



House Redistricting Committee
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

April 14, 2021

RE: Request for Hearing on HB 3112 – “Texas Redistricting Transparency Act”

Dear Chair Hunter, Vice Chair Rose, and Committee Members:

We are writing to respectfully request that the House Redistricting Committee (“House Redistricting”) schedule a public hearing and undertake consideration of HB 3112, the “Texas Redistricting Transparency Act,” authored by Rep. Gonzalez as soon as possible.

HB 3112 is an important and comprehensive proposal that has particular relevance for consideration during the current session of the Texas Legislature and is supported by 40 community advocacy, voting rights and racial justice organizations that are included at the end of this letter. It would establish standards for full disclosure of maps, the basis for any proposed maps and provide explicit opportunities for meaningful public input into the legislative redistricting process. If it were to become law, its effective date is September 1, 2021, so its standards could be in effect when it is anticipated the State of Texas will receive delayed Census data and begin considering new state and congressional redistricting maps.

HB 3112 would also establish a statutory foundation for Texas to provide the kind of “fair and open” process it was admonished to provide by the federal courts during the last round of redistricting.¹ Those previous court warnings should be at the forefront of any legislative consideration of this bill.

HB 3112 would:

- **Website:** Create a website generated and maintained by the Texas Legislative Council to be continuously updated with information about the Texas Legislature’s redistricting activities including, but not limited to: public notice of hearings, meetings and debates; most recent voting age population, precinct and census tract information; proposed maps and any other factual data considered in drawing maps; as well as a portal for public comments and alternative map proposals.
- **Public Hearings:** A mandate for public hearings before and after Census data delivery, with hearings in different Congressional districts throughout the state.
- **Full Timely Disclosure – before Committee Vote:** A mandate that proposed maps and at least eight different types of factual information pertaining to any redistricting plan, be published on the website with adequate time for public input -- before any redistricting plan or amendment is reported from a committee.

¹ *Perez v. Abbott*, 390 F. Supp. 3d 803, 821 (W.D. Tex. 2019).

- **Additional Public Hearings before Final Consideration:** After any affirmative committee vote on a redistricting plan, a requirement that a committee in the Senate and House, hold at least two public hearings on the plans to permit public input, before any plan is considered by the full House or Senate.

Public input and timely bipartisan legislative input, at every stage of map consideration, is critical to a fair redistricting process and essential to compliance with the Voting Rights Act. As maps are proposed, there must be full disclosure of all data that is considered in deciding where district lines are drawn and adequate time given for public consideration, comment and alternative map proposals — prior to any final vote.

We are concerned that recent committee action by the Senate Jurisprudence Committee regarding SB 11, a bill that proposes a redistricting of the Courts of Appeal, does not bode well as an indication of legislative adoption of a “fair and open” redistricting process for this decennial. Indeed, the fact that SB 11, clearly a court “redistricting” bill, was instead characterized as a “court restructuring” bill and referred to Senate Jurisprudence instead of the Senate Redistricting Committee, constitutes a misrepresentation of its true nature. No public input hearings were held on this bill until the same day the committee-substitute, a complete rewrite from a previous “shell version” of the bill, was publicly revealed. No affected communities, lawyers, judges, groups protected by the Voting Rights Act or other stakeholders were consulted or even advised of its contents with sufficient time to adequately respond. The Texas Legislature, House and Senate, must do better.

We would also like to respectfully remind the Committee of Judge Rodriguez’s remarks during the Section 3 bail-in hearing during the last round of redistricting, when he asked if the Texas Attorney General’s office could guarantee that lawmakers would not repeat abuses the court had criticized in the 2011 redistricting effort, including: “hearings held in hard-to-find locations, inadequate notice and “no maps visible for the public.”

Judge Rodriguez warned:

“[W]e warn that, given the record produced in 2011, the State must implement a process that, by any reasonable definition, is ‘fair and open’.” (emphasis added)²

The Court further stated:

*“Even without being subject to preclearance, Texas must still comply with the requirements of the Fourteenth Amendment and § 2 of the VRA in the upcoming redistricting cycle, and undoubtedly its plans will be subject to judicial scrutiny. Texas would be well advised to conduct its redistricting process openly, with the understanding that consideration of bail-in is always an option for whatever federal court or courts may be tasked with review of future legislative actions”.*³

We must work collectively to assure that the legislature’s redistricting procedure does not fall short of a fully “fair and open” process. Not just because of a threat of “bail in,” but because it is what every Texan expects and what we are all guaranteed by our Constitution. HB 3112 would

² *Id.* at 821.

³ *Id.* at 821.

help assure that Texas redistricting is conducted in a fair and fully transparent manner. Texans expect nothing less.

As an indication of that community support, we are attaching as an addendum to this letter, a statement in support of HB 3112 signed by 40 different community and public advocacy organizations. HB 3112 deserves a public hearing by House Redistricting so all stakeholders can be heard – and Texas can proceed through this decennial redistricting process with a statutory commitment to a fair and open redistricting procedure.

Sincerely,
Fair Maps Texas Coalition

Enclosure:
List of Organizations Supporting HB 3112 as of 4/14/21



Organizations Supporting HB 3112 as of 4/14/21

All on the Line
Austin Tech Alliance
Black Women's PAC
Children's Defense Fund - Texas
Clean Elections Texas
Coalition of Community Organizations
Common Cause Texas
Common Ground for Texans
Engage
Fair Maps Texas
Fort Bend Community Action Network (FBCAN))
Fort Bend Voters League
Green Valley Estates Civic Club Setc 123
Houston in Action
Indivisible Rosedale Huddle
Indivisible TX Lege
Indivisible TX LEGE
Lake Highlands Area Moms and More Against Racism
League of Independent Voters of Texas
League of Women Voters of Texas
LWV-Bay Area
March to the Polls
Marching On in Fort Bend
Mi Familia Vota
MOVE Texas Action Fund
NAACP-Galveston
National Council of Jewish Women-Austin
National Council of Jewish Women, Greater Dallas
OCA-Greater Houston
Progress Texas
Public Citizen
Pure Justice
PWN-GREATER Houston/H-Town Power
Sententia Vera, LLC
Texans Against Gerrymandering
Texas Civil Rights Project
Texas Progressive Action Network
Texas Religious Action Center of Reform Judaism (RAC-TX)
TX AAPI Redistricting Coalition
UT Senate of College Councils