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PROCEEDINGS

ADDENDUM

(SIXTY-FIRST DAY CONTINUED — Tuesday, May 17, 2011)

The following remarks regarding **CSSB 31** were ordered reduced to writing and printed in the *Senate Journal* on Wednesday, May 18, 2011:

COMMITTEE SUBSTITUTE SENATE BILL 31 ON SECOND READING

President Pro Tempore Ogden: Senator Seliger is recognized for a motion to suspend the regular order of business on Committee Substitute to Senate Bill 31.

Senator Seliger: Thank you, Mr. President. I move to suspend the regular order of business to take up and consider Committee Substitute to Senate Bill 31 at this time, related to the composition of the districts for election of Members of the Texas Senate. This is a redistricting bill. From the beginning, and I think I pointed this out in Committee, this process has been about fair and legal. I believe the process has been fair and results in a map that is both fair and legal. All states must comply with Section 2 of the Voting Rights Act. It is not a measure that simply applies to those states south of the Mason-Dixon Line. And all or part of 16 states must comply with Section 5 of the Voting Rights Act. As a covered jurisdiction, Texas must comply with both Section 2 and 5 of the Voting Rights Act, and this map complies with both. In my inexpert research of the Voter Rights Act, it appears that there are a couple of precincts in Brooklyn, New York, that must also comply with Section 5. In one version of our map we had those precincts going to District 1 in the Texas State Senate. This map also satisfies the one person, one vote rule that is constitutional. Our task did not come without challenges. I realize that fairness is subjective. The map will not satisfy all 31 Members. But when it's all said and done, redistricting is about voters. And not every voter will be happy, either. But every voter will be represented, and, with a bias that I have gotten from serving with the individuals on this floor, I would submit to you that every voter will be well represented. Balancing this objective with the objective, does not necessarily achieve perfect harmony. Race has not been a predominant factor in redistricting the Texas Senate. However, considerations were made to comply with the Voting Rights Act, and almost every Member of the Senate, at one point or another, with a suggestion, has been reminded that we should not do the basic element of retrogression, which is to take a Black voting-age population, Hispanic voting-age population, or Spanish surname voter registration and go down, go backwards, which is what retrogression really means. The Senate Select Committee on Redistricting has held multiple public outreach

hearings, and I've invited every Member of this body to come and talk about what they would like to see in a map and what they would like to see in the State of Texas. This map reflects the collective input from the Senate and the general public. The 2010 population of the State of Texas is 25,145,561. The ideal district size is 811,147 Texans. PlanS125, which is represented in this committee substitute, has an overall deviation of 8.03 percent, which reflects an improvement from the 9.74 percent deviation when this was done 10 years ago. The smallest district in population is the 28th, the largest is District 3. I move suspension.

The motion to suspend the regular order of business prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Lucio.

President Pro Tempore Ogden: The following amendment, the Secretary will read the amendment.

Secretary of the Senate: Floor Amendment No. 1 by Davis, PlanS139.

President Pro Tempore Ogden: Chair recognizes Senator Davis on her amendment.

Senator Davis: Thank you Mr. President. Thank you Members. I have some preliminary comments before I introduce the amendments, if you will allow them, first of all, regarding the map and the process. After being kept in the dark while the proposed Committee Substitute to Senate Bill 31, Senate redistricting plan, was being drawn, I ask my Members, my fellow Members, to please listen to me and my constituents very carefully today, because the process used to develop the plan and the plan itself, I believe, violate the Voting Rights Act. Simply put, I only saw my own district less than 48 hours before the Committee met, and the statewide plan was presented less than 24 hours after that. That is insufficient time for my constituents and your constituents to comment and provide input into a plan that reduces the number of districts that would provide African American and Latino Texans an effective voice in electing their Senators. Some Senators were consulted during the development of the map before us. They saw and responded to early drafts. Their input was heard and was reflected in the plan. Many more of us, particularly those of us who represent large minority communities, were shut out of the process and allowed only a last-minute look at how our constituents would be treated in this plan. We are being denied access to the process. It is the same as your constituents and my constituents being denied access. In my case and in yours, hundreds of thousands of minority citizens whose rights are protected by law have been shut out of the process. The Senate plan under which we were elected contains 15 majority-minority districts, and 12 of them have effectively provided African American and Hispanics an opportunity to elect the candidate of their choice. This Committee Substitute to Senate Bill 31 plan would reduce that number to 12 majority-minority districts, and only 10 of them that would elect the minority candidate of choice because the plan changes two of those majority-minority districts into Anglo majority districts, Districts 10 and

14, where that majority-minority has effectively developed effective coalitions to elect their candidate of choice. Case law makes it clear that this Committee and this Senate cannot look at retrogression solely on a district-by-district basis but also must consider the statewide benchmark in proportionality. Between 2000 and 2010, roughly 90 percent of the state's population growth in the past decade was non-Anglo. Today, only 45.3 percent of the Texas population is Anglo, 49 percent is African American and Latino, and almost 55 percent is not Anglo. But in the proposed Committee Substitute to Senate Bill 31 plan, two-thirds of the districts would be effectively controlled by those 55 percent or, excuse me, less than 55 percent Anglos, which clearly constitutes statewide retrogression. The Senate Bill 31 plan demolishes Senate District 10 as an effective majority-minority coalition district. The current District 10 was described by the LRB in its submission seeking Department of Justice preclearance in 2001 as one of the districts that contains significant minority communities that are, essentially, kept intact within these districts. The voting strength, the LRB said, of these minority communities in the future, will be, depend on the cohesion within and between Black and Hispanic voters and the ability of such voters to form coalitions with other racial or ethnic groups in support of their preferred candidates. Since those words were written about the LRB plan in 2001, those cohesive coalitions have been formed, and Senate District 10 is now only 47.6 percent Anglo and has become an effective majority-minority coalition district, as a number of witnesses testified at the Committee hearing. The Committee Substitute to Senate Bill 31 would eliminate Senate District 10 as an effective majority-minority district, creating a new District 10 that is 54.5 percent Anglo and 59.4 percent Anglo voting-age population. The authors of the Committee Substitute to Senate Bill 31 plan achieve the demolition of Senate Bill, Senate District 10 as a majority-minority coalition district by cracking the African American and Hispanic voters in District 10 into three other districts that share few, if any, common interests with the existing District 10, Tarrant County, minority coalition. The African American community in Fort Worth is exported into rural District 22, which stretches over 120 miles south to Falls County. The Hispanic north side is placed in Denton-based District 12. The growing south side Hispanic population remains split apart from its former community in District 10. Instead of uniting the rapidly growing minority population in Arlington in an effective majority-minority district, this plan places them in District 9, which would be effectively controlled by Anglo, suburban voters. Members, I believe it is my duty as the elected representative of Senate District 10 to fight this plan because I cannot allow the voting rights of hundreds of thousands of my constituents in Tarrant County to be trampled. To speak specifically to retrogression in Dallas and Tarrant counties, which sets up the opportunity for me to introduce my amendments, today, there are two Senate Districts in Dallas and Tarrant counties that provide African American and Latino voters the opportunity to elect their candidate of choice, District 10, represented by myself, and, of course, District 3, represented by Senator West.

Senator West: Twenty-three.

Senator Davis: I'm sorry, District 23. The proposed Committee Substitute for Senate Bill 31 plan would reduce that number to one, Senate District 23. This in the face of these facts: The combined population of Dallas and Tarrant counties is 4,177,173

people. Only 41.2 percent of that total is Anglo, and 49 percent is African American and Latino. But in the proposed plan, only one of seven, or 14.3 percent of the Senate Districts that include parts of Dallas and Tarrant counties would provide an effective electoral voice for African American and Hispanic voters. Since 2000, Anglo population in Dallas and Tarrant counties has decreased by 156,742 people, while the African American and Hispanic populations have increased by almost 600,000 people. Yet, this plan reduces the number of districts that provide those voters the ability to elect their candidate of choice, which is a clear violation of Section 5 of the Voting Rights Act. Even in Tarrant County alone, non-Anglos accounted for over 88 percent of all population growth, and only 51.8 percent of the county population is now Anglo. But this plan eliminates the only Tarrant County district that gave minority voters an opportunity to elect their candidate of choice. The first amendment, Mr. President and Members, Amendment No. 1, which is Plan 139, if you would allow me to walk you through it, creates a 63.3 percent Latino opportunity district and an 80.9 percent Black plus Latino opportunity district in Tarrant and Dallas counties. The proposed District 10 achieves two important goals. This amendment creates a significant majority Latino opportunity district that is 63.3 percent Latino and 57.7 percent Hispanic voting-age population and also unites the minority population in Fort Worth. In Committee, Senator Zaffirini generously introduced and allowed me to lay out a map which demonstrates that an effective minority opportunity district can be created in Tarrant and Dallas to represent the 1.6 million minority voters in those counties. In my committee amendment the map created a strong Black plus Latino opportunity district. This amendment creates a strong Latino opportunity district which also unites the Black communities of Tarrant County. With a combined African American and Latino population of almost 1.6 million, there is clearly sufficient minority population to draw two effective minority districts in Dallas and Tarrant counties, and this amendment provides clear evidence that the failure to draw these districts, District 10 and District 23, will violate Section 2 of the Voting Rights Act. Under this plan, all incumbents of both parties have an excellent opportunity to be re-elected and minority voters have the opportunity required by the Voting Rights Act. This amendment does not affect the statewide deviation and does not change those districts which have the highest or lowest deviation. Hispanic population growth is responsible for the majority of growth in Tarrant and Dallas counties, while the Anglo population declined by over 150,000 in those two counties combined. The proposed District 10, under this amendment, is only 16.4 percent Anglo and 21.1 percent Anglo voting-age population. The district has a combined Black plus Hispanic voting-age population of 80.9 percent, with a Black plus Hispanic citizen voting-age population of 62.5 percent. These population characteristics exceed the minority population of the proposed District 15, represented by Senator Whitmire in Harris County, by over 14 percent. In this amendment, Senate District 23 is maintained as an effective African American opportunity district that includes all of the African American growth areas in south and southwest Dallas County. In fact, this amendment actually increases the African American population to 44 percent, compared to 40.4 percent in the proposed Committee plan, and African Americans constitute a plurality of the

population in this amendment, while Hispanics make up a plurality of the population in that district, in the Committee plan. Mr. President and Members, I would move adoption of Amendment 1.

President Pro Tempore Ogden: Senator Seliger, for what purpose do you rise?

Senator Seliger: To ask some questions of Senator Davis about the proposed amendment.

Senator Davis: Yes.

President Pro Tempore Ogden: Alright. You have the floor and you're recognized to ask questions.

Senator Seliger: Thank you Mr. President. Senator Davis, this map starts in central Tarrant County, goes through about a third of the county, and then a very thin neck, and then goes over into Dallas County, has a head that goes up toward Collin County, and then another little stem in Dallas County. Could you tell me, since this doesn't appear particularly intuitive, could you characterize the shape of Senate District 1, 10 in this map?

Senator Davis: Well, I wouldn't know how to put a name to the shape, Senator Seliger. What I would say is that there's nothing extraordinarily unique about its shape as compared to some of the Senate Districts that exist in the State of Texas today and as are proposed in the current map. What it seeks to do, of course, is to combine persons who have common interests, a coalition of voices, so that their interests are represented in the Texas Senate.

Senator Seliger: How did you select the precinct that you put in the proposed Senate District 10?

Senator Davis: The precincts are selected looking at the population of those precincts and common characteristics of those precincts, as well. Particularly, their interest in issues before the State Senate on those issues that they have a common voice on.

Senator Seliger: In the present Senate District 10, would you assert firmly that that is a majority-minority district?

Senator Davis: I would absolutely assert, very firmly and without question, that the existing Senate District 10 is a majority-minority, coalition district. It was, of course, best demonstrated in 2008, during my election when, over a Anglo vote, the Latino and African American communities of Senate District 10 came together with like-minded Anglo voters and made me their State Senator.

Senator Seliger: Coalition means something a little different in that context though. And the real question was do you consider the current Senate District 10 a majority-minority district?

Senator Davis: Yes, I do.

Senator Seliger: Can you tell me, did you use PlanS116, the one submitted by MALDEF, as the footprint for this amendment?

Senator Davis: I have not seen Plan 116.

Senator Seliger: We didn't see it until about 2:18 p.m. on Thursday, and we did receive some written testimony from MALDEF, and we analyzed their Senate District 10 and your current Senate District 10 in this amendment. We are concerned about that configuration, and we felt that, whatever the deficiencies were, that this plan sort of magnified them. I mean it concerned us that this version that you have proposed invites stricter scrutiny from the courts and not less. And for that reason, Mr. President, I move to table the amendment.

President Pro Tempore Ogden: Alright, Senator Davis is recognized to close.

Senator Davis: Thank you Mr. President and Members. Before I close on this amendment, I would like to have the privilege of reading to you from an editorial that was written in the *Fort Worth Star-Telegram* by one of the editorial writers there, Bob Ray Sanders. Bob Ray Sanders grew up in southeast Fort Worth, and he editorialized on the plan that's been presented today in a way that, I think, adequately captures, beautifully captures the impact of the decision being made by this body on that particular community. He wrote:

A right so fundamental as voting should never be denied nor tampered with in a representative democracy. Yet, in the world's oldest and greatest existing democracy, that guaranteed privilege has been withheld from or manipulated for certain groups throughout our history. At the republic's birth, many people were excluded when it came to exercising that basic right because they were considered non-citizens . . . or they were at best second-class citizens . . . Even after the Civil War and the passage of the 15th Amendment that guaranteed voting rights (for males) regardless of "race, color, or previous condition of servitude," southern states were determined to devise ways to keep African Americans from participating in the sacred ritual of casting a ballot. Southerners came up with poll taxes and literacy tests, and, when all else failed, intimidation and outright violence became part of the process of keeping the Black man in his place and away from the polling place. For almost a hundred years such methods were practiced and accepted. I (being Bob Ray Sanders) distinctly remember my parents paying poll taxes just as they, as land owners, paid other taxes that funded public facilities and services we could not use. Under President Lyndon Johnson, the Voting Rights Act of 1965 was passed after a long struggle for equal opportunity in the South where many were jailed, beaten, and lynched simply because they demanded that America live up to its promise to all citizens. In recent years, when intimidation was not tolerated or simply didn't work, new tactics were devised to impede or somehow lessen the impact of minority voting. Instead of Jim Crow laws, police dogs, and fire hoses, biased politicians came up with a new weapon designed to suppress or dilute the votes of Blacks and Hispanics, making it difficult to elect officeholders with their interests as a priority. Instead of guns or ropes, all they needed was a pen or a map-drawing computer capable of splitting up minority communities and including them in a larger pool dominated by people who didn't look like them or share the same goals and aspirations. The Texas Legislature has railroaded through a Voter ID bill that will have a negative impact on poor, minority, and older people. Additionally,

lawmakers have produced redistricting maps that include the not-so-subtle trappings of Jim Crow. It's no wonder that Texas and several other states with a history of discrimination are required to get preclearance from the Justice Department for any changes made in voting procedures. Gerrymandering, always part of the redistricting process, is obvious once again in the proposed maps for Texas House and Senate seats. . . . Perhaps most egregious is what it proposes for Tarrant County's District 10, represented by Senator Wendy Davis of Fort Worth. As Davis' office said last week, "African American voters in southeast Fort Worth, Everman, and Forest Hill, would be completely disenfranchised in a mostly rural district in Johnson and Ellis counties to the south. Hispanic voters in north Fort Worth would be silenced by combining them with hundreds of thousands of Anglo Republican voters in Denton County." Minority and Democratic leaders in Tarrant County are rightfully outraged. As in years past, minority voters who can't depend on their state leaders for fairness must now put their faith in the U.S. Justice Department, which has said it is keeping an eye on Texas. . . . One thing minorities know for sure (Bob Ray says): Their fight to end discriminatory voting practices continues.

Members, as the representative voice of the communities that will be dramatically impacted by this plan, I move adoption of Floor Amendment No. 1.

President Pro Tempore Ogden: Alright, Senator Davis, the motion is to table, so I think you're speaking in opposition of the motion to table.

Senator Davis: Thank you Mr. President.

President Pro Tempore Ogden: Alright. Members, the motion is to table Floor Amendment No. 1.

The motion to table Floor Amendment No. 1 prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van De Putte, Watson, West, Whitmire, Zaffirini.

President Pro Tempore Ogden: Following amendment, the Secretary will read the amendment.

Secretary of the Senate: Floor Amendment No. 2 by Davis, PlanS141.

President Pro Tempore Ogden: The Chair recognizes Senator Davis on her amendment.

Senator Davis: Thank you Mr. President. Plan 141 creates a 69 percent minority district wholly in Tarrant County. This amendment provides another way to address the Section 2 requirements to maintain two effective majority-minority districts in North Texas and create an even more effective minority district, District 10. Under this plan, all incumbents of both parties have an excellent opportunity to be re-elected, and minority voters have the opportunity required by the Voting Rights Act. This

amendment does not affect the statewide deviation and does not change those districts which have the highest or lowest deviations. The proposed District 10 unites the minority population in Fort Worth, Arlington, and Grand Prairie in Tarrant County to create a District 10 that is only 30.6 percent Anglo and 36.2 percent Anglo voting-age population. The district has a combined Black and Hispanic voting-age population of 57.8 percent with 34.4 percent Hispanic voting-age population and 24 percent African American voting-age population, with the total of those two populations of 63.6 percent and a total minority population of 69.4 percent. In this amendment, Senate District 23 is not affected materially at all. I would move adoption of Floor Amendment No. 2.

President Pro Tempore Ogden: Alright, Senator West, for what purpose do you rise?

Senator West: Question of the author.

President Pro Tempore Ogden: You're recognized to ask the question.

Senator West: Senator Davis, in terms of your current district in Tarrant County, you represent what percent African American and what percent Latino?

Senator Davis: In the current district? Do you—

Senator West: Yes.

Senator Davis: —have those numbers for me, again? If you'll give me just a moment—

Senator West: Sure.

Senator Davis: —Senator West, we'll get that exact number for you. I'm sorry, I have it here now, Senator West. The current Senate District 10, after the Census, had a Hispanic population of 28.9 percent, a Black population of 19.2 percent, a combined Black and Hispanic population of 47.5 percent, and with 4.9 percent other minorities. The total minority combined is, therefore, 57.3 percent.

Senator West: As it relates to the Seliger map, how does that change?

Senator Davis: Under the Seliger map, the percentage of Anglo population rises from 47.6 percent to 54.5 percent, the Hispanic population decreases from 28.9 percent to 25.9 percent, the Black population decreases from 19.2 percent to 14.6 percent, with the total combined population of Black and Hispanic decreasing by 7.5 percent.

Senator West: The African American population in southeast Fort Worth, is that in the proposed Seliger district?

Senator Davis: No, it is not. It has been moved under the proposed district to Senate District 22, which is represented by Senator Birdwell, which includes Waco and Grand Prairie and goes all the way south to Falls County.

Senator West: Let's talk about communities of interest for a second. Is there a community of interest in the move for southeast Fort Worth going into Senator Birdwell's district? Is there a community of interest there?

Senator Davis: I believe there is not.

Senator West: Okay, why would you believe that?

Senator Davis: I think, looking at this session and last session and the votes that are taken by me, on behalf of the district that I represent, you would find that in many instances they are different than those taken by my good colleague from Senate District 22. And the reason for that is, as it should be, because we are representing the voices of those communities in a unique way. Whether it's the Voter ID law that was proposed, whether it's on the budget and its cuts to education and health and human services and higher ed, which have a higher disproportionate impact on many of the people that I represent, whether it's on working on issues like payday lending or decreasing utility or insurance rates, you will see through the record of my votes on behalf of that community, a very different one than is being reflected by a largely Anglo population from Senate District 22.

Senator West: As it relates to doing an analysis of community of interest, you have indicated that one of the, I guess, one of the measurements that we should use is the vote of the representative as it reflects the will of the people in the district. Is that correct?

Senator Davis: Yes.

Senator West: Okay. Let's talk about other, let's talk about other barometers and measurements of community of interest. What else should be taken under consideration in your estimation?

Senator Davis: Well, certainly, we should take into estimation the unique interests of that urban community. Southeast Fort Worth has been a majority African American community for decades. It was the community that fought to get its rights to vote under the Voting Rights Act. It was a community that fought for enforcement of desegregation of their public school systems after that decision, *Brown v. Board of Education*, was handed down from the state. It has an interest that is uniquely urban as compared to that that's represented currently in Senate District 22.

Senator West: So, you're saying civil rights is important to that community.

Senator Davis: Very much so.

Senator West: And so, whoever represents that community has to be aware of what the history is as it relates to civil rights and the impact it's had on that district and be willing to stand up for that particular area of the district.

Senator Davis: Very much so.

Senator West: And so, that's something that that community is very sensitive to.

Senator Davis: Yes.

Senator West: Okay. Now, as it relates to representation in North Central Texas, there's only, there's two Democratic seats up there now, right? One in Dallas and one in Tarrant County.

Senator Davis: Correct.

Senator West: You have talked about the increase in the population, the African minority population in both Tarrant County and also Dallas County. Can you recount that one more time for me?

Senator Davis: Yes. It was 1.6 million people. It represents a growth of over 600,000 people in the Hispanic and Latino communities, while the Anglo community decreased by over 150,000 people.

Senator West: The new proposed 10, Senate District 10, does that give Latinos an opportunity to elect someone of their choice?

Senator Davis: Yes, it does.

Senator West: The new proposed 10 in the Seliger map?

Senator Davis: No, under the Seliger map it would not. Under the Seliger map the percentage of Anglo voters would be 54.5 percent, the percentage of Hispanic voters would only be 25.9 percent.

Senator West: What about vote, is that voting-age population or total population?

Senator Davis: That's total population. The voting-age population of Anglos is 59.4 percent. The voting-age population of Hispanics under the proposed map by Senator Seliger is 22.1 percent.

Senator West: Would the proposed map for Senate District 10 give African Americans an opportunity to elect someone of their choice?

Senator Davis: No, it would not. Again, the proposed voting-age population in that district for Anglos is 59.4 percent. The proposed voting-age population for African Americans drops from 17.9 percent to 13.4 percent.

Senator West: So, if you combine African Americans and Hispanics, would there be then an opportunity in a proposed Seliger district to elect someone of their choice?

Senator Davis: No, it does not. The combined voting-age population of the Black and Hispanic community under Senator Seliger's proposed map would only be 35.2 percent.

Senator West: Let's talk about the community of interest for Latinos in that district. As it relates to the proposed Seliger map, in comparison to the current map, is there a community of interest for the Latino voters in that district?

Senator Davis: No, there's not.

Senator West: How do you measure that?

Senator Davis: Again, historically, looking at the issues that have been important to that community, the Latino community in Fort Worth—

Senator West: What are those issues?

Senator Davis: —again, civil rights, of course, and working on the right to vote. They have fought hard and worked hard for equal opportunities in every measure of the law, whether that was in the education system, whether that was in creating opportunities

for better transportation, whether that is improving air quality in their area, which has had a particularly harmful impact on both the African American and Latino communities in Fort Worth, has been demonstrated by Cook Children's hospital.

Senator West: What about voter identification?

Senator Davis: Voter ID, immigration issues, again, looking at the voice I've given, the voice that this district is a better way to say it, the voice that this district has given to existing Latino voters has been reflective of their concerns and their interests on all of those issues.

Senator West: As it relates to where the Latino population is being dispersed to in the various districts, can you kind of give me an idea of whether the areas that it's being, the Senate Districts that they're being dispersed in, whether or not there's a voting record for those individuals that would get those Latinos in, out of their current Senate District 10.

Senator Davis: There are, of course, established voting records in both Senate District 12 where the Latino community would be moved and Senate District 22 where the African American community would be moved.

Senator West: Who currently represents those two districts?

Senator Davis: Senator Nelson represents Senate District 12, and Senator Birdwell represents Senate District 22.

Senator West: Okay.

Senator Davis: And not to disparage, of course, at all, the votes that those Senators take on the floor.

Senator West: I know because, Senator, I mean, look at Health and Human Services, Senator Nelson has done a great job on that.

Senator Davis: Very much so. But many times their votes—

Senator West: She's done an alright job. It's been alright.

Senator Davis: —their votes are reflective of the communities that they were voted to represent.

Senator West: Right.

Senator Davis: As they should be. And it's, it is a different vote. It is a different representative perspective than the one that's currently held by Senate District 10.

Senator West: So, you think that, in deciding on this particular amendment, we should take into consideration communities of interest?

Senator Davis: Yes, I do.

Senator West: What else should we take into consideration?

Senator Davis: I hope that what you'll take into consideration are the impacts of the people who are affected by the change to this map and the fact that they will no longer have a voice in the Texas State Senate. I hope that what Members will take into account is an understanding and a consideration that in an area as populated as North Texas is, with four and a half million people, comparable in size to Harris County,

which currently has the opportunity for minorities to elect four candidates of their choice, that North Texas would now be relegated to only having the opportunity to elect one person to represent their interests in the Texas State Senate and would be retrogressive under the Voting Rights Act and would violate the Voting Rights Act.

Senator West: Thank you Senator Davis.

Senator Davis: Thank you Senator.

(Senator Eltife in Chair)

Presiding Officer: Senator Seliger on the amendment.

Senator Seliger: Mr. President, as we scrutinize this amendment, I am inclined to think that it's least compelling of all the arguments about Voter Rights Act. Let me point out that what would a steel salesman know about the Voting Rights Act in going into this process? Not very much. And so, I was particularly careful as we went through this map, to pay attention to the Voter Rights Act. It is the law of the land. It's important. No map should be drawn in this state without it. And so, what I did was, in this case, was that most of the maps and most of parts of the map that went into 125 were drawn by a lawyer. I was allowed to hire outside counsel and hired some of the best people, the best people in the state, I think, some of the best in the country. People who don't draw maps, they simply pass legal judgment and scrutinize those maps, professors at Baylor University and a lawyer here in Austin who's probably as, done much of this work in the past 30 years as anybody in the State of Texas, maybe anybody in the country. And so, I will assert to you, that based upon that, this does meet the requirements of the Voting Rights Act. This bill is same as in Committee Amendment No. 9 that was rejected in the Committee, and I would ask the Senate do the same thing now as I move to table Floor Amendment No. 2.

Presiding Officer: Senator Davis to close on the amendment.

Senator Davis: Thank you Mr. President, and with all due respect to those who have had their eyes on the ability to defend Committee Substitute to Senate Bill 31, as it relates particularly to Senate District 10 and its compliance with the Voting Rights Act, I respectfully disagree. And I think it certainly is the case that in Texas legal eyes have had their eyes on and their opinions as part of many of the statewide redistricting maps that were approved and advanced to the Justice Department for its review under the Voting Rights Act. And in many of those instances the maps were struck down, even though lawyers said they were constitutional, even though lawyers said they complied with the Voting Rights Act. In the 1970s, the legislative maps were struck down in *White v. Regester*. In the 1980s, the congressional maps were struck down in *Upham v. Seamon*. In the 1990s, congressional districts were struck down in *Vera v. Bush*. In the post-2000 round, part of the congressional map was struck down in *LULAC v. Perry*. I believe that this map violates the Voting Rights Act in its configuration of Senate District 10 in North Texas. The current District 10 has evolved over the last decade, as the state predicted when it sought Voting Rights Act approval for the district back in 2001, into a majority-minority district where minority citizens have demonstrated the ability to elect their candidate of choice. Under the new plan, the voting strength of minority citizens in District 10 is rolled back dramatically, and Anglos are returned as a strong, controlling majority in the district.

Not only would minority voters in Senate District 10 no longer have an effective opportunity to elect a candidate in the district, they will have no voice at all. There are reasonable alternatives that recognize the voting strength of racial, ethnic minorities without retrogressing their ability to effectively participate in the political process, and I believe that this amendment represents one of those reasonable alternatives, and I would ask that you vote "No" on the motion to table Amendment No. 2.

Presiding Officer: Members, Senator Seliger has moved to table Floor Amendment No. 2.

The motion to table Floor Amendment No. 2 prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hegar, Huffman, Jackson, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Wentworth, Williams.

Nays: Davis, Ellis, Gallegos, Hinojosa, Lucio, Rodriguez, Uresti, Van de Putte, Watson, West, Whitmire, Zaffirini.

Senator Davis: Thank you Mr. President.

Presiding Officer: Thank you Senator Davis.

Senator Davis: Thank you Members.

Presiding Officer: The following amendment. Secretary read the amendment.

Secretary of the Senate: Floor Amendment No. 3 by Uresti, SPlan133.

Presiding Officer: The following substitute amendment, Secretary please read the substitute amendment.

Secretary of the Senate: Floor Amendment No. 4 by Uresti, substituting for Floor Amendment No. 3.

Presiding Officer: Senator Uresti to explain the amendment.

Secretary of the Senate: And that is SPlan145.

Senator Uresti: Thank you Mr. President, Members. Good afternoon. I lay out Floor Amendment No. 4 and substitute PlanS133 with PlanS144. Members, this plan affects three of my colleagues and PlanS145. This is an attempt to restore Bexar County territory for Senator Zaffirini, who has a long and distinguished history of representing Bexar County. It would also authorize the exchange of territory between myself and Senator Van de Putte to maintain Spanish surname voter registration measures and also assist in honoring the request of my colleague from Travis County, Senator Watson, by restoring territory from District 21 to District 20—to District 14. However, after submission of various proposed amendments, Committee Substitute to Senate Bill 31, affecting Bexar and Travis counties, Chairman Seliger further directed us to achieve unanimous consent among the Members affected. Secondly, the Chairman asked that important Voting Rights Act measures, such as Spanish surname voter registration, be maintained according to Committee Substitute Senate Bill 31. And, lastly, the Chairman asked that the total population assignment for each affected district be maintained above 800,000. So today, Members, I offer a perfecting

amendment, PlanS145 to amend amendment PlanS133. This perfecting floor amendment restores territory from Senate District 19 to Senate 21 in south Bexar County for Senator Zaffirini. Secondly, the floor amendment would authorize the exchange of appropriate voting tabulation districts between Senate District 19 and Senate District 26 in eastern Bexar County to maintain the Voting Rights Act objectives of Committee Substitute Senate Bill 31. Lastly, the amendment restores territory in Travis County from Senate District 21 to District 14. One of those precincts includes Austin Bergstrom International Airport. The airport is more appropriate in the district that is anchored in Austin and Travis County. The other four precincts are all located north of the Colorado River, and this change would result in Senate District 21 stopping at a more natural line by not crossing north of the river. And importantly, it would reduce the division of compact, cohesive neighborhoods in historic East Austin. Members, all of the proposed changes to Committee Substitute Senate Bill 31 are wholly contained within these four districts affected that I mentioned. They restore a distinguished colleague as a representative of Bexar County, they achieve the 800,000 person threshold while maintaining the Voting Rights Act objectives of Committee Substitute Senate Bill 31. Members, perfecting Floor Amendment PlanS145, I believe is acceptable to Senators Zaffirini, Van de Putte, and Watson, and I believe it's acceptable to Chairman Seliger. With that, Mr. President, I respectfully move adoption of this amendment.

Presiding Officer: Senator Seliger on the amendment.

Senator Seliger: Mr. President and Members, there's not a lot of people moved around in this map, not a lot of real estate. But when you work very, very hard to see to it that a lot of attention is paid to the Spanish surname voter registration and other provisions in law, it's still a pretty difficult task. I appreciate the four Members of the Senate working together to do this. The amendment is acceptable to the author.

Senator Uresti: Thank you Chairman Seliger.

Presiding Officer: Senator Uresti moves adoption of Floor Amendment No. 4, which is substitute to Floor Amendment No. 3. Is there objection? Chair hears none. Motion is adopted. The question now is on the adoption of Floor Amendment No. 3 as substituted. Senator Uresti moves adoption. Is there objection? Chair hears none. Floor Amendment No. 3 as substituted is adopted. The following Floor Amendment by Gallegos.

Secretary of the Senate: Floor Amendment No. 5 by Gallegos, redistricting PlanS136.

Presiding Officer: Senator Gallegos to explain the amendment.

Senator Gallegos: Thank you Mr. President and Members. After in-depth discussions with the Latino leadership in Houston and Harris County, including all the Councilmembers who have represented the east side of downtown, I reluctantly pull down my amendment. Members, Mr. Chairman, Mr. President, this is only delayed for the time present. However, the ultimate goal is to parallel our districts, which have been consistently represented by Hispanic elected officials since 1980, in which all

the, also, by the way, also includes the University of Houston. So, with that in mind, in talking to the leadership and my friends in Harris County and Houston, I respectfully, reluctantly, for the time being, pull down my amendment.

Presiding Officer: Senator Gallegos withdraws Floor Amendment No. 5. Members, we're going to hold for one minute, we're waiting on a amendment that needs a change. Give us one minute, maybe two. Members, it's going to take a little while on this next amendment so we're going to take it up on third reading, the final amendment we'll take up on third reading. Senator Seliger, you're recognized for a motion.

Senator Seliger: Mr. President, I move the passage to engrossment of the Committee Substitute to Senate Bill 31.

Presiding Officer: Senator Seliger moves passage to engrossment.

CSSB 31 as amended was passed to engrossment by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini

Nays: Davis, Ellis.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 31 ON THIRD READING**

President: Chair recognizes Senator Seliger for a motion to suspend the constitutional rule that bills be read on three several days.

Senator Seliger: Thank you Mr. President. I move to suspend the constitutional rule that bills be heard on three several days.

President: Members, you've heard the motion by Senator Seliger.

The motion to suspend the Three-day Rule for **CSSB 31** prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Birdwell, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth West, Whitmire, Williams, Zaffirini.

Nays: Davis.

President: The Chair lays out on third reading and final passage Committee Substitute to Senate Bill 31. The Secretary will read the caption.

Secretary of the Senate: Committee Substitute to Senate Bill 31, relating to the composition of the districts for the election of Members of the Texas Senate.

President: The following Floor Amendment, Floor Amendment No. 1 by Senator Patrick. The Secretary will read the amendment.

Secretary of the Senate: Floor Amendment No. 1 by Patrick, PlanS146.

President: The Chair recognizes Senator Patrick to explain Floor Amendment 1.

Senator Patrick: Thank you Mr. President. This, Members, this is an agreement over a patch of land that only has a few hundred people that Senator Hegar and I have agreed upon, and I believe is, yeah, he's changed his mind again, and I've changed my mind, but I think we're good, so we better vote quickly.

Senator Seliger: You can specify, Senator, that this doesn't take any or all of your districts into Travis County.

Senator Patrick: It does not.

Senator Seliger: The amendment is acceptable to the author.

Senator Patrick: Thank you.

President: Members, Senator Patrick moves the adoption of Floor Amendment No. 1. It's acceptable to the author. Is there objection from any Member? Is there objection from any Member? Chair hears no objection and Floor Amendment No. 1 is adopted.

Senator Patrick: Thank you Senator Hegar.

President: Senator Davis, for what purpose do you rise, Ma'am?

Senator Davis: Question the author of the bill.

President: Will Senator Seliger yield?

Senator Seliger: I will.

Senator Davis: Senator Seliger, with respect to Senate District 10, as it's drawn in the Committee Substitute to Senate Bill 31, how would you describe the shape of that district?

Senator Seliger: I would describe it as it was passed out of Redistricting in 2001, as elongated and surrounding. Starts and has the top part of the Texas Panhandle, goes one county wide on the eastern, on the far western edge of the Panhandle, kind of surrounds Lubbock and takes in the Permian Basin.

Senator Davis: I'm sorry, I'm asking about Senate District 10. How would you describe the shape of Senate District 10 as proposed in the new map?

Senator Seliger: It is a kind of an earlobe, kind of a double ear shape.

Senator Davis: And can you help me understand how the decision was made to draw the lines as they're drawn in this proposal?

Senator Seliger: Yeah, as a matter of fact I can, in this respect. When we had our outreach hearing in Dallas, and your district director was there and said that they would very much like to see that district fully contained in Tarrant County, and so it is. It is, Tarrant County, I think, is probably, maybe arguably dominated by Fort Worth, or 83,000 people more in Fort Worth, in Senate District 10. Then we had to deal with a couple of things. That between Senate District 10 and Senate District 12 and that part occupied by the adjoining district, there were several thousand people over-population in that area. Coryell County in Senate District 22 needed to be moved to accommodate the demands for population as the map moved to the west. And it

was short by about 100,000 people in Senate District 22. And so, a decision had to be made on how to populate Senate District 2. And so, that part of Senate District 22 that comes up into Tarrant County is there for that reason, to populate by about a hundred some-odd thousand people.

Senator Davis: Well, let's talk about that for a minute. So, Senate District 12, as you said, it was overpopulated after the Census. So, how and why was a decision made to carve out the near north side from Fort Worth and actually add it to Senate District 12? And why that particular area? Why was that area selected?

Senator Seliger: Because there was the need to take some people out of Senate District 12 and move them into Senate District 9, and then it had to be repopulated back up to about 811,000. And so, Senate District 12 then came down into Tarrant County.

Senator Davis: And couldn't it have been an alternative decision that less population was shifted from Senate District 12 to Senate District 9, and therefore there wouldn't have been a need to take any population from Senate District 10 to put into Senate District 12?

Senator Seliger: The way that we draw, we decided that there was a need to do so and did it in that fashion.

Senator Davis: And when you were deciding to do it in that fashion, what motivated the decision to draw the line as it was drawn, so that it carved out the area of Fort Worth that is specifically carved out?

Senator Seliger: As it was being designed, and it was being populated, it was just decided to do it that way. It worked mathematically, and it worked in regards to the Spanish surname voter registration.

Senator Davis: And let's talk about Senate District 22. You said Senate District 22 was underpopulated. Senate District 22, of course, abuts a number of other districts. Why did you choose to come into Tarrant County to add population to Senate District 22 versus going in another direction?

Senator Seliger: Because most of the other directions would not have provided 100,000 people. And so, there was an overage in Tarrant County at that point, and so, we put Senate District 22. Keep in mind that an amendment that you offered also had Senate District 22 coming up into Tarrant County, so apparently you thought it suitable, too. The two parts that went into Tarrant County were just in different places in your amendment and in this map.

Senator Davis: And what was it about this particular area that you felt was important to add to Senate District 22. Why that line? Why those communities? Why those precincts?

Senator Seliger: There were 100,000 people that could be identified and the location described by precinct, and so, we just simply put it in that way.

Senator Davis: What do you think that the people of Tarrant County that were carved out and added to Senate District 22 have in common as a community of interest with those that are currently in Senate District 22?

Senator Seliger: I don't know, Senator, what do the people in Lubbock County have in common with the people in Kimble County? They will be represented by the same person. What do the people in Lipscomb County have in common with the people in Loving County? They will be represented by the same people. The people in Orange, Texas, will be represented by people almost up in Tyler. What do they have in common? They're Texans, and they deserve good representation, and they will have it.

Senator Davis: And what do you feel the people in the near north side of Fort Worth have in common, as a community of interest, with Senate District 12, to which they've now been added?

Senator Seliger: I'm not advised.

Senator Davis: Senator Seliger, you asked me a little while ago to describe the shape to you of one of the amendment maps that we presented. And I took the opportunity to go and look at the statewide map as it was drawn, and particularly looking at Harris County and the configurations of those districts there. How would you describe the districts that were drawn there? For Senator Gallegos, for example, what shape would you give that, if you were to label it?

Senator Seliger: It's roughly the shape that it's in now, unless I'm mistaken. It was drastically short of people, and so we had to work upwards and populate it, and populate it very, very carefully. It has a very high Spanish surname voter registration, and we had to maintain that.

Senator Davis: So, sometimes there can be a legitimate purpose behind a map and the shape that it takes in terms of the state's interest in drawing those maps?

Senator Seliger: I'm sorry, I don't understand the question.

Senator Davis: There can be a legitimate purpose for creating an oddly-shaped district.

Senator Seliger: Yes, there can be.

Senator Davis: Thank you.

President: Senator Gallegos, for what purpose do you rise, Sir?

Senator Gallegos: Would the, is this final passage?

President: Yes, Sir, it is.

Senator Gallegos: Thank you, just a comment, Mr. Chairman, Mr. President.

President: You wish to speak on the bill?

Senator Gallegos: I just want to make a comment.

President: You're recognized.

Senator Gallegos: Members, I want to, first of all as Vice-chairman, want to thank Chairman Seliger and all the Members of the Senate Redistricting Committee for their hard work over the past several months. And I rise today to cast an uneasy vote, one that has weighed heavily with me. Senate District 6, which, the district which I represent, will continue to be well represented for years to come because of the map

before us. The facts are, but the facts are there that the 2010 Census figures show an increase in the population for Texas, raising the total number in our state to over 25 million. That growth in population is largely due to Latinos, who now represent 37.6 percent of the Texas population. Where I do not agree with 100 percent of this Senate map, Senate 21 for one, I also oppose the design of Senate Districts 10 and 14. Currently these districts allow minority voters an opportunity to elect their candidates of choice. Under SB 31, they no longer have an effective coalition to display their voting strength. Members, it has taken us decades to reach compromises and accomplish what we currently have, and I vote for my district map for my constituents, but I do not support the map as a whole, believe it is inappropriate for us to respond to our Census numbers with a Senate map that has the capability to reduce the number of districts in which minorities have a clear voice in the outcome. While I will vote "Yes" for the plan, I do so with these concerns about effective minority representation. Thank you Mr. President. And thank you Chairman Seliger.

Senator Seliger: Thank you very much. Mr. President, if I could have a moment. Senator Gallegos and I were named Chairman and Vice-chairman of this Committee back in the summer, and we have worked together, and we went to Washington together to meet with people from Justice Department, Civil Rights Division. It was important that we hear the same things and say the same sort of things. And no Chairman of a committee has had an abler or more willing Vice-chairman. I appreciate his appointment and his help through the process.

President: Senator Lucio, for what purpose do you rise, Sir?

Senator Lucio: To make some final remarks before final passage, Mr. President.

President: You're recognized.

Senator Lucio: Thank you Mr. President. Chairman Seliger, it's always a pleasure to work with you, Sir, and Vice-chairman Gallegos and all the Members of the Redistricting Committee. I know everybody worked pretty hard. And this is a process that happens every 10 years, and most of us really don't want to see happen, to a certain extent, because I know it pits Members and both political parties against each other at times. And it pits political parties sometimes, unfortunately, against each other. But I do want to say this map adequately protects the communities that I represent. However, it, in my opinion, it does not protect the type of communities that I represent in other parts of the state. Minority communities including Weslaco, Alamo, Donna, and Raymondsville in my District will continue to have representation in District 27. However, many minority communities in Dallas and Fort Worth, for example, will not. Residents of Cameron County, which is my home county, and the City of Brownsville, my hometown, find themselves in one senatorial district, District 27. But residents in Travis County and the City of Austin find themselves in four senatorial districts. Members, we're lucky, we are lucky in District 27. And I find myself very fortunate to be in that little corner of the state where I'm both a coastal and border Senator. It is not, it is not possible to slice our communities into Anglo districts anchored in Mexico or the Gulf of Mexico. That's a given. That is not true of

other parts of the state, unfortunately. So, I want to be very clear, I am voting for my community as I vote "Aye" on final passage for Committee Substitute for Senate Bill 31. Thank you very much Mr. President and Members.

President: Thank you Senator Lucio. Senator Ellis, for what purpose do you rise, Sir?

Senator Ellis: Mr. President, I'd like to speak against the bill, with all due respect to Senator Seliger.

President: You're recognized.

Senator Ellis: I do want to compliment you, Senator Seliger, for trying to be fair within the confines of whatever parameters you had to deal with. This process of redistricting is one that I think all of us ought to remember. It is not about drawing our districts because they actually are not our districts. The districts belong to the people that are represented in those districts. And I come from a district that has been represented by the first African American to come to the Texas Senate since Reconstruction, seat that Professor Barbara Jordan had for some time. And I have followed the history of this body long enough to know what those battles were like when she came here. She was elected under the old system. The Voting Rights Act, not Voters Rights I want to point out, the Voting Rights Act gave her the ability to be elected from a district when she went on to the United States Congress. In fact, it's interesting, one of the most significant things she did in Congress was get Texas on the Voting Rights Act. As important as it is, President Johnson didn't put us under it. I think because it was his hope that Texas would resolve these issues on their own. But we came in under the bilingual amendment, and it was Congresswoman Jordan who did that. I have always thought, I don't know, but I've always thought a compromise that she had to make, in order to go to Congress, was essentially agree to lines that would let this body go without an African American in it for a decade. It was roughly a decade before Craig Washington came to this Senate, then, out of Dallas, Eddie Bernice Johnson. And then I came out of Harris County and then Senator West. Here's the point that I think ought to not be lost on us when we do this. It's not just an issue of making sure that there are enough people of color in a district so that the voices of people who have been historically disenfranchised can be heard, it's also important not to pack these districts so that when those voices stand up they're not just talking to themselves. And that's a problem with this map. All of the growth in Texas has been because of minorities, Hispanics. Fastest growing state in the country, four new congressional seats, because, obviously, you do it on the basis of population. They're not stuck at that 31 the way we are. So everybody's happy, both parties, that Texas will have more clout in the United States Congress because of Hispanic growth. Now, look at our districts. We'll get to the congressional map again later. What do people of color get out of it? In my judgment, my district's an example. I have a district that's 80 percent minority. I'd like to think that after having been here for 21 years, maybe some people who happen to not be a minority have found out, hey, this guy's okay. He may not be Barack Obama, but I think we could, we could vote for him. But by packing these districts, and to a great extent I think the map drawers have done that when it was to their advantage, basically for both issues of disenfranchising the voices for people of color and also for partisan reasons, but the Voting Rights Act

does not cover that partisan issue, but in the process of what you may have been trying to accomplish, for both reasons, you end up packing when it worked or you did some cracking when it didn't work. And I submit to you as this goes through the process, when it gets to the Justice Department, I hope they look very closely at that. And I'm going to do as much as I can to encourage them. Now, you don't have to get the long version of my speech because we discussed it, and I'll submit it into the record, but I do want the press, and I want my constituents and anyone within hearing range of my voice, to know my vote to suspend the rules was not a vote to say that I like this map or I agree with this map. I'm going to vote against the bill on final passage. I've told you, if you need me on the backside to get it out of here I'll vote for that because, as much as I may have problems with you, you all look pretty good to me when I consider the Legislative Redistricting Board. So, in short, I want to make that clear. I'm voting for this map. I voted to bring it up having nothing to do with liking it. I don't like it, and I think it's wrong. And I think if the United States Justice Department does its job, they will object to it. And I hope it ends up in court. And then I want to sit down with you, on a friendlier court, maybe we'll be on the same side agreeing then, but I'm convinced that this map disenfranchises the voices of people who have historically been left out of the mainstream of politics and public policymaking in this state. And here, more than in any other state, that argument can be made because all of the growth is because of the growth in our Hispanic population. But, with that being said, I do appreciate the effort in which you put into this. I would hope that if you and I are here a decade from now, the process will be a bit more open, in my judgment, than it was this time. It's not necessarily a criticism of you, it's a criticism of the process. At least the two times I have done it, in my judgment, people from both sides of the aisle, now granted, my side of the aisle was in control, but I had to do my share of fighting with them. So don't take it as just a partisan comment. But I do think, in the past, Members had a clear idea, and that constituents had a clear idea well in advance what the map was, the final map that they would be voting on. And, in my judgment, this was stated earlier in the questioning, but for it to come out, I think you mentioned to me that I was the last person to look at it. I want to state for the record you were kind enough to tell me that, but when I was first given an opportunity to look at it, it was the day before. And I think my constituents, all our constituents would have been better served in this process if they'd had a longer period of time to look at it because if they wanted to submit changes to the map, and they didn't have a Senate and House redistricting staff, they couldn't do that little piece of the puzzle alone and really have a viable chance of making an argument. But, look, thank God it only comes, Mr. Chairman, once a decade. Once is enough. Thank you.

President: Senator Estes, for what purpose do you rise?

Senator Estes: To make a comment before final passage.

President: You're recognized.

Senator Estes: Thank you Mr. President. Chairman Seliger and Senator Gallegos, thank you for what both of you've done on this long process. I want to thank you for your hard work on this map. It's been a long process. I know it's not been easy. I've traveled with you all across the state, and we've listened to suggestions and concerns

from all the citizens of this state. They asked us to draw a map that would give them full and fair representation and treat them equally, regardless of their race, religion, or political views. And I think you've accomplished that, Chairman Seliger. I think you've drawn a map that gives each region of this state the opportunity to elect a representative that reflects its values. I know there may be other people who want to speak so I'll just be brief. The Voting Rights Act is a complicated piece of legislation, and there's a tendency to sling around terms from different portions of it. But at the end of the day, it has two basic requirements. First is that where there is a politically cohesive population of minority citizens living in a compact area that is big enough to dominate a district, we need to draw a district there. Chairman Seliger, your map has done that. Indeed, in some instances it has gone beyond that. The second basic requirement is that on a statewide level the map cannot make it harder for minorities to elect representatives of their choice. Your map has not done that. And so, for these reasons, I commend you for having drawn a fair and legal map, and I'm proud, Chairman Seliger, to support it. Thank you.

President: The Chair recognizes Senator Seliger for a motion.

Senator Seliger: Mr. President, I move final passage of the Committee Substitute to Senate Bill 31.

President: Senator Davis, for what purpose do you rise?

Senator Davis: Thank you, Mr. President, parliamentary inquiry.

President: State your inquiry.

Senator Davis: Earlier this afternoon, the 12 Senators who represent minority-majority districts, or where a majority of the district is comprised of minorities who exercise their voice through those Senate Districts, provided a letter for the record stating the objection of those 12 Senators to the drawing, particularly, of Senate District 10. And I rise simply to inquire as to whether that will be made a formal part of the record for this hearing.

President: Yes, Ma'am. I think you were told earlier that it will, and it will.

Senator Davis: Thank you. Thank you Mr. President.

President: Senator Ellis, for what purpose do you rise?

Senator Ellis: Quick parliamentary inquiry.

President: State your inquiry.

Senator Ellis: Along the same lines. Obviously, the statements that any Member wants to submit for the record will be a part of the record as well.

President: Yes.

Senator Ellis: Thank you.

President: Yes but, they, they need to be in writing and signed. You're recognized for a motion.

Senator Seliger: Oh, I thought I already moved final passage.

President: You may have, and I, I was thinking, alright.

Senator Seliger: But, so move to final passage, Mr. President, thank you.

President: Members, you heard the motion by Senator Seliger. Excuse me, I was looking at who wanted to speak. You've heard the motion by Senator Seliger.

CSSB 31 as amended was finally passed by the following vote: Yeas 29, Nays 2.

Yeas: Birdwell, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Rodriguez, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Davis, Ellis.

Senator Seliger: Thank you Mr. President, Members.

