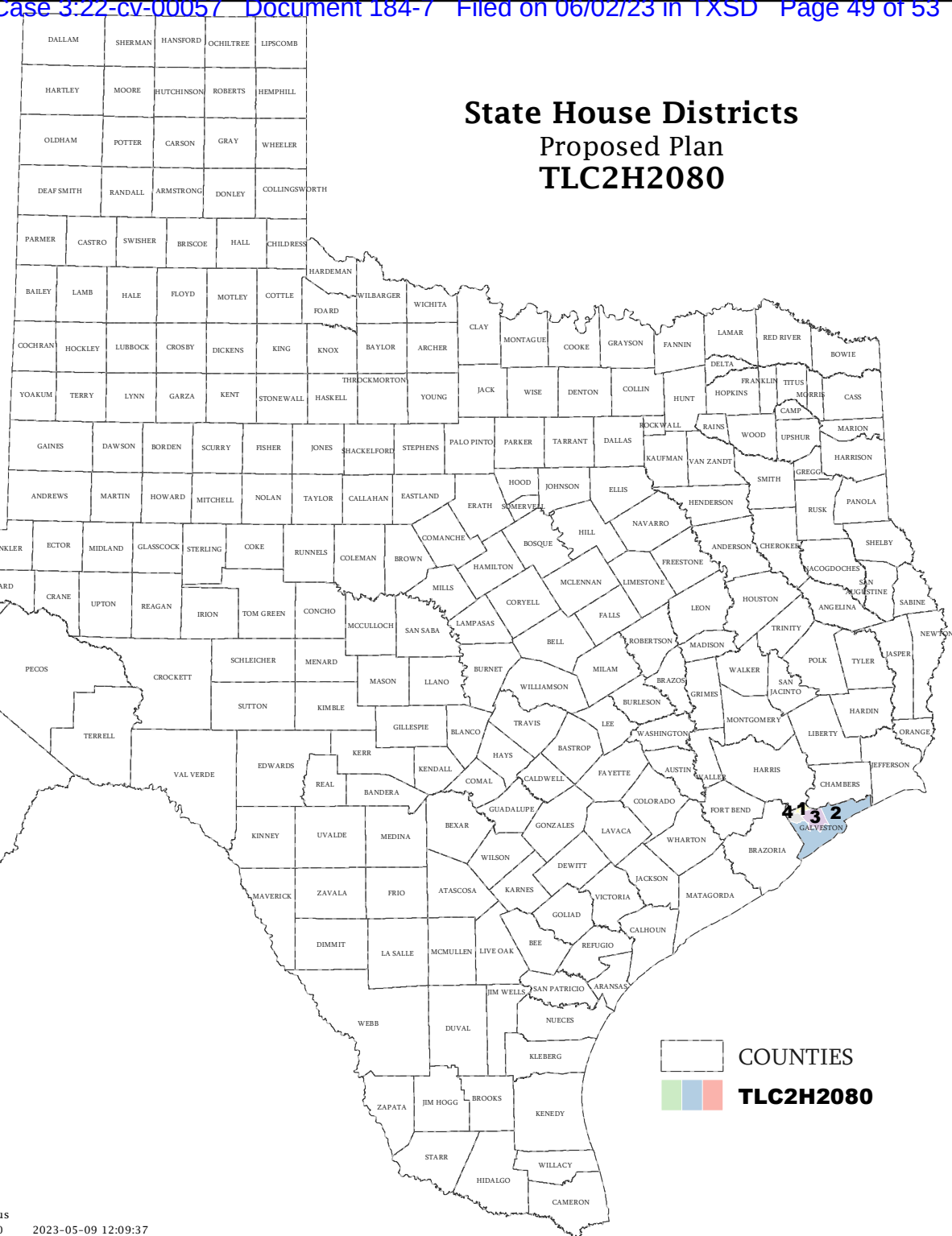
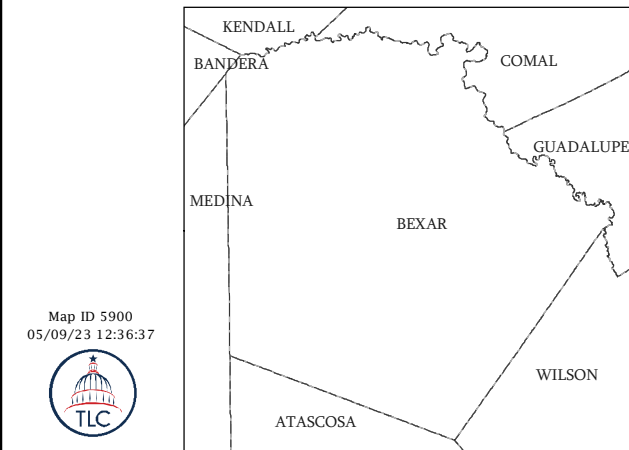
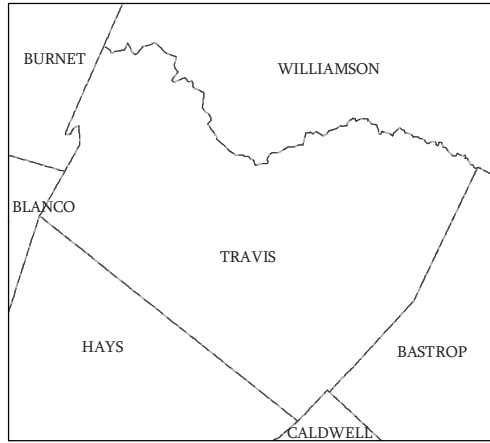
Numbers in parentheses are margins of error at 90% confidence level.

TYE RUSH DEMONSTRATIVE MAP UNIFYING COAST V4

(Alternative Map 4 included in report of Dr. Traci Burch)

Texas Legislative Council (TLC) Map and Data Report

State House Districts Proposed Plan TLC2H2080

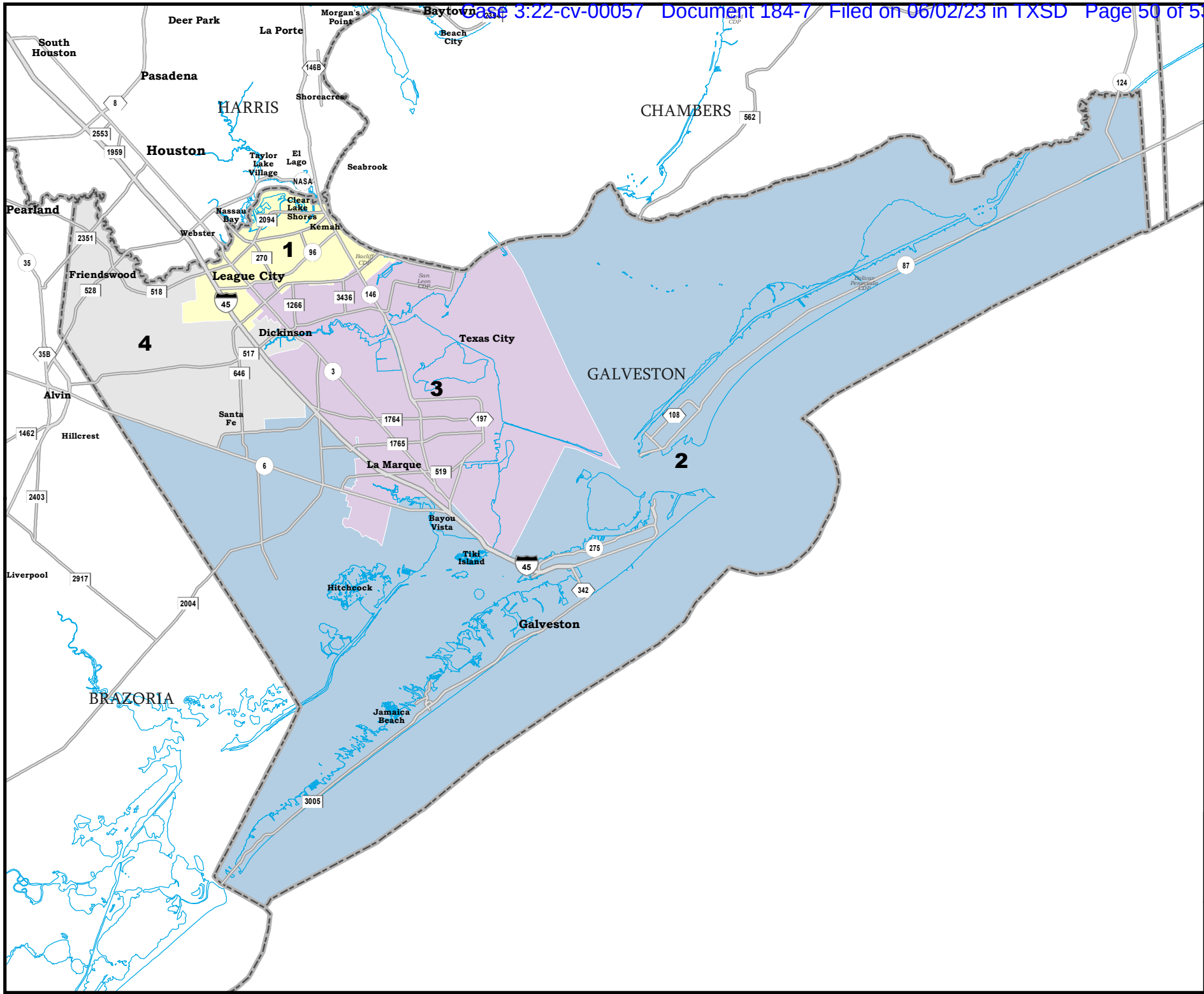


COUNTIES
TLC2H2080

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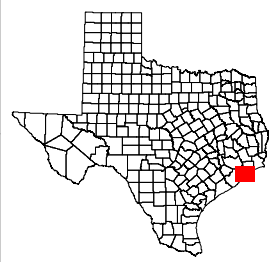
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2020 Census
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GALVESTON COUNTY

State House Districts Proposed Plan TLC2H2080

 COUNTIES
 **TLC2H2080**



56320
2020 Census
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Map ID 5900
05/09/23 12:36:37



HOUSE DISTRICTS - TLC2H2080

Total State Population	29,145,505
Total Districts Required	150
Ideal District Population	194,303
Unassigned Population	28,794,823
Districts in Plan	4
Unassigned Geography	Yes
Districts Contiguous	Yes

	Population	-----Deviation-----	
		Total	Percent
Plan Overall Range		3,146	1.62%
Smallest District (4)	86,098	-108,205	-55.69%
Largest District (1)	89,244	-105,059	-54.07%
Average (mean)	87,671	106,633	54.88%

TLC2H2080

District Population Analysis with County Subtotals

HOUSE DISTRICTS - TLC2H2080

	Deviation		Total	Anglo	Non-Anglo	Asian	Black	Hispanic	B+H	%Anglo	%Non-Anglo	%Asian	%Black	%Hispanic	%B+H
DISTRICT 1	-105,059	Total:	89,244	54,865	34,379	5,612	7,064	19,878	26,456	61.5	38.5	6.3	7.9	22.3	29.6
	-54.07 %	VAP:	66,925	43,278	23,647	4,074	4,823	13,133	17,758	64.7	35.3	6.1	7.2	19.6	26.5
Galveston (25%)			89,244	54,865	34,379	5,612	7,064	19,878	26,456	61.5	38.5	6.3	7.9	22.3	29.6
DISTRICT 2	-106,789	Total:	87,514	49,328	38,186	2,652	11,749	22,220	33,351	56.4	43.6	3.0	13.4	25.4	38.1
	-54.96 %	VAP:	71,223	42,772	28,451	2,133	8,623	16,077	24,416	60.1	39.9	3.0	12.1	22.6	34.3
Galveston (25%)			87,514	49,328	38,186	2,652	11,749	22,220	33,351	56.4	43.6	3.0	13.4	25.4	38.1
DISTRICT 3	-106,477	Total:	87,826	31,249	56,577	1,565	24,103	30,046	53,155	35.6	64.4	1.8	27.4	34.2	60.5
	-54.80 %	VAP:	66,057	26,161	39,896	1,176	17,435	20,188	37,212	39.6	60.4	1.8	26.4	30.6	56.3
Galveston (25%)			87,826	31,249	56,577	1,565	24,103	30,046	53,155	35.6	64.4	1.8	27.4	34.2	60.5
DISTRICT 4	-108,205	Total:	86,098	55,916	30,182	5,807	6,258	16,492	22,301	64.9	35.1	6.7	7.3	19.2	25.9
	-55.69 %	VAP:	63,177	42,809	20,368	4,046	4,162	10,761	14,745	67.8	32.2	6.4	6.6	17.0	23.3
Galveston (25%)			86,098	55,916	30,182	5,807	6,258	16,492	22,301	64.9	35.1	6.7	7.3	19.2	25.9

American Community Survey Special Tabulation
 Using Census and American Community Survey Data
HOUSE DISTRICTS - TLC2H2080

Special Tabulation of Citizen Voting Age Population (CVAP) from the 2017-2021 American Community Survey with Margins of Error														
2020 Census			Hispanic CVAP	Not Hispanic or Latino Citizen Voting Age Population (CVAP)										
District	Total	VAP		CVAP	% Hispanic	% Black Alone	% Black + White	% Black + American Indian	% White Alone	% American Indian Alone	% Asian Alone	% Native Hawaiian Alone	% American Indian + White	% Asian + White
1	89,244	66,925	62,260 (±3,226)	15.6 (±2.2)	5.7 (±1.6)	0.3 (±0.3)	0.1(±0.2)	72.4 (±2.2)	0.2 (±0.2)	4.4 (±1.0)	0.0 (±0.2)	0.6 (±0.3)	0.6 (±0.4)	0.2 (±0.3)
2	87,514	71,223	64,895 (±2,411)	22.4 (±2.0)	12.2 (±1.2)	0.4 (±0.3)	0.2(±0.3)	61.8 (±1.7)	0.3 (±0.3)	1.6 (±0.5)	0.0 (±0.2)	0.6 (±0.3)	0.2 (±0.2)	0.1 (±0.2)
3	87,826	66,057	61,375 (±2,830)	27.4 (±2.6)	24.7 (±2.1)	1.1 (±0.6)	0.1(±0.2)	44.0 (±2.1)	0.2 (±0.2)	1.3 (±0.5)	0.1 (±0.2)	0.5 (±0.3)	0.2 (±0.3)	0.4 (±0.3)
4	86,098	63,177	57,480 (±2,700)	14.3 (±1.8)	6.5 (±1.4)	1.0 (±0.6)	0.0(±0.2)	72.4 (±2.4)	0.1 (±0.2)	4.4 (±1.2)	0.0 (±0.2)	0.8 (±0.4)	0.3 (±0.3)	0.3 (±0.3)

The American Community Survey provided estimated citizen voting age population (CVAP) data at the block group level in a Special Tabulation. Because the MOE can only be calculated using whole block groups, all block groups with more than 50% of the population in a district are included in the analysis. The Red-118 report provides a summary of the block groups used in the analysis.
 The percent for each CVAP population category is that group's CVAP divided by the CVAP total.
 Numbers in parentheses are margins of error at 90% confidence level.

Exhibit 7

**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>	§

DECLARATION OF TYE RUSH

I, Tye Rush, pursuant to 28 U.S.C. § 1746, hereby declare and state as follows:

1. When drawing all of my demonstrative maps for this matter, including Demonstrative Map 1, 2, 2b, and 3 as well as Alternative Plans 1, 2 3 and 4, I did not utilize nor look at racial demographic data. Instead, I drew these maps following only traditional redistricting principles. Only after completing my maps did I review the racial demographic data to determine whether the maps satisfied *Gingles 1*.
2. I researched the population of League City, TX and as of April 1, 2020, according to the U.S. Census Bureau, the total population was 114,392.
3. In my Demonstrative Map 1, Precinct 3 as drawn, includes a total of 29,947 Hispanic residents and 25,587 Black Residents. Only 17 residents from League City are in Precinct 3. Of those residents 0 are Black and 7 Hispanic. I only included these 17 League City residents to keep voting precinct 340 intact.
4. In my Demonstrative Map 2, Precinct 3 as drawn, includes a total of 31,823 Hispanic residents and 27,271 Black Residents. Only 750 residents from League City are in Precinct 3. Of those residents 74 are Black and 494 Hispanic. I only included these 750 League City residents to balance total population.
5. In my Demonstrative Map 2b, Precinct 3 as drawn, includes a total of 30,473 Hispanic residents and 26,837 Black Residents. Only 750 residents from League City are in Precinct 3. Of those residents 74 are Black and 494 Hispanic. I only included these 750 League City residents to balance total population.

6. In my Demonstrative Map 3, Precinct 3 as drawn, includes a total of 31,078 Hispanic residents and 26,954 Black Residents. Only 17 residents from League City are in Precinct 3. Of those residents 0 are Black and 7 Hispanic. I only included these 17 League City residents to keep voting precinct 340 intact.
7. In my Alternative Plan 1, Precinct 3 as drawn includes a total of 28,081 Hispanic residents and 21,950 Black Residents. Only 8,919 residents from League City are in Precinct 3. Of these 8,919 residents, 1,077 are Black and 2,260 Hispanic.
8. In my Alternative Plan 2, Precinct 3 as drawn includes a total of 28,438 Hispanic residents and 22,831 Black Residents. Only 8,951 residents from League City are in Precinct 3. Of those residents, 1,077 are Black and 2,279 Hispanic.
9. In my Alternative Plan 3, Precinct 3 as drawn includes a total of 28,896 Hispanic residents and 23,965 Black Residents. Only 5,323 residents from League City are in Precinct 3. Of those residents, 581 are Black and 1,354 Hispanic.
10. In my Alternative Plan 4, Precinct 3 as drawn includes a total of 30,046 Hispanic residents and 22,771 Black Residents. Only 750 residents from League City are in Precinct 3. Of those residents, 74 are Black and 494 Hispanic.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of June 2023.

A handwritten signature in cursive script, appearing to read "Tyne Rush".

TYE RUSH

Exhibit 8

April 14, 2023 Rebuttal Declaration of Dr. Matt A. Barreto and Mr. Michael Rios

Pettaway, et al. v. Galveston County, et al.
United States District Court
Southern District of Texas
Case No. 3:22-cv-57-JVB

1. I, Dr. Matt Barreto, pursuant to 28 U.S.C. §1746, Rule 26(a)(B) of the Federal Rules of Civil Procedure, 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 submitted an expert report in this case on January 13, 2023 on behalf of Pettaway Plaintiffs.
3. I summarized my qualifications and attached my CV in my initial report, and those remain the same today.
4. Similar to my previous report, Mr. Michael Rios, data scientist at the UCLA Voting Rights Project, co-authored this report. His CV also remains the same today.
5. We have now had the opportunity to review the report submitted by Defendants expert Dr. John Alford and provide our rebuttal to his report here. We also replicate our original analysis to provide racially polarized voting estimates based on the actual voter file for Galveston, which was not provided to us by Galveston County in time to include in the prior report.

I. Dr. Alford’s proposed cohesion thresholds are not supported by social science literature or analysis.

6. Dr. Alford starts his rebuttal by offering admittedly untested social science and legal theory as to what constitutes political cohesion among voters. He writes “to date, neither the courts nor the academic literature have provided any bright-line standard.” However, Dr. Alford ignores that the Supreme Court provided guidance to political scientists about cohesion, stating “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.” A bright line threshold like that advanced by Dr. Alford would be inconsistent with social science practices and standards that typically look for patterns across data, not one single specific threshold.
7. To create a minimum 75% threshold in favor of their preferred candidate would be an unnecessary and artificial bright line. To Dr. Alford’s novel theory, what if the minority group was found to be voting at 74% in favor of a preferred candidate, but their candidate always lost due to Anglo bloc voting – is that not evidence of racially polarized voting? From the perspective of representation and candidates of choice, the question is quite simple:

if only Anglos would have voted, who would they have elected? If only non-Anglos would have voted, who would they have elected? *Gingles* does not require the Court to impose any artificial threshold to prove a candidate of choice, it is simply the candidate who is most preferred, understanding that from election to election and candidate to candidate, voting patterns can shift. Instead, one needs to show that “a significant number” of minorities are voting for the same candidate to show cohesion.

8. Specifically, Dr. Alford states that the level of voter cohesion needed to meet the *Gingles* 2 and *Gingles* 3 thresholds is unclear, and that “the halfway point between the complete absence of cohesion at 50% and perfect cohesion at 100% is found at 75%” (page 3). He gives no social science justification for the halfway point. Indeed, published social science research on minority political cohesion does not point to this 75% threshold as important or necessary. According to a political science study published in the journal *Social Science Quarterly* by Dr. Trey M.V. Hood, an expert witness which the State of Texas has hired and relied upon, political cohesion can be defined as simply greater than 50%. Dr. Hood writes: “The second prong concerns the degree to which the minority group in question is politically cohesive. Put another way, does a clear candidate of choice exist for minority voters? How exactly does one define one or another group’s ‘*clear candidate of choice*’? A standard definition is: a clear candidate of choice is the candidate who received a majority of the vote (50.01 percent) from the minority group in question.”¹
9. However, attempting to use a specific threshold can be misleading. Cohesion is simply when a racial group could elect their preferred candidate if only that group of voters voted. For example, in a two-person race where only **racial group A** voted, if **racial group A** is estimated to prefer **candidate 1** by a vote margin of 67 to 33, they are demonstrating that by a 2-to-1 margin they are cohesive around candidate 1. Dr. Alford gives no reason as to why such a showing would not be strong enough to demonstrate racially polarized voting and political cohesion, other than he likes the halfway point of 75.
10. According to Dr. Alford, “cohesion levels below 75% are closer to non-cohesion than they are to complete cohesion” (page 3). Therefore, in an instance where **racial group A** is estimated to prefer **candidate 1** by a vote margin of 74 to 26, Dr. Alford would consider this group non-cohesive. If instead **racial group A** preferred **candidate 1** by a margin of 76 to 24 votes, Dr. Alford would consider this group closer to be cohesive. This further illustrates how using a specific threshold to estimate cohesion is misleading and unnecessary.
11. In any event, we have now been able to conduct a BISG analysis of racially polarized voting in Galveston County, as discussed below. That data show that Both Hispanic and Black voters support the same candidates at rates above 75% for all but one of the 30 elections across all five election cycles. So even if Dr. Alford’s cohesion threshold were the rule, it is satisfied here.

¹ “From Legal Theory to Practical Application: A How-To for Performing Vote Dilution Analyses.” 2016. *Social Science Quarterly*. (Peter A. Morrison, coauthor).

II. Race, not partisanship, explains the racially polarized voting in Galveston County elections.

12. In his critique of all Plaintiffs' experts, Dr Alford does not refute that racially polarized voting exists. Instead, he opines that Plaintiffs' experts "clearly establish[] that voting in partisan elections in Galveston County is clearly polarized according to the party affiliation of the candidates." Specifically, he claims that polarized voting in Galveston County is a result of partisanship rather than race/ethnicity (pages 6, 7, 9, and 11). He then goes on to say that this polarization is not due to the race of the candidate. While this causation question should not matter, the data indicate that Dr. Alford is wrong—race, not partisanship, explains the phenomenon of racially polarized voting in Galveston County elections.
13. In particular, the data reveals that political party is essentially a proxy for race in Galveston County. Although Dr. Alford criticized our discussion of this topic in our initial report as relying too heavily on national scholarship,² the ecological inference data we set forth in our initial report provides significant quantitative support for this conclusion. According to our BISG analysis, across all analyzed elections from 2014 to 2022, an average of just 10% of Galveston County Anglo voters supported the Democratic candidate. Across all analyzed elections from 2014 to 2022, an average of 1-7% of Galveston County Black voters supported the Republican candidate. Likewise, across all analyzed elections, just 12-16% of Galveston County Hispanic voters supported the Republican candidate.
14. The extreme magnitude of the polarization in Galveston County—which is starker than one finds analyzing Texas elections statewide—strongly suggests that political parties in Galveston County are simply a proxy for race.
15. To assess whether political parties are a proxy for race, two questions are important to consider: (1) the percentage of white voters that make up each political party in the jurisdiction and (2) the extent to which the Republican party nominates minority candidates for office in the jurisdiction and, if it does do so, any differences in the level of support among white Republican voters for minority or white Republican candidates.
16. On the first factor, the vast majority of Galveston County Republican voters are white while the vast majority of Galveston County Democratic voters are minorities. This can be seen from the extreme polarization figures from the ecological inference analysis discussed above.

² Having anticipated criticism about partisanship and polarized voting, we explain the abundance of literature published in political science that has concluded that racial attitudes are inseparable from partisan attachment among Anglos in the original January 13, 2023 report. Especially in the years since the 2008 election of Barack Obama, conservative racial attitudes have been a very strong factor in explaining Anglo support for Republican candidates. In our review of the political science literature, we cite roughly 20 peer-reviewed published studies. Dr. Alford cites no scholarly literature to contradict or refute this claim. This is because there is a consensus among political scientists that racial attitudes explain support for political parties among both Anglos and Minorities.

17. On the second factor, there has never been a minority Republican who has won a primary election to be the party's nominee for Galveston County Judge or County Commissioner. This is stark evidence that political parties are a proxy for race in Galveston County. While Black Republican Robin Armstrong now serves on the Commission, he was appointed after a white Republican (Clark) won the 2022 primary for Precinct 4 and passed away. As there was no Democratic nominee in the precinct, Armstrong was uncontested in the November election. By contrast, the 2022 Democratic candidate for Galveston County Judge (King) was Black, the 2020 Democratic candidate for Galveston County Sheriff (Salinas) was Hispanic, and the only two Black people ever nominated in a primary and subsequently elected to the Galveston County Commission have been Democrats.
18. Given the absence of any minority Republican in a contested election for Galveston County office, it is of some use to consider how Galveston County white voters have cast their ballots for white Republicans versus minority Republicans in statewide elections. In recent elections, Hispanic Republicans have run and been defeated in primary elections by Anglo voters. In 2022, Hispanic Republican George P. Bush lost to Anglo Republican Ken Paxton, winning only 28% of the vote among Galveston County Republicans. Black Republican candidate for Governor Alan West received only 14% of the vote among Galveston County Republicans in the 2022 primary election. In the primary for Land Office, two Hispanic Republicans ran and each received less than 10% of the vote from Galveston County Republicans with Weston Martinez winning 7% and Victor Avila winning 5% in the primary. In the primary election for State Board of Education, District 7, Black Republican Abolaji Ayobami won only 3% of the vote from Galveston County Republicans.
19. Of the 29 elections examined in our initial report, one involved a minority Republican—the 2018 election for the U.S. Senate in which Ted Cruz (a Hispanic man) was the Republican nominee. Notably, Senator Cruz received the lowest share of the Galveston County white vote among any of the 29 Republican candidates assessed across the five election cycles.
20. For this reason, Dr. Alford draws the wrong conclusion regarding the 2018 senate election. Dr. Alford opines that this contest shows that partisanship, not race, explains racially polarized voting in Galveston County because the Hispanic candidate (Cruz) won the white vote while the white candidate (O'Rourke) won the minority vote. The most noteworthy fact is not the rare instance of Republican voters nominated a minority candidate for statewide office, but rather that Galveston County white voters gave that Hispanic Republican candidate the lowest share of their votes among all analyzed elections across all five election cycles.
21. In this particular case, the Galveston County Commission elections are partisan and thus our analysis focuses on them as partisan contests because the Galveston County Commissioners' Court elections are partisan. Looking at voting patterns as correlated with the race of voters in each precinct is the most appropriate type of analysis.
22. Returning to the expectations for political science experts laid out in *Gingles*, expert analysis to assess the *Gingles* conditions is meant to focus on minority's preferred candidate, it does not say to focus on a candidate who is a racial minority. While minority voters may prefer co-ethnic minority candidates in some instances, they are not required to only for vote for

other Black or Latino candidates in order to prove a Section 2 claim. Minority voters are allowed to vote for whichever candidate they *prefer* to represent their community. The proper analysis is meant to focus on how different racial groups of *voters* cast their ballots, not to only focus on the race of the candidate.

23. As we make clear in this rebuttal, Dr. Alford has not conducted any independent analysis to prove that partisanship is the overriding factor. He has simply pointed out that certain candidates are Democrats and other candidates are Republican. He presents the Court with no statistical analysis demonstrating that partisanship, not race, is the factor at play. Clearly, there are wide ranging differences in the candidate preferences of Anglos and Minorities. He is asking whether or not he can explain away race effects by simply pointing out political party affiliation. However, the most relevant question is whether racial and ethnic minorities, as a group, are seeing their preferred candidates lose, relative to Anglos, not the party affiliation of the candidates.
24. Dr. Alford attempts to further his argument that the party of candidates dominates in accounting for the observed voting patterns by using the 2018 U.S. Senate election as an example (page 6). He claims that because our ecological inference analysis showed that Anglo voters supported Ted Cruz, who is Hispanic, and minority voters supported Beto O'Rourke, who is Anglo, that this demonstrates a "pattern entirely consistent with partisan polarization and entirely inconsistent with racial/ethnic polarization" (page 6). To the contrary, the race of the candidates does not dictate racially polarized voting analysis, rather it is the race of the voters and who those voters prefer. Cruz was not a minority-preferred candidate and centered most of his campaign around trying to win over Anglo voters. In the 2018 U.S. Senate election, Beto O'Rourke conducted considerable outreach to Latino voters.³ Conversely, Ted Cruz positioned himself as largely anti-immigrant.⁴ As shown in Table 1 of Appendix A in our original report, ecological inference estimates show that Latino voters largely preferred O'Rourke, therefore he was their candidate of choice regardless of his own race/ethnicity. The fact that there was stark polarization in the 2018 Senate contest is just further evidence of the patterns of racially polarized voting in Galveston County.

³ Madlin Mekelburg, "Beto O'Rourke Launches First Spanish-Language TV Ad in Texas' Senate Race against Ted Cruz," El Paso Times (El Paso Times, September 18, 2018), <https://www.elpasotimes.com/story/news/politics/elections/2018/09/18/beto-orourke-television-spanish-campaign-ad-texas-senate-race-ted-cruz/1340393002/>.

⁴ "Ted Cruz Again Defends Family Separation, as Beto O'Rourke Plans Vigil at Tornillo Tent Camp," Dallas News, August 24, 2019, <https://www.dallasnews.com/news/politics/2018/06/16/ted-cruz-again-defends-family-separation-as-beto-o-rourke-plans-vigil-at-tornillo-tent-camp/>.

III. Non-Partisan and primary elections are not particularly probative in this case.

25. Dr. Alford claims that including primary election and non-partisan local election analysis is necessary to separate party polarization and racial polarization from our ecological inference results. However, partisan general elections are the very type of elections before voters in deciding who they will elect to represent them on the Commissioners’ Court, and as such they carry the most relevance.
26. Perhaps most critical is that Dr. Alford ignores the fact that with only one exception, (Precinct No. 4 in 2014) the County Commissioners’ Court races are regularly unopposed in both the primary and general elections. Primary elections in Galveston County are not regularly contested between Anglo-preferred and Minority-preferred candidates. Therefore, the local primary elections would be less probative since voter turnout is comparatively lower with few contests being contested, and no significant local elections are being decided. As shown in Table 1 below, from 2014 to 2020, primary elections have had fewer than half as many voters turn out compared to general elections in Galveston County.

Table 1: Galveston Voter Turnout in General and Primary Elections from 2014 to 2020

Year	Election	Registered	Voted	Turnout
2020	General	228,382	155,752	68.2%
2020	Primaries	217,842	50,981	23.4%
2018	General	213,061	114,372	53.7%
2018	Primaries	207,657	36,019	17.3%
2016	General	208,387	125,342	60.1%
2016	Primaries	199,310	53,821	27.0%
2014	General	192,382	65,503	34.0%
2014	Primaries	189,900	24,188	12.7%

27. In reviewing historic election data, there has not been a competitive primary election for County Commissioners’ Court going back as far as 2012. In the key district in question here, Precinct 3, the minority-preferred candidate, Commissioner Holmes, was unopposed in his primary contests in all three elections last decade – 2012, 2016, and 2020. In fact, on the Democratic side where an overwhelming majority of Galveston minority voters vote, there has not been *any* competitive primary election for any County Commissioners’ Court Precinct or County Judge from 2012 – 2022 (see Table 2). Thus, analysis of voting patterns in primaries is not probative, nor would it be possible. In Galveston County, the most probative elections are the general elections.

TABLE 2: Galveston County Commissioners' Court, Primary and General Election Results 2014 – 2022

<p>County Judge, 2022 General – Mark Henry 70,716 votes; William H King III 38,803 votes</p> <p>County Judge, 2022 Dem Primary – William H King III 10,006 votes - <u>unopposed</u></p> <p>County Judge, 2022 GOP Primary – Mark Henry 25,401 votes – <u>unopposed</u></p> <p>County Commiss., Precinct No. 2, 2022 GOP Primary – Joe Giusti 6,630 votes – <u>unopposed</u></p> <p>County Commiss., Precinct No. 2, 2022 Dem Primary – no candidates</p> <p>County Commiss., Precinct No. 4, 2022 GOP Primary – Matt Robinson 2,279 votes; Ken Clark 4,762 votes</p> <p>County Commiss., Precinct No. 4, 2022 Dem Primary – no candidates</p>
<p>County Commiss., Precinct No. 1, 2020 General – Darrell Apffel 29,486 votes – <u>unopposed</u></p> <p>County Commiss., Precinct No. 3, 2020 General – Stephen D. Holmes 19,669 votes – <u>unopposed</u></p> <p>County Commiss., Precinct No. 1, 2020 GOP Primary – Darrell Apffel 6,486 votes – <u>unopposed</u></p> <p>County Commiss., Precinct No. 1, 2020 Dem Primary – no candidates</p> <p>County Commiss., Precinct No. 3, 2020 Dem Primary – Stephen D. Holmes 4,988 votes – <u>unopposed</u></p> <p>County Commiss., Precinct No. 3, 2020 GOP Primary – no candidates</p>
<p>County Judge, 2018 General – Mark Henry 77,048 votes – <u>unopposed</u></p> <p>County Commiss., Precinct No. 2, 2018 General – Joe Giusti 23,870 votes – <u>unopposed</u></p> <p>County Commiss., Precinct No. 4, 2018 General – Ken Clark 25,763 votes – <u>unopposed</u></p> <p>County Judge, 2018 GOP Primary – Mark Henry 12,106 votes; Lonnie Cox 11,261 votes</p> <p>County Commiss., Precinct No. 2, 2018 GOP Primary – Joe Giusti 5,228 votes; Kevin O'Brien 2,756 votes</p> <p>County Commiss., Precinct No. 2, 2018 Dem Primary – no candidates</p> <p>County Commiss., Precinct No. 4, 2018 GOP Primary – Ken Clark 3,440 votes; Michelle Hatmaker 1,572 votes; Jim Bulgier 1,089 votes; Billy Enochs 1,123 votes</p> <p>County Commiss., Precinct No. 4, 2018 Dem Primary – no candidates</p>

County Commiss., Precinct No. 1, 2016 General – Darrell Apffel 22,749 votes – **unopposed**

County Commiss., Precinct No. 3, 2016 General – Stephen D. Holmes 16,096 votes – **unopposed**

County Commiss., Precinct No. 1, 2016 GOP Primary – Darrell Apffel 3,742 votes; Tim Paulissen 3,239 votes; Barbara Meeks 2,212 votes

County Commiss., Precinct No. 1, 2016 Dem Primary – **no candidates**

County Commiss., Precinct No. 3, 2016 Dem Primary – Stephen D. Holmes 3,672 votes – **unopposed**

County Commiss., Precinct No. 3, 2016 GOP Primary – **no candidates**

County Judge, 2014 General – Mark Henry 37,949 votes; William F. Young 15,411 votes

County Commiss., Precinct No. 2, 2014 General – Joe Giusti (IND) 13,199 votes – **unopposed**

County Commiss., Precinct No. 4, 2014 General – Ken Clark 14,702 votes; Robert Hutchins 4,609 votes

County Commiss., Precinct No. 2, 2014 GOP Primary Runodd– Joe Giusti 2,133 votes; Kevin O'Brien 2,018 votes

County Judge, 2014 GOP Primary – Mark Henry 8,904 votes; Michelle Hatmaker 8,339 votes

County Judge, 2014 Dem Primary – **no candidates**

County Commiss., Precinct No. 2, 2014 GOP Primary – Joe Giusti 1,610 votes; Beau Rawlins 483 votes; John Paul Listowski 634 votes; Janet Hoffman 750 votes; Kevin O'Brien 1,504 votes; Andy McDonald 752 votes

County Commiss., Precinct No. 2, 2014 Dem Primary – **no candidates**

County Commiss., Precinct No. 4, 2014 GOP Primary – Ken Clark 4,724 votes – **unopposed**

County Commiss., Precinct No. 4, 2014 Dem Primary – **no candidates**

IV. Ecological inference analysis of adopted County Commissioners' Court precincts using BISG

28. At the time of our original report, we had not been provided the official Galveston County election history voter files in a timely manner for use by January 13, 2023 when our report was due. Since receiving them, we have been able to update our ecological inference analysis utilizing Bayesian Improved Surname Geocoding (BISG) to report estimates on county voters' race and ethnicity. Further, we analyzed 29 federal, statewide, and local elections from 2014 to 2022 countywide, and within each adopted County Commissioners' Court precinct as well as in the Petteway Plaintiffs' demonstrative precincts.

29. BISG was developed by demographic experts⁵ and has been widely published and applied in the domain of political science to understand voting trends by race and ethnicity. It has been used by experts in Section 2 voting rights trials and found credible and reliable by a federal district court⁶ and the Second Circuit Court of Appeals⁷. It has been published in peer-reviewed political science, social science methodology, and law review journals as an appropriate technique for understanding voter race or ethnicity⁸. The method relies on a combination of Census surname analysis and Census block-level racial demographics to provide an overall probability assessment of the voter's race or ethnicity.⁹ Demographers and social scientists already utilize both of these methods separately; matching Census data to geographic units is widely used for understanding racial demographics and density of an area¹⁰, and surname analysis is regularly used against the voter file to understand race and ethnicity.¹¹ Using both data sources makes it possible to gain a more precise understanding of voter demographics—two pieces of evidence, instead of just one, provides far more reliable estimates.¹²
30. BISG analysis begins by undertaking the surname analysis, a method that federal courts in Texas have found reliable. Indeed, for many years Dr. Alford has regularly used Spanish surname matching¹³ to reliably identify Hispanic voters on the voter file for EI analysis. Surname analysis in BISG starts by taking each last name in the voter file and checking it against the published directories created by the Census Bureau.¹⁴ This list, assembled based on research by demographers at the Census Bureau, has created a racial/ethnic probability for

⁵ Fiscella, Kevin, and Allen M. Fremont. "Use of geocoding and surname analysis to estimate race and ethnicity." *Health services research* 41, no. 4p1 (2006): 1482-1500.

⁶ *NAACP vs. East Ramapo Central School District*, No. 17-CV-8943-CS-JCM, May 25, 2020

⁷ *Clerveaux v. E. Ramapo Cent. Sch. Dist.* UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT. No. 20-1668. January 6, 2021

⁸ Jesse T. Clark, John A. Curiel and Tyler S. Steelman. 2021. Minmaxing of Bayesian Improved Surname Geocoding and Geography Level Ups in Predicting Race. *Political Analysis*. (Nov); Kevin DeLuca and John A. Curiel. 2022. Validating the Applicability of Bayesian Inference with Surname and Geocoding to Congressional Redistricting. *Political Analysis*. (May); M Barreto, M Cohen, L Collingwood, C Dunn, S Waknin. 2022. "A Novel Method for Showing Racially Polarized Voting: Bayesian Improved Surname Geocoding" *New York University Review of Law & Social Change*

⁹ Imai, Kosuke, and Kabir Khanna. "Improving ecological inference by predicting individual ethnicity from voter registration records." *Political Analysis* 24, no. 2 (2016): 263-272.

¹⁰ Jorge Chapa, Ana Henderson, Aggie Jooyoon Noah, Werner Schinkiv, & Robert Kengle, The Chief Justice Earl Warren Institute on Law and Social Policy, *Redistricting: Estimating Citizen Voting Age Population* (2011)

¹¹ Grofman, Bernard, and Jennifer R. Garcia. "Using Spanish Surname to Estimate Hispanic Voting Population in Voting Rights Litigation: A Model of Context Effects Using Bayes' Theorem." *Election Law Journal* 13, no. 3 (2014): 375-393.

¹² Barreto, Matt, Michael Cohen, Loren Collingwood, Chad Dunn, and Sonni Waknin. "A novel method for showing racially polarized voting: Bayesian improved surname geocoding." *New York University Review of Law & Social Change* (2021).

¹³ For example in *Cisneros v. Pasadena ISD*, 2013.

¹⁴ Elliott, Marc N., Allen Fremont, Peter A. Morrison, Philip Pantoja, and Nicole Lurie. "A new method for estimating race/ethnicity and associated disparities where administrative records lack self reported race/ethnicity." *Health services research* 43, no. 5p1 (2008): 1722-1736.

each last name in the United States based on the official Census records.¹⁵ When a person fills out the Census form, they record their last name and their self-reported race and ethnicity.¹⁶ The resulting probability estimate for each name can then be cross-referenced with the voter file. So, a surname database can assign a probability for nearly every last name found on a voter file.

31. The second step of BISG relies on the address of the voter from the voter file.¹⁷ Using a procedure known as geocoding, this address information can be cross-referenced with the data from the decennial Census at the block level. The Census data contains the self-reported race of residents, aggregated to the Census block level. Using Census statistics for the racial and ethnic composition for the block in which a voter resides, the block's racial demographic percentages can be used to refine the initial estimate of voter race by surname alone.¹⁸ By using a smaller level of aggregation (i.e., Census block), researchers have more precision in their racial estimates.
32. BISG uses the two proxy sources of voter race information—a voter's name and where they live—to generate an estimate of their race. By employing the Who Are You (WRU) package in R¹⁹ to estimate the probability that a voter is of a certain race, a more detailed analysis can be inferred from the combination of surname and geolocation data—as opposed to using just one or the other.
33. Using the voter file provided to us by Galveston County, we used the software package *eiCompare* to perform Bayesian Improved Surname Geocoding (BISG) and obtain probabilistic estimates of each voter's race in the voter file, which we then used to estimate turnout by race across precinct.²⁰ Full replication instructions are publicly available at both the WRU and *eiCompare* portals which explain the procedure in-depth with tutorials.
34. As identified in our original report, which used citizen voting-age population (CVAP), Spanish surname turnout (SSTO), and estimated voter turnout data, there is a consistent and statistically significant finding of racially polarized voting in Galveston County and within each of the four commissioner precincts.
35. As shown in Tables 3 and 4 below, for both countywide analysis and within district analysis, Black and Hispanic voters in Galveston are cohesive and vote for their candidates of choice

¹⁵ “Decennial Census Surname Files (2010, 2000).” Perma.cc. <https://perma.cc/9JLV-7NQJ>.

¹⁶ *Ibid.*

¹⁷ Amos, Brian, and Michael P. McDonald. "A Method to Audit the Assignment of Registered Voters to Districts and Precincts." *Political Analysis* 28, no. 3 (2020): 356-371.

¹⁸ Barreto, Matt, Michael Cohen, Loren Collingwood, Chad Dunn, and Sonni Waknin. "A novel method for showing racially polarized voting: Bayesian improved surname geocoding." *New York University Review of Law & Social Change*, (2022).

¹⁹ Khanna, Kabir, Kosuke Imai, and Maintainer Kabir Khanna. "Package 'wru'." (2019). The WRU package uses Bayes' Rule to compute the probability of each racial category for any given person.

²⁰ RPVote, “RPVOTE/EiCompare: Comparing Ecological Inference Techniques,” GitHub, <https://github.com/RPVote/eiCompare>.

by roughly a 3-to-1 margin or greater, and always in contrast to Anglo voters who bloc-vote against minority candidates of choice.

Table 3: Galveston County Iterative Ecological Inference (EI) Candidate Choice Estimates by Adopted County Commissioners' Court Precincts

Year	Office	Candidate	Countywide		Precinct 1		Precinct 2		Precinct 3		Precinct 4	
			Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo
2022	Attorney General	Paxton	88.5	11.0	86.0	21.4	80.6	9.0	82.2	28.8	93.4	11.3
		Garza	11.5	89.3	14.2	78.8	19.3	90.9	17.2	71.0	6.5	89.2
	County Judge	Henry	90.4	12.1	87.6	22.8	81.9	10.6	86.6	24.9	94.2	13.1
		King	9.5	87.8	12.1	76.1	18.1	89.5	13.1	74.3	5.8	86.3
	District Attorney	Roady	91.0	14.5	88.9	23.1	85.6	7.0	86.8	27.9	94.7	14.7
		Dragony	9.1	85.6	11.5	76.3	14.3	93.0	12.9	70.8	5.3	85.6
	District Judge #122	Jones	90.2	12.2	87.0	22.7	84.3	11.1	85.0	27.5	94.4	12.6
		Walsdorf	9.7	87.8	12.6	76.8	18.0	94.2	14.6	72.0	5.6	87.5
	Governor	Abbott	88.7	11.1	85.8	23.0	82.7	5.4	83.4	28.8	93.6	10.6
		O'Rourke	11.2	89.0	14.6	77.9	17.3	94.6	17.2	72.6	6.3	89.2
	Lt. Governor	Patrick	88.2	11.1	85.0	23.6	80.5	8.9	82.2	28.1	93.1	10.6
		Collier	11.8	89.1	15.1	77.1	19.5	91.1	17.7	71.1	6.9	89.5
	U.S. House of Reps, District #14	Weber	90.0	13.2	87.0	24.6	82.3	11.5	85.7	28.9	94.2	13.6
		Williams	9.9	86.8	12.9	76.3	17.7	88.7	15.3	72.5	6.0	86.6
2020	District Judge #405	Robinson	91.6	13.8	93.0	14.2	84.4	11.3	87.9	27.1	97.0	10.6
		Hudson	8.4	86.2	7.0	85.7	15.6	88.8	12.0	73.2	3.0	89.5
	District Judge #56	Cox	92.0	15.8	93.6	15.9	86.7	12.3	87.2	31.3	96.9	12.7
		Lindsey	8.0	84.2	6.4	83.9	13.3	87.7	12.9	69.2	3.2	87.1
	President	Trump	89.3	12.7	92.5	11.1	82.5	10.9	83.8	26.7	94.8	9.8
		Biden	10.7	87.7	7.5	89.0	17.5	89.0	16.3	72.3	5.2	90.3

			Countywide		Precinct 1		Precinct 2		Precinct 3		Precinct 4	
Year	Office	Candidate	Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo
	U.S. Senate	Cornyn	90.9	13.9	93.2	13.4	84.2	11.2	87.8	26.1	97.2	9.8
		Hegar	9.0	85.9	6.7	86.4	15.8	88.7	12.3	73.1	2.9	90.2
	County Sheriff	Trochesset	91.9	13.2	93.6	12.4	86.4	11.5	90.4	21.2	97.2	10.2
		Salinas	7.9	86.8	6.4	87.6	13.5	88.5	9.6	78.5	3.0	89.3
	U.S. House of Reprs, District #14	Weber	91.3	14.3	93.2	14.6	85.0	10.8	88.7	27.6	96.5	11.9
		Bell	8.5	85.6	6.9	85.4	15.0	89.2	11.6	73.2	3.5	88.0
2018	Attorney General	Paxton	87.6	8.0	90.1	7.1	78.2	8.7	90.2	12.5	90.8	8.9
		Nelson	12.6	91.9	9.8	92.5	21.8	91.6	9.8	88.1	9.3	91.6
	Galveston Court Judge #2	Foley	90.1	9.6	92.0	9.6	79.9	10.3	95.4	9.4	93.4	10.8
		Pettijohn	9.9	90.5	8.2	90.8	20.3	89.8	4.8	90.8	6.7	89.3
	Governor	Abbott	91.2	15.0	93.0	14.4	83.0	13.0	95.9	15.3	94.8	15.3
		Valdez	8.9	84.9	7.0	86.1	17.0	87.1	4.2	84.9	5.2	84.9
	Lt. Governor	Patrick	88.8	9.1	90.1	9.7	79.4	10.7	92.2	9.8	91.9	8.8
		Collier	11.3	91.2	9.7	90.0	20.6	89.2	7.8	90.0	8.0	91.5
	U.S. Senate	Cruz	87.4	8.4	89.4	8.6	77.1	10.9	90.7	9.9	91.5	8.8
		O'Rourke	12.7	91.3	10.2	91.8	22.9	89.0	9.7	90.4	8.3	91.2
U.S. House of Reprs, District #14	Weber	89.8	9.7	91.7	9.1	80.5	10.0	95.1	7.8	93.1	11.2	
	Bell	10.2	90.3	8.3	90.9	19.7	89.8	5.1	91.8	6.9	89.1	
2016	District Judge #10	Neves	91.4	16.0	94.1	13.0	85.3	7.8	95.7	20.5	94.3	17.5
		Walker	8.5	83.7	5.8	86.9	14.8	91.6	4.2	79.4	6.0	83.5
	President	Trump	89.9	12.8	91.2	13.0	80.9	12.1	94.9	12.1	93.0	12.1
		Clinton	10.3	87.3	8.8	86.9	19.0	88.5	5.2	87.9	6.7	88.0
Supreme Court Justice, Position #5	Green	91.0	15.7	93.2	13.3	83.4	9.5	96.4	19.2	93.5	16.0	
	Garza	9.0	84.2	6.8	86.6	16.6	90.4	4.0	81.2	6.2	83.5	

			Countywide		Precinct 1		Precinct 2		Precinct 3		Precinct 4	
Year	Office	Candidate	Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo
	U.S. House of Reps, District #14	Weber	91.4	15.9	94.1	13.4	84.8	7.8	96.2	20.1	94.1	16.5
		Cole	8.7	84.1	6.2	86.6	15.3	92.4	3.8	79.9	5.8	84.2
2014	Attorney General	Paxton	89.3	11.4	93.1	5.7	78.0	8.1	95.8	17.5	92.6	11.7
		Houston	10.7	88.3	6.8	94.1	21.8	91.6	4.1	82.3	7.3	88.8
	County Judge	Henry	88.5	28.9	90.2	30.0	79.6	21.3	98.2	15.0	93.0	29.5
		Young	11.6	71.7	10.0	69.1	20.0	78.7	1.9	85.6	7.0	70.4
	Governor	Abbott	89.2	7.9	91.5	5.9	79.2	2.2	96.0	12.0	92.4	8.0
		Davis	10.7	92.0	8.5	94.1	20.8	97.8	3.9	87.7	7.3	91.4
	Lt. Governor	Patrick	89.5	8.5	92.6	4.6	78.1	6.9	95.4	13.8	93.1	7.4
		Van De Putte	10.6	91.5	7.3	95.4	21.8	93.1	4.5	86.1	6.9	92.6
	U.S. Senate	Cornyn	91.2	16.7	93.3	13.4	83.0	10.5	96.8	23.6	94.7	14.5
		Alameel	8.8	83.6	6.7	86.6	17.0	90.0	3.3	76.4	5.6	85.8
	Supreme Court Justice, Position #7	Boyd	89.7	11.5	92.7	6.8	78.8	6.2	96.0	17.8	92.7	11.8
		Benavides	10.2	88.8	7.4	92.9	21.1	93.7	4.1	81.7	7.5	88.6
	U.S. House of Reps, District #14	Weber	90.7	14.1	92.7	11.1	81.5	8.9	97.2	19.8	94.3	12.1
		Brown	9.3	85.7	7.0	89.1	18.8	90.6	2.9	80.4	6.0	88.1

36. In elections across Galveston County ecological inference models point to a clear pattern of racially polarized voting. The vast majority of non-Anglo voters in Galveston County are comprised of Hispanic voters and Black voters, and these demonstrate that non-Anglos are unified and vote cohesively, siding for the same candidates of choice with high support. In contrast, Anglo voters strongly bloc 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 we presented in our original report.

Table 4: Galveston County Ecological Inference Rows by Columns (RxC) Candidate Choice Estimates by Adopted County Commissioners' Court Districts

			Countywide		Precinct 1		Precinct 2		Precinct 3		Precinct 4	
Year	Office	Candidate	Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo
2022	Attorney General	Paxton	88.8	10.4	89.7	13.0	78.7	13.5	85.7	21.7	93.1	11.4
		Garza	11.2	89.6	10.3	87.0	21.3	86.5	14.3	78.3	6.9	88.6
	County Judge	Henry	90.8	11.5	92.2	13.2	80.7	13.3	90.6	17.8	93.5	14.4
		King	9.2	88.5	7.8	86.8	19.3	86.7	9.4	82.2	6.5	85.6
	District Attorney	Roady	91.5	13.0	92.7	15.1	82.5	14.3	91.3	19.0	94.6	14.8
		Dragony	8.5	87.0	7.3	84.9	17.5	85.7	8.7	81.0	5.4	85.2
	District Judge #122	Jones	90.7	11.3	91.7	13.8	81.1	13.1	89.3	19.5	93.7	13.7
		Walsdorf	9.3	88.7	8.3	86.2	18.9	86.9	10.7	80.5	6.3	86.3
	Governor	Abbott	89.1	10.5	89.6	14.3	79.2	13.4	85.7	22.0	93.6	10.6
		O'Rourke	10.9	89.4	10.4	85.7	20.8	86.6	14.3	78.0	6.4	89.4
	Lt. Governor	Patrick	88.4	10.7	89.1	14.4	78.2	14.1	85.2	21.8	92.3	11.8
		Collier	11.6	89.3	10.9	85.6	21.8	85.9	14.8	78.2	7.7	88.2
	U.S. House of Reps, District #14	Weber	90.6	12.0	91.1	15.9	81.2	13.9	88.5	21.3	94.1	13.3
		Williams	9.4	88.0	8.9	84.1	18.8	86.1	11.5	78.7	5.9	86.7
2020	District Judge #405	Robinson	93.1	10.8	91.3	16.8	83.3	13.2	93.2	16.7	96.0	12.0
		Hudson	6.9	89.2	8.7	83.2	16.7	86.8	6.8	83.3	4.0	88.0
	District Judge #56	Cox	92.8	14.4	90.8	20.3	84.6	16.2	92.5	20.5	95.1	16.0
		Lindsey	7.2	85.6	9.2	79.7	15.4	83.8	7.5	79.5	4.9	84.0
	President	Trump	90.1	11.1	89.1	16.4	80.7	14.3	89.2	17.2	93.0	12.7
		Biden	9.9	88.9	10.9	83.6	19.3	85.7	10.8	82.8	7.0	87.3
	U.S. Senate	Comyn	92.4	11.5	89.8	18.8	82.1	15.2	93.1	15.8	95.4	12.8
		Hegar	7.6	88.5	10.2	81.2	17.9	84.8	6.9	84.2	4.6	87.2

County Sheriff	Trochesset	93.0	11.3	92.1	14.5	83.9	16.1	93.1	16.0	95.9	12.1	
	Salinas	7.0	88.7	7.9	85.5	16.1	83.9	6.9	84.0	4.1	87.9	
U.S. House of Reps, District #14	Weber	92.5	12.5	91.4	17.4	82.7	15.0	93.1	18.3	95.5	13.5	
	Bell	7.5	87.5	8.6	82.6	17.3	85.0	6.9	81.7	4.5	86.5	
2018	Attorney General	Paxton	89.7	4.2	89.9	7.7	78.2	8.6	90.0	12.1	92.5	5.9
		Nelson	10.3	95.8	10.1	92.3	21.8	91.4	10.0	87.9	7.5	94.1
	Galveston Court Judge #2	Foley	92.6	5.0	92.7	7.8	80.1	10.1	96.1	7.6	95.6	6.4
		Pettijohn	7.4	95.0	7.3	92.2	19.9	90.0	3.9	92.4	4.4	93.6
	Governor	Abbott	93.3	10.8	92.0	15.9	82.3	14.3	97.4	11.3	96.3	12.2
		Valdez	6.7	89.2	8.0	84.1	17.7	85.7	2.6	88.6	3.7	87.8
	Lt. Governor	Patrick	90.6	5.6	90.0	10.2	80.1	9.4	91.8	11.0	93.8	5.7
		Collier	9.4	94.4	10.0	89.8	19.9	90.6	8.2	89.0	6.2	94.3
	U.S. Senate	Cruz	89.2	5.2	88.0	11.0	78.0	9.2	88.7	13.4	93.3	5.7
		O'Rourke	10.8	94.8	12.0	89.0	22.0	90.8	11.3	86.6	6.7	94.3
	U.S. House of Reps, District #14	Weber	92.2	5.2	91.4	9.5	80.4	10.0	95.7	6.7	95.4	6.8
		Bell	7.8	94.8	8.6	90.5	19.6	90.0	4.3	93.3	4.6	93.2
2016	District Judge #10	Neves	94.0	11.4	93.4	14.0	85.8	7.3	98.0	15.7	96.0	13.5
		Walker	6.0	88.6	6.6	86.0	14.2	92.7	2.0	84.3	4.0	86.5
	President	Trump	92.5	7.4	90.5	14.1	81.0	11.4	96.4	8.8	94.9	9.1
		Clinton	7.5	92.6	9.5	85.9	19.0	88.6	3.6	91.2	5.1	90.9
	Supreme Court Justice, Position #5	Green	93.3	11.3	93.2	13.2	83.7	9.0	97.7	15.6	94.7	14.6
		Garza	6.7	88.7	6.8	86.8	16.3	91.0	2.3	84.4	5.3	85.4
U.S. House of Reps, District #14	Weber	93.5	11.8	93.7	13.6	84.5	8.1	97.0	18.2	95.6	13.4	
	Cole	6.5	88.1	6.3	86.4	15.5	91.9	3.0	81.8	4.4	86.6	
2014	Attorney General	Paxton	91.4	7.0	93.2	5.7	78.7	7.1	97.6	12.7	93.0	10.4
		Houston	8.6	93.0	6.8	94.3	21.3	92.9	2.4	87.3	7.0	89.6
	County Judge	Henry	90.4	24.0	94.0	21.8	78.7	24.3	95.1	22.4	94.1	27.3

	Young	9.6	76.0	6.0	78.2	21.3	75.7	4.9	77.6	5.9	72.7
Governor	Abbott	90.9	4.5	92.6	4.0	76.4	8.4	97.0	9.7	92.1	8.9
	Davis	9.1	95.5	7.4	96.0	23.6	91.6	3.0	90.3	7.9	91.1
Lt. Governor	Patrick	91.1	5.2	92.4	5.1	78.3	6.6	96.9	10.4	93.0	7.9
	Van De Putte	8.9	94.8	7.6	95.0	21.6	93.4	3.1	89.6	7.0	92.1
U.S. Senate	Cornyn	94.0	10.5	95.0	9.9	83.7	8.6	97.7	21.1	96.3	11.1
	Alameel	6.0	89.5	5.0	90.1	16.3	91.4	2.4	78.9	3.7	88.9
Supreme Court Justice, Position #7	Boyd	91.8	6.4	93.8	4.9	78.2	8.3	98.2	12.0	93.3	10.3
	Benavides	8.2	93.6	6.2	95.1	21.8	91.7	1.8	88.0	6.7	89.7
U.S. House of Reps, District #14	Weber	93.3	8.5	94.7	7.6	82.1	7.5	98.0	16.8	95.1	10.8
	Brown	6.7	91.5	5.3	92.4	17.9	92.5	2.0	83.2	4.9	89.2

37. In Galveston County, Black and Hispanic voters vote cohesively, for like candidates of choice. In particular, the analysis reveals that Black and Hispanic voters are cohesive in local elections regardless of which County Commissioners' Court precinct.
38. In addition to looking within each of the four individual Commissioner Court precincts, we can use BISG analysis of the race of the actual voters to provide Anglo, Black, Hispanic vote choice estimates for Galveston County as a whole. Dr. Alford has not produced any separate independent analysis of voting patterns by race in Galveston, nor has he disputed that elections are polarized among Anglo, Black, and Hispanic voters. Using BISG we can obtain a more precise estimate of voting patterns because here we are relying only on data among the actual people who voted, to correlate with candidate support levels.
39. In Table 5 below, we present results of ecological inference analysis using both King's Iterative and RxC models for Anglo, Black, and Hispanic voting patterns in Galveston County elections for the county as a whole. The vote estimates using BISG are quite consistent for Anglo and Black voters as found in the CVAP estimates in our original report of January 13. However, for Hispanic voters which are documented to have lower rates of voter turnout, the BISG estimates report even higher rates of political cohesion, almost always at the 80% cohesive rate for their candidates of choice. This is because BISG eliminates non-voters from the analysis and confines the regression model to only account for the relationship between the race of actual voters and votes for candidates.

Table 5: Galveston County Ecological Inference Candidate Choice Estimates Using BISG for Anglo, Black, Hispanic Voters, 2014 – 2022

Year	Office	Candidate	Anglo - EI	Black - EI	Hispanic - EI	Anglo - RxC	Black - RxC	Hispanic - RxC
2022	Attorney General	Paxton	88.6	0.6	9.8	85.7	7.2	20.3
		Garza	11.4	99.2	89.3	14.3	92.8	79.7
	County Judge	Henry	90.4	0.4	13.6	88.1	7.9	20.5
		King	9.5	99.5	87.9	11.9	92.1	79.5
	District Attorney	Roady	91.0	1.1	12.9	89.4	8.1	22.9
		Dragony	9.0	99.2	87.0	10.6	91.9	77.1
	District Judge #122	Jones	90.3	0.5	12.5	87.9	7.8	20.1
		Walsdorf	9.7	99.3	87.8	12.1	92.2	79.9
	Governor	Abbott	88.6	0.6	9.9	86.4	7.9	19.1
		O'Rourke	11.3	99.0	89.5	13.6	92.1	80.8
	Lt. Governor	Patrick	88.2	0.6	10.5	85.9	7.7	21.7
		Collier	11.8	99.4	88.8	14.1	92.3	78.3
	U.S. House of Reps, District #14	Weber	90.1	0.5	10.2	88.0	6.7	22.6
		Williams	9.8	99.5	89.0	12.0	93.3	77.4
2020	County Sheriff	Trochesset	92.1	0.5	10.2	91.5	6.7	17.0
		Salinas	7.8	99.3	89.6	8.5	93.3	83.0
	District Judge #405	Robinson	91.7	0.5	12.3	91.3	6.4	16.8
		Hudson	8.5	99.3	87.8	8.7	93.6	83.2
	District Judge #56	Cox	92.2	0.8	13.2	90.9	7.4	23.8
		Lindsey	7.8	99.3	86.8	9.1	92.6	76.2
	President	Trump	89.3	1.3	21.2	87.7	6.8	19.2
		Biden	10.6	99.2	78.9	12.3	93.2	80.8
U.S. House of Reps, District #14	Weber	91.3	0.5	11.5	91.3	5.8	18.7	
	Bell	8.4	99.5	88.3	8.7	94.2	81.3	

	U.S. Senate	Cornyn	91.0	0.8	12.2	90.4	7.0	17.9	
		Hegar	8.9	99.4	87.2	9.6	93.0	82.1	
2018									
		Attorney General	Paxton	87.6	1.0	14.0	86.5	5.1	10.8
			Nelson	12.5	98.9	85.9	13.5	94.9	89.2
		Galveston Court Judge #2	Foley	90.0	0.6	15.7	90.6	4.0	9.7
			Pettijohn	10.0	99.2	84.0	9.4	96.0	90.3
		Governor	Abbott	91.1	0.5	14.5	92.3	5.7	14.5
			Valdez	8.9	99.7	84.8	7.7	94.3	85.5
	Lt. Governor	Patrick	88.9	0.9	15.2	88.2	5.5	11.7	
		Collier	11.1	98.5	85.3	11.8	94.5	88.3	
	U.S. House of Reprs, District #14	Weber	89.8	0.8	15.3	90.6	4.1	8.5	
		Bell	10.2	98.9	84.4	9.4	95.9	91.5	
	U.S. Senate	Cruz	87.3	0.8	13.8	86.2	5.4	11.7	
		O'Rourke	12.7	98.7	85.3	13.8	94.6	88.3	
2016									
		District Judge #10	Neves	91.5	0.2	3.9	92.9	6.3	12.5
			Walker	8.6	99.4	96.1	7.1	93.7	87.5
		President	Trump	89.8	1.0	6.2	91.0	6.0	9.8
			Clinton	10.3	99.2	93.8	9.0	94.0	90.2
	Supreme Court Justice, Position #5	Green	91.0	0.2	5.8	92.8	6.1	9.8	
		Garza	9.0	99.5	94.4	7.2	93.9	90.2	
	U.S. House of Reprs, District #14	Weber	91.4	0.2	5.5	92.6	5.2	11.9	
		Cole	8.7	99.6	94.4	7.4	94.8	88.1	
2014									
		Attorney General	Paxton	89.3	0.2	2.6	89.5	5.0	10.4
			Houston	10.7	99.6	97.6	10.5	95.0	89.6
	County Judge	Henry	88.7	10.9	27.3	88.2	21.4	36.6	
		Young	11.3	88.7	72.8	11.8	78.6	63.4	

Governor	Abbott	89.3	0.8	15.6	88.6	4.8	8.8
	Davis	10.7	99.1	84.9	11.4	95.2	91.2
Lt. Governor	Patrick	89.5	0.4	15.9	89.1	4.7	10.0
	Van De Putte	10.6	99.7	84.2	10.9	95.3	90.0
Supreme Court Justice, Position #7	Boyd	89.7	0.2	5.9	89.8	5.0	10.2
	Benavides	10.2	99.8	93.8	10.2	95.0	89.8
U.S. House of Reps, District #14	Weber	90.8	0.3	7.4	92.0	5.1	8.8
	Brown	9.3	99.5	92.5	8.0	94.9	91.2
U.S. Senate	Cornyn	91.1	0.2	6.4	92.4	5.4	11.4
	Alameel	8.6	99.7	92.9	7.6	94.6	88.6

V. Minority Cohesion in Petteway Plaintiffs' Demonstrative Maps

40. In addition to updating the ecological inference analysis on adopted County Commissioners' Court precincts using BISG race and ethnicity estimates, we have provided ecological inference analysis on Precinct 3 of Petteway Plaintiff demonstrative maps 1, 2, 3 in Tables 6 and 7 below. This analysis shows that in each of the three demonstrative maps, non-Anglo voters combine as a cohesive voting bloc, in favor of their preferred candidates.
41. In direct contrast to Dr. Alford's guess that low rates of Minority cohesion in the 60% range makes it hard to draw a performing district, the actual statistical evidence demonstrates that there will not be a hypothetical problem of lower rates of cohesion. In all three demonstrative maps, the proposed minority district reports combined non-Anglo cohesion in the 90% range and is consistent across all elections. Thus, we can be confident that the minority district will have a strong non-Anglo voting bloc to support minority-preferred candidates.

Table 6: Galveston County Iterative Ecological Inference (EI) Candidate Choice Estimates by Petteway Plaintiffs' Proposed County Commissioners' Court Precincts

Year	Office	Candidate	Proposed Map 1		Proposed Map 2		Proposed Map 3	
			Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo
2022	Attorney General	Paxton	83.4	9.5	77.6	11.8	81.8	9.4
		Garza	16.5	90.0	21.9	88.6	18.3	91.0
	County Judge	Henry	85.0	10.7	79.7	12.3	83.1	10.1
		King	14.6	89.2	20.3	87.5	16.6	89.9
	District Attorney	Roady	85.8	11.9	81.1	13.8	82.7	11.2
		Dragonoy	14.0	87.8	19.3	86.4	16.5	88.4
	District Judge #122	Jones	84.9	10.7	79.4	12.5	81.8	10.9
		Walsdorf	15.5	88.9	19.8	87.1	18.1	89.3
	Governor	Abbott	83.5	10.7	78.0	12.2	81.0	9.8
		ORourke	16.8	89.5	22.0	87.6	18.7	89.8
	Lt. Governor	Patrick	83.2	10.3	77.8	11.8	81.2	9.8
		Collier	16.9	88.9	22.3	88.1	19.1	90.0
	U.S. House of Reps, District #14	Weber	85.1	11.4	80.1	13.2	83.0	10.9
		Williams	14.7	88.7	20.3	87.1	17.8	88.8
2020	District Judge #405	Robinson	85.0	10.3	81.7	10.7	91.6	11.6
		Hudson	15.1	89.6	19.1	89.4	8.6	88.5
	District Judge #56	Cox	88.8	11.5	84.3	12.6	92.0	13.7
		Lindsey	11.2	88.5	15.7	87.5	8.0	86.3
	President	Trump	83.4	11.1	79.7	11.3	89.0	11.9
		Biden	16.5	88.9	20.3	88.8	11.1	88.4
U.S. Senate	Cornyn	84.8	10.8	80.9	11.4	89.9	13.4	
	Hegar	15.3	89.1	18.9	88.7	10.0	86.6	

	County Sheriff	Trochesset	87.3	10.2	84.4	10.1	92.0	10.9
		Salinas	12.6	89.8	15.2	89.9	8.3	89.0
	U.S. House of Reps, District #14	Weber	85.0	11.0	80.9	11.5	91.4	12.3
		Bell	14.9	89.0	18.6	88.3	8.7	87.8
2018	Attorney General	Paxton	76.5	6.8	73.1	7.2	86.7	6.7
		Nelson	23.0	92.7	27.0	92.7	13.2	93.3
	Galveston Court Judge #2	Foley	78.1	7.6	74.6	7.6	89.7	7.9
		Pettijohn	21.9	92.4	25.6	92.2	10.4	91.7
	Governor	Abbott	82.4	10.9	78.2	10.9	91.8	11.3
		Valdez	17.6	89.4	22.2	88.9	8.2	88.6
	Lt. Governor	Patrick	78.8	8.0	75.5	8.3	88.8	7.5
		Collier	21.8	92.1	24.3	92.0	11.5	92.5
	U.S. Senate	Cruz	77.1	7.3	73.1	7.5	87.0	7.2
		ORourke	23.3	92.1	25.9	92.5	13.1	92.9
U.S. House of Reps, District #14	Weber	78.8	7.8	74.4	8.7	89.1	8.0	
	Bell	21.6	92.0	25.3	91.8	11.0	92.0	
2016	District Judge #10	Neves	77.9	10.9	74.0	11.8	90.3	13.8
		Walker	22.0	89.0	26.0	88.2	9.4	86.3
	President	Trump	76.2	10.3	73.3	10.4	87.2	13.5
		Clinton	23.9	89.6	27.0	89.8	12.6	86.8
	Supreme Court Justice, Position #5	Green	77.7	9.6	74.4	9.1	89.9	12.6
		Garza	22.9	91.0	25.8	90.7	9.8	87.5
U.S. House of Reps, District #14	Weber	78.8	10.7	75.5	11.1	89.4	13.4	
	Cole	21.5	89.7	25.0	89.5	10.5	86.5	
2014	Attorney General	Paxton	73.2	7.5	72.9	4.8	88.7	8.3
		Houston	27.0	91.8	26.8	95.2	11.2	91.2
	County Judge	Henry	75.7	33.0	87.4	22.6	87.3	29.9

	Young	23.6	66.9	13.3	78.3	12.8	70.5
Governor	Abbott	73.5	6.0	71.9	4.7	87.8	7.7
	Davis	26.7	93.5	28.1	95.3	12.2	92.5
Lt. Governor	Patrick	74.7	6.4	73.2	5.2	88.2	8.1
	VanDePutte	25.4	93.4	26.7	94.7	11.8	92.1
U.S. Senate	Cornyn	77.5	8.9	75.8	7.0	90.7	12.9
	Alameel	22.4	91.0	23.8	92.6	9.3	87.2
Supreme Court Justice, Position #7	Boyd	73.7	6.1	72.7	3.9	88.9	8.1
	Benavides	26.0	94.1	27.1	95.9	10.9	91.6
U.S. House of Reps, District #14	Weber	76.8	7.8	75.4	6.1	90.4	10.3
	Brown	23.4	92.2	24.8	94.0	10.0	89.5

Table 7: Galveston County Ecological Inference Rows by Columns (RxC) Candidate Choice Estimates by Petteway Plaintiffs’ Proposed County Commissioners’ Precincts

Year	Office	Candidate	Proposed Map 1		Proposed Map 2		Proposed Map 3	
			Anglo	Non-Anglo	Anglo	Non-Anglo	Anglo	Non-Anglo
2022	Attorney General	Paxton	80.3	11.9	75.2	13.6	78.7	10.9
		Garza	19.7	88.1	24.8	86.4	21.3	89.1
	County Judge	Henry	82.0	12.6	75.5	15.5	78.4	12.9
		King	18.0	87.4	24.5	84.5	21.6	87.1
	District Attorney	Roady	82.2	14.5	76.3	17.0	77.0	15.3
		Dragony	17.8	85.5	23.7	83.0	23.0	84.7
	District Judge #122	Jones	81.6	12.8	74.8	15.8	78.1	12.7
		Walsdorf	18.4	87.2	25.2	84.2	21.9	87.3
Governor	Abbott	80.1	12.6	76.4	13.4	78.4	11.7	
	ORourke	19.9	87.4	23.6	86.6	21.6	88.3	
Lt. Governor	Patrick	80.0	12.2	74.1	14.5	77.4	11.8	

	Collier	20.0	87.8	25.9	85.5	22.6	88.2	
	U.S. House of Reps, District #14	Weber	80.0	14.6	75.7	16.0	78.1	13.7
	Williams	20.0	85.4	24.3	84.0	21.9	86.3	
2020	District Judge #405	Robinson	82.6	11.7	76.6	13.6	91.1	12.1
		Hudson	17.4	88.3	23.4	86.4	8.9	87.9
	District Judge #56	Cox	81.8	15.7	76.6	17.2	90.6	15.6
		Lindsey	18.2	84.3	23.4	82.8	9.4	84.4
	President	Trump	81.5	12.2	75.3	14.0	87.8	13.3
		Biden	18.5	87.8	24.7	86.0	12.2	86.7
	U.S. Senate	Cornyn	81.8	12.6	76.9	13.8	89.9	13.5
		Hegar	18.2	87.4	23.1	86.2	10.1	86.5
	County Sheriff	Trochesset	83.7	12.2	79.9	12.9	91.3	11.7
		Salinas	16.3	87.8	20.1	87.1	8.7	88.3
	U.S. House of Reps, District #14	Weber	82.2	12.7	77.0	14.0	90.0	14.1
		Bell	17.8	87.4	23.0	86.0	10.0	85.9
2018	Attorney General	Paxton	80.0	5.0	73.8	7.0	87.2	6.5
		Nelson	20.0	95.0	26.2	93.0	12.8	93.5
	Galveston Court Judge #2	Foley	79.4	6.6	76.6	6.5	89.4	8.4
		Pettijohn	20.6	93.4	23.4	93.5	10.6	91.6
	Governor	Abbott	82.7	10.2	77.6	11.5	91.8	11.0
		Valdez	17.3	89.8	22.4	88.6	8.2	89.0
	Lt. Governor	Patrick	80.3	7.0	76.1	7.7	88.6	7.7
		Collier	19.7	93.0	23.9	92.3	11.4	92.3
	U.S. Senate	Cruz	79.3	6.0	78.6	4.2	86.9	7.2
		ORourke	20.7	94.0	21.4	95.8	13.1	92.8
U.S. House of Reps, District #14	Weber	79.8	7.1	75.8	7.6	88.6	8.8	
	Bell	20.2	92.9	24.2	92.4	11.5	91.2	

2016	District Judge #10	Neves	80.0	9.9	74.1	11.7	92.2	11.1	
		Walker	20.0	90.1	25.9	88.3	7.8	88.9	
	President	Trump	77.0	10.0	72.7	10.7	88.3	11.8	
		Clinton	23.0	90.0	27.3	89.3	11.7	88.2	
	Supreme Court Justice, Position #5	Green	78.6	8.5	74.2	9.2	91.5	10.5	
		Garza	21.4	91.5	25.8	90.8	8.5	89.5	
	U.S. House of Reps, District #14	Weber	79.8	9.7	75.4	10.6	91.1	11.1	
		Cole	20.2	90.3	24.6	89.4	8.9	88.9	
	2014	Attorney General	Paxton	76.7	4.9	72.3	5.4	90.1	6.6
			Houston	23.3	95.2	27.7	94.6	9.9	93.4
County Judge		Henry	79.9	30.1	76.5	31.2	89.7	24.7	
		Young	20.1	69.9	23.5	68.8	10.3	75.3	
Governor		Abbott	73.8	6.1	70.4	5.9	88.7	6.3	
		Davis	26.2	93.9	29.6	94.1	11.3	93.7	
Lt. Governor		Patrick	77.6	4.7	73.1	5.2	89.3	6.2	
		VanDePutte	22.4	95.3	26.9	94.8	10.7	93.8	
U.S. Senate		Cornyn	81.4	6.2	77.2	6.6	92.7	9.4	
		Alameel	18.6	93.8	22.8	93.4	7.3	90.6	
Supreme Court Justice, Position #7	Boyd	75.2	5.3	71.9	5.0	89.6	7.2		
	Benavides	24.8	94.7	28.1	95.0	10.4	92.8		
U.S. House of Reps, District #14	Weber	80.3	5.3	77.0	4.9	91.5	8.3		
	Brown	19.7	94.7	23.0	95.1	8.5	91.7		

42. If new or additional data becomes available that is relevant to this inquiry, we will provide additional data and analysis of population statistics and election results to supplement this report.

43. We declare under penalty of perjury that the foregoing is true and correct.



Dr. Matt A. Barreto
Agoura Hills, California
April 14, 2023



Mr. Michael Rios
Rancho Cucamonga, California
April 14, 2023

Exhibit 9

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

TERRY PETTEWAY, <i>et al.</i> ,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	Civil Action No. 3:22-cv-57
GALVESTON, TEXAS, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	
<hr/>		
UNITED STATES OF AMERICA,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	Civil Action No. 3:22-cv-93
GALVESTON, TEXAS, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	
<hr/>		
Dickinson Bay Area Branch NAACP, <i>et al.</i> ,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	Civil Action No. 3:22-cv-117
GALVESTON, TEXAS, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	

**DECLARATION OF PLAINTIFFS’ COUNSEL MARK P. GABER,
AUTHENTICATING EXHIBITS FILED IN SUPPORT OF PLAINTIFFS’
OPPOSITION TO DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, I, Mark P. Gaber, declare as follows:

1. I have personal knowledge of the matters stated herein, am over the age of 18 years, and am competent to make this declaration.

2. I am one of the Petteway Plaintiffs' counsel in this action.

3. Attached as Exhibit 24 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of DEFS00036191, which is an email chain dated October 15, 2021 between Phil Gordon, Thomas Bryan, and Jason Torchinsky, produced to Plaintiffs by Defendants.

4. Attached as Exhibit 25 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of Defendants' First Responses to United States' Requests for Admissions, which was served on counsel for Plaintiffs by counsel for Defendants on April 21, 2023.

5. Attached as Exhibit 26 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of DEFS00018660, a Block Assignment File created by Thomas Bryan on October 28, 2021, produced to Plaintiffs by Defendants and converted into a pdf format and excerpted for its relevant portions.

6. Attached as Exhibit 27 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of DEFS00013498, which is an email chain dated September 23, 2021 between Cheryl Johnson and Dwight Sullivan, produced to Plaintiffs by Defendants.

7. Attached as Exhibit 28 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of the meeting agenda for the Commissioners' Court meeting on April 5, 2021, which was marked as Exhibit 17 to Judge Mark Henry's deposition.

8. Attached as Exhibit 29 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of DEFS00029196, which is an email chain dated April 6, 2021 between Dianna Martinez and Paul Ready, produced to Plaintiffs by Defendants.

9. Attached as Exhibit 30 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of DEFS00011722, which is the Holtzman Vogel engagement letter to the Commissioners Court, and was produced to Plaintiffs by Defendants.

10. Attached as Exhibit 31 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of DEFS00036272, which is an email chain dated October 26, 2021, including Tyler Drummond, Paul Ready, Dale Oldham, Jason Torchinsky, and Phil Gordon, and produced to Plaintiffs by Defendants.

11. Attached as Exhibit 32 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of an official transcript of the November 12, 2021 Commissioners' Court special meeting adopting the Enacted Plan.

12. Attached as Exhibit 33 to Pettewaay Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of Holmes000319 - Holmes000346, which is an email chain between Chad Dunn and Commissioner Stephen Holmes, and produced by Commissioner Holmes to Plaintiffs. Commissioner Holmes authenticated this exhibit in his deposition on June 1, 2023.

13. Attached as Exhibit 34 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of DEFS00011471 -

DEFS00011473, which is the order adopting the Enacted Plan on November 12, 2021, and produced to Plaintiffs by Defendants.

14. Attached as Exhibit 35 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of US0000017- US0000021, which is the 2012 letter from the Department of Justice denying preclearance to the Commissioners' Court map adopted in 2012.

15. Attached as Exhibit 36 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of DEFS00031696, which is a Block Assignment File created by Thomas Bryan on October 15, 2021 and converted into a pdf format and excerpted for its relevant portions.

16. Attached as Exhibit 37 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of US0001534, which is an email dated December 22, 2021 including Bruce Gear and a news article, and produced to the Plaintiffs by the United States.

17. Attached as Exhibit 38 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of Defendants' Second Supplemental Responses to Petteway Plaintiffs' Requests for Production and Interrogatories, which was served on counsel for Plaintiffs by counsel for Defendants on April 21, 2023.

18. Attached as Exhibit 39 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is a true and correct copy of Holmes 000181 - Holmes 000191, which are notes written by Commissioner Stephen Holmes during the redistricting

process, the authenticity of which Commissioner Holmes confirmed in his deposition on June 1, 2023.

19. Attached as Exhibit 40 to Petteway Plaintiffs' Response to Defendants' Motion for Summary Judgment is an image of the Four R map generated in Maptitude, a mapmaking software, from the Block Assignment File contained in DEFS00031696.

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

Executed this 2nd day of June, 2023 in Seattle, Washington.

/s/Mark P. Gaber

Mark P. Gaber

Exhibit 10

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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.

1 of the e-mail below that I was forwarding to them.

2 Q. Mr. Drummond, we heard yesterday from Judge
3 Henry that he preferred to complete the redistricting
4 before the candidate filing period.

5 Did he discuss that preference with you?

6 A. Not that I can recall.

7 Q. Okay. This advisory from the Texas Secretary
8 of State, did it create a deadline?

9 MS. OLALDE: Objection; asked and
10 answered.

11 A. It gave a deadline of November 13th.

12 Q. (BY MR. MANCINO) And that was expressed in
13 the advisory, that specific date?

14 A. From my recollection of the advisory.

15 Q. Okay. Wasn't just a -- a reminder to
16 redistrict before the candidate filing opened?

17 A. I don't know.

18 Q. I'm sorry?

19 A. I -- I don't know.

20 Q. Okay. And you had told us earlier that you
21 knew that the candidate filing period was from around
22 mid-November to mid-December, right?

23 A. In that time period, correct.

24 Q. Okay. So the filing period extended over
25 about 30 days?

1 A. Yes.

2 Q. Okay. And was the -- that filing period
3 commencing on November 13th, to your knowledge?

4 A. I don't recall.

5 Q. Okay. All right. Just so we have it in the
6 record, let's go to Exhibit 28, which is Tab 46b.

7 (Marked Drummond Exhibit No. 28.)

8 (Discussion off the record.)

9 Q. (BY MR. MANCINO) Have you seen Exhibit 28
10 before?

11 A. Yes.

12 Q. Okay. And, I'm sorry, what -- what is this?
13 Is this the Texas Secretary of State advisory that you
14 testified about before?

15 A. That's what it appears to be, yes.

16 Q. Okay. And when it came in, did you read it?

17 A. Yes.

18 Q. Okay. And it -- was it on the basis of this
19 advisory that -- in the e-mail you wrote on November
20 2nd, 2021, and said that redistricting has to be done
21 before 11/13?

22 A. Yes.

23 Q. Okay. Now, let's go to Exhibit 29, which is
24 Tab 49.

25 (Marked Drummond Exhibit No. 29.)

1 Q. (BY MR. MANCINO) And it's an e-mail at the
2 top from you to Dale Oldham, Nathan Sigler, dated
3 November 2, 2021, at 3:23 p.m.

4 Is this an e-mail by which you forwarded
5 it -- forwarded to Mr. Oldham and Mr. Sigler an e-mail
6 regarding the Texas Secretary of State advisory?

7 A. Yes.

8 Q. Okay. And you say in your e-mail to those two
9 gentlemen, "We need to get these maps done this week."

10 And I note that your e-mail was sent on a
11 Tuesday, so you were telling them that the maps had to
12 be done that -- that week in order to meet what you
13 believed was a November 13th deadline?

14 A. Yes.

15 Q. Okay. In the event -- were the maps
16 completed within the time frame you demanded?

17 A. I don't recall.

18 Q. Okay. So while this is going on, were there
19 things happening elsewhere around trying to schedule a
20 public meeting?

21 A. I believe we had a -- I believe we had a date
22 of 11/9 for a meeting, originally.

23 Q. Can you explain what you mean by that?

24 A. I believe there was direction giving the
25 setup of a special meeting, and I believe that date

Exhibit 11

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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.

1 A. Right.

2 Q. What is meant by preclearance there?

3 A. Not being a lawyer, I'm going to assume that
4 this is part of the Voting Rights Act preclearance that
5 would have been required in 2011.

6 MS. KLEIN: Okay. So let's scroll through
7 slowly all the way to the end, Alexa.

8 Q. (BY MS. KLEIN) And this isn't a signed
9 version. But is there any reason you would think that
10 this is not the version that was ultimately executed?

11 A. No, that's probably it.

12 Q. Okay. Going back to the first page, and
13 there -- that one, two, three, third paragraph says, Joe
14 Nixon, Trey Trainor, and Dale Oldham, attorneys at law,
15 365 per hour.

16 Do you see that?

17 A. Yes. It's just bouncing around. I see it now.

18 Q. Those were the lawyers that worked on the
19 Galveston County commissioner's precincts for
20 redistricting in 2011?

21 A. That is correct.

22 Q. Okay. We can take that down.

23 Do you remember what timeline restricting
24 of commissioner's precincts had to be completed by in
25 the 2011 redistricting process?

1 representing you in this litigation, correct?

2 A. Correct.

3 Q. I'm going to refer to them as redistricting
4 counsel going forward. Make sense?

5 A. Yes.

6 Q. And they were also working with Dale Oldham at
7 your request, correct?

8 A. Basically, yes. I can't recall if Dale and
9 them worked together already or if when we retained
10 Dale, they agreed to work. I can't remember exactly how
11 it happened. But essentially, yes.

12 Q. And so what was your -- how would you
13 characterize your role in coordinating the retention of
14 Holtzman Vogel and Dale Oldham for the 2021
15 redistricting process?

16 A. I would have -- I know that we had discussions
17 with Dale and then -- again, I can't recall exactly how
18 it all worked together. But then there would have been
19 a retention with redistricting counsel to include Dale.
20 Is that your -- is that your question?

21 Q. My question is a little bit different. What
22 was your role specifically distinguishing among other
23 commissioners?

24 A. Re-coordinating the effort.

25 Q. Do you remember that retaining counsel was put

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 these were shown to me.

2 Q. What about a new -- did you ever ask -- so you
3 never asked for a map other than this one?

4 A. The 2.

5 Q. For Map Proposal 2, you liked this when you saw
6 it, right?

7 A. I liked the fact that it got us one coastal
8 precinct.

9 Q. But you liked -- you didn't -- you didn't ask
10 for the other lines to change. You must have been --
11 you must have liked the other maps, right? Sorry. You
12 didn't ask for the other precinct lines to change. You
13 must have liked -- been satisfied at least with where
14 the other precinct lines were, right?

15 A. Again, the precinct lines are far more
16 important to the precinct commissioners than they are to
17 me.

18 Q. But to answer my question, you must have at
19 least been satisfied with them if you --

20 A. As long as they said that they complied with
21 the population -- population adjustment and all the
22 state and federal laws, that was fine.

23 Q. You were aware from the 2011 litigation,
24 weren't you, that Precinct 3 was the only
25 majority/minority district in the whole county, right?

1 A. Yes.

2 MR. RUSSO: Objection, speculation and
3 calls for a legal conclusion.

4 Go ahead.

5 Q. (BY MS. KLEIN) And your answer is yes?

6 A. My answer is I was probably told that, yes.

7 Q. And you had even seen -- we talked about that
8 preclearance letter, you know, with the preclearance
9 letter had those tables. You had seen those, right?

10 A. Back in 2011?

11 Q. At some time before the 2021 process you had
12 seen that preclearance letter with those --

13 A. Back in 2011, yeah.

14 Q. Okay. All right. Did you ever use an
15 interactive version of this map?

16 A. No.

17 Q. Going onto this website, scroll again, I want
18 you to tell me if you see any kind of data about the
19 maps posted.

20 A. The boundaries and the precinct number.

21 Q. So the benchmark map, the preexisting map, that
22 wasn't on here, right?

23 A. I don't know what a benchmark map is.

24 Q. When I say benchmark I mean the map that was in
25 place in 2012 to 2021 until this map, the new one was

1 me than me asking him.

2 Q. And same thing -- you know, just to go back,
3 close the loop here, same thing with the racial
4 composition.

5 Without disclosing the content of the
6 conversations you had with counsel, you had
7 conversations about racial composition?

8 MR. RUSSO: Counsel, you -- I mean, I don't
9 know. Can you answer that question?

10 THE WITNESS: I can simply say that the
11 information came from them to me.

12 Q. (BY MS. KLEIN) Okay.

13 A. There wasn't a request on my part.

14 Q. Okay. We'll revisit that, I'm sure, in the
15 future.

16 So how did you know all of the
17 commissioners' residences during the redistricting
18 process?

19 A. I believe Dale asked them.

20 Q. Were their addresses publicly disclosed
21 anywhere, to your knowledge, so that if somebody else,
22 for example, wanted to propose a map, they could make
23 sure to also be drawing commissioners in their precinct?

24 A. I -- I do not know. Again, this is an issue
25 for the commissioners. I'm county-wide. It doesn't

1 THE WITNESS: Yeah, within reason maybe.

2 Q. (BY MS. KLEIN) They just have to comply with
3 these --

4 A. Right.

5 Q. -- precinct number population requirements?

6 A. Right.

7 Q. You're going to get sued if you didn't do that,
8 right?

9 So if you could have changed them, these
10 voting precincts, to look however you wanted, if they
11 complied the population, why didn't you enact -- you
12 know, it says there are nine voting precincts split.
13 Why aren't there zero voting precincts split amongst the
14 commissioners' precincts?

15 A. Because we had to split the ones that were
16 overpopulated. We had no choice.

17 Q. But the splits are between commissioner
18 precincts, right, so it's one voting precinct split
19 between two commissioner precincts?

20 A. Not necessarily, no.

21 Q. So what do you understand this to mean?

22 A. I understand this to mean we had nine -- I
23 didn't think it was that many, but it was in the
24 ballpark, voting precincts that had more than 5,000
25 people in there. You can't have that. You got to split

1 A. Based on only the 2022 general election
2 results, 34 percent.

3 Q. How many -- so did you view, you know, partisan
4 breakdown by new Map 2 districts, commissioners'
5 districts before you chose Map 2?

6 A. I'm sure the commissioners did, but I don't
7 think I did.

8 Q. So you -- you didn't look at data related to
9 this before you voted on the map?

10 A. If I did, I don't remember it. And again,
11 that's a commissioner -- far more important to the
12 commissioner than it is to me.

13 Q. And when you say that Map 2 reflects the
14 partisan composition of Galveston County, you said that
15 makes sense to you, and why does that make sense to you?

16 A. I don't think that I said Map -- well, I guess
17 it does say Map 2. If you've got a 66 percent
18 Republican county, it's going to be very hard to draw a
19 map that doesn't have four Republican precinct
20 commissioners.

21 Q. So you believe that Map Proposal 2 has all four
22 Republican commissioner precincts, right?

23 A. Not at the moment but I suspect it will get
24 there eventually.

25 Q. What do you mean by "eventually"?

1 A. Well, if it's -- if it -- if it stays the way
2 it is, it would appear that would elect four Republican
3 commissioners, yes.

4 Q. So if Map -- just so I understand you
5 correctly. If the enacted map from 2021 stays in place,
6 it will elect all four Republican commissioners, right?

7 A. I believe so, yes.

8 Q. And so that, you know, 30 percent of Democrats,
9 they're not going to have a Democratic commissioner on
10 the commission anymore, right?

11 A. Well, they would be dispersed county-wide.
12 They would not be in any one location.

13 Q. So no?

14 A. No.

15 Q. Going back to your -- just thinking, going back
16 to your slogan, you know, "Keep Galveston County Red," I
17 mean, is that one of the reasons that you like this map,
18 it would help keep Galveston County red?

19 A. No. I already had that with three
20 commissioners.

21 Q. And you didn't think, you know, sealing the
22 deal would further that objective of keep Galveston
23 County red?

24 MR. RUSSO: Objection, vague and ambiguous.

25 THE WITNESS: It's not necessary. It's

1 probably helpful, but it's not necessary.

2 Q. (BY MS. KLEIN) Why would it be helpful?

3 A. Just five to zero instead of, you know, four to
4 one.

5 Q. No more things is getting taken off the consent
6 agenda?

7 A. Believe me, believe me, I have as many
8 Republicans post off the consent as I do Commissioner
9 Holmes.

10 Q. Why else would a 5-0 be helpful?

11 A. I -- from a purely political standpoint, it
12 would be nice to have primary endorsements from all
13 commissioners.

14 Q. Okay.

15 MS. KLEIN: This is a good time if you want
16 to take a very brief break or we can just keep on going.

17 THE WITNESS: Anyway is fine you want to
18 do. I'm fine. Keep going.

19 MS. KLEIN: Okay.

20 Oh, Ms. Elkins, how are you doing? Do you
21 want to go off the record for a bit?

22 THE REPORTER: If it's going to be a lot
23 longer.

24 MS. KLEIN: You know what? Can -- can we
25 go off for five minutes because I actually think I might

1 MR. RUSSO: Yeah. I'm sorry. I'm just --
2 which conversation are you speaking about?

3 Q. (BY MS. KLEIN) Right before the break I was
4 asking, you know, with respect to your awareness of, you
5 know, racial breakdown by Map Proposal 2 district and
6 your awareness of that.

7 And you said that you couldn't answer -- if
8 I remember correctly, you said you couldn't answer
9 because it was told to you, whatever you knew was told
10 to you by your attorneys. Do you remember that?

11 A. Yes.

12 Q. So which is who, which attorneys is what I'm
13 asking?

14 MR. RUSSO: You can answer that.

15 THE WITNESS: Dale Oldham primarily. To a
16 lesser extent Joe Nixon in 2011-2012.

17 Q. (BY MS. KLEIN) Okay. And Just to clarify the
18 privilege objection and whether or not you're going to
19 answer, so you -- your position is you are not willing
20 to confirm whether you were aware of any of these, you
21 know, racial data or partisan data facts at a later date
22 after learning them from an attorney, correct?

23 MR. RUSSO: Well, let me just tell you what
24 my objection is. It's not to reveal conversations that
25 he or information he got from the attorney. If he got

1 Q. How do you know they're spread across the
2 county? Have you seen a map -- like, a heat map of
3 minority?

4 A. No. I'm making an assumption they're spread
5 across the county. I know the Friendswood Democrat
6 Party was opposing me, so there's at least some in
7 Friendswood.

8 Q. But there's not in Santa Fe. We talked about
9 this earlier with the different neighborhoods, right?

10 MR. RUSSO: Objection, it calls for
11 speculation and compound. Which question do you want to
12 ask him?

13 Q. (BY MS. KLEIN) So we talked about
14 neighborhoods earlier. And I believe you had, you know,
15 said that certain neighborhoods, Bolivar Peninsula,
16 Santa Fe were predominantly White, correct?

17 A. Correct.

18 Q. And you knew that Dickinson was -- I believe
19 you testified Dickinson was, you know, mixed White and
20 minority and that, you know, Galveston city was
21 predominantly minority; is that right?

22 A. On the east side. On the west side it's not,
23 yes.

24 Q. You have an idea of where, you know, minority
25 populations live, right?

1 A. To some extent, I suppose.

2 Q. And -- I mean, it's benchmark Precinct 3,
3 right? Commissioner Holmes' prior district?

4 A. That would --

5 MR. RUSSO: I'm going to object, vague and
6 ambiguous. But I don't understand the question.

7 But go ahead you can answer if you
8 understand.

9 THE WITNESS: Are you saying -- obviously,
10 the previous Precinct 3 elected a Democrat. Is that
11 what you're asking?

12 Q. (BY MS. KLEIN) I'm asking whether your
13 awareness was that -- you know, you've said that you
14 were aware benchmark Precinct 3 was majority/minority,
15 right?

16 A. Correct.

17 Q. So that means that a lot of the Galveston's
18 minority, and specifically Black and Latino community,
19 was in the old Precinct 3, right?

20 A. I do not --

21 MR. RUSSO: Object, calls for speculation.
22 Misstates prior testimony.

23 THE WITNESS: Yeah, I don't know if it's
24 true or not.

25 Q. (BY MS. KLEIN) It was majority. It was

1 A. Do I remember doing that specifically, no. But
2 my belief is I probably would have done that. That's
3 something I would have done.

4 Q. And where would you have done that? You
5 mentioned Facebook and we saw that Facebook post
6 earlier. Is there anywhere else?

7 A. We have a Twitter feed that I have never even
8 seen before. Facebook, Twitter is probably going to be
9 the primary possibilities.

10 Q. To your knowledge, was there any instruction to
11 the public about when they had to post a public comment
12 by for it to be read by the Commissioner's Court?

13 A. I don't remember. If it's not on here, I don't
14 remember.

15 Q. And any public comments that came in, what
16 happened to them after they were submitted?

17 A. They were collected, compiled, and sorted by
18 probably Jed at that time.

19 Q. Did you review the comments that were
20 submitted?

21 A. I reviewed a few. But they -- they were --
22 they were significant. There were a lot of them. And
23 then I got the final tally at the end.

24 Q. When you say "a few," can you estimate about
25 how many?

1 A. Less than a dozen.

2 Q. How did you choose which ones you were going to
3 review?

4 A. Honestly, it's when I sat down at that time,
5 whatever the next ones to come flowing in, that's how.

6 Q. And they were sent to your email directly or
7 somebody compiled them and sent them to you?

8 A. They would have been forwarded on.

9 Q. From -- by whom?

10 A. It may have been automatic. But if not, it
11 would have been either Jed or Zach.

12 Q. Do you know how many comments your office had
13 received by the time you had issued notice of the
14 November 12, 2021 special meeting?

15 A. I knew at the time. It seems like it was 500
16 or 515, in that ballpark.

17 Q. What about -- strike that.

18 You -- so you mentioned you received an
19 overall breakdown. And do you recall that you shared
20 that breakdown during the November 12, 2021 hearing?

21 A. I did.

22 Q. Do you remember the breakdown?

23 A. Exactly, no. As I recall, it was about two to
24 one favoring Map 2.

25 Q. And you -- do you remember saying in a hearing

1 operating under up until May the -- I'm sorry, November
2 the 9th or whenever we got the notice.

3 Q. So your understanding was that you had until
4 November 20th?

5 A. No. Again, I wanted it done before the
6 candidate filing period opened, which would have been
7 November 20th or later, in that ballpark. At that time
8 that was not a state mandate, to my knowledge.

9 Q. Okay. Let's -- let's pull up a document. I
10 think this will help structure in a little bit more.
11 This is Doc 57 and this will be Exhibit 35.

12 (Exhibit No. 35 was marked.)

13 Q. (BY MS. KLEIN) So this says, (Reading:) Dear
14 County Judges, our office has released the following
15 advisory, 2021-14.

16 This email was sent from -- it says
17 Elections Internet on Tuesday, November 2, 2021. Do you
18 remember receiving this email?

19 A. That's not an email I get.

20 Q. County Judges is not an email you get?

21 A. No.

22 Q. Who gets that email?

23 A. It's to Elections Internet. I have no idea who
24 that is. That's not me.

25 Q. Do you know how -- I'll represent that this is

1 Q. (BY MS. KLEIN) So the top email here is -- it
2 looks -- you know, the from is a little convoluted here,
3 but it says Liechty.

4 A. Linda Liechty.

5 Q. And then two, Dianna Martinez and Veronica Van
6 Horn. This is your staff, right?

7 A. Correct.

8 Q. And it says, (Reading:) JH and Tyler talked
9 this morning. Need to schedule a special meeting on
10 Tuesday, November 9th. It's the only day Commissioner
11 Clark is available. Judge McCumber's courtroom is
12 available all day, but JH prefers we do it in the
13 morning. It's about the meeting -- it's about meeting
14 that 11/13 deadline.

15 JH, is that Judge Henry?

16 A. Yes, ma'am.

17 Q. And can you tell me about the context of this
18 email being sent?

19 A. Okay. I was off by a few days. So apparently,
20 it was on November 3rd they called and said you have to
21 have it to us by the 13th. So on the 3rd we would have
22 jumped on trying to get this wrapped up.

23 So apparently, we made an attempt to get it
24 done on November 9th, and for reasons I'm guessing, you
25 know, but I can't remember, we had to switch it to the

1 12th.

2 Q. I actually don't know. Do you remember why?

3 A. No, I don't. I don't know what day of the week
4 the 9th was. Was that a -- if the 12th was a Friday.
5 It would have been a Tuesday. It might be that we
6 couldn't get a forum. There's nothing that tells me we
7 couldn't do it on the 9th. We clearly wanted to and
8 tried to get the 9th.

9 Q. What was the date you were planning on having
10 the vote before you were informed that it had to be done
11 by the 13th?

12 A. I don't think we had a specific date in mind
13 yet. We were -- I mean, we still had it out for input.

14 Q. So in early November you didn't have a date for
15 legislative action that you wanted to get done before
16 mid to late November; is that correct?

17 A. By mid to late November, yes,

18 Q. You knew -- you know, going back to our
19 conversation at the beginning of the day, because that
20 regular session is usually the first Monday of the
21 month, you knew all the time that it would have to be a
22 special meeting, right, for this vote to happen?

23 A. Not necessarily. It could have happened during
24 a regular session. But the regular session would have
25 likely been the 1st, 2nd, 3rd, 4th, 5th, in that

Exhibit 12

HONORABLE TERRY PETTEWAY, ET AL. vs GALVESTON COUNTY, ET AL.
Roxy Hall Williamson on 12/05/2022

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 GALVESTON DIVISION
4
5 HONORABLE TERRY PETTEWAY, et al.)
6)
7 Plaintiff)
8)
9 vs.) C.A. No. 3:22-cv-00057
10)
11 GALVESTON COUNTY, et al.)
12)
13 Defendants.)
14)

15 ORAL VIDEO CONFERENCE DEPOSITION

16 ROXY HALL WILLIAMSON

17 DECEMBER 5, 2022

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ORAL VIDEO CONFERENCE DEPOSITION OF ROXY HALL WILLIAMSON, produced as a witness at the instance of the Defendant and duly sworn, was taken in the above-styled and numbered cause on the 5th day of December, 2022, from 10:07 a.m. to 4:16 p.m., before Anne F. Sitka, Certified Shorthand Reporter in and for the State of Texas, reported by computerized stenotype machine at the offices of Burwell Nebout Trial Lawyers, 565 Egret Bay Boulevard, League City, Texas 77573, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

HONORABLE TERRY PETTEWAY, ET AL. vs GALVESTON COUNTY, ET AL.
Roxy Hall Williamson on 12/05/2022

Page 53

1 that they didn't have enough time and enough information
2 before those maps were voted on, and they were voted on at
3 the end of that meeting.

4 **Q. Who was in attendance at the special session?**

5 A. Could you be more specific?

6 **Q. Who was in attendance in the crowd for the**
7 **special session?**

8 A. Mainly -- mostly the black residents of
9 Precinct 3.

10 **Q. Do you recall if any of the residents spoke at**
11 **the meeting?**

12 A. Quite a few of them did, yes.

13 **Q. Can you describe some of the concerns that were**
14 **expressed at the special session meeting?**

15 MR. HOLT: Objection, form.

16 A. They were very concerned about their votes being
17 diluted.

18 **Q. (By Ms. Richardson) Can you describe specifically**
19 **what you mean by "their votes being diluted"?**

20 A. With the proposed maps, there was no longer a
21 majority/minority district. So, they felt that's the way
22 the population was accounted for in Galveston County, that
23 their votes just would -- they wouldn't have the same
24 leverage that they had before to elect someone that they
25 wanted to elect for that commissioner's seat.

1 **Q. Who did they want to elect for that**
2 **commissioner's seat?**

3 A. Well, currently Stephen Holmes is the favorite
4 guy; or at least they have that avenue. If it were not
5 him, another person of color or person of their choice.

6 **Q. Was the crowd at the special session comprised of**
7 **minority residents in Galveston County?**

8 A. Yes.

9 MR. HOLT: Objection, form.

10 A. Mainly, yes.

11 **Q. (By Ms. Richardson) Okay. What did the meeting**
12 **room space look like?**

13 A. The annex is tiny. It was -- it was overflowing.
14 There were people in hallways. There were people sitting
15 on the floor. I was one of the folks that was sitting on
16 the floor. It was full, and the space is not very big.

17 **Q. Can you approximate about how many residents you**
18 **recall seeing at the meeting?**

19 A. Wow. If I had to round it out, there had to
20 be -- there was more than 50, 60 people in that space,
21 maybe 50 plus, 60 plus. There were a lot of people. They
22 were in the parking lot. They were in the hallways. They
23 were all over the annex, which the annex was a concern
24 because of where it's located. A lot of people felt that
25 was suspicious; that it was held there instead of the

HONORABLE TERRY PETTEWAY, ET AL. vs GALVESTON COUNTY, ET AL.
Roxy Hall Williamson on 12/05/2022

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1 There's not a lot of cross-pollinization as far as I can
2 tell.

3 Q. (By Mr. Gear) And at some point you -- you
4 learned that the commissioners were proposing a map that
5 included both Galveston Island and the Bolivar Peninsula.
6 Do you recall testifying to that?

7 A. I do.

8 Q. During your efforts as a CROWD fellow, your
9 education outreach, did you have any occasion to speak
10 with any residents of Galveston County regarding concerns
11 about joining both Bolivar and Galveston Island together?

12 MR. HOLT: Objection, form.

13 A. I -- I did hear quite a bit about it; and from
14 what I -- the information that I could gather, there
15 weren't any people that were in favor of bringing that
16 constituency into the overall -- how they pulled it
17 together on the map. I didn't -- no one was in favor of
18 that.

19 Q. (By Mr. Gear) In 2021 did you hear any discussion
20 about the need for the creation of a coastal precinct?

21 MR. HOLT: Objection, form.

22 A. No.

23 Q. (By Mr. Gear) And during the November 12th, 2021,
24 special session -- which you attended, correct?

25 A. Yes.

1 Q. -- did you hear any concerns expressed about the
2 creation of a coastal precinct combining Bolivar and
3 Galveston Island together?

4 MR. HOLT: Objection, form.

5 A. I -- I -- I remember hearing at least a couple of
6 people speak against it, and there was one Caucasian lady
7 that spoke in support of it.

8 Q. (By Mr. Gear) Did -- did you speak during this
9 special session?

10 A. I did, but not concerning Bolivar.

11 Q. What position did you take regarding the proposed
12 plans during the special session?

13 A. I was against the proposed maps.

14 Q. Can you tell me why?

15 A. Because the proposed maps annihilated
16 Commissioner Holmes' precinct, and I knew that would be
17 detrimental to the community at large.

18 Q. Can -- can you explain to me why you believed the
19 annihilation of Commissioner Holmes' precinct would be
20 detrimental to the minority community?

21 A. Because from the research and data I had, that
22 was the only majority/minority area in the county where
23 the voters felt that they could elect a candidate of their
24 choice.

25 Q. And in your opinion why is it important that the

HONORABLE TERRY PETTEWAY, ET AL. vs GALVESTON COUNTY, ET AL.

Roxy Hall Williamson on 12/05/2022

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1 resident of Galveston County, his office was open to hear
2 you pretty much all the time. He was one of the lone
3 voices that stood with the community when they wanted to
4 remove the Confederate statues. He's the only -- the lone
5 voice when it came to this redistricting. He was the only
6 one that stood with the community and understood why it
7 was important for them to have him in that position
8 because as it stands now, there was no one that will speak
9 on behalf or advocate for the minorities in the district
10 or in the -- the county.

11 **Q. There are three other commissioners other than**
12 **Commissioner Holmes. To your knowledge have any of those**
13 **commissioners come in to the minority precincts to discuss**
14 **concerns related to the minority population of Galveston**
15 **County?**

16 MR. HOLT: Objection, form.

17 A. Not to my knowledge.

18 **Q. (By Mr. Gear) During the redistricting process in**
19 **2021, did any of the other commissioners other than**
20 **Commissioner Holmes specifically reach out to the minority**
21 **community to discuss issues related to redistricting?**

22 A. Not to my knowledge.

23 **Q. You testified that Commissioner Holmes attended**
24 **events like the backyard barbecue and the Juneteenth**
25 **events. Did -- to your knowledge did any other**

Exhibit 13

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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,) CIVIL ACTION

v.) NO. 3:22-cv-57

GALVESTON COUNTY, TEXAS,)
and HONORABLE MARK HENRY,)
in his official capacity)
as Galveston County Judge,)
)
Defendants.)

UNITED STATES OF AMERICA,)
)
Plaintiff,) CIVIL ACTION

v.) NO. 3:22-cv-93

GALVESTON COUNTY, TEXAS,)
GALVESTON COUNTY)
COMMISSIONERS COURT, and)
HONORABLE MARK HENRY, in)
his official capacity as)
Galveston County Judge,)
)
Defendants.)

DICKINSON BAY AREA BRANCH)
NAACP, GALVESTON BRANCH)
NAACP, MAINLAND BRANCH)
NAACP, GALVESTON LULAC)
COUNCIL 151, EDNA)
COURVILLE, JOE A. COMPIAN,)
and LEON PHILLIPS,)
)
Plaintiffs,) CIVIL ACTION

v.) NO. 3:22-cv-117

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1 Q. Was this behavior different than other meetings
 2 you had attended?
 3 A. Yes.
 4 Q. Did you listen to public comment made at the
 5 meeting?
 6 A. Yes.
 7 Q. Can you describe generally what the public's
 8 reaction to the maps were?
 9 A. They were appalled.
 10 Q. And do you have any -- to your knowledge, do
 11 you know where they were?
 12 A. Because they would not have a voice, a person
 13 of their choice that they could vote on, have a voice in
 14 their community.
 15 Q. Did you speak with anyone regarding preparation
 16 for this meeting in terms of public comment they
 17 intended to make beforehand?
 18 A. Excuse me. I don't --
 19 Q. That was confusing. Let me repeat that.
 20 Did you speak with anyone about the comment
 21 they intended to make at the November 12th meeting
 22 beforehand?
 23 A. That was at the redistricting meeting?
 24 Q. Yes.
 25 A. No, I did not speak with anyone.

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1 Q. Did you know some of the individuals that made
 2 public comment?
 3 A. Yes.
 4 Q. How do you know them?
 5 A. I was born and raised in the same neighborhoods
 6 that they were raised in and that they live.
 7 Q. Is that the Texas City community?
 8 A. The Texas City/La Marque community.
 9 Q. Other than attending the November 12th, 2021
 10 meeting, did you have any other involvement with 2021
 11 Commissioners Court redistricting?
 12 A. No.
 13 Q. Okay. This is 20. Okay. I'm going to hand
 14 you -- this is going to be marked as Exhibit 2.
 15 (Exhibit No. 2 was marked.)
 16 Q. (BY MS. ELTON) There you go, discovery
 17 responses. On the second page it says, "Petteway
 18 Plaintiffs' Amended Responses to Defendant's First
 19 Discovery Requests." I know it's a very long document.
 20 I don't intend to ask you questions about it as a whole.
 21 However, if you would like the time to look through it,
 22 you can certainly have that. But have you seen this
 23 document before today?
 24 A. Yes.
 25 Q. Did you see it before it was submitted in this

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1 case, to your knowledge?
 2 MS. REYES: I'm sorry. Object to the
 3 extent that it --
 4 A. I'm not sure. I'm not sure.
 5 MS. REYES: Sorry. Derreck, if you let me
 6 finish my objection really quick.
 7 THE WITNESS: Okay.
 8 MS. REYES: -- to the extent that it calls
 9 for disclosure of attorney work product or
 10 attorney/client communication.
 11 Q. (BY MS. ELTON) Okay. And we are going to flip
 12 to -- we're going to flip to Page 8 of this document,
 13 and I'm going to read the interrogatory question to you,
 14 and then we'll go with the part that's relevant to you.
 15 "For each communication that included a Galveston County
 16 Commissioner or Galveston County Judge in which you were
 17 involved in any way related to, discussed or touched on
 18 plans for redistricting, changes to or approval of the
 19 2021 redistricting plan, identify them."
 20 And so in the portion of the answer that
 21 relates to you it says, "Honorable Derreck Rose recalls
 22 that shortly after the November 12th, 2021 hearing, he
 23 made phone calls to Commissioner Apffel and Giusti." Do
 24 you see that?
 25 A. Yes.

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1 Q. Do you agree with that statement?
 2 A. Yes.
 3 Q. Okay.
 4 MS. REYES: I'm sorry. What page are we
 5 on?
 6 A. Page 9 now.
 7 Q. (BY MS. ELTON) The answer is Page 9, yes.
 8 MS. REYES: Oh, okay.
 9 Q. (BY MS. ELTON) Let's first talk about your
 10 call to Commissioner Apffel. First of all, what was the
 11 reason for the call?
 12 A. How displeased I was about the nonresponse, him
 13 at the Commissioners Court meeting.
 14 Q. Of Mr. Apffel personally?
 15 A. Yes.
 16 Q. You say "nonresponse." What would you have
 17 liked to have seen from Commissioner Apffel?
 18 A. On how they treated the Black and Brown people
 19 there at that meeting which is so unprofessional.
 20 Q. So is it fair that your displeasure was in a
 21 lot of way with how the meeting was held?
 22 A. Yes.
 23 Q. Was your call to Commissioner Giusti similar?
 24 A. Yes.
 25 Q. Any other topics discussed with either call?

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1 Court redistricting from anywhere else?
2 A. Nowhere else.
3 Q. In any of your elections, did you ever analyze
4 the voting statistics of that election after the fact?
5 MS. REYES: Objection; form.
6 A. Can you rephrase that?
7 Q. (BY MS. ELTON) Yeah. So after one of your
8 elections campaigns, did you ever look back and see what
9 percentage of the population voted for you?
10 A. No, I did not.
11 Q. Okay. Or, similarly, the racial breakdown of
12 those who did vote for you?
13 A. No.
14 Q. And is it fair to say for at least the past
15 20 years, you have been engaged in local politics?
16 A. Yes.
17 Q. In the past ten years, how would you describe
18 the political makeup of Galveston County, as in trending
19 more Republican or more Democrat?
20 MS. REYES: Objection; form.
21 A. Do you want to ask -- rephrase that?
22 Q. (BY MS. ELTON) Sure. Let's just first,
23 sitting here today, do you believe Galveston County has
24 more Republican voters or Democrat voters?
25 A. Republican.

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1 Q. Okay. Is that true for the past ten years?
2 MS. REYES: Objection; form.
3 A. I can't say how far back that goes.
4 Q. (BY MS. ELTON) Okay. Have you seen a change
5 in whether the majority of voters are Republican or
6 Democrat in the past 20 years in Galveston County?
7 A. I'm not sure. I don't know.
8 Q. And earlier you said that you do not believe
9 that Commissioner Holmes can be reelected in his current
10 precinct, correct, under the new map?
11 A. Correct.
12 Q. Do you believe he could be reelected as a
13 Republican under the new map?
14 MS. REYES: Objection; form.
15 A. I don't know.
16 Q. (BY MS. ELTON) Do you believe that any
17 commissioner can be elected as a Democrat under the new
18 map?
19 MS. REYES: Objection; form.
20 A. I don't know.
21 Q. (BY MS. ELTON) Do you believe that the African
22 American community has different needs than the Anglo
23 community in Galveston County?
24 A. I don't know.
25 Q. You have no opinion on that?

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1 A. No.
2 Q. Do you believe that the Latino community has
3 different needs than the Anglo community in Galveston
4 County?
5 A. I can't -- I don't know.
6 Q. You don't have any opinion on that?
7 A. No.
8 Q. Do you believe that the African American
9 community and Latino community have the same needs in
10 Galveston County?
11 A. I don't know, ma'am.
12 Q. No opinion on that?
13 A. No opinion on that.
14 Q. Do you believe that there is a history of
15 discrimination of Galveston County officials over the
16 last ten years?
17 A. Can you repeat that?
18 Q. Yes. Do you believe that in the past ten years
19 there's a presence of discrimination by Galveston County
20 elected officials?
21 A. Can you rephrase that and what you mean by
22 discrimination by the officials?
23 Q. Right. And I -- let's just first start
24 generally. Do you believe that there is discrimination
25 present in Galveston County?

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1 A. Yes.
2 Q. Can you give me some examples of that?
3 A. In policing, in education.
4 Q. And specifically in policing, what do you see?
5 A. The Black and Brown community being stopped
6 more so than Anglo and police different.
7 Q. And what do you base that opinion on?
8 A. History, knowledge.
9 Q. Any specific facts or specific instance?
10 A. I could give -- yes.
11 Q. Okay. Can you give me one?
12 A. My son got stopped.
13 Q. So wrongful stopping and policing you've seen
14 as a form of discrimination. Is that fair?
15 A. Yes.
16 Q. Okay. And I believe you said education as
17 well?
18 A. Right.
19 Q. Okay. And can you give me an example of
20 discrimination in education?
21 A. As far as schools, being able to get the
22 quality of education that they need.
23 Q. And is that -- you said "get the quality of
24 education they need." Is that based on schools
25 available to them or what do you base that off of?

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1 MS. REYES: Objection; form.

2 A. Just knowledge.

3 Q. (BY MS. ELTON) Can you give me a specific

4 example?

5 A. No, not right off the top of my head.

6 Q. And now back to the original question. We've

7 kind of talked generally in Galveston County, but now

8 have you ever -- have you witnessed specific instances

9 of discrimination in Galveston County by a government

10 official?

11 A. The treatment of -- going back to 2011 -- of

12 African Americans that came to the redistricting

13 hearing, and it was cut short by Judge Henry, Mark

14 Henry. They were treated totally unfair.

15 Q. And I just want to make sure you said 2011,

16 that --

17 A. Yes.

18 Q. Okay. And what was discussed at this hearing?

19 You said redistricting?

20 A. Yeah, it was a redistricting hearing.

21 Q. For the 2010-2011 cycle?

22 A. Yes, ma'am.

23 Q. And was that Commissioners Court redistricting

24 or was that JP Constable redistricting?

25 A. Commissioners and JP, yes.

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1 Q. Both were discussed?

2 A. Yes.

3 Q. What was your involvement in the 2010-2011

4 redistricting cycle?

5 MS. REYES: Objection; form.

6 A. I was applying for that case.

7 Q. (BY MS. ELTON) And I'm talking about before

8 the lawsuit in the actual process itself.

9 A. I was the constable, Precinct 3.

10 Q. And did you attend public meetings regarding

11 the 2010-2011 redistricting --

12 A. Yes, I did.

13 Q. -- of the Commissioners Court? And you did

14 mention the lawsuit. What is your understanding of that

15 lawsuit?

16 MS. REYES: Objection; form.

17 A. What do you -- can you rephrase that?

18 Q. (BY MS. ELTON) Yes. You mentioned that you

19 became involved in the 2011 litigation surrounding the

20 2010-2011 redistricting. Correct?

21 A. (Nodding head.)

22 Q. What was your understanding -- or why did you

23 get involved in that litigation?

24 A. Same -- same here, unable to elect a person of

25 your choice.

Page 60

1 Q. Okay. And so you believe that you suffered the

2 same injury in 2010-2011 as you do in this current

3 lawsuit. Is that fair?

4 MS. REYES: Objection; form.

5 A. Yes.

6 Q. (BY MS. ELTON) And you said that you don't

7 believe that you're able to elect the candidate of your

8 choice. Right?

9 A. Yes.

10 Q. As you sit here today, who is your candidate of

11 choice?

12 MS. REYES: Objection; form.

13 A. There's not -- there's not a candidate running

14 at this point in time.

15 Q. (BY MS. ELTON) So is it fair to say that you

16 wouldn't know your candidate of choice until an election

17 occurs. Right?

18 A. That is correct.

19 Q. Okay. And because one has not occurred in your

20 current precinct, why do you believe you would not be

21 able to elect your candidate?

22 A. Because the way the lines are drawn on that --

23 on the map that they adopted.

24 Q. And what -- what is it about the lines that

25 makes you think that you cannot -- if sitting here today

Page 61

1 we don't have a candidate of choice, how do you know

2 only based on the lines that you would not be able to

3 elect this future candidate?

4 A. I'm not a map expert.

5 Q. Right. I'm just asking for your understanding

6 and why you believe that you can't elect your candidate

7 of choice when that candidate hasn't been determined

8 yet?

9 MS. REYES: Objection; form.

10 A. It has split up. The Commissioners Court has

11 split it up in three different commission -- precincts

12 in that one area.

13 Q. (BY MS. ELTON) You're referring to the former

14 Precinct 3 has been split up?

15 A. Yes.

16 MS. REYES: Just to clarify, we're

17 referring to Precinct 3 of the Commissioners Court?

18 MS. ELTON: Yes, yes.

19 MS. REYES: Okay.

20 Q. (BY MS. ELTON) Other than the meeting in 2011

21 where you believe Judge Henry discriminated against the

22 constituents at the meeting, do you have any other

23 examples of discrimination by a government official?

24 A. Yes. '20 -- the meeting that we just had in

25 '21, where he come in and was going to clear the room,

Exhibit 14

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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.

1 Q. So a member of your staff prepared this?

2 MR. RUSSO: Objection; speculation,
3 asked and answered.

4 A. Yeah, I -- I don't know who prepared it.
5 But I know that Seth sent it to me.

6 Q. (BY MS. VALL-LLOBERA) Do you know what
7 these geographic areas that the -- that these
8 numbered precincts correspond to?

9 A. For my precinct, I do.

10 Q. So when you were looking at these proposals,
11 you had a sense for what communities or what --
12 what geographic areas you were thinking of breaking
13 out?

14 A. The only thing I was trying to do was break
15 out Bolivar peninsula, because it did not make
16 sense for me -- for a 20-minute meeting to drive
17 four hours.

18 And so, I was trying -- I was hoping there
19 would be enough population there that I could give
20 up, to better geographically fix the problem I had.

21 Q. So you did not want to represent Bolivar?

22 A. No, that's not -- that's -- that's the wrong
23 statement. I would love to continue to represent
24 Bolivar.

25 But I thought it would make better use of

1 all of our time, if, unfortunately, someone else
2 did it, based on a redraw.

3 And redraws needed to happen, and I had too
4 many people that -- and so I thought that was a
5 logical place to give up.

6 Q. Was the impulse -- was your -- was your
7 desire to draw Bolivar out of your map driven by
8 the logistics of getting there?

9 A. Only.

10 Q. Only -- just to -- to clarify, so that was
11 the only motivating factor for you wanting to draw
12 Bolivar out of your precinct?

13 A. That's it.

14 MR. RUSSO: Object as vague.

15 MS. VALL-LLOBERA: I would like to
16 introduce Tab 13. Here you go, Counsel.

17 MR. RUSSO: Thank you.

18 MS. VALL-LLOBERA: This is
19 exhibit -- excuse me, Apffel Exhibit 12.

20 (Exhibit 12 is marked.)

21 Q. (BY MS. VALL-LLOBERA) So this is an
22 August 30, 2020, e-mail from Paul Ready to Linda
23 Liechty. And the subject is, call request, hyphen,
24 Galveston County redistricting.

25 Did I read that correctly?

1 A. No, I wasn't looking to cut Bolivar. I
2 wasn't looking to cut anyone. I was understanding
3 that in order to balance the -- the four precincts,
4 that I would have to give up something and give it
5 to someone else, to -- to make that -- to
6 accomplish that.

7 And so, that's -- that's what I understood.

8 Q. When looking at what areas you could peel
9 off of your district, what factors did you
10 consider?

11 A. I've told you, that made sense to me. And
12 part of that analysis, in -- the -- the Excel
13 spreadsheet, I was trying to see how many -- I was
14 trying to see the numbers by the voting precincts
15 to say, okay, we can give up this -- 103 and 104,
16 because I have to -- for a 20-minute meeting in
17 by -- in High Island, I have to drive four hours,
18 because of the ferry, the geographical split
19 between the -- the island and the peninsula.

20 But -- so, it was -- I was thinking, okay,
21 this -- this is what makes sense. If I've got to
22 give something up, I'll give up this.

23 Q. Did you consider any other factors?

24 A. I wasn't --

25 MR. RUSSO: Object as vague.

1 question. The question was: Did you consider
2 the -- the impact on minority populations?

3 Could you read back his response?

4 THE REPORTER: Just a moment.

5 (The requested portion of the record
6 was read by the court reporter.)

7 Q. (BY MS. VALL-LLOBERA) So you knew that
8 changing precinct lines would impact minority
9 populations?

10 MR. RUSSO: Objection; vague and
11 ambiguous, calls for speculation.

12 Q. (BY MS. VALL-LLOBERA) How would changing
13 the precinct lines impact minority populations?

14 MR. RUSSO: Calls for speculation.

15 A. No, it doesn't change minority populations.
16 The minorities still live in the same area. It
17 just adds more people.

18 And unfortunately for Commissioner Holmes,
19 these more people ended up being of a different
20 party. But he could switch parties and run for
21 office and still represent the same people, like I
22 did.

23 Q. (BY MS. VALL-LLOBERA) Was it a goal -- was
24 it one of -- was it a goal of yours, to put people
25 into Mr. -- Commissioner Holmes' district that were

1 of a different political party?

2 A. Never.

3 Q. Did anybody -- did anyone ask you for your
4 preferences regarding redrawing maps?

5 A. My preferences -- I -- I'm going to say no.

6 Q. Did you share any political preferences?

7 A. I did not.

8 MR. RUSSO: Objection; vague.

9 Q. (BY MS. VALL-LLOBERA) Did you propose any
10 geographic modifications?

11 A. Other than those that I -- we've talked
12 about, giving up Bolivar to equalize the numbers,
13 no. For my -- I only talked about my precinct.

14 Q. Did others share with you their preferences
15 regarding how the maps should be redrawn?

16 MR. RUSSO: Could you --

17 A. Not -- only in the sense of a vote, on the
18 day we approved it.

19 Q. (BY MS. VALL-LLOBERA) Did anybody propose
20 any geographic modifications to the maps, to you?

21 A. Would -- I don't understand your question.

22 Q. Did constituents or others come to you with
23 proposals on how to modify the maps?

24 A. They did not.

25 Q. Did anybody -- did anybody else come to you

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 A. I mean, I'm familiar with it, yes. But I
2 see this as her opinion as to what we should do.

3 Q. How does this timeline compare to what
4 actually occurred in the 2021 redistricting
5 process? I -- I should be more specific.

6 She sent this e-mail on October 29, 2021.
7 At this point in time, when you received this
8 letter, how did this timeline compare to what had
9 occurred, to date, in the 2021 redistricting
10 process?

11 A. Everything had happened, except the
12 receive -- receiving of the proposed maps and the
13 publication to the public, on October 29th, I
14 think -- or no, I don't remember.

15 Somewhere right in here is when the maps
16 were posted on the county's website for comment, of
17 which we got 534, by the way. That's -- that's
18 bigger than any public meeting you said we had in
19 2011.

20 Q. Could you state that again?

21 A. To which we got 534 comments to the maps.

22 Q. Through the public comments portal?

23 A. Yes. Yeah.

24 Q. Great. Okay.

25 So earlier, when we were referring to -- to

1 hindrance that I had.

2 Q. So, would it be fair to say it was your idea
3 to eliminate Bolivar from Precinct 1?

4 A. It was a -- it was an idea, that -- I don't
5 know if I was the first to float it or not. But
6 what it did was create a Gulf Coast district that
7 became really intriguing to everybody.

8 Q. Could you be more specific on who the idea
9 of a coastal precinct was intriguing to?

10 A. Well, I say everybody. I'm just meaning
11 that was the map that ultimately was -- that --
12 well, both of them -- I think both of those maps
13 were Gulf Coast districts.

14 So, it was -- so it just kind of happened,
15 in the -- in the equalization of the population.
16 And then it would -- it became a, well, this is
17 a -- this is a great idea because of all of the
18 coastal issues.

19 And then the judge took it. And I'm sure
20 you've seen he put the -- when he posted the maps
21 on, and he proposed -- he -- what's the word, not
22 proposed -- supported Map 1 for that reason.

23 Q. All right. I would like to look at those
24 proposed maps with you.

25 MS. VALL-LLOBERA: And that's going

1 A. I believe Tyler Drummond -- you know, the
2 Judge's office, and his staff.

3 Q. And were they -- who was reviewing the
4 comments?

5 A. I believe Tyler Drummond, and the Judge's
6 staff, Zach Davidson.

7 Q. Did you review the comments that -- excuse
8 me.

9 Did you review all the comments that were
10 submitted through the website?

11 A. Drop the word all, and maybe some. But not
12 all.

13 Q. Did you review any of the comments that were
14 submitted through the website?

15 A. Yes.

16 Q. How did you personally get access to the
17 public comments that was submitted?

18 A. They were printed, and on a -- top of a file
19 cabinet in the judge's office. And they were
20 keeping track of them.

21 Q. How did you select which ones to read?

22 A. I just read through them. I would read
23 through them.

24 Q. Did anybody give you a selection of public
25 comments to read?

1 precinct seat?

2 A. Safety?

3 Q. Were you concerned, at all, about your
4 precinct becoming less Republican?

5 A. No, I did not worry about that.

6 Q. Was that a fact -- was the partisanship a
7 factor in your evaluation of these maps?

8 A. Not at all.

9 Q. Did you visit Bolivar to promote the
10 proposed maps, or to discuss the proposed maps?

11 A. I did not. No. I'm just trying to think
12 back to the chamber. The chamber -- I believe the
13 Bolivar chamber posted them on their website. But
14 there was no opinions of mine, or anyone else's, as
15 to which -- which map.

16 MS. VALL-LLOBERA: Let's introduce
17 Tab 24, to refresh Mr. Apffel's -- excuse me,
18 Mr. Apffel's memory.

19 MR. RUSSO: Objection to sidebar.
20 I'm kidding. I saw your fingers off
21 the thing.

22 MS. VALL-LLOBERA: This is going to
23 be Apffel Exhibit 19.

24 (Exhibit 19 is marked.)

25 Q. (BY MS. VALL-LLOBERA) So,

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. And so, you don't think -- am I
2 understanding correctly that you would oppose
3 gerrymandering for either Democrats or Republicans?

4 A. Absolutely.

5 Q. Okay. Returning to the November 12, 2021,
6 meeting, and specifically the folks that spoke at
7 the meeting, did any of the people speaking at the
8 meeting express opposition to eliminating the only
9 majority African-American -- excuse me, the only
10 majority non-Anglo commissioners precinct?

11 A. One more time.

12 MR. RUSSO: Okay. Can you -- yeah,
13 if you want to state your question again. I lost
14 it.

15 Q. (BY MS. VALL-LLOBERA) Yeah. Did any -- any
16 of the people speaking at the meeting express
17 opposition to eliminating the only majority
18 minority commissioners precinct?

19 A. Absolutely. I think they said -- thought
20 that what we were doing was based on minorities.

21 Q. Did any of them express concerns that the
22 map violated the Voting Rights Act?

23 A. None of them went into that detail, that I
24 recall.

25 Q. Do you think this meeting, which occurred

1 one day before the deadline to adopt the new maps,
2 provided a meaningful opportunity to consider
3 constituents' feedback?

4 A. Absolutely.

5 Q. Was there an opportunity for you and the
6 judge and the -- for the Commissioners Court to
7 reconsider the maps, based on the comments at the
8 hearing?

9 A. No.

10 Q. Do you recall Commissioner Holmes brought
11 two map proposals with him to the meeting?

12 A. Well, now that you mention, maybe. Yes, I
13 seem to recall, but I can't recall what they looked
14 like.

15 Q. Did you see them in the moment?

16 A. Yes. He -- he put them up there and talked
17 about them, I believe.

18 Q. Did you have an opportunity to consider
19 those map proposals that Commissioner Holmes
20 brought?

21 A. Absolutely.

22 Q. Do you recall Judge Henry saying, quote, We
23 don't have time. We must adopt a map by tomorrow,
24 according to Secretary of State, close quote?

25 A. I don't recall it, but that was certainly a

1 fact.

2 Q. And you were all aware of the -- the
3 deadline, correct? Is that right?

4 A. Yes. Hence, the special meeting.

5 MS. VALL-LLOBERA: I would like to
6 introduce Tab 5 as the next exhibit. This is going
7 to be Apffel Exhibit 25.

8 (Exhibit 25 is marked.)

9 Q. (BY MS. VALL-LLOBERA) So this cover page is
10 just showing that this was a scanned document.

11 A. Okay.

12 Q. If you turn to the second page, here is the
13 order establishing new Commissioner precinct
14 boundaries.

15 Do you recognize this?

16 A. Yes.

17 Q. So who moves to adopt the map?

18 A. Judge Henry.

19 Q. And did you second?

20 A. I did.

21 Q. Why did you support Map proposal 2, over Map
22 proposal 1?

23 A. Because of the Gulf Coast district.

24 Q. Returning once more to the public comment --
25 excuse me, the statements made during the public

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.

1 that Mr. Oldham and his staff drew politically
2 gerrymandered maps on purpose?

3 A. Are you -- again, if you're talking about
4 our map that we approved, I don't believe was a
5 gerrymandered map.

6 In fact, I'm saying just the opposite. In
7 order to protect Stephen Holmes, it would have had
8 to have been a gerrymandered map.

9 Q. Okay. Let me turn your attention to
10 Exhibit 27-A. And in particular -- or your
11 counsel -- in particular, I'm in the tab that is
12 called, pop pivot.

13 And actually while it's in front of you, I
14 should ask you first.

15 Do you recognize this Excel?

16 A. So far, no.

17 Q. Can you turn to the tab called, pop pivot?

18 A. Okay.

19 Q. And specifically, looking at the numbers
20 here, so do you see that there is some color-coded
21 shading towards the right side of this?

22 A. Yes.

23 Q. I'll represent to you that VAP, V-A-P,
24 stands for voting age population. BNA -- BNH
25 percentage VAP means black non-Hispanic VAP, and

1 HISP, H-I-S-P, VAP, means voting age -- excuse me,
2 Hispanic voting age population.

3 A. Okay.

4 Q. M-I-N VAP means minority VAP, so the
5 minority voting age population.

6 Can you look at the numbers in this section
7 of the Excel?

8 MR. RUSSO: Yeah. I just want to
9 lodge an objection here, the document speaks for
10 itself.

11 But you can ask the witness whether
12 he's seen it or knows what those columns mean.

13 Q. (BY MS. VALL-LLOBERA) Have you -- have you
14 seen this before?

15 A. Not that I recall, but possibly. But go
16 ahead. So -- because I'm not sure what we're doing
17 here.

18 Q. So is this the -- is this the racial data
19 that you referenced in the article that we looked
20 at before the break?

21 A. I just don't know.

22 Q. Do these numbers correspond with the try --
23 labeled original map -- original Map 1, Map 2?

24 A. I don't know. I just think you better ask
25 Dale about all this.

1 (Break.)

2 THE VIDEOGRAPHER: Back on the
3 record at 1643. Please proceed.

4 EXAMINATION

5 BY MS. REYES:

6 Q. Okay. Good afternoon, Mr. Apffel. My name
7 is Bernadette Reyes. And I am an attorney on
8 behalf UCLA Voting Rights Project on behalf of the
9 Petteway Plaintiffs.

10 We represent the Petteway Plaintiffs in this
11 case, specifically Terry Petteway, the Honorable
12 Barrett Rose, Michael Montez, Kenny Folks, and
13 Sonny James.

14 I'm going to be asking you a few more
15 questions today. And I'm going to be following up
16 on some of the topics that we've already discussed.
17 So excuse me if I jump around from topic to topic.

18 If you have any questions or don't
19 understand my questions, please let me know and I
20 will clarify.

21 A. Okay.

22 Q. Okay. Great. So, I wanted to talk about
23 your -- your precinct.

24 Do you know the partisan breakdown of the
25 precinct that you represent?

1 A. No.

2 Q. How about, of the county?

3 A. No.

4 Q. So is it safe to say that your vote for the
5 current adopted Galveston County Commissioners
6 Court map was not impacted by any partisan
7 (unintelligible)?

8 A. Correct.

9 Q. (Unintelligible).

10 THE REPORTER: I'm sorry. You're
11 going to have to repeat that.

12 Q. (BY MS. REYES) You were asked about your
13 constituency and the demographic breakdown --
14 sorry.

15 Earlier today, you were asked about your
16 constituency, and the racial and socioeconomic
17 demographic breakdown. And you stated you did not
18 know it.

19 Is that correct?

20 A. That's correct.

21 Q. Okay. Great. And you said that it -- those
22 things don't really matter to you.

23 Could you explain why it doesn't matter to
24 you?

25 A. Because my job is to represent all the

1 Q. Are you -- are you saying that the maps then
2 had, I guess, what you call crazy lines drawn?

3 A. Which maps?

4 Q. Commissioner Holmes'.

5 A. I -- that's -- no. I said unless. I
6 don't -- I don't remember. You asked me did I
7 know -- yeah.

8 Q. Okay. So you -- you can (unintelligible)?

9 THE REPORTER: I couldn't hear that.

10 Q. (BY MS. REYES) You cannot recall.

11 Is that correct?

12 A. His maps, no.

13 Q. What -- when you mentioned gerrymandered
14 like before, what do you -- what are you referring
15 to?

16 A. Like -- like I just said, drawing lines and
17 making districts that just encompass and circle a
18 certain type of people.

19 Q. What do you mean, certain type of people?

20 A. Well, you're the one referring to, for
21 example, people of color, or minorities.

22 Q. Oh, so that's -- that's what you meant?

23 A. Yeah.

24 Q. So when you said gerrymandered like before,
25 were you not -- were you referring to any prior

1 A. Old and new, yes.

2 Q. What do you mean by, old and new?

3 A. They've changed.

4 Q. And so, you have a rough idea of where
5 certain ethnic groups and racial groups live on the
6 county -- or in the county currently?

7 A. Yes.

8 Q. Okay. Okay. With regard to staffing, how
9 many staff members do you have, as a commissioner?

10 A. Currently, none.

11 Q. Did you -- you previously had referenced an
12 advisor.

13 A. Yes, I did.

14 Q. Was -- was that your only staff member, as a
15 commissioner?

16 A. Yes.

17 Q. Okay. And do you have a chief of staff, or
18 have you ever had a chief of staff?

19 A. No. My -- we only get one position, and we
20 call them a policy and constituent advisor. The
21 only chief of staff is for the judge.

22 Q. Okay. Does the judge have any additional
23 staff members?

24 A. He has a communications director, and a
25 governmental affairs position. So, yes, those two.

1 Q. Okay. Are you currently the only
2 commissioner with the staff of just you?

3 A. Yes.

4 Q. Do you know if these other staff members'
5 e-mails and records were searched for -- for
6 documents responsive to the Plaintiffs' discovery
7 requests?

8 A. Absolutely. I mean, mine -- I know mine
9 were.

10 Q. And what does a -- a policy constituent
11 advisor do or did?

12 A. It was real important for mine, because I --
13 as I had previously indicated, I have 70 --
14 70 percent unincorporated. So we get more
15 constituent calls and complaints and concerns, than
16 others, because others are calling their cities, or
17 their mun -- their mayors, their councilmen.

18 They're not calling their county
19 representative because they live in a city.
20 Because mine didn't live a city, they would
21 typically call our office.

22 So what a policy and constituent advisor
23 does is, it's a glorified name to answering the
24 phone and -- it's more constituent than it is
25 policy.

1 Q. (BY MR. NEWKIRK) In your view, what is the
2 racial makeup of supporters of the Democratic party
3 in Galveston County?

4 A. I would say primarily African-American and
5 Latinos.

6 Q. Do you believe that African-Americans and
7 Latinos usually vote together?

8 A. No. That was clear in the Trump race.

9 Q. Can you elaborate a little bit?

10 A. No. I don't know. I just know that the
11 Latino vote, across the country, was for the
12 Republican Trump.

13 Q. Is the Republican party in Galveston County
14 predominantly white?

15 A. I don't know that. Not my party. Not the
16 people that I -- vote for me.

17 Q. How do you know that?

18 A. Because I won.

19 Q. Have you done a post-election analysis to
20 figure out the demographic?

21 A. I don't get into all that. I just know --
22 the people know me and I know the people and I
23 know -- I know my precinct.

24 Q. You know the demographics of your precinct?

25 A. No, I didn't say the demographics. I just

Exhibit 15

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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.

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 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 involved in any communications from 2014 to 2021
2 related to the creation of a coastal precinct?

3 A. Not that I'm aware of.

4 Q. Were you involved with any of the
5 commissioners in private communications regarding the
6 creation of a coastal precinct between 2014 and 2021?

7 A. Are we talking prior to the maps coming out?

8 Q. Let me restate my question just so we're
9 clear.

10 So I'm asking you for a date range, 2014,
11 when you were elected, to 2021, when the maps were
12 ultimately adopted. Were you involved in any private
13 discussions with any of the other commissioners on the
14 court related to the creation of a coastal precinct?

15 MS. OLALDE: I'm going to object and ask
16 the witness not to answer with respect to any
17 attorney-client privilege or to any work product,
18 shared communications.

19 And otherwise you can answer.

20 THE WITNESS: Not that I recall.

21 Q. (By Mr. Gear) Was there any records of any
22 kind distributed by any of the county commissioners
23 related to the creation of a coastal precinct between
24 2014 to 2021?

25 A. Not that I recall.

1 Q. Were there any written proposals or analysis
2 developed by the commissioners court as a result of --
3 related to the concept of the creation of a coastal
4 precinct?

5 MS. OLALDE: Objection; form.

6 Q. (By Mr. Gear) Do you understand my question?

7 A. Not that I recall.

8 Q. So was any type of analysis ever done by the
9 commissioners court regarding the development of a
10 coastal precinct?

11 MS. OLALDE: Objection; form.

12 And to the extent your answer would
13 contain any attorney-client privilege or attorney work
14 product information or communication, I would instruct
15 you not to answer, but otherwise you may answer.

16 THE WITNESS: Not that I recall.

17 Q. (By Mr. Gear) So based on your knowledge,
18 have there been any surveys or public polls conducted
19 by the commissioners court to determine the interest in
20 establishing a coastal precinct?

21 A. Not that I recall.

22 Q. So during the 2021 redistricting process, did
23 you engage in any communications with elected officials
24 in the City of Galveston related to the creation of a
25 coastal precinct?

1 A. No, sir.

2 Q. Did you engage in any communications with
3 elected officials from the Bolivar Peninsula related to
4 the creation of a coastal precinct?

5 A. No, sir.

6 Q. Did you engage in any communications with the
7 Galveston Chamber of Commerce related to the creation
8 of a coastal precinct? And again I'm talking about
9 this 2021.

10 A. Right. No, sir.

11 Q. Did you engage in any communications with the
12 Bolivar Peninsula related to the creation of a coastal
13 precinct?

14 MS. OLALDE: Objection; asked and
15 answered.

16 THE WITNESS: No, sir.

17 Q. (By Mr. Gear) And I may repeat questions from
18 time to time, and that's not intentional. It's not an
19 attempt to throw you off. And feel free to tell me if
20 you believe you've answered the question before.

21 So during the 2021 redistricting process,
22 did the commissioners court as a whole engage in any
23 communications with elected officials from any of the
24 cities in the City of Galveston related to the creation
25 of a coastal precinct?

1 A. No, sir.

2 Q. Do you have any personal knowledge of any
3 commissioner or staff -- or their staff engaging in
4 communications with elected officials in any of the
5 cities in Galveston related to the creation of a
6 coastal precinct?

7 A. No, sir.

8 Q. Do you have any personal knowledge of any
9 commissioner or their staff engaging in communications
10 with any Chambers of Commerce from the various cities
11 in Galveston County related to the creation of a
12 coastal precinct?

13 A. No, sir.

14 MR. GEAR: Could we put up Exhibit 5,
15 please, Zach?

16 Q. (By Mr. Gear) I'll give you a chance to look
17 at this document. For the record, this is a news
18 article, Political Buzz, that's titled Does the Coast
19 Want a Single, and then it's from Daily News, the
20 Galveston -- Galveston County, Texas. And do you see
21 the date on that document?

22 A. November 10th.

23 Q. November 10th, 2021. So in the first
24 paragraph of this document it talks about the creation
25 of a coastal precinct perhaps for the first time in

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 from constituents related to the posting of Maps 1 and
2 2?

3 A. No, sir, not that I recall.

4 Q. So what, if any, changes that you're aware of
5 were made as a result of the comments that were
6 received from constituents related to the posting of
7 Maps 1 and 2?

8 A. Changes to the maps?

9 Q. To either Map 1 or 2.

10 A. No, sir.

11 Q. Is that no, no changes were made?

12 A. Not that I recall, no, sir.

13 MR. GEAR: Can you pull up Exhibit 8 for
14 me, Zach, please?

15 Q. (By Mr. Gear) We discussed the special
16 session, the November 12th, 2021, date. I'll give you
17 a chance to look at this first before we identify it
18 for the record.

19 And maybe after this it will be a good
20 time to take a break.

21 MS. OLALDE: Yeah, I think so.

22 Q. (By Mr. Gear) Can you tell me what this
23 document is?

24 A. Yes, sir. It's a special meeting agenda
25 posted November 9th, 2021.

1 A. Those came in, yes, sir.

2 Q. Okay. So -- and you turned those 40 comments
3 over to your attorney during the course of this
4 litigation?

5 A. Yes, sir. They were there, and he was aware
6 that they were there.

7 Q. Okay. The comments that came into the
8 county's portal --

9 A. Yes.

10 Q. -- can you tell me approximately how many of
11 the -- how many comments were received to that portal?

12 A. I really don't know. I wish I could tell you.
13 I can't.

14 Q. Okay. But I believe you said you had access
15 to that portal.

16 A. Yes.

17 Q. And did you access that portal during the
18 redistricting process to review those comments?

19 A. I did at one point and looked at a few. They
20 were not necessarily in support of one map or the
21 other, but there were a lot of supportive on changing.
22 And I guess, you know, in retrospect several were for
23 Map 2, I guess it was. There were some for Map 1, some
24 for Map 2, several against, of course. So it was a
25 pretty good mix, I think, if I remember right. And I

1 checked -- I looked at it early on before there were
2 many comments there.

3 Q. Do you have an idea of how many comments
4 ultimately were received by that portal?

5 A. I do not know.

6 Q. When you said you reviewed a few, do you have
7 a general idea how many of the comments you actually
8 reviewed?

9 A. Probably 15.

10 Q. So of those 15 comments, can you tell me how
11 many expressed support for Map 1?

12 A. Out of 15, just in my head, no, because I
13 would be guessing.

14 Q. Okay. Out of those 15 comments, can you
15 testify how many opposed Map 2?

16 A. I want to say they were pretty evenly split
17 as, you know, in favor of and against as a total.

18 Q. So at some point you -- you said there were
19 many comments, so at some point you stopped looking at
20 the portal?

21 A. Yes, sir.

22 Q. And why did you stop looking at the portal?

23 A. They were repetitive of what was being said.
24 Like I said, it seemed to be going pretty evenly split.

25 Q. So I believe -- and correct me if I'm wrong,

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 session?

2 A. No, sir. As I mentioned before, it was 50 to
3 a hundred, you know, quite a few that spoke.

4 Q. And I believe you indicated that it was
5 Ms. Liechty that -- am I pronouncing her name
6 correctly?

7 A. Oh, Linda Liechty.

8 Q. Linda Liechty that went out and gathered names
9 of people that were interested in speaking?

10 A. Yes, sir.

11 Q. Did you ever see that list of people that were
12 interested in speaking?

13 A. I did not.

14 Q. Okay. But certainly you were a commissioner
15 I'll say podium -- on the podium, for lack of better
16 words, that listened to the input from constituents
17 during the special session, correct?

18 A. Yes.

19 Q. Do you recall any of the comments that were
20 made regarding the opposition to the plan? And just to
21 clarify that, Map 1 and Map 2.

22 A. Between the two maps I don't believe there was
23 really people for 1 or people for 2, or opposed to 1
24 but not opposed to 2. I think the people that spoke
25 were opposed to 1 and 2.

1 Q. Okay.

2 A. At least that was the gist that I got from it.

3 Q. And at any time during the special session did
4 commissioners gather to discuss the opposition that was
5 being presented to Map 1 and Map 2?

6 A. No, sir.

7 Q. Was there any consideration made by the
8 commissioners either during or following the special
9 session to tweak the plan in response to the opposition
10 to Map 1 or Map 2?

11 A. No, sir.

12 Q. Can you tell me why -- why not?

13 MS. OLALDE: Objection; calls for
14 speculation.

15 But you can answer as to your own
16 personal knowledge.

17 THE WITNESS: Well, at that point it was
18 time for the vote. Because of the timeline it was due.

19 Q. (By Mr. Gear) And previously you said that
20 there were -- you received both comments on your work
21 computer and you received comments in the county
22 website portal. And just so I'm clear and the record
23 is clear, were any changes made to either Map 1 or
24 Map 2 as a result of those comments?

25 A. No, sir.

1 Q. Did it have a polling location?

2 A. I think Carver Park was a polling location.

3 Q. Okay. And is -- with the polling location is
4 there a voting precinct that's associated with that
5 polling location?

6 A. Can you --

7 Q. Am I saying that correctly?

8 A. No, I don't think so. Can you clarify?

9 Q. So the polling locations generally have voting
10 precincts in them, correct?

11 A. Well, they -- one polling location usually
12 handles several precincts.

13 Q. Okay. And do you know what precincts the
14 Carver Park polling place handled?

15 A. I do not, because since we changed our system
16 several years ago anyone anywhere in the county can
17 vote anywhere. So if you're at work on the north side
18 of the county you can go vote there. It doesn't make a
19 difference where you are.

20 Q. So under the prior plan, Exhibit 9, were you
21 aware that Precinct 3 had a majority-minority black and
22 Hispanic voting age population?

23 A. Yes.

24 Q. And under the prior plan were you aware that
25 that majority-minority black Hispanic voting age

1 population was in place since Commissioner Holmes was
2 appointed to the commissioner's position?

3 A. No, sir, I guess I never knew really when.

4 Q. Were you aware that the black and Hispanic
5 voting age population also had a majority black and
6 Hispanic registered voter population in Precinct 3
7 under the prior plan?

8 A. Yes.

9 Q. Did you discuss the fact that precinct --
10 strike that.

11 During the 2021 redistricting process,
12 did you have any discussions with any of the
13 commissioners regarding Precinct 3 being a majority
14 black and Hispanic voting age population?

15 MS. OLALDE: I am going to object. And I
16 understand that the question is "did you," and I just
17 want to make sure that the witness understands not to
18 reveal any privileged communications or work product
19 that was discussed in any meetings.

20 MR. GEAR: And I will first say that I
21 asked you, "Did you have discussion with
22 commissioners?"

23 And I will renew our objection and
24 preserve our right to challenge any -- any
25 communication that took place with Dale Oldham because

1 used to be able to do.

2 Q. Would you agree under the adopted plan that
3 Precinct 3 is no longer a majority-minority black and
4 Hispanic -- no longer has a majority-minority black and
5 Hispanic voting age population?

6 A. Yes, I would agree.

7 Q. Do you have an opinion whether or not it was
8 necessary to reduce Precinct 3 under the adopted plan
9 to eliminate the majority-minority black and Hispanic
10 voting age population?

11 MS. OLALDE: Objection; argumentative.

12 You may answer.

13 THE WITNESS: Based on going back to
14 sheer numbers of population, I don't know. I just
15 don't know how else it could have been done, to be
16 honest. And from a layman's perspective, not knowing
17 where all the numbers are and looking at the maps that
18 were presented to us, I don't know how that could have
19 changed much.

20 Q. (By Mr. Gear) So just so the record is
21 clear -- and I don't mean to be argumentative. You're
22 not necessarily a layman. You are one of the
23 commissioners responsible for the 2021 redistricting
24 process, correct?

25 A. Correct.

1 Q. Did you have an ability during the 2021
2 redistricting process to determine what the numbers
3 looked like for the prior and the adopted plan?

4 MS. OLALDE: Objection; vague as to what
5 the numbers is.

6 Q. (By Mr. Gear) Well, we talked about you don't
7 know what the numbers are, correct?

8 A. Correct.

9 Q. What -- what did you mean by that?

10 A. I don't -- as far as where the minority
11 population is, I know on bulk -- I know the old
12 Precinct 3, right in the middle of it, there was a
13 large minority precinct in La Marque and Texas City.
14 Other than that, to level out the population, I don't
15 know where you would go to pick up the population and
16 still keep a minority-majority. And when I say
17 "layman," I'm not a demographer.

18 Q. Sure. Did you have any discussions during the
19 2021 redistricting process with any of the
20 commissioners regarding maintaining Precinct 3 as a
21 majority-minority precinct? And I'm talking about
22 black and Hispanic.

23 A. No, sir, not that I recall.

24 Q. Are you aware of any efforts to maintain, by
25 any of the commissioners or anyone responsible for

1 drawing the 2021 redistricting plans, efforts to
2 maintain Precinct 3 as a majority-minority black and
3 Hispanic precinct?

4 A. Not that I'm aware of.

5 Q. Did you have any concerns about Precinct 3
6 losing its majority-minority black and Hispanic voting
7 age population?

8 A. No, sir, I don't think I had any concerns
9 about it.

10 MR. GEAR: Zach, could you pull up
11 Exhibit 10, please?

12 Q. (By Mr. Gear) I'll give you a chance to look
13 at this before I start asking questions.

14 A. Yes, sir.

15 Q. When you're ready, have you seen this document
16 before? And just to be clear for the record, it's --
17 has Defendants Bates Stamp No. 00011471 to 00011473.
18 It's a three-page document. Have you seen this
19 document before?

20 A. I don't believe I've seen this particular
21 document.

22 Q. Okay. So let's just identify it for the
23 record what it is. Do you know what this is?

24 A. Yes, sir.

25 Q. And what is it?

1 trailing out into the hallway and couldn't quite fit
2 into the main room?

3 A. I was at that point wishing we had a larger
4 room.

5 Q. Do you recall any of the testimony that people
6 made during that time, any testimony by any of your
7 specific constituents, anyone you knew personally?

8 A. Not really what was said. I don't really
9 recall exactly what was said. I do remember there were
10 a couple of people that were very animated, if you
11 would. There were some very good speakers that came to
12 the microphone and made their points, if you would. I
13 think I might have known one person in the crowd, maybe
14 two, that were actually speaking.

15 Q. Could you speak to anything specifically that
16 was said?

17 A. I don't recall.

18 Q. And earlier I think you said that nearly every
19 single person -- I think you said everybody other than
20 one or two speakers supported -- did not support either
21 of the maps and that only one or two people supported
22 Map 2; is that correct?

23 A. Correct.

24 Q. Did any of the people testifying describe
25 their communities of interest and how Commissioner

1 Holmes had represented those communities?

2 A. I believe they did.

3 Q. Do you remember any specific things that
4 people said about Commissioner Holmes?

5 A. Like I mentioned earlier, they love the guy.

6 Q. Anything specific they said about their
7 communities, how they would be represented without him?

8 A. Yes. They did mention that they thought it
9 would not be as -- they would not be as well
10 represented with someone else.

11 Q. Do you remember any specific reasoning they
12 provided about why they wouldn't be as well
13 represented?

14 A. I don't recall.

15 Q. So I would like to introduce Tab 46,
16 Exhibit 24. It's a pretty big document. This is the
17 transcript of the hearing from November 12th.

18 A. Okay.

19 Q. If you could go to page 54.

20 A. I'm sorry. Page 54?

21 Q. Yes. Page 54. Sorry. Page 55. I'm going to
22 represent to you that this is a transcript of the
23 November 12th, 2021, special meeting in the Calder
24 annex on redistricting. Do you want to take a few
25 moments just to verify that this is an accurate

1 statements, do you think it was reasonable for Judge
2 Henry to threaten the constituents that he would clear
3 them out of the meeting hall?

4 MS. OLALDE: Objection to the
5 characterization of threaten.

6 You can answer.

7 THE WITNESS: I guess he was a little
8 gruff, and it's not the way I would have done it, but
9 something did need to be said to quiet the crowd down
10 because it was very hard to hear speakers at certain
11 points because of the crowd noise.

12 Q. (By Mr. Silberstein) Do you think the tone of
13 Judge Henry was -- let me rephrase.

14 Do you think the way Judge Henry
15 addressed the crowd was an adequate way to lead to
16 better public discussion and better public input for
17 the maps?

18 MS. OLALDE: Objection; confusing.

19 THE WITNESS: I don't know. Like I said,
20 I wouldn't have done it that way, but that's me.

21 Q. (By Mr. Silberstein) Do you think this
22 meeting one day before the deadline to adopt new maps
23 provided a meaningful opportunity to consider
24 constituents' feedback?

25 A. Not totally, but then again, with the deadline

1 we were placed under, I don't think we had a lot of
2 time to do much else.

3 Q. Do you think this meeting one day before the
4 deadline to adopt new maps provided a meaningful
5 opportunity to incorporate changes to the maps based on
6 constituents' feedback?

7 A. With the timeline we were against I don't
8 think so because we would not have had time to post
9 another meeting before the deadline.

10 Q. Earlier in your testimony we spoke about the
11 majority-minority precinct, and you said it couldn't be
12 maintained, correct?

13 A. Something to that effect, yes.

14 Q. And you said that from your layman's
15 perspective you didn't -- you didn't understand where
16 you could add people to that precinct and still
17 maintain the district; is that correct?

18 MS. OLALDE: Objection; states testimony
19 out of context.

20 But to the extent he's asking if you
21 recall prior testimony you can answer.

22 THE WITNESS: I do recall -- ask again,
23 please.

24 Q. (By Mr. Silberstein) Earlier in your
25 testimony you said that from a layman's perspective you

Exhibit 16

Lucretia Lofton

April 26, 2023

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.) Civil Action No.
3:22-cv-57

GALVESTON COUNTY, TEXAS, and)
HONORABLE MARK HENRY, in his)
official capacity as Galveston)
County Judge,)
Defendants.)

UNITED STATES OF AMERICA,)
Plaintiff,)

V.) Civil Action No.
3:22-cv-93

GALVESTON COUNTY, TEXAS,)
GALVESTON COUNTY COMMISSIONERS)
COURT, and HONORABLE MARK)
HENRY, in his official)
Capacity as Galveston County)
Judge,)
Defendants.)

DICKINSON BAY AREA BRANCH)
NAACP, GALVESTON BRANCH NAACP,)
MAINLAND BRANCH NAACP,)
GALVESTON LULAC COUNCIL 151,)
EDNA COURVILLE, JOE A.)
COMPIAN, and LEON PHILLIPS,)
Plaintiffs,)

V.) Civil Action No.
3:22-cv-117

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)
Judge,)
Defendants.)

1 Q. And which people are you talking about, race --

2 A. The people who are --

3 Q. -- race-wise? Which people are you talking
4 about?

5 A. Those are -- according to the old Precinct 3,
6 that impacted the -- the Black and Hispanic people.

7 Q. Okay. So, again, your view is in order for --
8 to get this right, you have to take into account that
9 racial -- the racial groups of African Americans and
10 Latinos have to be put together to be able to elect
11 their own candidate; is that right?

12 MS. CHEN: Objection, form.

13 A. That's not what I said.

14 Q. (BY MR. RUSSO) Okay. So what is it that
15 -- how do you correct the problem? Do you go back to
16 old Precinct 3 and that's it?

17 A. No. You --

18 MS. CHEN: Objection, form.

19 Q. (BY MR. RUSSO) You can -- you can answer.

20 A. You create an inclusive process that allows for
21 the people in the community who will be affected by
22 them redistricting to be a part of the process and that
23 the maps be more inclusive and you don't use the same
24 exact person whose maps have been deemed discriminatory
25 in the past.

Exhibit 17

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,) CIVIL ACTION

v.) NO. 3:22-cv-57

GALVESTON COUNTY, TEXAS,)
and HONORABLE MARK HENRY,)
in his official capacity)
as Galveston County Judge,)

Defendants.)

UNITED STATES OF AMERICA,)
Plaintiff,) CIVIL ACTION

v.) NO. 3:22-cv-93

GALVESTON COUNTY, TEXAS,)
GALVESTON COUNTY)
COMMISSIONERS COURT, and)
HONORABLE MARK HENRY, in)
his official capacity as)
Galveston County Judge,)

Defendants.)

DICKINSON BAY AREA BRANCH)
NAACP, GALVESTON BRANCH)
NAACP, MAINLAND BRANCH)
NAACP, GALVESTON LULAC)
COUNCIL 151, EDNA)
COURVILLE, JOE A. COMPIAN,)
and LEON PHILLIPS,)

Plaintiffs,) CIVIL ACTION

v.) NO. 3:22-cv-117

1 question --

2 A. Okay.

3 Q. -- of whether Mainland, who you're here

4 representing --

5 A. Okay.

6 Q. -- that entity believed a fight was necessary

7 over the maps and redistricting effort? Did that occur

8 in April or did it occur after the maps were released in

9 October --

10 MS. CHEN: Objection; form.

11 Q. (BY MR. RUSSO) -- from the branch's

12 perspective?

13 A. When did that fight start? How are you going

14 to fight something that you didn't have any -- you

15 didn't see it yet, but you know that you're saying all

16 these people are saying this is something to worry about

17 because this is the same racist people, the person that

18 drew the maps before. So you're asking me something.

19 The maps came out before Mainland Branch has voiced

20 their opinion, and that's why we're here about the maps.

21 Q. Did you conclude -- when you stated that the

22 maps were being drawn by racist people --

23 A. I didn't say. I said the same people that drew

24 these maps did the same ones in 2011 that tried to

25 dilute the voting population of Black and Brown people

1 in Galveston County.

2 Q. And you're not calling them "racist people."

3 Right?

4 A. No. I said the same ones that drew the races
5 [sic]. I meant the races -- the maps that diluted the
6 racial population there.

7 Q. Okay.

8 A. Okay.

9 Q. Let's look at Exhibit 4 --

10 A. Okay.

11 Q. -- which is a response from an e-mail address
12 that says "VDRcaptain Galveston County."

13 A. So do we know who that is?

14 Q. I was going to ask you if you know who that is.

15 A. I don't know who they're talking about
16 VDRcaptain.

17 Q. Okay.

18 A. So --

19 Q. But you're copied on this e-mail as well.

20 Agreed?

21 A. Well, I can be copied on a lot of e-mails and
22 stuff, so...

23 Q. Were you copied on this e-mail; "yes" or "no"?

24 A. I was copied -- I was -- let me see. Okay. I
25 was copied on this e-mail, also.

1 relates to the changes in the data --

2 A. The changes in --

3 Q. -- and the effects of the -- the difference of
4 the effect of the map of the population. I'm giving you
5 that.

6 My question, though, relates to in passing
7 the map by the Commissioners Court, do you have a view
8 as to whether -- a belief one way or another? Do you
9 think it was based on partial gerry- -- partisanship, as
10 in let's turn the county red, or was it based on race as
11 in we would rather not have the Latino and Black
12 population be able to vote anymore?

13 MS. CHEN: Objection; form. Legal
14 conclusion.

15 Q. (BY MR. RUSSO) Do you have any understanding
16 and belief as to what the Commissioners Court's view
17 was?

18 A. Well, if you look at the statistics, you can
19 just look at the statistics of maps and see what effects
20 they had on them.

21 Q. Okay.

22 A. You -- if people vote cohesionly together and
23 if the one particular group in 3 might have been voting
24 leaning more Democratic, now they don't have enough
25 people to even vote for a candidate of their choice as

1 it was there. So effectively, you've probably done both
2 if you look at the map.

3 Q. So in terms of what the intention was in voting
4 and approving on the map, you point to the effects as
5 showing what the intentions were. Is that correct?

6 MS. CHEN: Objection; form.

7 A. Well, I'm looking at the effect of -- what the
8 effect of the map had on particular groups of people.

9 Q. (BY MR. RUSSO) Okay. And in terms of trying
10 to figure out why the commissioners did what they did,
11 you would principally look at what the effect of the
12 maps was to determine intention. Correct?

13 MS. CHEN: Objection; form.

14 A. The commissioners had an opportunity to do all
15 kind of maps and provide feedback in an adequate way
16 that they did not do with the people of their community.
17 So they could have drawn the maps in different ways so
18 they didn't have to move or shift population like that,
19 but they voted on maps and stuff that did.

20 Q. (BY MR. RUSSO) And --

21 A. So they can talk about their intent and what
22 happened.

23 Q. And correct me if I'm wrong. So then do you
24 agree with the statement that the Commissioners Court
25 passed and adopted the map in November of 2021 in spite

1 of the fact that it had the effect of diminishing voting
2 power in Precinct 3? Do you agree with that?

3 MS. CHEN: Objection; form.

4 Q. (BY MR. RUSSO) They did it even though they --
5 they might have known the effect?

6 A. They had to -- they had more than anybody else
7 had because they had all the statistics and stuff and
8 what the maps was going to do. They didn't put that out
9 to the public so they could see it. So they were aware.
10 They hired the map drawing people. They could ask them.
11 They could see what the calls and what the effects would
12 be when they had different scenarios and stuff, so...

13 Q. And in spite of all that, they adopted the map
14 anyway.

15 A. They --

16 Q. Is that an accurate characterization --

17 A. Well --

18 Q. -- of Mainland's position?

19 MS. CHEN: Objection; form.

20 Q. (BY MR. RUSSO) In spite of the knowledge of
21 the effects of the maps, they adopted them?

22 MS. CHEN: Objection; form.

23 A. Well, you -- you -- you have to ask them.
24 They're the ones who took the vote. So you know exactly
25 what happened. They took the vote, and in spite of all

Exhibit 18

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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,	§	Civil Action No.
v.	§	3:22-cv-57
	§	
GALVESTON COUNTY, TEXAS, and	§	
HONORABLE MARK HENRY,	§	
in his official capacity as Galveston	§	
County Judge,	§	
	§	
Defendants.	§	

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	Civil Action No.
GALVESTON COUNTY, TEXAS,	§	3:22-cv-93
GALVESTON COUNTY	§	
COMMISSIONERS COURT, and	§	
HONORABLE MARK HENRY, in	§	
his official capacity as Galveston	§	
County Judge,	§	
	§	
Defendants.	§	

DICKINSON BAY AREA BRANCH	§
NAACP, GALVESTON BRANCH	§
NAACP, MAINLAND BRANCH	§
NAACP, GALVESTON LULAC	§
COUNCIL 151, EDNA COURVILLE,	§
JOE A. COMPIAN, and LEON	§
PHILLIPS,	§

1 high. Parker.

2 Q. Um-hmm.

3 A. That's the only ones I can think of.

4 Q. Okay. So to kind of break down the education
5 component just a little bit. What issues would minority
6 individuals face with respect to education that you don't
7 believe a white individual living in Galveston would face?

8 MS. RICHARDSON: Objection. Form.

9 Q. You can answer.

10 A. Okay. The quality of the education concerns me.
11 You have a lot of minority Hispanic kids and language
12 sometimes is a hindrance.

13 Q. Okay. Anything else?

14 A. That's all I can think of right now.

15 Q. Are you aware of any, like, English as a second
16 language programs or anything like that, that might be
17 taking place in elementary and middle or high schools in
18 Galveston?

19 A. The only one that I know exist is at LA Morgan.

20 Q. Okay.

21 A. I don't know if it's at any of the other schools.

22 Q. And that's an elementary school?

23 A. That's an elementary school.

24 Q. Are you -- are you involved in any school
25 district races or issues, or do you attend any school

1 or what happened?

2 A. Yeah, they -- the school district decided to take
3 the cases over to the Galveston Municipal Court.

4 Q. Do you think that was a positive change or?

5 A. I don't know because I don't know what -- what
6 happened with that judge in --

7 Q. Y.

8 A. -- after the move.

9 Q. Can you tell me a little bit about the truancy
10 docket that you would see, like, what typically would it
11 entail?

12 A. How do I put this? So many of the children had
13 fallen behind --

14 Q. Um-hmm.

15 A. -- and once they fell behind it was just entirely
16 too difficult for them to catch up. And when they
17 couldn't catch up, then they started not -- just not
18 going.

19 Q. Okay. And with your truancy docket would you see
20 mostly minority children in front of you --

21 A. Yes.

22 Q. -- would it be a mix of minority and white
23 children?

24 A. Mostly minority.

25 Q. And of the minority children would it be

1 A. I'd have to think about that. I can't say
2 offhand.

3 Q. Sure. Moving on to housing. What examples or
4 how -- how would a person of -- who's a minority have
5 different needs than a white person in Galveston and based
6 on your experience?

7 A. Most of the housing projects in Galveston were
8 filled with African Americans. And, of course, you know,
9 being in the housing projects is those are small
10 apartments and, you know, it's not as, I want to say -- I
11 don't want to say luxurious, but not as nice as being in a
12 neighborhood of houses. How different environment.

13 Q. The house -- the housing projects that you're
14 talking about, were those still open after Ike?

15 A. They have been completely redone, different --
16 different construction. Not all of them are back, they're
17 now -- the last one is being built now on 53rd and
18 Broadway.

19 Q. Do you consider that an improvement?

20 A. Big improvement from what they were, big
21 improvement.

22 Q. Okay. Any other examples with respect to
23 housing?

24 A. I'd have to think about that one.

25 Q. Okay. As you're sitting here today no?

1 A. I can't -- yeah, I can't. I'd have to think
2 about it.

3 Q. Sure. With respect to jobs.

4 A. Um-hmm.

5 Q. What issues would a minority individual in
6 Galveston face that you don't believe a white person in
7 Galveston County would face?

8 MS. RICHARDSON: Objection. Form.

9 A. Most -- many minorities in Galveston have the
10 lower paying jobs in the service field, you know,
11 restaurants things of that nature, janitorial services,
12 very -- I mean, unless you have a higher education, you're
13 not going to get into the professional jobs.

14 Q. And I apologize because my question was for the
15 county, but let's focus in on Galveston City. Is your
16 answer the same with respect to Galveston, the city?

17 A. Yes, I'm basically referring to Galveston the
18 city.

19 Q. Right. And that's kind of what I wanted to make
20 sure that we're talking apples and apples because I think
21 I did mess up and say county with the last question. But
22 all of the answers or all of the things that we've been
23 talking about from your perspective, have you been
24 considering the city and not the entire county?

25 A. Yeah, I can talk for the city --

1 Q. But is it fair to say that you would never vote
2 for him if you had the opportunity because he's
3 republican?

4 A. I'll agree to that.

5 Q. Do you know what major issues Latino or Hispanic
6 individuals in Galveston City are facing today?

7 A. I would have to do some research on that. I
8 can't say right now.

9 Q. Sure. Do you believe that African American
10 individuals in Galveston County would vote consistently or
11 similarly with people of Hispanic or Latin decent?

12 A. Yes.

13 Q. Okay. Can you explain to me why you think that?

14 A. Past encounters.

15 Q. Okay. What do you mean by "past encounters?"

16 A. Just listening to what they have to say and -- at
17 meetings or reading things in the newspaper.

18 Q. Okay.

19 A. You know, reading articles written about LULAC
20 and what they're concerned about.

21 Q. And when you say the "newspaper," do you mean the
22 Galveston Daily News?

23 A. Correct.

24 Q. Okay. Any other publication that you would be
25 thinking about with this answer?

1 A. I can't recall the specific issues.

2 Q. Okay. Do you believe that -- and I guess this
3 line of questioning when we're talking about this, we're
4 still considering just Galveston City, correct?

5 A. Correct.

6 Q. Do you have any opinions that would go beyond
7 Galveston City?

8 A. No.

9 Q. Okay. Do you believe that black and Hispanic or
10 Latino minorities in Galveston City face the same issues?

11 A. Not all of them.

12 Q. Okay. Can you tell me what issues you believe
13 that they share?

14 A. Going back to what I previously said, education,
15 employment, jobs. Well, jobs and employment are the same.
16 Housing.

17 Q. Okay. And nothing to add from the prior line of
18 questioning that we discussed?

19 A. No.

20 Q. Okay. Are you -- do you have an understanding of
21 voter turnout in Galveston City?

22 A. A little.

23 Q. Okay. Can you tell me what that understanding
24 is?

25 A. It's low.

1 graduation, did you see the enrollment at Ball High become
2 more mixed?

3 A. Well, yes, it was mixed because it was the only
4 high school other than the catholic school.

5 Q. What happened to Central? Did Central --

6 A. Central became a middle school.

7 Q. Okay. Okay. When it comes to segregation on
8 buses, when did you see that change in Galveston?

9 A. It had to have been after -- like I said, once
10 the school district started the integration and other
11 areas started doing the same.

12 Q. Okay.

13 A. And so it had to have been after that.

14 Q. And is it fair to say that race relations have
15 improved from 1970 to today in Galveston?

16 A. There's still room for improvement.

17 Q. But they have improved?

18 A. Some.

19 Q. Okay. You mentioned that today you think that
20 there is still racism in Galveston County, correct?

21 A. Correct.

22 Q. Can you give me some examples, please?

23 A. It's the affect of different things. The fact
24 that more minorities are arrested than whites. The fact
25 that more of the better -- how can I put this? The

1 communities, the housing communities, with the \$300,000
2 homes are primarily white. You know, because of blacks
3 not, you know, being able to afford that type of housing.

4 And here again, I'm going to go back to why
5 we're here the affect that changing the commissioner
6 precinct lines are going to have an impact on the minority
7 voters and take away their opportunity to be able to elect
8 a candidate of their choice.

9 Q. Do you think that the commissioners intended to
10 discriminate against minorities when they passed the 2021
11 maps?

12 A. I wasn't there, I don't know. I just know what
13 the affect is of their action.

14 Q. Okay. Do you believe that Anglo voters in
15 Galveston County vote primarily republican?

16 MS. RICHARDSON: Objection. Calls for
17 speculation.

18 Q. If you know.

19 A. I don't know.

20 Q. Do you have a belief about that?

21 A. I really don't know.

22 Q. Do you think voting in Galveston County is
23 racially polarized?

24 MS. RICHARDSON: Objection, calls for a
25 legal conclusion.

Exhibit 19

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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,) CIVIL ACTION

v.) NO. 3:22-cv-57

GALVESTON COUNTY, TEXAS,)
and HONORABLE MARK HENRY,)
in his official capacity)
as Galveston County Judge,)

Defendants.)

UNITED STATES OF AMERICA,)
Plaintiff,) CIVIL ACTION

v.) NO. 3:22-cv-93

GALVESTON COUNTY, TEXAS,)
GALVESTON COUNTY)
COMMISSIONERS COURT, and)
HONORABLE MARK HENRY, in)
his official capacity as)
Galveston County Judge,)

Defendants.)

DICKINSON BAY AREA BRANCH)
NAACP, GALVESTON BRANCH)
NAACP, MAINLAND BRANCH)
NAACP, GALVESTON LULAC)
COUNCIL 151, EDNA)
COURVILLE, JOE A. COMPIAN,)
and LEON PHILLIPS,)

Plaintiffs,) CIVIL ACTION

v.) NO. 3:22-cv-117

Page 42

1 A. No.

2 Q. (BY MS. OLALDE) It's not fair to say that?

3 Can you tell me why?

4 A. Because I vote for the person I think that

5 affects my interests.

6 Q. Okay. What do you do to determine whether you

7 think they're going to affect your interest? What kind

8 of research would you do into the candidate?

9 A. Just listen to them.

10 Q. Okay. Anything else?

11 A. Just listen to them, and just listen to their

12 track record, you know, and form an opinion from there.

13 Q. Would you ever vote for Dr. Robin Armstrong, if

14 he were running in a race that you could vote in?

15 MS. REYES: Objection; form.

16 A. I don't know.

17 Q. (BY MS. OLALDE) Do you know him?

18 A. No.

19 Q. Do you know that he's a Republican?

20 A. Yes, I do.

21 Q. Have you ever spoken with him?

22 A. No.

23 Q. Do you think that he could serve your

24 interests?

25 A. I'm not --

Page 43

1 MS. REYES: Objection; form.

2 Q. (BY MS. OLALDE) You're okay.

3 A. I don't know. I'm not sure. I would have to

4 research him. I don't know his -- you know, his -- I

5 know he's on Commissioners Court. I know he's been

6 appointed, but I don't know his -- you know, his record.

7 So again, I would have to research that to see if he

8 benefits my interests.

9 Q. And so knowing that you would have to research

10 a candidate to see whether they would be your candidate

11 of choice, is it fair to say that every single candidate

12 that you would vote for at all times you would consider

13 their skin color over their political party?

14 MS. REYES: Objection; form.

15 Q. (BY MS. OLALDE) Is that fair?

16 A. No.

17 Q. Okay. Why not?

18 A. Because the skin color or political

19 affiliations don't matter to me. Do they -- do they

20 represent my interests is what's important to me.

21 Q. Okay. And what interests are you looking for

22 your candidate to be sensitive to?

23 A. The -- it would be -- the candidate that I

24 would support would be someone that has a record of

25 being sensitive to myself and my community, my

Page 44

1 constituency, all the above. And if they don't, then I

2 wouldn't support them.

3 Q. Is there anything specific that you would want

4 to see your candidate have a history of doing in order

5 to affect your decision as to whether you would vote for

6 them?

7 MS. REYES: Objection; form.

8 A. Have a track record in benefiting the -- my

9 constituency in my community.

10 Q. (BY MS. OLALDE) Okay. And what -- can you

11 give me some examples of what that would be?

12 A. I just really can't think of anything at this

13 time. It would just -- when I see the candidate, I

14 would have to see their track record and see what they

15 voted for and what they voted against, and at that time

16 I can determine. I can't just -- I can't just --

17 Q. Sure.

18 A. -- give you an answer like that right now.

19 Q. Sure. And if somebody has never held office

20 before, what would you do to kind of inform yourself

21 about whether they would be a good candidate for you to

22 vote for?

23 A. Well, I mean, just have to check their track

24 record, where they've been and where they live, how they

25 live, and those kinds of things.

Page 45

1 Q. Okay.

2 A. You just have to do a type of research asking

3 folks who they're dealing with, who knows them.

4 Q. Okay. Do you -- do you ever research, like,

5 voting statistics in Galveston County?

6 A. No.

7 Q. Okay. When you were running as a constable,

8 did you ever look at voting statistics, who voted for

9 you and who voted against you?

10 A. No.

11 Q. Okay. Do you know whether Black and Hispanic

12 or Latino voters in Galveston County usually vote for

13 the same candidates?

14 MS. REYES: Objection; form.

15 A. I can't -- I can't answer that -- that question

16 with any documented proof, and I would just assume they

17 do.

18 Q. (BY MS. OLALDE) Okay. And that's just an

19 assumption?

20 A. That's my opinion.

21 Q. Sure. Okay. And do you have any facts to

22 support the opinion?

23 A. No.

24 Q. Okay. Do you ever pay attention to things like

25 voter turnout in Galveston County?

Exhibit 20

1 Getting ready to build at that time, I believe, the three
2 elementary schools. That's primarily what we did, uh-hmm.

3 Q. And did that include Black members of your
4 community?

5 A. Yes, everybody.

6 Q. And that would include Hispanic and Latino --

7 A. Yes.

8 Q. -- that lives in the community as well?

9 A. Yes. Whoever had kids, we thought, would be
10 going to the school, yes.

11 Q. Would you see that a majority of the students in
12 those schools were racial minorities?

13 A. Yes. Yeah.

14 Q. And would you say that Black and Latino voters
15 have shared policy priorities regarding education?

16 A. Yes. Yeah. And primarily what it is, is that we
17 all want the same thing for our children. We want them to
18 have a good, round -- rounded education. Yes. And to
19 be -- to be ready to face the real world once they get out
20 of school.

21 Q. And so you saw people coming together to support
22 the school bond --

23 A. Absolutely. And they did in a big way. They've
24 done that twice.

25 Q. When was the other time?

Exhibit 21

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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,) CIVIL ACTION
)
v.) NO. 3:22-cv-57
)

GALVESTON COUNTY, TEXAS,)
and HONORABLE MARK HENRY,)
in his official capacity)
as Galveston County Judge,)
)
Defendants.)

UNITED STATES OF AMERICA,)
)
Plaintiff,) CIVIL ACTION
)
v.) NO. 3:22-cv-93
)

GALVESTON COUNTY, TEXAS,)
GALVESTON COUNTY)
COMMISSIONERS COURT, and)
HONORABLE MARK HENRY, in)
his official capacity as)
Galveston County Judge,)
)
Defendants.)

DICKINSON BAY AREA BRANCH)
NAACP, GALVESTON BRANCH)
NAACP, MAINLAND BRANCH)
NAACP, GALVESTON LULAC)
COUNCIL 151, EDNA)
COURVILLE, JOE A. COMPIAN,)
and LEON PHILLIPS,)
)
Plaintiffs,) CIVIL ACTION
)
v.) NO. 3:22-cv-117
)

1 A. No. That's all.

2 Q. All right. There's also the allegation in the
3 same sentence -- I'm sorry -- the next sentence,
4 specifically there's a geographically compact population
5 of Black and Latino voters. Do you see that?

6 A. I do, yes.

7 Q. Do you know what the phrase "geographically
8 compact population" is referring to?

9 A. I believe so.

10 Q. Okay. What's your understanding of that?

11 A. We have an area of community where there is a
12 significant presence of members of communities of color.

13 Q. Is that it?

14 A. Yes, sir.

15 Q. All right. And then the sentence goes on to
16 say "who constitute a majority of single-member
17 commissioner -- a single-member commissioner precinct.
18 These voters are politically cohesive." Do you see that
19 phrase?

20 A. I do.

21 Q. Do you know what's meant by politically
22 cohesive?

23 A. Once again, they vote based upon issues.
24 Present me a candidate that has issues that I agree with
25 and we have a shared interest in certain areas, the

1 Black and Brown voters, Latino voters.

2 Q. Do you have sort of an -- what's your
3 understanding of what it takes to have a politically
4 cohesive set of voters?

5 A. Once again, a shared interest in issues. We --
6 we'll have a community that desires to build -- well,
7 I'll go back even further.

8 We have a community with a long history
9 where our infrastructure in our community is causing us
10 to lose 60 percent of our water -- of our water. That
11 community doesn't have the wherewithal financially to
12 repair that infrastructure. If we have to compete
13 against other wealthier parts of the county with a
14 higher number of voters that are other than Brown and
15 Black that live in this geographic area, then our
16 concerns are ignored. We can't get any support to
17 repair the infrastructure.

18 Q. Okay. Is that -- I mean, your testimony is
19 that somehow relates to politically cohesive voting?

20 A. Yes. It's do we invest -- how we are going to
21 invest in improving the safety of our water or the
22 breaks -- the sewer breaks and where sewer is flowing
23 into the -- into the ditches.

24 Q. Okay. So I'm trying to sum up here. Is it
25 your testimony that politically cohesive voting deals

1 This is a Latino issue described in this article. Would
2 you agree?

3 MS. VALL-LLOBERA: Objection; misleading.

4 A. At -- I don't know if I would describe it as a
5 Latino issue. It was something that impacted a
6 significant amount of Latinos, but to call it a Latino
7 issue, I don't know that I'd go that far.

8 Q. (BY MR. RUSSO) Well, would you --

9 A. I don't know what --

10 Q. Well, let me ask you this, just in a general
11 sense: You mentioned that, you know, the language
12 speaking -- individuals who speak Spanish was one of the
13 defining characteristics of a Latino individual.
14 Correct?

15 A. That was one.

16 MS. VALL-LLOBERA: Objection.

17 THE WITNESS: I'm sorry.

18 MS. VALL-LLOBERA: Misstates prior
19 testimony.

20 Q. (BY MR. RUSSO) And that's -- the language
21 barrier is not something, generally, that the Black
22 residents of the county have to deal with. Would you
23 agree?

24 A. If they speak English. Not all Black residents
25 speak English.

1 Q. Do you know of a considerable amount of
2 residents or friends of yours -- Black residents of the
3 community that have a language barrier due to speaking
4 Spanish?

5 A. Yeah. Our Central American friends that are
6 Afro-Latinos.

7 Q. Okay. And they had the same issues with --
8 that you dealt with in COVID?

9 A. Yes.

10 Q. Are those individuals that you're thinking of,
11 do you know whether they identify as Latin American or
12 Black voters for purposes of this case?

13 MS. VALL-LLOBERA: Objection; speculation.

14 A. I don't know how they identified themselves.

15 Q. (BY MR. RUSSO) Okay. But you would agree that
16 earlier we discussed how you would define Latinos and
17 one of the issues was they spoke Spanish, generally.
18 Correct?

19 MS. VALL-LLOBERA: Objection; misstates
20 prior testimony.

21 Q. (BY MR. RUSSO) Is that true?

22 A. I said that was one factor, yes.

23 Q. Is it your belief -- and let me ask you this
24 from the LULAC point of view first. Is it your belief
25 that White Galveston County voters vote generally for

1 Q. Yeah. Would you expect, though, that, as it
2 would be your testimony, that Latino Americans in
3 Galveston County would vote consistent with the sort of
4 positions that LULAC takes and its position statement?

5 MS. VALL-LLOBERA: Objection; calls for
6 speculation.

7 A. Like I said, I repeat, we let people know these
8 are our issues, and it's almost a report card. Here's
9 where people stand on these issues. You make up your
10 own mind.

11 Q. (BY MR. RUSSO) Is it your belief that African
12 American and Latino voters have the same concerns that
13 should be -- that can be voiced or should be voiced to
14 the Galveston County Commissioners Court?

15 MS. VALL-LLOBERA: Objection; calls for
16 speculation.

17 A. Are you asking me individually or?

18 Q. (BY MR. RUSSO) As LULAC representative.

19 A. LULAC. Yeah. We share -- we've shared -- we
20 share concerns and issues.

21 Q. Are there any -- any -- is there any sense of
22 divergence where the issues part, where the two groups
23 have different concerns?

24 MS. VALL-LLOBERA: Objection; vague.

25 A. I'm not aware of any. I'm not aware of any

1 right now, no.

2 Q. (BY MR. RUSSO) All right. What types of
3 issues faced by both Blacks and Latinos exist which
4 should be -- what you feel should be addressed with the
5 commissioners court?

6 A. Well, we continue to push for collectively in
7 terms of our different collaborations to once again
8 return the -- the qualifying level for the medically
9 indigent program here in the county to 100 percent of
10 the federal poverty level. That's one area. We both
11 collectively push for increased funding for the social
12 services department of Galveston County.

13 We have -- I think this one we've been
14 successful -- I think it's because of the director of
15 the health authority here who's a professor at UTMB --
16 been very successful in asking for additional outreach
17 in different events by the county health authority, and
18 that's been successful.

19 What else? I think all of us, too -- I say
20 all of us, maybe that includes even -- even -- even
21 Anglos, but we appreciate the fact that the County has
22 attempted to -- to toe the line in terms of property tax
23 increases and -- and so those are the ones that come to
24 mind right now.

25 Q. And you're saying that the County has not

1 one. Right?

2 And then there are other appointments by
3 the commissioners court and the county judge to some of
4 the subject committees of the Houston-Galveston Area
5 Council of governments, such as those that deal with
6 senior services and the disabled, that -- that area --
7 those areas have traditionally not been appointments to
8 either Latinos or African Americans.

9 So I think that that's an urgent need, that
10 we would all love to see that dynamic change.

11 Q. (BY MR. RUSSO) And are you aware of any
12 situations where the, you know, elected Galveston County
13 officials have been unresponsive to the needs of
14 Latin -- of Latino Americans in Galveston County?

15 MS. VALL-LLOBERA: To clarify, his
16 individual capacity or LULAC?

17 MR. RUSSO: As LULAC.

18 A. Try to get the -- say, within -- say, from
19 Hurricane Ike or from what point on?

20 Q. (BY MR. RUSSO) 2010 forward.

21 A. 2010. When was Harvey? 2011. Right?

22 Q. '17?

23 A. '17. Harvey was '17? '-8 was -- was Ike.

24 Yeah.

25 There was, I want to say, more with Harvey

Exhibit 22

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UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS

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. §

ORAL AND VIDEOTAPED DEPOSITION OF
MARK E. OWENS, PH.D.
APRIL 13, 2023
(REPORTED REMOTELY)

ORAL AND VIDEOTAPED DEPOSITION OF MARK E.
OWENS, PH.D., produced as a witness at the instance of
the NAACP Plaintiffs and duly sworn, was taken in the
above-styled and numbered cause on Thursday,
April 13, 2023, from 9:08 a.m., CST, to 5:37 p.m., CST,
before Kari Behan, CSR, RPR, CRR, a Texas certified
machine shorthand reporter, witness participating
remotely from League City, Texas, pursuant to the
Federal Rules of Civil Procedure and the provisions
stated on the record herein.
Job No. 5854237

1 right, to have made that clarification? Is there --
2 does a group exist in the County?

3 I did not challenge anything of Gingles 1
4 in that case.

5 I think here, as we look at the citizen
6 voting age population or the population of Galveston
7 County, we can identify that there are two minority
8 groups, that the Hispanic population in Galveston County
9 is not large enough to have its, right, essentially
10 create the whole district, and either African American
11 community is not large enough on its own to do that --

12 Q. Has any plaintiff in this -- has any of -- have
13 any of the experts, to your knowledge, in this matter
14 tried to assert that Gingles 1 is satisfied by a single
15 racial group?

16 A. No. I think, in agreement, they write that the
17 single racial group does not, and that's why the
18 coalition is explored.

19 Q. Okay. And one more thing before we move on,
20 and then we can all get some food.

21 MS. KLEIN: If we could scroll down to
22 Page 48 of this deposition.

23 BY MS. KLEIN:

24 Q. This is lines -- starting at Line 5 on Page 48,
25 it asks: Would you still say that voters of a certain

1 group are still cohesive if above 70 percent?

2 And you answer: Yes, I think so.

3 Do you still agree with that testimony?

4 A. Yes. I think in this case you want to have an
5 opportunity to -- in this -- the question was in
6 determining what would levels of cohesiveness be.

7 And when we're going to compare this
8 Democratic support of Hispanic voters to African
9 American voters; African American voters giving often
10 larger support to Democratic candidates.

11 So where I was -- let me give you a sense:
12 The conversation here went to identifying that there's a
13 range, in particular, of what our estimates can be. But
14 70 percent would be cohesive.

15 Q. So when you were approached by counsel to be an
16 expert in this matter, they ended up not asking you to
17 do an RPV analysis in this matter, correct?

18 A. I think that's been done by another expert.

19 Q. Okay.

20 MS. KLEIN: We can stop there, if folks
21 want to briefly get some lunch.

22 THE VIDEOGRAPHER: We are off the record at
23 12:07 p.m.

24 (Lunch break taken.)

25 THE VIDEOGRAPHER: We are back on the

1 Q. And the Rush Map 1 is .21. Do you see that?

2 A. I do.

3 Q. Those are similar, right?

4 A. Yes. In the -- what I'll also point to is,
5 reading left to right on these groups, the Rush map,
6 also in this case, represents a Precinct 4, right, which
7 is less. So its deviation in some cases is -- and
8 it's -- deviation is almost the same as the enacted map.

9 But what is involved in -- the next step is
10 to look at what's involved in the selection of those
11 precincts.

12 Q. Okay. But right now we're just talking about
13 the actual mathematical Reock score, right?

14 A. Correct.

15 Q. So the mathematical Reock score for Rush Map 1
16 is -- Precinct 3 is similar to the score for the Enacted
17 Plan?

18 A. .21 is similar to .23.

19 Q. Uh-huh.

20 A. A little -- and I think one point that I wanted
21 to make in this amended report is -- and they are shaped
22 as two very different districts.

23 Q. And the Reock score is a way to standardize and
24 account for differing shapes by -- and that's the whole
25 purpose of it, right, is to give you a mathematical

1 score that will compare different shapes to determine,
2 on an equal footing, whether they are compact or not; is
3 that right?

4 A. Yes.

5 Q. On the -- if you turn to the Polsby-Popper
6 scores, the next table, all three of the Rush maps have
7 the exact same Polsby-Popper score as Enacted Precinct
8 3; is that right?

9 A. This would've all at .12.

10 Q. And so they're the -- they have the -- they're
11 not just similar; they're -- they're exactly the same in
12 terms of their mathematical compactness as compared to
13 the Enacted Plan, right?

14 A. Yes, you're right. And my concern with those
15 maps was also, then, that on the Precinct 4, they
16 continued to be much less. And I know that's because
17 it's bounded on the difference that on point -- Precinct
18 3, they're also greater.

19 Q. And Precinct 2 is greater than -- in the Rush
20 plan than it is in the Enacted Plan, right?

21 A. Yes. So I -- we're recognizing now we've got
22 two -- two are different, right, in each case.

23 Q. And -- and that's why it adds out to be about
24 the same map-wide, right?

25 A. Map-wide, right, but then their -- their

1 remains -- is the small part of it that continues to be
2 part of this new Precinct 3.

3 Q. And what's your question about that?

4 A. I think to, number one, if you just presented
5 me with the alternative plan as an idea that keeps
6 League City mostly whole, but it has one portion here
7 that now is -- is not part of League City. And so, you
8 know, collectively, as we're going to do this, identify,
9 in all cases, what's unique about that voting district,
10 why it has intention and why it needs to be separate
11 from League City. It's not separate from League City in
12 that Enacted Plan.

13 Q. And its inclusion in Precinct 3 in the map on
14 the right, that doesn't make that district non-compact
15 in your view, does it?

16 A. I -- I think, collectively, if we see some
17 change like that, it might address it at the -- again,
18 the 100ths place. The mathematical part, when you think
19 of removing one district, what's that matter? I -- I
20 guess I don't know in particular, but I know that that
21 does extend this -- those, sort of, precinct to the
22 north and to the -- to the west.

23 Q. This Precinct 3 and the alternative plan to the
24 right, that doesn't have any of the features that
25 concern you about including Galveston Island with the

1 precinct, right?

2 A. Yeah. Oh, if you're talking about the Precinct
3 2 and the Island, I agree.

4 Q. Right.

5 And Precinct 3 in this map doesn't have
6 Galveston Island in it, so it -- it doesn't have any of
7 those socioeconomic differences that you were concerned
8 about with respect to some of the other plans you looked
9 at, right?

10 A. Right. You continue to see that there's going
11 to be a little split between what you might be able to
12 talk about with the La Marque and Hitchcock group
13 compared to what you are going to see from Texas City
14 and League City.

15 Q. You're not seeing anything on the right that
16 suggests to you that any of these precincts are not
17 recently compact in the alternative plan to the right;
18 is that fair?

19 A. I think my response is that I would need to
20 have more time to analyze that.

21 Q. But in terms of their shapes and what we've
22 talked about today and what you know from what you've
23 talked about today, is there anything on that map in the
24 right that's saying to you that you think there's a
25 non-compactness issue there?

1 Q. And -- and that would be a whole tenth of a
2 percent higher than the Enacted Plan's average Reock
3 score, right?

4 A. On the average, yes.

5 Q. Now, you -- earlier, you said that you had read
6 Dr. Burch's report in this case, right?

7 A. Yes, I've read it once.

8 Q. And so you've -- this map I showed you that's
9 not new to you, you saw that in Dr. Burch's report,
10 right?

11 A. I mean, right now, I haven't recalled that. I
12 was focused on the -- you know, the stories of the focal
13 change in that case. But that's in there, I understand.

14 Q. And there's -- there's a couple other maps in
15 Dr. Burch's report as well that show alternative
16 configurations and report the -- you know, the
17 demographic information for them as well. You remember
18 seeing those?

19 A. Again, this gets outside of the scope of -- I
20 guess that's not what I was retained to do in this case,
21 but as far as analyzing the maps that were in this -- in
22 that report...

23 Q. Okay.

24 MR. GABER: I don't have any further
25 questions. I will pass it to our colleagues up at the

Exhibit 23

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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.)

-----X
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

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

Exhibit 24

From: Phil Gordon
Sent: Friday, October 15, 2021 1:28 PM CDT
To: tom@bryangedemo.com
CC: Jason Torchinsky
Subject: Re: Galveston

Minimize (zero) splits if at all possible. For least changes, aim for ~+/- 2.5 or so.

Please call with any further questions.

Regards,

Phil Gordon

Mobile:

(202) 329-2676

pgordon@HoltzmanVogel.com

//

www.HoltzmanVogel.com



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AND

CONFIDENTIAL

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DISCLAIMER

Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, Holtzman Vogel, PLLC would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

From: "tom@bryangedemo.com" <tom@bryangedemo.com>
Reply-To: "tom@bryangedemo.com" <tom@bryangedemo.com>
Date: Friday, October 15, 2021 at 1:25 PM
To: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>, Phil Gordon <pgordon@HoltzmanVogel.com>
Subject: Re: Galveston

Jason and Phil-

I have taken a quick look at this. A few questions and comments. First - for the least change approach I assume we are just trying to balance total population right? Is it safe to assume I have +/- 5% to play with? Second - there are 93 precincts to play with. This is the lowest level of geography I have voting data for. I never got disaggregated blocks from FairLines. I am going to build the four R districts using these, but I may run into some limitations. Do I have latitude to split a precinct or two if I need to?

DEFS00036191

Thanks TB

On Friday, October 15, 2021, 01:33:43 PM EDT, Thomas Bryan <tom@bryangedemo.com> wrote:

Thanks Jason. This is perfect, yes I can get this together pretty easily.

[Sent from Smallbiz Yahoo Mail for iPhone](#)

On Friday, October 15, 2021, 5:57 AM, Jason Torchinsky <jtorchinsky@HoltzmanVogel.com> wrote:

Takes about 15 minutes to draw in a GIS program.....

Jason Torchinsky

Holtzman Vogel Baran Josefiak Torchinsky PLLC

From: Phil Gordon <pgordon@HoltzmanVogel.com>
Date: Friday, October 15, 2021 at 11:49 AM
To: Thomas Bryan <tom@bryangedemo.com>
Cc: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>
Subject: Galveston

Tom,

Per our conversation, please see this link: <https://www.galvestoncountytexas.gov/our-county/commissioners/commissioner-1>

While I do not think the information is available as a shapefile, it should be *very* easy to recreate on a precinct level.

Best,

Phil Gordon
Holtzman Vogel Baran Torchinsky & Josefiak PLLC
Mobile: pgordon@HoltzmanVogel.com

(202) 329-2676

//

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DISCLAIMER

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Exhibit 25

**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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**DEFENDANTS’ RESPONSE TO THE UNITED STATES’
FIRST SET OF REQUESTS FOR ADMISSIONS**

Pursuant to Federal Rule of Civil Procedure 36, Defendants Galveston County, Texas, the Galveston County Commissioners Court, County Judge Mark Henry, and County Clerk Dwight Sullivan (“Defendants”) hereby answer Plaintiff U.S. Department of Justice’s First Requests for Admission, which were served on March 22, 2023.

GENERAL STATEMENT AND OBJECTIONS

Defendants make the following general objections to Plaintiff’s Requests for Admission, which apply to each request regardless of whether the general objections are expressly incorporated into the specific objections below:

1. Defendants object to the extent that Plaintiff’s definitions and instructions purport to impose obligations different from or additional to the requirements of the Federal Rules of Civil Procedure, or to limit the discretion of responding parties under the Federal Rules of Civil Procedure.

2. Defendants object to the Requests for Admission 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 Requests for Admission 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 Requests for Admission to the extent they seek to elicit information that is in the public domain or already in Plaintiffs' possession, and therefore of no greater burden for Plaintiff than for Defendants to obtain.
5. Defendants object to the Requests for Admission to the extent they seek publicly available information, statements, or documents that speak for themselves and require neither an admission nor a denial from any party.
6. Defendants object to the Requests for Admission to the extent they seek data not within their possession, custody, or control, and should be directed to a different party or third-party.
7. Only to the extent that Federal Rule of Civil Procedure 36(a)(4) would be construed as requiring an admission or denial and that an objection alone is not sufficient, Defendants deny each Request for Admission. Otherwise, Defendants stands on their General Objections, the following Objections to Definitions and Objections to Instructions, and the below-stated specific objections without expressly admitting or denying any Request for Admission.

OBJECTIONS TO DEFINITIONS

Defendants make the following objections to the “Definitions” section of Plaintiff’s Requests for Admission, 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 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 INSTRUCTIONS

Defendants make the following objections to the “Instructions” section of Plaintiff’s Requests for Admission, which apply to each request 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.

RESPONSES AND OBJECTIONS

Request Number 1: Admit that Galveston County is a political and geographical subdivision of the State of Texas, located in southeast Texas on the Gulf of Mexico and borders Harris, Brazoria, and Chambers Counties.

ANSWER: Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006).

Notwithstanding this objection, Defendants admit.

Request Number 2: Admit that the Galveston County Commissioners Court consists of a county judge, elected at-large, who serves as the presiding officer, and four commissioners elected from single-member districts, called “precincts,” to serve four-year, staggered terms.

ANSWER: Admit, to the extent that Commissioners serve their full, four-year terms. But Defendants note that if a vacancy occurs in one of the Commissioners Court seats, then the County Judge appoints someone to fill the vacancy until the next scheduled general election. Otherwise denied.

Request Number 3: Admit that all members of the Galveston County Commissioners Court vote on all matters and are elected in partisan elections with a majority-vote requirement in the party primary.

ANSWER: Defendants object to this Request because the phrase “vote on all matters” is vague and overly broad, and therefore Defendants deny that portion of the Request at this time. Defendants admit that “all members of the Galveston County Commissioners Court ... are elected in partisan elections with a majority-vote requirement in the party primary.”

Request Number 4: Admit that the 2020 Census P.L. 94-171 redistricting data set reported that Galveston County had a total population of 350,682 persons.

ANSWER: Admit.

Request Number 5: Admit that according to the 2020 Census P.L. 94-171 redistricting data set, and the Office of Management and Budget’s “Guidance on Aggregation and Allocation of Data on Race for use of Civil Rights Monitoring and Enforcement (OMB Bulletin 00-02) (March 9, 2000), which is appended to these requests as Attachment A, Galveston County’s 2020 Census

population consisted of 191,358 (54.6%) persons who were non-Hispanic White, 88,636 (25.3%) persons who were Hispanic, and 45,637 (13.0%) who were non-Hispanic Black. The 2020 census data also indicated that the County has a total voting age population of 267,382, of whom 155,020 (58.0%) were non-Hispanic White, 60,159 (22.5%) are Hispanic, and 33,341 (12.5%) were non-Hispanic Black.

ANSWER: Admit.

Request Number 6: Admit that the 2016-2020 American Community Survey (ACS) estimated Galveston County had a citizen voting age population of 239,305, of whom 151,450 (63.3%) were non-Hispanic White, 45,950 (19.2%) were Hispanic, and 30,510 (12.7%) were non-Hispanic Black.

ANSWER: Admit.

Request Number 7: Admit that Exhibit 0028 to the deposition of Darrel Apffel is an accurate depiction of the Galveston County Commissioners Court plan that was in effect from 2012 to 2021.

ANSWER: Defendants object to “accurate depiction” as vague and are unable to ascertain whether the image referred to is the correct, as-enacted Commissioners Court precinct map in effect from 2012 to 2021. Therefore, denied.

Request Number 8: Admit that the tables below accurately present the demographic data for the four commissioners court precincts in the 2012 Galveston County Commissioners Court plan, according to the 2020 Census and the 2016-2020 ACS estimates.

Galveston County Commissioners Court (In effect 2012-2021)

PCT.	TOTAL POPULATION				DEV (%)	VOTING AGE POPULATION			
	TOTAL	NHWHITE (%)	NHBLACK (%)	HISP (%)		TOTAL	NHWHITE (%)	NHBLACK (%)	HISP (%)
1	85,408	50,769 (59.4)	6,491 (7.6)	22,280 (26.1)	-2.58	65,748	41,774 (63.5)	4,583 (7.0)	14,934 (22.7)
2	95,596	58,916 (61.6)	8,608 (9.0)	21,319 (22.3)	9.04	73,739	47,895 (65.0)	6,031 (8.2)	14,634 (19.9)
3	79,931	24,010 (30.0)	25,143 (31.5)	27,129 (33.9)	-8.83	61,278	20,755 (33.9)	18,869 (30.8)	18,741 (30.6)
4	89,747	57,663 (64.3)	5,395 (6.0)	17,908 (20.0)	2.37	66,617	44,596 (66.9)	3,858 (5.8)	11,850 (17.8)

PCT.	CITIZEN VOTING AGE POPULATION ESTIMATES				
	TOTAL	NHWHITE (%)	NHBLACK (%)	HISP (%)	NHBLACK + HISP (%)
1	61,465	41,428 (67.4)	4,536 (7.4)	11,798 (19.2)	26.6
2	70,060	47,183 (67.4)	5,897 (8.4)	12,207 (17.4)	25.8
3	56,182	20,455 (36.4)	18,722 (33.3)	13,819 (24.6)	57.9
4	62,971	44,188 (70.2)	3,705 (5.9)	9,939 (15.8)	21.7

ANSWER: Defendants object to this request as asking for information analyzed by experts in this case, not Defendants, including ACS estimates. Therefore, deny.

Request Number 9: Admit that the four commissioners at the time the Galveston County Commissioners Court adopted the 2021 redistricting plan in November 2021 and at the time when the United States filed its complaint in this case on March 24, 2022, were: Darrell Apffel, who represents Precinct 1 and has served on the commissioners court since 2016; Joseph Giusti, who represents Precinct 2 and has served on the commissioners court since 2014; Stephen Holmes, who represents Precinct 3 and has served on the commissioners court since 1999; and Kenneth Clark, who represented Precinct 4 and served on the commissioners court since 1998.

ANSWER: Admit.

Request Number 10: Admit that at the time the 2021 Galveston County Commissioners Court redistricting plan was adopted, Black and Hispanic voters constituted a majority of the voting age population in only one commissioner court precinct, in Commissioner Court Precinct 3.

ANSWER: Defendants object to this Request as requesting information analyzed by experts in this case, not defendants. Accordingly Defendants deny the Request at this time.

Request Number 11: Admit that the first Black member of the Galveston County Commissioners Court was Wayne Johnson, who represented Precinct 3 from 1988 to 1999 and was followed by Stephen Holmes, who was appointed in 1999, and who has served continuously for Precinct 3 since then.

ANSWER: Admit.

Request Number 12: Admit that except for Commissioner Frank Carmona, who served as a commissioner from 1971 to 1990, no other Black or Hispanic individual represented a Galveston County Commissioners Court precinct in which white persons constituted a majority of the voting age population until the appointment of Robin Armstrong to represent Precinct 4 in May 2022, following the death of Commissioner Kenneth Clark.

ANSWER: Defendants lack sufficient information to admit or deny, and therefore deny the Request.

Request Number 13: Admit that the Galveston County Commissioners Court is responsible for determining and approving the boundaries of the four precincts in the commissioners court and for redrawing the four justice of the peace and constable precincts, which are not coterminous with the commissioners court precincts.

ANSWER: Denied.

Request Number 14: Admit that from 1975 through 2013, as a political subdivision of the State of Texas, Galveston County was covered under Section 4 of the Voting Rights Act and was required to comply with the requirements of Section 5 of the Voting Rights Act before implementing any change affecting voting, including redistricting plans.

ANSWER: Defendants object to this request as requesting a legal conclusion. Defendants admit Galveston County was previously required to obtain judicial or administrative preclearance under the VRA before implementing a redistricting plan, and that Galveston County complied with such requirements. Otherwise, denied.

Request Number 15: Admit that on March 17, 1992, the U.S. Department of Justice interposed an objection under Section 5 of the Voting Rights Act to Galveston County's submission of its 1991 redistricting plan for justice of the peace and constable districts.

ANSWER: Defendants deny the Request at this time because, after a reasonable inquiry into the accuracy of the document in question, they are unable to ascertain or corroborate its authenticity.

Request Number 16: Admit that US0000003-4 is a true and correct copy of the March 17, 1992, letter by which the Department of Justice informed Galveston County officials that it was interposing an objection under Section 5 of the Voting Rights Act to the 1991 redistricting plan for justice of the peace and constable districts.

ANSWER: Defendants deny the Request at this time because, after a reasonable inquiry into the accuracy of the document in question, they are unable to ascertain or corroborate its authenticity and the document speaks for itself.

Request Number 17: Admit that private plaintiffs in *Hoskins v. Hannah*, 3:92-cv-12, ECF No. 61 (S.D. Tex. Aug. 19, 1992), obtained a consent judgment and order directing the County to create two justice of the peace and constable districts in which Black and Hispanic residents would constitute a majority of the voting age population.

ANSWER: Defendants object to this Request on the ground that the order entered by the Court in *Hoskins v. Hannah*, 3:92-cv-12, ECF No. 61 (S.D. Tex. Aug. 19, 1992) speaks for itself. Defendants are not required to admit to a particular characterization of a document, especially

when its substance is complex. *Henry v. Champlain Enters.*, 212 F.R.D. 73, 80 (N.D.N.Y. 2003).

Defendants therefore deny the Request at this time.

Request Number 18: Admit that US0005864-66 is a true and correct copy of the criteria that Galveston County adopted following the release of the 2000 Census to guide the development of proposed redistricting plans of the commissioners court precincts and to establish procedures for public participation in the redistricting process.

ANSWER: Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Defendants also object to this Request on the ground that the document speaks for itself. Admit that US0005864-66 is a true and correct copy. Otherwise denied.

Request Number 19: Admit that DEFS00015166-15169 is a true and correct copy of a resolution drafted, but not adopted, that proposed a set of criteria for the 2011 redistricting of the Galveston County Commissioners Court.

ANSWER: Denied. Plaintiff’s characterization that the document in question was “drafted, but not adopted ... for the 2011 redistricting of the Galveston County Commissioners Court” is not correct.

Request Number 20: Admit that during the 2011 Galveston County Commissioners Court redistricting process, the commissioners court did not consider nor vote on the drafted redistricting criteria.

ANSWER: Denied.

Request Number 21: Admit that during the 2011 Galveston County Commissioners Court redistricting process, the commissioners court did not adopt any redistricting criteria.

ANSWER: Defendants object to the Request because the phrase “did not adopt any redistricting criteria” is vague and the Request does not specify any document that is the subject of the Request. Defendants therefore deny the Request at this time.

Request Number 22: Admit that during the 2011 redistricting cycle, the Galveston County Commissioners Court held public hearings related to its redistricting, that began at 6:00 p.m. or later on the following dates and locations: (a) on August 16, 2011, in Santa Fe, (b) on August 17, 2011, in Crystal Beach; (c) on August 22, 2011, in Texas City; (d) on August 23, 2011, in the City of Galveston; and (e) on August 30, 2011, in the City of Galveston.

ANSWER: Admit.

Request Number 23: Admit that US0000017-21 is a true and correct copy of the March 5, 2012, letter by which the Department of Justice informed Galveston County officials that it was interposing an objection under Section 5 of the Voting Rights Act to the 2011 commissioners court redistricting plan.

ANSWER: Admit the document is a true and correct copy of a March 5, 2012 letter from the Department of Justice, and that the letter speaks for itself. Otherwise, denied.

Request Number 24: Admit that US0000017-21 is a true and correct copy of the March 5, 2012, letter by which the Department of Justice informed county officials it was interposing an objection under Section 5 of the Voting Rights Act to the 2011 reduction of the number of justice of the peace/constable districts as well as the redistricting plan to elect those officials.

ANSWER: Admit the document is a true and correct copy of a March 5, 2012 letter from the Department of Justice, and that the letter speaks for itself. Otherwise, denied.

Request Number 25: Admit that on November 14, 2011, several county residents filed a lawsuit against Galveston County and County Judge Mark Henry in this Court challenging the

commissioners court redistricting plan adopted in 2011 and sought declaratory and injunctive relief under both Sections 2 and 5 of the Voting Rights Act, 52 U.S.C. 10301 and 10304. *See Petteway v. Galveston Cnty.*, 3:11-cv-00511 (S.D. Tex. 2011).

ANSWER: Defendants object to the Request because the Complaint filed on November 14, 2011 in *Petteway v. Galveston Cnty.*, 3:11-cv-00511 (S.D. Tex. 2011) speaks for itself.

Defendants are not required to admit to a particular characterization of a document, especially when its substance is complex. *Henry v. Champlain Enters.*, 212 F.R.D. 73, 80 (N.D.N.Y. 2003). Defendants therefore deny the Request at this time.

Request Number 26: Admit that on January 20, 2012, a three-judge court in *Petteway v. Galveston County* issued a preliminary injunction under Section 5 of the Voting Rights Act, prohibiting Galveston County from implementing any of the Galveston County redistricting plans then under Section 5 review by the Department of Justice, including redistricting plans for the commissioners court and justice of the peace and constable districts. *Petteway v. Galveston Cnty.*, 3:11-cv-00511, ECF No. 45 (S.D. Tex. Jan. 20, 2012).

ANSWER: Defendants object to the Request because the preliminary injunction issued by the Court in *Petteway v. Galveston Cnty.*, 3:11-cv-00511, ECF No. 45 (S.D. Tex. Jan. 20, 2012) speaks for itself. Defendants are not required to admit to a particular characterization of a document, especially when its substance is complex. *Henry v. Champlain Enters.*, 212 F.R.D. 73, 80 (N.D.N.Y. 2003). Defendants therefore deny the Request at this time.

Request Number 27: Admit that on March 22, 2012, Galveston County adopted and submitted a revised commissioners court redistricting plan to the Department of Justice for review under Section 5 of the Voting Rights Act in which Commissioners Precinct 3 remained a district in which Black and Hispanic residents constituted a majority of the voting age population.

ANSWER: Admit.

Request Number 28: Admit that US0001819 is a true and correct copy of the March 23, 2012, letter by which the Department of Justice informed County officials that no objection under Section 5 of the Voting Rights Act would be interposed to the revised commissioners court plan the Galveston County Commissioners Court adopted and submitted for review on March 22, 2012.

ANSWER: Admit the document is a true and correct copy of a March 23, 2012 letter from the Department of Justice, and that the letter speaks for itself. Otherwise, denied.

Request Number 29: Admit that on March 23, 2012, the United States District Court for Southern District of Texas permanently enjoined Galveston County from implementing any plans for the 2012 elections that had not been precleared under Section 5. *Petteway v. Galveston Cnty.*, 3:11-cv-00511, ECF No. 69 at 2 (S.D. Tex. Mar. 23, 2012).

ANSWER: Defendants object to the Request as incomplete and because the pleadings, including the subsequent appellate opinion and take-nothing judgment against Plaintiffs speak for themselves. Defendants are not required to admit to a particular characterization of a document, especially when its substance is complex. *Henry v. Champlain Enters.*, 212 F.R.D. 73, 80 (N.D.N.Y. 2003). Therefore denied.

Request Number 30: Admit that on August 19, 2013, the Galveston County Commissioners Court enacted a new redistricting plan that reduced the number of justice of the peace districts from eight to four and eliminated two of the three justice of the peace districts where Black and Hispanic residents constituted a majority of the voting age population.

ANSWER: Admit in part. Defendants are not able to ascertain whether the justice of the peace districts were in areas “where Black and Hispanic residents constituted a majority of the voting

age population” on August 19, 2013. Defendants therefore deny that portion of the Request at this time.

Request Number 31: Admit that the Galveston County Commissioners Court posted the proposed justice of the peace plan on the County’s website on August 16, 2013. Three days later, on August 19, 2013, the plan was approved at a special session of the commissioners court with Mark Henry, who was County Judge, and Commissioners Ryan Dennard, Kevin D. O’Brien, and Kenneth Clark voting in favor of the plan, and Commissioner Stephen Holmes voting against the plan.

ANSWER: Admit.

Request Number 32: Admit that during the 2013 Galveston County justice of the peace and constable redistricting process, the Galveston County Commissioners Court did not articulate or adopt any redistricting criteria.

ANSWER: Defendants object to the Request because the phrase “did not articulate or adopt any redistricting criteria” is vague and the Request does not specify any document that is the subject of the Request. Defendants therefore deny the Request at this time.

Request Number 33: Admit that during the 2013 Galveston County justice of the peace and constable redistricting process, except for one public meeting held on August 19, 2013, when the Galveston County Commissioners Court adopted a plan, the commissioners court did not hold any additional meetings for the public to consider and comment on the proposed justice of the peace and constable redistricting plans.

ANSWER: Admit.

Request Number 34: Admit that pursuant to agenda item number 10 for the April 5, 2021, commissioners court meeting, the County began the post-2020 Census redistricting process by

“consider[ing] . . . approval of an engagement of counsel based on 2020 census.” Commissioner Stephen Holmes voted against this hiring action.

ANSWER: Admit that the Commissioners Court approved retaining outside redistricting counsel at an April 5, 2021 meeting and that Commissioner Holmes voted against this. Otherwise, denied.

Request Number 35: Admit that by August 12, 2021, the United States Bureau of the Census released P.L. 94-171 data that was suitable for jurisdictions, including Galveston County, to redistrict electoral districts.

ANSWER: Defendants admit that on “August 12, 2021, the United States Bureau of the Census released P.L. 94-171 data.” Otherwise, denied.

Request Number 36: Admit that during redistricting cycles for commissioners court precincts prior to the 2021 cycle, the Galveston County Commissioners Court set forth dates and times for public meetings across the County to give residents a clear timeline for consideration of proposed plans.

ANSWER: Defendants object to the Request on the ground that it is overly broad as to the applicable time period (i.e. during all times prior to the 2020-2021 cycle). Defendants further object to the Request on the ground that it is vague in its reference to a “clear timeline for consideration of proposed plans.” Defendants lack the knowledge to admit or deny as written, and therefore deny.

Request Number 37: Admit that the Galveston County Commissioners Court did not adopt a timeline to complete the 2021 commissioners court redistricting process.

ANSWER: Defendants object to the Request because the phrase “did not adopt a timeline” is vague and the Request does not specify any document that is the subject of the Request.

Defendants therefore deny the Request at this time.

Request Number 38: Admit that the Galveston County Commissioners Court did not articulate or adopt any criteria during the 2021 commissioners court redistricting process.

ANSWER: Defendants object to the Request because the phrase “did not articulate or adopt any redistricting criteria” is vague and the Request does not specify any document that is the subject of the Request. Defendants therefore deny the Request at this time.

Request Number 39: Admit that Defendants and/or their staff took no steps to create a commissioners court redistricting plan between August 12, 2021, and the first telephone conference call related to redistricting for commissioners court precincts among Dale Oldham, Paul Ready, Commissioner Darrell Apffel, and County Judge Mark Henry that occurred on September 8, 2021.

ANSWER: Defendants object to the Request because the phrase “took no steps to create a commissioners court redistricting plan” is vague and misrepresents what occurred, and the Request does not specify any document that is the subject of the Request. Defendants further object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Defendants admit that Dale Oldham, Paul Ready, Commissioner Darrell Apffel, and County Judge Mark Henry held a conference call on September 8, 2021. Otherwise, denied.

Request Number 40: Admit that during the 2021 commissioners court redistricting process, Dale Oldham met with Commissioner Stephen Holmes on four occasions, the first of which took place on September 20, 2021.

ANSWER: Admit.

Request Number 41: Admit that on September 23, 2021, Commissioner Stephen Holmes provided Dale Oldham with his views as to changes to Commissioner Court Precinct 3 that Commissioner Stephen Holmes believed to be necessary and appropriate.

ANSWER: Defendants admit that Commissioner Holmes met with redistricting counsel on September 20, 2021 and September 23, 2021. Defendants object to the Request on the ground that it seeks the admission of information that is protected by the attorney-client privilege and/or the work product doctrine. Defendants therefore deny the Request at this time.

Request Number 42: Admit that on October 19, 2021, Dale Oldham presented Commissioner Stephen Holmes with two proposed plans, Map 1 and Map 2, but neither plan reflected any of the views, nor included any of the changes to Commissioner Court Precinct 3, that Commissioner Stephen Holmes had relayed to Dale Oldham on September 23, 2021.

ANSWER: Defendants object to the Request on the ground that it seeks the admission of information that is protected by the attorney-client privilege and/or the work product doctrine. Defendants therefore deny the portion of the Request regarding any information that may have been exchanged between Commissioner Stephen Holmes and Dale Oldham on September 23, 2021. Defendants admit only that “on October 19, 2021, Dale Oldham presented Commissioner Stephen Holmes with two proposed plans, Map 1 and Map 2.” Otherwise, denied.

Request Number 43: Admit that between the April 5, 2021, Galveston County Commissioners Court meeting and the November 12, 2021, special session there were no commissioners court

meetings, executive sessions, workshops, or public hearings relating to the redistricting process or during which redistricting was discussed, including, but not limited to, discussion of any proposed commissioners court redistricting plans.

ANSWER: Defendants admit that the Commissioners Court did not hold in-person public meetings relating to redistricting between April 6, 2021 and November 11, 2021, and that the proposed maps were available for viewing and public comment online at the Galveston County website between October 29, 2021 and November 12, 2021. Defendants object to the term “workshops” because it is vague and undefined. Otherwise, denied.

Request Number 44: Admit that during redistricting cycles for Galveston County commissioners court precincts prior to 2021, once proposed plans were created, they were made available for public review.

ANSWER: Defendants object to the Request on the ground that it is overly broad as to the applicable time period (i.e. during all times prior to the 2020-2021 cycle). Admit that the County has made proposed redistricting plans available for public review and comment once they are created, and did so in the 2021 redistricting cycle, but Defendants lack the knowledge to ascertain exactly how and when plans were made available once they were created during all redistricting processes prior to the 2020-2021 cycle, and therefore deny the Request to that extent at this time.

Request Number 45: Admit that on October 29, 2021, Galveston County posted images to its website of the draft commissioners court redistricting plans, Map 1 and Map 2, along with an online information form for public comment, but without any demographic data regarding the population characteristics of the proposed commissioner precincts.

ANSWER: Defendants object to the Request on the ground that the phrase “demographic data regarding the population characteristics of the proposed commissioner precincts” is vague, and therefore, Defendants deny that portion of the Request. Defendants admit that Galveston County first posted interactive Map Proposals 1 and 2 to its website for public comment on October 29, 2021. Defendants admit that, as early as November 3, 2021, the maps available on the website also included data overlays of voting precinct data and municipal boundaries within the County.

Request Number 46: Admit that DEFS00031054 is a true and correct copy of the October 29, 2021, Facebook post in which County Judge Mark Henry expressed a desire for a “much-needed coastal district” in the Galveston County commissioners court redistricting plan then under consideration.

ANSWER: Admit that DEFS00031054 is a true and correct copy of an October 29, 2021, Facebook post by County Judge Mark Henry and that the document speaks for itself. Otherwise, denied.

Request Number 47: Admit that during redistricting cycles for Galveston County Commissioners Court precincts prior to the 2021 cycle, the public meetings that took place were held in multiple locations across the County, such as on the Bolivar Peninsula, the City of Galveston, Santa Fe, Texas City, and League City.

ANSWER: Defendants object to the Request on the ground that it is overly broad as to the applicable time period (i.e. during all times prior to the 2020-2021 cycle). Defendants lack the knowledge to ascertain whether and where public meetings were scheduled during all redistricting processes prior to the 2020-2021 cycle, and therefore deny the Request at this time.

Request Number 48: Admit that the online form posted on the County’s website on October 29, 2021, was the only opportunity for Galveston County residents to provide their views on

redistricting plans prior to the November 12, 2021, special session at which the Galveston County Commissioners Court approved the final commissioners court redistricting plan.

ANSWER: Denied. County Commissioners were available to receive feedback about redistricting at all times during the 2020-2021 redistricting cycle, and in fact did receive communications from residents and advocacy groups about redistricting.

Request Number 49: Admit that on November 12, 2021, two weeks after the proposed plans, Map 1 and Map 2, were posted on the County's website, the Galveston County Commissioners Court held a special session at 1:30 PM to consider and vote on the proposed plans.

ANSWER: Admit.

Request Number 50: Admit that Galveston County provided no other means for County residents to provide public comments on Map 1 and Map 2 aside from for an online comment portal and a single special session held on November 12, 2021.

ANSWER: Defendants deny the request at this time. Defendants made themselves available to receive feedback about redistricting at all times during the 2020-2021 redistricting cycle, and in fact did receive feedback from residents and advocacy groups about Map Proposals 1 and 2 by means other than the online comments portal and the November 12th special meeting.

Request Number 51: Admit that prior to the November 12, 2021, special session, Commissioner Stephen Holmes was never provided with a full set of demographic information, at the voting precinct level with racial breakdowns of total population and voting age population for any draft maps or maps, including Map 1 and Map 2, under consideration during the 2021 redistricting cycle.

ANSWER: Defendants object to this request as asking for information beyond their knowledge, namely, what Commissioner Holmes received and when. Defendants admit that they worked

collaboratively with Commissioner Holmes to provide all information and data he requested throughout the 2020-2021 redistricting process. This includes data and information that was provided to him: (1) in September 2021 by Paul Ready, the County's general counsel, and (2) in October 2021 by Nathan Sigler, the County's GIS Specialist. Otherwise, denied.

Request Number 52: Admit that during redistricting cycles for commissioners court precincts prior to the 2021 cycle, the Galveston County Commissioners Court held multiple public hearings on redistricting that began at 6:00 p.m. or later.

ANSWER: Defendants object to the Request on the ground that it is overly broad as to the applicable time period (i.e. during all times prior to the 2020-2021 cycle). Defendants lack the knowledge to ascertain whether and when public meetings were scheduled during all redistricting processes prior to the 2020-2021 cycle, and therefore deny the Request at this time.

Request Number 53: Admit that the Galveston County Commissioners Court usually holds meetings at the Galveston County Courthouse, located at 722 Moody Avenue, Galveston, Texas, and that location was available on November 12, 2021.

ANSWER: Defendants deny the Request at this time because it mischaracterizes the customary practice for the scheduling of Commissioners Court meetings. The Commissioners Court's regular meetings take place at the 722 Moody Avenue Galveston County Courthouse. Special meetings typically take place at the Calder Road Annex in League City – including the special meeting that occurred on November 12, 2021.

Request Number 54: Admit that the meeting room at the Galveston County Courthouse can seat approximately 250 people, with the ability to add additional seating in the meeting room as well as standing room along the walls of the meeting room, if necessary, and the parking garage at the county courthouse can fit approximately 400 to 500 vehicles.

ANSWER: Denied

Request Number 55: Admit that the Galveston County Courthouse has a sound system with a microphone at each commissioner's seat.

ANSWER: Admit.

Request Number 56: Admit that County Judge Mark Henry determined the November 12, 2021, special session of the Galveston County Commissioners Court would be held at the League City Annex Building, also known as the Calder Road Annex, rather than at the Galveston County Courthouse in the City of Galveston.

ANSWER: Denied

Request Number 57: Admit that County Judge Mark Henry's decision to move the Galveston County Commissioners Court special session on November 12, 2021, to the Calder Road Annex followed a similar decision by him in 2020 to hold a meeting of the Galveston County Commissioners Court at the Calder Road Annex regarding the removal of a Confederate statute on courthouse grounds.

ANSWER: Defendants deny the Request at this time because it mischaracterizes the customary practice for the scheduling of Commissioners Court special meetings. Commissioners Court special meetings take place at the Calder Road Annex in League City – including the special meeting referenced in the Request.

Request Number 58: Admit that the Calder Road Annex is at 174 Calder Road, League City, Texas, near the Harris County border, and is approximately 27 miles away from the Galveston County Courthouse located at 722 Moody Avenue in the City of Galveston.

ANSWER: Admit.

Request Number 59: Admit that the Calder Road Annex meeting room can seat approximately 65 to 75 people and some of the location's 60 parking spaces were blocked off due to an ongoing construction project at the site at the time of November 12, 2021, special session.

ANSWER: Defendants object to the request as compound. Denied.

Request Number 60: Admit there is neither a sound system nor an individual microphone for each commissioner in the meeting room at the Calder Road Annex and no microphones for the public were provided at the November 12, 2021, special session.

ANSWER: Denied as written.

Request Number 61: Admit there were approximately 150 to 200 people in attendance in the November 12, 2021, Galveston County Commissioners Court special session, but there was no overflow room to accommodate them.

ANSWER: Denied.

Request Number 62: Admit that, according to the video of the November 12, 2021, Galveston County Commissioners Court special session available on the County's website, some of the community members who were lined up in the hallways voiced concerns about their inability to hear what was being said, including if they were being called to speak.

ANSWER: Defendants lack sufficient information to admit or deny, so deny same. Defendants maintain that every individual who requested to speak was able to do so at the meeting.

Defendants deny the request because it misstates that community members were unable to hear if they were called on. Throughout the special meeting, County employees called out into the hallway when community members who had signed up to speak were asked to make their statements.

Request Number 63: Admit that according to video of the November 12, 2021, Galveston County Commissioners Court special session, County Judge Mark Henry started the special session by warning that constables were in the room and that he would have the constables remove the attendees who were stating that they could not hear him.

ANSWER: The recording of the meeting speaks for itself. Defendants admit that no one was removed from the meeting at any time.

Request Number 64: Admit that Galveston County gave members of the public only 72 hours of notice of the November 12, 2021, Galveston County Commissioners Court special session, which is the minimum required under state law.

ANSWER: Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Admit that the November 12, 2021 meeting was properly noticed under Texas law and its timing was due to the time constraints imposed by law and the delayed release of Census data in a usable format. Otherwise, denied.

Request Number 65: Admit that according to the video of the November 12, 2021, Galveston County Commissioners Court special session, 36 members of the public spoke at the special session, of which 35 opposed both Map 1 and Map 2.

ANSWER: The recording of the meeting speaks for itself. Defendants deny the Request’s characterization that “35 [of those comments] opposed both Map 1 and Map 2” because most of the speakers never referenced Map Proposal 1 or 2. Otherwise, denied.

Request Number 66: Admit that during the November 12, 2021, Galveston County Commissioners Court special session Commissioner Stephen Holmes offered two alternative

plans in which Commissioners Precinct 3 was comprised of a combined Black and Hispanic voting age population of over 50 percent, but none of the other commissioners present either moved to consider or to vote on either of Commissioner Stephen Holmes' alternative plans.

ANSWER: The recording of the meeting speaks for itself. The Request mischaracterizes the events that transpired at the meeting. In his remarks, Commissioner Holmes referred to two maps that he purportedly had brought to the meeting, but he never "offered" the maps for the Commissioners Court's consideration nor did he provide them to other commissioners before the meeting, ask to include them on the County website or on the November 12, 2021 agenda, or make a motion for those maps to be considered. Defendants also deny the Request because they have no way of ascertaining whether the maps Commissioner Holmes purportedly had with him at the meeting included a "Precinct 3 [which] was comprised of a combined Black and Hispanic voting age population of over 50 percent." Otherwise, denied.

Request Number 67: Admit that Map 1 and Map 2 were the only two maps that the Galveston County Commissioners Court considered during the November 12, 2021, special session.

ANSWER: Defendants object to this request as vague. The recording of the meeting speaks for itself. Otherwise, denied.

Request Number 68: Admit that according to the video of the November 12, 2021, Galveston County Commissioners Court special session, no one, including Defendants, provided any justification or rationale for the changes made to Precinct 3 in Map 1 or Map 2.

ANSWER: Admit that there was no discussion about specific changes to Precinct 3. Otherwise, denied.

Request Number 69: Admit that the Galveston County Commissioners Court approved proposed Map 2 with a vote of 3-1, and County Judge Mark Henry and Commissioners Joseph

Giusti and Darrell Apffel voted in favor, while Commissioner Stephen Holmes voted against Map 2. Commissioner Kenneth Clark was absent.

ANSWER: Admit.

Request Number 70: Admit that DEFS00011896 is an accurate depiction of the Galveston County Commissioners Court redistricting plan that was adopted by the Commissioners Court on November 12, 2021.

ANSWER: Admit.

Request Number 71: Admit that the tables immediately below accurately present the demographic data for the four commissioners court precincts in the 2021 redistricting plan, according to the 2020 Census and the 2016-2020 ACS estimates.

Galveston County Commissioners Court (Adopted November 12, 2021)

PCT.	TOTAL POPULATION				DEV (%)	VOTING AGE POPULATION			
	TOTAL	NHWHITE (%)	NHBLACK (%)	HISP (%)		TOTAL	NHWHITE (%)	NHBLACK (%)	HISP (%)
1	87,689	48,169 (54.9)	9,342 (10.7)	24,445 (27.9)	0.02	66,641	39,306 (59.0)	6,613 (9.9)	16,404 (24.6)
2	87,697	47,460 (54.1)	12,663 (14.4)	22,725 (25.9)	0.03	71,389	41,421 (58.0)	9,511 (13.3)	16,431 (23.0)
3	88,111	50,534 (57.4)	6,895 (7.8)	22,573 (25.6)	0.5	64,704	38,952 (60.2)	4,959 (7.7)	14,908 (23.0)
4	87,185	45,195 (51.8)	16,737 (19.2)	18,893 (21.7)	-0.6	64,648	35,341 (54.7)	12,258 (19.0)	12,416 (19.2)

PCT.	CITIZEN VOTING AGE POPULATION ESTIMATES				
	TOTAL	NHWHITE (%)	NHBLACK (%)	HISP (%)	NHBLACK + HISP (%)
1	62,357	38,990 (62.5)	6,562 (10.5)	13,070 (21.0)	31.5
2	66,504	40,966 (61.6)	9,374 (14.1)	12,748 (19.2)	33.3
3	59,710	38,111 (63.8)	4,802 (8.0)	11,606 (19.4)	27.5
4	62,107	35,187 (56.7)	12,120 (19.5)	10,338 (16.7)	36.2

ANSWER: Defendants object to this request as vague, as “the demographic data” is not specified. Defendants further object to this request as asking about information for which they

cannot admit or deny the accuracy, and instead which is used and/or analyzed by experts in this case. Therefore, denied.

Request Number 72: Admit that moving voting precinct 218 from Commissioner Precinct 2 to Commissioner Precinct 3 as both existed in the plan in place between 2012 and 2021 would have resulted in a combined Black and Hispanic citizen voting age population percentage of over 56% in an illustrative Commissioner Precinct 3 under the 2020 Census and the 2016-2020 ACS estimates with a total population deviation among the commissioners court precincts of less than ten percent under the 2020 Census.

ANSWER: Defendants object to the Request on the ground that it seeks the admission of a legal conclusion, namely whether or not a hypothetical map would satisfy the “majority-minority rule” for compliance with the Voting Rights Act. *See Bartlett v. Strickland*, 556 U.S. 1, 17 (2009). Defendants further object to this request as asking about information used and/or analyzed by experts in this case. Accordingly, Defendants deny the Request at this time.

Request Number 73: Admit that only five of the 26 voting precincts that comprised Commissioners Court Precinct 3 in the plan in place from 2012 to 2021 are found in their entirety in Commissioners Court Precinct 3 in the plan adopted on November 12, 2021.

ANSWER: Admit.

Request Number 74: Admit that voting precinct 336 was included in Commissioners Court Precinct 3 in the plan in place from 2012 to 2021 and split between Commissioners Court Precincts 1 and 4 in the plan adopted on November 12, 2021.

ANSWER:; Admit.

Request Number 75: Admit that since at least 1998, the Galveston County Commissioners Court precincts have not included a single commissioners court precinct that contains the entirety of the County’s coastline.

ANSWER: Admit.

Request Number 76: Admit that since at least 2001, Bolivar Peninsula has never been placed in the same commissioners court precinct as the City of Galveston in a commissioners court redistricting plan.

ANSWER: Admit.

Request Number 77: Admit that for over the past three decades Black and Hispanic persons have constituted a majority of the voting age population in prior versions of Galveston County Commissioners Court Precinct 3 and have consistently elected a minority county commissioner during that time.

ANSWER: Defendants object to this request as asking about information used and/or analyzed by experts in this case. Defendants further object to the Request on the ground that it is not relevant to the claims and defenses in this litigation, since citizen voting age population (not “voting age population”) is the proper measure for purposes of determining compliance with the Voting Rights Act. Defendants further object to the Request because the phrase “past three decades” is vague. Defendants deny the proposition that only “Black and Hispanic persons ... have consistently elected a minority county commissioner” in Precinct 3 as incorrect and unsubstantiated. Otherwise, denied.

Request Number 78: Admit that the 2021 adopted plan for the Galveston County Commissioners Court eliminates the sole commissioners court precinct in which Black and Hispanic residents constitute a majority of the voting age population.

ANSWER: Defendants object to the Request on the ground that it seeks the admission of a legal conclusion, namely whether or not the adopted plan satisfies the “majority-minority rule” for compliance with the Voting Rights Act. *See Bartlett v. Strickland*, 556 U.S. 1, 17 (2009).

Defendants further object to the Request on the ground that it is not relevant to the claims and defenses in this litigation, since citizen voting age population (not “voting age population”) is the proper measure for purposes of determining compliance with the Voting Rights Act.

Accordingly, Defendants deny the Request at this time.

Request Number 79: Admit that as of March 24, 2022, the only three elected county officeholders in Galveston County who were Black were Precinct 3 Commissioner Stephen Holmes, Precinct 3 Constable Derreck Rose, and Precinct 3 Justice of the Peace Billy A. Williams, Jr., all of whom were elected from electorates in which Black and Hispanic residents constituted a majority of the voting age population.

ANSWER: Denied. As of March 24, 2022, more than three elected County officeholders were black.

Request Number 80: Admit that the Galveston County Commissioners Court adopted the 2021 redistricting plan for the commissioners court one day before the candidate filing period for the March 2022 primary election began on November 13, 2021.

ANSWER: Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Notwithstanding this objection, Defendants admit only that the Commissioners Court adopted the 2021 redistricting plan on November 12, 2021.

Request Number 81: Admit that, since September 1, 2011, Tex. Election Code § 172.023(a)-(b) has required that the candidate-filing period for the March primary election to be held the following year must be set to begin on “the 30th day before the date of the regular filing deadline,” and end on “the second Monday in December of an odd-numbered year,” in other words, between November 13, 2021, and December 13, 2021 for the March 2022 primary election.

ANSWER: Defendants object to this request as asking about a question of law which is improper in a discovery request to a party. Therefore, denied.

Request Number 82: Admit that, prior to November 2021, the members of the Galveston County Commissioners Court were aware of, or had access to, Tex. Election Code § 172.023(a)-(b) setting the candidate-filing period for the March 2022 primary election.

ANSWER: Defendants object to this request as asking about a question of law which is improper in a discovery request to a party. Defendants admit that they were kept apprised of any applicable candidate filing periods or changes thereto from various sources, including the Texas Secretary of State. Otherwise, denied.

Request Number 83: Admit that as of November 2021, all then-members of the Galveston County Commissioners Court had run for elected office at least once by filing for candidacy during the candidate-filing period set forth in Tex. Election Code § 172.023(a)-(b).

ANSWER: Defendants object to this request as asking about a question of law which is improper in a discovery request to a party. Defendants admit that then-members of the Commissioners Court had run for elected office at least once by following applicable guidelines and laws for filing for candidacy. Otherwise, denied.

Request Number 84: Admit that since 1976, Galveston County and the political subdivisions within it have been the subject of six objection letters under Section 5 of the Voting Rights Act issued by the Department of Justice. US00000001-00000021.

ANSWER: Defendants admit that “Galveston County and the political subdivisions within it have been the subject of six objection letters under Section 5 of the Voting Rights Act issued by the Department of Justice.” However, Defendants deny that the documents referenced in the Request are true and correct copies of the letters stating those objections and deny the statements made therein. After a reasonable inquiry into the accuracy of the documents in question, Defendants are unable to ascertain or corroborate their authenticity. Otherwise denied.

Request Number 85: Admit that US0000001-2 is a true and correct copy of the March 10, 1976, letter by which the Department of Justice informed Texas City officials that it was interposing an objection under Section 5 of the Voting Rights Act to the numbered post provision governing the election of City Commissioners in Texas City.

ANSWER: Defendants object to the Request on the ground that this document is in Plaintiff’s custody or control, and therefore, it is Plaintiff’s burden to authenticate it. Defendants are not required to admit to a particular characterization of a document, especially when its substance is complex. *Henry v. Champlain Enters.*, 212 F.R.D. 73, 80 (N.D.N.Y. 2003). Otherwise, denied.

Request Number 86: Admit that US0000005-7 is a true and correct copy of the December 14, 1992, letter by which the Department of Justice informed Galveston City officials that it was interposing an objection under Section 5 of the Voting Rights Act to the change in the method of electing the city council from at large to four from single member districts and two at large by numbered posts for concurrent terms; the districting plan; the elimination of the majority vote requirement for city council and mayoral elections; the shortening of mayoral and council terms

from three years to two years; the change in maximum number of consecutive terms from two to three; and the implementation schedule for the City of Galveston.

ANSWER: Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Defendants deny the Request at this time because, after a reasonable inquiry into the accuracy of the document in question, they are unable to ascertain or corroborate its authenticity, and the document speaks for itself.

Request Number 87: Admit that US0000008-12 is a true and correct copy of the December 14, 1998, letter by which the Department of Justice informed Galveston City officials that it was interposing an objection under Section 5 of the Voting Rights Act to amendments to the city charter that provided for a change in the method of election for the city council from six single-member districts to four single-member districts and two at large with numbered posts, a change from a plurality to a majority vote requirement, and redistricting criteria for the City of Galveston.

ANSWER: Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Defendants deny the Request at this time because, after a reasonable inquiry into the accuracy of the document in question, they are unable to ascertain or corroborate its authenticity, and the document speaks for itself.

Request Number 88: Admit that US0000013-16 is a true and correct copy of the October 3, 2011, letter by which the Department of Justice informed Galveston City officials that it was

declining to withdraw the 1998 objection to the charter amendments that provided for a change in the method of election for the city council.

ANSWER: Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Admit the document is a true and correct copy of an October 3, 2011 letter from the Department of Justice, and that the letter speaks for itself. Otherwise, denied.

Request Number 89: Admit that in 2019, two White City of Galveston police officers on horseback led a Black man on a rope down a street after his arrest, leading to an apology from the police chief and a change in the police department’s arrest policy.

ANSWER: Defendants object to the Request on the ground that it mischaracterizes the event in question by failing to include important details. Moreover, Defendants lack sufficient knowledge about policies which the City of Galveston Police Department may or may not have adopted. Defendants therefore deny the Request at this time.

Request Number 90: Admit that that Hurricane Ike that significantly damaged the City of Galveston’s public housing complexes in 2008 and led to the demolition of 569 units in the complexes that sustained the most damage.

ANSWER: Admit that Hurricane Ike was a devastating storm that sent 110 mile-per-hour winds and 12-to-15-foot storm surges across Galveston Island and the Bolivar Peninsula, impacted virtually all residents of Galveston County, caused hundreds of deaths, destroyed and damaged homes, and caused Galveston Island to close to returning residents for over a week. Galveston County had no role in the administration of public housing in the City of Galveston after

Hurricane Ike. Defendants lack sufficient knowledge to admit or deny the allegations about the number of public housing units referenced. Defendants therefore deny the Request at this time.

Request Number 91: Admit that DEFS00031248 is a true and correct copy of a Facebook post depicting a flyer distributed during the 2020 primary election for Galveston County tax assessor, a position that has no responsibilities related to immigration.

ANSWER: Defendants object to the Request on the ground that it is compound. “Requests for admission may not contain compound, conjunctive, or disjunctive (e.g., “and/or”) statements.” *United States ex rel. Englund v. Los Angeles*, 235 F.R.D. 675, 684 (E.D. Cal. 2006). Defendants cannot admit or deny the authenticity of a depiction of a flyer that is not Defendants’ document. Moreover, Defendants deny the Request at this time because the document in question is not a Facebook post, and because the document only depicts a thumbnail image attached to a news article (but is not a “true and correct copy” of the flyer in question). Therefore, denied.

Date: April 21, 2023

**HOLTZMAN VOGEL BARAN
JOSEFIAK & TORCHINSKY LLC**

/s/ Dallin B. Holt

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**admitted pro hac vice*

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2023, I served the foregoing via email on all counsel of record in this case.

Dallin B. Holt

Dallin B. Holt

Exhibit 26

"Pop Pivot" Tab

Original	1519	2020	2020	2020	2020	% BNH VAP	% HISP VAP	% Min VAP
	CVAP Total	PL Total	PL VAP Total	PL VAP BNH	PL VAP HISP			
Row Labels	Sum of acs_cv_	Sum of PL_Totl	Sum of PL_Tt18	Sum of PL_T18_B	Sum of PL_T18_H			
1.000000	60,982	85,433	65,769	4,324	14,944	7%	23%	29%
2.000000	62,872	95,596	73,739	5,748	14,634	8%	20%	28%
3.000000	53,445	79,906	61,257	18,556	18,731	30%	31%	61%
4.000000	57,047	89,747	66,617	3,661	11,850	5%	18%	23%
Grand Total	234,346	350,682	267,382	32,289	60,159	12%	22%	35%

Low	-8.8%	-8.9%	-8.4%
Average	58,586	87,671	66,846
High	7.3%	9.0%	10.3%

Map 1	1519	2020	2020	2020	2020	% BNH VAP	% HISP VAP	% Min VAP
	CVAP Total	PL Total	PL VAP Total	PL VAP BNH	PL VAP HISP			
Row Labels	Sum of acs_cv_	Sum of PL_Totl	Sum of PL_Tt18	Sum of PL_T18_B	Sum of PL_T18_H			
1.000000	61,608	87,659	66,625	4,589	15,017	7%	23%	29%
2.000000	57,445	86,431	67,003	5,018	13,159	7%	20%	27%
3.000000	59,948	88,633	68,547	19,235	20,371	28%	30%	58%
4.000000	55,345	87,959	65,207	3,447	11,612	5%	18%	23%
Grand Total	234,346	350,682	267,382	32,289	60,159	12%	22%	35%

Low	-5.5%	-1.4%	-2.5%
Average	58,586	87,671	66,846
High	5.2%	1.1%	2.5%

Map2	1519	2020	2020	2020	2020	% BNH VAP	% HISP VAP	% Min VAP
	CVAP Total	PL Total	PL VAP Total	PL VAP BNH	PL VAP HISP			
Row Labels	Sum of acs_cv_	Sum of PL_Totl	Sum of PL_Tt18	Sum of PL_T18_B	Sum of PL_T18_H			
1.000000	61,215	87,689	66,641	6,332	16,404	10%	25%	34%
2.000000	63,802	87,697	71,389	9,254	16,431	13%	23%	36%
3.000000	55,319	88,111	64,704	4,716	14,908	7%	23%	30%
4.000000	54,010	87,185	64,648	11,987	12,416	19%	19%	38%
Grand Total	234,346	350,682	267,382	32,289	60,159	12%	22%	35%

	-7.8%	-0.6%	-3.3%
	58,586	87,671	66,846
	8.9%	0.5%	6.8%

DEFS00018660

"Map 1" Tab

Sum of Map2	Column Labels				Grand Total	Split or Whole
Row Labels	1	2	3	4		
481670103			414		414	Whole
481670104			312		312	Whole
481670105			44		44	Whole
481670142	55				55	Whole
481670144	52		5		57	Split
481670146	127				127	Whole
481670148	197				197	Whole
481670150	67				67	Whole
481670151	221				221	Whole
481670152	41				41	Whole
481670159	220				220	Whole
481670165	79				79	Whole
481670166	139				139	Whole
481670167	98				98	Whole
481670168	25		4		29	Split
481670169	16				16	Whole
481670170	104				104	Whole
481670172	32				32	Whole
481670192	18		60		78	Split
481670193	27				27	Whole
481670197	37				37	Whole
481670218		440			440	Whole
481670219		260			260	Whole
481670220		336			336	Whole
481670221		370			370	Whole
481670223		160			160	Whole
481670224		128			128	Whole
481670225		244			244	Whole
481670226		308			308	Whole
481670227		178			178	Whole
481670228		300			300	Whole
481670232			212		212	Whole
481670258		232			232	Whole
481670263		153		150	303	Split
481670274		44			44	Whole
481670275		62			62	Whole
481670276		176			176	Whole
481670277		118			118	Whole
481670278		118			118	Whole
481670279		300			300	Whole
481670280		80			80	Whole
481670281		8			8	Whole
481670283		260			260	Whole
481670301			80		80	Whole
481670306			766		766	Whole
481670309			38		38	Whole
481670311			406		406	Whole
481670312			48		48	Whole
481670314			610		610	Whole
481670315			592		592	Whole
481670316A			400		400	Whole
481670316B			2		2	Whole
481670330			368		368	Whole
481670331			236		236	Whole
481670334			296		296	Whole
481670336			276		276	Whole
481670338			304		304	Whole
481670340			156		156	Whole
481670341			303		303	Whole
481670343			239		239	Whole
481670345			384		384	Whole
481670347			72		72	Whole
481670389			189		189	Whole
481670391			33		33	Whole
481670394			6		6	Whole
481670398			51		51	Whole
481670399			114		114	Whole
481670401				4	4	Whole
481670439			440		440	Whole
481670453			375		375	Whole
481670454			324		324	Whole
481670455			120		120	Whole
481670456			168		168	Whole
481670457			165		165	Whole
481670460			340		340	Whole
481670461			236		236	Whole
481670462			268		268	Whole
481670464			120		120	Whole
481670471			186		186	Whole
481670482			92		92	Whole
481670487			300		300	Whole
481670488			144		144	Whole
481670490	149				149	Whole
481671051			58		58	Whole
481671651	1				1	Whole
481672321		8			8	Whole
481672322			16		16	Whole
481672323		40			40	Whole
481672801		4			4	Whole
481673061			6		6	Whole
481673301			16		16	Whole
481673311			44		44	Whole
481674391			16		16	Whole
Grand Total	1,705	4,327	7,176	3,432	16,640	Split

DEFS00018660

"Map 2" Tab

Sum of Map2	Column Labels				Grand Total	Split or Whole
Row Labels	1	2	3	4		
481670103			414		414	Whole
481670104			312		312	Whole
481670105			44		44	Whole
481670142	55				55	Whole
481670144	52		5		57	Split
481670146	127				127	Whole
481670148	197				197	Whole
481670150	67				67	Whole
481670151	221				221	Whole
481670152	41				41	Whole
481670159	220				220	Whole
481670165	79				79	Whole
481670166	139				139	Whole
481670167	98				98	Whole
481670168	25		4		29	Split
481670169	16				16	Whole
481670170	104				104	Whole
481670172	32				32	Whole
481670192	18		60		78	Split
481670193	27				27	Whole
481670197	37				37	Whole
481670218		440			440	Whole
481670219		260			260	Whole
481670220		336			336	Whole
481670221		370			370	Whole
481670223		160			160	Whole
481670224		128			128	Whole
481670225		244			244	Whole
481670226		308			308	Whole
481670227		178			178	Whole
481670228		300			300	Whole
481670232			212		212	Whole
481670258		232			232	Whole
481670263		153		150	303	Split
481670274		44			44	Whole
481670275		62			62	Whole
481670276		176			176	Whole
481670277		118			118	Whole
481670278		118			118	Whole
481670279		300			300	Whole
481670280		80			80	Whole
481670281		8			8	Whole
481670283		260			260	Whole
481670301			80		80	Whole
481670306			766		766	Whole
481670309			38		38	Whole
481670311			406		406	Whole
481670312			48		48	Whole
481670314			610		610	Whole
481670315			592		592	Whole
481670316A			400		400	Whole
481670316B			2		2	Whole
481670330			368		368	Whole
481670331			236		236	Whole
481670334			296		296	Whole
481670336			276		276	Whole
481670338			304		304	Whole
481670340			156		156	Whole
481670341			303		303	Whole
481670343			239		239	Whole
481670345			384		384	Whole
481670347			72		72	Whole
481670389			189		189	Whole
481670391			33		33	Whole
481670394			6		6	Whole
481670398			51		51	Whole
481670399			114		114	Whole
481670401				4	4	Whole
481670439			440		440	Whole
481670453			375		375	Whole
481670454			324		324	Whole
481670455			120		120	Whole
481670456			168		168	Whole
481670457			165		165	Whole
481670460			340		340	Whole
481670461			236		236	Whole
481670462			268		268	Whole
481670464			120		120	Whole
481670471			186		186	Whole
481670482			92		92	Whole
481670487			300		300	Whole
481670488			144		144	Whole
481670490	149				149	Whole
481671051			58		58	Whole
481671651	1				1	Whole
481672321		8			8	Whole
481672322			16		16	Whole
481672323		40			40	Whole
481672801		4			4	Whole
481673061			6		6	Whole
481673301			16		16	Whole
481673311			44		44	Whole
481674391			16		16	Whole
Grand Total	1,705	4,327	7,176	3,432	16,640	Split

Exhibit 27

From: Johnson, Cheryl E
Sent: Thursday, September 23, 2021 3:07 PM CDT
To: Sullivan, Dwight
CC: Murrie, Ernest; Moreno, Kathleen; Saludis, Kristi; Bleyle, Angela; Berry, Stephanie; Fragoso, Wendi; Johnson, Cheryl E
Subject: RE: Continuing our work
Importance: High

I cannot wait until after the Election is over. We will not be forcing ballot styles if we are not producing lists for your office. We are not currently and will not update any street ranges until we have sent the final list. When do you, therefore, want the final list?

Cheryl E. Johnson

From: Sullivan, Dwight <Dwight.Sullivan@co.galveston.tx.us>
Sent: Thursday, September 23, 2021 3:04 PM
To: Johnson, Cheryl E <Cheryl.E.Johnson@co.galveston.tx.us>
Cc: Murrie, Ernest <Ernest.Murrie@co.galveston.tx.us>; Moreno, Kathleen <Kathleen.Moreno@co.galveston.tx.us>; Saludis, Kristi <Kristi.Saludis@co.galveston.tx.us>; Bleyle, Angela <Angela.Bleyle@galvestoncountytexas.gov>; Berry, Stephanie <Stephanie.Berry@galvestoncountytexas.gov>; Fragoso, Wendi <Wendi.Fragoso@co.galveston.tx.us>
Subject: RE: Continuing our work

Mrs. Johnson,

I think we are for the most part saying the same thing but differently. You are right in that we did not talk about the supplemental list of voters. We are asking the following:

1. Any additions to TEAM with new voters are fine, but we ask that any additions to the voter roll that require adding street ranges or forcing any ballot styles be held until after the November election.

The concern we have is that there may be a new voter added, in a new district or area that does not currently have a ballot style.

Example... A new voter moves into an area in Hitchcock who lives on a boat. The area may be say Hitchcock city, but Galveston ISD instead of Hitchcock since it's a new area. If we created a new ballot style and forced it, this would then change our current static ballot styles. Of course this is just an example, but it could happen. Another example could be that an area that is discovered to be miscoded or never coded correctly or a new apt. complex that lies between two jurisdictions is built, then making corrections and there is not a ballot for that area. Once it is created and forced, it too would change. As we know these are just examples, but possibilities. From what we can tell, the forcing of ballots or street range additions/changes seem to be the culprit in changing our ballot styles. In speaking with Lillian at the SOS VR division, the best practice it appears is to follow this procedure where no street range changes are processed after the final file is sent to the County Clerks office. This is a flaw in the TEAM software. I appreciate your cooperation in working with me and my staff on this. Hopefully we can get this fixed and on their radar to be a priority before elections going forward.

If you would like to further discuss or have any other questions, please feel free to contact myself or my staff and we can make sure we are on the same page.

Respectfully,

Dwight D. Sullivan, MBA

Galveston County Clerk

600 59th Street, Suite 2001

Galveston, TX 77551

Dwight.Sullivan@co.galveston.tx.us

409-766-2210 office

409-457-7265 personal cell

From: Johnson, Cheryl E <Cheryl.E.Johnson@co.galveston.tx.us>

Sent: Thursday, September 23, 2021 2:00 PM

To: Sullivan, Dwight <Dwight.Sullivan@co.galveston.tx.us>

Cc: Murrie, Ernest <Ernest.Murrie@co.galveston.tx.us>; Moreno, Kathleen <Kathleen.Moreno@co.galveston.tx.us>; Saludis, Kristi <Kristi.Saludis@co.galveston.tx.us>; Bleyle, Angela <Angela.Bleyle@galvestoncountytexas.gov>; Berry, Stephanie <Stephanie.Berry@galvestoncountytexas.gov>; Fragoso, Wendi <Wendi.Fragoso@co.galveston.tx.us>

Subject: Continuing our work

Importance: High

Good afternoon, Mr. Sullivan.

At the meeting the other day it was determined us entering/adjusting street ranges from the point in time your office performs testing and generates ballots through the final supplemental list was an issue and I agreed we would set aside any application requiring entering of street ranges. I can and will not set aside work if your office will not be requiring supplemental lists.

We will begin redistricting efforts for Galveston County around October 9th. At least 10 other entities are in the process of redistricting. We will be training temporary staff beginning next week (or the week after). The last day to register to vote is October 4th and I expect we will be receiving a large number of new applications for a week or so after the 4th. We will be supporting the election during early voting then processing provisionals which cannot be processed until all held timely applications are entered.

Please provide a technical justification for us to not proceed since no supplemental lists are to be provided (assuming you now have the very last list you will need from us for the November election). I am only willing to not proceed until the last list is provided that will be used for conducting the election. That is all I agreed to in our phone conference meeting Tuesday.

Thank you.

Cheryl E. Johnson

From: Fragoso, Wendi <Wendi.Fragoso@co.galveston.tx.us>
Sent: Thursday, September 23, 2021 11:52 AM
To: Saludis, Kristi <Kristi.Saludis@co.galveston.tx.us>; Moreno, Kathleen <Kathleen.Moreno@co.galveston.tx.us>
Cc: Murrie, Ernest <Ernest.Murrie@co.galveston.tx.us>; Johnson, Cheryl E <Cheryl.E.Johnson@co.galveston.tx.us>
Subject: FW: supplemental list

Kristi,

Per our phone conversation. Please do not add any street ranges. This will mess us up.

Thanks,

Wendi Fragoso

**Galveston County Clerk's Office
Election Technology Specialist
Elections Department
409-766-2218
409-765-3249 Fax**

From: Saludis, Kristi <Kristi.Saludis@co.galveston.tx.us>
Sent: Thursday, September 23, 2021 11:45 AM
To: Fragoso, Wendi <Wendi.Fragoso@co.galveston.tx.us>
Cc: Moreno, Kathleen <Kathleen.Moreno@co.galveston.tx.us>
Subject: supplemental list

Good morning,

As per our conversation this morning, you have requested no supplemental lists for the November 2nd election? Therefore we will start adding new voters/street ranges today. If this will not work, please let me know.

Thank you,

Kristi Saludis

Senior Voter Registration Specialist
Kristi.Saludis@co.galveston.tx.us
409-766-2280

Exhibit 28



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry County Judge Darrell Apffel Commissioner, Precinct 1 Joe Giusti Commissioner, Precinct 2 Stephen Holmes Commissioner, Precinct 3 Ken Clark Commissioner, Precinct 4

AGENDA April 5, 2021 – 9:30 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge’s office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Public Comment

Consent Agenda

- *1. [Submitted by the Auditor's Office:](#)
 - a. [Approval of the accounts payable checks dated 3/29/21 and 4/5/21](#)
 - b. [Order for payroll period ending 3/31/21 bi-weekly #7](#)
 - c. [Order for supplemental payroll period ending 3/31/21 bi-weekly #7](#)
 - d. [Pursuant to Local Government Code 111.0106 certification of funds from Guardian Insurance](#)
 - e. [Receive and file Rosenberg Library - 2021 Budget - 2020 Audit](#)
 - f. [Internal audit report of the Justice of the Peace, Precinct 1 for period of 1/1-12/31/2020 with response letter from Honorable Gregory Rikard, dated 3/25/2021](#)
 - g. [Internal audit report of the District Clerk's Registry and Trust Audit for period of 1/1-12/31/2020 with response letter from Honorable John D. Kinard, dated 3/22/2021](#)
 - h. [Internal audit report of Other County Owned Vehicles inventory of fixed assets for period of 3/12-25/2021](#)
- *2. [Receive and file restitution check list from Odyssey submitted by Collections Improvement Program](#)
- *3. [Receive and file refund check list from Odyssey submitted by the District Clerk](#)



- *4. [Receive and file *summary of bi-weekly personnel movements pay period #6, March 4 - 17, 2021* submitted by Human Resources](#)
- *5. [Receive and file *Galveston County Personal Bond 2020 Data Review* submitted by Personal Bond/Collections Office](#)
- *6. [Receive and file *Galveston County Justice System Modernization Project annual report for March 2020 to March 2021* submitted by Commissioner, Precinct 3](#)
- *7. [Receive and file *order modifying Disaster Pay Policy during COVID-19 Disaster* submitted by the County Judge](#)
- *8. [Consideration of *approval of the hiring of Thomas J. "Jay" Wooten as Chief of the Galveston County Misdemeanor Mental Health Public Defenders Office* submitted by Commissioner, Precinct 3](#)
- *9. [Consideration of a *resolution for W.C.I.D. #8 and staff in recognition of their performance during Winter Storm Uri* submitted by Commissioner, Precinct 2](#)
- *10. [Consideration of *approval of a Fair Housing Month resolution set forth April 2021* submitted by Grants Administration](#)
- *11. [Consideration of *approval of an engagement of counsel based on 2020 census* submitted by County Judge](#)
- *12. [Consideration of *approval of a grant funded agreement with National Screening Center for the drug and alcohol testing program used by Galveston County Veterans Treatment Court* submitted by the County Judge](#)
- *13. [Consideration of *approval of a professional services contract with The Meadows Mental Health Policy Institute for Texas to provide project management for the implementation phase of the system improvement recommendations from the justice system assessment presented to county officials during Phase 1 of the project* submitted by the County Judge](#)
- *14. [Consideration of *approval to execute a new specialty area user group contract/agreement with the Texas Cloud Busters for maintenance and use of the Kitty Hawk Model Plane Flying Field at Jack Brooks Park* submitted by the Parks & Cultural Services Department](#)
- *15. [Consideration of *approval to execute a new specialty area user group contract/agreement with the Jack Brooks Disc Golf Club for maintenance and use of the Disc Golf Courses at Jack Brooks Park* submitted by the Parks & Cultural Services Department](#)
- *16. [Consideration of *approval of granting a reduction of a permit fee \(Facility Permitting Policy, Section 5.1.2 and 5.1.3\) for It Takes A Tribe Kickball for use of the Quonset Covered Pavilion at Runge Park for their annual It Takes A Tribe Kickball Tournament Fundraiser on Saturday, May 15, 2021,* presented by the Parks & Cultural Services Department](#)
- *17. [Consideration of *approval for Bomgar remote support/virtual appliance software renewal with Carahsoft* submitted by Information Technology](#)

- *18. [Consideration of approval for EMC Unity 350F SAN support renewal with Unique Digital submitted by Information Technology](#)
- *19. [Consideration of approval for TechShare magistration software as a service fee with Tyler Technologies submitted by Information Technology](#)
- *20. [Consideration of approval for public web agreement and fees with Granicus submitted by Information Technology](#)
- *21. [Consideration of request of tax refunds in excess of \\$2,500.00 submitted by the Tax Assessor/Collector](#)
- *22. [Request for waiver or refund of penalty and interest due to clerical errors submitted by the Tax Assessor/Collector](#)
- *23. [Consideration for authorization to dispose of salvage or surplus property submitted by the Purchasing Agent](#)
- *24. [Consideration for authorization to donate surplus supplies to St. Vincent's House submitted by the Purchasing Agent](#)
- *25. [Consideration for authorization to extend the contract for RFP #B182008, Self-Funded Workers Compensation Administration submitted by the Purchasing Agent](#)
- *26. [Consideration for authorization to request formal solicitations for two \(2\) restroom trailers on behalf of the Parks and Cultural Services Department submitted by the Purchasing Agent](#)
- *27. [Consideration for authorization to cancel the contract for road signs and materials on behalf of the Road & Bridge Director and to issue a re-bid for these materials submitted by the Purchasing Agent](#)
- *28. [Consideration for authorization to utilize Texas Local Government Cooperative Purchasing Program in lieu of competitive bidding for Cisco upgrade proposal and to engage in contract on behalf of the Information Technology Department submitted by the Purchasing Agent](#)
- *29. [Consideration of approval to submit 2017 Edward Byrne Memorial Justice Assistance Grant - NIBIN Initiative application to the Office of the Governor - Criminal Justice Division and authorize County Judge to sign supporting resolution as submitted by Grants Administration](#)
- *30. [Consideration of approval for Task Order #7 for GrantWorks, Inc. to provide grant administration of HMGP generator projects through the DR-4332-0236 Texas Division of Emergency Management \(TDEM\) submitted by Grants Administration](#)
- *31. [Consideration of approval of the following budget amendments submitted by Professional Services:](#)
 - a. [21-078-0405-A
Road & Bridge - Request transfer from General Fund County Engineer Software Licensing & Maintenance account to Road and Bridge Administration Software Licensing & Maintenance account to assist in funding ERSI/GRS software, which is used by both departments](#)
 - b. [21-079-0405-B](#)

1. [21-CV-0347; Kelly Stevenson-Cotton v. Galveston County, Texas, et al in the 10th Judicial District Court of Galveston County, Texas](#)
2. [Dennis Reynard Benson Claim/Demand](#)
3. [Contractual issues with the Children’s Center](#)
4. [Interlocal agreements regarding the operation of the Galveston County Health District](#)

c. **Reconvene into Regular Meeting**

Adjourn

WORKSHOP AGENDA

1. [Mobile home development in unincorporated Galveston County in the area of Santa Fe \(Countryside\) submitted by Commissioner, Pct. 2](#)

Appearances before Commissioners Court

A speaker whose subject matter as submitted relates to an identifiable item of business on this agenda will be requested by the County Judge or other presiding court members to come to the podium where they will be limited to three minutes (3). A speaker whose subject matter as submitted does not relate to an identifiable item of business on this agenda will be limited to three minutes (3) and will be allowed to speak before the meeting is adjourned. Please arrive prior to the meeting and sign in with the County Clerk.

Executive Sessions

The Galveston County Commissioners Court may recess into closed meeting (Executive Session) on any item listed on the agenda if the Executive Session is authorized under the Open Meetings Act pursuant to one or more the following exceptions: Tex. Gov’t Code §§ 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding a prospective gift or donation), 551.074 (personnel matters), 551.0745 (personnel matters affecting County advisory body), 551.076 (deliberation regarding security devices or security audits), and/or 551.0765 (deliberations regarding economic development negotiations). The Presiding Officer of the Commissioners Court shall announce the basis for the Executive Session prior to recessing into Executive Session. However, the Commissioners Court may only enter into the Executive Session on any agenda item for which a separate Executive Session has not been separately posted if, prior to conducting the Executive Session, a majority of the Commissioners Court votes to go into Executive Session. This motion requirement does not apply to any agenda item that has been previously noticed to constitute or include an Executive Session.

Exhibit 29

From: Martinez, Dianna
Sent: Tuesday, April 6, 2021 8:18 AM CDT
To: Paul Ready
CC: Van Horn, Veronica; Drummond, Tyler; Henry, Mark
Subject: RE: engagement letter
Attachments: 11.pdf

Good morning, Paul.

Attached is a the fully executed engagement letter after court approval.

-Dianna

Dianna Garza-Martinez
Senior Policy & Constituent Advisor
Office of County Judge Mark Henry
Galveston County Courthouse
722 Moody Avenue (21st Street), Suite 200
Galveston, Texas 77550
Direct: 409-766-2268
Fax: 409-765-2915
Dianna.Martinez@co.galveston.tx.us



From: Paul Ready [mailto:paul@ready.law]
Sent: Thursday, April 01, 2021 7:20 PM
To: Martinez, Dianna
Cc: Van Horn, Veronica; Drummond, Tyler; Henry, Mark
Subject: Fwd: engagement letter

Dianna,

The attached document is the backup for the redistricting counsel agenda item. I have reviewed it and approve.

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.

Begin forwarded message:

From: dloesq@aol.com
Subject: engagement letter
Date: March 25, 2021 at 9:19:19 PM CDT
To: "paul@ready.law" <paul@ready.law>
Reply-To: dloesq@aol.com

My sincere apologies this is the engagement letter call me @your convenience. thanks

Exhibit 30



**HOLTZMAN
VOGEL
JOSEFIK
TORCHINSKY PLLC**

2300 N Street, NW, Suite 643A
Washington, DC 20037
202-737-8808

15405 John Marshall Hwy
Haymarket, VA 20169
540-341-8808

January 20, 2021

VIA EMAIL

paul@ready.law

Galveston County, Texas
c/o Paul Ready
Ready Law Firm, PLLC
1300 McGowen Street
Suite 120
Houston, TX 77004

Re: Holtzman Vogel Josefiak Torchinsky PLLC Engagement Letter

Dear Mr. Ready:

We are very pleased to provide legal services to you and to provide this engagement letter which will set forth the current fee arrangement and terms under which Holtzman Vogel Josefiak Torchinsky, PLLC ("Counsel" or the "Firm") will represent Galveston County, Texas ("Client") in connection with legal advice relating to the creation of the Galveston County Commission map.

Specifically, the Firm has been engaged to provide legal representation and advice regarding redistricting in Galveston County, Texas, including provision of a technical expert to draw the map. The firm will be associated with Dale Oldham, P.C. in representation on this matter.

The terms of our engagement, which shall apply to all matters pertaining to this engagement and the relationship between Client and the Firm, are set forth on the following pages. If you approve of the terms, please execute this agreement in the space provided and return it to my office.

At this time, our Texas Bar attorney Phil Gordon (Of Counsel at HVJT), assisted by Dale Oldham and Jason Torchinsky will be primarily responsible for overseeing representation and will serve as your principal contacts with respect to this engagement. Other partners, associates and professional staff will also be engaged to assist as may be appropriate. Please contact us with any questions or concerns that you may have about our work or any other aspect of our representation.

We look forward to working with you and appreciate your confidence in our firm.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill Holtzman Vogel", with a long horizontal flourish extending to the right.

Jill Holtzman Vogel

Commencement of Representation

To protect both Client and Counsel, this agreement will not take effect until Client returns a signed copy of this Agreement.

Legal Fees

Counsel is charging Client a flat fee of Eighty Thousand Dollars (\$80,000) plus any authorized expenses for which Counsel will provide the representation set forth above. This one-time flat fee is to be paid on the following schedule:

- \$10,000 upon execution of this engagement letter;
- \$15,000 per month beginning the month the Texas PL 94 data is released for each of 4 months;
- \$10,000 upon adoption of the maps.

Any additional legal work outside the scope of the representation set forth above will be charged at Counsel's usual and customary hourly fees, including legal fees and expenses to be charged for any litigation over the maps. Hourly fees range from \$350 per hour for junior associates to \$1,300 for senior partners (billed in .25 hour increments). Billable rates are established by the rate for services as measured by the local Washington-area market. Our statements for professional services will be based upon the amount of time spent by partners, associates, paralegals, and other professionals who perform services on your behalf and their respective hourly rates as then in effect

Costs and Expenses

Counsel will bill separately for any out-of-pocket expenses arising out of this agreement, including costs and expenses incurred for computer research, delivery charges, agency costs and filing fees.

Client Discharge or Counsel Withdrawal

Client may discharge Counsel at any time and Counsel may withdraw at any time at Counsel's discretion. In either such circumstance, Client agrees to sign the documents necessary to permit Counsel to withdraw.

Client has been informed that among the events that should be expected to cause Counsel's withdrawal from this matter are Client's breach of any portion of this Agreement (including its payment provisions), Client's refusal to cooperate with Counsel, or to follow Counsel's advice on a material matter, or any other fact or circumstance that would render Counsel's continuing representation unlawful, unethical, or impractical.

Disclaimer of Guarantee

Nothing in this Agreement and nothing in Counsel's statements to Client will be construed as a promise or guarantee regarding any outcome in Client's legal matters.

No advice is given regarding tax consequences, and Counsel specifically is not providing tax advice, although questions relating to tax matters may very well come up during the course of representation. Client agrees to seek tax advice elsewhere, and to hold Counsel harmless from any tax effects.

Effective Date and Severability

This agreement will take effect when Client has performed the conditions stated in paragraph one, but its effective date will be retroactive to the date Counsel first provided services, if earlier. Even if this Agreement does not take effect, Client will be obligated to pay Counsel the reasonable value of any services Counsel may have performed for Client.

The provision of this Agreement is severable. This means that if one or more provisions of this Agreement are found to be void or unenforceable for any reason, the remaining provisions of this Agreement will still apply.

Scope of Client Engagement

Unless otherwise noted, the client for purposes of this representation is the Client , and not any affiliates of such person or entity.

Counsel represents many other companies and individuals in a variety of matters. It is possible that during the course of the representation, other present or future clients will have disputes with you. As a condition to undertaking the current representation, it is agreed that Counsel may continue to represent or in the future undertake to represent existing or new clients in matters not substantially related to the current representation, even if the interests of such other clients are directly adverse to your interests. This consent shall not apply in the event that during the course of representation Counsel has obtained sensitive, proprietary, or other confidential information, of a non-public nature, that could be used to the advantage of such other client or to your disadvantage in any matter for which Counsel is approached for representation by that client.

Termination of Representation

Client has the right at any time to terminate representation upon notice to Counsel. Such termination does not, however, relieve Client of the obligation to pay for all services rendered and expenses paid or incurred on behalf of the client prior to or in connection with such termination.

Conclusion of Representation

The Counsel-client relationship is terminated upon completion of the services that Counsel has been retained to perform. If Counsel is later retained to perform further or additional services, the Counsel-client relationship will be revived subject to these terms of engagement, as they may be supplemented or changed at that time.

Agreed to and Accepted:

Name: Galveston County, Texas

By: 
Mark Henry, County Judge

Date: April 5, 2021

Exhibit 31

From: Drummond, Tyler
Sent: Thursday, October 28, 2021 11:59 AM CDT
To: Dale Oldham; jtorchinsky@holtzmanvogel.com; pgordon@holtzmanvogel.com
CC: Paul Ready
Subject: RE: Galveston Precinct Inventory

Where are we at with the final maps with the split precincts, etc.?

We're past our deadline on this project where we originally wanted to have a special meeting tomorrow to discuss and possibly adopt.

We are awaiting the final maps with split precincts so we can finalize everything and get a special meeting together for next week.

TYLER DRUMMOND | Chief of Staff
County Judge Mark Henry | 722 Moody Ave. | Galveston, TX 77550
409.765.2639 (Office) | 409.771.2373 (Cell)
tyler.drummond@co.galveston.tx.us | www.galvestoncountytexas.gov



From: Paul Ready <paul@ready.law>
Sent: Wednesday, October 27, 2021 12:28 PM
To: Dale Oldham <dloesq@aol.com>
Cc: jtorchinsky@holtzmanvogel.com; pgordon@holtzmanvogel.com; Drummond, Tyler <Tyler.Drummond@co.galveston.tx.us>
Subject: Re: Galveston Precinct Inventory

Dale,

This still doesn't look like what we were expecting. I have attached what you gave us last time for reference. When you said you needed me to format the order, I thought you truly meant formatting (adding signature lines, headings, etc.). But providing us with adoptable work product for redistricting is what you're getting paid for, so I think you're well short of where this gets handed off to me. It appears you are just sending us a list of census tract numbers.

First, the precinct splits are not adequately defined. Please see the prior attached order regarding which precincts are merged, which ones are being created, and legally describing their boundaries. From my perspective, this expectation is coming from comparing your work to your prior work.

After that is done, we need maps that are detailed enough that we can see street names and precincts on the overlay, not a screenshot that just shows the general shape.

03/22/2012 Consideration of adopting an Order approving redistricting plan for Galveston County Commissioners Court Precincts (Districts). (Order approving Redistricting Plan.pdf)

02/11/2013 Consideration of Adoption of an Order establishing the boundaries of Election Precinct Lines in Galveston County to be Effective January 1, 2014. (Order Establishing Boundaries of Election Precinct Lines in GC effective 01012014.pdf)

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 Oct 26, 2021, at 8:00 PM, dloesq@aol.com wrote:

Paul see if this inventory will allow u to put this in order form when you do please send it back to me. if you have any questions please call.

-----Original Message-----

From: Phil Gordon <pgordon@HoltzmanVogel.com>
To: Dale Oldham <dloesq@aol.com>
Cc: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>
Sent: Tue, Oct 26, 2021 8:37 pm
Subject: Galveston Precinct Inventory

Dale,

Please see attached. I will call you shortly.

Best,

Phil Gordon
Holtzman Vogel Baran Torchinsky & Josefiak PLLC
Mobile: (202) 329-2676
pgordon@HoltzmanVogel.com

// www.HoltzmanVogel.com

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<Galveston - Map 1 Precinct Inventory Final - 10_26_21.docx><Galveston - Map 2 Precinct Inventory Final - 10_26_21.docx><image001.jpg>

Exhibit 32

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

MAGNA LEGAL SERVICES

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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.

1 Proceedings

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

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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

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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

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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

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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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2 considered a coalition district, which
3 is protected under the Voting Rights
4 Act. In the benchmark plan, the African
5 American community consists of 32.7%
6 citizen voting age population, and the
7 Hispanic community consists of 21.9%
8 citizen voting age population, which
9 totals 54.6%, thereby triggering Section
10 Two of the Voting Rights Act.

11 In 2011, Thomas Hofeller's
12 consulting firm, Geographic Strategies,
13 was hired to draw the Galveston County
14 Commissioners districts' maps, as well
15 as the Justice of the Peace Precinct's.
16 Geographic Strategies was contracted by
17 James Trainor, a Republican lawyer from
18 Houston. The maps of the county
19 submitted to the Department of justice
20 in 2011 did not gain pre-clearance.

21 The reasons stated by the DOJ for
22 not pre-approving the plan was that the
23 county did not adopt redistricting
24 criteria; they did not include
25 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 have three
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

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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

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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

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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

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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

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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

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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

1 Proceedings

2 best candidate. But the point is,
3 people have the ability in the precinct
4 to pick the candidate of their choice,
5 whether it be White, Black, Hispanic, or
6 whatever. They should have that's
7 right. They should have that right.
8 Certainly I know they should have
9 protections under the Voting Rights Act.

10 I have also here, this is
11 document, this is guidance -- this is
12 guidance from the United States
13 Department of Justice. This was issued
14 September 1st of 2021, and in this
15 document -- and I'm sure the lawyers for
16 the county never told me about this
17 document, never talked to me about
18 voting rights or any of those issues
19 which are important for redistricting
20 counsel to talk to you about. You
21 certainly never talked to any of that
22 stuff about me -- but in this guidance
23 document, let me talk to you here about
24 this guidance document.

25 It talks about Section Two -- a

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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

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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.

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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

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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

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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

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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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2 schools: Lincoln, Booker T, Carver,
3 Dunbar, Central. They went to all those
4 schools and there was pride in those
5 schools and that pride fuse over into
6 voting and into elections and things of
7 that nature. So when Precinct 3 came
8 along in the 1990s and they got the
9 opportunity to elect the candidate of
10 their choice, how excited were the
11 people in Precinct 3 to say, my vote
12 matters, my vote is strong.

13 You know, I told the city, and I
14 saw the city, and getting hosed down all
15 those years. Now I have an opportunity
16 here. My vote matter here. Voting
17 matters here. (Inaudible). Integrations
18 of school, no second-hand books,
19 (inaudible) get all that stuff.

20 So I felt the pride and I feel the
21 pride and I know the pride that the
22 people feel in me as their county
23 commissioner. But again, it ain't about
24 me. It's about the people of
25 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
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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263	54.6		
19:20	43:9		
3	5		
3	5th		
3:5 5:24 42:21 44:15	66:8 67:16		
45:9 46:19 53:24	50		
63:4,5 67:24 69:16	23:8		
69:24 72:20,25 73:6	54.6		
73:7,10 75:3,8,10	43:9		
76:7 78:5,6,11,13			
79:7,11,25 81:2,11			
3.5			
40:8			
32.7			
43:5			
320			
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336			
16:5 23:5			
35%			
69:21			
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37th			
1:16			
38%			
73:15			
4	6		
4B	60		
71:3,4	39:7,8,8 73:16		
4th	60%		
82:18	69:17		
430	60-year		
	60:6		
	64		
	62:4		
	7		
	71		
	45:23		
	72		
	65:20		
	76.4		
	62:6		
	8		
	800-253-3931		
	74:10,11,11		
	866)624-6221		
	1:17		
	87		
	60:14		
	876364		
	1:25		
	9		
	90		
	12:12		

Exhibit 33

Compose

Inbox 5,650

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Drafts 10

More

Labels

Notes

Invitation: 11:00ct Commissioner Holmes/Galveston County @ Thu Nov 11, 2021 1 (commissionerholmes3@gmail.com) Inbox x



Chad Dunn chad@brazilanddunn.com via google.com
to me, amaberry, anglestrategies

Nov

11

Thu

11:00ct Commissioner Holmes/Galveston...

[View on Google Calendar](#)

When Thu Nov 11, 2021 11am - 12pm (CST)

Who amaberry@anglestrategies.com, anglestrategies@gmail.com, Chad Dunn*

Ac
Thi

No

11a

No

You have been invited to the following event.

11:00ct Commissioner Holmes/Galveston County

When Thu Nov 11, 2021 11am - 12pm Central Time - Chicago

Joining info Join with Google Meet
meet.google.com/ckg-uqeo-mek

Join by phone
(US) +1 402-781-0415 (PIN: 272436436)

[More phone numbers](#)

Calendar commissionerholmes3@gmail.com

Who • Chad Dunn - organizer

Compose

Inbox 5,651

Starred

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Sent

Drafts 10

More

Labels

Notes

Galveston County - Attorney Client privileged communication Inbox x



Chad Dunn <chad@brazilanddunn.com>

to me, Matt, Adrianna

Matt/Adrianna,

Commissioner Holmes copied here needs access to the folders with the maps you prepared. Can you please arrange this.

Also, I think we all need to get on a zoom call to help the Commissioner prepare for the hearing on Friday. Does 9, 10 or 11am work for



Stephen Holmes <commissionerholmes3@gmail.com>

to Chad

All work for me Chad. Thank you

> On Nov 10, 2021, at 5:00 PM, Chad Dunn <chad@brazilanddunn.com> wrote:

>

>



Chad Dunn <chad@brazilanddunn.com>

to Matt, Adrianna, me

I spoke with Matt and 11am ct works for him. I will circulate a calendar invite.

Also, attached is the RPV analysis.

Compose

Inbox 5,650

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Sent

Drafts 10

More

Labels

Notes

Demo Maps A & B Inbox x



Matt Angle <anglestrategies@gmail.com>
to me, Chad, Adrianna

Commissioner,

As you requested, I have attached Demonstration Map A and Demonstration Map B showing district boundaries with each district shaded

I have also included the topline demographic and election data for each map.

Please confirm receipt and let us know if you need anything else.

Matt

Matt Angle
Angle Strategies

6 E Street, SE
Washington, DC 20003
703-589-5509

4 Attachments • Scanned by Gmail



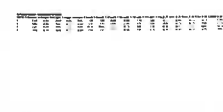
PDF GalCo - Demo Ma..



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Compose

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Galveston County Inbox x



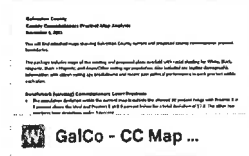
Chad Dunn <chad@brazilanddunn.com>
to me

Attorney client privileged communication.

See attached.

- GalCo - Benchmark Map - Black+Hisp VAP.zip
- GalCo - Demo Map A - Black VAP.zip
- GalCo - Demo Map B - Black VAP.zip
- GalCo - Map 1 - Black VAP.zip
- GalCo - Map 2 - Black VAP.zip

1 Attachments • Scanned by Gmail



Stephen Holmes <commissionerholmes3@gmail.com>
to Chad

Thanks Chad. The meeting has been pushed to this Friday. I'll review and touch base with you.

Galveston County County Commissioners Precinct Map Analysis November 6, 2021

You will find attached maps showing Galveston County current and proposed county commissioner precinct boundaries.

The package includes maps of the existing and proposed plans overlaid with racial shading for White, Black, Hispanic, Black + Hispanic, and Asian/Other voting age population. Also included are topline demographic information with citizen voting age breakdowns and recent past political performance in each precinct within each plan.

Benchmark (existing) Commissioners Court Precincts

- The population deviation within the current map is outside the allowed 10 percent range with Precinct 2 at 9 percent above the ideal and Precinct 3 at 8.8 percent below for a total deviation of 17.8. The other two precincts have deviations under 3 percent.
- Throughout the past decade, Republican candidates in contested statewide and countywide elections in Galveston County averaged between 60 percent and 63 percent support over Democratic candidates.
- Three of the four commissioner precincts under the benchmark map – precincts 1, 2, and 4 – strongly favor Republican candidates. Joe Biden was the strongest Democratic performer in 2020 yet received less than 35 percent in the three precincts. In 2018, Beto O’Rourke also received less than 35 percent in all three. The three precincts all have a White CVAP between 68 percent and 74 percent.
- Commissioner Precinct 3 is a strongly Democratic precinct supporting Democratic candidates in countywide contests with 65 percent or greater support. Precinct 3 is a majority minority district with a Black + Hispanic CVAP of 57.8 percent. Black people alone make up 34.5 percent of the precinct’s citizen voting age population.
- Precinct 3 includes most of the historic Black neighborhoods in Galveston County as well as newer areas that are experiencing Black, Hispanic, and Asian growth. The district is anchored in Texas City, La Marque, and Hitchcock in the center of the county and then extends southward along Interstate 45 to Galveston Island and northward along I45 to Dickinson and southern tip of League City.

County-Proposed Maps

Two maps proposed by the county were analyzed.

Galveston County Map 1

- County-proposed Map 1 makes only minor changes in the Benchmark map. The core neighborhoods within each precinct are maintained.
- The population deviation in majority minority Precinct 3 is resolved by adding heavily Republican Bolivar Peninsula precincts to the west, which reduces the Black CVAP in Precinct 3 to 32 percent, and the B + H CVAP to 55 percent. However, the district appears to continue to perform for Black and other minority voters.

Galveston County Map 2

- County-proposed Map 2 makes dramatic changes in the map far beyond what is required to deal with population deviation.
- The proposed configuration erases Precinct 3 as a majority minority CVAP district effective for minority voters and does not create a majority minority district anywhere in the county. All four precincts have White CVAP over 60 percent. None of the four have a Black CVAP over 19 percent or a Black + Hispanic CVAP over 33.5 percent. No Democratic candidate running county wide in 2018 or 2020 carried any of the precincts.
- The proposed boundaries shred the traditional neighborhoods of benchmark Precinct 3 separating its core Black and other minority neighborhoods into 4 parts.
 - The Precinct 3 designation is given to a quite different district based entirely in the northern part of the county in League City and includes only the most northern Black neighborhoods in Dickinson in the current Precinct 3.
 - The central part of current Precinct 3 is split in half with the eastern neighborhoods in Texas City pulled into Precinct 1,
 - The western neighborhoods in La Marque and Hitchcock are sheared off and made part of Precinct 4.
 - Galveston Island neighborhoods in current Precinct 3 are removed and made part of Precinct 1.

Demonstration Maps

A review of Galveston County demographics and past political performance reveals that while configuring a reasonably compact precinct with over 50 percent Black CVAP is not possible, retaining Precinct 3 as a majority minority district effective for minority voters is easily done. Two demonstration maps are included.

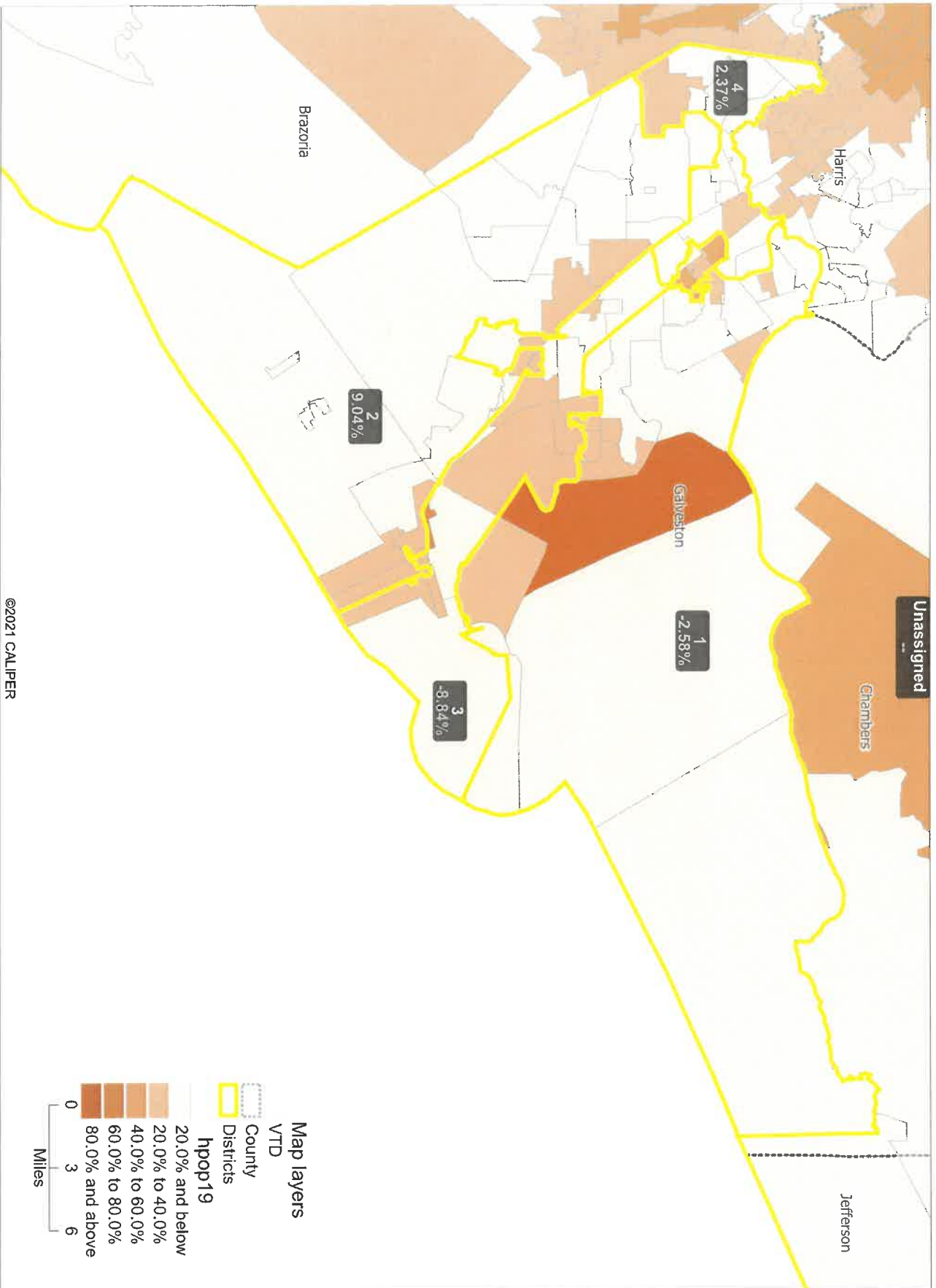
Demonstration Map A

- Map A is a very minimal change map moving only one precinct in order to resolve population deviation and retain Precinct 3 as an effective majority minority district.
- By simply moving voting precinct 223 from Precinct 2 to Precinct 3, all four precincts are brought into allowable deviation range.

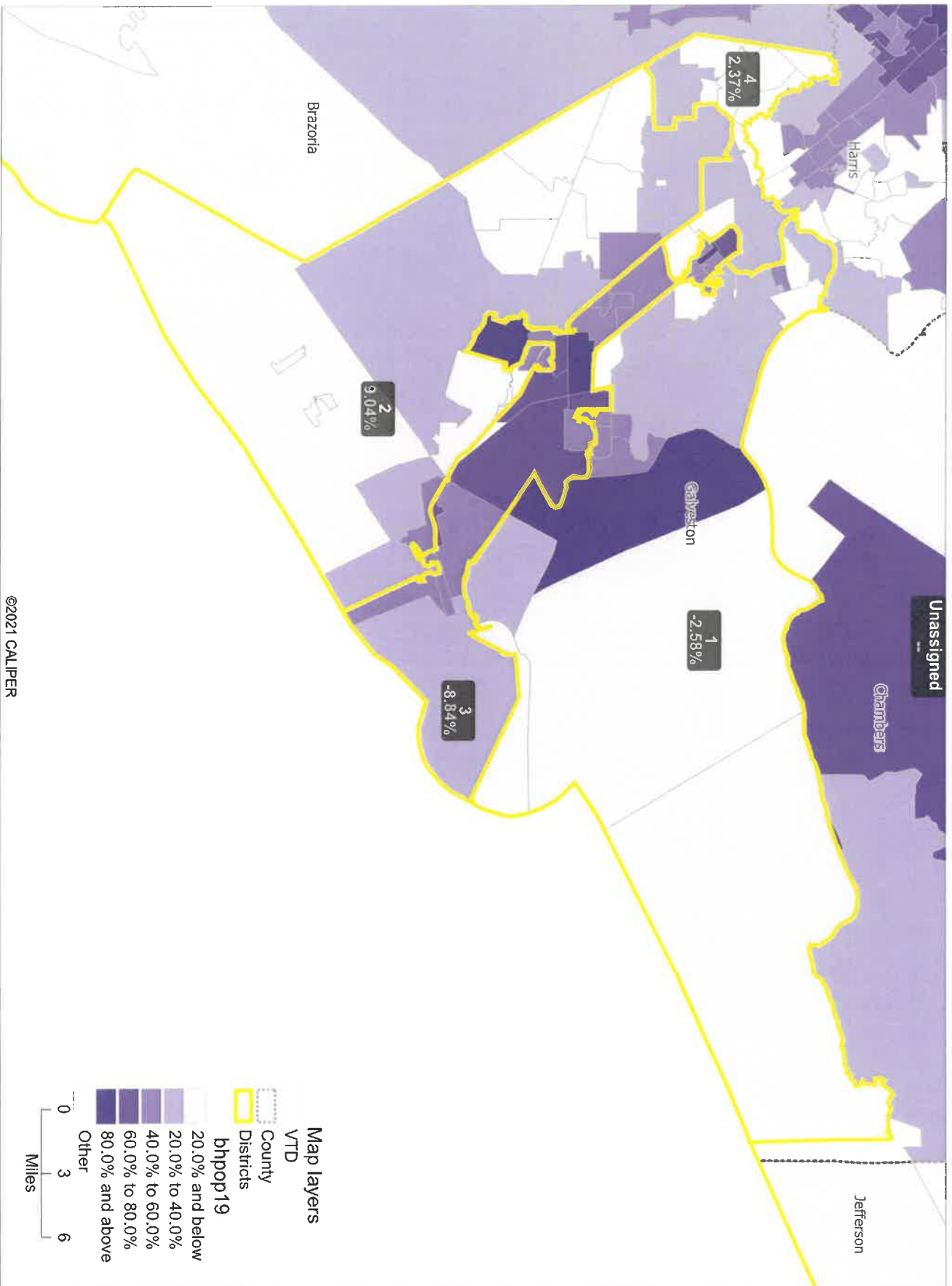
Demonstration Map B

- Map B also has only minor changes but unites currently divided Precinct 3 neighborhoods in La Marque and Galveston Island making the district more compact and retaining it as an effective majority minority district.

Galveston County Commissioner Precincts
Benchmark Map - Hispanic Voting Age Population

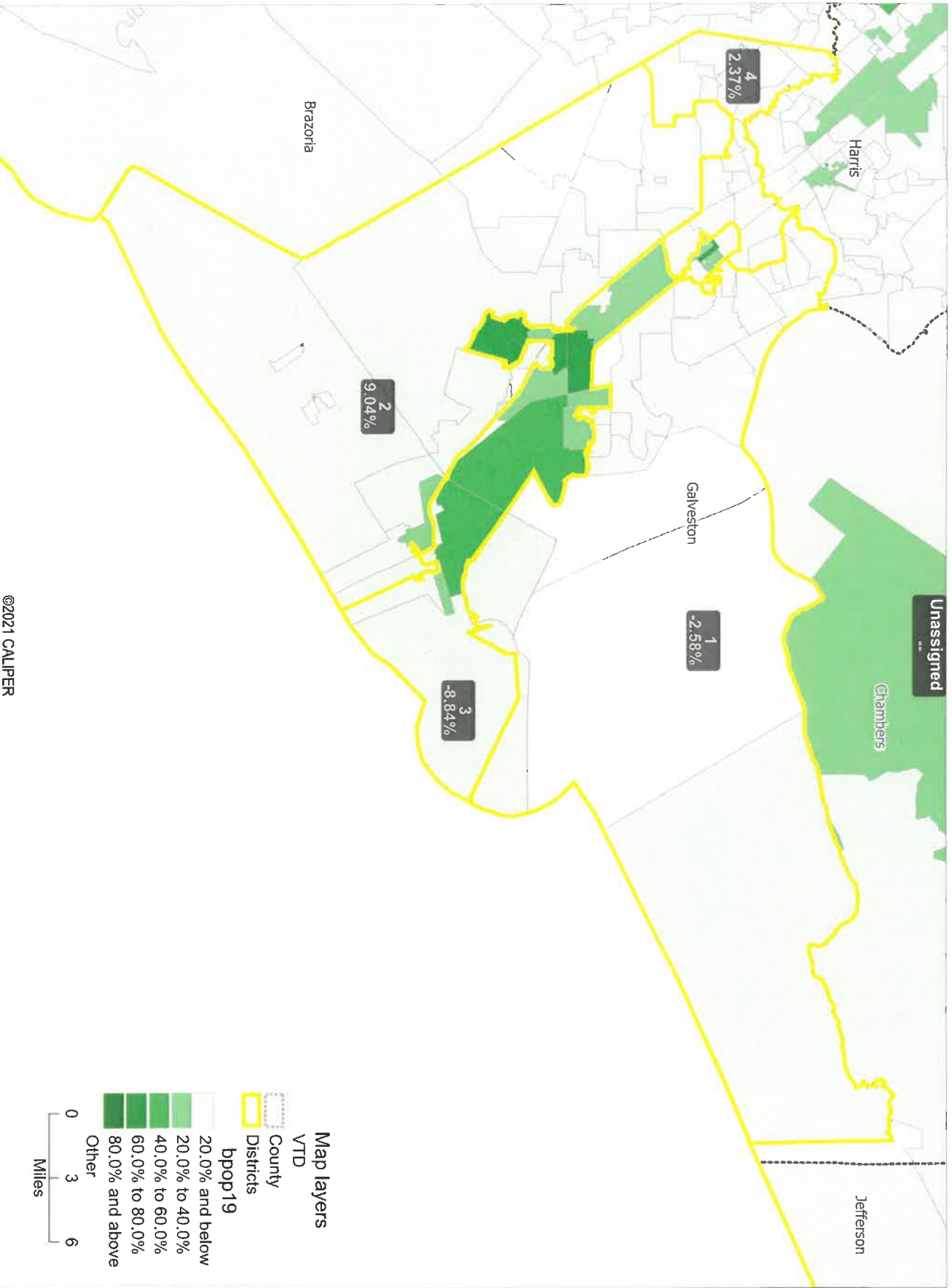


Galveston County Commissioner Precincts
Benchmark Map - Black+Hispanic Voting Age Population

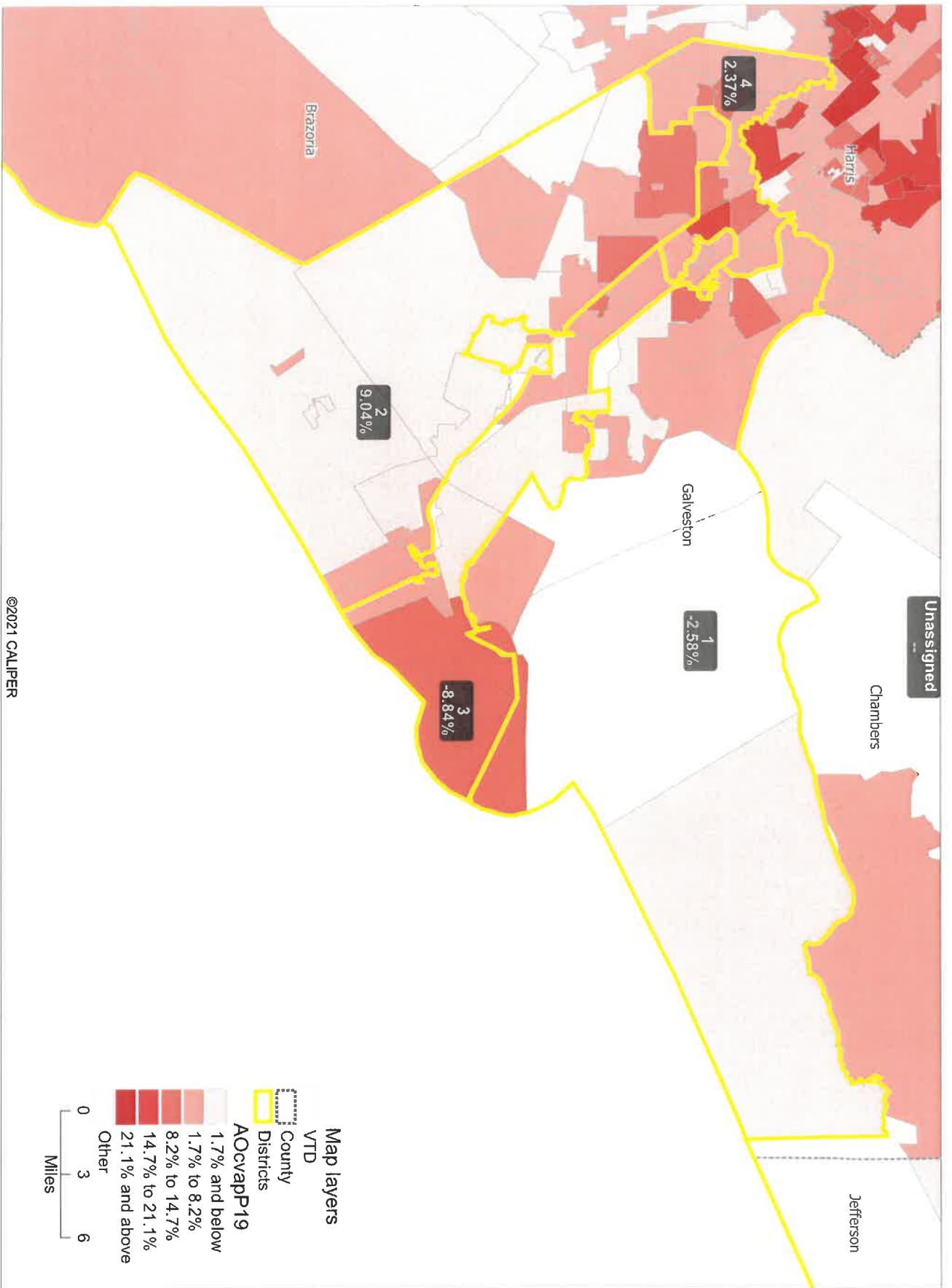


November 6, 2021

Galveston County Commissioner Precincts
Benchmark Map - Black Voting Age Population



Galveston County Commissioner Precincts
Benchmark Map - Asian/Other Voting Age Population



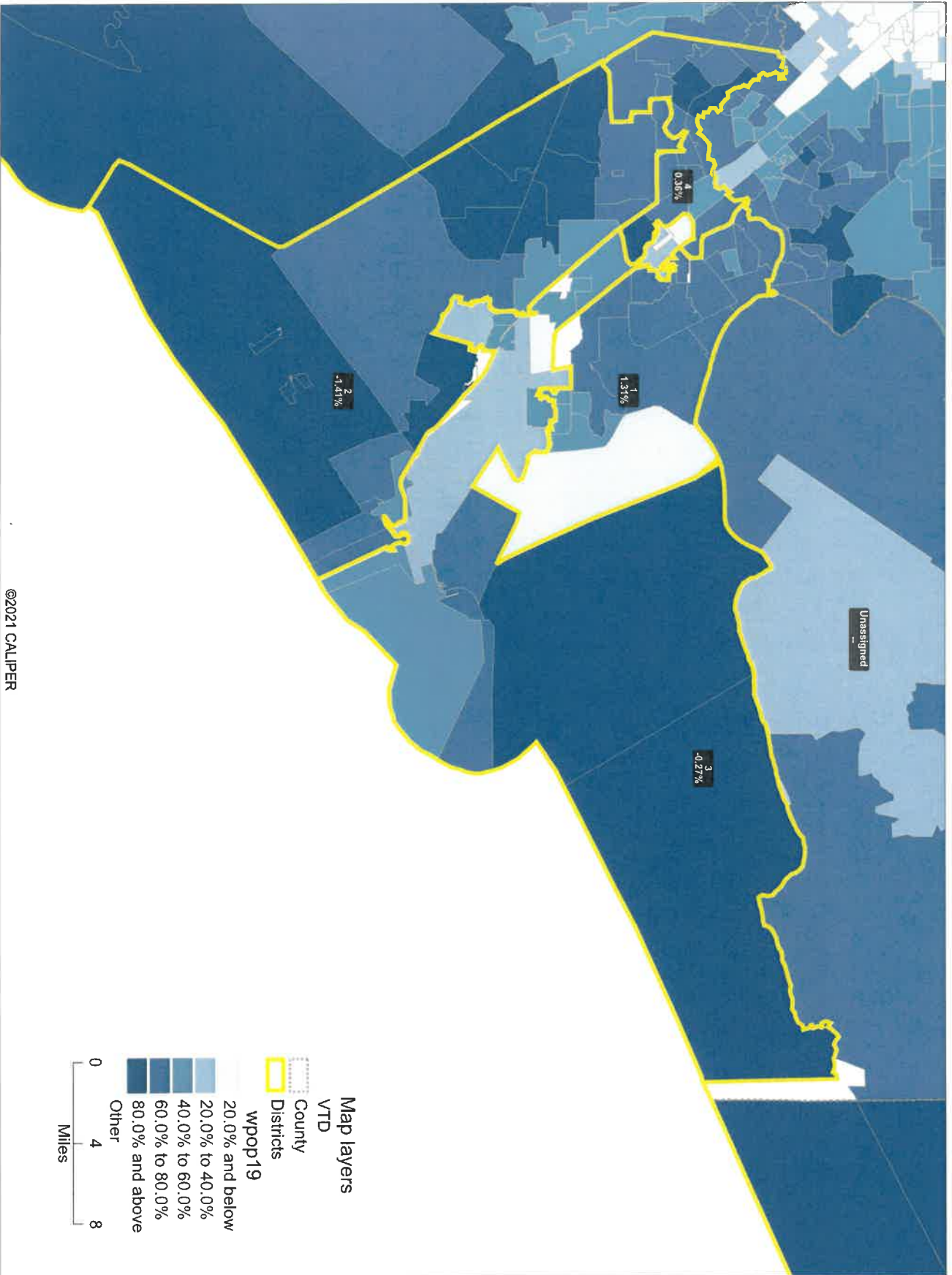
November 6, 2021

Galveston County - Map 1

District	% Deviation	% Wvap20	% Wcvap19	% Hvap20	% Hcvap19	% Bvap20	% Bcvap19	% BHvap20	% BHcvap19	% AOvap20	% AOcvap19	% Pres_D_20	% Sen_D_20	% Gov_D_18	% Sen_D_18	% Sheriff_D_20
1	1.3%	62.9%	68.5%	22.9%	20.0%	6.9%	8.0%	29.8%	27.9%	7.3%	4.3%	33.6%	31.9%	30.1%	34.9%	32.1%
2	-1.4%	65.7%	73.7%	19.6%	15.3%	7.5%	6.9%	27.1%	22.2%	7.1%	4.1%	32.6%	31.2%	29.3%	33.9%	30.3%
3	-0.3%	36.9%	41.1%	29.5%	23.1%	28.3%	32.0%	57.8%	55.0%	5.4%	2.9%	63.3%	62.8%	63.4%	67.3%	62.1%
4	0.4%	66.9%	73.5%	17.8%	14.5%	5.3%	5.8%	23.1%	20.3%	10.0%	6.3%	31.8%	29.5%	26.1%	31.4%	29.3%

Galveston County - Benchmark																
District	% Deviation	% Wvap20	% Wcvap19	% Hvap20	% Hcvap19	% Bvap20	% Bcvap19	% BHvap20	% BHcvap19	% AOVap20	% AOCvap19	% Pres_D_20	% Sen_D_20	% Gov_D_18	% Sen_D_18	% Sheriff_D_20
1	-2.6%	63.5%	68.7%	22.7%	19.8%	6.6%	7.7%	29.3%	27.5%	7.2%	4.4%	33.0%	31.3%	30.0%	34.7%	31.7%
2	9.0%	65.0%	73.1%	19.8%	15.6%	7.8%	7.4%	27.6%	22.9%	7.4%	3.9%	33.1%	31.6%	29.8%	34.4%	30.9%
3	-8.8%	33.9%	38.2%	30.6%	23.3%	30.3%	34.5%	60.9%	57.8%	5.3%	3.0%	67.6%	67.1%	67.7%	71.6%	66.3%
4	2.4%	66.9%	73.3%	17.8%	15.0%	5.5%	5.7%	23.3%	20.6%	9.8%	6.3%	31.9%	29.6%	26.2%	31.5%	29.3%

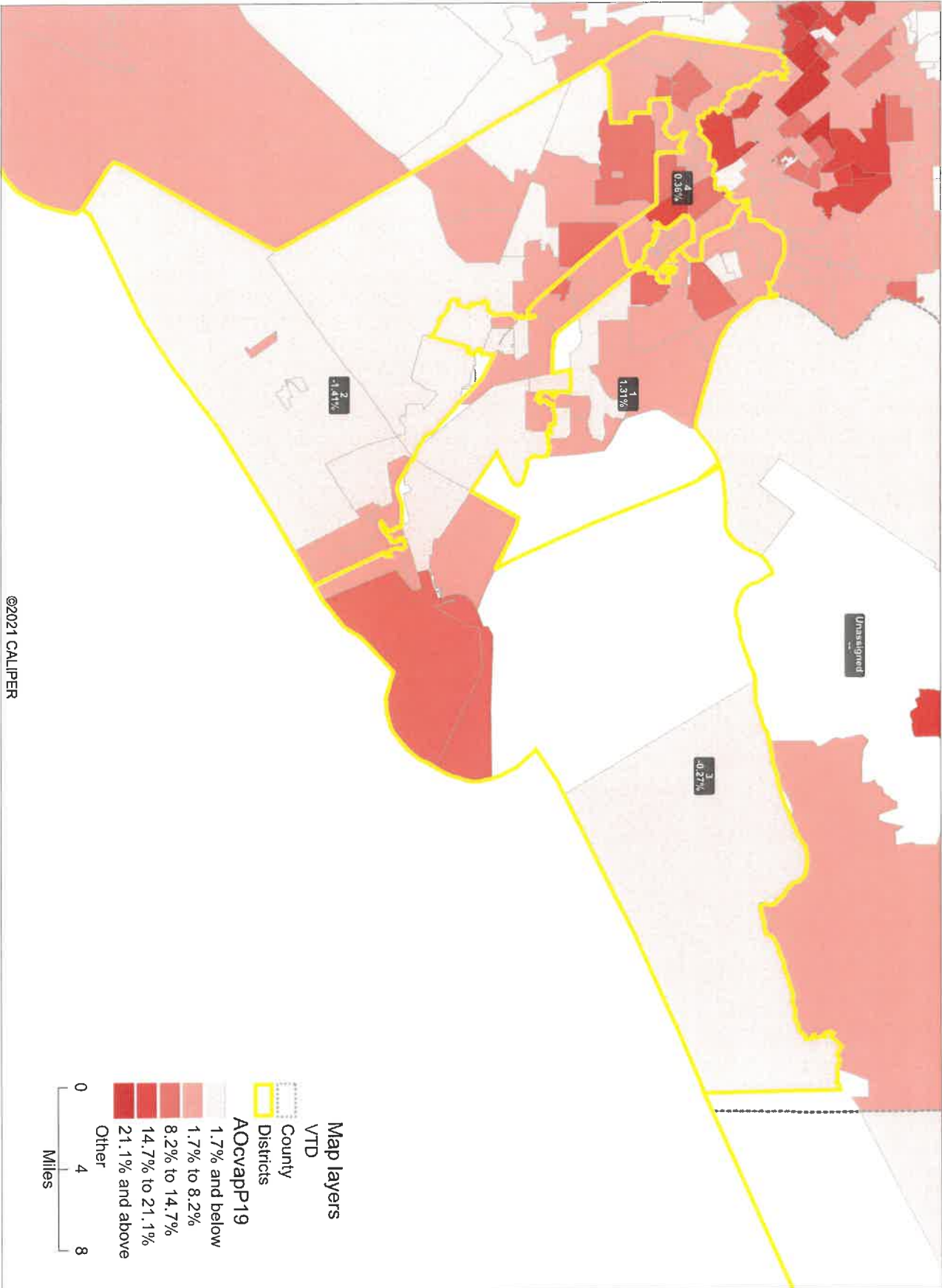
Galveston County Commissioner Precincts
Map 1 - White Voting Age Population



Galveston County - Benchmark

District	% Deviation	% Wvap20	% Wcvap19	% Hvap20	% Hcvap19	% Bvap20	% Bcvap19	% BHvap20	% BHcvap19	% AVvap20	% AVcvap19	% Pres_D_20	% Sen_D_20	% Gov_D_18	% Sen_D_18	% Sheriff_D_20
1	-2.6%	63.5%	68.7%	22.7%	19.8%	6.6%	7.7%	29.3%	27.5%	7.2%	4.4%	33.0%	31.3%	30.0%	34.7%	31.7%
2	9.0%	65.0%	73.1%	19.8%	15.6%	7.8%	7.4%	27.6%	22.9%	7.4%	3.9%	33.1%	31.6%	29.8%	34.4%	30.9%
3	-8.8%	33.9%	38.2%	30.6%	23.3%	30.3%	34.5%	60.9%	57.8%	5.3%	3.0%	67.6%	67.1%	67.7%	71.6%	66.3%
4	2.4%	66.9%	73.3%	17.8%	15.0%	5.5%	5.7%	23.3%	20.6%	9.8%	6.3%	31.9%	29.6%	26.2%	31.5%	29.3%

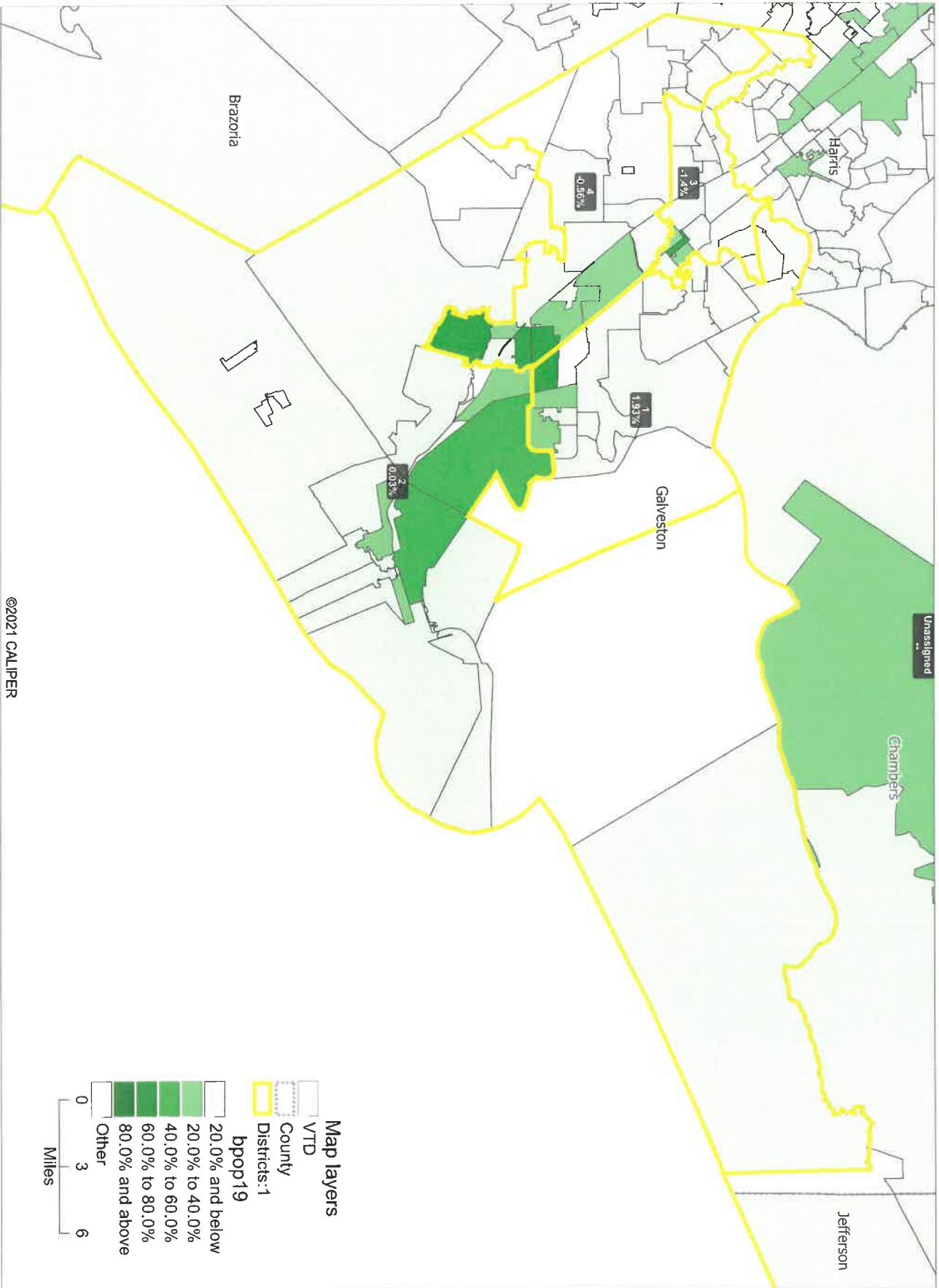
Galveston County Commissioner Precincts
Map 1 - Asian/Other Voting Age Population



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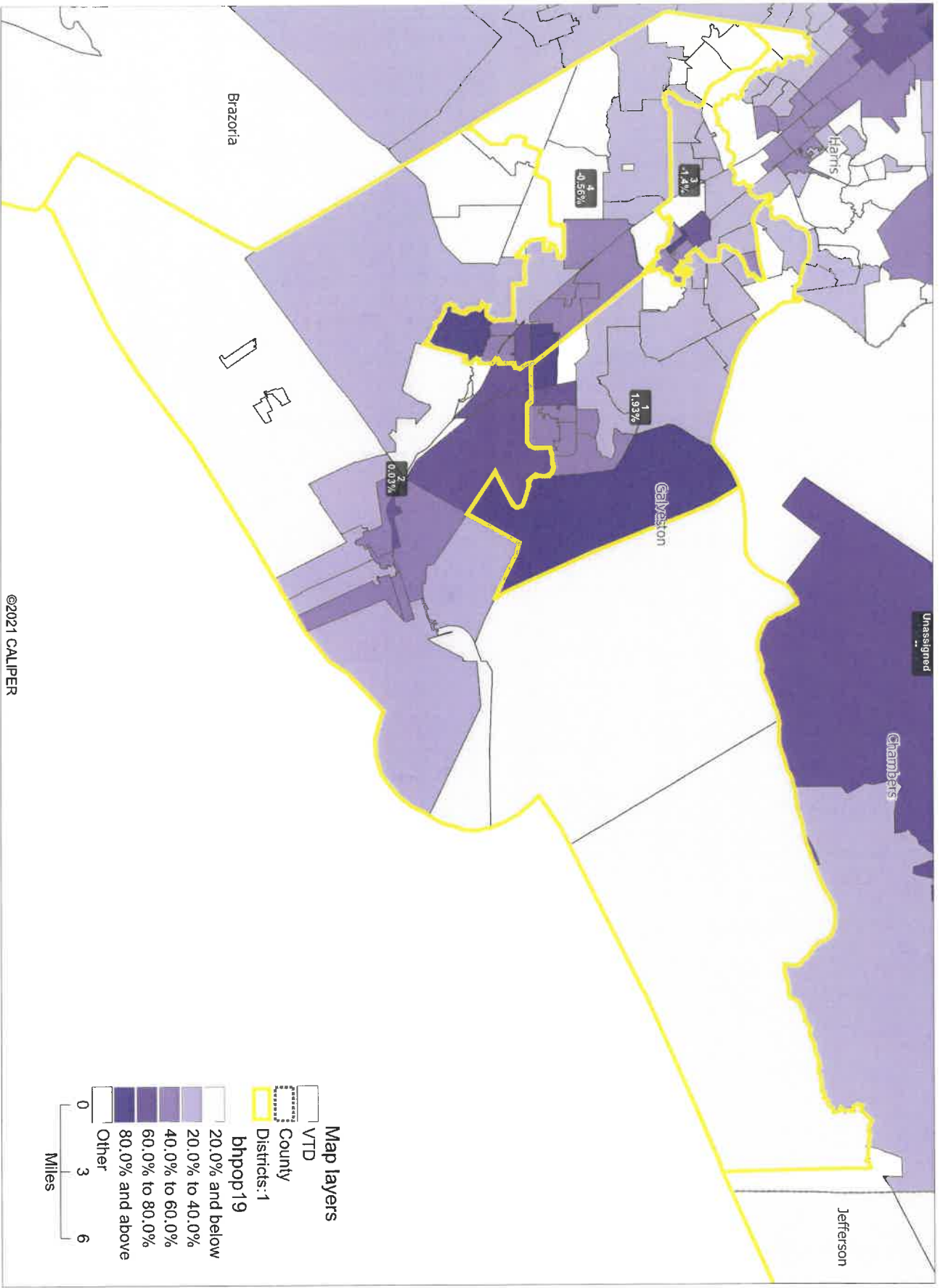
November 6, 2021

Galveston County Commissioner Precincts
Map 2 - Black Voting Age Population



November 6, 2021

Galveston County Commissioner Precincts
Map 2 - Black+Hispanic Voting Age Population



Map layers

- VTD
- County
- Districts: 1
- bhpop19
- 20.0% and below
- 20.0% to 40.0%
- 40.0% to 60.0%
- 60.0% to 80.0%
- 80.0% and above
- Other

Miles: 0, 3, 6

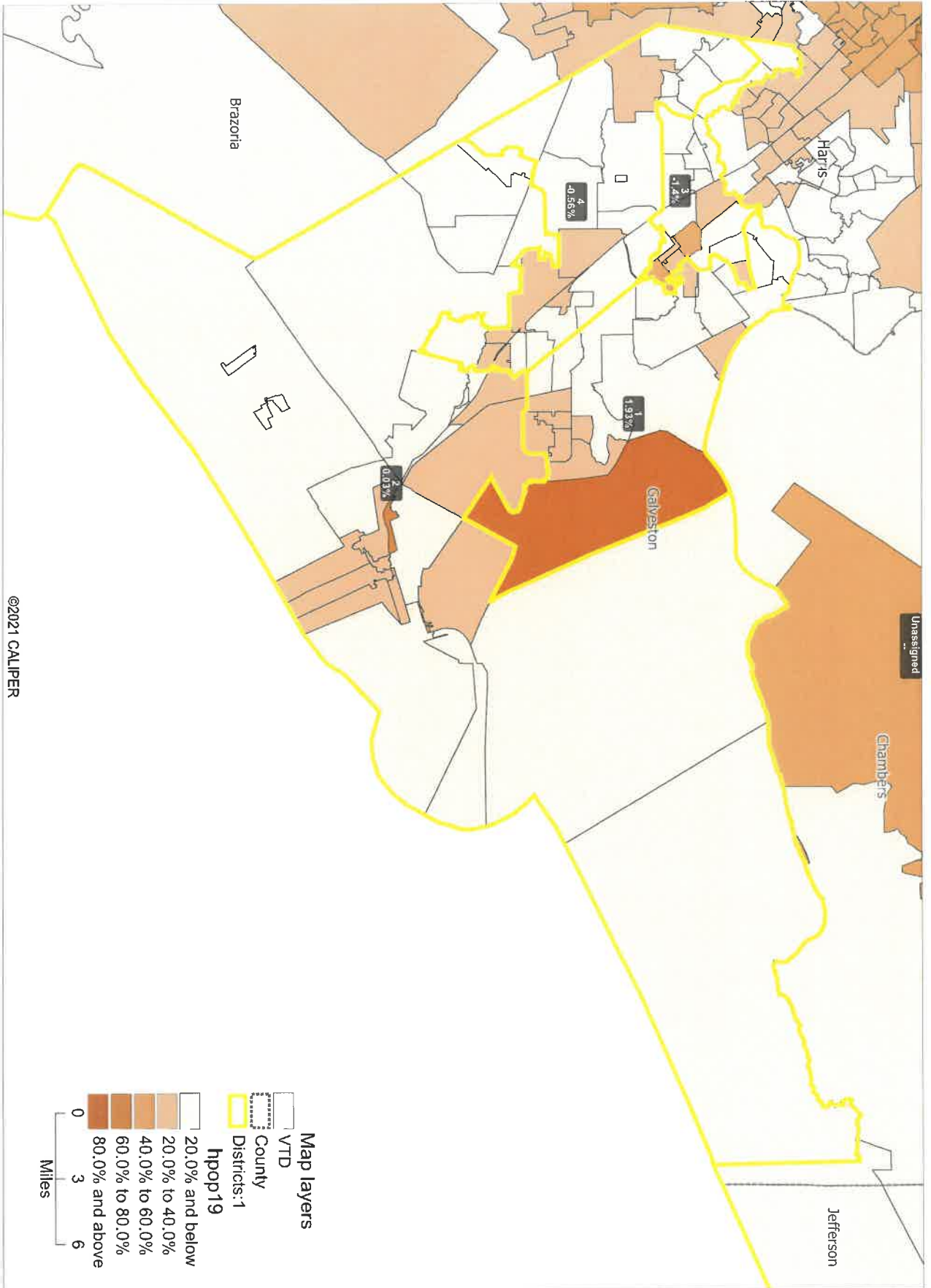
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November 6, 2021

Galveston County - Map 2

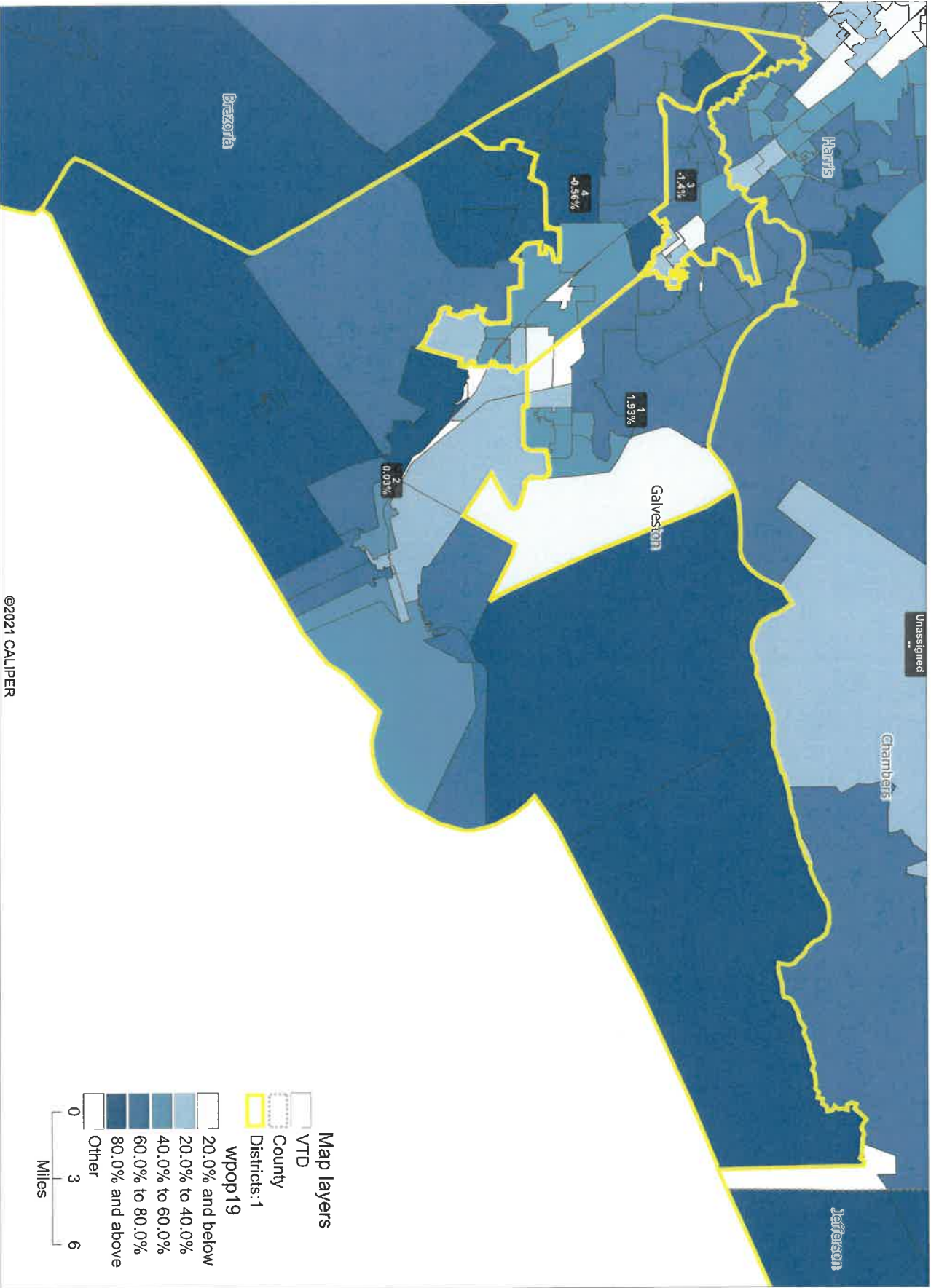
District	% Deviation	% Wvapp20	% Wcvapp19	% Hvapp20	% Hcvapp19	% Bvapp20	% Bcvapp19	% BHvapp20	% BHcvapp19	% AOvapp20	% AOcvapp19	% Pres_D_20	% Sen_D_20	% Gov_D_18	% Sen_D_18	% Sheriff_D_20
1	1.9%	58.7%	65.4%	25.0%	20.4%	9.4%	10.5%	34.5%	30.9%	6.9%	4.3%	36.2%	34.7%	33.2%	37.7%	35.0%
2	0.0%	58.0%	63.7%	23.0%	19.2%	13.0%	14.5%	36.0%	33.7%	6.0%	2.8%	43.2%	41.9%	41.6%	46.3%	40.4%
3	-1.4%	60.5%	65.5%	22.6%	18.6%	7.3%	8.8%	29.9%	27.4%	9.6%	6.2%	35.4%	33.2%	30.1%	35.4%	33.1%
4	-0.6%	54.7%	61.8%	19.2%	14.5%	18.5%	19.0%	37.7%	33.5%	7.6%	4.7%	39.3%	37.8%	36.1%	40.4%	37.8%

Galveston County Commissioner Precincts
 Map 2 - Hispanic Voting Age Population

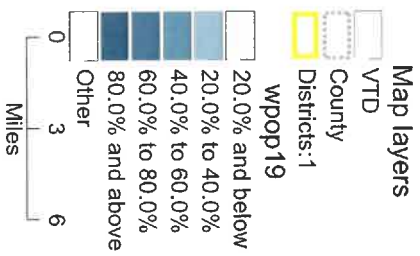


November 6, 2021

Galveston County Commissioner Precincts
Map 2 - White Voting Age Population

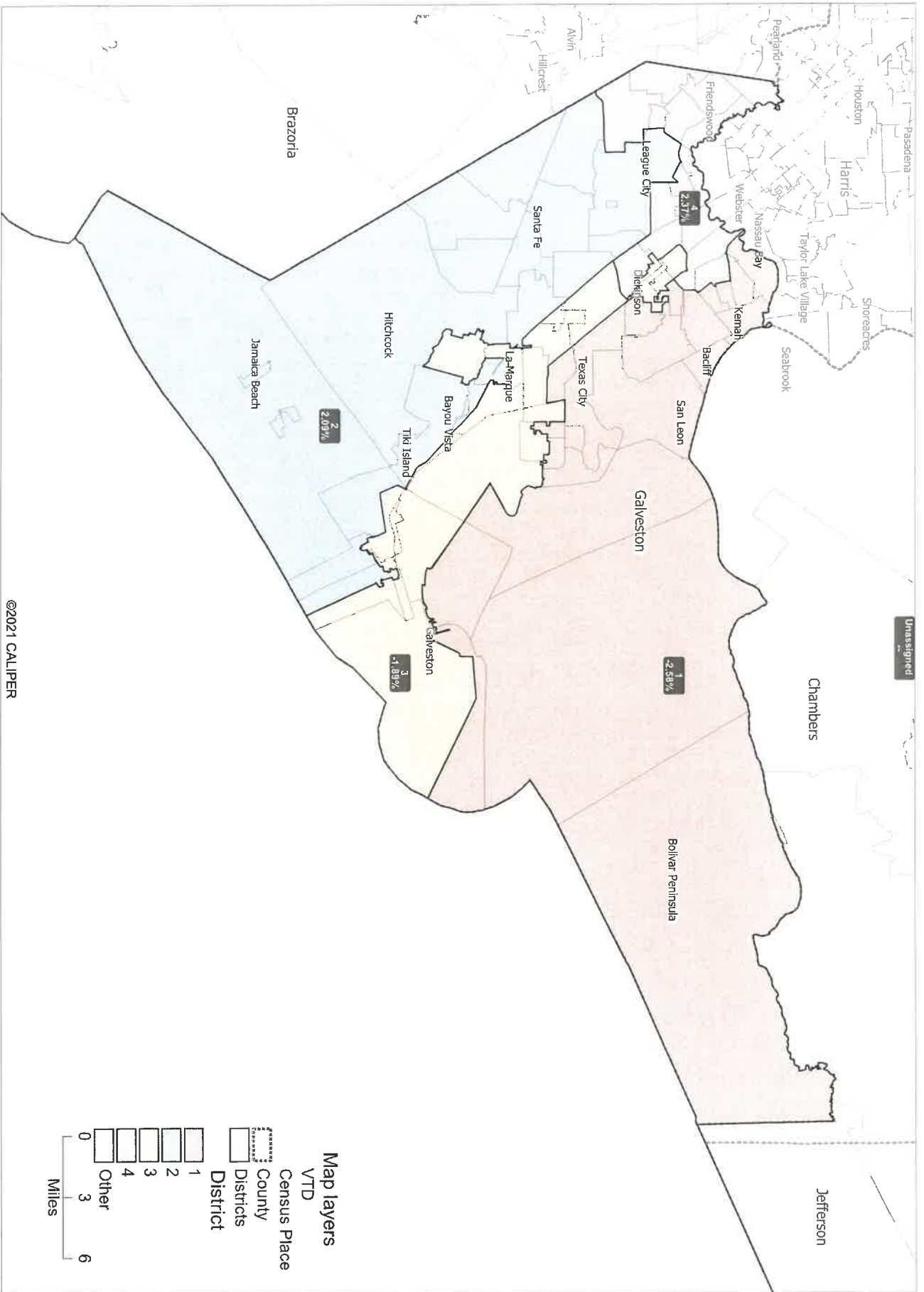


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November 6, 2021

Galveston County Justice of the Peace Precincts Demonstration Map A



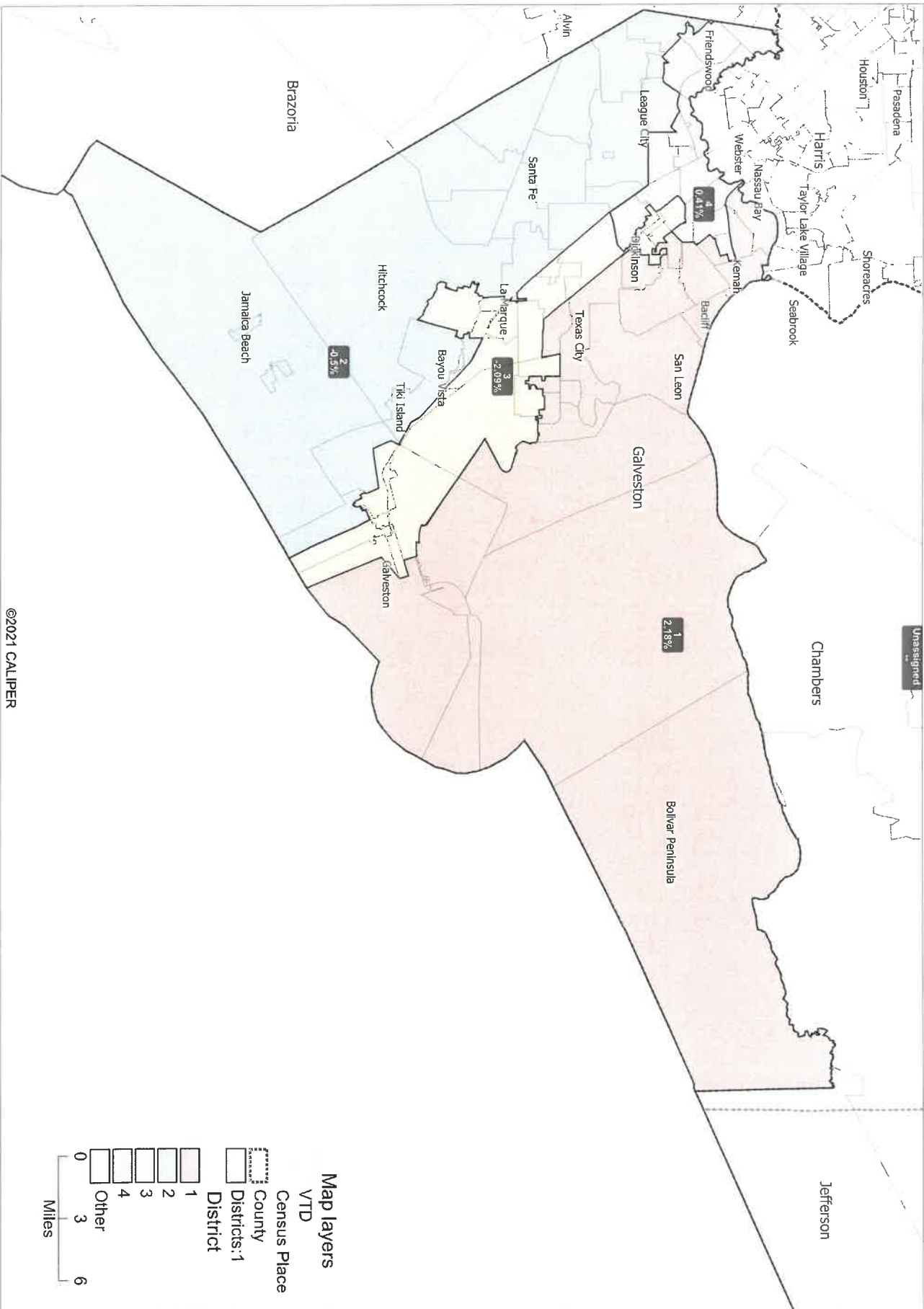
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November 11, 2021

Galveston County - Demonstration Map A

District	% Deviation	% Wvap20	% Wcvap19	% Hvap20	% Hcvap19	% Bvap20	% Bcvap19	% BHvap20	% BHcvap19	% ADVap20	% ADVcap19	% Pres_D_20	% Sen_D_20	% Gov_D_18	% Sen_D_18	% Sheriff_D_20
1	-2.6%	63.5%	68.7%	22.7%	19.8%	6.6%	7.7%	29.3%	27.5%	7.2%	4.4%	33.0%	31.3%	30.0%	34.7%	31.7%
2	2.1%	66.1%	74.1%	19.3%	15.3%	7.2%	6.6%	26.5%	21.8%	7.4%	3.9%	32.1%	30.7%	28.8%	33.3%	30.0%
3	-1.9%	34.9%	39.3%	30.4%	23.2%	29.3%	33.7%	59.7%	56.9%	5.4%	3.0%	66.4%	65.8%	66.1%	70.2%	65.0%
4	2.4%	66.9%	73.3%	17.8%	15.0%	5.5%	5.7%	23.3%	20.6%	9.8%	6.3%	31.9%	29.6%	26.2%	31.5%	29.3%

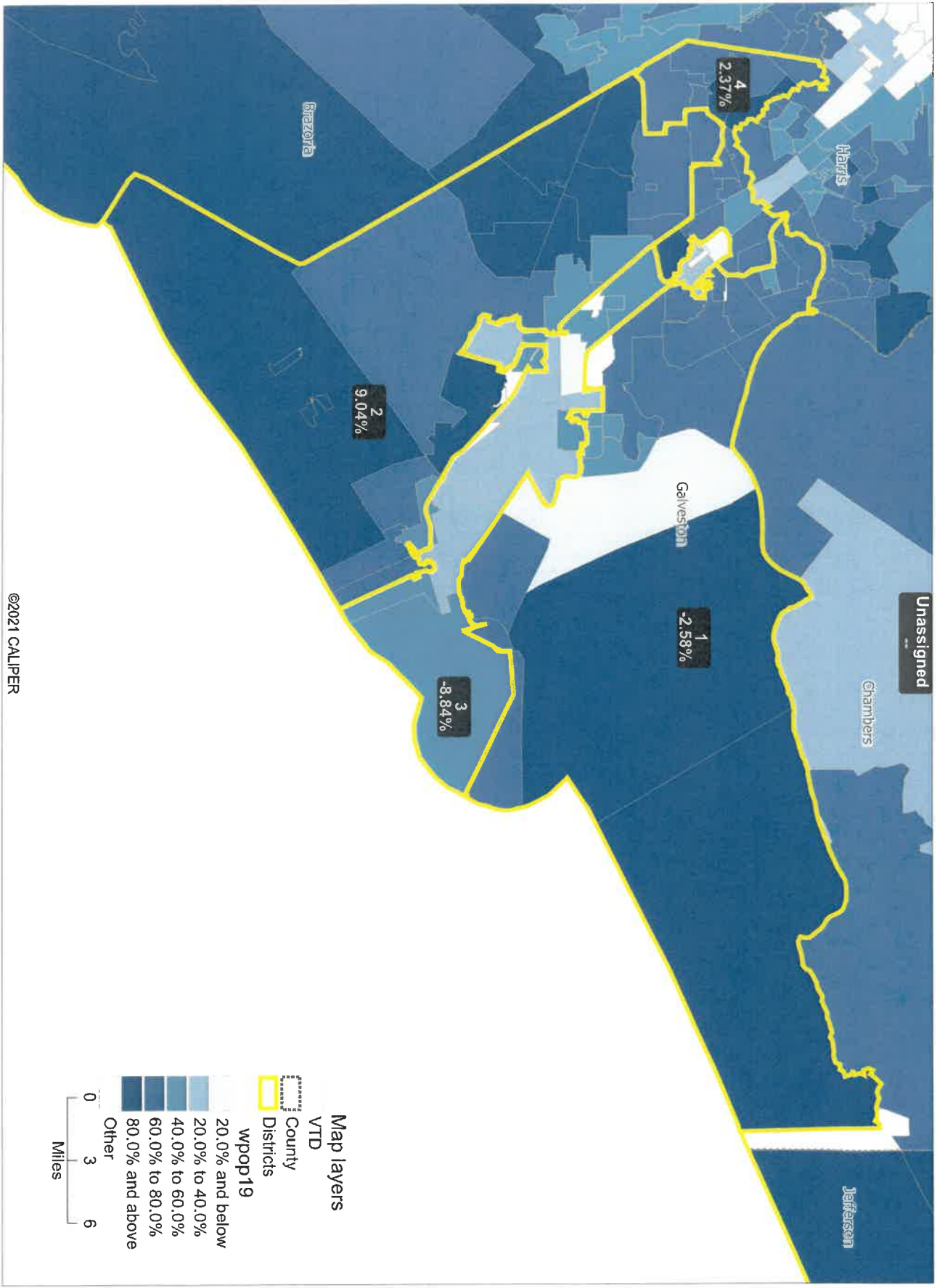
Galveston County Justice of the Peace Precincts Demonstration Map B



Galveston County - Demonstration Map B

District	% Deviation	% Wvap20	% Wcvap19	% Hvap20	% Hcvap19	% Bvap20	% Bcvap19	% BHvap20	% BHcvap19	% ADVap20	% ADVcap19	% Pres_D_20	% Sen_D_20	% Gov_D_18	% Sen_D_18	% Sheriff_D_20
1	2.2%	62.5%	68.8%	22.7%	19.0%	7.2%	7.8%	29.9%	26.8%	7.7%	5.0%	35.5%	33.8%	32.9%	37.6%	33.9%
2	-0.5%	67.9%	75.6%	18.0%	14.2%	6.4%	5.9%	24.4%	20.1%	7.7%	4.1%	29.8%	28.4%	26.1%	30.6%	27.9%
3	-2.1%	34.4%	39.3%	31.5%	24.0%	29.5%	33.6%	61.0%	57.6%	4.6%	2.3%	65.2%	64.7%	64.7%	68.7%	63.7%
4	0.4%	66.7%	71.7%	17.9%	15.9%	5.6%	6.5%	23.6%	22.4%	9.8%	6.1%	32.5%	30.1%	26.8%	32.1%	29.9%

Galveston County Commissioner Precincts
Benchmark Map - White Voting Age Population



November 6, 2021

November 8, 2021

My name is Michael Rios, and I am currently a Research Analyst at the UCLA Voting Rights Project, where I have been the head data analyst since 2018. At the UCLA VRP my duties entail downloading, processing, and conducting statistical analysis of precinct-level voting results, and working with census data or voter file data to assess racial/ethnic demographics of voting precincts. Since 2018, I have collaborated with statisticians and political scientists to conduct racially polarized voting analysis in numerous jurisdictions. I completed racially polarized voting training with Dr. Matt A. Barreto, Dr. Gabriel Sanchez, and Dr. Loren Collingwood. I received my Master in Public Policy degree from the UCLA Luskin School of Public Affairs in 2020. From 2018 to 2020 I took vigorous courses in statistical analysis in the departments of public policy, education, and sociology. I received my B.A. in Political Science from the University of California, Riverside in 2017.

I obtained data from the Texas Legislative Council (TLC) and the Capitol Data Project for statewide election results by county and voter demographics by county. All results are available at the precinct (VTD) level and I have merged together the election returns with voter racial/ethnic demographics to create a standard dataset for analyzing voting patterns.

Voting patterns in Galveston County are definitely characterized by racially polarized voting. Racially polarized voting means that voters of different racial groups are voting in *polar* opposite directions. In recent elections which I analyzed, Black and Hispanic voters demonstrated strong cohesion, both voting together for their candidates of choice. Anglo/White voters have divergent voting patterns, voting as a bloc *against* minority preferred candidates.

This relationship is easily demonstrated in the graphs below which plots the vote a candidate received in each precinct (VTD) on the vertical Y-axis against the percent Anglo within each precinct on the horizontal X-axis.

Figure 1: Vote Choice in the 2020 Presidential Election Sorted by Percent Anglo

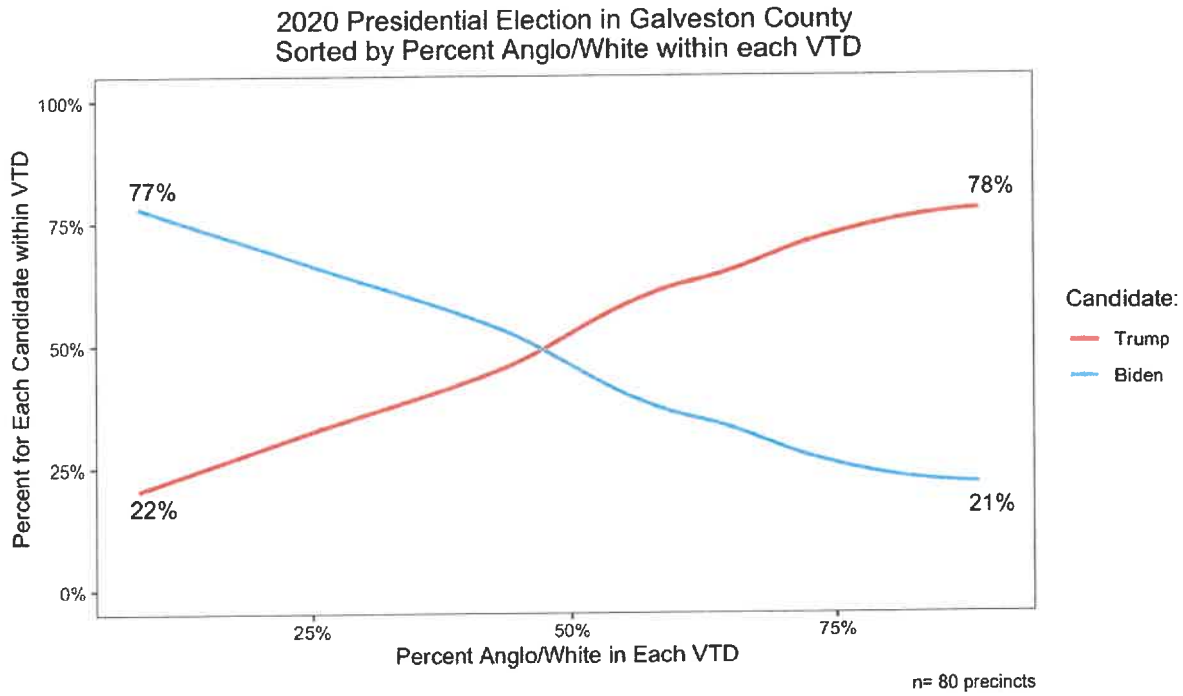


Figure 2: Vote Choice in the 2018 Senate Election Sorted by Percent Anglo

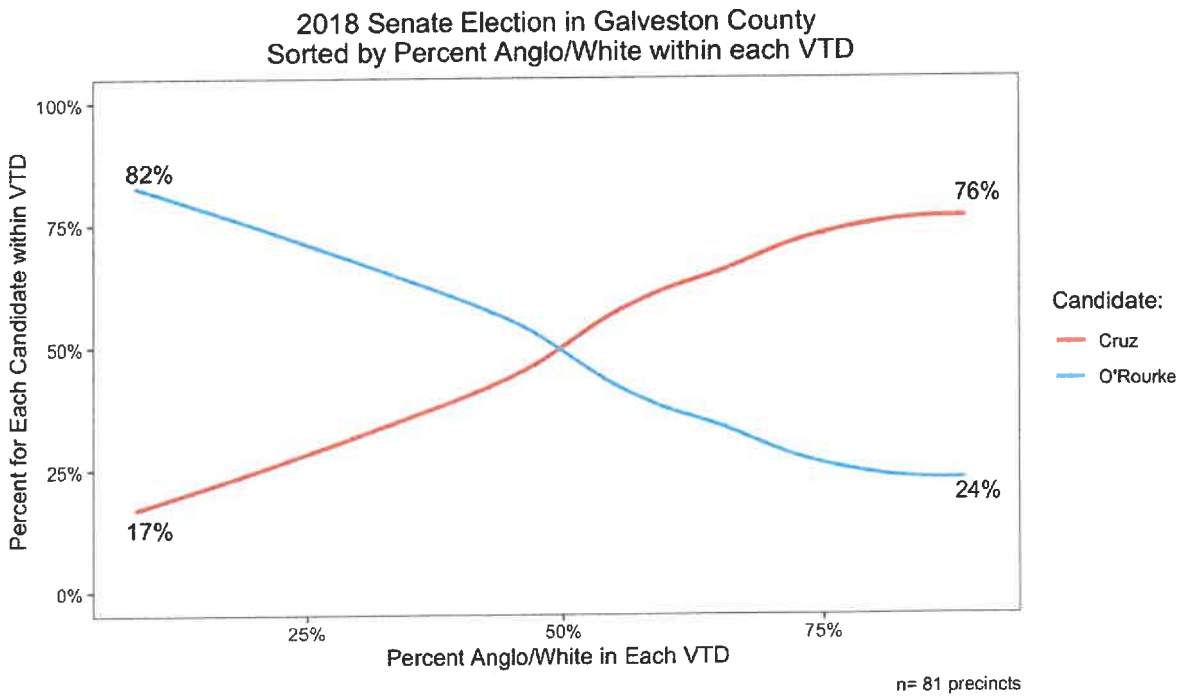
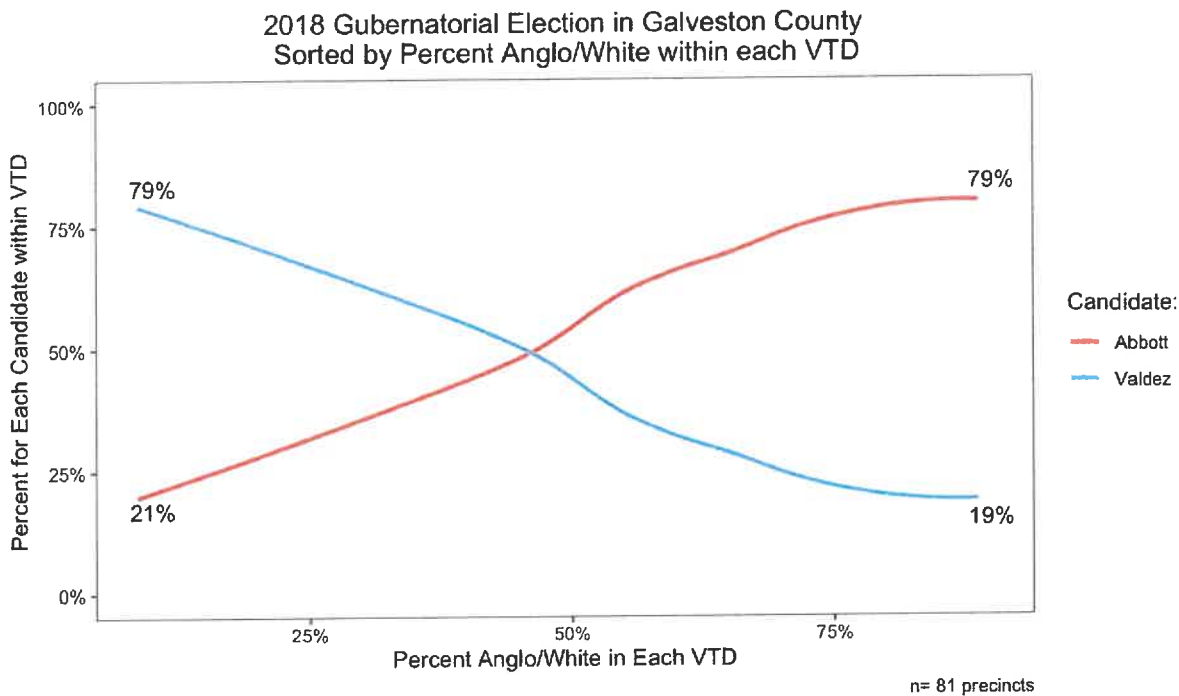


Figure 3: Vote Choice in the 2018 Gubernatorial Election Sorted by Percent Anglo



As each precinct gets more and more heavily Anglo, there is a clear increase in the vote for the Republican candidate. In contrast, high density Black or Hispanic precincts vote heavily for the Democratic candidate. In addition to the charts above, I ran ecological inference analysis using King’s EI to provide vote estimates for each racial/ethnic group in Galveston County. Those results are reported below in Table 1. Overall, the relationship holds across numerous elections analyzed in Galveston, year-in, year-out, and is evidence of racially polarized voting. From a Voting Rights Act (VRA) perspective, this satisfies the *Gingles 2* and *Gingles 3* standards.

Table 1: King’s EI analysis of vote choice by race – Galveston County, TX

	Biden	Trump	O’Rourke	Cruz	Valdez	Abbott
Anglo	10.0	88.8	11.5	88.0	8.5	90.2
Latino	76.4	23.6	80.3	18.6	77.6	20.9
Black	98.9	1.00	99.1	0.8	99.3	0.8

Exhibit 34

**GALVESTON COUNTY COMMISSIONERS COURT ORDER ESTABLISHING NEW
COMMISSIONER PRECINCT BOUNDARIES**

On this the 12th day of November 2021, the Commissioners Court of Galveston County, Texas convened a regularly scheduled meeting with the following members thereof present

Mark A. Henry, County Judge
Darrell Apffel, County Commissioner, Precinct No. 1
Joe Giusti, County Commissioner, Precinct No. 2
Stephen D. Holmes, County Commissioner, Precinct No. 3
Ken Clark, County Commissioner, Precinct No. 4

When the following proceedings were had, to wit:

An Order approving a redistricting plan for Galveston County Commissioners Court
Precincts (Districts)

WHEREAS, pursuant to the Constitution and Laws of the State of Texas, and other laws, the Galveston County Commissioners Court desires to divide the Commissioner Precinct Boundaries; and,

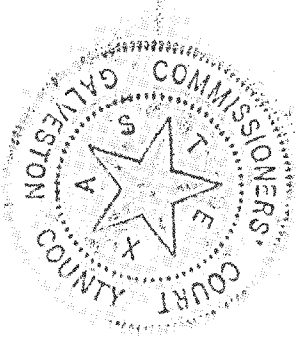
WHEREAS, the Galveston County Commissioners Court has determined that the interests of the people of the county are best served by changing the existing Commissioner Precinct Boundaries, and,

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF GALVESTON COUNTY, TEXAS, that Commissioners Precincts are hereby composed as depicted on the attached map, affixed hereto as "Exhibit A," labeled "Map 2" and fully adopted and incorporated in this Order. It is further ordered by the Court that this Redistricting Order shall take effect immediately.

Upon the Motion of Henry and Seconded by Apffel the above Redistricting Plan passed with 3 votes in favor thereof and 1 votes against.

Passed and approved this 12 day of November, 2021

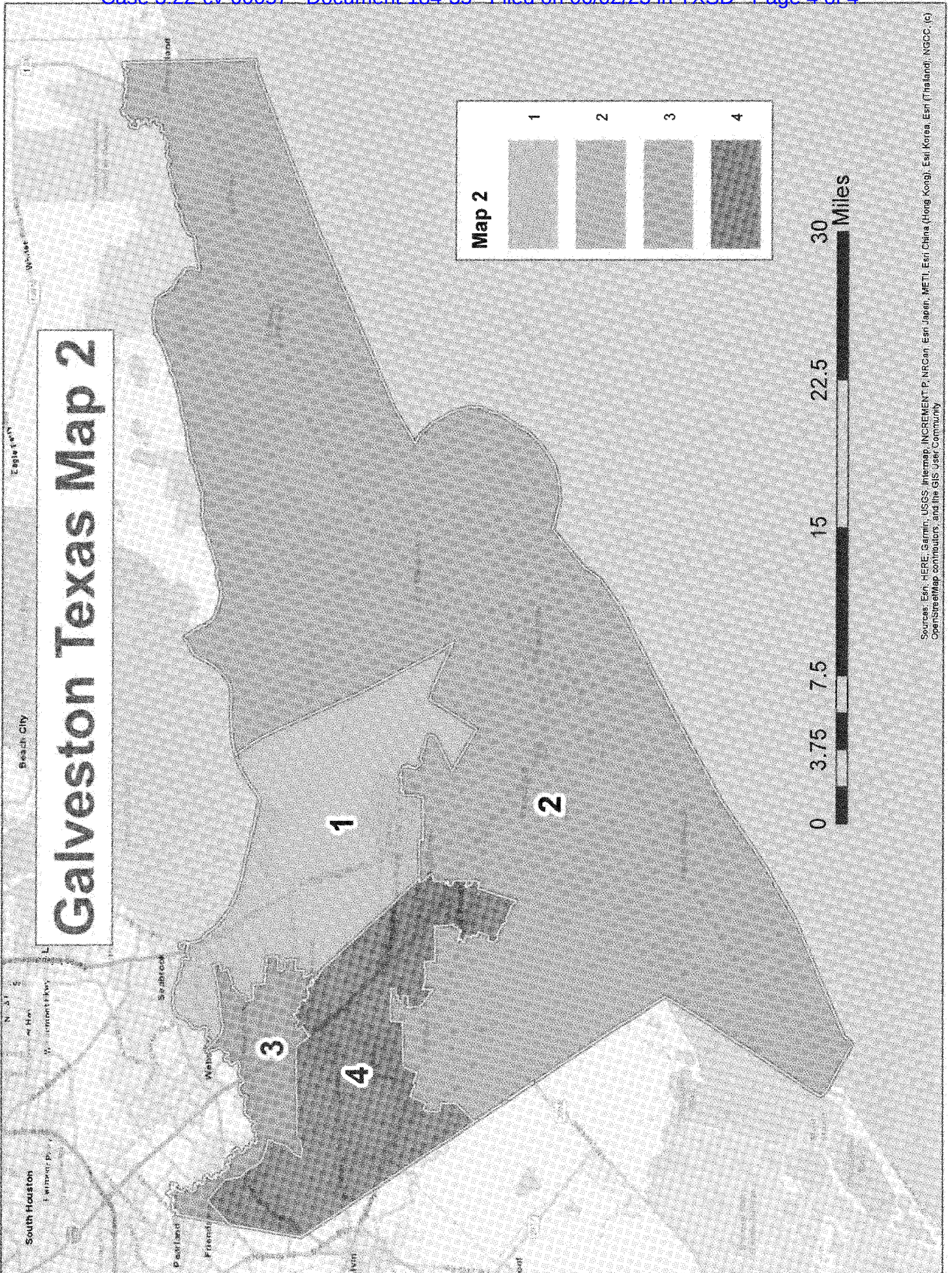
County of Galveston




Mark Henry, County Judge

Dwight Sullivan
County Clerk

By:  Deputy
Brandy Chapman



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 35



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

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.

- 4 -

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

Exhibit 36

Original

Row Labels	Sum of RCornyn	Sum of DHeagar	Sum of LMckennon	Sum of GCollins		% R
1	24,868	11,361	775	232	37,236	67%
2	30,186	13,971	819	247	45,223	67%
3	8,187	16,669	519	288	25,663	32%
4	31,076	13,093	890	202	45,261	69%
Grand Total	94,317	55,094	3,003	969	153,383	61%

Least Change

Row Labels	Sum of RCornyn	Sum of DHeagar	Sum of LMckennon	Sum of GCollins		% R
1	24,868	11,361	775	232	37,236	67%
2	27,334	12,815	752	224	41,125	66%
3	11,039	17,825	586	311	29,761	37%
4	31,076	13,093	890	202	45,261	69%
Grand Total	94,317	55,094	3,003	969	153,383	61%

Four R

Row Labels	Sum of RCornyn	Sum of DHeagar	Sum of LMckennon	Sum of GCollins		% R
1	16,749	13,819	621	318	31,507	53%
2	27,652	13,678	776	243	42,349	65%
3	20,091	14,446	732	207	35,476	57%
4	29,825	13,151	874	201	44,051	68%
Grand Total	94,317	55,094	3,003	969	153,383	61%

Original

Row Labels	Sum of acs_cv_	Sum of ac__WNH	Sum of ac__BNH	Sum of ac__ONH	Sum of a__HISP
1	60,982	41,853	4,690	2,814	11,624
2	62,872	46,030	4,457	2,695	9,690
3	53,445	20,527	17,958	1,986	12,972
4	57,047	41,785	3,094	3,655	8,512
Grand Total	234,346	150,195	30,198	11,150	42,799

97.50%
 Average
 102.50%

Least Change

Row Labels	Sum of acs_cv_	Sum of ac__WNH	Sum of ac__BNH	Sum of ac__ONH	Sum of a__HISP
1	60,982	41,853	4,690	2,814	11,624
2	57,126	41,838	3,999	2,634	8,655
3	59,192	24,720	18,416	2,048	14,006
4	57,047	41,785	3,094	3,655	8,512
Grand Total	234,346	150,195	30,198	11,150	42,799

97.50%
 Average
 102.50%

Four R

Row Labels	Sum of acs_cv_	Sum of ac__WNH	Sum of ac__BNH	Sum of ac__ONH	Sum of a__HISP
1	61,481	34,895	9,914	2,074	14,596
2	58,728	42,117	5,145	2,651	8,814
3	58,128	33,784	11,177	2,729	10,438
4	56,009	39,399	3,962	3,696	8,951
Grand Total	234,346	150,195	30,198	11,150	42,799

97.50%
 Average

Sum of PL_Totl	Sum of PL_T_WN	Sum of PL_T_BN	Sum of PL_T_AS	Sum of PL_T_ON	Sum of PL_T_HI
85,433	50,776	5,835	2,569	6,529	22,293
95,596	58,916	7,984	3,206	7,377	21,319
79,906	24,003	24,435	1,324	4,352	27,116
89,747	57,663	4,866	5,103	9,310	17,908
350,682	191,358	43,120	12,202	27,568	88,636

85,479
 87,671
 89,862

Sum of PL_Totl	Sum of PL_T_WN	Sum of PL_T_BN	Sum of PL_T_AS	Sum of PL_T_ON	Sum of PL_T_HI
85,433	50,776	5,835	2,569	6,529	22,293
88,143	54,184	7,316	3,089	6,973	19,670
87,359	28,735	25,103	1,441	4,756	28,765
89,747	57,663	4,866	5,103	9,310	17,908
350,682	191,358	43,120	12,202	27,568	88,636

85,479
 87,671
 89,862

Sum of PL_Totl	Sum of PL_T_WN	Sum of PL_T_BN	Sum of PL_T_AS	Sum of PL_T_ON	Sum of PL_T_HI
85,989	39,730	12,779	1,709	5,147	28,333
87,914	53,471	8,275	2,958	6,799	19,369
88,083	43,034	16,427	2,472	6,383	22,239
88,696	55,123	5,639	5,063	9,239	18,695
350,682	191,358	43,120	12,202	27,568	88,636

85,479
 87,671

Sum of PL_Tt18	Sum of PL_T18_W	Sum of PL_T18_B	Sum of PL_T18_A	Sum of PL_T18_O
65,769	41,780	4,324	2,110	4,721
73,739	47,895	5,748	2,572	5,462
61,257	20,749	18,556	1,126	3,221
66,617	44,596	3,661	3,899	6,510
267,382	155,020	32,289	9,707	19,914

Sum of PL_Tt18	Sum of PL_T18_W	Sum of PL_T18_B	Sum of PL_T18_A	Sum of PL_T18_O
65,769	41,780	4,324	2,110	4,721
67,349	43,609	5,215	2,468	5,125
67,647	25,035	19,089	1,230	3,558
66,617	44,596	3,661	3,899	6,510
267,382	155,020	32,289	9,707	19,914

Sum of PL_Tt18	Sum of PL_T18_W	Sum of PL_T18_B	Sum of PL_T18_A	Sum of PL_T18_O
68,194	34,684	9,728	1,493	3,954
67,162	43,048	5,931	2,359	4,974
66,424	34,823	12,369	1,988	4,534
65,602	42,465	4,261	3,867	6,452
267,382	155,020	32,289	9,707	19,914

Sum of PL_T18_H

14,944

14,634

18,731

11,850

60,159

Sum of PL_T18_H

14,944

13,400

19,965

11,850

60,159

Sum of PL_T18_H

19,828

13,209

14,698

12,424

60,159

Exhibit 37

From: [REDACTED]
Sent: 12/22/2021 1:55:04 AM
To: Gear, Bruce (CRT) [Bruce.Gear@usdoj.gov]
Subject: [EXTERNAL] A great local article - lots of details

I copied and pasted below as the articles are below a paywall.
There are big spaces in between some paragraphs due to advertising space so keep scrolling
This is one with Apffel's comment and a lot of other good info.

Also there's something funny about the attorney the county hired to deal with the Oldham team. I have to find that.

[REDACTED]

https://www.galvnews.com/news/free/article_cd1fe0a8-ec2d-54c4-8e85-362a87adc145.html

LEAGUE CITY

Dozens of residents crowded into a small county annex building Friday afternoon to urge, beg, lecture and warn commissioners against approving new precinct maps that dissenters called unfair, undemocratic and potentially illegal.

The protest, mostly by county Democrats and Black residents, culminated with a speech by Commissioner Stephen Holmes, the only Democrat and only minority member of the court, who said the maps would put people of his precinct at an electoral disadvantage.

"It's about the people of Precinct 3 being able to pick the candidate of their choice," Holmes said. "It's not just an election, this is their life. They fought this for years.

Holmes told the court the maps were drawn with a "discriminatory purpose" and presented his own versions of new precincts that would maintain the status quo in the county.

"We are not going to go quietly into the night," Holmes said. "We are going to rage, rage, rage until justice is done."

A majority of the court wasn't moved by the outpouring of opposition, however.

Commissioners voted 3-1 to approve a precinct map that changes the balance of political power in the county. The map redraws political lines to give Republican voters a majority in each of four precincts.

Holmes' Precinct 3 now contains a majority of Democratic voters based on results of recent partisan elections. The other three precincts already contained mostly Republican voters.

County Judge Mark Henry and commissioners Darrell Apffel and Joe Giusti voted in favor of the map. Holmes voted against it. Commissioner Ken Clark was absent. In a text, Clark said he was out of town because of a pre-planned family trip.

WHAT IT DOES

The county was compelled to draw new precinct lines to make population adjustments based on the 2020 census. Commissioners are required by law to have roughly equal-sized precincts by population.

Commissioners gave themselves an option to vote on two maps designed by a Republican Party strategist hired earlier this year. One map made minimal changes to precinct lines that mostly maintained the status quo. The second, the one approved Friday, makes extensive change.

The approved map doesn't just change the party makeup of the county's precincts. It also changes their racial makeup.

By the county's own analysis, the new map would divide minority populations so that every precinct is mostly made up of white voters.

Holmes is Black, and his precinct is the only one where a majority of voters are Black or Hispanic.

BACK TO THE FUTURE

Precinct 3 was designed to be a minority-majority district by a federal court order in 2011 when a Republican-majority commissioners court tried, and failed, to redraw in a similar way.

Holmes, appointed in 1999, has long represented parts of La Marque, Texas City, Galveston and Dickinson. Under the new map, Holmes retains parts of Dickinson, but his precinct was redrawn to include parts of League City and Friendswood, where voters are generally white and Republican.

Since 2011, Supreme Court rulings have weakened the federal oversight that had prevented the same dividing of minority voters. Some county officials have said they believed the approved map is legal and will withstand a legal challenge.

Holmes, however, urged people at the meeting to call the U.S Department of Justice directly to complain about the map in the hopes of prompting the federal government to intervene.

He didn't deny a lawsuit could be filed over the map.

"We'll see," Holmes said. "I'll huddle with some members of the community and leaders in Precinct 3 and we'll see what's next."

A TWO-WEEK ROLLOUT

The maps were released to the public two weeks ago and posted on the county's website. Friday was the first and only public meeting about the redistricting proposal, which officials said needed to be approved before Saturday under a state-imposed deadline.

The county never posted supplemental information about the demographic changes proposed in the maps.

Heidi Gordon, president of the Texas Democratic Women of Galveston County, described information that was posted as a "cartoon map."

"Had they had a little more transparency in the process, instead of passing it at the 11th hour, we could have known how many people were in each district and what the communities of interest were," Gordon said. "They gave us no details."

PUBLIC ACCESS

Other people who attended Friday's meeting criticized its location and accessibility.

The meeting was held in the county's League City annex building, instead of in the county courthouse in Galveston, which is the county seat. Areas around the annex building are a construction zone for an ongoing expansion project, and some parking spaces around the building have been fenced off.

The League City meeting room is less than half the size of the one in Galveston. The crowd that showed up to Friday's meeting filled the room and spilled out into the hallway.

The county didn't set up an overflow room to watch the meeting. The courtroom didn't have microphones, and Henry began the meeting by threatening to clear the room of people who complained they couldn't hear him.

People sitting in the hallway watched the meeting on their smartphones, despite the fact it was going on just feet away.

COASTAL DISTRICT

More than 40 people spoke during the meeting, a vast majority of them asking commissioners to reject the maps and start the process anew.

Apffel said he voted for the map because Galveston Island and Bolivar Peninsula should have a single representative. Three commissioners now represent parts of Galveston and the peninsula.

"It was the right map the judge proposed for the Gulf Coast District," Apffel said. "It makes sense. The issues that the Gulf Coast faces are similar. So having one representative makes sense."

Giusti and Henry have expressed similar sentiments about the approved map.

Apffel said he didn't spend much time before Friday's meeting analyzing data about the changes the map made to the racial makeup of precincts.

"I saw it, but just for a second," Apffel said.

WRITTEN COMMENTS

Political groups in the county had urged their supporters to chime in on the maps, resulting in feedback that was less one-sided than the public comments at Friday's meeting.

The Galveston County Republican Party launched a text message asking residents to submit written comments in favor of Map 2.

The map would "Keep Galveston County Red," the text message said. Democratic groups followed suit and started their own texting campaign, urging people to attend the meeting and speak out against the map.

Ultimately, the county received 455 written comments. Of them, 211 supported the map commissioners approved and 66 supported a different proposal with less drastic changes. The other 178 didn't support either option, officials said.

John Wayne Ferguson: 409-683-5226; john.ferguson@galvnews.com or on Twitter @johnwferguson.

Exhibit 38

**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

Rules of Civil Procedure.

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 Plaintiffs' possession, and therefore of no greater burden for Plaintiffs 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 Plaintiffs' 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 Plaintiffs' 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 Plaintiffs' 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 Plaintiffs' 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: Provide the policy rationale that You contend is promoted, supported, or advanced by the Enacted Plan. In providing your response, state the facts that You contend demonstrate a connection between the Enacted Plan and the identified rationale. This includes, but is not limited to, the rationale behind the changes to Commissioner Precinct 3 under the Enacted 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.

First Supplemental Objection: Defendants object to this question to the extent it requires Defendants to reveal confidential communications protected under the attorney-client privilege, legislative privilege doctrine, and the attorney work-product doctrine.

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 the following:

1. The first factor considered by the Galveston County Commissioners Court in adopting the 2021 redistricting plan 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 and 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 protection, 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.

The enacted plan achieves its goals in the following manner:

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 with the Bolivar Peninsula into one Commissioners Court precinct, Commissioners Court Precinct 2. Under the prior plan, 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.

The enacted map successfully achieves the fourth factor because it splits nine voting precincts out of a total of 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. 2: Identify the considerations and reasoning behind the appointment of Dr. Robin Armstrong to Commissioner of Precinct 4, including, but not limited to, his qualifications, history in Galveston and Precinct 4, and support, or lack thereof, from Black and Latino voters.

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 to this question because it is not reasonably calculated to lead to the discovery of admissible evidence to support Plaintiffs' claims, particularly whether the 2021 Enacted Plan constitutes a violation of Section 2 of the Voting Rights Act, constitutes an unconstitutional racial gerrymander, or otherwise violates the constitution as an act of intentional racial discrimination. 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.

First Supplemental And Amended Answer: Without waiving any of the objections stated above, Defendants state that after the death of Galveston County Precinct 4 Commissioner Ken Clark on May 8, 2022, Commissioner Robin Armstrong was appointed by Judge Mark Henry to fill the position of Precinct 4 Commissioner effective May 17, 2022. DEFS00016159 – DEFS00016162. In making this appointment, Judge Henry considered Dr. Armstrong's numerous significant qualifications for the position and active involvement in the Galveston County community and in politics.

Specifically, Judge Henry considered Commissioner Armstrong's service as an election judge, a precinct chair, and as an executive committee member and Vice Chair of the

Republican Party of Texas. See DEFS00011771; DEFS00017109. Additionally, in June 2012, he was elected to the Republican National Committee as Texas' National Committeeman, where he served as Vice Chair of the Southern Region of the RNC, member of the Rules Committee, and on the Faith Advisory Board of the RNC. Commissioner Armstrong was also appointed by Governor Greg Abbott to serve on the Finance Commission of Texas in 2019. At the time of his appointment, he was also a member of the Texas Medical Association and former president of the Galveston County Medical Society. He also served locally as a precinct chair during his medical residency. See DEFS00016158; DEFS00011771; DEFS00011774 – DEFS00011776.

INTERROGATORY NO. 3: Explain what input commissioners other than Commissioner Stephen Holmes provided in regard to any maps that were proposed or considered during the 2021 Commissioners Court redistricting cycle, including but not limited to the type of input, the content of that input, and any meetings or conversations to which Commissioner Holmes was not a party.

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 to the extent this request calls for revealing discussions that are protected under Texas's Speech or Debate Clause privilege or the deliberative process privilege. Defendants reserve the right to supplement this response with objections that are based upon a further review of the documents.

First Supplemental Objection: In addition to the objections outlined above, Defendants assert that the content of the conversations with Mr. Oldham and Mr. Ready identified in the First

Supplemental Answer below are privileged and protected under the attorney-client privilege. The content of these communications is also protected under the legislative privilege doctrine, and the deliberative process privilege.

Answer: Defendants do not have sufficient information to answer Interrogatory No. 3 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 And Amended Answer:

Without waiving any of the objections stated above, Defendants state the following:

On September 8, 2021 at approximately 10am there was a telephone conference call between Dale Oldham, Paul Ready, Commissioner Apffel, Tyler Drummond, and Judge Henry regarding redistricting. See DEFS00011031.

The second conference call was held on September 13, 2021 at 10am. This telephone conference call was held between Mr. Oldham, Mr. Ready, and Commissioner Joseph Giusti. See DEFS00011029 – DEFS00011030; DEFS00015162; DEFS00017099 – DEFS00017100.

The third telephone conference call was held on September 16, 2021 at 10am. This telephone conference call was between Mr. Oldham, Mr. Ready, and Commissioner Ken Clark. See DEFS00011693; DEFS00011694.

Although these telephone conference calls did not include Commissioner Holmes, Mr. Oldham and Mr. Ready conducted telephone conference calls with Commissioner Holmes on

two occasions. The first telephone conference call with Commissioner Stephen Holmes, Mr. Oldham, and Mr. Ready was at 4pm on September 20, 2021. (5122885, 519606, 515568). Then there was an additional follow-up call between Commissioner Holmes, Mr. Oldham, and Paul Ready on September 23, 2021 at 4pm. See DEFS00016261; DEFS00016262.

On or about October 19, 2021, upon information and belief, Mr. Oldham conducted meetings with each of the Commissioners to show them drafts of Map Proposal 1 and Map Proposal 2. See DEFS00016142; DEFS00011246; DEFS00011032 – DEFS00011033. Upon information and belief, Mr. Oldham met in person with each Commissioner while Mr. Bryan appeared remotely. Upon information and belief, Mr. Oldham and Mr. Bryan displayed both Map Proposals 1 and 2 to each Commissioner. See DEFS00011245. Mr. Oldham solicited feedback from each Commissioner which assisted Mr. Oldham in formulating his legal opinions in continuing the redistricting process.

Each Commissioner met with Mr. Oldham either individually or in groups of two. If the latter, and upon information and belief, Commissioner Holmes and Commissioner Giusti reviewed the maps together and, at a separate time, Commissioner Clark and Commissioner Apffel reviewed the maps together.

INTERROGATORY NO. 4: Identify any map drafted, considered, or proposed by the Commission which contains a Black and Hispanic citizen voting age population greater than 50%.

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.

Additionally, Defendants object as Interrogatory No. 4 is vague and ambiguous. Defendants are unsure if Plaintiffs are referring to a map that includes a single district that contains a Black and Hispanic citizen voting age population greater than 50%, or if they were referring to the map as a whole.

First Supplemental Objection: Defendants also assert that this question potentially calls for the production of responses that are protected under the attorney-client privilege and the attorney work-product doctrine.

Answer: Defendants do not have sufficient information to answer Interrogatory No. 4 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 only map considered by the Commissioners which contained a Black and Hispanic citizen voting age population greater than 50% was the proposed map posted on the County's webpage on or about October 29, 2021 labeled "Map Proposal 1." See DEFS00011887 – DEFS00011892 . In that map, Commissioners Court Precinct 3 would have contained a Black and Hispanic citizen voting age population greater than 50%, and this is true of each draft of Map Proposal 1. See DEFS00011887 – DEFS00011892; DEFS00011249 – DEFS00011251; DEFS00011253 – DEFS00011254; DEFS00011264 – DEFS00011288.

Second Supplemental Answer: Without waiving any of the objections stated above, Defendants incorporate all previous answers to this Interrogatory and add the following:

As a point of clarification, the fact that Map Proposal 1 was the only map considered by the Commissioners with a majority Black and Hispanic CVAP does not mean that the Commissioners knew of its demographic composition *before* its adoption. In fact, as Judge Henry and Commissioners testified in their depositions, they never looked at the demographic makeup of the map proposals (or in the case of Commissioner Apffel, he may have briefly glanced at demographic data).

DATE: April 21, 2023

Respectfully Submitted,

HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIK PLLC

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Counsel for Defendants

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2023, I served the foregoing via email on all counsel of record in this case.

Dallin B. Holt

Dallin B. Holt

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 April 21, 2023.

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, Galveston County Judge (in his official capacity)

Exhibit 39

7/20/21

Conference Call Dale Oidham + Paul Ready

~~Assumptions of Estimate~~

- * Address I Plan on Running From
- * Need to gain 8,000 people
- * 87,670.5
- * Deviation is still 10%
- * Fuzz in Census Numbers
- * Keeps asking me what assets I would like to have
- * All
- * They have already spoken with Event other member of the court
- * I believe event other member of the court has seen maps with updated data
- * Paul Ready says Filer Drummond has the updated data and he will call + ask him to send it to me
- * Did not even talk about Restrictive Principles

9/21/20

Asked ENS WEEKS if they
can run precinct data

① Pct 192

Boundary to south of Pct is 21st St. Draw line from Dickerson Avenue to TEXAS AVE. make it part of 341 or 391 make it part of 341

② Pct 144

Boundary to south is FM 517. Draw line from California down 517 to Owens Drive to Melvin Utler Drive

③ Pct 142

Boundary down Palmer HWY from 25th St to 29th St north makes it part of Pct 343

④ Pct 232

* Either split Pct at I-45 from Barton to Vanhook or move the entire Pct

Alternatives

Ⓐ Pct 439

Extend Barton from Sunset to Deats Rd. makes it part of Pct 389

Ⓑ Take in remainder of St. Edwards Green

Meetings w/ Dale Olohan + Paul Ready - My office 9:00am

- Olohan presented 2 maps on his laptop
- * 1st map had Pct 3 picking up all of the Island currently in Pct 1, Pelican Island + all of Bolivar.
- * 2nd map had Pct 3 going no further south than Dickinson + majority of Pct 3 was League City + appears part of Friendswood.
- * Olohan said he would send copies of maps + data

Zoom meeting w/ Jed Webb, Joe Giusti, Paul Ready, Zack Davidson, Dale Olohan + Demographer 10/22/21

- * Webb, Giusti + Davidson at Calder Road
- * I connected on the ferry
- * Olohan connected from South Carolina
- * Ready not sure where he or demographer were located
- * Showed 2 maps. Same I saw on 10/19/ from my office
- * Showed population + racial data
- * I asked Ready to get copies of maps + data

10/29/21

Tyler Drummond

Spoke w/ Tyler. He called me as he was driving to Dallas. Informed me that maps would be going up on the County website that DAY. Said that there would be 2 maps displayed. The 2 maps that O'Brien had shown me before. I asked about a timeline for this redistricting process & he said that one would be set. He said there would be a place for public comment on website. I asked was this a contest to see which map would get more votes & he said no.

11/2/21

Tyler Drummond. Spoke w/ him & he said they were trying to set a special meeting for next Tuesday, 11/9/21, to vote on the redistricting maps. He said Clark would be out the rest of week & Giusti would be off next Weds & Thurs. He said maybe I could convince them at the next Tues meeting to not support map 2 & maybe get if the vote postponed to next Friday. Said SOS had sent email stating maps must be ^{sent} rec'd by 11/13/21

11/4/21 Tyler called said they were still working on setting the meetings posted for next Tuesday. Said that Nathan from our engineering department was finalizing the maps & trying to get it ready. Said he was gonna send DIANA home & have her come back on Saturday morning to get it posted.

11/5/21 Tyler called me Saturday morning. Said the meeting
was probably going to be next Friday 11/12/21 b/c maps were
still not ready.

Appl'd to Rose on

10/21/20

"~~Doesn't look good for Holmes~~"

"~~It is~~ There are a
couple maps floating around,
It's not looking good for Holmes"

11/9/21

12:58pm

* Got a call from Commissioner Apfel about redistricting maps. He wanted to let me know that he would be voting to support map 2. He said the Judge (Henry) would jump out & make a motion to approve map 2. Said he was inclined to support that motion for political purposes. I informed him that map 2 was discriminatory to the minority voters currently in pct 3. He stated that the minority population currently in pct 3 was divided fairly evenly amongst all pcts in map 2 & that Dale Oldham told him this was a legal map. Also informed me that Mike Guarino called him & chastised him for supporting map 2. I told Comm Apfel that map 2 clearly runs afoul of section 2 of the Voting Rights Act & I ~~did~~ did not want the members of Comm Court to vote Friday & act like they ~~did~~ did not know this map is discriminatory. He talked about what Harris County was doing to Republican members of their Comm Court by changing their pcts. I told him this was not about Republican or Democrat, but about the protections guaranteed to minority groups in the VRA. He said he was going to call Dale Oldham & ask if this map 2 was in fact discriminatory. Comm Apfel also asked if I sided the NAACP on 'em. Told him I've had no conversations with the NAACP.

11/12/21

Speaker

Comm Court
Vote on MAPS

- ① TOMMY WATKINS - Stephen Holmes Justice for Stephen Holmes
- ② COLLEY JACKSON - Speaks About the people vote for MAP 2 to keep Gov Cnty Red
- ③ ELIJAH: Represent the people no to MAP 2
- ④ EVELYN McBRANIC: MAP is D'shonorable & Does NOT Represent people PLPS AWAY AT DEMOCRACY
- ⑤ WINDYBIRD GILMORE: To citizens lines drawn to delete Stephen Holmes. REDRAW MAP
- ⑥ DEBRA JONES - Extract County where Damon Holmes Represent Two Propositions RACISM IS NOT DEAD. WE THE PEOPLE ^{protect}
- ⑦ ANDEER RATISO - Done w/ Torturous intent. Right time to DO THIS
- ⑧ LILLIAN McGEOWN - Black Nurses Association. Neither map be Accepted
- ⑨ BARBARA ANDERS - Maintains NAACP. Both MAPS Bad. DCS Rejected Bolivar in 2011
- ⑩ DR. ANNETTE SINKS: Comm did not Get Less on their own
- ⑪ NAOMI PAPPAS - Republican Pet chair. Commmanding Base
- ⑫ HANNAH MELTZER - Neither Dem nor Republ. MAPS Racist & you know it. How much will we spend on another lawsuit
- ⑬ EONIA COONVILLE: PC Destroys Pet 336. Selfish & Arrogant DISRESPECT people.
- ⑭ PASTOR JERRY LEE: MAPS Discriminatory. Trust fellow man Right mov'ns the Goal post. Will have to answer to God
- ⑮ HENRY GOMEZ:
- ⑯ WENDY LANGHAM: No intention of changing map on getting input Politicians Pickings Voters.
- ⑰ NAKISHA PAUL: Preserve Precinct. Relationship b/w you and your const understands Experiences. Keep neighborhoods together.

- 18 Pastor King: Appalled this court w/ submit a map
One vote 1 person, not. Small room floor people standing
Do the right thing
- 19 Judith Oppenheim: Friendswood 15th Representing myself + husband
"Keep Calvestar Red text" One party maps no good. Elections have
been games. Calling out names for points this. maps were
Rejected 10 yrs ago.
- 20 Derrick Johnson: Can't believe we are here discusses this.
Done things for ALK + Brown populations
- 21 Joseph Mitchell:
- 22 Heidi Gosson: would be rejected by pre-announced
- 23 ~~Sharon~~ ^{Right} ~~Watt~~: I sense this court came here a disabled network.
- 24 Lucretia Lofton: 45% courts minorities. Attempt to dilute minority vote.
meeting time conflicts w/ peoples jobs. Lack of Democrat
Debra Bar Area NACCP
- 25 Roxey Williamson: Suther coalition for social justice. Not going down
without a fight.
- 26 Stephanie Swanson: Pet 3 people have worked together.
Blks + H form coalition district. Courts uphold coalition districts
Remove Bolivar from map.
- 27 Pastor Bedford: Been here 71 years. When I came here we
had no rights. Mainland Economic Alliance
- 28 Debra Warren: If you fine us up you'll see us at polls
- 29 Mary Steadham: Tear maps up + do what's right ^{judged}
- 30 Tera Gibson: man 2 ridiculous. Even plaintiffs filed
- 31 Leon Phillips: GAV Coalition for Justice. Signs up banner
- 32 Keith Hedley: Be good stewards of all constituents
- 33 Pastor Kendall: GSM decision will make us stronger

34 Timmy Sikes: Same thing going on 23 years ago, going on
today. God not sleeping

35 Linda Alcorn: Ran 1986 B/c no representation

36 Sharon Lewis: Examples for students. This is a teaching moment

37 Anne Willis: 60yr resident Bolivar. Support MAP 2
Better serves w/ MAP 2

38

Exhibit 40

Exhibit 40 - Map of DEFS00031696

