

From: applications.administrator@capitol.local
To: [Senate Redistricting](#)
Subject: INETMAIL: Redistricting Public Input
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Date: 2021-09-28
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Regarding: Senate

Message:

Below are comments I posted a few minutes ago on the member web sites of Senator Huffman and Representative Hunter, chairs of the Senate and House Redistricting Committees respectively.

Todd, Senator's Huffman's defenses of her two maps (Senate and Congress) she is rushing through with very inadequate notice (not enough time between release of a map and a hearing on it) and stifling public comment about them (by shutting down virtual testimony after allowing it when things were conceptual (no Census) data and putting the clamps on when there was something tangible (proposed maps)) are simple: (1) I did not use racial info in drawing maps; and (2) I invited each Senator into Room 460 at the Sam Houston building to get their approval for each's district, which I did with a few exceptions (Senators Powell and Gutierrez at a minimum clearly).

Neither defense withstands even minimal scrutiny. On 9/25/21 Michael Li, probably the leading redistricting lawyer in the USA (he was an invited witness), told her and the rest of the Senate redistricting committee that ignoring race when drawing maps may cut it legally in a place like New Hampshire, where the state is overwhelming white, but not in a place like TX where less than 40% of the state is white. Second, if one takes Senator Huffman at her word that she did not look at race at all, she had to use partisan data to draw the odd shapes that she did. And in TX unfortunately we have very racially polarized voting, so using partisan data to draw lines is a proxy for using racial data.

The defense that "I gave Senators the lines they wanted with a few exceptions" defense also won't fly. The TX Senate is 71% white. TX is less than 40% white. "Inviting the same crew back" means we keep this gross racial disparity in the Senate, and that will be deliberately done. That is, intentional racial discrimination. Looking at the 2020 Presidential vote for each proposed Senate district shows no competitive races (the closest are districts held by Hispanic Democrats: Senators Hinojosa and Lucio). Not long after the federal non-discrimination in employment laws were passed, some employers and unions adopted practices to hire (or give big preferences to) current employees (who were nearly uniformly white). The courts struck down this ruse for hiding racial discrimination. "Just inviting the current Senators"

back is also a ruse that produces a racially discriminatory result.

Senator's ridiculous post-Census procedures also doom her maps. The federal court in 2019 told the legislature to have

a "fair and open" redistricting process. Senator Huffman has not had such a process for at least these reasons:

1. Not giving enough time for analysis of proposed maps. Her first map was filed on Saturday, 9/18. A hearing was held

on it five business days later.

2. She dropped a major map amendment at about 9:00pm on 9/24 before the hearing began the next day. None of the

9/25 witnesses naturally had no time to analyze it.

3. She gave only 6 or 7 days notice of hearings on maps (9/24 and 9/25) if you just considered the 9/18 map. Even that

is not enough time.

4. She told all (including Senators) on 9/24 and 9/25 that they had to get maps in by Sunday, 9/26 by 10:00. But she

said the real deadline was 9/25 (which was a hearing day) so the TX Legislative Council could get the map packet together for the proposed map amendments due the next day to be filed.

5. As I write this at 11:50pm on 9/27/21 it looks like she plans to vote on all maps at 2:00pm tomorrow. A very transparent "bums rush" process. What is she afraid of? There is plenty of time to consider the maps, but she is acting

like there is not.

6. Senator Huffman released a map on 9/27 and set a hearing on this complex document three days later. That is crazy.

7. While rushing things through at clearly inordinate haste after there were real maps to discuss, she clamped down on

public comment about them by pulling the plug on virtual testimony. There was no reason to do so other than to limit the

opportunities to comment to try to move things along at breakneck speed. Mr. Li told her maps require a "searching and

nuanced" analysis. The speed that she is moving things is the opposite of such an analysis.

8. Senator Huffman is a lawyer. She knows that if a judge set a court hearing on something as complex as this on such

short notice, her client would be denied due process. She is denying due process to Texans, and doing so deliberately.

In short, first, saying "I did not look at race when drawing maps" is not a valid defense against Constitutional and Voting

Rights Act claims, and Mr. Li says with a state like Texas, you must to look at race when drawing lines. Second, drawing

the lines so the same people get re-elected is patent discrimination when the Senate is 71% white when TX is less than

40% white. Third, Senator Huffman is blowing off Judge Rodriguez's requirement in his 2019 ruling that TX have a fair

and open 2021 redistricting process. For all of these reasons her Senate and Congressional maps are fatally legally defective. I trust that you will not make the same errors when coming out with a TX House map, and what I hope is an

alternative Congressional map that passes muster under Constitution and the Voting Rights Act.

Take care, and Rock Chalk.

Tim Dowling

9/27/21

P.S. After posting this on your House member web site I am going to also post it on Senator Huffman's Senate member

web site, and the public comment section of the Senate Redistricting Committee. I would have posted this on the House

Redistricting Committee's web site, but for some reason it is open for posting public comments apparently only

when
that committee is actually holding a hearing. Please fix that. The House Redistricting Committee's web site should
be
open for public comment 24/7. Having it open so infrequently no doubt is needlessly limiting public comment.

