

December 1, 2020

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

The Honorable Dade Phelan
P.O. Box 2910
Capitol Station
Austin, TX 78711

Dear Chairman King, Representative Phelan, and Members of the Texas House Committee on Redistricting,

On behalf of the undersigned organizations, we are writing to reiterate our request that public input hearings be held for the next round of redistricting, both before and after census data is released. Many of the signatories to this letter have previously requested that public input hearings be held during the interim, with provisions made for Texans to testify remotely. In June a request was made to Governor Abbott, Lt. Governor Patrick and Speaker Bonnen, asking for a continuation of public hearings. That request did not receive a response. In July, the Texas Civil Rights Project wrote another letter on behalf of many of the same signatories to the Chairs of the House and Senate Redistricting Committees. That request received a response, but no hearings were scheduled. Valuable time for meaningful public input has been lost.

We request that measures be put in place during the upcoming legislative session that allow for oral, public testimony to be collected remotely. We understand that the COVID-19 pandemic has created unique challenges to conducting public hearings during the legislative interim in a fashion that does not jeopardize the health of our citizens, and we acknowledge and thank the House Redistricting Committee for continuing to allow written, public input to be submitted during the interim. However, we want to stress that this form of communication excludes those who do not have access to a computer or electronic devices. Moreover, traveling during the legislative session may not be feasible if the public health conditions do not improve and may preclude the House Redistricting Committee from traveling to various cities in the state during the legislative session to hold local/regional public input hearings during that time. Therefore, we are writing to urge the House to adopt methods during the upcoming legislative session that allow for oral testimony and input to be collected remotely, in a fashion that protects the health and well being of our citizens and legislators.

We ask that the House:

- Create a method that allows members of the public to participate remotely in committee hearings, including allowing members of the public to provide

testimony remotely;

- Provide clear written guidance on how citizens will be able to watch hearings and how they can sign up to testify virtually, by phone, or submit written testimony;
- Continue to provide an online portal to allow written testimony to be submitted online in a way that guarantees it will be entered into the record just as if the testimony had been handed to a committee clerk in person, and allow citizens to indicate if they wish for this testimony to be read during hearings;
- Hold hearings in each city/region that was originally included in the hearing schedule that was adopted before the pandemic and post the schedule online with sufficient advance notice;
- Require all members of a public body participating in a meeting or proceeding to be clearly audible and visible at all times, except to accommodate guidelines set by government agencies or health and safety experts during times of pandemic;
- Require the chair to announce the names of any members of the public body participating remotely at the start of meeting if any members are participating remotely;
- Online hearings focused on obtaining public input or testimony from persons in a particular community, city, county or region should adopt procedures for prioritizing notice and participation in such hearings from those particular citizens;
- Ensure the staff and officials have been trained to use communications tools, resources, social media, and government websites;
- Have a cybersecurity plan in place to ensure that communications remain secure.

Although the need for creating a forum for holding virtual public input hearings is a new procedural necessity because of the COVID pandemic, the importance of facilitating public input into the legislative redistricting process is not new. Public input, at every stage of the map-making process, is critical to a fair redistricting process and essential to compliance with the Voting Rights Act. Indeed, when the Federal District Court for the Western District of Texas reviewed the request for bail-in relief under of Section 3 of the Voting Rights Act, U.S. District Judge Xavier Rodriguez warned that, “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.” He continued, “given the record produced in 2011, the state must implement a process that, by any reasonable definition, is ‘fair and open’.”

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 must work collectively to assure that our redistricting system does not fall short of what Americans are guaranteed by our Constitution. To this end, we ask that the state of Texas hold full, fair, transparent public hearings before and after the census data is delivered to the state — and that all underlying data and any proposed maps are fully disclosed with adequate opportunity for the public to review and provide feedback.

Sincerely,

ACLU of Texas
Asian Democrats Central Texas
Asian Pacific Islander American Public Affairs (APAPA), TX Region
Asian Pacific Islander American Public Affairs (APAPA), Austin Chapter
Austin Tech Alliance
Clean Elections Texas
Common Cause Texas
Feeding Texas
Houston Area Urban League
Lake Highlands Area Moms and More Against Racism
League of Women Voters of Texas
March to the Polls
Mi Familia Vota Education Fund
National Council Jewish Women Greater Houston Texas
National Council Jewish Women Austin
National Council Jewish Women Greater Dallas
National Urban League Young Professionals
Religious Action Center for Reform Judaism - Texas
Rouser
Texans Against Gerrymandering
Texas Poor People's Campaign
Texas Civil Rights Project
Texas Progressive Action Network
Workers Defense Project