



August 21, 2025

*Sent via email*

Senate Special Committee on Congressional Redistricting  
Texas Senate  
Sam Houston State Office Building, Room 445  
201 E. 14th Street  
Austin, Texas 79701

**Re: Third Supplemental Testimony Strongly Opposing Mid-Decade  
Congressional Redistricting Under the Current Circumstances**

Dear Chair King, Vice Chair Creighton, and Committee Members:

The Legal Defense Fund (“LDF”), Barbara Jordan Leadership Institute (“BJLI”), Houston Area Urban League (“HAUL”), Delta Sigma Theta Sorority, Incorporated, (the “Deltas”), Black Voters Matter, and Friendship-West Baptist Church write to supplement our July 24, August 8, and August 17 testimonies.<sup>1</sup> This testimony reflects some of our current thinking about the severely flawed mid-decade congressional redistricting process still underway, as well as the related maps under consideration. To be sure, the views expressed herein, as with our prior testimonies, are not the sum of our many concerns with redistricting happening under these extraordinary circumstances and legislatively proposed maps, which threatens to further harm Black and other voters of color in Texas.

At the August 7 hearing, this Committee considered public testimony on Senate Bill 4 (“S.B. 4”) for the first time.<sup>2</sup> S.B. 4 mirrors map C2308, which was introduced in the

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<sup>1</sup> *Opposition to Mid-Decade Congressional Redistricting That Further Harms Black and Other Voters of Color*, NAACP Legal Def. Fund (July 24, 2025), [https://www.naacpldf.org/wp-content/uploads/2025.07.24-TX-Congressional-Redistricting-Letter\\_Senate-final.pdf](https://www.naacpldf.org/wp-content/uploads/2025.07.24-TX-Congressional-Redistricting-Letter_Senate-final.pdf) [hereinafter LDF, et al. July 24 Senate Testimony]; *LDF Submits Supplemental Testimony Urging Texas Legislators to Halt Mid-Decade Redistricting Plan*, NAACP Legal Def. Fund (Aug. 8, 2025), [https://www.naacpldf.org/wp-content/uploads/LDF-et-al-Ltr-to-Senate-Committee-re-TX-Congressional-Redistricting\\_8.8.2025\\_final.pdf](https://www.naacpldf.org/wp-content/uploads/LDF-et-al-Ltr-to-Senate-Committee-re-TX-Congressional-Redistricting_8.8.2025_final.pdf) [hereinafter LDF, et al. August 8 Testimony]; *LDF Submits Supplemental Testimony Urging Texas Legislators to Halt Mid-Decade Redistricting Plan*, NAACP Legal Def. Fund (Aug. 17, 2025), [https://www.naacpldf.org/wp-content/uploads/LDF-et-al-Ltr-to-Senate-Committee-re-TX-Congressional-Redistricting\\_8.17.2025\\_final.pdf](https://www.naacpldf.org/wp-content/uploads/LDF-et-al-Ltr-to-Senate-Committee-re-TX-Congressional-Redistricting_8.17.2025_final.pdf) [hereinafter LDF, et al. August 17 Testimony]. On July 24, LDF, BJLI, HAUL, and the Deltas submitted testimony similar in substance to the House Select Committee on Congressional Redistricting. *Opposition to Mid-Decade Congressional Redistricting That Further Harms Black and Other Voters of Color*, NAACP Legal Def. Fund (July 24, 2025), [https://www.naacpldf.org/wp-content/uploads/2025.07.24-TX-Congressional-Redistricting-Letter\\_House-final.pdf](https://www.naacpldf.org/wp-content/uploads/2025.07.24-TX-Congressional-Redistricting-Letter_House-final.pdf).

<sup>2</sup> *Schedule, Minutes, Witness List and Bills Referred to Committee*, Tex. Senate Special Comm. on Cong. Redistricting (Aug. 6, 2025), <https://capitol.texas.gov/Committees/MeetingsByCmte.aspx?Leg=89&Chamber=S&CmteCode=C660;>

House on July 30 as House Bill 4 (“H.B. 4”) during the first special legislative session and voted out of the House Select Committee on Congressional Redistricting (“House Redistricting Committee”) on August 2.<sup>3</sup> This Committee subsequently voted S.B. 4 out of committee on August 7.<sup>4</sup> The Texas Legislature, however, failed to pass any new congressional map at the end of the first special legislative session on August 15. Immediately afterwards, the Governor called for a second special legislative session, which also commenced on August 15.<sup>5</sup> This Committee scheduled a hearing for Sunday, August 17 at 4:00 p.m. to again consider public testimony on S.B. 4, which contains proposed map C2308. That hearing was only the second time that this Committee considered a legislatively proposed congressional map, while most of this Committee’s previous hearings seeking public testimony proceeded without a map or bill being presented.<sup>6</sup> At that hearing, this Committee voted S.B. 4 out of committee and cancelled the second scheduled hearing, which had been set for the following day.<sup>7</sup>

At an unknown time on Monday, August 18, the House Redistricting Committee filed a notice of a hearing scheduled for 5:00 p.m. that day.<sup>8</sup> In that notice, that Committee announced that it would “meet to consider pending, referred, and committee business.”<sup>9</sup> The notice omitted any invitation or instructions for members of the public to testify.<sup>10</sup> At some point earlier in the day, Representative Hunter’s newly proposed map C2333 was publicly

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*Notice of Public Hearing*, Tex. Senate Special Comm. on Cong. Redistricting (Aug. 6, 2025), <https://capitol.texas.gov/tlodocs/89R/schedules/pdf/C6602025080614001.PDF>.

<sup>3</sup> *H.B. 4*, Tex. House of Representatives (Aug. 4, 2025), <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=891&Bill=HB4>.

<sup>4</sup> *Minutes of Public Hearing*, Tex. Senate Special Comm. on Cong. Redistricting (Aug. 7, 2025), <https://capitol.texas.gov/tlodocs/89R/minutes/pdf/C6602025080709001.PDF>.

<sup>5</sup> Unlike the agenda for the first special legislative session, the Governor’s agenda item for this second session omits any reference to the constitutional concerns raised by the U.S. Department of Justice as a basis for this mid-decade congressional redistricting. *Compare, Press Release, Governor Abbott Announces Special Session Agenda*, Tex. Gov. (July 9, 2025) (taking up congressional redistricting in a special session based on “constitutional concerns raised by the U.S. Department of Justice”), <https://gov.texas.gov/news/post/governor-abbott-announces-special-session-agenda>, *with Press Release, Governor Abbott Announces Special Session #2*, Tex. Gov. (Aug. 15, 2025) (taking up congressional redistricting in a special session), <https://gov.texas.gov/news/post/governor-abbott-announces-special-session-2>.

<sup>6</sup> *Notice of Public Hearing*, Tex. Senate Special Comm. on Cong. Redistricting (Aug. 17, 2025), <https://capitol.texas.gov/tlodocs/89R/schedules/pdf/C6602025081716001.PDF>.

<sup>7</sup> *Hearing on Congressional Redistricting Before the Senate Special Committee on Congressional Redistricting, 89<sup>th</sup> Tex. Leg.*, Tex. Senate Special Comm. on Cong. Redistricting (Aug. 17, 2025) (statement by Vice Chair Creighton, at 2:37:20), <https://senate.texas.gov/video/player.php?vid=22485&lang=en> [hereinafter August 17 Senate Redistricting Committee Hearing].

<sup>8</sup> *Notice of Public Hearing*, House Select Comm. on Cong. Redistricting (Aug. 18, 2025), <https://capitol.texas.gov/tlodocs/89R/schedules/html/C0552025081817001.htm> [hereinafter House Redistricting Committee August 18 Meeting Notice].

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

posted, which is reflected in the committee substitute for H.B. 4.<sup>11</sup> Without any public testimony, the House Redistricting Committee adopted the committee substitute for H.B. 4 and voted H.B. 4 as substituted out of committee.<sup>12</sup>

The full House passed H.B. 4 as substituted on Wednesday, August 20. At an unknown time on the same day, this Committee filed a notice of a hearing scheduled for August 21 at 9:00 a.m., which means the notice was provided to the public less than 24 hours before the hearing.<sup>13</sup> In that notice, this Committee announced that it will “meet to consider referred business.”<sup>14</sup> The notice omitted any invitation or instructions for members of the public to testify, stating “[n]o public testimony will be taken.”<sup>15</sup>

After considering the public hearings held during the first special legislative session by this Committee, the House Redistricting Committee, and the House floor debate on August 20, as well as the single hearing on S.B. 4 during the second session, and after conducting our ongoing analyses of proposed map C2333 (incorporated into H.B. 4), we remain strongly opposed to the Governor’s call for mid-decade congressional redistricting.<sup>16</sup> We further urge this Committee to refrain from taking any action under these extraordinary circumstances, for at least four reasons.

*First*, this Committee still has not presented any clear justification to conduct mid-decade congressional redistricting under the current circumstances. On the one hand, during the first special legislative session, Chair King characterized the initial four regional hearings—in which no legislatively proposed map was available for the public’s consideration—as the “information-gathering” stage because “the Governor added the subject of congressional redistricting to the special session called.”<sup>17</sup> As our July 24 testimony quoted, the Governor’s call to take up congressional redistricting was based

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<sup>11</sup> *H.B. 4*, Tex. House of Representatives (Aug. 2025), <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=891&Bill=HB4>; *District Viewer, Considered by House Committee*, 89<sup>th</sup> Tex. Legis. Council (Aug. 2025), <https://dvr.capitol.texas.gov/Congress/83/PLANC2333> [hereinafter C2333 Map].

<sup>12</sup> *Hearing on Congressional Redistricting Before the House Select Committee on Congressional Redistricting*, 89<sup>th</sup> Tex. Leg., House Select Comm. on Cong. Redistricting (Aug. 18, 2025) (statement by Chair Vasut, at 36:35), <https://house.texas.gov/videos/22492> [hereinafter August 18 House Redistricting Committee Hearing].

<sup>13</sup> *Notice of Public Hearing*, Tex. Senate Special Comm. on Cong. Redistricting (Aug. 20, 2025), <https://capitol.texas.gov/tlodocs/89R/schedules/pdf/C6602025082109001.PDF> [hereinafter August 21 Senate Redistricting Committee Hearing Notice].

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> C2333 Map, *supra* note 11.

<sup>17</sup> *Hearing on Congressional Redistricting Before the Senate Special Committee on Congressional Redistricting*, 89<sup>th</sup> Tex. Leg., Tex. Senate Special Comm. on Cong. Redistricting (July 25, 2025) (statement by Chair King, at 08:26), <https://senate.texas.gov/videooplayer.php?vid=22395&lang=en> [hereinafter July 25 Senate Redistricting Committee Hearing]; *Hearing on Congressional Redistricting Before the Senate Special Committee on Congressional Redistricting*, 89<sup>th</sup> Tex. Leg., Tex. Senate Special Comm. on Cong. Redistricting (July 26, 2025) (statement by Chair King, at 05:12), <https://senate.texas.gov/videooplayer.php?vid=22396&lang=en>.

expressly on “constitutional concerns raised by the U.S. Department of Justice.”<sup>18</sup> On the other hand, Chair King stated that he disagreed with the Department’s allegations that the current 2021 congressional map is discriminatory,<sup>19</sup> asserting that he previously voted for a “legal map” and that recent trial testimony, including from Senator Huffman, confirms its legality.<sup>20</sup> Chair King’s statements echo those of Representative Todd Hunter, the sponsor of H.B. 4. When introducing the original version of H.B. 4 to the House Redistricting Committee, Representative Hunter denied that H.B. 4 was developed in response to the Department’s constitutional concerns.<sup>21</sup> Now, the Governor’s call for this session noticeably omits any reference to the Department’s concerns as the rationale for this redistricting.<sup>22</sup>

In our July 24, August 8, and August 17 testimonies, we explained that the Texas Legislature should not rely on the Department’s flawed legal theories to conduct mid-decade congressional redistricting.<sup>23</sup> In particular, the Department flagged four districts, Congressional Districts 9, 18, 29, and 33—all of which are districts comprised of a majority of racial minority voters and represented by Black or Hispanic representatives—as illegal racial gerrymanders. The committee substituted version of H.B. 4 notably makes drastic changes to these four districts, along with many others.<sup>24</sup> Given the public record as of the date of this letter, the *only*—or at minimum, predominant—basis the Department has raised for changing those districts is their racial composition.<sup>25</sup>

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<sup>18</sup> See LDF, et al. July 24 Testimony, *supra* note 1, at 2, n.5 (emphasis added); see Letter from Harmeet Dhillon, Assistant Att’y Gen., U.S. DOJ C.R. Div., to Greg Abbott, Governor of Tex. and Ken Paxton, Att’y Gen. of Tex. (July 7, 2025) (notifying Texas officials of “serious concerns regarding the legality of four of Texas’s congressional districts”), *available at* <https://electionlawblog.org/wp-content/uploads/7-7-2025-DOJ-Letter-re-Unconstitutional-Race-Based-Congressional-District.pdf> [hereinafter DOJ July 7 Letter].

<sup>19</sup> DOJ July 7 Letter, *supra* note 18.

<sup>20</sup> *Hearing on Congressional Redistricting Before the Senate Special Committee on Congressional Redistricting*, 89<sup>th</sup> Tex. Leg., Tex. Senate Special Comm. on Cong. Redistricting (July 29, 2025) (statement by Chair King, at 33:40), <https://senate.texas.gov/videoplayer.php?vid=22414&lang=en> [hereinafter July 29 Senate Redistricting Committee Hearing].

<sup>21</sup> See, e.g., *Hearing on Congressional Redistricting Before the House Select Committee on Congressional Redistricting*, 89<sup>th</sup> Tex. Leg., House Select Comm. on Cong. Redistricting (Aug. 1, 2025) (statement by Rep. Hunter, at 1:26:50), <https://house.texas.gov/videos/22418> [hereinafter August 1 House Redistricting Committee Meeting].

Indeed, if the Texas Legislature believed there were any legal defects with the current 2021 congressional plan, they could have addressed those in the current litigation or during previous legislative sessions. See Ailsa Chang et al., *A Texas Republican State Lawmaker on the Fight for Redistricting*, NPR (Aug. 6, 2025), <https://www.kvpr.org/npr-news/2025-08-06/a-texas-republican-state-lawmaker-on-the-fight-for-redistricting>.

<sup>22</sup> See Press Release, Governor Abbott Announces Special Session #2, *supra* note 5.

<sup>23</sup> LDF, et al. July 24 Testimony, *supra* note 1; LDF, et al. August 8 Testimony, *supra* note 1; LDF, et al. August 17 Testimony, *supra* note 1. This critique was echoed by other testimony. See, e.g., July 25 Senate Redistricting Committee Hearing, *supra* note 17 (statement by Ellen Katz, at 1:00:00).

<sup>24</sup> Compare District Viewer, *Current Districts(1)*, Tex. Legis. Council (Aug. 6, 2025), <https://dvr.capitol.texas.gov/Congress/2/PLANC2193>, with *id.* <https://dvr.capitol.texas.gov/Congress/73/PLANC2308>.

<sup>25</sup> Compare DOJ July 7 Letter, *supra* note 18, with, see generally Tex. Senate Special Comm. on Cong. Redistricting (providing links to the videos of the July 25, July 26, July 28, and July 29



*Second*, we reiterate our concern that the current consideration of whether to conduct mid-decade congressional redistricting lacks transparency and meaningful opportunities for public input. The public has nearly uniformly raised such concerns during the hearings held to date. The public continues to lack basic information about the complete redistricting criteria that is guiding this Committee or the full Senate, or about how those criteria affect the configuration of specific districts. Nor does the public know how proposed maps, including the more than 100 proposed congressional maps submitted by the public during the first special legislative session, are being considered and assessed, if at all.<sup>26</sup>

The public also lacks knowledge about how legislatively introduced maps are being developed, who takes part in developing them,<sup>27</sup> what demographic or electoral information is being considered in their development,<sup>28</sup> and other basic and reasonable guideposts for how new congressional maps and specific district configurations are being shaped. As this Committee is aware, the original version of H.B. 4 was provided to the public less than 48 hours before the House Redistricting Committee held its only public hearing on it. That one hearing took place from 10:00 a.m. on Friday, August 1, to about 1:00 a.m. on Saturday, August 2. The public therefore had less than two days to review the proposed map, and the sole hearing was held in a rushed and non-transparent fashion—lasting over ten hours, overlapping with normal workday hours, and running into the early morning hours of a Saturday.

Just seven hours later, the House Redistricting Committee voted the original version of H.B. 4 out of committee shortly after commencing a new meeting at 9:00 a.m. on August 2. In introducing his bill, Representative Hunter invoked various privileges, refusing to publicly disclose what instructions he gave the law firm hired to draw the map, what criteria the firm applied, what analyses the firm conducted and why, and what data

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regional hearings, the August 6 and 7 additional hearings, and the August 17 hearing), <https://senate.texas.gov/cmte.php?c=660>.

<sup>26</sup> See *District Viewer, Plans Submitted by Public*, 89(1)-(2), Tex. Legis. Council (Aug. 7, 2025), <https://dvr.capitol.texas.gov/Congress/72>.

<sup>27</sup> Representative Hunter disclosed that the law firm of Butler Snow developed C2308 and shared it with Representative Hunter to sponsor it. August 1 House Redistricting Committee Meeting, *supra* note 21 (statement by Rep. Hunter, at 1:29:50). In response to a question about what data and other information went into the development of C2308, as approximately 150 pages of data and other information accompanied H.B. 4, for example, Representative Hunter said that he “do[esn’t] have the specifics.” *Id.* at 1:32:30 (statement by Rep. Hunter). Since then, Chair King has suggested that the “Redistricting Trust,” perhaps a reference to the National Republican Redistricting Trust, has been involved in the development of at least C2308. *Hearing on Congressional Redistricting Before the Senate Special Committee on Congressional Redistricting*, 89<sup>th</sup> Tex. Leg., Tex. Senate Special Comm. on Cong. Redistricting (Aug. 7, 2025) (statement by Chair King, at 1:42:45), <https://senate.texas.gov/videooplayer.php?vid=22443&lang=en> [hereinafter August 7 Senate Redistricting Committee Hearing].

<sup>28</sup> Representative Hunter did not know who at the law firm Butler Snow may have worked with in developing C2308, either in whole or in part. August 1 House Redistricting Committee Meeting, *supra* note 21 (statement by Rep. Hunter at 1:48:30); see generally August 7 Senate Redistricting Committee Hearing, *supra* note 27.

was used to sort voters among specific redrawn districts, among many other basic questions.<sup>29</sup> Consequently, neither Representative Hunter nor anyone who actually developed any legislatively proposed map offered to date has been able to fully explain any map and the proposed changes to specific districts within them. The Legislature has instead provided the public with nothing more than general responses and unsubstantiated justifications.

After failing to pass the original version of H.B. 4 during the first special legislative session, the House Redistricting Committee scheduled a hearing for Monday, August 18. That Committee provided the public with less than six hours of notice before the hearing and the committee substitute for H.B. 4. That Committee did not invite or consider any public testimony.<sup>30</sup> Chair Vasut also limited Committee members' questions to only those that related to the committee substitute for H.B. 4.<sup>31</sup>

In explaining C2333, Representative Hunter said that everything relating to the development of the map was done through the law firm of Butler Snow and that he “doesn’t know who drew it.”<sup>32</sup> Without introducing any further explanation for committee substitute for H.B. 4’s development, including from legislator-bill sponsors or those working with them—this Committee so far appears to similarly lack basic background information about who developed the map and what considerations guided its design and the reasons for why specific districts were drawn.<sup>33</sup>

*Third*, the overwhelming majority of public testimony submitted during the first and second special legislative sessions opposed any mid-decade congressional redistricting under the current circumstances.<sup>34</sup> Consistent with that public testimony, if the Texas Legislature wants to meaningfully address claims of racial discrimination, as we urged in our July 24, August 8, and August 17 testimonies, the Legislature should convene a separate legislative session to address the harms documented with evidence in the consolidated federal litigation challenging the 2021 congressional plan.<sup>35</sup> It should not be doing what occurred in the first special session and what is underway in this second

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<sup>29</sup> August 1 House Redistricting Committee Meeting, *supra* note 21 (statements by Rep. Hunter, at 1:48:00 and 1:51:45).

<sup>30</sup> House Redistricting Committee August 18 Meeting Notice, *supra* note 8; *see generally* House Redistricting Committee August 18 hearing, *supra* note 12.

<sup>31</sup> House Redistricting Committee August 18 hearing, *supra* note 12 (statement by Chair Vasut, at 12:10).

<sup>32</sup> *Id.* (statement of Rep. Hunter, at 35:05).

<sup>33</sup> August 21 Senate Redistricting Committee Hearing Notice, *supra* note 13.

<sup>34</sup> Tex. Senate Special Comm. on Cong. Redistricting (Aug. 2025) (providing links to the video of the July 25, July 26, July 28, and July 29 regional hearings, the August 6 and August 7 additional hearings, the August 17 hearing, and public comments submitted to the Committee), <https://senate.texas.gov/cmte.php?c=660> [hereinafter Public Comments and Testimony Submitted to this Committee]; *see also* House Select Comm. on Cong. Redistricting (Aug. 2025) (providing tab links to public hearings and public comments submitted to the House Redistricting Committee), <https://www.house.texas.gov/videos/committees/89/1>.

<sup>35</sup> *League of United Latin Am. Citizens v. Abbott*, Dkt. No. 3:21-cv-00259-DCG-JES-JVB (W.D. Tex. 2022).

session—forcing a map through the special 30-day legislative session with little to no knowledge about the who, what, when, where, why, and how it and the specific districts within it were developed. It also should not be doing so while people are working, recovering from disasters, and left with little to no time to absorb and understand how a map of such significance will impact their lives. Indeed, as our July 24, August 8, August 17 testimonies warned, any revised congressional map must comply with the U.S. Constitution and the Voting Rights Act and avoid further restricting access to electoral opportunity and representation for Black, Hispanic, and other voters of color.<sup>36</sup>

*Fourth*, despite these concerns and warnings, H.B. 4 as substituted further weakens Black and Hispanic Texans’ electoral opportunities and disrupts the ability of racial minority voters to access congressional representation in Houston, Dallas-Fort Worth, and other areas of the state. Consistent with other public testimony, our July 24, August 8, and August 17 testimonies detailed that the Legislature had no factual or legal basis to use mid-decade redistricting to significantly alter districts in any way that denies or dilutes Black and Hispanic voters of their electoral opportunities and influence.<sup>37</sup> We and other members of the public, for example, warned this Committee not to change Congressional Districts 9 and 18 in Harris County in any way that would disrupt how those districts have been functioning for Black voters to elect their preferred Black representatives in elections.<sup>38</sup> In addition, other public testimony emphasized the need for Hispanic voters to retain meaningful access to representation in Harris County and the Dallas-Fort Worth area, among other regions, based on the current demographics and electoral patterns.<sup>39</sup> These concerns and warnings were repeatedly reiterated during oral testimony presented to this Committee during the four regional hearings held in the first special session and at subsequent public hearings.<sup>40</sup> Testimony, for example, reflected a recognition that it is possible to maintain electoral opportunity for both Black and Latino voters in Harris and Dallas-Fort Worth, while also establishing new opportunities for racial minority voters in those areas.

Ours and other public testimony also stressed that the only basis offered, at least initially, to consider altering districts like 9, 18, 29, and 33—all currently serving racial minority Texan voters and electing Black or Hispanic representatives—was the Department’s criticism of their racial makeup.<sup>41</sup> To date, neither this Committee nor the Department has publicly pointed to any credible legal or factual analysis justifying such

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<sup>36</sup> LDF, et al. July 24 Testimony, *supra* note 1; LDF, et al. August 8 Testimony, *supra* note 1; LDF, et al. August 17 Testimony, *supra* note 1.

<sup>37</sup> *Id.*; Public Comments and Testimony Submitted to this Committee, *supra* note 34.

<sup>38</sup> See, e.g., LDF et al. July 24 Testimony, *supra* note 1; see generally *Hearing on Congressional Redistricting Before the Senate Special Committee on Congressional Redistricting*, 89<sup>th</sup> Tex. Leg., Tex. Senate Special Comm. on Cong. Redistricting (July 28, 2025) (statement by Judson Robinson on behalf of HAUL, at 1:28:20), <https://senate.texas.gov/videooplayer.php?vid=22397&lang=en>

<sup>39</sup> See, e.g., July 25 Senate Redistricting Committee Hearing, *supra* note 17 (statement by Rep. Sylvia Garcia, at 53:20).

<sup>40</sup> Public Comments and Testimony Submitted to the Committee, *supra* note 34.

<sup>41</sup> LDF et al. July 24 Testimony, *supra* note 1; see also Public Comments and Testimony Submitted to the Committee, *supra* note 34.

significant disruptions to those district configurations.<sup>42</sup> In fact, as noted above, Chair King publicly stated he disagreed with the Department’s allegations about specific districts like 9, 18, 29, and 33, maintaining that the current 2021 congressional map is a legal map.<sup>43</sup> Yet, those districts, among others, are proposed to undergo significant and harmful changes to Black and Hispanic voters, under *every* iteration of the legislatively proposed maps considered in these special sessions—that is, C2308, which is reflected in H.B. 4 and S.B. 4, and now C2333 reflected in H.B. 4 as substituted.<sup>44</sup>

As just one example of our concerns, H.B. 4 as substituted packs Black voters in Congressional District 18 at levels that are unnecessary to provide them with electoral opportunity,<sup>45</sup> while eliminating another effective opportunity for Black voters in Congressional District 9.<sup>46</sup> In so doing, the Committees that have considered C2308 and voted to advance it have effectively conceded that it is possible to develop a reasonably configured, majority Black- citizen-voting-age population (or another such form of electoral opportunity) district in Harris County in Congressional District 18. Similarly, the proposed map increases the Black-citizen-voting-age population to just above 50% in Congressional District 30<sup>47</sup> in the Dallas-Fort Worth area, even though the district has been performing

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<sup>42</sup> DOJ July 7 Letter, *supra* note 18; *see also* Public Comments and Testimony Submitted to the Committee, *supra* note 34.

<sup>43</sup> July 29 Senate Redistricting Committee Hearing, *supra* note 20, (statement by Chair King, at 33:54); *see also* August 1 House Redistricting Committee Meeting, *supra* note 21 (statement by Rep. Hunter, at 1:44:30) (stating he was told by the law firm Butler Snow that he worked with to develop the 2021 congressional map that it is legally compliant); August 18 House Redistricting Committee Hearing, *supra* note 12 (statement by Rep. Hunter, at 35:05). The public has no specific, documented information to discern how so. *See* Public Comments and Testimony Submitted to the Committee, *supra* note 34.

<sup>44</sup> *Supra* note 11.

<sup>45</sup> *Compare American Community Survey Special Tabulation Using Census and American Community Survey Data*, Congressional Districts – Plan C2193, Tex. Legis. Council (Feb. 19, 2025), [https://data.capitol.texas.gov/dataset/b806b39a-4bab-4103-a66a-9c99bcaba490/resource/351077a4-ed22-4c33-bea5-8057e996622e/download/planc2193\\_r116\\_acs1923.pdf](https://data.capitol.texas.gov/dataset/b806b39a-4bab-4103-a66a-9c99bcaba490/resource/351077a4-ed22-4c33-bea5-8057e996622e/download/planc2193_r116_acs1923.pdf) (reflecting that the Black citizen-voting-age population (“BCVAP”) in Congressional District 18 in the 2021 existing map is 38.8%) [hereinafter 2021 Plan CVAPs by Congressional Districts], *with American Community Survey Special Tabulation Using Census and American Community Survey Data*, Congressional Districts \_Plan C2333 (Aug. 18, 2025), <https://data.capitol.texas.gov/dataset/748c952b-e926-4f44-8d01-a738884b3ec8/resource/e6810d9e-2d88-421d-9e3e-31ad902b3273/download/planc2333r116.pdf> (reflecting that the BCVAP in the proposed map is 50.5%) [hereinafter H.B. 4 As Substituted CVAPs by Congressional Districts].

<sup>46</sup> *Compare* 2021 Plan CVAPs by Congressional Districts, *supra* note 45 (reflecting that the BCVAP in Congressional District 9 in the 2021 existing map is 45.0%), *with* H.B. 4 As Substituted CVAPs by Congressional Districts, *supra* note 45 (reflecting that the BCVAP in Congressional District 9 in the proposed map is 11.5%).

<sup>47</sup> *Compare* 2021 Plan CVAPs by Congressional Districts, *supra* note 45 (reflecting that the BCVAP in Congressional District 30 in the 2021 existing map is 46%), *with* H.B. 4 As Substituted CVAPs by Congressional Districts, *supra* note 45 (reflecting that the BCVAP in Congressional District 30 in the proposed map is 50.2%).



for Black voters in recent elections when their share of the population was below 50%.<sup>48</sup> But nothing in the Voting Rights Act or other federal case law interpreting that statute requires that an illustrative district that meets the 50% plus one requirement for a single-racial group must also be the operative district put forward as a potential remedial district.<sup>49</sup>

To be clear, while Congressional District 18 in Harris County and Congressional District 30 in the Dallas-Fort Worth area each may be a district in which Black voters can comprise a majority of the voters, recent elections show that Black voters in neither district need be a majority-Black district to provide Black voters with electoral opportunity in each district, as required by the Voting Rights Act and U.S. Constitution.<sup>50</sup>

As we stated in our July 24, August 8, and August 17 testimonies, it is well known and well documented that Texas is home to the largest number of Black registered voters among all 50 states.<sup>51</sup> Many of those Black voters live in Houston and Dallas-Fort Worth.<sup>52</sup> No legislatively-sponsored plan to date, including the plan currently before this Committee, reflects the electoral opportunities for racial minority voters in those areas.

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<sup>48</sup> See, e.g., *Cooper v. Harris*, 581 U.S. 285, 302-304 (2017); see also *infra* notes 49-54. Texas officials have defended the 2021 enacted congressional map in federal litigation as being drawn blind to the race of voters. See LDF et al. July 24 Testimony, *supra* note 1, at 1-2. Yet Congressional District 18 and Congressional District 30 increase the BCVAP to slightly over 50% at 50.8 and 50.2, respectively. See *supra* notes 45, 47. While there is nothing infirm about race conscious decision-making, LDF et al. July 24 Testimony, *supra* note 1, at 3, n.19 (quoting *Allen v. Milligan*, 599 U.S. 1, 31 (2023)), the use of artificial racial population targets to minimize Black and Hispanic electoral opportunities can raise constitutional concerns, see *infra* notes 49-54.

<sup>49</sup> Compare *Thornburg v. Gingles*, 478 U.S. 30, 42-43 (1986) (identifying what is required to show Section 2 liability under prong one of a discriminatory results vote dilution analysis), with *Bartlett v. Strickland*, 556 U.S. 1, 24 (2009) (holding that while Section 2 does not *require* the creation of districts that are less than 50 percent minority voting-age population, it observed such districts are not *prohibited* by Section 2); see also *Bartlett*, 556 U.S. at 24 (“States that wish to draw crossover districts are free to do so where no other prohibition exists.”). Indeed, “[t]he option to draw such [crossover] districts gives legislatures a choice that can lead to less racial isolation, not more.” *Id.* at 23. To be sure, “§ 2 allows States to choose their own method of complying with the Voting Rights Act, and we have said that may include drawing crossover districts.” *Id.*; see also *Cooper*, 581 U.S. at 302-304.

<sup>50</sup> A rigid rule or interpretation of the Voting Rights Act requiring the creation of a majority-minority district whenever a Section 2 violation exists could violate *Shaw*’s directive that Section 2 remedies should be “narrowly tailored.” *Shaw v. Hunt*, 517 U.S. 899, 908 (1996). As the Supreme Court cautioned in *Bartlett*, Section 2 “should not be interpreted to entrench majority-minority districts by statutory command, for that ... could pose constitutional concerns,” 556 U.S. at 23-24, by increasing, rather than reducing, the degree of race-based decision-making involved in redistricting determinations; see also *Cooper*, 581 U.S. at 302-304.

<sup>51</sup> LDF, et al. July 24 Testimony, *supra* note 1, at 5; LDF, et al. August 8 Testimony, *supra* note 1; LDF, et al. August 17 Testimony, *supra* note 1.

<sup>52</sup> *Black History Month: African Americans in Texas*, Tex. Demographic Ctr. (2022), [https://demographics.texas.gov/Visualizations/2022/BlackHistoryMonth/2022\\_BlackHistoryMonthGraphic.pdf](https://demographics.texas.gov/Visualizations/2022/BlackHistoryMonth/2022_BlackHistoryMonthGraphic.pdf); Bethany Blankley, *Census: Texas, Harris County Have Largest Black Population in U.S.*, The Center Square (June 28, 2023), [https://www.thecentersquare.com/texas/article\\_e9a1ce44-15ac-11ee-8ff3-3f10caf1ff51.html](https://www.thecentersquare.com/texas/article_e9a1ce44-15ac-11ee-8ff3-3f10caf1ff51.html).

We urge the Legislature not to adopt this map, which runs afoul of fair processes, as well as the U.S. Constitution and Voting Rights Act. To reiterate, the public has a right to know who, what, when, where, why, and how any legislatively proposed map--and the specific districts within them--have been developed. They have a right to sufficient time to understand the implications of a map on their lives in a meaningful and transparent process. Additionally, as explained above, among other harms, H.B. 4 as substituted eliminates effective opportunities for Black voters in areas of Texas like Harris County based on their racial makeup. As our July 24, August 8, and August 17 testimonies referenced, the Supreme Court explained in *Bartlett v. Strickland*, 556 U.S. 1, 24 (2009), that “if there were a showing that a State intentionally drew district lines in order to destroy otherwise effective crossover districts, that would raise serious questions under both the Fourteenth and Fifteenth Amendments” of the U.S. Constitution. H.B. 4 as substituted also strains the promises of the Voting Rights Act. It does so, as one example, by needlessly packing Black voters in districts in which they comprise the majority in Harris and Dallas-Fort Worth areas because it has been shown to be unnecessary for Black voters to be a majority of voters in those districts to participate in elections in each of those areas effectively. *Id.* at 23-24. And considering recent testimony and the significant changes proposed for congressional districts serving racial minority voters, H.B. 4 as substituted appears to harm Black voters as a means to increase political advantage, which is also prohibited by the U.S. Constitution.<sup>53</sup>

As we continue to reiterate, at issue is the right to be a part of our shared democratic processes, including the right to urge representatives to act in service of all the rights that flow from political participation like funding for schools, environmental disaster relief, healthcare, and jobs that pay living wages.<sup>54</sup>

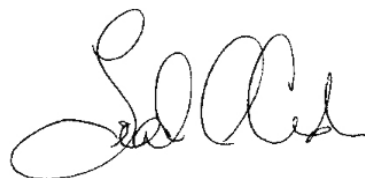
For all these reasons, following the conclusion of this Committee’s public hearings during the second legislative special session, we continue to urge Texas’ Legislature to refrain from conducting mid-decade congressional redistricting under these circumstances. We further reiterate that the Legislature must not draw lines in any way that further harms Black Texan voters and other voters of color and risks greater damage to those communities. This Committee must reject H.B. 4 as substituted.

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<sup>53</sup> *Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1, 7, n.1 (2024); *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 440 (2006) (stating that taking away a political opportunity just as minority voters were about to exercise it “bears the mark of intentional discrimination”); *Hunter v. Underwood*, 471 U.S. 222, 233 (1985) (finding intentional discrimination where a state enacted a law to harm Black and poor white voters for partisan purposes); *Bartlett*, 556 U.S. at 24.

<sup>54</sup> *Cf. Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

Sincerely,



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#### NAACP Legal Defense and Educational Fund, Inc. (“LDF”)

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voter discrimination, intimidation, and suppression. LDF has been fully separate from the NAACP since 1957, though LDF was originally founded by the NAACP and shared its commitment to equal rights.

#### Barbara Jordan Leadership Institute

As a nonpartisan organization founded and led by Black women driven by our lived experiences, The Barbara Jordan Leadership Institute (BJLI) provides a comprehensive approach to community based leadership in action through voter education, advocacy, and leadership development. BJLI’s mission is to increase the diversity of leadership by training, mentoring, supporting, and uplifting Black communities throughout Texas.

#### Houston Area Urban League

The Houston Area Urban League (“HAUL”) is a nonpartisan, nonprofit organization with its principal office in Houston. HAUL’s mission is to enable Black people and other marginalized communities to secure economic self-reliance, parity, power, and civil rights.

#### Delta Sigma Theta Sorority, Incorporated

Delta Sigma Theta Sorority, Incorporated was founded on January 13, 1913, on the campus of Howard University to promote academic excellence; to provide scholarships; to provide support to the underserved; educate and stimulate participation in the establishment of positive public policy; and to highlight issues and provide solutions for problems in their communities. Since its founding, more than 350,000 women have joined the organization,



making it one of the largest predominantly Black women's organizations in the country. Delta Sigma Theta Sorority, Incorporated has over 1,000 collegiate and alumnae chapters worldwide, continuing to uplift Black communities globally through its unwavering mission and strategic action.

The Sorority's tradition of activism on the frontlines dates back to just weeks after its inception, when its Founders boldly marched in the 1913 Women's Suffrage Parade—the only Black women's organization to do so. In keeping with this tradition, members of Delta Sigma Theta conduct voter registration drives and host voter education programs on many topics, including redistricting. Delta Sigma Theta has 75 chapters, alumnae and collegiate, and approximately 20,445 members in Texas, most of whom are registered voters in Texas.

### Black Voters Matter

Black Voters Matter is a fund that supports local organizations and leaders working for social justice and civic engagement in predominantly Black communities. BVM's goal is to increase power in marginalized, predominantly Black communities. BVM achieves this goal through voter registration/get-out-the-vote activities, policy advocacy, development and training, and electoral communications.

### Friendship-West Baptist Church

Friendship-West Baptist Church's vision is to live into becoming a game-changing Christian movement, connecting people to Jesus Christ and fighting for justice, while creating the beloved community.