Exhibit H
POSSIBLE RETROGRESSION ISSUES FOR BLACK AND HISPANIC DISTRICTS IN PROPOSED HOUSE PLAN

Dist 22-- As drawn 2001 56.4/53.5 B/BVAP; current 53.3/52.1 B/BVAP; proposed 45.1/43.4 B/BVAP.

Decrease in Black population percentage probably necessary because of lack of Black population growth in the area. However, the drop below 50% indicates further election analysis should be conducted to make sure district still performs and whether a better-performing district could be drawn. While Black districts with this level tend to perform at this level or lower in other urban areas, there is usually a large non-voting Hispanic population that enhances the effect of Black voters that is not as large in this district.

Dist 27--As drawn 2001 34.1/32.8 B/BVAP; current 35.2/34.6 B/BVAP; proposed 43.8/42.9 B/BVAP.

No retrogression issues identified.

Dist. 31--As drawn 2001 90.4 SSRV; current 90.6 SSRV; proposed 90.7 SSRV.

No retrogression issues identified.

Dist. 33--As drawn 2001 51.6 SSRV; current 54.3 SSRV; proposed 62.9 SSRV.
Dist. 34--As drawn 2001 51.7 SSRV; current 53.3 SSRV; proposed 34.9 SSRV (now Dist 32).

Nueces County may be the single most difficult retrogression issue to predict. While there are two 50% SSVR plus districts within the county currently that may constitute performing Hispanic districts, they are both significantly underpopulated and the remaining people in Nueces County are predominantly Anglo. The county line rule likely requires two districts to be wholly contained within Nueces County with no surplus coming out; however this would have to yield to the federal Voting Rights Act if it can be shown retrogression could be avoided by splitting the county. The approach taken in the proposed plan is to draw one clearly performing district and one that is not. Another approach is to split the Hispanic population exactly in half, resulting in two districts that are slightly at or under 50% SSVR, though neither will likely reliably perform as Hispanic districts of choice. A final approach is to see if by splitting county lines in the area, the second Hispanic district could be preserved. This approach should be further investigated though it runs the risk of violating state law and requiring other county lines to be split, and should be pursued only if it would clearly contribute to total Hispanic voting strength statewide.

Dist 35.--As drawn 2001 51.5 SSRV; current 55.4 SSRV; proposed 52.7 SSRV.
This district drew an objection from DOJ for having its SSVR lowered from 55.6% to 50.2% and pairing an Anglo and Hispanic rep. in a district DOJ concluded favored the Anglo. The court remedy only increased the SSRV to 51.5 but drew the district as an open district that a Hispanic candidate could win. The proposed plan lowers the SSVR 2.5 points but has it higher than the court plan 10 years ago. Further election analysis should be performed on the district to measure the performance of the existing and proposed districts.

Dist 36--As drawn 2001 78.1 SSVR; current 80.8 SSVR; proposed 85.4 SSVR.
Dist 37--As drawn 2001 80.9 SSVR; current 80.1 SSVR; proposed 78.5 SSVR.
Dist 38--As drawn 2001 73.4 SSVR; current 76.1 SSVR; proposed 75.0 SSVR.
Dist 39--As drawn 2001 76.9 SSVR; current 81.4 SSVR; proposed 82.0 SSVR.
Dist 40--As drawn 2001 86.1 SSVR; current 86.5 SSVR; proposed 62.9 SSVR.
Dist 41--As drawn 2001 60.5 SSVR; current 68.7 SSVR; proposed 86.3 SSVR.

In 2001 a Cameron County district drew an objection from DOJ for lowering the SSVR in Dist 38 from 70% to 60%. In the proposed plan the Cameron County districts appear to not be retrogressive, while the Hidalgo County districts are more problematic. In particular District 40 takes a significant dive in SSVR from its current level. The significant reworking of the district lines in Hidalgo County means that new District 40 is likely more comparable to old District 41, but even here the SSVR drops by almost 6 points. With all adjoining districts having substantially higher SSVR there is a significant risk that DOJ will conclude that the change in Dist. 40 is retrogressive with regard to Hispanic voters through packing of Hispanics in the other districts. The safer approach would be to restore Dist. 40's SSVR to the previous low SSVR for a district in Hidalgo County which was 68.7%.

Dist. 42--As drawn 2001 85.3 SSVR; current 84.5 SSVR; proposed 85.6 SSVR.

No retrogression issues identified.

Dist. 43--As drawn 2001 67.2 SSVR; current 70.2 SSVR; proposed 71.7 SSVR.

No retrogression issues identified.

Dist. 46--As drawn 2001 27.1/26.1 B/BVAP; current 21.4/21.3 B/BVAP; proposed 22.1/21.7 B/BVAP.

District 46 has historically been a Black district since single member districts came to Travis County. Whether this district still constitutes a performing Black district with a Black population in the low 20 percent range is questionable. However, the proposed plan slightly increases the percentages and as such is not retrogressive as to this district.

Dist. 51--As drawn 2001 41.4 SSVR; current 38.7 SSVR; proposed 36.2 SSVR.

Even though Travis County probably has one of the lower instances of racially polarized voting in the state, the drop in the SSVR in District 51 seems to present a needless risk for retrogression that might be avoided by some simple precinct swapping.
Dist 74--As drawn 2001 54.0 SSVR; current 56.7 SSVR; proposed 66.1 SSVR.

No retrogression issues identified.

Dist 75--As drawn 2001 72.2 SSVR; current 75.6 SSVR; proposed 81.0 SSVR.
Dist 76--As drawn 2001 84.0 SSVR; current 84.1 SSVR; proposed 80.7 SSVR.
Dist 77--As drawn 2001 72.3 SSVR; current 72.6 SSVR; proposed 67.2 SSVR.
Dist 78--As drawn 2001 39.6 SSVR; current 47.1 SSVR; proposed 45.8 SSVR.
Dist 79--As drawn 2001 58.0 SSVR; current 64.6 SSVR; proposed 69.0 SSVR.

While most of El Paso County does not appear to have retrogression issues, the slight decrease in SSVR in District 78 does present some level of risk of retrogression that likely could easily be remedied by swapping some precincts with an adjoining district. Section 5 analysis frequently focuses in the differences in minority voting strength in adjacent districts.

Dist 80--As drawn 2001 68.2 SSVR; current 69.2 SSVR; proposed 77.9 SSVR.

No retrogression issues identified.

Dist 90--As drawn 2001 39.1 SSVR; current 45.0 SSVR; proposed 40.0 SSVR.

While current District 90 is short people and that likely accounts for most of the drop in SSVR, further consideration should be given to see whether the level of SSVR in the proposed plan can be raised to come closer to the level in the current plan.

Dist 95--As drawn 2001 51.1/48.8 B/BVAP; current 45.1/45.6 B/BVAP; proposed 45.8/46.1 B/BVAP.

No retrogression issues identified.

Dist. 103--As drawn 2001 33.1 SSVR; current 38.0 SSVR; proposed 33.8 SSVR.
Dist. 104--As drawn 2001 46.7 SSVR; current 56.7 SSVR; proposed 45.6 SSVR.

These two Hispanic districts in Dallas County both present retrogression issues. While both are significantly short people (more than 86,000 combined), no new Hispanic districts are being added in Dallas County, and the overall percentage increase in the Hispanic population in Dallas County makes the declines in SSVR especially difficult to justify. While it can be argued that District 104 will likely perform at 45.6 SSVR since this is similar to the performing level it was drawn at in 2001, no similar argument exists for the reduction in District 103. Accordingly, at a minimum, the decline in SSVR in District 103 should be remedied. Consideration should also be given to keeping District 104 over the 50 % SSVR threshold if this can be done.

Dist. 100--As drawn 2001 45.5/44.4 B/BVAP; current 38.9/40.3 B/BVAP; proposed 36.9/37.8 B/BVAP.
Dist. 109--As drawn 2001 52.6/50.5 B/BVAP; current 65.5/63.9 B/BVAP; proposed 62.5/61.1 B/BVAP.
Dist. 110--As drawn 2001 48.0/48.5 B/BVAP; current 39.4/42.2 B/BVAP; proposed 36.5/38.7 B/BVAP.
Dist. 111--As drawn 2001 51.9/50.2 B/BVAP; current 48.2/49.1 B/BVAP; proposed 51.2/51.0 B/BVAP.

The Black population in Dallas County is moving to the south and West and out of the inner city. This is reflected in the disparities in the Black populations in the current districts between the two more northerly ones (100 and 110) and the two southern ones (109 and 111). This effect is enhanced by the proposed plan and presents clear retrogression issues. With the Black percentage in District 109 sitting at 62.1% in the proposed plan, it is likely that the levels of Black populations in District 100 and 110 can be restored significantly closer to their current levels without endangering the viability of District 109 or District 111 as performing Black districts. Additional leveling out of the Black populations could occur, but likely would not be required for preclearance under Section 5.

Dist. 116--As drawn 2001 55.2 SSVR; current 55.7 SSVR; proposed 50.5 SSVR.
Dist. 117--As drawn 2001 56.1 SSVR; current 50.3 SSVR; proposed 50.1 SSVR.
Dist. 118--As drawn 2001 55.3 SSVR; current 54.5 SSVR; proposed 59.4 SSVR.
Dist. 119--As drawn 2001 55.6 SSVR; current 56.3 SSVR; proposed 50.9 SSVR.
Dist. 123--As drawn 2001 56.3 SSVR; current 57.6 SSVR; proposed 53.9 SSVR.
Dist. 124--As drawn 2001 55.5 SSVR; current 55.1 SSVR; proposed 53.8 SSVR.
Dist. 125--As drawn 2001 56.2 SSVR; current 55.6 SSVR; proposed 58.7 SSVR.

Bexar County's seven Hispanic districts may constitute one of the most challenging balances of population in order to avoid retrogression. In 2001, the state proposed eliminating one of these districts because of the loss of a district in the county but preclearance was denied for this proposal by DOJ. In its fix, the court chose to draw seven Hispanic districts each with an SSVR of 55%. In the decade since the court drew its plan, six of the districts have remained at the level of SSVR at which they were drawn, and one (District 117) has diminished to just above 50% SSVR. Bexar County as a whole has remained relatively constant in SSVR over the decade going from 42.4% to 43.1%. Despite this near constant level of SSVR, it is possible that Hispanic voters have become more dispersed across the county making Hispanic districts more difficult to draw. Five of the seven districts are short people necessitating a move of districts to the north and west. The proposed plan raises retrogression questions as to the significant declines in Districts 116 and 119. These declines seem inexplicable in light of the raises in the SSVR levels in adjacent Districts 118 and 125. The declines in SSVR in Districts 123 and 124 seem to be only of minor concern. The most prudent approach would be to eliminate the increases in SSVR in Districts 118 and 125, and restore as much of the declines as possible starting with Districts 116 and 119.

Dist 120--As drawn 2001 31.3/30.8 B/BVAP, 29.2 SSVR; current 28.8/28.1 B/BVAP, 33.2 SSVR; proposed 27.8/26.8 B/BVAP; 29.4 SSVR.
Similar to District 46 in Travis County, District 120 is a historic Black district that has not seen its Black population grow over the years. Its Black population is now below 30%. Assuming it would still be covered by Section 5, there do not seem to be any retrogression issues with regards to its Black population in the proposed plan as there are no significant areas of nearby Black populations that can be included. While District 120's SSVR declines by a few points, this is not at a level at which the district is yet a viable Hispanic district and the adjacent Hispanic districts are in need of Hispanic populations to keep their performance up.

Dist. 139--As drawn 2001 52.1/51.4 B/BVAP; current 45.9/47.2 B/BVAP; proposed 47.9/47.7 B/BVAP.
Dist. 141--As drawn 2001 46.2/45.5 B/BVAP; current 41.6/42.8 B/BVAP; proposed 46.3/47.6 B/BVAP.
Dist. 142--As drawn 2001 50.1/50.7 B/BVAP; current 40.8/42.7 B/BVAP; proposed 43.3/45.2 B/BVAP.
Dist. 146--As drawn 2001 52.1/49.9 B/BVAP; current 48.3/47.1 B/BVAP; proposed 45.5/44.9 B/BVAP.
Dist. 147--As drawn 2001 48.1/47.5 B/BVAP; current 38.9/39.2 B/BVAP; proposed 35.6/36.5 B/BVAP.

While most of the performing Black districts in Harris County do not appear to have retrogression issues, the decline in District 147 in the proposed plan may be a problem. While three of the other Black districts (139, 141, 142) see increases in their Black populations over their current levels, the Black district with the lowest percentage of Black population (147) sees a decrease. This would appear to be a potentially retrogression issue. The solution would be to increase the Black percentage in District 147 so that it does not decline from current levels.

Dist. 140--As drawn 2001 44.1 SSVR; current 57.9 SSVR; proposed 52.1 SSVR.
Dist. 143--As drawn 2001 54.5 SSVR; current 64.8 SSVR; proposed 51.8 SSVR.
Dist. 145--As drawn 2001 57.0 SSVR; current 65.2 SSVR; proposed 63.1 SSVR.
Dist. 148--As drawn 2001 43.4 SSVR; current 39.4 SSVR; proposed 34.2 SSVR.

Of the four performing Hispanic district in Harris County, three appear to be in pretty good shape in the proposed plan. Only District 148 is dropping in its level of SSVR. Unfortunately this district is the lowest in SSVR already so there is a possible retrogression issue with District 148. Given that there is a sizable cushion in adjacent District 145 over 50% SSVR, it should be possible to restore District 148 to its current level of SSVR.

Dist. 137--As drawn 2001 18.6 SSVR; current 22.0 SSVR; proposed 23.8 SSVR.

When examining the overall current Hispanic population percentage (63.8) or even the HVAP (59.8) one might assume that District 137 is an effective Hispanic district. However because of the high number of non-citizens in the district, the SSVR is in the low 20's and as such this is not currently a performing Hispanic district. In any event the SSVR increases so there is little possibility of retrogression with this district.
Dist. 149--As drawn 2001 20.5/17.8 B/BVAP, 20.0/20.6 Other/Other VAP, 12.1 SSVR; current 24.8/22.9 B/BVAP, 19.8/21.1 Other/Other VAP, 15.6 SSVR; proposed eliminated.

This multiethnic district in Harris County is eliminated. The "other" population is primarily Asian but represents different ethnic groups. If it can be determined that the district was a true minority coalition district, there could be a retrogression issue in its elimination but this would be a novel retrogression theory to apply where no single racial or ethnic group has more than a quarter of the VAP of the district.