

16:00 1 Caucus.

2 A. I am.

3 Q. And that's a bipartisan committee?

4 A. It is.

5 Q. And the vote for C2333 was split on partisan lines?

6 A. Correct.

7 Q. So some members of MALC voted for the map?

8 A. That's correct.

9 Q. Were they censured?

10 A. No.

11 Q. Did you issue a letter of reprimand?

12 A. No.

13 Q. After you came back from quorum break this time for this

14 map, you asked Representative Hunter some questions on the

15 floor. Do you remember that?

16 A. I recall.

17 Q. And you started by expressing concern that the public

18 didn't have any reason to come testify because they wouldn't be

19 heard. Do you remember that?

20 A. I recall.

21 Q. Do you recall Representative Hunter mentioning that you

22 chose to walk out, you kept people away, and you kept work from

23 being done?

24 A. He said that to many members.

25 Q. You also asked Representative Hunter whether he did any

16:01 1 racially polarized voting analysis or reviewed whether voting  
2 is racially polarized before, during, or after the drawing of  
3 C2333. Do you remember that?

4 A. I do.

5 Q. And do you remember that he responded, "Representative, I'm  
6 going to give you the same answer that I gave in committees so  
7 I'm consistent. One, I worked with counsel just like your  
8 opposition groups are working with counsel, against this plan"?  
9 Do you remember that?

10 A. I realize he never knew what was -- what he was doing.

11 Q. That wasn't my question, Chair Romero. My question was, do  
12 you remember Representative Hunter saying, "Representative, I'm  
13 going to give you the answer I gave in committees so I'm  
14 consistent. One, I worked with counsel, just like your  
15 opposition groups are working with counsel, against this plan"?  
16 Do you remember that?

17 A. He's very consistent. Yes.

18 Q. Do you remember how he told you that his counsel checked  
19 everything legally, did everything analytically, and absolutely  
20 assured him that this bill is proper, proper form, and legal?

21 A. That was his claim.

22 Q. And you heard him state that he believes that his lawyers  
23 checked every box and every law when analyzing these maps?

24 A. That was his statement.

25 Q. And you heard him say, in response to a question from

16:02 1 Representative Gervin-Hawkins, that his objective in  
2 redistricting was to "use political performance to see if we  
3 could increase political performance in the State of Texas"?

4 A. I don't recall that question.

5 MS. THORBURN: Richard, could you please bring up  
6 State's Exhibit 1319, page 110?

7 Q. (BY MS. THORBURN) So this is Representative Hunter's  
8 response to a question from Representative Gervin-Hawkins. Do  
9 you see where he says, "The objective was to take all of those  
10 factors, use political performance, and see if we could  
11 increase the political performance in the State of Texas. My  
12 answer is now and it was then"? Do you see that?

13 A. I see it.

14 MS. THORBURN: I believe it's time for our afternoon  
15 break. We can take a break right here if you want, Your Honor?

16 JUDGE GUADERRAMA: Yes, ma'am. It's 4:02. Let's  
17 recess to 4:17. Be back at 4:17.

18 (Recess.)

19 JUDGE GUADERRAMA: Witness Chairman Romero on the  
20 witness stand. Ms. Thorburn, whenever you're ready. Yes,  
21 ma'am.

22 MS. THORBURN: Thank you, Your Honor.

23 Q. (BY MS. THORBURN) Chair Romero, I believe we were just  
24 talking about how the C2333 was passed on partisan lines,  
25 right?

16:19 1 A. Yes. Yes.

2 Q. And MALC is a bipartisan caucus?

3 A. Correct.

4 Q. And so members of MALC voted for C2333?

5 A. Correct.

6 Q. Are those members racist against Black and Brown people?

7 A. I could not say that for or against based upon one vote.

8 Q. You can't say, based on one vote for this bill, whether a

9 person is racist?

10 A. Not for the MALC members.

11 Q. On direct you testified that you wish that there had been

12 more public hearings, right?

13 A. That's what we would all want more of.

14 Q. And there were public hearings?

15 A. Without a map.

16 Q. There were public hearings, right?

17 A. There were public hearings without a map.

18 Q. You just would have preferred more public hearings?

19 A. I would have preferred for the public to know what they

20 were about to -- what was about to happen.

21 Q. Mr. Romero, I would really appreciate it if we could just

22 stick to answering the questions that I'm asking.

23 You would have preferred that there were more public

24 hearings, yes or no?

25 A. Yes.

16:21 1 Q. But there were public hearings, yes?  
2 A. Yes.  
3 Q. And public testimony was accepted, correct?  
4 A. Public testimony was neutral; not for or against.  
5 Q. The public was able to testify?  
6 A. Yes.  
7 Q. On direct you discussed with your counsel the difference  
8 between CVAP and SSVR. Do you remember that?  
9 A. Yes.  
10 Q. You went through a few different charts where it showed  
11 there were different levels of CVAP and SSVR?  
12 A. Correct.  
13 Q. You understand that CVAP is the Citizen Voting-Age  
14 Population?  
15 A. Yes.  
16 Q. SSVR, you understand that that's not Hispanic voters. It's  
17 Spanish Surname voters, correct?  
18 A. That's correct.  
19 Q. So just because there's an SSVR, that's not the equivalent  
20 of Hispanic CVAP?  
21 A. It's what a legislator like myself would use in determining  
22 my best universe for victory.  
23 Q. On direct you mentioned that CD33 brought Hispanic  
24 communities together?  
25 A. The current 33, yes.

16:22 1 Q. Yes, the current CD33, you testified that it brings  
2 Hispanic communities together?

3 A. Correct.

4 Q. And you really like the current CD33. You want it to  
5 remain the same?

6 A. I prefer it over the new 33.

7 Q. Because you're aware, as Chairman of MALC, that MALC  
8 challenged CD33 in this litigation just a couple of months ago?

9 MR. McCAFFITY: Objection, Your Honor. We challenged  
10 the lack of a Voting Rights District in the area, not CD33.

11 MS. THORBURN: Richard, could we please pull up the  
12 claims chart from this previous litigation of just a few months  
13 ago? Can we zoom in on the MALC portion in the DFW area?

14 Q. (BY MS. THORBURN) Failure to create additional Latino  
15 districts, CD33 is there, correct?

16 JUDGE GUADERRAMA: Just point him to which box.

17 MS. THORBURN: It is the third box down in the middle.  
18 MALC, three boxes down.

19 MR. McCAFFITY: I just want to object. I think it  
20 mischaracterizes the claim.

21 JUDGE GUADERRAMA: I'll note the objection.

22 A. I see in this chart on the third column down that 33 is  
23 listed along with 5, 6, 12, 24, 25, 30, 32.

24 Q. (BY MS. THORBURN) And that shows that MALC wanted another  
25 Hispanic district in DFW, right?

16:24 1 A. I don't -- I don't believe that that's our claim. That we  
2 wanted another? I don't believe that's...

3 Q. You don't believe --

4 A. What's to the left of this chart? I don't know if that has  
5 something to do with it as well. I haven't seen this chart.

6 Q. I understand.

7 MS. THORBURN: Richard, if you could zoom out just a  
8 bit so that -- yes.

9 Q. (BY MS. THORBURN) So this is the claims chart that was  
10 filed in this case showing each of the Plaintiffs' different  
11 claims for each of the different districts.

12 A. So this might have been, if you're maybe during the prior  
13 session, where we demonstrated that there could be additional  
14 Latino seats throughout all of the State of Texas, when we did  
15 demonstration maps in the previous maps. So, yes, we did.

16 The prior Chairman, Rafael Anchía, who testified here  
17 as well, that might have been a better question for him, to ask  
18 what his Demonstration Maps held. And I would assume that  
19 that's what this is from.

20 Q. So are you aware that the proposed Demonstration Map from  
21 MALC, just a few months ago, would have changed the CD33 that  
22 you so appreciate?

23 A. You're asking me, do I think that it could have changed had  
24 we created additional districts?

25 Q. I'm asking, are you aware that the Demonstration Map

16:25 1 proposed by MALC just a few months ago changes CD33?

2 A. Do you have a copy of that map that I could look at?

3 Q. If you're not aware, that's all right.

4 A. Okay. I'm not aware.

5 Q. You testified on direct that you thought it would be

6 difficult for Hispanics to elect their candidate of choice in

7 the new CD29. Is that right?

8 A. Yes.

9 Q. And that's in Houston?

10 A. Correct.

11 Q. And you also testified the same about the new CD33.

12 A. Correct.

13 Q. And when I say the "new CD33," I mean the one in C2133 -- I

14 mean 2333.

15 A. Yes, ma'am.

16 Q. Okay. Have you reviewed any of the expert reports in this

17 case?

18 A. I have not.

19 Q. Are you aware that Gonzales Plaintiffs are going to present

20 an expert that they say is an expert in voting rights and

21 ecological inference analysis?

22 A. I'm not aware.

23 Q. So are you aware that that expert estimates that Hispanics

24 will be able to elect their candidate of choice 100 percent of

25 the time in both new CD29 and new CD33?

16:27 1 A. I have not read or understand what basis -- or how he  
2 formed his conclusion or her conclusion.

3 Q. So you're not aware?

4 A. I'm not.

5 Q. You are aware, however, that Donald Trump asked Texas  
6 Republicans to get him five more Republican seats?

7 A. I'm aware.

8 MS. THORBURN: I will pass the witness.

9 JUDGE GUADERRAMA: All right, Ms. Thorburn, thank you.  
10 Mr. McCaffity?

11 MR. McCAFFITY: No further questions, Your Honor. May  
12 this witness be excused?

13 JUDGE GUADERRAMA: Ms. Thorburn, may Chairman Romero  
14 be permanently excused?

15 MS. THORBURN: He may be, Your Honor.

16 JUDGE GUADERRAMA: Chair Romero, thank you so much for  
17 coming in. You're excused, free to go, sir.

18 THE WITNESS: Thank you, sir. Thank you.

19 (Witness excused.)

20 JUDGE GUADERRAMA: Who's your next witness?

21 MS. DANAHY: Good afternoon, Your Honor. The Brooks  
22 Plaintiffs call Ms. Christina Elbitar. I will have her spell  
23 that for the record.

24 (Witness present.)

25 JUDGE GUADERRAMA: Good afternoon, ma'am.

16:30 1 THE WITNESS: Hello.

2 THE COURT: If you would please raise your right hand  
3 and receive the oath.

4 (Witness sworn.)

5 THE COURT: Thank you, ma'am. Have a seat in that  
6 chair. Do us the favor of rolling into the microphone and  
7 leaning into it when you answer, please.

8 THE WITNESS: Okay. Thank you, Your Honor.

9 JUDGE GUADERRAMA: Ms. Danahy, whenever you're ready.

10 MS. DANAHY: May it please the Court.

11 **CHRISTINA ELENA ELBITAR,**

12 duly sworn by the Court, was examined and testified as follows:

13 **DIRECT EXAMINATION**

14 **BY MS. DANAHY:**

15 Q. Ms. Elbitar, could you please state and spell your name for  
16 the record?

17 A. Sure. Christina Elena Elbitar. That's C-H-R-I-S-T-I-N-A  
18 and then E-L-E-N-A, and then E-L-B-I-T-A-R.

19 Q. Thank you. And thank you for being here this afternoon.

20 Can you tell the Court a little bit about yourself?

21 Where are you from?

22 A. I'm from Fort Worth, Texas.

23 Q. And how long have you lived in Fort Worth?

24 A. I've lived there my whole life except for a couple of years  
25 when I went off to college.

16:31 1 Q. And were you born in Fort Worth?

2 A. Yes, I am born in Fort Worth.

3 Q. Where did you go to college?

4 A. I went to Texas A&M for a couple of years and then I ended  
5 up graduating from the University of North Texas in Denton with  
6 a degree in corporate finance.

7 Q. And what did you do when you moved back to Fort Worth?

8 A. I was an accountant. I did cost accounting. I did  
9 corporate accounting for Williamson-Dickie's Manufacturing  
10 Company, The Bombay Company, and Bimbo Bakeries USA.

11 Q. And can you tell me a little bit about your family?

12 A. I have been married 25 years in January. I have a  
13 two-year-old son that we just adopted. We were foster parents  
14 for a couple of years for two babies. My husband's from  
15 Lebanon. He's a chef. So I was able to stop working as an  
16 accountant and became a full-time restaurateur/entrepreneur.

17 I live at home. We have 88 acres where we live in  
18 Fort Worth Rolling Hills neighborhood. We have like 60  
19 chickens, a 17-year-old cousin from Lebanon that's a senior in  
20 high school that we take care of. My mother-in-law from  
21 Lebanon lives with us. And we have a cabin where one of my  
22 really good friends lives with us, too.

23 Q. That sounds like quite a crew.

24 A. It is a crew.

25 Q. You said that you work now in the restaurant industry?

16:32 1

A. Yes.

2

Q. What is your -- what is your restaurant experience?

3

A. I've been working in the community with our restaurants for 23 years. So we own Chadra Mezza and Grill. It's a Lebanese restaurant that we started.

6

Q. And where is that located?

7

A. It's located off of I-35 and Galveston -- sorry,

8

Allen Avenue. This is our third location that we've had. Our

9

final one. We have a cafe. We have a catering company. We

10

have an event venue that holds about 100 people. We have a

11

grill called West Fork Grill located in downtown Fort Worth in

12

an office building. We're about to open another location of

13

that same concept in the -- off of 30 and University behind the

14

Botanical Gardens.

15

We owned and operated a grill inside

16

Williamson-Dickie's Manufacturing for 14 years while I was a

17

cost accountant there prior to COVID.

18

Q. And what would you -- how would you describe the

19

neighborhood that your kind of flagship store is in?

20

A. We have a beautiful neighborhood. It's rolling hills.

21

Exactly how it's described, a lot of rolling hills. A mix of

22

different diverse people, mainly Hispanic and Black. We do

23

have some Anglos that live there as well. Big lots overlooking

24

city and downtown.

25

Q. And I think you mentioned you have a restaurant downtown as

16:34 1 well?

2 A. Yes.

3 Q. And how would you describe that neighborhood?

4 A. We are in the city, so it's really more of a corporate type  
5 of an amenity to all of the businesses and people that work and  
6 live downtown. So it's Monday through Friday, 7:00 to 2:00.

7 And I've owned that eight years now.

8 Q. And you mentioned you're opening a new location?

9 A. Yes.

10 Q. Where is that going to be?

11 A. That's going to be inside the Southside Bank building right  
12 behind Botanic Gardens off of I-30 and University.

13 Q. And how would you say your experience with the restaurant  
14 industry helped you understand your community in Fort Worth?

15 A. I have employed -- I don't know how many people, but I  
16 would say thousands of people, by the -- in the last 25 years  
17 of being a restaurateur. Seen many, many changes in our  
18 community. We are -- it's a big responsibility to be 26,  
19 27 years old and responsible for all the households that we are  
20 responsible for.

21 We also own another company called 1622 Park Place,  
22 LLC, and where we are landlords. And we are really in tune  
23 with our community and their needs there as well. We offer  
24 very affordable housing. And we renovate and fix our homes up  
25 really nice for our tenants.

16:36 1 I also own another company called Northside Socios,  
2 and that owns a property right now that's in the Northside of  
3 Fort Worth on North Main Street. We've partnered with my  
4 middle school friend that's an architect.

5 And we were recently gifted a really huge mural that  
6 depicts our culture and -- from the major league baseball  
7 because of the Rangers and how they were there for All Star  
8 Week. So they picked our building and put a really huge mural  
9 of a little boy dreaming to be a baseball player.

10 Q. That sounds really incredible. What neighborhood is that  
11 in?

12 A. That's the Northside. It's mainly Hispanic. That's where  
13 I grew up. My father was from México. He was from a little  
14 town called Múzquiz, Coahuila. It's known for being the place  
15 of *El Nacimiento de los Negros*, one of the first freed colonies  
16 of African American slaves. That land was gifted to them by  
17 the Mexican Government, and they were told anybody who came  
18 over the river, made it there safely, would have a safe haven.

19 And my husband is from Lebanon. And I also have a  
20 sister-in-law, a nurse practitioner midwife, and she's from  
21 Ireland, born and raised. So our family is made up of a very  
22 diverse community. Different backgrounds and races and  
23 countries.

24 Q. And can you tell me a little bit about the clientele that  
25 come to your restaurants?

16:37 1 A. I love our clientele. It's been 23 years. Our restaurant,  
2 to me, and to my neighborhood, is more than just a restaurant.  
3 It's definitely a place of celebration. A place where people  
4 have grieved. Weddings.

5 My clients are from the neighborhood. A lot of  
6 elected officials and people that are -- before they become  
7 elected officials. So I've had many parties there. It's a  
8 safe place for anyone to come and to host their campaign  
9 parties. It's right centrally located. And now we're across  
10 very, very close to John Peter Smith Hospital.

11 Q. And how would you say that your experience in the  
12 restaurant industry and your experience as a landlord is  
13 reflected in your sort of ties to the Fort Worth community?

14 A. Being an entrepreneur, a restaurateur in Fort Worth,  
15 especially at a -- I would say a younger age, and doing it  
16 simultaneously while growing my professional career with my  
17 husband, has definitely had its challenges, you know.  
18 Overcoming opening during the recession and surviving that.  
19 Surviving COVID. All of the things that we had to overcome.  
20 And keeping my staff. I have staff that have been with me  
21 since they were 17 years old, 18 years old.

22 I -- during COVID one of our challenges was losing our  
23 staff -- just a normal attrition -- and replacing them. So we  
24 made a lot of changes, including selling our building in --  
25 which we owned, and moving into this 6,000-square-foot space.

16:39 1           And really making some changes for our family and the  
2 families of my employees, because child care is very expensive.  
3 So our space is very safe for their grandchildren and their  
4 children, and at the time my foster children that I had, and my  
5 new son.

6           It's a place where everyone gathers. And I'm able to  
7 do some really great things in my position. Just donating  
8 food, donating space. And I get asked to do a lot of things in  
9 our community.

10 Q. And how familiar would you say that your role in the  
11 community has made you with kind of the needs and interests and  
12 common, like, shared goals of folks in Fort Worth and in  
13 Tarrant County?

14 A. I mean, I'm on the board of the Hispanic Fort Worth Chamber  
15 of Commerce. I'm a member of the Hispanic Chamber of Commerce  
16 and a lot of other organizations. But definitely, as a  
17 businesswoman, I know the needs of our small businesses. And I  
18 really try to bring that into everything and everywhere that I  
19 serve.

20           Most importantly, I -- like I said, we're so used to  
21 being a gathering place for different people and encouraging  
22 others to own their own business, own and operate their own  
23 buildings as well.

24 Q. You interact with community members pretty much every  
25 single day. Is that right?

16:40 1 A. Yes. Yes.

2 Q. Who is your current Congressional Representative?

3 A. Congressman Marc Veasey.

4 Q. And what has been your experience with Congressman Veasey?

5 A. He's a great representative for our community. He's  
6 friendly, approachable. He's, I feel like, very accountable to  
7 our community and our district. He has continuously  
8 represented us well. He's a very family-centered man, and just  
9 aligns with a lot of the things in our community.

10 He's supposed -- now that I opened my new business,  
11 been working with his staff to come and do his workday at my  
12 restaurant. So he likes to go to different businesses and work  
13 a day. And I was told not to be easy on him.

14 Q. If you needed to get ahold of Congressman Veasey for some  
15 reason, would you be able to do that?

16 A. Yes.

17 Q. And would that be relatively easy?

18 A. Yes, it would.

19 Q. I didn't ask this earlier, and so I apologize. What is  
20 your race and ethnicity?

21 A. I'm Mexican American. Texan. Long line of Texans from  
22 Lockhart. Mother was born in Courtney. Grandmother was born  
23 in Lytton Springs, Texas. It's a little dot somewhere down in  
24 Central Texas. Sometimes I see the sign.

25 Q. And in your experience, based on your experience in the

16:42 1 restaurant and your long time in Fort Worth, do you think  
2 Congressman Veasey represents the interests of his Latino  
3 community members?

4 A. Yes.

5 Q. Are you familiar with the new Congressional Map that has  
6 been drawn just this past August?

7 A. I am familiar with what's happened, yes.

8 Q. And how would you describe what's happened to Tarrant  
9 County under the new Congressional Map?

10 A. I feel like a community that we've built, that we worked so  
11 hard to build, a community that lives together, resides  
12 together, works together, has become friends, and -- is being  
13 split apart, far away geographically. Different interests.  
14 And it's just not gonna be easy for anyone to represent.

15 MS. DANAHY: And could we pull up -- there you are.  
16 Sorry. If we could pull up the new District Plan C2333.

17 Q. (BY MS. DANAHY) And your current Congressman is  
18 Congressman Veasey, so you're in CD33. Is that right? And  
19 then, under the new map, do you know what Congressional  
20 District you'd be in?

21 A. I think it's gonna be 33. I'm not for sure.

22 MS. DANAHY: Let's zoom in a little bit to the Tarrant  
23 County part, into Fort Worth.

24 Q. (BY MS. DANAHY) Do you see roughly on this map where your  
25 home would be?

16:44 1 A. Yes.

2 Q. And is it in a gray district?

3 A. Yes.

4 Q. 25?

5 A. Yes.

6 MS. DANAHY: Can we zoom back out, please?

7 Q. (BY MS. DANAHY) And you see that this stretches from the  
8 county line between Tarrant and Dallas Counties all the way  
9 over into Callahan County. Do you see that?

10 A. I see where it stretches. I'm not geographically connected  
11 to the area you said; I don't know where that is.

12 Q. But do you know where that county is?

13 A. Yes. I'm in the Central Fort Worth area there.

14 Q. Would you be able to point out Callahan County on this map?

15 A. No. I never heard of that.

16 Q. And do you think that the folks that live in your  
17 neighborhoods, in your communities in Fort Worth, have a lot in  
18 common with the folks out that stretch to the edge of this  
19 district, this gray district?

20 A. I would say no, because I don't know where that is.

21 Q. What has this new map done to the ability -- to your  
22 ability, and the ability of your community, to elect your  
23 candidate of choice to the U.S. Congress?

24 A. It's diluting our voices. Stretching it across a  
25 geographic region where we don't go, where we don't know. And

16:45 1 I don't know how often these people come to our area, either.  
2 I've never had anybody come to my restaurant say they're from  
3 Houlahan [sic] County. And I do know who eats at my  
4 restaurant. Yeah, they're not my neighbors.

5 Q. Did you follow the Tarrant County redistricting that  
6 happened?

7 A. Yes.

8 Q. And what was your experience with that redistricting  
9 process?

10 A. I would say it's hard to understand why that's happening to  
11 our district and our area and our community. It's embarrassing  
12 to see our elected officials treat business owners and  
13 residents with such disrespect for voicing an opinion.

14 Our city, Fort Worth, I know they thrive off of our  
15 businesses and our diversity and our voices, because I am on  
16 the chamber and I know that we are constantly trying to bring  
17 in new businesses to move to our area.

18 And people that want to move into our area, they want  
19 to experience different cuisines. They want to experience  
20 diversity. They want their children to grow up in a community  
21 like that. And the way the redistricting is, it doesn't value  
22 any of those things that we're taught we're supposed to value,  
23 especially when our slogan in Fort Worth is, "Y'all means all."

24 But the way that our elected officials are redrawing  
25 our maps and talking about our city is not the way people talk

16:47 1 to -- necessarily talk to me when they want me to continue to  
2 grow my business in the city and to continue to grow our  
3 economy in the city.

4 Q. Thank you.

5 MS. DANAHY: I don't have any further questions.

6 JUDGE GUADERRAMA: Plaintiffs?

7 State? Is it Mr. Bryant?

8 MR. BRYANT: Thank you, Your Honor. I just have a few  
9 questions.

10 JUDGE GUADERRAMA: Yes, sir.

11 MR. BRYANT: This is David Bryant on behalf of the  
12 State Defendants.

13 **CROSS-EXAMINATION**

14 **BY MR. BRYANT:**

15 Q. First I want to commend you on your -- all that you've  
16 accomplished --

17 A. Thank you.

18 Q. -- as an entrepreneur, as a family member, as a  
19 community -- I don't know whether I would -- you would -- you  
20 would call yourself a community activist, but you certainly  
21 have done a great deal for the community of Fort Worth.

22 A. Thank you.

23 Q. And I commend you for all of that.

24 Are you a Democrat?

25 A. Yes.

16:48 1 Q. And do you mostly or always vote for Democrats?

2 A. Yes.

3 Q. Did you have any personal involvement in the redistricting  
4 issues that the Texas Legislature dealt with in the summer of  
5 2025?

6 A. I don't understand your question.

7 Q. Did you go to any hearings or otherwise communicate with  
8 the Legislature about your thoughts on what became C233  
9 [sic] --

10 A. No.

11 Q. -- this summer? So you have no idea what the intentions of  
12 the legislators were in passing that piece of legislation?

13 A. That's not true.

14 Q. Okay. I gathered from your testimony in direct that you  
15 know Congressman Veasey?

16 A. Yes.

17 Q. And that he has personally been responsive to you and done  
18 a good job representing you and your family and your  
19 businesses?

20 A. Yes.

21 Q. And I can understand that changing the district so that  
22 you're no longer in his district would be not something that --  
23 that anyone would welcome if they have that kind of excellent  
24 relationship with their Congressman.

25 Do you have any idea who will represent you in --

16:50 1 after this term if your -- if C2333 is the law in 2026?

2 A. No, I do not.

3 Q. Do you know whether Representative Veasey is going to run  
4 for re-election in 2026?

5 A. No, I don't.

6 Q. Okay.

7 MR. BRYANT: I pass the witness. Thank you.

8 JUDGE GUADERRAMA: Thank you.

9 Ms. Danahy?

10 MS. DANAHY: No further questions. May the witness be  
11 excused?

12 JUDGE GUADERRAMA: Can we excuse Ms. Elbitar?

13 MR. BRYANT: Yes, Your Honor.

14 (Witness excused.)

15 JUDGE GUADERRAMA: Who's your next witness?

16 MS. PERALES: Good afternoon. LULAC Plaintiffs call  
17 Mr. David Ely to the stand.

18 JUDGE GUADERRAMA: How do you spell his last name,  
19 Ms. Perales?

20 MS. PERALES: My apologies, Your Honor. David Ely,  
21 E-L-Y.

22 JUDGE GUADERRAMA: Yes, ma'am.

23 MS. PERALES: Sometimes the logistics are challenging  
24 to get the witness to the stand.

25 (Witness present.)

16:51 1

JUDGE GUADERRAMA: Good afternoon, sir. Would you please raise your right hand, sir, to receive the oath.

3 (Witness sworn.)

4 THE COURT: Thank you, sir. If you'd have a seat right there in that chair. Roll it in towards the microphone, and then if you'd lean into the microphone when you answer, we should be able to hear you.

8 And Ms. Perales, whenever you are ready, ma'am.

9 MS. PERALES: Thank you, Your Honor. May I approach the witness and give him a paper copy of his report?

11 JUDGE GUADERRAMA: Yes.

12 MS. PERALES: Just in case technology fails?

13 JUDGE GUADERRAMA: Yes, ma'am. I don't know if the State wants to see it, make sure you're not giving him top-secret stuff or something. Did you want to see it?

16 MR. THOMPSON: I'd welcome a copy, but I trust her.

17 **DAVID ELY,**  
18 duly sworn by the Court, was examined and testified as follows:

19 **DIRECT EXAMINATION**

20 **BY MS. PERALES:**

21 Q. Good afternoon, Mr. Ely.

22 A. Good afternoon.

23 Q. Would you state your full name for the Court?

24 A. It's David Ely. Last name is E-L-Y.

25 Q. Mr. Ely, what is your occupation?

16:52 1 A. I am a demographer and a database and election analysis  
2 consultant, primarily focused on redistricting and issues  
3 related to such.

4 Q. What is your job title?

5 A. I am the -- the owner/founder of Compass Demographics.  
6 Sometimes called president or sometimes called manager,  
7 depending on paperwork.

8 Q. What does your firm specialize in?

9 A. Consulting with jurisdictions on issues related to election  
10 districts or other sorts of policy matters that might relate to  
11 census data, as well as consulting with litigants in voting  
12 rights cases. I've consulted with jurisdictions and with  
13 Government agencies, the Department of Justice, as well as with  
14 private plaintiffs, in numerous cases.

15 Q. Prior to your work as the founder of Compass Demographics,  
16 what did you do for a job?

17 A. I did similar -- similar type of work as a director of  
18 research for Pactech Data and Research. One of the primary  
19 duties of that company was building what is now known as the  
20 California statewide database, which provides the official  
21 redistricting data and all the supplemental election data for,  
22 previously, the California Legislature, currently for the  
23 Independent Redistricting Commissions, as well as providing  
24 data to most of the jurisdictions within the State.

25 Q. And so when you say that you worked on the statewide

16:54 1 redistricting database and you mentioned redistricting data,  
2 does that data include election returns for the State?

3 A. Yes. For each election, both the primary and general  
4 elections, the statewide database collects data from all 58  
5 counties in California, including the registration data, voting  
6 history data, precinct geography, consolidated precinct  
7 geography for the -- for individual elections, as well as all  
8 the election returns for statewide -- statewide and State  
9 legislative offices.

10 Q. Does that database that you created also include  
11 demographic information?

12 A. Yes, it does. It includes, at a minimum, the DOJ guidance  
13 categories of race data from the PL 94-171 redistricting data  
14 file. That data file has 64 different categories of race and  
15 ethnicity, and they are simplified into -- into a smaller  
16 number for use in most redistricting analysis.

17 Q. Now, the panel may have heard of the U.S. Supreme Court  
18 case Millan versus -- *Milligan versus Allen*, in 2023. Can you  
19 explain what you did, or what you are doing, in that case?

20 A. In that case I was appointed the cartographer to the  
21 special master with the assignment to draw proposals for  
22 remedial districts once the Court decided that the -- that the  
23 plan that had been passed by the State Legislature did not --  
24 did not remedy the violation that they had found, or --  
25 originally in the Preliminary Injunction.

16:56 1 Q. And what is the name of the special master in that -- in  
2 the Alabama Congressional case?

3 A. It's Richard Allen.

4 Q. And do you work well with him as his cartographer?

5 A. Yes, we work very well together.

6 Q. When you were drawing as the cartographer for the special  
7 master in the Alabama Congressional case, what were the  
8 instructions, or -- what were your instructions with respect to  
9 mapping and carrying out State priorities?

10 A. Well, the primary objective was to draw a district that  
11 completely remediated the violation that had been found, but to  
12 do it in such a way that was careful to comply with -- with  
13 constitutional requirements and other legal requirements, and  
14 also respecting the wishes of the State Legislature, to the  
15 extent that was possible, within -- within the context of  
16 creating this remedy. And to carefully honor traditional  
17 redistricting criteria.

18 Q. And were you -- and did you carry out your instructions in  
19 that case?

20 A. Yes, I did.

21 Q. What happened with the map that you drew for the special  
22 master in the Alabama Congressional case, meaning, was it  
23 adopted for subsequent elections?

24 A. Yes. One of the -- we proposed three maps, one of which  
25 the Court selected. And it was ordered to be used in the

16:58 1 subsequent election.

2           Following that, the -- that remedial map was drawn  
3 because of the Preliminary Injunction, so the full trial  
4 occurred, and then the Court and all of the parties agreed to  
5 accept that map for elections going forward unless the decision  
6 was overturned by the Supreme Court at some later date.

7 Q. What news did you receive the day before the trial started  
8 here?

9 A. The same court that appointed me as the cartographer for  
10 that case has a similar case with the Alabama State Senate, and  
11 I was appointed to be the cartographer to the same special  
12 master for that case, with an instruction to complete a report  
13 and draw a plan by October 24th.

14 Q. So you're going to be busy mapping for the Alabama State  
15 Senate Plan. Is that right?

16 A. That's correct.

17 Q. Have you ever served as a special master yourself?

18 A. Yes. I was a special master in a judicial district for  
19 Terrebonne Parish in Louisiana, a similar case, where a  
20 violation had been found. And I created a remedial district  
21 for the Court there.

22 Q. Now, is it fair to say that the liability finding in that  
23 case was overturned, but it was -- but the overturning was not  
24 related to your map drawing? Is that right?

25 A. That's correct.

17:00 1 Q. Okay. So aside from your work on a special master team, or  
 2 as a special master, have you been hired by Government  
 3 jurisdictions to draw their redistricting maps?

4 A. Yes. I've been -- I've been hired as a consultant in  
 5 approximately 40 or more local jurisdictions and have ranged  
 6 from everything from just doing technical work, setting up the  
 7 data, to drawing -- usually drawing and implementing maps.  
 8 Taking input from other sources and evaluating maps. Those  
 9 types of things.

10 Q. And then in how many cases have you testified as an expert  
 11 witness about mapping?

12 A. That -- that has also been in the vicinity of 40, 50. I  
 13 don't remember exactly the number right now.

14 Q. Have you ever been a consultant on mapping for defendant  
 15 jurisdictions in litigation?

16 A. Yes, I've -- I was involved in several cases, largely with  
 17 jurisdictions that had hired me as a consultant for their  
 18 redistricting process as well. So the State of California and  
 19 some of the legislative things, as well as the City and County  
 20 of Los Angeles.

21 Q. And then they ended up as a defendant in litigation and you  
 22 continued to consult for them to help defend their maps. Is  
 23 that right?

24 A. That's correct.

25 Q. Have you ever had a court exclude your expert opinions

17:02 1 under *Daubert* or any other standard?

2 A. No.

3 Q. So then just to summarize, what is the total number of  
4 matters in which you've drawn maps, either for the jurisdiction  
5 as part of its regular redistricting or as an investigation or  
6 in litigation?

7 A. I believe that the number is somewhat above 100, but close  
8 to that.

9 Q. Is there any other map drawer that you know of who has the  
10 same type of balance that you do, between mapping for  
11 governmental jurisdictions and map drawing for litigation?

12 A. No, I don't believe that there is.

13 MS. PERALES: I'll refer the Court to Mr. Ely's CV for  
14 a longer list of his credentials. Mr. Ely's reports and CV  
15 contain his background, his professional experience, and other  
16 qualifications. Unless there is a challenge from any party or  
17 further questions from the Court, LULAC Plaintiffs offer  
18 Mr. Ely as an expert in cartography and the use of demographic  
19 and election data in drawing redistricting maps.

20 JUDGE GUADERRAMA: Mr. Thompson, any objection to the  
21 Court receiving him as an expert?

22 MR. THOMPSON: We do not object, Your Honor.

23 JUDGE GUADERRAMA: Court receives him as such,  
24 Ms. Perales.

25 Q. (BY MS. PERALES) Mr. Ely, what was your task in this case?

17:04 1 A. I was asked to evaluate the newly adopted Plan 2333 in  
 2 light of potential requirements of the Voting Rights Act, the  
 3 analysis of the way that districts were drawn and evaluating  
 4 election data and census data, and to focus primarily on the  
 5 districts in Harris County and Bexar County.

6 Q. I'd like to start with discussing the newly Enacted  
 7 Congressional Map in Harris County.

8 MS. PERALES: If we could show LULAC Exhibit 831 at  
 9 page 9. And if you could, zoom into the map, please.

10 Q. (BY MS. PERALES) Mr. Ely, can you tell us what the colors  
 11 mean in this map?

12 A. Yeah. This map is showing census blocks. And each census  
 13 block is shaded according to an estimated Citizen Voting Age  
 14 majority. So a blue map -- I mean, a blue block represents one  
 15 in which there's a Black Majority Citizen Voting Age. A red  
 16 block represents one where there's a Hispanic majority CVAP. A  
 17 white -- a yellow block represents a White majority of CVAP. A  
 18 gray shading indicates an Asian majority of CVAP. And the  
 19 white block is one in which there's either no population or  
 20 there is no -- no single group that is a majority.

21 Q. And if you look at the legend in the bottom right, what  
 22 does the legend say is the level of geography that is being  
 23 shaded?

24 A. It says "Block 20."

25 Q. And what level of geography is that?

17:06 1 A. It's a 2020 Census Block.

2 Q. What is a Census Block?

3 A. A Census Block is the -- is the most detailed level of data  
 4 that's released by the Census Bureau from the -- from the  
 5 100-percent-count census, specifically in the redistricting  
 6 data file, the PL 94-171.

7 Q. And what data is available at the block level? Give me  
 8 some examples.

9 A. Oh. The data that's available at the block level is the  
 10 data that's collected on all of the census questionnaires that  
 11 go to every house. So primarily, they have data regarding age,  
 12 broken down by Voting Age and non-Voting Age. There's also  
 13 data about household types and housing -- housing value and  
 14 housing ownership. Not value; I believe it has ownership. And  
 15 then primarily there's race and ethnicity data.

16 Again, there's approximately 64 categories of racial  
 17 combinations of the five racial groups that are included. And  
 18 all of that data is available at the block level.

19 Q. And does the block also include the total population of  
 20 that block?

21 A. Yes, it does.

22 Q. What is the -- okay. Now I'm gonna move to the next level  
 23 of geography up. What is a Census Block Group?

24 A. A Census Block Group is a grouping of census blocks that is  
 25 somewhat larger and is -- it can be used just as a larger

17:08 1 united with the regular census data, but it's also the smallest  
 2 level of geography for which the American Community Survey  
 3 data, which is also conducted by the Census Bureau, replaced  
 4 what was previously the long form portion of the census.

5 Q. Typically, how many blocks are in a block group?

6 A. It typically ranges between 20 and 100, and usually --  
 7 usually in the lower -- the lower part of that range. It could  
 8 go as high as a thousand, but there's very few -- there's very  
 9 few groups that have that many Census Blocks.

10 Q. In your experience, what is the typical number of blocks in  
 11 a block group?

12 A. I would say 20 to 50 is probably most common.

13 Q. And at what level of geography is census citizenship data  
 14 released?

15 A. It's -- it is part of the American Community Survey Data,  
 16 and it's released at the block group level.

17 MS. PERALES: I'd like to show now LULAC Exhibit 833  
 18 at page 4. And I'd like to zoom in on the map, please.

19 Q. (BY MS. PERALES) Mr. Ely, what are the green lines on this  
 20 map?

21 A. The green lines are the boundaries of block groups.

22 Q. And again, at what level is the map shaded?

23 A. The map is shaded by Census Block.

24 Q. So is it fair to say that this is a map of shaded Census  
 25 Blocks nested in block group geography?

17:10 1 A. Yes.

2 Q. So if citizenship data is available at the block group  
 3 level, as you've explained, how do you create estimates of  
 4 citizenship at the block level for shading in CVAP?

5 A. I have a methodology that uses -- for each Census Block it  
 6 uses the Voting-Age Population from the 100-percent count data  
 7 as the basis of disaggregating the Census Block citizenship  
 8 data.

9 So for each individual Census Block, the -- for each  
 10 ethnic group within the -- within that -- within the Voting-Age  
 11 Population, I take the share that the Census Block has of the  
 12 block group total for that ethnic group, and I assign to the  
 13 block the same share of the Voting Age citizens of that ethnic  
 14 group.

15 And by doing that I create an estimate that, it's  
 16 reflecting the block group data. And if it's reaggregated from  
 17 the block level up to the block group level, it will exactly  
 18 match the original data.

19 But it takes advantage of the knowledge of the --  
 20 breakdowns of the total population, Voting-Age Population, from  
 21 the 100-percent count, to look at the data at the block level.  
 22 And the reason for doing that is that in most cases, and  
 23 certainly in this one, the districts are drawn at the block  
 24 level and defined at the block level.

25 And so having the data broken down to the block level

17:12 1 that way allows the redistricting software to make all of its  
2 normal calculations, including the census -- the citizenship  
3 data.

4 Q. So Mr. Ely, just to be clear, after you've used your  
5 methodology to disaggregate Census Block Group citizenship data  
6 to the block level, if we were to aggregate that back up, would  
7 your estimates at the block level match the Census Block Group  
8 estimate?

9 A. Yes, aggregating up from the blocks to the block group  
10 would exactly match the data that was -- that came originally  
11 from the Census Bureau.

12 Q. So is it fair to say that your disaggregated block-level  
13 estimates are constrained by what the U.S. Census tells us is  
14 the block group citizenship estimate?

15 A. Yes.

16 Q. Do other entities besides you disaggregate citizenship data  
17 from the block group level to the block level?

18 A. Yes. It's very widely used. Most jurisdictions in which  
19 there is some need to know, at the district level, a Citizen  
20 Voting Age breakdown, will use -- and if those districts are  
21 drawn at the block level -- which, virtually all Congressional  
22 Districts are drawn at the block level because it's very  
23 difficult to get the kind of population equality that is  
24 normally required without going to the Census Block level. The  
25 populations are too large in other units.

17:14 1 Q. So do entities that disaggregate citizenship data from the  
 2 block group level to the block level include the Texas  
 3 Legislative Council?

4 A. I believe that it does. They certainly disaggregate it to  
 5 the partial data, because the block groups are split. And they  
 6 do -- and they have citizenship numbers released for those  
 7 districts.

8 Q. You mentioned that many Congressional plans, because of the  
 9 population equality mandate, do split block groups and draw at  
 10 the block level. Do you know if Plan C2333, the recently  
 11 Enacted Congressional Map here in Texas, does it split Census  
 12 Block groups or VTDs?

13 A. Yes, it does.

14 MS. PERALES: I'd like to show LULAC Exhibit 1143.  
 15 And I would like to zoom into -- first for District 18, the  
 16 black Citizen Voting-Age Population.

17 Q. (BY MS. PERALES) So we've been looking at the race-shaded  
 18 map, Mr. Ely. I'd like to go to the statistics for that  
 19 race-shaded map. For -- this would be the column from 18. It  
 20 would be -- one, two, three, four -- five columns over.

21 Can you tell us the larger Citizen Voting-Age  
 22 Population of District 18?

23 A. 53.7, it appears to say.

24 MS. PERALES: And then can we also zoom in on the  
 25 Hispanic Citizen Voting Age Population of District 9? Same

17:16 1 exhibit.

2 No, that's not correct. Can we go to the top of the  
 3 page, please? We should be able to see percent Hispanic CVAP  
 4 for District 9. I know why. This is the wrong table, and  
 5 entirely my fault. I apologize.

6 Q. (BY MS. PERALES) We will find -- this is for ACS 1519, so  
 7 these are not the most recent census estimates for this plan.  
 8 I will find that for you later, Mr. Ely.

9 A. Okay.

10 Q. And I will ask you to simply reflect, or recall in your  
 11 report, where you say that 18 is drawn just above 50 percent  
 12 Black Citizen Voting-Age Population and 9 is drawn at just  
 13 above Hispanic Citizen Voting Age Population. And I do have  
 14 some questions for you to follow up on that.

15 MS. PERALES: If we can go back to Exhibit 831, at  
 16 page 9. And if we could zoom into the map again.

17 Q. (BY MS. PERALES) I'd like to ask about this map that you  
 18 provided in your report and to ask you, what do you observe  
 19 with respect to the relationship between the boundary lines and  
 20 race in this part of Harris County?

21 A. I believe that it's -- it's fairly clear that the boundary  
 22 between District 9 and District 18 very closely matches the  
 23 separation between majority Hispanic and majority Black Census  
 24 Blocks. It's not an exact match, but it's a very close match.

25 Q. Now, in your report you referred to the word "precincts"

17:18 1 several times when you were talking about demographics. Did  
 2 you want to clarify that?

3 A. Yes. The word "precinct" kind of snuck in because the  
 4 other half of my analysis related to this, which has -- that  
 5 has a performance index, is done by precinct because that's  
 6 election data. And I inadvertently used the word "precinct" in  
 7 that paragraph, although the map is labeled to be "blocks."

8 So anytime that the CVAP data is being referred to,  
 9 it's at the block level or at the district level, and anytime  
 10 the performance election-based data is referred to, it's again  
 11 either at the precinct or VTD level or at the district level.

12 Q. Okay.

13 MR. KERCHER: What's the page number?

14 MS. PERALES: For this map?

15 MR. KERCHER: Yes.

16 MS. PERALES: I believe we are at page 9.

17 MR. KERCHER: Thank you.

18 MS. PERALES: Okay.

19 Q. (BY MS. PERALES) All right. So now looking at this map  
 20 and your observation, can you give us a couple of examples that  
 21 illustrate your observation about race and the boundaries here?

22 A. Well, in addition to the fact that, you know, that there's  
 23 an overall very strong balance on either side of the boundary,  
 24 there are particular features of the boundary, one that, kind  
 25 of halfway down the southern portion of this boundary, which

17:20 1 is -- it joins with the boundary between District 9 and  
2 District 36, there's an area that protrudes that's mostly  
3 majority Black, that goes into -- it cuts what is otherwise a  
4 straight line of the boundary.

5 And then the other example, which is fairly clear, is  
6 in the area sort of in the northern central part of this, where  
7 there is a -- in a sense a Latino, or Hispanic, finger going  
8 up, and a finger that's got populations primarily Black, going  
9 down.

10 Q. And are you pointing there to the thing we've all come to  
11 know as the dangly thing on District 18, with the blue blocks  
12 in it?

13 A. Yes, I believe that's what you guys have referred to it as.

14 Q. And then to the south and to the west, is that the triangle  
15 that you were identifying earlier to capture Black population  
16 that is in the area of the boundary between 9, 18, and -- 36?  
17 36.

18 A. Yes.

19 Q. Okay.

20 MS. PERALES: I'd like to go to page 8, which is the  
21 preceding page, of Exhibit 831. If we could zoom into the map.

22 Q. (BY MS. PERALES) So we've been zoomed in very closely into  
23 Houston, but I would like to ask you, what do you observe with  
24 respect to the remainder of CD9?

25 A. Most of the remainder of CD9 is made up of majority White

17:22 1 areas, with only scattered -- scattered blocks that have --  
2 that are majority Latino or majority Black.

3 MS. PERALES: I'd like to go now within this exhibit  
4 to page 11. And I would like to zoom into the map, please.

5 Q. (BY MS. PERALES) First, is this the same or a different  
6 approach to shading for Citizen Voting-Age Population?

7 A. No. This is the same. The logic is the same. The color  
8 scheme is the same. The map looks a little different because  
9 the different geography has different population distributions.  
10 But again, the red -- the red blocks are majority Latino --  
11 Hispanic -- sorry; in California we say "Latino." And the blue  
12 ones are majority Black. The yellow ones are majority White.

13 MS. PERALES: Thank you for that. And I'm going to  
14 now ask to go back to LULAC 1143. I think I figured out the  
15 mistake from before that I made. 1143 is a multipage exhibit.  
16 Would it be possible to scroll to the page where, in the upper  
17 left-hand corner, it says ACS 19 to 23? And then could we look  
18 again at the CVAP for 9, Hispanic CVAP for 9, CD9?

19 Q. (BY MS. PERALES) With relief I ask you, Mr. Ely, to tell  
20 us, what is the Hispanic CVAP for CD9 under the most recent  
21 census data?

22 A. What it says here is 50.3 plus or minus 1 percent.

23 Q. Thank you.

24 MS. PERALES: Can we go to District 18 now and look at  
25 the Black CVAP?

17:25 1 Q. (BY MS. PERALES) And what do we see the Black CVAP as in  
2 the final corner?

3 A. It's 50.5 plus or minus 1 percent.

4 MS. PERALES: And then finally, can we go to CD35 for  
5 the Hispanic CVAP?

6 Q. (BY MS. PERALES) What is the percent Hispanic CVAP for  
7 CD35?

8 A. It's 51.6 plus or minus .9.

9 Q. Thank you.

10 MS. PERALES: Can we go now to LULAC 831 at page 10?  
11 And zoom into the map, please.

12 Q. (BY MS. PERALES) So Mr. Ely, I wanted to cover your  
13 observations about CD35 in the new Congressional Plan.

14 First if you could make your observations with respect  
15 to Bexar County, and then make your observations with respect  
16 to the whole district.

17 A. Yes. In the -- in the Bexar County portion, the line  
18 between District 20 and District 35 cuts through a concentrated  
19 Latino or Hispanic community and captures enough Latino  
20 population to -- I'm sorry I keep saying "Latino."

21 Q. It's okay. It's all right. I don't mind.

22 A. The Hispanic CVAP over -- just over 50 percent.

23 The other thing that I would observe in Bexar County  
24 that doesn't relate to District 35, but the lines on districts  
25 21 and 23, which move into this area, are largely anchored by a

17:27 1 little more isolated White majority communities, separating  
2 them from the other Latino -- Latino -- or Hispanic majority  
3 areas.

4 And then expanding out to the rest of the district,  
5 District 35 has -- in addition to the Bexar County areas, has  
6 three mostly White majority counties that are quite distinct  
7 from the Latino -- or Hispanic community in Bexar County that's  
8 included in the district.

9 Q. And you mean demographically distinct?

10 A. Yes.

11 MS. PERALES: I would like to go now to same exhibit,  
12 831, and I would like to scroll forward to Appendix A and look  
13 at the third table. One, two, three. And if we could zoom in.

14 Q. (BY MS. PERALES) This should be a table of C2333, CD35.

15 A. Yes.

16 Q. Before we get into the specifics of the chart, could you  
17 explain, what was your approach to analyzing whether a  
18 district, like the new 35, was likely to elect a  
19 Latino-preferred candidate?

20 A. Yes. I was -- I was given polarization analysis from other  
21 experts in this case. I did not do any polarization analysis  
22 myself. But I was also given a list of six contests from the  
23 most recent general elections, and I looked at the results  
24 there, both at the district level and at the precinct level.

25 I identified from the other expert reports, the

17:29 1 Hispanic-preferred candidate for each of these contests for  
2 each district, since the polarization analysis was done within  
3 each district.

4 And I also identified a White-preferred candidate.  
5 And so for each of these six contests, I looked at whether  
6 the -- whether the Hispanic-preferred candidate was the same or  
7 different than the White-preferred candidate, and I also looked  
8 at, based on the district total breakdowns in the -- in the  
9 election results reports, I don't remember the red number, but  
10 those were included. So for each of these districts it has the  
11 vote breakdown for each of these contests.

12 So I also looked at, within -- within these areas,  
13 whether or not the Hispanic-preferred candidate would have  
14 prevailed within that district.

15 Q. So just to venture the pronunciation for you, did you get  
16 the polarization analysis from Drs. Ansolabehere and Barreto?

17 A. Yes.

18 Q. And is it fair to say, then, that the winners and losers,  
19 meaning the columns for district votes and percent, came from  
20 the Texas Legislative Council?

21 A. That's correct.

22 Q. Okay. Now that you've explained the columns, can you let  
23 us know, based on this analysis -- oh, and also, the contests  
24 themselves, what is your understanding of the six contests?

25 A. These were the six statewide contests from these last three

17:31 1 election cycles in which there was at least one major party  
2 candidate who was either Spanish surnamed or identified as  
3 Hispanic.

4 Q. And then, based on this analysis of CD35 in the new map,  
5 are Latinos successful at electing their preferred candidate in  
6 the general election?

7 A. No. In these contests, all six Hispanic-preferred  
8 candidates were defeated within those -- within that district.

9 MS. PERALES: Okay. I would like to go now to  
10 Exhibit 3 -- 833 at page 9, if we could zoom into the map.

11 Q. (BY MS. PERALES) Mr. Ely, can you explain what we're  
12 seeing here on this map?

13 A. Yes. This map is a representation of the precinct, or VTD,  
14 level of the same basic analysis. So the color scheme is based  
15 on how many of these elections did Hispanic-preferred candidate  
16 prevail within that precinct? Again, as reported by the TLC  
17 data.

18 And so the red -- the red precincts are ones in which  
19 they won in each of the six. And the blue are ones where they  
20 lost in each of the six. And then the other colors in between  
21 that vary in shades from light blue through yellow and green  
22 and orange are some split number between -- between zero and  
23 six.

24 But it's clear that the great majority of these  
25 precincts, it was either zero or six.

17:33 1 Q. And so the more red it gets, the more support there is in  
 2 the precinct for the Hispanic-preferred candidates. Is that  
 3 right?

4 A. That's correct.

5 Q. And the more blue it gets, the less support there is for  
 6 Hispanic-preferred candidates in those precincts?

7 A. That's correct.

8 Q. Okay. So looking at this map --

9 MS. PERALES: If we could zoom in to Bexar County --

10 Q. (BY MS. PERALES) Based on your observation, do the  
 11 district boundaries between 20 and 35 follow election results?

12 A. No. There -- the line between 20 and 35 clearly has a  
 13 split of communities with the same election result behavior.  
 14 And then the rest of District 35 is composed of areas that have  
 15 very different political results.

16 Q. So since we're here looking at Bexar County and Central  
 17 Texas, I'd like to discuss your conclusions regarding the newly  
 18 Enacted Congressional District 35.

19 What did you conclude from your analysis of both the  
 20 demographics of the way 35 is drawn and also your analysis of  
 21 precinct-level support for Hispanic-preferred candidates?

22 A. The bottom line, basically, is that it appears that the  
 23 ethnicity was used initially to achieve over 50 percent Latino  
 24 Citizen Voting-Age Population in the district. But that area  
 25 is combined with other areas, which are both more White and

17:36 1 that vote as -- that vote as a block against the Latino -- or  
 2 Hispanic-preferred candidate.

3 And so it's -- it appears -- it appears to be designed  
 4 to be a pseudo-Hispanic Opportunity District that, by CVAP  
 5 numbers, it looks like it would be one, but when you look at  
 6 the actual performance, it's designed not to be.

7 Q. Is this the way you would draw a Hispanic majority district  
 8 to comply with Section 2?

9 A. No, it is not.

10 Q. Why not?

11 A. Because when drawing -- when drawing a Section 2, or any  
 12 other voting rights remedial district, the point is not a  
 13 numeric target with race. The point is the ability to elect  
 14 candidates of choice.

15 And so the districts should not be drawn primarily to  
 16 reach a racial target. And they should be drawn to combine --  
 17 if there's a concern about dilution, that you combine areas of  
 18 the ethnic group that is facing the dilution with other areas  
 19 that have similar voting preferences so that they would be able  
 20 to elect candidates of their choice.

21 Q. Let's go back to Harris County.

22 MS. PERALES: I would like to show LULAC Exhibit 831,  
 23 and I would like to go back again to Appendix A. If we could  
 24 go back to the cover page for Appendix A and then go to the  
 25 first table. Thank you.

17:38 1 Q. (BY MS. PERALES) Mr. Ely, I would like to point you to the  
2 first table in your Appendix A and ask you, based on the upper  
3 left-hand corner, what plan are we looking at here?

4 A. This is 2193, which is the preexisting.

5 Q. And what district are we looking at?

6 A. It's District 29.

7 Q. And what do you observe with respect to the performance of  
8 Hispanic-preferred candidates in CD29 in the 2021 map?

9 A. Well, one thing, just as explanation, the two blank columns  
10 reflect the fact that, in the reports for 2193 that were on the  
11 TLC website, the -- those -- the 2020 contests were not  
12 included. So I don't have results for them. But for the --  
13 for the remaining four contests that were here, the  
14 Hispanic-preferred candidate prevailed in each case.

15 The other thing I would mention here is that, in most  
16 of these contests, the Hispanic-preferred candidate was the  
17 same as the White-preferred candidate within that district.

18 Q. And I'd like to stay in the same exhibit and I would like  
19 to go forward three more tables, and hopefully we land on  
20 Plan C2333, District 9.

21 A. Yes.

22 Q. Can you confirm this is Plan 2333, the newly Enacted plan?

23 A. Yes.

24 Q. And we're looking at your analysis here of District 9. Is  
25 that correct?

17:40 1

A. That's correct.

2

Q. And based on this analysis, are Latinos successful at electing their preferred candidate in the general election inside CD9, as it's drawn in the new map?

3

4

5

A. No, the Hispanic-preferred candidate fails in each of these contests in that district.

6

7

MS. PERALES: I'd like to go now to Exhibit 833 at page 7.

8

9

Q. (BY MS. PERALES) And Mr. Ely, can you remind us again of what the performance index map is measuring?

10

11

A. So again, it's by precinct, the number of those six contests where the Hispanic-preferred candidate prevailed within the precinct. So the red ones, they did six of the six. And the blue ones, they did none of the six. And green is about in the middle, so...

12

13

14

15

16

Q. So based on what you see here, and your observations, if we look at 29, which is now sort of lopped off and moved to the west, and we look at 18, which runs down the middle, and then 9 on the eastern side, would you say that those district boundaries are following election results?

17

18

19

20

21

A. No. Those boundaries all cut through areas where the election results are very similar.

22

23

Q. And so your observation is that the boundaries follow what?

24

A. That the boundaries there follow race.

25

MS. PERALES: If we can go back now to Exhibit 831 at

17:42 1 page 9.

2 Q. (BY MS. PERALES) You mentioned earlier in your testimony  
3 that the map appears to be drawn at the block level. Is that  
4 right?

5 A. Yes.

6 Q. And why is that? Why do you make that observation looking  
7 at this map?

8 A. Well, I would guess it from looking at this map, but  
9 looking at this map with both VTD lines and with block group  
10 lines, it's clear that the district boundaries cut both of  
11 those. So there are -- there are split VTDs along these  
12 boundaries and there are split block groups along these  
13 boundaries. And, you know, the data files that were available  
14 to define these are block assignments to district. So the  
15 combination of those three -- those three factors, I know that  
16 the boundaries are drawn at the block level.

17 Q. You mentioned the term "VTD." Can you tell us what those  
18 letters stand for?

19 A. It's voting tabulation district. It's the Census Bureau's  
20 level -- level of geography that represents precincts in some  
21 states better than others.

22 Q. So then, Mr. Ely, what conclusions, if any, did you draw  
23 from your observations in Harris County, and specifically with  
24 respect to CD9?

25 A. Well, I think that it's -- that it's fairly clear that the

17:44 1 Harris County area as a whole is -- the districts are divided  
2 by race, quite clearly. District 7, District 18, and  
3 District 9 are -- make very clear that -- that pattern.

4 But the performance is not at all reflected by those  
5 district boundaries. This entire large area has one kind of  
6 political performance, and the other areas that are also  
7 included in these districts have very different...

8 So primarily with respect to District 9 I would say,  
9 again, it's a district that was carefully crafted to be -- to  
10 have a Hispanic CVAP majority in the -- in their data files,  
11 but in -- but when you look at what else is in the district,  
12 it's areas that are solidly White block voting against the  
13 Hispanic candidates of choice. And so, again, would be sort of  
14 a pseudo-Hispanic Opportunity District.

15 Q. Would you draw a Hispanic majority district like CD9 to  
16 comply with the Voting Rights Act?

17 A. No, I would not.

18 Q. And are your reasons similar or different to the ones you  
19 expressed earlier with respect to CD35?

20 A. Yeah, they would be exactly the same. The -- the  
21 50 percent bright line test with Citizen Voting Age is a  
22 first-prong requirement that it be possible to draw such a  
23 district. It's not a goalpost.

24 And so the fact that you've drawn a district that way  
25 would not remedy a violation if the district has a proven

17:46 1 record of defeating candidates of choice.

2 Q. If you didn't -- if you were drawing this map and you did  
3 not have a goal of hitting a 50-percent Hispanic CVAP target in  
4 CD9, but I told you you should still draw a Republican CD9 and  
5 preserve 29, could you do it?

6 A. Yes, I believe that it would be possible. Basically, if  
7 you were to restore the western portion of CD9 with CD9 to  
8 District 29 and then wrap around the northern part of it, you  
9 would be able to maintain this CD9 as a Republican district and  
10 leave 29 as -- as an effective majority Latino district, and  
11 not disrupt the partisan balance of the other Republican  
12 districts.

13 Q. Thank you, Mr. Ely.

14 MS. PERALES: I pass the witness.

15 JUDGE GUADERRAMA: Mr. Thompson?

16 Oh, anyone else from Plaintiffs' side?

17 Mr. Thompson?

18 MR. THOMPSON: Thank you, Your Honor. May it please  
19 the Court, Will Thompson for the State.

20 **CROSS-EXAMINATION**

21 **BY MR. THOMPSON:**

22 Q. Good to meet you, Mr. Ely. Am I pronouncing that  
23 correctly?

24 A. Yes, you are.

25 Q. Great. You spoke on direct at some length about your work

17:48 1 in Alabama. Do you remember that?

2 A. Yes.

3 Q. Opening report says that the Alabama District Court  
4 appointed you to be the special master. Does it say that?

5 A. It said that. That was an error.

6 Q. Okay. And you corrected that in your rebuttal report,  
7 right?

8 A. That's right.

9 Q. Is it fair to say you were the cartographer helping the  
10 special master instead of the special master himself?

11 A. Yes, that was what that sentence was supposed to say.

12 Q. I understand. It's a PI hearing; things get rushed.

13 A. Yeah.

14 Q. Now, as the special master's cartographer, you were  
15 supposed to draw potential remedial maps for the courts to  
16 consider in that case. Is that correct?

17 A. Yes.

18 Q. And you did that, didn't you?

19 A. Yes, I did.

20 Q. You had access, as the special master's cartographer, to  
21 all the usual demographic and political data that a map drawer  
22 might want, right?

23 A. Yes.

24 Q. And you had some kind of map-drawing software that you were  
25 using?

17:49 1

A. Yes.

2

Q. Do you remember that the special master told the Alabama

3

District Court that you did not rely on racial population data?

4

A. Yes.

5

Q. And that was true, right?

6

A. That was true, yes.

7

Q. And do you remember the special master told the Alabama

8

District Court that you did not target any particular Black

9

population percentage in any district?

10

A. That's correct.

11

Q. And it was true when he said that, right?

12

A. Yes.

13

Q. Do you remember that the Alabama District Court, in fact,

14

concluded that you had drawn your remedial maps blind to race?

15

A. That's correct.

16

MR. THOMPSON: Richard, could we bring up the special

17

master report at blue page 33, toward the end? For the Court's

18

reference, I am pulling up a special master report from

19

*Singleton versus Allen*, the Alabama case. It can be found at

20

Case Number 2:21-CV-1530, Northern District of Alabama. It was

21

filed September 25th, 2023, and it's ECF 295.

22

Sorry. I can't actually see the screen. Do we have

23

this up? Can we zoom there on the bottom paragraph of this

24

page?

25

Q. (BY MR. THOMPSON) Do you see where it says (Reading) The

17:50 1 special master and cartographer emphasize that they did not use  
2 any measure of Black population or Voting-Age Population as a  
3 proxy for performance?

4 A. Yes.

5 Q. You're the cartographer in that sentence, right? And were  
6 you emphasizing that because some of the parties in that case  
7 had accused you of having a racial target and using racial  
8 population data?

9 A. Yes.

10 MR. THOMPSON: Now could we flip down to the next  
11 page, please? Could we zoom in on that table?

12 Q. (BY MR. THOMPSON) You see Table 5 here?

13 A. Yes.

14 Q. You recognize this data as the data reflecting the remedial  
15 maps you drew in Alabama?

16 A. Yes.

17 Q. So let's start with Remedial Plan 1.

18 You see that Congressional District 2 in Alabama had a  
19 Black population of 50.1 percent. Do you see that there?

20 A. Yes.

21 Q. That's accurate?

22 A. Yes.

23 Q. And you didn't try to draw it as a 50.1-percent Black  
24 district. Did you?

25 A. No, I did not.

17:51 1 Q. It just happened that way even though you were relying on a  
2 race-blind approach to districting, right?

3 A. Well, Remedial Plan 1 actually --

4 Q. I'm sorry. It's a "yes" or "no" question, sir.

5 A. I'm trying to clarify my previous answer, if I may?

6 Q. Well, I'd love for you to answer my question, but if you  
7 need to correct your testimony, you're welcome to.

8 A. Remedial Plan 1 was based on one of the -- one of the maps  
9 that was submitted by the Plaintiffs, and so the remedial  
10 district there was initially drawn by someone other than me.  
11 And I have no way of saying what they looked at.

12 Q. Are you aware that the Alabama District Court considered  
13 that question?

14 A. I'm aware that it was -- that it was discussed.

15 Q. Right. In Alabama, I think they would have called them the  
16 *Singleton* Plaintiffs, right? Do you remember the *Singleton*  
17 Plaintiffs in Alabama?

18 A. Yes.

19 Q. And they were accusing you of having drawn a racial map  
20 when you got this result, right?

21 A. Well, the *Singleton* Plaintiffs were making a very different  
22 argument from the rest of the Plaintiffs, and were actually  
23 charging the Legislature with having drawn -- drawn a racial  
24 gerrymander.

25 Q. Now, I know they did that, but I'm talking about when they

17:53 1 objected to your remedial plan. Do you remember that they  
 2 thought that you had used racial data and come up with a racial  
 3 target, right?

4 A. No, I don't remember that.

5 Q. All right.

6 MR. THOMPSON: Let's see if we can bring up -- could  
 7 you pull down this highlight, please? Sorry. Keep up the  
 8 exhibit but pull down that call-out box. So don't highlight  
 9 Table 5 and go to the overall page. I think if we zoom in on  
 10 that paragraph right below the table that starts "*The Singleton*  
 11 *Plaintiffs*."

12 Thank you very much, Richard.

13 Q. (BY MR. THOMPSON) So you see where it says, "*The Singleton*  
 14 plan to cite *Cooper* for the proposition of establishing a  
 15 racial target to make Black voters no less than a majority of  
 16 the Voting Age Population as unconstitutional without a  
 17 meaningful legislative inquiry into whether Section 2 could be  
 18 satisfied by districts created without a focus on race"? Do  
 19 you see that?

20 A. Yes.

21 Q. It's talking about the *Singleton* Plaintiff 2, document  
 22 number 5. Do you see that?

23 A. Yes.

24 Q. And that was the fifth document filed in the special docket  
 25 that the Alabama District Court created for filings related to

17:54 1 the special master's remedial plans, right?

2 A. I believe so.

3 Q. So the *Singleton* Plaintiffs were accusing you of having had  
4 a racial target, right?

5 MS. PERALES: Objection, lack of foundation.

6 MR. THOMPSON: The foundation is --

7 JUDGE GUADERRAMA: Well, if he knows. He may not  
8 know.

9 MR. THOMPSON: He doesn't know, but he was the  
10 cartographer involved in the preparation of this report.

11 Q. (BY MR. THOMPSON) Isn't that right?

12 JUDGE GUADERRAMA: You said they were accusing him.  
13 If he knows that --

14 MR. THOMPSON: Fair enough.

15 Q. (BY MR. THOMPSON) Do you know?

16 A. No, I don't know.

17 Q. All right. Now, do you remember that the *Singleton*  
18 Plaintiffs received this report where you and the special  
19 master said that you didn't have a racial target, right?

20 A. Yes.

21 Q. And then do you remember the *Singleton* Plaintiffs told the  
22 district court, "Well, even if he didn't have a racial target,  
23 he must have relied on that illustrative map from the  
24 Plaintiffs that did have a racial target in it"? Do you  
25 remember that?

17:55 1

MS. PERALES: Objection, lack of foundation.

2

JUDGE GUADERRAMA: Well --

3

A. I --

4

JUDGE GUADERRAMA: -- he knows if he remembers it or not.

5

A. I don't remember the specific -- specifics of that.

6

7

Q. (BY MR. THOMPSON) Did you read the district court opinion in this case?

8

9

A. Yes.

10

Q. Did you read the part where the district court said no, that the map you had been relying on was not drawn with racial data and didn't have a racial target?

11

12

13

A. Yes, I recall that.

14

15

Q. Okay. So that map you were talking about earlier that you relied on to draw Remedial Plan 1 wasn't drawn with a racial target in mind, according to the Alabama District Court, right?

16

17

A. That's correct.

18

Q. And you didn't rely on racial data either, right?

19

A. I didn't rely on racial data.

20

21

Q. And so you got to a 50.1-percent BVAP district even though no one involved in the making of the map was relying on racial data, correct?

22

23

A. I was not relying on racial data. But I was trying to create a remedial map, so I was relying on effectiveness data.

24

25

Q. By "effectiveness data" you mean the outcomes of elections,

17:56 1

right?

2

A. Yeah. I had a performance index in that case similar to

3

what I described here, and I was designing districts in a way

4

that would -- where the Black-preferred candidate would have

5

prevailed in most or all of those contests in that performance

6

index.

7

Q. Right. And you drew that map to include partisan outcomes

8

based on whoever you concluded the preferred candidate was

9

without either having a racial target in mind or using any

10

racial data, correct?

11

A. Yes, but I was -- the performance index was consistent with

12

arriving at a 50-plus percent. An approximately 50 percent

13

result.

14

Q. So it's fair to say that a racial outcome, a district that

15

happens to be barely majority for some race, is not enough to

16

safely infer that that district was drawn on the basis of race,

17

correct?

18

A. For a remedial plan that's designed to be effective, then I

19

would agree with you. For a plan that's designed not to be

20

effective, it would require special tinkering.

21

Q. I guess we have to ask a district designed to be effective

22

for whom?

23

So let's talk about your performance index. On direct

24

you talked a bit about how you thought the district lines

25

didn't really match the boundaries for your precincts where you

17:58 1 did the performance index analysis, right?

2 A. Some of them.

3 Q. Yeah. And you characterized that as the lines not really  
4 following the partisan election data, right?

5 A. Yes.

6 Q. And I know you've drawn a lot of maps. Have you drawn many  
7 maps for partisan purposes before?

8 A. Unfortunately, early in my career, yes.

9 Q. Okay. And this Court's heard testimony from partisan map  
10 drawers before. I'll bet when you draw a map for partisan  
11 purposes you wanted to know how Republican or how Democrat a  
12 precinct was, right?

13 A. I usually had someone else telling me those sorts of  
14 things, but...

15 Q. Sure. I don't mean you have to know it personally, but if  
16 you want to create a partisan map, it's really important to  
17 know the difference between a precinct that supports Donald  
18 Trump at 80 percent and a precinct that supports him at  
19 51 percent, right?

20 A. I suppose that that would be the case.

21 Q. Your performance index maps don't show anything like that,  
22 do they?

23 A. Well, they show how often the Hispanic-preferred candidate  
24 carried that precinct.

25 Q. Right. So I remember you had the colorful shading, right?

17:59 1 And one color meant six out of six elections --

2 A. Mm-hmm.

3 Q. -- where the Hispanic-preferred candidate won, right? But  
 4 that didn't have anything to do with whether the  
 5 Hispanic-preferred candidate won by 1 percentage point or 40  
 6 percentage points, right?

7 A. No.

8 Q. I'm sorry. I think the negative and positive may have  
 9 gotten confused there.

10 What I said was correct, right?

11 A. Okay. Yes --

12 Q. Thanks.

13 A. -- they don't correspond to each other.

14 Q. Now, in this case, your work in this case, you haven't  
 15 interviewed any partisan map drawers who were working on this  
 16 map, right?

17 A. No.

18 Q. You haven't interviewed any members of the Texas  
 19 Legislature who voted on the map, right?

20 A. No.

21 Q. So you don't really have any idea whether the legislators  
 22 or the map drawers would have been interested in the kind of  
 23 performance analysis you did when they were drawing the map,  
 24 right?

25 A. No.

18:00 1 Q. Would it surprise you to know that the most important  
2 election for most partisan map drawers is the presidential  
3 election?

4 A. No.

5 Q. But you didn't include the presidential election in your  
6 list of elections, right?

7 A. No, I didn't.

8 Q. It was a racially contested election, though, right?

9 A. It was, but there was not a Hispanic or Spanish Surname  
10 candidate.

11 Q. I noticed you put that in your direct testimony. That's  
12 not what your report says, right?

13 A. Yeah. I was mistaken when I -- these contests were  
14 suggested to me, and I misinterpreted the justification for it.

15 Q. Right. Because you didn't actually select the list of  
16 elections.

17 A. No, I did not.

18 Q. You got that, I think you said, from LULAC's counsel,  
19 right?

20 A. That's correct.

21 Q. That's --

22 MR. THOMPSON: One more?

23 Q. (BY MS. THOMPSON) That's Ms. Perales' colleagues at  
24 MALDEF, right?

25 A. I -- I believe that I got it from Nina or Denise Hulett.

18:01 1

Q. Okay.

2

JUDGE GUADERRAMA: Mr. Thompson, it's --

3

MR. THOMPSON: We can stop for the day, Your Honor.

4

No objection here.

5

JUDGE GUADERRAMA: So we'll recess for the evening.

6

We'll reconvene tomorrow, 9:00. See you-all tomorrow.

7

MR. THOMPSON: Thank you, Your Honor.

8

(Evening recess.)

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**I N D E X**  
**DAY 2**  
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C E R T I F I C A T E

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. I further certify that the transcript fees and format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signature:  /s/Leticia Perez  Date: October 17, 2025  
Leticia Perez

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