Exhibit 1 to Davis Intervenors’ Opposition to Plaintiff State of Texas’ Motion for Summary Judgment

2001 State of Texas Submission for State Senate Preclearance (Excerpts) (August 15, 2001)
28 CFR 51.27 (m) and (n)
Voting Rights Analysis
Legislative Redistricting Board
Of Texas

Voting Rights Act Considerations of the
Plans Adopted July 25, 2001 to Redistrict the
Texas House of Representatives and the Texas Senate

Submitted in Response to 28 C.F.R. Part 51, Section 51.27 (m) and (n)

August 15, 2001
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I. Introduction

The purposes of this narrative are to describe the process followed by the State of Texas in reapportioning state house of representatives and state senate districts following publication of the 2000 federal decennial census and to describe the anticipated effects of the reapportioned districts on racial and language minority groups protected under the United States Voting Rights Act. This narrative is specifically intended to address these issues for purposes of Section 5 of the Voting Rights Act, 42 U.S.C. Sec. 1973c. All other information required by 28 C.F.R. Part 51 is included within the full submission being prepared by the Secretary of State of Texas.¹

II. Authority of the Legislative Redistricting Board of Texas

The state legislative districts being submitted by the State of Texas for consideration under Section 5 of the Voting Rights Act were developed and enacted by the Legislative Redistricting Board of Texas (LRB). This Board exists by virtue of Article III, Section 28 of the Texas Constitution, which provides in relevant part:

The Legislature shall, at its first regular session after publication of each United States decennial census, apportion the state into senatorial and representative districts . . . . In the event the Legislature shall . . . . fail to make such apportionment, same shall be done by the Legislative Redistricting Board of Texas, which is hereby created, and shall be composed of five (5) members: The Lieutenant Governor, the Speaker of the House of Representatives, the Attorney General, the Comptroller of Public Accounts and the Commissioner of the General Land Office, a majority of whom shall constitute a quorum. Said Board shall assemble in the City of Austin within ninety (90) days after final adjournment of such regular session. The Board shall, within sixty (60) days after assembling, apportion the state . . . . as the failure of action by such Legislature may make necessary . . . . The Supreme Court of Texas shall have jurisdiction to compel such Commission to perform its duties . . . .

The LRB does not have jurisdiction to redraw congressional districts or State Board of Education districts.

The authority of the LRB to apportion the house of representatives and senate districts has been explained by the Texas Supreme Court as follows:

The manner in which the Board apportions the state into new districts is entirely within the judgment and discretion of the Board, so long as it acts within the limitations imposed by the Constitutions of the State of Texas and of the United States.

Mauzy v. Texas Legislative Redistricting Board, 471 S.W. 2d 570, 575 (Tex. 1971).

¹ This narrative is intended as particularly responsive to items (m) and (n) of 28 C.F.R. Section 51.27, required contents.
The reapportionment plans adopted by the LRB for election districts in the House of Representatives and Senate of Texas are in compliance with all applicable state and federal laws and were not enacted for the purpose or with the effect of denying or abridging the right to vote in violation of Section 5 of the Voting Rights Act.

III. The Reapportionment Process

The Legislature of the State of Texas convened in regular session on January 9, 2001. The Legislature adjourned on May 27, 2001 without enacting any legislation apportioning state house of representatives or senate districts. Pursuant to Article III, Section 28 of the Texas Constitution, the Legislative Redistricting Board convened on June 6, 2001. At this first organizational meeting, the members of the LRB elected Attorney General John Cornyn as chairman. The Board conducted the following meetings and hearings:

- June 6\textsuperscript{th} Organizational Meeting
- June 18\textsuperscript{th} Public Hearing
- June 26\textsuperscript{th} Public Hearing for Members of the Legislature
- July 10\textsuperscript{th} Initial Proposed Plans Presented by LRB Members
- July 16\textsuperscript{th} Public Hearing on Proposed Plans
- July 24\textsuperscript{th} Public Hearing on Proposed Amendments and Adoption of Reapportionment Plans

Court reporter transcripts for each meeting and hearing are included within the submission.

Proper notice for all meetings and hearings was provided in compliance with state law. In addition, notice of public hearings was specially mailed to over 700 individuals or groups that had testified previously during legislative hearings on redistricting or testified at the LRB public hearings. Copies of relevant public notices are included within the submission. Information regarding the LRB and its proceedings was available on the Board’s website \url{www.lrb.state.tx.us}. The LRB and its members could be contacted directly through this website.

All proposed plans and amendments proposed to those plans were posted on the Texas Legislative Council’s RedViewer website immediately after being developed and were readily available to interested persons and groups. The RedViewer was linked to the LRB website. In addition, maps of and demographic data for the primary proposed plans were available at the LRB meetings and hearings. A total of 186 witnesses testified before the LRB, including 23 on July 24\textsuperscript{th} before the LRB Plans were adopted. Additional information regarding the opportunity for public input to the redistricting process is included within the submission itself.

\footnote{The members of the Legislative Redistricting Board in 2001 are Lieutenant Governor Bill Ratliff, Speaker of the House of Representatives Pete Laney, Attorney General John Cornyn, Comptroller of Public Accounts Carole Keeton Rylander, and Commissioner of the General Land Office David Dewhurst.}
This result reflects a lack of partisan cohesion among Hispanic voters and is an unlikely basis upon which to consider either District 38 or District 41 to be violative of the Voting Rights Act. 59

Three Hispanic incumbents are paired in South Texas as a result of districts drawn in the LRB House Plan. No adverse effect is expected on the ability of Hispanic voters to elect a candidate of their choice. Two Hispanic incumbents who reside in adjacent election precincts within the City of McAllen in Hidalgo County are paired in District 41. 60 Adjacent District 40 has no incumbent. District 40 has 91.5% Hispanic VAP. All state representative districts within Hidalgo County are overwhelmingly Hispanic and provide an opportunity for Hispanic voters to elect the person of their choice. Further north, Representative Salinas from Duval County is paired in District 35 with Anglo Democrat incumbent Hawley from San Patricio County. The District is 52.1% Hispanic VAP (50.2% Spanish surname registered voters) and should afford Hispanic voters the opportunity to elect a candidate of choice.

Five seats in the Texas House of Representatives were apportioned to El Paso County in 1991. 61 The county remains entitled to five seats according to the 2000 federal census. The LRB House Plan apportions five districts to El Paso County. 62 The districts in the LRB House Plan are the districts agreed upon by the members of the El Paso County delegation in the house of representatives. The racial and ethnic make-up of the districts in the LRB House Plan remains essentially unchanged from the existing districts. District 75, 76, 77 and 79 remain overwhelmingly Hispanic. Existing District 78 is only 45.43% Hispanic VAP. In the LRB House Plan, District 78 is increased to 53.21% Hispanic VAP.

V. Texas Senate Districts

A. Criteria For Apportioning the Senate

At its organizational meeting on June 6, 2001, the LRB adopted criteria for use by LRB members in developing plans for reapportioning the 31 districts of the Texas Senate. These written criteria are attached as Appendix B to this narrative.

60 As indicated above, District 41 is 69.6% Hispanic VAP.
61 Districts 75 – 79. See Appendix D.
62 Districts 75 – 79. See Appendix E.
The LRB Senate Plan as enacted\(^{63}\) is based on whole voting tabulation districts (VTDs) as representing the county election precincts of this state. Only seven VTDs are split statewide by the adopted plan.

The LRB recognized the preservation of the core of existing districts and member-constituent relations as legitimate concerns. However, the adopted LRB plan places less emphasis on avoidance of the pairing of incumbents than on fairly drawn districts that recognize communities of interest and other valid redistricting criteria. Two incumbents are paired in District 16. One senate district (District 2) is without an incumbent. Another senate district (District 30) currently is vacant after the recent death of the office-holder.

The LRB plan contains fairly designed districts based on objective criteria, such as election precincts, city limit boundaries, county boundaries and, where appropriate, city and natural boundaries, such as rivers. As a result, the LRB Senate Plan splits only 14 counties compared to 33 counties split in the existing plan. Generally the districts in the LRB Senate Plan are regular and compact in shape. An exception is District 17, which stretches from Harris County along the coast to Jefferson County. District 17 is not based on racial considerations and has no significant effect on minority voters.

B. The Anticipated Effect Statewide

The relevant demographics for the Texas Senate districts in the LRB Senate Plan are attached as Appendix H (Existing Districts) and Appendix I (LRB Plan). More complete data is included within the submission.

The adopted plan for reapportioning the Texas Senate has a total maximum population deviation of 9.71%. By comparison, the existing senate districts now have a population deviation of 43.50% according to the 2000 census.

On a statewide basis the LRB Senate Plan avoids retrogression of minority voting rights in violation of Section 5 of the Voting Rights Act. Based on state senate districts with predominately Black or Hispanic VAP, the Plan shows the following:

\(^{63}\) The official designation of the adopted plan by the Texas Legislative Council is Plan 1188S. For purposes of this narrative, the adopted plan will be referred to herein as the LRB Senate Plan. Opponents of the LRB Senate Plan are likely to urge that the basic Plan (1165S) under consideration on July 24\(^{th}\) was amended substantially before final adoption. There were two amendments adopted. One (1179S) was described by Attorney General Cornyn as a "legally superior" drawing of senate districts in Tarrant County from those present in Plan 1145S. The Cornyn amendment changed districts in Tarrant County to avoid fragmenting the significant insular minority community in that County. The other amendment (1185S) was offered by LRB member Rylander to change districts in South and West Texas. This amendment earlier had been part of Rylander’s statewide plan that had been posted on the LRB website. The change in South Texas was in direct response to testimony from residents of Hidalgo County urging creation of a senate district that included most of Hidalgo County in it. None of the changes in Ms. Rylander’s amendment has any adverse effect on Hispanic voting strength in the affected districts.
<table>
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<tr>
<th>Districts with 50% or greater Hispanic VAP</th>
<th>Existing 7</th>
<th>LRB House Plan 7</th>
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<tbody>
<tr>
<td>Districts with 40% or greater Black VAP</td>
<td>2</td>
<td>2 (Including one with 39.9% Black VAP)</td>
</tr>
</tbody>
</table>

Neither Hispanic voting strength nor Black voting strength is reduced statewide.

As with existing minority house districts, all existing predominately Black or Hispanic senate districts within the urban counties are significantly underpopulated according to the 2000 census. To equalize population and avoid retrogression in these districts, minority population must be drawn from nearby districts.

Moreover, increased dispersion of Black and Hispanic inhabitants within the state and within counties of the state further complicates the process of drawing districts that have a majority of Black or Hispanic voters. Insufficient Black VAP exists within Dallas County to create a majority Black VAP senate district, therefore, although Senate District 23 contains essentially all of the insular Black community in Dallas County, it ends up with only 39.9% Black VAP. The very low Spanish surname registered voter percentages in Dallas and Harris Counties also affect both the ability to maintain the existing Hispanic majority district in Harris County and to create any other majority Hispanic citizen VAP district elsewhere in the urban areas of the state.

Nevertheless, the LRB Senate Plan contains fairly designed districts that avoid retrogression while also resulting in approximately proportionate representation for Black and Hispanic citizen population.

The LRB Senate Plan also generally avoids unnecessarily fragmenting significant Black or Hispanic insular communities even when such communities are not large enough to constitute a voting majority of a senate district. As a result, at least Districts 14, 15, 9 and 10 contain significant minority communities that essentially are kept intact within these districts. The voting strength of these minority communities in the future will depend on the cohesion within and between Black and Hispanic voters and the ability of such voters to form coalitions with other racial or ethnic groups in support of their preferred candidates.

**Effect on Black Citizens.** The LRB Senate Plan fairly designs senate districts such that the existing predominately Black districts are maintained in Dallas County and Harris County despite the significant underpopulation of the existing districts. The effect of the LRB Senate Plan is to avoid retrogression while also resulting in approximately

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64 The predominately Black Districts are District 13 (-10.64%) and District 23 (-12.21%). The majority Hispanic district in Harris County is District 6 (-14.27%). See Appendix H.
proportionate representation for Black citizens on a regional and statewide basis. For example, Dallas County is entitled to 3.3 senate districts based on a total population of 2,218,899 inhabitants and an ideal senate district population of 672,639 persons. One of those 3.3 districts (i.e. 30.3%) is the predominately Black VAP District 23 even though Black VAP is only 19.5% of the county total. Similarly, one (District 13) of the Harris County entitlement of 5.05 districts is predominately Black VAP. This represents 20% of the senate districts even though Black VAP is only 18.1% of the county total. On a statewide basis, the two predominately Black senate districts constitute only 6.5% of the seats in the Texas Senate compared to Black VAP of 11.3% statewide. However, no insular community of Black voters exists outside of these two counties that is sufficiently large that it could constitute the dominant racial group in a senate district.

**Effect on Hispanic Citizens.** The LRB Senate Plan also avoids retrogression in Hispanic majority districts by maintaining the existing seven majority Hispanic VAP districts despite needing to overcome the fact that most of these existing Hispanic majority senate districts are significantly underpopulated. The LRB Senate Plan's fairly designed districts result in representation that is approximately proportionate for Hispanic citizens on a regional and statewide basis.

The area of Texas encompassing South and Southwest Texas and El Paso and Bexar Counties is entitled to 6.2 senate districts. Although Hispanic VAP is only 65.2% of the total in this area, with Spanish surname registered voters totaling only 56.9% of the registered voters in this area, Hispanic VAP majorities dominate six (93.75%) full senate districts.

In addition, District 6 in Harris County is maintained with 66.1% Hispanic VAP. Hispanic voters therefore dominate one (19.8%) of the 5.05 senate districts to which Harris County is entitled. By comparison, Hispanic VAP is 29.6% of the Harris County total, but Spanish surname voters constitute only 14.9% of the registered voters in the county. The percentage of Hispanic citizen VAP in Harris County is likely to be nearer to 15% than to 29%.

65 The majority Hispanic senate districts are District 6 (-14.27%), District 19 (-15.99%), District 20 (-5.99%), District 21 (+.65%), District 26 (-14.16%), District 27 (+5.40%), and District 29 (-14.27%). Four of the five most underpopulated existing senate districts in the state are ones with Hispanic majorities. The total underpopulation of these existing districts is 394,724 persons, or 58.7% of the population of an ideal senate district. See Appendix H.

66 This is the area encompassing all of the counties within senate districts 19, 20, 21, 26, 27 and 29, as well as the remaining portion (298,603 persons) of Bexar County that makes-up approximately 44% of District 25.

67 Id.

68 Id. The total of Spanish surname registered voters in the area is approximately 1,135,990 of a total of 2,008,175 registered voters.

69 District 6 at present is represented by Senator Mario Gallegos. The existing percentage of Spanish surname registered voters is 46.4%. The LRB Senate Plan maintains District 6 at 46.3%.

70 In 1990 only approximately 59.6% of Hispanic voting age persons in Harris County were citizens eligible to register and to vote. If this is true for 2000, only approximately 17.5 – 19% of citizen voting age population
In addition to the seven majority Hispanic VAP districts, Senate District 14 has historically elected an Hispanic senator despite only 27.1% Hispanic VAP. The Hispanic VAP percentage in District 14 under the LRB Senate Plan is 29.1% Hispanic VAP. As a result, considered statewide, eight (25.8%) of the senate districts in the LRB Senate Plan either have a majority Hispanic VAP or are districts in which Hispanic candidates for senator historically have won election as the candidate of choice of the District’s Hispanic voters. This compares favorably to the percentage of Hispanic VAP (28.6%) and the percentage of Spanish surname registered voters (19.5%) statewide. The percentage of Hispanic citizen voting age population statewide is likely to be nearer to 22% than to 28%. Therefore, the Senate LRB Plan results in more than proportionate representation for Hispanic citizens on a regional and statewide basis.

Proposals were received for the creation of a majority Hispanic VAP senate district in Dallas County. After review, it was found that this proposed district would have a detrimental impact on existing predominately Black District 23 without producing a senate district in which Hispanic voters could constitute the dominate racial or ethnic group. Therefore the district is not included within the LRB Senate Plan. Proposals also were received to draw districts extending from far South Texas into West, Central and Eastern Texas to create one additional senate district with a majority of Hispanic VAP. Although the LRB tried to fairly draw districts in compliance with the Voting Rights Act, it determined that it was not mandated by law to draw these districts designed to maximize Hispanic voting strength, particularly when such districts were contrary to traditional districting criteria and when the LRB Senate Plan already achieved roughly proportional representation for Hispanic citizens on a regional and statewide basis.

VI.
Conclusion

The LRB House and Senate Plans do not have the effect of worsening the position of racial or ethnic minority voters with respect to their effective exercise of the electoral franchise in violation of Section 5 of the Voting Rights Act. Moreover, the Plans result in

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71 In 1990, only approximately 76.7% of the Hispanic voting age inhabitants of Texas were citizens eligible to register and to vote in Texas. Although the specific percentage is not yet known for 2000, many factors, including low Spanish surname voter registration in relation to Hispanic voting age population, indicate that a significant percentage of Hispanic inhabitants statewide are not citizens of the United States. If the 76.7% figure is applicable in 2000, Hispanic citizen voting age population statewide is approximately 21.9-23%.

72 The seven majority Hispanic VAP districts alone (without including District 14) constitute 11.5% of this state's 31 senate districts.

73 The plans were submitted during the LRB process by State Representative Domingo Garcia and the Mexican American Legal Defense and Education Fund (MALDEF). The plans were very similar; perhaps the same.

74 The proposed plans produced districts with less than 25% Spanish surname registered voters.

75 These plans were received from MALDEF. The statewide plan proposed to maximize Hispanic voting strength by creating the maximum number of senate districts with a majority of Hispanic voters.
approximately proportional representation of Black and Hispanic citizen voting age population statewide and in all counties with substantial minority population.

The LRB House Plan contains 34 house districts with a majority of Hispanic voting age population as compared to 31 existing districts. The number of Hispanic elected representatives in the Texas House of Representatives will almost certainly increase as a result of elections from these new districts in 2002. A reapportionment plan that enhances the position of a racial or ethnic minority with respect to their effective exercise of the electoral franchise cannot violate Section 5 of the Voting Rights Act. Moreover, the 34 majority Hispanic VAP districts constitute 22.67% of the seats in the Texas House of Representatives. Although this percentage is less than Hispanic VAP (28.62%) statewide, it significantly exceeds the percentage of Spanish surname registered voters (19.51%) statewide and probably exceeds the percentage of Hispanic citizen VAP in the state.

The LRB House Plan contains 12 districts with over 44% Black VAP, with seven of those districts having above 50% Black VAP (including one with 49.9% Black VAP). This is the same number of predominately Black districts existing in Texas today. These 12 districts represent 22.7% of the house seats in the four counties in which they exist and far exceed the 14.3% that Black VAP makes up of the total VAP in those counties. In two additional counties, existing districts that have elected Black representatives in the past have essentially been kept intact to afford Black voters an opportunity to continue to form successful coalitions and to elect the candidate of their choice in those counties. As a result, it is likely that at least 14 Black representatives will be elected to the Texas House of

76 At present there are 28 Hispanic state representatives. Although six Hispanic incumbents are paired statewide in four districts (Districts 41, 35, 116 and 143) in the LRB House Plan, all four districts are predominately Hispanic and are districts in which Hispanic voters have the opportunity to elect the candidate of their choice. See Appendix E. In addition at least Districts 31, 40, 51, 80 and 137 in the LRB House Plan now have Hispanic VAP or Spanish surname registered voter majorities and no incumbent. See Appendix E.

77 Beer v. United States, 425 U.S. 130, 141 (1976). Opponents of the LRB House Plan are likely to argue that the LRB House Plan reduces the number of state house of representative districts with Spanish surname registered voter majorities from 27 to 26 districts. As explained above under Dallas County, this decrease in the number of Spanish surname registered voter majority districts is attributable to the reduction of the percentage of Spanish surname registered voters in District 104 from 54.6% to 46.7% in order to increase the percentage of Spanish surname registered voters in District 103 from 22.5% to 33.1%. This approach originated in proposals submitted by state representative Domingo Garcia (the incumbent in District 104) and the Mexican-American Legal Defense and Education Fund. Hispanic voters in District 104 remain able to elect candidates of their choice by controlling the outcome in the Democratic primary and prevailing along with other Democratic voters in the general election. The increased percentage of Spanish surname registered voters in District 103 under the LRB House Plan hastens the possibility of similar Hispanic voter success in District 103. This change enhances, not worsens Hispanic voting strength. Moreover, 26 districts with a majority of Spanish surname registered voters is roughly proportionate (17.3%) to the percentage (19.51%) of Spanish surnames registered voters statewide.

78 Hispanic citizen voting age population in 1990 was 76.7% of Hispanic voting age population. If this percentage applies in 2000, Hispanic citizen voting age population is 21.9-23% of citizen voting age population statewide.

79 The counties are Dallas, Harris, Tarrant and Jefferson.

80 These two counties are Travis and Bexar.
Representatives in 2002. This number represents approximately 9.33% of the total seats in the house of representatives as compared to Black VAP statewide of 11.3%. 81 Therefore, despite the wide dispersion of this state’s Black inhabitants throughout this state’s 254 counties, the LRB House Plan results in approximately proportionate representation for Black citizens in the Texas House of Representatives.

The essential dispute over the LRB Plans is a partisan one. Nevertheless, proponents of Plan 1232H attempt to frame the dispute as one affecting minority voting rights under the Voting Rights Act by urging that the State of Texas is affirmatively required to configure its house districts so as to strategically spread Black and Hispanic VAP among districts within the urban counties to create "minority impact districts." The elongated and oddly shaped state representative districts in Dallas and Harris Counties demonstrate a creative attempt in Plan 1232H to achieve this goal. In actuality, Plan 1232H has much more to do with designing districts considered safe for Anglo Democratic incumbents than with protecting the right of racial or ethnic minority voters to exercise their electoral franchise. Moreover, in order to achieve these "impact" districts, Plan 1232H must substantially reduce Black VAP in the predominately Black districts in these counties. 82 Such a significant reduction in Black VAP causes a worsening of the ability of Black voters now and in the future to continue to elect the candidate of their choice in such districts.

Plan 1232H’s strategy of creatively spreading Black and Hispanic voters among multiple districts within the urban counties for the advantage of Anglo incumbents may be constitutional. It is not, however, required by the Voting Rights Act, particularly when minority voters already constitute the dominant voting group in sufficient districts within these counties for roughly proportionate representation. Whether to selectively include Black and Hispanic voting age population in additional urban county districts as a proxy for reliably Democratic voters with the anticipation that those minority voters will cast a ballot for Anglo Democratic incumbents is purely a matter of partisan politics. 83 The LRB House Plan contains fairly designed districts in this state’s urban counties that avoid any worsening in minority voting strength and that result in the representation of Black and Hispanic

81 The remaining 626,036 Black voting age inhabitants of Texas are widely dispersed throughout the other 248 counties of this state and do not constitute compact insular communities capable of forming a majority in any state house district.

82 Black state representative Coleman testified before the LRB in favor of the lowered Black VAP percentages in Plan 1232H on the basis that the Black incumbents in these districts could win reelection at the lowered Black VAP percentages. The LRB was not persuaded that such a precipitous drop in the percentage of Black VAP was wise or that the appropriate measure under the Voting Rights Act is the probable success or failure at this time of a particular minority incumbent.

83 In its recent decision in Hunt v. Cromartie, 121 S.Ct 1452 (2001), the United States Supreme Court recognized that circumstances exist where "racial identification correlates highly with political affiliation." Id. at 1466. So long as this occurs, decisions that are primarily political can appear to be based on race. This is the case with Plan 1232H in which "reliably Democratic" minority voters (Id. at 1463) are spread strategically among house of representative districts so as to maximize the number of districts likely to elect Democratic candidates. The Voting Rights Act was never intended to mandate such action, or to mandate the retention of such districts. The decision whether to create or not to create such districts is a matter of legislative discretion and politics, not race.
citizens roughly in proportion to their citizen voting age population. No such plan can be violative of the Voting Rights Act.

The LRB Senate Plan fairly designs senate districts so as to maintain two predominately Black VAP and seven predominately Hispanic VAP districts. The Plan further avoids unnecessarily fragmenting large insular minority communities even if those communities are not sufficiently large to constitute a majority in a senate district. The LRB Senate Plan results in approximately proportionate representation for Black and Hispanic citizens on a regional and statewide basis.

Neither LRB Plan has the purpose or the effect of denying or abridging the right of protected minority citizens in violation of Section 5 of the Voting Rights Act. The State of Texas requests preclearance of these statewide apportionment plans for the Texas House of Representatives and Texas Senate for use in the 2002 elections.
Redistricting Guidelines Texas Senate

Any Legislative Redistricting Board plan, or amendment to a plan, redrawing the boundaries of the election districts of the Texas Senate shall comply with the following guidelines:

**Equality in Population.** Senate election districts shall be approximately equal in population. The total maximum deviation in population of a redistricting plan must be less than 10% statewide.

**Use of County Election Precincts.** Senate district boundaries drawn within a county must be drawn on the basis of whole voting tabulation districts subject only to such exceptions as are deemed by the LRB to serve a public purpose.

**Contiguity.** Each senate district must consist of contiguous geography.

**Compactness.** Compactness is relative. Differences in size, shape, economic interests, diversity of population, number of inhabitants and other factors among Texas counties and among election precincts within Texas counties necessarily require significant variation in the shape and geographical size of senate districts statewide. Moreover, there is no single measure of compactness. The LRB is not required to adopt a specific redistricting plan because the districts in the plan are more compact or the boundaries are more regular in shape than in alternative plans.

**Preservation of the Core of Existing Districts.** Subject to applicable legal requirements, senate district boundaries may be drawn so as to preserve the core of existing districts as a means of maintaining voter continuity and minimizing voter confusion.

**Member - Constituent Relations.** Subject to applicable legal requirements, senate district boundaries may be drawn so as to maintain the relationship between members of the senate and their existing constituents.

**Communities of Interest.** Subject to applicable legal requirements, redistricting plans may be drawn in recognition of existing communities of interest. There are a virtually unlimited number of such communities of interest and no redistricting plan possibly can be drawn so as to recognize the boundaries of all such communities of interest. The importance of particular types of communities of interest may vary around the state according to local circumstances. Moreover, it is recognized that in some circumstances a particular community of interest may be better served by being split between two or more election districts rather than being wholly contained in one senate district.

**Section Five of the Voting Rights Act.** No redistricting plan may have the purpose or effect of worsening the position of racial or ethnic voters with respect to their effective exercise of the electoral franchise in violation of Section Five of the United States Voting Rights Act. The retrogressive purpose or effect of a redistricting plan shall be measured in comparison to a benchmark of the last legally enforceable distracting plan and as shown by the 2000 census. This comparison shall be based on minority voting strength in the benchmark plan and the proposed plan as a whole and in recognition, as applicable, of the presence and extent of racially polarized voting.
Fragmentation or Packing of Minority Voters. No redistricting plan shall fragment an insular minority community or pack minority voters in the presence of polarized voting so as to create liability under Section 2 of the United States Voting Rights Act. The potential of liability is to be ascertained in accordance with the guidelines of the United States Supreme Court in Thornberg v. Gingles, 478 U.S. 30 (1986), and its progeny cases.

Subordination of Traditional Districting Principles. Consciousness of race or ethnicity in the drawing of district boundaries does not alone subject a redistricting plan to strict scrutiny so long as the district boundaries do not subordinate traditional redistricting criteria to considerations of race or ethnicity. Only in the face of a strong basis in evidence for liability under federal law can race or ethnicity become the predominant factor in the drawing of district boundaries and then only as necessary to substantially address such potential liability in a plan that is narrowly tailored to address such potential liability.

Other Factors. Subject to applicable legal requirements, senate district boundaries may be drawn in recognition of other traditional redistricting criteria and of other factors considered by the LRB to be in the public interest.
Appendix H
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**Senate Districts**

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**RECOMMENDATION STATISTICS**

- **PLANNED POPULATION**: 200,851,820
- **TOTAL DISTRICTS REQUIRED**: 20
- **TOTAL POPULATION**: 200,851,820
Appendix I
<table>
<thead>
<tr>
<th>SENATE DISTRICTS</th>
<th>PLAN DEMOGRAPHIC ANALYSIS</th>
<th>PLAN ANALYSIS REPORTS SYSTEM</th>
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**PLAN S RANGE OF DEVIATION: ABSOLUTE = 65,350 9.71%**

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<th>RELATIVE</th>
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**ELECTION STATISTICS**

- **72.6%**
- **94.8%**
- **31**
- **20,851,820**
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<th>Voting Age Percent</th>
<th>Voting Age Population</th>
<th>Black Hispanic</th>
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