

In the Supreme Court of the United States

Terry Petteway, et al.,
Applicants,

v.

Galveston County, Texas, et al.,
Respondents

**RESPONDENTS' RESPONSE TO EMERGENCY
APPLICATION TO VACATE STAY**

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PARTIES TO THE PROCEEDING AND RELATED PROCEEDINGS

Applicants are Terry Petteway, Constable Derrick Rose, and the Hon. Penny Pope (Petteway). Applicants were plaintiffs in the district court.

Respondents are Galveston County, Texas, the Galveston County Commissioners Court, Galveston County Judge Mark Henry, and Galveston County Clerk Dwight Sullivan, in their official capacities (Galveston County). Respondents were the defendants before the U.S. District Court for the Southern District of Texas.

Other Plaintiffs/Appellees before the Fifth Circuit Court of Appeals are Dickinson Bay Area Branch NAACP, Galveston Branch NAACP, Mainland Branch NAACP, Galveston League of United Latin American Citizens Council 151, Edna Courville, Joe A. Compian, and Leon Phillips (NAACP), and the United States of America (DOJ).

The proceedings below are:

1. *Petteway, et al. v. Galv. Cnty., et al.*, No. 3:22-CV-00057 (consolidated with Nos. 3:22-CV-00093 and 3:22-CV-00117) (S.D. Tex.) (permanent injunction entered October 13, 2023 and motion for stay pending appeal denied October 15, 2023);
2. *Petteway, et al. v. Galv. Cnty, et al.*, No. 23-40582, before the U.S. Fifth Circuit Court of Appeals (temporary administrative stay granted until November 10, 2023, panel opinion affirming district court and calling for en banc hearing before the Fifth Circuit to overrule prior case law permitting minority coalition districts issued November 10, 2023, granting administrative stay pending results of poll on en banc hearing, and on November 28, 2023, vacating panel opinion and granting rehearing en banc).

RULE 29.6 STATEMENT

Pursuant to Supreme Court Rule 29.6, Respondents represent that they do not have any parent entities and do not issue stock.

Dated: November 28, 2023

Respectfully submitted,

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TO THE HONORABLE SAMUEL A. ALITO, JR., ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT AND JUSTICE FOR THE FIFTH CIRCUIT:

The Voting Rights Act (VRA) is too important to be misused for political gain, and the Constitution's guarantee of state sovereignty is too fundamental to allow political coalitions to wield federal power over localities. Applicants' emergency application should be denied, for the following reasons.

1. **Procedural matters** – The order from which Applicants seek relief is now moot. It was a temporary administrative stay extended “pending en banc poll” (Applicants' Appdx. A at App-5), and that poll has now concluded. Applicants also did not seek relief from the Fifth Circuit before filing this request—not to modify deadlines or to dissolve the stay. U.S. Sup. Ct. R. 23(3).
2. **Invented intent findings** – Despite Applicants' repeated proclamation of intentional discrimination, the district court expressly “declin[ed] to reach” any such finding, and no plaintiff appealed that decision. Applicants' Appdx. D at App-170 ¶430. Repeating the word “intent” does not alter the clear lack of intent finding from the district court, or provide an equitable basis to reverse a stay order.
3. **Coalitions are not a protected class under the VRA** – This case asks whether a coalition of two distinct minority groups—neither of which is sufficiently numerous on its own—may aggregate to raise a VRA claim. Such claims are unsupported by the VRA and necessarily subordinate one minority group's voice to that of another's, risking loss of each group's unique identity in support of a larger political goal—a problem identified by the Fifth Circuit panel in their recently vacated opinion, as the Fifth Circuit takes this issue up en banc. Applicants' Appdx. B at App-9-11.
4. **The current map has been in place since November 2021** – Implementing the court's proposed plan would greatly alter the boundaries of the 2021 Plan that has been in place for two years, in the middle of the candidate filing period, which closes December 11, 2023. Such change is unwarranted, and would cause confusion.

BACKGROUND AND PROCEDURAL HISTORY

The individual Petteway plaintiffs, NAACP groups, and the DOJ (collectively, the Coalition Claimants), sued Galveston County alleging, inter alia, a Section 2 VRA violation. On October 13, 2023, after a bench trial, the district court issued its findings and final judgment. It also entered a mandatory injunction against the County requiring the adoption and submission of a new County Commissioners Court districting map with supporting expert analysis, or else the district court would select and impose a map on its own.

I. Galveston County's background and politics

Galveston County residents were majority Democrat until 2010, when rising Republican populations in the northern suburbs shifted the political landscape red. Galveston County Judge Mark Henry, a Republican, was first elected in 2010, and has served as County Judge ever since. Applicants' Appdx. D at App-33 ¶28. The County has historically been mostly Anglo¹ and, since 2010, is mostly Republican. Applicants' Appdx. D at App-71 & 73.

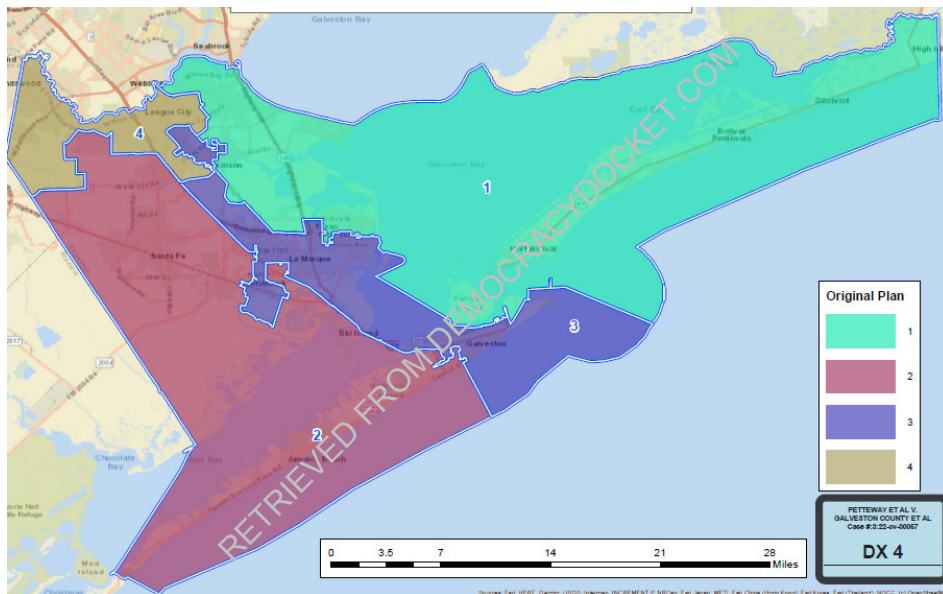
In May 2022, Dr. Robin Armstrong, who is Black, was appointed by Judge Henry to represent Precinct 4 after the sitting commissioner passed away. Dr. Armstrong was then elected by Republican Party chairs over several Anglo candidates to be the Precinct 4 Commissioner candidate, and was elected to office in the November 2022 general election with no Democrat opponent. Applicants' Appdx. D at App-72-73 ¶148. Commissioner Stephen Holmes, who is Black and the only

¹ Respondents' Appdx. 8 at App-56.

Democrat on the Commissioners Court, has served as Galveston County's Precinct 3 Commissioner since 1999. Applicants' Appdx. D at App-33 ¶27 & App-124-125 ¶311.²

II. The Galveston County Latino community objected to the last redistricting map approved by the DOJ in 2012.

Before *Shelby*,³ Galveston County was subject to Section 5 preclearance. Through decades of DOJ mandates, Precinct 3 was drawn as a majority-minority precinct which has looked, over time, much like the center purple strip in the image below:

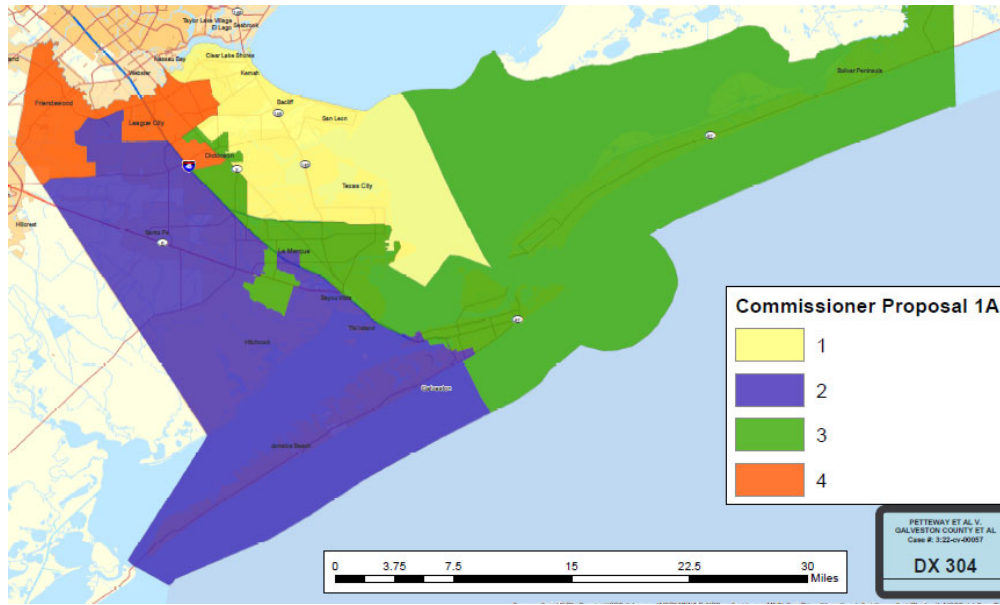


Respondents' Appdx. 2 at App-6.

In 2011, the County submitted the following map for preclearance:

² Oddly, the trial court found Commissioner Holmes was excluded from the redistricting process—even though his own notes describe his involvement in detail. Respondents' Appdx. 3.

³ *Shelby County v. Holder*, 570 U.S. 529, 553 (2013).



Respondents’ Appdx. 4 at App-20. The change was, primarily, the inclusion of Bolivar Peninsula⁴ in Precinct 3. Before the DOJ issued any response to this submission, some of the same plaintiffs in this case sued to enjoin the use of any unprecleared map. *See Petteway, et al. v. Galv. Cnty, et al.*, No. 12-40856, 2013 WL 6634558 at *2 (5th Cir. Dec. 17, 2013) (“*Petteway I*”). Though the County had not implemented any such map, and repeatedly assured the court it would not do so, the suit’s procedural entanglements included a temporary restraining order which was vacated by a three-judge panel—all months before the DOJ issued any response to the County’s preclearance request. Respondents’ Appdx. 5. In its letter, the DOJ criticized placing Bolivar Peninsula into Precinct 3, contending it reduced the Black share of the electorate in that precinct while increasing the Hispanic and Anglo populations. *Id.* at 2.

⁴ Bolivar lies in the northeast part of the County, is sparsely populated, and is accessible from within the County only by ferry.

The County promptly entered into discussions with the DOJ and negotiated a new plan that the DOJ precleared. Respondents' Appdx. 13 at App-136. During those negotiations, the DOJ decreased the Hispanic population and increased the Black population in Precinct 3. Respondents' Appdx. 6 at App-28.

Joe Compian, one of the plaintiffs in this case, wrote to the DOJ in 2012 to express the Galveston County Latino community's resentment at the DOJ's unequal treatment of Latinos in the negotiated map. He stated the map "absolutely does not recognize the growth of the Latino population in [Galveston] County," and that the DOJ's concern with only Black percentages leads "**our Latino congregations and organizations . . . to believe that the DOJ places a greater value on the voting rights of African Americans.**" Respondents' Appdx. 6 at App-28 (emphasis added). He also argued the map "**undervalues Latinos.**" Respondents' Appdx. 7 at App-50 (emphasis added).

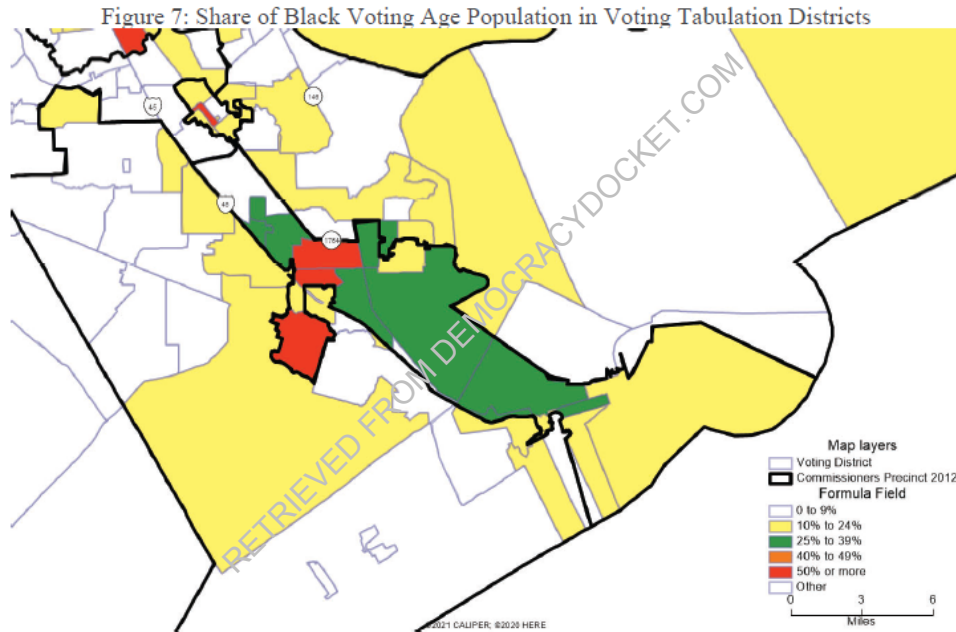
Despite concern that the agreement was "repugnant" to Latinos, the DOJ precleared the plan, and it was implemented. It is the 2011 Map—the first image in this Response. Of note, the bubble at the top of the purple Precinct 3 captures Commissioner Holmes' residence, since he must live within the precinct he serves.

III. Applicants cannot raise a VRA challenge unless they do so as a coalition of two distinct minority groups.

Neither the Black nor Hispanic population in Galveston County is sufficiently numerous to form a majority-minority precinct. Applicants' Appdx. D at App-48 ¶74. 19.2% of the citizen-age voting population, or "CVAP," is Latino, and 12.75% is Black.

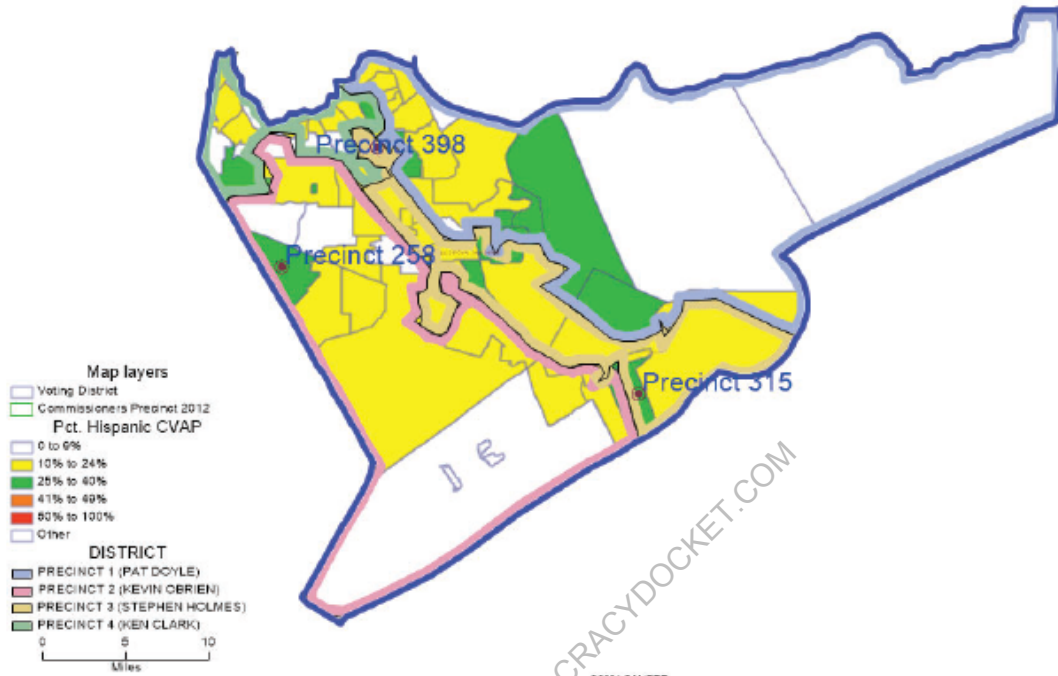
Applicants' Appdx. D at App-74 ¶154; Respondents' Appdx. 14 at App-145. Latino CVAP has grown in the past 10 years, while Black CVAP has decreased.

There is no dispute that the Black and Latino communities are distinct minority groups in Galveston County. Black and Latino residents do not generally live in the same areas. The County's Black population is largely concentrated along a central corridor through the County, stretching from the mainland to Galveston Island:



The Hispanic population, by contrast, is evenly dispersed throughout the County, and not highly concentrated in any single area. Appdx. D at App-89 ¶197; Appdx. D at App-48 ¶73.

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

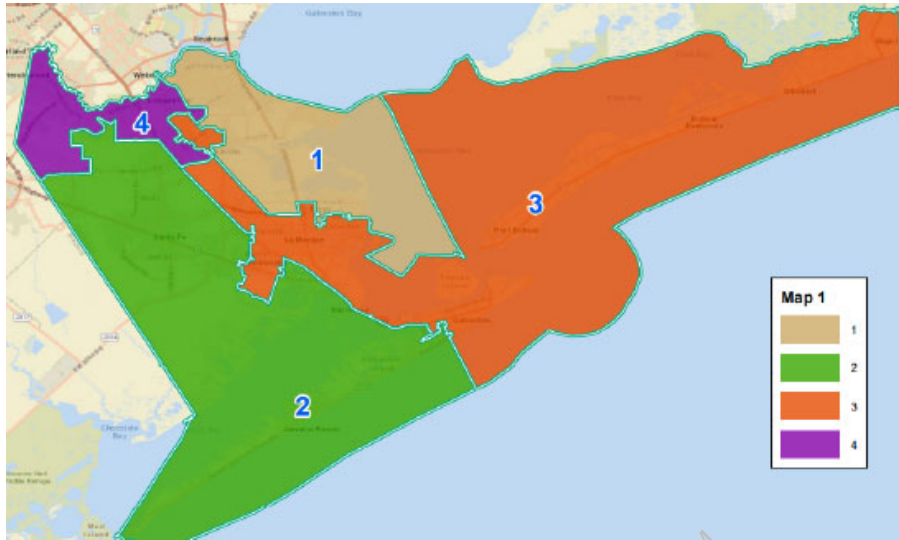


Respondents' Appdx. 8 at App-59 (showing dispersion of Hispanic CVAP in each voting tabulation district on the 2011 Map, with yellow at 10-24% and green at 25-40%).

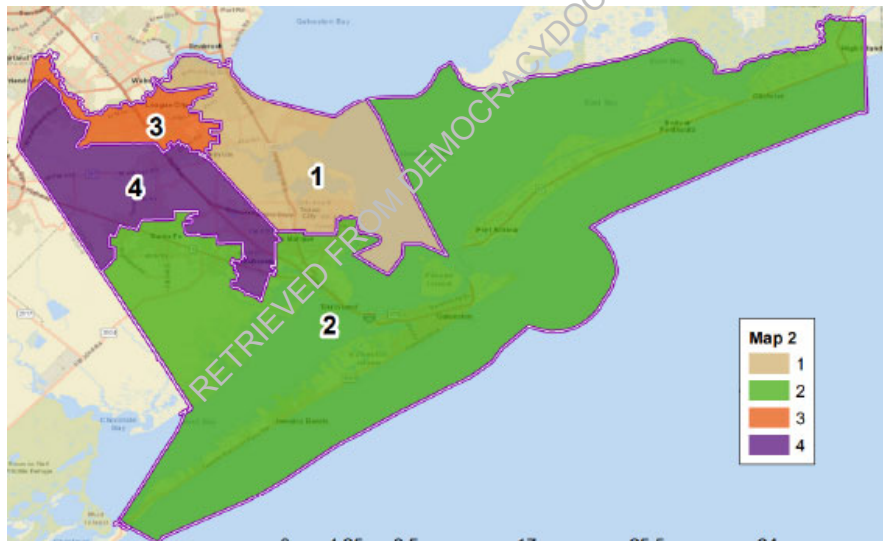
IV. 2021 Redistricting

In 2021, after *Shelby County*, the County faced a new problem: what protection from legal exposure would it have since Precinct 3 had been drawn predominantly on the basis of race? It hired redistricting counsel to assess and assist. With a demographer, counsel generated two map proposals—a “least change” map (Map 1), and a coastal precinct map (Map 2):

The “Map 1” Proposal



The “Map 2” Proposal (2021 Plan)



Respondents’ Appdx. 9. Both proposed plans kept the Commissioners within their precinct boundaries as required by Texas Constitution art. 16 §14. Under Map 2 (the 2021 Plan), the incumbent Democrat for Precinct 3 is less likely to be reelected, considering the political makeup of the County and of the new Precinct 3. *See* Appdx. D at App-71, App-73, App-144-145 ¶¶144, 149, 370.

Both Map 1 and Map 2 were presented to all Commissioners. Each proposal went through the same timeline and process.⁵ Though Commissioner Holmes knew he would be reelected under Map 1, **he never told his constituents or the public this crucial fact**. Respondents' Appdx. 13 at App-124-126, App-128-130 & App-132-134. So the public did not support it. Instead, they asked that Map 1 be changed by taking out the sparsely populated Bolivar Peninsula area, an unincorporated part of the County that did not alter expected Democrat election outcomes. Respondents' Appdx. 13 at App-138-139. At trial, experts testified Map 1 included "30.86% Black and 24.28% Latino by CVAP" (Appdx. D at App-48 ¶75, App-144-145 ¶370), even though Latino CVAP in the County is much higher than Black CVAP.

No commissioner voted for Map 1, not even Commissioner Holmes. Applicants characterize Map 1's political failure as some indication that redistricting was intentionally discriminatory—again, without an actual finding from the district court in support. Before the Fifth Circuit's stay, the district court would have ordered the County to implement Map 1, even though no Commissioner voted for it, and Galveston residents did not want it adopted as drafted, and it presumably suffers from the same procedural shortcomings as the 2021 Plan.⁶

⁵ Due to the late release of Census data, the process for drawing and implementing new maps was compressed, and the maps were posted online for public comment. Respondents' Appdx. 9.

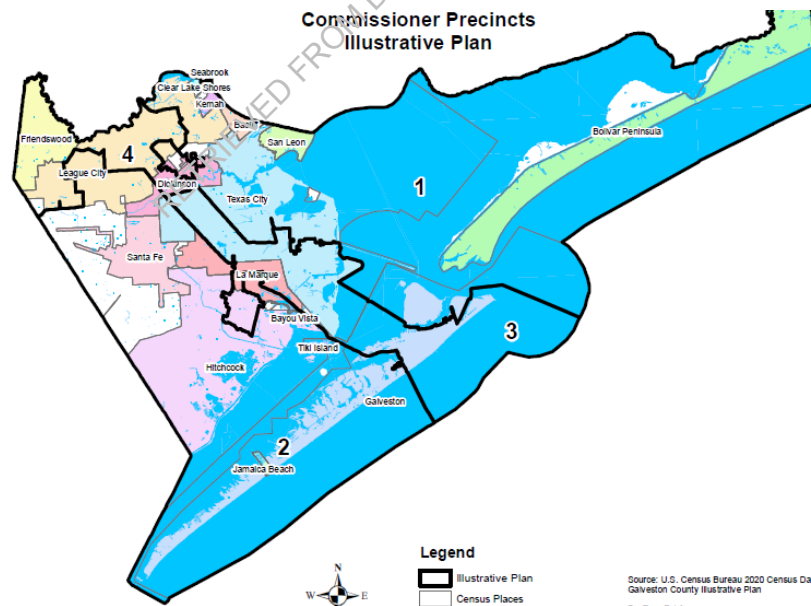
⁶ Redistricting counsel for the County described both map proposals as "legally defensible." But, in being legally defensible, the County was not concerned that Maps 1 and 2 met the *Gingles* preconditions. Those elements and that burden rests on the plaintiff in asserting a VRA claim.

V. Procedural History

The Coalition Claimants sued, claiming the 2021 Plan illegally diluted the Black and Latino vote. As evident in their experts' proposed least-change plans, they essentially argue for application of a no-retrogression standard under Section 2. Taking that argument to its natural result, Applicants would have a nation-wide federal mandate imposed upon localities to draw only least-change districting plans, presumably ad infinitum.

Following a bench trial, the plaintiffs obtained relief on their VRA results claim. The district court entered a final judgment ordering a new plan with "supporting expert analysis" be submitted within seven days; alternatively, the court would implement the least-change illustrative plan from the DOJ's expert:

Plaintiffs' Exhibit 339 – the Fairfax Plan



Respondents' Appdx. 10 at App-89 ("Fairfax Plan"). When Respondents pointed out that this plan drew a Republican commissioner out of his precinct, the district court

amended its order, extended the deadline to fourteen days, and ordered Respondents to either submit a revised plan or implement the Fairfax Plan or Map 1. Applicants' Appdx. E at App-177. Both of those least-change plans favor a Democrat for County Commissioner Precinct 3 over a Republican. The court never found Respondents acted with any discriminatory intent. Applicants' Appdx. D at App-97 ¶228.

Respondents appealed to the Fifth Circuit, sought an emergency stay pending appeal, and requested a temporary administrative stay which the Fifth Circuit reasonably implemented. On November 10, 2023, after expedited briefing and oral argument, a panel affirmed the district court's judgment—but only after providing reasoned criticism of opinions permitting coalition claims, and urging that the en banc court consider the matter on rehearing “at the earliest possible date.” Applicants' Appdx. B at App-12. The panel also extended the administrative stay pending the en banc poll. Applicants' Appdx. A at App-5.

Counsel for some appellees (not Applicants) filed a letter with the Fifth Circuit warning that, even though the administrative stay will be resolved when the en banc poll concludes, “thus avoiding the need for further emergency relief from this Court or the Supreme Court[,]” they anticipate “an imminent need to seek such relief should the administrative stay persist.” Respondents' Appdx. 11 at App-92. This application was filed the next day.

On November 28, 2023, the Fifth Circuit vacated the panel opinion and granted en banc review. Respondents' Appdx. 1.

ARGUMENT

Applicants must show that: (1) the Court will likely grant review upon final disposition in the Fifth Circuit, (2) there is a “fair prospect” the Court will reverse, and (3) there is a likelihood of irreparable harm should emergency relief be denied. *See Maryland v. King*, 567 U.S. 1301, 1302 (2012) (Roberts, C.J., in chambers). Circuit Justices may dissolve stays entered by courts of appeals, though such stays are “entitled to great deference[,]” and that power “is to be exercised ‘with the greatest of caution and should be reserved for exceptional circumstances.’” *O’Connor v. Bd. of Ed. of Sch. Dist. 23*, 449 U.S. 1301, 1304 (1980) (Stevens, J., in chambers).

I. Applicants’ request should be denied as moot, and because Applicants failed to request relief in the Fifth Circuit first.

Applicants seek relief from a temporary administrative stay that has now expired. Applicants’ Appdx. A at App-5; Respondents’ Appdx. 1. Because the Fifth Circuit’s temporary stay has concluded, Applicants’ request for relief should be denied as moot.⁷

Additionally, Applicants failed to seek relief in the Fifth Circuit before filing their Application. They did not ask to extend the candidate filing period, or to remove the stay. U.S. Sup. Ct. R. 23(3). Rather, a “warning” letter was filed in the Fifth Circuit stating that if the stay “terminate[s] promptly, there will likely be ample time for the district court to implement the remedial process” ahead of the 2024 election

⁷ Applicants protest the Fifth Circuit’s order as “unreasoned,” though they cite no authority that would require an analysis in support of such order. Nor should such requirement exist, as such orders can grant, modify, or deny the reasoned motions before a court (Fed. R. App. P. 8), as Respondents so moved before the Fifth Circuit.

and, because of that, the appellees filing the letter “have not yet sought relief from the temporary administrative stay” since they understand it “will be dissolved upon the Court’s resolution of the en banc poll, and that the en banc poll will conclude promptly” Respondents’ Appdx. 11 at App-92. Applicants here state only “the reality” that one of the two sides will ultimately seek emergency relief in this Court, essentially tossing recognized procedure aside as mere senseless formality. But the procedural rules exist for a reason.

Applicants’ request should be denied on these procedural points alone.

II. The parties agree the coalition issue is an important one that may work its way to this Court—but the Fifth Circuit has not completed its review.

Respondents’ lone agreement with Applicants is that, following the Fifth Circuit’s en banc outcome, one side will almost certainly seek further review. The circuit courts of appeal are split on the propriety of coalition claims under the VRA, and this Court has not directly ruled on this issue. *See, e.g., Growe v. Emison*, 507 U.S. 25, 41 (1993) (declining to rule on the validity of coalition claims writ large); *Bartlett v. Strickland*, 556 U.S. 1, 13-14 (2009) (declining to address “coalition-district claims in which two minority groups form a coalition to elect the candidate of the coalition’s choice”); *Perry v. Perez*, 565 U.S. 388, 398-99 (2012) (creating a coalition district is likely not necessary to comply with VRA Section 5).

However, under the rationale in *Bartlett* and other opinions on sub-majority claims, the VRA does not protect minority coalitions. Depending on the outcome, the Court may grant review of any final decision in the Fifth Circuit to resolve this issue.

Respondents and Applicants part ways from there.

III. The Fifth Circuit panel is not demonstrably wrong in ordering en banc review, and a stay is appropriate.

Coalitions of distinct racial groups are not protected under the VRA because they attempt to use the VRA as a tool to advance cross-racial political goals. But the VRA does not permit race to be used as a proxy for political parties. And nothing more clearly reveals the political nature of a coalition's claim than its structure and effect—beginning with the pretense of addressing an aggregation of distinct minority groups as a single entity. The link among such a coalition (as here) is not race, it is political ideology, which the VRA clearly does not protect. *See Rucho v. Common Cause*, 139 S. Ct. 2484, 2500 (2019).

Here, Black and Latino Democrats in Galveston County (thus excluding Dr. Armstrong and other minority Republicans and elected officials in the County) oppose a Republican majority. The coalition claim therefore focuses not on equally open processes closed off **on account of** race, but to increase their joined political voice. While such aggregation may address political goals, it is a stretch of the VRA's text and purpose.

A. A stay is appropriate.

The Fifth Circuit was not wrong in issuing a stay (and would not be wrong in extending it). In 2011, the DOJ rejected the incorporation of Bolivar Peninsula into Precinct 3 when proposed by the County. The DOJ then negotiated only slight population shifts to reach a settlement for the 2011 map. In 2021, without a Section 5 preclearance requirement or retrogression, the plaintiffs sued to maintain what is in effect a least-changes requirement, and extend federal control over local

districting. But whether they can join distinct minority groups to form one claim under the VRA is an important threshold issue that, as the Fifth Circuit panel opined, should not be allowed.

The 2021 Plan has been in place for two years now, and the candidate filing period has been open for over two weeks based on that plan. Between the 2021 Plan and Map 1 or the Fairfax Plan, Precinct 3's boundaries cover different residential areas and therefore the people who could qualify to run in that Precinct differ drastically. A change mid-filing period would almost certainly leave two different sets of candidates applying for Precinct 3 Commissioner, depending on which map is in effect. Not only would Precinct 3 resident-candidates be unclear, the March 2024 primary ballots must be completed and distributed in February. A change now would disrupt the filing process, cause confusion, and could ultimately result in an unopposed Democratic candidate for the 2024 Precinct 3 seat.

Therefore, allowing the County to proceed with its enacted plan, which has been in place now for over two years and through the first half of the candidate filing period, was (and is) appropriate. *See Maryland*, 567 U.S. at 1302 (permitting stay to allow state to continue to enforce statute pending conclusion of petition for writ of certiorari); *see also Abbott v. Perez*, 138 S. Ct. 2305, 2319 (2018) (noting Court granted stay of district court orders).

B. Applicants invent intentional discrimination to light a fictional five-alarm fire, even though no intent finding exists.

The Fifth Circuit proceedings involve a VRA effects claim. There was no intentional discrimination finding made, or appealed. Applicants briefly state, as they

must, that the court did not “issue a legal conclusion on intent considering its Section 2 results ruling. . . .” App’n at 19. Then they argue fervently, at length, that there was intentional discrimination—contrary to the district court’s **express** statement that it “declin[ed] to reach” any intent finding. *See* App’n. at 19; Appdx. D at App-170 ¶430.⁸ They insist that descriptors such as “egregious” and “jarring” should be interpreted as “findings evidencing intentional discrimination” to warrant overturning a stay. App’n. at 19. But Applicants’ arguments not only disregard the trial court’s findings, they disregard this Court’s recent reminder that Section 2 “turns on the presence of discriminatory effects, not discriminatory intent.” *Allen v. Milligan*, 599 U.S. 1, 25 (2023). Applicants additionally disregard their failure to appeal the district court’s decision, leaving only their Section 2 results claim at issue on appeal.

An imaginary intent finding is no reason to dissolve a stay. On the contrary. There are significant facts countering intent. Dr. Armstrong, who is Black, was elected by local Republicans to serve as their candidate for Precinct 4. Applicants discard him because he is a Republican. Two County-elected, Hispanic district court judges have served in the past five years. Four Black and two Latino individual plaintiffs throughout the course of this case were elected officials in Galveston

⁸ Applicants use the word ‘intent’ 29 times in their 34-page filing, including the oft-repeated phrase “intentional destruction.” The district court, in its 157-page findings and conclusions, used “intent” only 19 times. Apart from repeating legal standards, the district court mentioned that intent claims brought against the County in 2013 were **dismissed** from the bench (¶180), and that there was “no need to make findings on intentional discrimination” (¶427). One statement touted by Applicants is a reference to a DOJ objection letter from 2012 about perceived procedural deficiencies that “could be viewed as evidence of intentional discrimination” (¶233)—but the district court did **not** state that it found evidence of intentional discrimination.

County. Additionally, it is easier to vote now in Galveston County than ever—residents can vote anywhere in the County (a program the County opted into when it was first made available in Texas), voter registration is an easy process, and early voting lasts two weeks. Applicants’ Appdx. D at App-78 ¶164. The elected County Clerk (also a Republican) is Hispanic; he confirmed his office will cover any unpaid postage for mail-in ballots because he “want[s] every vote to count.” *Id.* ¶165. Election materials are provided in English and Spanish for all elections. *Id.* ¶166. The County also “collaborates with LULAC and allows them to use [C]ounty property for its Cinco de Mayo event” which is also a “get-out-the-vote effort.” *Id.* ¶168.

Applicants’ attempts to create a discriminatory intent finding fail and, in any event, lend nothing to an analysis of whether a stay is merited on their VRA results claim.

C. The VRA does not protect sub-majority, aggregate coalitions.

This Court has repeatedly rejected sub-majority and political-alliance VRA plaintiffs. Coalitions of distinct minority groups acting as one group are another sub-majority variant not protected by the VRA.

i. The VRA’s text shows coalition claims are not protected.

The text of the VRA does not support aggregate sub-majority claims. It protects against the denial or abridgment of a citizen’s right to vote “on account of race or color, or in contravention of” protections established for language minorities. 52 U.S.C. § 10301(a) (emphasis added). The statute establishes a violation if it is shown that processes leading up to nomination or election “are not equally open to

participation by members of a class of citizens” who are protected under subsection (a).” 52 U.S.C. § 10301(b). The text is singular—“a class of citizens.”

While Applicants contend that singular words include the plural, they downplay the importance of context. *See* 1 U.S.C. § 1 (general interpretive rules “unless the context indicates otherwise”). “A class” cannot be determined in isolation—and it is undisputed here that the coalition for which Applicants advocate is comprised of two distinct minority groups. Nor does the “last antecedent” rule apply here, as there is no immediate, last antecedent phrase. *See Barnhart v. Thomas*, 540 U.S. 20, 26 (2003). Applicants’ citation to the singular-plural canon equally fails to resolve the issue here. Their simplistic application of singular-plural construction is unworkable. The phrase “class of citizens” already contemplates multiple citizens within a class, and the construction provides no instruction that separate “classes” may be aggregated. *See F.D.I.C. v. RBS Sec. Inc.*, 798 F.3d 244, 258-59 (5th Cir. 2015).

Applicants also cite *Chisom*, which resulted in clarification that the VRA applied to “representatives” who include elected judges, just as the pre-1982 version of the VRA had. *See Chisom v. Roemer*, 501 U.S. 380, 403 (1991). The same is not true for coalition claimants. Coalitions were not protected under the original enactment, and were not made a protected aggregate class in 1982.

ii. The VRA’s legislative history shows coalition claims were not contemplated.

Section 2 of the VRA was enacted in 1965 and amended in 1982. No fair reading of the Senate and House reports from 1982 support the notion that a racial coalition was anticipated, or protected.

As explained in the Senate Report for the 1982 amendments, the legacy of the VRA stems from the need to combat the denial of Black Americans' voting rights. S. Rep. No. 97-417 at 5 (1982), reprinted in 1982 U.S.C.C.A.N. 177.⁹ Once statutory bars to Black citizens' ability to vote were lifted, other means of discrimination in voting followed—violence, harassment, literacy tests, and other types of screening. *Id.* Eventually, there was a “dramatic rise in registration” among Black citizens, and then “a broad array of dilution schemes [that] were employed to cancel the impact of the new black vote.” *Id.* at 6. The 1982 amendments were meant to “make clear that plaintiffs need not prove a discriminatory purpose in the adoption or maintenance of the challenged system of practice” to establish a VRA violation. *Id.* at 27.

The amendments also show “Congress clearly walked a fine line” in its work to “codify the results test for vote dilution claims while expressly prohibiting proportional representation for minority groups.” *See LULAC v. Clements*, 999 F.2d 831, 896 (5th Cir. 1993) (“*Clements*”) (Jones, J. concurring). A results-based VRA claim will therefore sometimes fail because a minority will lack sufficient population to create a majority single-member district. *Id.* However, “opportunistic minority coalitions” can circumvent this numerosity requirement to seek a remedy prohibited under the VRA, which is “possibly unconstitutional”—court-mandated proportional representation. *Id.*

The Senate Report shows that Congress envisioned Section 2 protections to provide Black citizens an equal chance at effective political participation. Of course,

⁹ The Court discusses this history in *Brnovich v. Democratic National Committee*, 141 S. Ct. 2321, 2332 (2021).

the VRA applies to any denial or abridgement of a citizen’s right “to vote on account of race or color.” 42 U.S.C. § 1973(a). The Report, however, nowhere indicates that the VRA was meant to allow different minority groups to form into a single coalition to raise a VRA claim. Such claims would greatly expand and increase the impact and rate of VRA claims. *See, e.g., Rucho*, 139 S. Ct. at 2502 & 2507 (discussing “unprecedented expansion of judicial power” by ultimately asking federal courts to “take the extraordinary step of reallocating power and influence between political parties”).

Such a stretched interpretation of the VRA contradicts the statute’s intent to eliminate racially discriminatory structures (*see* S. Rep. No. 97-417 at 54, discussing a jurisdiction’s ability to end Section 5 coverage), since expanding claims to a coalition of multiple races is potentially unlimited in scope. This logical conclusion is evident in Senate Report references to a single class of VRA plaintiffs. In fact, one of the few instances in which the Senate Report explicitly references racial groups that the amended Section 2 would affect speaks in the disjunctive, using “or,” not “and.” In cataloging how the amendment would undo *Mobile v. Bolden*,¹⁰ the Senate Report explains that an intent requirement “asks the wrong question,” since VRA claims challenge electoral systems that operate “today to **exclude blacks or Hispanics** from a fair chance to participate” S. Rep. No. 97-417 at 36 (emphasis added). The Report, which serves as the seminal document courts have turned to for interpreting the 1982

¹⁰ *Mobile v. Bolden*, 446 U.S. 55 (1980), *superseded by statute as stated in Jones v. City of Lubbock*, 727 F.2d 364 (5th Cir. 1984).

amendments to Section 2, nowhere references the concept of a multiracial, or Black-Hispanic, fusion claim.

The House Report on the 1982 amendments likewise mentions racial groups discretely, giving no indication of any intent to lump different minority voting groups together to raise a claim under Section 2. Like the Senate Report, it primarily discusses Black voters, but when it mentions other groups, it does so distinctly. For example, the Committee recognized that, before 1965, “the percentage of black registered voters in the now covered states was 29 percent” and white registered voters was 73%, while:

[t]oday, in many of the states covered by the Act, more than half the eligible black citizens of voting age are registered, and in some states the number is even higher. Likewise, in Texas, registration among Hispanics has increased by two-thirds

H.R. Rep. No. 97-227 at 7 (1981). The Report contains several examples discussing minority voters separately, providing distinct examples of black, Hispanic, Native American, and other groups’ situations under the VRA’s provisions. *See id.* at 14-20.

Had Congress, in its 1982 reformulation of the VRA, intended to permit coalition claims, it would have done so expressly. It did not. Had it meant to apply a single claim to different **races**, it would have said so. *See, e.g., Gregory v. Ashcroft*, 501 U.S. 452, 461 (1991) (citing *Will v. Michigan Dept. of State Police*, 491 U.S. 58, 65 (1989) and *U.S. v. Bass*, 404 U.S. 336, 404 U.S. 349 (1971) (in “traditionally sensitive areas” like statutes that affect “the federal balance,” courts rely on the statute’s clear or plain statements to assure “that the legislature has, in fact, faced,

and intended to bring into issue, the critical matters involved in the judicial decision”).

Applying a statute’s plain statements acknowledges “that the States retain substantial sovereign powers under our constitutional scheme, powers with which Congress does not readily interfere.” *Gregory*, 501 U.S. at 461.

iii. Fifth Circuit Judges Jones and Higginbotham rightly explain, as does the Sixth Circuit in *Nixon*, why coalition claims are not allowed.

The Fifth Circuit has historically permitted minority coalition claims. *See Clements*, 999 F.2d at 864; *Brewer v. Ham*, 876 F.2d 448, 453 (5th Cir. 1989); *Overton v. City of Austin*, 871 F.2d 529, 540 (5th Cir. 1989); *Campos v. City of Baytown*, 840 F.2d 1240, 1244 (5th Cir. 1988) (per curiam). But not without opposition. *See LULAC v. Midland ISD*, 812 F.2d 1494 (5th Cir. 1987) (Higginbotham, J., dissenting), *vacated on reh.*, 829 F.2d 546 (5th Cir. 1987); *see also Campos v. City of Baytown, Tex.*, 849 F.2d 943, 945 (5th Cir. 1988) (per curiam) (Higginbotham, J., dissenting from denial of reh. en banc); *Clements*, 999 F.2d at 894 (Jones, J., concurring).

As Judge Higginbotham has explained, the question is whether “Congress intended to *protect* [] coalitions” rather than whether the VRA prohibits them. *Campos*, 849 F.2d at 945 (Higginbotham, J. dissenting on denial of reh.). No such Congressional intent can be deduced. *Id.* Furthermore, the notion “that a group composed of [different minorities] is itself a protected minority” “stretch[es] the concept of cohesiveness” beyond its intended bounds to include political alliances, undermining Section 2’s effectiveness. *See id.* That is, assuming that a coalition “is itself a protected minority is an unwarranted extension of congressional intent.” *Id.*

Analyses from sister circuits also address a lack of Congressional support or authority from this Court permitting coalition claims. The Sixth Circuit has rejected the validity of coalition claims under Section 2. *Nixon v. Kent County*, 76 F.3d 1381, 1387 (6th Cir. 1996). The *Nixon* court relied on the “clear, unambiguous language” of Section 2 and the legislative record concluding that minority coalitions were not contemplated by Congress. *Id.* at 1386. If Congress had intended to extend protection to coalition groups, it would have invoked protected “classes of citizens” instead of a (singular) protected “class of citizens” identified under the Act. *Id.* at 1386-87. Because Section 2 “reveals no word or phrase which reasonably supports combining separately protected minorities,” the Sixth Circuit concluded that coalition claims are not cognizable. *Id.* at 1387. It expressly disagreed with *Campos* as an “incomplete [and] incorrect analysis.” *Id.* at 1388, 1390-92 (noting the difficulties of drawing district lines for minority coalitions, and that permitting coalition claims would effectively eliminate the first *Gingles* precondition). The Fourth and Seventh Circuits have voiced similar concerns. *See Hall v. Virginia*, 385 F.3d 421, 431-32 (4th Cir. 2004); *Frank v. Forest County*, 336 F.3d 570, 575-76 (7th Cir. 2003). Citing the dissenting opinion in *Nixon*, Applicants ask whether VRA claimants must pass “some sort of racial purity test,” and whether a community that is racially both Black and Hispanic must be segregated from a community that is non-Hispanic Black. App’n at 27 (citing *Nixon*, 76 F.3d at 1401 (Keith, J., dissenting)). This question forgets that the VRA arose to secure the voting rights of Black citizens and that, at the same time it was passed, other titles in the Civil Rights Act outlawed segregation in businesses,

public places, and schools. The entire premise of the VRA, and indeed in many civil rights statutes, is protection based upon a racial classification. The VRA alone requires individual parsing, much of which is typically driven by Census-reported data. Logically, it is a minority coalition that facilitates greater confusion as questions of racial classification are multiplied by the number of minority groups aggregated into one coalition.

The real question at the time of enactment was not whether a mixed-race VRA claimant could be a member of a class of Black non-Hispanic citizens; nor was it the question at the time of the 1982 amendments. The original (and continued) goal or aspiration, just as it is under the Constitution, is to reach “a political system in which race no longer matters.” *See Shaw v. Reno*, 509 U.S. 630, 657 (1993). As we get closer to that goal, fewer Section 2 cases will be successful. *See Allen v. Milligan*, 599 U.S. at 29 (2023) (“as residential segregation decreases—as it has ‘sharply’ done since the 1970s—satisfying traditional districting criteria such as the compactness requirement ‘becomes more difficult’” and therefore fewer Section 2 cases will be successful).

As the Fourth Circuit explained in *Hall*, permitting multiracial coalitions to bring VRA claims would transform the statute from a source of minority protection to an advantage for *political* coalitions, and a redistricting plan that prevents political coalitions among racial or ethnic groups “does not result in vote dilution ‘on account of race’ in violation of Section 2.” *Hall*, 385 F.3d at 431. This Court has cited *Hall* favorably. *Bartlett*, 556 U.S. at 14-15. In *Frank*, which involved an Indian tribe’s vote

dilution claim brought with Black voters challenging a single-member municipal voting district, the Seventh Circuit acknowledged the circuit split, observed the “problematic character” of coalition claims, but avoided ruling on the issue and, instead, rejected the claim based on a lack of evidence that the two groups had a mutual interest in county governance. *See Frank*, 336 F.3d at 575.

As Judge Jones has explained, the VRA first protected Black voters, then was expanded to reach language minorities—separately identifying them as persons of Spanish Heritage, American Indians, Asian Americans, and Alaskan natives. *See Clements*, 999 F.2d at 894 (Jones, J., concurring). That the VRA separately identified these groups shows that Congress “considered members of each group and the group itself to possess homogenous characteristics” and “[b]y negative inference,” *did not* indicate that these groups “might overlap with any of the others” or with Black voters. *Id.* The VRA also discusses the protection of a “class of citizens” and “a protected class”—had Congress meant to expand VRA coverage to “classes” comprised of minority coalitions, it would have done so explicitly. *See id.*

The legislative history’s comparison of discrimination faced by language minority citizens with that experienced by Black citizens explains why the VRA’s protections apply to language minority voters. It is an unfounded leap to go from there to holding the VRA allows different minority groups to join together to present a single claim under the VRA—especially where none is expressly permitted by the statute.

iv. This Court has rejected sub-majority and political alliance claims.

Without the potential to elect a candidate of choice, there is no wrong, no remedy—and no VRA claim.

1. *LULAC v. Perry* rejected sub-majority influence districts.

In *LULAC v. Perry*, the Court rejected influence districts, where minority voters could not elect a candidate of their choice, though they could play a substantial, if not decisive, role in the electoral process. *LULAC v. Perry*, 548 U.S. 399, 446 (2006) (“*LULAC I*”). Where a proposed influence district does not give a minority group the opportunity to elect a candidate of their choice, a Section 2 claim is not stated—or else “it would unnecessarily infuse race into virtually every redistricting, raising serious constitutional questions.” *Id.* While Applicants comparing the 2021 Plan to “tinkering” in *LULAC I*, they forget their own goal (as witnesses testified at trial) was to obtain the reelection of Commissioner Holmes in Precinct 3.¹¹

2. *Bartlett* rejected sub-majority crossover districts.

In *Bartlett*, the Court ruled that crossover districts contradict the VRA’s mandate, because the VRA requires proof that minorities “have less opportunity than other members of the electorate to . . . elect representatives of their choice.” *Bartlett*, 556 U.S. at 14 (quotation omitted). In a crossover district, minority voters make up

¹¹ Section 2 affords minorities a right to equal opportunity to elect “representatives of their choice,” which is different than a right to elect representatives of their choice. 52 U.S.C. § 10301(b). Section 2 does not confer on minority groups the right to elect their ideal candidate; that is a right no one in the political system enjoys. *See De Grandy*, 512 U.S. 997, 1020 (1994) (“minority voters are not immune from the obligation to pull, haul, and trade to find common political ground”).

less than a majority but “might be able to persuade” voters “to cross over and join with them.” *Id.* A minority group could “join other voters—including other racial minorities, or whites, or both—to reach a majority and elect their preferred candidate.” *Id.* But as less than a majority, a minority group “standing alone ha[s] no better or worse opportunity to elect a candidate than does any other group of voters with the same relative voting strength.” *Id.* Recognizing a Section 2 claim where a minority group cannot elect a candidate without assistance from others “would give minority voters ‘a right to preserve their strength for the purposes of forging an advantageous political alliance.’” *Id.* at 14-15 (quoting *Hall*, 385 F.3d at 431 and *Voinovich v. Quilter*, 507 U.S. 146, 154 (1993) (minorities in crossover districts “could not dictate electoral outcomes independently”).

With crossover district claims, courts would have to “make predictions or adopt premises that even experienced polling analysts and political experts could not assess with certainty, particularly over the long term.” *Id.* at 17. Those judicial inquiries—including what percentage of white voters supported minority-preferred candidates in the past, how reliable will crossover votes be in the future, what types of candidates have both white and minority support and whether that trend will continue, how did incumbency affect voting, and whether those trends depended on race—“are speculative” and the answers to these questions “would prove elusive.” *Id.* *Bartlett* explained the VRA does not create a requirement to draw election districts based on these types of inquiries, these questions go well beyond the typical fact-finding entrusted to federal district courts by entering into “highly political judgments” that

courts are “inherently ill-equipped” to make. *Id.* The crossover district sub-majority problems are only heightened when one considers that Section 2 applies nationwide, to every jurisdiction that draws election districts, and every type of election. *Id.* at 17-

18. *Bartlett* cautioned:

There is an underlying principle of fundamental importance: We must be most cautious before interpreting a statute to require courts to make inquiries based on racial classifications and race-based predictions.

Id. Instead, an objective, numerical test is much less fraught: “Do minorities make up more than 50% of the voting-age population in the relevant geographic area?” *Id.* This same advice applies here—rather than trudging through the deep waters of whether a coalition of minority voters form a community of interest, or whether they will *continue* to comprise a coalition in the future. For example, will Hispanic voters continue along a trend of voting for more Republican candidates, while Black voters continue to support Democrats, and how will incumbency or candidate Spanish surnames affect voter cohesion? A simple test of whether a single minority group makes up more than 50% of a particular area is what the VRA envisioned, and what *Gingles* tests.

The same problems with a crossover district are present with a coalition minority district, and more. There is no line as to how many minority groups could join to form a VRA claim—beyond a Black and Hispanic coalition, plaintiffs could raise any combination or number of minority voter groups. Such claims would almost certainly constitute *political*, rather than racial minority, coalitions.

And even though the Court did not rule on coalition claims in *Grove*, Justice Scalia’s opinion is no ringing endorsement of coalition claims. As he explained,

. . . even if we make the dubious assumption that the minority voters were “geographically compact,” there was quite obviously a higher-than-usual need for the second of the *Gingles*^[12] showings. Assuming (without deciding) that it was permissible for the District Court to combine distinct ethnic and language minority groups for purposes of assessing compliance with § 2, when dilution of the power of such an agglomerated political bloc is the basis for an alleged violation, proof of minority political cohesion is all the more essential.

Grove, 507 U.S. at 41.

v. *Rucho* instructs that federal courts are not equipped to apportion political power.

Finally, *Rucho* reminds that the federal judiciary is not equipped to apportion political power. Minority coalitions, for which the glue is political alliance, are comprised of distinct sub-majority groups, and therefore cannot bring a VRA claim. There is no right to proportional representation, or even a guarantee that redistricting “come as near as possible” to proportional representation—that argument is “clearly foreclose[d]” under Section 2’s express language and this Court’s case law. *See Rucho*, 139 S. Ct. at 2499.

Distilling the Court’s cases into one unwavering point, without the opportunity to elect a representative of a minority group’s choice, there is no claim for harm—or relief available—under the VRA.

vi. The VRA is not a vehicle for maximizing political strength.

The danger in recognizing a “coalition district” VRA claim is that treating a coalition of separate minority groups as a single minority stretches *Gingles* cohesiveness to include political alliances, which Section 2 does not protect and the

¹² *Thornburg v. Gingles*, 478 U.S. 30 (1986).

Fifteenth Amendment cannot reach. The Court has made clear that partisan vote dilution claims are not actionable. *See Rucho v. Common Cause*, 139 S. Ct. 2484, 2500 (2019). Racial gerrymandering does not review whether a “fair share of political power and influence” has been apportioned, but instead “asks instead for the elimination of a racial classification. A partisan gerrymandering claim” on the other hand “cannot ask for the elimination of partisanship.” *Id.* at 2495-96.

Section 2 does not require, or allow, that a minority group’s political strength be maximized. As *Allen v. Milligan* observed, reapportionment “is primarily the duty and responsibility of the State[s],” not the federal courts. *Allen v. Milligan*, 599 U.S. 1, 29 (2023) (“*Milligan*”). Section 2 limits judicial action to “instances of intensive racial politics where the excessive role of race in the electoral process denies minority voters equal opportunity to participate.” *Id.* (cleaned up).

Bartlett rejects any argument that minority groups have special protection under the VRA to form *political* coalitions. *Id.* at 15 (“[M]inority voters are not immune from the obligation to pull, haul, and trade to find common political ground”) (quoting *De Grandy*, 512 U.S. at 1020). Simply stated, the VRA “does not impose on those who draw election districts a duty to give minority voters the most potential, or the best potential, to elect a candidate by attracting crossover voters.” *Id.* at 15.

Federal courts lack the power to apportion political power, or “vindicat[e] generalized partisan preferences.” *Id.* at 2499-2501. The impropriety of using Section 2 to gain political ground is unmistakable. *See e.g., Clements*, 999 F.2d at 854 (“§ 2

is implicated only where Democrats lose because they are black, not where blacks lose because they are Democrats”).

D. Applicants’ appeal to equitable relief and their discussion of *Purcell* do not support vacating the Fifth Circuit’s stay.

Applicants contend the equities, and *Purcell*, counsel against keeping a stay in place. But a *Gingles* analysis is not at issue—the threshold question is whether a coalition claim can raise a VRA challenge in the first place. Applicants do not contend with the upcoming primary races in February. They do not mention the work required to implement and generate ballots based on district voting tabulation districts, which depend upon the placement of Commissioner precinct boundaries. They do not contend with the fact that Map 1 was not voted for by **any** Commissioner, and was not supported as drawn by County residents.

And, though Applicants attempt to re-cast the Court’s decision not to vote for Map 1 on November 12, 2021 as a “galling” defense, Applicants forget that Commissioner Holmes need not have “lobbied harder” for Map 1’s adoption—he never lobbied at all for that map. This is despite the fact that attorney Dunn worked with Commissioner Holmes before the County Commissioners’ November 12th vote. Dunn and Holmes worked with a demographer to review the County’s two map proposals, and generate alternate proposals. Respondents’ Appdx. 12 at App-98 (November 6, 2021 analysis of Map 1 prepared for Dunn and Holmes stating “the district appears to continue to perform for Black and other minority voters”). Despite this, witness after witness at trial was surprised by this information. They believed, as they had

been told before the vote, that Map 1 was racist and unacceptable because it contained Bolivar Peninsula.

Oddly, Applicants contend that Respondents were somehow obligated under *Purcell* to have filed a declaratory judgment action to obtain a ruling on an unfiled coalition claim “*before* engaging in redistricting.” App’n at 33. If what they meant was that Respondents were required to obtain federal court clearance for their districting maps post-*Shelby*, they are clearly wrong.

There is no denying that a federal court’s intrusion into state—or here, *county*—governance is unwarranted absent proper authority. Allowing such intrusion prefaced on a coalition wades too far into connections based on political ideologies to be appropriately characterized as a VRA claim.

IV. Irreparable injury

The Constitution grants States the privilege of protecting voting rights of all of its citizens without regard to their race. It also reserves to the States the power to redistrict.

“[A]ny time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.” *Maryland*, 567 U.S. at 1303 (Roberts, C.J., in chambers) (quoting *New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1351 (1977) (Rehnquist, J., in chambers)). Applicants claim there is no irreparable injury in imposing a map presented to the Commissioners Court—and not adopted by that Court, ignoring this rule.

CONCLUSION

The VRA protects equal access to voting processes for minority citizens. The problem with a coalition theory is its pretense that several minority groups (or multiple classes of minority citizens) are one. Where a class of minority citizens do not have sufficient CVAP to elect a candidate of their choice, an amalgam of two separate classes of minority citizens together—who have distinct backgrounds, ethnicities, concerns, and even languages, but share **political** ideologies—does not meet the VRA’s statutory intent.

Applicants’ coalition theory unduly stretches the VRA’s text, promotes politics over race, and contradicts this Court’s rejection of similar sub-majority VRA claimants. They have not shown any exceptional circumstance to reverse any stay, or remove a plan that was enacted over two years ago and has been in place since. Respondents ask that the Court deny any request to vacate a stay in this case.

Respectfully submitted,

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In the Supreme Court of the United States

Terry Petteway, et al.,
Applicants,

v.

Galveston County, Texas, et al.,
Respondents

**APPENDIX TO RESPONDENTS'
RESPONSE TO EMERGENCY APPLICATION TO VACATE
THE FIFTH CIRCUIT'S STAY**

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APPENDIX 1

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United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 28, 2023

Lyle W. Cayce
Clerk

No. 23-40582

HONORABLE TERRY PETTEWAY; HONORABLE DERRICK ROSE;
HONORABLE PENNY POPE,

Plaintiffs—Appellees,

versus

GALVESTON COUNTY, TEXAS; MARK HENRY, *in his official capacity
as Galveston County Judge*; DWIGHT D. SULLIVAN, *in his official capacity
as Galveston County Clerk,*

Defendants—Appellants,

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GALVESTON COUNTY, TEXAS; GALVESTON COUNTY
COMMISSIONERS COURT; MARK HENRY, *in his official capacity as
Galveston County Judge,*

Defendants—Appellants,

DICKINSON BAY AREA BRANCH NAACP; GALVESTON BRANCH

NAACP; MAINLAND BRANCH NAACP; GALVESTON LULAC
COUNCIL 151; EDNA COURVILLE; JOE A. COMPIAN; LEON
PHILLIPS,

Plaintiffs—Appellees,

versus

GALVESTON COUNTY, TEXAS; MARK HENRY, *in his official capacity
as Galveston County Judge*; DWIGHT D. SULLIVAN, *in his official capacity
as Galveston County Clerk,*

Defendants—Appellants.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:22-CV-57
USDC No. 3:22-CV-93
USDC No. 3:22-CV-117

ON PETITION FOR REHEARING EN BANC

(Opinion November 10, 2023, 5 Cir., 2023, 86 F.4th 214)

Before RICHMAN, *Chief Judge*, and JONES, SMITH, STEWART,
ELROD, SOUTHWICK, HAYNES, GRAVES, HIGGINSON, WILLETT,
HO, DUNCAN, ENGELHARDT, OLDHAM, WILSON, and DOUGLAS,
Circuit Judges.

PER CURIAM:

A majority of the circuit judges in regular active service and not
disqualified having voted in favor, on the Court's own motion, to rehear this
case en banc,

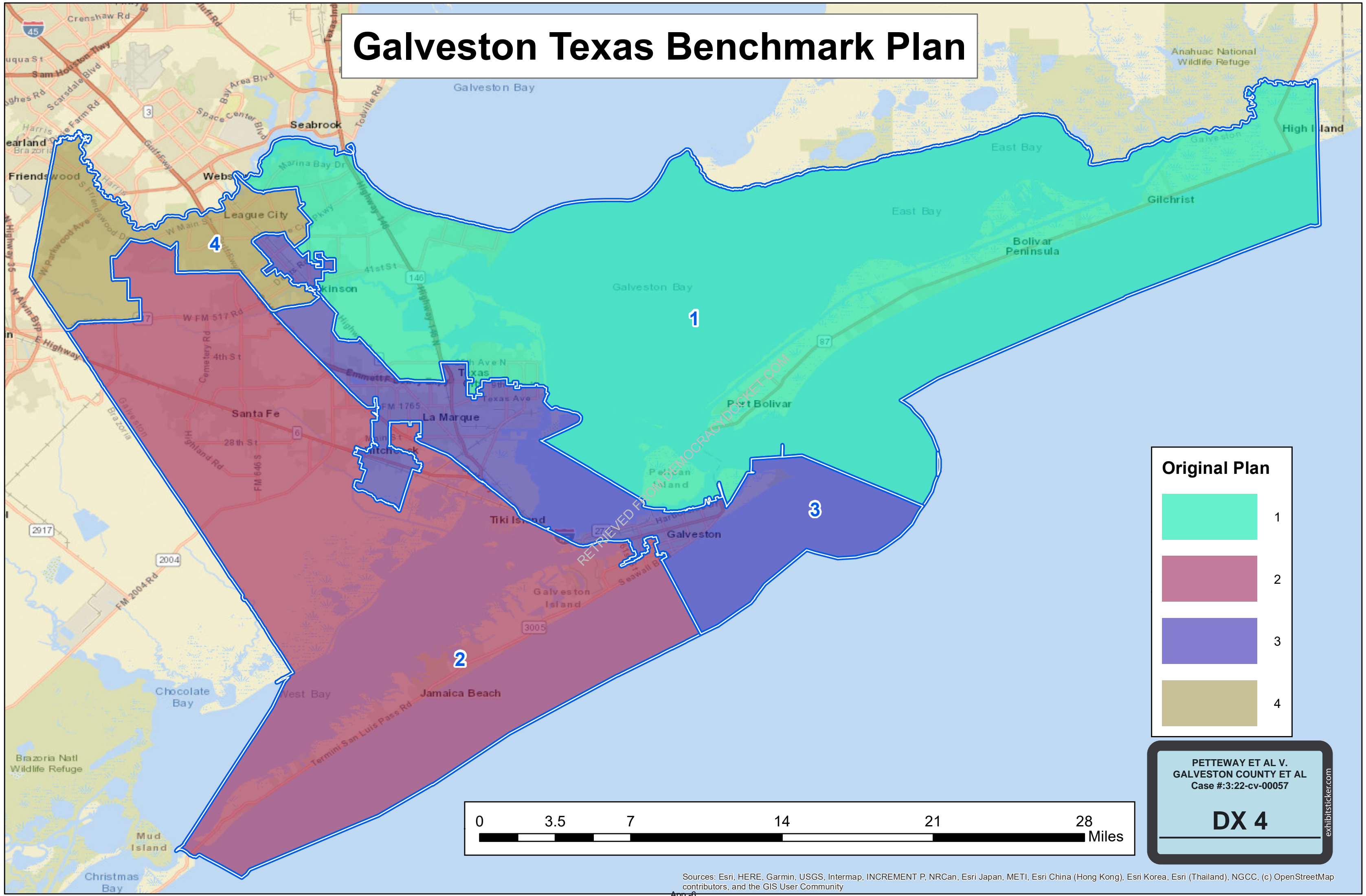
IT IS ORDERED that this cause shall be reheard by the court en banc with oral argument on a date hereafter to be fixed. The Clerk will specify a briefing schedule for the filing of supplemental briefs. Pursuant to 5th Circuit Rule 41.3, the panel opinion in this case dated November 10, 2023, is VACATED.

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APPENDIX 2

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Galveston Texas Benchmark Plan



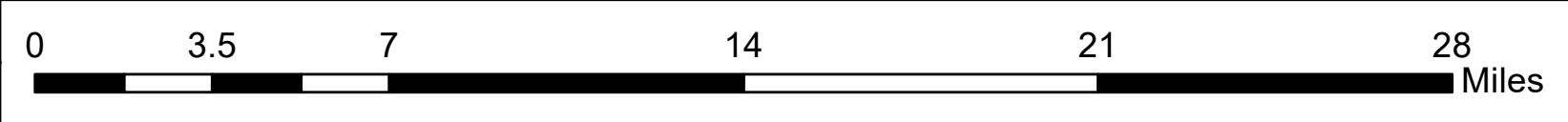
Original Plan

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PETTEWAY ET AL V.
 GALVESTON COUNTY ET AL
 Case #:3:22-cv-00057

DX 4

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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

APPENDIX 3

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Conference Call Dale Oidham + Paul Ready

~~Assumptions of Estimate~~

- * Address I plan on running from
- * Need to gain 8,000 people
- * 87,670.5
- * Deviation is still 10%
- * Fuzz in census numbers
- * Keeps asking me what assets I would like to have
- * All
- * They have already spoken with event other member of the court
- * I believe event other member of the court has seen maps with updated data
- * Paul Ready says Filer Drummond has the updated data and he will call + ask him to send it to me
- * Did not even talk about Restrictive Principles

Joint Exhibit
JX 23
 3:22-cv-57-JVB

9/21/20

Asked ENS. weeding if they
can run precinct data

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① Pct 192

Boundary to south of Pct is 21st St. Draw line from Dickerson Avenue to TEXAS AVE. make it part of 341 or 391
make it part of 341

② Pct 144

Boundary to south is FM 517. Draw line from California down 517 to Owens Drive to Melvin Utter Drive

③ Pct 142

Boundary down Palmer HWY from 25th St to 29th St north makes it part of Pct 343

④ Pct 232

* Either split Pct off I-45 from Baton to Vanhook or move the entire Pct

Alternatives

Ⓐ Pct 439

Extend Baton from Sunset to Deats Rd. makes it part of Pct 389

Ⓑ Take in remainder of St. Edwards Green

10/19/21

Meetings w/ Dale Olohan + Paul Ready - Mt Office 9:00 AM

- Olohan presented 2 maps on his laptop
- * 1st map had Pct 3 picking up all of the Island currently in Pct 1, Pelican Island + all of Bolivar.
- * 2nd map had Pct 3 going no further south than Dickinson + majority of Pct 3 was League City + appears part of Friendswood.
- * Olohan said he would send copies of maps + data

Zoom meetings w/ Jed Webb, Joe Giusti,

10/22/21

+ Paul Ready, Zack Davison, Dale Olohan + Demographer

* Webb, Giusti + Davison at Calder Road

* I conducted on the ferry

* Olohan conducted from South Carolina

* Ready not sure where he or demographer were located

* Showed 2 maps. Same I saw on 10/19/ from mt office

* Showed population + racial data

* I asked Ready to get copies of maps + data

10/29/21

Tyler Drummond

Spoke w/ Tyler. He called me as he was driving to Dallas. Informed me that maps would be going up on the County website that DAY. Said that there would be 2 maps displayed. The 2 maps that Obama had shown me before. I asked about a timeline for this redistricting process & he said that one would be set. He said there would be a place for public comment on website. I asked was this a contest to see which map would get more votes & he said no.

11/2/21

Tyler Drummond. Spoke w/ him & he said they were trying to set a special meeting for next Tuesday, 11/9/21, to vote on the redistricting maps. He said Clark would be out the rest of week & Giusti would be out next Weds & Thurs. He said maybe I could convince them at the next Tues meeting to not support map 2 & maybe get if the vote postponed to next Friday. Said SOS had sent email stating maps must be ^{sent} rec'd by 11/13/21

11/4/21 Tyler called said they were still working on setting the meetings posted for next Tuesday. Said that Nathan from our engineering department was finalizing the maps & trying to get it ready. Said he was gonna send DIANA home & have her come back on Saturday morning to get it posted.

11/5/21 Tyler called me Saturday morning. Said the meeting
was probably going to be next Friday 11/12/21 b/c maps were
still not ready.

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Appl'd to Rose on
10/21/20

~~"Doesn't look good for Holmes"~~

"~~It is~~ There are a
couple maps floating around,
It's not looking good for Holmes"

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11/9/21

12:58pm

* Got a call from Commissioner Apffel about redistricting maps. He wanted to let me know that he would be voting to support MAP 2. He said the Judge (Henry) would jump out & make a motion to approve MAP 2. Said he was inclined to support that motion for political purposes. I informed him that MAP 2 was discriminatory to the minority voters currently in Pct 3. He stated that the minority population currently in Pct 3 was divided fairly evenly amongst all Pcts in MAP 2 & that Dale Oldham told him this was a legal map. Also informed me that Mike Guarino called him & chastised him for supporting MAP 2. I told Comm Apffel that MAP 2 clearly runs afoul of section 2 of the Voting Rights Act & I ~~did~~ did not want the members of Comm Court to vote Friday & Act like they ~~did~~ did not know this map is discriminatory. He talked about what Harris County was doing to Republican members of their Comm Court by changing their Pcts. I told him this was not about Republican or Democrat, but about the protections guaranteed to minority groups in the VRA. He said he was going to call Dale Oldham & ask if this MAP 2 was in fact discriminatory. Comm Apffel also asked if I sided with the NAACP on it. Told him I've had no conversations with the NAACP.

Speakers

11/12/21
Comm Court
Vote on MAPS

- ① TOMMY WATKINS - Stephen Holmes Justice for Stephen Holmes
- ② COLLEY JACKSON - Speaks About the people vote for MAP 2 to keep Gov Cnty Red
- ③ ELIJAH: Represent the people no to MAP 2
- ④ EVELYN McBRANIC: MAP is D'shonorabile & Does NOT Represent People PLPS AWAY AT DEMOCRACY
- ⑤ WINDFRED GILMORE: To citizens lines drawn to delete Stephen Holmes. REDRAW MAP
- ⑥ DEBRA JONES - Extract County where Damon Holmes Represent Two Propositions RACISM IS NOT DEAD WE THE PEOPLE
- ⑦ ANDEER RATISO - Done w/ Torturous intent. Right time to DO THIS
- ⑧ LILLIAN McBRANN - Black Nurses Association. Neither map be Accepted
- ⑨ BARBARA ANDERS - Maintains NAACP. Both MAPS BAD. DCS Rejected Bolivar in 2011
- ⑩ DR. ANNETTE SINKS: Comm did not Get Lure of their own
- ⑪ NAOMI PAPPAS - Republican Pet chair. Commmanding BAD
- ⑫ HANNAH MELTZER - Neither Dem nor Republ. MAPS Racist & you know it. How much will we spend on another lawsuit
- ⑬ EONOR COONVILLE: PC Destroys Pet 336 Selfish & Arrogant DISRESPECT people.
- ⑭ PASTOR JERRY LEE: MAPS Discriminatory. Trust fellow man Right mov'ns the Goal post. Will have to answer to God
- ⑮ HENRY GOMEZ:
- ⑯ WENDY LANGHAM: No intention of changing map on getting input Politicians picking Voters.
- ⑰ NAKISHA PAUL: Preserve Precinct. Relationship b/w you and your const understands Experiences. Keep neighborhoods together.

- 18 Pastor King: Appalled this court w/ submit a map
One vote 1 person, not. Small room floor people standing
Do the right thing
- 19 Judith Oppenheim: Friendswood 15th Representing myself + husband
"Keep Calvestar Red text" One party maps no good. Elections have
been games. Calling out names for points this. maps were
Rejected 10 yrs ago.
- 20 Derrick Johnson: Can't believe we are here discuss this.
Done things for ALK + Brown populations
- 21 Joseph Mitchell:
- 22 Heidi Gosow: would be rejected by prearrangement
- 23 ~~Sharon~~ ^{Right} ~~Watt~~: I serve this court came here a disabled network.
- 24 Lucrecia Lottor: 45% courts minorities. Attempt to dilute minority vote.
meeting time conflicts w/ peoples jobs. Lack of Democrat
DeKunza Bar Area WAPCP
- 25 Roxey Williamson: Suther coalition for social justice. Not going down
without a fight.
- 26 Stephanie Swanson: Pet 3 people have worked together.
Blks + H form coalition district. Courts uphold coalition districts
Remove Bolivar from map.
- 27 Pastor Bedford: Been here 71 years. When I came here we
had no rights. Mainland Economic Alliance
- 28 Debra Warren: If you fine us up you'll see us at polls
- 29 Mary Steadham: Tear maps up + do what's right ^{judged}
- 30 Tera Gibson: man 2 ridiculous. Even plaintiffs fields
- 31 Leon Phillips: GAV Coalition for Justice. Signs up banner
- 32 Keith Hedley: Be good stewards of all constituents
- 33 Pastor Kendall: GSM decision will make us stronger

34 Timmy Sikes: Same thing going on 23 years ago, going on
today. God not sleeping

35 Linda Alcorn: Ran 1986 B/c no representation!

36 Sharon Lewis: Examples for students. This is a teaching moment

37 Anne Willis: 60yr resident Bolivar. Support MAP 2
Better serves w/ MAP 2

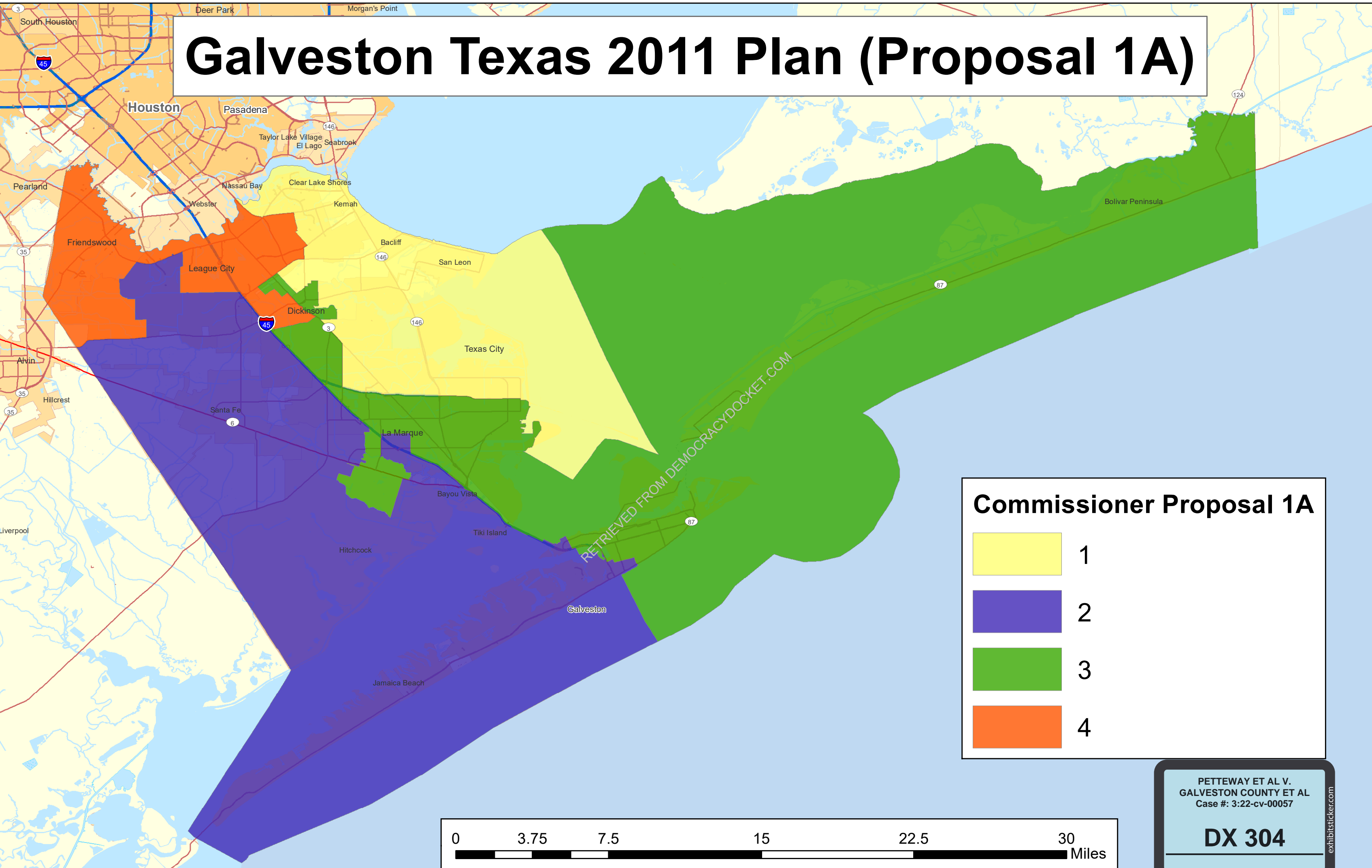
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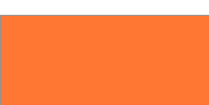
APPENDIX 4

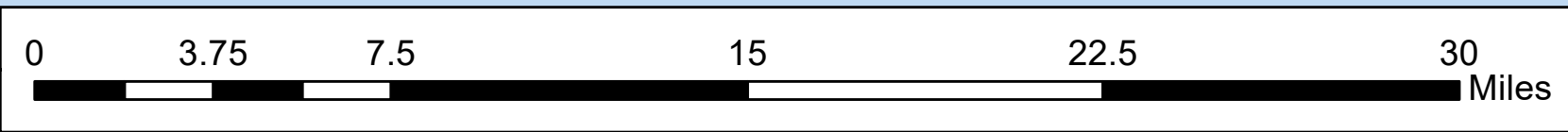
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Galveston Texas 2011 Plan (Proposal 1A)



Commissioner Proposal 1A

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PETTEWAY ET AL V.
GALVESTON COUNTY ET AL
Case #: 3:22-cv-00057

DX 304

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AppSources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

APPENDIX 5

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U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D C 20530

MAR 05 2012

James E Trainor III, Esq
Beirne, Maynard & Parsons
401 West 15th Street, Suite 845
Austin, Texas 78701

Dear Mr Trainor

This refers to the 2011 redistricting plan for the commissioners court, the reduction in the number of justices of the peace from nine to five and the number of constables from eight to five, and the 2011 redistricting plan for the justices of the peace/constable precincts for Galveston County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U S C 1973c We received your response to our December 19, 2011, request for additional information on January 4, 2012, additional information was received on February 6, 2012

We have carefully considered the information you have provided, as well as census data, comments and information from other interested parties, and other information, including the county's previous submissions. Under Section 5, the Attorney General must determine whether the submitting authority has met its burden of showing that the proposed changes have neither the purpose nor the effect of denying or abridging the right to vote on account of race or color or membership in a language minority group *Georgia v United States*, 411 U S 526 (1973), *Procedures for the Administration of Section 5 of the Voting Rights Act of 1965*, 28 C F R. 51 52(c) For the reasons discussed below, I cannot conclude that the county's burden under Section 5 has been sustained as to the submitted changes Therefore, on behalf of the Attorney General, I must object to the changes currently pending before the Department

According to the 2010 Census, Galveston County has a total population of 291,309 persons, of whom 40,332 (13 8%) are African American and 65,270 (22 4%) are Hispanic. Of the 217,142 persons who are of voting age, 28,716 (13 2%) are black persons and 42,649 (19 6%) are Hispanic The five-year American Community Survey (2006-2010) estimates that African Americans are 14.3 percent of the citizen voting age population and Hispanic persons comprise 14 8 percent The commissioners court is elected from four single-member districts with a county judge elected at large. With regard to the election for justices of the peace and constables, there are eight election precincts under the benchmark method Each elects one

person to each position, except for Precinct 8, which elects two justices of the peace. The county has proposed to reduce the number of election precincts to five, with a justice of the peace and a constable elected from each.

We turn first to the commissioners court redistricting plan. With respect to the county's ability to demonstrate that the commissioners court plan was adopted without a prohibited purpose, the starting point of our analysis is the framework established in *Village of Arlington Heights v. Metropolitan Housing Development Corp*, 429 U S 252 (1977). There, the Court provided a non-exhaustive list of factors that bear on the determination of discriminatory purpose, including the impact of the action on minority groups; the historical background of the action, the sequence of events leading up to the action or decision; the legislative or administrative history regarding the action, departures from normal procedures, and evidence that the decision-maker ignored factors it has otherwise considered important or controlling in similar decisions. *Id.* at 266-68.

Based on our analysis of the evidence, we have concluded that the county has not met its burden of showing that the proposed plan was adopted with no discriminatory purpose. We start with the county's failure to adopt, as it had in previous redistricting cycles, a set of criteria by which the county would be guided in the redistricting process. The evidence establishes that this was a deliberate decision by the county to avoid being held to a procedural or substantive standard of conduct with regard to the manner in which it complied with the constitutional and statutory requirements of redistricting.

The evidence also indicates that the process may have been characterized by the deliberate exclusion from meaningful involvement in key deliberations of the only member of the commissioners court elected from a minority ability-to-elect precinct. For example, the county judge and several – but not all – of the commissioners had prior knowledge that a significant revision to the pending proposed map was made on August 29, 2011, and would be presented at the following day's meeting at which the final vote on the redistricting plans would be taken. This is particularly noteworthy because the commissioner for Precinct 3, one of two precincts affected by this particular revision, was one of the commissioners not informed about this significant change. Precinct 3 is the only precinct in the county in which minority voters have the ability to elect a candidate of choice, and is the only precinct currently represented by a minority commissioner.

Another factor that bears on a determination of discriminatory purpose is the impact of the decision on minority groups. In this regard, we note that during the current redistricting process, the county relocated the Bolivar Peninsula – a largely white area – from Precinct 1 into Precinct 3. This reduced the overall minority share of the electorate in Precinct 3 by reducing the African American population while increasing both the Hispanic and Anglo populations. In addition, we understand that the Bolivar Peninsula region was one of the areas in the county that was most severely damaged by Hurricane Ike in 2008, and lost several thousand homes. The county received a \$93 million grant in 2009 to provide housing repair and replacement options for those residents affected by the hurricane, and has announced its intention to spend most of the grant funds restoring the housing stock on Bolivar Peninsula. Because the peninsula's population has historically been overwhelmingly Anglo, and in light of the Census Bureau's

estimated occupancy rate for housing units in the Bolivar Census County Division of 2.2 persons per household, there is a factual basis to conclude that as the housing stock on the peninsula is replenished and the population increases, the result will be a significant increase in the Anglo population percentage. In the context of racially polarized elections in the county, this will lead to the concomitant loss of the ability of minority voters to elect a candidate of choice to office in Precinct 3. *Reno v. Bossier Parish School Board*, 528 U.S. 320, 340 (2000) (“Section 5 looks not only to the present effects of changes but to their future effects as well.”) (citing *City of Pleasant Grove v. United States*, 479 U.S. 462, 471 (1987)).

That this retrogression in minority voting strength in Precinct 3 is neither required nor inevitable heightens our concern that the county has not met its burden of showing that the change was not motivated by any discriminatory purpose. Both Precincts 1 and 3 were underpopulated, and it would have been far more logical to shift population from a precinct that was overpopulated than to move population between two precincts that were underpopulated. In that regard, benchmark Precinct 4 was overpopulated by 23.5 percent over the ideal, and its excess population could have been used to address underpopulation in the other precincts. Moreover, according to the information that the county supplied, its redistricting consultant made the change based on something he read in the newspaper about the public wanting Bolivar Peninsula and Galveston Island to be joined into a commissioner precinct; but a review of all the audio and video recordings of the public meetings shows that only one person made such a comment.

Based on these factors, we have concluded that the county has not met its burden of demonstrating that the proposed commissioner's court redistricting plan was adopted with no discriminatory purpose. We note as well, however, that based on the facts as identified above, the county has also failed to carry its burden of showing that the proposed commissioner's court plan does not have a retrogressive effect.

The voting change at issue must be measured against the benchmark practice to determine whether it would “lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise.” *Beer v. United States*, 425 U.S. 130, 141 (1976). Our statistical analysis indicates that minority voters possess the ability to elect a candidate of choice in benchmark Precinct 3, and that ability has existed for at least the past decade.

As noted, the county's decision to relocate the Bolivar Peninsula from Precinct 1 into Precinct 3 had the effect of reducing the African American share of the electorate in Precinct 3, while increasing both the Hispanic and Anglo populations. In specific terms, the county decreased the black voting age population percentage from 35.2 to 30.8 percent and increased the Hispanic voting age population 25.7 to 27.8 percent, resulting in an overall decrease of 2.3 percentage points in the precinct's minority voting age population. There is sufficient credible evidence to prevent the county from establishing the absence of a retrogressive effect as to this change, especially in light of the anticipated and significant population return of Anglo residents to the Bolivar Peninsula, as discussed further above.

We turn next to the proposed reduction in the number of election precincts for the justice of the peace and constable, and the 2011 redistricting plan for the justices of the peace/constable precincts. With regard to the election for justices of the peace and constables, there are eight election precincts under the benchmark method. Each elects one person to each position, except for Precinct 8, which elects two justices of the peace. The county has proposed to reduce the number of election precincts to five, with a justice of the peace and a constable elected from each.

Our analysis of the benchmark justice of the peace and constable districts indicates that minority voters possess the ability to elect candidates of choice in Precincts 2, 3 and 5. With respect to Precincts 2 and 3, this ability is the continuing result of the court's order in *Hoskins v Hannah*, Civil Action No. G-92-12 (S.D. Tex. Aug. 19, 1992), which created these two districts. Following the proposed consolidation and reduction in the number of precincts, only Precinct 3 would provide that requisite ability to elect. In the simplest terms, under the benchmark plan, minority voters in three districts could elect candidates of choice; but under the proposed plan, that ability is reduced to one.

In addition, we understand that the county's position is that the court's order in *Hoskins v. Hannah*, which required the county to maintain two minority ability to elect districts for the election of justices of the peace and constables, has expired. If it has, then it is significant that in the first redistricting following the expiration of that order, the county chose to reduce the number of minority ability to elect districts to one. A stated justification for the proposed consolidation was to save money, yet, according to the county judge's statements, the county conducted no analysis of the financial impact of this decision. The record also indicates that county residents expressed a concern during the redistricting process that the three precincts electing minority officials were consolidated and the precincts with white representatives were left alone. The record is devoid of any response by the county.

In sum, there is sufficient credible evidence that precludes the county from establishing, as it must under Section 5, that the reduction of the number of justice of the peace/constable districts as well as the redistricting plan to elect those officials will not have a retrogressive effect, and were not motivated by a discriminatory intent.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. *Georgia v. United States*, 411 U.S. 526 (1973); 28 C.F.R. 51.52. In light of the considerations discussed above, I cannot conclude that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to the county's 2011 redistricting plan for the commissioners court and the reduction in the number of justice of the peace and constable districts as well as the redistricting plan for those offices.

We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed change neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. 28 C.F.R. 51.44. In addition, you may request that the Attorney General reconsider the objection. 28 C.F.R. 51.45. However, until the

objection is withdrawn or a judgment from the United States District Court for the District of Columbia is obtained, the submitted changes continue to be legally unenforceable. *Clark v Roemer*, 500 U.S. 646 (1991); 28 C.F.R. 51.10. To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action that Galveston County plans to take concerning this matter. If you have any questions, you should contact Robert S. Berman (202/514-8690), a deputy chief in the Voting Section.

Because the Section 5 status of the redistricting plan for the commissioners court is presently before the United States District Court for the District of Columbia in *Galveston County v. United States*, No. 11-cv-1837 (D.D.C.), we are providing the Court and counsel of record with a copy of this letter. Similarly, the status of both the commissioners court and the justice of the peace and constable plans under Section 5 is a relevant fact in *Petteway v Galveston County*, No. 3:11-cv-00511 (S.D. Tex.). Accordingly, we are also providing that Court and counsel of record with a copy of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom E. Perez', written over a diagonal watermark that says 'RETRIEVED FROM DEMOCRACYDOCKET.COM'.

Thomas E. Perez
Assistant Attorney General

APPENDIX 6

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McCorkle, Perry C (CRT)

NO. 2012-1597

From: Joe Compian [joec@gulfcoastinterfaith.org]
Sent: Thursday, March 22, 2012 6:35 PM
To: Berkower, Risa (CRT); vot1973c (CRT); Bell-Platts, Meredith (CRT)
Cc: Guerrero (Cornyn)
Subject: RE: #2011-4317 Objection to Proposed Settlement with DOJ Litigation Section to Galveston County Commissioner's Court Map adopted on March 22, 2012
Attachments: 3.22.12 Final Objection to Galveston County Commissioners Court 2nd Map to DOJ.pdf; Galv Co Redist final11.29.11.pptx; galvnewsopinionGALCOREDISTRICT3.18.12.pdf

Dear Mr. Perez, Ms. Bell-Platts and Ms. Berkower:

We continue to earnestly objection to the proposed settlement map that was passed by Galveston County Commissioner's Court today by a vote of 3 - 2.

The Galveston County Collaborating Organizations are amazed that the United States Department of Justice under the administration of President Obama would permit a redistricting map that packs minorities into one precinct and absolutely does not recognize the growth of the Latino population in this County. Based upon the remarks of the Galveston County's attorney attributed to the Department of Justice lawyers that the DOJ only asked about African American percentages, our Latino congregations and organizations are beginning to believe that the DOJ places a greater value on the voting rights of African Americans. If this is true, we unanimously find this attitude by the DOJ repugnant.

We ask that you reject the map settlement offer of Galveston County. The Galveston County Collaborating Organizations have offered advice on how to amend lines to permit fairness and compliance with the Voting Rights Acts for ALL.

Respectfully,

Joe Compian
409 939 8017 (talk & text)
281 300 3235 (talk & text)

"Love the poor. Do you know the poor of your place, of your city? Find them. Maybe they are right in your own family?" - Mother Teresa

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**GALVESTON COUNTY
COALITION
FOR
JUSTICE**



**THE GALVESTON
NORTHSIDE
TASKFORCE**



March 22, 2012

The Honorable Thomas E. Perez
Chief, Voting Section
Civil Rights Division
United States Department of Justice
Room 7254-NWB
1800 G Street, NW
Washington, DC 20006
VIA vot1973c@USDOJ.gov

Meredith Bell-Platts
Voting Section
Civil Rights Division
United States Department of Justice
VIA Meredith.Bell-Platts@usdoj.gov

Re: #2011-4317 Objection to Galveston County Commissioners Court Map adopted on March 13, 2012

Dear Department of Justice,

The undersigned collaborating organizations from Galveston County, Texas present this objection to the Galveston County Commissioners Court map adopted on March 22, 2012. We believe the Department of Justice should not accept the March 22, 2012 map for any purpose. We anticipate more signatures will be forthcoming over the next few days.

Our Collaborating Organizations in Galveston participated in the redistricting process for the City of Galveston and the map we supported was eventually adopted by the Galveston City Council and approved by the Department of Justice. We have worked with members of the community, our respective organizations, and with each other in good faith to arrive at a fair compromise map for the Galveston County Commissioners Court that complies with the Voting Rights Act.

We believe any adopted final map must be fair for the community for years and many elections beyond the upcoming election.

Background

Under Section 5, the Attorney General was required to determine whether Galveston County has met its burden of showing that the proposed changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color or membership in a language minority group. *Georgia v. United States*, 411 U.S. 526 (1973); 28 C.F.R. 51.52(c). With respect to Galveston County's ability to demonstrate that the Commissioners Court map was adopted without a prohibited purpose, the starting point in the analysis is the framework established in *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977). The Court provided a non-exhaustive list of factors that could bear on finding a discriminatory purpose, including the impact of the action on minority groups; the historical background of the action; the sequence of events leading up to the decision or action; the legislative or administrative history regarding the action; departures from normal procedures; and evidence that the decision-maker ignored factors it has otherwise considered important or controlling in similar decisions. *Id.* At 266-68.

Prior to Galveston County's October 16th submission of its proposed map to DOJ public hearings had been held where a significant portion of the public expressed their concern about the fairness of the various maps and the process and raised other questions. During the process the lone minority commissioner on the Galveston County Court submitted a map for the Commissioners Court.¹ At the final hearing an alternate new map was suddenly submitted, discussed and adopted with a 3-2 vote along partisan political lines. The map was eventually presented to the Department of Justice and at the same time a law suit was filed by Galveston County in USDC in Washington DC. Since the late presentation of the map to the DOJ created time constraints and problems for potential candidates a group of elected Democratic public officials from Galveston County filed a lawsuit in USDC in Galveston, Texas. A hearing was held on November 21, 2011 and an order issued shortly thereafter. Some individual Galveston County residents intervened in the Galveston USDC case and additional hearings were scheduled to review possible interim maps. On November 22, 2011 we sent a letter to the Department of Justice objecting to Galveston County's proposed redistricting map that had been submitted on October 16, 2011. We submitted a supplemental objection with our proposed map on November 29th and provided Galveston County a copy. Another hearing for an interim map is scheduled for March 23, 2012.

The Attorney General was required to carefully consider the proposed October 16th map and supporting data and documentation as well as the supplemental information that

¹ It is probable the 2011 map submitted by Commissioner Holmes would have passed the scrutiny of the Department of Justice. That map, however, was rejected in a partisan 3-2 vote and now the parties are locked in an ever spiraling cycle of litigation and mounting legal expenses.

was requested to determine whether Galveston County failed to establish the absence of a discriminatory purpose. However, it has to be noted that, simply based on the data submitted, Galveston County failed to carry its burden of showing that its proposed map did not have a retrogressive effect on the ability of minority voters to elect, or impact the election of, their candidate of choice and therefore an objection was warranted by DOJ.

On March 5, 2012, the Department of Justice objected to the Commissioner Court map as well as the Justice of the Peace and Constable map.

On March 12, 2012 a supplemental objection to DOJ and a separate letter to the County Judge and Commissioners, each with our attached compromise map, was distributed before the scheduled March 13th hearing via County Attorney Harvey Baseman. On March 13, 2012 Galveston County held a public hearing in an attempt to adopt another map for submission to the Department of Justice. Questions concerning notice for the hearing and the legality of the process were raised by Commissioners Holmes and Doyle. After several hours a vote was taken that was boycotted by Holmes and Doyle. A 3-0 vote adopted the map and it was then immediately offered for public comment. Although the courtroom had been packed earlier in the day with about 90% African-American attendees, only about ten residents testified against the process that resulted in the approval of the map. There was no testimony against the newly approved March 13th map since copies of the map and supporting data was being passed out as the public hearing commenced and there was not time to read and consider, much less research, the merits of the map. <http://galvestondailynews.com/comments/299314>

After the March 13, 2012 hearing, an objection was filed by the undersigned organizations. The Department of Justice promptly directed inquiries to some of the undersigned organizations as well as to Galveston County officials. The Galveston County Daily News raised questions about the map submitted by Galveston County as well as the process that was followed in adopting the map. See Ex. 2 attached hereto. On or about March 19, 2012 a new map was posted at the Galveston County website and a public hearing was scheduled for 3:00 and 7:00 on March 22, 2012.

The newest March 22nd map includes minor cosmetic changes that do not hide that it is clearly fatally flawed and should be rejected by the Department of Justice.

Discussion

After the 2000 census Galveston County created a map that was submitted to the Department of Justice. It was approved for pre-clearance. The statistics simply and clearly show there was one over 50% Latino/African-American district.

Galveston County Map 2001 (population 250,158 with 63.1% Anglo) See Ex. 1, p3.
Anglo Latino African-American L/A-A Asian/other

#1	60.53	22.22	12.55	34.77	4.70
#2	72.45	16.97	7.33	24.30	3.25
#3	38.16	21.36	38.35	59.71	4.14
#4	80.12	11.60	3.67	15.27	4.56

Since 2000 Galveston County has had an increase in population. There has been a significant increase in the northern part of the county which has resulted in one precinct that clearly violated the “one man-one vote” constitutional principle established in *Baker v. Carr*. Further, Galveston County suffered through Hurricane Ike in 2008 which contributed to a population reduction in the southern part of Galveston County. Finally, the other significant change has been the increase of Latino residents throughout Galveston County. These changes have created additional challenges to drawing a map that would fairly represent the interests of Latinos and African-Americans in Galveston County and comply with the Voting Rights Act. In the decade between the 2000 and the 2010 Census, the county added more than 41,100 persons, of whom 20,300 (49%) were Latino, 14,800 (36%) were non-Hispanic White and the remainder 6,000 (15%) were African-Americans or other minorities. Despite the significant increases in minority population share in Galveston County, the 2011 Galveston County map still only managed to create one precinct where there is a majority minority, and the percentage minority in Precinct 1, the second most minority district, retrogressed from 40% minority in 2000 to 37% minority in the Galveston County map.

Galveston County Map 10/16/11 (population 291,309 with 59.27% Anglo) See Ex. 1, p.4.

	Anglo	Latino	African-American	L/A-A	Asian/other
#1	63.42	23.02	9.13	32.15	4.43
#2	70.21	17.62	7.41	25.03	4.76
#3	33.54	31.53	31.36	62.89	3.57
#4	70.74	17.17	5.35	22.52	6.74

The proposed 2011 Galveston County map clearly diminishes the voting strength of Latinos/African-Americans when compared to Galveston County’s map in 2001 and thus affects their ability to elect and influence the election of candidates of their choice. The map presented by the Collaborating Organizations almost achieves two majority minority precincts with more compact precinct lines. The map more fairly reflects the minority population of Galveston County and is in compliance with the Voting Rights Act.

Gulf Coast Interfaith Map 2011 (population 291,309 with 59.27% Anglo) See Ex. 1, p.5.

	Anglo	Latino	African-American	L/A-A	Asian/other
#1	50.43	31.44	13.90	45.34	4.22
#2	72.38	16.16	5.24	21.40	6.22

#3	37.48	28.21	31.05	59.26	3.26
#4	76.62	13.76	3.94	17.70	5.69

The new March 13th Galveston County map once again clearly diminishes the voting strength of Latinos/African-Americans when compared to Galveston County's map in 2001 and thus affects their ability to elect and influence the election of candidates of their choice. <http://galvestondailynews.com/photos/2012.March/GALCOredistrictDOJ.pdf>

Galveston County Map 3/13/12 (population 291,309 with 59.27% Anglo)

	Anglo	Latino/Asian/other	African-American
#1	80.26	13.12	6.62
#2	81.72	11.07	7.21
#3	45.82	18.10	36.08
#4	81.71	12.95	5.34

Despite the significant increases in minority population share in Galveston County, the March 13th Galveston County map still only manages, according to the supporting data from Galveston County, to create one precinct (Pct. 3) where there is a majority minority but retrogressed from 64% to 54% majority minority, and the percentage minority in Precinct 1, the second most minority district, retrogressed from 40% minority in 2000 to 19% minority in the Galveston County map.

The March 13th Galveston County map is more retrogressive than the rejected October 16th map and should, once again, be rejected by the Department of Justice for any purpose.

The new March 22nd Galveston County map once again clearly diminishes the voting strength of Latinos/African-Americans when compared to Galveston County's map in 2001 and thus affects their ability to elect and influence the election of candidates of their choice.

Galveston County Map 3/22/12 (population 291,309 with 59.27% Anglo)

	Anglo	Latino	African-American	L/A-A	Asian/other
#1	67.19	21.86	6.39	28.25	4.56
#2	69.80	18.69	6.97	25.66	4.54
#3	28.37	32.79	35.43	68.22	3.41
#4	71.33	16.44	5.32	21.76	6.91

Despite the significant increases in minority population share in Galveston County, the March 22nd Galveston County map still only manages, according to the supporting data from Galveston County, to create one precinct (Pct. 3) where there is a majority minority

that has been packed to increase from 64% minority to 72%, and the percentage minority in Precinct 1, the second most minority district, retrogressed from 40% minority in 2000 to 33% minority in the March 22nd Galveston County map.

The March 22nd Galveston County map packs minorities into Pct. 3, and is retrogressive for Pct.1. and therefore the March 22nd map should, once again, be rejected by the Department of Justice for any purpose.

Conclusion

Galveston County had the burden of demonstrating to the Department of Justice the proposed precinct changes in the map it submitted on October 16, 2011 were free of discriminatory purpose and retrogressive effect. Galveston County was notified on March 5th that it had failed. Galveston County then submitted a different map to the Department of Justice on March 13th to settle the ongoing litigation in the United States District Court in Washington D.C. on March 13th that prompted objections from many Galveston County organizations and questions from the Department of Justice. The March 13th map has now been substituted with the March 22nd map.

Under the 2001 map approved by the Department of Justice the Latino/African-American voters had the ability to elect a candidate of choice in one of four precincts. Ten years later, despite a significant increase of minorities, Galveston County submitted an October 16, 2011 map that, once again, created the ability for Latino/African-American voters to only elect or influence the election of a candidate of choice in one of four precincts. Further, the minority population percentage was decreased in the second most minority district. We believed the Galveston County 2011 map violated the Voting Rights Act and filed our objection.

Unfortunately, as discussed above, after the Department of Justice rejected the 2011 map on March 5th, an even more retrogressive map was adopted by Galveston County on March 13th to be replaced by another objectionable map on March 22nd.

We believe the compromise map of the undersigned collaborating organizations better reflects the minority population of Galveston County by creating two districts where Latino/African-Americans have more opportunity to elect or influence the election of their candidate of choice. The compromise map was sent to the Department of Justice on November 29, 2011 as an attachment to our objection and a copy provided to County

Attorney Harvey Baseman. It was once again provided to DOJ and Galveston County officials on March 12, 2012. The map was published in the Galveston County Daily News on March 18, 2012 and appears to have some public support. This compromise map has not been considered at a public hearing.

We welcome the opportunity to visit with the Department of Justice, members of the Commissioners Court individually, collectively, with or without a room full of lawyers, to discuss this compromise map. We would welcome a public discussion and hearing to see if a reasonable compromise map can be adopted by the Galveston County Commissioners Court or if Galveston County will choose to be compelled to operate under a court ordered map.

Respectfully submitted,

_____(Signed by Consent)_____
David Miller
President, NAACP, Galveston Unit 6180
PO BOX 2023, Galveston TX 77553

_____(Consent Pending)_____
Anna Olivares
President, Galveston LULAC Council #151
P.O. BOX 4433, Galveston TX 77553/3728 Avenue Q Galveston TX 77550

_____(Signed by Consent)_____
Leon Phillips
President, Galveston County Coalition for Justice
600 59th Street, Galveston TX 77551

_____(Consent Pending)_____
Cornelia Banks
Chair, North Side Task Force
Mt. Olive Baptist Church 3602 Sealy St #4, Galveston TX 77550

_____(Signed by Consent)_____
Joe Compian
Leader, Gulf Coast Interfaith
1010 35th Street, Galveston TX 77550

_____(Signed by Consent)_____
Stephen McIntyre

Leader, Gulf Coast Interfaith
1010 35th Street, Galveston TX 77550

_____(Signed by Consent)_____

Dotti Jones
President, Barbour's Chapel Community Development Corporation
7420 FM 1765, Texas City TX 77591

_____(Signed by Consent)_____

Dotti Jones
President, NAACP Mainland Branch Unit 6201 (LaMarque)
PO BOX 291, Texas City TX 77590

_____(Signed by Consent)_____

Maxine Jones
President, NAACP Mainland Branch Unit 6280 (Dickinson)
PO BOX 1878, Dickinson TX 7539

_____(Signed by Consent)_____

Carlos Garza
Legal Counsel, Texas City LULAC Council #255
1100 Rosenberg, Galveston TX 77550

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OUR VIEW

A cleaner, simpler district map

If you want to see what's wrong with the county's plan for drawing new district lines for county commissioners, all you have to do is look at an alternate plan drawn by Gulf Coast Interfaith.

Interfaith is not a political organization.

People who volunteer with the organization usually do so for reasons of faith, rather than politics. There are Democrats and Republicans among the volunteers, but politics are generally checked at the door, as are denominational lines.

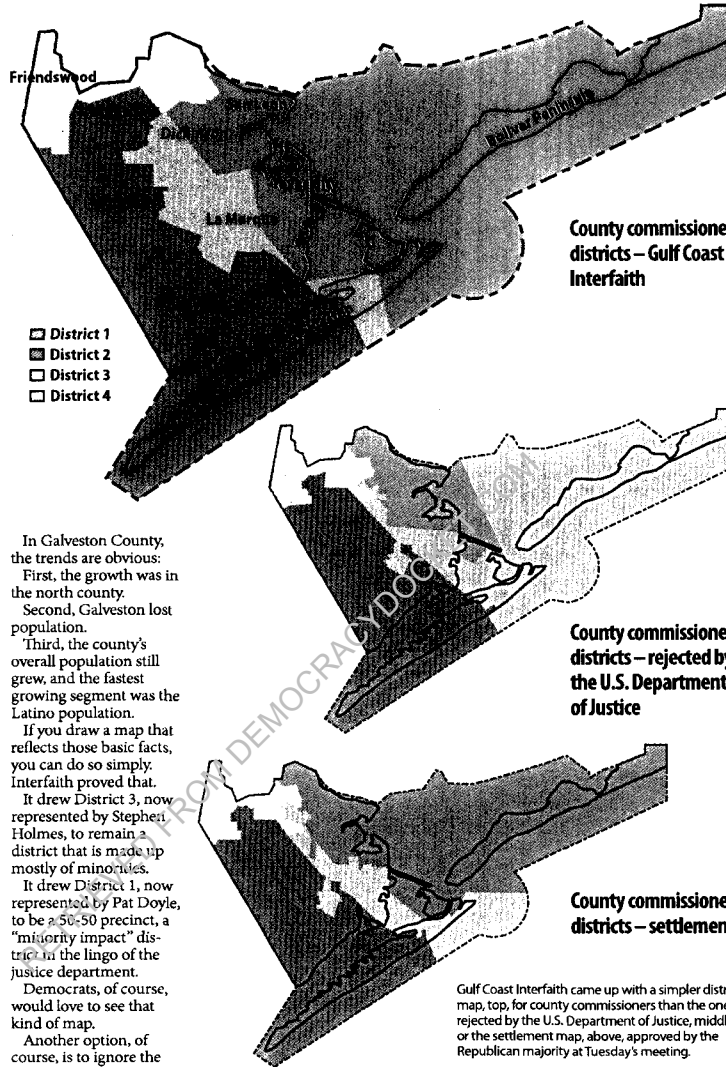
The map, similar to one proposed by County Commissioner Stephen Holmes, is different from the county's map, which was rejected by the U.S. Department of Justice, in one obvious way and one less obvious way.

Obviously, the lines are cleaner. The map prepared by the county's consultants looks like a classical gerrymander. Its district boundaries are convoluted. The map's critics, including the justice department's lawyers, might suspect that the lines were drawn for political gain, rather than to comply with the Voting Rights Act.

The folks at Gulf Coast Interfaith drew a much simpler map. Unlike the county's map, it tends to keep the smaller cities in one commissioner's precinct. Where it divides cities among county commissioner districts, it uses landmarks, such as railroads or highways. You don't need a global positioning system to tell which county commissioner's district you're in.

The less obvious thing about Interfaith's map? Unlike the county's map, it wouldn't be a challenge for the justice department.

The boundary lines of the districts of elected officials are redrawn after every census to reflect changes in population.



In Galveston County, the trends are obvious: First, the growth was in the north county. Second, Galveston lost population.

Third, the county's overall population still grew, and the fastest growing segment was the Latino population.

If you draw a map that reflects those basic facts, you can do so simply. Interfaith proved that.

It drew District 3, now represented by Stephen Holmes, to remain a district that is made up mostly of minorities.

It drew District 1, now represented by Pat Doyle, to be a 50-50 precinct, a "minority impact" district in the lingo of the justice department.

Democrats, of course, would love to see that kind of map.

Another option, of course, is to ignore the growth in the minority population and draw a map that forces that growth into one district with just one vote on the commissioners court.

Republicans control the commissioners

court this time. Democrats controlled the commissioners court for decades past. Neither party has proved to be above politics each time districts are re-

drawn after each census. And so the county has a map that the justice department doesn't like.

There is a new map offered as an alternative, but even if accepted by

the justice department, the argument remains the same. If simple fairness is what you're after, you can draw a simple map.

—Heber Taylor

Galveston County redistricting effort no laughing matter

During the recent "State of the County & Cities" business luncheon hosted by the Texas City-La Marque Chamber of Commerce, La Marque Mayor Bobby Hocking joked with County Judge Mark Henry about how smoothly the city's redistricting effort went compared to the county's.

"Redistricting accomplished in one day and recently receiving pre-clearance from the U.S. Department of Justice," Hocking told the 300 or so gathered for the luncheon before turning to Henry at the head table and adding, "Sorry



Patrick Graham
Patrick Graham is president and publisher of the Daily News.

to bring that up, judge, but I had to get that in there."

It was a great line from Hocking delivered in a good-natured way. I laughed along with everyone else at the time, but unfortunately, what is going on right now with the county's redistricting isn't very funny.

At all.

The first proposed precinct map the county delivered to the U.S. Department of Justice was rejected mainly because the feds felt like it diluted minority voting by shifting the majority white Bolivar Peninsula out of District 1 and into majority minority District 3.

While I'm not sure I agree with that premise since it is impossible for the commissioners to really know how many people will eventually return to the peninsula, I agree even less with the way commissioners handled the task of the getting the Department of Justice another map that would pass muster.

During a meeting last week, the Republican majority on the court (Henry, Ken Clark and Kevin O'Brien) went behind closed doors with the county's redistricting attorneys to hammer out a new map. The Democratic minority (Patrick Doyle and Stephen Holmes), which had pushed a failed vote during the meeting to have the redistricting discussions in open session, refused to take part in the closed-door meeting.

Good for the Democrats. I'm sure that line has my dad, William Graham, who used to be

chairman of the Republican Party in Madison County, Ala., for many years, rolling over in his grave right now.

Although it's possible the Republican majority did not violate the state's open meetings laws in this instance, in my opinion, it's never a good idea for elected officials to conduct the public's business behind closed doors.

There are exemptions that have been written into the law, and the discussion surrounding the new map might fall under one of them, but those exemptions were made more for the benefit of public officials, not the public.

Trust me.

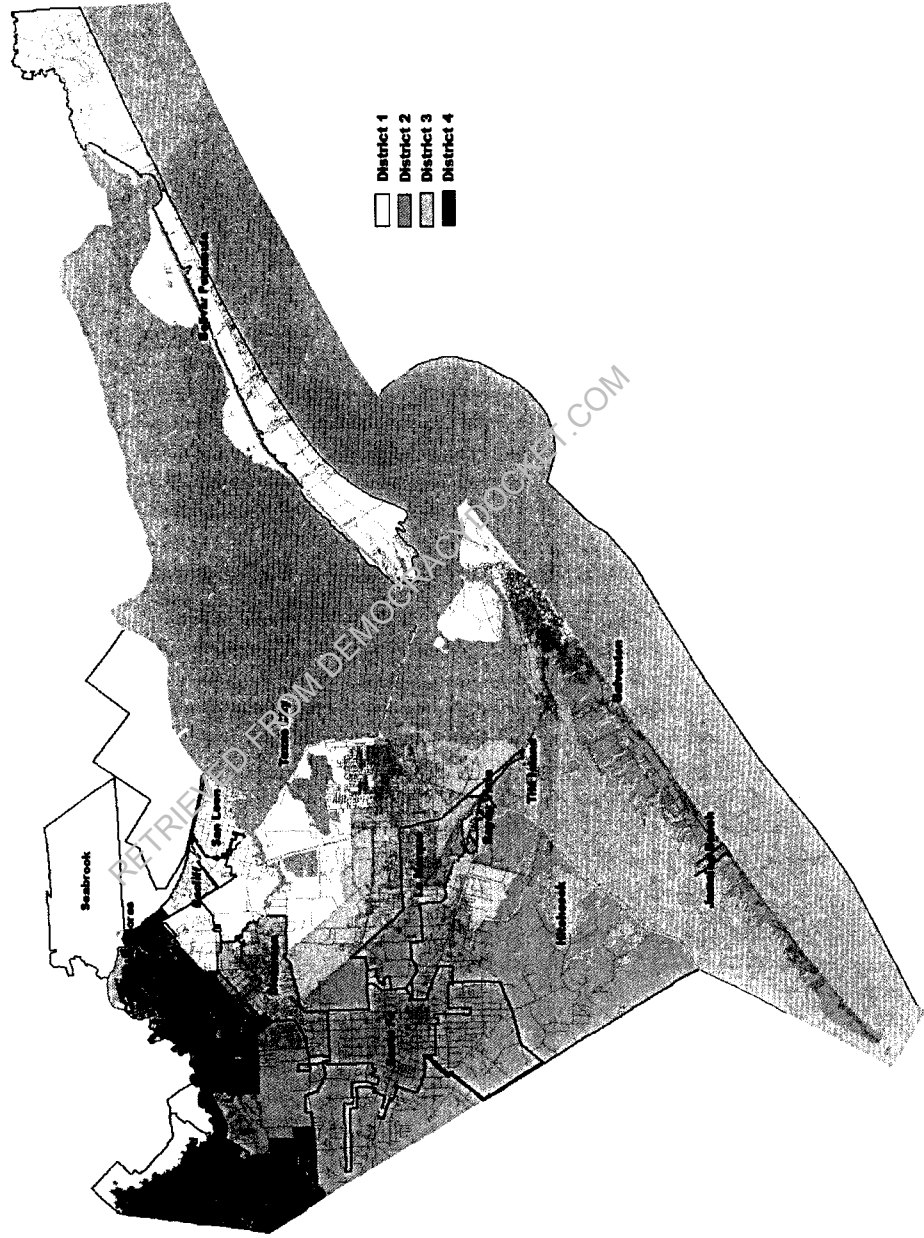
Another reason the Department of Justice didn't approve the first map was because the feds felt like the process to develop it lacked openness. Despite the fact the commission held a number of public hearings on redistricting, the Department of Justice didn't believe commissioners took the public's input into account when designing the original map.

Do you think the latest move by the majority of the commission helps address that concern by the Department of Justice? Nope. Not funny at all.

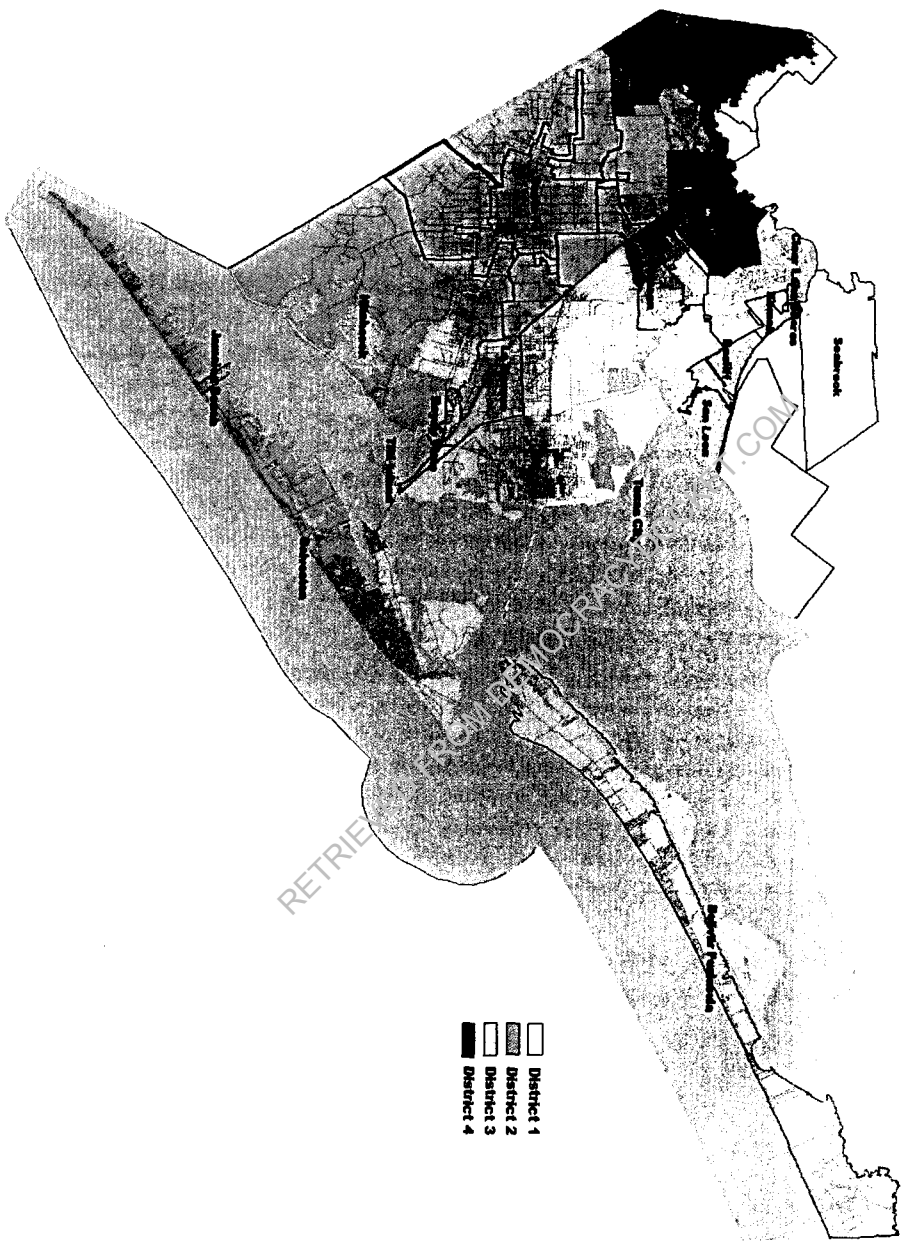
Galveston County Redistricting Possibilities

EXHIBIT 1

Galveston County Map 2001



Galveston County Map 2011



Principles of “Clean Lines” Map

- Bacliff, Bolivar CDP, Friendswood, Jamaica Beach, La Marque, San Leon, Santa Fe, Tiki Island are not divided.
- Dickinson, Galveston City, Hitchcock, and Texas City are divided using identifiable boundaries to create minority-majority District 3 (63%/37%) and minority-impact District 1 (50%/50%), respecting principles of Voting Rights Act.
- League City divided using identifiable boundaries to respect incumbent residences in District 2 and 4.
- No Block-level tweaking for partisan or racial/ethnic impact.

Current Numbers 2010 Census

District 1	61,152	34,314	17,556	6,577	2,980
District 2	76,684	51,769	15,375	6,002	3,538
District 3	69,234	33,774	13,274	5,099	1,707
District 4	89,939	66,073	13,596	4,243	6,027
Total	291,306	172,607	66,201	22,278	14,158
District 1	100.00%	59.80%	20.05%	10.73%	4.70%
District 2	100.00%	67.51%	20.05%	7.83%	4.61%
District 3	100.00%	32.56%	20.51%	35.27%	2.65%
District 4	100.00%	73.46%	15.12%	4.72%	6.70%
Total	100.00%	59.27%	22.41%	13.47%	4.86%

County Plan Numbers*

District 2	72,956	51,224	12,852	5,407	3,473		
District 3	74,809	28,543	28,543	23,420	2,666		
District 4	71,860	50,835	12,341	3,845	4,839		
District 1	100.00%	8.13%	9.13%	4.43%			
District 2	100.00%	70.21%	17.62%	7.41%	4.76%		
District 3	100.00%			11.30%	1.97%		
District 4	100.00%	70.74%	17.17%	5.35%	6.73%		

*Percentages supplied by county; population numbers calculated from percentages.

Conclusions

- County grew fast in north county.
- Two-thirds of county growth was minority population growth.
- Many south county cities increased their minority populations, lost Anglo population.
- By using District 1 to grow District 3, and League City to grow District 1, the County plan ignored the possibility of expanding Districts 1 and 3 to minority areas in south county, creating a retrogression in minority voting impact potential, despite minority population growth.

Gulf Coast Interfaith Plan

“Clean Lines” Numbers

District 1	75,005	37,120	25,100	10,210	3,115
District 2	75,123	54,374	12,140	3,935	4,674
District 3	70,787				2,341
District 4	70,824	54,262	9,747	2,787	4,028
Total	291,309	172,657	65,277	39,229	14,158
District 1	100.00%	50.43%	31.01%	13.98%	4.22%
District 2	100.00%	72.38%	16.16%	5.24%	6.22%
District 3	100.00%	37.48%	78.21%	31.05%	3.26%
District 4	100.00%	76.62%	13.76%	3.94%	5.69%

APPENDIX 7

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From: Joe Compian [joec@gulfcoastinterfaith.org]
Sent: 3/23/2012 3:54:37 PM
To: vot1973c (CRT) [Shared.vot1973c@crt.usdoj.gov]; Bell-Platts, Meredith (CRT) [Meredith.Bell-Platts@crt.usdoj.gov]
CC: Guerrero (Cornyn) [Jay_Guerrero@cornyn.senate.gov]; info@maldef.org; info@LULAC.org
Subject: RE:2011-4317 Objection to Galveston County Proposed Settlement Map

Good Morning,

We continue to urge the Department of Justice to reject a settlement with Galveston County for their Commissioner's Court Redistricting plan.

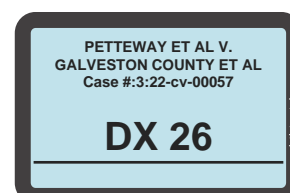
It, quite simply, does not have community support. The plan undervalues Latinos. We find this position surprising by a Department of Justice under President Obama.

<http://galvestondailynews.com/story/301486>

Joe Compian
409 939 8017 (talk & text)
281 300 3235 (talk & text)

"Love the poor. Do you know the poor of your place, of your city? Find them. Maybe they are right in your own family?" - Mother Teresa

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APPENDIX 8

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

TERRY PETTEWAY, THE HONRABLE
DERRICK ROSE, MICHAEL MONTEZ,
SONNY JAMES, and PENNY POPE,

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS and
HONRABLE MARK HENRY, in his official
capacity as Galveston County Judge,

Defendants.

Case No. 3:22-cv-57

EXPERT REPORT OF DR. MARK OWENS

(amended from March 17, 2023)

Mark Owens

March 31, 2023

PETTEWAY ET AL V.
GALVESTON COUNTY ET AL
Case #: 3:22-cv-00057

DX 290

exhibitster.com

I am a tenured associate professor of Political Science at The University of Texas at Tyler. In the seven years I have taught at UT Tyler, I have taught courses on Congress, voting behavior, state politics, and research methods at the undergraduate and graduate level. I have authored numerous journal articles on legislative politics and social behavior, which can be found in *American Political Research*, *Legislative Studies Quarterly*, *Social Sciences Quarterly*, and other academic journals. I also co-authored a recent book, *Battle for the Heart of Texas*, about the changing preferences of voters in Texas and the increasing civic engagement of Hispanic voters. A full list of my qualifications and publications are available in my CV as Exhibit A.

I have also provided expertise relevant to the 2021 redistricting cycle on three occasions. I used Maptitude GIS software to help a non-profit organization in the state of Oklahoma prepare districting plans of state and federal legislative offices for public submission. I submitted an analysis of whether racially polarized voting was occurring in *Black Voters Matter Capacity Building Institute, Inc., et al. v. Laurel Lee*, No. 2022 CA 066, before the Circuit Court of the Second Judicial District in Leon County, Florida last year. I also provided analyses about racially polarized voting in the case *Palmer et al. v. Hobbs*, No. C22-5035RSL, before the United States District Court Western District of Washington (2022). My compensation to prepare and write this report is \$350 per hour. My compensation is in no way dependent on the opinions offered in this report.

Summary

I have been asked by counsel for the Defendants to evaluate the Galveston County Commissioner's Court Precinct map with specific attention to the compactness of districts within the county. Since this is a county-level analysis, an intensely local analysis is required. The first step is to identify if residents of the county live in compact areas. I will see if individuals in those compact areas have similar characteristics (e.g., work status, age, geographic mobility, culture, income levels, education, and lifestyle). The analysis of compactness and characteristics of county residents is to evaluate if residents with shared interests and backgrounds live in a local geographic area. My conclusion is that the Hispanic population in particular is not geographically compact as the Hispanic population in Galveston is both far apart and disparate.

I begin by describing how the county has changed over the last decade. Galveston's population grew to 350,682 in the 2020 Census making the ideal number of persons in each Commissioners Court precinct is approximately 87,671 people. Galveston County's Hispanic total population from the Census is 88,636 (25%) and the ACS 2020 5-year estimate (2016-2020) of citizen voting age population is 45,962 (19%). Galveston County's Black population is 43,120 (12%) and Black citizen voting age population is 30,465 (13%).¹ Therefore, my analysis will focus on how closely the Hispanic and Black populations are concentrated within the county, as they are the predominant minority groups in the county and the subject of this Section 2 lawsuit. I will compare Hispanic residents across the county's geography to see if they are

¹ Throughout this report I refer to residents as Hispanic, instead of Latino, because the Census Bureau uses "Hispanic" I do the same here. The intent is to include persons of Latin American descent based on their identification as Hispanic in the Census and American Community Survey.

similar to each other despite living in different municipal areas. I will also see how concentrated Black communities are in the county.

Later in the report, I evaluate the numerous alternative plans submitted by the Plaintiffs to determine if those illustrative plans comply with traditional redistricting criteria or if they prioritize race over traditional redistricting criteria. I find that each illustrative alternative selectively ignores traditional redistricting practices in an effort to group Black and Hispanic residents into Precinct 3.

The illustrative alternatives split municipalities, islands, and other subdivisions violating traditional redistricting principles. Plaintiffs' proposed alternatives surgically splice voting precincts on racial grounds, carving the Anglo portion and placing it in Commissioner Precincts 1, 2, or 4. The cuts fold a higher portion of the Black citizen voting age population (BCVAP) into Precinct 3.

Tables 1 and 2 clearly shows the degree this occurs in each plan. All plans, except one preserve the Benchmark Map's inclusion of BCVAP in Precinct 3 that is three times larger than any other precinct. The illustrative alternatives also propose an opposite impact for the non-Hispanic white citizen voting age population (WCVAP) by creating a difference of at least 15% to 25% in the WCVAP between Precinct 3 and Precincts 1, 2, and 4. The distant pockets of HCVAP populations allow its share of a precinct population to be relatively stable in any plan. The Enacted Map is the only plan, which keeps the non-Hispanic white population from making up more than two-thirds of the CVAP in any two precincts.

Table 1: Comparison of Citizen Voting Age Population, by Precinct and Plan

	Benchmark HCVAP	Benchmark BCVAP	Benchmark WCVAP	Enacted HCVAP	Enacted BCVAP	Enacted WCVAP
Precinct 1	12125 (20.1%)	5093 (8.4%)	41079 (68.0%)	13274 (21.7%)	6403 (10.4%)	39296 (64.2%)
Precinct 2	11056 (16.6%)	5375 (8.1%)	47201 (70.8%)	13250 (20.5%)	9121 (14.1%)	40186 (62.2%)
Precinct 3	13311 (24.2%)	16904 (30.7%)	22833 (41.5%)	10436 (18.8%)	5032 (9.1%)	35881 (64.8%)
Precinct 4	9470 (16.6%)	3093 (5.4%)	40337 (70.5%)	9002 (15.5%)	9909 (17.0%)	36087 (62.1%)
Total	45962	30465	151450	45962	30465	151450
Not in P3 (Pct of Total)	32651 (71.0%)	13561 (44.5%)	128617 (84.9%)			

Table 2: Comparison of Citizen Voting Age Population, by Precinct and Illustrative Plan

	Cooper 1 HCVAP	Cooper 1 BCVAP	Cooper 1 WCVAP	Cooper 2 HCVAP	Cooper 2 BCVAP	Cooper 2 WCVAP	Cooper 3 HCVAP	Cooper 3 BCVAP	Cooper 3 WCVAP
Precinct 1	12848 (20.7%)	5103 (8.2%)	41979 (67.7%)	12542 (20.9%)	5154 (8.6%)	40429 (67.2%)	13882 (22.2%)	9075 (14.5%)	37490 (59.9%)
Precinct 2	9779 (15.9%)	4565 (7.4%)	44345 (72.2%)	10572 (16.5%)	4370 (6.8%)	46365 (72.2%)	8901 (14.6%)	2935 (4.8%)	45462 (74.5%)
Precinct 3	14591 (24.2%)	17717 (29.4%)	25700 (42.6%)	14848 (24.7%)	17590 (29.3%)	25553 (42.6%)	13663 (23.6%)	15309 (26.4%)	26684 (46.1%)
Precinct 4	8744 (15.7%)	3080 (5.5%)	39426 (70.9%)	8000 (14.6%)	3351 (6.1%)	39103 (71.2%)	9516 (16.4%)	3146 (5.4%)	41814 (72.4%)
Total	45962	30465	151450	45962	30465	151450	45962	30465	151450
Not in P3 (Pct of Total)	31371 (68.3%)	12748 (41.8%)	125750 (83.0%)	31114 (67.7%)	12875 (42.3%)	125897 (83.1%)	32299 (70.3%)	15156 (49.8%)	124766 (82.4%)

	Fairfax HCVAP	Fairfax BCVAP	Fairfax WCVAP	Rush 1 HCVAP	Rush 1 BCVAP	Rush 1 WCVAP	Rush 2 HCVAP	Rush 2 BCVAP	Rush 2 WCVAP	Rush 3 HCVAP	Rush 3 BCVAP	Rush 3 WCVAP
Precinct 1	12122 (20.1%)	5090 (8.4%)	41048 (68.0%)	11660 (18.8%)	5878 (9.9%)	42161 (67.9%)	11261 (18.9%)	4481 (7.5%)	41356 (69.4%)	11672 (19.4%)	4361 (7.2%)	41753 (69.3%)
Precinct 2	10183 (16.1%)	5073 (8.0%)	45186 (71.3%)	9876 (15.7%)	3927 (6.2%)	45740 (72.7%)	9707 (15.5%)	3843 (6.2%)	45565 (73.0%)	10050 (15.9%)	3817 (6.0%)	46008 (72.9%)
Precinct 3	14187 (24.3%)	17209 (29.5%)	24859 (42.6%)	15378 (25.6%)	16982 (28.2%)	25789 (47.6%)	16224 (25.3%)	18585 (29.0%)	27222 (42.5%)	15729 (25.2%)	18385 (29.5%)	26373 (42.3%)
Precinct 4	9470 (16.6%)	3093 (5.4%)	40337 (70.5%)	9048 (16.7%)	3678 (6.9%)	37760 (69.7%)	8770 (16.5%)	3556 (6.7%)	37307 (70.0%)	8511 (15.9%)	3902 (7.3%)	37316 (69.8%)
Total	45962	30465	151450	45962	30465	151450	45962	30465	151450	45962	30465	151450
Not in P3 (Pct of Total)	31775 (69%)	13256 (43.5%)	126591 (83.6%)	30584 (66.5%)	13483 (44.3%)	125,661 (83.0%)	29738 (64.7%)	11880 (39.0%)	124228 (82.0%)	30233 (65.8%)	12080 (39.7%)	125077 (82.6%)

My report shows compact precincts were enacted in 2021 for the Galveston Commissioner’s Court. Those compact precincts follow traditional redistricting criteria by joining communities that have common characteristics beyond race, which is discussed in more detail below. The current map removes the “hooks” and “claws” from the prior map’s Precinct 3 boundaries. The result is that fewer local communities are divided under the current map, and the precincts preserve existing political boundaries.

Collectively, these results show that Plaintiffs’ illustrative maps fail to meet the *Gingles* 1 criteria in three important ways. First, neither Black nor Latinos are sufficiently numerous in and of themselves to constitute the majority in a single member district. This is important because all of the Plaintiffs’ illustrative maps require the combination of Black and Hispanic voters to form a majority-minority district. Second, the pairing of Black and Hispanic voters together is inappropriate because Black and Hispanic voters in Galveston County are not geographically compact. Third, and finally, the illustrative plans violate traditional redistricting principles to push the number of Black and Hispanic CVAP above 50%+1 in each illustrative plan.

Galveston County’s Dynamic Growth

Between 2010 and 2020, Galveston County’s population grew by 59,373. The proportional increase of 20% of the county’s population was the largest since 1970.² The growth also continued changes in the county’s demography, shared below in Table 1. A look at the 2020 Census population count in each Commissioner Court Precinct shows that Galveston County’s growth since 2010 was not even across the county. Prior to the county’s 2021 redistricting process, both Precincts 2 and 4 were overpopulated and Precinct 3’s population growth lagged the county by almost 9%. To keep district populations within plus or minus 5% of an equal distribution of individuals among four commissioner precincts, Precinct 2 needed fewer people and Precinct 3 needed additional people.

Table 1: Change in Galveston County from 2000 to 2010 to 2020

	2000	2010	2020
Total Population	250,198	291,309	350,682
Ideal Precinct Population (4)	62,550	72,827	87,671
Hispanic Population	44,939 (18%)	65,270 (22%)	88,636 (25%)
NH Black Population	38,179 (15%)	39,229 (14%)	43,120 (12%)
NH White Population	157,851 (63%)	172,652 (59%)	191,358 (55%)

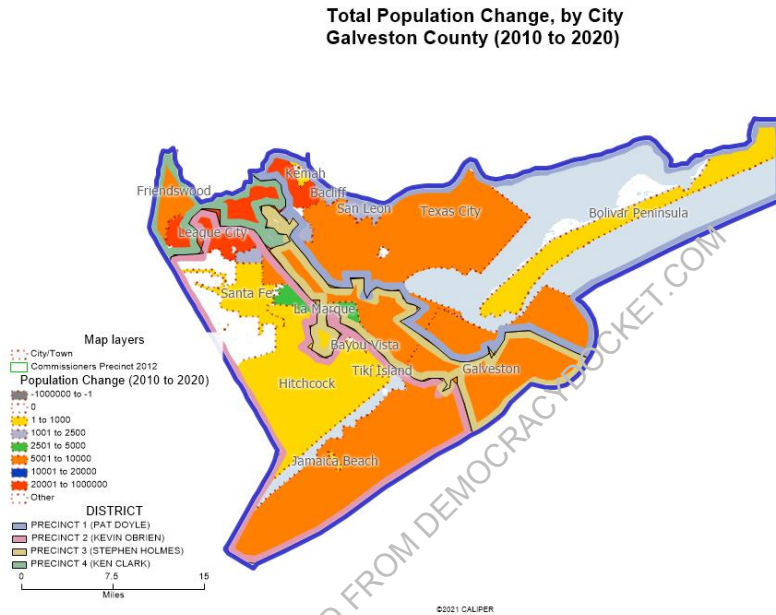
Figure 1, on the next page, illustrates that League City predominantly contributed to Galveston County’s growth with more than 30,802 new residents. This area is shaded in red to

² Texas Almanac. 2011. Population History of Counties from 1850–2010. Texas State Historical Association. <https://www.texasalmanac.com/drupal-backup/images/topics/ctypophistweb2010.pdf>

Also, Ferguson, John Wayne. 2021. “Galveston County population tops 350k, according to census.” *Galveston Daily News*, August 12, 2021. galvnews.com/news/article_15c68cc2-73f6-58b9-8162-07f7a74186e1.html

reflect that the population growth exceeded 20,000 individuals. Under the prior map, portions of League City were split between all four districts, but only one of League City’s voting districts was in Commissioner Court Precinct 3. Precinct 3 under the Benchmark Map was comprised of cities with lower population growths over the past decade like Dickinson (2,167 new residents) and La Marque (3,521 new residents).

Figure 1: Population Growth in Galveston County (2010 to 2020), by City with overlay of 2012 Commissioner’s Court Precinct Map



I. None of the Illustrative Maps Are Compact Under *Gingles I*

A. Determining Compactness

Comprehensive evaluations of compactness require multiple levels of analysis. Traditional redistricting principles encourage following political boundaries, major roadways, major waterways or other recognizable markers to align precincts in a North-South or East-West configuration. The first reason for compactness is to reflect communities of interest (e.g., income, education, cultural communities, population centers, etc.). Districts are determined to be reasonably configured and less burdensome administratively if districts minimize splits of municipalities and are more compact. Contiguous districts are not always uniform in size, so compactness can be measured with statistical scores that describe the shape of the polygon. The scores submitted by the Plaintiffs (Reock, Polsby-Popper, and Convex-Hull) are commonly used to measure compactness. While all scores have different assumptions about measurement, they serve the same purpose of comparing districts to one another and across a plan (here, Galveston County as a whole).

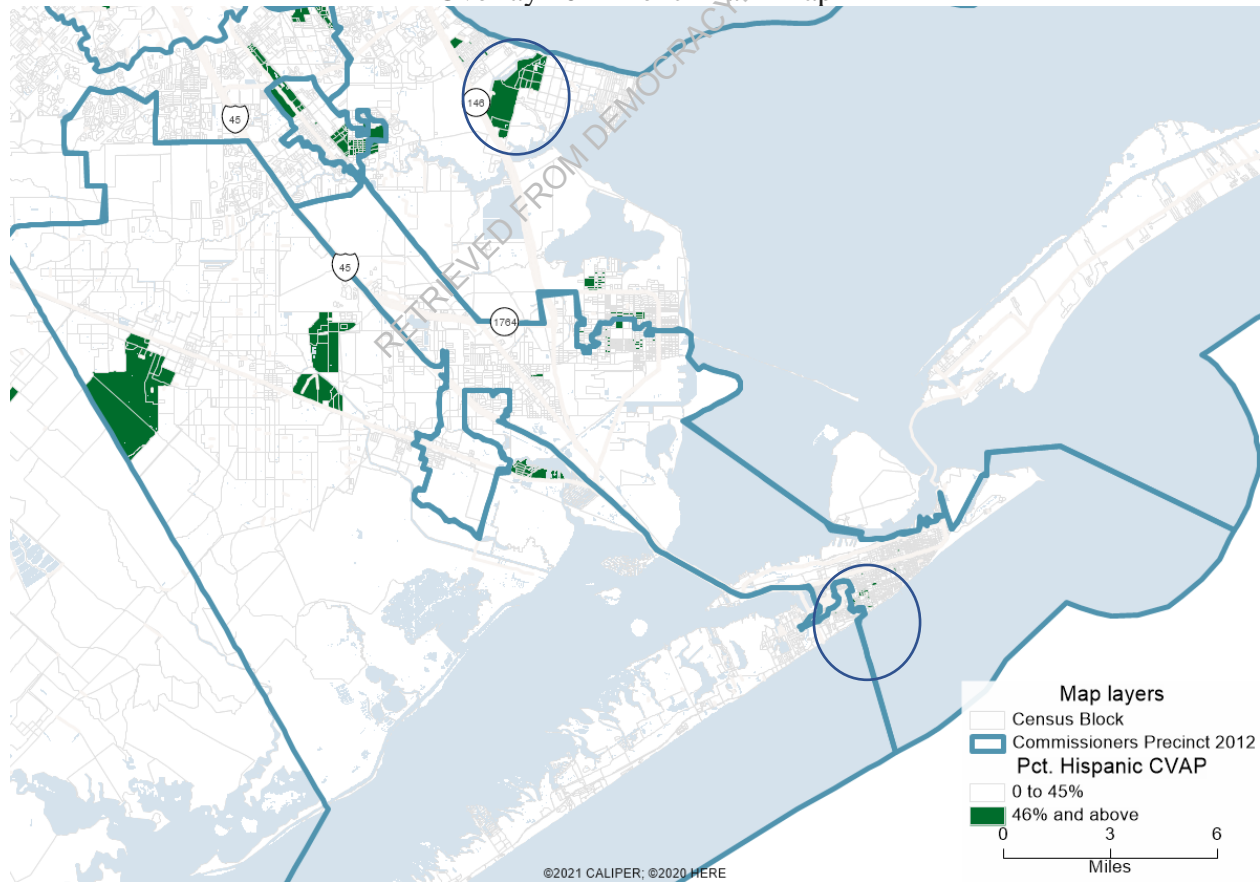
A *Gingles I* evaluation for the Galveston County Commissioner’s Court Precinct Map must answer a few direct questions. Does Galveston County’s Hispanic CVAP (19%) live in a

compact area? Does Galveston County’s Black CVAP live (13%) in a compact area? These questions lead to understanding the compactness of Galveston’s two largest minority communities. Compactness is not defined by the boundaries of the prior district, but where people live.

B. Galveston County’s Hispanic Citizen Voting Populations are geographically dispersed at the North and South ends of the County.

The Hispanic population in Galveston County is not compact. Population growth in the past decade shows that the Hispanic population is growing in different parts of the county. Figure 2 below shows the weight of the Hispanic population is largest and most concentrated in the northeast and southeast parts of the county. But the Benchmark Precinct 3 excluded swaths of Hispanic residents across the county and in voting districts adjacent to Precinct 3’s boundary and selectively chose some Hispanic residents at the top and bottom of that majority-minority precinct. Additionally, Figures 2 and 3 show that the concentration of Hispanic CVAP in Galveston County at the census block and voting tabulation district level look different. This is because the Hispanic CVAP population is concentrated within the smallest geographic units, but not adjacent to other communities.

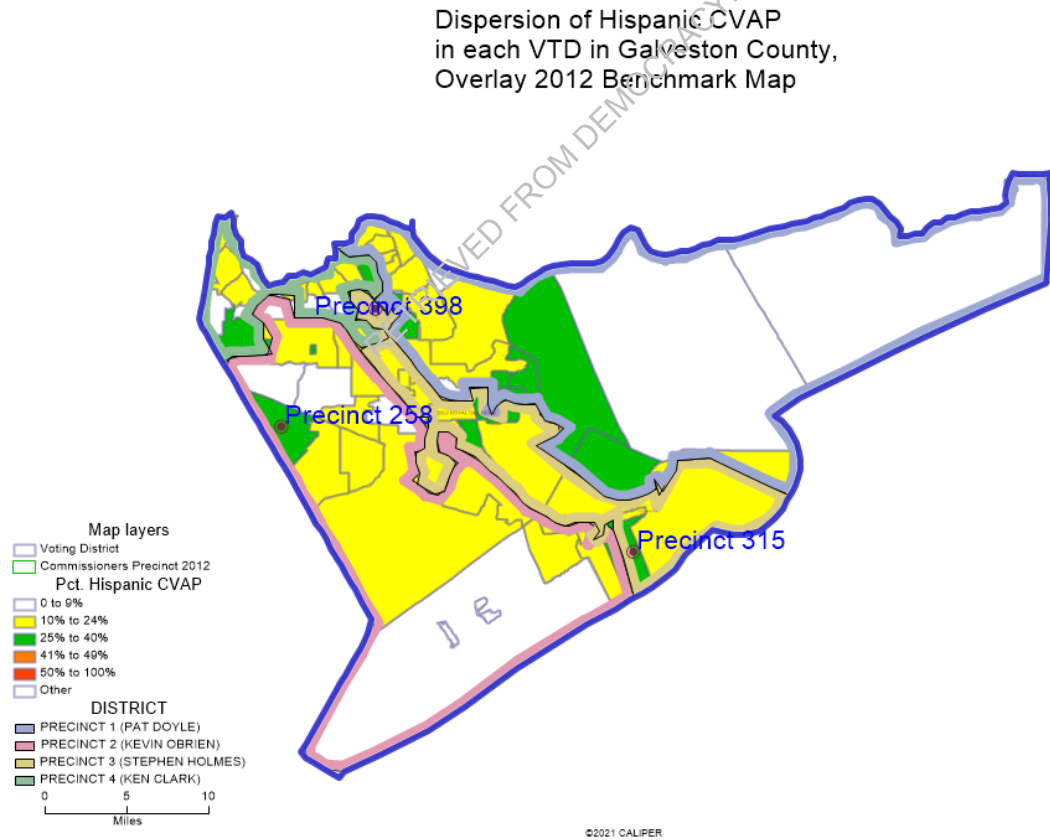
Figure 2: Dispersion of Hispanic Citizen Voting Age Population, by Census Block Overlay 2012 Benchmark Map



On Galveston Island there are 7,637 Hispanic residents who are voting age citizens. Those citizens live 18 miles away from the concentration of 305 Hispanic voting age citizens in the census blocks that are circled in Figure 2 to the north.

Figure 3 illustrates the range of Hispanic citizen voting age population's (HCVAP) concentration in the former voting districts (VTDs). In Texas, voting tabulation districts (VTD) are a collection of census blocks. Therefore, the VTD represents the political geography where residents live. If multiple census blocks are concentrated in a compact community, then the VTD will also show higher levels of concentration. At the VTD level there is, again, a pattern of a geographically dispersed Hispanic population in Galveston County. There are large concentrations of heavily Hispanic VTDs in the northwest corner of the county around Dickenson and League City and the southeast portion of the county near the Gulf Coast of Galveston City, a distance of 24.8 miles. The northern concentration includes a Hispanic CVAP of 980 citizens southern concentration a Hispanic CVAP of 1545 citizens. We see that Hispanic voters are not highly concentrated in the central portion of Galveston County, rather they are at the northern and southern ends of the county. These two clusters of Hispanic populations are not culturally similar, and should not be assumed to be so, as described in more detail below.

Figure 3: Share of Hispanic Voting Age Population in Voting Tabulation Districts



From top to bottom, the areas where we see clusters of the highest percent are in the north-central portion of the county. Voting districts 341 and 398 are adjacent and are the only

voting tabulation districts where more than 40% of the citizen voting age population is Hispanic (HCVAP). The HCVAP in Voting district 398 is 43% or 272 residents and it was assigned to Commissioner Precinct 3 in the 2012 Benchmark map. Old voting district 315, which is 22 miles apart from voting district 398, is the southernmost concentration of HCVAP. The 1,545 Hispanic citizens make up a 34% HCVAP. Voting district 315 was also in Commissioner Precinct 3 of the Benchmark map. Additionally, old voting district 315 is more than 26 miles away from old voting district 258, which is the western-most concentration of 1,383 Hispanic citizens of voting age, with a HCVAP of 35%. Old voting district 258 was assigned to Commissioner Precinct 2 and continues to be assigned to it in all of the plans that are reviewed in this case. The locations of these VTDs with very high concentrations of HCVAPs are not geographically compact.

C. In All Illustrative Plans, the current Precinct 3 Does Not Form A Community Of Interest of Hispanics

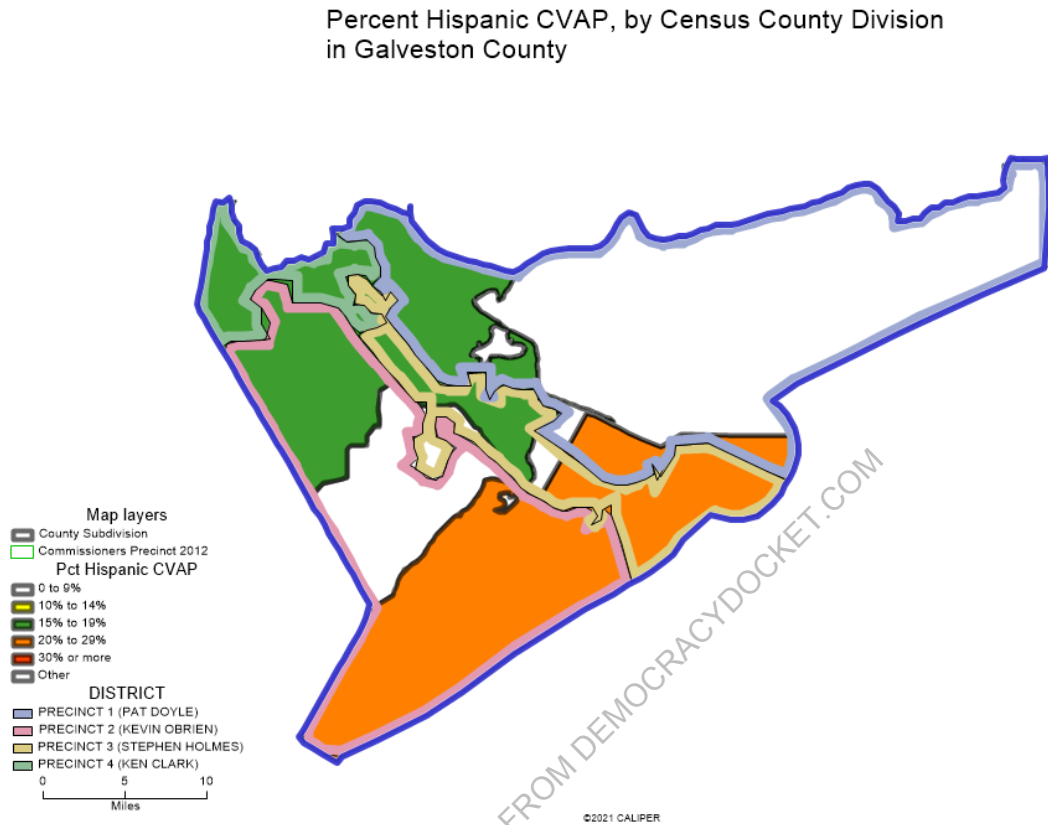
Galveston County's HCVAP is both distant and disparate. This indicates that a compact community of interest does not exist among the current Hispanic population in Galveston County. My analysis focuses on the citizen voting age population. These numbers reflect responses to the American Community Survey's robust set of questions in order to provide the most reliable estimate of subgroups at a local geographic level. The estimates of Galveston County's citizen voting age population by race and ethnicity also show that the Hispanic populations are disparate, and unable to be placed into one commissioner precinct that would form a majority Hispanic population. There is even less justification to join Hispanic and Black voters as a single community of interest even when they live in the same area, as described in more detail below.

Analyzing differences within populations and comparing them to neighbors shows how diverse and distinct a population is in a local area. I examine the diversity within the Hispanic population, with the 5-year estimates of the American Community Survey by the U.S. Census Bureau (2020), which provides insight into the different levels of education attainment, income, employment status, and other characteristics by age, gender, as well as race and ethnicity within these populations. The most granular level at which these data are available is the Census County Division (CCD). Using data tables from the Census, subpopulation counts can be determined within a more general spatial layer to maintain the anonymity of a respondent (<https://data.census.gov/>). In Galveston County, the four CCD's are Bolivar, Galveston, La Marque and Hitchcock, as well as Texas City and League City.³ In Maptitude for Redistricting,⁴ each CCD is identified as the "County Subdivision." Figure 4, on the next page, shows the percent of Hispanic CVAP in each CCD in Galveston County, these divisions are visible as grey lines and with the 2012 Benchmark Map overlaid.

³ Since the Bolivar Peninsula is geographically distinct, I direct my comparisons to the three divisions that are a part of the illustrative Precinct 3 proposals.

⁴ Maptitude for Redistricting is a GIS software designed specifically for the purpose of creating and analyzing redistricting plans. Similar to ArcGIS this is used by multiple states to create their redistricting plans, therefore I use it in my analysis to align my analysis with the processes used to create a district.

Figure 4: Hispanic Citizen Voting Age Population in Census County Divisions of Galveston County



A substantial difference between the Hispanic population across Galveston County is who in the population is employed full time. Hispanic men in the northern part of Galveston County are 12% more likely to have a full time job than Hispanics on Galveston Island. This exceeds the difference in the difference we see in the median age of Hispanic males between the regions of the county.

Table 4: Median Age and Population Working Full Time Among Hispanics, by County Area

	Category	Galveston	La Marque, Hitchcock	Texas City, League City
Median Age	Male	32	34	28
	Female	32	30	30
Pct. Working Full time	Male	47	62	59
	Female	35	35	32

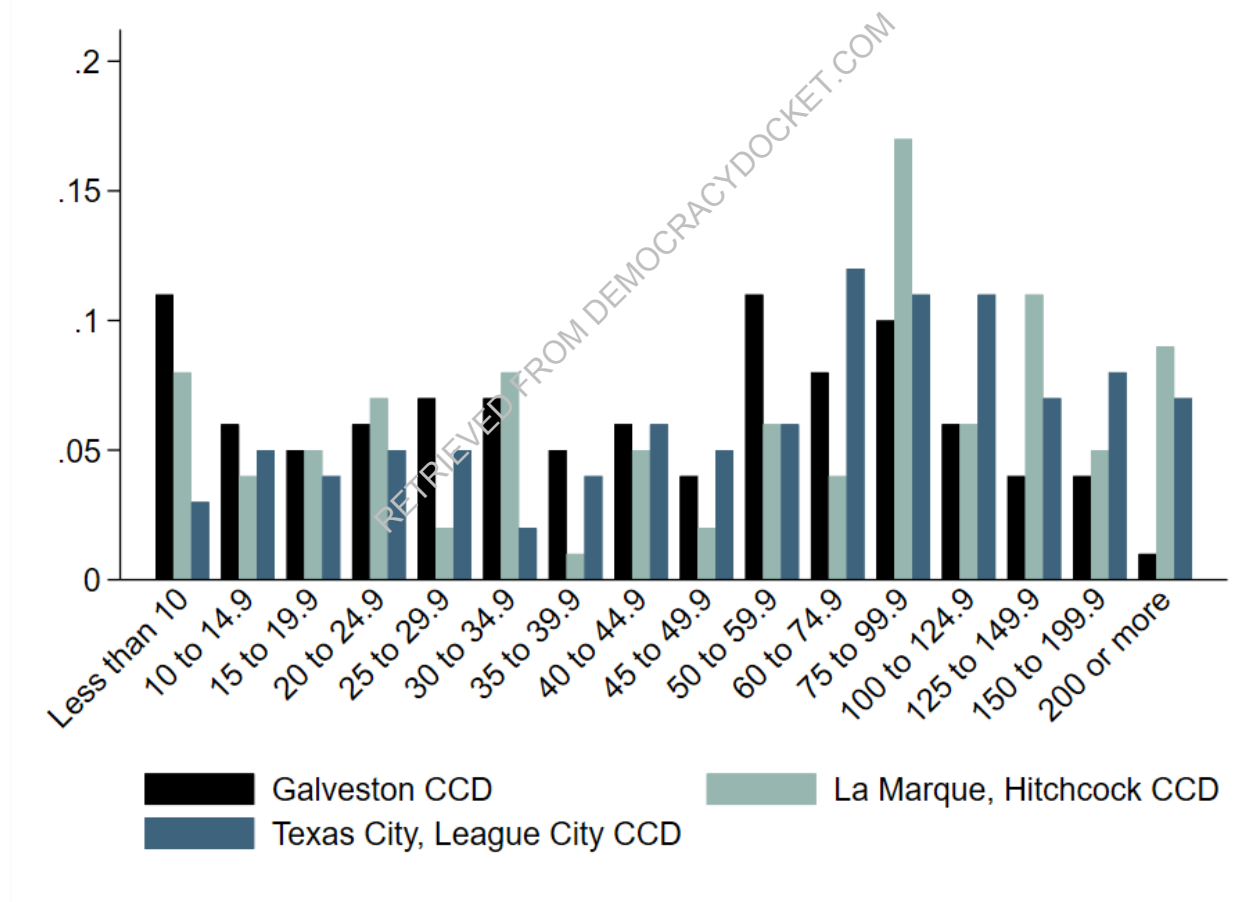
These details provide a more consistent context to understand population dynamics within the county than that depicted by Plaintiffs' expert William Cooper, in Figure 5 of his report (p. 16). The Plaintiffs' expert identified an economic community of interest that was conditioned on income and having a child in the household. His analysis omits that there is

substantial variation between the Hispanic population’s workforce status by gender and geography.

Figure 4 presents the ACS 5-year estimates for household income ranges in 16 categories. Each bar reflects the percent of the population that has an income within that category, in thousands of dollars. The category definitions are designed to create enough buckets to capture individual differences in incomes earned so that we can make reliable comparisons across the income distribution.

Across Galveston County there is a clear difference by geographic region in the income distribution of Hispanic residents. Hispanic residents in La Marque and Hitchcock make up the larger share of both lower incomes and high incomes. Hispanic household incomes in Texas City and League City are more evenly distributed and Hispanic households on Galveston Island are more often middle to lower income.

Figure 5: Hispanic Household Income in Past 12 months, by Population Group and Geography



Hispanics in the southern end of the county are different from Hispanics in the northern end. This is reflected in who is employed full-time and the distribution of household incomes in the community.

D. Galveston County’s Black Citizen Voting Populations are geographically dispersed at the North and South ends of the County.

Figure 6 shows population dispersion in Galveston county the same way that was just done for Hispanic CVAP. The Black citizen voting age population (BCVAP) in Galveston County is concentrated in the northern and southern portions of the county. The distance from the northern most concentration of BCVAP to the census blocks with high concentration of BCVAP on Galveston Island is 21 miles, point to point. From east to west it is 8 miles between the census blocks with the highest concentration of BCVAP in Texas City to those in Hitchcock.

Figure 6: Dispersion of Black Citizen Voting Age Population, by Census Block

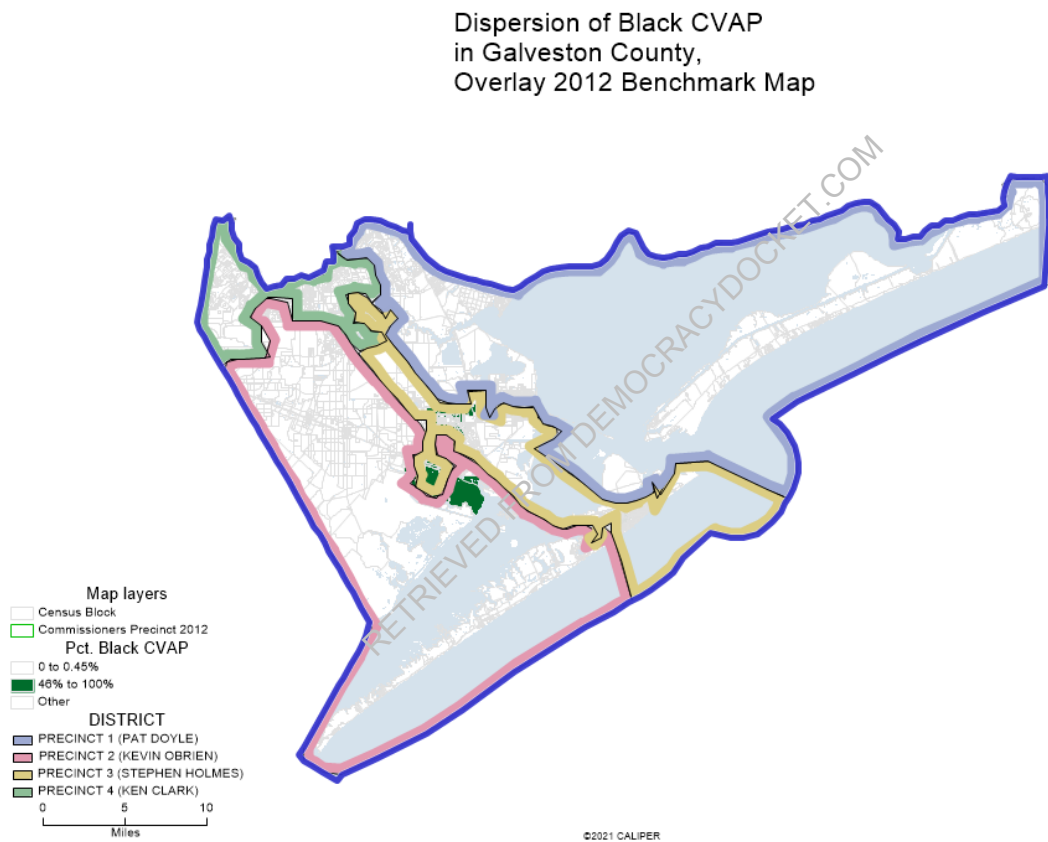
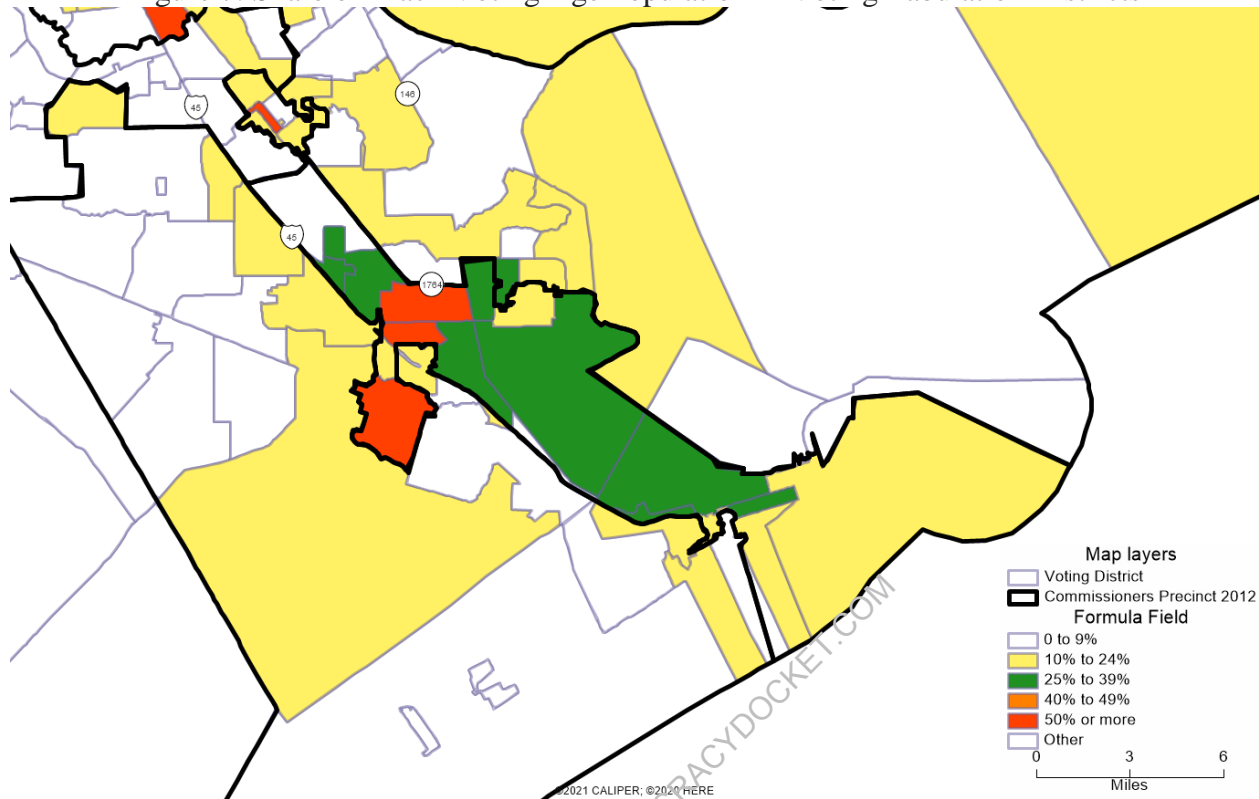


Figure 7 illustrates the Black CVAP in the voting tabulation districts (VTDs). Although the Black CVAP population appears concentrated in the center of the county, the population does not come close to having a substantial influence for a district of more than 85,000 residents. The Benchmark Precinct 3 combined a population of 14,159 Black citizens of voting age who reside in the green and red areas in the center and southern portion of the county with a small northern peninsula of 1,151 BCVAP residents in Dickinson (3.8% of the county’s BCVAP). The distance from the south of old voting district 336 to north of old voting district 340 is just under 10 miles to join these populations. One concern is that decisions to draw these communities into one Commissioner’s precinct does not consider other differences Black citizens have in these different cities and areas of the county.

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



E. In All Illustrative Plans, the current Precinct 3 Does Not Form A Community Of Interest of Black CVAP

The distance between the geographic dispersion of BCVAPs indicates that a compact community of interest does not exist among the current Black population in Galveston County. The estimates of Galveston County’s citizen voting age population show that the Black populations are disparate, and unable to reliably be placed into one commissioner precinct that would form a majority community of interest. Clear differences emerge between geographic areas related to where people moved from to reside in Galveston County, employment, and income.

Among the Black residents who did move to a new area of county from elsewhere in Texas, Black residents were more likely to move to Texas City and League City than anywhere else. Hispanic residents, who previously lived in Texas, did not move to any part of Galveston County more often than any other. The movement of Black residents within the county is primarily moving to Galveston Island, whereas the movement of Black resident to the county from elsewhere in Texas heads towards Texas City and League City.

Table 6: Geographic Mobility Among Blacks, by Population

		Galveston	La Marque, Hitchcock	Texas City, League City
Geo. Mobility	Same House 1 year	76	83	81
	Moved within county	17	12	9
	Moved from elsewhere in Texas	5	4	8
	Moved from other state	1	1	1
	Moved from abroad	0	0	0

Another substantial difference between the Black populations in Galveston County is the median age of Black population. We see that the Texas City and League City communities are substantially younger than other areas of Galveston County to the south and west. The gap in the median age of each gender population in La Marque and Hitchcock varies the most, with Black women in La Marque and Hitchcock skewing 13 years older than Black women in Texas City and League City. Despite these age differences, the share of Black men and Black women in the workforce is the same in Galveston, La Marque, and Hitchcock.

Table 7: Median Age and Population Working Full Time Among Blacks, by County Area

	Category	Galveston	La Marque, Hitchcock	Texas City, League City
Median Age	Male	40	38	31
	Female	38	49	36
Pct. Working Full time	Male	28%	33%	48%
	Female	29	33	41

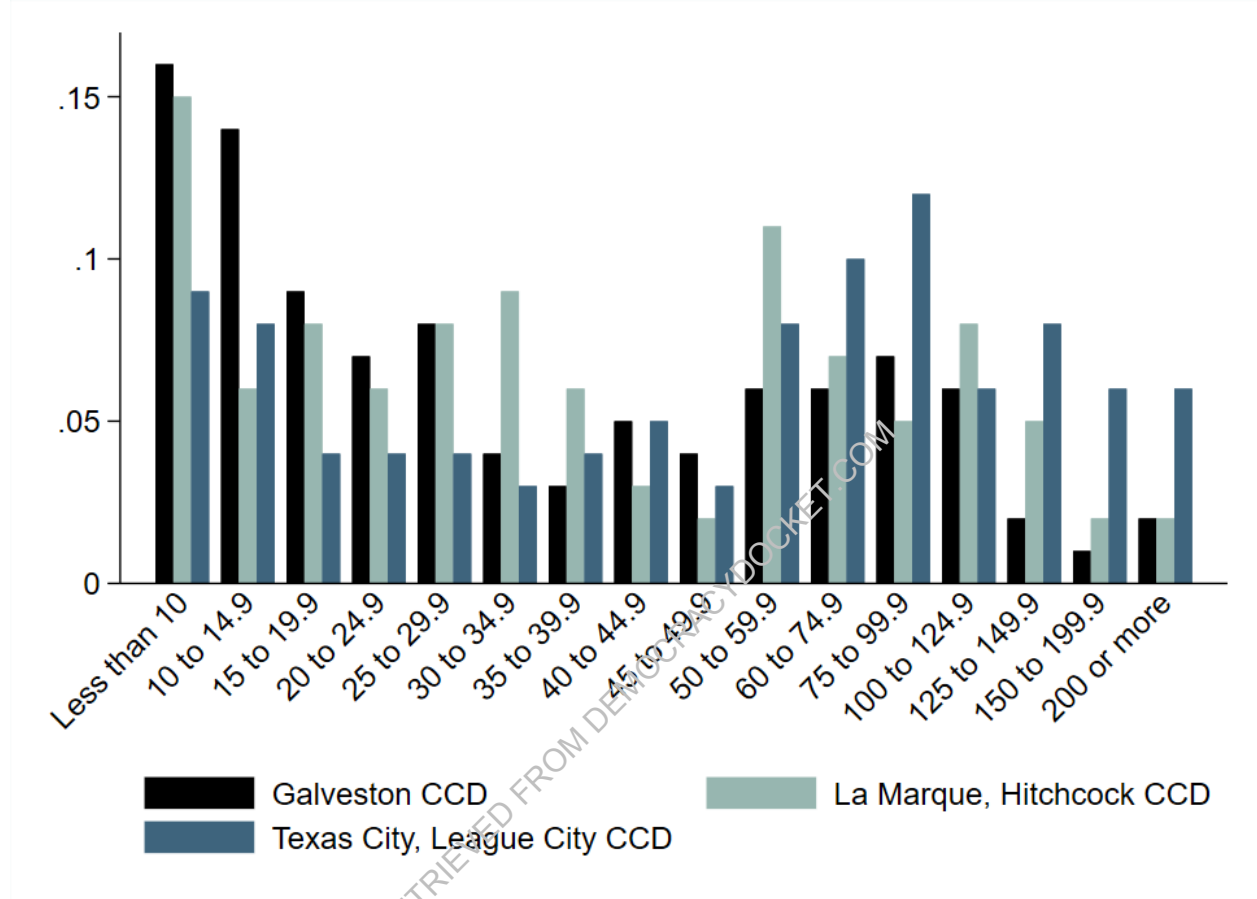
The rates of education offers another substantial difference. Black males have much higher levels of college degrees and collegiate attendance in La Marque, Hitchcock, Texas City, and League City than Black men on Galveston Island. The distribution of education attainment, race, and gender also shows the share of Black women with a college degree in Texas City and League City is substantially higher than the rest of the county. The range within the Black population is stark, as 14% more Black men and women in Texas City and League City have a college degree compared to Black men and women on Galveston Island. So, in addition to being younger, Black men and women also have higher education attainment in the areas closer to Houston.

Table 8: Education Attainment Among Blacks, by County Area

Education	Population	Galveston	La Marque, Hitchcock	Texas City, League City
Less than High school	Male	28%	12%	12%
High school	Male	33	31	24
Some college	Male	29	46	39
Bachelor's degree	Male	9	11	25
Less than High school	Female	12	12	9
High school	Female	33	18	31
Some college	Female	39	56	31
Bachelor's degree	Female	16	14	30

Finally, Figure 8 shows a clear difference by geographic region in the income distribution of Black residents. Black residents of Texas City and League City have higher household incomes than Black residents in La Marque, Hitchcock, and Galveston.

Figure 8: Black Household Income in Past 12 months, by Population Group and Geography



Education, income, and geographic mobility are ways that the Black population in Galveston County is disparate in addition to being geographically distant. The Black population in the southern end of the county is different from the northern end in a few disparate ways. This reduces the claim that this is one cohesive community of interest.

F. Illustrative Alternatives for Precinct 3 are Not Compact

In addition to considering the concentration of the Hispanic population included and those excluded from illustrative alternatives for Precinct 3, I present the set of compactness measures and deviation statistics for each plan. This includes the Benchmark prior Commissioners Precinct Map that was in place until 2021, the 2021 Enacted Map, and all Illustrative Maps from Plaintiffs’ experts. The scores all range from 0 to 1, where 1 reflects a more compact geographic shape. I also report the average score and the standard deviation for all four Commissioner Precincts in order to show how compact they are in comparison to others in the same plan. This is important because any extension of a voting district from a traditional polygon will affect the compactness of its adjacent district (losing area from its shape).

Table 9 presents the percent of the Precinct population that is above the ideal population of 87,671 residents. The redistricting process is centered on reducing the population deviation between of each precinct, which is how governments are able to reduce the ratio of representation to ensure the equal protection of all voters. The table below reports all the deviation statistics for each plan together. A point of caution, the Cooper Illustrative Map 2 as exhibits less population deviation than the Enacted Map but the way this occurs is problematic and a point I discuss later in the report.

Table 9: Population Deviation for Precinct Plans

Deviation	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.	Std. Dev.
Benchmark Map	-2.6%	9.0%	-8.8%	2.4%	5.7%	6.6%
Enacted Map	0.02	0.03	0.5	0.6	0.3	0.3
Fairfax Illus 1	-2.6	3.8	-3.6	2.4	3.1	3.1
Rush Map 1	1.1	-1.7	-0.8	1.35	1.2	0.3
Rush Map 2	-2.7	-1.7	5.7	1.4	2.9	1.7
Rush Map 3	-1.3	0.1	2.6	-1.4	3.2	3.6
Cooper Illus 1	-0.4	-0.7	1.0	0.2	0.3	0.6
Cooper Illus 2	0.0	-0.3	0.3	0.04	0.1	0.2
Cooper Illus 3	0.6	1.7	-0.5	-1.8	0.6	1.2

Three statistical scores, the Reock score, Polsby-Popper score, and the Convex-Hull score are used to compare the symmetry and consistency of all boundaries of the shape in a standardized way. In Tables 10, 11, and 12, I present the scores for all Precinct plans under consideration. The Enacted Map is more compact than each illustrative map. The Enacted map has an average score that is consistent with the other plans, but the standard deviation of the scores across all districts is the lowest. A close examination of the scores per precinct shows that the lowest compactness score in all illustrative maps is Precinct 3. The one Illustrative Map that offers one-tenth of a percent less population deviation than the 2021 Enacted Map (Cooper Map 2) has lower average compactness scores and higher standard deviations of compactness (Reock, Polsby-Popper).

Table 10: Reock scores for Precinct Plans

Reock score	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.	Std. Dev.
Benchmark Map	0.28	0.39	0.16	0.34	0.22	0.15
Enacted Map	0.30	0.24	0.23	0.29	0.27	0.04
Fairfax Illus 1	0.28	0.39	0.16	0.34	0.29	0.10
Rush Map 1	0.29	0.34	0.21	0.26	0.28	0.05
Rush Map 2	0.30	0.33	0.16	0.31	0.28	0.08
Rush Map 3	0.30	0.33	0.16	0.28	0.27	0.07
Cooper Illus 1	0.28	0.37	0.17	0.34	0.29	0.09
Cooper Illus 2	0.27	0.25	0.20	0.39	0.28	0.08
Cooper Illus 3	0.23	0.29	0.35	0.21	0.27	0.06

Table 11: Polsby-Popper scores for Precinct Plans

Polsby-Popper	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.	Std. Dev.
Benchmark Map	0.23	0.28	0.09	0.14	0.19	0.09
Enacted Map	0.28	0.21	0.12	0.22	0.21	0.07
Fairfax Illus 1	0.23	0.30	0.10	0.14	0.19	0.09
Rush Map 1	0.22	0.25	0.12	0.14	0.18	0.06
Rush Map 2	0.25	0.26	0.12	0.17	0.20	0.07
Rush Map 3	0.25	0.27	0.12	0.14	0.20	0.08
Cooper Illus 1	0.24	0.29	0.11	0.12	0.19	0.09
Cooper Illus 2	0.27	0.25	0.20	0.39	0.39	0.08
Cooper Illus 3	0.24	0.23	0.18	0.13	0.20	0.05

Table 12: Convex-Hull scores for Precinct Plans

Convex-Hull	Precinct 1	Precinct 2	Precinct 3	Precinct 4	Avg.	Std. Dev.
Benchmark Plan	0.69	0.71	0.48	0.15	0.51	0.26
Enacted Plan	0.76	0.71	0.47	0.67	0.65	0.13
Fairfax Illus 1	0.69	0.73	0.49	0.55	0.62	0.11
Rush Map 1	0.66	0.65	0.56	0.56	0.61	0.06
Rush Map 2	0.68	0.67	0.54	0.58	0.62	0.07
Rush Map 3	0.68	0.67	0.53	0.60	0.62	0.07
Cooper Illus 1	0.69	0.69	0.51	0.55	0.61	0.09
Cooper Illus 2	0.74	0.64	0.60	0.62	0.65	0.06
Cooper Illus 3	0.68	0.74	0.60	0.52	0.64	0.10

Another factor of compactness is the distance it takes to travel from one end of the precinct to another. Maptitude for Redistricting’s GIS software provides a Travel Contiguity Analysis tool to calculate the percentage of residents who drive in the district, the distance they travel by car, and the time they report to travel by car. The software tool generates a complete and accurate measure by computing a matrix of distances from all points along the boundary of a district. In another column, I also add to this analysis the miles from the northern most point to the southern most point of the Precinct Plan.

Table 13: Travel Contiguity Analysis of Precinct 3 in Illustrative Plans, Plus Length of Precinct 3

District Plan	Pct who drive	Max Drive Distance	Max Drive Time	Precinct 3’s Distance North to South
Fairfax	91.0%	31.82 miles	52.43 minutes	22 miles
Cooper 1	92.3	31.82 miles	52.15 minutes	22 miles
Cooper 2	91.7	29.01 miles	52.15 minutes	22 miles
Cooper 3	92.4	18.13 miles	34.45 minutes	14 miles
Rush 1	92.9	29.84 miles	52.15 minutes	21 miles
Rush 2	92.3	28.13 miles	52.15 minutes	22 miles
Rush 3	92.7	28.13 miles	52.15 minutes	21 miles

As shown above in Table 13, the illustrative maps for Precinct 3 are not compact. Moreover, there are substantial differences between the Hispanic and Black populations in the regions that are the focus of the Plaintiff’s complaint. The lack of geographic compactness and

the substantial differences between these populations discussed above shows they do not have sufficient shared interests to compel a majority-minority district composed of both Hispanics and African Americans.

G. The Proposed Alternative Plans Prioritize The Racial Identity of Persons Above Traditional Redistricting Principles.

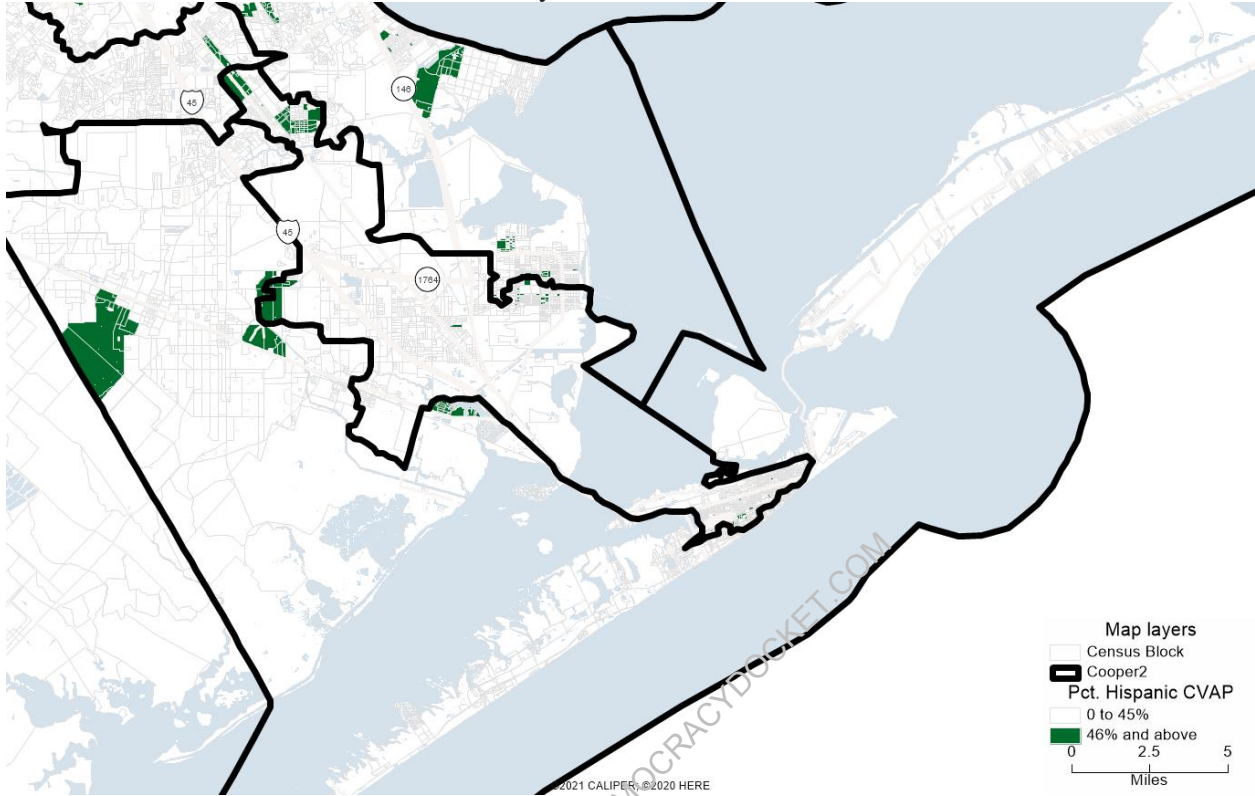
An analysis of the illustrative plans reveals that plaintiffs have prioritized race over traditional redistricting practices. Earlier in this report, I show that Hispanic voters are concentrated in different parts of Galveston County and are uniquely different from Black residents in the same places. I also show the consistent lack of compactness in the illustrative maps submitted by the Plaintiffs.

Six of the seven proposed plans divide Galveston Island into multiple precincts. Most of those plans divide the island into three precincts. Cooper's Illustrative Map 3 is the only one that does not. Any division of Galveston Island is unnecessary given that its population of 54,774 (including Pelican Island) is less than the ideal district population. Redistricting principles allow minimal population deviation so that geographically distant areas like islands are not cracked into multiple districts.

Another concerning pattern in the illustrative maps is that the non-compact illustrative maps reach out to grab Black voters and combine far-flung segments of the Hispanic population. Figure 4 offers a clear example of how Cooper's Illustrative Map 2 confirms that the Hispanic population is not compact.

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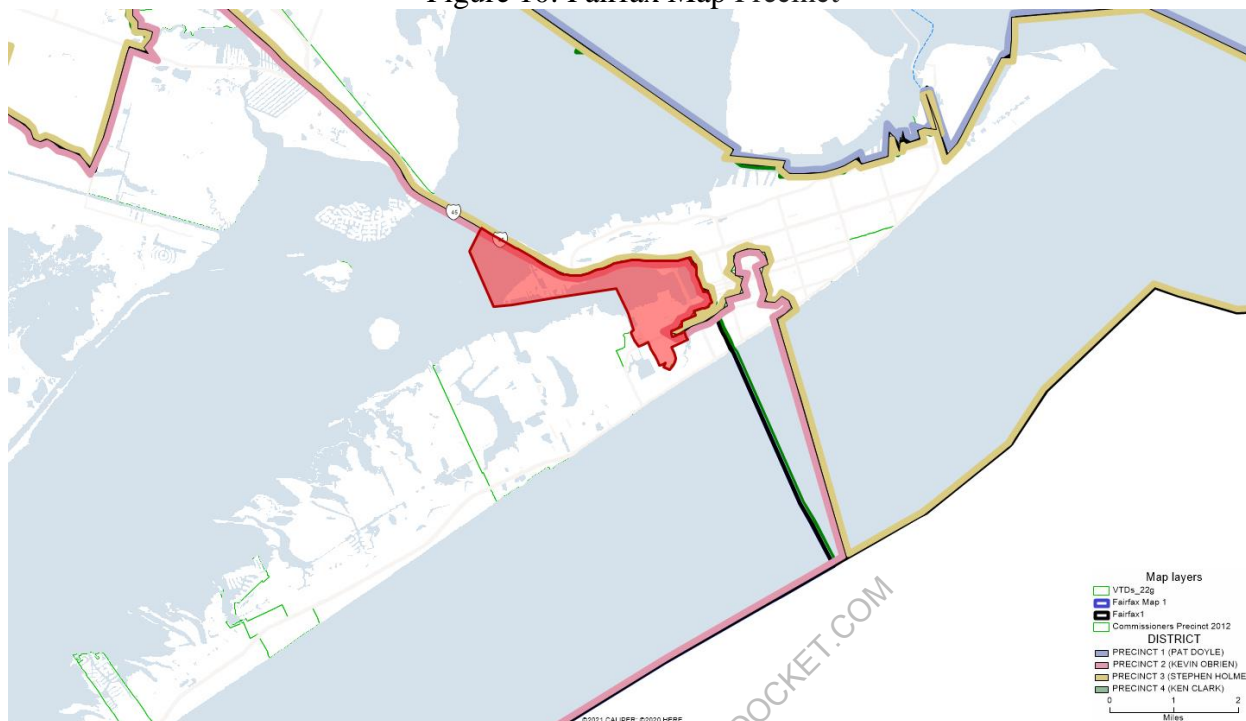
Figure 9: Precinct 3 Overlaid with Dispersion of Hispanic Citizen Voting Age Population, by Census Block



Building from this point, I will identify how each illustrative map violates traditional redistricting principles in an effort to maximize the racial composition of the district. I will begin with Anthony Fairfax’s illustrative map, then discuss Cooper’s three illustrative maps, and end with an evaluation of the maps from Tye Rush.

The Fairfax Illustrative Map attempts to recreate Precinct 3 by staying close to the previous boundary. Figure 10 shows one voting district was added. Fairfax added the area where the black line extends beyond the pink line. The voting district that was selected added 873 Hispanic citizen voting age residents (25%) and 302 Black citizens of voting age (9%). This selectively chose a diverse voting district to add, when other voting districts were also adjacent to Precinct 3 and could have improved the compactness of the Precinct.

Figure 10: Fairfax Map Precinct



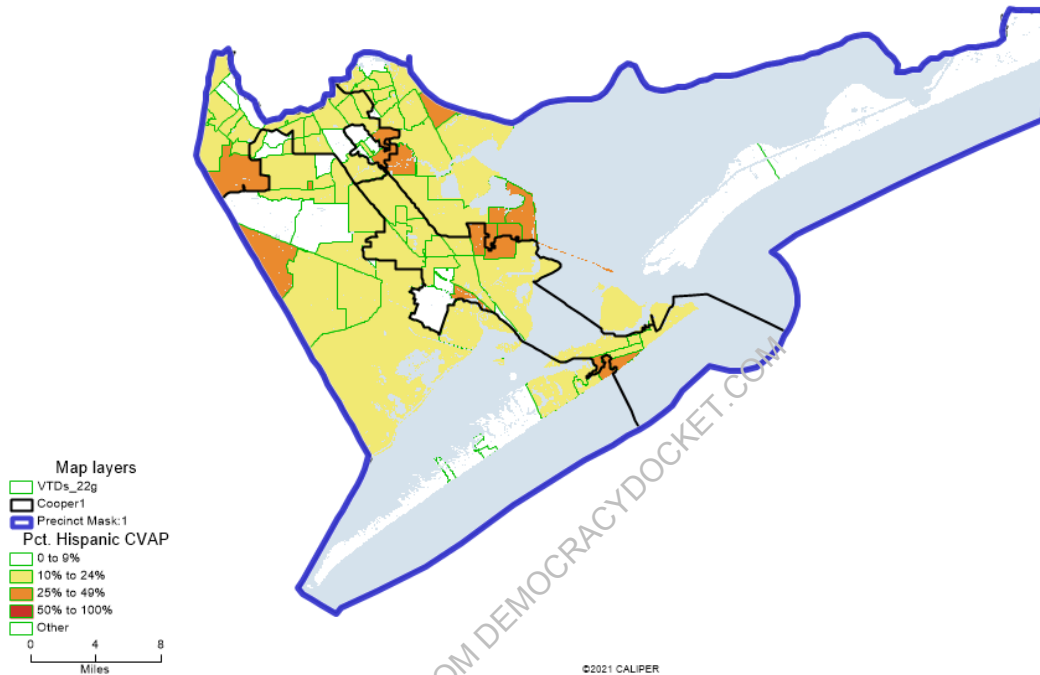
The process exhibits a selective choice under the guise of offering the least changes. Precinct 3, as proposed in Fairfax Map 1, continues to be underpopulated by 3.6%. This selection excludes the more populous voting district 223 (shaded above with a citizen voting age population of 4,045). Voting district 223 would have reduced the population deviation further and had a higher concentration of 870 Black voting age citizens (22%) than voting district 218. The remaining demographic composition of voting district 223 includes 777 Hispanic voting age citizens (19%) and 2263 non-Hispanic white voting age citizens (56). This opportunity to increase the Black and Hispanic populations in Precinct 3 would limit the ability for Precinct 2 to be contiguous on the island.

The process exhibits a selective choice under the guise of offering the least changes. Precinct 3, as proposed in Fairfax Map 1, continues to be underpopulated by 3.6%. This selection excludes the more populous voting district 223 (shaded above with a population of 6,093). voting district 223 would have reduced the population deviation further and had a higher concentration of BCVAP than voting district 218. The demographic composition of voting district 223 includes 19% HCVAP, 56% WCVAP, and 22% BCVAP, as compared to 27% HCVAP, 62% WCVAP, and 9% BCVAP. This opportunity to increase the Black and Hispanic populations in Precinct 3 would limit the ability for Precinct 2 to be contiguous on the island.

The first illustrative map proposed by William Cooper enlarges the geographic footprint of Precinct 3 in order to add population to the underpopulated Precinct. The district includes the northern part of the Precinct where concentrations of Hispanic voters are split into Precinct 1, 3, and 4. Precinct 3 grows west to add voting districts 219 and 232.

Figure 11: Cooper Map 1, Precinct 3

**Cooper Illustrative Map 1,
Dispersion of Hispanic CVAP by VTD**



While it would appear the illustrative plan now rounds out Precinct 3's previous extended arm into Hitchcock, there are three substantial violations of traditional redistricting practices that lead to increasing the population of Black residents in Precinct 3.

1. The substantial changes to Precinct 3 does not limit the representation of Galveston Island to two voting districts, as the Plaintiff's expert says. This illustrative map continues to exclude 713 voting age citizens in voting district 105.1 from Precinct 3 by assigning coastal area in Precinct 1. The voting district has a CVAP population includes 92 Hispanic citizens, 523 non-Hispanic white, and 33 non-Hispanic Black citizens (13% HCVAP, 73% WCVAP, and 5% BCVP).
2. Adding more of La Marque and Hitchcock to Precinct 3 and give the visual appearance of compactness, relies on adding voting district 232 (population 2,205 CVAP). The newly added population in this area was 24% HCVAP, 55% WCVAP, and 17% BCVP).
3. The added population needed to reduce population deviation came from adding Voting district 419. Voting district 219 is not adjacent to the area where most voting districts were added, but it has a citizen voting age population of 2,689 (24% HCVAP, 53% WCVAP, and 14% BCVP). This ignored the concentrated Hispanic population across Highway 6 in voting district 225 that goes on the shoreline. Voting district 225 is adjacent to three of the newly added voting districts and has a similar population to the

areas it is adjacent to. The citizen population of voting district 225 is 3,606 (14% HCVAP, 81% white, 2% BVAP).

I addressed the second illustrative map submitted by William Cooper above, but want to identify additional selective choices that were made in Cooper Map 2. The cartographer's attention on this map is directed to the furthest northern and southern sections of Precinct 3. At the north, there are clear attempts increase the number of adjacent voting districts from one to two before the district moves up capture a set of voting districts that are clearly of interest to the Plaintiffs. In this case:

1. The map splits voting district 192 north and south. The split occurs south of voting district 391 and captures a little more than half of the voting district's population. This voting district that has a citizen voting age population of 32% HCVAP, 52% WCVAP, and 14% BCVAP is split so, Precinct 3's share of voting district 391 is 29% HCVAP, 34% WCVAP, and 14% BCVAP. The share of voting district 391 sent to Precinct 1 is 28% HCVAP, 49% WCVAP, and 15% BCVAP. Splitting this voting district did not add to the compactness of the district in a meaningful way, but it increased the share of Black CVAP.
2. Compactness was not likely the reason for voting district 192's split, since voting district 391 runs north of that area. The voting district that remained part of Precinct 3 in Cooper Map 2 has a HCVAP of 28%, WCVAP of 49%, and BCVAP of 16%. Voting district 391 was part of the Benchmark Commissioner Precinct Map and the split of voting district 392's only benefit was to add visual compactness to the hook that existed to include voting district 391 in the first place. The southern portion of voting district 392 was essential to maintaining the contiguity of voting district 391 without relying on the geographically small voting district 394.
3. Voting district 218 is also split along census block lines. In this case Precinct 3 comes within 0.2 miles of Seawall Blvd. The wide-open ocean and Precinct 3, which extends to north Galveston County, are separated are separated by a census block of 16 residents. Using this small intersection to connect a district that is just shy of 58 miles from the northeast corner to the southwest corner violates traditional expectations of compactness and clearly divides local communities from receiving the same representation.
4. Voting district 315 is adjacent to voting district 218 and has the same problem. In this case, Precinct 3 goes all the way east to Seawall Boulevard on three occasions (as seen in Figure 9). Within those jagged selections, 5 voting age citizens are split from Precinct 3 into Precinct 2 in order to be joined with Porretta Beach. Across from Stewart Beach Park, another 144 voting age citizens residents find they are part of Precinct 2 and not Precinct 3 because of their access to the water. The affected individuals are 7% HCVAP, 83% WCVAP, and 10% BCVAP. Precinct 2 is given beach access to continue as a contiguous precinct, which it barely achieves with a tiny strip of beach. The contiguity of Precinct 2 becomes dependent on the weather conditions and high tide.

Figure 12: Cooper Map 2, Precinct 3



The first departure from a traditional redistricting practice divided a voting district to assign census blocks with more Hispanic residents to Precinct 2. The communities that remained had a higher Black CVAP. The beach contiguity problem is also a sign of racial gerrymandering, since 218 individuals were selectively discarded from Precinct 3 even though the non-Hispanic Black population was consistent with the county’s population share. In each case the exclusion of certain populations allowed the district to extend to reach areas with larger non-Hispanic Black populations, like on Galveston Island. This allowed Precinct 3 to include the entire 314th voting district, which has a larger than average concentration of non-Hispanic Black residents at the far east end.

A third illustrative map from William Cooper acknowledges the county’s interest in reducing the political divisions on Galveston Island, acknowledges the unnecessary split of voting district 192, and ends the narrowest contiguity of Precinct 3 at Robinson’s Auto Repair in Dickinson. This narrow point of contiguity was part of the Benchmark district and allowed someone to be in one of three different Commissioner Precincts, depending on which side of the business you were on. Despite those changes, the illustrative plan continues to make selections that show the prioritization of race over redistricting principles.

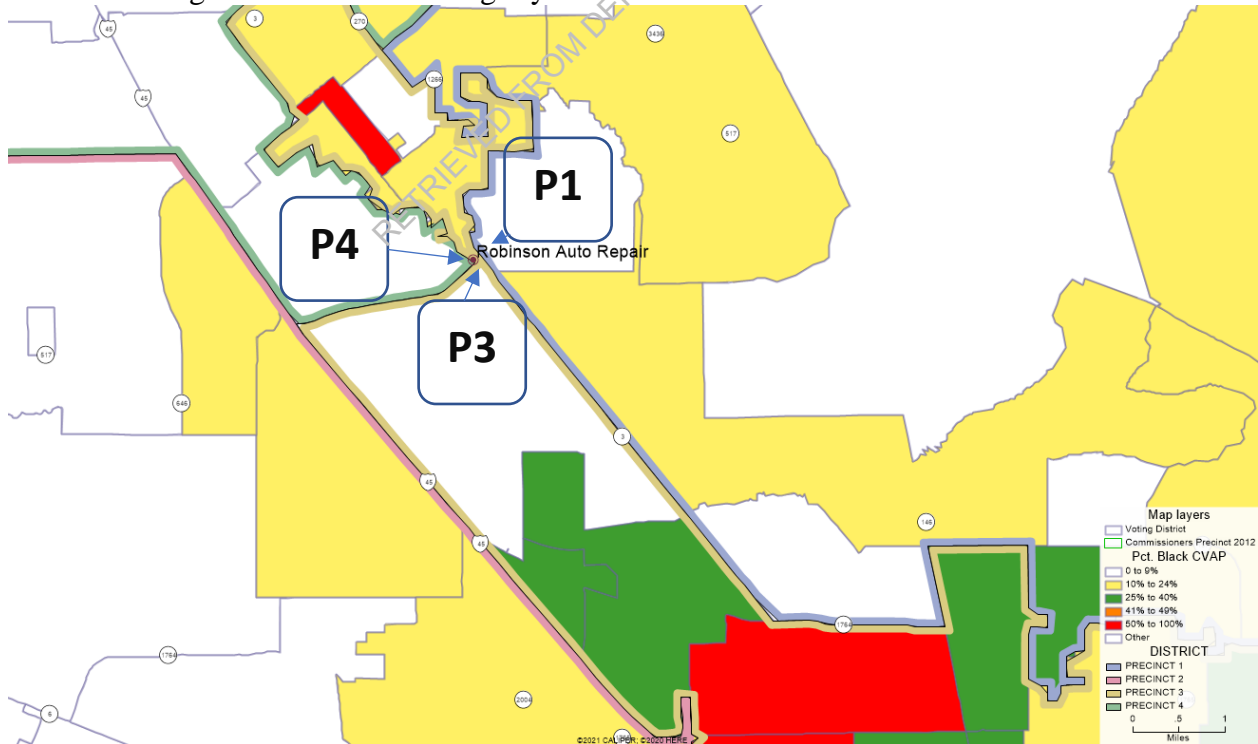
1. This map increases the share of Texas City that is in Precinct 3, by adding voting districts 142, 148, and 150. However, because voting district 150 goes up to the south shore of Moses Lake, Precinct 1 becomes contiguous only through the Moses Lake Floodgate on the north edge of Moses Lake. The extension of this hook around Texas City also uses a large area with zero population to connect the northern and southern sides of Precinct 1. This is another example of how adjustments to Precinct 3 reduce the compactness of adjacent districts. This version of Precinct 1 had the lowest compactness score of the three illustrative maps William Cooper submitted.
2. The district still maintains a division of the Hispanic population in the city of Dickinson in the northern section of the district and attempts to pair it with population in Hitchcock. The distance to achieve his combination is more than 13 miles. A district would be more

compact if the community of interest in Dickinson was joined with a community in League City, where the populations are more similar.

The first illustrative map prepared by Tye Rush is another example of prioritizing race in the selection of voting districts over traditional redistricting principles. The first illustration:

1. Separates Galveston Island into Precincts 1, 2, and 3. The plan deviates from the historical map, by assigning voting district 314 to Precinct 1 (now voting district 214). Doing this makes Precinct 3 on the island narrower than 1 mile east to west. The citizen voting age population of voting district 314 is 4621 (22% HCVAP, 42% WCVAP, and 35% BCVPAP).
2. More than 19 miles to the north, the map splits voting district 439 and 144 with voting district 341. This is the same narrow community that has been previously described as being 0.05 miles wide and the site of Robinson's Auto Repair. Precinct 3 is unable to pick up the concentration of 3,107 BCVPAP+HCVAP if it does not take this narrow pass over Dickinson Bayou. That is 9.6% of the BCVPAP+HCVAP used to create the illustrative versions of Precinct 3 that keep this intact.
 - a. The 341st voting district included is 47% HCVAP, 38% WCVAP, and 12% BCVPAP. The two adjacent voting districts have a BCVPAP of 6% (voting district 439) and 5% (voting district 144). The HCVAP of the same two districts is 16% (voting district 439) and 25%. (voting district 144). Voting district 341 was selected to be in Illustrative Precinct 3 at the exclusion of the two adjacent voting districts, because it had double the BCVPAP.

Figure 13: Narrow Contiguity of Precinct 3 - Where Three Districts Meet



3. Also, instead of expanding the northern section of Precinct 3 to be more compact, this map excludes voting district 399 from Precinct 3. The citizen voting age population

- of this voting district is 456 (37% HCVAP, 17% non-Hispanic White, and 18% non-Hispanic Black). The estimated CVAP population is 456 (HCVAP is 38%, BCVAP is 18%, and WCVAP is 38%).
4. The adjacent voting district below has a population distribution of 48% Hispanic, 7% non-Hispanic white, and 41% non-Hispanic Black. This shows Rush Map 1 split a younger Hispanic community (HCVAP 37%) from its adjacent neighbor (HCVAP 42%), in order to prioritize maintain voting districts with higher BCVAP in the center of the county in Precinct 3.
 5. Rush's first illustrative map has the same additions in Texas City to Precinct 3 that force Precinct 1 around Moses Lake and reduce the compactness of Precinct 1. Although, this configuration occurred with the Cooper maps, the addition of Pelican Island to Precinct 3 extends the distance Precinct 1 is only contiguous via Galveston Bay.

The second illustrative map by Tye Rush continues to prioritize the northwest by southeast version of Precinct 3. This version makes notable changes to the first Rush illustrative.

1. Galveston Island continues to be split into Precincts 1, 2, and 3. In this version voting district 314 (now 214) is returned back to Precinct 3.
2. The effort to add more of Texas City to Precinct 3 recedes in this version, as voting district 148 is split away from Texas City. This voting district was previously joined with Precinct 3 in Map 1, as well as maps by William Cooper's third illustrative map. The decision to assign voting district 148 to Precinct 1 moves a citizen voting age population in voting district 148 that is 27% HCVAP, 59% WCVAP, and 11% BCVAP. Rush Map 2 kept the adjacent voting district 150 (29% HCVAP, 60% WCVAP, and 10% BCVAP) and adjacent voting district 142 (29% HCVAP, 42% WCVAP, and 26% BCVAP). The action to add voting district 142 selectively chooses the voting district with the highest percentage of Black CVAP. The extension to include voting district 150 also, includes one of the Plaintiffs into the district. Those to steps are done at the exclusion of a voting district that has the largest HCVAP population.
3. Additionally, this map includes the greatest population deviation of 8.4% between the least populated and most populated Commissioner Precincts by packing more residents into Precinct 3 than any other illustrative map submitted by the Plaintiffs.

Rush's third illustrative map continues to follow a similar approach to the second map with three notable changes.

1. Illustrative Map 2 drops voting district 219 in Hitchcock from the unnecessarily overpopulated Precinct 3 in Map 2.
2. Illustrative Map 2 drops voting district 218 from the version just discussed from the unnecessarily overpopulated Precinct 3 in Map 2.
3. Precinct 218 is assigned to Precinct 2, which was done in other illustrative maps to drive the district as far south as possible.

Conclusion: Galveston County Lacks a Compact Community of Interest

My report has focused an intensely local analysis on Galveston County's residents to identify if the areas with concentrations of Hispanic residence are adjacent or disparate. In addition to finding that Galveston County's Hispanic residents are disparate, I also did not find patterns within subdivisions of the county where the Hispanic and Black populations are substantially similar to be considered a combined community of interest.

Galveston County's population growth has primarily been centered around its largest city League City. The county's fastest growing demographic group are Hispanics, but they are concentrated in cities across the county with unique individual characteristics in each geographic area. These two factors and the acceleration of the county's population growth have reshaped the county's political geography. It has changed so much, that the Benchmark Precinct 3 no longer represents a clear community of interest. A view of population distributions at the census blocks and voting districts show that illustrative maps that are set to prioritize representation of Black residents excludes adjacent Hispanic residents.

The illustrative versions of Precinct 3 that have been proposed constitute a collection of multiple racial gerrymanders that stretch definitions of compactness, population deviation, and how to maintain contiguity. Moreover, six of the seven districts perpetuate significant political divisions of Galveston Island. My report describes how on multiple occasions each map plan chose to include a voting district that had a higher concentration of Black citizens of voting age, even when adjacent voting districts with similar populations had higher concentrations of Hispanic voters could have been selected.

The illustrative maps are prime examples of how racial considerations are prioritized over traditional redistricting principles to achieve a majority-minority district built on an overgeneralized assumption of similarities between the Hispanic and Black communities. The distant Hispanic populations and their distinct cultural characteristics lead us to infer that minority status was the only characteristic that was considered when trying to join these populations. The long and distant Precinct 3 may appear as an opportunity to give representation to the central part of the county, but any analysis that breaks down the population statistics will identify the Benchmark and illustrative Precinct 3 boundaries joins two very different Hispanic populations that are at the north and south ends of the smaller Black population.

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Curriculum Vitae

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EDUCATION

University of Georgia - Ph.D. in Political Science	2014
University of Oxford - Visiting Doctoral Student in the Department of Politics	2013
Johns Hopkins University - M.A. in Government	2008
University of Florida - B.A. in Political Science, <i>magna cum laude</i>	2006

ACADEMIC POSITIONS

University of Texas at Tyler	
Associate Professor & Honors Faculty	2020 - present
Assistant Professor	2015 - 2020
Reinhardt University - Adjunct Professor of Public Administration	May 2014 & May 2017
Bates College - Visiting Assistant Professor	2014 - 2015

PROFESSIONAL EXPERIENCE

APSA Congressional Fellow, <i>Office of the President Pro Tempore</i> , United States Senate.	2015 - 2016
Legislative Assistant, two former U.S. Representatives. Washington, D.C.	2007 - 2009

BOOKS

Owens, Mark, Ken Wink, and Kenneth Bryant, Jr. 2022. *Battle for the Heart of Texas: Political Change in the Electorate*. Norman, OK: University of Oklahoma Press.

Bryant, Jr., Kenneth, Eric Lopez, and Mark Owens. 2020. *Game of Politics: Conflict, Power, & Representation*. Tyler, TX: The University of Texas at Tyler Press (Open Source Textbook).

ARTICLES

- 10 Howard, Nicholas O. and Mark Owens. 2022. "Organizing Staff in the U.S. Senate: The Priority of Individualism in Resource Allocation." *Congress & the Presidency* 49(1): 60-83.
- 9 Johnson, Renee M. Cassandra Crifasi, Erin M. Anderson Goodell, Arkadiusz Wiśniowski, Joseph W. Sakshaug, Johannes Thrul, and Mark Owens. 2021. "Differences in beliefs about COVID-19 by gun ownership: A cross-sectional survey of Texas adults." *BMJ Open* 11(11): 1-7.
- 8 Goldmann, Emily, Daniel Hagen, Estelle El Khoury, Mark Owens, Supriya Misra, and Johannes Thrul. 2021. "An examination of racial/ethnic differences in mental health during COVID-19 pandemic in the U.S. South." *Journal of Affective Disorders* 295(1): 471-478.

- 7 Owens, Mark. 2021. "Changes in Attitudes, Nothing Remains Quite the Same: Absentee Voting and Public Health." *Social Science Quarterly* 102(4): 1349-1360.
- 6 Johnson, Renee M. and Mark Owens 2020. "Emergency Response, Public Behavior, and the Effectiveness of Texas Counties in a Pandemic." *Journal of Political Institutions & Political Economy* 1(4): 615-630.
- 5 Howard, Nicholas O. and Mark Owens. 2020. "Circumventing Legislative Committees: Use of Rule XIV in the U.S. Senate." *Legislative Studies Quarterly* 45(3): 495-526.
- 4 Madonna, Anthony J., Michael Lynch, Mark Owens and Ryan Williamson. 2018. "The Vice President in the U.S. Senate: Examining the Consequences of Institutional Design." *Congress & The Presidency* 45(2): 145-165.
- 3 Owens, Mark. 2018. "Changing Senate Norms: Judicial Confirmations in a Nuclear Age." *PS: Political Science and Politics* 51(1): 119-123.
- 2 Carson, Jamie L., Anthony J. Madonna, and Mark Owens 2016. "Regulating the Floor: Tabling Motions in the U.S. Senate, 1865-1946." *American Politics Research* 44(1): 56-80.
- 1 Carson, Jamie L., Anthony J. Madonna, and Mark Owens 2013. "Partisan Efficiency in an Open-Rule Setting: The Amending Process in the U.S. Senate, 1865-1945." *Congress & The Presidency* 40(2): 105-128.

BOOK CHAPTERS

- 2 McWhorter, Rochell, Mark Owens, Jessie Rueter, Joanna Neel, and Gina Doepker. 2020. "Examining Adult Learning of 'Giving Back' Initiatives." In *Handbook of Research on Adult Learning in Higher Education*. Hershey, PA: IGI Publishers. With Rochell McWhorter, Jessie Rueter, Joanna Neel, and Gina Doepker.
 Reprinted in 2021 by Information Resources Management Association (Ed.), in *Research Anthology on Adult Education and the Development of Lifelong Learners* (pp. 1039-1066). IGI Global.
- 1 Carson, Jamie L. and Mark Owens. 2015. "Lawmaking." In Robert A. Scott and Stephen M. Kosslyn, eds. *Emerging Trends in the Social and Behavioral Sciences*. New York: Wiley.

BOOK REVIEWS

- Owens, Mark. 2023. "Johnson, Marc. Tuesday Night Massacre: Four Senate Elections and the Radicalization of the Republican Party." *Great Plains Research*. **Forthcoming**.
- Owens, Mark. 2021. "Lewallen, Johnathan. Committees and the Decline of Lawmaking in Congress." *Congress & the Presidency* 48(3): 404-406.

AWARDS

Burns "Bud" Roper Fellow. American Association of Public Opinion Researchers.	2021
Prestige Impact Award, Dean of the College of Arts & Sciences at UT Tyler.	2019
Outstanding Faculty Mentor Award, UT Tyler Office of the Provost.	2019
Teaching and Learning Award, UT Tyler Center for Excellence in Teaching and Learning.	2018

Community Engaged Learning Award, Harvard Center at Bates College.	2015
Outstanding Teaching Assistant Award, University of Georgia Provost.	2013
Charles S. Bullock, III Scholar, UGA School of Public and International Affairs.	2009

GRANT & CONTRACT SUPPORT

10. Texas Vaccine Hesitancy Survey, (Co-Investigator & PI for Subaward). 2022. PI's: Paul McGaha (UT Tyler HSC) & Paula Cuccaro (UT SPH-Houston) PI of \$1.3 million subaward: Mark Owens (UT Tyler). Scope of Survey: Statewide survey of hard to reach respondents (Apr. to Nov.). Funded by: Texas State Department of Health and Human Service.	\$2.6 million
9. El Paso County Social Survey, (Investigator). 2022. PI: Gregory Schober, UTEP Scope of Survey: Countywide survey, oversampling low-income households (May-July) Funded by: University of Texas at El Paso (UTEP).	\$46,200
8. Southern Cities Survey, (Co-PI). 2020. PI's: Emily Goldmann (NYU) & Mark Owens Scope of Survey: Sample of 5 major Southern Metropolitan areas in May. Funded by: UT Tyler & New York University School of Global Health.	\$12,000
7. Small Grant, Center for Effective Lawmaking (Co-PI). 2020. PI's: Mark Owens & Nicholas Howard (Auburn-Montgomery) Scope of Work: Content Analysis of all Senate committee reports, 1985-2020. Funded by: UVA & Vanderbilt.	\$2,300
6. Texas Mental Health Survey, (Co-PI). 2020 PI's: Renee Johnson (JHU) & Mark Owens Scope of Survey: Three wave statewide panel (April, May, & June) Funded by: UT Tyler & Johns Hopkins Bloomberg School of Public Health	\$45,000
5. East Texas Survey on Education & Property Tax Reform, (Co-PI). 2019 PI's: Kyle Gullings (UT Tyler) & Mark Owens Scope of Work: Regional sample to compare East Texas to DFW and Houston. Funded by: UT Tyler	\$10,000
4. Faculty Undergraduate Research Grant, (PI) Studying Vote Centers in Texas. 2018. Scope of Work: Mentor undergraduates to gather data and submit FOIA requests. Funded by: UT Tyler Office of Research and Scholarship.	\$3,000
3. Congressional Research Grant, (PI) Bicameralism's Effect on Appropriations. 2015. Scope of Work: Archival visits to Concord, Tempe, and Washington, D.C. Funded by: The Dirksen Congressional Center.	\$3,133
2. Faculty Development Grant, (PI) Majority Party Power in a Bicameral Congress. 2015. Scope of Work: Mentor undergraduate researchers to analyze archived documents. Funded by: Office of the Dean of Faculty at Bates College.	\$2,575
1. Richard Baker Award, (PI) Majority Party Power in a Bicameral Congress. 2011. Scope of Work: Archival visits to Austin, TX and Washington, D.C.. Funded by: Association of Centers for the Study of Congress.	\$1,000

COMMENTARY

Owens, Mark. “Why our poll got it wrong on Biden but right on so much more.” *Dallas Morning News*. Sunday November 15, 2020. Page, 5P.

Howard, Nicholas O. and Mark Owens. “Are Amendment Strategies Learned Through Experience or Contingent on the Institution?” *LegBranch*. May 27, 2019.

Bryant, Jr. Kenneth, Ken Wink, and Mark Owens. “Conflicting Attitudes of Texans on Wall and Border Policies.” *Austin American-Statesman*. March 11, 2019.

Owens, Mark. “Are Courtesy Meetings Nuked?” *LegBranch*. July 10, 2018.

Owens, Mark. “East Texans support Trump, but at lower levels than 2012.” *Tribtalk: Texas Tribune*. November 8, 2016.

INVITED TALKS

League of Women Voters, Tyler/Smith County	“Policies in Texas’s Legislative Session”	2023
Dallas Democratic Forum	“Battle for the Heart of Texas”	2022
Southern Methodist University, Tower Center	“Battle for the Heart of Texas”	2022
East Texas Heritage Museum Association	“Polls in Today’s Elections”	2022
League of Women Voters, Houston	“Battle for the Heart of Texas”	2022
Texas A&M San Antonio	“Public Attitudes on Equity and Inclusivity”	2022
Delta Sigma Theta Sorority, Tyler Alumnae	“Social Action & Election Education”	2022
League of Women Voters, Tyler/Smith County	“Your options under TX’s new Election Law”	2022
Texas Associated Press Managing Editors	“Texas Politics Panel”	2021
League of Women Voters, Oklahoma	“All about Redistricting.”	2021
League of Women Voters, Tyler/Smith County	“Essential Conversation on Voting in Texas”	2021
League of Women Voters, Oklahoma	“Representation & Redistricting”	2021
Kilgore College	“Why We Poll Texans”	2020
Smith County Republican Women Club	“Understanding the 2020 Election Polls”	2020
League of Women Voters, Tyler/Smith County	“Processes of the Electoral College”	2020
Kilgore College	“What Primary Voters in Texas Care About”	2019
League of Women Voters, Tyler/Smith County	“Census & Redistricting Forum”	2019
Tyler Area Chamber of Commerce	“Public Input on Transportation”	2019
League of Women Voters, Tyler/Smith County	“Representation & Redistricting”	2018
Bates College, Martin Luther King, Jr Day	“Legacy of the Voting Rights Act of 1965”	2015
Rothemere American Institute, Oxford, UK	“Effect of Bicameralism on Policy”	2013

CONFERENCE PRESENTATIONS

Hofstra University Presidential Conference on Barack Obama’s Presidency	2023
The Citadel Symposium on Southern Politics	2014 - 2022
Congress & History Conference	2012, 2016, 2018
Election Science, Reform, and Administration Conference	2020
American Association of Public Opinion Researchers Meeting	2020, 2021, 2023
American Political Science Association Meeting	2011 - 2016, 2020
Midwest Political Science Association Meeting	2011 - 2018, 2023
Southern Political Science Association Meeting	2011 - 2014, 2017 - 2023
Southwest Social Science Association Annual Meeting	2017, 2021

PROFESSIONAL SERVICE

Book Review Editor. <i>Public Opinion Quarterly</i> .	2023 - 2024
Co-Chair. Election Sciences Conference within a Conference at SPSA, San Antonio, TX.	2022
Speaker: AAPOR Send-a-Speaker Program.	2020 - 2021
Field of Study Advisory Committee. <i>Texas Higher Education Coordinating Board</i> .	2018 - 2021
Co-Editor. <i>PEP Report</i> for the APSA Presidency and Executive Politics Section.	2018 - 2019
Grant Reviewer. Hurricane Resilience Research Institute (HURRI), University of Houston.	2018
Grant Reviewer. Administration on Children, Youth, and Families, US Dept. of HHS.	2007

EXTERNAL SERVICE

Expert Witness for neither party, <i>Palmer et al. v. Hobbs</i> , racially polarized voting analysis.	2022
Expert Witness for Florida's Secretary of State, <i>BVM v. Lee</i> , racially polarized voting analysis.	2022
Map Consultant for People not Politicians OK, Independent U.S. House and state district plans.	2021

TEACHING EXPERIENCE

Graduate Course	Institution	Recent Evaluation	Years Taught
Scope & Methods	UT Tyler	4.6	2017 - 2022
Seminar on American Politics	UT Tyler	4.4	2015 - 2022
Budgeting & Public Finance	UT Tyler; Reinhardt	5	2014 - 2017
Program Evaluation	UT Tyler	4.7	2018
Advanced Quantitative Research	UT Tyler	3.8	2018
Undergraduate Course			
Campaigns & Elections	UT Tyler; Bates; UGA	4.6	2013 - 2022
Congress & Legislation	UT Tyler; UGA	4.3	2013 - 2021
Research Methods	UT Tyler	4.4	2016 - 2023
Southern Politics	UT Tyler	4.6	2018 - 2023
U.S. Presidency	UT Tyler; Bates	3.9	2014 - 2017
Intro. to Texas Government (Honors)	UT Tyler	4.1	2020 - 2023
Intro. to American Government	UT Tyler; Bates; UGA	3.8	2013 - 2019

CURRENT COMMUNITY INVOLVEMENT

<i>KVUT 99.7FM UT Tyler Radio</i> (NPR), Advisory Board Member. Secretary (2022-23)	2021 - 2023
<i>League of Women Voters - Tyler/Smith County, TX</i> , Nominating Committee. Chair of Nominating Committee (2021-22)	2020 - 2022

APPENDIX 9

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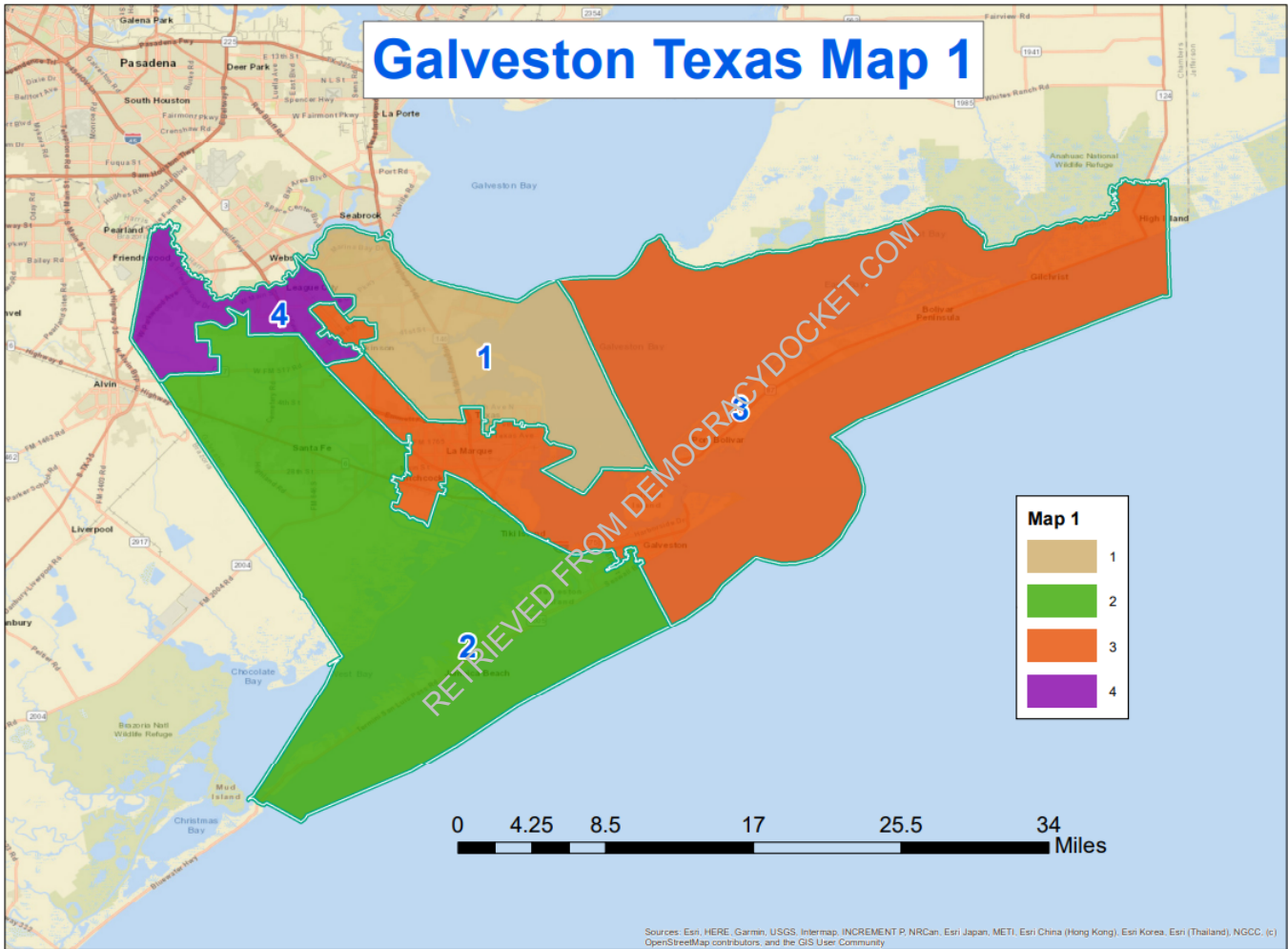
Redistricting

Galveston County Commissioners Proposed Precincts

The Galveston County Commissioners Court will be discussing and voting to redistrict county commissioner's precincts in the next few weeks. Below are the two proposed maps that will be considered. Public comment is now open for county residents via the form on this page.

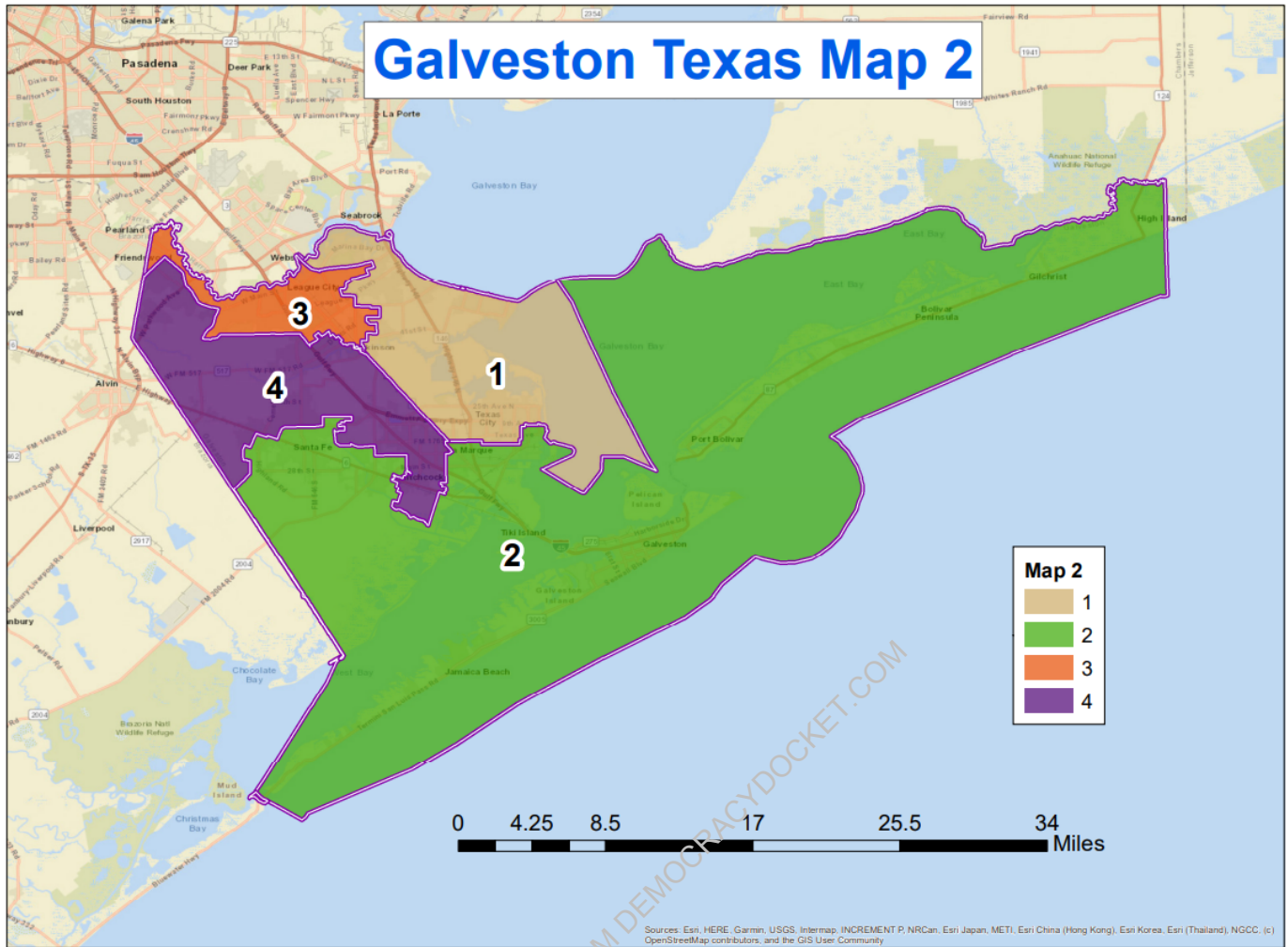
Interactive Redistricting Maps

You may click on the map to access an interactive version.



Proposed Redistricting Map 2

You may click on the map to access an interactive version.



Public Comment

Full Address

Street Number and Name

Unit Number

City

State/Province/Region

Postal/ZIP Code

Full Name

First Name

Last Name

Comment

500 Character limit

500 characters

To receive a copy of your submission, please fill out your email address below and submit.

Email Address

I'm not a robot

reCAPTCHA
Privacy - Terms

[Review](#)

Submit

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APPENDIX 10

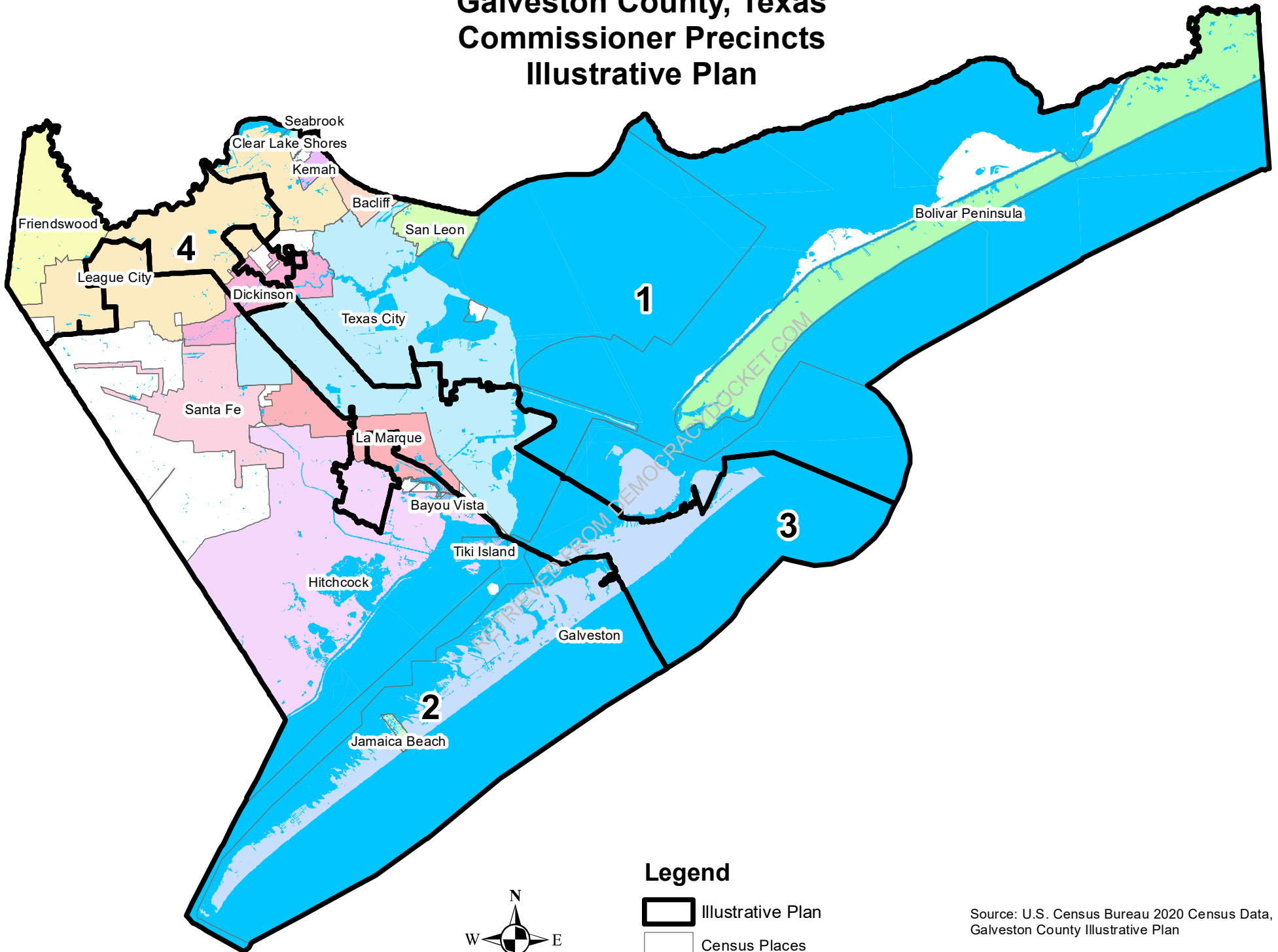
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Appendix B
Maps of the Illustrative and
2012-2021 Commissioner Plans




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Galveston County, Texas Commissioner Precincts Illustrative Plan



Legend

-  Illustrative Plan
-  Census Places
-  Water

Source: U.S. Census Bureau 2020 Census Data,
Galveston County Illustrative Plan

By: Tony Fairfax
Version 1

App 089

APPENDIX 11

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WILLKIE FARR & GALLAGHER LLP

787 Seventh Avenue
New York, NY 10019-6099
Tel: 212 728 8000
Fax: 212 728 8111

November 15, 2023

VIA ECF

Lyle W. Cayce
Clerk of Court
U.S. Court of Appeals for the Fifth Circuit
600 S. Maestri Place
70130 New Orleans

Re: No. 23-40582, Petteway v. Galveston County

Dear Mr. Cayce:

The NAACP/LULAC Plaintiffs respectfully submit this letter to emphasize certain important deadlines relevant to the timing of the Court's pending en banc poll, and—if en banc rehearing is ordered—to the consideration and ultimate disposition of this appeal.

The district court entered judgment on October 13, 2023. ROA.16038–39. On October 18, 2023, a motions panel entered a “temporary administrative stay.” On October 19, 2023, the merits panel further extended the administrative stay through November 10, 2023. On November 10, 2023, the panel affirmed the district court's judgment but extended the administrative stay pending an en banc poll.

The “temporary administrative stay” has now been in effect for four weeks. To date, no judge or panel of this Court has adjudicated Defendants' motion for a bona fide stay pending appeal, or considered whether such a stay is warranted under the traditional factors.

This case was filed, litigated, and tried expeditiously in order to obtain effective relief in time for the 2024 election cycle. Thanks to extraordinary efforts by the parties, the district court, and the merits panel, it remains possible for Plaintiffs to obtain relief on that timetable without significant, if any, judicial modifications to state-law deadlines. The deadline for candidates in the 2024 commissioners court election to apply for the primary election ballot is December 11, 2023. TEX. ELEC. CODE § 172.023(a). Should the administrative stay terminate

promptly, there will likely be ample time for the district court to implement the remedial process in advance of that deadline without the need for extension.

Accordingly, the NAACP/LULAC Plaintiffs have not yet sought relief from the temporary administrative stay, on the combined understandings that the administrative stay will be dissolved upon the Court's resolution of the en banc poll, and that the en banc poll will conclude promptly, thus avoiding the need for further emergency relief from this Court or the Supreme Court. However, the NAACP/LULAC Plaintiffs anticipate an imminent need to seek such relief should the administrative stay persist.

Finally, in the event en banc rehearing is granted, the NAACP/LULAC Plaintiffs will oppose any further stay pending appeal.

Respectfully submitted,

s/ Richard Mancino

Richard Mancino

cc: Counsel for all parties via ECF

APPENDIX 12

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Drafts 10

More

Labels

Notes

Invitation: 11:00ct Commissioner Holmes/Galveston County @ Thu Nov 11, 2021 1 (commissionerholmes3@gmail.com) Inbox x



Chad Dunn chad@brazilanddunn.com via google.com
to me, amaberry, anglestrategies

Nov 11 Thu	<p>11:00ct Commissioner Holmes/Galveston...</p> <p>View on Google Calendar</p> <p>When Thu Nov 11, 2021 11am - 12pm (CST)</p> <p>Who amaberry@anglestrategies.com, anglestrategies@gmail.com, Chad Dunn*</p>	<p>Aç Thi</p> <p>No</p> <p>11a</p> <p>No</p>
-------------------------	---	--

You have been invited to the following event.

11:00ct Commissioner Holmes/Galveston County

When Thu Nov 11, 2021 11am - 12pm Central Time - Chicago

Joining info Join with Google Meet
meet.google.com/ckg-uqeo-mek

Join by phone
(US) +1 402-781-0415 (PIN: 272436436)

[More phone numbers](#)

Calendar commissionerholmes3@gmail.com

Who • Chad Dunn - organizer

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PETTEWAY ET AL V.
GALVESTON COUNTY ET AL
Case #:3:22-cv-00057

DX 144

exhibitsticker.com

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Drafts 10

More

Labels

Notes

Galveston County - Attorney Client privileged communication Inbox x



Chad Dunn <chad@brazilanddunn.com>
to me, Matt, Adrianna
Matt/Adrianna,

Commissioner Holmes copied here needs access to the folders with the maps you prepared. Can you please arrange this.
Also, I think we all need to get on a zoom call to help the Commissioner prepare for the hearing on Friday. Does 9, 10 or 11am work for



Stephen Holmes <commissionerholmes3@gmail.com>
to Chad
All work for me Chad. Thank you

> On Nov 10, 2021, at 5:00 PM, Chad Dunn <chad@brazilanddunn.com> wrote:
>
>



Chad Dunn <chad@brazilanddunn.com>
to Matt, Adrianna, me

I spoke with Matt and 11am ct works for him. I will circulate a calendar invite.
Also, attached is the RPV analysis.

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Drafts 10

More

Labels

Notes

Demo Maps A & B Inbox x



Matt Angle <anglestrategies@gmail.com>
to me, Chad, Adrianna

Commissioner,

As you requested, I have attached Demonstration Map A and Demonstration Map B showing district boundaries with each district shaded

I have also included the topline demographic and election data for each map.

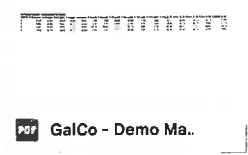
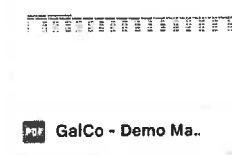
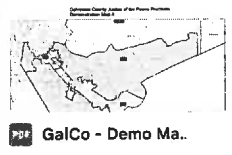
Please confirm receipt and let us know if you need anything else.

Matt

Matt Angle
Angle Strategies

6 E Street, SE
Washington, DC 20003
703-589-5509

4 Attachments • Scanned by Gmail



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Notes

Galveston County Inbox x



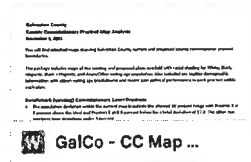
Chad Dunn <chad@brazilanddunn.com>
to me

Attorney client privileged communication.

See attached.

- GalCo - Benchmark Map - Black+Hisp VAP.zip
- GalCo - Demo Map A - Black VAP.zip
- GalCo - Demo Map B - Black VAP.zip
- GalCo - Map 1 - Black VAP.zip
- GalCo - Map 2 - Black VAP.zip

1 Attachments • Scanned by Gmail



Stephen Holmes <commissionerholmes3@gmail.com>
to Chad

Thanks Chad. The meeting has been pushed to this Friday. I'll review and touch base with you.

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**Galveston County
County Commissioners Precinct Map Analysis
November 6, 2021**

You will find attached maps showing Galveston County current and proposed county commissioner precinct boundaries.

The package includes maps of the existing and proposed plans overlaid with racial shading for White, Black, Hispanic, Black + Hispanic, and Asian/Other voting age population. Also included are topline demographic information with citizen voting age breakdowns and recent past political performance in each precinct within each plan.

Benchmark (existing) Commissioners Court Precincts

- The population deviation within the current map is outside the allowed 10 percent range with Precinct 2 at 9 percent above the ideal and Precinct 3 at 8.8 percent below for a total deviation of 17.8. The other two precincts have deviations under 3 percent.
- Throughout the past decade, Republican candidates in contested statewide and countywide elections in Galveston County averaged between 60 percent and 63 percent support over Democratic candidates.
- Three of the four commissioner precincts under the benchmark map – precincts 1, 2, and 4 – strongly favor Republican candidates. Joe Biden was the strongest Democratic performer in 2020 yet received less than 35 percent in the three precincts. In 2018, Beto O’Rourke also received less than 35 percent in all three. The three precincts all have a White CVAP between 68 percent and 74 percent.
- Commissioner Precinct 3 is a strongly Democratic precinct supporting Democratic candidates in countywide contests with 65 percent or greater support. Precinct 3 is a majority minority district with a Black + Hispanic CVAP of 57.8 percent. Black people alone make up 34.5 percent of the precinct’s citizen voting age population.
- Precinct 3 includes most of the historic Black neighborhoods in Galveston County as well as newer areas that are experiencing Black, Hispanic, and Asian growth. The district is anchored in Texas City, La Marque, and Hitchcock in the center of the county and then extends southward along Interstate 45 to Galveston Island and northward along I45 to Dickinson and southern tip of League City.

County-Proposed Maps

Two maps proposed by the county were analyzed.

Galveston County Map 1

- County-proposed Map 1 makes only minor changes in the Benchmark map. The core neighborhoods within each precinct are maintained.
- The population deviation in majority minority Precinct 3 is resolved by adding heavily Republican Bolivar Peninsula precincts to the west, which reduces the Black CVAP in Precinct 3 to 32 percent, and the B + H CVAP to 55 percent. However, the district appears to continue to perform for Black and other minority voters.

Galveston County Map 2

- County-proposed Map 2 makes dramatic changes in the map far beyond what is required to deal with population deviation.
- The proposed configuration erases Precinct 3 as a majority minority CVAP district effective for minority voters and does not create a majority minority district anywhere in the county. All four precincts have White CVAP over 60 percent. None of the four have a Black CVAP over 19 percent or a Black + Hispanic CVAP over 33.5 percent. No Democratic candidate running county wide in 2018 or 2020 carried any of the precincts.
- The proposed boundaries shred the traditional neighborhoods of benchmark Precinct 3 separating its core Black and other minority neighborhoods into 4 parts.
 - The Precinct 3 designation is given to a quite different district based entirely in the northern part of the county in League City and includes only the most northern Black neighborhoods in Dickinson in the current Precinct 3.
 - The central part of current Precinct 3 is split in half with the eastern neighborhoods in Texas City pulled into Precinct 1,
 - The western neighborhoods in La Marque and Hitchcock are sheared off and made part of Precinct 4.
 - Galveston Island neighborhoods in current Precinct 3 are removed and made part of Precinct 1.

Demonstration Maps

A review of Galveston County demographics and past political performance reveals that while configuring a reasonably compact precinct with over 50 percent Black CVAP is not possible, retaining Precinct 3 as a majority minority district effective for minority voters is easily done. Two demonstration maps are included.

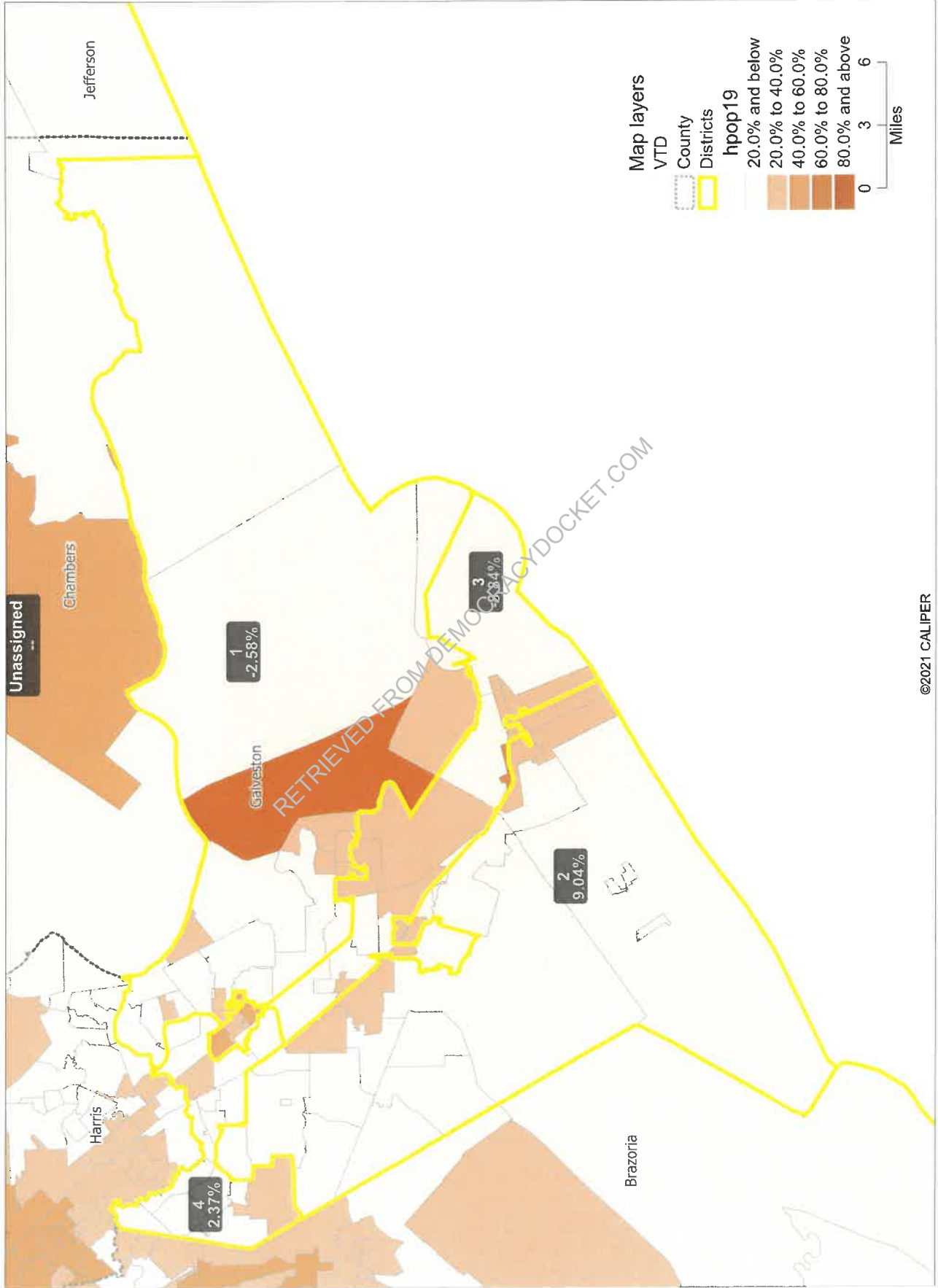
Demonstration Map A

- Map A is a very minimal change map moving only one precinct in order to resolve population deviation and retain Precinct 3 as an effective majority minority district.
- By simply moving voting precinct 223 from Precinct 2 to Precinct 3, all four precincts are brought into allowable deviation range.

Demonstration Map B

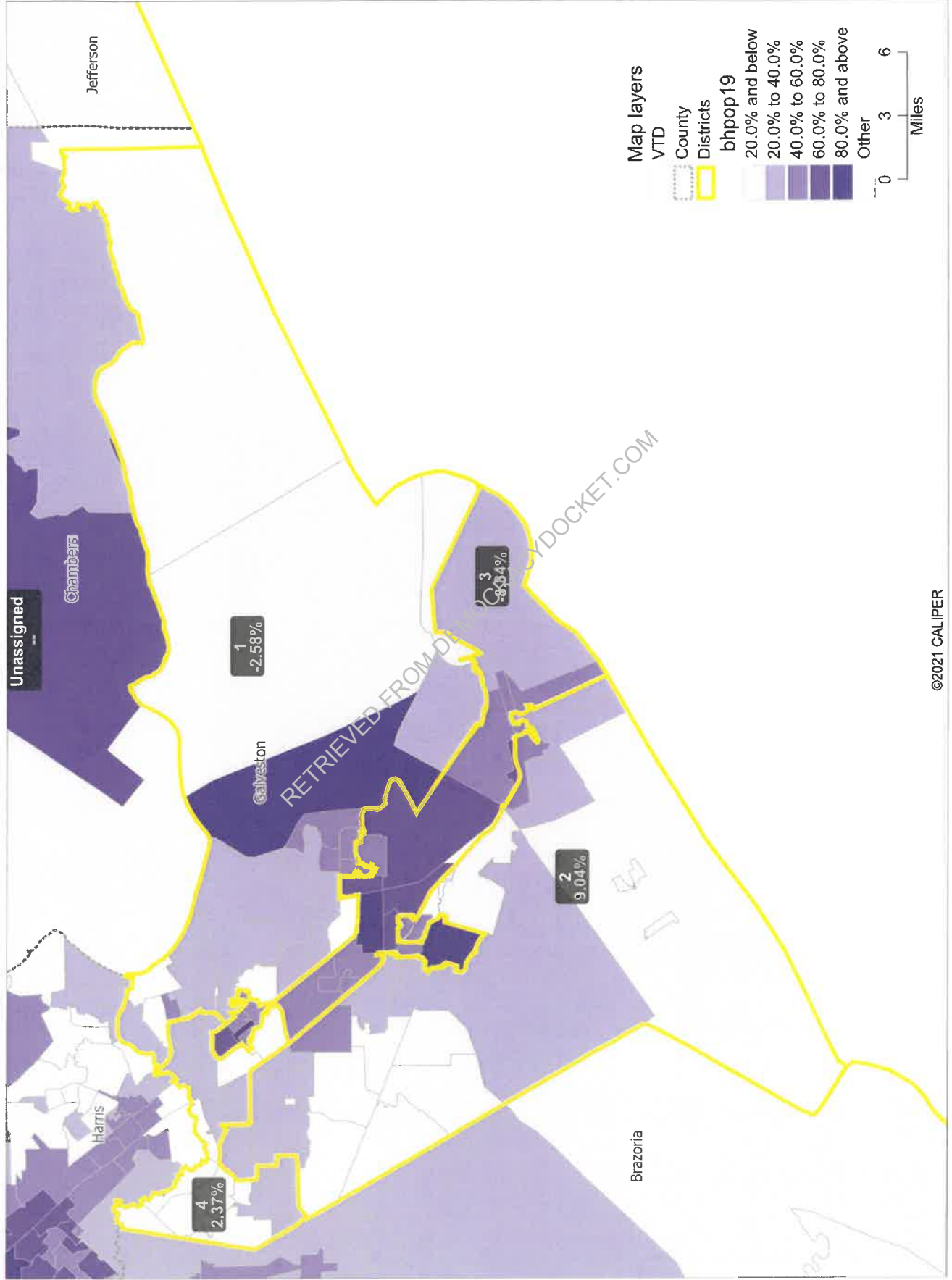
- Map B also has only minor changes but unites currently divided Precinct 3 neighborhoods in La Marque and Galveston Island making the district more compact and retaining it as an effective majority minority district.

Galveston County Commissioner Precincts
Benchmark Map - Hispanic Voting Age Population

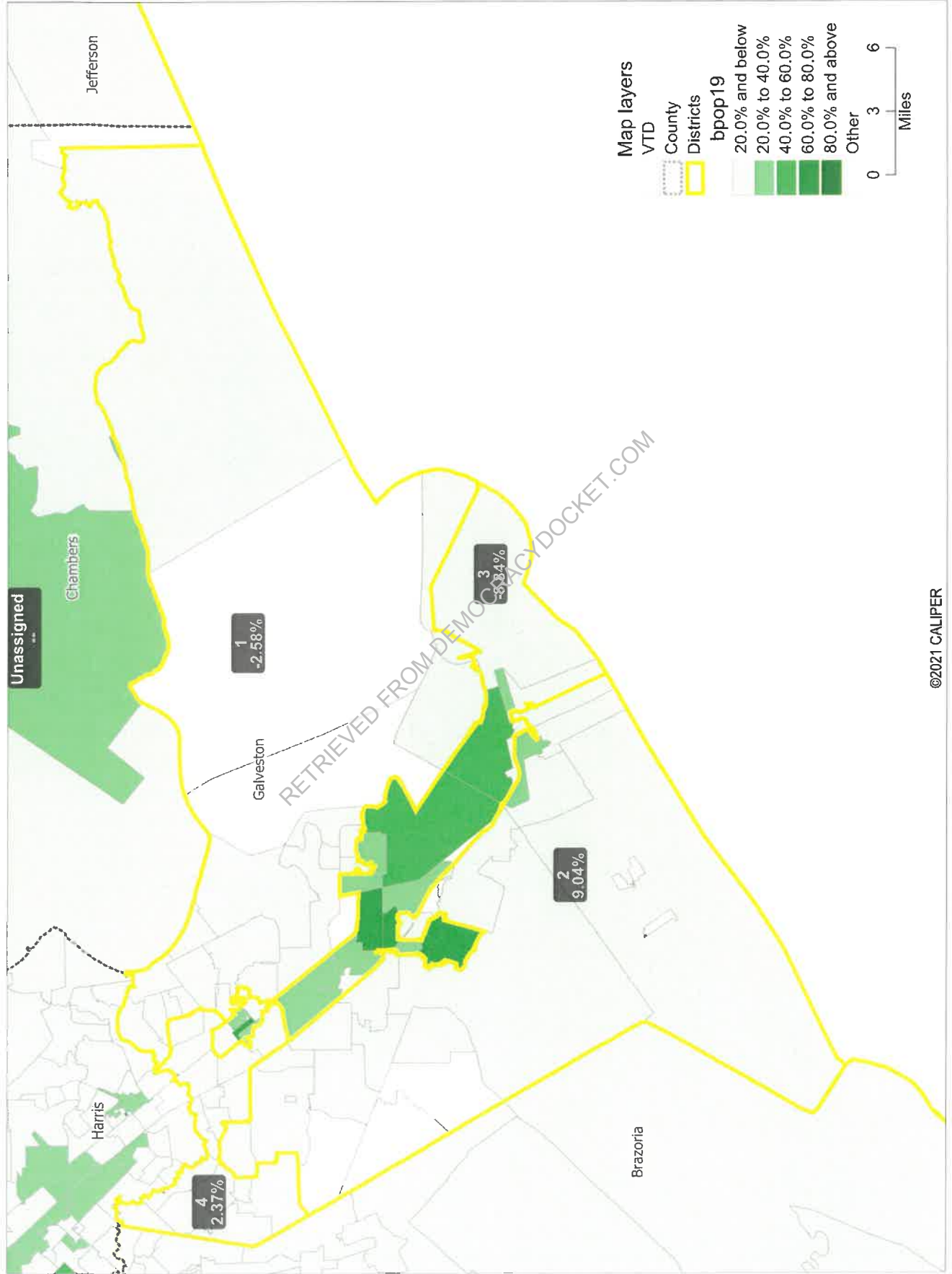


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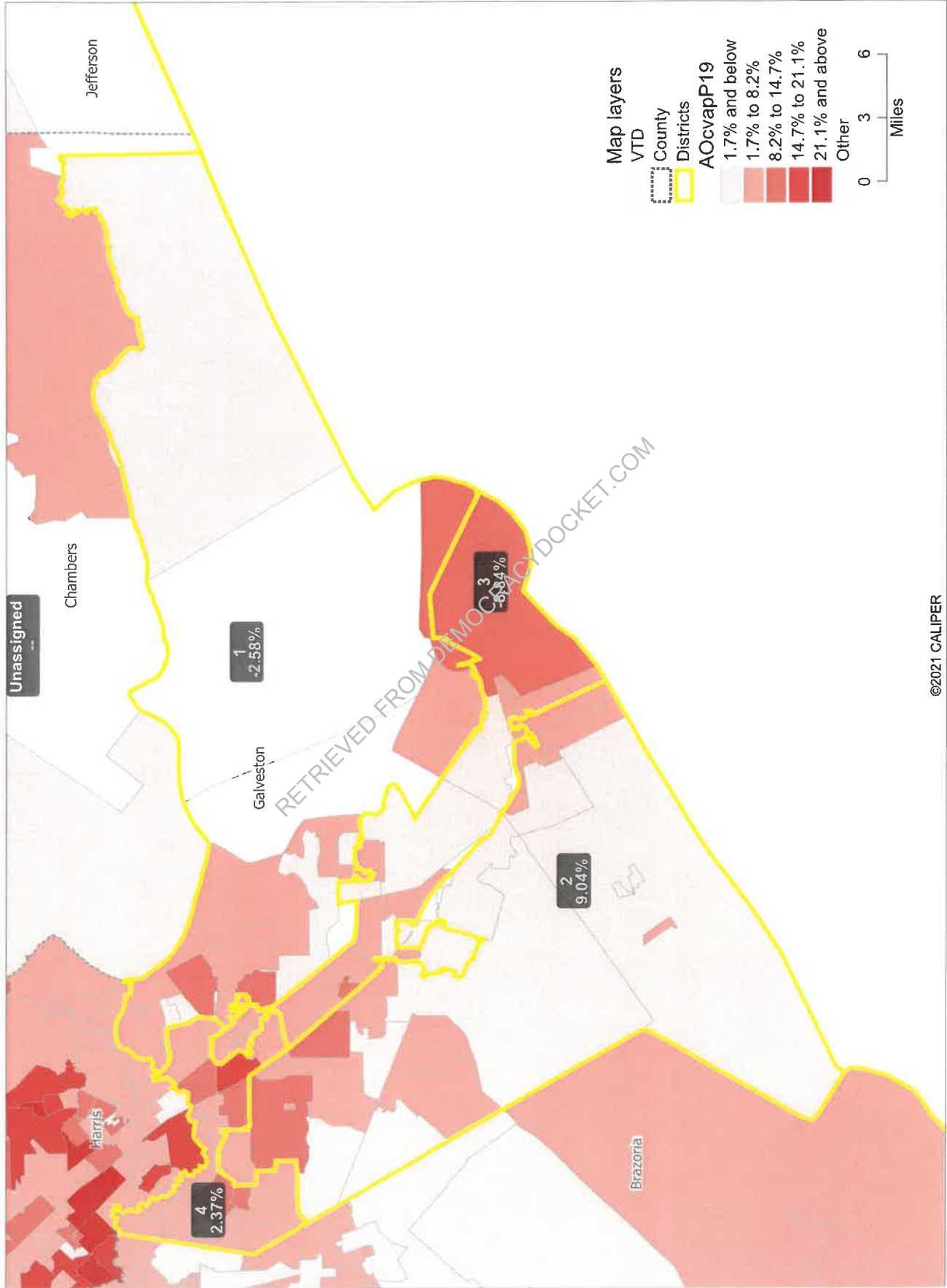
Galveston County Commissioner Precincts
Benchmark Map - Black+Hispanic Voting Age Population



Galveston County Commissioner Precincts
Benchmark Map - Black Voting Age Population



Galveston County Commissioner Precincts
Benchmark Map - Asian/Other Voting Age Population



Galveston County - Map 1

District	% Deviation	% Wvap19	% Wcwp19	% Hvap19	% Hcvap19	% Bvap19	% Bcvap19	% BHvap19	% BHcvap19	% AOvap19	% AOcvap19	% Pres_D_20	% Sen_D_20	% Gov_D_18	% Sen_D_18	% Sheriff_D_20
1	1.3%	62.9%	68.5%	22.9%	20.0%	6.9%	8.0%	29.8%	27.9%	7.3%	4.3%	33.6%	31.9%	30.1%	34.9%	32.1%
2	-1.4%	65.7%	73.7%	19.6%	15.3%	7.5%	6.9%	27.1%	22.2%	7.1%	4.1%	32.6%	31.2%	29.3%	33.9%	30.3%
3	-0.3%	36.9%	41.1%	29.5%	23.1%	28.3%	32.0%	57.8%	55.0%	5.4%	2.9%	63.3%	62.8%	63.4%	67.3%	62.1%
4	0.4%	66.9%	73.5%	17.8%	14.5%	5.3%	5.8%	23.1%	20.3%	10.0%	6.3%	31.8%	29.5%	26.1%	31.4%	29.3%

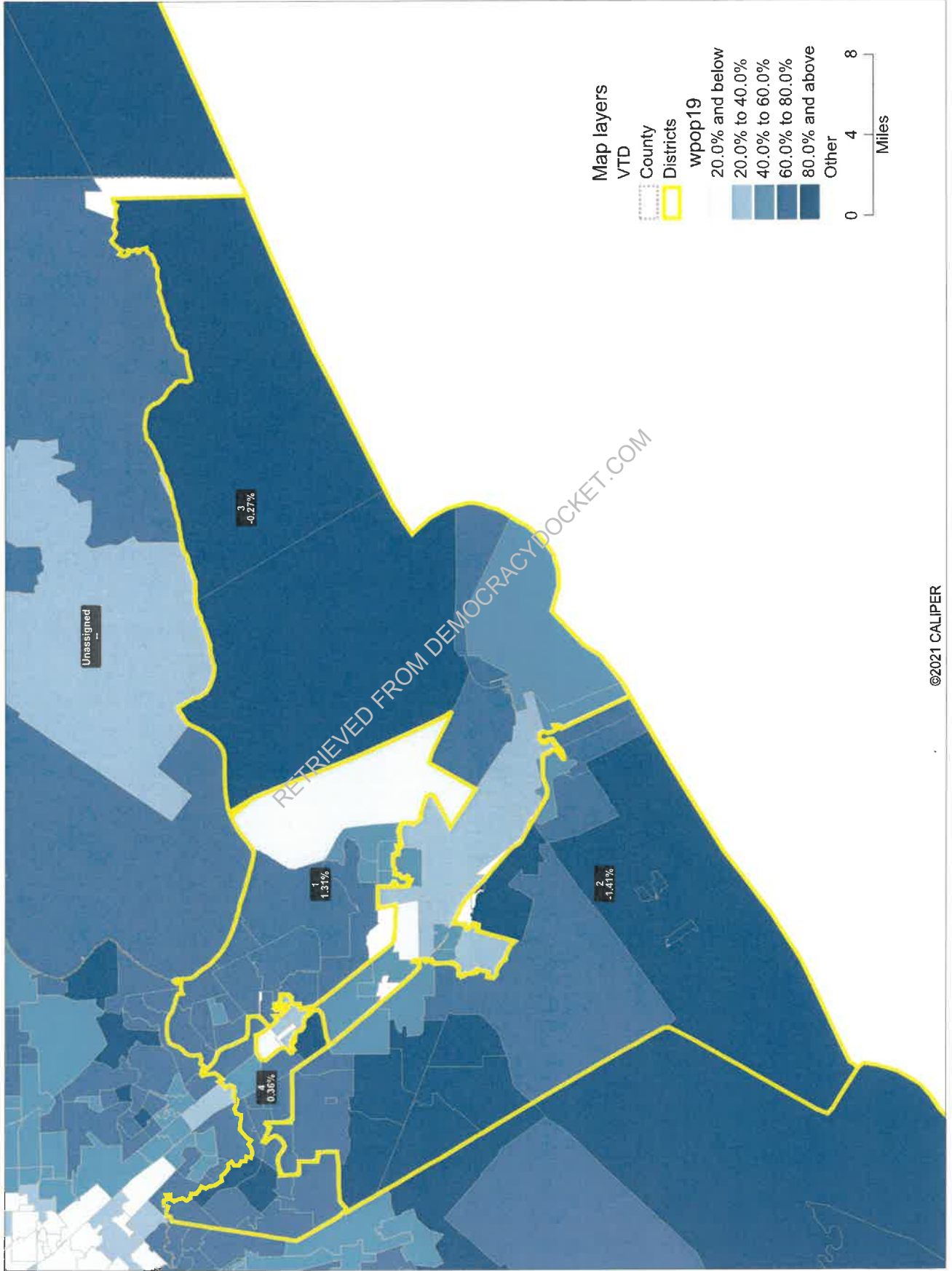
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Galveston County - Benchmark

District	% Deviation	% Wvap20	% Wcvap19	% Hvap20	% Hcvap19	% Bvap20	% Bcvap19	% BHvap20	% BHcvap19	% AOvap20	% AOcvap19	% Pres D_20	% Sen_ D_20	% Gov_ D_18	% Sen_ D_18	% Sheriff_ D_20
1	-2.6%	63.5%	68.7%	22.7%	19.8%	6.6%	7.7%	29.3%	27.5%	7.2%	4.4%	33.0%	31.3%	30.0%	34.7%	31.7%
2	9.0%	65.0%	73.1%	19.8%	15.6%	7.8%	7.4%	27.6%	22.9%	7.4%	3.9%	33.1%	31.6%	29.8%	34.4%	30.9%
3	-8.8%	33.9%	38.2%	30.6%	23.3%	30.3%	34.5%	60.9%	57.8%	5.3%	3.0%	67.6%	67.1%	67.7%	71.6%	66.3%
4	2.4%	66.9%	73.3%	17.8%	15.0%	5.5%	5.7%	23.3%	20.6%	9.8%	6.3%	31.9%	29.6%	26.2%	31.5%	29.3%

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Galveston County Commissioner Precincts
 Map 1 - White Voting Age Population

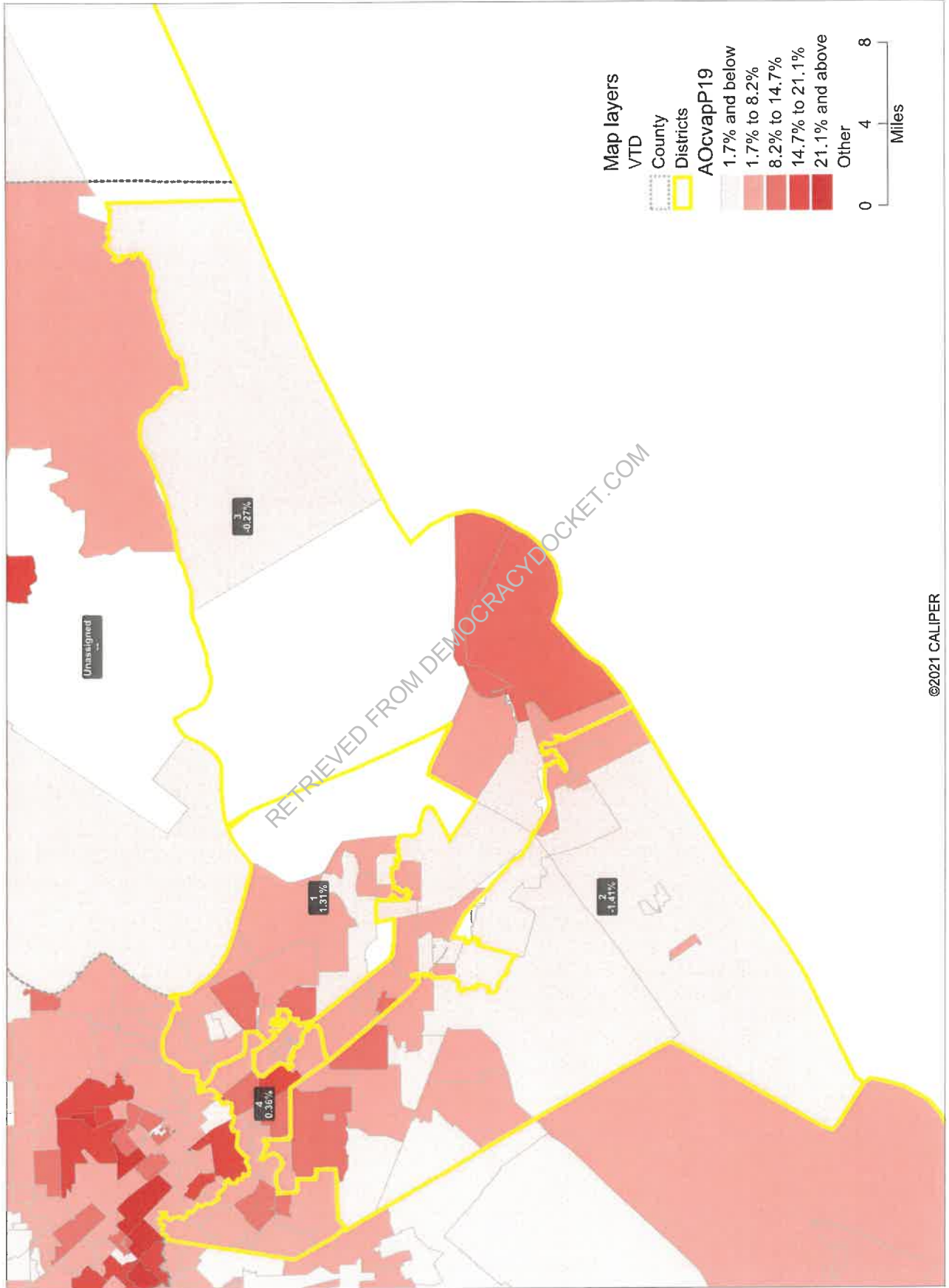


Galveston County - Benchmark

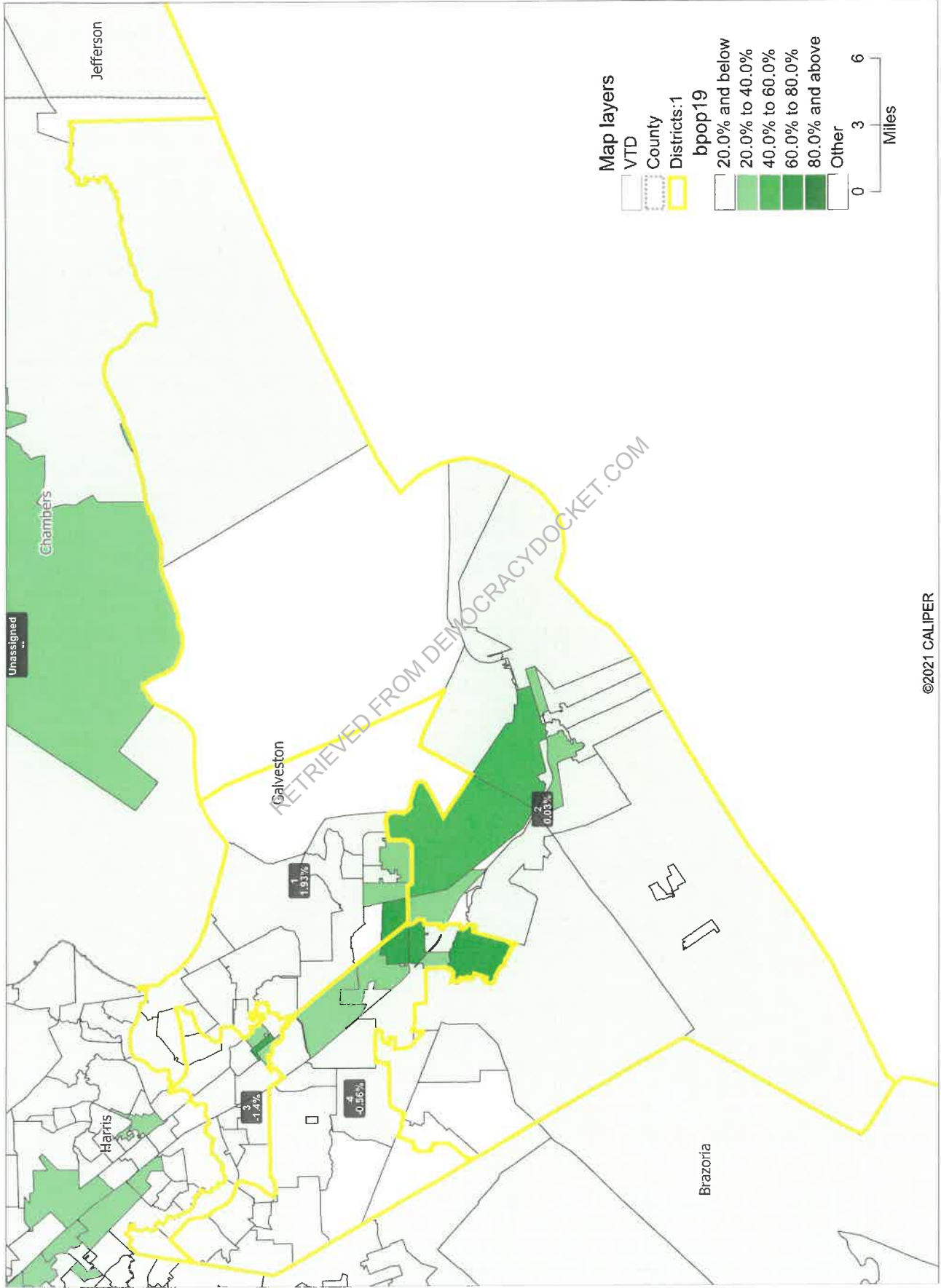
District	% Deviation	% Wvap20	% Wcvap19	% Hvac20	% Hcvap19	% Bvac20	% Bcvap19	% BHvap20	% BHcvap19	% AOVap20	% AOCvap19	% Pres D 20	% Sen D 20	% Gov D 18	% Sen D 18	% Sheriff D 20
1	-2.6%	63.5%	68.7%	22.7%	19.8%	6.6%	7.7%	29.3%	27.5%	7.2%	4.4%	33.0%	31.3%	30.0%	34.7%	31.7%
2	9.0%	65.0%	73.1%	19.8%	15.6%	7.8%	7.4%	27.6%	22.9%	7.4%	3.9%	33.1%	31.6%	29.8%	34.4%	30.9%
3	-8.8%	33.9%	38.2%	30.6%	23.3%	30.3%	34.5%	60.9%	57.8%	5.3%	3.0%	67.6%	67.1%	67.7%	71.6%	66.3%
4	2.4%	66.9%	73.3%	17.8%	15.0%	5.5%	5.7%	23.3%	20.6%	9.8%	6.3%	31.9%	29.6%	26.2%	31.5%	29.3%

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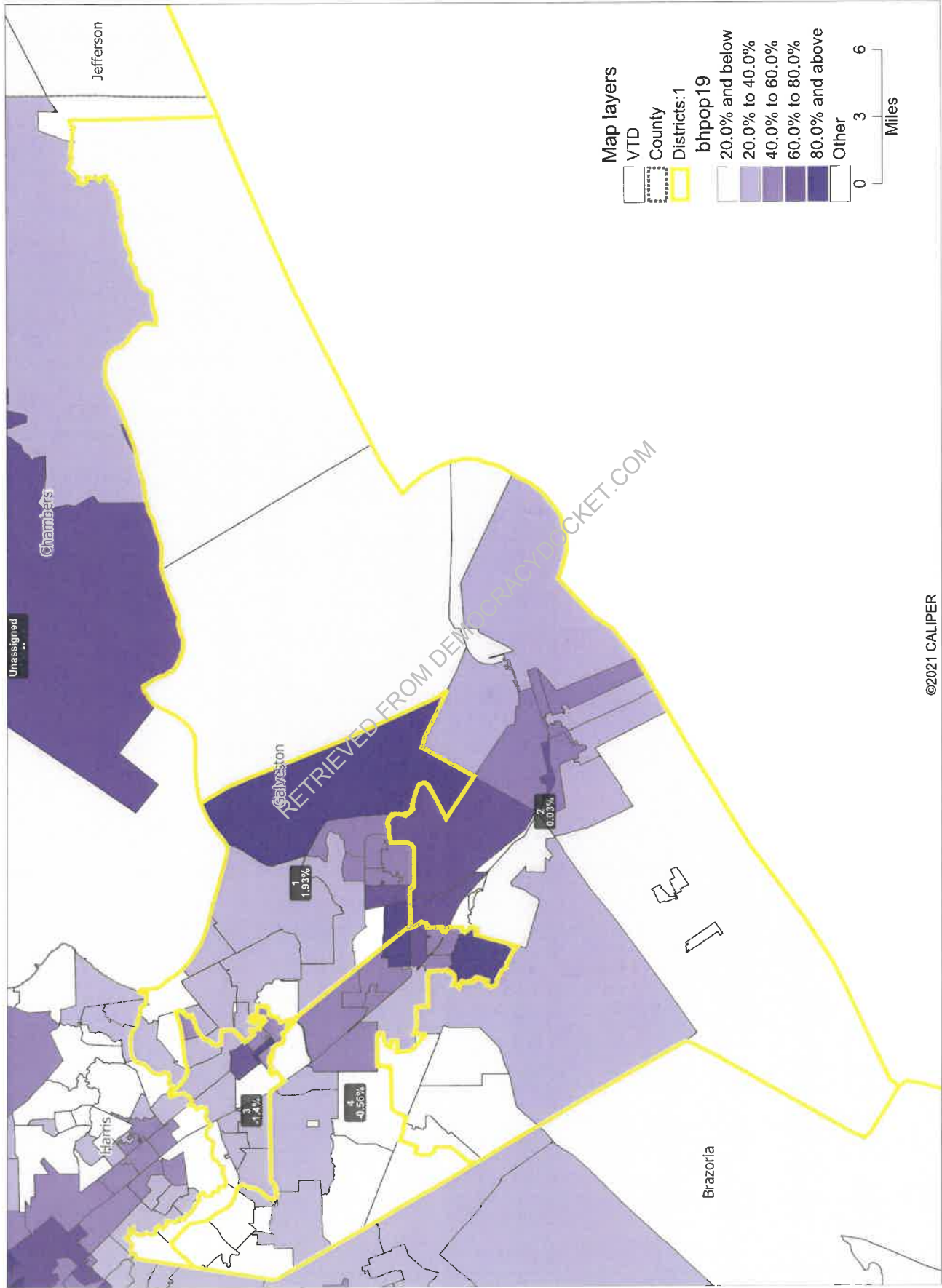
Galveston County Commissioner Precincts
 Map 1 - Asian/Other Voting Age Population



Galveston County Commissioner Precincts
 Map 2 - Black Voting Age Population



Galveston County Commissioner Precincts
 Map 2 - Black+Hispanic Voting Age Population



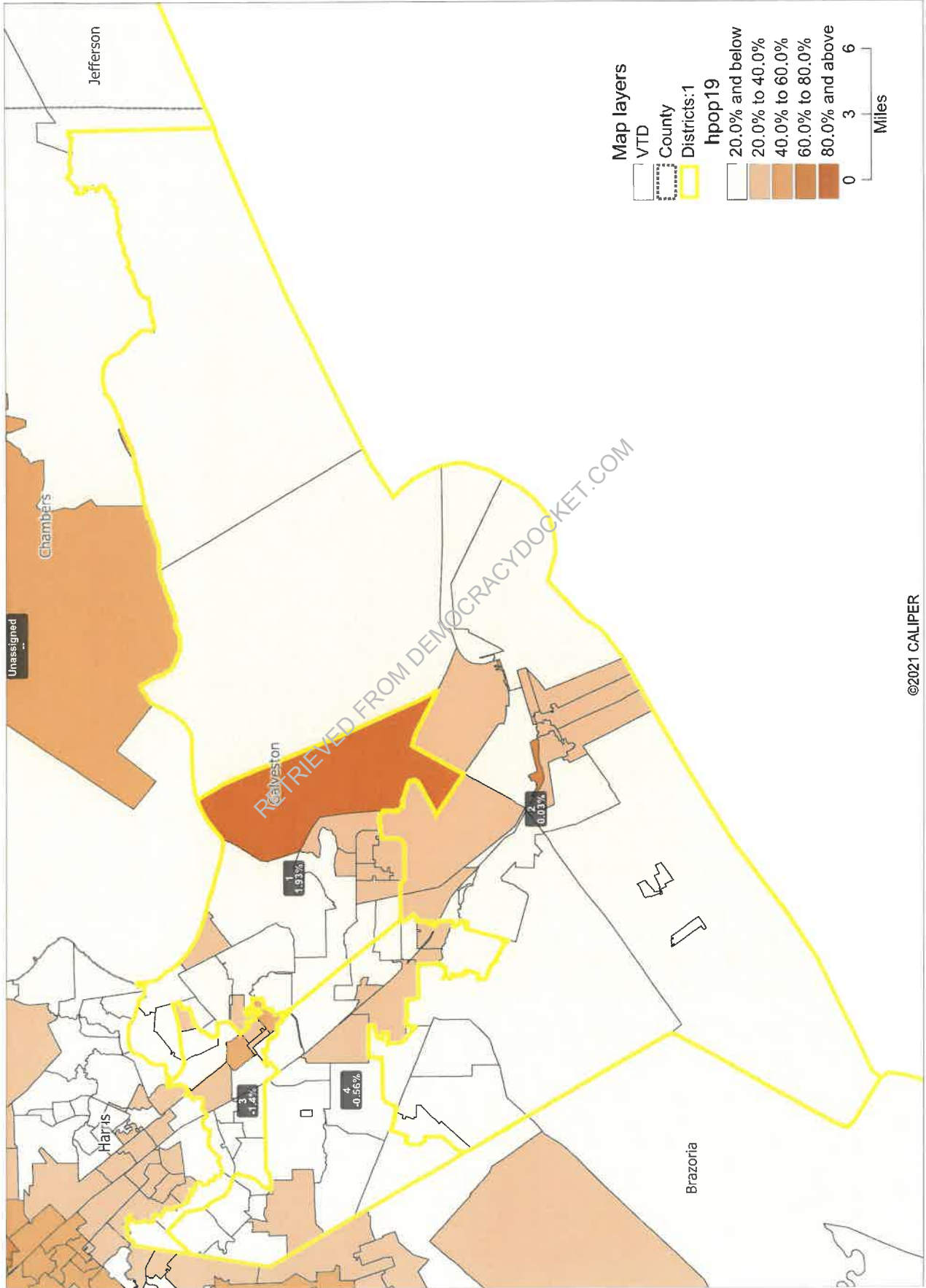
Galveston County - Map 2

District	% Deviation	% Wvap20	% Wcvap19	% Hcvap20	% Hcvap19	% Bvap20	% Bcvap19	% BHvap20	% BHcvap19	% AOvap20	% AOcvap19	% Pres_D_20	% Sen_D_20	% Gov_D_18	% Sen_D_18	% Sheriff_D_20
1	1.9%	58.7%	65.4%	25.0%	20.4%	9.4%	10.5%	34.5%	30.9%	6.9%	4.3%	36.2%	34.7%	33.2%	37.7%	35.0%
2	0.0%	58.0%	63.7%	23.0%	19.2%	13.0%	14.5%	36.0%	33.7%	6.0%	2.8%	43.2%	41.9%	41.6%	46.3%	40.4%
3	-1.4%	60.5%	65.5%	22.6%	18.6%	7.3%	8.8%	29.9%	27.4%	9.6%	6.2%	35.4%	33.2%	30.1%	35.4%	33.1%
4	-0.6%	54.7%	61.8%	19.2%	14.5%	18.5%	19.0%	37.7%	33.5%	7.6%	4.7%	39.3%	37.8%	36.1%	40.4%	37.8%

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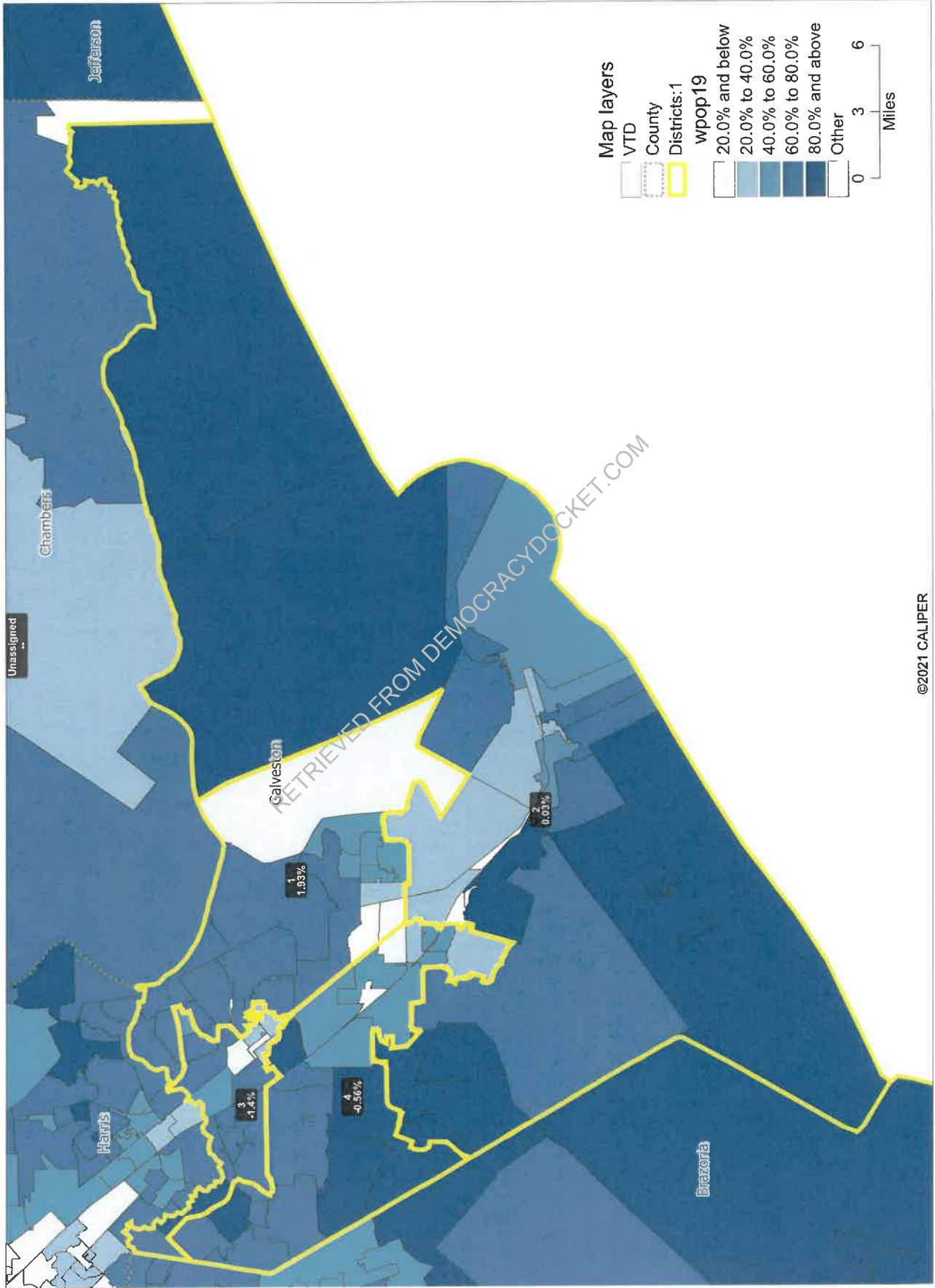
Galveston County Commissioner Precincts
 Map 2 - Hispanic Voting Age Population

Holmes 000337

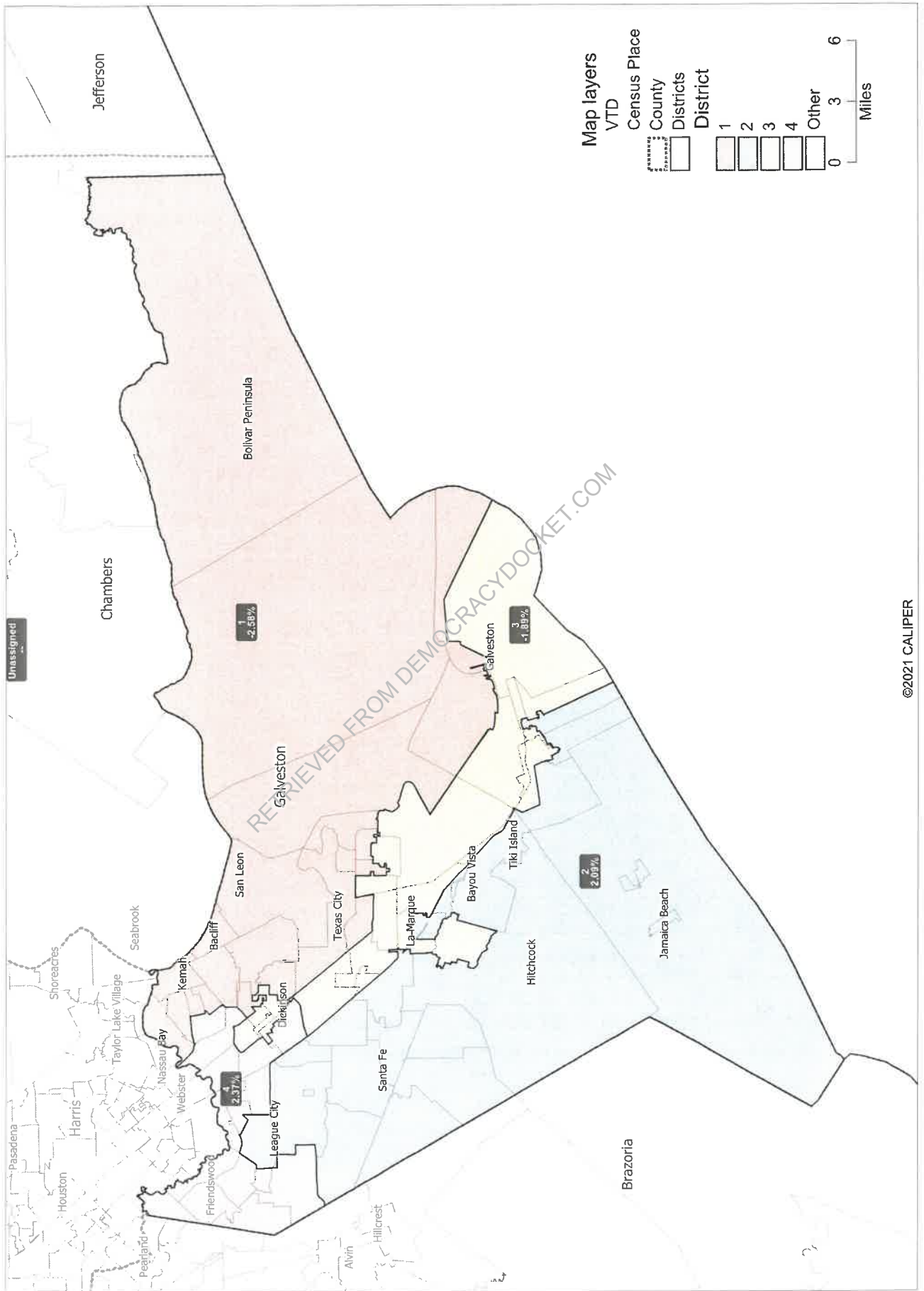


November 6, 2021

Galveston County Commissioner Precincts
 Map 2 - White Voting Age Population



Galveston County Justice of the Peace Precincts Demonstration Map A



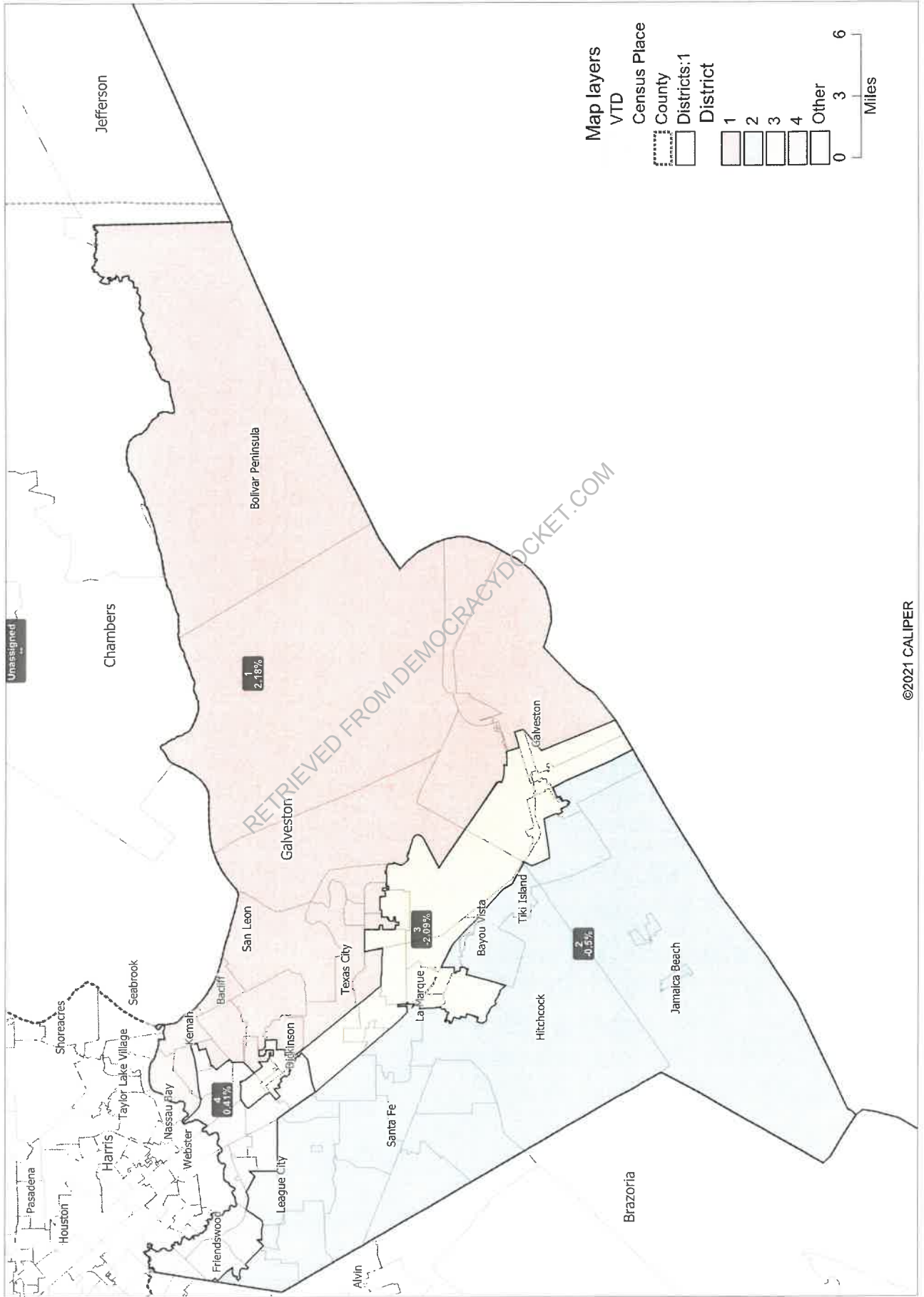
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Galveston County - Demonstration Map A

District	% Deviation	% Wvwap20	% Wcvap19	% Hwvap20	% Hcvap19	% Bvwap20	% Bcvap19	% BHvwap20	% BHcvap19	% ADVap20	% AOCvap19	% Pres_D_20	% Sen_D_20	% Gov_D_18	% Sen_D_18	% Sheriff_D_20
1	-2.6%	63.5%	68.7%	22.7%	19.8%	6.6%	7.7%	29.3%	27.5%	7.2%	4.4%	33.0%	31.3%	30.0%	34.7%	31.7%
2	2.1%	66.1%	74.1%	19.3%	15.3%	7.2%	6.6%	26.5%	21.8%	7.4%	3.9%	32.1%	30.7%	28.8%	33.3%	30.0%
3	-1.9%	34.9%	39.3%	30.4%	23.2%	29.3%	33.7%	59.7%	56.9%	5.4%	3.0%	66.4%	65.8%	66.1%	70.2%	65.0%
4	2.4%	66.9%	73.3%	17.8%	15.0%	5.5%	5.7%	23.3%	20.6%	9.8%	6.3%	31.9%	29.6%	26.2%	31.5%	29.3%

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Galveston County Justice of the Peace Precincts Demonstration Map B

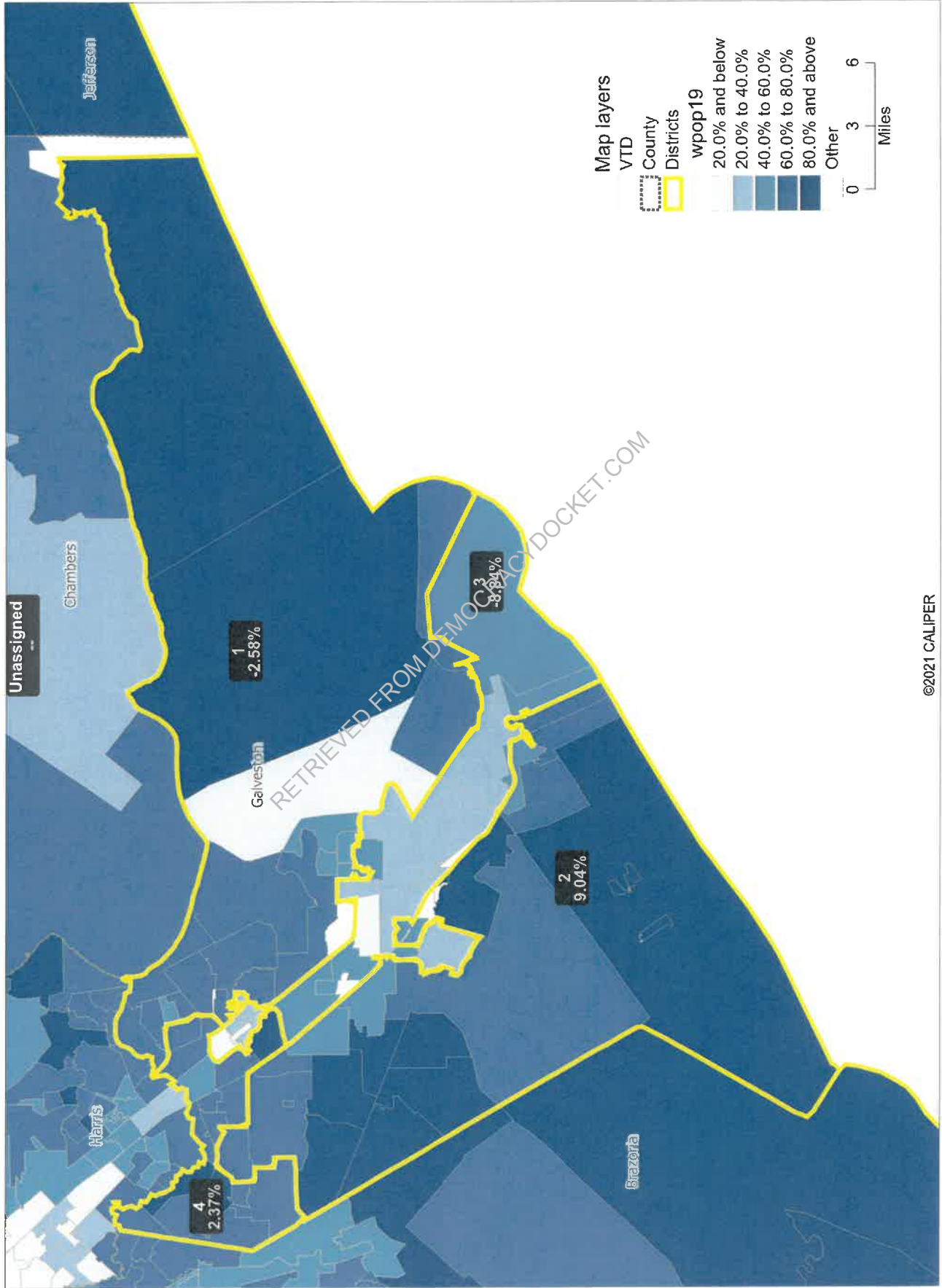


Galveston County - Demonstration Map B

District	% Deviation	% Wwv19	% Wwv20	% Hwv19	% Hwv20	% Bv19	% Bv20	% Bc19	% Bc20	% BHv19	% BHv20	% BHc19	% BHc20	% AOv19	% AOv20	% AOc19	% AOc20	% Pres19	% Pres20	% Sen19	% Sen20	% Gov19	% Gov20	% Sheriff19	% Sheriff20	
1	2.2%	62.5%	68.8%	22.7%	19.0%	7.2%	7.8%	7.8%	29.9%	26.8%	7.7%	5.0%	35.5%	33.8%	32.9%	37.6%	33.9%									
2	-0.5%	67.9%	75.6%	18.0%	14.2%	6.4%	5.9%	24.4%	20.1%	7.7%	4.1%	29.8%	28.4%	26.1%	30.6%	27.9%										
3	-2.1%	34.4%	39.3%	31.5%	24.0%	29.5%	33.6%	61.0%	57.6%	4.6%	2.3%	65.2%	64.7%	64.7%	68.7%	63.7%										
4	0.4%	66.7%	71.7%	17.9%	15.9%	5.6%	6.5%	23.6%	22.4%	9.8%	6.1%	32.5%	30.1%	26.8%	32.1%	29.9%										

RETRIEVED FROM DEMOCRACYDOCKET.COM

Galveston County Commissioner Precincts
Benchmark Map - White Voting Age Population



November 8, 2021

My name is Michael Rios, and I am currently a Research Analyst at the UCLA Voting Rights Project, where I have been the head data analyst since 2018. At the UCLA VRP my duties entail downloading, processing, and conducting statistical analysis of precinct-level voting results, and working with census data or voter file data to assess racial/ethnic demographics of voting precincts. Since 2018, I have collaborated with statisticians and political scientists to conduct racially polarized voting analysis in numerous jurisdictions. I completed racially polarized voting training with Dr. Matt A. Barreto, Dr. Gabriel Sanchez, and Dr. Loren Collingwood. I received my Master in Public Policy degree from the UCLA Luskin School of Public Affairs in 2020. From 2018 to 2020 I took vigorous courses in statistical analysis in the departments of public policy, education, and sociology. I received my B.A. in Political Science from the University of California, Riverside in 2017.

I obtained data from the Texas Legislative Council (TLC) and the Capitol Data Project for statewide election results by county and voter demographics by county. All results are available at the precinct (VTD) level and I have merged together the election returns with voter racial/ethnic demographics to create a standard dataset for analyzing voting patterns.

Voting patterns in Galveston County are definitely characterized by racially polarized voting. Racially polarized voting means that voters of different racial groups are voting in *polar* opposite directions. In recent elections which I analyzed, Black and Hispanic voters demonstrated strong cohesion, both voting together for their candidates of choice. Anglo/White voters have divergent voting patterns, voting as a bloc *against* minority preferred candidates.

This relationship is easily demonstrated in the graphs below which plots the vote a candidate received in each precinct (VTD) on the vertical Y-axis against the percent Anglo within each precinct on the horizontal X-axis.

Figure 1: Vote Choice in the 2020 Presidential Election Sorted by Percent Anglo

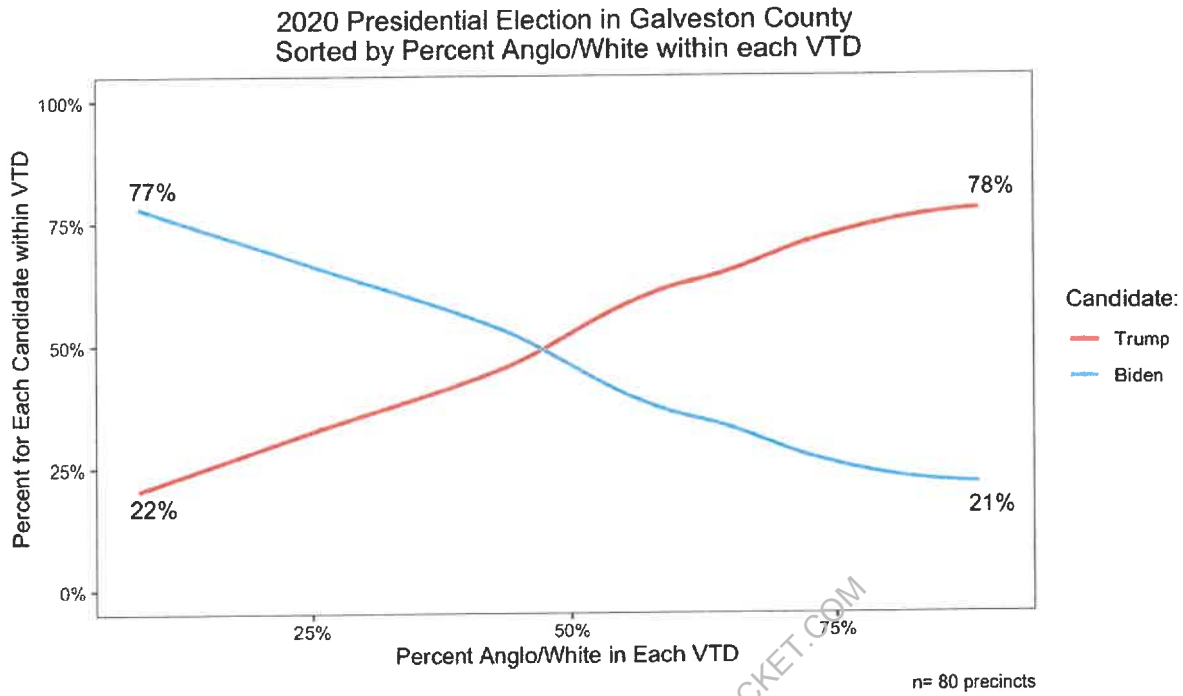


Figure 2: Vote Choice in the 2018 Senate Election Sorted by Percent Anglo

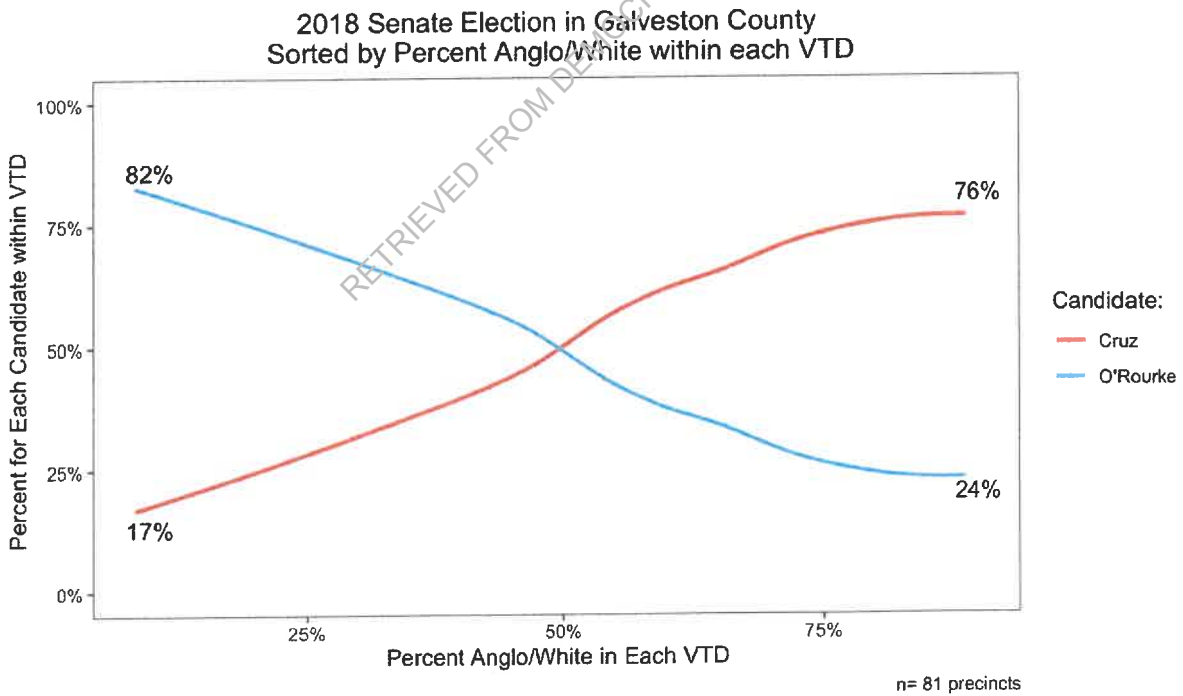
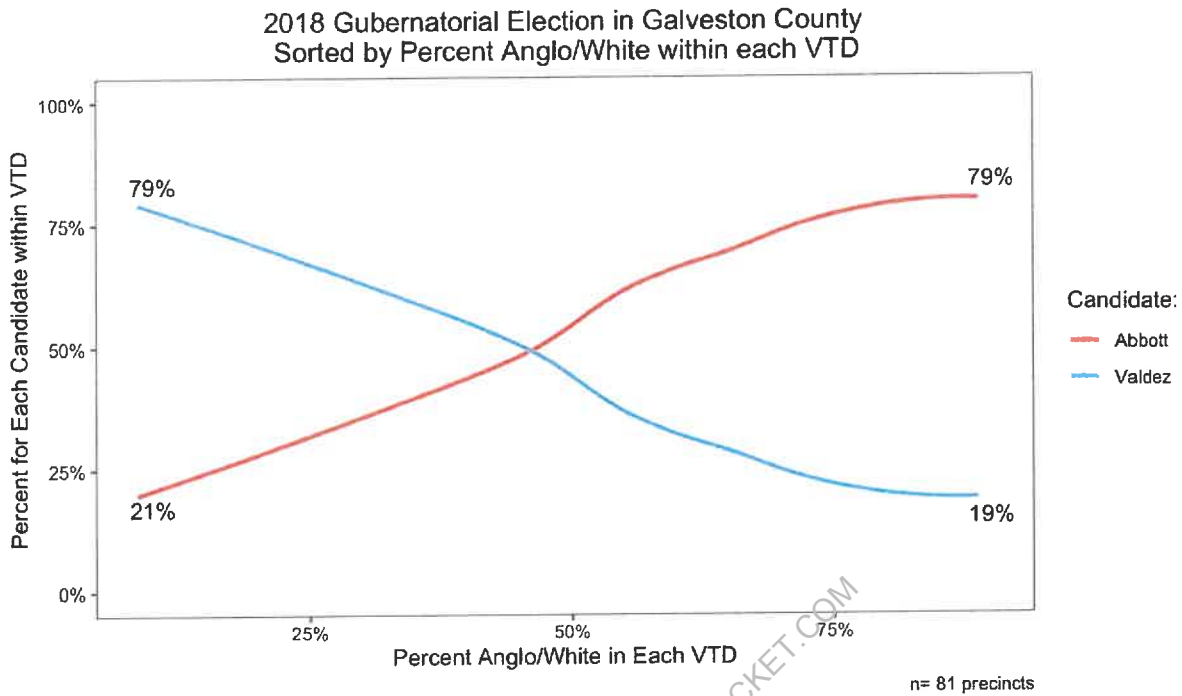


Figure 3: Vote Choice in the 2018 Gubernatorial Election Sorted by Percent Anglo



As each precinct gets more and more heavily Anglo, there is a clear increase in the vote for the Republican candidate. In contrast, high density Black or Hispanic precincts vote heavily for the Democratic candidate. In addition to the charts above, I ran ecological inference analysis using King’s EI to provide vote estimates for each racial/ethnic group in Galveston County. Those results are reported below in Table 1. Overall, the relationship holds across numerous elections analyzed in Galveston, year-in, year-out, and is evidence of racially polarized voting. From a Voting Rights Act (VRA) perspective, this satisfies the *Gingles 2* and *Gingles 3* standards.

Table 1: King’s EI analysis of vote choice by race – Galveston County, TX

	Biden	Trump	O’Rourke	Cruz	Valdez	Abbott
Anglo	10.0	88.8	11.5	88.0	8.5	90.2
Latino	76.4	23.6	80.3	18.6	77.6	20.9
Black	98.9	1.00	99.1	0.8	99.3	0.8

APPENDIX 13

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

**HONORABLE TERRY § 3:22-CV-00057
PETTEWAY, ET AL §
§
V. § 9:09 A.M. TO 2:27 P.M.
§
GALVESTON COUNTY, TEXAS, §
ET AL § AUGUST 7, 2023**

**BENCH TRIAL
BEFORE THE HONORABLE JEFFREY V. BROWN
Day 1 of 10 Days**

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Laura Wells, RPR, RMR, CRR, RDR

1 Q. Did you learn any of the demographics about Map 1?

2 A. Not really. Like I said, the only thing I know was
3 about 30 percent.

02:08:13

4 Q. Do you have any understanding as to whether or not
5 Map 1, if adopted, would elect Commissioner Holmes?

6 A. Not if they broke up Precinct 3, it couldn't.

7 Q. You don't think Map 1 here in Precinct 3 would elect
8 Commissioner Holmes?

02:08:39

9 A. Like I said, I can't see which precincts are in
10 Precinct 3.

11 Q. All right.

02:08:53

12 A. Because that way you will know who is voting for who.
13 Just having just a map like this without the breakdown, I
14 can't see the numbers unless somebody printed the numbers
15 out, and then that's their numbers. I'm just taking their
16 word for it.

17 Q. All right. And I want to make really clear. Did at
18 any --

19 A. Okay.

02:09:03

20 Q. -- time Commissioner Holmes or anybody else ever tell
21 you that he could get elected from Map 1?

22 A. No. No one ever told me that.

23 Q. Would you have expected Commissioner Holmes to have
24 told you that if it were true?

02:09:19

25 A. If it were true, but I can't say that because I don't

1 know that, because, like I said, if you do the breakdown
2 and show me the precincts, the voting precincts, then I
3 could determine who is in those precincts.

02:09:40 4 MR. NIXON: Can you pull up Defendants' Exhibit
5 Number 144, please.

6 BY MR. NIXON:

7 Q. All right. This is an e-mail from Mr. Dunn, the
8 Lawyer Dunn, to Commissioner Holmes.

02:10:08 9 MR. NIXON: And if you scroll down a little bit.
10 Keep scrolling. Right. Down one more. Go back one page,
11 please. Blow up this paragraph right here, Galveston
12 County Map 1.

13 BY MR. NIXON:

02:10:35 14 Q. I'm going to represent to you -- this is already in
15 evidence, but Lawyer Chad Dunn on November 6th, 2021, six
16 days before the vote, informed Mr. Holmes, at Mr. Holmes'
17 request, and told him, "County proposed Map 1 makes only
18 minor changes in the benchmark map. The core
19 neighborhoods within each precinct are maintained. The
02:11:10 20 population deviation in the majority-minority Precinct 3
21 is resolved by adding heavily Republican Bolivar Peninsula
22 to the west, which produces the Black CVAP in Precinct 3
23 to 32 percent, and the Black" -- or the B plus H, which
24 means Black plus Hispanic -- "CVAP to 55 percent.

02:11:36 25 However, the district appears to continue to perform for

1 Black and other minority voters."

2 Did you know that?

3 **A.** No. You are telling me that.

4 **Q.** Commissioner Holmes knew that on November 6th. Did he
5 tell you?

02:11:50

6 **A.** Personally, no.

7 **Q.** Did he tell anybody to support Map 1, to your
8 knowledge? Did you hear that?

9 **A.** No. I can't say that because I can't speak for

02:12:02

10 everyone else, but I can only speak for myself. And this
11 is the first I am hearing this.

12 **Q.** Commissioner Holmes at that meeting had every right to
13 speak. He is a commissioner. Did he say this to the
14 crowd?

02:12:19

15 **A.** I didn't hear it.

16 **Q.** Did he tell or ask any other commissioner to vote for
17 Map 1?

18 **A.** I didn't hear it.

19 **Q.** We have a recording. That's not on it. I didn't hear
20 it either.

02:12:30

21 When Commissioner Holmes spoke, what did he tell you
22 to do?

23 **A.** When he spoke at the meeting in November?

24 **Q.** Yes, ma'am.

02:12:47

25 **A.** He said that they were basically taking the

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

**HONORABLE TERRY § 3:22-CV-00057
PETTEWAY, ET AL §
§
V. § 9:04 A.M. TO 5:34 P.M.
§
GALVESTON COUNTY, TEXAS, §
ET AL § AUGUST 8, 2023**

**BENCH TRIAL
BEFORE THE HONORABLE JEFFREY V. BROWN
Day 2 of 10 Days**

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(318) 573-8984

Laura Wells, RPR, RMR, CRR, RDR

1 Q. So the first time you saw the map was after the vote
2 for the map, when the maps appeared in a newspaper?

3 A. No. The first time was November 10th. That's the
4 date that's on the -- do you want to see it? That's the
5 date that's on the paper.

10:02:19

6 Q. Okay.

7 A. And I think that was before -- that was, like, two
8 days before the vote.

9 Q. Did you call Commissioner Holmes at that time and ask
10 him to -- offered your help in any way --

10:02:29

11 A. I did.

12 Q. Okay. What did he say?

13 A. He said, "Thank you. I really appreciate it."

14 Q. Did he tell you that he wanted to get Map 1 passed?

10:02:41

15 A. No. He was busy. And that's about all we talked
16 about.

17 Q. He didn't tell you that Map 1 would have re-elected
18 him?

19 A. No. We didn't talk about the maps. I just offered my
20 support, and he thanked me. And he needed to go, and I
21 needed to get back to work.

10:02:53

22 Q. Okay. Good.

23 At some point as JP, Bolivar Peninsula was in your JP
24 district?

10:03:09

25 A. Yes.

1 and I will pop my head in at some of those, yes.

2 **Q.** Do you know whether or not Hispanic voters in
3 Galveston County vote Republican more often than Black
4 voters in Galveston County?

05:27:58 5 **A.** I can't answer that because I really don't know.

6 **Q.** You are also aware that there are many different
7 cultures within the broader term "Hispanic," right?

8 **A.** You bet.

9 **Q.** And there are many different cultures within the
05:28:10 10 broader term "Hispanic" in Galveston County?

11 **A.** Yes.

12 **Q.** The statue in front of 722 Moody, the Confederate
13 statue, you recall that debate, correct?

14 **A.** Yes.

05:28:31 15 **Q.** You recall that it was not taken down, correct?

16 **A.** I don't think it was.

17 **Q.** Okay. Did you ever see the statue up-close?

18 **A.** Not really.

19 **Q.** Okay. There was a plaque on it. Do you remember ever
05:28:46 20 seeing a plaque on that statue?

21 **A.** I didn't see it up-close. So, no.

22 **Q.** Okay. So you are not aware whether or not that plaque
23 was taken down?

24 **A.** No.

05:29:00 25 **Q.** Okay. During that November 12th meeting, did

1 Commissioner Holmes ever advocate for the approval of
2 Map 1?

3 **A.** I don't remember him advocating for that map, no.

05:29:21

4 **Q.** Okay. He never said that he could still get elected
5 under Map 1, so, guys, let's do Map 1? Nothing like that?
6 He left that information out?

7 **A.** He didn't say anything like that at that meeting, no.

8 **Q.** Okay. I think this might be the last question.
9 Famous last words.

05:29:49

10 But you said that the assistant who was at the meeting
11 who was handing out agendas, she only had, like, 25 of
12 them?

13 **A.** Maybe. I didn't count them, but there were few.

05:30:01

14 **Q.** You don't know whether or not she went back, printed
15 some more out, handed them out in the hallway? You just
16 don't know?

17 **A.** I don't know. She didn't come back where I was
18 passing anything out.

05:30:10

19 **Q.** You don't know why Commissioner Holmes was sitting at
20 the table?

21 **A.** I guess he just chose to sit down.

22 **Q.** I mean, you remember at the meeting he said, "They
23 didn't make me sit down here," right?

24 **A.** I'm sorry?

05:30:18

25 **Q.** Do you remember when he said that at the meeting,

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

**HONORABLE TERRY § 3:22-CV-00057
PETTEWAY, ET AL §
§
V. § 9:01 A.M. TO 6:17 P.M.
§
GALVESTON COUNTY, TEXAS, §
ET AL § AUGUST 15, 2023**

**BENCH TRIAL
BEFORE THE HONORABLE JEFFREY V. BROWN
Day 7 of 10 Days**

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Laura Wells, RPR, RMR, CRR, RDR

1 Q. I asked if -- we're just talking about Map 1. Did you
2 tell any of your constituents that Map 1 would elect a
3 candidate of their choice?

12:51:29

4 A. That's not what Map 1 says. That's not what he says.
5 It says it appears. It does not say it does. It says
6 "appears." It doesn't say it does.

7 Q. Listen, I don't have -- I don't have a problem with
8 that position. I understand that.

12:51:50

9 Did you tell anybody that Map 1 appears to be able to
10 elect a candidate of their choice?

11 A. No.

12 Q. Okay. Thank you, sir.

13 MR. NIXON: Let's put up DX-120, please.

14 BY MR. NIXON:

12:52:19

15 Q. Okay. This is an e-mail from Roxy Hall to several
16 people, including you. Do you see that?

17 A. I am actually looking for my name.

18 Q. It's in the "to"?

19 A. In the "to"?

12:52:52

20 Q. To. And then it's got -- yeah. There you go. There
21 you go. Do you see it? It's highlighted?

22 A. Yeah. Okay. Yeah. Yes.

23 Q. Okay. It talks about you speaking at a redistricting
24 event in Galveston County, it looks like, on November 3rd
25 or 4th.

12:53:12

1 in attendance spoke against both Map 1 and Map 2 --

2 **A.** Yes.

3 **Q.** -- do you recall that?

4 **A.** Yes.

03:37:38

5 **Q.** Would you say that's -- most of the comments were
6 that, right?

7 **A.** I don't recall the breakout now. There were many
8 people that said we should just start all over again.

03:37:52

9 **Q.** Really, there was no advocacy for either one of the
10 maps for most of the speakers. Would you agree with that?

11 **A.** That, I don't recall. I would have to go back and
12 watch the video again.

03:38:03

13 **Q.** Prior to attending -- going -- attending the meeting,
14 did you have an opportunity to review the comments that
15 y'all had collected?

16 **A.** Yes.

17 **Q.** And what did you glean from those?

18 **A.** I read it into the record at the end of the meeting.
19 As I recall, it was 2:1, favoring Map 2 over Map 1.

03:38:15

20 **Q.** Okay. And Map 2 -- or Map 2 was the coastal precinct
21 map?

22 **A.** Correct.

23 **Q.** And Map 1 was the minimum change?

24 **A.** Right.

03:38:26

25 **Q.** Now, do you recall at the end of the meeting

1 had been the opposite, if it had been 2:1 for Map 1 over
2 Map 2, that would have been very hard to move along.

03:42:53

3 **Q.** Okay. And what about the discussion that was actually
4 ongoing during the meeting? Do you think that could have
5 changed your mind?

6 **A.** Sure. I mean, I wanted to hear a reason and argument
7 as to why Map 1 would be a better map. That's what I
8 wanted to hear from folks.

03:43:08

9 **Q.** Well, did you ever -- I mean, you thought about
10 whether -- if Commissioner Holmes had asked you to
11 consider Map 1, would you have?

12 **A.** If Commissioner Holmes had asked me to consider Map 1?
13 I would have a hard time telling him no. He has never
14 asked me for a thing in 12 years.

03:43:30

15 **Q.** But did he ask?

16 **A.** He did not ask.

17 **Q.** Did y'all get the maps submitted to the State of Texas
18 timely?

19 **A.** We did.

03:43:56

20 **Q.** At the time that you voted for Map 2, was it your
21 intention to discriminate against either Commissioner
22 Holmes or the public in any way?

23 **A.** No.

03:44:33

24 **Q.** Up until the voting and after, had you given much
25 consideration to the racial breakdown within any of the

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

HONORABLE TERRY § 3:22-CV-00057
PETTEWAY, ET AL §
V. § 8:33 A.M. TO 5:24 P.M.
§
GALVESTON COUNTY, TEXAS, §
ET AL § **AUGUST 16, 2023**

**BENCH TRIAL
BEFORE THE HONORABLE JEFFREY V. BROWN
Day 8 of 10 Days**

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1 say we hit the date exactly, but it would have been close.

2 **Q.** Okay. And to your recollection, what was the result
3 of the preclearance letters sent to the Department of
4 Justice?

08:38:49

5 **A.** Well, the first preclearance letter, prior to the date
6 of having to file an answer on the DCDC case, the
7 Department of Justice filed an objection to preclearance
8 on the Galveston County Commission plan.

08:39:13

9 **Q.** Okay. And do you recall the -- that being around
10 March of 2012?

11 **A.** That would probably be about right.

12 **Q.** All right. And then what happened next?

13 **A.** Well, at that time, we began to negotiate with DOJ to
14 see what could be done in order to obtain a preclearance.

08:39:34

15 **Q.** Okay. And did the Department of Justice come down to
16 Galveston to work on those details?

17 **A.** They did. As a matter of fact, we conducted the
18 negotiations in a room in the county courthouse that was
19 just over the lobby. I remember it because it had this
20 big window right out there, and I was staring at the DOJ
21 people on the other side of the table, straight out that
22 window.

08:39:49

23 **Q.** And so were y'all able to resolve the matter with the
24 Department of Justice?

08:40:04

25 **A.** We were.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

HONORABLE TERRY § 3:22-CV-00057
PETTEWAY, ET AL §
§
V. § 8:31 A.M. TO 5:54 P.M.
§
GALVESTON COUNTY, TEXAS, §
ET AL § AUGUST 17, 2023

BENCH TRIAL
BEFORE THE HONORABLE JEFFREY V. BROWN
Day 9 of 10 Days

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Laura Wells, RPR, RMR, CRR, RDR

1 know that he doesn't that can comment on it.

2 **Q.** At what point in time did you start to think about one
3 map more than the other?

10:31:52

4 **A.** When the idea started going around about a coastal
5 precinct, me being a coastal guy, I kind of liked that
6 idea of a coastal precinct because the issues are pretty
7 similar for Bolivar Peninsula, the unincorporated area, to
8 Galveston Island.

10:32:08

9 **Q.** At any point before the meeting on November 12th, are
10 you aware of Commissioner Holmes ever advocating for the
11 adoption of Map 1?

12 **A.** No.

13 **Q.** To your knowledge, was Commissioner Holmes excluded
14 from the redistricting process?

10:32:22

15 **A.** No.

16 **Q.** Were you having communications with other
17 commissioners behind the scenes and leaving him out?

18 **A.** No.

19 **Q.** Are you aware of that happening?

10:32:30

20 **A.** No.

21 **Q.** Do you know how big Bolivar's -- Bolivar Peninsula's
22 voting population is?

23 **A.** I'm not sure.

24 **Q.** In comparison with the rest of your precinct, is it

10:32:44

25 big? Little? Medium?

1 **A.** Still do.

2 **Q.** And, ultimately, you did vote to adopt Map 2, right?

3 **A.** Yes.

4 **Q.** At what point did you make up your mind that Map 2 was
5 the better map for you?

04:56:05

6 **A.** Well, when Stephen Holmes offered no solutions or
7 modifications, I thought that the coastal district was a
8 great idea, especially since it was 20 miles of that had
9 been my baby.

04:56:30

10 **Q.** And were there any other reasons for voting for Map 2?

11 **A.** I mean, no. Just that's it.

12 **Q.** We have already discussed that up until the time that
13 the motion had been made and seconded, did Commissioner
14 Holmes ever ask you to support Map 1?

04:56:55

15 **A.** No. He did not.

16 **Q.** Did he ever discuss with you that it might elect him
17 and keep his Precinct 3 as much intact as possible really?
18 Did you ever have that discussion?

19 **A.** Well, I mean, I believe we had that --

04:57:15

20 **Q.** Did Commissioner Holmes ever have that discussion with
21 you?

22 **A.** No.

23 **Q.** Never shared any other maps with you?

24 **A.** Never.

04:57:25

25 **Q.** Have you had a chance to think about what might have

Galveston County, Texas

COMMISSIONERS COURT SPECIAL SESSION

November 12, 2021

Available at:

<https://livestream.com/accounts/21068106/events/6315620/videos/227296657>

AUDIO TRANSCRIPTION

LENGTH OF AUDIO FILE: 1:36:31

MAGNA LEGAL SERVICES

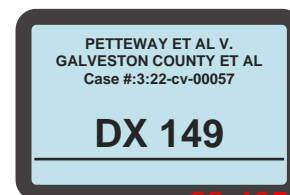
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Job Number: 876364



23-40582.21043

1 Proceedings

2 Commissioner Apffel for his support of
3 Bolivar Peninsula of the last few years.
4 We may be small, but, you know, we're
5 getting big enough that we do have a lot
6 of problems. Thank y'all very much.

7 COUNTY JUDGE HENRY: Okay. That's
8 all we have for --

9 UNKNOWN SPEAKER: Did you sign up
10 as well?

11 Okay. That's all we have for
12 public comment.

13 COUNTY JUDGE HENRY: Before we get
14 to the next part, I would like to let
15 everyone know we did online questions
16 and people responded. 430 440 total
17 responses as of about 12:30 this
18 afternoon. These are open to reporters,
19 open records request, of course. If you
20 want to call, just make sure that, you
21 know, this is as of 12:30, if any had
22 come in since then I wouldn't know about
23 them.

24 Of the 440 that came in, 168 did
25 not discuss a particular map, they just

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2 called me names, mostly. Of the people
3 who did choose a map preference, Map 1
4 was -- received 64 responses. Map 2
5 received 208 responses. So of those
6 responding to a particular map, 76.4,
7 Map 2. 23.5, Map 1.

8 With that, I'm going to make the
9 motion to approve Map 2.

10 COMMISSIONER APFFEL: I second the
11 motion.

12 COUNTY JUDGE HENRY: I have a
13 second.

14 There's discussion.

15 Commissioner Holmes, I believe you
16 have something to --

17 COMMISSIONER HOLMES: Yeah, I have
18 some discussion, Judge, if I may.

19 First of all, let me say -- first
20 of all, thank you, everybody for coming.
21 I didn't personally call anybody or ask
22 anybody to come down here, but certainly
23 for your comments -- I'm certainly
24 overwhelmed at the number of people that
25 showed up and support I certainly

APPENDIX 14

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

DICKINSON BAY AREA BRANCH
NAACP, et al.,

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS, et al.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 3:22-cv-117- JVB

TERRY PETTEWAY, et al.,

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS, et al.

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 3:22-cv-57-JVB
[Lead Consolidated Case]

UNITED STATES OF AMERICA,

Plaintiff,

v.

GALVESTON COUNTY, TEXAS, et al.

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Civil Action No. 3:22-cv-93-JVB

EXPERT DECLARATION AND REPORT OF WILLIAM S. COOPER

JANUARY 13, 2023



Figure 2: Galveston County – 2000-2020 Voting Age Population & Estimated Citizen Voting Age Population by Race and Ethnicity⁸

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

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

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

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

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