



# TEXAS LEGISLATIVE STUDY GROUP

*An Official Caucus of the Texas House of Representatives*

Representative:

Desk:

## **CSHB1: Texas House of Representatives Redistricting Map PLANH2176**

Author: Hunter

### **Recommendation: Unfavorable**

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Committee: Redistricting

Vote: 8 Ayes, 6 Nays, 0 PNV 1 Absent

Caption: Relating to the composition of districts for the election of members of the Texas House of Representatives.

### **Redistricting Glossary**

**Minority Opportunity District** - A Black, Hispanic or Coalition district that has sufficient minority VAP, CVAP and relevant historical election data – on a district by district basis - to allow minority voters to elect their candidate of choice. There is no single data point that validates an effective opportunity district.

**Cracking and Packing** - Cracking splits minority communities to deny minority representation while packing puts more minority voters than necessary to provide an effective minority opportunity district in order to minimize the chances of drawing an additional neighboring minority opportunity district.

**Deviation** - the difference between a district's total population and the total population of an ideal district if every district in the state had an exactly equal population.

**County Line Rule** - a state constitutional provision that requires a statewide plan to split as few as is possible county lines, the primary reason for a 10% deviation.

**Retrogression** - making changes in minority opportunity district that would statistically or territorially reduce the opportunity for minority voters to elect their candidate of choice.

**VAP** - Voting Age Population, a census statistic.

**CVAP** - Citizen Voting Age Population, a calculation not directly from the census, but from a formula using data from the American Communities Survey.

**Communities of Interest** - Interests that indicate that a district could be drawn that reflect common concerns of voters, be they local political subdivisions, economic interests, geographic boundaries, etc.

**Pairing** - placing two incumbent legislators in the same district, either by choice or statistical imperative.

### **Analysis**

Although some members may like their districts as drawn in CSHB1, the CSHB1 plan fails to provide appropriate representation in a state that saw 95% of a 4 million population increase driven by minority population growth.

The 2020 census found that 29,145,505 people live in Texas. This represents an overall 15.9% population increase over the last decade or 3,999,944 people. The ideal population size for each Texas House district is 194,303 people. A 10% *total* deviation (under CSHB1 it is +/-5%) is allowed for Texas legislative districts to accommodate the “county line rule,” a requirement that a statewide Texas House plan cut as few county lines as possible. The total deviation is the difference between the largest and the smallest House district.

It is important to note that Texas was one of only three states that did not fund a Census complete count effort. Without a doubt, Texas suffered a serious census undercount due to the pandemic and a Trump administration threat to include citizenship status in the census process.

Even so, the Census found that people of color contributed 95% of the state’s population growth.

- Hispanic population grew by 1,980,796, roughly half of the state’s population growth

- Black population grew by 557,887.
- Asian population grew by 613,092, at the fastest rate of growth.
- Anglo population grew by 187,252, less than the ideal population of one state House district.

CSHB1 fails to reflect this reality and instead increases the number of majority Anglo districts from 67 to 72 reducing the number of districts where people of color can elect the candidate of their choice. CSHB1 reduces the number of Hispanic-Majority districts from 33 to 30 and reduces number of African American-Majority districts from 7 to 4.

Although a majority of any one race or ethnicity is a standard that signals the likelihood that a new minority opportunity district can be considered, a 50% majority requirement is not necessary to constitute an effective minority opportunity district based on an analysis of factors such as voter registration, turnout, and a pattern of voting that indicates that people of color can elect their candidate of choice. The statewide retrogression found in CSHB1 would likely violate the Voting Rights Act.

This is also the first time since the passage of the Voting Rights Act (VRA) that Texas will draw maps without requiring federal preclearance to ensure that the plans are neither discriminatory nor retrogressive. Since the enactment of the VRA, Texas has not made it through a single decade without federal courts finding that Texas redistricting maps have violated the VRA. The John Lewis Voting Rights Act, if timely passed, could restore the preclearance provision.

CSHB1 was drawn using voting age population (VAP) numbers, not citizen voting age population (CVAP). During the last redistricting cycle, federal judges noted that the standard for considering minority opportunity districts required a majority CVAP. Thus, one cannot determine the number of minority opportunity districts by using only VAP data.

#### **Examples of the Statewide Impact**

##### **Harris Co. - 2010 Population: 4,092,459; 2020 Population: 4,731,145; Change: 15.6%**

In Harris Co. more than 100% of the population growth is attributed to people of color because there was a net decrease in the Anglo population. The proposed HD148 contains more than 2/3<sup>rd</sup> new precincts outside the districts core communities that have never been in the district before and reduces the percentage of HVAP from 54.2% to 51.6%, a retrogressive combination that dilutes the voting strength of Hispanics. In HD131, a Black opportunity district, Black VAP population is decreased from 39.7% to 31.7%.

##### **Fort Bend Co. - 2010 Population: 585,375; 2020 Population: 822,779; Change: 40.6%**

Fort. Bend Co. is the most diverse county in the state with a 76.3% diversity index from the US census. About 85% of the growth is attributed to communities of color. The new HD76 (a district moved from El Paso) and HD27 are packed with voters in communities of color in order to maintain HD's 26 and 28 as Anglo plurality district with 44.8% and 42.1% Anglo VAP respectively when another majority could otherwise be drawn.

##### **Dallas Co. - 2010 Population: 2,368,139; 2020 Population: 2,613,539; Change: 10.4%**

While the net Anglo population of Dallas Co. decreased by 7.6%, CSHB1 nonetheless solidifies additional Anglo districts instead. HD108's Anglo VAP population increased from 67% to 76.8%. HD112 becomes a majority Anglo district where it currently sits at 38.5% Anglo VAP. Meanwhile, the HD100 Black VAP population and the Hispanic VAP population is reduced from 74.8% to 55.6% and HD110 Black VAP population is reduced from 34.3% to 26% by packing adjacent Black opportunity districts HD109 and HD111.

##### **Tarrant Co. - 2010 Population: 1,809,034; 2020 Population: 2,110,640; Change: 16.7%**

Tarrant County also saw a net decrease of Anglo population, and more than 100% of its population growth in Tarrant Co. is attributed to communities of color. However, under CSHB1 only four of the county's 10 districts are minority opportunity districts.

##### **El Paso Co. - 2010 Population: 800,647; 2020 Population: 865,657; Change: 8.1%**

CSHB1 pairs two Latino women due to the loss of HD76 in a configuration that brings HD74 hundreds of miles up the Rio Grande to pick up a small fraction of El Paso County voters. The pairing could easily be avoided by keeping a fifth district anchored in El Paso that includes a relatively small population downstream, similar to the existing state Senate configuration. This new configuration denies El Paso voters a fifth district that would have a super majority of voters in El Paso Co.

##### **Bexar Co. - 2010 Population: 1,714,773; 2020 Population: 2,009,324; Change: 17.2%**

CSHB1 maintains ten districts in Bexar County with minimal change in the current configuration. HD's 121 and 122 have an Anglo VAP of 51.4% and 49.8% respectively. In CSHB1 the seven Hispanic opportunity districts should be effective as well as HD120, an effective Coalition District with only 24.2% Anglo VAP.

##### **Travis Co. - 2010 Population: 1,024,266; 2020 Population: 1,290,188; Change: 26%**

Due to rapid population growth a portion of a seventh district (HD19) that is shared with Burnet, Blanco, and Gillespie counties is added to the western portion of Travis County. Although racial polarized voting is not frequent in Travis County, CSHB1 maintains HD51 as a Hispanic Opportunity district with a 51.4% Hispanic VAP.

**Rio Grande Valley - Cameron Co. Change 3.6%, Hidalgo Co. Change 12.4%, Starr Co. Change 8.1%.**

Despite the undercount, all seven districts anchored in Hidalgo and Cameron counties will remain anchored in those counties. Under CSHB1, HD31, which contains the whole of Starr Co., will be subject to retrogression that brings the HVAP population down from 78.5% to 69.1%.

**Other Areas in the State**

**Denton Co.** saw a 36.8% population increase over the last decade, 76% of which is attributed to communities of color. The current HD65 is an effective Minority Opportunity District with a 56.9% Non-Anglo VAP. Under CSHB1, HD65 retrogresses to a 45.8% Non-Anglo VAP district by splitting communities of color in Carrollton and Lewisville, creating two majority Anglo districts (HD63 and HD65).

**Collin Co.** experienced a 36.1% growth in population driven by an increase in non-Anglo population. CSHB1 addresses this fact by splitting numerous communities to pack a new majority minority district to undermine minority influence in existing districts.

**Bell Co.** may be the most blatant gerrymander in the state under CSHB1. The cities of Killeen, Temple and other cities are split between HD54 and HD55 in a donut configuration. This maintains an Anglo majority in HD54, when a majority minority opportunity district could be easily created by simply uniting the city of Killeen in one district.

**Nueces Co.** saw a 3.8% population increase over the last decade. While the Anglo population decreased, the Hispanic population is attributed to 83% of the growth. Under CSHB1, Hispanic/Latino voters are moved out of HD32 and packed into a single Hispanic opportunity district, HD34.

**Hays Co.** saw a 53.4% population increase of the last decade. The line drawn between HD45 and HD73 cuts through the Wimberly Valley and the local school district in a configuration that is not required by the census but is designed to draw the incumbent in HD45 out of the district.

**Williamson Co.** saw a 44.1% population increase over the last decade, where communities of color make up 64% of the population growth. Communities in the current HD52 are cracked and some are placed in HD20 to unnecessarily reduce the HD52 Black and Hispanic VAP populations.

**Redistricting Timeline Denies Meaningful Participation**

Twelve days ago, on September 30<sup>th</sup>, HB1 was filed with a committee hearing set for October 4<sup>th</sup>. This left the committee members and the public only 5 days to review and analyze the 150 house districts laid out in HB1. During the committee hearing, many members of the public and the committee expressed that they were not given enough time to fully analyze the map to understand the impact on Texans and called for increased transparency in the process.

After a 16 hour committee hearing that went into the early hours of October 5<sup>th</sup>, committee amendments were heard and voted on despite committee members expressing the need for more time to review the proposed changes. After amendments were considered, the committee recessed until later in the afternoon to vote out the newly amended map. The map voted out of committee was then voted out of the Calendars committee on October 6<sup>th</sup> along with a Calendar rule that was adopted on the house floor on October 7<sup>th</sup>. This calendar rule set an amendment filing deadline of Sunday October 10<sup>th</sup> at 6PM.

The process for redrawing house districts—a process that will affect Texas voters and elections for the next 10 years—should give sufficient time for both the public and legislatures to analyze and understand the full impact on Texans. This rushed, twelve day timeline is simply insufficient. Further, house rules stipulate time limits associated with floor debate during special sessions.

\*See our Amendment Floor Report for analyses and ratings of each filed floor amendment. It should be noted that some amendments that received favorable ratings do not address the serious voting rights concerns mentioned above but do make minimal improvements over the map as it came out of the committee.