

RECOMMENDATIONS FOR FAIR AND OPEN PROCESS

Recommendation: Hold a public hearing with public testimony on any proposed maps after they have been drawn, but before they pass through Committee. Provide adequate notice to the public about this hearing and an opportunity to review the maps before the hearing.

Explanation: Because of the timing of when census data is available, it is not possible to draw maps until the legislative session is already underway. In past cycles, the legislature has not held hearings on maps after they have actually been drawn. Any fair and open process should at the very least include the ability for public comment before a map is passed to a final vote of the legislature.

Recommendation: Allow enough time at hearings for other legislators and the public to introduce alternative map suggestions.

Explanation: To demonstrate any problems with proposed maps, it will be necessary to show that there are better alternatives that can be adopted. The redistricting committees are in control of how much and what type of testimony can be presented at a public hearing. The committees need to ensure that there is sufficient time and technical capability for alternative proposals to be examined which can help demonstrate flaws in the proposed maps.

Recommendation: Explain how the maps were drawn, and why there was any deviation from traditional redistricting principles, including county and precinct splits and population deviations. Include in the explanation an analysis of how these maps affect the ability of historically disenfranchised groups to elect candidates.

Explanation: Although sometimes it is necessary to draw complicated districts in order to make fair and legal maps, deviating from traditional principles can also be an indication that unfair manipulation is going on. A legislator who wishes to have a map adopted should be willing to explain why they made the choices they did and what process they followed in drawing their maps. Additionally, given Texas's history of racial discrimination and Voting Rights Act violations, a legislator should include with any map an explanation of how their map affects the ability of minority communities to elect candidates of their choice.

Recommendation: Don't look at partisan data (data showing which political party people vote for) while drawing maps.

Explanation: Manipulating maps to artificially distort political power undermines the principle of a representative government. The government should represent a fair cross-section of society and partisan manipulation makes that impossible.

Recommendation: Make all communications open regarding proposed maps.

Explanation: Legislators can try to hide behind "legislative privilege" to shield their communications from the public. Given the history of discriminatory redistricting and the federal court's warning to engage in a fair and open process, legislative privilege should not be invoked when it comes to drawing maps. Any politician that wishes to have their map considered should be fully open and transparent about how and why they created their maps.

Sample Testimony #1

Hello, my name is ____, and I am testifying on why the 2021 redistricting process needs to be fair and transparent.

How districts are drawn affects every political issue, from the economy to healthcare to public education. If politicians are elected from districts that don't reflect the population, you end up with situations where politicians support policies that the vast majority of people oppose, or they won't support policies that the vast majority of people support. When politicians manipulate maps for personal or political gain, it prevents residents like me from having our voices heard on all of these policies that affect us.

Purposefully breaking up communities takes away the community's ability to come together and advocate for important issues. For example, here in Travis County we are artificially broken up into 6 congressional districts extending way off in every direction. This means that no congressperson is fully committed to listening to our concerns. I care about issues like affordable housing, gun control, and urban infrastructure. When maps are unfairly rigged, you end up seeing a legislature that represents special interests and politicians, instead of representing the people.

Because of the timing of the census and when the legislature meets, unfortunately the public has a very limited time to view, understand, and comment on proposed maps. In the past, state politicians have made this worse by doing everything behind closed doors, discriminating against minority communities, and not giving the public any chance to comment on what is happening.

In order for our democracy to function, the public needs to have a voice in the process. Therefore, I am asking that this Committee commit to holding a public hearing with public testimony on any maps before they are passed. They must give the public sufficient notice and capability to review the maps before this hearing. I also want the legislators who draw the maps to explain why they chose to draw them the way they did, and to not hide any communications they have had regarding drawing the maps. In order to build trust that the maps have not been unfairly manipulated, I ask that the legislature doesn't look at partisanship when coming up with maps.

This is an opportunity for the Texas Legislature to finally get this process right and avoid millions of taxpayer dollars and years of lawsuits, so I hope that you will take this testimony to heart. Thank you for taking the time to listen to me today.

Sample Testimony # 2

Hello, my name is ____, and I am testifying on the redistricting process and why, based on my experiences, it is crucial that the legislature respect the Voting Rights Act and not discriminate against already-disenfranchised communities.

Lower voter registration rates in communities of color are the direct result of official policies of discrimination. On top of generations of legal segregation, poll taxes, and other notorious practices, there are still regular attempts to suppress the vote in communities of color. I have seen firsthand the affects of these attempts. We know that voter-id laws disproportionately make it harder for minorities to vote, and Texas was hammered in court for discriminating against minorities in passing its voter-id law. There have been voter purges in Texas and other states aimed at removing minority voters from the registration list. Texas also recently removed the option for straight-ticket voting even though we know that minorities prefer to vote straight-ticket as compared to white voters. Because minorities are also economically disadvantaged, they are more likely to face difficulties with transportation and getting time off to make it to the polls. With long lines and election technology problems, removing straight-ticket voting is going to make it even more difficult to vote for communities of color. And of course, every time there's redistricting, the state gets in trouble for discriminating against minorities.

Today, politics is as racialized as ever. We've seen the President consistently make racist comments in order to incite a base of supporters that appreciate these racial appeals. He has repeatedly leveled racially-charged attacks against black and brown members of Congress and singled out for attack black and brown immigrants. Most recently he referred to a majority-Black congressional district as "a disgusting, rat and rodent infested mess" and a "dangerous and filthy place."

The Legislature cannot ignore the context of race in America in drawing districts. For these reasons, the Redistricting Committee needs to ensure that any bill it passes protects the voting power of historically disenfranchised communities. Any maps need to account for the growth rates of minority communities as compared to growth rates of the Anglo population. If 90% of Texas's growth comes from minority groups, and Texas gets new congressional seats, we should see that growth accounted for, and not simply extra seats for the slower-growing Anglo population. To ensure that a non-discriminatory process is being followed I recommend that the Committee adopt rules to increase transparency. This includes having a public hearing on the proposed maps with sufficient notice, allowing public testimony on the maps and for legislators to introduce alternative map ideas. For any maps that a legislator proposes they should have to include a detailed explanation of why they drew the maps the way they did and whether their maps affect the ability of minority communities to elect candidates and participate meaningfully in the political process.

Sample Testimony #3

Hello, my name is [insert], and I am here to testify about important features of my community. I would like to start by saying that the most important thing for this Committee to do is to respect federal and state law, including the Voting Rights Act. None of my testimony today should be used by the legislature to justify diminishing the ability of a minority group to elect the candidate of their choice or artificially distorting maps for racial and partisan purposes.

I live in the Dellwood community, which has a northern border of Pecan Street, an eastern border of Main Street, a western border of Jefferson, and a southern border of Interstate 20. Dellwood Elementary school and Dellwood Middle School are both in this community.

Some of the issues that are most important to us include infrastructure – many of our streets are lacking sidewalks and street lights. We would like the state and federal government to help out with local infrastructure needs. Also public education is a big issue. Most of the families can't afford to send their children to public school, and many families have lived in this area for generations and are proud of their neighborhood schools. All the kids from this neighborhood go to the same elementary, middle, and high school.

Currently our community is broken up into two State Senate districts, and one half of the community is joined in a district with several rural counties. Although I understand that sometimes it is necessary or beneficial to create diverse districts, these rural counties do not share as many common interests as do the residents of the Dellwood community.

I thank the Committee for listening to me today, and ask that you consider the representative needs of the community I have just described to the extent it is possible to do so without in any way diluting minority voting power or otherwise violating the law or fair redistricting principles.