

June 13, 2019

The Honorable Phil King
P.O. Box 2910
Capitol Station
Austin, TX 78711

Via email: phil.king@house.texas.gov

Dear Chairman King,

Thank you for taking the time to respond to our letter dated April 12, 2019. Although we are glad there is agreement on some points – in particular plans to livestream all field hearings as well as the need for more than one field hearing to serve the Greater Houston metroplex — there are other aspects that we seek to reiterate and clarify. Given the time constraints towards the end of the legislative session, we felt it would be most productive to wait until after session to continue this discussion, but we remain committed to pursuing a more complete and transparent redistricting process.

While we do agree that the hearings should be webcasted, there are steps that could be taken to ensure that community members have the opportunity to attend the field hearings in person and participate in a meaningful way. We are asking that the dates and times of the field hearings be made known to the public at least one month before the first hearing is scheduled to take place, in order to give sufficient time to notify the public. We also want to clarify the intention behind suggesting that at least some of the hearings start at times other than the morning. We appreciate that you will keep meetings going as long as there are people present to testify, but keeping a meeting open is of little benefit if people cannot make it to the meeting in time to testify in the first place. In other words, if a meeting was to commence at 10 a.m., as the vast majority of the 2010 meetings did, it is unlikely that there would be sufficient people to testify to keep the meeting open long enough for a person who works or goes to school during the day to attend in the later afternoon or early evening. Thus it is imperative that you start meetings at a time that will allow community members to actually participate.

We remain deeply concerned about the Committee's current selection of field hearing locations. The Committee has the ability to develop a field hearing plan for Texas that is more representative of the state's growing and changing communities by adding hearings at the locations we recommended in our previous letter. *See* Exhibit A. However, the Committee is refusing to commit to using its authority to take these concrete and meaningful steps at this time.

Although sheer population size is certainly a major consideration, and one that we highlighted in our previous letter, it was not the only issue we raised. Attached to this letter are several exhibits meant to give an example of and illustrate the need for meaningful input opportunities in some of the regions other than the DFW and Greater Houston metroplexes. In Exhibit B, the demographic comparison between Corpus Christi and Rockport as well as the transportation map should speak for themselves. It would be easy for the Committee to also hold a hearing in Corpus Christi if it will already be in Rockport (assuming that the Committee does not wish to cancel its far less practical Rockport hearing). It makes sense to ensure that adequate and proportionate coverage is given to the dense population areas and that budgetary concerns for the field hearings should be resolved in favor of higher population areas -- comparing the witness lists for the 2010 hearings in various locations around the state drives home this point.¹ In Exhibit C, Bell County presents a particularly unique situation. Attached is a demographic heat map illustrating the diversity of the region, as well as a map of the current State Representative districts. Given projected population growth, the county line rule will likely require establishing two State Representative districts entirely within Bell County. It is incumbent in such a region to allow the affected communities to themselves provide input on how they define their own communities and interest groups. Similarly, Fort Bend County, as shown in Exhibit D, also deserves more attention. Fort Bend County is not only one of the most diverse counties in the entire nation, but it also experienced a very high rate of growth since 2010, increasing in size by an estimated 35%.

We also take issue with your characterization of the field hearing selection process as fully open and transparent. In particular, we believe the process did not comport fully with the spirit, and arguably letter, of House Rule 4. For instance:

A majority of a subcommittee shall constitute a quorum, and no action or recommendation of a subcommittee shall be valid unless taken at a meeting with a quorum actually present. All reports of a subcommittee must be approved by record vote by a majority of the membership of the subcommittee. Minutes of the subcommittee shall be maintained in a manner similar to that required by the rules for standing committees. Proxies cannot be used in subcommittees.

House Rule 4 Ch. D Sec. 46. As indicated in the Subcommittee Report, the location decisions and Report were adopted pursuant to some unpublicized internal process of distributing and collecting

¹ For example, compare the witness list for the Corpus Christi hearing, which had 59 witnesses register, to the witness list for Marshall, which had 3 witnesses register. Witness List for Corpus Christi, available at <https://capitol.texas.gov/tlodocs/81R/witlistmtg/html/C0802010072110001.HTM>; Witness List for Marshall available at <https://capitol.texas.gov/tlodocs/81R/witlistmtg/html/C0802010102011001.HTM>.

cards rather than a meeting with minutes, and certainly not pursuant to a properly noticed public meeting as would be expected for a major policy recommendation. *Cf. id.* at Sec. 45 (“The Rules of Procedure of the House of Representatives, to the extent applicable, shall govern the hearings and operations of each subcommittee.”); *id.* at Sec. 49 (referring to the preparation of a written report only after “deliberations on a bill, resolution, or other matter referred to [the subcommittee].”); House Practice 3d § 202 *et seq.* (expressing a general preference for open meetings). There were attempts made to reach out to members of the Subcommittee prior to the Report’s release, and though we realize that session is a busy time, we never received an indication that the Report was coming out when it did, and the April 4 hearing notice did not indicate this would be an issue for consideration (compare for instance the previous notices for the organizational hearings which included a description of the topics in play). In part, a lack of clarity and responsiveness is why we have adopted this more formal approach to communication on these important matters.

At this point, a debate regarding the minutiae of House procedure is likely not productive, but we only wish to emphasize that the legislative process largely unfurls behind closed doors, and we, and much more so the public-at-large, are at an informational and positional disadvantage when it comes to engaging in that process. Indeed, in the recent court hearing on the last decennial redistricting cycle, a federal judge again pointed out the inadequacies of the 2010-2011 process.² As a result, we reiterate our demand for hearings in the locations recommended in our previous letter at times that generally work for all members of each community, and with conscious efforts to publicize the events and make them as easily accessible to possible. We hope to continue this discussion and work towards this goal with members of this Committee.

Sincerely,

Clean Elections Texas

Common Cause Texas

JOLT Initiative

League of Women Voters Texas

March to the Polls

² See, e.g., Chuck Lindell, *Texas Redistricting Fight Enters Final Phase*, Statesman.Com (last updated May 6, 2019) (“U.S. District Judge Xavier Rodriguez, one of the panel’s three judges, asked if Frederick could guarantee that Republican lawmakers will not repeat abuses the court had criticized in the 2011 redistricting effort, including hearings held in hard-to-find locations with little notice and ‘no maps visible for the public.’”).

MOVE Texas

Planned Parenthood Texas Votes

Texans Against Gerrymandering

Texas Civil Rights Project

Texas NAACP

Texas Progressive Action Network

cc: Members of the Texas House Committee on Redistricting

EXHIBIT A
Recommended Field Hearing Locations

5 total hearings for the greater DFW Metroplex and surrounding counties:

- Central/Southern Dallas County
- Northern Dallas/Southern Collin and Denton Counties
- Western Dallas/Eastern Tarrant County
- Central Tarrant County
- Central/Western Collin County

4 total hearings for the greater Houston Metroplex and surrounding counties:

- Southwestern Harris/Fort Bend County
- Southeastern Harris/Brazoria/Galveston Counties
- Northwestern Harris/Montgomery/Waller Counties
- Central Harris County

2 total hearings for Bexar County:

- Central/Western Bexar County
- Eastern/Northeastern Bexar County

Northern Travis/Southern Williamson Counties (in addition to the hearings at the Capitol that are likely to occur)

Lubbock

Bell County

Corpus Christi

Brownsville

EXHIBIT B
Corpus Christi and Rockport Comparison

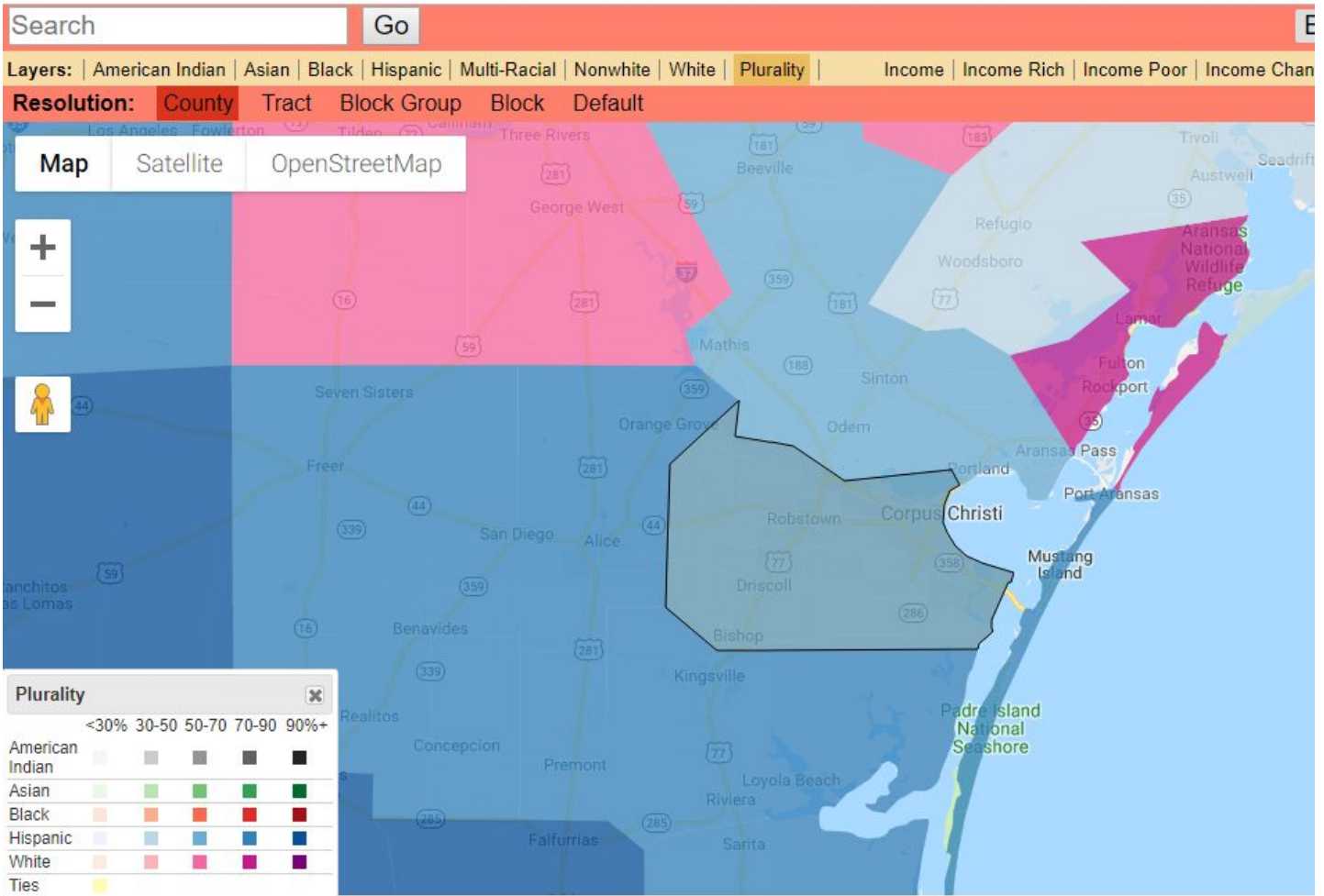


EXHIBIT B cont'd

○ Corpus Christi, Texas

○ Rockport, Texas 78382

Car, Bus, Walk, Bike

Map data ©2019 Google, INEGI

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No route found

○ Corpus Christi, Texas

○ Rockport, Texas 78382

Car, Bus, Walk, Bike

Map data ©2019 Google, INEGI

32 min (31.8 mi) via US-181 N and TX-35 N

[Directions](#)

EXHIBIT C

Bell County

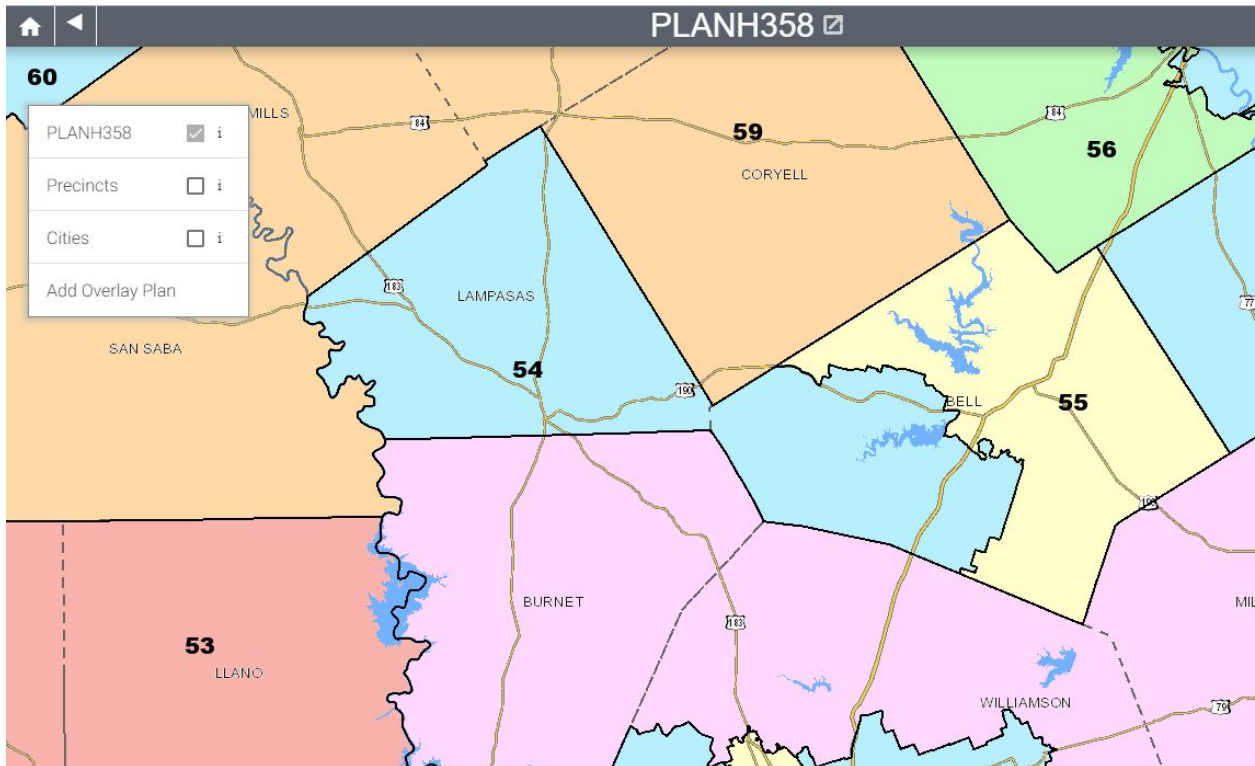
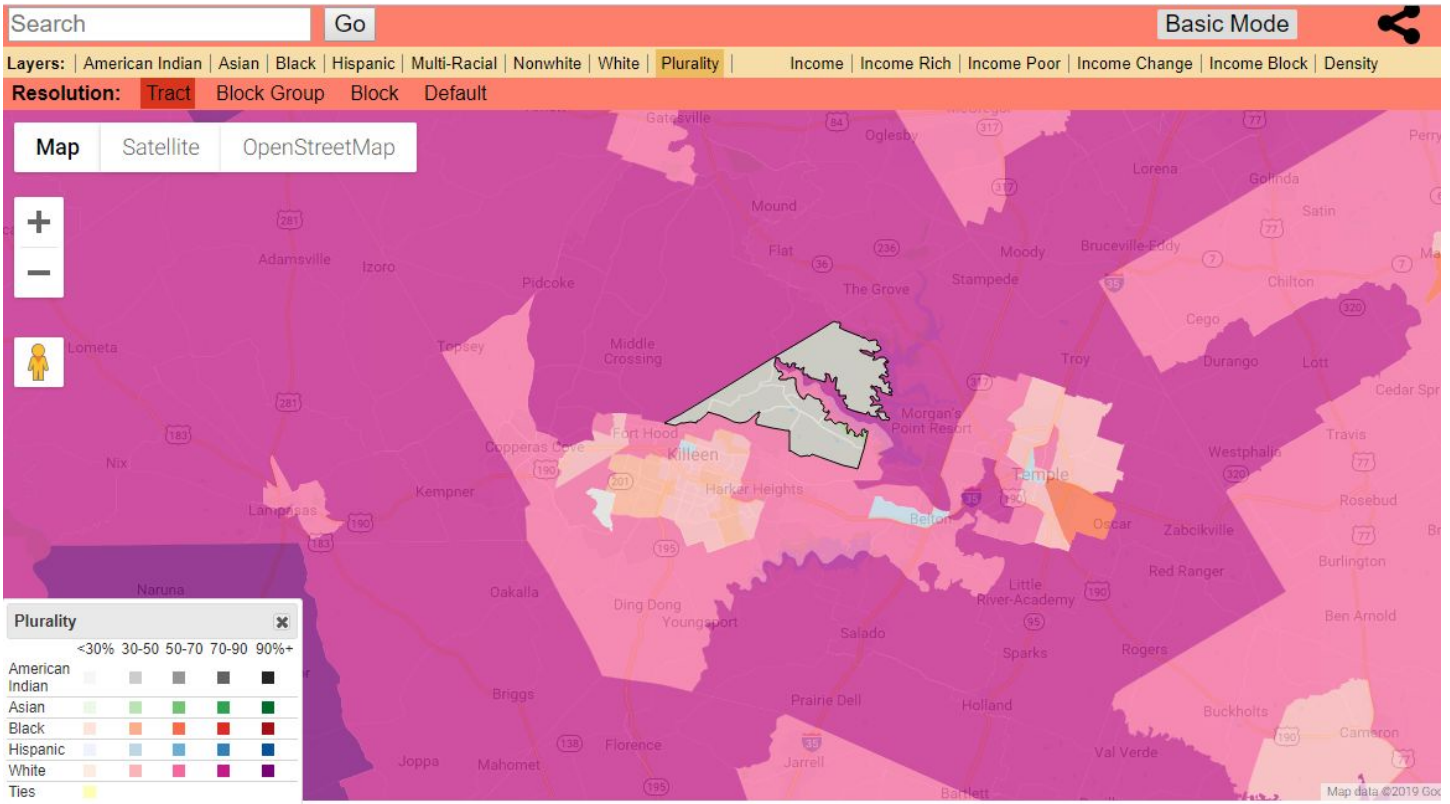


EXHIBIT D

Fort Bend County

