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I. Introduction

2020 was America’s deadliest year. 600,000 Americans have died and millions more have been infected by an unrelenting global pandemic. COVID 19 has affected all aspects of American life—including schools, businesses, the courts, the Legislature, and the decennial census. Because COVID 19 delayed publication of the Census, the Texas Legislature was precluded from apportioning State districts during the 87th Regular Session, which ended on May 31, 2021. That impossibility has a critical consequence, imposed long ago by the Constitution of the State of Texas.

Specifically, the Texas Constitution forbids the first legislative reapportionment to occur in anything but a *regular* legislative session. This prohibition results from the Constitution’s text, its structure, and from strong precedent from the Supreme Court of Texas.

Most fundamentally, the Texas Constitution requires that the first apportionment following the publication of the U.S. Census must occur in a *regular* session. TEX. CONST. art. III, § 28. That first such session will occur when the 88th Legislature convenes in January 2023. The regular session of the 87th Legislature having expired, the Legislature cannot, as a matter of constitutional law, apportion the districts in a special session. When the Legislature will not or cannot act to reapportion, this Court assumes that task to protect voters from constitutional injury.

II. Facts

The Plaintiffs rely on the following facts in support of a preliminary injunction:

Source of Proof	Attachment #
Declaration of Roland Gutierrez	1
Declaration of Sarah Eckhardt	2
Declaration of Manuel Medina – Tejano Democrats	3
Texas Legislative Council Document 21R1998	4

Journal Excerpt of the Texas House May 31, 2021	5
Journal Excerpt of the Texas Senate May 31, 2021	6
Bill Packet SJR 2, 50th Regular Session	7

A. The malapportioned State House and State Senate districts

The U.S. Census was published on August 12, 2021,¹ almost three months after the regular legislative session concluded. It reported that Texas has a population of 29,145,505. This official population tally triggers an obligation to ensure that Texas legislative districts have proper apportionment. “[T]he Equal Protection Clause requires that a State make an honest and good faith effort to construct districts, in both houses of its legislature, as nearly of equal population as is practicable.” *Reynolds v. Sims*, 377 U.S. 533, 577 (1964). The recently published census revealed that the current Texas House and Senate districting plans are grossly malapportioned in violation of federal law. The ideal population for a Texas Senate district is 940,178 (roughly 29,145,505 divided by the number of senatorial districts). Yet, according to the Texas Legislative Council,² the largest Texas Senate district contains 1,103,479, which means it is currently overpopulated by 17.37%. The smallest Texas Senate district is underpopulated by -15.33%. The range of population deviation between the largest and smallest Texas Senate district is 32.7%. Population deviations exceeding 10% are presumptively invalid. *See Brown v. Thomson*, 462 U. S. 835, 842-43 (1983); *see also Mahan v. Howell*, 410 U. S. 315, 329 (1973).

¹ U.S. Census Bureau website: <https://www.census.gov/programs-surveys/decennial-census/about/rdo/summary-files.html>

² Texas Legislative Council Redistricting website: Publications, https://redistricting.capitol.texas.gov/docs/2020/21R1998_2020_Census_Baseline_Districts_Population_Deviation.xlsx

Texas Senate District 2020 Census Populations

District #	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
1	845,787	940,178	-94,391	-10.04%
2	944,576	940,178	4,398	0.47%
3	877,170	940,178	-63,008	-6.70%
4	1,019,150	940,178	78,972	8.40%
5	1,060,800	940,178	120,622	12.83%
6	833,989	940,178	-106,189	-11.29%
7	1,009,368	940,178	69,190	7.36%
8	998,133	940,178	57,955	6.16%
9	924,657	940,178	-15,521	-1.65%
10	945,496	940,178	5,318	0.57%
11	933,256	940,178	-6,922	-0.74%
12	1,086,379	940,178	146,201	15.55%
13	891,837	940,178	-48,341	-5.14%
14	1,044,307	940,178	104,129	11.08%
15	943,568	940,178	3,390	0.36%
16	926,818	940,178	-13,360	-1.42%
17	957,529	940,178	17,351	1.85%
18	1,036,193	940,178	96,015	10.21%
19	952,214	940,178	12,036	1.28%
20	907,674	940,178	-32,504	-3.46%
21	901,254	940,178	-38,924	-4.14%
22	944,022	940,178	3,844	0.41%
23	887,105	940,178	-53,073	-5.64%
24	926,790	940,178	-13,388	-1.42%
25	1,103,479	940,178	163,301	17.37%
26	840,565	940,178	-99,613	-10.60%
27	831,674	940,178	-108,504	-11.54%
28	796,007	940,178	-144,171	-15.33%
29	879,174	940,178	-61,004	-6.49%
30	1,027,265	940,178	87,087	9.26%
31	869,269	940,178	-70,909	-7.54%

(Texas Legislative Council – 21R1998 – 8/16/2021)

The Texas House of Representatives is similarly malapportioned. The ideal State House district population is 194,303. The largest State House district contains 297,064 people, which is 52.89% overpopulated. The smallest State House district is substantially underpopulated, -24.71%

below the ideal population. This is a “top to bottom” deviation of 77.6%. The current plan far exceeds permissible population deviation.

Five Largest & Smallest Texas House Districts 2020 Census Populations

District #	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
28	297,064	194,303	102,761	52.89%
106	287,046	194,303	92,743	47.73%
70	284,925	194,303	90,622	46.64%
132	281,835	194,303	87,532	45.05%
117	273,489	194,303	79,186	40.75%
69	156,041	194,303	-38,262	-19.69%
68	154,894	194,303	-39,409	-20.28%
88	148,927	194,303	-45,376	-23.35%
77	148,049	194,303	-46,254	-23.81%
76	146,284	194,303	-48,019	-24.71%

(Texas Legislative Council – 21R1998 – 8/16/2021)

B. The Texas Legislature

The legislative power of Texas is vested in a Senate and House of Representatives, which together constitute “The Legislature of the State of Texas.” TEX. CONST. art. III, § 1. The Texas Senate has 31 members; the House of Representatives has 150. *Id.* at § 2. The Regular Session of the 87th Legislature convened on January 12, 2021³ and adjourned *sine die* on May 31, 2021,⁴ more than two months before the census figures were published.

C. The Plaintiffs

³ Texas House of Representatives website:

<https://journals.house.texas.gov/HJRNL/87R/PDF/87RDAY01FINAL.PDF>; Texas Senate website: <https://journals.senate.texas.gov/SJRNL/87R/PDF/87RSJ01-12-F.PDF>.

⁴ Texas House of Representatives website:

<https://journals.house.texas.gov/HJRNL/87R/PDF/87RDAY61FINAL.PDF> at p. 29; Texas Senate website: <https://journals.senate.texas.gov/SJRNL/87R/PDF/87RSJ05-31-F.PDF> at p. 27.

Plaintiff Roland Gutierrez is a Texas State Senator first elected in November of 2020. He is a registered voter in Texas Senate District 19 and House District 119. He currently resides and votes in an overpopulated Texas Senate district and U.S. Congressional district. Plaintiff Sarah Eckhardt is a Texas State Senator who was first elected in a special election in July of 2020. She resides in and votes in Texas Senate District 14 and House District 49, both of which are likewise overpopulated.

Plaintiff Tejano Democrats is a statewide political organization of 2,100 members. They engage in and expend resources in educating voters concerning candidates for office and have a special focus on the needs of Mexican American voters and candidates. Tejano Democrats' members are registered voters who vote consistently in Texas elections. Most of their members are minority voters. The Tejano Democrats have members in overpopulated State House and State Senate districts.

D. The impending 2022 election cycle

Election deadlines for 2022 are swiftly approaching. The primary election for the Texas House and Senate will be held on March 1, 2022. To set the proper stage for that election, state legislative districts must be drawn early enough so that the election can be properly administered. Weeks are usually devoted to this task, especially when districts change due to an apportionment. Election authorities must move registered voters into new districts. Most Texas jurisdictions use proprietary software to re-designate the voters into the appropriate districts. But for those jurisdictions lacking this software, administrators must move voters manually.

The deadlines are as follows:

March 1, 2022 - Primary Election	
Deadline to post candidate requirements Form 1-15 (PDF)	Monday, March 1, 2021
First day to file for a place on the Primary ballot for precinct chair candidates	Tuesday, September 14, 2021
Filing deadline for candidates; filing deadline for independent candidates to file declaration of intent	Monday, December 13, 2021
First day to apply for a ballot by mail using Application for a Ballot by Mail (ABBM) or Federal Post Card Application (FPCA)	Saturday, January 1, 2022* *First day to file does not move because of New Year's Day holiday. An "Annual ABBM" or FPCA for a January or February 2022 election may be filed earlier, but not earlier than the 60th day before the date of the January or February election.
Last Day to Register to Vote	Monday, January 31, 2022
First Day of Early Voting by Personal Appearance	Monday, February 14, 2022
Last Day to Apply for Ballot by Mail (Received, <u>not</u> Postmarked)	Friday, February 18, 2022
Last Day of Early Voting by Personal Appearance	Friday, February 25, 2022
Last day to Receive Ballot by Mail	Tuesday, March 1, 2022 (Election Day) at 7:00 p.m. if carrier envelope is not postmarked, OR Thursday, March 3, 2022 (next business day* after Election Day) at 5:00 p.m. if carrier envelope is postmarked by 7:00 p.m. at the location of the election on Election Day (unless overseas or military voter deadlines apply) ⁴ *First business day after Texas Independence Day

The material facts in this case are not in dispute.

III. The Texas Constitution prevents the Legislature from apportioning until January 2023; this Court must fill the vacuum.

A. The Texas Constitution requires the first apportionment after a U.S. Census to occur in a *regular* legislative session.

The Texas Constitution requires that the Legislature must first apportion its state legislative districts in a regular session. State legislative districts “shall” be apportioned “at [the Legislature’s] first *regular* session after the publication of each United States decennial census.” TEX. CONST. art. III, § 28 (emphasis added). The history of this section confirms its text.

i. A Plain Reading of Art. III, § 28

“The Legislature shall, at its first regular session after the publication of each United States decennial census, apportion the state into senatorial and representative districts.”⁵ *Id.* The Texas Constitution creates a precise procedure for state legislative apportionment, which begins with publication of the U.S. census. First, the legislature is authorized and obligated to consider state legislative apportionment at the first *regular* session following publication. If the Legislature is unable to fulfill its role for either the Texas House of Representatives or the Texas Senate, then the Legislative Redistricting Board must act. *Id.* Only after this sequence can the Legislature consider apportionment or redistricting in “special or regular sessions after the constitutional authority of the Legislative Redistricting Board has expired.” *Terrazas v. Ramirez*, 829 S.W.2d 712, 726 (Tex. 1991) (orig. proceeding). The Constitution does not tolerate deviations from its script.

“In essence, a constitution is a compact between the government and the people in which the people delegate powers to the government and in which the powers of the government are prescribed.” *Republican Party v. Dietz*, 940 S.W.2d 86, 91 (Tex. 1997). “When interpreting [the]

⁵ TEX. CONST. art. III, § 28 is entitled the “**TIME FOR APPORTIONMENT; APPORTIONMENT BY LEGISLATIVE REDISTRICTING BOARD**” (emphasis added). There is no other constitutional provision that is named “apportionment” in relation to the legislature.

state Constitution, [courts] rely heavily on its literal text.” *Bosque Disposal Sys., LLC v. Parker Cnty. Appraisal Dist.*, 555 S.W.3d 92, 94 (Tex. 2021) (quoting *Dietz*, 940 S.W.2d at 89). “The text is the alpha and the omega of the interpretive process.” *BankDirect Capital Fin., LLC v. Plasma Fab, LLC*, 519 S.W.3d 76, 86 (Tex. 2017). The “goal when interpreting the Texas Constitution is to give effect to the plain meaning of the text as it was understood by those who ratified it.” *In re Abbott*, No. 21-0667, 2021 WL 3641471, at *3 (Tex. Aug. 17, 2021) (orig. proceeding). “Legislative construction and contemporaneous exposition of a constitutional provision is of substantial value in constitutional interpretation.” *Id.* at *3 (quoting *Am. Indem. Co. v. City of Austin*, 246 S.W. 1019, 1023 (Tex. 1922)). Most importantly, Texas constitutional provisions that restrict governmental power must be enforced rigorously. “Texans have adopted state constitutions to restrict governmental power By enforcing our constitution, we provide Texans with their full individual rights and strengthen federalism. *LeCroy v. Hanlon*, 713 S.W.2d 335, 339 (Tex. 1986) (internal citations omitted).

ii. The legislative history and its subsequent implementation reinforces the plain text.

In the early 20th century, the U.S. population shifted from rural areas toward suburban and urban communities. Yet many states, including Texas, conducted elections based on outdated maps. These schemes left many rural districts significantly underpopulated in comparison to urban and suburban districts. Rural legislators who benefited from malapportionment had no incentive to adopt new maps. For decades, malapportioned districts endured because the Legislature refused to reapportion. That changed beginning in 1947, when the 50th Legislature adopted Senate Joint Resolution 2 (“SJR 2”) to amend the Texas Constitution to mandate a “time for apportionment” and a consequence for legislative inaction.

When SJR 2 was first filed, it did not specify whether apportionment would occur during a regular or special session. The Legislature understood, however, that clarity was critical. The resolution was thus amended to require apportionment during the first regular session after the Census is published. A comparison of the versions establishes the unequivocal intent to require apportionment to occur only in a regular session. The introduced version provided:

S. J. R. NO. 2

By: Moffett

A JOINT RESOLUTION

PROPOSING an amendment to Section 28, of Article III, of the Constitution of the State of Texas, so as to provide for a Board, for apportioning the State into senatorial districts and representative districts in the event the Legislature fails to make such apportionment; providing for the issuance of the necessary proclamation by the Governor; and making an appropriation.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 28, of Article III, of the Constitution of the State of Texas be amended so as hereafter to read as follows:

"Sec. 28. The Legislature shall, at its first Session after the publication of each United States decennial census, apportion the state into senatorial and representative districts, agreeable to the provi-

Thus, the initial text would have permitted apportionment in any session, special or regular, convened after the Census was released. But the Legislature subsequently amended the resolution to limit its apportionment authority:

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 28 of Article III of the Constitution of the State of Texas be amended so as hereafter to read as follows: _____

"Section 28. The Legislature shall, at its first regular session after the publication of each United States decennial census, apportion the state into senatorial and representative

That language appeared on the ballot, which the people approved.⁶ The amendment has been enshrined for more than 70 years. In light of this history, the Constitution's requirement that apportionment be done in a *regular* session must be viewed as an intentional policy choice by the Legislature and the people of Texas.

Since the amendment's ratification, the Legislature has *never* adopted a state legislative redistricting or apportionment plan in a special session before the LRB's authority expired. The only redistricting or apportionment plans adopted by the Legislature in special sessions were in response to actions from the federal or state judiciary long after the time for apportionment described in Article III, § 28.

⁶ Legislative Reference Library of Texas Online: Election Details, <https://lrl.texas.gov/legis/billsearch/amendmentdetails.cfm?legSession=50-0&billtypeDetail=SJR&billNumberDetail=2&billSuffixDetail=&amendmentID=180>

Enactment of Redistricting or Apportionment Legislation during a Special Session

Session	Year	Bill	Caption	Comment
83-1	2013	SB 2	Relating to the composition of districts for the election of members of the Texas Senate.	Adopted the court-approved interim map after legislatively adopted map failed to obtain pre-clearance.
83-1	2013	SB 3	Relating to the composition of districts for the election of members of the Texas House of Representatives.	Adopted the court-approved interim map after legislatively adopted map failed to obtain pre-clearance.
72-3	1992	SB 1	Relating to apportionment of the state into senatorial districts.	Adopted apportionment plans after the plans adopted in the Regular Session were enjoined.
72-3	1992	HB 1	Relating to apportionment of the state into state representative districts.	Adopted apportionment plans after the plans adopted in the Regular Session were enjoined.
67-1	1981	HB 162	Relating to the composition of State Representative Districts 23, 38, 81, 83, 86, 87 and 88.	The Special Session was called for July 1981. The House adopted a map in the regular session and HB 162 made adjustments to the districts.
62-1	1971	SR 29	Relating to the composition of Senatorial Districts 23, 16, 8 and remainder of Dallas County.	Non-binding resolutions directing the LRB concerning certain districts.
62-1	1971	SR 31	Relating to the composition of Senatorial Districts 19 and 26 in Bexar County.	Non-binding resolutions directing the LRB concerning certain districts.
62-1	1971	SR 35	Relating to the composition of State Senatorial Districts for Harris County.	Non-binding resolutions directing the LRB concerning certain districts.
62-4	1972	HB 12	Relating to the composition of state representative districts 32 and 42.	Changes made to districts after the expiration of the LRB's authority.

iii. Texas courts adhere to the constitutional order of apportionment.

After ratification, the Legislature adhered to Article III, § 28 until 1971. During the 62nd Regular Session, the Legislature enacted an apportionment plan for the Texas House of Representatives but failed to do so for the Texas Senate. Before the LRB met to adopt an

apportionment plan for the Texas Senate, the Supreme Court of Texas enjoined the House map because it violated the Texas Constitution. A Senator successfully sued to compel the LRB to adopt House and Senate maps. In determining whether the LRB should also adopt an apportionment map for the Texas House, the Texas Supreme Court announced the following interpretation of Article III, § 28:

“We are convinced that the overriding intent of the people in adopting Sec. 28 was to permit apportionment of the state into legislative districts at the regular session of the Legislature which is convened in January following the taking of the census, if publication is either before convening or during the session....”

Mauzy v. Legis. Redistricting Bd., 471 S.W.2d 570, 573 (Tex. 1971) (orig. proceeding) (emphasis added). The Court held that the Legislature may redistrict only if the Census is published “before” or “during” the regular session. *Id.* Thus, if the publication comes *after* the regular session, the Legislature must wait until the next regular session to redistrict.

During the regular session in 1991, the Legislature enacted Senate Bill 31 and House Bill 150, reapportioning State Senate and House districts, respectively, using the 1990 census. Suits were filed in state district court and federal district court asserting various voting rights violations against the adopted Senate and House redistricting plans. Eventually, a court enjoined the legislative apportionment plans. Nineteen of the thirty-one state senators requested the Attorney General to propose an alternate Senate redistricting plan. A settlement was reached on the Senate plan between the litigants and the Attorney General. On November 25, 1991, five individuals not parties to the cases that created the settlement moved for leave to file their petition for writ of mandamus in the Texas Supreme Court.

This case became *Terrazas v. Ramirez*. Relators asked that the district court be directed to vacate judgments ordering reconfigured senatorial districts. The settlement was eventually

vacated. The Supreme Court of Texas held that district courts must defer to the Legislature when possible, citing constitutional provisions about apportionment. “Although article III, section 28 of the Texas Constitution explicitly requires the Legislature to reapportion legislative districts **in the first regular session** after each United States decennial census is published, neither that section nor any other constitutional provision prohibits the Legislature from acting in **later** special or regular sessions **after** the constitutional authority of the Legislative Redistricting Board has expired.” *Terrazas*, 829 S.W.2d at 726 (emphasis added) (Hecht, J.).

The Texas Supreme Court has thus enforced the constitutional restrictions on apportionment. Under controlling Texas law, the Legislature may not apportion until the 2023 Regular Session.

iv. Texas constitutional interpretation in 1947

Texas precedent holds that when the Constitution provides a specific process for accomplishing an end, that process is exclusive. In 1946, the year before the enactment of article III, section 28, the Texas Supreme Court considered whether the Texas Senate could convene at its own will to vote on the Governor’s recess appointments. *See Walker v. Baker*, 196 S.W.2d 324 (Tex. 1946) (orig. proceeding). The Senate had done so in January 1946. In the context of a mandamus over payment of the printing bill for the Senate journal, the Supreme Court held that the Senate had no power to convene itself. *Id.* at 328.

The Court grounded its decision in a fundamental rule of constitutional interpretation: “‘It is a rule for the construction of Constitution, constantly applied, that where a power is expressly given and the means by which, or the manner in which, it is to be exercised is prescribed, such means or manner is exclusive of all others.’ ‘When the Constitution defines the circumstances under which a right may be exercised ***’, the specification is an implied prohibition against

legislative interference to add to the condition.” *Id.* at 327 (quoting *Parks v. West*, 111 S.W. 726, 727 (Tex. 1908)). Pointing to the Constitution’s specific provision for both regular sessions and special sessions called by the Governor, the Court held that any other manner of convening the Legislature was prohibited: “[S]ince the Constitution specifies the circumstances under which the Senate may defeat the Governor’s appointments, there is an implied prohibition against its power to add to those circumstances.” *Id.* at 328. Thus, the Senate had no power to convene itself outside the process specified in the Constitution, *i.e.*, a regular session or a special session called by the Governor, even though the Constitution did not specifically prohibit the Senate’s convening at will. *Id.*

Likewise, no deviation is allowed from the Constitution’s specified process for apportionment. The Constitution specifies that an apportionment after the Census must occur in a regular session. Because the Constitution “specifies the circumstances under which” the Legislature may apportion, “there is an implied prohibition against its power” to apportion at other times or in other manners.

Just as the Senate could not reject the Governor’s recess appointments in a self-initiated special session, the Legislature and the Governor cannot disregard the constitutional order of apportionment. “A constitution is not to be made to mean one thing at one time, and another at some subsequent time when the circumstances may have so changed as perhaps to make a different rule in the case seem desirable.” Antonin Scalia & Bryan A. Garner, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS* 81 (West 2012) (quoting Thomas M. Cooley, *A Treatise on the Constitutional Limitations Which Rest upon the Legislative Power of the States of the American Union* 54 (1868)).

According to the explicit text of Article III, § 28, the Legislature cannot first apportion other than in a regular session. Because the 87th Legislature adjourned *sine die* before the Census was published, the Legislature must wait until the 88th Legislature's Regular Session to exercise its jurisdiction.

B. Motion for Preliminary Injunction

To secure a preliminary injunction, a plaintiff must establish: (1) a substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury if the injunction is not issued, (3) that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted, and (4) that the grant of an injunction will not disserve the public interest. *Byrum v. Landreth*, 566 F.3d 442, 445 (5th Cir. 2009).

i. This Court must act because the Legislature cannot.

Because of facts beyond its control, the 87th Legislature may not, consistent with Article III, §28, consider legislative apportionment. *See Smith v. Craddick*, 471 S.W.2d 375, 379 (Tex. 1971) (striking down a legislative apportionment plan that violated the Texas Constitution).

The plaintiffs have standing to seek relief in federal court as they are registered voters in overpopulated or malapportioned state senate and state house districts. The State House and State Senate districts are indisputably malapportioned beyond what is permissible by the U.S. Constitution, because the population deviation between the largest and smallest districts exceeds 10%. Maximum deviations above 10% are presumptively impermissible. *Brown*, 462 U.S. at 842-43. If the Legislature cannot act, this Court must remedy these constitutional defects in advance of the 2022 election cycle. *Connor v. Finch*, 431 U.S. 407, 415 (1977) ("In the wake of a legislature's failure ... federal court is left with the unwelcome obligation of performing in the legislature's

stead.”); *see also* *Grove v. Emison*, 507 U.S. 25, 33-34 (1993); *Scott v. Germano*, 381 U.S. 407, 409 (1965) (per curiam); *Perry v. Del Rio*, 67 S.W.3d 85, 91 (Tex. 2001).

ii. The 2022 election cycle is imminent, and irreparable harm will occur.

The Legislature cannot apportion Texas House and Senate districts consistent with Article III, § 28 until 2023. But 2022 election deadlines are swiftly approaching, and changes to legislative districts required by the U.S. Constitution will take weeks to implement. There is a significant risk that the 2022 Texas primary elections will require delay. If changes are not made to comport the legislative districts to the “one person, one vote” standard before the advancement of the election schedule, elections will be held in constitutionally impermissible districts and the plaintiffs’ injuries will not be remedied in time for the 2022 election cycle.

During the recently concluded special session, the Legislature passed SB 13, which will delay election deadlines contingent on the timing of passage of certain redistricting maps.⁷ SB 13 has not yet been signed by the Governor. Even if delays to the election schedule are enacted, any apportionment of state legislative districts at this time is invalid pursuant to Article III, § 28. This Court must act to guarantee that elections will be held in constitutionally apportioned districts, ensuring that every vote is of equal force.

There is no adequate remedy at law, as a vote cast in an election in an unconstitutional district cannot be remedied. Harm is, therefore, irreparable. *See Janvey v. Alguire*, 647 F.3d 585, 600 (5th Cir. 2011). Should Texas implement an unauthorized plan, the Plaintiffs face not merely speculative, but inevitable harm that they would be forced to cast their ballots in an unconstitutional election scheme. *Id.* at 601; *see also Sims*, 377 U.S. at 565 (“[R]epresentative government is in essence self-government through the medium of elected representatives of the

⁷ Texas Legislature Online: History, <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=872&Bill=SB13>

people, and each and every citizen has an inalienable right to full and effective participation in the political processes of his State's legislative bodies. . . . [T]he Constitution demands, no less."). Deprivation of a fundamental right is irreparable. *Goldie's Bookstore, Inc. v. Super. Ct. of Cal.*, 739 F.2d 466, 472 (9th Cir. 1984) ("[A]lleged constitutional infringement will often alone constitute irreparable harm."). Voting is a fundamental right as it preserves all democratic rights and "can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise." *Sims*, 377 U.S. at 555, 561.

iii. The injury of an illegal plan outweighs any harm to the Defendants.

There is no harm to the Defendants should this Court forbid constitutionally unsound districts. No government is entitled to exceed the power granted by the people. An injunction prohibiting use the current, unconstitutional maps for State House and State Senate districts will cause no harm. At the same time, there is tremendous injury in forcing voters to participate in an election using districts that violate "one person, one vote."

iv. The public interest requires constitutional districts.

The public interest is served only by voting in legislative districts consistent with "one person, one vote." As the Supreme Court has held, "judicial relief [is] appropriate . . . when a legislature fails to reapportion according to federal constitutional requisites in a timely fashion after having had an adequate opportunity to do so." *Sims*, 377 U.S. at 586. The 87th Legislature may not enact apportionment plans for state legislative districts in violation of Article III, § 28. Its inability to fulfill an obligation made impossible by the expiration of its regular session requires this Court to act to apportion legislative districts.

IV. Conclusion & Prayer

For the foregoing reasons, Plaintiffs respectfully request that Defendants be cited to appear and answer and that the Court take the following actions:

- A) grant appropriate preliminary injunctive relief enjoining use of the current districts for the State House and State Senate; and,
- B) adopt an interim map for use during the 2022 election cycle that cures all ripe constitutional injuries.

DATED: September 13, 2021

Respectfully,

By: /s/ Martin Golando

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CERTIFICATE OF CONFERENCE

I certify that I have conferred with counsel for Defendants in this action and that Defendants oppose the relief sought by this motion.

/s/ Martin Golando
Martin Golando

CERTIFICATE OF SERVICE

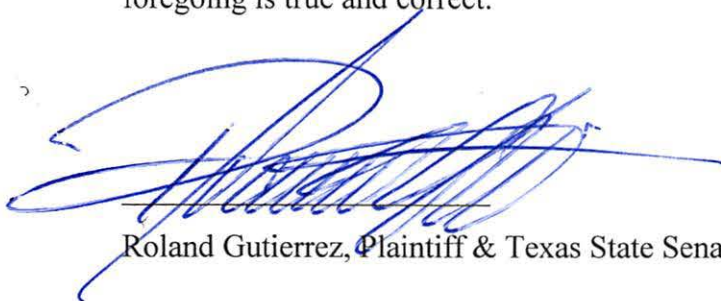
I certify that, on September 13, 2021, I filed the foregoing Plaintiffs' Motion for Extension of Time with the Court's ECF/CM system, which will serve a copy on all counsel of record.

/s/ Martin Golando
Martin Golando

Attachment 1
Declaration of Roland Gutierrez

8. The U.S. Census was published on August 12, 2021.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

A handwritten signature in blue ink, appearing to read 'Roland Gutierrez', is written over a horizontal line. The signature is stylized and somewhat illegible due to the cursive nature of the handwriting.

Roland Gutierrez, Plaintiff & Texas State Senator (SD 19)

**Exhibit to Roland Gutierrez Declaration
21R1998**

Baseline Plans Source: Texas Legislative Council

State Senate Districts: PlanS2100 (equivalent of PlanS172)

State House Districts: PlanH2100 (equivalent of PlanH414)

U.S. Congressional Districts: PlanC2100 (equivalent of PlanC235)

State Board of Education Districts (SBOE): PlanE2100 (equivalent of PlanE120)

Total Population Source: 2020 Census

2020 Census (P.L. 94-171) Block Level Redistricting Data Summary Files

2020 Texas Population: 29,145,505		
Plan	Districts	2020 Ideal District Population
State Senate	31	940,178
State House	150	194,303
Congress	38	766,987
SBOE	15	1,943,034

21R1998

8/16/2021

Texas Legislative Council

2021 Baseline Plans
2020 Census Population

PlanS2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
Senate District 1	1	845,787	940,178	-94,391	-10.04%
Senate District 2	2	944,576	940,178	4,398	0.47%
Senate District 3	3	877,170	940,178	-63,008	-6.70%
Senate District 4	4	1,019,150	940,178	78,972	8.40%
Senate District 5	5	1,060,800	940,178	120,622	12.83%
Senate District 6	6	833,989	940,178	-106,189	-11.29%
Senate District 7	7	1,009,368	940,178	69,190	7.36%
Senate District 8	8	998,133	940,178	57,955	6.16%
Senate District 9	9	924,657	940,178	-15,521	-1.65%
Senate District 10	10	945,496	940,178	5,318	0.57%
Senate District 11	11	933,256	940,178	-6,922	-0.74%
Senate District 12	12	1,086,379	940,178	146,201	15.55%
Senate District 13	13	891,837	940,178	-48,341	-5.14%
Senate District 14	14	1,044,307	940,178	104,129	11.08%
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Senate District 17	17	957,529	940,178	17,351	1.85%
Senate District 18	18	1,036,193	940,178	96,015	10.21%
Senate District 19	19	952,214	940,178	12,036	1.28%
Senate District 20	20	907,674	940,178	-32,504	-3.46%
Senate District 21	21	901,254	940,178	-38,924	-4.14%
Senate District 22	22	944,022	940,178	3,844	0.41%
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Senate District 25	25	1,103,479	940,178	163,301	17.37%
Senate District 26	26	840,565	940,178	-99,613	-10.60%
Senate District 27	27	831,674	940,178	-108,504	-11.54%
Senate District 28	28	796,007	940,178	-144,171	-15.33%
Senate District 29	29	879,174	940,178	-61,004	-6.49%
Senate District 30	30	1,027,265	940,178	87,087	9.26%
Senate District 31	31	869,269	940,178	-70,909	-7.54%

2021 Baseline Plans
2020 Census Population

PlanH2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
House District 1	1	164,927	194,303	-29,376	-15.12%
House District 2	2	196,284	194,303	1,981	1.02%
House District 3	3	226,855	194,303	32,552	16.75%
House District 4	4	213,992	194,303	19,689	10.13%
House District 5	5	169,073	194,303	-25,230	-12.98%
House District 6	6	177,097	194,303	-17,206	-8.86%
House District 7	7	165,131	194,303	-29,172	-15.01%
House District 8	8	165,855	194,303	-28,448	-14.64%
House District 9	9	163,425	194,303	-30,878	-15.89%
House District 10	10	205,923	194,303	11,620	5.98%
House District 11	11	167,279	194,303	-27,024	-13.91%
House District 12	12	168,040	194,303	-26,263	-13.52%
House District 13	13	178,211	194,303	-16,092	-8.28%
House District 14	14	196,210	194,303	1,907	0.98%
House District 15	15	228,783	194,303	34,480	17.75%
House District 16	16	221,599	194,303	27,296	14.05%
House District 17	17	194,940	194,303	637	0.33%
House District 18	18	195,430	194,303	1,127	0.58%
House District 19	19	171,349	194,303	-22,954	-11.81%
House District 20	20	218,549	194,303	24,246	12.48%
House District 21	21	184,761	194,303	-9,542	-4.91%
House District 22	22	156,573	194,303	-37,730	-19.42%
House District 23	23	198,143	194,303	3,840	1.98%
House District 24	24	199,110	194,303	4,807	2.47%
House District 25	25	183,103	194,303	-11,200	-5.76%
House District 26	26	186,766	194,303	-7,537	-3.88%
House District 27	27	194,552	194,303	249	0.13%
House District 28	28	297,064	194,303	102,761	52.89%
House District 29	29	225,183	194,303	30,880	15.89%
House District 30	30	168,832	194,303	-25,471	-13.11%
House District 31	31	175,759	194,303	-18,544	-9.54%
House District 32	32	182,505	194,303	-11,798	-6.07%
House District 33	33	270,547	194,303	76,244	39.24%
House District 34	34	170,673	194,303	-23,630	-12.16%
House District 35	35	187,781	194,303	-6,522	-3.36%
House District 36	36	178,913	194,303	-15,390	-7.92%
House District 37	37	161,877	194,303	-32,426	-16.69%
House District 38	38	186,538	194,303	-7,765	-4.00%
House District 39	39	175,874	194,303	-18,429	-9.48%
House District 40	40	210,173	194,303	15,870	8.17%
House District 41	41	190,642	194,303	-3,661	-1.88%
House District 42	42	166,051	194,303	-28,252	-14.54%

Source:

2020 Census (P.L. 94-171) Redistricting Data Summary File
Texas Legislative Council

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Texas Legislative Council

2021 Baseline Plans
 2020 Census Population

PlanH2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
House District 43	43	169,733	194,303	-24,570	-12.65%
House District 44	44	222,459	194,303	28,156	14.49%
House District 45	45	252,441	194,303	58,138	29.92%
House District 46	46	209,174	194,303	14,871	7.65%
House District 47	47	250,555	194,303	56,252	28.95%
House District 48	48	194,702	194,303	399	0.21%
House District 49	49	197,562	194,303	3,259	1.68%
House District 50	50	228,359	194,303	34,056	17.53%
House District 51	51	209,836	194,303	15,533	7.99%
House District 52	52	235,259	194,303	40,956	21.08%
House District 53	53	168,742	194,303	-25,561	-13.16%
House District 54	54	206,833	194,303	12,530	6.45%
House District 55	55	185,441	194,303	-8,862	-4.56%
House District 56	56	186,049	194,303	-8,254	-4.25%
House District 57	57	159,155	194,303	-35,148	-18.09%
House District 58	58	198,162	194,303	3,859	1.99%
House District 59	59	174,475	194,303	-19,828	-10.20%
House District 60	60	179,425	194,303	-14,878	-7.66%
House District 61	61	216,854	194,303	22,551	11.61%
House District 62	62	176,435	194,303	-17,868	-9.20%
House District 63	63	222,155	194,303	27,852	14.33%
House District 64	64	200,065	194,303	5,762	2.97%
House District 65	65	197,156	194,303	2,853	1.47%
House District 66	66	190,523	194,303	-3,780	-1.95%
House District 67	67	210,875	194,303	16,572	8.53%
House District 68	68	154,894	194,303	-39,409	-20.28%
House District 69	69	156,041	194,303	-38,262	-19.69%
House District 70	70	284,925	194,303	90,622	46.64%
House District 71	71	177,609	194,303	-16,694	-8.59%
House District 72	72	178,737	194,303	-15,566	-8.01%
House District 73	73	232,505	194,303	38,202	19.66%
House District 74	74	162,430	194,303	-31,873	-16.40%
House District 75	75	226,395	194,303	32,092	16.52%
House District 76	76	146,284	194,303	-48,019	-24.71%
House District 77	77	148,049	194,303	-46,254	-23.81%
House District 78	78	181,367	194,303	-12,936	-6.66%
House District 79	79	163,562	194,303	-30,741	-15.82%
House District 80	80	176,186	194,303	-18,117	-9.32%
House District 81	81	203,216	194,303	8,913	4.59%
House District 82	82	195,659	194,303	1,356	0.70%
House District 83	83	200,425	194,303	6,122	3.15%
House District 84	84	175,792	194,303	-18,511	-9.53%

Source:

2020 Census (P.L. 94-171) Redistricting Data Summary File
 Texas Legislative Council

21R1998

8/16/2021

Texas Legislative Council

2021 Baseline Plans
2020 Census Population

PlanH2100	District	2020 Census Total		Total Deviation	Percent Deviation
		Population	Ideal District Population		
House District 85	85	200,955	194,303	6,652	3.42%
House District 86	86	183,460	194,303	-10,843	-5.58%
House District 87	87	169,089	194,303	-25,214	-12.98%
House District 88	88	148,927	194,303	-45,376	-23.35%
House District 89	89	215,414	194,303	21,111	10.86%
House District 90	90	169,606	194,303	-24,697	-12.71%
House District 91	91	174,830	194,303	-19,473	-10.02%
House District 92	92	189,668	194,303	-4,635	-2.39%
House District 93	93	221,101	194,303	26,798	13.79%
House District 94	94	179,593	194,303	-14,710	-7.57%
House District 95	95	193,712	194,303	-591	-0.30%
House District 96	96	204,480	194,303	10,177	5.24%
House District 97	97	191,250	194,303	-3,053	-1.57%
House District 98	98	195,573	194,303	1,270	0.65%
House District 99	99	202,353	194,303	8,050	4.14%
House District 100	100	174,885	194,303	-19,418	-9.99%
House District 101	101	188,474	194,303	-5,829	-3.00%
House District 102	102	176,749	194,303	-17,554	-9.03%
House District 103	103	188,983	194,303	-5,320	-2.74%
House District 104	104	167,252	194,303	-27,051	-13.92%
House District 105	105	193,464	194,303	-839	-0.43%
House District 106	106	287,046	194,303	92,743	47.73%
House District 107	107	185,064	194,303	-9,239	-4.75%
House District 108	108	192,419	194,303	-1,884	-0.97%
House District 109	109	200,788	194,303	6,485	3.34%
House District 110	110	183,408	194,303	-10,895	-5.61%
House District 111	111	181,209	194,303	-13,094	-6.74%
House District 112	112	189,219	194,303	-5,084	-2.62%
House District 113	113	195,740	194,303	1,437	0.74%
House District 114	114	185,840	194,303	-8,463	-4.36%
House District 115	115	198,519	194,303	4,216	2.17%
House District 116	116	182,233	194,303	-12,070	-6.21%
House District 117	117	273,489	194,303	79,186	40.75%
House District 118	118	185,915	194,303	-8,388	-4.32%
House District 119	119	183,920	194,303	-10,383	-5.34%
House District 120	120	199,717	194,303	5,414	2.79%
House District 121	121	193,988	194,303	-315	-0.16%
House District 122	122	241,492	194,303	47,189	24.29%
House District 123	123	173,307	194,303	-20,996	-10.81%
House District 124	124	195,882	194,303	1,579	0.81%
House District 125	125	179,381	194,303	-14,922	-7.68%
House District 126	126	190,307	194,303	-3,996	-2.06%

Source:

2020 Census (P.L. 94-171) Redistricting Data Summary File
Texas Legislative Council

21R1998

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Texas Legislative Council

2021 Baseline Plans
2020 Census Population

PlanH2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
House District 127	127	204,069	194,303	9,766	5.03%
House District 128	128	201,418	194,303	7,115	3.66%
House District 129	129	195,120	194,303	817	0.42%
House District 130	130	232,768	194,303	38,465	19.80%
House District 131	131	200,485	194,303	6,182	3.18%
House District 132	132	281,835	194,303	87,532	45.05%
House District 133	133	199,683	194,303	5,380	2.77%
House District 134	134	204,588	194,303	10,285	5.29%
House District 135	135	195,026	194,303	723	0.37%
House District 136	136	229,093	194,303	34,790	17.91%
House District 137	137	181,751	194,303	-12,552	-6.46%
House District 138	138	187,077	194,303	-7,226	-3.72%
House District 139	139	195,639	194,303	1,336	0.69%
House District 140	140	177,698	194,303	-16,605	-8.55%
House District 141	141	194,056	194,303	-247	-0.13%
House District 142	142	203,568	194,303	9,265	4.77%
House District 143	143	170,844	194,303	-23,459	-12.07%
House District 144	144	159,977	194,303	-34,326	-17.67%
House District 145	145	168,129	194,303	-26,174	-13.47%
House District 146	146	185,997	194,303	-8,306	-4.27%
House District 147	147	201,690	194,303	7,387	3.80%
House District 148	148	175,938	194,303	-18,365	-9.45%
House District 149	149	183,586	194,303	-10,717	-5.52%
House District 150	150	239,896	194,303	45,593	23.46%

2021 Baseline Plans
 2020 Census Population

PlanE2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
SBOE 1	1	1,726,453	1,943,034	-216,581	-11.15%
SBOE 2	2	1,740,459	1,943,034	-202,575	-10.43%
SBOE 3	3	1,908,424	1,943,034	-34,610	-1.78%
SBOE 4	4	1,841,452	1,943,034	-101,582	-5.23%
SBOE 5	5	2,135,929	1,943,034	192,895	9.93%
SBOE 6	6	1,949,586	1,943,034	6,552	0.34%
SBOE 7	7	2,051,777	1,943,034	108,743	5.60%
SBOE 8	8	2,125,546	1,943,034	182,512	9.39%
SBOE 9	9	1,849,353	1,943,034	-93,681	-4.82%
SBOE 10	10	2,060,802	1,943,034	117,768	6.06%
SBOE 11	11	2,023,966	1,943,034	80,932	4.17%
SBOE 12	12	2,102,730	1,943,034	159,696	8.22%
SBOE 13	13	1,810,170	1,943,034	-132,864	-6.84%
SBOE 14	14	2,060,890	1,943,034	117,856	6.07%
SBOE 15	15	1,757,968	1,943,034	-185,066	-9.52%

2021 Baseline Plans
2020 Census Population

PlanC2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
Congressional District 1	1	722,363	766,987	-44,624	-5.82%
Congressional District 2	2	814,704	766,987	47,717	6.22%
Congressional District 3	3	933,008	766,987	166,021	21.65%
Congressional District 4	4	787,256	766,987	20,269	2.64%
Congressional District 5	5	783,116	766,987	16,129	2.10%
Congressional District 6	6	824,978	766,987	57,991	7.56%
Congressional District 7	7	800,911	766,987	33,924	4.42%
Congressional District 8	8	916,386	766,987	149,399	19.48%
Congressional District 9	9	770,798	766,987	3,811	0.50%
Congressional District 10	10	937,982	766,987	170,995	22.29%
Congressional District 11	11	779,694	766,987	12,707	1.66%
Congressional District 12	12	864,524	766,987	97,537	12.72%
Congressional District 13	13	707,470	766,987	-59,517	-7.76%
Congressional District 14	14	774,686	766,987	7,699	1.00%
Congressional District 15	15	807,702	766,987	40,715	5.31%
Congressional District 16	16	757,362	766,987	-9,625	-1.25%
Congressional District 17	17	805,606	766,987	38,619	5.04%
Congressional District 18	18	796,908	766,987	29,921	3.90%
Congressional District 19	19	731,424	766,987	-35,563	-4.64%
Congressional District 20	20	772,103	766,987	5,116	0.67%
Congressional District 21	21	848,070	766,987	81,083	10.57%
Congressional District 22	22	972,309	766,987	205,322	26.77%
Congressional District 23	23	834,649	766,987	67,662	8.82%
Congressional District 24	24	822,706	766,987	55,719	7.26%
Congressional District 25	25	846,452	766,987	79,465	10.36%
Congressional District 26	26	943,106	766,987	176,119	22.96%
Congressional District 27	27	739,697	766,987	-27,290	-3.56%
Congressional District 28	28	781,276	766,987	14,289	1.86%
Congressional District 29	29	717,255	766,987	-49,732	-6.48%
Congressional District 30	30	782,976	766,987	15,989	2.08%
Congressional District 31	31	933,772	766,987	166,785	21.75%
Congressional District 32	32	789,666	766,987	22,679	2.96%
Congressional District 33	33	720,644	766,987	-46,343	-6.04%
Congressional District 34	34	711,851	766,987	-55,136	-7.19%
Congressional District 35	35	832,396	766,987	65,409	8.53%
Congressional District 36	36	779,699	766,987	12,712	1.66%

Attachment 2
Declaration of Sarah Eckhardt

7. The last day of the 87th Regular Session was May 31, 2021.
8. The U.S. Census was published on August 12, 2021.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read 'SEK', is written over a horizontal line. A long, sweeping flourish extends from the bottom of the signature.

Sarah Eckhardt, Plaintiff & Texas State Senator (SD 14)

**Exhibit to Sarah Eckhardt Declaration
21R1998**

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Senate District 11	11	933,256	940,178	-6,922	-0.74%
Senate District 12	12	1,086,379	940,178	146,201	15.55%
Senate District 13	13	891,837	940,178	-48,341	-5.14%
Senate District 14	14	1,044,307	940,178	104,129	11.08%
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Senate District 27	27	831,674	940,178	-108,504	-11.54%
Senate District 28	28	796,007	940,178	-144,171	-15.33%
Senate District 29	29	879,174	940,178	-61,004	-6.49%
Senate District 30	30	1,027,265	940,178	87,087	9.26%
Senate District 31	31	869,269	940,178	-70,909	-7.54%

2021 Baseline Plans
2020 Census Population

PlanH2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
House District 1	1	164,927	194,303	-29,376	-15.12%
House District 2	2	196,284	194,303	1,981	1.02%
House District 3	3	226,855	194,303	32,552	16.75%
House District 4	4	213,992	194,303	19,689	10.13%
House District 5	5	169,073	194,303	-25,230	-12.98%
House District 6	6	177,097	194,303	-17,206	-8.86%
House District 7	7	165,131	194,303	-29,172	-15.01%
House District 8	8	165,855	194,303	-28,448	-14.64%
House District 9	9	163,425	194,303	-30,878	-15.89%
House District 10	10	205,923	194,303	11,620	5.98%
House District 11	11	167,279	194,303	-27,024	-13.91%
House District 12	12	168,040	194,303	-26,263	-13.52%
House District 13	13	178,211	194,303	-16,092	-8.28%
House District 14	14	196,210	194,303	1,907	0.98%
House District 15	15	228,783	194,303	34,480	17.75%
House District 16	16	221,599	194,303	27,296	14.05%
House District 17	17	194,940	194,303	637	0.33%
House District 18	18	195,430	194,303	1,127	0.58%
House District 19	19	171,349	194,303	-22,954	-11.81%
House District 20	20	218,549	194,303	24,246	12.48%
House District 21	21	184,761	194,303	-9,542	-4.91%
House District 22	22	156,573	194,303	-37,730	-19.42%
House District 23	23	198,143	194,303	3,840	1.98%
House District 24	24	199,110	194,303	4,807	2.47%
House District 25	25	183,103	194,303	-11,200	-5.76%
House District 26	26	186,766	194,303	-7,537	-3.88%
House District 27	27	194,552	194,303	249	0.13%
House District 28	28	297,064	194,303	102,761	52.89%
House District 29	29	225,183	194,303	30,880	15.89%
House District 30	30	168,832	194,303	-25,471	-13.11%
House District 31	31	175,759	194,303	-18,544	-9.54%
House District 32	32	182,505	194,303	-11,798	-6.07%
House District 33	33	270,547	194,303	76,244	39.24%
House District 34	34	170,673	194,303	-23,630	-12.16%
House District 35	35	187,781	194,303	-6,522	-3.36%
House District 36	36	178,913	194,303	-15,390	-7.92%
House District 37	37	161,877	194,303	-32,426	-16.69%
House District 38	38	186,538	194,303	-7,765	-4.00%
House District 39	39	175,874	194,303	-18,429	-9.48%
House District 40	40	210,173	194,303	15,870	8.17%
House District 41	41	190,642	194,303	-3,661	-1.88%
House District 42	42	166,051	194,303	-28,252	-14.54%

Source:

2020 Census (P.L. 94-171) Redistricting Data Summary File
Texas Legislative Council

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2021 Baseline Plans
2020 Census Population

PlanH2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
House District 43	43	169,733	194,303	-24,570	-12.65%
House District 44	44	222,459	194,303	28,156	14.49%
House District 45	45	252,441	194,303	58,138	29.92%
House District 46	46	209,174	194,303	14,871	7.65%
House District 47	47	250,555	194,303	56,252	28.95%
House District 48	48	194,702	194,303	399	0.21%
House District 49	49	197,562	194,303	3,259	1.68%
House District 50	50	228,359	194,303	34,056	17.53%
House District 51	51	209,836	194,303	15,533	7.99%
House District 52	52	235,259	194,303	40,956	21.08%
House District 53	53	168,742	194,303	-25,561	-13.16%
House District 54	54	206,833	194,303	12,530	6.45%
House District 55	55	185,441	194,303	-8,862	-4.56%
House District 56	56	186,049	194,303	-8,254	-4.25%
House District 57	57	159,155	194,303	-35,148	-18.09%
House District 58	58	198,162	194,303	3,859	1.99%
House District 59	59	174,475	194,303	-19,828	-10.20%
House District 60	60	179,425	194,303	-14,878	-7.66%
House District 61	61	216,854	194,303	22,551	11.61%
House District 62	62	176,435	194,303	-17,868	-9.20%
House District 63	63	222,155	194,303	27,852	14.33%
House District 64	64	200,065	194,303	5,762	2.97%
House District 65	65	197,156	194,303	2,853	1.47%
House District 66	66	190,523	194,303	-3,780	-1.95%
House District 67	67	210,875	194,303	16,572	8.53%
House District 68	68	154,894	194,303	-39,409	-20.28%
House District 69	69	156,041	194,303	-38,262	-19.69%
House District 70	70	284,925	194,303	90,622	46.64%
House District 71	71	177,609	194,303	-16,694	-8.59%
House District 72	72	178,737	194,303	-15,566	-8.01%
House District 73	73	232,505	194,303	38,202	19.66%
House District 74	74	162,430	194,303	-31,873	-16.40%
House District 75	75	226,395	194,303	32,092	16.52%
House District 76	76	146,284	194,303	-48,019	-24.71%
House District 77	77	148,049	194,303	-46,254	-23.81%
House District 78	78	181,367	194,303	-12,936	-6.66%
House District 79	79	163,562	194,303	-30,741	-15.82%
House District 80	80	176,186	194,303	-18,117	-9.32%
House District 81	81	203,216	194,303	8,913	4.59%
House District 82	82	195,659	194,303	1,356	0.70%
House District 83	83	200,425	194,303	6,122	3.15%
House District 84	84	175,792	194,303	-18,511	-9.53%

Source:

2020 Census (P.L. 94-171) Redistricting Data Summary File
Texas Legislative Council

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2021 Baseline Plans
2020 Census Population

PlanH2100	District	2020 Census Total		Total Deviation	Percent Deviation
		Population	Ideal District Population		
House District 85	85	200,955	194,303	6,652	3.42%
House District 86	86	183,460	194,303	-10,843	-5.58%
House District 87	87	169,089	194,303	-25,214	-12.98%
House District 88	88	148,927	194,303	-45,376	-23.35%
House District 89	89	215,414	194,303	21,111	10.86%
House District 90	90	169,606	194,303	-24,697	-12.71%
House District 91	91	174,830	194,303	-19,473	-10.02%
House District 92	92	189,668	194,303	-4,635	-2.39%
House District 93	93	221,101	194,303	26,798	13.79%
House District 94	94	179,593	194,303	-14,710	-7.57%
House District 95	95	193,712	194,303	-591	-0.30%
House District 96	96	204,480	194,303	10,177	5.24%
House District 97	97	191,250	194,303	-3,053	-1.57%
House District 98	98	195,573	194,303	1,270	0.65%
House District 99	99	202,353	194,303	8,050	4.14%
House District 100	100	174,885	194,303	-19,418	-9.99%
House District 101	101	188,474	194,303	-5,829	-3.00%
House District 102	102	176,749	194,303	-17,554	-9.03%
House District 103	103	188,983	194,303	-5,320	-2.74%
House District 104	104	167,252	194,303	-27,051	-13.92%
House District 105	105	193,464	194,303	-839	-0.43%
House District 106	106	287,046	194,303	92,743	47.73%
House District 107	107	185,064	194,303	-9,239	-4.75%
House District 108	108	192,419	194,303	-1,884	-0.97%
House District 109	109	200,788	194,303	6,485	3.34%
House District 110	110	183,408	194,303	-10,895	-5.61%
House District 111	111	181,209	194,303	-13,094	-6.74%
House District 112	112	189,219	194,303	-5,084	-2.62%
House District 113	113	195,740	194,303	1,437	0.74%
House District 114	114	185,840	194,303	-8,463	-4.36%
House District 115	115	198,519	194,303	4,216	2.17%
House District 116	116	182,233	194,303	-12,070	-6.21%
House District 117	117	273,489	194,303	79,186	40.75%
House District 118	118	185,915	194,303	-8,388	-4.32%
House District 119	119	183,920	194,303	-10,383	-5.34%
House District 120	120	199,717	194,303	5,414	2.79%
House District 121	121	193,988	194,303	-315	-0.16%
House District 122	122	241,492	194,303	47,189	24.29%
House District 123	123	173,307	194,303	-20,996	-10.81%
House District 124	124	195,882	194,303	1,579	0.81%
House District 125	125	179,381	194,303	-14,922	-7.68%
House District 126	126	190,307	194,303	-3,996	-2.06%

Source:

2020 Census (P.L. 94-171) Redistricting Data Summary File
Texas Legislative Council

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2021 Baseline Plans
2020 Census Population

PlanH2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
House District 127	127	204,069	194,303	9,766	5.03%
House District 128	128	201,418	194,303	7,115	3.66%
House District 129	129	195,120	194,303	817	0.42%
House District 130	130	232,768	194,303	38,465	19.80%
House District 131	131	200,485	194,303	6,182	3.18%
House District 132	132	281,835	194,303	87,532	45.05%
House District 133	133	199,683	194,303	5,380	2.77%
House District 134	134	204,588	194,303	10,285	5.29%
House District 135	135	195,026	194,303	723	0.37%
House District 136	136	229,093	194,303	34,790	17.91%
House District 137	137	181,751	194,303	-12,552	-6.46%
House District 138	138	187,077	194,303	-7,226	-3.72%
House District 139	139	195,639	194,303	1,336	0.69%
House District 140	140	177,698	194,303	-16,605	-8.55%
House District 141	141	194,056	194,303	-247	-0.13%
House District 142	142	203,568	194,303	9,265	4.77%
House District 143	143	170,844	194,303	-23,459	-12.07%
House District 144	144	159,977	194,303	-34,326	-17.67%
House District 145	145	168,129	194,303	-26,174	-13.47%
House District 146	146	185,997	194,303	-8,306	-4.27%
House District 147	147	201,690	194,303	7,387	3.80%
House District 148	148	175,938	194,303	-18,365	-9.45%
House District 149	149	183,586	194,303	-10,717	-5.52%
House District 150	150	239,896	194,303	45,593	23.46%

2021 Baseline Plans
 2020 Census Population

PlanE2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
SBOE 1	1	1,726,453	1,943,034	-216,581	-11.15%
SBOE 2	2	1,740,459	1,943,034	-202,575	-10.43%
SBOE 3	3	1,908,424	1,943,034	-34,610	-1.78%
SBOE 4	4	1,841,452	1,943,034	-101,582	-5.23%
SBOE 5	5	2,135,929	1,943,034	192,895	9.93%
SBOE 6	6	1,949,586	1,943,034	6,552	0.34%
SBOE 7	7	2,051,777	1,943,034	108,743	5.60%
SBOE 8	8	2,125,546	1,943,034	182,512	9.39%
SBOE 9	9	1,849,353	1,943,034	-93,681	-4.82%
SBOE 10	10	2,060,802	1,943,034	117,768	6.06%
SBOE 11	11	2,023,966	1,943,034	80,932	4.17%
SBOE 12	12	2,102,730	1,943,034	159,696	8.22%
SBOE 13	13	1,810,170	1,943,034	-132,864	-6.84%
SBOE 14	14	2,060,890	1,943,034	117,856	6.07%
SBOE 15	15	1,757,968	1,943,034	-185,066	-9.52%

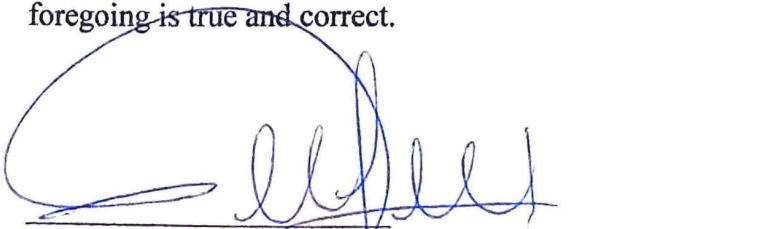
2021 Baseline Plans
2020 Census Population

PlanC2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
Congressional District 1	1	722,363	766,987	-44,624	-5.82%
Congressional District 2	2	814,704	766,987	47,717	6.22%
Congressional District 3	3	933,008	766,987	166,021	21.65%
Congressional District 4	4	787,256	766,987	20,269	2.64%
Congressional District 5	5	783,116	766,987	16,129	2.10%
Congressional District 6	6	824,978	766,987	57,991	7.56%
Congressional District 7	7	800,911	766,987	33,924	4.42%
Congressional District 8	8	916,386	766,987	149,399	19.48%
Congressional District 9	9	770,798	766,987	3,811	0.50%
Congressional District 10	10	937,982	766,987	170,995	22.29%
Congressional District 11	11	779,694	766,987	12,707	1.66%
Congressional District 12	12	864,524	766,987	97,537	12.72%
Congressional District 13	13	707,470	766,987	-59,517	-7.76%
Congressional District 14	14	774,686	766,987	7,699	1.00%
Congressional District 15	15	807,702	766,987	40,715	5.31%
Congressional District 16	16	757,362	766,987	-9,625	-1.25%
Congressional District 17	17	805,606	766,987	38,619	5.04%
Congressional District 18	18	796,908	766,987	29,921	3.90%
Congressional District 19	19	731,424	766,987	-35,563	-4.64%
Congressional District 20	20	772,103	766,987	5,116	0.67%
Congressional District 21	21	848,070	766,987	81,083	10.57%
Congressional District 22	22	972,309	766,987	205,322	26.77%
Congressional District 23	23	834,649	766,987	67,662	8.82%
Congressional District 24	24	822,706	766,987	55,719	7.26%
Congressional District 25	25	846,452	766,987	79,465	10.36%
Congressional District 26	26	943,106	766,987	176,119	22.96%
Congressional District 27	27	739,697	766,987	-27,290	-3.56%
Congressional District 28	28	781,276	766,987	14,289	1.86%
Congressional District 29	29	717,255	766,987	-49,732	-6.48%
Congressional District 30	30	782,976	766,987	15,989	2.08%
Congressional District 31	31	933,772	766,987	166,785	21.75%
Congressional District 32	32	789,666	766,987	22,679	2.96%
Congressional District 33	33	720,644	766,987	-46,343	-6.04%
Congressional District 34	34	711,851	766,987	-55,136	-7.19%
Congressional District 35	35	832,396	766,987	65,409	8.53%
Congressional District 36	36	779,699	766,987	12,712	1.66%

Attachment 3
Declaration of Manuel Medina

5. The mission of Tejano Democrats is seeking full representation of Hispanics at all levels and in all activities of the Democratic Party. This includes but is not limited to participating in the delegate selection and committee processes at all levels of the Democratic Party conventions and organizations; selecting, screening, supporting, and endorsing Democratic candidates; taking appropriate public stands on issues relevant to our communities; and proposing, supporting, and, when necessary, opposing legislation relevant to the Hispanic community.
6. The Tejano Democrats as an organization has expended and will expend time and resources in its mission to inform Hispanic voters across Texas about matters important to the community, including redistricting.
7. The Tejano Democrats have members in the following State Senate Districts:
2, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 29, 31.
8. The Tejano Democrats have members in the following State House Districts:
10, 14, 17, 23, 24, 26, 27, 28, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 53, 58, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 85, 90, 100, 101, 102, 103, 104, 105, 107, 108, 109, 110, 111, 113, 114, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 134, 137, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

A handwritten signature in blue ink, appearing to read 'Manuel Medina', is written over a horizontal line. The signature is stylized and cursive.

Manuel Medina, Chair of the Tejano Democrats

Exhibit to Tejano Democrats Declaration
Tejano Democrat By-Laws

Tejano Democrats

CONSTITUTION AND BYLAWS

Preamble

We, Tejano Democrats, seeking to maximize the participation of Hispanics in the Democratic Party as a powerful force in determining elections at all levels of the political process intend to contribute fully to an inclusive and effective Texas Democratic Party. We shall raise our voices on issues which directly affect the Hispanic community, and thus, the progress of our State. We hereby adopt the Constitution and Bylaws of Tejano Democrats.

ARTICLE I – NAME

The name of this organization shall be Tejano Democrats.

ARTICLE II – PURPOSE

The purpose of this organization shall be to seek full representation of Hispanics at all levels and in all activities of the Democratic Party. This shall include, but not be limited to, participating in the delegate selection and committee processes at all levels of the Democratic Party conventions and organizations; selecting, screening, supporting, recruiting and endorsing Democratic candidates; taking appropriate public stands on issues relevant to our communities; and proposing, supporting, and, when necessary, opposing legislation relevant to the Hispanic community.

ARTICLE III – MEMBERSHIP

- Section 1. **Qualifications:** The Membership of Tejano Democrats shall be open to any person supporting the purpose of Tejano Democrats.
- Section 2. **Application Procedures:** The Credentials Committee of Tejano Democrats shall adopt mandatory application forms which shall, at a minimum, include the applicant's name, address, voter registration number, date of signature, and a mandatory signature line. The Credentials Committee of Tejano Democrats shall also adopt verification procedures of membership.
- Section 3. **Dues:** Dues of \$10.00 shall be collected from each Tejano Democrat member of each year and the dues year shall be from August 1 until July 31 of the following year. The dues paid shall be applied to the dues year during which they were paid, but members may pay dues during June and July of each year and have those dues apply to the following dues year as well.

Section 4. **Chapter Roster Reporting:** The Chair of each Tejano Democrats Chapter or an authorized representative shall submit to the Treasurer of Tejano Democrats a notarized roster of members of said local chapter in both hard copy *and* electronic version by first class U.S. Mail, postmarked at least thirty (30) days prior to a general membership convention. The electronic version of the roster shall be in an excel format provided by the Treasurer of Tejano Democrats. Failure to comply with this subsection may result in said chapter not being certified to vote at the subsequent general membership convention.

Section 5. **Report to Senatorial District Executive Committee members:** The Treasurer of Tejano Democrats shall submit a copy of each chapter's roster to the Tejano Democrats Executive Committee member from the respective senatorial district by May 1 of each odd numbered year.

Section 6. **At-Large Members:** At-large members shall be those members who are not members of a local chapter.

ARTICLE IV – OFFICERS

Section 1. A. The officers of Tejano Democrats shall be a Chair, two Vice Chairs, a Treasurer, and a Secretary, each of whom shall be elected by a majority vote at the annual Tejano Democrats meeting held in odd-numbered years. The Chair and at least one of the Vice Chairs shall be of the opposite sex. Their terms of office shall be for two years, or until their successors are elected, beginning immediately. Should the position of Vice-Chair, Treasurer, or Secretary become vacant, then the Executive Committee shall elect a person to temporarily fill that position and the officer so elected shall serve until the next Tejano Democrats meeting, at which time a person will be elected according to the procedures set out in the Constitution and Bylaws to fill the unexpired term. This temporary officer must possess all of the qualifications and fulfill all other requirements set out in the Tejano Democrats Constitution, particularly Article IV.

B. Vice Chair for Youth: The Vice Chair for Youth shall oversee and coordinate activities for recruitment purposes limited to the identified age groups as Youth. The Vice chair for Youth shall be elected by caucus of youth at the State Convention.

Section 2. **A. Chair:** The Chair shall lead with the planning of Tejano Democrats; execute the directives and programs of Tejano Democrats; coordinate Tejano Democrats efforts in support of Hispanic officeholders and candidates for public office, as well as of Democratic office holders and candidates endorsed by Tejano Democrats; present to appropriate legislative bodies those problems and solutions which affect our community; appoint a

Parliamentarian, Executive Director, and Standing Committees, except the Screening and Endorsement and Credential committees; and preside at all Executive Committee and general membership meetings.

- B. **Vice-Chair:** The Vice Chairs shall serve as Co-Chairs whenever the Chair is unable to serve or is precluded from serving; preside at meetings in the absence of the Chair; and preside at meetings called in compliance with the Bylaws by someone other than the Chair. The Vice-Chairs shall also be the Co-Chairs of the Tejano Democrats Political Action Committee (PAC).
- C. **Treasurer:** The Treasurer shall chair the Finance Committee; oversee the funding activities for Tejano Democrats and be responsible for the collecting, recording, and disbursing of Tejano Democrats funds, according to the policies set forth by Tejano Democrats; establish and maintain financial records using accepted accounting methods; propose and submit a budget at the beginning of each fiscal year; and keep and update a membership roster for Tejano Democrats and discharge the duties of Section 5 of Article III. The Treasurer shall provide financial and membership updates to the Executive Committee in February and August of each year.
- D. **Secretary:** The Secretary shall accurately record, transcribe, distribute, and maintain the minutes of all Executive Committee and general membership meetings.

Section 3. The Chair and Vice Chairs shall reflect gender and geographical balance and at least one shall be of the opposite sex. Treasurer and Secretary shall be of the opposite sex.

Section 4. No more than one person from the same County may serve as a Tejano Democrats officer at the same time. *[This amendment will not take effect until the end of the Annual meeting of 2013.]*

Section 5. Tejano Democrats officers and Tejano Democrats Democratic National Committee members shall be prohibited from publicly endorsing a candidate who has been opposed by the general membership, but may endorse when Tejano Democrats has taken a non-committal position.

Section 6. The Executive Director shall ensure that meeting notices and ancillary matters shall be issued timely and shall maintain the records of Tejano Democrats. The Executive Director and Parliamentarian of Tejano Democrats shall serve at the direction of the Chair.

ARTICLE V – MEETINGS

Section 1. Membership – Annual

The Tejano Democrats shall have at least one meeting of the Membership between June 1 and November 1 of each year. The above described meeting shall be referred to as the “Annual Tejano Democrats Meeting” and shall be called by the Chair.

The Call to the Annual Tejano Democrats Meeting, when held in odd-numbered years only, must be mailed to the membership by the Chair at least sixty (60) days prior to the meeting. Included in this notice each Tejano Democrats chapter must be advised that dues and a membership roster including the name, address, and voter registration number of each member must be submitted to the Treasurer at least thirty (30) days prior to the meeting. An electronic copy of the roster in an excel format provided by the Treasurer shall also be submitted along with the hard copy roster. The notice shall include the Treasurer’s current mailing address, where chapter rosters are to be mailed.

Section 2. Membership – Special

A. Special meetings of the Membership can be called for any purpose under the following requirements:

- The location must be within the boundaries of the State of Texas.
- A special meeting may be called by the Chair.
- A special meeting may be called at the written request of any two of the officers.
- A special meeting may be called at the written request of a majority of the membership of the Executive Committee.

B. Meetings called at the written request of the officers, other than the Chair, or by the Executive Committee, shall be presided over by the Vice Chairs.

Section 3. Notices: Notices of any meeting to the membership must be by email or by United States mail and postmarked no later than three weeks prior to the date set for the called meeting.

ARTICLE VI – EXECUTIVE COMMITTEE

Section 1. The Tejano Democrats, recognizing that their ability to maintain an effective program is dependent upon its ongoing organizational structure; that an

organizational structure is essential to the maintenance of effective legislative programs; and that any organizational structure speaking on behalf of Tejano Democrats must be a representative cross-section of the Hispanic community of Texas, therefore directs that an Executive Committee be comprised of the following members for their respective terms of office:

- The Chair of Tejano Democrats, who also shall be the Presiding Officer of the Executive Committee.
- The two Vice-Chairs of Tejano Democrats.
- The Vice Chair for Youth.
- The Secretary of Tejano Democrats.
- The Treasurer of Tejano Democrats.
- Any Hispanic member of the Democratic National Committee who is also a member of Tejano Democrats.
- Any Hispanic member or officer of the Texas State Democratic Executive Committee who is also a member of Tejano Democrats.
- One representative from each Texas State Senatorial District.

Section 2. Prospective members of the Executive Committee, as Senatorial District Representatives must be elected by July 1 prior to the Annual Tejano Democrats Meeting by bonafide members registered as members of the Senate District Caucus and registered to vote in the senatorial district which they represent. The term of office shall be for a two-year term commencing at the annual meeting held in odd numbered years. Each Senate District Representative shall have an Alternate elected by the same method as the representative, and the Alternate shall be of the opposite sex to the Representative. The Alternate's term of office shall be concurrent with the Representative's. Any Senate District Representative who has not called a Senate District Caucus prior to July 15 in odd-numbered years shall forfeit his/her office and the State Chairperson shall fill the vacancy by appointment and the appointee shall call the caucus within two (2) weeks of this appointment. The Credentials Committee shall require of each Senatorial District Representative seeking to be seated a list of certified members present when the Representative was elected.

Section 3. If any vacancy on the Executive Committee occurs, the Alternate for that seat shall fill the vacancy. If no Alternate exists, then the seat shall be filled by a vote of the forum which elected the member.

Section 4. The Executive Committee shall meet at least once annually.

Section 5. All meetings of the General Membership shall be immediately preceded by a meeting of the Executive Committee. Said meeting of the Executive Committee shall convene within twenty-four (24) hours prior to the meeting of the General Membership. The purpose of this Executive Committee

meeting shall be to set the agenda for the General Membership meeting by a majority vote of the membership of the Executive Committee. Other meetings of the Executive Committee may be called as outlined herein by the section on meetings.

ARTICLE VII – COMMITTEES

- Section 1. There shall be standing committees of Tejano Democrats, and those committees shall have the following names and functions:
- A. Credentials Committee:** To verify the credentials of members and to report with recommendations on all challenges to credentials. The Treasurer shall be the Chair of this committee.
 - B. Constitution, Bylaws and Rules Committee:** To initiate and to supervise those changes necessary in the Constitution and Bylaws and to draft and propose Standing Rules to permit Tejano Democrats to function.
 - C. Finance:** To fund Tejano Democrats and to set the financial policy of Tejano Democrats with the approval of the Executive Committee. The Tejano Democrats Treasurer is automatically Chair of the Finance Committee. For audit purposes the fiscal year is from August 1 to July 31.
 - D. Voter Registration and Participation:** To develop and to implement an ongoing statewide voter registration and participation program in the Hispanic community.
 - E. Screening and Endorsement:** To guide the Tejano Democrats in screening, selecting, and supporting candidates for public offices and issues of statewide or national interest to Hispanics. It shall further establish guidelines for support or opposition to candidates or recommendations on appointed public officials within the State Democratic Party of Texas.
 - F. Political Appointments Committee:** This committee will establish a formal process by which any member may submit his or her name for appointment to any state or federal position and shall act as a conduit for appointment.
 - G. Public Relations and Media Committee:** To publicize the activities of the Tejano Democrats.
- Section 2. The temporary chair of the standing committees shall be appointed by the Tejano Democrats chair. The Chair of each committee shall then be elected by the membership of each committee.
- Section 3. The Chair of Tejano Democrats shall appoint all committees except the Screening and Endorsements Committee, and the Credentials Committee, as herein provided.

Section 4. The Screening and Endorsement Committee and the Credentials Committee members shall be elected at the Senate District caucus by July 1st of each odd numbered year. The Screening and Endorsement Committee and the Credentials Committee shall be constituted by the same number of representatives from each Senate District as the Executive Committee. All other committees may have no more than one member from each Senate District.

Section 5. All standing committees shall adopt their own standing rules which will govern their operations at all meetings.

ARTICLE VIII – LOCAL CHAPTERS

Section 1. **Formation:** Tejano Democrats shall allow the formation of any number of local Tejano Democrats chapters in each senatorial district upon the request of twenty-five (25) registered voters.

Section 2. **Application Procedures:** A local chapter shall be certified upon submission of a request to the Tejano Democrats Treasurer containing the following:

- A. Minutes of the organizational meeting.
- B. A notarized roster in conformance with Article III – Membership, herein, containing the signatures of at least twenty-five (25) registered voters. All members of Tejano Democrats must sign an application form in order to be a member.

Section 3. **Certification:** Said new chapters shall be permitted to function on a temporary basis pending certification by the Credentials Committee of Tejano Democrats.

Section 4. **Autonomy:** Local Tejano Democrats chapters shall operate autonomously but in compliance with the Tejano Democrats Constitution and Bylaws. The Tejano Democrats state organization is not liable for any third party agreements or contracts Local Chapters engage in.

Section 5. **Local Dues:** Members from those local chapters requiring local dues will be counted as part of that chapter's voting members only if their dues are current at all levels.

Section 6. **Residence:** Persons must be registered to vote in the county and Senate District in which they join a local Tejano Democrats chapter, except students, and may be a voting member of only one Tejano Democrats chapter at a time.

Section 7. **Unauthorized Chapters:** Any entity or individual promoting itself as a Tejano Democrats organization without authorization will be notified by

certified return receipt mail by the Chair, notifying such entity or individual(s) to cease and desist or face potential legal action.

ARTICLE IX – VOTING

Voting on resolutions, election of officers, screening and endorsements, general policy and legislative programs shall be open to all members who have joined Tejano Democrats at least thirty (30) days before the state meeting at which they seek to vote and who have been certified by the membership of Tejano Democrats as members. Voting shall be by credentialized chapter strength.

ARTICLE X – SCREENING AND ENDORSEMENT

A candidate must receive sixty percent (60%) vote of the full Tejano Democrats membership in order to receive the Tejano Democrats endorsement.

ARTICLE XI – PARLIAMENTARY AUTHORITY

Rules contained in Robert’s Rules of Order (newly revised) shall govern Tejano Democrats at all levels in all cases in which they are applicable and in which they are not inconsistent with these Bylaws or with any rules which Tejano Democrats may adopt.

ARTICLE XII – AMENDMENTS

The Constitution and Bylaws can be amended at a convention or special meeting by a two-thirds (2/3) majority vote of the Tejano Democrats membership, provided that amendments be mailed to all members at least three weeks prior to said meeting.

ARTICLE XIII

Repealed August 20, 2011

ARTICLE XIV

Repealed August 20, 2011

ARTICLE XV

Any Chapter, member, or officer of Tejano Democrats who violates the provisions of the Constitution shall face expulsion after a full hearing before the Tejano Democrats Executive Committee as authorized by Robert’s Rules of Order (newly revised).

Attachment 4
Texas Legislative Council Document
“21R1998”

Baseline Plans Source: Texas Legislative Council

State Senate Districts: PlanS2100 (equivalent of PlanS172)

State House Districts: PlanH2100 (equivalent of PlanH414)

U.S. Congressional Districts: PlanC2100 (equivalent of PlanC235)

State Board of Education Districts (SBOE): PlanE2100 (equivalent of PlanE120)

Total Population Source: 2020 Census

2020 Census (P.L. 94-171) Block Level Redistricting Data Summary Files

2020 Texas Population: 29,145,505		
Plan	Districts	2020 Ideal District Population
State Senate	31	940,178
State House	150	194,303
Congress	38	766,987
SBOE	15	1,943,034

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2021 Baseline Plans
2020 Census Population

PlanS2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
Senate District 1	1	845,787	940,178	-94,391	-10.04%
Senate District 2	2	944,576	940,178	4,398	0.47%
Senate District 3	3	877,170	940,178	-63,008	-6.70%
Senate District 4	4	1,019,150	940,178	78,972	8.40%
Senate District 5	5	1,060,800	940,178	120,622	12.83%
Senate District 6	6	833,989	940,178	-106,189	-11.29%
Senate District 7	7	1,009,368	940,178	69,190	7.36%
Senate District 8	8	998,133	940,178	57,955	6.16%
Senate District 9	9	924,657	940,178	-15,521	-1.65%
Senate District 10	10	945,496	940,178	5,318	0.57%
Senate District 11	11	933,256	940,178	-6,922	-0.74%
Senate District 12	12	1,086,379	940,178	146,201	15.55%
Senate District 13	13	891,837	940,178	-48,341	-5.14%
Senate District 14	14	1,044,307	940,178	104,129	11.08%
Senate District 15	15	943,568	940,178	3,390	0.36%
Senate District 16	16	926,818	940,178	-13,360	-1.42%
Senate District 17	17	957,529	940,178	17,351	1.85%
Senate District 18	18	1,036,193	940,178	96,015	10.21%
Senate District 19	19	952,214	940,178	12,036	1.28%
Senate District 20	20	907,674	940,178	-32,504	-3.46%
Senate District 21	21	901,254	940,178	-38,924	-4.14%
Senate District 22	22	944,022	940,178	3,844	0.41%
Senate District 23	23	887,105	940,178	-53,073	-5.64%
Senate District 24	24	926,790	940,178	-13,388	-1.42%
Senate District 25	25	1,103,479	940,178	163,301	17.37%
Senate District 26	26	840,565	940,178	-99,613	-10.60%
Senate District 27	27	831,674	940,178	-108,504	-11.54%
Senate District 28	28	796,007	940,178	-144,171	-15.33%
Senate District 29	29	879,174	940,178	-61,004	-6.49%
Senate District 30	30	1,027,265	940,178	87,087	9.26%
Senate District 31	31	869,269	940,178	-70,909	-7.54%

2021 Baseline Plans
 2020 Census Population

PlanH2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
House District 1	1	164,927	194,303	-29,376	-15.12%
House District 2	2	196,284	194,303	1,981	1.02%
House District 3	3	226,855	194,303	32,552	16.75%
House District 4	4	213,992	194,303	19,689	10.13%
House District 5	5	169,073	194,303	-25,230	-12.98%
House District 6	6	177,097	194,303	-17,206	-8.86%
House District 7	7	165,131	194,303	-29,172	-15.01%
House District 8	8	165,855	194,303	-28,448	-14.64%
House District 9	9	163,425	194,303	-30,878	-15.89%
House District 10	10	205,923	194,303	11,620	5.98%
House District 11	11	167,279	194,303	-27,024	-13.91%
House District 12	12	168,040	194,303	-26,263	-13.52%
House District 13	13	178,211	194,303	-16,092	-8.28%
House District 14	14	196,210	194,303	1,907	0.98%
House District 15	15	228,783	194,303	34,480	17.75%
House District 16	16	221,599	194,303	27,296	14.05%
House District 17	17	194,940	194,303	637	0.33%
House District 18	18	195,430	194,303	1,127	0.58%
House District 19	19	171,349	194,303	-22,954	-11.81%
House District 20	20	218,549	194,303	24,246	12.48%
House District 21	21	184,761	194,303	-9,542	-4.91%
House District 22	22	156,573	194,303	-37,730	-19.42%
House District 23	23	198,143	194,303	3,840	1.98%
House District 24	24	199,110	194,303	4,807	2.47%
House District 25	25	183,103	194,303	-11,200	-5.76%
House District 26	26	186,766	194,303	-7,537	-3.88%
House District 27	27	194,552	194,303	249	0.13%
House District 28	28	297,064	194,303	102,761	52.89%
House District 29	29	225,183	194,303	30,880	15.89%
House District 30	30	168,832	194,303	-25,471	-13.11%
House District 31	31	175,759	194,303	-18,544	-9.54%
House District 32	32	182,505	194,303	-11,798	-6.07%
House District 33	33	270,547	194,303	76,244	39.24%
House District 34	34	170,673	194,303	-23,630	-12.16%
House District 35	35	187,781	194,303	-6,522	-3.36%
House District 36	36	178,913	194,303	-15,390	-7.92%
House District 37	37	161,877	194,303	-32,426	-16.69%
House District 38	38	186,538	194,303	-7,765	-4.00%
House District 39	39	175,874	194,303	-18,429	-9.48%
House District 40	40	210,173	194,303	15,870	8.17%
House District 41	41	190,642	194,303	-3,661	-1.88%
House District 42	42	166,051	194,303	-28,252	-14.54%

Source:

2020 Census (P.L. 94-171) Redistricting Data Summary File
 Texas Legislative Council

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2021 Baseline Plans
2020 Census Population

PlanH2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
House District 43	43	169,733	194,303	-24,570	-12.65%
House District 44	44	222,459	194,303	28,156	14.49%
House District 45	45	252,441	194,303	58,138	29.92%
House District 46	46	209,174	194,303	14,871	7.65%
House District 47	47	250,555	194,303	56,252	28.95%
House District 48	48	194,702	194,303	399	0.21%
House District 49	49	197,562	194,303	3,259	1.68%
House District 50	50	228,359	194,303	34,056	17.53%
House District 51	51	209,836	194,303	15,533	7.99%
House District 52	52	235,259	194,303	40,956	21.08%
House District 53	53	168,742	194,303	-25,561	-13.16%
House District 54	54	206,833	194,303	12,530	6.45%
House District 55	55	185,441	194,303	-8,862	-4.56%
House District 56	56	186,049	194,303	-8,254	-4.25%
House District 57	57	159,155	194,303	-35,148	-18.09%
House District 58	58	198,162	194,303	3,859	1.99%
House District 59	59	174,475	194,303	-19,828	-10.20%
House District 60	60	179,425	194,303	-14,878	-7.66%
House District 61	61	216,854	194,303	22,551	11.61%
House District 62	62	176,435	194,303	-17,868	-9.20%
House District 63	63	222,155	194,303	27,852	14.33%
House District 64	64	200,065	194,303	5,762	2.97%
House District 65	65	197,156	194,303	2,853	1.47%
House District 66	66	190,523	194,303	-3,780	-1.95%
House District 67	67	210,875	194,303	16,572	8.53%
House District 68	68	154,894	194,303	-39,409	-20.28%
House District 69	69	156,041	194,303	-38,262	-19.69%
House District 70	70	284,925	194,303	90,622	46.64%
House District 71	71	177,609	194,303	-16,694	-8.59%
House District 72	72	178,737	194,303	-15,566	-8.01%
House District 73	73	232,505	194,303	38,202	19.66%
House District 74	74	162,430	194,303	-31,873	-16.40%
House District 75	75	226,395	194,303	32,092	16.52%
House District 76	76	146,284	194,303	-48,019	-24.71%
House District 77	77	148,049	194,303	-46,254	-23.81%
House District 78	78	181,367	194,303	-12,936	-6.66%
House District 79	79	163,562	194,303	-30,741	-15.82%
House District 80	80	176,186	194,303	-18,117	-9.32%
House District 81	81	203,216	194,303	8,913	4.59%
House District 82	82	195,659	194,303	1,356	0.70%
House District 83	83	200,425	194,303	6,122	3.15%
House District 84	84	175,792	194,303	-18,511	-9.53%

Source:

2020 Census (P.L. 94-171) Redistricting Data Summary File
Texas Legislative Council

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2021 Baseline Plans
2020 Census Population

PlanH2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
House District 85	85	200,955	194,303	6,652	3.42%
House District 86	86	183,460	194,303	-10,843	-5.58%
House District 87	87	169,089	194,303	-25,214	-12.98%
House District 88	88	148,927	194,303	-45,376	-23.35%
House District 89	89	215,414	194,303	21,111	10.86%
House District 90	90	169,606	194,303	-24,697	-12.71%
House District 91	91	174,830	194,303	-19,473	-10.02%
House District 92	92	189,668	194,303	-4,635	-2.39%
House District 93	93	221,101	194,303	26,798	13.79%
House District 94	94	179,593	194,303	-14,710	-7.57%
House District 95	95	193,712	194,303	-591	-0.30%
House District 96	96	204,480	194,303	10,177	5.24%
House District 97	97	191,250	194,303	-3,053	-1.57%
House District 98	98	195,573	194,303	1,270	0.65%
House District 99	99	202,353	194,303	8,050	4.14%
House District 100	100	174,885	194,303	-19,418	-9.99%
House District 101	101	188,474	194,303	-5,829	-3.00%
House District 102	102	176,749	194,303	-17,554	-9.03%
House District 103	103	188,983	194,303	-5,320	-2.74%
House District 104	104	167,252	194,303	-27,051	-13.92%
House District 105	105	193,464	194,303	-839	-0.43%
House District 106	106	287,046	194,303	92,743	47.73%
House District 107	107	185,064	194,303	-9,239	-4.75%
House District 108	108	192,419	194,303	-1,884	-0.97%
House District 109	109	200,788	194,303	6,485	3.34%
House District 110	110	183,408	194,303	-10,895	-5.61%
House District 111	111	181,209	194,303	-13,094	-6.74%
House District 112	112	189,219	194,303	-5,084	-2.62%
House District 113	113	195,740	194,303	1,437	0.74%
House District 114	114	185,840	194,303	-8,463	-4.36%
House District 115	115	198,519	194,303	4,216	2.17%
House District 116	116	182,233	194,303	-12,070	-6.21%
House District 117	117	273,489	194,303	79,186	40.75%
House District 118	118	185,915	194,303	-8,388	-4.32%
House District 119	119	183,920	194,303	-10,383	-5.34%
House District 120	120	199,717	194,303	5,414	2.79%
House District 121	121	193,988	194,303	-315	-0.16%
House District 122	122	241,492	194,303	47,189	24.29%
House District 123	123	173,307	194,303	-20,996	-10.81%
House District 124	124	195,882	194,303	1,579	0.81%
House District 125	125	179,381	194,303	-14,922	-7.68%
House District 126	126	190,307	194,303	-3,996	-2.06%

Source:

2020 Census (P.L. 94-171) Redistricting Data Summary File

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2021 Baseline Plans
2020 Census Population

PlanH2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
House District 127	127	204,069	194,303	9,766	5.03%
House District 128	128	201,418	194,303	7,115	3.66%
House District 129	129	195,120	194,303	817	0.42%
House District 130	130	232,768	194,303	38,465	19.80%
House District 131	131	200,485	194,303	6,182	3.18%
House District 132	132	281,835	194,303	87,532	45.05%
House District 133	133	199,683	194,303	5,380	2.77%
House District 134	134	204,588	194,303	10,285	5.29%
House District 135	135	195,026	194,303	723	0.37%
House District 136	136	229,093	194,303	34,790	17.91%
House District 137	137	181,751	194,303	-12,552	-6.46%
House District 138	138	187,077	194,303	-7,226	-3.72%
House District 139	139	195,639	194,303	1,336	0.69%
House District 140	140	177,698	194,303	-16,605	-8.55%
House District 141	141	194,056	194,303	-247	-0.13%
House District 142	142	203,568	194,303	9,265	4.77%
House District 143	143	170,844	194,303	-23,459	-12.07%
House District 144	144	159,977	194,303	-34,326	-17.67%
House District 145	145	168,129	194,303	-26,174	-13.47%
House District 146	146	185,997	194,303	-8,306	-4.27%
House District 147	147	201,690	194,303	7,387	3.80%
House District 148	148	175,938	194,303	-18,365	-9.45%
House District 149	149	183,586	194,303	-10,717	-5.52%
House District 150	150	239,896	194,303	45,593	23.46%

2021 Baseline Plans
 2020 Census Population

PlanE2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
SBOE 1	1	1,726,453	1,943,034	-216,581	-11.15%
SBOE 2	2	1,740,459	1,943,034	-202,575	-10.43%
SBOE 3	3	1,908,424	1,943,034	-34,610	-1.78%
SBOE 4	4	1,841,452	1,943,034	-101,582	-5.23%
SBOE 5	5	2,135,929	1,943,034	192,895	9.93%
SBOE 6	6	1,949,586	1,943,034	6,552	0.34%
SBOE 7	7	2,051,777	1,943,034	108,743	5.60%
SBOE 8	8	2,125,546	1,943,034	182,512	9.39%
SBOE 9	9	1,849,353	1,943,034	-93,681	-4.82%
SBOE 10	10	2,060,802	1,943,034	117,768	6.06%
SBOE 11	11	2,023,966	1,943,034	80,932	4.17%
SBOE 12	12	2,102,730	1,943,034	159,696	8.22%
SBOE 13	13	1,810,170	1,943,034	-132,864	-6.84%
SBOE 14	14	2,060,890	1,943,034	117,856	6.07%
SBOE 15	15	1,757,968	1,943,034	-185,066	-9.52%

2021 Baseline Plans
2020 Census Population

PlanC2100	District	2020 Census Total Population	Ideal District Population	Total Deviation	Percent Deviation
Congressional District 1	1	722,363	766,987	-44,624	-5.82%
Congressional District 2	2	814,704	766,987	47,717	6.22%
Congressional District 3	3	933,008	766,987	166,021	21.65%
Congressional District 4	4	787,256	766,987	20,269	2.64%
Congressional District 5	5	783,116	766,987	16,129	2.10%
Congressional District 6	6	824,978	766,987	57,991	7.56%
Congressional District 7	7	800,911	766,987	33,924	4.42%
Congressional District 8	8	916,386	766,987	149,399	19.48%
Congressional District 9	9	770,798	766,987	3,811	0.50%
Congressional District 10	10	937,982	766,987	170,995	22.29%
Congressional District 11	11	779,694	766,987	12,707	1.66%
Congressional District 12	12	864,524	766,987	97,537	12.72%
Congressional District 13	13	707,470	766,987	-59,517	-7.76%
Congressional District 14	14	774,686	766,987	7,699	1.00%
Congressional District 15	15	807,702	766,987	40,715	5.31%
Congressional District 16	16	757,362	766,987	-9,625	-1.25%
Congressional District 17	17	805,606	766,987	38,619	5.04%
Congressional District 18	18	796,908	766,987	29,921	3.90%
Congressional District 19	19	731,424	766,987	-35,563	-4.64%
Congressional District 20	20	772,103	766,987	5,116	0.67%
Congressional District 21	21	848,070	766,987	81,083	10.57%
Congressional District 22	22	972,309	766,987	205,322	26.77%
Congressional District 23	23	834,649	766,987	67,662	8.82%
Congressional District 24	24	822,706	766,987	55,719	7.26%
Congressional District 25	25	846,452	766,987	79,465	10.36%
Congressional District 26	26	943,106	766,987	176,119	22.96%
Congressional District 27	27	739,697	766,987	-27,290	-3.56%
Congressional District 28	28	781,276	766,987	14,289	1.86%
Congressional District 29	29	717,255	766,987	-49,732	-6.48%
Congressional District 30	30	782,976	766,987	15,989	2.08%
Congressional District 31	31	933,772	766,987	166,785	21.75%
Congressional District 32	32	789,666	766,987	22,679	2.96%
Congressional District 33	33	720,644	766,987	-46,343	-6.04%
Congressional District 34	34	711,851	766,987	-55,136	-7.19%
Congressional District 35	35	832,396	766,987	65,409	8.53%
Congressional District 36	36	779,699	766,987	12,712	1.66%

Attachment 5
Journal Excerpt of the Texas House – May
31, 2021

The chair called the house to order at 2:48 p.m.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

HOUSE AT EASE

At 2:49 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 6:15 pm.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 38 and Senate List Nos. 20, 21, and 22).

ADJOURNMENT SINE DIE

In accordance with a previous motion, Speaker Phelan, at 6:20 p.m., pronounced the House of Representatives of the Regular Session of the Eighty-Seventh Legislature adjourned sine die.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HR 1981 (By T. King), Commending Cody Davenport on his service as the executive director and CEO of the San Antonio Stock Show & Rodeo.

To Resolutions Calendars.

HR 1983 (By White), Commending Hayden Padgett for his leadership as chair of the Texas Young Republicans.

To Resolutions Calendars.

HR 1984 (By Neave), Congratulating Coach Jairus Mitchell for helping the Lakehill Preparatory School football team win the 2020 TAPPS Six-Man Division II state championship.

To Resolutions Calendars.

HR 1985 (By Neave), Congratulating Roger Perry for receiving a Lifetime Membership award from the Greater East Dallas Chamber of Commerce board of directors.

To Resolutions Calendars.

Attachment 6
Journal Excerpt of the Texas Senate – May
31, 2021

God says, Come to me, all of you who are weary and burdened, and I will give you rest. Take my yoke upon you and learn from me, for I am gentle and humble in heart, and you will find rest for your souls. For my yoke is easy and my burden is light. Amen.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 570 by Eckhardt, In memory of Rex H. White Jr.

SR 571 by Menéndez, Campbell, Gutierrez, and Zaffirini, In memory of Daniel A. San Miguel.

SR 572 by Menéndez, In memory of Saryah Lee'Anna Perez.

Congratulatory Resolutions

SR 569 by Eckhardt, Recognizing Loretta Aranda on the occasion of her retirement.

SR 573 by Menéndez, Campbell, Gutierrez, and Zaffirini, Recognizing San Antonio College for receiving the Aspen Prize for Community College Excellence.

MOTION TO ADJOURN SINE DIE

On motion of Senator Whitmire, the Senate of the 87th Legislature, Regular Session, at 3:49 p.m. agreed to adjourn sine die, in memory of Joe A. Rodriguez, Keith Watson Wade, Jacob McAdams Ehlinger, former State Representative Jerry J. Beauchamp, and Charles Lee Hogan, pending the completion of administrative duties and the receipt of messages from the House.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 1 (Signed subject to Art. III, Sec. 49-a, Texas Constitution), **SB 2**, **SB 3**, **SB 15**, **SB 22**, **SB 23**, **SB 41**, **SB 49**, **SB 64**, **SB 111**, **SB 204**, **SB 248**, **SB 281**, **SB 288**, **SB 295**, **SB 321**, **SB 383**, **SB 452**, **SB 462**, **SB 500**, **SB 572**, **SB 601**, **SB 604**, **SB 626**, **SB 696**, **SB 703**, **SB 705**, **SB 713**, **SB 766**, **SB 794**, **SB 799**, **SB 800**, **SB 855**, **SB 910**, **SB 966**, **SB 967**, **SB 968**, **SB 969**, **SB 970**, **SB 984**, **SB 1065**, **SB 1071**, **SB 1109**, **SB 1123**, **SB 1138**, **SB 1160**, **SB 1164**, **SB 1232**, **SB 1267**, **SB 1281**, **SB 1308**, **SB 1315**, **SB 1356**, **SB 1365**, **SB 1397**, **SB 1438**, **SB 1495**, **SB 1588**, **SB 1648**, **SB 1704**, **SB 1716**, **SB 1827**, **SB 1831**, **SB 1921**, **SB 1936**, **SB 2038**, **SB 2050**, **SB 2116**, **SB 2124**, **SB 2154**, **SB 2181**, **SB 2185**, **SB 2230**, **SCR 55**, **SCR 57**, **SCR 58**, **SCR 59**, **SCR 60**.

HB 700, **HB 1520**, **HB 2064**, **HB 2352**, **HB 2497**, **HB 2519**, **HB 2607**, **HB 2721**, **HB 2730**, **HB 2850**, **HB 2857**, **HB 2896**, **HB 2911**, **HB 2924**, **HB 2950**, **HB 2951**, **HB 3009**, **HB 3026**, **HB 3115**, **HB 3121**, **HB 3131**, **HB 3135**, **HB 3140**, **HB 3157**, **HB 3203**, **HB 3217**, **HB 3257**, **HB 3261**, **HB 3271**, **HB 3286**, **HB 3324**, **HB 3433**, **HB 3436**, **HB 3512**, **HB 3530**, **HB 3597**, **HB 3617**, **HB 3630**, **HB 4580**, **HB 4606**, **HB 4612**, **HB 4615**, **HB 4626**, **HB 4662**, **HB 4663**, **HB 4666**, **HB 4667**, **HB 4669**, **HCR 62**, **HCR 84**, **HJR 99**.

Attachment 7
Bill Book – SJR 2, 50th Legislative Session

S. J. R. NO. 2

By: Moffett

A JOINT RESOLUTION

Printed
PROPOSING an amendment to Section 28, of Article III, of the Constitution of the State of Texas, so as to provide for a Board, for apportioning the State into senatorial districts and representative districts in the event the Legislature fails to make such apportionment; providing for the issuance of the necessary proclamation by the Governor; and making an appropriation.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 28, of Article III, of the Constitution of the State of Texas be amended so as hereafter to read as follows:

"Sec. 28. The Legislature shall, at its first Session after the publication of each United States decennial census, apportion the state into senatorial and representative districts, agreeable to the provisions of Sections 25, 26, and 26-a of this Article. In the event the Legislature shall at any such first Session, following the publication of a United States decennial census, fail to make such apportionment, same shall be done by the Legislative Redistricting Board of Texas, which is hereby created, and shall be composed of three (3) members, as follows: The Governor of The State, the Chief Justice of the Supreme Court of the State, and the Attorney General of the State, a majority of whom shall assemble in the City of Austin within thirty (30) days after the final adjournment of any such Legislature, so failing to apportion the State into senatorial districts and representative districts. The Board shall then and there in accordance with the provisions of Sections 25, 26, and 26-a of this Article, apportion the State into senatorial and representative districts, or into senatorial districts, or representative districts, as the failure of such Legislature may make necessary. Such apportionment shall be

in writing, signed by two or more of the members of the Board, duly acknowledged as their act and deed, in keeping with this section of the Constitution, and when so executed, such instrument shall be filed with the Secretary of State, and shall then have the force and effect of law, as fully as if such apportionment had been made by the Legislature. The Legislature shall provide by law for the necessary clerical help and expenses incidental to the work of the Board herein created."

Sec. 2. The foregoing Constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held throughout the State on the first Tuesday after the first Monday in November, A. D. 1948, at which all ballots shall have printed thereon:

"For the amendment to Section 28 Article III of the Constitution of Texas providing for a Board for apportionment of the State into senatorial districts and representative districts in the event the Legislature fails to make such apportionment.

"Against the amendment to Section 28 Article III of the Constitution of Texas providing for a Board for apportionment of the State into senatorial districts and representative districts in the event the Legislature fails to make such apportionment."

Each voter at such election shall mark out one of such clauses on the ballot, leaving the clause expressing his vote on the proposed amendment.

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election and shall have the same published as required by the Constitution and laws of this State.

Sec. 4. The sum of Ten Thousand Dollars (\$10,000), or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of this State not otherwise appropriated to pay the expenses of such publication and election.

Austin, T e x a s.
February 26, 1947.

Honorable Allan Shivers,
President of the Senate.

Sir:

We, your Committee on Constitutional Amendments to whom was referred S.J.R. No. 2, have had same under consideration and I am instructed to report it back to the Senate with the recommendation it do not pass, but that in lieu thereof Committee Substitute S.J.R. No. 2, submitted herewith, do pass and be printed.


Kelley of Hidalgo, Chairman.

By Moffett

S. J. R. No. 2

A JOINT RESOLUTION

proposing an amendment to Section 28 of Article III of the Constitution of the State of Texas, so as to provide for a Board for apportioning the state into senatorial districts and representative districts in the event the Legislature fails to make such apportionment; providing for the issuance of the necessary proclamation by the Governor; and making an appropriation.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 28 of Article III of the Constitution of the State of Texas be amended so as hereafter to read as follows:

"Section 28. The Legislature shall, at its first regular session after the publication of each United States decennial census, apportion the state into senatorial and representative districts, agreeable to the provisions of Sections 25, 26, and 26-a of this Article. In the event the Legislature shall at any such first regular session following the publication of a United States decennial census, fail to make such apportionment, same shall be done by the Legislative Redistricting Board of Texas, which is hereby created, and shall be composed of five (5) members, as follows: The Lieutenant Governor, the Speaker of the House of Representatives, the Attorney General, the Comptroller of Public Accounts and the Commissioner of the General Land Office, a majority of whom shall constitute a quorum. Said Board shall assemble in the City of Austin within ninety (90) days after the final adjournment of such regular session. The Board shall, within sixty (60) days after assembling, apportion the state into senatorial and representative districts, or into senatorial or

S. J. R. No. 2

representative districts, as the failure of action of such Legislature may make necessary. Such apportionment shall be in writing and signed by three (3) or more of the members of the Board duly acknowledged as the act and deed of such Board, and, when so executed and filed with the Secretary of State, shall have force and effect of law. Such apportionment shall become effective at the next succeeding statewide general election. The Supreme Court of Texas shall have jurisdiction to compel such Commission to perform its duties in accordance with the provisions of this section by writ of mandamus or other extraordinary writs conformable to the usages of law. The Legislature shall provide necessary funds for clerical and technical aid and for other expenses incidental to the work of the Board, and the Lieutenant Governor and the Speaker of the House of Representatives shall be entitled to receive per diem and travel expense during the Board's session in the same manner and amount as they would receive while attending a special session of the Legislature. This amendment shall become effective January 1, 1951."

Sec. 2. The foregoing Constitutional amendment shall be submitted to a vote of the qualified electors of this state at an election to be held throughout the state on the first Tuesday after the first Monday in November, A. D. 1948, at which all ballots shall have printed thereon:

"For the amendment to Section 23, Article III of the Constitution of Texas providing for a Board for apportionment of the state into senatorial districts and representative districts in the event the Legislature fails to make such apportionment.

" Against the amendment to Section 23, Article III of the Constitution of Texas providing for a Board for apportionment of

S. J. R. No. 2

the state into senatorial districts and representative districts in the event the Legislature fails to make such apportionment."

Each voter at such election shall mark out one of such clauses on the ballot, leaving the clause expressing his vote on the proposed amendment._____

Sec. 3. The Governor of the State of Texas shall issue the necessary proclamation for said election, and shall have the same published as required by the Constitution and laws of this state.

Sec. 4. The sum of Ten Thousand (\$10,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated out of any funds in the treasury of this state not otherwise appropriated, to pay the expenses of such publication and election._____

COMMITTEE ROOM

Date June 2, 1947

Hon. W. O. Reed,
Speaker of the House of Representatives.

Sir:

We, your Committee on Constitutional Amendment, to whom was

referred SJR No. 2, have had the same under consideration

and beg to report back with recommendation that it { do } pass, and be ~~amended~~

..... printed.

~~Committee amendments were adopted as substitutes to be printed in lieu of the original bill.~~

Smith of Hays
Chairman.

S.J.R. NO. 2 By: Moffett

A JOINT RESOLUTION

PROPOSING an amendment to Section 28, of Article III, of the Constitution of the State of Texas, so as to provide for a Board, for apportioning the State into senatorial districts and representative districts in the event the Legislature fails to make such apportionment; providing for the issuance of the necessary proclamation by the Governor; and making an appropriation.

JAN 16 1947 Read first time

and referred to Committee on Constitutional Amendments -

FEB 26 1947 Reported Adversely with favorable Committee Substitute. Committee Substitute read 1st time -

MAR 31 1947 Taken up, Committee Substitute adopted as amended & ordered engrossed by the following vote - yeas 17, nays 8 -

3-31 1947 Engrossed

Essie Morrison
Engrossing Clerk

S. J. R. No. 2

By: Meffett

A JOINT RESOLUTION

PROPOSING an amendment to Section 28 of Article III of the Constitution of the State of Texas, so as to provide for a Board for apportioning the state into senatorial districts and representative districts in the event the Legislature fails to make such apportionment; providing for the issuance of the necessary proclamation by the Governor; and making an appropriation.

- 1-16-47 Read first time and referred to Committee on Constitutional Amendments.
- 2-26-47 Reported adversely with favorable committee substitute. Committee substitute read 1st time.
- 3-31-47 Taken up, read 2nd time, Committee substitute adopted as amended and ordered engrossed by the following vote: Yeas 17, Nays 8.
- 4-8-47 Read 3rd time, and laid on table subject to call.
- 5-29-47 Called from table by following vote: Yeas 21, Nays 7.
- 5-29-47 Taken up, and finally passed by the following vote: Yeas 23, Nays 7.

Claude Isbell, Secretary of the Senate.

5-29-47 Engrossed.

JUN 2 1947

REPORTED ENGROSSED

JUN 2 1947

SENT TO HOUSE

JUN 2 1947

Received from the Senate

Clarence Jones
CHIEF CLERK
House of Representatives

Essie McGinnis
ENGROSSING CLERK.

JUN 2 1947

READ ~~THIRD TIME~~

AND REFERRED TO COMMITTEE ON

Constitutional Amendments

JUN - 2 1947 REPORTED FAVORABLY.

JUN - 2 1947 ORDERED NOT PRINTED.

JUN - 2 1947 SENT TO SPEAKER

JUN 4 1947

Suspension of regular order of business to bring up S.J.R. # 2 for consideration prevailed, by a vote of 94 yeas, 36 noes.

Clarence Jones
CHIEF CLERK
House of Representatives

JUN 4 1947

READ SECOND TIME

AND PASSED TO THIRD READING, by vote of 99 yeas, 35 noes.

Clarence Jones
CHIEF CLERK
House of Representatives

JUN 4 1947

Motion to re-consider vote by which S.J.R. # 2 passed to third reading prevailed, by vote of 99 yeas, 36 noes

Clarence Jones
CHIEF CLERK
House of Representatives

JUN 4 1947 READ SECOND TIME

finally AND PASSED TO THIRD READING, by vote of 100 yeas, 36 noes.

Clarence Jones
CHIEF CLERK
House of Representatives

JUN 4 1947

Motion to reconsider and to table the motion to reconsider the vote by which *S.J.R. # 2*

passed *prevailed*
by a *Yiva noes* vote

Clarence Jones
CHIEF CLERK

JUN - 4 1947 RETURNED TO SENATE

IN THE SENATE

1947

Received from

sc.

- 3) If the Preliminary Injunction is not granted, then the Plaintiffs will suffer the irreparable injury of facing voting and residing in malapportioned districts in violation of the “one person, one vote” principle of the 14th Amendment.
- 4) The balance of harms favors the Plaintiffs, because the Plaintiffs are voters in constitutionally overpopulated districts, and there is no current legal plan to ameliorate this constitutional injury.
- 5) The public interest requires ensuring that voters reside in constitutionally permissible districts.

Accordingly, it is hereby ORDERED that Defendants and all their respective officers, agents, servants, employees, attorneys, and persons acting in concert or participation with them are enjoined from using the current malapportioned districts for the Texas House and Texas Senate.

In addition, the Defendants and Plaintiffs are ordered to present alternate interim maps for use during the 2022 election cycle that comply with state and federal law for this Court’s consideration by October 4, 2021.

IT IS SO ORDERED.

DATED this _____ day of _____, 2021 at __:__ AM/PM.

Jerry E. Smith
U.S. Circuit Judge

Robert Pitman
U.S. District Judge

Jeffrey V. Brown
U.S. District Judge