

Cause No. 348-367889-25

League of United Latin  
American Citizens of Fort  
Worth, Council 4568, and  
League of Women Voters of  
Tarrant County,

Plaintiffs,

v.

Tarrant County, Tarrant County  
Commissioners Court, and  
County Judge Tim O'Hare, in his  
official capacity,

Defendants.

IN THE DISTRICT COURT

348th JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

---

### Amended Plea to the Jurisdiction

---

Plaintiffs seek to invalidate the June 3 map redistricting Tarrant County's commissioners precincts under five theories. Because the Court lacks jurisdiction over any of those claims, it should dismiss this suit.<sup>1</sup>

### Background

The Tarrant County Commissioners Court governs Tarrant County. Orig. Pet. at ¶ 38. It consists of four commissioners, each elected to a single-member precinct, and the county judge, who is elected at large. *Id.* The commissioners serve staggered terms. *Id.*

In April 2025, the Defendants engaged the Public Legal Interest Foundation (PILF) to help them redistrict the County's commissioners precincts. Orig. Pet. at ¶ 4. Over the course of two months, PILF prepared several draft maps and the Defendants conducted four public forums (one in each precinct) to obtain constituent feedback. Each of the

---

<sup>1</sup> On September 24, the Defendants filed a plea to the jurisdiction. They now submit this amended plea, which includes citations to the evidence the Court received at the September 25, 2025 temporary injunction hearing. This amendment contains no other substantive changes.

proposed maps had two sets of accompanying data: the population of each precinct and the effect on partisan balance.<sup>2</sup> See Orig. Pet. at ¶¶ 87-89, 92, 99.

In late May, PILF prepared two additional maps. Orig. Pet. at ¶¶ 100-101. Like the previous maps, these had accompanying population and partisan balance data.<sup>3</sup>

On June 3, the Commissioners Court considered whether to redistrict. The meeting lasted several hours and included several hours of constituent feedback. All five members of the court spoke about whether to redistrict; that discussion lasted about an hour and a half. All three Republican members spoke about why they wanted to redistrict. Those reasons were to equalize the population among the precincts and to gain a seat for Republicans on the court.

The two Democrat members moved to retain the old map, which failed. They then moved to postpone the vote, which also failed. The Republican members then voted to approve one of the maps—Map 7. More than two months later, Plaintiffs filed this suit to invalidate Map 7 for the upcoming 2026 election. They assert five counts: violation of the Texas Open Meetings Act, violation of Article V, Section 18 of the Texas Constitution, violation of Section 106.001 of the Civil Practice and Remedies Code, and two violations of Article I, Sections 3 and 3a of the Texas Constitution.

On September 25, 2025, the Court heard the Plaintiffs' application for a temporary injunction. At that hearing, the Plaintiffs presented three witnesses: Ebony Turner, Janet Mattern, and Mark Jones. The Court also received several exhibits, including the data from Map 7 (T.I. Exh. 1-D), and the video of the June 3 Commissioners Court meeting (T.I. Exh. 1-I). After subsequent briefing, the Court denied injunctive relief.

## 1. Plea to the jurisdiction standard

A plaintiff must affirmatively establish the trial court's

---

<sup>2</sup>The maps and data are available at the County's website: <https://www.tarrantcountytexas.gov/en/commissioners-court/redistricting-2025.html>.

Defendants ask the Court to take judicial notice of these maps and accompanying data.

<sup>3</sup> See *id.*

jurisdiction. *Town of Shady Shores v. Swanson*, 590 S.W.3d 544, 550 (Tex. 2019). In suits against the government, the plaintiff has the burden of showing a waiver of governmental immunity. *Id.* In a challenge to the jurisdiction, the Court may look at the pleadings, but may also consider evidence. *Id.* This holds even “when jurisdiction and the merits intertwine, such as when a statutory violation is necessary to establish an immunity waiver.” *Id.* (citation modified).

## **2. Plaintiffs have not pled a voidable act under TOMA**

The Texas Open Meetings Act (TOMA) provides that an action taken by a governmental body in violation of the act is “voidable” via “mandamus or injunction to stop, prevent, or reverse a violation” of TOMA. Tex. Gov’t Code Ann. § 551.141, § 551.142(a); *Swanson*, 590 S.W.3d at 554. The act criminalizes walking quorums—that is, serial communications between members of a governmental body constituting less than a quorum, provided those serial communications involve a quorum. Tex. Gov’t Code Ann. § 551.143.

Even if a governmental body violates TOMA, that violation does not make a subsequent, related action per se void. *Tex. State Bd. of Pub. Acct. v. Bass*, 366 S.W.3d 751, 761 (Tex. App.—Austin 2012, no pet.). When a governmental body violates TOMA, whether by a walking quorum or an improper executive session, but takes official action in a public meeting, the plaintiff must show that the official action itself violated TOMA. *Id.* at 761-62.

Here, the Plaintiffs make a threadbare allegation that the Republican commissioners violated TOMA by deliberating on the various maps outside of a public meeting. *See* Orig. Pet. at ¶ 155. No such deliberations occurred, but even if they did, the commissioners court voted to adopt Map 7 in a public meeting after the alleged violation. Plaintiffs do not allege that the June 3 meeting violated TOMA. *See* Orig. Pet. While they assert that there was no public deliberation over whether to adopt Map 7, that is incorrect.

At the June 3 meeting, the court heard several hours of constituent feedback—some opposing and some favoring redistricting.

See T.I. Exh. 1-I.<sup>4</sup> All five members of the court spoke about it. *Id.*<sup>5</sup> The Democrat commissioners gave lengthy speeches opposing redistricting. *Id.* Commissioner Krause spoke extensively about his precinct's town hall, that his constituents wanted redistricting, and addressed concerns about violations of the Elections Code and the Voting Rights Act. *Id.* Commissioner Ramirez addressed the redistricting process, how the Democrats' sole input was to keep the old map, that boundaries are inherently political, and that such policy is a legitimate reason for redistricting. *Id.* Judge O'Hare also discussed why he believed redistricting was appropriate, that he campaigned on redrawing the districts to increase a Republican advantage, that political advantage was his motivation for the action, and that the redrawing was in the interest of all. *Id.* The court then voted on Commissioner Miles's motion to keep the former map, which did not carry. *Id.*; See T.I. Exh. 1-E at pp. 59-60 (PDF page numbers).

After Commissioner Miles's motion failed, Commissioner Simmons moved to postpone the vote on Map 7, which also failed. *Id.* Commissioner Krause then moved to approve Map 7. *Id.* Commissioners Miles and Simmons spoke against Map 7, but the vote was carried by a vote of three to two.<sup>6</sup> *Id.*

Before voting, the court heard over two hours of public comment and engaged in over an hour of debate. In short, regardless of whether a walking quorum occurred (of which there is no evidence), the court deliberated in public, which is all that TOMA requires. Tex. Gov't Code Ann. § 551.002 (requiring public meetings), § 551.001(4) (meeting is a deliberation during which the governmental body takes action). As such, the order adopting Map 7 is not voidable and, therefore, the Court lacks jurisdiction. *Bass*, 366 S.W.3d at 761-62; *Swanson*, 590 S.W.3d at 550.

---

<sup>4</sup> The Court received the video of the hearing as Exhibit 1-I at the September 25, 2025 temporary injunction hearing. The video can also be found on the County's public website at <https://www.youtube.com/watch?v=FeE514zq5Bw>. Public comments begin at 2:08:02 and end at 4:30:36

<sup>5</sup> The first commissioner to speak was Commissioner Miles, who begins at 4:32:29. Commissioners finished discussion and then voted at 5:50:36.

<sup>6</sup> At the September 25, 2025 temporary injunction hearing, Plaintiffs presented two witnesses who attended the June 3 meeting. Both confirmed the details of the June 3 meeting recounted above.

### 3. Plaintiffs lack standing on the non-TOMA claims

The Court lacks jurisdiction over the remaining claims because the Plaintiffs—two organizations—lack standing. Standing is a prerequisite to subject matter jurisdiction. *Big Rock Inv. Ass'n v. Big Rock Petroleum, Inc.*, 409 S.W.3d 845, 848 (Tex. App.—Fort Worth 2013, pet. denied). A plaintiff must establish standing for every claim it asserts. *Tex. Propane Gas Ass'n v. City of Houston*, 622 S.W.3d 791, 800 (Tex. 2021).

Plaintiffs claim associational standing. An organization has associational standing to sue on behalf of its members when 1) its members would have standing to file their own suit, 2) the interests it seeks to protect are germane to its purpose, and 3) participation by individual members is unnecessary to resolve the case. *Id.* At this stage, Defendants challenge only the first element.

To establish individual standing, a party must show 1) that it suffered a real, particularized injury, 2) that the injury is fairly traceable to the defendant's conduct, and 3) that the requested relief will remedy the alleged injury. *Meyers v. JDC/Firethorne, Ltd.*, 548 S.W.3d 477, 485 (Tex. 2018). Because Plaintiffs cannot establish that their members suffered a real injury, they do not have standing.

Plaintiffs allege that Map 7 violates Article V, Section 18 of the Texas Constitution (districting precincts), Section 106.001 of the Civil Practice and Remedies Code, and Article I, Sections 3 and 3a of the Texas Constitution. Orig. Pet. at 41-45. Under each count, they claim their members suffered two injuries: 1) the decreased likelihood of electing a Democrat candidate and 2) that some members will vote for commissioner in 2028 rather than 2026. *Id.* Plaintiffs cite no Texas authority holding that these are legal injuries.

Fortunately, the Court is not without guidance. In evaluating state laws concerning voting rights, Texas courts typically apply the framework that the Supreme Court established for federal voting rights infringement cases. *Abbott v. Anti-Defamation League Austin, Sw. and Texoma Regions*, 610 S.W.3d 911, 919 (Tex. 2020) (claims under Article I, Sections 3 and 3a evaluated under Supreme Court framework); see *Avery v. Midland County*, 406 S.W.2d 422, 427 (Tex. 1966) (claims under Article V, Section 18 evaluated consistent with those under Article I,

Section 3). Under that federal framework, Plaintiffs' members have not suffered an injury.

Claims of partisan gerrymandering—drawing precincts to advantage a particular party—are nonjusticiable. *Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1, 6 (2024). Map 7 is a partisan gerrymander to increase the political advantage for Republicans.

To avoid this inconvenience, Plaintiffs recast their political gerrymander claims as those of racial gerrymandering. When race and partisanship are highly correlated (as Dr. Jones testified at the temporary injunction hearing), a plaintiff must “disentangle race and politics” to establish a racial gerrymander claim. *Alexander*, 602 U.S. at 6. Specifically, they must rule out the legislature’s competing explanation that politics was its dominant consideration. *Id.* at 9-10. The jurisdictional evidence negates such a claim. In adopting Map 7 (indeed as with all the proposed maps), the Defendants considered only two things: population and partisan votes in the previous five elections.<sup>7</sup> Plaintiffs offer no allegations or evidence that the commissioners court predominantly considered race. As such, the diminished ability to elect a Democrat is not an injury. *Id.*

Without such evidence, Plaintiffs assert that Map 7 diluted the vote of Blacks and Latinos. Specifically, they allege that Blacks and Latinos formed a majority in Precincts 1 and 2, but Map 7 leaves them as a majority only in Precinct 1. This claim relies on aggregating Blacks and Latinos as one group, but federal law prohibits claims based on aggregating separately protected minority groups—even when those groups share political preferences. *Petteway v. Galveston County*, 111 F.4th 596, 603 (5th Cir. 2024) (en banc). Plaintiffs plead that Blacks comprised 23.9 percent of the Precinct 2 population, and Latinos 25.3 percent. Orig. Pet. at ¶ 73. Because neither could elect a candidate of its choice by itself, Plaintiffs' members have not suffered vote dilution. *Petteway*, 111 F.4th at 613-14.

Plaintiffs also allege that some of their members were moved from Precinct 2 to Precinct 1 and, therefore, their vote for county

---

<sup>7</sup> The County asks the Court to take judicial notice of the previous map, the seven proposed new maps, and the data underlying all eight. See <https://www.tarrantcountytexas.gov/en/commissioners-court/redistricting-2025.html>.

commissioner will be delayed for two years. See Orig. Pet. at ¶¶ 168, 174-78. Plaintiffs cite no authority for the proposition that their members have a legal right to vote in a specific district or in a specific contest in a specific year. Many courts have held exactly the opposite—that postponement of voting is a natural consequence of redistricting in a system with staggered elections and, therefore, not a constitutional injury. *Pate v. El Paso County*, 337 F. Supp. 95, 99 (W.D. Tex. 1970) (three-judge panel); *Republican Party of Oregon v. Keisling*, 959 F.2d 144 (9th Cir. 1992); *Rice v. Williams*, 2007 WL 2064695 at \*9 (E.D. Tex. July 17, 2007) (delayed vote on its own is not a constitutional violation).

Last, Plaintiffs' members have suffered no burden on their ability to vote. While some members will now vote for their commissioner in 2028 rather than 2026, they will still be able to vote in all other races, including representatives, senators, and the Tarrant County Judge. Because Map 7 does not affect the Plaintiffs' members' right to vote, they have no injury. And without such an injury, Plaintiffs do not have standing and the Court lacks jurisdiction.

### Conclusion

Because the Court lacks jurisdiction over any of the Plaintiffs' claims, it should dismiss this case.

Respectfully submitted,

PHIL SORRELLS  
Criminal District Attorney  
Tarrant County, Texas



---

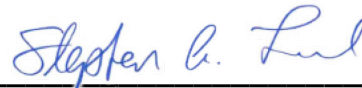
STEPHEN A. LUND  
State Bar No. 24086920  
[salund@tarrantcountytx.gov](mailto:salund@tarrantcountytx.gov)  
Craig M. Price  
State Bar No. 16284170  
[cmprice@tarrantcountytx.gov](mailto:cmprice@tarrantcountytx.gov)  
Assistant Criminal District Attorneys  
Tim Curry Criminal Justice Center  
401 West Belknap, 9th Floor  
Fort Worth, Texas 76196-0201

(817) 884-1233 – Telephone  
(817) 884-1675 – Facsimile

**Attorneys for Defendants**

**Certificate of Service**

On October 14, 2025, I served a copy of the above document on all parties as required under Rule 21a.



---

STEPHEN A. LUND

RETRIEVED FROM DEMOCRACYDOCKET.COM



### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Blanca Castro Rodarte on behalf of Stephen Lund  
Bar No. 24086920  
BSRodarte@tarrantcountytexas.gov  
Envelope ID: 106806774  
Filing Code Description: Answer/Response  
Filing Description: Amended Plea to the Jurisdiction  
Status as of 10/14/2025 11:29 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Craig Price	16284170	cmprice@tarrantcountytexas.gov	10/14/2025 10:39:46 AM	SENT
Stephen Lund	24086920	salund@tarrantcountytexas.gov	10/14/2025 10:39:46 AM	SENT
Zachary Dolling		zachary@texascivilrightsproject.org	10/14/2025 10:39:46 AM	SENT
Georgina Guzman		georgina@texascivilrightsproject.org	10/14/2025 10:39:46 AM	SENT
Nina Oishi		noishi@texascivilrightsproject.org	10/14/2025 10:39:46 AM	SENT
Nina Oishi		noishi@texascivilrightsproject.org	10/14/2025 10:39:46 AM	SENT
Karla Maradiaga		kmaradiaga@texascivilrightsproject.org	10/14/2025 10:39:46 AM	SENT
Karla Maradiaga		kmaradiaga@texascivilrightsproject.org	10/14/2025 10:39:46 AM	SENT
Sara Chen		schen@texascivilrightsproject.org	10/14/2025 10:39:46 AM	SENT
Sara Chen		schen@texascivilrightsproject.org	10/14/2025 10:39:46 AM	SENT
Renetta Parham		Renetta@texascivilrightsproject.org	10/14/2025 10:39:46 AM	SENT
Richard Mancino		rmancino@willkie.com	10/14/2025 10:39:46 AM	SENT
Soumya Dayananda		sdayananda@willkie.com	10/14/2025 10:39:46 AM	SENT
LaToya Lane		latoya@texascivilrightsproject.org	10/14/2025 10:39:46 AM	SENT
LaToya Lane		latoya@texascivilrightsproject.org	10/14/2025 10:39:46 AM	SENT