

IN THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN
DISTRICT OF TEXAS GALVESTON
DIVISION

TERRY PETTEWAY et al.,

Plaintiffs,

v.

GALVESTON, TEXAS et al.,

Defendants.

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Civil Action No. 3:22-CV-00057

DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS'
MOTION TO COMPEL

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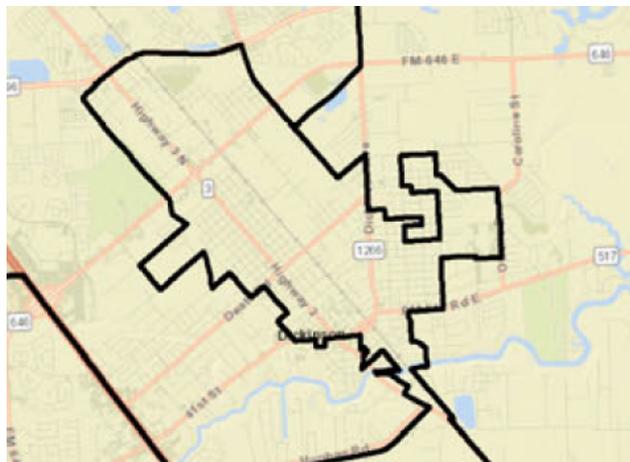
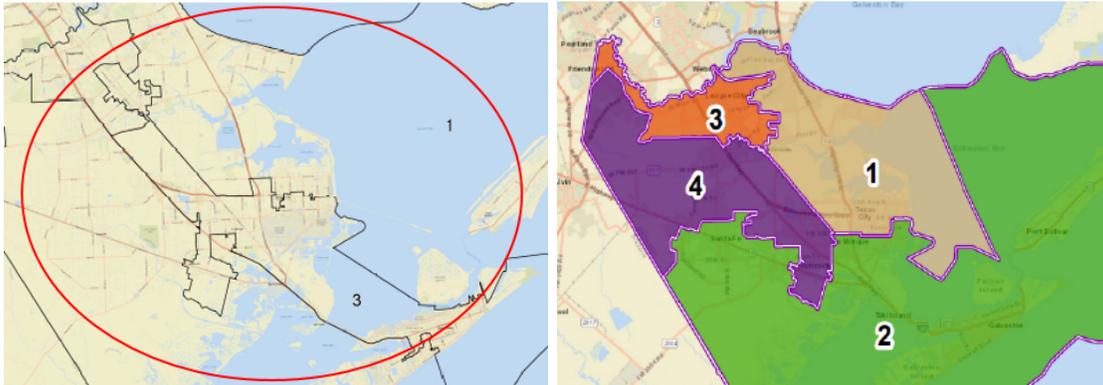
Standard of Review 8

Argument 8

COMES NOW, Defendants Galveston County, Texas, and the Honorable Mark Henry, et al. (collectively “Defendants”), and files this Response in Opposition to NAACP and Petteway Plaintiffs’ (“Plaintiffs”) Motion to Compel (ECF 102).

NATURE AND STAGE OF PROCEEDING

Plaintiffs assert constitutional and Voting Rights Act claims against Defendants in connection with commissioners’ precinct map adopted after the 2020 census, alleging the map discriminates against Black and Latino voters in Galveston County. Below left is the prior map of Precinct 3 (spanning from the intersection of Highway 3 and TX-96 to the Seawall in Galveston), below right is the current map, and beneath these is an enlarged image of the northernmost part of the prior precinct 3 boundaries:



Defendants' Motion to Dismiss is pending (ECF 46), discovery is ongoing, and trial is set for this summer. ECF 65.

A. Summary and Introduction

Plaintiffs paint an inaccurate picture of the parties' discovery dispute that withers under even the most cursory scrutiny. ECF 102 at 3 (claiming Defendants withheld “virtually *all* documents that detail the development of the 2021 Enacted Plan in a plain effort to shield the legislative process from public view”) (emphasis added). Contrary to Plaintiffs' mischaracterization, Defendants have been more than cooperative—disclosing 4,149 documents containing 31,246 pages of information in a rolling production beginning in September, while only withholding 464 documents based on a narrow application of privilege. Defendants have produced many of the underlying documents Plaintiffs complain are withheld (including draft maps that were emailed between counsel and Defendants prior to adopting the final 2021 redistricting plan)—Plaintiffs simply want to pry into privileged communications about those documents. Defendants *have* produced the underlying facts to Plaintiffs, and only seek to protect privileged communications with counsel for legal services. *See, e.g., U.S. v. Davis*, 636 F.2d 1028, 1041 (5th Cir. 1981) (clients may “transfer relevant documents to their attorneys without losing any evidentiary privileges the documents might possess in their own hands”). Defendants have also produced numerous communications with the very attorneys (including Mr. Oldham) that Plaintiffs now accuse Defendants of withholding. Plaintiffs' critiques amount to much ado about nothing.

Plaintiffs' legal arguments fare no better. Contrary to Plaintiffs' assertions, Defendants are entitled to legal counsel during the legislative process to provide legal advice during the process of drafting and analyzing legislation. Plaintiffs' sweeping argument that essentially *any* documents prepared by legislators while crafting legislation are not protected because they were prepared during the "ordinary course of business" must fail. If this categorical approach were adopted as law, it would directly contravene abundant caselaw holding that documents (including legislative documents) created for the primary purpose of preparation for litigation are subject to protection under the work product doctrine. *See, e.g., LULAC v. Abbott*, 2022 U.S. Dist. LEXIS 131217, at *33-38 (W.D. Tex. July 25, 2022) ("*LULAC P*") (rejecting United States' argument that there is a categorical rule preventing legislators from asserting work-product protection).

This was no ordinary legislative process: a NAACP contractor repeatedly communicated directly with the Commissioners Court during the 2021 redistricting cycle, signaling Plaintiffs' preparation of legal challenges to continue Plaintiffs' prior and ongoing lawsuits over Defendants' maps from 2011. Defendants reasonably anticipated imminent litigation and wanted to ensure the 2021 redistricting plan complied with the law. If adopted as law, Plaintiffs' arguments regarding "outsourc[ing]" legislative duties to attorneys threaten to swallow the attorney-client privilege rule entirely, destroying the associated protections that legislators enjoy when communicating with attorneys privately about potential legislation under consideration. The sweeping rule Plaintiffs propose contradicts the law and common sense.

Additionally, because nearly all the documents withheld under the work-product

privilege were prepared during the course of separate, closely related litigation that was *ongoing* since 2013 with many of the same Petteway Plaintiffs, there is no question that litigation was anticipated because it was already happening. In fact, the prior litigation was so similar that Plaintiffs attempted to file a supplemental complaint in the 2013 matter, and they have questioned witnesses about the facts from those proceedings.

The Court should deny Plaintiffs' Motion to Compel.

B. Background Facts

The redistricting process leading up to Galveston County's 2021 redistricting plan began with retention of redistricting counsel, Dale Oldham, which was first discussed in a phone call with Defendants on December 16, 2020. ECF 103-3 at 14. On April 5, 2021, Defendants retained the law firm of Holtzman Vogel "to provide legal representation and advice regarding redistricting in Galveston County, Texas, including provision of a technical expert to draw the map." *Id.* At 11. The agreement also indicated that Holtzman Vogel would be "associated with Dale Oldham, P.C. in representation on this matter." *Id.*

Between August 30, 2021, and September 23, 2021, Mr. Oldham had a series of fact-finding telephone conference calls with individual (or pairs of) Commissioners to develop a map that complied with the requirements of federal law and to provide legal advice to Defendants. *Id.* At 15. On October 15, 2021, Holtzman Vogel began working with map-drawer Thomas Bryan to serve as a technical expert to assist Mr. Oldham in providing legal advice to Defendants. *Id.* At 11. On October 17, 2021, Mr. Bryan created three initial baseline maps to assist Mr. Oldham in his legal analysis and in rendering legal advice to the Commissioners. *Id.* In response to legal analysis and feedback Mr. Oldham

provided regarding these maps, Mr. Bryan drew the first drafts of Map Proposals 1 and 2 on or about October 19, 2021. *Id.*; *see also* Oldham Aff., Ex. 1, ¶ 12. That same day, Mr. Oldham met in person with the Commissioners individually or in pairs of two to review the two map proposals and solicit feedback from each Commissioner. ECF 103-3 at 11. Mr. Oldham used this information to formulate his legal opinions about what was and was not feasible, and to then instruct Mr. Bryan in adjusting these two map proposals. *Id.* At 11-12.

On October 21, 2021, Mr. Oldham, Mr. Bryan, and counsel from Holtzman Vogel conferred about the legality of proposed maps 1 and 2. *Id.* At 12. Afterward, the maps were considered ready for review by the Commissioners Court as a whole and by the public. Oldham Aff., Ex. 1, ¶ 15. Between October 21 and October 28, 2021, Mr. Bryan made some refinements and updates to the underlying data and shared these updates with redistricting counsel and Galveston County's General Counsel, Paul Ready, *see* ECF 103-3 at 12; *see also* Oldham Aff., Ex. 1, ¶ 16. He did not change the map shapefiles. *Id.*

On October 28, 2021, Mr. Oldham met with Mr. Bryan and Holtzman Vogel counsel and again conferred about the proposed maps to ensure that both maps complied with state and federal law. ECF 103-3 at 12. That same day, redistricting counsel submitted both Map Proposals 1 and 2 to Galveston County's General Counsel, Paul Ready. *Id.*

On October 29, 2021, Defendants posted Map Proposals 1 and 2 on the County's website (in interactive formats) for public review, consideration, and comments, *id.* At 28-29, approximately 2 weeks before the November 12, 2021, Commissioners Court meeting when the 2021 redistricting plan was adopted, *id.* At 29. Approximately 440 public

comments were submitted and considered by Defendants before the November 12th meeting. *Id.*; Ex. 2 at 61:14-62:10. Defendants timely noticed the November 12th meeting, and, at that meeting, Defendants listened and considered comments on the proposed maps. ECF 103-3 at 29. The Commissioners Court ultimately adopted Map Proposal 2. *Id.*

Adoption of Map Proposal 2 was not a foregone conclusion. Commissioner Giusti testified that he initially did not favor Map Proposal 2 over Map Proposal 1 but was eventually persuaded to vote for Map Proposal 2 based on the benefits of having one commissioner responsible for the coastline. *See* Giusti Dep., Ex. 3 at 136:24-137:2. Map Proposal 1 was supported by Southern Coalition for Social Justice fellow and NAACP contractor Roxy D. Hall Williamson, who worked closely with her trusted advisor, League of Women Voters of Texas Issue Chair of Redistricting Stephanie Swanson. ECF 97-11 at 64 (“I support Map Proposal 1.”); *see also* Ex. 4 at 94:3-19, 142:1-6 (Williamson confirming she relied on Swanson’s direction throughout the 2021 redistricting process).

On February 15, 2022, the Court refused Plaintiffs’ attempt to continue this case in their 2013 litigation (*Petteway v. Galveston*, No. 3:13-cv-308, ECF 65 at 1), and this case was opened that same day. ECF 1. On August 12, 2022, Plaintiffs served three discovery requests on Defendants seeking a vast array of documents, from over three decades. *See, e.g.*, Ex. 5 at 6, DOJ RFP No. 2 (requesting agendas, meeting minutes and transcripts relating to commissioners court redistricting back to 1991). Using search terms Plaintiffs proposed, there were 2.1 million potentially responsive documents. Defendants worked with Plaintiffs to narrow the search terms and scope, and set a rolling production schedule. Ex. 6. Defendants worked diligently to respond to three sets of discovery requests and

complied with all mutually agreed-upon deadlines and search terms.

Even with this narrowed scope, Defendants engaged in thousands of attorney hours reviewing hundreds of thousands of documents to comply with Plaintiffs' (still) far-reaching requests. Defendants have produced dozens of shapefiles containing both draft and final adopted maps for both the 2021 and 2011 redistricting cycles. *See* Ex. 7. Defendants have also produced Excel spreadsheets containing analyses of the draft maps, demographic data, and meeting schedules.

Far from withholding information about the process by which the 2021 map was adopted, Defendants have offered many hours of deposition testimony by the Commissioners regarding policy considerations for the 2021 map, as well as detailed answers responding to interrogatories regarding those same considerations. *See, e.g.*, Henry Dep., Ex. 8 at 174:1-175:10, 200:1-203:10, 213:2-214:25, 224:2-225:22, 249:12-253:17; Apffel Dep., Ex. 9 at 184:2-23,195:16-197:10, 303:1-20; Giusti Dep., Ex. 3 at 136:17-139:10; *see also* ECF 103-3 at 5-7, 31-32 (detailing and ranking in order of importance the factors Defendants considered in adopting the 2021 redistricting plan).

Defendants have produced **4,149** documents responsive to Plaintiffs' requests—31,246 pages of information. Only 464 documents are privileged. *See* ECF 102-5.¹ 97 emails that included Dale Oldham were produced, as well as 78 redacted emails that included Dale Oldham. Twenty-four of these documents include both Mr. Oldham and a Galveston County domain name. Defendants also produced 62 emails where map-drawer

¹ Plaintiffs criticize the January 2, 2023, privilege log, which contains no substantive changes. It only fixes a printing error from converting an Excel file to PDF format. ECF 102 at 6; Ex. 10. Plaintiffs also argue about the December 31 and January 20 logs (ECF 102 at 6-7), the differences between which resulted from Defendants' (1) cooperation in producing additional documents to Plaintiffs, (2) removing duplicate or already-produced items, and (3) updating two versions of the same email to show unique "parent" emails.

Tom Bryan's name is included, as well as 39 redacted emails that included Mr. Bryan.

ISSUES TO BE RULED UPON (RESTATED) & STANDARD OF REVIEW

Whether the Court should deny Plaintiffs' request to compel production of documents identified in Exhibit 16 (ECF 102-17) and deny Plaintiffs' request for attorneys' fees and expenses under Rule 37(a)(5)(A).

The Court has discretion in determining these issues, subject to a "clearly erroneous" standard of review by the district court. *See Castillo v. Frank*, 70 F.3d 382, 385 (5th Cir. 1995) (citing 28 U.S.C. § 636(b)(1)(A) and Fed. R. Civ. P. 72(a)).

ARGUMENT

- I. Galveston County's Commissioners Court is entitled to legal counsel to ensure redistricting complies with the law.**
 - A. The attorney-client privilege protects Defendants' communications with counsel to prepare a legally compliant plan.**

The attorney-client privilege "is the oldest of the privileges for confidential communications known to the common law." *Upjohn Co. v. U.S.*, 449 U.S. 383, 389 (1981). Its aim is "to encourage full and frank communication between attorneys and their clients and thereby promote broader public interests in the observance of law and administration of justice." *Id.* The privilege protects "any communication from an attorney to his client when made in the course of giving legal advice." *In re LTV Sec. Litig.*, 89 F.R.D. 595, 602 (N.D. Tex. 1981) (citing *Garner v. Wolfenbarger*, 430 F.2d 1093, 1096 n.7 (5th Cir. 1970) in support a "broad[]" attorney-client privilege in the Fifth Circuit).

As the Supreme Court has affirmed, “[t]he objectives of the attorney-client privilege apply to governmental clients. The privilege aids government entities and employees in obtaining legal advice founded on a complete and accurate factual picture.” *U.S. v. Jicarilla Apache Nation*, 564 U.S. 162, 169-170 (2011) (quoting 1 Restatement (Third) of the Law Governing Lawyers § 74, Comment b, pp. 573-574 (1998)). “[G]overnmental agencies and employees enjoy the same privilege as nongovernmental counterparts.” *Id.* “Unless applicable law provides otherwise, the Government may invoke the attorney-client privilege in civil litigation to protect confidential communications between Government officials and Government attorneys.” *Id.*

Defendants are entitled to legal counsel (and the associated privilege protections) during the legislative process to draft and analyze legislation, and to provide legal analysis of proposed legislation. *LULAC v. Abbott*, 342 F.R.D. 227, 236 (W.D. Tex. 2022) (“*LULAC IV*”); *Bethune-Hill v. Va. State Bd. Of Elections*, 114 F. Supp.3d 323, 346 (E.D. Va. 2015); *see also* Tex. Gov’t Code § 323.017(b).

Plaintiffs ask this Court to adopt a sweeping rule that threatens to eliminate the attorney-client privilege for legislators’ and other policymaking officials’ communications with counsel as soon as drafting of legislation begins. Under Plaintiffs’ theory, so long as there are “technical,” “procedural,” or “strategic” aspects intermingled with legal advice, even during the early non-public stages of the legislative process, no communication with counsel is safe. *See* ECF 102 at 19-22. Taken to its logical conclusion, Plaintiffs’ argument encompasses quintessentially privileged communications, such as communications where legislators expressly seek or obtain legal advice from counsel during the drafting process,

merely because the clients are legislators who happen to be considering technical, procedural, or strategic issues while also seeking the advice of counsel. *Cf. Exxon Mobil Corp. v. Hill*, 751 F.3d 379, 382 (5th Cir. 2014) (holding memorandum could not be “mistaken for anything other than legal advice” where nothing showed the author, an in-house lawyer, was providing “business advice divorced from its legal implications”). Plaintiffs’ arguments threaten to undermine the critical protection legislators enjoy when seeking candid, confidential legal advice during the legislative drafting process.

It is undeniable that the law protects legislators’ communications with their attorneys that seek or obtain legal advice—it is a well-established principle of both state and federal law, and extends across numerous contexts and jurisdictions.² Galveston County retained counsel “to provide legal representation and advice regarding redistricting . . . including provision of a technical expert to draw the map.” ECF 97-8 at 2. The law firm Holtzman Vogel would “be associated with Dale Oldham, P.C.” in this representation. *Id.* Holtzman Vogel attorney Phillip Gordon was “primarily responsible,” assisted by Mr. Oldham and Holtzman Vogel attorney Jason Torchinsky. *Id.*; *see also* ECF 97-9 at 6-8

² *See, e.g.*, House Office of the Legislative Counsel, *Confidentiality and Impartiality*, available at <https://legcounsel.house.gov/about/confidentiality-and-impartiality> (last visited February 8, 2023) (“All communications with our Office are confidential and are subject to the attorney-client relationship. Unless otherwise indicated by the Member or staff, no information concerning a request for assistance . . . will be disclosed to any person outside our Office.”); Tex. Gov’t Code § 323.017(b) (A communication between the Texas Legislative Council and a member of the legislature is covered by attorney-client privilege if the communication is (1) with, or under the direction of, a council attorney; (2) given privately; and (3) for the purpose of providing “legal advice or other legal services.”); Cal. Govt Code § 10207(a) (“The Legislative Counsel shall maintain the attorney-client relationship with each Member of the Legislature with respect to communications between the member and the Legislative Counsel.”); *Chaimov v. State*, 370 Ore. 382, 392-98 (2022) (holding that attorney-client privilege under Oregon law protects forms from Governor’s office requesting Oregon OLC’s services because those services were “primarily legal” provided to the requestor by attorneys in the office, including interpreting the client’s goals, contacting the client for clarification, providing legal research for the client, and making legal recommendations to the client).

(103:10-128:17), 97-10 at 16 (221:12-21); 97-10 at 22 (261:7-16) (Commissioner Apffel and Judge Henry repeatedly testifying that Mr. Oldham worked as redistricting counsel for Galveston County to ensure the maps were legally compliant).

Accordingly, it was clear from the outset that Mr. Oldham functioned as redistricting counsel, not as a political consultant for the redistricting process. The same was true in 2011, when attorney Joe Nixon and Mr. Oldham were retained as redistricting counsel for that redistricting cycle. Confidential communications between Mr. Oldham (or Mr. Nixon) and the Commissioners during that process sought legal opinions, advice, services, or assistance, and were withheld as protected attorney-client communications. The fact that these legal opinions were rendered regarding legislation or drafts of proposed legislation does not remove their protection or privileged status. *See LULAC IV*, 342 F.R.D. at 236 (noting that “the United States went a bridge too far by directly asking about the advice that Butler Snow gave Chairman Hunter regarding proposed House Bill 1.”); *S.C. State Conf. of the NAACP v. Alexander*, 2022 U.S. Dist. LEXIS 120295, at *19 (D.S.C. Apr. 27, 2022).

Case law affirms that communications between legislators and their counsel are privileged. In *Alexander*, an email from the General Counsel to the Speaker of the House in a state legislature was sent to a representative in the House, containing documents with legal research relating to Sine Die Adjournment. The Court held that all these documents were “protected from disclosure by the attorney-client privilege because they contain legal analysis and offer legal opinions.” *Alexander*, 2022 U.S. Dist. LEXIS 120295, at *19. Accordingly, the “House Defendants [were] not required to produce said documents.” *Id.*

The same is true here. Communications with Mr. Oldham seeking or obtaining legal advice on redistricting are quintessentially privileged. The Court should reject Plaintiffs' unsupported arguments to the contrary.

B. The privilege log amply supports privilege.

When a document is withheld as privileged, the party asserting the privilege must “describe the nature of the document[] . . . not produced or disclosed—and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.” Fed. R. Civ. P. 26(b)(5). Defendants provided all parties to withheld communications, the dates, document names, and the purpose of the communications. Plaintiffs are wrong in contending that 165 of these entries are insufficient, and their reliance on *Ohio A. Philip Randolph Inst. v. Smith*, 2018 U.S. Dist. LEXIS 211420, at *10 (S.D. Ohio Dec. 15, 2018) is misplaced because that case plainly relied on a Northern District of Alabama case that involved “mere conclusory statements” in an *affidavit*, not a privilege log. *Id.* Plaintiffs thus untether the asserted principle from its affidavit (rather than privilege log) moorings.

Defendants incorporate the arguments from their opposition to the United States' Motion to Compel here. *See* Defs.' Opp. to DOJ's Mot. to Compel at Section I.B. The Court should reject Plaintiff's challenge to these descriptions. *See Carhartt, Inc. v. Innovative Textiles, Inc.*, 333 F.R.D. 118, 120 (E.D. Mich. 2019) (privilege log containing the date, parties to the communication, privilege asserted, and a description such as “[d]ocument(s) providing, containing, reflecting, or discussing confidential advice from counsel concerning anticipated litigation” is sufficient).

C. No underlying facts exception applies here.

The purpose of the attorney-client privilege “is to encourage clients to make full disclosure to their attorney.” *Fisher v. U.S.*, 425 U.S. 391, 403 (1976). If a client knows “that damaging information could more readily be obtained from the attorney . . . the client would be reluctant to confide in his lawyer and it would be difficult to obtain fully informed legal advice.” *Id.* The privilege, therefore, “recognizes that sound legal advice or advocacy . . . depends upon the lawyer’s being fully informed by the client.” *Upjohn*, 449 U.S. at 389. Because the U.S. Supreme Court describes the process of redistricting as a “legal obstacle course,” *Abbott v. Perez*, 138 S. Ct. 2305, 2315 (2018), the attorney-client privilege is essential for the Commissioners to candidly communicate with Mr. Oldham and the lawyers at Holtzman Vogel, to successfully navigate the complex legal thicket of redistricting law. *See United States v. Chen*, 99 F.3d 1495, 1499 (9th Cir. 1996) (citing *United States v. Zolin*, 491 U.S. 554, 562 (1989)).

It is “hornbook law that the privilege protects communications, not facts.” *Thurmond v. Compaq Comput. Corp.*, 198 F.R.D. 475, 479 (E.D. Tex. 2000). That is, the attorney-client privilege does not protect underlying facts within the personal knowledge of a client (*Upjohn*, 449 U.S. at 395), but it does protect communications with counsel that involve those facts. *Id.* For example, a document outside the attorney-client relationship is not privileged, even if sent to an attorney for legal review. *See United States v. Davis*, 636 F.2d 1028, 1040-41 (5th Cir. 1981). On the other hand, “while it is not proper to ask, ‘What did you tell your lawyer about the accident,’ it is quite proper to ask, ‘What do you know about the accident?’” *Thurmond*, 198 F.R.D. at 479.

But written communications from a client to counsel *are* protected under the attorney-client privilege. *Davis*, 636 F.2d at 1041. This is so because clients need to “*transfer relevant documents* to their attorneys” to “obtain fully informed legal advice.” *Id.* (emphasis added). Therefore, documents created as communications from the client to counsel are privileged, such as letters seeking legal advice, and all documents created by the attorney “that are within the normal ambit of the common-law attorney-client privilege[.]” *Id.*

Defendants have adhered closely to this distinction. Defendants have disclosed 126 underlying documents as not privileged, which appear on the log only because they are attached to communications with counsel. *See* Ex. 11. But documents such as the initial draft maps created, analyzed, and revised between October 15 and October 21, 2021 are withheld because they were fashioned exclusively within the attorney-client relationship, for Mr. Oldham to conduct a legal analysis of what was legally possible for Galveston County under both the Constitution and federal law.³ Ex. 1, ¶¶ 9-14.

Defendants have complied with the law’s distinction between underlying facts and privileged communications. Because the underlying facts exception to privilege does not apply to the withheld documents challenged by Plaintiffs, they were properly withheld.

D. The privilege log lists documents where the client sought legal advice.

Plaintiffs contend that because preparation of map drafts and population data is

³ Contrary to Plaintiffs’ assertion, producing draft maps that were circulated, updated, or reviewed *after* October 21, 2021 does not waive the attorney-client privilege with respect to the maps that were created *prior to* October 21, 2021, as described *infra* at Section I.E.

“clearly technical,” such communications are not protected at all by the attorney-client privilege, even when sent to Mr. Oldham for legal review. *See* ECF 102 at 19-20. Alternatively, they argue that Mr. Oldham’s work with Mr. Bryan in preparing a first draft map for legal review involved primarily a “technical” rather than a “legal service” during the legislative process, making them “mixed purpose” documents subject to redaction. *Id.* at 22-23. These points are wrong on the law. Plaintiffs’ allegation that Mr. Oldham and Mr. Bryan were consultants who “assisted on ‘technical’ matters does not categorically move their work beyond the scope of the attorney-client privilege.” *See LULAC I*, 2022 U.S. Dist. LEXIS 131217, at *32. In any event, Plaintiffs fail to substantiate their assertion that certain documents are “mixed purpose documents.” ECF 102 at 22-23. Instead they provide a bare list of documents that Plaintiffs argue lacked the primary purpose of seeking legal advice (ECF 102-14), and speculate about whether communications had “a primary purpose of providing specific legal advice” (ECF 102 at 22)—even though the privilege log clearly indicates “that legal advice was sought or provided.” *Cf. LULAC I*, 2022 U.S. Dist. LEXIS 131217, at *41. The Court should reject Plaintiffs’ arguments about whether legal advice was the primary purpose of communications related to the map-drawing process.⁴

⁴ Plaintiffs’ reliance on *S.C. State Conf. of NAACP v. Alexander* is misplaced. ECF 102 at 20-21. The Court did hold that an email containing legal analysis relating to *sine die* adjournment was protected under the attorney-client privilege. 2022 U.S. Dist. LEXIS 120295 at *19. Unprotected were responses to press inquiries where the responses were political, not legal in nature, or involved legislative strategy. *Id.* at *20-21. Importantly, the speaker served as both chief counsel and chief of staff. *Id.* at *19. Mr. Oldham did not serve in a dual capacity. And, ultimately, Mr. Oldham’s advice was always tethered to the legal implications of his advice. *Exxon Mobil Corp*, 751 F.3d at 381-82 (holding that the attorney-client privilege protected a memo from in-house counsel because there was no indication that attorney’s business advice was divorced from its legal implications).

E. Defendants have not waived the attorney-client privilege.

It is common practice for legislators to communicate with staff attorneys or outside counsel about drafting legislation. Typically, this process involves legislative counsel preparing initial, confidential drafts of bills and sending them to a legislator for review; legislators then return the drafts to counsel with proposed revisions and often include questions to counsel seeking legal advice regarding the revisions. Many of these communications preceding a bill's introduction on the floor of the legislature and final enactment into law are private (non-public) privileged communications. *See, e.g., LULAC I*, 2022 U.S. Dist. LEXIS 131217, at *31 (legislators' communications with outside counsel that included draft maps "may well be privileged as containing legal advice").

In accordance with this traditional approach, Defendants withheld confidential shapefiles from Plaintiffs that were created before the Commissioners Court "introduced" their proposed legislation (*i.e.*, Map Proposals 1 and 2) and produced shapefiles that were created after introduction of the maps for consideration by the full body of the Commissioners Court and the public. This accords with the law governing attorney-client privilege. *See supra* at Section 1(C). Specifically, Defendants withheld initial draft maps created between October 15 and October 21, 2021 because they were fashioned exclusively within the attorney-client relationship. By contrast, after October 21, 2021, the draft maps were ready for consideration by the Commissioners Court as a whole and by the public. *Oldham Aff.*, Ex. 1, ¶ 15. These shapefiles were identical (apart from minor changes discussed above) to those made available for public comment on October 29, 2021 (ECF 103-3 at 12), as Plaintiffs emphasize in their Motion to Compel, ECF 102 at 5, 26.

Contrary to Plaintiffs' assertions, withholding maps produced prior to October 21 based on privilege hides nothing from the people of Galveston County. Instead, consistent with legislatures' traditional approach in numerous jurisdictions of obtaining counsel's assistance with drafting legislation, *see supra* at Section I(A), Defendants have produced all draft maps that were attached to communications after the introduction of the redistricting plan for the Commissioners' and public's review. Because these maps were shared during the "public phase" of the legislative/redistricting process (*i.e.*, after October 21 when the maps were ready for consideration by the full body of Commissioners and the public), they are not protected. *See Oldham Aff.*, Ex. 1, ¶ 15. Producing shapefiles of later drafts after the legislation had already been introduced does not waive attorney-client privilege for the first drafts created within the attorney-client relationship, and not considered by the Commissioners.

F. The work product privilege extends to redistricting documents prepared for the Commissioners Court.

The federal work product privilege protects documents prepared in anticipation of litigation or for trial. *In re Kaiser Aluminum & Chem. Co.*, 214 F.3d 586, 593 (5th Cir. 2000) (quoting Fed. R. Civ. P. 26(b)(3)). A document need not be generated in the course of an ongoing lawsuit to qualify for work product protection. *Id.* Work product prepared during ongoing litigation is likewise entitled to protection. *See In re Fluidmaster, Inc.*, No. 1:14-cv-05696, 2016 U.S. Dist. LEXIS 154618, at *24 (N.D. Ill. Nov. 8, 2016) (documents prepared "during the course of litigation . . . are protected by the work product doctrine.").

While there is no blanket protection for documents created when drafting

legislation, there is also no categorical *exclusion* of legislative documents from the work product doctrine. *See LULAC I*, 2022 U.S. Dist. LEXIS 131217 at *33-38 (rejecting categorical rule to prevent legislators from asserting work-product protection).

While Defendants agree with Plaintiffs about the basic principle that documents created in the ordinary course of legislative business are not work-product (ECF 102 at 10-14), there was nothing “ordinary” about the documents prepared for Defendants in the legally contentious context of late 2021. Although determining whether a document was prepared based on the prospect of future litigation can be a “slippery task,” *that* is not the case here. *United States v. El Paso Co.*, 682 F.2d 530, 542 (5th Cir. 1982).

Specifically, at the time the work product at issue in this case was prepared, redistricting litigation between many of the same Petteway Plaintiffs and Galveston County regarding redistricting was not only imminent, but was *ongoing*. *See Petteway v. Galveston*, No. 3:13-cv-308 (S.D. Tex. 2013). In fact, Plaintiffs’ own acts in that matter leading up to this litigation confirm that even they viewed this action as closely connected to the 2013 redistricting litigation between the parties—and even a continuation of the same.

For instance, Plaintiffs filed a motion for leave to file the instant matter as a “supplemental complaint” in the 2013 case, arguing that the evidence and the Court’s adjudication of Plaintiffs’ intentional discrimination claim in that case “bear heavily on the resolution of Plaintiffs’ intentional discrimination claim” here. ECF 2 at 5. Although the Court denied Plaintiffs’ motion because this action was not “sufficiently related” to warrant filing a new matter in the original case, Plaintiffs clearly believed that it was. *See*

Petteway v. Galveston, No. 3:13-cv-308 (S.D. Tex. Feb. 15, 2013), ECF 65 at 1.

For Plaintiffs to now argue that redistricting litigation was not anticipated here is simply belied by these facts.⁵ Under these circumstances, where there was a separate (but closely-related) active intentional discrimination lawsuit Plaintiffs brought under the Fourteenth Amendment (which Plaintiffs attempted to supplement with the instant complaint also alleging intentional discrimination), it is self-evident that draft maps and other documents prepared were not only created in anticipation of litigation, but in the context of ongoing litigation that remained open against Galveston County at the time the 2021 plan was adopted. Such work product is protected.

G. The work-product privilege protects documents prepared for Defendants with the primary purpose of aiding in anticipated litigation.

Beyond its application to legislative documents prepared in anticipation of imminent litigation, the Fifth Circuit has also extended the work product privilege to instances where litigation is not imminent. *In re Kaiser Aluminum & Chem. Co.*, 214 F.3d at 593. Specifically, “[I]itigation need not necessarily be imminent . . . as long as the primary motivating purpose behind the creation of the document was to aid in possible future litigation.” *Davis*, 636 F.2d at 1040 (holding that workpapers were not protected by work product privilege because there was “no evidence that [defendant] had reason to expect future trouble with the IRS” and because those materials “were to aid in preparing tax returns, not primarily to help litigate over those returns”). In support of this “primary

⁵ Plaintiffs also argue that redistricting counsel’s work was not in anticipation of litigation because the engagement letter “contemplates *separate* charges and fee arrangements for ‘any litigation over the maps.’” ECF 102 at 13. That language only highlights that litigation was anticipated—so much that the parties felt the need to specify that active litigation would be separately billed.

purpose” test, the Fifth Circuit in *Davis* cited a treatise, *see id.*, which explains that the test is whether “in light of the nature of the document and the factual situation in the particular case, the document can fairly be said to have been prepared or obtained because of the *prospect* of litigation.” 8 C. Wright and A. Miller, *Federal Practice and Procedure* § 2024 at 198 (1970) (emphasis added).

Furthermore, while the “[i]nvolvement of counsel is not a guarantee that work-product protection will apply,” it may still “show that the pertinent documents were prompted by the prospect of litigation.” *LULAC I*, 2022 U.S. Dist. LEXIS 131217, at *35 (quoting 8 Wright & Miller, *Federal Practice & Procedure* § 2024 (3d ed. 2010)).

Accordingly, if the Court determines that the maps were not prepared in the context of ongoing litigation or in anticipation of *imminent* litigation, which they were, the “primary motivating purpose” of these documents was still certainly to “aid in *possible* future litigation,” *Davis*, 636 F.2d at 1040 (emphasis added), meaning the documents are entitled to protection under the work product privilege. First, counsel was involved at every step of the preparation of the documents Plaintiffs challenge as improperly withheld under work product privilege. This strongly supports that these documents were “prompted by the prospect of litigation.” *See LULAC I*, 2022 U.S. Dist. LEXIS 131217, at *35. And because litigation had been previously brought challenging Galveston County’s maps in the most recent redistricting cycle which included the very same issue raised in the instant litigation, that expectation was more than reasonable—it was plainly evident. Defendants were on notice that any map adopted would be subject to immediate constitutional scrutiny and likely additional litigation from Plaintiffs, as with the previous cycle’s maps.

Accordingly, in contrast with the facts of *Davis*, the 2021 redistricting plan was not created merely in the ordinary course of business⁶ (*i.e.*, during the ordinary legislative process of drawing district boundaries). Rather, there is ample evidence that Defendants “had reason to expect future trouble” from Plaintiffs and the Department of Justice no matter which redistricting plan was ultimately adopted by the Commissioners Court, based on recent (and ongoing) legal disputes between them. *Cf. Davis*, 636 F.2d at 1040.

Record evidence also demonstrates that Galveston County reasonably anticipated litigation during the period of time that draft maps were being prepared and considered for the 2021 redistricting cycle, and thus that the maps were prepared primarily to aid in future litigation.⁷ *See Oldham Aff.*, Ex. 1 ¶ 4 (“[B]ecause of my experience in the 2011 litigation, I was aware that litigation over redistricting in Galveston County was both ongoing and anticipated....I anticipated [some of the same counsel that I was opposed to in 2011 would]

⁶ Insurance defense is “another context [like redistricting] in which litigation could reasonably be anticipated at nearly any point.” *Baldus v. Members of the Wis. Gov’t Accountability Bd.*, 2011 U.S. Dist. LEXIS 146869, at *7–8 (E.D. Wis. Dec. 20, 2011). Insurers investigate claims and draft investigative reports in the ordinary course of business as they reach coverage decisions. Those reports are not automatically entitled to work product protection, but some are, if they were created with the primary purpose of aiding in future litigation, since “denial of an insurance claim . . . frequently leads to a lawsuit.” *See Arnold v. State Farm Lloyds*, 2006 U.S. Dist. LEXIS 107146, at *5 (S.D. Tex. Sep. 18, 2006). The same principle applies to documents prepared during the legislative drafting process, particularly redistricting legislation where Defendants were recently sued based on maps created during the previous redistricting cycle.

⁷ Plaintiffs rely heavily on Commissioner Apffel’s testimony that Defendants “[a]bsolutely [did] not” expect litigation in April 2021. ECF 102-8 at 7, 107:8-9. They cite no caselaw for the proposition that an individual commissioner can determine whether the entire Commissioners Court anticipated litigation. Regardless, this statement is clearly limited to the time that Defendants were retaining Mr. Oldham and Holtzman Vogel as redistricting counsel in April 2021; he may not have anticipated litigation at that point, but the situation changed dramatically by the fall of 2021. *See infra*. Regardless, Commissioner Apffel was clearly aware that Galveston County was already in the midst of *ongoing* redistricting litigation initiated by the Petteway Plaintiffs. *See Apffel Dep.*, Ex. 9 at 280:19-281:6.

file a lawsuit” challenging the 2021 map.). In particular, NAACP contractor⁸ Roxy D. Hall Williamson’s testimony demonstrates how the Commissioners Court was plainly on notice of activist groups’ preparations to bring a legal challenge to the 2021 redistricting plan during the redistricting process.

For instance, Ms. Williamson testified that, in furtherance of her advocacy work on redistricting issues in Galveston County, she hosted town halls about Galveston redistricting that League of Women Voters’ Stephanie Swanson assisted with. *See* Ex. 4 at 20:13-21:3, 24:19-25:3, 27:8-12; 28:20-23, 144:21-145:3. Ms. Williamson testified that Ms. Swanson directed Ms. Williamson regarding what “important information [was] needed for litigation” to build a case and what she was to be “work[ing] on” during the redistricting cycle. *See id.* at 142:3-6. As part of these preparations, Ms. Williamson organized a September 2021 meeting where lawyers from the Texas Civil Rights Project were present at her request to answer legal questions about redistricting. *See id.* at 113:6-114:18.

After being hired by NAACP Plaintiffs, Ms. Williamson testified that she was communicating with Galveston County Commissioner Stephen Holmes, himself an attorney, *see* Ex. 13, as early as September 11, 2021 (more than two months before the 2021 redistricting plan was adopted), to communicate and gather information about redistricting, Ex. 4 at 141:20-142:12; 144:21-22, 151:24-25-152:1-5; 155:4-10; 168:4-13.

⁸ Plaintiffs did not reveal Ms. Williamson’s status as an NAACP contractor until NAACP counsel stated it to support the assertion of attorney-client privilege and work-product during Ms. Williamson’s deposition, *see* Ex. 4 at 144:21-145:3. The NAACP’s initial disclosures provided no reference to this fact, nor was the contract included with its initial disclosures. *See* NAACP Pls.’ Initial Disclosures, Ex. 12.

She also testified that she had been communicating with him through email since as early as “maybe” July or “probably [] August.” *Id.* at 155:19-23. These redistricting communications continued throughout the redistricting cycle and included updates to Commissioner Holmes about her efforts “to galvanize the community” with regard to the ongoing redistricting of the Commissioners Court. *See id.* at 151:24-152:5, 168:7-13.

In fact, Ms. Williamson was sure to copy Commissioner Holmes on “all of [her] communications as [she] was working through the community.” *Id.* at 152:2-5. She testified that her reason for copying him on each of these communications was so “he would be aware of what I was doing” in the community regarding redistricting. *Id.* Although most of her communications were technically with Commissioner Holmes’ official secretary, her purpose for this was clear: “I did most of my communications with her as far as trying to get any information; or *if I needed to contact him or pass him a message from the coalition*, I would go through his secretary.” *Id.* at 154:24-155:3 (emphasis added). The “coalition” from which she was passing messages along to Commissioner Holmes, and with whom she was working on redistricting advocacy, included counsel for plaintiffs in this case, Sara Chen and Hillary Klein. *See id.* at 142:7-12. In fact, Ms. Williamson was in regular communication with Plaintiffs’ counsel regarding her redistricting work. *Id.* at 130:2-10. Ms. Williamson invited Commissioner Holmes to participate in redistricting meetings on October 11, 2021. *See* ECF 97-12 at 1-4. Commissioner Holmes also spoke for approximately 30 minutes about Map Proposals 1 and 2 at a local Democratic Party event on November 4, 2021. *Id.* at 1-2.

Furthermore, the record demonstrates that many (if not all) of Ms. Williamson’s

communications to Commissioner Holmes were sent to official government email accounts. *See* Ex. 14. This pattern of communicating with Commissioner Holmes is consistent with the pattern engaged in by other advocacy groups like the UCLA Voting Rights Center which emailed draft proposed maps to Commissioner Holmes during the redistricting cycle. *See* Barreto Decl., Ex. 15, ¶ 21.

The law is clear: when governing bodies like counties are sued under Section 1983, the proper defendants are the individual state actors themselves—here the individual Commissioners for the Galveston County Commissioners Court. *See Adams v. Lumpkin*, 2021 U.S. Dist. LEXIS 251402, at *9 (E.D. Tex. Nov. 30, 2021). That means that, in a Section 1983 action like this, communications with Commissioner Holmes and with official Galveston County email accounts are treated as communications directly with the Defendants in this case. Here the Commissioners, and by extension Galveston County, were plainly on notice as early as September 2021 (and certainly by October 2021) that prospective plaintiff groups were preparing to build a case for litigation against the redistricting plan that was under consideration.⁹

Accordingly, because Defendants were at a minimum aware of the prospect of “possible future litigation,” *Davis*, 636 F.2d at 1040 (emphasis added), the “primary motivating purpose” of using redistricting counsel while preparing these documents was

⁹ In their joint discovery dispute letter, Defendants argued Ms. Williamson’s communications with Commissioner Holmes put the County on notice that litigation was anticipated, which Plaintiffs disputed. ECF 97 at 2-3. That Plaintiffs knew about and chose not to address this argument is enough to reject their anticipation of litigation argument. *Murthy v. Abbott Labs.*, 847 F. Supp. 2d 958, 977 n.9 (S.D. Tex. 2012) (arguments raised for the first time in a reply brief were waived and would not be considered).

undoubtedly to aid in being prepared for such litigation. Litigation was both ongoing and anticipated. The documents are thus entitled to protection under the work product privilege.

II. Defendants' Privilege Assertions Are Proper and Fully Supported.

Defendants' privilege assertions are entirely proper and supported under the governing law. In support of this, Defendants incorporate by reference the responses contained in Section II of Defendants' Opposition to the United States' Motion to Compel, which addresses Plaintiffs' objections by grouping the documents into like categories. *See* Defs.' Opp. To DOJ's Mot. to Compel at Section II.

III. Plaintiffs' demand for expenses and fees is inappropriate.

Plaintiffs overreach when demanding expenses and attorney's fees under Rule 37(a)(5)(A). Defendants' position is "substantially justified" and Plaintiffs' request is inappropriate. Defendants timely disclosed over 4,000 documents, made their clients available for several depositions, and asserted privilege over 464 documents. Defendants' good-faith assertions of privilege are nothing like the cases where imposition of fees, expenses, or other sanctions were justified. *Cf. Baldus*, 843 F. Supp. 2d at 960 (imposing sanctions for, *inter alia*, "disinformation, foot-dragging, and obfuscation"). It is also ironic that Plaintiffs demand attorneys' fees when they themselves have not produced a privilege log nearly two months after asserting privilege. Ex. 16 at 2-4; Ex. 17 at 4-5. Even now, Plaintiffs have not indicated when they will produce one. Tellingly, the United States opted to not request expenses and fees in its Motion. *See* ECF 103.

CONCLUSION

For the above-mentioned reasons, Plaintiffs' Motion to Compel should be denied.

Dated: February 16, 2023

Respectfully submitted,

/s/ Dallin B. Holt

Dallin B. Holt

Attorney in Charge

Texas Bar No. 24099466

S.D. of Texas Bar No. 3536519

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* *Admitted pro hac vice*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on all counsel of record on February 16, 2023, through email and on February 21, 2023, through the CM/ECF system.

/s/ Dallin B. Holt
Dallin B. Holt

**IN THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN
DISTRICT OF TEXAS GALVESTON
DIVISION**

TERRY PETTEWAY et al.,

Plaintiffs,

v.

GALVESTON, TEXAS et al.,

Defendants.

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Civil Action No. 3:22-CV-00057

ORDER DENYING PLAINTIFFS’ MOTION TO COMPEL (Doc. 102)

On this day, the Court considered the Motion to Compel filed by the individual Petteway and NAACP Plaintiffs (ECF 102). After considering the record and arguments of counsel the Court DENIES the Motion in its entirety.

Dated: _____, 2023

United States Magistrate Judge Andrew M. Edison

EXHIBIT 1

IN THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN
DISTRICT OF TEXAS GALVESTON
DIVISION

TERRY PETTEWAY et al.,

Plaintiffs,

v.

GALVESTON, TEXAS et al.,

Defendants.

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Civil Action No. 3:22-CV-00057

**DECLARATION OF DALTON L. OLDHAM IN SUPPORT OF DEFENDANTS’
OPPOSITION TO BOTH PRIVATE PLAINTIFFS’ AND THE UNITED STATES’
MOTIONS TO COMPEL**

I, Dalton L. Oldham, pursuant to 28 U.S.C. § 1746, do declare under the penalty of perjury that the following is true and correct:

1. My name is Dalton L. Oldham and I am above the age of 18 and I am otherwise competent to testify.
2. The facts contained in this affidavit are within my personal knowledge.
3. I have practiced redistricting law for almost 34 years.
4. I provided legal advice and representation to Galveston County during the 2011 round of redistricting. I was then associated with the law firm of Beirne, Maynard & Parsons, L.L.P. when I provided these legal services. I also represented Galveston County in the litigation regarding the 2011 Commissioners Court precinct map and the subsequent Justice of the Peace and Constable districts. During the 2021 redistricting process, because

of my experience in the 2011 litigation, I was aware that litigation over redistricting in Galveston County was both ongoing and anticipated. In fact, some of the same counsel that I was opposed to in 2011 have sued the county here in the instant lawsuit. During the 2021 redistricting process, I anticipated that these attorneys would build a case against the county Commissioner Court precincts and file a lawsuit.

5. On or about April 5, 2021, Galveston County retained the law firm of Holtzman Vogel to provide “legal representation and advice regarding redistricting in Galveston County, Texas, including provision of a technical expert to draw the map.”

6. I associated with Holtzman Vogel in the provision of legal services during the 2021 redistricting cycle.

7. Just as I did in 2011, I provided Galveston County with legal advice and services relating to the creation of the Galveston County Commissioners Court precincts and subsequent Justice of the Peace and Constable Districts.

Redistricting Process

8. In September of 2021, I had telephone conference calls with each of the Commissioners and County Judge Henry. The purpose of these phone calls was for me to conduct fact-finding conversations with my clients, the Commissioners and County Judge Henry, about the changes that they wanted to make to the boundaries of the Commissioners Court precincts. My purpose on the calls was to gather facts from my clients to assist me in providing legal advice about the legal implications of what my clients were requesting. It also assisted me in conducting legal analysis to ensure a map that complied with the U.S. Constitution and the Voting Rights Act.

9. Then, on or around October 15, 2021, I began working with Tom Bryan who, as a map-drawing expert and the one who drew the maps here, was helping Jason Torchinsky, Phil Gordon, and myself to provide legal advice to Galveston County.

10. At my direction, Mr. Bryan prepared initial baseline maps. These maps were drafted to assist me in providing legal advice. I needed to see what was legally permissible in Galveston County under the U.S. Constitution and the Voting Rights Act. I also needed to determine if my clients' requests were legally permissible under the U.S. Constitution and the Voting Rights Act.

11. Importantly, these maps were never shown to the Commissioners or County Judge Henry or any of their respective staff members.

12. I met with County Judge Henry and the Commissioners individually or in pairs of two on or about October 19, 2021. I showed them only two maps, the first drafts of what became Map Proposal 1 and Map Proposal 2.

13. The purpose of these meetings was to receive feedback from the Commissioners on this initial draft and provide legal advice concerning the legal implications of my clients' feedback.

14. Based upon my legal analysis of my clients' feedback, I instructed Mr. Bryan to adjust the contours of Map Proposal 1 and Map Proposal 2.

15. When these adjustments were completed, on or about October 21, 2021, I concluded that the maps comported with what my clients requested and complied with the U.S. Constitution and the Voting Rights Act. I then concluded that Map Proposal 1 and Map Proposal 2 were ready for publication and consideration for the Commissioners Court

as a whole and by the public.

16. All that remained to be completed with Map Proposal 1 and Map Proposal 2 was that the underlying data needed to be refined. These updates were shared with Holtzman Vogel and Galveston County's General Counsel. The lines contained in the shapefiles for Map Proposal 1 and Map Proposal 2 were not altered. This process was done between October 21, 2021 and October 28, 2021.

17. During the drafting of the Metes and Bounds process, I requested that Nathan Sigler draft the boundary descriptions and transmit those descriptions to me, my co-counsel at Holtzman Vogel, and Mr. Paul Ready so that we could review the descriptions to ensure that they were legally compliant.

18. At all times relevant for the 2021 round of redistricting, I was acting in my capacity as a lawyer to Galveston County, working in association with Holtzman Vogel, providing legal advice to my clients.

I, Dalton L. Oldham, pursuant to 28 U.S.C. § 1746, do declare under the penalty of perjury that the foregoing is true and correct:

/s/ Dalton L. Oldham

EXHIBIT 2

Galveston County, Texas

COMMISSIONERS COURT SPECIAL SESSION

November 12, 2021

Available at:

<https://livestream.com/accounts/21068106/events/6315620/videos/227296657>

AUDIO TRANSCRIPTION

LENGTH OF AUDIO FILE: 1:36:31

MAGNA LEGAL SERVICES

320 West 37th Street, 12th Floor

New York, New York 10018

(866) 624-6221

Reported by: Marissa Mignano

Job Number: 876364



1 Proceedings

2 by Map 2. Also, I would like to thank
3 Commissioner Apffel for his support of
4 Bolivar Peninsula of the last few years.
5 We may be small, but, you know, we're
6 getting big enough that we do have a lot
7 of problems. Thank y'all very much.

8 COUNTY JUDGE HENRY: Okay. That's
9 all we have for --

10 UNKNOWN SPEAKER: Did you sign up
11 as well?

12 Okay. That's all we have for
13 public comment.

14 COUNTY JUDGE HENRY: Before we get
15 to the next part, I would like to let
16 everyone know we did online questions
17 and people responded. 430 440 total
18 responses as of about 12:30 this
19 afternoon. These are open to reporters,
20 open records request, of course. If you
21 want to call, just make sure that, you
22 know, this is as of 12:30, if any had
23 come in since then I wouldn't know about
24 them.

25 Of the 440 that came in, 168 did

1 Proceedings
2 not discuss a particular map, they just
3 called me names, mostly. Of the people
4 who did choose a map preference, Map 1
5 was -- received 64 responses. Map 2
6 received 208 responses. So of those
7 responding to a particular map, 76.4,
8 Map 2. 23.5, Map 1.

9 With that, I'm going to make the
10 motion to approve Map 2.

11 COMMISSIONER APFFEL: I second the
12 motion.

13 COUNTY JUDGE HENRY: I have a
14 second.

15 There's discussion.

16 Commissioner Holmes, I believe you
17 have something to --

18 COMMISSIONER HOLMES: Yeah, I have
19 something to say.

20 First of all, let me say -- first
21 of all, thank you, everybody for coming.
22 I didn't personally call anybody or ask
23 anybody to come down here, but certainly
24 for your comments -- I'm certainly
25 overwhelmed at the number of people that

EXHIBIT 3

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY, *
et al., *

Plaintiffs, *

VS. *

Case No. 3:22-cv-00057

GALVESTON COUNTY, et al., *

Defendants. *

ORAL AND VIDEOTAPED DEPOSITION OF
JOSEPH GIUSTI
JANUARY 6, 2023
(Reported Remotely)

ORAL AND VIDEOTAPED DEPOSITION OF JOSEPH
GIUSTI, produced as a witness at the instance of the
United States and duly sworn, was taken via
videoconference in the above-styled and numbered cause
on the 6th day of January, 2023, from 9:23 a.m. to
6:01 p.m., before Marsha Yarberry, Certified Shorthand
Reporter in and for the State of Texas, reported by
machine shorthand, in Galveston, Texas, pursuant to the
Federal Rules of Civil Procedure.

1 please. I believe you indicated that the emails that
2 you received, the 40 comments, there were no changes
3 made to Maps 1 or 2 as a result of those comments. Do
4 you recall that testimony?

5 A. Yes, sir.

6 Q. So for the comments that went into the county
7 portal, based on your knowledge, were there any changes
8 made to Map 1 or Map 2 as a result of reviewing those
9 comments? And I'm talking about the commissioner court
10 reviewing those comments.

11 A. No, sir.

12 Q. We also talked prior to the break about a
13 coastal precinct. Do you know, based on your personal
14 knowledge, where the idea of the creation of a coastal
15 precinct came from?

16 A. I am not positive of that, where it came from.

17 Q. Of the four maps that you reviewed, do you
18 recall which of those you thought were the best maps
19 for the commissioners court plan?

20 A. The only thing I remember is the two that we
21 ultimately decided between. I don't remember what the
22 other two really were, didn't look at them long enough
23 or hard enough, I guess.

24 Q. And did you favor either Map 1 or Map 2 over
25 the other?

1 A. Initially, no. I liked the idea of a coastal
2 precinct.

3 Q. You said initially no. Was there a point
4 during the redistricting process where you favored one
5 map over the other?

6 A. As it moved along after the first day or two
7 and it was, I guess -- I don't remember by whom --
8 brought to my attention about it being a coastal
9 precinct and the benefits -- some of the benefits
10 instead of having one commissioner that is responsible
11 for the coast.

12 Q. Did you ever hear any concerns during the 2021
13 redistricting process that Commissioner Apffel was not
14 doing a sufficient job representing the Bolivar
15 Peninsula?

16 A. No, sir, not at all.

17 MS. OLALDE: Objection.

18 THE WITNESS: Sorry.

19 MR. GEAR: Objection as to vagueness and
20 concerns from whom.

21 Q. (By Mr. Gear) Let me clarify. Did you ever
22 hear any -- any concerns expressed by your constituents
23 that Commissioner Apffel was not adequately
24 representing the interests of the Bolivar Peninsula?

25 A. No, sir.

1 Q. Did you ever hear any concerns expressed by
2 your constituents that the residents of Galveston
3 Island were not being adequately represented by their
4 commissioner?

5 A. No, sir.

6 Q. And so prior to the break you talked about the
7 goals for redistricting as you saw them, and I believe
8 you indicated that keeping your parents in your
9 district, keeping yourself in your district in part was
10 part of those goals. Do you recall that testimony?

11 A. Yes, sir.

12 Q. And I just want to be clear for the record,
13 and forgive me if I left anything out. I'm not
14 intending to do that. Can you completely state what
15 your goals were during the 2021 redistricting process?

16 MS. OLALDE: Objection; asked and
17 answered.

18 Go ahead.

19 THE WITNESS: Basically as I stated, to
20 level the populations amongst the precincts, to have
21 lines that were easier -- precinct lines, commissioner
22 precinct lines that were easier for the public to know
23 which precincts they were in. One goal was for me to
24 still live in my precinct, and another was I wanted to
25 keep my mom and dad in my precinct.

1 Q. (By Mr. Gear) Did you speak with any other
2 commissioners during the 2021 redistricting process
3 regarding continuing to live in their precinct under
4 the adopted plan?

5 A. No, sir.

6 Q. Do you have any personal knowledge if other
7 commissioners shared the same concern about being able
8 to continue to live in their precinct under the adopted
9 plan?

10 A. No, sir.

11 Q. Have you ever talked to Commissioner Holmes
12 about the needs of his constituents in Precinct 3?

13 MS. OLALDE: Objection; form, overbroad,
14 just wondering about period of time.

15 Q. (By Mr. Gear) Let me -- let me narrow the
16 time down. During the 2021 redistricting process.

17 A. No, sir.

18 Q. And then let me expand that time. From any
19 time period that you were elected as a commissioner to
20 the adoption of the commissioners court plan in 2021,
21 did you ever discuss with Commissioner Holmes the --
22 any issues related to the needs of his constituents in
23 Precinct 3, Commissioners Court Precinct 3?

24 A. No, sir, not that I recall.

25 Q. Are you familiar with the socioeconomic

EXHIBIT 4

HONORABLE TERRY PETTEWAY, ET AL. vs GALVESTON COUNTY, ET AL.
Roxy Hall Williamson on 12/05/2022

1 registration events throughout the county with different
2 groups, primarily with the Galveston Island Democrats or
3 the county Democrats at large, but I have done some
4 registration at different events. We had a Juneteenth
5 event last summer, I think; and we had several booths up.
6 And I sort of -- I helped out where I was needed.

7 **Q. (By Ms. Richardson) When you register voters, do**
8 **you get a chance to speak with those voters?**

9 A. I do. I do, and that's what led to wanting to
10 bring a more nonpartisan, nonaffiliated platform to
11 educate voters because they have lots of questions, lots
12 of questions.

13 **Q. Did you get a chance to speak to any of the black**
14 **residents in Galveston County during those efforts?**

15 A. Actually I did. Primarily when I was a fellow
16 with the Southern Coalition for Social Justice, I held a
17 town hall; and I had several other opportunities to speak
18 directly with voters about their issues with the County,
19 especially with the maps.

20 And like I said, we had several
21 opportunities where we had different events that were set
22 up to specifically allow citizens to come forth and speak
23 about how they felt the maps were being drawn, if they
24 felt that they had enough input or had enough opportunity
25 to have input. And we've done at least one at a church.

1 Like I said, we've -- you know, I had a town hall; and
2 we've offered different Zoom opportunities for citizens to
3 speak on those issues.

4 Q. During those efforts as both an SG -- SCSJ fellow
5 as well as your voter registration efforts, did you get a
6 chance to speak with Latino voters?

7 A. A few I did. And we had -- we didn't get a lot
8 of input as I would have liked, but the few that I spoke
9 to were very concerned about how the maps were being drawn
10 and whether they would have enough opportunity to speak on
11 their own behalf.

12 Q. In your efforts to register voters -- just
13 speaking about voter registration -- have you been able to
14 get a sense of voters' political preferences?

15 A. I try to stay as nonpartisan as possible.

16 Excuse me.

17 Some people would be upfront and forthright
18 about which parties they par -- partic- -- they were
19 siding with, but mostly people were more concerned about
20 issues than they were about parties. And I think that was
21 to me the highlight of my work. I really was able to hear
22 more about their issues as opposed to how they felt about
23 any particular party in the county.

24 Q. Do you regularly attend commissioners court
25 meetings?

1 So, those, I guess, to other people wouldn't
2 seem so major; but to them those are major access points
3 for them to get whatever they needed from the County. And
4 Commissioner Holmes always made sure that they had these
5 things in place.

6 **Q. So, the black nurses group, they relied on**
7 **Stephen Holmes to provide those county resources?**

8 A. Well --

9 MR. HOLT: Objection -- objection, form.

10 **Q. (By Ms. Richardson) You may answer.**

11 A. Okay. I would say not so much him providing the
12 resources but he was definitely a touchstone. Even
13 people -- a couple of people that I spoke to that didn't
14 necessarily live in his precinct were concerned about his
15 precinct because if they were not able to contact their
16 commissioner, Commissioner Holmes' office was open to
17 everyone in the county, not necessarily just his people in
18 his precinct.

19 **Q. Can you describe any organizations you were**
20 **associated with during the redistricting process in**
21 **Galveston County?**

22 A. The NAACP, League of Women Voters. Trying to
23 think who else. Those are the two I primarily worked in
24 conjunction with.

25 **Q. And you mentioned being a fellow for SCSJ. Did**

1 that also involve the redistricting process?

2 A. It did. That was primarily what we did as

3 fellows.

4 Q. Okay. Can you describe that fellowship?

5 A. Very interesting. We were trained to use our
6 local resources to connect with the community in order
7 for -- to build maps that the community felt were fair and
8 equitable.

9 Q. My -- am I right the name of the fellowship is
10 the CROWD fellowship?

11 A. CROWD fellowship, yes.

12 Q. Okay. And how long did you serve in that role?

13 A. A year.

14 Q. And what did you do as a CROWD fellow?

15 A. As a CROWD fellow we were trained with the
16 Maptitude software as well as other free software like
17 Dave's Redistricting to learn the logistics and the actual
18 hands-on building of the maps with the -- with the
19 software.

20 Q. And what were the goals of your fellowship?

21 A. The goals were to do our best to work with the
22 community to build maps that the community felt were fair
23 and equitable. That was basically -- that was basically
24 the work.

25 Q. How would you describe fair and equitable maps?

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1 maps and just making sure that their voices were heard in
2 the process.

3 Q. And just really quickly: It's been about a half
4 an hour. Are you okay for now? Are you -- are you okay
5 to go?

6 A. Okay. We can keep going.

7 Q. Okay.

8 What organizations did you come into contact
9 with when you were advocating for redistricting issues?

10 A. Mainly the NAACP and the League of Women Voters.

11 Q. Did those contacts work as a coalition?

12 A. We did.

13 Q. Did those contacts include black residents of
14 Galveston County?

15 A. Yes.

16 Q. Did those contacts also include Latino residents
17 of Galveston County?

18 A. Not as much as I would have liked; but the
19 invitation was open to them, yes.

20 Q. Did those residents work as a coalition?

21 A. They worked well together.

22 Q. Did your role include educating voters?

23 A. It did.

24 Q. How did you go about educating re-voters [Sic]
25 about the 2021 redistricting process?

1 A. And that's where the town hall came in, different
2 Zoom conferences that we had with community members. And
3 those were really my only two especially because of COVID.
4 We were pretty much convine- -- confined to Zoom meetings
5 to get that information out about the redistricting that
6 was happening.

7 Any questions that the community had, I was
8 open and available pretty much all the time, any time, for
9 them to contact me and get the basic information they
10 needed to attend city council meetings and the county
11 commissioner meetings to just give them sort of a -- what
12 am I -- the word I'm looking for -- not a playbook but
13 definitely just some basics to answer basic questions for
14 them if they were confused about the process or -- excuse
15 me -- how to go about making their input possible, whether
16 it was sending in written testimony to the commissioners
17 court or showing up on Zoom or in person to give whatever
18 information that they wanted to give or speak however they
19 want to speak concerning the maps.

20 **Q. And you hosted those town halls about**
21 **redistricting?**

22 A. Some of them I didn't. Some of them Stephanie
23 Swanson with League of Women Voters assisted with as well.

24 **Q. The County did not hold those meetings?**

25 A. The County did not hold a lot of -- I want to say

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1 was a little difficult to get that information in a timely
2 manner.

3 Q. So, other than trying to tempt that -- or glean
4 that information from the county Web site, what other
5 resources did you use to try to understand the timeline
6 for redistricting?

7 MR. HOLT: Objection, form.

8 A. Well, mainly I really relied a lot on Stephanie
9 Swanson for that information. She and the legal team with
10 Southern Coalition for Social Justice did a lot of that
11 legwork for us. So, when we -- when I did my community --
12 connecting with the community, a lot of that information
13 was already given to me.

14 Q. (By Mr. Gear) And you may have testified to this,
15 but I -- I don't recall: Did you reach out to any of the
16 county commissioners or their staff regarding the
17 redistricting timelines?

18 A. I didn't personally. I believe Miss Stephanie
19 Swanson did the bulk of that reaching out.

20 Q. Did you communicate with Ms. Swanson regarding
21 her success on determining the timelines --

22 A. Yes, sir.

23 Q. -- when she reached out?

24 A. We had weekly meetings.

25 Q. And what did you learn from that discussion with

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1 A. No. It was just a flat fellowship rate.

2 Q. And -- and when you started it, was it under the
3 impression that it was going to last for the one-year
4 term?

5 A. Yes.

6 Q. And you referenced the -- the meeting that was
7 held at Pastor King's church. Do you remember that?

8 A. Yes.

9 Q. Who was it that organized that meeting?

10 A. It was actually a combination of community
11 people. It was Miss Lucille McGaskey, myself -- I don't
12 remember her name, but she actually opened up the church
13 for us. She worked for the church. She didn't -- she
14 just handled the facility. We handled coordinating the
15 people.

16 Q. Whose idea was it to have the meeting in the
17 first place?

18 A. Mine.

19 Q. And do you remember approximately when this
20 meeting was held?

21 A. Hmmm. September, 2021?

22 Q. And you had said it was held via Zoom?

23 A. Well, that was in person. That was an in-person
24 meeting at the church.

25 Q. Was there a computer there that allowed people to

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1 watch remotely?

2 A. No, no. It was in person.

3 Q. Do you know if this was recorded?

4 A. No, it wasn't recorded.

5 Q. And you mentioned that the Texas Civil Rights
6 Project presented, correct?

7 A. Well, they had representation there.

8 Q. Were they the ones -- did they offer -- did they
9 get -- provide a presentation?

10 A. Not a presentation but they were there to answer
11 any questions that the community had, especially if it was
12 anything dealing with any legalities of what the
13 redistricting looked like.

14 Q. Did you ask them to come participate in this
15 meeting?

16 A. Yes I did.

17 Q. By "them" I mean Texas Civil Rights Project.

18 A. Yes. Yes.

19 Q. Were there any type of printed materials that
20 were handed out at the meeting?

21 A. No, not at that meeting.

22 Q. Was there any types of PowerPoint presentations
23 that were used?

24 A. No.

25 MR. HOLT: Sorry. Just going through my

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1 A. League of Women Voters.

2 **Q. And then Hilary Harris Klein?**

3 A. One of the attorneys for the Southern Coalition
4 for Social Justice.

5 **Q. How did you become associated with Ms. Klein?**

6 A. She is -- was on my coalition team with my
7 fellowship.

8 **Q. And regarding your 2021 redistricting work, did**
9 **you often communicate with Ms. Klein?**

10 A. I did.

11 **Q. Was she a supervisor?**

12 A. No, just a team member.

13 **Q. Okay. Is there -- what do you recall about those**
14 **conversations with Ms. Klein?**

15 A. Not a lot. Again, she was a part of the legal
16 counsel. So, we had a little communication but not a lot
17 just one-on-one with me and her. It was typically with
18 the team at large.

19 **Q. Okay. Did she help organize the meeting at**
20 **Pastor King's church?**

21 A. No, she didn't help organize that.

22 **Q. Was she there? Was she present at the meeting?**

23 A. She wasn't present, no.

24 **Q. Okay. And then Candela Cerpa?**

25 A. She is one of the trainers with the Southern

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1 to be -- would have to go to court, that the community
2 would have to be prepared to advocate if it were possible
3 that we go to court behind the maps.

4 Q. (By Mr. Holt) Do you know who specifically was
5 telling you those things?

6 A. Not specifically but I know that it was a part of
7 the training that we were doing with the fellowship; and
8 that's why we were working on community-based things, to
9 prepare the community to fight for a map if they didn't
10 like the ones that were being presented.

11 Q. Okay. In this group that we went through on the
12 two on the cc lines on this e-mail, aside from Ms. Klein
13 is there another attorney that was part of this -- your
14 e-mail group?

15 A. No. No, not this particular group. No.

16 Q. Was Ms. Klein --

17 A. Well, Mr. Gaines is an attorney with the NAACP.
18 He is an attorney by trade, but I don't believe that was
19 the capacity that he was in in this particular e-mail.

20 Q. Okay. Was Ms. Klein asking you to help gather
21 information that would be important for litigation?

22 A. I don't believe it was her specifically. Again,
23 I want to say it just came from our coalition group that
24 we were talking in generals [sic] about, you know, how
25 would we prepare the community moving forward.

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1 Q. Are you an attorney?

2 A. I am not.

3 Q. How do you know what important information is
4 needed for litigation?

5 A. Well, basically it was whatever Steph Swanson was
6 having me and Bindu work on at the time.

7 Q. Do you know who Steph Swanson was working with
8 regard -- in regards to potential future litigation?

9 A. Well, other than Ms. Klein here, Ms. Sarah Chen
10 and whoever they were talking to with her group of League
11 of Women Voters, I couldn't tell you specifically who
12 those people were.

13 Q. So, is it safe to say that at least a week prior
14 to voting on the maps that there was already talk about
15 preparing for litigation?

16 MS. RICHARDSON: Objection, form.

17 MS. VALL-LLOBERA: Objection, privilege.

18 A. It wasn't --

19 MS. VALL-LLOBERA: And if you could,
20 actually pause --

21 THE WITNESS: Okay.

22 MS. VALL-LLOBERA: -- before answering.

23 But object to privilege, too, and to the
24 sidebar.

25 MR. HOLT: I don't think you guys represent

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1 THE WITNESS: Do I answer it?

2 MR. HOLT: Yeah.

3 MS. CHEN: For now we'll instruct you not to
4 answer.

5 And can we ask for a quick recess?

6 MR. HOLT: Yeah, but she's not your client
7 at all. I don't -- you can't really instruct her not to
8 answer. You don't have privilege with her. That's what I
9 don't understand here.

10 MS. CHEN: Let's --

11 MR. HOLT: We can talk. We can -- if we
12 want to have any type of substantive discussion, I'd
13 prefer that we have it on the record regarding privilege.

14 MS. PRATHER: Well, since there is a
15 question about privilege, then I instruct you not to
16 answer the question; and we'll let the Court decide --
17 resolve whether that -- the privilege communication should
18 prevent her from answering this question.

19 MR. HOLT: I'd just like to know the legal
20 basis for the privilege objection.

21 MS. VALL-LLOBERA: She was a contractor with
22 the NAACP.

23 MR. HOLT: She was a contractor with the
24 NAACP?

25 MS. VALL-LLOBERA: And you're asking about

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1 potential litigation conversations between her and her
2 coalition, which includes the NAACP, during a time which
3 she was employed by them.

4 Q. (By Mr. Holt) Okay. Aside from any conversations
5 you had with the NAACP --

6 MS. PRATHER: Or her attorney.

7 Q. (By Mr. Holt) -- or your attorney or -- were you
8 aware of any efforts to prepare for litigation?

9 MS. PRATHER: Objection, form.

10 MS. RICHARDSON: I'll also object to form.

11 MR. HOLT: I'm just -- I mean, she talks
12 about preparing for litigation in this e-mail that she
13 clearly sent to members that were not part of the NAACP.
14 I'm just trying to explore what it is she's saying in this
15 communication where she brings up litigation where there
16 are many people that are not covered by NAACP's privilege.

17 MS. CHEN: You were asking about other
18 communications, not this one involving litigation.

19 MR. HOLT: Okay.

20 Q. (By Mr. Holt) The litigation that is referenced
21 in your e-mail, what type of litigation are you
22 preparing -- that you reference in Exhibit 3?

23 A. And from my point of view and from this e-mail, I
24 didn't have any idea what kind of litigation. All I knew
25 was if litigation were to become necessary that my job was

1 (Exhibit 5 marked)

2 MR. HOLT: I'll e-mail this one out here.

3 Just give me one second.

4 Q. (By Mr. Holt) Do you recognize what the e-mail
5 is?

6 A. Yes.

7 Q. What is it?

8 A. It is one of my attempts to get information to
9 and from the community about redistricting.

10 Q. Is this in reference to the redistricting in
11 Galveston County or a different redistricting?

12 A. Actually this seems to refer to the Texas
13 legislative process. I want to say this is another
14 special session called, and we were getting ready to
15 submit redistricting testimony.

16 Q. Okay. And you said --

17 A. Not just for Galveston County but for the process
18 in general.

19 Q. Okay. And did you send this e-mail?

20 A. I did.

21 Q. And you would agree that Stephen Holmes is cc'd
22 on this e-mail, correct?

23 A. Yes.

24 Q. So, you would agree that as early as

25 September 11th, 2021, you had communications with

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1 Commissioner Holmes regarding redistricting in Texas?

2 A. Well, I wasn't directly speaking with him, though
3 I did cc him on all of my communications as I was working
4 through the community so he would be aware of what I was
5 doing.

6 Q. Okay. Okay.

7 MR. HOLT: Let's move on to another one
8 here. I'll mark this one as Exhibit 6.

9 (Exhibit 6 marked)

10 MR. HOLT: I'll e-mail this out. Just give
11 me a moment.

12 And for those on Zoom, I may or may not have
13 attached the wrong e-mail to the last one; but there's two
14 September 11th e-mails. So, I apologize. So, the one
15 that I'm sending out now is another September 11th e-mail.
16 I apologize.

17 Q. (By Mr. Holt) Okay. Do you recognize the e-mail
18 that has been given to you marked as Exhibit 6?

19 A. I do.

20 Q. And what is it?

21 A. It is me requesting information about the
22 redistricting, the city council discussions on
23 redistricting and any open hearings and dates and
24 locations for redistricting.

25 Q. Okay. So, let's first look at the forwarded

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1 Q. And it looks like this is sent to Holmes,
2 Stephen; and based on Exhibit 3, you had stated that was
3 his official e-mail address.

4 A. Yes.

5 Q. Do you remember that?

6 A. Yes.

7 Q. Okay. So, you would agree that you sent this to
8 Commissioner Holmes officially --

9 A. To his office, yes.

10 Q. When did you send something -- was there -- when
11 would you send something to his personal e-mail address
12 versus his official e-mail address?

13 A. Hmmm. I would make no distinction. I just --
14 however it populated in my -- as I was sending e-mails is
15 where I sent it. I didn't make any real distinction about
16 that.

17 Q. Okay. And you said to Commissioner Holmes,
18 "Thank you for any information you can provide."

19 A. Right. I was requesting information from all of
20 those entities in the e-mail.

21 Q. Had you communicated with him in person or over
22 the telephone that this was coming before you forwarded it
23 to him?

24 A. No. I want to say I might have spoken to his
25 secretary. I did most of my communications with her as

1 far as trying to get any information; or if I needed to
2 contact him or pass him a message from the coalition, I
3 would go through his secretary.

4 Q. Okay. So, you would agree that at least, you
5 know, as early as September 11th, 2021, you were
6 communicating with Commissioner Holmes regarding --

7 A. I was gathering --

8 Q. -- redis- --

9 A. -- information from him and whoever would give me
10 information, yes.

11 Q. Okay. And you just had stated earlier that the
12 first time you spoke with Commissioner Holmes about
13 redistricting was the week before the --

14 A. That I spoke --

15 Q. -- the public meeting?

16 A. -- with him personally, yes; but I had been
17 trying to work with everyone I could work with to get the
18 information, yes.

19 Q. How long before the November, 2021, meeting had
20 you been communicating with Commissioner Holmes through
21 e-mail?

22 A. I want to say maybe since that July, August --
23 probably that August.

24 Q. Okay. And was -- did he provide you any helpful
25 information?

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1 Commissioner Holmes gave you of groups that would sign
2 onto this?

3 A. I do not.

4 Q. And this e-mail was on October 26th, 2021,
5 correct?

6 A. Yes.

7 Q. So, you would agree that as early as
8 October 26th, 2021, you were communicating with
9 Commissioner Holmes regarding redistricting in Galveston
10 County?

11 A. Yes. I was attempting to let him know the work
12 that I was doing and the efforts we were making to
13 galvanize the community, yes.

14 (Exhibit 9 marked)

15 MR. HOLT: Now I'm going to move on to
16 Ex- -- what I have marked as Exhibit 9. And I believe I
17 already e-mailed this out, but I will send another e-mail
18 properly identifying it. Just give me one minute here.

19 Okay. I just sent that out.

20 Q. (By Mr. Holt) Do you recognize this e-mail,
21 Ms. Williamson?

22 A. Yes. Now it's making sense.

23 Q. What is this e-mail that's dated Tuesday,
24 October 26th, 2021, at 2:27 p.m. Central Time?

25 A. As I said before, I was alerting him of the

EXHIBIT 5

Plaintiffs,

v.

GALVESTON COUNTY, TEXAS,
HONORABLE MARK HENRY, in
his official capacity as Galveston County
Judge, and DWIGHT D. SULLIVAN, in
his official capacity as Galveston County
Clerk

Defendants.

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**DEFENDANTS’ RESPONSES AND OBJECTIONS TO THE UNITED STATES’ FIRST
REQUEST FOR PRODUCTION OF DOCUMENTS**

**PRELIMINARY STATEMENT AND GENERAL
OBJECTIONS**

Pursuant to Federal Rule of Civil Procedure 26 and 34, Defendants Galveston County, Texas, the Galveston County Commissioners Court, and County Judge Mark Henry (collectively “Defendants”) respond to Plaintiff U.S. Department of Justice’s (“Plaintiff”) First Set of Requests for Production of Documents to Defendants.

GENERAL STATEMENT AND OBJECTIONS

Defendants make the following general objections to Plaintiff’s First Set of Requests for Production of Documents, which apply to each request regardless of whether the general objections are expressly incorporated into the specific objections below:

1. Defendants object to the extent that Plaintiff’s definitions and instructions purport to impose obligations different from or additional to the requirements of the Federal Rules of Civil Procedure, or to limit the discretion of responding parties under the Federal Rules of Civil Procedure.
2. Defendants object to the First Set of Requests for Production of Documents to the extent

they are overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and not proportional to the needs of the case.

3. Defendants object to the First Set of Requests for Production of Documents to the extent they seek to elicit information or evidence otherwise protected by the attorney-client privilege, the work-product privilege, the legislative privilege, or any other applicable privilege recognized under Texas or federal law.
4. Defendants object to the First Set of Requests for Production of Documents to the extent they seek to elicit information that is in the public domain or already in Plaintiff's possession, and therefore of no greater burden for Plaintiff than for the Defendants to obtain.
5. Defendants object to the First Set of Requests for Production of Documents to the extent they seek publicly available information, statements, or documents that speak for themselves and require neither a response nor a denial from any party.
6. Defendants object to the First Set of Requests for Production of Documents to the extent that they seek data or information not within their possession, custody, or control, and should be directed to a different party or third-party.
7. Unless otherwise specified, Defendants stand on their General Objections, the following Objections to the Definitions, Objections to the Instructions, and the below-stated specific objections without expressly admitting or denying any fact.

OBJECTIONS TO THE DEFINITIONS AND INSTRUCTIONS

Defendants make the following objections to the "Definitions" section of Plaintiff's First Set of Requests for Production of Documents, which apply to each request regardless of whether these objections are expressly incorporated into the specific objections below:

1. Defendants object to the definition of "Defendants" as including "past or present

employees, staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, or agents; and any other persons or entities acting or purporting to act on their behalf or subject to their control.” This definition is overbroad, seeks information from past employees, seeks privileged information from defense counsel, and is vague by including “advisors, consultants” and any person “purporting to act” on Defendants’ behalf. It also improperly purports to include third-party contractors. Defendants limit the response definition of “Defendants” to Galveston County, Texas, the Galveston County Commissioners Court, and County Judge Mark Henry in his official capacity.

2. Defendants object to the definition of “Commissioner” as including a commissioner court member’s past or present employees, campaign staff, interns, representatives, designees, attorneys, advisors, consultants, contractors, agents, or others acting or purporting to act on the member’s behalf. This definition is overbroad, seeks information from past employees, campaign staff and interns, seeks privileged information from defense counsel, and is vague by including “advisors, consultants” and any person “purporting to act” on the member’s behalf. It also improperly purports to include third-party contractors. Defendants limit the response definition of “Commissioner” to the individual member of the commissioner’s court referenced in the request, in their official capacity.
3. Defendants object to the definitions and instructions to the extent they purport to require answers based on information in the possession of hundreds of employees, staff, members, officers, directors, agents, or representatives—both “current” and “former”—who happen to have at one time been associated with any of the Defendants.
4. Defendants object to Plaintiff’s definitions to the extent that they seek to impose any requirements or obligations in addition to or different from those in the Federal Rules of Civil Procedure, the Local Rules of this Court, any stipulation or agreement of the parties,

any order of this Court, or any other rules applicable to this action.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: (REVISED BY PLAINTIFF)

All documents relating to any redistricting proposal for the Galveston County Commissioners Court during the 2020-2021 redistricting cycle. This request includes but is not limited to:

- a. identification of the originator(s) or source(s) of each such redistricting proposal;
- b. the purpose(s) to be served by each proposed change from the previous redistricting plan in any such redistricting proposal;
- c. all drafts in the development of each such redistricting proposal whether partial or total;
- d. all demographic or election data, regardless of source or format, used in the development of each total or partial revision of each such plan;
- e. all negotiations between two or more members of the commissioners court regarding any such redistricting proposal, including, but not limited to, potential pairing of incumbents in any such plan; and
- f. all analyses, from any source, that examined the electoral impact on the County's Black or Hispanic residents that would result from the implementation of any such redistricting proposal.

OBJECTIONS:

Defendants restate their General Objections, and Objections to the Definitions and Objections as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object that the request is overly broad and vague because the phrase "relating to" does not provide sufficient criteria for the identification of responsive documents, and therefore imposes a production burden on Defendants that is not commensurate with the requirements of this case.

Defendants further object that the request is vague as to the terms “redistricting proposal” and “originator”, as those terms are undefined and it is not clear what constitutes a redistricting proposal or originator.

The request also calls for the production of documents that are protected under the attorney-client privilege, the attorney work-product doctrine, the Speech or Debate Clause under the Texas Constitution, and the deliberative process privilege.

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

REQUEST FOR PRODUCTION NO. 2: (REVISED BY PLAINTIFF):

All notices for all public hearings and workshops, agendas, meeting minutes, meeting transcripts, and proposed and final guidelines or criteria considered for the redistricting of Galveston County’s commissioners court during the 1991 and 2001 redistricting cycles.

OBJECTIONS:

Defendants restate their General Objections, and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Because past actions of governmental bodies cannot condemn the challenged governmental action here, unless the enacted Commissioners Court Precinct map is itself unlawful, these requested documents from twenty and thirty years ago are not relevant. *See Abbott v. Perez*, 138 S. Ct. 2305, 2324-25 (2018).

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

REQUEST FOR PRODUCTION NO. 3: (REVISED BY PLAINTIFF)

All documents relating to any and all analyses of voting patterns in Galveston County elections, including analyses of local elections within the County that compared or contrasted electoral behavior by race or membership in a language minority group conducted by the County or any of its agents or staff, or provided to the County by any individual, company, or organizations, including, but not limited to, any supporting documentation or data. This includes any analyses conducted or provided between January 1, 2011 to the present.

OBJECTIONS:

Defendants restate their General Objections, and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object that the request is overly broad, requests documents from 11 years ago, and is vague because the phrase “relating to” does not provide sufficient criteria for the identification of responsive documents, and therefore imposes a production burden on Defendants that is not commensurate with the requirements of this case.

Defendants further object to this request as demanding the production of information that is not calculated to lead to the discovery of admissible evidence. Whether analysis of voting patterns

was conducted and what those results show in advance of the 2011 redistricting of the Commissioners Court precincts is not relevant to the claims that the 2021 redistricting of the Commissioners Court precincts was unlawful. It also imposes an undue burden on Defendants to search for, identify, and produce records for such a broad time frame. *Abbott v. Perez*, 138 S. Ct. 2305, 2324-25 (2018).

The request also calls for the production of documents that are protected under the attorney-client privilege, the attorney work-product doctrine, the Speech or Debate Clause under the Texas Constitution, and the deliberative process privilege.

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

REQUEST FOR PRODUCTION NO. 4: (WITHDRAWN BY PLAINTIFFS)

All documents, including maps, tables of equivalencies, and shape files, concerning the voting precinct boundaries used in any election for the Galveston County Commissioners Court from January 1, 2000, to the present.

REQUEST FOR PRODUCTION NO. 5:

For every election for Galveston County Commissioners Court, including, but not limited to, primary, primary run-off, general, and special elections, and regardless of whether the election was contested, held between January 1, 2000, and the present, all documents relating to the number of votes cast by precinct and ballot type, including the final canvass report reflecting precinct-level results (in .csv, .xls, .xlsx, or .txt format), and certified election results.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions

as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object to the date limitation of January 1, 2000 and the scope of each and every election regardless of type or whether it was contested as overly broad and unduly burdensome and not commensurate with the requirements of the case.

Defendants object that the request is overly broad and vague because the phrase “relating to” does not provide sufficient criteria for the identification of responsive documents, and therefore imposes a production burden on Defendants that is not commensurate with the requirements of this case.

RESPONSE:

Defendants have produced documents responsive to this request on September 13, 2022 and September 19, 2022. Defendants will produce any additional documents that are responsive to this request and otherwise not-privileged.

REQUEST FOR PRODUCTION NO. 6:

For every election identified in your response to Interrogatory 16, all documents relating to the number of votes cast by precinct and ballot type, including the final canvass report reflecting precinct-level results (in .csv, .xls, xlsx, or .txt format), and certified election results.

OBJECTIONS:

Defendants restate their General Objections, Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October

28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object that the request is overly broad and vague because the phrase “relating to” does not provide sufficient criteria for the identification of responsive documents, and therefore imposes a production burden on Defendants that is not commensurate with the requirements of this case. Defendants will limit their response to documents containing the information requested.

RESPONSE:

Defendants have produced documents responsive to this request on September 13, 2022 and September 19, 2022. Defendants will produce any additional documents that are responsive to this request and otherwise not-privileged.

REQUEST FOR PRODUCTION NO. 7:

All documents relating to whether proposed Map 1, proposed Map 2, or any other redistricting proposal, either in whole or in part, that was drawn, discussed, or considered by one or more members of the Galveston County Commissioners Court during the 2020- 2021 redistricting cycle complies with the Voting Rights Act, 52 U.S.C. § 10301, including, but not limited to, any calculations, reports, audits, estimates, projections, or other analyses.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object that the request is overly broad and vague because the phrase “relating to” does not provide sufficient criteria for the identification of responsive documents, and therefore imposes a production burden on Defendants that is not commensurate with the requirements of this case.

Defendants further object because the request, particularly its demand for documents that relate to whether a redistricting proposal complies with the Voting Rights Act, clearly calls for the production of documents that are protected under the attorney-client privilege and the attorney work-product doctrine. The request also calls for documents that are protected under the Speech or Debate Clause of the Texas Constitution, and the deliberative process privilege.

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

REQUEST FOR PRODUCTION NO. 8:

All documents relating to the 2020-2021 redistricting cycle for the Galveston County Commissioners Court exchanged between one or more members of the commissioners court and any of its agents, staff, any County or municipal official, or any other person, company, or organization, including, but not limited to, correspondence, notices, reports, email messages, voicemail messages, and text messages.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request

for Production that are based upon the review of documents may be made at a later date.

Defendants object that the request is overly broad and vague because the phrase “relating to” and “redistricting cycle” do not provide sufficient criteria for the identification of a scope or the type of responsive documents, and therefore imposes a production burden on Defendants that is not commensurate with the requirements of this case.

Defendants further object because the request, particularly its demand for all documents relating to the 2021 redistricting cycle exchanged between a Commissioner and anyone else, clearly calls for the production of documents that are protected under the attorney-client privilege and the attorney work-product doctrine. The request also calls for documents that are protected under the Speech or Debate Clause of the Texas Constitution, and the deliberative process privilege.

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

REQUEST FOR PRODUCTION NO. 9:

All other documents relating to redistricting for the Galveston County Commissioners Court between January 1, 2020, and November 13, 2021, including, but not limited to, redistricting criteria, public statements by members of the commissioners court, correspondence written or received by any member of the commissioners court, calendar invitations or scheduling emails sent by the County or on the County’s behalf, meeting minutes, agendas, attendance sheets, call logs, notes, presentations, studies, or other communications.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October

28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object that the request is overly broad and vague because the phrases “[a]ll other documents” and “relating to” do not provide sufficient criteria for the identification of responsive documents, and therefore imposes a production burden on Defendants that is not commensurate with the requirements of this case.

Defendants further object because the request, particularly its demand for all documents relating to the 2021 redistricting cycle exchanged between a Commissioner and anyone else, clearly calls for the production of documents that are protected under the attorney-client privilege and the attorney work-product doctrine. The request also calls for documents that are protected under the Speech or Debate Clause of the Texas Constitution, and the deliberative process privilege.

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

REQUEST FOR PRODUCTION NO. 10:

All documents relating to enumerations or estimates by the United States Census Bureau or Texas Demographic Center related to the County’s population in 2020 as compared to 2010, including, but not limited to, the racial characteristics, language minority status, or United States citizenship rates of County residents, exchanged between one or more members of the Galveston County Commissioners Court and any of its agents, staff, any County elected official or any individual, company, organization, or municipal elected official.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions

as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object that the request is overly broad and vague because the phrase “relating to” does not provide sufficient criteria for the identification of responsive documents, and therefore imposes a production burden on Defendants that is not commensurate with the requirements of this case. The request also lacks an identifiable scope of time, and could seek data over a twelve-year period which would be unduly burdensome to search for and identify, and exceeds the discovery requirements of this case.

Defendants further object because the request, particularly its demand for all documents relating to Census Data comparisons exchanged between a Commissioner and anyone else, clearly calls for the production of documents that are protected under the attorney-client privilege and the attorney work-product doctrine. The request also calls for documents that are protected under the Speech or Debate Clause of the Texas Constitution, and the deliberative process privilege.

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

REQUEST FOR PRODUCTION NO. 11:

All documents relating to payment for services, agreements of representation, or contracts between Galveston County and any individual, company, or organization relating to the 2021 commissioners court redistricting.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object that the request is overly broad and vague because the phrase “relating to” does not provide sufficient criteria for the identification of responsive documents, and therefore imposes a production burden on Defendants that is not commensurate with the requirements of this case. Requesting all documents relating to payment for any service, agreement, or contract is an overly broad and unspecific request that exceeds the discovery requirements of this case.

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

REQUEST FOR PRODUCTION NO. 12:

All documents relating to the appointment of individuals to the Galveston County Commissioners Court since January 1, 2000, including, but not limited to, publicity of a vacancy, news reporting, recruitment, applications, interviews, comments received or made by members of the public, and attendees at meetings relevant to the appointment.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object that the request is overly broad and vague because the phrase “relating to” does not provide sufficient criteria for the identification of responsive documents, and therefore imposes a production burden on Defendants that is not commensurate with the requirements of this case.

Defendants further object to the request as not reasonably calculated to lead to the discovery of admissible evidence. It is unclear how the requested documents, which include discussions of appointments, are relevant to any of Plaintiffs’ claims, particularly any appointments from twenty-two years ago. The request is also therefore overly broad and unduly burdensome and beyond the scope of the needs of this case.

Defendants also object because the request, particularly its demand for all documents relating to appointments to the Commissioners Court, calls for the production of documents that are protected under the attorney-client privilege and the attorney work-product doctrine. The request also calls for

documents that are protected under the Speech or Debate Clause of the Texas Constitution, and the deliberative process privilege.

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

REQUEST FOR PRODUCTION NO. 13:

All documents related to the socioeconomic condition of Galveston County residents and socioeconomic disparities between Black, Hispanic, and White residents, including income disparities, educational disparities, housing disparities, employment disparities, and disparities in conditions of health or access to health-related services.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object that the request is overly broad and vague because the phrases “all documents” and “related to” do not provide sufficient criteria for the identification of responsive documents, and therefore imposes a production burden on Defendants that is not commensurate with the requirements of this case.

Defendants further object to the request as overly broad and unduly burdensome as there is no date limitation to this request. The request is also beyond the scope of the needs of this case.

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

REQUEST FOR PRODUCTION NO. 14: (REVISED BY PLAINTIFF).

All judicial complaints alleging discrimination based either on race or membership in a language minority group, filed against Galveston County from January 1, 2016, to the present, including complaints concerning housing, policing, employment, contracting, zoning, licensing, code enforcement, or the provision of any county services. All documents should include any opinions or voluntary dismissals filed in the case indicating a resolution.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

REQUEST FOR PRODUCTION NO. 15:

All documents regarding Maps 1 and 2 posted on the County’s website, including, but not limited to, comments, complaints, emails, text messages, and audio voice messages to or from Defendants.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object that the request is overly broad and vague because the phrase “regarding” does not provide sufficient criteria for the identification of responsive documents, and therefore imposes a production burden on Defendants that is not commensurate with the requirements of this case.

Defendants further object that the request calls for documents that are privileged under the attorney-client privilege, the attorney work-product doctrine, the Speech or Debate Clause privilege under the Texas Constitution, and the deliberative process privilege.

RESPONSE:

On October 18, 2022, Defendants produced all comments regarding Maps 1 and 2 that were submitted through the County’s website. If Defendants have additional responsive and non-privileged documents, Defendants will produce them.

REQUEST FOR PRODUCTION NO. 16:

Copies of the 2017, 2019, and 2021 Galveston County EEO-4 State and Local Government Information Reports.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object that the requested documents are equally available to the Department of Justice. The documents are filed with the U.S. Equal Employment Opportunity Commission, an agency of the Federal Government. The Department of Justice could request the documents from its fellow federal agency.

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

REQUEST FOR PRODUCTION NO. 17:

All documents that describe or are related to the record-retention requirements for Galveston County elected officials, employees, or agents, including, but not limited to, laws, policies, and procedures for the retention of hard copy documents, electronic records, videos, voicemail messages, email messages, text messages, social media posts.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions

as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object that the request is overly broad and vague because the phrase “related to” does not provide sufficient criteria for the identification of responsive documents, and therefore imposes a production burden on Defendants that is not commensurate with the requirements of this case.

Defendants also object that the request calls for the production of documents protected under the attorney-client privilege and the attorney work-product doctrine.

RESPONSE:

On October 18, Defendants produced to Plaintiffs Galveston County’s Record Retention Policy. If Defendants have additional responsive and non-privileged documents, Defendants will produce them.

REQUEST FOR PRODUCTION NO. 18:

All non-privileged documents relating to the instant lawsuit.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object that the request is overly broad and vague and therefore impossible to answer. Plaintiffs' request for "all" documents that are not privileged is nonspecific and impossible to answer. Additionally, the phrase "relating to" does not provide sufficient criteria for the identification of responsive documents. This request imposes a production burden on Defendants that is not commensurate with the requirements of this case.

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

REQUEST FOR PRODUCTION NO. 19:

All documents that Defendants may use to support the contention that the 2021 redistricting plan was not enacted with a discriminatory purpose, to the extent that Defendants take that position.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object to the extent this request asks them to marshal all evidence.

RESPONSE:

Currently, Defendants are in the process of reviewing a set of documents that are limited by mutually agreed search terms responsive to Plaintiffs' other requests. Since this is a contention document request, Defendants will produce any document responsive to this request in accordance with this Court's scheduling order, the local rules, and the Federal Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 20:

All documents that Defendants may use to support the contention that the 2021 redistricting plan does not have a discriminatory result, as defined by Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, to the extent that Defendants take that position.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October 28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object to the extent this request asks them to marshal all evidence.

RESPONSE:

Currently, Defendants are in the process of reviewing a set of documents that are limited by mutually agreed search terms responsive to Plaintiffs' other requests. Since this is a contention document request, Defendants will produce any document responsive to this request in accordance with this Court's scheduling order, the local rules, and the Federal Rules of Civil Procedure.

REQUEST FOR PRODUCTION NO. 21:

All documents responsive to, identified in, or relied upon in responding to any interrogatory served upon Defendants by the United States in relation to this action.

OBJECTIONS:

Defendants restate their General Objections and Objections to the Definitions and Instructions as if fully stated herein.

Per the meet and confer correspondence with all counsel of record that concluded on October

28, 2022, counsel agreed that Defendants must state any facial objections to the Requests for Production of Documents by November 1, 2022. Counsel agreed that any objections to this Request for Production that are based upon the review of documents may be made at a later date.

Defendants object to the extent this request asks them to marshal all evidence.

RESPONSE:

Currently, Defendants are in the process of reviewing documents. Defendants will complete their response to this request by December 13, 2022.

DATE: November 1, 2022

**HOLTZMAN VOGEL BARAN
JOSEFIK & TORCHINSKY LLC**

/s/ Dallin B. Holt

Dallin B. Holt

Attorney in Charge

Texas Bar No. 24099466

S.D. of Texas Bar No. 3536519

Jason B. Torchinsky*

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**admitted pro hac vice*

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2022, I served the foregoing via email on all counsel of record in this case.

Dallin B. Holt
Dallin B. Holt

EXHIBIT 6

From: [Meza, Catherine \(CRT\)](#)
To: [Shawn Sheehy](#); [Vall-Ilobera, Diana](#); [Sarah Chen](#)
Cc: [Hilary Harris Klein](#); [Jason Torchinsky](#); bob.boemer@co.galveston.tx.us; [Angela Olalde](#); [Dallin Holt](#); dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; [Joseph Russo](#); bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; [Chad Dunn](#); [Silberstein, Andrew](#); [Hani Mirza](#); [Suriani, JoAnna](#); [Joaquin Gonzalez](#); [Garrett, Kathryn](#); [Polizzano, Michelle](#); [Zhu, Molly](#); nas@naslegal.com; [Mancino, Richard](#); [Gear, Bruce \(CRT\)](#); [Jayaraman, Tharuni \(CRT\)](#); [Newkirk, Zachary \(CRT\)](#); [Mateo Forero](#)
Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel
Date: Friday, October 28, 2022 4:09:19 PM

Hello Shawn,

Thank you for your reply. We are pleased to have come to an agreement regarding the search terms, custodians, and production timeline.

Regarding the use of AI technology for the review, we will confer with our litigation support staff and amongst Plaintiffs and get back to you on Monday. Can you please confirm that until you hear from us otherwise, the document review will proceed without the use of AI?

Thank you.
Catherine

From: Shawn Sheehy <ssheehy@HoltzmanVogel.com>
Sent: Friday, October 28, 2022 12:01 PM
To: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>; Vall-Ilobera, Diana <DVall-Ilobera@willkie.com>; Sarah Chen <schen@texascivilrightsproject.org>
Cc: Hilary Harris Klein <hiliaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>; bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; Chad Dunn <chad@brazilanddunn.com>; Silberstein, Andrew <ASilberstein@willkie.com>; Hani Mirza <hani@texascivilrightsproject.org>; Suriani, JoAnna <JSuriani@willkie.com>; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; Garrett, Kathryn <KGarrett@willkie.com>; Polizzano, Michelle <MPolizzano@willkie.com>; Zhu, Molly <MZhu@willkie.com>; nas@naslegal.com; Mancino, Richard <RMancino@willkie.com>; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>; Mateo Forero <mforero@HoltzmanVogel.com>
Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Catherine,

First, yes, Plaintiffs will obtain Michael Shannon's documents.

Second, thank you for agreeing that the universe of documents that Defendants are reviewing is the 128,103 documents with 328,891 families based upon the search terms and date limitations that the Parties agreed to.

Third, yes:

- Defendants will continue a rolling production beginning on November 1, and then again on November 15, November 29, and the final production will be on December 13.
- Defendants will serve facial objections to Plaintiffs' RFPs on Tuesday, November 1.
- Defendants will serve all responses and any supplemental objections to Plaintiffs' interrogatories on December 13, 2022
- Defendants will serve privilege logs on December 31, 2022.

On the point of privilege logs, I will consider producing any logs earlier but I cannot commit to doing so at this time.

Thank you for agreeing to the narrowed scope of RFP 14.

Lastly, pursuant to the Joint Document Discovery Protocol II(C)(1)(a), we would like consent to use assisted AI technology. Let me be clear about a few things:

- The AI technology **does not** determine what document is responsive or non-responsive. Our document review team makes the decisions and physically chooses responsive/non-responsive.
- Instead, based upon my review of a sample of documents, and with the Plaintiffs' consent, the AI will apply the results of my decisions to the 128,103/328,891 document set. All the AI does then is that it will push what it thinks are the most likely responsive documents to the front of the line.
- We will still review each and every document in the 128,103/328,891 document set. It would just be helpful to accelerate the process if we had more responsive documents first rather than later.

Thank you,
Shawn

Shawn Sheehy
Holtzman Vogel Baran Torchinsky & Josefiak PLLC
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DISCLAIMER

Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, Holtzman Vogel, PLLC would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

From: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>
Sent: Thursday, October 27, 2022 4:31 PM
To: Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Vall-Ilobera, Diana <DVall-Ilobera@willkie.com>; Sarah Chen <schen@texascivilrightsproject.org>
Cc: Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>; bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; Chad Dunn <chad@brazilanddunn.com>; Silberstein, Andrew <ASilberstein@willkie.com>; Hani Mirza <hani@texascivilrightsproject.org>; Suriani, JoAnna <JSuriani@willkie.com>; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; Garrett, Kathryn <KGarrett@willkie.com>; Polizzano, Michelle <MPolizzano@willkie.com>; Zhu, Molly <MZhu@willkie.com>; nas@naslegal.com; Mancino, Richard <RMancino@willkie.com>; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>; Mateo Forero <mforero@HoltzmanVogel.com>
Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Dear Shawn,

Thank you for your reply and for sending the search hit reports and list of custodians. With the exception of one issue we have identified related to the list of custodians, Plaintiffs believe the parties have come to an agreement on all terms related to the search terms and production timeline.

Michael Shannon, the Galveston County Engineer, was identified on the United States' initial

disclosures as an individual with discoverable information, but he was not included on Defendants' list of custodians. Accordingly, the United States requests that Mr. Shannon's documents be included in Defendants' production of documents responsive to Plaintiffs' discovery requests. In order to not hold up the rest of the review and production, the United States proposes that the retrieval, review, and production of Mr. Shannon's unique document hits proceed on a separate timeline.

Subject to the above identified issue, and with the understanding that Defendants have included all "Communication(s)" and "Document(s)" as defined in Plaintiffs' requests for production of documents, Plaintiffs agree that the 128,103 documents and 328,981 families yielded from the agreed upon search terms constitutes the universe of documents Defendants are reviewing in response to Plaintiffs' first set of document requests and interrogatories.

To confirm, the parties have agreed that:

- Defendants will continue rolling productions on November 1, November 15, and November 29, and conclude productions on December 13, 2022;
- Defendants will serve objections to Plaintiffs' requests for production on November 1, 2022; and
- Defendants will serve all responses and any supplemental objections to Plaintiffs' interrogatories on December 13, 2022.

Also, Plaintiffs agree that Defendants will complete their production of privilege logs by December 31, 2022. Given that, would you consider providing partial privilege logs on November 15 and November 29 reflecting any responsive documents identified and withheld from the rolling productions up to that point?

Lastly, the United States agrees with the scope of the search for materials responsive to U.S. RFP 14 that you outlined in your message below.

Thank you.

Catherine

From: Shawn Sheehy <ssheehy@HoltzmanVogel.com>

Sent: Wednesday, October 26, 2022 2:40 PM

To: Vall-Ilobera, Diana <DVall-Ilobera@willkie.com>; Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>; Sarah Chen <schen@texascivilrightsproject.org>

Cc: Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>; bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; Chad Dunn <chad@brazilanddunn.com>; Silberstein, Andrew <ASilberstein@willkie.com>; Hani Mirza <hani@texascivilrightsproject.org>; Suriani, JoAnna <JSuriani@willkie.com>; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; Garrett, Kathryn <KGarrett@willkie.com>; Polizzano, Michelle <MPolizzano@willkie.com>; Zhu, Molly <MZhu@willkie.com>; nas@naslegal.com; Mancino, Richard <RMancino@willkie.com>; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>; Mateo Forero <mforero@HoltzmanVogel.com>

Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Diana,

Thank you. Please find attached the search term hit report. Because there were four separate date ranges, we needed to run four separate reports.

Please also see below the 22 Galveston County custodians and two non-Galveston County employee custodians whose records we have pulled:

1. Mark Henry
2. Tyler Drummond
3. Darrell Apffel
4. Joseph Giusti
5. Stephen Holmes
6. Ken Clark
7. Linda Liechty
8. Zach Davidson
9. Jed Webb
10. Robin Armstrong
11. Nathan Sigler
12. Cheryl Johnson
13. Kristi Saludis
14. Dwight Sullivan
15. Wendi Fragoso
16. Brandy Chapman
17. Ryan Dennard
18. Barry Willey
19. Myrna Reingold
20. Dianna Martinez
21. Kathy Branch
22. Redistricting@galvestoncountytexas.gov
23. Dale Oldham
24. Tom Bryan

Although Plaintiffs experts would have sufficient time to add in documents to their report if the final production deadline were December 31, 2022—this is a rolling production so the experts can be reviewing documents and updating their reports as we produce documents—Defendants agree with the deadline of December 13 for a final production deadline.

Defendants will produce privilege logs by December 31, 2022.

As for the RFP, I correctly referenced U.S. Interrogatory 15 and in an earlier email, I correctly referenced U.S. RFP 14.

Defendants agree to the narrowed U.S. RFP 14 in your proposal below except for this line at the end: “findings and documents indicating resolution of the charge or complaint.” We will search for and transmit to Plaintiffs responsive complaints and if there is an opinion or dismissal in our universe of documents, we will produce those as well. Plaintiffs’ counsel can search the publicly available dockets for anything else.

Additionally, as previously stated, there is no central database within Galveston County government where these lawsuits are stored. However, all lawsuits against the county are served on the County Judge. Because we have captured all documents/data from Judge Mark Henry and his staff, we should be able to search for documents responsive to RFP 14 as narrowed.

Thank you,

Shawn Sheehy

Holtzman Vogel Baran Torchinsky & Josefiak PLLC

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From: Vall-Ilobera, Diana <DVall-Ilobera@willkie.com>

Sent: Tuesday, October 25, 2022 7:10 PM

To: Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Meza, Catherine (CRT)

<Catherine.Meza@usdoj.gov>; Sarah Chen <schen@texascivilrightsproject.org>

Cc: Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>; bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; Chad Dunn <chad@brazilanddunn.com>; Silberstein, Andrew <ASilberstein@willkie.com>; Hani Mirza <hani@texascivilrightsproject.org>; Suriani, JoAnna <JSuriani@willkie.com>; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; Garrett, Kathryn <KGarrett@willkie.com>; Polizzano, Michelle <MPolizzano@willkie.com>; Zhu, Molly <MZhu@willkie.com>; nas@naslegal.com; Mancino, Richard <RMancino@willkie.com>; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>; Mateo Forero <mforero@HoltzmanVogel.com>

Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Hi, Shawn,

Thank you for the update regarding the search term hits. It seems we are near agreement, pending a few clarifications.

As last time, we would like to review the hit report. Additionally, could you please identify the 22 custodians whose materials were searched? This will allow us to evaluate the universe of documents.

As for timeline for production, your reply indicated that Defendants would push to get the review of documents done by the “end of the year,” but still did not commit to a specific date for the completion of production. As you are aware, Plaintiffs’ expert reports are due on January 13, 2023. On the timeline that Defendants propose, Plaintiffs’ experts will not have sufficient time to review and incorporate relevant evidence into their reports and will not be able to review any deposition testimony.

In the interest of avoiding going to the court over this timeline, we propose a continuing schedule of rolling productions every 2 weeks, ending by December 13, 2022. This could be achieved in a variety of ways, such as increasing the team of reviewers to 15, although we leave to you how to best meet this deadline.

U.S. Request for Production 14

With respect to U.S. RFP 14 (your last correspondence stated RFP 15, but given the subsequent description, it seems that you are referring to RFP 14), the request is intended to gather evidence related to United States’ claim that the 2021 redistricting plan violates Section 2. Specifically, claims of discrimination against the County are relevant to a finding under *Rogers v. Lodge* that the County was motivated by a discriminatory purpose in adopting the plan and also to establishing the plan will have a discriminatory result as those facts also point to the existence of Senate Factors 1 and 5, both of which form part of the court’s analysis of the totality of the circumstances in the County.

In order to address your objections and concerns, the United States will further limit the scope of RFP 14 as follows:

All ~~documents related to administrative or judicial complaints alleging discrimination based either on race or membership in a language minority group, filed against Galveston County, or any County agency or official, from January 1, 2016, to the present, including complaints concerning housing, policing, employment, contracting, zoning, licensing, code enforcement, or the provision of any county services. Any such documents should include; but are not limited to, investigation reports, transcripts of hearings, findings and documents indicating resolution of the charge or complaint.~~

Please let us know if this is agreeable.

Best,
Diana

Diana C. Vall-Ilobera
Willkie Farr & Gallagher LLP
1875 K Street, N.W. | Washington, DC 20006-1238
Direct: [+1 202 303 1157](tel:+12023031157) | Fax: +1 202 303 2183
dvall-lobera@willkie.com | [vCard](#) | [www.willkie.com bio](http://www.willkie.com/bio)
Pronouns: she, her, hers

From: Shawn Sheehy <ssheehy@HoltzmanVogel.com>
Sent: Monday, October 24, 2022 4:30 PM
To: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>; Sarah Chen <schen@texascivilrightsproject.org>
Cc: Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>; bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; Chad Dunn <chad@brazilanddunn.com>; Silberstein, Andrew <ASilberstein@willkie.com>; Vall-Ilobera, Diana <DVall-Ilobera@willkie.com>; Hani Mirza <hani@texascivilrightsproject.org>; Suriani, JoAnna <JSuriani@willkie.com>; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; Garrett, Kathryn <KGarrett@willkie.com>; Polizzano, Michelle <MPolizzano@willkie.com>; Zhu, Molly <MZhu@willkie.com>; nas@naslegal.com; Mancino, Richard <RMancino@willkie.com>; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>; Mateo Forero <mforero@HoltzmanVogel.com>
Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

*** EXTERNAL EMAIL ***

Catherine,

Thank you. We have reviewed Plaintiffs proposal and I think we are at an agreement, pending one clarification:

First, Plaintiffs proposed search terms and date limitations returned: 128,103 documents and 328,981 families. Defendants are fine with this universe of documents. We estimate that we can complete production, privilege logs, and interrogatory responses by the end of the year. We will engage with contract document reviewers to help speed up the process. To arrive at this estimate, we again use 60 documents an hour which means that it will take approximately 5,483 hours to complete the review process of all documents and families. With approximately 10 document reviewers, it will take about 548 hours to review the 328,981 families. At 50 hour workweeks, it will take about 10.5 weeks to complete review. We will push ourselves to get this done by the end of the year.

Second, one clarification: while Defendants disagree with the scope of some of the revised RFPs, Defendants will agree to search and produce documents responsive to the revised RFPs (and non-revised), so long as Plaintiffs agree that the 128,103/328,981 constitutes the universe of documents Defendants are reviewing.

As noted in my previous email, Defendants maintain that it is overly broad and unduly burdensome to search for lawsuits against Galveston County, review the complaints to determine if they allege racial discrimination, and determine what is the ultimate resolution of the case. Defendants respectfully refer Plaintiffs to Defendants' objection to DOJ's Interrogatory 15.

Additionally, the revised requests ask for administrative complaints. Defendants maintain that requiring Defendants to contact, for example, the Galveston County jail and ask them to review their complaints for the past 5 to 10 years, which are paper files and not categorized by claim, and review each Complaint to determine if the Complaint alleges racial discrimination is overly broad and unduly burdensome and not proportional to the needs of the case. If Plaintiffs insist on compelling Defendants to conduct this expansive and cumbersome search, we will seek relief from the Court.

We have collected all emails and computer files from 22 custodians, including the Galveston County Clerk, the Galveston County Deputy Clerk, the former head of the Galveston County Legal Department—which is now defunct—the Commissioners, and their staff. This is a sufficiently broad net to cast to capture any lawsuits filed against the County and with the search terms given, we should be able to pull lawsuits that allege racial discrimination. Additionally, LexisNexis and WestLaw can pull lawsuits against the county using search terms to find those lawsuits that allege racial discrimination.

To be clear, we have already located the 1991 Commissioners Court meeting minutes that outline the rules/procedures/criteria for redistricting from the 1991 redistricting cycle and Defendants will produce those. We may have already located the 2001 meeting minutes and we will produce those as well, if we have them.

Thank you very much,

Shawn Sheehy

Holtzman Vogel Baran Torchinsky & Josefiak PLLC

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From: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>

Sent: Friday, October 21, 2022 3:23 PM

To: Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Sarah Chen <schen@texascivilrightsproject.org>

Cc: Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>; bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; Chad Dunn <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT)

<Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>; Mateo Forero <mforero@HoltzmanVogel.com>

Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Shawn,

Plaintiffs are fine with Defendants providing us a response by COB, Monday, October 24. Please note that NAACP Plaintiffs will address your first inquiry under separate cover.

Thank you.
Catherine

From: Shawn Sheehy <ssheehy@HoltzmanVogel.com>

Sent: Friday, October 21, 2022 1:38 PM

To: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>; Sarah Chen <schen@texascivilrightsproject.org>

Cc: Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>; bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; Chad Dunn <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>; Mateo Forero <mforero@HoltzmanVogel.com>

Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Catherine,

Thank you. We will re-run the search terms now.

A couple of questions:

First, what is the NAACP Plaintiffs' position regarding Defendants objections to RFPs 1, 3, and 4?

Second, Plaintiffs' email came to us at 6:12pm eastern time last night. Plaintiffs are asking Defendants to agree to modified RFPs *and* modified search terms in less than 24 hours. We are running the search terms and reviewing the modified RFPs, but I don't think we will be able to

respond to both requests by COB today. Defendants respectfully request to have until COB on Monday to confer internally about the modified search terms and modified RFPs, including any potential modifications from the NAACP Plaintiffs.

Please let me know if COB Monday is acceptable to Plaintiffs.

Thank you,

Shawn Sheehy

Holtzman Vogel Baran Torchinsky & Josefiak PLLC

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From: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>

Sent: Friday, October 21, 2022 1:05 PM

To: Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Sarah Chen <schen@texascivilrightsproject.org>

Cc: Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>; bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com;

sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; Chad Dunn <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>; Mateo Forero <mforero@HoltzmanVogel.com>

Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Shawn,

We identified a typo in one of the search strings (a missing space), and have attached a corrected version of the search terms here.

Thank you.
Catherine

From: Meza, Catherine (CRT)

Sent: Thursday, October 20, 2022 6:11 PM

To: Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Sarah Chen <schen@texascivilrightsproject.org>

Cc: Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>; bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; Chad Dunn <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>; Mateo Forero <mforero@HoltzmanVogel.com>

Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Dear Shawn,

Please see attached Plaintiffs' revisions to the draft search terms. I have included redlined and clean versions of the document.

Based on the search term hit report you provided, we have proposed several revisions that will

significantly decrease the total documents yielded. In addition, we have added specific date ranges for all search terms. Please let us know by close of business ET tomorrow, Friday, October 21, whether Defendants agree to the revised search terms.

With respect to the specific requests for production you referenced in your reply, below are revised requests that limit the scope of each with respect to time and substance.

DOJ's Revised RFP Nos. 1, 2, 3, 4, and 14--

U.S. RFP 1: All documents relating to any redistricting proposal for the Galveston County Commissioners Court during the 2020-2021 redistricting cycle. This request includes but is not limited to:

- a. identification of the originator(s) or source(s) of each such redistricting proposal;
- b. the purpose(s) to be served by each proposed change from the previous redistricting plan in any such redistricting proposal;
- c. all drafts in the development of each such redistricting proposal whether partial or total;
- d. all demographic or election data, regardless of source or format, used in the development of each total or partial revision of each such plan;
- e. all negotiations between two or more members of the commissioners court regarding any such redistricting proposal, including, but not limited to, potential pairing of incumbents in any such plan; and
- f. all analyses, from any source, that examined the electoral impact on the County's Black or Hispanic residents that would result from the implementation of any such redistricting proposal.

U.S. RFP 2: All notices for all public hearings and workshops, agendas, meeting minutes, meeting transcripts, and proposed and final guidelines or criteria considered for the redistricting of Galveston County's commissioners court during the 1991 and 2001 redistricting cycles.

U.S. RFP 3: All documents relating to any and all analyses of voting patterns in Galveston County elections, including analyses of local elections within the County that compared or contrasted electoral behavior by race or membership in a language minority group conducted by the County or any of its agents or staff, or provided to the County by any individual, company, or organizations, including, but not limited to, any supporting documentation or data. This includes any analyses conducted or provided between January 1, 2011 to the present.

U.S. RFP 4: WITHDRAWN

U.S. RFP 14: All documents related to administrative or judicial complaints alleging discrimination based either on race or membership in a language minority group, filed against Galveston County, or any County agency or official, from January 1, 2016, to the present, including complaints concerning housing, policing, employment, contracting, zoning, licensing, code enforcement, or the provision of any county services. Any such documents should include, but are not limited to, investigation reports, transcripts of hearings, findings, and documents indicating resolution of the charge or complaint.

Petteway Plaintiffs also respond to the specific requests for production that you included in your reply:

In general, Petteway Plaintiffs maintain that the 2011 redistricting cycle is relevant to their constitutional claims, namely, that “[i]n 2021, Galveston County (the “County”) finally succeeded in adopting the discriminatory redistricting plan that the United States Department of Justice (“DOJ”) prevented them from adopting in 2012,” in violation of the Fourteenth and Fifteenth Amendments. Doc. 31 at ¶ 1. Nevertheless, Petteway Plaintiffs offer to narrow the requests accordingly:

Petteway RFP 2: All nonprivileged communications related to this suit.

Petteway RFP 3: WITHDRAWN

Petteway RFP 6: All Commissioners Court plans proposed or considered by the Commissioners Court during the 2011 redistricting cycle, shapefiles associated with that plan, and vendors contracted in relation to developing Commissioners Court districts during the 2011 redistricting cycle.

Petteway RFP 8: No change.

Petteway RFP 10: All documents relating to any and all analyses of voting patterns in Galveston County elections, including analyses of local elections within the County that compared or contrasted electoral behavior by race or membership in a language minority group conducted by the County or any of its agents or staff, or provided to the County by any individual, company, or organizations, including, but not limited to, any supporting documentation or data. This includes any analyses conducted or provided between January 1, 2011 to the present.

Petteway RFP 11: All Items related to analysis of voter behavior in Galveston County and any data considered in such analysis from January 1, 2011 to the present. As used herein, “voter behavior” includes voter registration data, political party affiliation, and voter turnout by racial demographic.

Petteway RFP 16: All Communications referencing Commissioner Stephen Holmes during the 2011 Redistricting Cycle and 2021 Redistricting Cycle to which Commissioner Holmes was not a party and pertained to: redistricting the Commissioners Court precincts, or the analysis of electoral behavior by race in Galveston County, and communications about voting patterns in Precinct 3.

Petteway RFP 17: No change.

Petteway RFP 19: All Items related to the County’s 2007 consent decree with the Department of Justice in Spanish language assistance in *United States v. Galveston County, TX* (S.D. Tex. 2007). This includes any public comments or testimony about the case, nonprivileged communications between county officials about the case, and documents filed in the case.

Petteway RFP 20: WITHDRAWN

Petteway RFP 21: All documents related to administrative or judicial complaints alleging discrimination based either on race or membership in a language minority group, filed against Galveston County, or any County agency or official, from **January 1, 2010**, to the present, including complaints concerning housing, policing, employment, contracting, zoning, licensing, code enforcement, or the provision of any county services. Any such documents should include, but are not limited to, investigation reports, transcripts of hearings, findings, and documents indicating resolution of the charge or complaint.

From: Shawn Sheehy <ssheehy@HoltzmanVogel.com>

Sent: Wednesday, October 19, 2022 7:39 PM

To: Sarah Chen <schen@texascivilrightsproject.org>

Cc: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>; Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>; bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; Chad Dunn <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-lobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; juriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>; Mateo Forero <mforero@HoltzmanVogel.com>

Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Sarah,

Yes, please find attached the requested search term report.

Thank you,

Shawn Sheehy

Holtzman Vogel Baran Torchinsky & Josefiak PLLC

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2300 N Street, NW, Ste 643-A

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From: Sarah Chen <schen@texascivilrightsproject.org>
Sent: Wednesday, October 19, 2022 2:07 PM
To: Shawn Sheehy <ssheehy@HoltzmanVogel.com>
Cc: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>; Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>; bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; Chad Dunn <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>
Subject: Re: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Hi Shawn,

Would you be willing to provide a hit report on the search terms today so we may consider if and how to narrow the terms?

Best,
Sarah

Sarah Xiyi Chen
Pronouns: she/her
Attorney, Voting Rights Program
Texas Civil Rights Project
O: (512) 474-5073 ext. 184
M: (737) 242-0259

www.txcivilrights.org

On Wed, Oct 19, 2022 at 10:57 AM Shawn Sheehy <ssheehy@holtzmanvogel.com> wrote:

Catherine,

We received your proposed expanded search terms as well as your additional search terms. Apologies for the delay in responding, but it took about 24 hours to run your proposed search terms against the 3.3 million documents collected.

Your proposed search terms, including those searches for terms that are within 100 words of each other, returned 2.1 million documents. By contrast, our proposed search terms returned 300,000 documents.

2.1 million documents imposes an undue burden on Galveston County. The cost alone is unduly burdensome. If we review 60 documents an hour at \$250 an hour, this would cost \$8.75 million to review and take approximately 35,000 hours to review. For comparison, there are 8,760 hours in a year.

Already at 300,000 documents, 500,000 families, Galveston County will bear an undue expense. At 60 documents an hour, this will take 5,000 hours to review and cost \$1,250,000 to review at \$250 an hour. This too is unduly burdensome.

Plaintiffs need to narrow their requests. This case is about whether the 2021 Commissioners Court enacted map constitutes an unconstitutional racial gerrymander, violates Section 2 of the Voting Rights Act due to discriminatory effects, and violates the Fourteenth, Fifteenth, and Section 2 of the VRA due to intentional discrimination. This case is not about the 2011 enacted plan or about allegations of racial discrimination against any agency in the county for the past 12-20 years.

For example, Defendants' objection include but are not limited to:

DOJ:

1. RFP 1, this is overly broad and unduly burdensome to the extent it calls for the production of documents during the 2010-2011 redistricting cycle;
2. RFP 2, this is overly broad to the extent the request calls for documents related to the 1991 and 2001 redistricting process other than meeting minutes or recordings of meetings to the extent these exist;
3. RFP 3, this is overly broad to the extent Defendants must search for voting pattern analysis that was conducted between January 1, 2000 to April 1, 2012 (after the 2012 Commissioners Court map went into effect). We can search for voting pattern analysis conducted or reviewed for Map Proposal 1 and Map Proposal 2.
4. RFP 4, Defendants object to searching for voting precinct boundaries, shapefiles, for anything before April 1, 2012.

5. RFP 14, Defendants object. This is overly broad and unduly burdensome. For example, the Galveston County Jail does not categorize complaints by claim. This request will require Galveston County correctional authorities to go through paper copies of complaints going back 12 years, reviewing each complaint to ascertain whether it alleged racial discrimination, then tracking down hearing transcripts of hearings, if any, and ultimate resolutions.

PETTEWAY

1. RFP 2: calls for documents clearly protected under the work-product doctrine and the attorney-client privilege. We are not going to review every single document created after March 14, 2022 and log every single email with counsel.
2. RFP 3: this request is not relevant to any claim or defense; you are asking for communications about your 2013 case that challenged a different map. This request also seems calculated to obtain discovery for another case. It also calls for documents protected under the attorney work-product doctrine and the attorney-client privilege. We are not going to review and log every document, assuming there are any.
3. RFP 6, communications about the 2011 map are not relevant to determining whether the 2021 enacted map violates Plaintiffs' statutory or constitutional rights. We have produced shapefiles for the 2012 map. We do not see how communications about the 2012 enacted map are relevant here.
4. RFP 8, same objection as above.
5. RFP 10 Defendants do not object so long as the beginning date is January 1, 2020.
6. RFP 11 does not have date limitation but again, we are fine so long as the begin date is January 1, 2020.
7. RFP 16, Defendants do not object to producing the communications for the 2021 redistricting cycle.
8. RFP 17, Defendants do not object to producing the communications for the 2021 redistricting cycle.
9. RFP 19, this is not reasonably calculated to lead to discoverable evidence as to any of Plaintiffs' claims. It is overly broad and unduly burdensome as Plaintiffs are asking to search files for litigation that occurred nearly 20 years ago. It calls for the production of documents clearly protected under the attorney-client privilege and the attorney work-product doctrine.
10. RFP 20: the Galveston Housing Authority is not under the control of Galveston County.
11. RFP 21, same objections to DOJ's RFP 14 and DOJ's Interrogatory 15.

NAACP

1. RFP 1: demands documents regarding the 2011 redistricting. This case is about the 2021 enacted map.
2. RFP 3: it is not clear how rules regarding elections back in 1990 are relevant to Plaintiffs' claims concerning the 2021 enacted map
3. RFP 4: this is overly broad. Plaintiffs are asking for all documents and communications

regarding the prior map. This case is about the 2021 enacted map. This question should be limited to the 2021 redistricting.

These are examples of requests that are overly broad and unduly burdensome.

As a sign of good-faith, Defendants have produced documents on October 18, as promised. And as a further sign of good-faith, Defendants intend to make a production of documents on November 1.

But between now and November 1, Defendants expect that Plaintiffs will confer and amend their document requests to something more targeted about the 2021 enacted plan. As Plaintiffs know, when Plaintiffs have demanded specific documents and data, Defendants have responded timely and quickly. Defendants will continue that practice.

If, however, Plaintiffs cannot make more targeted document demands that are about whether the 2021 enacted plan violates the constitutional and statutory rights of Plaintiffs, Defendants will file a motion for protective order arguing that the Plaintiffs document requests are overly broad, unduly burdensome, and Defendants will assert any other applicable privileges and defenses. Defendants will also submit a motion to stay discovery pending a ruling on the protective order.

Thank you,

Shawn Sheehy

Holtzman Vogel Baran Torchinsky & Josefiak PLLC

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From: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>

Sent: Friday, October 14, 2022 6:33 PM

To: Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>

Cc: bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; 'Chad Dunn' <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; schen@texascivilrightsproject.org; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>

Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Shawn,

The attached document includes Defendants' proposed search terms below and Plaintiffs' proposed revisions, which are reflected in tracked changes.

Please let us know if you agree with our additions or if Defendants would like to discuss further.

Thank you.
Catherine

From: Shawn Sheehy <ssheehy@HoltzmanVogel.com>

Sent: Friday, October 14, 2022 10:02 AM

To: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>; Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>

Cc: bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; 'Chad Dunn'

<chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza
<hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez
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rmancino@willkie.com; schen@texascivilrightsproject.org; Gear, Bruce (CRT)
<Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk,
Zachary (CRT) <Zachary.Newkirk@usdoj.gov>

Subject: Re: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Catherine,

Here are the search terms that we propose. These search terms return 252,058 documents with 511,626 documents plus families.

The 514,562 number I gave you yesterday was the documents plus families number. But upon closer inspection, the report was incomplete. The full report returned 820,961 documents plus families.

Please let us know if these search terms are acceptable to you. As soon as we agree on terms, we will batch out documents to our review team and begin reviewing.

Thank you,
Shawn

Precinct /3 map
Redistrict! /3 proposal
Redistrict! /3 map
District! /3 map
Redistrict! /3 process
Redistrict! /3 cycle
Redistrict! /3 criteria
Statistic! /3 data
"Demographic data"
"Election data"
Vot! /3 behavior
Elect! /3 behavior
Elect! /3 pattern!
Vot! /3 registrat!
Vot! /3 intimidat!
vot! /3 precinct!
Deviat! /3 population
Deviat! /3 race
Deviat! /3 ethnic
Deviat! /3 voter

Deviat! /3 black
Deviat! /3 "African American"
Deviat! /3Hispanic
Deviat! /3 Latino
Vot! /3 turnout
elect! /3 turnout
Census
"Texas Demographic Center"
Map /3 concept
Map /3 racial
"Commissioners Court/3 elections
Commissioners Court/3 precincts
Commissioners Court/3 districts
Commissioners Court/3 of Redistricting
Rac! /3 voter
Rac! /3 effect
Rac! /3 disparit!
Rac! /3 discrimin!
Rac! /3 polarized
Rac! /6 Authority
Transcript/3 redistricting
Testimony/3 redistricting
Hearing /3 redistrict!
"DOJ"
"Department of Justice"
"Redistricting cycle"
Allegations
Project! /4 outcome
Project / result!
"Consent decree"
"BVAP"
"Black Voting Age Population"
"HVAP"
"Hispanic Voting Age Population"
"CVAP"
"Citizen Voting Age Population"
"Commissioner Holmes"
"Commissioner Stephen Holmes"
"Stephen Holmes"
"Petteway v. Galveston, No. 3:13-cv-00308"
"Nov! 12 2021"
"Dr. Robin Armstrong"
Robin /3 Armstrong
Appoint! /3 commissioner!
"United States v. Galveston County and Spanish Language Assistance"

"Section 2 of the Voting Rights Act"

"Voting Rights Act"

"Section 2"

"Section 5 of the Voting Rights Act"

"Asian American Pacific Islander"

"AAPI"

"Racial Gerrymand!"

"Arlington Heights Factors"

"Dale Oldham"

"Dalton Oldham"

"dloesq@aol.com"

"Thomas Bryan"

"Tom Bryan"

Tom /3 Bryan

"Holtzman Vogel"

"@holtzmanvogel.com"

"@hvjt.law"

"Paul Ready"

"paul@ready.law"

"majority-minority"

Paul /3 Ready

Phil /3 Gordon

Jason /3 Torchinsky

Shawn /3 Sheehy

Dallin /3 Holt

Dalton /3 Oldham

Republican /3 vot!

Democrat /s vot!

Polarized /3 vot!

"Map 1"

"Map 2"

"Voting Rights Act"

"VRA"

"Section 2"

"Section Two"

"Majority-Minority"

"eeo4" /3 report

"eeo 4" /3 report

Shawn Sheehy

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From: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>

Sent: Wednesday, October 12, 2022 10:49:42 AM

To: Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us <bob.boemer@co.galveston.tx.us>; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com <dloesq@aol.com>; trey.trainor@akerman.com <trey.trainor@akerman.com>; jraschke@greerherz.com <jraschke@greerherz.com>; joe@nixonlawtx.com <joe@nixonlawtx.com>; Joseph Russo <jrusso@greerherz.com>

Cc: bernadette@uclavrp.org <bernadette@uclavrp.org>; mgaber@campaignlegal.org <mgaber@campaignlegal.org>; neil@ngbaronlaw.com <neil@ngbaronlaw.com>; sleeper@campaignlegal.org <sleeper@campaignlegal.org>; sonni@uclavrp.org <sonni@uclavrp.org>; vrichardson@campaignlegal.org <vrichardson@campaignlegal.org>; 'Chad Dunn' <chad@brazilanddunn.com>; asilberstein@willkie.com <asilberstein@willkie.com>; dvall-llobera@willkie.com <dvall-llobera@willkie.com>; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com <jsuriani@willkie.com>; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com <kgarrett@willkie.com>; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com <nas@naslegal.com>; rmancino@willkie.com <rmancino@willkie.com>; schen@texascivilrightsproject.org <schen@texascivilrightsproject.org>; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>

Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Shawn,

Thank you for your reply. A Teams invite for a meet and confer tomorrow at 2:30 pm to follow.

Catherine

From: Shawn Sheehy <ssheehy@HoltzmanVogel.com>
Sent: Tuesday, October 11, 2022 8:15 PM
To: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>; Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>
Cc: bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; 'Chad Dunn' <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; schen@texascivilrightsproject.org; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>
Subject: Re: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Catherine,

Thank you for your response.

1. Yes, we have submitted search terms to our clients to use when searching their personal devices. And yes, included in that are iMessage, Facebook Messenger, WhatsApp, Teams, and GroupMe, and other similar personal communication accounts.

2. I maintain that the scope of our prior agreement was unclear. But it is Plaintiffs who submitted three separate document requests stretching back as far as 30 years in some cases. This is why we have approximately 1.4 million documents that we have retrieved and will need time to review. In any event, when quoting my response regarding when we anticipate completing discovery, you omit several key phrases:

- a. "Because Defendants have not yet completed document *retrieval*" (emphasis

added)...

b. **"We can commit to a rolling production schedule every two weeks."** (emphasis added)

c. "We cannot commit to any completion deadline at this time."

We have largely completed document retrieval and are set to run search terms and can begin document review this week. Defendants can agree to your proposed document production schedule, which mirrors what Defendants said they would do, i.e., produce documents every two weeks:

October 18

November 1

November 15

November 23.

But we cannot commit to a completion deadline at this time. We still do not know how many potentially responsive documents we will have. We will know that soon and we will then have a better idea of what a reasonable deadline could be.

3. We may be able to come to an agreement on this point. Defendants can agree to file objections to interrogatories by October 18 so long as the objections can be amended and/or supplemented as document production continues. We do not agree that any objection not raised by October 18 is waived.

As for responding to Interrogatories U.S. 10, 13-16; and NAACP Interrogatory 1-2, Defendants can agree with the following:

A. Defendants will respond to the following Interrogatories: U.S. Interrogatories 14 and 16.

B. The other interrogatories require document retrieval and review to inform Defendants' responses, e.g., NAACP 1 and 2, we will need to review documents to ascertain who may have had direct and indirect roles in drawing Commissioners Court maps and to describe what that role was. We therefore cannot respond to those interrogatories at this time. Similarly, U.S. Interrogatory 10, 13, and 15 requires document retrieval and review.

Finally, as you sent your email to me at 4:19pm on Tuesday, October 11, one week after my response to you, we are not prepared for a meet-and-confer at 10am or 11am eastern time, or 5:30pm eastern time tomorrow, Wednesday.

We can be available for a meet and confer if necessary at 2:30pm eastern time on Thursday.

Thank you

Shawn Sheehy

holtzmanvogel.com

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From: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>
Sent: Tuesday, October 11, 2022 4:19 PM
To: Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us <bob.boemer@co.galveston.tx.us>; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com <dloesq@aol.com>; trey.trainor@akerman.com <trey.trainor@akerman.com>; jraschke@greerherz.com <jraschke@greerherz.com>; joe@nixonlawtx.com <joe@nixonlawtx.com>; Joseph Russo <jrusso@greerherz.com>
Cc: bernadette@uclavrp.org <bernadette@uclavrp.org>; mgaber@campaignlegal.org <mgaber@campaignlegal.org>; neil@ngbaronlaw.com <neil@ngbaronlaw.com>; sleeper@campaignlegal.org <sleeper@campaignlegal.org>; sonni@uclavrp.org <sonni@uclavrp.org>; vrichardson@campaignlegal.org <vrichardson@campaignlegal.org>; 'Chad Dunn' <chad@brazilanddunn.com>; asilberstein@willkie.com <asilberstein@willkie.com>; dvall-llobera@willkie.com <dvall-llobera@willkie.com>; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com <jsuriani@willkie.com>; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com <kgarrett@willkie.com>; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com <nas@naslegal.com>; rmancino@willkie.com

<rmancino@willkie.com>; schen@texascivilrightsproject.org
<schen@texascivilrightsproject.org>; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>;
Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT)
<Zachary.Newkirk@usdoj.gov>

Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Dear Shawn,

Thank you for your message and for the clarification regarding the meaning of “Recovered.” We write to follow up on a few points:

1. Commissioners’ Personal Communications Accounts: Thank you for confirming that the individual Commissioners and County Judge Mark Henry will be searching their personal email accounts and computers for any responsive documents. We also wanted to clarify that in accordance with the definitions of “Communication” and “Document” in the United States’ First Request for Production of Documents (as well as the private plaintiffs’ requests), “personal communications accounts” is not limited to personal email accounts but also encompasses messaging accounts/applications such as text messages, iMessage, Facebook Messenger, WhatsApp, Teams, and GroupMe.

Please also confirm that counsel will be running search terms over these communications, as is standard practice, and will not be solely relying on their clients to identify responsive documents.

2. Production Timeline and Search Terms: As you know, Plaintiffs agreed to Defendants’ request to extend the deadline for fully responding to Plaintiffs’ First Interrogatories and First Requests for Production a month past the initial response deadline to October 18, 2022.

In our email correspondence from September 30, 2022, Plaintiffs further stated that they are amenable to rolling productions and extending the deadline for Defendants to fully respond to Plaintiffs’ First Requests for Production by an additional month (to November 18, 2022, giving Defendants a total of 90 days to collect, review, and produce responsive data and documents) provided that Defendants respond to a select set of the United States’ Requests for Production and to Plaintiffs’ Interrogatories by the already-extended deadline of October 18, 2022. To ensure that Defendants had enough time ahead of October 18, 2022, Plaintiffs also proposed

October 7, 2022, as the deadline for agreed-upon search terms.

Plaintiffs proposed these deadlines, as well as the additional 30 days for Defendants to complete the production, in good faith and in consideration of the number of documents you indicated were yielded from Defendants' document retrieval efforts. Despite Plaintiffs' concessions and accommodations, as well as the discovery schedule and upcoming expert report deadlines, Defendants did not even propose a reasonable alternate timeline but instead have taken the untenable position that they will "produce what we can on October 18" and that "we cannot commit to any completion deadline at this time." That said, and in an effort to come to a resolution without seeking relief from the Court, Plaintiffs propose the following schedule for rolling productions and the completion of Defendants' productions in response to Plaintiffs' first sets of requests for production:

- October 18, 2022: First rolling production
- November 1, 2022: Second rolling production
- November 15, 2022: Third rolling production
- November 23, 2022: date to complete productions in response to Plaintiffs' first set requests for production and to provide responses to Plaintiffs' first sets of interrogatories

Further, as noted previously, Plaintiffs are readily available to discuss and agree to search terms in order to facilitate identification and production of responsive documents.

3. Responses and Objections to Interrogatories: With respect to Plaintiffs' interrogatories, to the extent that Defendants intend to object to any portion of any Interrogatory, we request that Defendants provide their objection(s) and state with specificity the grounds for doing so by October 18, 2022. Any objection to any Interrogatory that is not stated by October 18 will be waived. Also, Plaintiffs request that, by October 18, Defendants provide responses to the following interrogatories that can be answered without need for review of produced documents:

- U.S. Interrogatories: Nos. 10 and 13-16
- NAACP Plaintiffs' Interrogatories: Nos. 1 – 2

We are available to meet and confer during the following days and times this week regarding these issues:

- Wednesday, October 12: 9 AM-10 AM CT; 4:30 PM-5:00 PM CT
- Thursday, October 13: 10 AM CT-12 PM CT; 1:30 PM CT-2:30 PM CT

Thank you.

Catherine

From: Shawn Sheehy <ssheehy@HoltzmanVogel.com>
Sent: Tuesday, October 4, 2022 3:35 PM
To: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>; Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>
Cc: bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; 'Chad Dunn' <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; schen@texascivilrightsproject.org; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>
Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Catherine,

Thank you for your message. Please find my responses in bold below.

1. Defendants agreed to search current Commissioners' personal communication accounts;

Yes, Defendants will request that the individual Commissioners and County Judge Mark Henry, search their personal email accounts and computers for any responsive documents.

Because of this, Plaintiffs will refrain from issuing subpoenas to individual commissioners.

2. Defendants indicated that they consider the current Commissioners to be Defendants represented by Defense Counsel;

We represent Galveston County and the Commissioners in their official capacities. Additionally, the Commissioners are the individuals who hold the legislative power in Galveston County. It is their actions that Plaintiffs allege violate their federal and constitutional rights. The Commissioners are high-ranking Galveston County government officials who are therefore agents of Galveston County.

3. On August 29, 2022, the Parties agreed that Defendants would respond to Plaintiffs' discovery requests by October 18, 2022. During the September 27th meet and confer, Defendants indicated that they would be interested in making rolling productions. Plaintiffs are amenable to rolling productions provided that: (i) Defendants respond to the Plaintiffs' First Interrogatories by the October 18, 2022 deadline; (ii) make an initial production of documents by the October 18, 2022 deadline that includes documents responsive to U.S. RFP Nos. 1, 7-9, and 15-17; (iii) to the extent that Defendants would like to use search terms, the Parties will need to have an agreed-upon list by October 7, 2022; and (iv) all data and documents responsive to the Plaintiffs' first set of discovery requests will be produced before or by November 18, 2022;

Although there may be some disagreement as to the scope of the August 29 agreement, that agreement was before identifying more than 20 custodians with more than 1.4 million documents. We are still in the process of retrieving potentially responsive documents from the archive system and pulling county text messages. We have not, therefore, completed document retrieval. We are working diligently, have hired an ediscovery vendor to do the retrieval in a professional manner and consistent with prevailing ediscovery standards.

Accordingly,

Defendants will not be able to respond to the First Interrogatories by October 18. Defendants have not yet completed document retrieval. Defendants will need time to review the documents to adequately respond to the three sets of Interrogatories.

Further, because Defendants have not completed document retrieval, we are not in position to agree to produce any specific documents by October 18. We will produce what we can on October 18.

Because we have not completed document retrieval and because we are still working on search terms, Defendants are not in a position to have an agreed-upon list by October 7. We will confer with you next week about the status of the retrieval and how many potentially responsive documents we have.

For the same reasons as cited above, Defendants are not currently able to say that document production will be complete by November 18. We can commit to a rolling production schedule every two weeks. We cannot commit to any completion deadline at this time.

4. Defendants agreed that in accordance with the Stipulation and Order Regarding Discovery, all .csv files will be produced in native format;

Yes.

5. Defendants represented that they have fully responded to Plaintiffs' requests for (i) Final canvass reports reflecting precinct-level results (in .csv, .xls, .xlsx, or .txt format) and certified election results for every election for Galveston County Commissioners Court held between January 1, 2000 and the present and (ii) Final canvass reports reflecting precinct-level results (in .csv, .xls, .xlsx, or .txt format) and certified election results for every election, whether an election for a federal office, an election for a statewide office, or a local election, held in Galveston County since January 1, 2010;

Yes.

Additionally, in our last correspondence, the question was asked about what the term "Recovered" means in the one Excel spreadsheet with the 2008 election results. There was a software update in 2008. Recovered just refers

to the data that was recovered from the old software system prior to the update. The data is full and complete. No data is missing or lost.

6. Defendants will get back to Plaintiffs with any major conflicts (e.g., travel, medical procedures) in the coming months that might impact the scheduling of depositions for Commissioners by October 21, 2022;

The deadline was not agreed to. What was agreed to was that the Parties would confer before scheduling depositions. Plaintiffs may propose dates and we will ask the individual Commissioners if those dates work for them.

7. The parties will confer on scheduling those depositions the week of October 24, 2022.

This date was not agreed to. And, in all likelihood, this date will be too early. I would propose that we confer on or around November 17. This will provide sufficient time for Defendants to review documents and have a concrete date in mind for when the production will be complete.

Thank you very much,

Shawn

From: Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>

Sent: Friday, September 30, 2022 3:06 PM

To: Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>

Cc: bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; 'Chad Dunn' <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; schen@texascivilrightsproject.org; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>

Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Dear Shawn,

Thank you for meeting with us on Tuesday, September 27, and following up with production of the files we discussed. We write to memorialize the Parties' discussion during Tuesday's meet and confer, as well as to propose the following deadlines related to upcoming productions, agreement on search terms, and scheduling depositions:

1. Defendants agreed to search current Commissioners' personal communication accounts;
2. Defendants indicated that they consider the current Commissioners to be Defendants represented by Defense Counsel;
3. On August 29, 2022, the Parties agreed that Defendants would respond to Plaintiffs' discovery requests by October 18, 2022. During the September 27th meet and confer, Defendants indicated that they would be interested in making rolling productions. Plaintiffs are amenable to rolling productions provided that: (i) Defendants respond to the Plaintiffs' First Interrogatories by the October 18, 2022 deadline; (ii) make an initial production of documents by the October 18, 2022 deadline that includes documents responsive to U.S. RFP Nos. 1, 7-9, and 15-17; (iii) to the extent that Defendants would like to use search terms, the Parties will need to have an agreed-upon list by October 7, 2022; and (iv) all data and documents responsive to the Plaintiffs' first set of discovery requests will be produced before or by November 18, 2022;
4. Defendants agreed that in accordance with the Stipulation and Order Regarding Discovery, all .csv files will be produced in native format;
5. Defendants represented that they have fully responded to Plaintiffs' requests for (i) Final canvass reports reflecting precinct-level results (in .csv, .xls, .xlsx, or .txt format) and certified election results for every election for Galveston County Commissioners Court held between January 1, 2000 and the present and (ii) Final canvass reports reflecting precinct-level results (in .csv, .xls, .xlsx, or .txt format) and certified election results for every election, whether an election for a federal office, an election for a statewide office, or a local election, held in Galveston County since January 1, 2010;
6. Defendants will get back to Plaintiffs with any major conflicts (e.g., travel, medical procedures) in the coming months that might impact the scheduling of depositions for Commissioners by October 21, 2022; and
7. The parties will confer on scheduling those depositions the week of October 24, 2022.

Please let us know whether Defendants are amenable to the proposed terms and deadlines, and whether you would like to set another date to meet and a confer.

Thank you.

Catherine

From: Shawn Sheehy <ssheehy@HoltzmanVogel.com>
Sent: Tuesday, September 20, 2022 5:28 PM
To: Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>
Cc: bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; 'Chad Dunn' <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; schen@texascivilrightsproject.org; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>; Hu, Daniel (USATXS) <DHu@usa.doj.gov>; Lowery, Jennifer (USATXS) <JLowery@usa.doj.gov>; Berman, Robert (CRT) <Robert.Berman@usdoj.gov>; Herren, Chris (CRT) <Chris.Herren@usdoj.gov>; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>
Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Hilary,

Thank you. Tuesday, September 27 at 4pm CT works for Defendants.

Thank you,

Shawn

From: Hilary Harris Klein <hilaryhklein@scsj.org>
Sent: Tuesday, September 20, 2022 3:15 PM
To: Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>
Cc: bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; 'Chad Dunn' <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; schen@texascivilrightsproject.org; bruce.gear@usdoj.gov; catherine.meza@usdoj.gov; daniel.hu@usdoj.gov; jennifer.lowery@usdoj.gov; robert.berman@usdoj.gov; chris.herren@usdoj.gov; tharuni.jayaraman@usdoj.gov; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>
Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Thank you for your clarifications Shawn.

I believe all Plaintiffs groups are available in the window next Tuesday, September 27, 4 - 5pm CT (preferred) or, alternatively, 3 – 4pm CT. Are Defendants available for any 30 minute window in those times for a meet and confer about these issues?

Kind regards,

Hilary

Hilary Harris Klein

hilaryhklein@scsj.org

From: Shawn Sheehy <ssheehy@HoltzmanVogel.com>
Sent: Tuesday, September 20, 2022 2:45 PM
To: Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com;

trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>

Cc: bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; 'Chad Dunn' <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-lobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; schen@texascivilrightsproject.org; bruce.gear@usdoj.gov; catherine.meza@usdoj.gov; daniel.hu@usdoj.gov; jennifer.lowery@usdoj.gov; robert.berman@usdoj.gov; chris.herren@usdoj.gov; tharuni.jayaraman@usdoj.gov; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>

Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Hilary,

Is it Plaintiffs position that these subpoenas are sent to the Commissioners in their personal capacity? Its not clear from the subpoena.

Because the lawsuit is against the Commissioners Court, and these Commissioners are officials on the Commissioners Court, it would seem to violate the Rules to serve a non-party subpoena on an official of a Party. It would grant Plaintiffs the ability to request the production of documents above the limit established in the Federal Rules of Civil Procedure.

Accordingly, Defendants cannot consent to accept service of a subpoena that is facially improper.

Thank you,

Shawn

From: Hilary Harris Klein <hilaryhklein@scsj.org>

Sent: Monday, September 19, 2022 4:16 PM

To: Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>

Cc: bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; 'Chad Dunn' <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; schen@texascivilrightsproject.org; bruce.gear@usdoj.gov; catherine.meza@usdoj.gov; daniel.hu@usdoj.gov; jennifer.lowery@usdoj.gov; robert.berman@usdoj.gov; chris.herren@usdoj.gov; tharuni.jayaraman@usdoj.gov; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>

Subject: RE: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Shawn,

Thank you for your reply. A meet and confer on the document and deposition subpoenas would be helpful, and I will coordinate with any other plaintiffs counsel that may want to attend and propose a window for next week that might work for the group.

Can you please clarify your assertion that the document subpoenas are “to the named Commissioners in their official capacities” and what in the subpoena documentation you are referring to in support of that, for our reference? It would be helpful to understand more your position before we meet and confer.

Finally, since you represent Defendants, notwithstanding your objection that these are improper, can you clarify whether you are the correct person to receive service on behalf of the Commissioners?

Many thanks,

Hilary

Hilary Harris Klein

hilaryhklein@scsj.org

From: Shawn Sheehy <ssheehy@HoltzmanVogel.com>

Sent: Monday, September 19, 2022 11:23 AM

To: Hilary Harris Klein <hilaryhklein@scsj.org>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>

Cc: bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; 'Chad Dunn' <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; schen@texascivilrightsproject.org; bruce.gear@usdoj.gov; catherine.meza@usdoj.gov; daniel.hu@usdoj.gov; jennifer.lowery@usdoj.gov; robert.berman@usdoj.gov; chris.herren@usdoj.gov; tharuni.jayaraman@usdoj.gov; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>

Subject: [External]RE: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Hilary,

The Galveston County Commissioners Court is a named Defendant in this consolidated action. Commissioners Armstrong, Giusti, and Apffel—and Commissioner Holmes whom you did not subpoena—are all officials on the Commissioners Court. And the subpoenas are to the named Commissioners in their official capacities. Furthermore, one of the defined terms in your Request for Production that was served on August 12 defines Commissioner to include:

past or present elected member of the Galveston County Commissioners Court, including such member's past or present employees, agents, attorneys, advisors, consultants, contractors, and/or other persons or entities acting or purporting to act on the member's behalf or subject to the member's control on behalf of any committee or other body of which the elected member is part.

The RFPs then demand the production of documents from “any Defendant or Commissioner” (RFP 1) or “all communications with Galveston County Staff and/or individual or multiple Commissioners...” (RFP 2). Accordingly, we are already in the

process of pulling emails and documents from the individual Commissioners.

Thus, the Request for Production of Documents already includes the officials on the Commissioners Court.

Defendants therefore object to these subpoenas as improper. The individual Commissioners are not non-parties in this action subject to non-party subpoenas, but parties, subject to the limits of the number of document requests and interrogatories set by the Rules of Civil Procedure.

As for deposition dates, please let me know approximately when Plaintiffs were wanting to take depositions. I can be available for a call later on Thursday this week (approximately 4:30pm central time) or next week.

Please let me know if you would like to discuss further.

Thank you,

Shawn

From: Hilary Harris Klein <hilaryhklein@scsj.org>
Sent: Thursday, September 15, 2022 3:36 PM
To: Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; bob.boemer@co.galveston.tx.us; Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Angela Olalde <aolalde@greerherz.com>; Dallin Holt <dholt@HoltzmanVogel.com>; dloesq@aol.com; trey.trainor@akerman.com; jraschke@greerherz.com; joe@nixonlawtx.com; Joseph Russo <jrusso@greerherz.com>
Cc: bernadette@uclavrp.org; mgaber@campaignlegal.org; neil@ngbaronlaw.com; sleeper@campaignlegal.org; sonni@uclavrp.org; vrichardson@campaignlegal.org; 'Chad Dunn' <chad@brazilanddunn.com>; asilberstein@willkie.com; dvall-llobera@willkie.com; Hani Mirza <hani@texascivilrightsproject.org>; jsuriani@willkie.com; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; kgarrett@willkie.com; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; schen@texascivilrightsproject.org; bruce.gear@usdoj.gov; catherine.meza@usdoj.gov; daniel.hu@usdoj.gov; jennifer.lowery@usdoj.gov; robert.berman@usdoj.gov; chris.herren@usdoj.gov; tharuni.jayaraman@usdoj.gov; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>

Subject: Petteway v. Galveston SDTX 3:22-cv-57 | Service of Subpoenas for Production of Documents to Armstrong, Giusti, and Apffel

Counsel,

Attached are Subpoenas for the Production of Documents from the NAACP and Petteway Plaintiffs to Hon. Darrell Apffel, Hon. Joe Giusti, and Hon. Robin Armstrong in the above-captioned matter.

Defense Counsel, can you please confirm whether you are authorized to accept service on behalf of these individuals and, if so, if you will accept this electronic service? Additionally, would you be available to meet and confer about anticipated deposition subpoenas to these individuals, and specifically a date and time?

Thank you,

Hilary

Hilary Harris Klein

Pronouns: She, Her, Hers

Senior Counsel for Voting Rights

Southern Coalition for Social Justice

1415 W. Hwy 54, Suite 101, Durham, NC 27707

hilaryhklein@scsj.org

scsj.org | [@scsj](https://www.instagram.com/scsj) | FB: [@southerncoalition](https://www.facebook.com/southerncoalition)

(Admitted in NC and NY)

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EXHIBIT 7

September 13, 2022 Shapefile Production

Sharon Norwood

From: Sharon Norwood
Sent: Tuesday, September 13, 2022 12:26 PM
To: Catherine.Meza@usdoj.gov; Shawn Sheehy; Dallin Holt; jrusso@greerherz.com; aolalde@greerherz.com; jraschke@greerherz.com; Jonathan Lienhard; Jason Torchinsky; schen@texascivilrightsproject.org; VRichardson@campaignlegalcenter.org; bernadette@uclavrp.org; chad@brazilanddunn.com; KGarrett@willkie.com; Bruce.Gear@usdoj.gov; hani@texascivilrightsproject.org; hiliaryhklein@scsj.org; Tharuni.Jayaraman@usdoj.gov; joaquin@texascivilrightsproject.org; RMancino@willkie.com; MGaber@campaignlegalcenter.org; neil@ngbaronlaw.com; Zachary.Newkirk@usdoj.gov; nas@naslegal.com; OdeNevers@campaignlegalcenter.org; MPolizzano@willkie.com; ASilberstein@willkie.com; SLeeper@campaignlegalcenter.org; sonni@uclavrp.org; JSuriani@willkie.com; DVall-llobera@willkie.com; Brittany.Wake@usdoj.gov; Zachary@texascivilrightsproject.org; MZhu@willkie.com; Robert.Berman@usdoj.gov
Subject: Galveston County Defendants' Shape File Production

The attached is being produced on behalf of Shawn Sheehy. The link below is password protected and will expire October 13, 2021. The password will follow in a separate email.

[SHAPEFILE PROD01](#)

Sharon Norwood
Holtzman Vogel Baran Torchinsky & Josefiak PLLC
Mobile: (202) 309-6798
snorwood@HoltzmanVogel.com // www.HoltzmanVogel.com

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September 19, 2022 Shapefile Production



From: [Shawn Sheehy](#)
To: [Hilary Harris Klein](#); [Sharon Norwood](#); [Catherine.Meza@usdoj.gov](#); [Dallin Holt](#); [jrusso@greerherz.com](#); [aolalde@greerherz.com](#); [jraschke@greerherz.com](#); [Jonathan Lienhard](#); [Jason Torchinsky](#); [schen@texascivilrightsproject.org](#); [VRichardson@campaignlegalcenter.org](#); [bernadette@uclavrp.org](#); [chad@brazilanddunn.com](#); [KGarrett@willkie.com](#); [Bruce.Gear@usdoj.gov](#); [hani@texascivilrightsproject.org](#); [Tharuni.Jayaraman@usdoj.gov](#); [joaquin@texascivilrightsproject.org](#); [RMancino@willkie.com](#); [MGaber@campaignlegalcenter.org](#); [neil@ngbaronlaw.com](#); [Zachary.Newkirk@usdoj.gov](#); [nas@naslegal.com](#); [OdeNevers@campaignlegalcenter.org](#); [MPolizzano@willkie.com](#); [ASilberstein@willkie.com](#); [SLeeper@campaignlegalcenter.org](#); [sonni@uclavrp.org](#); [JSuriani@willkie.com](#); [DVall-Ilobera@willkie.com](#); [Brittany.Wake@usdoj.gov](#); [Zachary@texascivilrightsproject.org](#); [MZhu@willkie.com](#); [Robert.Berman@usdoj.gov](#)
Subject: RE: [External]Galveston County Defendants' Shape File Production
Date: Monday, September 19, 2022 10:40:00 AM
Attachments: [image002.png](#)
[image003.png](#)

Hilary,

Yes, you are correct. My apologies for not including the 2021 enacted plan ShapeFile in my previous email.

Here is the link to the 2021 ShapeFiles: [here](#) to SHAPEFILE PROD02.

Thank you,
Shawn

From: Hilary Harris Klein <hilaryhklein@scsj.org>
Sent: Friday, September 16, 2022 5:28 PM
To: Shawn Sheehy <sshuehy@HoltzmanVogel.com>; Sharon Norwood <snorwood@HoltzmanVogel.com>; Catherine.Meza@usdoj.gov; Dallin Holt <dholt@HoltzmanVogel.com>; jrusso@greerherz.com; aolalde@greerherz.com; jraschke@greerherz.com; Jonathan Lienhard <jlienhard@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; schen@texascivilrightsproject.org; VRichardson@campaignlegalcenter.org; bernadette@uclavrp.org; chad@brazilanddunn.com; KGarrett@willkie.com; Bruce.Gear@usdoj.gov; hani@texascivilrightsproject.org; Tharuni.Jayaraman@usdoj.gov; joaquin@texascivilrightsproject.org; RMancino@willkie.com; MGaber@campaignlegalcenter.org; neil@ngbaronlaw.com; Zachary.Newkirk@usdoj.gov; nas@naslegal.com; OdeNevers@campaignlegalcenter.org; MPolizzano@willkie.com; ASilberstein@willkie.com; SLeeper@campaignlegalcenter.org; sonni@uclavrp.org; JSuriani@willkie.com; DVall-Ilobera@willkie.com; Brittany.Wake@usdoj.gov; Zachary@texascivilrightsproject.org; MZhu@willkie.com; Robert.Berman@usdoj.gov
Subject: RE: [External]Galveston County Defendants' Shape File Production

Shawn,

Thank you for that explanation. I believe in the attached email exchange, Defendants had agreed to also provide the Shape Files for the 2021 adopted plan. Were those provided in any of the production materials on September 13?

Kind regards,

Hilary

Hilary Harris Klein
hilaryhklein@scsj.org

From: Shawn Sheehy <ssheehy@HoltzmanVogel.com>

Sent: Friday, September 16, 2022 5:09 PM

To: Hilary Harris Klein <hilaryhklein@scsj.org>; Sharon Norwood <snorwood@HoltzmanVogel.com>; Catherine.Meza@usdoj.gov; Dallin Holt <dholt@HoltzmanVogel.com>; jrusso@greerherz.com; aolalde@greerherz.com; jraschke@greerherz.com; Jonathan Lienhard <jlienhard@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; schen@texascivilrightsproject.org; VRichardson@campaignlegalcenter.org; bernadette@uclavrp.org; chad@brazilanddunn.com; KGarrett@willkie.com; Bruce.Gear@usdoj.gov; hani@texascivilrightsproject.org; Tharuni.Jayaraman@usdoj.gov; joaquin@texascivilrightsproject.org; RMancino@willkie.com; MGaber@campaignlegalcenter.org; neil@ngbaronlaw.com; Zachary.Newkirk@usdoj.gov; nas@naslegal.com; OdeNevers@campaignlegalcenter.org; MPolizzano@willkie.com; ASilberstein@willkie.com; SLeeper@campaignlegalcenter.org; sonni@uclavrp.org; JSuriani@willkie.com; DVall-lobera@willkie.com; Brittany.Wake@usdoj.gov; Zachary@texascivilrightsproject.org; MZhu@willkie.com; Robert.Berman@usdoj.gov

Subject: RE: [External]Galveston County Defendants' Shape File Production

Hilary,

Thank you. The shape files represent all of the shape files from the 2012 enacted plan. The shape files listed 9-15 are the shape files for the original 2012 enacted plan. The shape files listed as 1-8 include the revised enacted plan. Revisions were made in approximately 2013. No population changes were made. The only change was to extend the county lines out into the water. This is why there was no change to the population.

Thank you,
Shawn

From: Hilary Harris Klein <hilaryhklein@scsj.org>

Sent: Friday, September 16, 2022 4:33 PM

To: Sharon Norwood <snorwood@HoltzmanVogel.com>; Catherine.Meza@usdoj.gov; Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Dallin Holt <dholt@HoltzmanVogel.com>; jrusso@greerherz.com; aolalde@greerherz.com; jraschke@greerherz.com; Jonathan Lienhard <jlienhard@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; schen@texascivilrightsproject.org; VRichardson@campaignlegalcenter.org; bernadette@uclavrp.org; chad@brazilanddunn.com; KGarrett@willkie.com; Bruce.Gear@usdoj.gov; hani@texascivilrightsproject.org; Tharuni.Jayaraman@usdoj.gov; joaquin@texascivilrightsproject.org; RMancino@willkie.com; MGaber@campaignlegalcenter.org; neil@ngbaronlaw.com; Zachary.Newkirk@usdoj.gov; nas@naslegal.com; OdeNevers@campaignlegalcenter.org; MPolizzano@willkie.com; ASilberstein@willkie.com; SLeeper@campaignlegalcenter.org; sonni@uclavrp.org; JSuriani@willkie.com;

llobera@willkie.com; Brittany.Wake@usdoj.gov; Zachary@texascivilrightsproject.org;
MZhu@willkie.com; Robert.Berman@usdoj.gov

Subject: RE: [External]Galveston County Defendants' Shape File Production

Counsel,

Can you please specify which of the 15 Shape File files correspond to which plan (the benchmark or the 2021 enacted)? We did not see anything in the production, such as a cover letter, that might indicate that.

Many thanks,

Hilary

Hilary Harris Klein
hilaryhklein@scsj.org

From: Sharon Norwood <snorwood@HoltzmanVogel.com>

Sent: Tuesday, September 13, 2022 12:26 PM

To: Catherine.Meza@usdoj.gov; Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Dallin Holt <dholt@HoltzmanVogel.com>; jrusso@greerherz.com; aolalde@greerherz.com; jraschke@greerherz.com; Jonathan Lienhard <lienhard@HoltzmanVogel.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; schen@texascivilrightsproject.org; VRichardson@campaignlegalcenter.org; bernadette@uclavrp.org; chad@brazilanddunn.com; KGarrett@willkie.com; Bruce.Gear@usdoj.gov; hani@texascivilrightsproject.org; Hilary Harris Klein <hilaryhklein@scsj.org>; Tharuni.Jayaraman@usdoj.gov; joaquin@texascivilrightsproject.org; RMancino@willkie.com; MGaber@campaignlegalcenter.org; neil@ngbaronlaw.com; Zachary.Newkirk@usdoj.gov; nas@naslegal.com; OdeNevers@campaignlegalcenter.org; MPolizzano@willkie.com; ASilberstein@willkie.com; SLeeper@campaignlegalcenter.org; sonni@uclavrp.org; JSuriani@willkie.com; DVall-llobera@willkie.com; Brittany.Wake@usdoj.gov; Zachary@texascivilrightsproject.org; MZhu@willkie.com; Robert.Berman@usdoj.gov

Subject: [External]Galveston County Defendants' Shape File Production

The attached is being produced on behalf of Shawn Sheehy. The link below is password protected and will expire October 13, 2021. The password will follow in a separate email.

[SHAPEFILE PROD01](#)

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September 27, 2022 Shapefile Production

Sharon Norwood

From: Sharon Norwood
Sent: Tuesday, September 27, 2022 4:42 PM
To: Catherine.Meza@usdoj.gov; jrusso@greerherz.com; aolalde@greerherz.com; jraschke@greerherz.com; schen@texascivilrightsproject.org; VRichardson@campaignlegalcenter.org; bernadette@uclavrp.org; chad@brazilanddunn.com; KGarrett@willkie.com; Bruce.Gear@usdoj.gov; hani@texascivilrightsproject.org; hilaryhklein@scsj.org; Tharuni.Jayaraman@usdoj.gov; joaquin@texascivilrightsproject.org; RMancino@willkie.com; MGaber@campaignlegalcenter.org; neil@ngbaronlaw.com; Zachary.Newkirk@usdoj.gov; nas@naslegal.com; OdeNevers@campaignlegalcenter.org; MPolizzano@willkie.com; ASilberstein@willkie.com; SLeeper@campaignlegalcenter.org; sonni@uclavrp.org; JSuriani@willkie.com; DVall-Ilobera@willkie.com; Brittany.Wake@usdoj.gov; Zachary@texascivilrightsproject.org; MZhu@willkie.com; Robert.Berman@usdoj.gov
Cc: Shawn Sheehy; Dallin Holt; Jonathan Lienhard; Jason Torchinsky; Mateo Forero
Subject: FW: Shape File Links

The links below are being sent on behalf of Shawn Sheehy. The links will expire on Thursday, October 27, 2022.

-  [Shape File PROD01 Natives](#)
-  [Shape File PROD02 Natives](#)

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October 18, 2022 Shapefile Production



Sharon Norwood

From: Sharon Norwood
Sent: Tuesday, October 18, 2022 5:28 PM
To: Catherine.Meza@usdoj.gov; jrusso@greerherz.com; schen@texascivilrightsproject.org; VRichardson@campaignlegalcenter.org; bernadette@uclavrp.org; chad@brazilanddunn.com; KGarrett@willkie.com; Bruce.Gear@usdoj.gov; hani@texascivilrightsproject.org; hilaryhklein@scsj.org; Tharuni.Jayaraman@usdoj.gov; joaquin@texascivilrightsproject.org; RMancino@willkie.com; MGaber@campaignlegalcenter.org; neil@ngbaronlaw.com; Zachary.Newkirk@usdoj.gov; nas@naslegal.com; OdeNevers@campaignlegalcenter.org; MPolizzano@willkie.com; ASilberstein@willkie.com; SLeeper@campaignlegalcenter.org; sonni@uclavrp.org; JSuriani@willkie.com; DVall-Ilobera@willkie.com; Brittany.Wake@usdoj.gov; Zachary@texascivilrightsproject.org; MZhu@willkie.com; Robert.Berman@usdoj.gov
Cc: Shawn Sheehy; Dallin Holt; Mateo Forero
Subject: Petteway, et al. v. Galveston - Shape File Prod 03 Natives

The attached is being produced on behalf of Shawn Sheehy. The link below is password protected and will expire November 17, 2022. The password will follow in a separate email.

 [Shape File PROD03 Natives](#)

Sharon Norwood

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December 9, 2022 Shapefile Production

Sharon Norwood

From: Sharon Norwood
Sent: Friday, December 9, 2022 1:10 PM
To: Catherine.Meza@usdoj.gov; jrusso@greerherz.com; schen@texascivilrightsproject.org; VRichardson@campaignlegalcenter.org; bernadette@uclavrp.org; chad@brazilanddunn.com; KGarrett@willkie.com; Bruce.Gear@usdoj.gov; hani@texascivilrightsproject.org; hilaryhklein@scsj.org; Tharuni.Jayaraman@usdoj.gov; joaquin@texascivilrightsproject.org; RMancino@willkie.com; MGaber@campaignlegalcenter.org; neil@ngbaronlaw.com; Zachary.Newkirk@usdoj.gov; nas@naslegal.com; OdeNevers@campaignlegalcenter.org; MPolizzano@willkie.com; ASilberstein@willkie.com; SLeeper@campaignlegalcenter.org; sonni@uclavrp.org; JSuriani@willkie.com; DVall-Ilobera@willkie.com; Brittany.Wake@usdoj.gov; Zachary@texascivilrightsproject.org; MZhu@willkie.com; Robert.Berman@usdoj.gov
Cc: Shawn Sheehy; Jason Torchinsky; Mateo Forero; Dallin Holt
Subject: Petteway, et al. v. Galveston - Shape File Prod

Tracking:	Recipient	Read
	Catherine.Meza@usdoj.gov	
	jrusso@greerherz.com	
	schen@texascivilrightsproject.org	
	VRichardson@campaignlegalcenter.org	
	bernadette@uclavrp.org	
	chad@brazilanddunn.com	
	KGarrett@willkie.com	
	Bruce.Gear@usdoj.gov	
	hani@texascivilrightsproject.org	
	hilaryhklein@scsj.org	
	Tharuni.Jayaraman@usdoj.gov	
	joaquin@texascivilrightsproject.org	
	RMancino@willkie.com	
	MGaber@campaignlegalcenter.org	
	neil@ngbaronlaw.com	
	Zachary.Newkirk@usdoj.gov	
	nas@naslegal.com	
	OdeNevers@campaignlegalcenter.org	
	MPolizzano@willkie.com	
	ASilberstein@willkie.com	
	SLeeper@campaignlegalcenter.org	
	sonni@uclavrp.org	
	JSuriani@willkie.com	
	DVall-Ilobera@willkie.com	
	Brittany.Wake@usdoj.gov	
	Zachary@texascivilrightsproject.org	
	MZhu@willkie.com	
	Robert.Berman@usdoj.gov	

Recipient	Read
Shawn Sheehy	Read: 12/9/2022 1:23 PM
Jason Torchinsky	Read: 12/9/2022 2:01 PM
Mateo Forero	
Dallin Holt	

Below please find the link to the requested recent voter precinct files for Galveston County. The link will expire January 8, 2023.

 [Galveston County Shape Files](#)

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December 13, 2022 Shapefile Production



Sharon Norwood

From: Sharon Norwood
Sent: Tuesday, December 13, 2022 9:33 PM
To: Catherine.Meza@usdoj.gov; jrusso@greerherz.com; schen@texascivilrightsproject.org; VRichardson@campaignlegalcenter.org; bernadette@uclavrp.org; chad@brazilanddunn.com; KGarrett@willkie.com; Bruce.Gear@usdoj.gov; hani@texascivilrightsproject.org; hilaryhklein@scsj.org; Tharuni.Jayaraman@usdoj.gov; joaquin@texascivilrightsproject.org; RMancino@willkie.com; MGaber@campaignlegalcenter.org; neil@ngbaronlaw.com; Zachary.Newkirk@usdoj.gov; nas@naslegal.com; OdeNevers@campaignlegalcenter.org; MPolizzano@willkie.com; ASilberstein@willkie.com; SLeeper@campaignlegalcenter.org; sonni@uclavrp.org; JSuriani@willkie.com; DVall-llobera@willkie.com; Brittany.Wake@usdoj.gov; Zachary@texascivilrightsproject.org; MZhu@willkie.com; Robert.Berman@usdoj.gov
Cc: Shawn Sheehy; Jason Torchinsky; Mateo Forero; Dallin Holt; Ken Daines
Subject: RE: Petteway, et al. v. Galveston - Shape File Prod

Tracking:

Recipient

Delivery

Catherine.Meza@usdoj.gov
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bernadette@uclavrp.org
chad@brazilanddunn.com
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Shawn Sheehy	Delivered: 12/13/2022 9:33 PM
Jason Torchinsky	Delivered: 12/13/2022 9:33 PM
Mateo Forero	Delivered: 12/13/2022 9:33 PM
Dallin Holt	Delivered: 12/13/2022 9:33 PM
Ken Daines	Delivered: 12/13/2022 9:33 PM

Below please find the link to the Shapefiles for Map Proposal 1 and Map Proposal 2 from 10/19-28/2021. The link will expire on Thursday, Jan 12, 2023.

 [Galveston Shapefile Production 12.13.22](#)

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EXHIBIT 8

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

HONORABLE TERRY)
PETTEWAY, et al.)
) Case No. 3:22-cv-00057
VS.)
)
GALVESTON COUNTY, et)
al.)

ORAL AND VIDEOTAPED DEPOSITION OF MARK A. HENRY
JANUARY 17, 2023

ORAL AND VIDEOTAPED DEPOSITION OF MARK A. HENRY,
produced as a witness at the instance of the Plaintiff and
duly sworn, was taken in the above styled and numbered
cause on Tuesday, January 17, 2023, from 9:08 a.m. to
6:07 p.m., before Janalyn Elkins, CSR, in and for the
State of Texas, reported by computerized stenotype
machine, via Zoom, pursuant to the Federal Rules of Civil
Procedure and any provisions stated on the record herein.

1 Q. Well, is that true because didn't -- didn't we
2 talk about -- see statements from you in 2011 about how
3 you wanted, you know, Bolivar connected to Precinct 3?

4 A. Well, in 2011 it may have been different.
5 Generally -- but trying to differentiate. Precinct
6 commissioners can get extremely protective of graveyards
7 and schools and all the stuff.

8 I don't have that level of detailed
9 interest. I mean, I want to make sure the lines are
10 compliant and that everything is, you know, balanced
11 appropriately. But since I'm county-wide, I don't --
12 I'm not trying to make sure my grandmother's house is
13 still in my precinct. I'm not trying to make sure all
14 these little things they care deeply about, they don't
15 impact me like that.

16 Q. I understand. You also said you felt strongly
17 about this coastal precinct, right?

18 A. That's something that had been coming for
19 years, yes.

20 Q. So is it fair to say like in general terms you
21 carried about the configuration of the precincts?

22 A. In general terms I thought it would be far more
23 efficient for our county to have one commissioner
24 responsible for all coastal issues.

25 Q. And then -- the specific lines you're saying

1 you didn't?

2 A. After -- as long as -- to me, as long as we
3 joined Bolivar, Galveston, and that's really it, then
4 the rest of the lines are not that important.

5 Q. And we'll get into this more later. But that
6 concept of having a coastal precinct, did you share any
7 other -- strike that.

8 Did you have at the beginning of this
9 redistricting process in August any other conceptual
10 preferences other than this coastal precinct?

11 A. Not really.

12 MS. KLEIN: Okay. This is a good time for
13 us to stop if folks want to get lunch.

14 MR. RUSSO: No worries.

15 VIDEOGRAPHER: The time is 12:35. Off the
16 record.

17 (Brief recess.)

18 VIDEOGRAPHER: The time is 1:36. Back on
19 the record.

20 Q. (BY MS. KLEIN) Judge Henry, other than the
21 issue of the privilege with your -- with your counsel,
22 did you discuss your testimony here today with anybody
23 else?

24 A. No.

25 Q. Did you talk about issues unrelated to

1 MR. RUSSO: Objection, calls for
2 speculation.

3 THE WITNESS: I don't know if I did or not.
4 I mean, that's what I had sort of asked for.

5 Q. (BY MS. KLEIN) If the maps didn't change
6 between when you saw them in mid October and when they
7 were put on this website, is it fair to say that means
8 you probably agreed with how they looked in mid October?

9 MR. RUSSO: Objection, incomplete
10 hypothetical.

11 THE WITNESS: Me, probably. Commissioners,
12 maybe not.

13 Q. (BY MS. KLEIN) What do you mean,
14 "commissioners maybe not"?

15 A. Again, you know, the commissioner cares about
16 where the lines are drawn and I don't. So for me it was
17 strictly I've got the coastal precinct that I thought
18 would be advantageous to the county. And beyond that,
19 the actual lines are for the commissioners to be okay
20 with.

21 Q. So you were aware that, you know, Mr. Oldham
22 was having meetings with the other commissioners
23 separately where they were telling him whether they like
24 those maps the way they were or not, right?

25 A. Yes.

1 Q. And again, you had those separately because you
2 didn't want to have a quorum, right?

3 A. I wasn't involved in any of those individual
4 commissioner meetings.

5 Q. Were you told about what the commissioners
6 thought in any way about the maps?

7 A. I don't think so. My -- the only thing I can
8 recall is precinct and we're going go to adopted maps so
9 Galveston Texas Map 2. I wanted to make sure that
10 Commissioner Giusti was okay with an entirely coastal
11 precinct.

12 Q. Okay. How would -- did you talk to him
13 directly about that?

14 A. Probably. If I didn't, it would have been
15 through Tyler. But, you know, I don't want to make
16 somebody take something that they don't really want.
17 But he was fine with it.

18 Q. Okay. So you wanted to make sure -- because
19 you -- you wanted to make sure the other -- at least
20 Commissioner Giusti was okay with Map 2, right?

21 A. With having the entire coast line specifically,
22 yes.

23 Q. And what about Commissioner Apfel, did you
24 check in somehow with him to make sure he was okay with
25 the Map 2?

1 A. Other than that one meeting we would have had
2 with -- I think it was on Zoom, I don't recall. Other
3 than that, I would not have had any conversations with
4 Commissioner Apfel.

5 Q. So you probably knew from that September 8th
6 meeting, though, that, you know, what Commissioner
7 Apfel's preferences were, right?

8 MR. RUSSO: Objection, misstates prior
9 testimony.

10 THE WITNESS: Yeah, only to the extent he
11 might have voiced it right there.

12 Q. (BY MS. KLEIN) And so if he didn't like a
13 coastal precinct, you would have known about from that
14 September 8th meeting when you said, "I want this
15 coastal precinct," right?

16 MR. RUSSO: Speculation

17 THE WITNESS: I would think so.

18 Q. (BY MS. KLEIN) Do you remember if that
19 happened in that meeting?

20 A. It -- not to my recollection, no, it did not
21 happen.

22 Q. Do you have any reason to think it didn't
23 happen?

24 A. Do I have any reason to think what didn't
25 happen, that --

1 Q. That when you shared the coastal precinct idea
2 in the September 8th meeting that Commissioner Apfel,
3 you know, didn't say whether he agreed with it or not.
4 I mean, he would have spoken up about it if he didn't
5 like it, right?

6 A. Absolutely. Just for clarification, either he
7 had no preference or he was okay with it.

8 Q. Okay. And you would have known that from the
9 September 8th meeting?

10 A. Yes.

11 Q. Okay. Thanks. Don't mean to belabor the
12 point, but, you know, we're working with memories and
13 everything like that.

14 I'd like to go back to the -- I'd like to
15 show you -- go back to Exhibit -- I think it's already
16 marked, Exhibit 13.

17 MS. KLEIN: Alexa, can we pull that up?

18 Q. (BY MS. KLEIN) This is -- and we're going to
19 go to privilege log entry 74. This is the privilege
20 log, again, that I'll represent to you was produced by
21 your counsel in this matter. And again, I'm not going
22 to ask you about the content of discussions in it. So
23 we're going to go to log entry 74, and it's mid October,
24 so it's October 15, 2021. Do you see that?

25 A. Yes.

1 (Exhibit No. 31 was marked.)

2 Q. (BY MS. KLEIN) Are you aware of when
3 Commissioner Giusti decided what map he would --

4 A. Giusti.

5 Q. Giusti, thank you. Are you aware of when
6 Commissioner Giusti decided what map he would support?

7 A. No.

8 Q. What about Commissioner Apfel?

9 A. No.

10 Q. Do you know if they knew which one they would
11 support before it was posted online?

12 A. I have way of knowing that.

13 Q. All right. So here this is a single Facebook
14 post. Does this looks like your profile? I'll
15 represent that this was taken from your profile. But
16 you recognize that that picture at the top of the post?

17 A. That sure looks like me.

18 Q. Okay. And the post says, (Reading:) Galveston
19 County Commissioners Court will be voting on new
20 commissioner precincts in the coming weeks. The public
21 comment period on the proposed maps is now open and you
22 can submit your comments by visiting.

23 And then fair to say that's the website
24 that we were just looking at?

25 A. I would think so, yes.

1 Q. (Reading:) Please submit your support for
2 proposed map 2. This map creates a much needed coastal
3 precinct. Having a coastal precinct will ensure that
4 those residents directly along the coast have a
5 dedicated advocate on Commissioners Court.

6 So is it fair to say that by October 29th
7 you had decided you're going to vote for Map 2?

8 A. Having had -- having no reason not to,
9 probably.

10 Q. What do you mean, "no reason not to"?

11 A. In short of someone coming in and saying, hey,
12 it turns out that Map 2 is out of population deviation,
13 it's got a problem with something, some other problem,
14 then, yes.

15 Q. Sorry. I'm just trying to eliminate questions
16 we might have already covered. If you'll give me a
17 moment.

18 A. Okay. That's fine.

19 Q. So is it true that the first time a quorum of
20 commissioners met in the same room to discuss the draft
21 maps was the November 12, 2021 hearing?

22 A. I believe that would be correct, yes.

23 Q. Is there any other possibility you can think of
24 other than that hearing beforehand?

25 A. No, I don't think so.

1 would not have asked for any additional proposals.

2 Q. Did you ever ask for an option for Map Proposal
3 2 -- please scroll down.

4 Did you ever ask for an option for Map
5 Proposal 2 that had a coastal precinct that still kept
6 Precinct 3 in that middle corridor we were talking about
7 earlier?

8 A. I doubt it.

9 Q. Why do you doubt it?

10 A. I don't know why I would have done that. I
11 mean, this creates a coastal precinct and if you're
12 going to start moving things around, then you're going
13 to affect the whole four precincts.

14 Q. Did you ever ask for a map that would not have
15 split the old Precinct 3 among all four new precincts?

16 A. Every precinct had to change boundaries.
17 Precinct 3 was underpopulated from the beginning. There
18 was no way to keep it intact. So aside from this, this
19 is saying that the coastal precinct was one of the
20 things I want to get done.

21 Q. So you never asked whether there was a way to
22 preserve -- to prevent Precinct 3 from being split
23 amongst all four new precincts?

24 A. I do not know where the splits occurred. I did
25 not ask for anything other than these two maps after

1 these were shown to me.

2 Q. What about a new -- did you ever ask -- so you
3 never asked for a map other than this one?

4 A. The 2.

5 Q. For Map Proposal 2, you liked this when you saw
6 it, right?

7 A. I liked the fact that it got us one coastal
8 precinct.

9 Q. But you liked -- you didn't -- you didn't ask
10 for the other lines to change. You must have been --
11 you must have liked the other maps, right? Sorry. You
12 didn't ask for the other precinct lines to change. You
13 must have liked -- been satisfied at least with where
14 the other precinct lines were, right?

15 A. Again, the precinct lines are far more
16 important to the precinct commissioners than they are to
17 me.

18 Q. But to answer my question, you must have at
19 least been satisfied with them if you --

20 A. As long as they said that they complied with
21 the population -- population adjustment and all the
22 state and federal laws, that was fine.

23 Q. You were aware from the 2011 litigation,
24 weren't you, that Precinct 3 was the only
25 majority/minority district in the whole county, right?

1 MS. KLEIN: I'm asking how he knew it was
2 true that the Commissioner's Court considered these
3 criteria if he never was able to confirm that.

4 MR. RUSSO: You know that he's got to rely
5 on counsel's discussions with other folks. There's
6 one -- he's one person that's verifying the responses.
7 This is a ridiculous line of questioning.

8 Q. (BY MS. KLEIN) I'm just -- I'm going to go
9 through and X out things that we've already covered if
10 you'll give me a little bit -- a moment.

11 A. Yeah, sure.

12 Q. So fair to say you never discussed these six
13 listed criteria with the other commissioners directly?

14 A. I may have discussed them with one. But
15 certainly not more than one.

16 Q. Did you apply these criteria when you were
17 providing input on draft maps as they're stated here?

18 A. The first one, absolutely, and then after that
19 the coastal precinct was the only other factor that I
20 would have said.

21 Q. Let's -- I'm going to follow up on that voting
22 precinct issue and then we'll move on.

23 MS. KLEIN: Alexa, could you -- can you
24 scroll down to Interrogatory No. 2, please? Try to be
25 quick about this.

1 Q. (BY MS. KLEIN) So Interrogatory 2, there it
2 says, (Reading:) For each factor identified in response
3 to Interrogatory No. 1 describe in detail how the 2021
4 redistricting plan serves that factor.

5 Did I get that right?

6 A. I think so.

7 Q. And let's scroll down and I'd like to look at
8 the -- I'd like to look at the answer to the first one
9 actually. Supplemental answer, when you see
10 supplemental answer. Scroll up. It looks like it's
11 updated answer, rather.

12 (Reading:) So without waiving any
13 objections stated above, the Defendants state that
14 Galveston County's 2021 redistricting plan serves the
15 above factors identified in response to Interrogatory
16 No. 1 in the following ways.

17 And the first one says, (Reading:) When
18 the Commissioners Court began redistricting the current
19 map in effect from 2012 to 2021, it had a population
20 deviation of 17.9 percent.

21 And then if we go all the way to the end,
22 it says in the sentence starting, (Reading:) The
23 current population deviation in the enacted map is
24 1.1 percent.

25 Were you aware of that when you voted for

1 Map Proposal 2?

2 A. I thought it was less than that. But that's
3 certainly within allowable tolerances.

4 Q. And then the next question -- the next sentence
5 says, (Reading:) This map has a lower population
6 deviation than Map Proposal 1, which is a population
7 deviation of 2.5 percent.

8 Do you see that?

9 A. Yes.

10 Q. Were you aware of that fact when you voted for
11 Map Proposal 2?

12 A. I doubt I was aware of the exact percentage.
13 I'm sure I was aware that both of them complied with the
14 population reallocation.

15 Q. Did you care that Map Proposal 2 had a smaller
16 deviation than Map Proposal 1?

17 A. That's better, but 2.5 is also acceptable.

18 Q. Were you aware that maps with the same
19 configuration roughly as Map Proposal 1 could have been
20 drawn with smaller deviations?

21 MR. RUSSO: Objection, vague and ambiguous.

22 THE WITNESS: Yeah, I don't -- I don't know
23 how I would have known that.

24 Q. (BY MS. KLEIN) You never asked anyone if that
25 was possible?

1 A. No.

2 Q. Let's go to the bottom -- let's go to the
3 bottom of Page 8, please, of the interrogatory
4 responses. I'm going to skip the discussion of the
5 Bolivar Peninsula. I think we covered that. And I'm
6 going to skip the question about compactness. But can
7 you keep going to Page 9.

8 So it says, (Reading:) The enacted map
9 successfully choose the fourth factor because it splits
10 nine voting precincts out of a total 96 precincts.

11 Right?

12 A. Yes.

13 Q. Those 96 precincts we discussed before, those
14 voting precincts were passed either on the same day or
15 after the new map, correct?

16 A. That would make sense, yes.

17 Q. So do you recall that there were actually a
18 different number of precincts before new voting
19 precincts were enacted?

20 A. I don't follow that. What?

21 Q. There are 96 voting precincts now, but do you
22 remember that there was a different number of voting
23 precincts, you know, before 2021?

24 A. It should have been similar.

25 Q. Can you tell me why you were concerned about

1 splitting precincts if you -- if the court was just
2 going to change the precincts anyway after the new map?

3 A. I don't think we did. I think we split the
4 voting precincts that had overpopulation and had to be
5 split --

6 Q. Okay.

7 A. -- in order to get below 5,000 -- I can't
8 remember if it's people or voting age people per
9 precinct.

10 Q. But you could change -- you could have changed
11 the voting precinct lines any way that you wanted,
12 right?

13 A. I suppose we could have.

14 Q. Why didn't you change them so there were no
15 split precincts at all?

16 A. We had no choice but to split the overpopulated
17 precincts.

18 Q. No. But why -- why couldn't you enact new
19 voting precincts so that none of them were split between
20 any of the county commissioner districts at all?

21 A. I'm not understanding this.

22 Q. So you can change the voting precincts to look
23 however you want, right?

24 MR. RUSSO: Object, it calls for a legal
25 conclusion.

EXHIBIT 9

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

HONORABLE TERRY PETTEWAY,*
ET AL. , *
*
PLAINTIFFS, *
* CASE NO. 3:22-CV-00057
VS. *
*
GALVESTON COUNTY, ET AL. ,*
*
DEFENDANTS. *

ORAL AND VIDEOTAPED DEPOSITION OF
DARRELL APFFEL
JANUARY 5, 2023

ORAL AND VIDEOTAPED DEPOSITION OF DARRELL APFFEL, produced as a witness at the instance of the PLAINTIFF(S), and duly sworn, was taken in the above-styled and numbered cause on JANUARY 5, 2023, from 9:17 A.M. to 6:01 P.M., before AMY PRIGMORE, CSR, in and for the State of Texas, reported by stenographic means, at the offices of GREER HERZ & ADAMS, One Moody Plaza 18th Floor, Galveston, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

1 hindrance that I had.

2 Q. So, would it be fair to say it was your idea
3 to eliminate Bolivar from Precinct 1?

4 A. It was a -- it was an idea, that -- I don't
5 know if I was the first to float it or not. But
6 what it did was create a Gulf Coast district that
7 became really intriguing to everybody.

8 Q. Could you be more specific on who the idea
9 of a coastal precinct was intriguing to?

10 A. Well, I say everybody. I'm just meaning
11 that was the map that ultimately was -- that --
12 well, both of them -- I think both of those maps
13 were Gulf Coast districts.

14 So, it was -- so it just kind of happened,
15 in the -- in the equalization of the population.
16 And then it would -- it became a, well, this is
17 a -- this is a great idea because of all of the
18 coastal issues.

19 And then the judge took it. And I'm sure
20 you've seen he put the -- when he posted the maps
21 on, and he proposed -- he -- what's the word, not
22 proposed -- supported Map 1 for that reason.

23 Q. All right. I would like to look at those
24 proposed maps with you.

25 MS. VALL-LLOBERA: And that's going

1 precincts.

2 That's correct.

3 Q. What -- what do you recall about your
4 presentation?

5 A. Well, much like it says, I wasn't promoting
6 one or the other. I was telling them that either
7 one, I was no longer going to be their
8 commissioner. And I think I even said -- yes: I
9 vow to work closely with the new commissioner to
10 help him understand the issues.

11 So I -- one would have been Stephen Holmes,
12 and one would have been Joe Giusti. And I wasn't
13 selecting for the people. I was saying I will --
14 they will be great, and I will work with them
15 closely for a smooth transition.

16 Q. How did people at this meeting react to the
17 fact that you wouldn't represent Bolivar under
18 either map?

19 A. They were sad.

20 Q. Did others at this -- excuse me.

21 Did people at that meeting express a desire
22 for a coastal precinct?

23 A. They liked the idea very much. It --
24 Bolivar, more than anywhere, needed this district
25 to be like this.

1 And like I said, it was ingenious. It just
2 kind of developed. It -- no one even thought about
3 it. The judge thought about it when it happen --
4 when he saw a map of it.

5 And from -- from the beach access dune
6 protection plan, where you have from zero to
7 25 feet of protection by the GLO, and you have
8 25 feet to 200 feet of protection by the GLO, and
9 you have 200 feet to a thousand feet protection by
10 the GLO, all that protection is different.

11 But it's the same for the guys and gals in
12 Galveston, from that -- the -- the -- the beach
13 access dune protection, to beach raking.

14 We have sargassum, which is commonly known
15 as seaweed, that comes in. And we have to -- to
16 rake our beaches.

17 The beach raking, Galveston had the proper
18 Corps of Engineers permit to rake the beaches, to
19 protect the sea turtles, and all of the different
20 birds. And we, Galveston County, did not.

21 And we -- we applied for that permit, and it
22 took five years, and we just are getting it, I'm
23 proud to say.

24 But -- so from beach raking, dune
25 protection, it just goes on and on, the types of

1 issues that were so identical that it made total
2 sense for the people of Bolivar.

3 Because they always felt slighted over
4 there, it's just people's -- it's just human
5 nature. And it was like, why does Galveston have
6 this and we don't? Why does Galveston have this
7 and we don't?

8 So it -- they all believed -- this is a long
9 answer to, they all believed that it was very
10 important, that they liked the idea.

11 Q. Earlier in this deposition, you said that
12 you took pride in making the Commissioners Court
13 cohesive, once you joined in 2016.

14 A. Uh-huh.

15 Q. Did you feel that the commissioners could
16 not represent these interests, when Galveston and
17 Bolivar were represented by different
18 commissioners?

19 A. Well, no, because then we did. I did for
20 six years. So, it could be done. It has been
21 done. It wasn't that it -- that's not the type of
22 cohesiveness I was talking about.

23 I mean, as far as I know, the Court
24 supported Ryan Dennard, my predecessor, for
25 anything he needed for the Bolivar Peninsula while

1 Q. Okay. Are you aware of any commissioners
2 creating surveys or polls to determine the public's
3 interest in establishing a coastal district,
4 following the release of the 2020 census data?

5 A. No.

6 Q. Are you aware of any county entity
7 commissioning surveys or polls to gauge the
8 public's interest in establishing a coastal
9 district?

10 A. No.

11 Q. Based on your experience, what are some
12 drawbacks of having a single coastal precinct on
13 the Commissioners Court?

14 A. I can't think of any.

15 Q. Let me see one second.

16 Has anyone -- Commissioner Apffel?

17 A. Yes, I'm listening.

18 Q. Has anyone communicated any drawbacks of a
19 single coastal district to you?

20 A. No.

21 Q. Shifting gears a little bit, what factors
22 contribute to whether a Commissioners Court meeting
23 is held at the county courthouse versus the Calder
24 Road annex?

25 A. What I have observed is the unwritten rule,

EXHIBIT 10

Sharon Norwood

From: Shawn Sheehy
Sent: Monday, January 2, 2023 9:34 PM
To: Hilary Harris Klein; Dallin Holt; Bernadette Reyes; Mark Gaber; neil@ngbaronlaw.com; Simone Leeper; Sonni Waknin; Valencia Richardson; Alexandra Copper; Chad Dunn; Adrienne Spoto; asilberstein@willkie.com; Vall-Ilobera, Diana; Hani Mirza; Joaquin Gonzalez; jsuriani@willkie.com; Garrett, Kathryn; Polizzano, Michelle; Zhu, Molly; nas@naslegal.com; rmancino@willkie.com; Sarah Chen; Gear, Bruce (CRT); Meza, Catherine (CRT); daniel.hu@usdoj.gov; jennifer.lowery@usdoj.gov; Robert.Berman@usdoj.gov; Jayaraman, Tharuni (CRT); Newkirk, Zachary (CRT)
Cc: Joseph Russo; Jason Torchinsky; Jordan Raschke Elton; Angela Olalde
Subject: RE: [External]Petteway v. Galveston County - 3:22cv57 - Consolidated Defendants' Privilege Log
Attachments: 01.02.2023 Defendants' Privilege Log.pdf

Hilary,

Happy New Year to you as well. Please find attached the privilege log with the issue you identified corrected. My apologies for that.

Thank you,

Shawn Sheehy
Holtzman Vogel Baran Torchinsky & Josefiak PLLC
Mobile:
202-941-6421

Washington DC Office
2300 N Street, NW, Ste 643-A
Washington, DC 20037
(202) 737-8808

Virginia Office
15405 John Marshall Highway
Haymarket, VA 20169
(540) 341-8808



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DISCLAIMER

Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, Holtzman Vogel, PLLC would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

From: Hilary Harris Klein <hilaryhklein@scsj.org>

Sent: Monday, January 2, 2023 9:50 AM

To: Dallin Holt <dholt@HoltzmanVogel.com>; Bernadette Reyes <bernadette@uclavrp.org>; Mark Gaber <MGaber@campaignlegalcenter.org>; neil@ngbaronlaw.com; Simone Leeper <SLeeper@campaignlegalcenter.org>; Sonni Waknin <sonni@uclavrp.org>; Valencia Richardson <VRichardson@campaignlegalcenter.org>; Alexandra Copper <ACopper@campaignlegalcenter.org>; Chad Dunn <chad@brazilanddunn.com>; Adrienne Spoto <Adrienne@scsj.org>; asilberstein@willkie.com; Vall-Ilobera, Diana <DVall-Ilobera@willkie.com>; Hani Mirza <hani@texascivilrightsproject.org>; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; jsuriani@willkie.com; Garrett, Kathryn <KGarrett@willkie.com>; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; Sarah Chen <schen@texascivilrightsproject.org>; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>; daniel.hu@usdoj.gov; jennifer.lowery@usdoj.gov; Robert.Berman@usdoj.gov; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>

Cc: Joseph Russo <JRusso@greerherz.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Jordan Raschke Elton <jraschkeelton@greerherz.com>; Angela Olalde <aolalde@greerherz.com>

Subject: RE: [External]Petteway v. Galveston County - 3:22cv57 - Consolidated Defendants' Privilege Log

Dallin,

Happy New Year. I regret to have to reach out during the holiday, but NAACP Plaintiffs noticed that the privilege log you sent in the email below appears to be missing date data in several entries. I have included a screen shot below of page 93 as just one example.

Can Defendants please provide this document in Native (either excel or word) format at their earliest convenience? In addition to hopefully resolving this missing data issue, a native version would also help facilitate discussions between the parties regarding any disagreements on the assertion of privilege by allowing us, for example, to add on another column.

Many thanks,

Hilary

Document ID	Document Type	Family Date	Date (DISCO Date)	Subject	Plog Attachment Names	To
398	Cad	#####	#####			
399	Cad	#####	#####			
400	Cad	#####	#####			
401	Cad	#####	#####			
402	Cad	#####	12/10/2021 9:27 AM			
403	Cad	#####	#####			
404	Cad	#####	#####			
405	Cad	#####	12/10/2021 9:27 AM			

Hilary Harris Klein
Pronouns: She, Her, Hers

Senior Counsel for Voting Rights
Southern Coalition for Social Justice
1415 W. Hwy 54, Suite 101, Durham, NC 27707
hilaryhklein@scsj.org
scsj.org | [@scsj](https://www.facebook.com/scsj) | FB: [@southerncoalition](https://www.facebook.com/southerncoalition)
(Admitted in NC and NY)

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From: Dallin Holt <dholt@HoltzmanVogel.com>
Sent: Saturday, December 31, 2022 11:49 PM
To: Bernadette Reyes <bernadette@uclavrp.org>; Mark Gaber <MGaber@campaignlegalcenter.org>;
neil@ngbaronlaw.com; Simone Leeper <SLeeper@campaignlegalcenter.org>; Sonni Waknin <sonni@uclavrp.org>;
Valencia Richardson <VRichardson@campaignlegalcenter.org>; Alexandra Copper
<ACopper@campaignlegalcenter.org>; Chad Dunn <chad@brazilanddunn.com>; Adrienne Spoto <Adrienne@scsj.org>;
asilberstein@willkie.com; Vall-Ilobera, Diana <DVall-Ilobera@willkie.com>; Hani Mirza

<hani@texascivilrightsproject.org>; Hilary Harris Klein <hilaryhklein@scsj.org>; Joaquin Gonzalez <joaquin@texascivilrightsproject.org>; jsuriani@willkie.com; Garrett, Kathryn <KGarrett@willkie.com>; Polizzano, Michelle <mpolizzano@willkie.com>; Zhu, Molly <mzhu@willkie.com>; nas@naslegal.com; rmancino@willkie.com; Sarah Chen <schen@texascivilrightsproject.org>; Gear, Bruce (CRT) <Bruce.Gear@usdoj.gov>; Meza, Catherine (CRT) <Catherine.Meza@usdoj.gov>; daniel.hu@usdoj.gov; jennifer.lowery@usdoj.gov; Robert.Berman@usdoj.gov; Jayaraman, Tharuni (CRT) <Tharuni.Jayaraman@usdoj.gov>; Newkirk, Zachary (CRT) <Zachary.Newkirk@usdoj.gov>
Cc: Joseph Russo <JRusso@greerherz.com>; Jason Torchinsky <jtorchinsky@HoltzmanVogel.com>; Shawn Sheehy <ssheehy@HoltzmanVogel.com>; Jordan Raschke Elton <jraschkeelton@greerherz.com>; Angela Olalde <aolalde@greerherz.com>

Subject: [External]Petteway v. Galveston County - 3:22cv57 - Consolidated Defendants' Privilege Log

Counsel:

As agreed, please find attached Consolidated Defendants' Privilege Log. Hope everyone has a Happy New Year!

Thank you,

Dallin Holt

Holtzman Vogel Baran Torchinsky & Josefiak PLLC

dholt@HoltzmanVogel.com // www.HoltzmanVogel.com

Washington DC Office

2300 N Street, NW, Ste 643 A

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(202) 737 8808

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Haymarket, VA 20169

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2575 East Camelback Rd, Ste 860

Phoenix, AZ 85016

(540) 341 8808



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DISCLAIMER

Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, Holtzman Vogel, PLLC would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

EXHIBIT 11

Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

February 9, 2023

Hon. Andrew M. Edison
United States Magistrate Judge
United States Courthouse
601 Rosenberg, Seventh Floor
Galveston, TX 77550

RE: *Petteway et. al, v. Galveston County, et al.*, Civil Action No. 3:22-cv-00057
Submitted via Federal Express Overnight: Tracking Number: 771259913633

Judge Edison:

During the January 30, 2023 hearing concerning two discovery dispute letters, this Court requested that Defendants submit the documents described on Defendants' privilege log for *in camera* review. Please find enclosed a thumb drive labelled "CA 3:22-cv-00057; Confidential: For Chambers' Eyes Only: Defendant Galveston County Attorney-Client Materials" containing all the documents described on Defendants' privilege log. (Exhibit 1, ECF 97-7). The documents are Bates labeled with an identifying ID number that corresponds to the document ID number listed on the privilege log that Defendants are submitting to the Court. These document ID numbers also correspond to the relevant entry number on Defendants privilege log.

Some of the documents contained on the thumb drive are shapefiles of maps. To review these shapefiles requires specific proprietary software. If the Court would like for Defendants to procure a license for this Court to review the shapefiles, Defendants will do so promptly.

Additionally, Defendants have already independently produced 126 of the attachments listed on the privilege log (Ex. 1, ECF 97-7). These attachments are withheld and listed on the privilege log because they were part of a communication to legal counsel for legal analysis, representation, and advice. These independently disclosed attachments are noted on the privilege log which is also contained on the thumb drive. Defendants have provided the Bates numbers of those produced documents and those documents are listed on the following entry numbers:

Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

Entry Number:

2	120	198	282	384	414
17	121	200	283	385	415
18	142	203	284	386	416
20	144	205	285	387	423
21	145	215	311	388	424
22	149	217	312	389	425
23	151	230	313	390	426
26	153	237	314	391	427
27	180	238	315	392	428
34 ¹	183	239	316	393	429
35 ¹	184	240	339	394	431
36 ¹	185	241	342	395	432
37 ¹	186	242	344	403	433
39	187	250	345	404	434
	188	262	346	405	435
69	190	263	352	406	436
	192	264	354	407	450
77	193	265	357	408	455
79	194	266	374	409	
94	195	267	378	411	
118	196	280	379	412	
119	197	281	383	413	

Defendants thank the Court for its time and consideration.

Sincerely,

/s/

Shawn Sheehy
Counsel to Defendants

CC: Cover letter sent to all counsel of record via electronic mail.

¹ These emails were produced in redacted form as a part of an ongoing conversation string.

EXHIBIT 12

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DICKINSON BAY AREA BRANCH §
NAACP; GALVESTON BRANCH §
NAACP; MAINLAND BRANCH §
NAACP; GALVESTON LULAC §
COUNCIL 151; EDNA COURVILLE; §
JOE A. COMPIAN; and LEON §
PHILLIPS, §

Plaintiffs, §

v. §

Civil Action No. 3:22-cv-117- JVB

GALVESTON COUNTY; §
HONORABLE MARK HENRY, in his §
official capacity as Galveston County §
Judge; DWIGHT D. SULLIVAN, in his §
official capacity as Galveston County §
Clerk; §

Defendants. §

TERRY PETTEWAY, DERRICK §
ROSE, MICHAEL MONTEZ, SONNY §
JAMES, and PENNY POPE, §

Plaintiffs, §

v. §

Civil Action No. 3:22-cv-57-JVB
[Lead Consolidated Case]

GALVESTON COUNTY, TEXAS, and §
HONORABLE MARK HENRY, in his §
official capacity as Galveston County §
Judge, §

Defendants. §

UNITED STATES OF AMERICA,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 3:22-cv-93-JVB
	§	
	§	
GALVESTON COUNTY, TEXAS;	§	
GALVESTON COUNTY	§	
COMMISSIONERS COURT; and	§	
MARK HENRY, in his capacity as	§	
Galveston County Judge,	§	
	§	
<i>Defendants.</i>	§	
	§	

NAACP PLAINTIFFS’ INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Plaintiffs Mainland Branch NAACP, Dickinson Bay Area Branch NAACP, Galveston Branch NAACP, Galveston LULAC Council 151, Edna Courville, Joe A. Compian, and Leon Phillips (“NAACP Plaintiffs”) respectfully submit their initial disclosures in this action.

These disclosures are based on the information in NAACP Plaintiffs’ possession, custody, and control, as well as that which could be ascertained, learned, or acquired by reasonable inquiry and investigation. NAACP Plaintiffs reserve the right to amend, supplement, or modify these disclosures in future discovery responses, or as required by the Federal Rules of Civil Procedure.

1. The name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment;

1. Mary Patrick

c/o Plaintiffs' counsel

Mary Patrick is the President of Plaintiff Galveston NAACP Branch. She has general knowledge of the organization. She has knowledge of the factual allegations pertaining to her and the organization that are stated in Plaintiffs' First Amended Complaint.

2. Barbara Rice Anders

c/o Plaintiffs' counsel

Barbara Rice Anders is the President of Plaintiff Mainland NAACP Branch. She has general knowledge of the organization. She has knowledge of the factual allegations pertaining to her and the organization that are stated in Plaintiffs' First Amended Complaint.

3. Lucretia Lofton

c/o Plaintiffs' counsel

Lucretia Lofton is the President of Plaintiff Dickinson Bay Area NAACP Branch. She has general knowledge of the organization. She has knowledge of the factual allegations pertaining to the organization that are stated in Plaintiffs' First Amended Complaint.

4. Robert Quintero

c/o Plaintiffs' counsel

Robert Quintero is the President of Plaintiff Galveston LULAC Council 151. He has general knowledge of the organization. He has knowledge of the factual allegations pertaining to the organization that are stated in Plaintiffs' First Amended Complaint.

5. Edna Courville

c/o Plaintiffs' counsel

Edna Courville is a Plaintiff. Ms. Courville has knowledge of the factual allegations pertaining to her that are stated in Plaintiffs' First Amended Complaint.

6. Joe A. Compian
c/o Plaintiffs' counsel

Joe A. Compian is a Plaintiff. Mr. Compian has knowledge of the factual allegations pertaining to him that are stated in Plaintiffs' First Amended Complaint.

7. Leon Phillips
c/o Plaintiffs' counsel

Leon Phillips is a Plaintiff. Mr. Phillips has knowledge of the factual allegations pertaining to him that are stated in Plaintiffs' First Amended Complaint.

8. Galveston County
722 1st Street
Galveston, Texas 77550
(409) 762-8621

Galveston County is a political subdivision of the State of Texas and a Defendant.

9. Honorable Mark Henry
722 1st Street
Galveston, Texas 77550
(409) 766-2244

The Honorable Mark Henry is a County Judge of Galveston County, chief officer of Galveston County, and a Defendant in his official capacity.

10. Dwight D. Sullivan
600 59th Street
Suite 2001
Galveston, Texas 77551
(409) 766-2200

Dwight D. Sullivan is the Country Clerk of Galveston County and a Defendant in his official capacity.

11. Commissioner Stephen Holmes
Precinct 3
9850-A Emmett F. Lowry Expressway
Suite A100
Texas City, TX 77591

(409) 770-5806

Commissioner Stephen Holmes is the Commissioner for Precinct 3. He has general knowledge of the Commissioners Court and the factual allegations that are stated in Plaintiffs' First Amended Complaint.

12. Commissioner Joe Giusti

Precinct 2
11730 Hwy 6
Santa Fe, TX 77510
(409) 770-5475

Commissioner Joe Gisuti is the Commissioner for Precinct 2. He has general knowledge of the Commissioners Court and the factual allegations that are stated in Plaintiffs' First Amended Complaint.

13. Commissioner Robin Armstrong

Precinct 4
174 Calder Road
League City, TX 77573
(281) 316-8744

Commissioner Robin Armstrong is the Commissioner for Precinct 4. He has general knowledge of the Commissioners Court and the factual allegations that are stated in Plaintiffs' First Amended Complaint..

14. Former Commissioner Patrick Doyle

6710 Stewart Road
Suite 300
Galveston, TX 77551
(409) 744-9783

Former Commissioner Patrick Doyle was the Commissioner for Precinct 4. He has general knowledge of the Commissioners Court and the factual allegations that are stated in Plaintiffs' First Amended Complaint.

15. Dalton Lamar Oldham

137 Edgewater Lane
Lexington, SC 29210¹

¹ Upon information and belief

Dale Oldham is an attorney hired by the Galveston Commissioners Court as a redistricting consultant to assist with redistricting the commissioner precincts. He has knowledge of the factual allegations that are stated in Plaintiffs' First Amended Complaint.

16. Cheryl Johnson

722 Moody, First Floor
Galveston, TX 77550
(409) 766-2285

Cheryl Johnson is the Galveston County Tax Assessor and Voter Registrar. She has knowledge of the factual allegations pertaining to her that are stated in Plaintiffs' First Amended Complaint.

17. Yolanda Waters

1 S Pintail St
La Marque, TX 77568

Yolanda Waters is the Galveston County Republican Party Chairwoman. She has knowledge of the factual allegations pertaining to her that are stated in Plaintiffs' First Amended Complaint.

18. Kimberly N. Yancy

c/o Plaintiffs' counsel

Kimberly N. Yancy is the former President of the Dickinson Bay Area NAACP Branch. She has general knowledge of the organization. She has knowledge of the factual allegations pertaining to her that are stated in Plaintiffs' First Amended Complaint.

19. Roxy Hall Williamson

c/o Plaintiffs' counsel

Roxy Hall Williamson is a member of the Galveston NAACP Branch and attended the November 12, 2021 Commissioners Court meeting. She has knowledge of some of the factual allegations pertaining to that meeting that are stated in Plaintiffs' First Amended Complaint.

20. Terry Petteway

c/o Counsel in the Consolidated Case *Petteway v. Galveston*, 3:22-cv-0057

Terry Petteway is a Plaintiff in the Consolidated Case *Petteway v. Galveston*, 3:22-cv-0057. He is expected to have knowledge pertaining to Plaintiffs' claims.

21. The Honorable Derrick Rose

c/o Counsel in the Consolidated Case *Petteway v. Galveston*, 3:22-cv-0057

The Honorable Derrick Rose is a Plaintiff in the Consolidated Case *Petteway v. Galveston*, 3:22-cv-0057. He is expected to have knowledge pertaining to Plaintiffs' claims.

22. Michael Montez

c/o Counsel in the Consolidated Case *Petteway v. Galveston*, 3:22-cv-0057

Michael Montez is a Plaintiff in the Consolidated Case *Petteway v. Galveston*, 3:22-cv-0057. He is expected to have knowledge pertaining to Plaintiffs' claims.

23. Penny Pope

c/o Counsel in the Consolidated Case *Petteway v. Galveston*, 3:22-cv-0057

Penny Pope is a Plaintiff in the Consolidated Case *Petteway v. Galveston*, 3:22-cv-0057. She is expected to have knowledge pertaining to Plaintiffs' claims.

24. Sonny James

c/o Counsel in the Consolidated Case *Petteway v. Galveston*, 3:22-cv-0057

Sonny James is a Plaintiff in the Consolidated Case *Petteway v. Galveston*, 3:22-cv-0057. He is expected to have knowledge pertaining to Plaintiffs' claims.

2. A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;

1. The statements of votes cast by voters in elections in Galveston County that are maintained by Galveston County;
2. Turnout and voter registration data for Galveston County that are maintained by Galveston County (public domain);
3. United States Census data for Galveston County (public domain);
4. Social media and internet postings and comments made in reference to Galveston County redistricting (public domain);

5. News articles and other documents concerning redistricting, racial controversies, and other issues of interest to Galveston County (public domain);
6. Internet websites created or maintained by Galveston County, its members and staff (public domain);
7. Evidence identifying the attendees at redistricting meetings for Galveston County;
8. Submissions made for preclearance of Galveston County redistricting plans (public domain);
9. Recordings of Galveston County's sessions relating to the redistricting of Galveston County (public domain).
10. Reports, articles, and other documents describing or analyzing the history of discrimination in Galveston County (public domain);
11. Statements made to the press by Galveston County Commissioners in connection with redistricting (public domain);
12. Demographic information, election results, and other data pertaining to Galveston County (public domain);
13. Statistical analyses of racially polarized voting in Galveston County;
14. Maps and other documents reflecting districting plans for Galveston County.

Plaintiffs note that many other documents are relevant to and discoverable in this case. Plaintiffs expect these to come to light during the discovery period of this litigation, and Plaintiffs reserve the right to alter, add to, or amend this list of documents as discovery progresses, either by amendment to these Disclosures or through the identification of said documents in depositions or discovery responses.

- 3. A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered; and,**

Plaintiffs have reserved the right to seek attorneys' fees, costs, and litigation expenses.

- 4. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible**

judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

None.

Date: July 12, 2022

Respectfully submitted,

/s/ Sarah Xiyi Chen

TEXAS CIVIL RIGHTS PROJECT

Attorney-in-Charge

Mimi M.D. Marziani

Texas Bar No. 24091906

Hani Mirza

Texas Bar No. 24083512

Joaquin Gonzalez*

Texas Bar No. 24109935

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mimi@texascivilrightsproject.org

hani@texascivilrightsproject.org

joaquin@texascivilrightsproject.org

schen@texascivilrightsproject.org

**SOUTHERN COALITION FOR
SOCIAL JUSTICE**

Hilary Harris Klein*

North Carolina Bar No. 53711

1415 W. Hwy 54, Suite 101

Durham, NC 27707

919-323-3380 (Telephone)

919-323-3942 (Facsimile)

hilaryhklein@scsj.org

**WILLKIE FARR & GALLAGHER
LLP**

Richard Mancino*

New York Bar No. 1852797

Michelle Anne Polizzano*

New York Bar No. 5650668
Andrew J. Silberstein*
New York Bar No. 5877998
Molly Linda Zhu*
New York Bar No. 5909353
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Nickolas Spencer
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9100 Southwest Freeway, Suite 122
Houston, TX 77074
713-863-1409 (Telephone)
nas@naslegal.com

COUNSEL FOR PLAINTIFFS

*admitted *pro hac vice*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 12, 2022, the foregoing document was served via e-mail on all counsels of record for Defendants and Consolidated Plaintiffs.

/s/ Sarah Xiyi Chen

EXHIBIT 13

RESOURCES

[Commissioners Court](#)

[Court Functions](#)

[Precinct Maps](#)

[County Budget](#)

Honorable Stephen D. Holmes, Commissioner, Precinct 3

Commissioner Stephen D. Holmes was first appointed Galveston County Commissioner of Precinct Three in 1999. He has since been elected to four terms as County Commissioner.

A local product, Commissioner Holmes, is a graduate of Dickinson High School, Rice University and Thurgood Marshall School of Law.

Prior to his service as county commissioner, he served the community as an Assistant District Attorney for Galveston County.

During his nearly fifteen years as a member of the Galveston County Commissioners Court, he has worked to improve government efficiency at all levels and pushed for efficient use of taxpayer dollars by creating county partnerships with local governments and organizations.

Commissioner Holmes has been an advocate for improving the quality of life for Precinct Three through expanded access to healthcare, park improvements, community centers and senior citizen programs. He has become a driving force in serving not only his precinct, but also his all of Galveston County.

He and former Commissioner Patrick F. Doyle formed and implemented the Galveston County Senior Citizens Activities, Inc. (GCSCA), a nonprofit organization which serves the senior citizens of our county. His Annual Backyard Barbecue, benefiting GCSCA, has become one of the most popular Senior Citizens events in Galveston County.

Commissioner Holmes resides in Dickinson and is an avid runner who has completed ten marathons.



STATE BAR of TEXAS



MR. STEPHEN DALE HOLMES

Eligible to Practice in Texas

GALVESTON COUNTY

Bar Card Number: 00793968

TX License Date: 11/03/1995

Primary Practice Location: Galveston , Texas

2216 Jernigan Ford
Dickinson, TX 77539

CONTACT INFORMATION

Tel: -- ☎

Practice Areas: None Reported By Attorney

Statutory Profile Last Certified On: 07/31/2021

PRACTICE INFORMATION

Firm: Galveston County

Firm Size: None Specified

Occupation: Government Lawyer

Practice Areas: None Reported By Attorney

Services Provided:

Deaf/Hard of Hearing Translation: Not Specified

ADA-accessible client service: Not Specified

Language translation: Not Specified

Fee Options Provided: ?

None Reported By Attorney

Please note: Not all payment options are available for all cases, and any payment arrangement must be agreed upon by the attorney and his/her client. The State Bar of Texas is not responsible for payment arrangements between an attorney and his/her client.

Foreign Language Assistance:

None Reported By Attorney

COURTS OF ADMITTANCE

Federal:

Texas Southern District/Bankruptcy Court

Other Courts:

None Reported By Attorney

Other States Licensed:

None Reported By Attorney

Please note: This information is self-reported by Texas attorneys. Current license or admittance status can only be certified by the appropriate court or licensing entity.

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School
Degree earned

Texas Southern University
Graduation Date 05/1995

Thurgood Marshall School of Law
Doctor of Jurisprudence/Juris Doctor (J.D.)
Graduation Date 05/1995

PUBLIC DISCIPLINARY HISTORY

State Bar of Texas

No Public Disciplinary History

Other States

None Reported By Attorney

Sanctions that indicate a judgment is on appeal are still in effect but are not final and subject to change. To request a copy of a disciplinary judgment that is not available online or for more information about a specific disciplinary sanction listed above, please contact the Office of the chief Disciplinary Counsel at (877) 953-5535.

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We use cookies to analyze our traffic and enhance functionality. [More Information](#) AGREE

EXHIBIT 14

From: Roxy D Hall Williamson
Sent: Tuesday, October 26, 2021 2:57 PM CDT
To: Holmes, Stephen
Subject: Fwd: letter to Galveston County Commissioners Court

Afternoon Commissioner,
Here's the original email. I'm hoping to get enough Galveston County citizen groups to step up and sign on. I was hoping you could offer some suggestions. I am planning to ask Mr. Elias Sanchez and the SD11 Tejanos to sign on, I'm at a loss for who else to consider. I appreciate your time and consideration.

Yours in service
Roxy

*Roxy D. Hall Williamson
CROWD Fellow Texas
P.O. Box 3286
Galveston, Texas 77552
(409) 502-2912*



“The imperative is to define what is right and do it.”

-Barbara Jordan.

----- Forwarded message -----

From: Stephanie Swanson <steph.swanson.lwvtx@gmail.com>
Date: Mon, Oct 25, 2021 at 6:44 PM
Subject: letter to Galveston County Commissioners Court
To: Roxy D Hall Williamson <roxydhallwilliamson@gmail.com>, Sarah Chen <schen@texascivilrightsproject.org>

Hey guys,

Here is the letter to send to the Galveston County Commissioners Court. Do we want to add a reference to the 2011 retrogression?

<https://docs.google.com/document/d/1p9OAsEJlMJKQNIhgr9gaYsS06ZPiTOV0is4y1U25sY/e/dit?usp=sharing>

Could you both take a peek at it, and if it's ok, we can start circulating it in the community for sign on. I was thinking we should aim to send it in on Th or Fri of this week. I wonder if Commissioner Holmes might have some recommendations for potential community partners.

Roxy, how many groups do you think would be interested in signing on? I can reach out to the local league down there.

Thanks,

--

Stephanie Swanson
Issue Chair of Redistricting & Census
League of Women Voters of Texas
281.795.0011

"We must be even more committed in this time...Nothing would be more tragic than for us to turn back at this point, because we must declare normalcy never again."
—Rev. Dr. William Barber II

From: Roxy D Hall Williamson
Sent: Tuesday, October 26, 2021 6:54 AM CDT
To: Holmes, Stephen
Subject: Community Advocacy

Good morning Commissioner Holmes,
Steph Swanson and the group are putting together a letter of advocacy to be distributed to the County Judge and Commissioners. Are there any community leaders you would recommend to assist and possibly sign on to the letter? I appreciate any information you can provide. Thank you.

Yours in service
Roxy

*Roxy D. Hall Williamson
CROWD Fellow Texas
P.O. Box 3286
Galveston, Texas 77552
(409) 502-2912*



“The imperative is to define what is right and do it.”

-Barbara Jordan.

From: Roxy D Hall Williamson
Sent: Saturday, September 11, 2021 3:24 PM CDT
To: Holmes, Stephen
Subject: Fwd: Redistricting Galveston

Thank you for any information you can provide.

Yours in service
Roxy D Hall Williamson
P.O. Box 3286
Galveston, Texas 77552
409.457.8255

----- Forwarded message -----

From: **Roxy D Hall Williamson** <roxydhallwilliamson@gmail.com>
Date: Sat, Sep 11, 2021, 3:22 PM
Subject: Redistricting Galveston
To: <CityManager@galvestontx.gov>, Marissa Barnett <MBarnett@galvestontx.gov>

Good afternoon: Could you please share the dates of :

- 1) City Council discussions about redistricting
- 2) Open hearings dates and locations for redistricting

We hope to engage the community in this important discussion. Will there be any opportunity for zoom testimony, given the enormously high COVID rates we are experiencing?

Thanks for any information, guidance & updates!

Yours in service
Roxy D Hall Williamson
P.O. Box 3286
Galveston, Texas 77552
409.457.8255

From: Roxy D Hall Williamson
Sent: Thursday, November 4, 2021 2:08 PM CDT
To: ruth12340992@att.net; musemm@sbcglobal.net; bjrce@academicplanet.com; sdholmes1@aol.com; Holmes, Stephen; sharonlewis@galvestontx.gov
CC: kimjyancy@gmail.com; Jonathan Warren; djohnson_76@yahoo.com; patriciatoliver67@gmail.com; lmcgrewl@sbcglobal.net; shawn p.; brittneywalker@live.com; jreneaka24@gmail.com; Janis Matthews; joe@gulfcoastinterfaith.org; lillian@hotmail.com; JCompian@gmail.com; lthierry@utmb.edu; iancbarrett@gmail.com; Lawanda Ward; Corlie Jackson; riversgalveston@gmail.com; McAfee.vanessa1@gmail.com; Casey McAuliffe; WHKINGIII@gmail.com; keith@henryactiontoday.com; pdrjv@aol.com; henry.keith2@gmail.com; Heidi Gordon; ibcgitx@gmail.com; Brandon Williams; Jesse Gaines
Subject: Galveston Redistricting Coalition
Attachments: TDWGC Redistricting SignUp.png, PXL_20211104_185122647.jpg

Good afternoon Galveston County!

Quite a bit going on... Here are a few updates as we prepare:

* For those of you prepared to sign on to the advocacy letter, please forward your logos and signatories to me or Steph Swanson so we can update the letter illustrating the depth of our community support. This assists with establishing important information for litigation, if necessary.

* The Honorable County Commissioner Stephen Holmes will be speaking on Redistricting this evening (signup information attached). Please sign up if you are available. I'm hoping he can speak to the timelines of the hearings, especially opportunities for Public Comment during his presentation.

* There is an article in the Galveston Daily News today by John Wayne Ferguson (409-683-5226; john.ferguson@galvnews.com; Twitter: @johnwferguson) "County redistricting might cut out lone Democrat." There are three maps, the current precincts map, and two proposed maps (picture of article is attached). Please see the talking points sent from Steph Swanson (LWV):

Talking Points on Map Proposals:

To view the current map proposals and to submit public

comments: <https://www.galvestoncountytexas.gov/our-county/county-judge/redistricting>

***Please note that the most compelling testimony will be based on personal familiarity with the area. For example, why La Marque shouldn't be split in three, or why the west side of Dickinson has more in common with La Marque than with League City or Friendswood. **And if you've ever faced issues with county government, such as problems with election polling places, COVID response, or county officials or employees who haven't responded to your requests, please mention those.**

- I support Map Proposal 1. This map keeps Commissioner Holmes' district somewhat intact. However, I do object to the Bolivar Peninsula being included in Precinct 3. The Bolivar Peninsula is a drastically different community that is predominantly white. This community has little in common with the residents

that currently reside in Precinct 3, which has a large, diverse population of LatinX and African American residents.

- I am also deeply concerned that the same mapping firm, Geographic Strategies, has been hired by the County once again to draw the county's maps after the maps that this firm produced in 2011 were found to discriminate against voters of color by the Department of Justice. It should also be noted that the Department of Justice objected to including the Bolivar Peninsula in Precinct 3 in 2011.
- We are disappointed that the public has not been included more in this process. We are also concerned that Commissioner Holmes was not afforded the opportunity to provide input on the map proposals.
- Map Proposal 2 cracks communities of color apart and destroys an existing coalition precinct of Black and Latino voters in Precinct 3.

Please review the enclosed information and share with your networks. Thank you for your time and attention to this advocacy work. Have an amazing afternoon.

Yours in service
Roxy

Roxy D. Hall Williamson
CROWD Fellow Texas
P.O. Box 3286
Galveston, Texas 77552
(409) 502-2912



“The imperative is to define what is right and do it.”

-Barbara Jordan.

EXHIBIT 15

Declaration of Dr. Matt A. Barreto and Michael Rios, MPP

1. Pursuant to 28 U.S.C. section 1746, I, Matt Barreto, and my co-author, Michael Rios, declare as follows:
2. My name is Matt Barreto, and I am currently Professor of Political Science and Chicana/o Studies at the University of California, Los Angeles. I was appointed Full Professor with tenure at UCLA in 2015. Prior to that I was a tenured professor of Political Science at the University of Washington from 2005 to 2014. At UCLA I am the faculty director of the Voting Rights Project in the Luskin School of Public Affairs and I teach a year-long course on the Voting Rights Act (VRA), focusing specifically on social science statistical analysis, demographics and voting patterns, and mapping analysis that are relevant in political science expert reports in VRA cases. I have written expert reports and been qualified as an expert witness more than four dozen times in federal and state voting rights and civil rights cases, including many times in the state of Texas. I have published peer-reviewed social science articles specifically about minority voting patterns, racially polarized voting, and have co-authored a software package (eiCompare) specifically for use in understanding racial voting patterns in VRA cases. I have been retained as an expert consultant by counties across the state of Texas to advise them on racial voting patterns as they relate to VRA compliance during redistricting. As an expert witness in VRA lawsuits, I have testified dozens of times and my testimony has been relied on by courts to find in favor of both plaintiffs and defendants.
3. I have published books and articles specifically about the intersection of partisanship, ideology and racially polarized voting. My 2013 book, *Change They Can't Believe In* was published by Princeton University Press and was about the inherent connectedness between partisanship and racial attitudes in America today, and won the American Political Science Association award for best book on the topic of racial and ethnic politics.
4. I submitted an expert report in Galveston County, Texas in the 2013 lawsuit, *Petteway v. Galveston*, No. 3:11-cv-308. In that report I examined voting and population demographic trends and concluded that Black and Hispanic voters were cohesive and supported like candidates of choice, and that Anglos block-voted against minority candidates of choice. The court accepted that racially polarized voting was prevalent in Galveston County, Texas.
5. I am the primary author of this report and collaborated in its development with my co-author Mr. Michael Rios, MPP, senior data scientist at the UCLA Voting Rights Project. I have worked closely with Mr. Rios for over four years and he has extensive expertise with racially polarized voting analysis in the state of Texas, including authoring a report on racially polarized voting in Galveston County in 2021 and recently performing a racially polarized voting analysis in *Portugal et al. v. Franklin County et al.* (October 2020), a lawsuit involving the Washington Voting Rights Act.
6. My full professional qualifications and activities are set forth in my curriculum vitae. A true and correct copy has been attached hereto as Appendix E1. I, Dr. Barreto, am being compensated by Plaintiffs at a rate of \$400 per hour for my report and \$500 an hour for any oral testimony in this case. Mr. Rios is being compensated by Plaintiffs at a rate of \$275 an

hour for his work on the report and \$350 per hour for any oral testimony in this case. A true and correct copy of Mr. Rios' qualifications and activities are set forth in his curriculum vitae, of which a true and correct copy has been attached hereto as Appendix E2.

7. In this portion of my expert analysis, we were asked to assess voting patterns in Galveston County to determine if Black, Hispanic¹ and Anglo voters exhibit racially polarized voting.
8. We also reviewed the existing Galveston County Commission Precinct Plan to determine what impact the 2021 adopted plan had on Black and Hispanic opportunities to elect candidates of choice. As part of this analysis, we reviewed alternative maps submitted by Plaintiffs Terry Petteway, Derreck Rose, Michael Montez, Penny Pope and Sonny James that would allow minority voters to create and/or maintain opportunities to elect candidates of choice.
9. We obtained data from the Texas Legislative Council (TLC) and the Capitol Data Project for statewide election results by county and voter demographics by county. We also obtained data from the Galveston County, Texas recorder-clerk of elections including election results. We obtained district map data by performing a spatial overlay of CVAP data with a map of 2022 VTDs. CVAP estimates are from the U.S. Census ACS disaggregated to census blocks, downloaded from the Redistricting Data Hub.² The map of 2022 VTDs was downloaded from the TLC website.³ All data are available at the voting tabulation district or voting precinct (VTD) level and we have merged together the election returns with voter racial/ethnic demographics to create a standard dataset for analyzing voting patterns. Race and population data were obtained from the U.S. Census 2020 PL-94 Redistricting files, U.S. Census American Community Survey (ACS) datasets, as well as Spanish Surname Registered Voters and Spanish Surname Turnout, which was obtained from TLC repository.

I. Background Conclusions

10. First, more than 25 elections analyzed from 2014 to 2022 reveal a strong and consistent pattern of racially polarized voting in Galveston County. This analysis was conducted across 29 elections for local, state and federal office, using two complimentary court-approved ecological inference techniques, and relying on Census citizen voting age population (CVAP) data, Spanish Surname voter file data, and voter turnout modeled data. The result was more than 350 ecological inference models. In every single instance both Black and Hispanic voters were found to be strongly cohesive in their support for minority preferred candidates. When analyzing Black and Hispanic voters independently or combined, Black voters are strongly cohesive, and vote consistently with Hispanic voters who are likewise cohesive and vote consistently with Black voters. The analysis reports Anglo voters uniformly block vote against Hispanic and Black candidates of choice in Galveston County. There is no question that both

¹ We utilize the terms "Latino" and "Hispanic" interchangeably throughout this report to refer to individuals who self-identify as Latino or Hispanic. Additionally, the terms "Latino" and "Hispanic" mean persons of Hispanic Origin as defined by the United States Census Bureau and U.S. Office of Management and Budget (OMB).

² "Texas CVAP Data Disaggregated to the 2020 Block Level (2020)," Redistricting Data Hub, April 21, 2022, <https://redistrictingdatahub.org/dataset/texas-cvap-data-disaggregated-to-the-2020-block-level-2020/>.

³ "VTDs," Capitol Data Portal, August 18, 2022, <https://data.capitol.texas.gov/dataset/vtds>.

Gingles prongs – prong two of minority cohesiveness and prong three related to Anglo bloc voting, are easily met in Galveston County.

11. Second, Galveston County racial and ethnic population demographics changed significantly over the last decade with Anglos declining from 59.3% of the county population in 2010 to 54.6% in 2020. While the Anglo population grew by just 10.8% or 18,706, the non-Anglo (racial minority) population in Galveston grew by 34.3% or 40,667 in just 10 years. The Hispanic population was the fastest growing in the county and increased by 23,366 (35.8%).
12. Third, the map adopted by the Galveston County Commission dilutes the Black and Hispanic vote by eliminating a currently performing district which elects a Hispanic and Black candidate of choice. Given the large increases in the minority populations, and the conclusive finding of racially polarized voting, the adopted map could have easily drawn a performing district for minority voters consistent with the VRA. The adopted map failed to reflect growth in both Hispanic and African-American communities and dilutes the ability of both groups to elect candidates of choice.

II. Galveston County Population Growth and Enacted Map Characteristics

13. To situate the discussion over voting patterns and minority representation, we begin with a broader view of Galveston County and how its population has changed and shifted over the past two decades. Overall, Galveston gained over 100,000 in population since 2000 with 59,373 coming in between 2010-2020. However, these gains were uneven by geography and race/ethnicity. Specifically, the Anglo/White population experienced an 8.5-point drop in population share from 2000 to 2020 going from 63.1% of the county population to now just 54.6%. According to the 2021 U.S. Census American Community Survey (ACS) the Anglo population in Galveston has declined by an additional percentage point and is now 53.7% as of 2021. In contrast, the Latino population almost doubled in 20 years, growing from 44,939 to 88,636. In the past 10 years the Latino population was the fastest growing segment of Galveston, adding more than 23,000 in population and now represents 25.3% of the county total. Overall, the non-Anglo racial minority population grew by 72.6% in the past two decades, compared to 21.2% growth among Anglos. There is no question that Galveston County demographics are changing and becoming increasingly non-Anglo, racial minority. Today, the county population is close to evenly divided between Anglos and non-Anglo racial minorities and by 2025 Galveston is projected to be a majority-minority population county. A districting scheme must take into account population shifts and draw boundaries around communities of interest, careful not to overly pack or crack minority communities.
14. From a population growth perspective, the 67,017 increase in minority residents should have made the retention of an existing minority-performing district simple. In fact, because the county became *more heavily* minority, a map drawer would have to go out of their way to reduce and dilute the minority vote. A map put forward by Commissioner Holmes in 2021 allowed for a VRA-compliant district to be drawn in Galveston that would allow minorities the opportunity to elect their candidates of choice. Rather than maintaining a minority-performing district, the adopted plan cracks the Black and Hispanic population so that it is narrowly too small to be able to elect a candidate of choice.

15. According to the 2020 Decennial Census, there is no question that the *Gingles One* standard can be met and a performing district can be drawn that is majority Black and Hispanic citizen adult.

Table 1: Galveston County Population Change 2000 to 2020 by race/ethnicity

	2000	2010	2020	00-20 Change	00-20 % chg	10-20 Change	10-20 % chg
Galveston Total	250,158	291,309	350,682	100,524	40.2%	59,373	20.4%
Anglo	157,851 (63.1%)	172,652 (59.3%)	191,358 (54.6%)	33,507	21.2%	18,706	10.8%
Non-Anglo (Racial Minority)	92,307 (36.9%)	118,657 (40.7%)	159,324 (45.4%)	67,017	72.6%	40,667	34.3%
Hispanic	44,939 (17.9%)	65,270 (22.4%)	88,636 (25.3%)	43,697	97.2%	23,366	35.8%
Black	38,179 (15.3%)	39,229 (13.5%)	43,120 (12.3%)	4,941	12.9%	3,891	9.9%
Asian	5,152 (2.1%)	8,515 (2.9%)	12,202 (3.5%)	7,050	136.8%	3,687	43.3%
All other/ multi-racial	4,037 (1.6%)	5,643 (1.9%)	15,366 (4.4%)	11,329	280.6%	9,723	172.3%

III. Racially Polarized Voting Analysis

16. We next examine whether voters of different racial/ethnic backgrounds tend to prefer different or similar candidates in a wide range of electoral settings. The phenomenon called *racially polarized voting* (RPV) is defined as voters of different racial or ethnic groups exhibiting different candidate preferences in an election. It means simply that voters of different groups are voting in polar opposite directions, rather than in a coalition. However, if some groups of voters are voting in coalition, RPV analysis will identify such a trend. Voters may vote for their candidates of choice for a variety of reasons, and RPV analysis is agnostic as to why voters make decisions, instead RPV simply reports *how* voters are voting. It measures the outcomes of voting patterns and determines whether patterns track with the race/ethnicity demographics of neighborhoods, cities, and voting precincts.
17. Issues related to minority vote dilution are especially consequential in the face of racially polarized voting. In 1986 the Supreme Court issued a unanimous ruling (*Thornburg v. Gingles*) that redistricting plans cannot dilute minority voting strength by cracking their population into multiple districts, nor can they pack the population into too few districts. In

this decision, the Court established specific tests to determine if a redistricting plan violated the VRA, in particular calling on a statistical analysis of voting patterns by race and ethnicity. The *Gingles* test concerns how minorities and Anglos vote, and whether they prefer the same, or different candidates. Specifically, the Court asks if minority voters are cohesive (*Gingles Prong Two*); if they generally tend to vote for a “candidate of choice.” And next, the Court examines who the larger majority (or Anglo) voters prefer as their candidate and, if that candidate is different than the minority candidate of choice, whether they regularly vote as a bloc to defeat the minority candidate of choice (*Gingles Prong Three*). Evidence of voting patterns differing by the race of voters was called “racially polarized voting” by the courts, to simply describe a finding in which voters of one racial group were voting in one direction, but voters of the other racial group were voting in the opposite direction – their patterns are polarized.

18. Several methods are available to assess the *Gingles* preconditions of minority cohesion and Anglo bloc voting.⁴ Ecological Inference (EI) “has been the benchmark in evaluating racial polarization in voting rights lawsuits and has been used widely in comparative politics research on group and ethnic voting patterns.”⁵ Two variations of EI that have emerged are referred to as King’s EI and EI: RxC. The two methods are closely related, and Professor Gary King, the creator of King’s EI,⁶ was a co-author and collaborator on the RxC method.⁷ Generally speaking, both methods take ecological data in the aggregate—such as precinct vote totals and racial demographics—and use Bayesian statistical methods to find voting patterns by regressing candidate choice against racial demographics within the aggregate precinct. King’s EI is sometimes referred to as the iterative approach, in that it runs an analysis of each candidate and each racial group in iterations, whereas the RxC method allows multiple rows (candidates) and multiple columns (racial groups) to be estimated simultaneously in one model. In essence, both versions of EI operate as described above: by compiling data on the percentage of each racial group in a precinct and merging that with precinct-level vote choice from relevant election results.

⁴ For an approachable overview of this material, see Bruce M. Clarke & Robert Timothy Reagan, Federal Judicial Center, *Redistricting Litigation: An Overview Of Legal, Statistical, and Case-Management Issues* (2002).

⁵ Loren Collingwood, Kassra Oskooii, Sergio Garcia Rios, and Matt Barreto, *eiCompare Comparing Ecological Inference Estimates across EI and EI:Rx C*, 8 R. J., 93 (2016); see also Abrajano et al., *Using Experiments to Estimate Racially Polarized Voting*, UC Davis Legal Studies Research Paper No. 419 (2015) (“ecological inference (EI)...[is] the standard statistical tool of vote-dilution litigation). Despite the method’s prominence, researchers have identified certain limitations on EI’s ability to reveal race-correlated voting patterns in jurisdictions with more than two racial groups and non-trivial residential integration. See D. James Greiner, *Re-Solidifying Racial Bloc Voting: Empirics and Legal Doctrine in the Melting Pot*, 86 Indiana L. J. 447–497 (2011); D. James Greiner & Kevin M Quinn, *Exit Polling and Racial Bloc Voting: Combining Individual Level and Ecological Data*, 4 Annals Applied Statistics, 1774–1796 (2010). Strategic calculations by potential candidates as well as interest groups and donors also skew EI data. Abrajano, Marisa A., Christopher S. Elmendorf, and Kevin M. Quinn, *Racially Polarized Voting* (2015); D. James Greiner, *Causal Inference in Civil Rights Litigation*, 122 Harv. L. Rev. 533, 533–598 (2008).

⁶ See Gary King, *A Solution to the Ecological Inference Problem Reconstructing Individual Behavior from Aggregate Data*, Princeton University Press (1997).

⁷ See Ori Rosen, Wenxin Jiang, Gary King, and Martin Tanner, Bayesian and frequentist inference for ecological inference: the R x C case, *Statistica Neerlandica*, vol. 55 at 134-46 (2001).

19. One popular software program that has been relied on by Federal Courts is *eiCompare*, which imports data and runs both King’s EI and RxC models and offers comparison diagnostics.⁸ Collingwood, et al. (2016) have concluded that both EI and RxC produce similarly reliable regression estimates of vote choice. The EI models are agnostic on what type of input data political scientists use for racial demographics. It can be Voting Age Population (VAP) data from the U.S. Census, it can be a Spanish surname analysis of registered voters, or it can be a BISG estimate of race of the voter file. If the analyst is well-trained and uses the software properly, the models will perform the same statistical analysis and produce reliable estimates about voter preference by race.
20. To conduct analysis on a county as diverse as Galveston we rely on three different types of racial/ethnic demographic data. First, we used CVAP data from the U.S. Census ACS disaggregated to census blocks, downloaded from the Redistricting Data Hub.⁹ Then, we performed a spatial overlay joining the CVAP data with a map of 2022 VTDs, downloaded from the TLC website. CVAP data is particularly useful for Anglo and Black racial estimates which are more difficult to derive from a surname analysis alone. The second data source is Spanish surname turnout, downloaded for each voting precinct/VTD from the TLC website. Spanish surname lists can be used to flag Hispanic voters on the actual voter file, in this case, among those who actually turned out to vote in elections. The third data source is modeled voter turnout by race. Here we use actual votes cast by each VTD over the denominator of total eligible voters (CVAP) to derive the turnout rate, which is then regressed against CVAP by race to arrive at a turnout rate for each racial or ethnic voting population. Using the turnout rate among eligible voters, we can then model what the racial composition of actual voters is by race within each VTD and use this as the input variable. For all models, we relied on CVAP, Spanish surname and modeled voters to produce estimates, and in every instance the Spanish surname estimates closely replicated and matched the Hispanic CVAP or Hispanic voters estimates.
21. Across all elections analyzed there is a clear, consistent, and statistically significant finding of racially polarized voting in Galveston County. Time and again, Black and Hispanic voters in Galveston are cohesive and vote for candidates of choice by roughly a 3-to-1 margin or greater, and always in contrast to Anglo voters who bloc-vote against minority candidates of choice. These voting patterns have been widely reported for at least three decades of voting rights litigation in Texas, including in Galveston area state or federal districts, and Federal courts have routinely concluded that elections in Texas are racially polarized. Galveston County is no different. What’s more, this information is well-known to county and state map drawers and demographers and expert consultants in Galveston County. In particular, Galveston County Commissioner Holmes shared a report on racially polarized voting by Mr. Rios at the November 12, 2021, commission meeting, documenting that patterns of racially polarized voting were present in Galveston at the time they were tasked with the 2022 redistricting process.¹⁰

⁸ Loren Collingwood, Kassra Oskooii, Sergio Garcia Rios, and Matt Barreto, *eiCompare Comparing Ecological Inference Estimates across EI and EI:R x C*, 8 R J., 93 (2016).

⁹ “Texas CVAP Data Disaggregated to the 2020 Block Level (2020),” Redistricting Data Hub, April 21, 2022, <https://redistrictingdatahub.org/dataset/texas-cvap-data-disaggregated-to-the-2020-block-level-2020/>.

¹⁰ Galveston County Commissioner’s Court November 12, 2021 Special Hearing Tr. 68: 14-23.

22. Mr. Rios analyzed recent elections in 2018 and 2020 and concluded that Black and Hispanic voters were cohesive and that Anglos block voted against minorities in each election. This report was consistent with the 2013 expert report of Barreto and Pedraza that also found patterns of polarized voting across 24 elections.
23. In the more than 350 ecological inference statistical models performed for this report, based on well-established social science published methodology, we conclude that across the 29 elections and 5 election cycles, elections in Galveston County are defined by racially polarized voting (see Appendix A table of racially polarized voting).
24. In elections across Galveston County ecological inference models point to a clear pattern of racially polarized voting. Hispanic voters and Black voters demonstrate unified and cohesive voting, siding for the same candidates of choice with high support. In contrast, Anglo voters strongly block vote against minority candidates of choice. Anglo block voting appears to be uniform across elections from 2014 to 2022 with rates over 85% opposition to minority-preferred candidates. Anglo voters demonstrate considerable block voting against Hispanic and Black candidates of choice, regularly voting in the exact opposite pattern of Hispanic and Black voters in Galveston. This is consistent with election analysis for Galveston County I presented in an expert report in 2013 that found Black and Hispanic voters to be unified across 24 elections from 2002 to 2012 while Anglos block voted against minority candidates of choice. Thus, this pattern is now consistent across 53 elections over 20 years in Galveston.
25. It is important to acknowledge that not every election contest contains a minority-preferred candidate. In some elections, voters are more or less agnostic about the candidates, while in other elections voters have deep preferences for their candidates of choice. In Galveston County, most elections are partisan and candidates register and run for office most commonly as a Democrat or Republican whether it is for local county office or statewide. In these instances, partisan general elections are often understood by voters through a racial/ethnic lens. Indeed, political science research has proven conclusively that attitudes about racial public policy issues, views on immigrants, and even racial animus influence partisanship among White voters¹¹. Thus, it is voters views on matters of race that often push White voters today into voting for Republican candidates in the first place, providing a clear link to racially polarized voting even when one considers partisanship¹². (For more on partisanship being intertwined with racial attitudes, see Section IV below, page 9)

¹¹Marc Hooghe and Ruth Dassonneville. 2018. "Explaining the Trump Vote: The Effect of Racist Resentment and Anti-Immigrant Sentiments" *PS: Political Science & Politics*, Volume 51, Issue 3, July 2018, pp. 528 – 534; Ashley Jardina. 2021. "In-Group Love and Out-Group Hate: White Racial Attitudes in Contemporary U.S. Elections" *Political Behavior* volume 43, pages 1535–1559

¹² Michael Tesler and David Sears. 2010. "President Obama and the Growing Polarization of Partisan Attachments by Racial Attitudes and Race." *American Political Science Association Annual Conference*. August.; Michael Tesler. 2012. "The Spillover of Racialization into Health Care: How President Obama Polarized Public Opinion by Racial Attitudes and Race" *American Journal of Political Science*. 56(3); Michael Tesler. 2013. "The Return of Old-Fashioned Racism to White Americans' Partisan Preferences in the Early Obama Era" *The Journal of Politics*. 75(1); Caroline J. Tolbert, David P. Redlawsk and Kellen J. Gracey. 2018. "Racial attitudes and emotional responses to the 2016 Republican candidates." *Journal of Elections, Public Opinion and Parties*. 28

26. In Galveston County, Blacks and Hispanics vote cohesively, together, for like candidates of choice. In particular, the analysis reveals that Black and Hispanic voters are cohesive in local elections for county offices such as County Judge, County Sherriff, District Court Judge and more, and are also cohesive for statewide elections for Governor, U.S. Senate, and President.
27. Specifically looking at the portion of Galveston County with the largest non-Anglo population Black and Hispanic voters demonstrate overwhelming political cohesion in general elections. Here, primary elections are not as probative a source of information about political cohesion, given that neither group constitutes an outright majority and the relatively low primary voter turnout among minorities.
28. It is also the case that Hispanic communities in Galveston are considerably younger and have lower rates of citizenship, resulting in a smaller pool of eligible voters as compared to Anglos. Due to a long history of discrimination and institutional policies related to voter registration, voter identification laws, access to early voting and absentee-mail voting, Hispanics in Texas have lower rates of voter registration and lower rates of voter turnout.¹³ The result is that map drawers throughout Texas, knowledgeable of these trends, dilute the Hispanic vote by creating districts in which Hispanic voters are not large enough in size to overcome the high degree of Anglo bloc-voting against their candidates of choice. For this reason, analysis of actual vote history can be important in understanding Hispanic voting patterns with more precision.
29. While CVAP data from the U.S. Census ACS can provide reliable vote choice estimates by racial group, we can also examine Spanish Surname voters from data compiled by TLC. In particular for groups that have lower rates of citizenship, registration or turnout, such as Hispanics, we can use data from the official voter rolls for actual people who voted to more precisely measure the percentage of Hispanics in a given voting precinct/VTD. We have replicated all ecological inference analyses using Spanish Surname turnout for each respective election year to also provide vote choice estimates for Spanish Surname voters. As the results make clear, Spanish Surname voters in Galveston County vote cohesively for Hispanic candidates of choice, and face bloc-voting against their candidates of choice by Anglo voters. Black voters demonstrate cohesion with Spanish Surname voters in Galveston.

IV. Partisanship, Ideology and Racially Polarized Voting

30. Racially polarized voting is well known and well documented as an indicator of discrimination and has been a hallmark statistical measured relied on by the courts in states and jurisdictions being challenged under the Federal VRA. But racially polarized voting does not occur in a vacuum. Social science research has documented extensively that the underlying catalysts

¹³ *Veasey v. Perry*, 71 F. Supp. 3d 627, 697 (S.D. Tex. 2014), aff'd in part, vacated in part, remanded sub nom. *Veasey v. Abbott*, 796 F.3d 487 (5th Cir. 2015), on reh'g en banc, 830 F.3d 216 (5th Cir. 2016), and aff'd in part, vacated in part, rev'd in part sub nom. *Veasey v. Abbott*, 830 F.3d 216 (5th Cir. 2016)

triggering bloc voting are racial attitudes and stereotypes¹⁴ and courts have routinely relied on measures like these as evidence of discrimination in voting lawsuits.¹⁵

31. In fact, extensive political science research has documented that measures of White racial attitudes have actually become more negative towards Blacks since the 2008, and in turn, have become more intertwined with partisanship. Research by Crayton et al. (2013) reports more than a 10-point increase in the percent of Whites who agreed that “if Blacks would only try harder they could be just as well off as Whites” in 2008 following the election of Barack Obama. At the same time, the American National Election Study (ANES) has shown that in states such as Texas, White voters increasingly believe that Blacks, Hispanics, Asians and Jews have “too much influence in politics” and that Whites have too little influence. Research documents that these beliefs have now been solidified as guiding principles in party affiliation.¹⁶ Specifically, Crayton et al. draw the link between racial attitudes and partisanship noting “One might be inclined to characterize these findings simply as the product of partisanship rather than racial bloc voting, but additional data refute any serious suggestion that ideology accounts for these changes.” To further investigate this relationship, Crayton et al. examined racial attitudes, partisanship and voting patterns across all 50 states and dismissed the claim that racially polarized voting was nothing more than partisanship. They conclude “party affiliation alone simply cannot account for this difference in states with roughly similar patterns of allegiance to Republican ideology.”

32. Indeed, there is an abundance of published research in leading academic publications which finds that attitudes about racial public policy and views on immigrants are leading indicators of party affiliation among Whites.¹⁷ Scholarly research has produced several significant findings showing that prejudice and discriminatory attitudes towards Blacks and Latinos persists and that it is one of the strongest predictors of party attachment among Whites.¹⁸

33. Further, a preponderance of the scholarship concludes that harboring negative racial attitudes is the underlying mechanism responsible for producing racial bloc voting among Whites, against minority candidates for elected office. For example, in a large-scale study of racial attitudes and voting, Professor Keith Reeves finds that “a significant number of Whites harbor feelings of

¹⁴ Edward G. Carmines & James A. Stimson, *ISSUE EVOLUTION: RACE AND THE TRANSFORMATION OF AMERICAN POLITICS* (Princeton Univ. Press 1989); Thomas B. Edsall & Mary D. Edsall, *CHAIN REACTION: THE IMPACT OF RACE, RIGHTS, AND TAXES ON AMERICAN POLITICS* (W.W. Norton 1991); Michael W. Giles & Kaenan Hertz, Racial Threat and Partisan Identification, 88 *Am. Pol. Sci. Rev.* 317 (1994); Robert Huckfeldt & Carol Weitzel Kohfeld, *RACE AND THE DECLINE OF CLASS IN AMERICAN POLITICS* (Univ. of Illinois Press 1989); Martin Gilens, Paul M. Sniderman, & James H. Kuklinski, Affirmative Action and the Politics of Realignment, 28 *Brit. J. Pol. Sci.* 159 (1998).

¹⁵ See, e.g., *Busbee v. Smith*, 549 F.Supp. 494, 501 (D. D.C. 1982) (finding state reapportionment committee’s use of racially offensive terms to be probative of an intent to discriminate against Black voters).

¹⁶ Christopher Parker and Matt Barreto. 2013. *Change They Can’t Believe In: The Tea Party and Reactionary Politics in America*. Princeton University Press

¹⁷ Dana Ables Morales, Racial Attitudes and Partisan Identification in the United States, 1980-1992, 5 *Party Politics* 191 (1999); Nicholas A. Valentino & David O. Sears, Old Times There Are not Forgotten: Race and Partisan Realignment in the Contemporary South, 24 *Am. J. Pol. Sci.* 672 (2005).

¹⁸ M. V. Hood & Seth C. McKee, Gerrymandering on Georgia’s Mind: The Effects of Redistricting on Vote Choice in the 2006 Midterm Election, 89 *Soc. Sci. Q.* 60 (2008); Richard Skinner & Philip Klinkner, Black, White, Brown and Cajun: The Racial Dynamics of the 2003 Louisiana Gubernatorial Election, *The Forum* 2 (1) (2004).

antipathy toward Black Americans as a categorical group – feelings and sentiments that are openly and routinely expressed.... And where such prejudices are excited...they constitute the critical linchpin in Black office-seekers’ success in garnering White votes.”¹⁹ Writing more than 10 years later about the 2008 presidential election, Michael Tesler and David Sears²⁰ find the same pattern. Even after controlling for partisanship and ideology, they find “the most racially resentful were more than 70 percentage points more likely to support McCain in March 2008 than were the least racially resentful.” Tesler and Sears conclude that the Obama era unfortunately reshaped partisan affiliation in contemporary America almost entirely through the lens of racial attitudes.

34. In what comes close to a consensus in published, empirical political science studies, scholarly work supports the finding that discriminatory attitudes and racial prejudice play a central role in driving White party identification, and this is especially strong in states such as Texas²¹.
35. These findings comport with other existing research that has noted the pattern of polarized voting in national elections. The 2008 election of Barack Obama rekindled decades old research on racial attitudes, partisanship and voting patterns. Newer published research finds clear evidence that in 2012 Barack Obama received less support in his presidential elections among White voters in Southern states than John Kerry did in 2004 or Al Gore in 2000 as a direct result of racial prejudice and discriminatory attitudes.²²
36. In his analysis of the White vote for Obama in Southern states, Professor Ben Highton notes²³, “at the state level, the influence of prejudice on voting was comparable to the influence of partisanship and ideology. Racial attitudes explain support for Obama and shifts in Democratic voting between 2004 and 2008.” This finding is corroborated by Professor Spencer Piston’s individual-level analysis of voter attitudes and support for Barack Obama in Southern states, drawing a direct link between racial attitudes and voting, independent of partisanship²⁴: “Negative stereotypes about Blacks significantly eroded White support for Barack Obama,” concluding that “White voters punished Obama for his race rather than his party affiliation.”
37. Other research demonstrates that, recently, particularly after the election of Barack Obama, white American partisan preferences are increasingly the result of “old-fashioned racism.” In

¹⁹ Keith Reeves, *VOTING HOPES OR FEARS? WHITE VOTERS, BLACK CANDIDATES & RACIAL POLITICS IN AMERICA* 74 (Oxford Univ. Press 1997).

²⁰ Michael Tesler and David Sears, *OBAMA’S RACE: THE 2008 ELECTION AND THE DREAM OF A POST-RACIAL AMERICA* 61 (Univ. of Chicago Press 2010).

²¹ Jonathan Knuckey, Racial Resentment and the Changing Partisanship of Southern Whites, 11 *Party Politics* 5 (2005); Edward G. Carmines & James A. Stimson, *ISSUE EVOLUTION: RACE AND THE TRANSFORMATION OF AMERICAN POLITICS* (Princeton Univ Press)

²² Michael S. Lewis-Beck, Charles Tien, & Richard Nadeau, Obama’s Missed Landslide: A Racial Cost?, 43 *Pol. Sci. & Politics* 69 (2010); Todd Donovan, Obama and the White Vote, 63 *Pol. Res. Q.* 863 (2010); Anthony G. Greenwald, Colin Tucker Smith, N. Sriram, Yoav Bar-Anon, & Brian A. Nosek, Implicit Race Attitudes Predicted Vote in the 2008 U.S. Presidential Election, 9 *Analysis of Soc. Issues & Pub. Pol’y*, 241 (2009); Tom Pyszczynski, Carl Henthorn, Matt Motyl, & Kristel Gerow, Is Obama the AntiChrist? Racial Priming, Extreme Criticisms of Barack Obama, and Attitudes Towards the 2008 U.S. Presidential Candidates, 46 *J. of Experimental Soc. Psychol.*, 863 (2010)

²³ Ben Highton, Prejudice Rivals Partisanship and Ideology When Explaining the 2008 Presidential Vote across the States, 44 *PS: Pol. Sci. & Politics* 530 (2011).

²⁴ Spencer Piston, How Explicit Racial Prejudice Hurt Obama in the 2008 Election, 32 *Pol. Behavior* 431 (2010).

prior social science research, old-fashioned racism is, in part, conceived as a desire to maintain intimate social distance between the races. Published research by Tesler (2013) demonstrates that white Americans who oppose intra-racial dating are more likely to identify with the Republican party²⁵. This correlation did not exist during the 1980s-early 2000s. But it manifested after the election of Barack Obama, the first Black president.

38. While the Obama era certainly brought renewed attention to the link between partisanship and racial attitudes, scholars have been studying this phenomenon since the realignment of partisanship across the South. There is a plethora of research demonstrating that partisan sorting on the basis of ethno-racial group identification is a function of racial attitudes, specifically antipathy toward non-white groups among white Americans who have sorted into the Republican Party. A recent study from the *American Economic Review*²⁶, the premier journal in the field of economics, demonstrates that white Americans, particularly in states such as Texas, began to defect from the Democratic Party after the Democratic party became more strongly committed to Civil Rights (pinpointed as the moment President Kennedy addressed the nation that he was committed to implementing Civil Rights legislation in Spring 1963). Research demonstrates White Americans in the southern states who were predisposed to leave the Democratic party in favor of the Republican party did so for race-based reasons, defined in this particular paper as willingness to vote for a Black president, thus linking racial attitudes, partisanship and voting preference directly together.
39. Perhaps the most conclusive *causal* evidence that racial attitudes are driving partisanship, and not merely conservative ideology, comes from the detailed and comprehensive analysis presented by Kuziemko and Washington (2018). Importantly, this paper disentangles antipathy toward Black people from other factors that may motivate White Americans to support the Republican party and not be willing to vote for a Black president, such as conservative principles, support for reduced government intervention, and other policy preferences (e.g., foreign policy). The overall effect in this paper is driven by White Americans in the southern states including Texas, showing that White Americans in the South relative to White Americans outside the South possess very similar attitudes on conservatism, outside the dimension of racial attitudes, such as economic and foreign policy²⁷. The findings also demonstrate that Democratic commitments to general civil rights in 1963 *do not* produce defections towards the Republican party among Southern whites, if they are unwilling to support a Jewish, Catholic, or Woman president, all other groups that were associated with liberal beliefs at the time. Instead, it is *only* among those who have negative racial attitudes or who are unwilling to support a Black president who leave the Democratic Party for the Republican Party. In their regression model, they statistically adjust for views towards Jewish, Catholic, or Female president and find that unwillingness to support a Black president is the

²⁵ Tesler, Michael. "The return of old-fashioned racism to White Americans' partisan preferences in the early Obama era." *The Journal of Politics* 75, no. 1 (2013): 110-123.

²⁶ Kuziemko, Ilyana, and Ebonya Washington. "Why did the Democrats lose the South? Bringing new data to an old debate." *American Economic Review* 108, no. 10 (2018): 2830-67.

²⁷ E.g. agreement that government should not guarantee jobs, agreement that government should help people get medicare care at low cost, agreement the government should not be able to fire suspected communists, keep soldiers abroad to fight communism, etc

single most critical factor determining defection from the Democratic party into the Republican party.

40. More statistical evidence for this finding of the partisan shift in southern states like Texas has been published by Valentino and Sears (2005)²⁸. In the years following the Civil Rights Movement, whites in the South became increasingly Republican over time. Valentino and Sears also prove that white Southerners who hold “symbolically racist” beliefs are more likely to identify with the Republican party over time. That is, it was not just in the 1960s and 1970s that things changed, but these attitudes stayed with people and continued to inform their partisan affiliation. In their detailed statistical analysis, the scholars rule out secular conservative principles outside of providing support for Black people by demonstrating that ideologically conservatism is not causing whites to become more Republican over time. Instead, conservative racial attitudes are directly linked to Republican affiliation. Therefore, although many Southern whites hold conservative principles, this is *not* their motivation for partisan switching, rather, the key motivation is their racial attitudes.
41. The findings in political science are not limited to racial views towards Blacks, but increasingly today White partisanship is influenced by views towards Latinos and immigrants. Hajnal and Rivera (2014)²⁹ conclude that negative views towards immigrants motivates defection from Democrats and toward the Republican party. Likewise, more recent research published by Ostfeld (2019)³⁰ demonstrates that when Democratic political elites make campaign appeals to Latinos, it results in partisan defections by white Americans from the Democratic party toward the Republican party.
42. Perhaps most directly taking on the question of race and party are political scientists Sean Westwood and Erik Peterson in their 2020 published paper³¹, “The inseparability of race and partisanship in the United States.” The authors demonstrate that although partisanship and race are highly correlated with one another, white Americans viewpoints toward racial minority groups directly effects their attachment to either the Democratic or Republican Party, and vice versa. In other words, a negative evaluation of a Blacks or Hispanics translates into a negative evaluation of Democrats in general, and positive evaluation of Whites translates into positive evaluations of Republicans in general, and vice versa. They conclude that racial discrimination is intimately linked to partisan discrimination, and their research finds these two concepts to be “inseparable.” Indeed, how White Americans view or interact with Blacks and Latinos directly influences their views of political parties, as they write “out-race interactions rapidly spill into assessments of the other political party.”
43. In Texas, the most critical elections to voters of color are often the general election when Black and Hispanic voters regularly vote together for similar candidates of choice. These elections

²⁸ Valentino, Nicholas A., and David O. Sears. "Old times there are not forgotten: Race and partisan realignment in the contemporary South." *American Journal of Political Science* 49, no. 3 (2005): 672-688.

²⁹ Hajnal, Zoltan, and Michael U. Rivera. "Immigration, Latinos, and white partisan politics: The new democratic defection." *American Journal of Political Science* 58, no. 4 (2014): 773-789.

³⁰ Ostfeld, Mara Cecilia. "The new white flight?: The effects of political appeals to Latinos on white democrats." *Political Behavior* 41, no. 3 (2019): 561-582.

³¹ Westwood, Sean J., and Erik Peterson. "The inseparability of race and partisanship in the United States." *Political Behavior* (2020): 1-23.

are critical because voters are deciding who to send to the State Capital or our Nation's Capital to represent them in public policy debates. While candidates also face off in primary debates, in most instances minority voters can regularly elect their candidate of choice in a primary, given their electoral influence in a district. However, in some instances, jurisdictions intentionally create districts in which no racial group is a majority, even though creating a majority-minority is possible. In these instances of diverse and mixed districts coalitions can and do emerge. In districts where no single racial group is large enough by themselves to determine who wins, there can be different candidates who emerge from different communities. However, it is usually the case that even after a contested primary, minority voters form a very strong coalition in the November general election when voter turnout is much higher, and the stakes are much higher to select their ultimate representative for the State or Federal legislature. Primary elections are also not as probative a source of information about political cohesion, given the relatively low voter turnout and the skewed nature of the electorate.

V. Performance Analysis of Different Districts

44. As a result of the increase of over 40,000 non-Anglo racial minorities in Galveston County in the last ten years, Black and Hispanic voters are easily large and geographically compact enough to form a majority-minority performing political district for the County Commission. However, even before this large growth in the minority population between 2010 – 2020, the Black and Hispanic community was already large in size and geographically compact enough to allow minority voters to elect a candidate of their choice.
45. Looking closely at the adopted map as compared to demonstration maps submitted by plaintiffs, it is clear that the map adopted by Galveston County dilutes the Hispanic and Black vote by creating numerous districts which do not perform for minority candidates of choice, cracking their population. Given the large growth in the minority population and the *decline* in the Anglo *share* of the county population, plaintiffs' demonstration maps can remedy the dilution in the adopted map and put back together a district which performs for Hispanic and Black candidates of choice which the adopted map eliminated.
46. To assess district performance, I compiled election results constrained to the political boundaries of the Galveston County Commission districts. Data were obtained from the State of Texas, TLC and Galveston County. In looking at the election results below in table 2, it is clear that none of the four districts perform for Black and Hispanic candidates of choice, and instead all four districts elect Anglo-preferred candidates. Reviewing demonstration plans submitted by plaintiffs, I conclude that a district which performs for Black and Hispanic candidates of choice can be drawn. Examining prior election results, sorted just for the precincts/VTDs within a given district, I conclude that Galveston County has failed to create a performing Black + Hispanic district.

Table 2: Performance Analysis of Recent Elections

			Adopted			
			1	2	3	4
	Anglo CVAP		64.9%	62.4%	64.0%	61.6%
	Black CVAP		10.7%	14.4%	9.5%	18.2%
	Hispanic CVAP		21.5%	20.6%	19.0%	15.3%
	Other CVAP		2.9%	2.6%	7.6%	4.9%
2022	Governor	Abbott	65.2%	59.2%	65.8%	62.3%
		O'Rourke	34.8%	40.8%	34.2%	37.7%
	Attorney General	Paxton	64.8%	58.9%	65.7%	62.2%
		Garza	35.2%	41.1%	34.3%	37.8%
	Lt. Governor	Patrick	64.9%	58.7%	65.4%	61.9%
		Collier	35.1%	41.3%	34.6%	38.1%
	County Judge	Henry	66.6%	60.2%	67.8%	63.7%
		King	33.4%	39.8%	32.2%	36.3%
	U.S. House of Representatives, District #14	Weber	66.7%	60.7%	67.4%	63.7%
		Williams	33.3%	39.3%	32.6%	36.3%
	District Judge #122	Jones	66.4%	60.4%	67.4%	63.6%
Walsdorf		33.6%	39.6%	32.6%	36.4%	
District Attorney	Roady	67.5%	61.8%	68.7%	64.5%	
	Dragony	32.5%	38.2%	31.3%	35.5%	
2020	President	Trump	63.8%	56.8%	64.6%	60.6%
		Biden	36.2%	43.2%	35.4%	39.4%
	Senate	Cornyn	65.4%	58.1%	66.8%	62.1%
		Hegar	34.6%	41.9%	33.2%	37.9%
	Sheriff	Trochesset	65.1%	59.6%	66.8%	62.2%
		Salinas	34.9%	40.4%	33.2%	37.8%
	Weber	65.8%	58.4%	67.6%	62.4%	

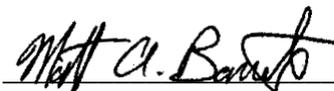
	U.S. House of Representatives, District #14	Bell	34.2%	41.6%	32.4%	37.6%
2018	Senate	Cruz	62.3%	53.7%	64.6%	59.6%
		O'Rourke	37.7%	46.3%	35.4%	40.4%
	Governor	Abbott	66.9%	58.4%	69.9%	63.8%
		Valdez	33.1%	41.6%	30.1%	36.2%
	Lt. Governor	Patrick	63.3%	55.2%	65.9%	60.0%
		Collier	36.7%	44.8%	34.1%	40.0%
	Attorney General	Paxton	62.3%	53.7%	65.1%	59.1%
Nelson		37.7%	46.3%	34.9%	40.9%	
U.S. House of Representatives, District #14	Weber	64.0%	55.6%	67.2%	61.2%	
	Bell	36.0%	44.4%	32.8%	38.8%	
2016	President	Clinton	34.5%	44.2%	31.7%	38.3%
		Trump	65.5%	55.8%	68.3%	61.7%
	Supreme Court, Position #5	Green	66.9%	56.6%	71.4%	63.4%
		Garza	33.1%	43.4%	28.6%	36.6%
U.S. House of Representatives, District #14	Weber	67.4%	56.9%	71.8%	63.8%	
	Cole	32.6%	43.1%	28.2%	36.2%	
2014	Senate	Cornyn	70.3%	59.2%	76.2%	64.8%
		Alameel	29.7%	40.8%	23.8%	35.2%
	U.S. House of Representatives, District #14	Weber	69.2%	57.7%	75.3%	64.0%
		Brown	30.8%	42.3%	24.7%	36.0%
	Governor	Abbott	66.3%	54.0%	72.4%	61.7%
		Davis	33.7%	46.0%	27.6%	38.3%
Lt. Governor	Patrick	66.5%	54.7%	72.5%	61.9%	
	Van De Putte	33.5%	45.3%	27.5%	38.1%	

Attorney General	Paxton	67.4%	55.1%	73.8%	62.7%	
	Houston	32.6%	44.9%	26.2%	37.3%	
Supreme Court, Position #7	Boyd	67.5%	55.1%	73.9%	62.7%	
	Benavides	32.5%	44.9%	26.1%	37.3%	

47. In preparing this report there were some data that was not yet produced, or made readily available by Defendants, and as more data does become available, or new elections results are posted, we will provide additional data and analysis of population statistics and election results to supplement this report.

48. I declare under penalty of perjury that the foregoing is true to the best of my personal knowledge.

January 13, 2023



Dr. Matt A. Barreto

Agoura Hills, California

January 13, 2023



Michael Rios

Rancho Cucamonga, California

Appendix A: Racially Polarized Voting Tables

Table 1: Galveston County Ecological Inference (EI) Candidate Choice Estimates

Year	Office	Candidate	Ecological Inference (EI) Iterative							
			CVAP as race input				SSTO	Estimated actual vote		
			Anglo	Non-Anglo	Hispanic	Black	Spanish Surname	Anglo	Hispanic	Black
2022	Attorney General	Paxton	85.8	16.9	33.3	0.7	22.4	80.5	25.5	0.8
		Garza	14.2	83.1	66.7	99.3	77.6	19.5	74.5	99.2
	County Judge	Henry	87.6	18.3	30.2	0.9	32.0	82.5	24.3	0.8
		King	12.4	81.7	69.8	99.1	68.0	17.5	75.7	99.2
	Governor	Abbott	86.0	16.8	32.8	0.5	38.2	80.8	29.7	0.5
		O'Rourke	14.0	83.2	67.2	99.5	61.8	19.2	70.3	99.5
	Lt. Governor	Patrick	85.5	16.5	33.7	0.9	23.6	80.3	26.8	0.1
		Collier	14.5	83.5	66.3	99.1	76.4	19.7	73.2	99.9
	U.S. House of Reps, District #14	Weber	87.3	18.7	31.2	0.5	31.3	82.7	24.9	0.4
		Williams	12.7	81.3	68.8	99.5	68.7	17.3	75.1	99.6
	District 122 Judge	Jones	87.2	18.1	29.0	0.6	30.6	82.4	25.1	0.8
		Walsdorf	12.8	81.9	71.0	99.4	69.4	17.6	74.9	99.2
	District Attorney	Roady	88.3	19.8	29.4	1.1	30.8	83.7	24.8	0.8
		Dragony	11.7	80.2	70.6	98.9	69.2	16.3	75.2	99.2

2020	County Sheriff	Trochesset	88.2	15.8	27.1	0.5	41.5	82.8	22.8	0.5	
		Salinas	11.8	84.2	72.9	99.5	58.5	17.2	77.2	99.5	
	President	Trump	85.6	14.9	33.4	0.6	21.8	80.4	24.6	1.0	
		Biden	14.4	85.1	66.6	99.4	78.2	19.6	75.4	99.0	
	U.S. Senate	Cornyn	87.2	16.5	29.2	0.6	34.3	82.5	24.1	0.5	
		Hegar	12.8	83.5	70.8	99.4	65.7	17.5	75.9	99.5	
	U.S. House of Reps, District #14	Weber	87.6	17.4	27.6	0.8	40.9	83.0	23.8	1.3	
		Bell	12.4	82.6	72.4	99.2	59.1	17.0	76.2	98.7	
	District 405 Judge	Robinson	87.4	16.7	27.8	1.2	34.8	82.7	24.4	0.4	
		Hudson	12.6	83.3	72.2	98.8	65.2	17.3	75.6	99.6	
	District 56 Judge	Cox	88.4	18.4	30.5	0.7	34.9	83.9	25.7	1.1	
		Lindsey	11.6	81.6	69.5	99.3	65.1	16.1	74.3	98.9	
	2018	Attorney General	Paxton	84.5	11.0	14.5	0.8	10.8	79.5	14.1	1.4
			Nelson	15.5	89.0	85.5	99.2	89.2	20.5	85.9	98.6
Governor		Abbott	89.1	15.9	15.7	0.5	29.1	84.9	15.7	0.7	
		Valdez	10.9	84.1	84.3	99.5	70.9	15.1	84.3	99.3	
Lt. Governor		Patrick	85.5	11.9	15.8	1.0	14.8	80.6	14.4	0.7	
		Collier	14.5	88.1	84.2	99.0	85.2	19.4	85.6	99.3	
U.S. Senate		Cruz	84.3	11.5	15.2	1.1	16.6	79.5	13.9	0.8	
		O'Rourke	15.7	88.5	84.8	98.9	83.4	20.5	86.1	99.2	
U.S. House of Reps, District #14		Weber	86.6	12.9	15.2	0.8	9.7	81.8	16.0	0.6	
		Bell	13.4	87.1	84.8	99.2	90.3	18.2	84.0	99.4	
2016	President	Trump	86.8	13.1	16.8	0.7	0.3	80.7	16.1	0.7	

		Clinton	13.2	86.9	83.2	99.3	99.7	19.3	83.9	99.3	
	Supreme Court Justice, Position #5	Green	88.2	15.6	15.9	0.5	22.8	82.8	16.0	0.4	
		Garza	11.8	84.4	84.1	99.5	77.2	17.2	84.0	99.6	
	U.S. House of Reps, District #14	Weber	88.6	15.8	17.4	0.4	31.8	83.2	15.5	0.1	
		Cole	11.4	84.2	82.6	99.6	68.2	16.8	84.5	99.9	
	District 10 Judge	Neves	88.9	15.8	17.6	0.4	32.0	83.3	17.3	0.1	
		Walker	11.1	84.2	82.4	99.6	68.0	16.7	82.7	99.9	
2014	Attorney General	Paxton	86.4	18.8	16.9	0.6	16.5	82.3	14.9	0.2	
		Houston	13.6	81.2	83.1	99.4	83.5	17.7	85.1	99.8	
	County Commissioner, Precinct #4	Clark	86.7	45.2	37.3	10.7	0.0	87.1	37.1	0.1	
		Hutchins	13.3	54.8	62.7	89.3	100.0	12.9	62.9	99.9	
	Governor	Abbott	85.8	16.9	15.9	0.2	15.4	81.5	13.0	0.0	
		Davis	14.2	83.1	84.1	99.8	84.6	18.5	87.0	100.0	
	Lt. Governor	Patrick	86.3	16.6	15.1	0.3	14.4	82.0	12.0	0.4	
		Van De Putte	13.7	83.4	84.9	99.7	85.6	18.0	88.0	99.6	
	U.S. Senate	Cornyn	89.0	22.2	16.2	2.0	13.5	85.2	11.2	0.3	
		Alameel	11.0	77.8	83.8	98.0	86.5	14.8	88.8	99.7	
Supreme Court Justice, Position #7	Boyd	86.9	18.3	15.4	0.3	13.8	82.7	13.7	0.5		
	Benavides	13.1	81.7	84.6	99.7	86.2	17.3	86.3	99.5		
U.S. House of Reps, District #14	Weber	88.3	20.5	15.6	1.5	14.0	84.3	12.4	0.2		
	Brown	11.7	79.5	84.4	98.5	86.0	15.7	87.6	99.8		

Table 2: Galveston County EI Rows by Columns (RxC) Candidate Choice Estimates

Year	Office	Candidate	Ecological Inference Rows by Columns (RxC)								
			CVAP as race input					SSTO	Estimated actual vote		
			Anglo	Non-Anglo	Anglo	Hispanic	Black	Spanish Surname	Anglo	Hispanic	Black
2022	Attorney General	Paxton	86.4	15.2	82.4	32.3	7.2	32.5	77.4	27.6	6.5
		Garza	13.6	84.8	17.6	67.7	92.8	67.5	22.6	72.4	93.5
	County Judge	Henry	87.6	17.9	84.4	33.9	7.2	32.5	79.6	27.5	7.3
		King	12.4	82.1	15.6	66.1	92.8	67.5	20.4	72.5	92.7
	Governor	Abbott	86.2	16.3	82.6	33.3	6.8	31.1	78.0	27.1	5.7
		O'Rourke	13.8	83.7	17.4	66.7	93.2	68.9	22.0	72.9	94.3
	Lt. Governor	Patrick	86.0	15.6	82.0	32.3	7.6	29.9	77.3	28.4	5.6
		Collier	14.0	84.4	18.0	67.7	92.4	70.1	22.7	71.6	94.4
	U.S. House of Reps, District #14	Weber	87.4	18.4	84.1	36.2	6.5	31.5	79.7	29.5	6.5
		Williams	12.6	81.6	15.9	63.8	93.5	68.5	20.3	70.5	93.5
	District 122 Judge	Jones	87.4	18.0	84.5	33.5	6.5	32.2	79.7	27.2	6.1
		Walsdorf	12.6	82.0	15.5	66.6	93.5	67.8	20.3	72.8	93.9
	District Attorney	Roady	88.1	20.0	85.2	36.1	7.8	30.6	80.8	28.8	6.9
		Dragony	11.9	80.0	14.8	63.9	92.2	69.4	19.2	71.2	93.1

2020	County Sheriff	Trochesset	88.3	15.4	85.4	28.4	7.1	30.8	80.0	25.9	6.8	
		Salinas	11.7	84.6	14.6	71.6	92.9	69.2	20.0	74.1	93.2	
	President	Trump	86.1	14.2	82.2	29.5	6.9	31.4	77.3	26.8	6.0	
		Biden	13.9	85.8	17.8	70.5	93.1	68.6	22.7	73.2	94.0	
	U.S. Senate	Cornyn	87.4	16.2	84.3	30.7	6.6	31.8	79.6	25.7	6.4	
		Hegar	12.6	83.8	15.7	69.3	93.4	68.2	20.4	74.4	93.6	
	U.S. House of Reps, District #14	Weber	87.9	16.6	85.4	29.6	7.2	32.3	80.5	25.2	6.4	
		Bell	12.1	83.4	14.6	70.4	92.8	67.7	19.5	74.8	93.6	
	District 405 Judge	Robinson	87.8	16.0	85.2	29.0	6.8	30.1	80.6	20.6	6.6	
		Hudson	12.2	84.0	14.8	71.0	93.2	69.9	19.4	79.4	93.4	
	District 56 Judge	Cox	88.4	18.2	85.4	33.8	6.9	32.1	81.0	29.1	6.7	
		Lindsey	11.6	81.8	14.6	66.2	93.1	67.9	19.0	70.9	93.3	
	2018	Attorney General	Paxton	85.0	10.0	82.0	16.7	7.0	25.8	76.2	18.1	6.1
			Nelson	15.0	90.0	18.0	83.3	93.0	74.2	23.8	81.9	93.9
Governor		Abbott	89.6	14.9	87.0	23.2	7.3	27.3	82.2	18.8	7.2	
		Valdez	10.4	85.1	13.0	76.8	92.7	72.7	17.8	81.2	92.8	
Lt. Governor		Patrick	85.8	11.5	83.0	18.0	7.6	24.0	77.8	17.9	6.9	
		Collier	14.2	88.5	17.0	82.0	92.4	76.0	22.2	82.1	93.1	
U.S. Senate		Cruz	85.2	9.6	81.8	17.8	6.8	25.1	76.7	17.4	5.7	
		O'Rourke	14.8	90.4	18.2	82.2	93.2	74.9	23.3	82.6	94.3	
U.S. House of Reps, District #14		Weber	87.2	11.4	84.2	18.9	7.1	26.4	79.2	17.0	5.3	
		Bell	12.8	88.6	15.8	81.1	92.9	73.6	20.8	83.0	94.7	
2016	President	Trump	87.6	11.4	84.9	19.8	7.0	24.8	78.7	16.1	5.7	

		Clinton	12.3	88.6	15.1	80.2	93.0	75.2	21.3	83.9	94.3	
	Supreme Court Justice, Position #5	Green	89.5	13.2	87.4	17.9	8.4	25.0	81.0	15.2	6.1	
		Garza	10.5	86.8	12.6	82.1	91.6	75.0	19.0	84.8	93.9	
	U.S. House of Reps, District #14	Weber	89.4	14.4	87.0	21.3	8.2	27.1	81.3	16.5	4.8	
		Cole	10.6	85.6	13.0	78.7	91.8	72.9	18.7	83.5	95.2	
	District 10 Judge	Neves	89.8	14.2	87.5	20.5	8.1	28.3	81.3	16.4	6.2	
		Walker	10.2	85.8	12.5	79.5	91.9	71.7	18.7	83.6	93.8	
2014	Attorney General	Paxton	87.9	15.8	86.1	24.7	9.0	22.1	80.4	17.2	6.6	
		Houston	12.1	84.2	13.9	75.3	91.0	77.9	19.6	82.8	93.4	
	County Commissioner, Precinct #4	Clark	90.2	35.7	88.5	41.2	39.9	46.1	85.4	40.4	40.2	
		Hutchins	9.8	64.3	11.5	58.8	60.1	53.9	14.6	59.6	59.8	
	Governor	Abbott	86.8	14.5	84.1	21.3	8.0	24.7	79.0	16.6	5.8	
		Davis	13.2	85.4	15.9	78.7	92.0	75.3	21.0	83.4	94.2	
	Lt. Governor	Patrick	87.8	13.6	84.9	21.0	7.9	23.4	79.7	16.5	5.9	
		Van De Putte	12.2	86.4	15.1	79.0	92.1	76.6	20.3	83.5	94.1	
	U.S. Senate	Cornyn	91.1	17.9	89.6	22.0	9.4	23.2	83.9	17.5	6.8	
		Alameel	8.8	82.1	10.4	78.0	90.6	76.8	16.1	82.5	93.2	
Supreme Court Justice, Position #7	Boyd	88.5	15.0	86.3	19.6	8.3	22.5	80.9	15.2	6.4		
	Benavides	11.5	85.0	13.7	80.4	91.7	77.5	19.1	84.8	93.6		
U.S. House of Reps, District #14	Weber	90.3	16.4	88.6	20.8	9.1	24.2	82.8	16.8	7.2		
	Brown	9.7	83.6	11.4	79.2	90.9	75.8	17.2	83.2	92.8		

Table 3: Galveston County Ecological Inference (EI) Candidate Choice Confidence Intervals (CVAP)

Year	Office	Candidate	[LOWER] EI - Anglo (CVAP)	[UPPER] EI - Anglo (CVAP)	[LOWER] EI - Non- Anglo (CVAP)	[UPPER] EI - Non- Anglo (CVAP)	[LOWER] EI - Anglo (CVAP)	[UPPER] EI - Anglo (CVAP)	[LOWER] EI - Hispanic (CVAP)	[UPPER] EI - Hispanic (CVAP)	[LOWER] EI - Black (CVAP)	[UPPER] EI - Black (CVAP)	
2022	Attorney General	Paxton	84.1	87.4	13.1	20.1	84.4	87.1	22.0	46.2	0.4	1.7	
		Garza	12.8	16.2	79.2	86.2	12.8	15.7	49.1	79.2	98.0	99.7	
	County Judge	Henry	86.1	89.2	15.1	21.1	85.6	88.8	16.8	42.1	0.3	2.3	
		King	10.8	13.8	78.7	84.8	11.2	14.2	58.6	79.9	99.5	99.7	
	Governor	Abbott	84.6	87.2	14.2	20.6	84.8	87.9	21.2	48.4	0.3	0.6	
		O'Rourke	12.2	15.5	79.7	85.9	12.5	15.5	53.0	78.6	98.8	99.7	
	Lt. Governor	Patrick	83.8	87.1	13.8	19.7	83.9	87.0	17.8	45.8	0.4	2.3	
		Collier	13.1	16.3	79.8	86.2	13.2	16.1	48.9	78.6	99.3	99.6	
	U.S. House of Reps, District #14	Weber	85.9	89.1	16.1	22.4	86.0	88.9	20.7	43.6	0.3	0.8	
		Williams	11.4	14.6	77.5	84.3	11.1	14.0	58.0	78.8	99.4	99.8	
	District 122 Judge	Jones	86.1	88.6	15.4	21.1	86.1	89.2	19.3	39.2	0.3	1.0	
		Walsdorf	11.5	14.3	79.3	84.6	10.7	13.9	61.9	80.6	99.4	99.8	
	District Attorney	Roady	86.2	89.7	17.4	23.3	86.7	89.5	17.4	39.5	0.6	2.2	
		Dragony	9.8	13.6	77.2	83.2	10.0	13.3	58.3	81.2	98.7	99.6	
	2020	County Sheriff	Trochesset	86.7	89.3	13.4	18.7	87.0	89.5	16.8	35.4	0.3	0.7
			Salinas	10.7	13.5	82.0	86.2	10.7	13.9	64.1	83.0	99.2	99.7
President		Trump	84.0	87.5	11.5	18.4	83.4	87.0	20.4	48.1	0.3	1.0	
		Biden	12.9	16.4	81.0	87.6	12.7	16.0	51.6	78.7	99.4	99.7	
U.S. Senate		Cornyn	85.6	88.4	13.5	19.8	85.5	88.8	16.8	38.7	0.3	1.2	
		Hegar	11.3	14.5	80.6	86.9	11.5	14.4	57.9	80.5	98.0	99.7	

	U.S. House of Reps, District #14	Weber	86.1	88.8	14.1	20.3	86.3	89.3	18.4	39.7	0.5	1.2	
		Bell	10.6	14.2	79.6	85.3	10.9	14.1	60.1	81.0	96.7	99.5	
	District 405 Judge	Robinson	86.2	89.0	14.1	20.0	86.0	89.1	19.4	38.4	0.5	3.0	
		Hudson	10.9	14.4	80.4	85.9	11.4	14.3	64.9	80.6	98.3	99.6	
	District 56 Judge	Cox	86.8	89.8	14.8	21.7	86.4	90.1	17.6	38.3	0.4	1.4	
		Lindsey	10.1	12.9	78.8	84.4	10.2	13.9	57.8	80.6	98.1	99.7	
2018	Attorney General	Paxton	83.4	85.7	8.0	14.0	83.2	85.6	9.0	22.1	0.5	1.0	
		Nelson	14.1	16.8	86.0	91.5	14.3	16.4	77.2	90.8	97.8	99.4	
	Governor	Abbott	87.7	90.6	13.7	19.4	87.8	90.3	9.6	23.9	0.2	1.6	
		Valdez	9.7	12.4	81.7	86.7	9.8	12.5	78.9	90.1	99.0	99.9	
	Lt. Governor	Patrick	84.4	86.7	9.9	14.2	84.0	86.6	9.0	24.2	0.4	2.1	
		Collier	13.2	16.0	85.4	90.3	13.4	16.0	75.1	91.3	99.0	99.6	
	U.S. Senate	Cruz	82.8	85.3	9.0	13.6	82.7	85.5	9.1	24.3	0.5	2.1	
O'Rourke		14.4	17.2	86.6	90.6	14.2	16.7	77.3	92.1	99.2	99.6		
U.S. House of Reps, District #14	Weber	85.0	87.7	9.9	15.6	85.3	87.8	9.1	20.7	0.3	2.2		
	Bell	12.2	14.8	84.3	89.8	12.1	14.8	77.9	89.9	97.7	99.7		
2016	President	Trump	85.8	88.1	11.0	16.0	85.0	88.2	10.5	24.7	0.2	2.5	
		Clinton	12.1	14.7	84.2	89.7	11.9	14.9	73.6	90.1	99.3	99.7	
	Supreme Court Justice, Position #5	Green	86.7	89.4	12.6	18.0	87.0	89.4	9.9	22.3	0.3	0.8	
		Garza	10.2	13.3	81.5	86.5	10.7	12.9	77.8	90.5	98.9	99.6	
	U.S. House of Reps, District #14	Weber	87.1	89.7	13.4	19.1	87.5	90.0	11.9	22.8	0.1	0.7	
Cole		10.2	13.0	80.1	86.7	10.3	13.1	76.5	87.9	99.6	99.8		

	District 10 Judge	Neves	87.5	89.8	13.5	18.7	87.6	90.3	11.5	25.7	0.2	0.7	
		Walker	9.8	12.2	81.4	86.9	9.8	12.3	74.5	90.6	99.6	99.8	
2014	Attorney General	Paxton	84.8	87.8	16.2	22.0	84.9	87.9	10.9	26.2	0.1	1.6	
		Houston	11.8	15.2	77.9	83.7	11.9	15.1	76.0	89.2	99.0	99.8	
	County Commissioner, Precinct #4	Clark	82.0	92.1	30.5	62.4	81.3	91.1	33.3	40.5	0.0	26.2	
		Hutchins	8.1	20.6	39.3	69.8	6.7	18.2	59.6	67.0	77.3	99.8	
	Governor	Abbott	84.0	87.3	14.2	20.0	84.5	87.2	8.9	23.5	0.1	0.4	
		Davis	13.2	15.4	79.2	85.8	12.9	15.9	77.3	90.1	98.5	99.9	
	Lt. Governor	Patrick	84.7	87.4	13.0	19.1	84.6	87.6	8.5	22.1	0.1	0.5	
		Van De Putte	12.1	15.3	80.9	85.6	12.4	15.4	76.9	90.2	99.1	99.9	
	U.S. Senate	Cornyn	87.7	90.4	18.6	26.2	87.7	90.2	10.1	23.3	0.9	3.3	
		Alameel	9.2	12.4	74.6	81.1	9.5	12.5	79.0	88.9	96.7	99.0	
	Supreme Court Justice, Position #7	Boyd	85.4	88.4	15.2	22.1	85.5	88.4	9.9	20.5	0.1	0.4	
	Benavides	11.2	14.6	78.8	84.7	11.8	15.0	79.2	89.4	99.4	99.9		
U.S. House of Reps, District #14	Weber	86.6	89.3	17.2	23.4	86.8	89.7	10.7	23.3	0.4	2.6		
	Brown	10.5	13.4	77.0	83.2	10.6	13.5	77.2	90.2	96.9	99.3		

Table 4: Galveston County Ecological Inference (EI) Candidate Choice Confidence Intervals (SSTO)

Year	Office	Candidate	[LOWER] EI - Spanish Surname (SSTO)	[UPPER] EI - Spanish Surname (SSTO)
2022	Attorney General	Paxton	10.0	40.4
		Garza	59.5	90.6
	County Judge	Henry	27.1	37.7
		King	63.8	73.0
	Governor	Abbott	34.3	41.0
		O'Rourke	58.0	64.8
	Lt. Governor	Patrick	8.9	44.8
		Collier	56.0	91.4
	U.S. House of Reps, District #14	Weber	25.1	38.5
		Williams	61.9	76.2
District 122 Judge	Jones	24.7	37.6	
	Walsdorf	63.5	75.8	
District Attorney	Roady	24.3	36.4	
	Dragony	63.2	75.9	
2020	County Sheriff	Trochesset	37.1	46.2
		Salinas	54.4	62.8
	President	Trump	5.3	45.3
		Biden	57.6	94.7
U.S. Senate	Cornyn	30.2	41.4	
	Hegar	60.9	70.6	

	U.S. House of Reps, District #14	Weber	37.0	43.7	
		Bell	55.7	61.6	
	District 405 Judge	Robinson	27.6	40.8	
		Hudson	59.1	74.6	
	District 56 Judge	Cox	27.5	41.2	
		Lindsey	58.4	72.3	
2018	Attorney General	Paxton	7.5	17.7	
		Nelson	82.1	93.3	
	Governor	Abbott	22.9	34.5	
		Valdez	65.4	78.2	
	Lt. Governor	Patrick	7.1	29.8	
		Collier	72.4	93.4	
	U.S. Senate	Cruz	5.6	30.5	
O'Rourke		75.8	92.5		
U.S. House of Reps, District #14	Weber	7.6	15.0		
	Bell	84.8	92.3		
2016	President	Trump	0.0	1.1	
		Clinton	86.6	99.9	
	Supreme Court Justice, Position #5	Green	27.0	31.6	
		Garza	91.2	99.8	
U.S. House of Reps, District #14	Weber	28.5	34.5		
	Cole	65.0	72.4		

	District 10 Judge	Neves	29.0	34.2
		Walker	65.4	70.7
2014	Attorney General	Paxton	15.3	17.3
		Houston	82.7	84.5
	County Commissioner, Precinct #4	Clark	0.0	0.2
		Hutchins	70.2	99.8
	Governor	Abbott	13.7	18.4
		Davis	81.9	87.0
	Lt. Governor	Patrick	12.6	16.5
		Van De Putte	83.6	87.6
	U.S. Senate	Cornyn	11.0	17.5
		Alameel	83.2	89.0
Supreme Court Justice, Position #7	Boyd	13.3	14.1	
	Benavides	84.0	86.6	
U.S. House of Reps, District #14	Weber	11.2	16.7	
	Brown	83.6	88.4	

Table 5: Galveston County Ecological Inference (EI) Candidate Choice Confidence Intervals (Estimated Actual Vote)

Year	Office	Candidate	[LOWER] EI - Anglo Voters	[UPPER] EI - Anglo Voters	[LOWER] EI - Hispanic Voters	[UPPER] EI - Hispanic Voters	[LOWER] EI - Black Voters	[UPPER] EI - Black Voters
2022	Attorney General	Paxton	79.4	81.4	12.0	39.2	0.3	1.7
		Garza	18.5	20.4	56.6	86.8	97.9	99.7
	County Judge	Henry	81.6	83.6	12.3	42.3	0.3	2.1
		King	16.5	18.6	61.4	86.3	99.4	99.7
	Governor	Abbott	79.9	81.7	20.0	41.5	0.3	0.7
		O'Rourke	18.2	20.2	52.8	86.0	99.1	99.6
	Lt. Governor	Patrick	79.3	81.3	12.7	41.5	0.0	0.7
		Collier	18.7	20.7	56.5	85.9	97.5	99.5
	U.S. House of Reps, District #14	Weber	81.4	83.4	12.9	44.8	0.3	0.6
		Williams	16.2	18.3	59.1	87.9	98.3	99.7
	District 122 Judge	Jones	81.2	83.4	13.9	39.8	0.3	2.3
Walsdorf		16.6	19.0	64.0	86.3	97.8	99.6	
District Attorney	Roady	82.4	84.8	15.2	34.5	0.5	1.1	
	Dragony	15.2	17.6	63.4	85.4	97.5	99.4	
2020	County Sheriff	Trochesset	81.7	84.1	10.9	34.3	0.1	0.9
		Salinas	16.0	18.3	64.1	87.3	98.0	99.7
	President	Trump	79.1	81.4	23.7	25.8	0.4	1.6
		Biden	18.6	20.5	74.4	76.3	98.9	99.5
U.S. Senate	Cornyn	81.1	83.4	14.1	34.9	0.3	0.7	
	Hegar	16.4	18.6	69.2	86.4	99.4	99.7	

	U.S. House of Reps, District #14	Weber	81.8	84.0	10.6	35.2	0.4	2.8
		Bell	15.8	18.2	59.7	88.1	98.8	99.5
	District 405 Judge	Robinson	81.7	83.5	13.3	37.6	0.3	0.6
		Hudson	16.5	18.5	64.6	88.8	98.9	99.6
District 56 Judge	Cox	82.9	84.9	16.0	37.7	0.6	1.7	
	Lindsey	15.0	17.3	59.8	84.1	98.8	99.4	
2018	Attorney General	Paxton	78.4	80.3	13.7	14.4	0.7	2.7
		Nelson	19.6	21.7	85.6	86.0	99.0	99.4
	Governor	Abbott	83.7	85.8	9.2	24.0	0.3	1.4
		Valdez	14.0	16.0	74.7	92.9	97.5	99.9
	Lt. Governor	Patrick	79.5	81.9	7.0	25.2	0.3	1.4
		Collier	18.5	20.4	76.8	93.0	98.3	99.7
	U.S. Senate	Cruz	78.5	80.3	5.9	27.7	0.5	1.4
O'Rourke		19.3	21.3	75.8	92.5	97.7	99.6	
U.S. House of Reps, District #14	Weber	81.2	82.7	8.5	24.0	0.2	1.4	
	Bell	17.1	19.3	76.7	93.2	99.3	99.8	
2016	President	Trump	79.9	81.3	8.1	26.6	0.4	1.0
		Clinton	18.7	20.1	71.4	92.3	99.6	99.8
	Supreme Court Justice, Position #5	Green	82.1	83.6	8.3	25.1	0.1	1.0
		Garza	16.4	17.9	75.3	92.0	99.4	99.9
	U.S. House of Reps, District #14	Weber	82.1	83.8	8.9	25.5	0.0	0.2
		Cole	16.4	17.3	77.3	91.2	99.7	99.8
District 10 Judge	Neves	82.7	84.0	8.1	30.3	0.0	0.1	

		Walker	16.1	17.8	71.5	92.0	99.7	99.8
2014	Attorney General	Paxton	81.6	83.3	7.6	22.3	0.1	0.5
		Houston	16.7	18.9	75.6	93.3	99.5	99.9
	County Commissioner, Precinct #4	Clark	86.5	87.4	33.6	41.5	0.0	0.2
		Hutchins	12.2	13.4	57.3	67.2	98.2	99.9
	Governor	Abbott	80.5	82.4	5.0	22.7	0.0	0.0
		Davis	17.7	19.5	79.8	93.5	99.8	100.0
	Lt. Governor	Patrick	80.9	83.0	6.0	21.1	0.1	1.6
		Van De Putte	17.2	18.9	76.5	96.4	99.9	99.9
	U.S. Senate	Cornyn	83.9	86.3	5.9	17.0	0.1	0.5
		Alameel	13.8	16.0	80.6	93.5	99.6	99.9
Supreme Court Justice, Position #7	Boyd	81.3	83.6	7.0	23.3	0.1	1.5	
	Benavides	16.5	18.4	77.2	93.1	98.9	99.9	
U.S. House of Reps, District #14	Weber	83.0	85.5	5.6	23.4	0.1	0.5	
	Brown	14.8	16.6	80.1	94.5	99.1	99.9	

Table 6: Galveston County EI Rows by Columns (RxC) Candidate Choice Confidence Intervals (CVAP)

Year	Office	Candidate	[LOWER] RxC - Anglo (CVAP)	[UPPER] RxC - Anglo (CVAP)	[LOWER] RxC - Non- Anglo (CVAP)	[UPPER] RxC - Non- Anglo (CVAP)	[LOWER] RxC - Anglo (CVAP)	[UPPER] RxC - Anglo (CVAP)	[LOWER] RxC - Hispanic (CVAP)	[UPPER] RxC - Hispanic (CVAP)	[LOWER] RxC - Black (CVAP)	[UPPER] RxC - Black (CVAP)	
2022	Attorney General	Paxton	82.7	88.7	10.7	22.7	78.1	86.1	19.3	47.1	3.1	13.7	
		Garza	11.3	17.3	77.3	89.3	13.9	21.9	52.9	80.7	86.3	96.9	
	County Judge	Henry	84.4	89.8	13.4	24.4	80.5	87.4	22.4	46.4	3.1	12.8	
		King	10.2	15.6	75.6	86.6	12.6	19.5	53.6	77.6	87.2	96.9	
	Governor	Abbott	83.0	88.7	11.3	22.9	78.7	86.1	21.3	47.9	2.7	12.7	
		O'Rourke	11.3	17.0	77.1	88.6	13.9	21.3	52.1	78.6	87.4	97.3	
	Lt. Governor	Patrick	82.9	88.4	10.7	21.9	78.1	85.1	20.5	44.9	3.4	14.1	
		Collier	11.6	17.1	78.1	89.3	14.9	21.9	55.1	79.5	85.9	96.6	
	U.S. House of Reps, District #14	Weber	83.7	89.9	13.4	26.0	79.6	87.6	24.4	50.4	3.0	11.9	
		Williams	10.1	16.3	74.0	86.6	12.3	20.4	49.6	75.6	88.0	97.0	
	District 122 Judge	Jones	84.5	89.8	13.0	24.0	80.9	87.6	21.4	46.2	2.9	12.8	
		Walsdorf	10.2	15.5	76.0	87.0	12.4	19.1	53.8	78.6	87.2	97.1	
	District Attorney	Roady	84.8	90.6	15.0	26.7	81.4	88.3	25.2	51.0	3.4	13.9	
		Dragony	9.4	15.2	73.3	85.0	11.7	18.6	49.0	74.8	86.1	96.6	
	2020	County Sheriff	Trochesset	85.1	90.6	11.0	21.6	81.5	88.9	17.8	42.0	3.3	13.4
			Salinas	9.4	14.9	78.3	89.0	11.1	18.5	58.0	82.2	86.6	96.7
President		Trump	83.2	88.4	9.7	19.5	77.4	85.9	17.9	45.1	3.1	13.3	
		Biden	11.6	16.8	80.5	90.3	14.1	22.6	54.9	82.1	86.7	96.9	
U.S. Senate		Cornyn	84.3	89.7	11.8	22.2	79.4	87.7	18.7	46.8	3.0	13.0	
		Hegar	10.3	15.7	77.8	88.2	12.3	20.6	53.2	81.3	87.0	97.0	

	U.S. House of Reps, District #14	Weber	84.9	90.0	12.6	22.4	82.0	88.1	18.8	41.3	3.2	13.1	
		Bell	10.0	15.1	77.6	87.4	11.9	18.0	58.7	81.2	86.9	96.8	
	District 405 Judge	Robinson	84.6	90.0	11.8	22.1	81.6	88.1	19.3	41.2	3.0	12.2	
		Hudson	10.0	15.4	77.8	88.2	11.9	18.4	58.8	80.7	87.8	97.0	
	District 56 Judge	Cox	85.4	90.8	13.6	24.0	80.8	88.8	22.6	47.2	3.0	13.2	
		Lindsey	9.2	14.6	76.0	86.4	11.2	19.2	52.8	77.4	86.8	97.0	
2018	Attorney General	Paxton	82.6	86.9	6.2	14.6	78.8	84.6	9.0	28.6	3.1	12.9	
		Nelson	13.2	17.4	85.4	93.8	15.4	21.2	71.4	91.0	87.1	96.9	
	Governor	Abbott	87.0	91.4	11.3	20.2	84.0	89.6	13.2	34.3	3.0	14.0	
		Valdez	8.6	13.1	79.8	88.7	10.4	16.0	65.7	86.8	86.0	97.0	
	Lt. Governor	Patrick	83.5	87.7	7.6	16.1	79.3	85.6	9.5	30.7	3.5	13.7	
		Collier	12.3	16.5	83.9	92.3	14.4	20.7	69.3	90.5	86.3	96.5	
	U.S. Senate	Cruz	82.5	86.8	6.2	15.0	79.0	84.4	9.5	29.0	2.8	12.3	
O'Rourke		13.2	17.5	85.0	93.8	15.6	21.0	71.0	90.5	87.7	97.2		
U.S. House of Reps, District #14	Weber	84.6	89.0	7.9	16.7	80.8	86.7	10.2	30.5	3.3	13.1		
	Bell	11.0	15.4	83.3	92.1	13.3	19.2	69.5	89.8	86.9	96.7		
2016	President	Trump	85.3	89.5	7.6	16.2	82.3	87.2	11.2	30.9	3.0	14.4	
		Clinton	10.5	14.7	83.8	92.4	12.8	17.7	69.1	88.8	85.6	97.0	
	Supreme Court Justice, Position #5	Green	86.7	91.4	9.5	19.2	84.6	89.9	9.8	29.9	4.0	14.8	
		Garza	8.6	13.3	80.8	90.5	10.1	15.4	70.1	90.2	85.2	96.0	
U.S. House of Reps, District #14	Weber	87.0	91.2	10.7	19.6	83.8	89.5	12.2	33.8	3.9	14.8		
	Cole	8.8	13.1	80.4	89.3	10.5	16.2	66.2	87.8	85.2	96.2		

	District 10 Judge	Neves	87.4	91.6	10.4	19.2	84.8	90.0	11.1	31.7	3.6	14.1	
		Walker	8.4	12.6	80.8	89.6	10.0	15.2	68.3	88.9	85.9	96.4	
2014	Attorney General	Paxton	85.4	90.0	11.6	21.0	82.9	88.5	14.3	37.8	4.3	15.2	
		Houston	10.0	14.5	79.0	88.4	11.5	17.1	62.2	85.7	84.8	95.7	
	County Commissioner, Precinct #4	Clark	77.6	95.8	19.5	71.8	80.3	94.2	15.3	75.8	12.0	77.7	
		Hutchins	4.2	22.4	28.2	80.5	5.8	19.7	24.2	84.7	22.3	88.0	
	Governor	Abbott	84.0	88.9	10.2	20.4	81.1	86.5	10.7	34.4	3.5	14.9	
		Davis	11.1	16.0	79.6	89.8	13.5	18.9	65.6	89.3	85.1	96.5	
	Lt. Governor	Patrick	85.3	89.8	9.3	18.8	82.0	87.3	11.1	34.3	3.7	13.8	
		Van De Putte	10.2	14.7	81.2	90.7	12.7	18.0	65.7	88.9	86.2	96.3	
	U.S. Senate	Cornyn	88.8	92.9	14.3	22.9	87.2	91.5	13.2	33.1	4.7	17.1	
		Alameel	7.1	11.2	77.1	85.7	8.5	12.8	66.9	86.8	82.9	95.3	
	Supreme Court Justice, Position #7	Boyd	86.2	90.3	11.2	19.8	83.2	88.4	10.4	33.5	4.0	14.7	
	Benavides	9.7	13.8	80.2	88.8	11.6	16.8	66.4	89.6	85.3	96.0		
U.S. House of Reps, District #14	Weber	87.9	92.2	12.4	21.3	86.2	90.8	11.9	32.0	4.7	15.7		
	Brown	7.8	12.1	78.7	87.6	9.2	13.8	68.0	88.1	84.3	95.3		

Table 7: Galveston County EI Rows by Columns (RxC) Candidate Choice Confidence Intervals (SSTO)

Year	Office	Candidate	[LOWER] RxC - Spanish Surname (SSTO)	[UPPER] RxC - Spanish Surname (SSTO)
2022	Attorney General	Paxton	14.1	58.3
		Garza	41.7	85.9
	County Judge	Henry	13.6	59.6
		King	40.4	86.4
	Governor	Abbott	10.3	56.8
		O'Rourke	43.2	89.7
	Lt. Governor	Patrick	10.2	55.2
		Collier	44.8	89.8
	U.S. House of Reps, District #14	Weber	13.3	58.9
		Williams	41.1	86.7
District 122 Judge	Jones	11.1	61.9	
	Walsdorf	38.1	88.9	
District Attorney	Roady	12.2	56.0	
	Dragony	44.0	87.8	
2020	County Sheriff	Trochesset	10.9	57.5
		Salinas	42.5	89.1
	President	Trump	12.4	59.5
		Biden	40.5	87.6
U.S. Senate	Cornyn	13.1	57.3	

		Hegar	42.7	86.9	
	U.S. House of Reps, District #14	Weber	10.8	57.8	
		Bell	42.2	89.2	
	District 405 Judge	Robinson	11.4	55.8	
		Hudson	44.2	88.6	
	District 56 Judge	Cox	13.3	59.1	
		Lindsey	40.9	86.7	
2018	Attorney General	Paxton	9.9	50.9	
		Nelson	49.1	90.1	
	Governor	Abbott	9.7	52.9	
		Valdez	47.1	90.3	
	Lt. Governor	Patrick	9.6	44.5	
		Collier	55.5	90.4	
	U.S. Senate	Cruz	10.1	45.9	
O'Rourke		54.1	89.9		
U.S. House of Reps, District #14	Weber	9.4	50.8		
	Bell	49.2	90.6		
2016	President	Trump	7.7	49.9	
		Clinton	50.1	92.3	
	Supreme Court Justice, Position #5	Green	9.0	48.1	
		Garza	51.9	91.0	
U.S. House of Reps, District #14	Weber	10.1	51.1		
	Cole	48.9	89.9		

	District 10 Judge	Neves	10.0
		Walker	48.7
			51.3
			90.0
2014	Attorney General	Paxton	6.8
		Houston	57.8
			42.2
			93.2
	County Commissioner, Precinct #4	Clark	14.2
		Hutchins	18.5
			81.5
			85.8
	Governor	Abbott	9.1
		Davis	54.2
			45.8
			90.9
	Lt. Governor	Patrick	8.3
	Van De Putte	56.1	
		43.9	
		91.7	
U.S. Senate	Cornyn	8.3	
	Alameel	58.6	
		41.4	
		91.7	
Supreme Court Justice, Position #7	Boyd	9.3	
	Benavides	59.6	
		40.4	
		90.7	
U.S. House of Reps, District #14	Weber	10.0	
	Brown	56.0	
		44.0	
		90.0	

Table 8: Galveston County EI Rows by Columns (RxC) Candidate Choice Confidence Intervals (Estimated Actual Vote)

Year	Office	Candidate	[LOWER] RxC - Anglo Voters	[UPPER] RxC - Anglo Voters	[LOWER] RxC - Hispanic Voters	[UPPER] RxC - Hispanic Voters	[LOWER] RxC - Black Voters	[UPPER] RxC - Black Voters
2022	Attorney General	Paxton	74.7	80.0	12.9	44.1	2.7	11.9
		Garza	20.0	25.4	55.9	87.1	88.1	97.3
	County Judge	Henry	76.3	82.0	12.7	46.2	3.3	13.2
		King	18.0	23.7	53.8	87.3	86.8	96.7
	Governor	Abbott	74.4	80.5	13.2	44.4	2.4	10.7
		O'Rourke	19.5	25.6	55.6	86.9	89.3	97.7
	Lt. Governor	Patrick	74.0	79.8	14.8	46.9	2.4	10.8
		Collier	20.2	26.0	53.1	85.2	89.2	97.7
	U.S. House of Reps, District #14	Weber	76.7	82.3	14.7	49.1	2.9	12.3
		Williams	17.7	23.3	50.9	85.3	87.7	97.1
	District 122 Judge	Jones	76.8	81.9	13.7	43.4	2.8	11.2
		Walsdorf	18.1	23.2	56.6	86.3	88.8	97.2
	District Attorney	Roady	77.7	83.2	14.5	47.0	3.2	12.9
		Dragony	16.8	22.3	53.0	85.5	87.1	96.8
2020	County Sheriff	Trochesset	76.9	82.5	12.9	43.2	2.9	13.0
		Salinas	17.5	23.1	56.8	87.1	87.0	97.1
	President	Trump	73.7	80.3	12.4	45.5	2.8	11.0
		Biden	19.7	26.3	54.5	87.6	89.0	97.2
	U.S. Senate	Cornyn	76.7	82.2	12.8	45.0	2.8	11.7
		Hegar	17.8	23.3	55.0	87.2	88.3	97.2

U.S. House of Reps, District #14	Weber	77.5	82.7	13.9	41.6	2.7	12.5
	Bell	17.3	22.5	58.4	86.1	87.5	97.3
District 405 Judge	Robinson	77.6	83.1	8.7	38.0	2.9	12.5
	Hudson	16.9	22.4	62.1	91.3	87.5	97.1
District 56 Judge	Cox	77.8	83.6	15.6	45.9	3.0	12.7
	Lindsey	16.4	22.2	54.1	84.4	87.4	97.0
Attorney General	Paxton	73.5	78.7	7.8	33.5	2.5	11.2
	Nelson	21.3	26.5	66.5	92.2	88.8	97.5
Governor	Abbott	79.4	84.5	8.3	34.9	3.4	13.4
	Valdez	15.5	20.6	65.1	91.7	86.6	96.6
Lt. Governor	Patrick	74.7	80.1	7.9	32.2	3.2	12.8
	Collier	19.9	25.3	67.8	92.1	87.2	96.8
U.S. Senate	Cruz	73.7	79.0	6.9	33.8	2.3	11.5
	O'Rourke	21.0	26.3	66.2	93.1	88.5	97.7
U.S. House of Reps, District #14	Weber	76.5	81.6	7.6	31.3	2.3	10.0
	Bell	18.4	23.5	68.7	92.4	90.0	97.7
President	Trump	76.8	80.2	6.8	28.6	2.4	10.8
	Clinton	19.8	23.2	71.4	93.2	89.2	97.6
Supreme Court Justice, Position #5	Green	79.2	82.6	6.9	27.2	2.7	11.9
	Garza	17.4	20.8	72.8	93.1	88.0	97.3
U.S. House of Reps, District #14	Weber	79.3	82.9	7.4	30.4	2.0	9.3
	Cole	17.1	20.7	69.6	92.6	90.7	98.0

	District 10 Judge	Neves	79.3	83.1	7.4	29.5	2.6	11.3
		Walker	16.9	20.7	70.5	92.6	88.7	97.4
2014	Attorney General	Paxton	78.3	82.3	7.8	30.5	2.9	12.5
		Houston	17.7	21.7	69.5	92.2	87.5	97.1
	County Commissioner, Precinct #4	Clark	80.0	90.1	12.6	76.2	10.9	76.9
		Hutchins	9.9	20.0	23.8	87.4	23.1	89.1
	Governor	Abbott	76.7	80.9	6.8	31.3	2.5	10.5
		Davis	19.1	23.3	68.7	93.2	89.5	97.5
	Lt. Governor	Patrick	77.3	81.9	5.4	32.6	2.4	11.5
		Van De Putte	18.1	22.7	67.4	94.6	88.5	97.6
	U.S. Senate	Cornyn	81.7	85.7	6.9	35.3	3.0	12.9
		Alameel	14.3	18.3	64.7	93.1	87.1	97.0
Supreme Court Justice, Position #7	Boyd	78.4	82.9	5.9	30.1	2.7	12.6	
	Benavides	17.1	21.6	69.9	94.1	87.4	97.3	
U.S. House of Reps, District #14	Weber	80.6	84.7	6.3	32.0	3.3	13.4	
	Brown	15.3	19.4	68.0	93.7	86.6	96.7	

Appendix B: Performance Analysis of Additional Maps

Table 1: Performance Analysis of Plaintiff Proposed Map A

		Plaintiff (Rush) Proposed Map A				
		1	2	3	4	
Anglo CVAP		68.8%	73.6%	40.4%	69.6%	
Black CVAP		9.4%	6.0%	30.5%	7.2%	
Hispanic CVAP		18.5%	15.5%	26.1%	16.7%	
Other CVAP		3.3%	4.9%	3.0%	6.5%	
2022	Governor	Abbott	63.6%	70.5%	39.9%	68.8%
		O'Rourke	36.4%	29.5%	60.1%	31.2%
	Attorney General	Paxton	63.4%	70.4%	39.5%	68.5%
		Garza	36.6%	29.6%	60.5%	31.5%
	Lt. Governor	Patrick	63.3%	70.1%	39.5%	68.2%
		Collier	36.7%	29.9%	60.5%	31.8%
	County Judge	Henry	65.3%	71.4%	40.7%	70.9%
		King	34.7%	28.6%	59.3%	29.1%
	U.S. House of Reps, District #14	Weber	65.3%	71.8%	41.1%	70.5%
		Williams	34.7%	28.2%	58.9%	29.5%
	District Judge #122	Jones	65.1%	71.7%	40.6%	70.5%
Walsdorf		34.9%	28.3%	59.4%	29.5%	
District Attorney	Roady	66.1%	72.8%	41.9%	71.6%	
	Dragony	33.9%	27.2%	58.1%	28.4%	
2020	President	Trump	62.9%	69.5%	38.4%	67.7%
		Biden	37.1%	30.5%	61.6%	32.3%

	Senate	Cornyn	64.8%	70.9%	38.8%	70.1%
		Hegar	35.2%	29.1%	61.2%	29.9%
	Sheriff	Trochesset	64.7%	71.7%	39.3%	70.2%
		Salinas	35.3%	28.3%	60.7%	29.8%
U.S. House of Reps, District #14	Weber	65.1%	71.4%	39.0%	70.9%	
	Bell	34.9%	28.6%	61.0%	29.1%	
2018	Senate	Cruz	60.6%	68.5%	35.1%	68.1%
		O'Rourke	39.4%	31.5%	64.9%	31.9%
	Governor	Abbott	65.4%	73.1%	39.0%	73.5%
		Valdez	34.6%	26.9%	61.0%	26.5%
	Lt. Governor	Patrick	61.8%	69.4%	36.1%	69.1%
		Collier	38.2%	30.6%	63.9%	30.9%
	Attorney General	Paxton	60.8%	68.1%	34.7%	68.5%
Nelson		39.2%	31.9%	65.3%	31.5%	
U.S. House of Reps, District #14	Weber	62.6%	70.4%	35.9%	70.9%	
	Bell	37.4%	29.6%	64.1%	29.1%	
2016	President	Clinton	35.8%	28.7%	63.5%	28.3%
		Trump	64.2%	71.3%	36.5%	71.7%
	Supreme Court, Position #5	Green	66.3%	72.8%	36.1%	75.1%
		Garza	33.7%	27.2%	63.9%	24.9%
U.S. House of Reps, District #14	Weber	66.7%	72.3%	37.5%	75.3%	
	Cole	33.3%	27.7%	62.5%	24.7%	
2014	Senate	Cornyn	69.0%	75.2%	37.5%	79.5%

	Alameel	31.0%	24.8%	62.5%	20.5%
U.S. House of Reps, District #14	Weber	67.9%	74.0%	36.5%	78.5%
	Brown	32.1%	26.0%	63.5%	21.5%
Governor	Abbott	64.6%	70.7%	34.3%	75.6%
	Davis	35.4%	29.3%	65.7%	24.4%
Lt. Governor	Patrick	64.9%	71.4%	35.0%	75.4%
	Van De Putte	35.1%	28.6%	65.0%	24.6%
Attorney General	Paxton	65.9%	72.1%	34.7%	77.0%
	Houston	34.1%	27.9%	65.3%	23.0%
Supreme Court, Position #7	Boyd	66.1%	72.2%	34.3%	77.3%
	Benavides	33.9%	27.8%	65.7%	22.7%

Table 2: Performance Analysis of Plaintiff Proposed Map B

			Plaintiff (Rush) Proposed Map B			
			1	2	3	4
	Anglo CVAP		68.9%	73.6%	40.0%	70.3%
	Black CVAP		9.2%	6.0%	30.7%	6.9%
	Hispanic CVAP		18.6%	15.5%	26.3%	16.1%
	Other CVAP		3.3%	4.9%	2.9%	6.7%
2022	Governor	Abbott	64.9%	70.5%	39.4%	68.9%
		O'Rourke	35.1%	29.5%	60.6%	31.1%
	Attorney General	Paxton	64.8%	70.4%	38.9%	68.7%
		Garza	35.2%	29.6%	61.1%	31.3%
	Lt. Governor	Patrick	64.7%	70.1%	39.0%	68.3%
		Collier	35.3%	29.9%	61.0%	31.7%
	County Judge	Henry	66.7%	71.4%	40.2%	71.1%
		King	33.3%	28.6%	59.8%	28.9%
	U.S. House of Reps, District #14	Weber	66.6%	71.8%	40.6%	70.6%
		Williams	33.4%	28.2%	59.4%	29.4%
	District Judge #122	Jones	66.5%	71.7%	40.1%	70.6%
Walsdorf		33.5%	28.3%	59.9%	29.4%	
District Attorney	Roady	67.5%	72.8%	41.4%	71.8%	
	Dragony	32.5%	27.2%	58.6%	28.2%	
2020	President	Trump	64.5%	69.5%	37.7%	67.9%
		Biden	35.5%	30.5%	62.3%	32.1%

	Senate	Cornyn	66.3%	70.9%	38.2%	70.3%
		Hegar	33.7%	29.1%	61.8%	29.7%
	Sheriff	Trochesset	66.2%	71.7%	38.8%	70.4%
		Salinas	33.8%	28.3%	61.2%	29.6%
	U.S. House of Reps, District #14	Weber	66.6%	71.4%	38.4%	71.1%
Bell		33.4%	28.6%	61.6%	28.9%	
2018	Senate	Cruz	62.4%	68.5%	34.3%	68.3%
		O'Rourke	37.6%	31.5%	65.7%	31.7%
	Governor	Abbott	67.2%	73.1%	38.2%	73.7%
		Valdez	32.8%	26.9%	61.8%	26.3%
	Lt. Governor	Patrick	63.6%	69.4%	35.3%	69.3%
		Collier	36.4%	30.6%	64.7%	30.7%
	Attorney General	Paxton	62.7%	68.1%	33.9%	68.7%
Nelson		37.3%	31.9%	66.1%	31.3%	
U.S. House of Reps, District #14	Weber	64.5%	70.4%	35.1%	71.1%	
	Bell	35.5%	29.6%	64.9%	28.9%	
2016	President	Clinton	33.7%	28.7%	64.4%	28.0%
		Trump	66.3%	71.3%	35.6%	72.0%
	Supreme Court, Position #5	Green	68.4%	72.8%	35.3%	75.3%
		Garza	31.6%	27.2%	64.7%	24.7%
U.S. House of Reps, District #14	Weber	68.7%	72.3%	36.7%	75.6%	
	Cole	31.3%	27.7%	63.3%	24.4%	

2014	Senate	Cornyn	71.8%	75.2%	36.3%	79.7%
		Alameel	28.2%	24.8%	63.7%	20.3%
	U.S. House of Reps, District #14	Weber	70.7%	74.0%	35.3%	78.8%
		Brown	29.3%	26.0%	64.7%	21.2%
	Governor	Abbott	67.4%	70.7%	33.2%	75.8%
		Davis	32.6%	29.3%	66.8%	24.2%
	Lt. Governor	Patrick	67.6%	71.4%	33.9%	75.7%
		Van De Putte	32.4%	28.6%	66.1%	24.3%
	Attorney General	Paxton	68.7%	72.1%	33.6%	77.2%
		Houston	31.3%	27.9%	66.4%	22.8%
Supreme Court, Position #7	Boyd	68.9%	72.2%	33.1%	77.6%	
	Benavides	31.1%	27.8%	66.9%	22.4%	

Table 3: Performance Analysis of Plaintiff Proposed Map C

		Plaintiff (Rush) Proposed Map C				
		1	2	3	4	
Anglo CVAP		69.0%	72.6%	38.1%	69.4%	
Black CVAP		9.1%	6.4%	32.8%	7.4%	
Hispanic CVAP		18.5%	16.1%	26.3%	16.8%	
Other CVAP		3.3%	4.9%	2.8%	6.4%	
2022	Governor	Abbott	65.0%	68.6%	37.3%	68.7%
		O'Rourke	35.0%	31.4%	62.7%	31.3%
	Attorney General	Paxton	64.8%	68.4%	36.9%	68.5%
		Garza	35.2%	31.6%	63.1%	31.5%
	Lt. Governor	Patrick	64.8%	68.2%	37.0%	68.1%
		Collier	35.2%	31.8%	63.0%	31.9%
	County Judge	Henry	66.7%	69.5%	38.1%	70.9%
		King	33.3%	30.5%	61.9%	29.1%
	U.S. House of Reps, District #14	Weber	66.7%	70.0%	38.4%	70.4%
		Williams	33.3%	30.0%	61.6%	29.6%
	District Judge #122	Jones	66.5%	69.8%	37.9%	70.4%
Walsdorf		33.5%	30.2%	62.1%	29.6%	
District Attorney	Roady	67.5%	71.1%	39.0%	71.6%	
	Dragony	32.5%	28.9%	61.0%	28.4%	
2020	President	Trump	64.6%	67.6%	35.7%	67.7%
		Biden	35.4%	32.4%	64.3%	32.3%

	Senate	Cornyn	66.4%	69.0%	36.0%	70.0%
		Hegar	33.6%	31.0%	64.0%	30.0%
	Sheriff	Trochesset	66.3%	69.9%	36.5%	70.2%
		Salinas	33.7%	30.1%	63.5%	29.8%
	U.S. House of Reps, District #14	Weber	66.7%	69.5%	36.1%	70.8%
Bell		33.3%	30.5%	63.9%	29.2%	
2018	Senate	Cruz	62.4%	66.5%	32.3%	68.1%
		O'Rourke	37.6%	33.5%	67.7%	31.9%
	Governor	Abbott	67.2%	71.0%	36.0%	73.4%
		Valdez	32.8%	29.0%	64.0%	26.6%
	Lt. Governor	Patrick	63.7%	67.5%	33.2%	69.1%
		Collier	36.3%	32.5%	66.8%	30.9%
	Attorney General	Paxton	62.7%	66.1%	31.8%	68.5%
Nelson		37.3%	33.9%	68.2%	31.5%	
U.S. House of Reps, District #14	Weber	64.5%	68.4%	32.9%	70.9%	
	Bell	35.5%	31.6%	67.1%	29.1%	
2016	President	Clinton	33.7%	30.6%	66.5%	28.3%
		Trump	66.3%	69.4%	33.5%	71.7%
	Supreme Court, Position #5	Green	68.5%	70.9%	33.1%	75.1%
		Garza	31.5%	29.1%	66.9%	24.9%
U.S. House of Reps, District #14	Weber	68.8%	70.5%	34.3%	75.3%	
	Cole	31.2%	29.5%	65.7%	24.7%	

2014	Senate	Cornyn	71.9%	73.5%	33.4%	79.5%
		Alameel	28.1%	26.5%	66.6%	20.5%
	U.S. House of Reps, District #14	Weber	70.7%	72.2%	32.6%	78.5%
		Brown	29.3%	27.8%	67.4%	21.5%
	Governor	Abbott	67.4%	68.7%	30.8%	75.6%
		Davis	32.6%	31.3%	69.2%	24.4%
	Lt. Governor	Patrick	67.6%	69.4%	31.5%	75.5%
		Van De Putte	32.4%	30.6%	68.5%	24.5%
	Attorney General	Paxton	68.7%	70.2%	31.1%	77.0%
		Houston	31.3%	29.8%	68.9%	23.0%
Supreme Court, Position #7	Boyd	69.0%	70.3%	30.7%	77.3%	
	Benavides	31.0%	29.7%	69.3%	22.7%	

Table 4: Performance Analysis of Maps Proposed by Commissioner Holmes (2021)

		Commissioner Holmes Proposed Map A (Rejected)				Commissioner Holmes Proposed Map B (Rejected)				
		1	2	3	4	1	2	3	4	
	Anglo CVAP	68.7%	72.7%	40.4%	70.7%	68.5%	74.0%	40.0%	69.7%	
	Black CVAP	9.3%	6.8%	31.3%	5.8%	9.2%	6.3%	31.5%	6.3%	
	Hispanic CVAP	19.4%	16.2%	25.0%	16.3%	19.0%	15.3%	25.7%	16.8%	
	Other CVAP	2.6%	4.3%	3.4%	7.2%	3.3%	4.4%	2.7%	7.2%	
2022	Governor	Abbott	67.4%	68.6%	36.6%	69.2%	64.9%	70.9%	37.5%	68.5%
		O'Rourke	32.6%	31.4%	63.4%	30.8%	35.1%	29.1%	62.5%	31.5%
	Attorney General	Paxton	67.3%	68.4%	36.2%	69.0%	64.7%	70.8%	37.0%	68.4%
		Garza	32.7%	31.6%	63.8%	31.0%	35.3%	29.2%	63.0%	31.6%
	Lt. Governor	Patrick	67.2%	68.2%	36.2%	68.7%	64.7%	70.5%	37.0%	68.0%
		Collier	32.8%	31.8%	63.8%	31.3%	35.3%	29.5%	63.0%	32.0%
	County Judge	Henry	69.0%	69.6%	37.6%	71.2%	66.5%	71.9%	38.3%	70.6%
		King	31.0%	30.4%	62.4%	28.8%	33.5%	28.1%	61.7%	29.4%
	U.S. House of Reps, District #14	Weber	69.0%	69.9%	37.9%	71.0%	66.5%	72.2%	38.7%	70.3%
		Williams	31.0%	30.1%	62.1%	29.0%	33.5%	27.8%	61.3%	29.7%
	District Judge #122	Jones	68.8%	69.7%	37.5%	70.9%	66.3%	72.1%	38.3%	70.3%
		Walsdorf	31.2%	30.3%	62.5%	29.1%	33.7%	27.9%	61.7%	29.7%
District Attorney	Roady	69.8%	71.0%	38.6%	72.1%	67.4%	73.2%	39.6%	71.5%	
	Dragony	30.2%	29.0%	61.4%	27.9%	32.6%	26.8%	60.4%	28.5%	
2020	President	Trump	67.0%	68.0%	35.0%	68.1%	64.2%	70.2%	36.0%	67.5%

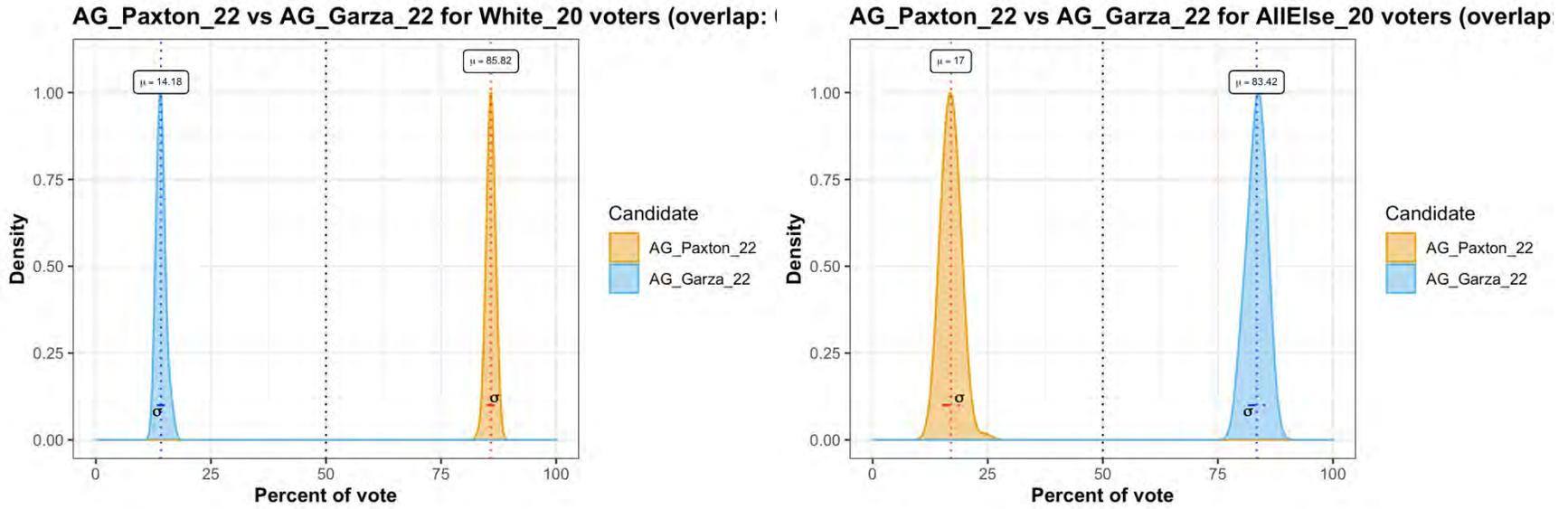
	Biden	33.0%	32.0%	65.0%	31.9%	35.8%	29.8%	64.0%	32.5%
Senate	Cornyn	68.6%	69.3%	35.7%	70.3%	65.9%	71.7%	36.5%	69.9%
	Hegar	31.4%	30.7%	64.3%	29.7%	34.1%	28.3%	63.5%	30.1%
Sheriff	Trochesset	68.3%	70.1%	36.5%	70.6%	65.8%	72.2%	37.5%	70.1%
	Salinas	31.7%	29.9%	63.5%	29.4%	34.2%	27.8%	62.5%	29.9%
U.S. House of Reps, District #14	Weber	69.1%	69.8%	35.8%	71.1%	66.3%	72.1%	36.7%	70.6%
	Bell	30.9%	30.2%	64.2%	28.9%	33.7%	27.9%	63.3%	29.4%
Senate	Cruz	65.3%	66.7%	31.5%	68.4%	62.0%	69.4%	32.7%	67.9%
	O'Rourke	34.7%	33.3%	68.5%	31.6%	38.0%	30.6%	67.3%	32.1%
Governor	Abbott	69.9%	71.2%	35.5%	73.7%	66.8%	74.0%	36.7%	73.2%
	Valdez	30.1%	28.8%	64.5%	26.3%	33.2%	26.0%	63.3%	26.8%
Lt. Governor	Patrick	66.3%	67.7%	32.6%	69.4%	63.2%	70.4%	33.8%	68.9%
	Collier	33.7%	32.3%	67.4%	30.6%	36.8%	29.6%	66.2%	31.1%
Attorney General	Paxton	65.4%	66.3%	31.3%	68.7%	62.3%	69.1%	32.4%	68.2%
	Nelson	34.6%	33.7%	68.7%	31.3%	37.7%	30.9%	67.6%	31.8%
U.S. House of Reps, District #14	Weber	67.1%	68.5%	32.5%	71.2%	64.0%	71.3%	33.7%	70.7%
	Bell	32.9%	31.5%	67.5%	28.8%	36.0%	28.7%	66.3%	29.3%
President	Clinton	31.3%	30.5%	66.8%	28.0%	34.2%	27.4%	66.0%	28.6%
	Trump	68.7%	69.5%	33.2%	72.0%	65.8%	72.6%	34.0%	71.4%
Supreme Court, Position #5	Green	70.5%	70.8%	33.2%	75.3%	67.7%	74.0%	33.8%	74.8%
	Garza	29.5%	29.2%	66.8%	24.7%	32.3%	26.0%	66.2%	25.2%

	U.S. House of Reps, District #14	Weber	70.8%	70.4%	34.8%	75.4%	68.0%	73.5%	35.4%	75.0%
		Cole	29.2%	29.6%	65.2%	24.6%	32.0%	26.5%	64.6%	25.0%
2014	Senate	Cornyn	73.9%	72.6%	34.5%	79.6%	70.9%	75.7%	35.9%	79.2%
		Alameel	26.1%	27.4%	65.5%	20.4%	29.1%	24.3%	64.1%	20.8%
	U.S. House of Reps, District #14	Weber	72.9%	71.4%	33.4%	78.5%	69.8%	74.6%	34.8%	78.2%
		Brown	27.1%	28.6%	66.6%	21.5%	30.2%	25.4%	65.2%	21.8%
	Governor	Abbott	69.7%	68.1%	31.3%	75.5%	66.4%	71.6%	32.6%	75.1%
		Davis	30.3%	31.9%	68.7%	24.5%	33.6%	28.4%	67.4%	24.9%
	Lt. Governor	Patrick	70.0%	68.9%	31.7%	75.4%	66.7%	72.3%	33.2%	75.1%
		Van De Putte	30.0%	31.1%	68.3%	24.6%	33.3%	27.7%	66.8%	24.9%
	Attorney General	Paxton	71.0%	69.4%	31.6%	77.0%	67.8%	72.9%	32.9%	76.6%
		Houston	29.0%	30.6%	68.4%	23.0%	32.2%	27.1%	67.1%	23.4%
Supreme Court, Position #7	Boyd	71.2%	69.4%	31.2%	77.4%	68.0%	72.9%	32.5%	77.0%	
	Benavides	28.8%	30.6%	68.8%	22.6%	32.0%	27.1%	67.5%	23.0%	

Appendix C: Density Plots of Ecological Inference (EI) Iterative Candidate Choice Estimates

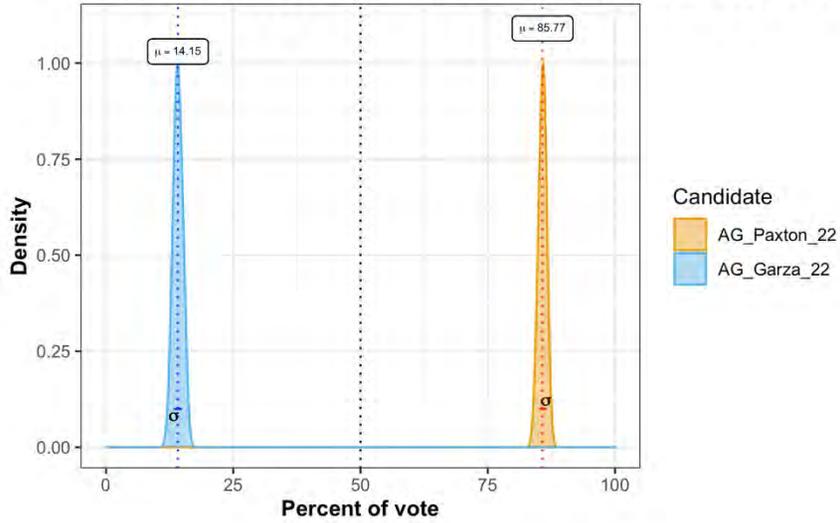
I. 2022 Attorney General

Anglo and Non-Anglo (CVAP)

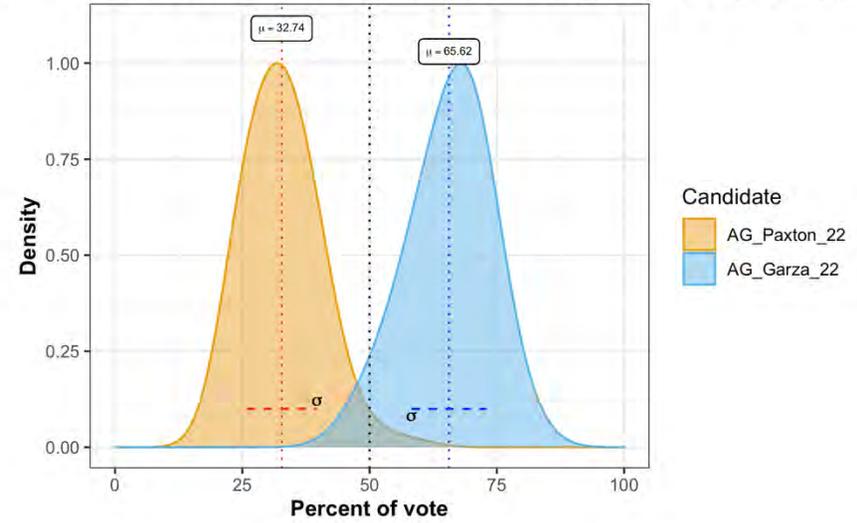


Anglo, Hispanic, and Black (CVAP)

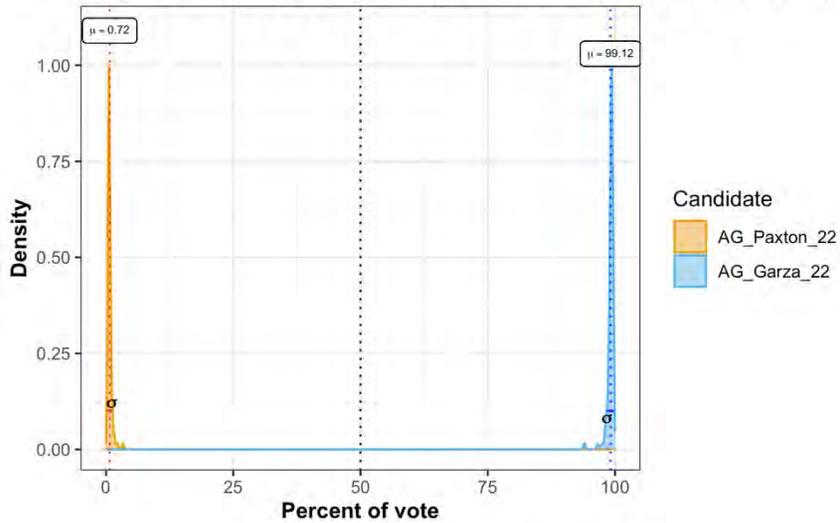
AG_Paxton_22 vs AG_Garza_22 for Anglo_20 voters (overlap: 0.00)



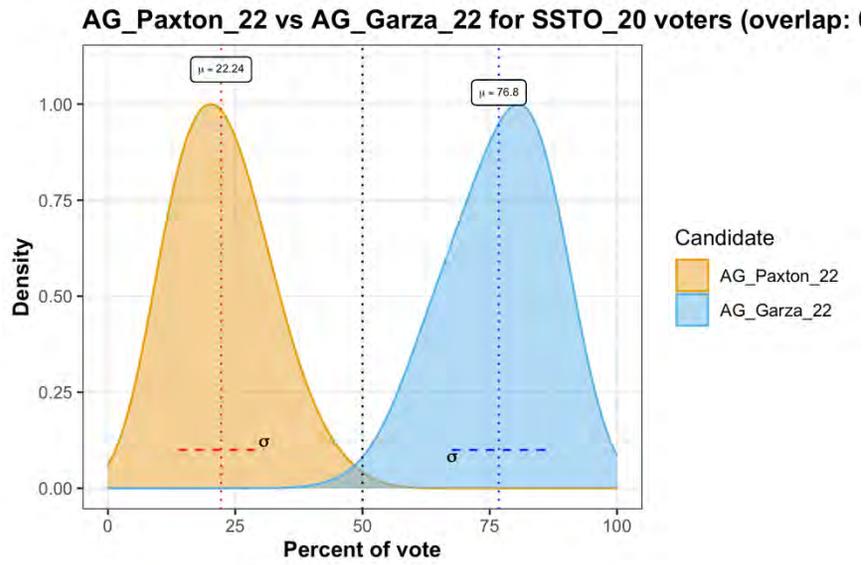
AG_Paxton_22 vs AG_Garza_22 for Hisp_20 voters (overlap: 3.00)



AG_Paxton_22 vs AG_Garza_22 for Black_20 voters (overlap: 0.00)

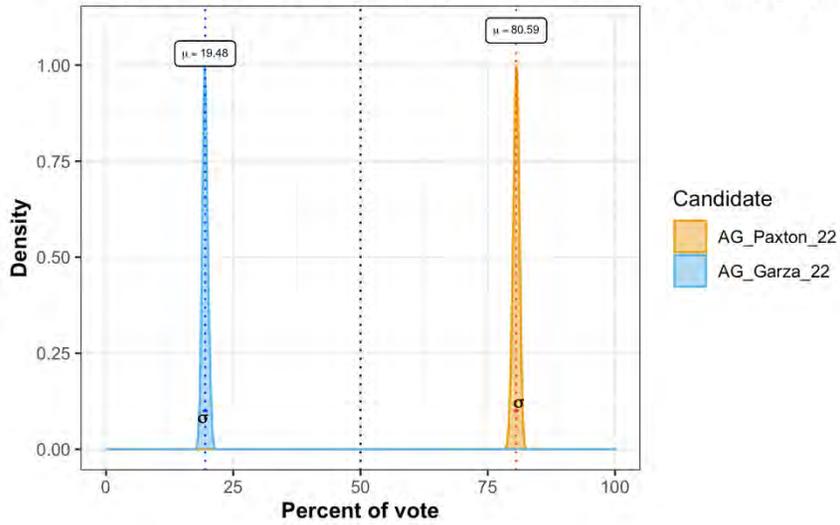


SSTO

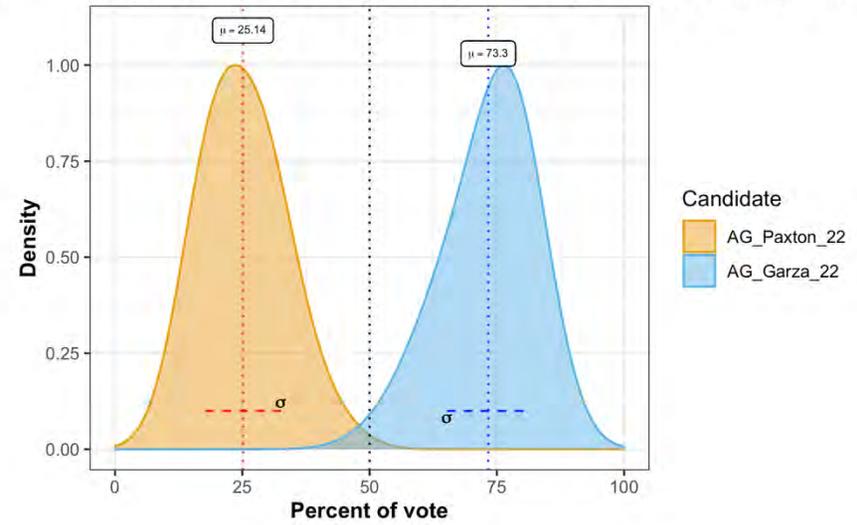


Anglo, Hispanic, and Black (Estimated Actual Vote)

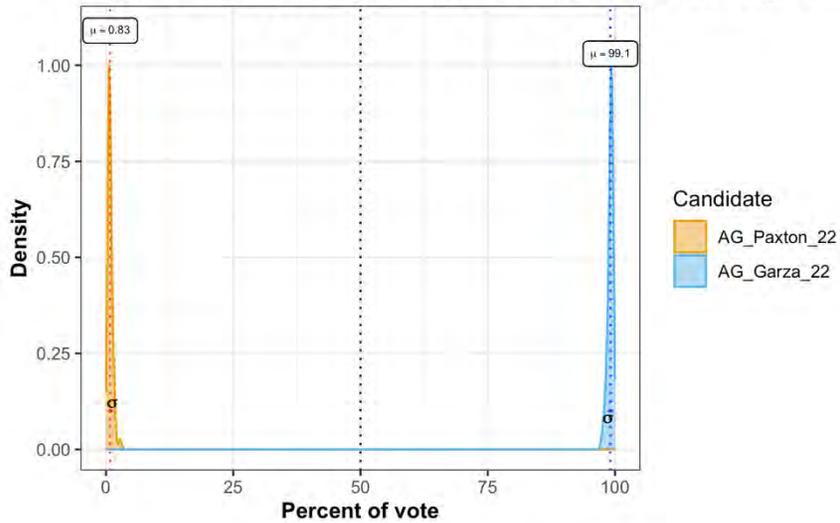
AG_Paxton_22 vs AG_Garza_22 for Wht_Vote22 voters (overlaid)



AG_Paxton_22 vs AG_Garza_22 for Hsp_Vote22 voters (overlaid)



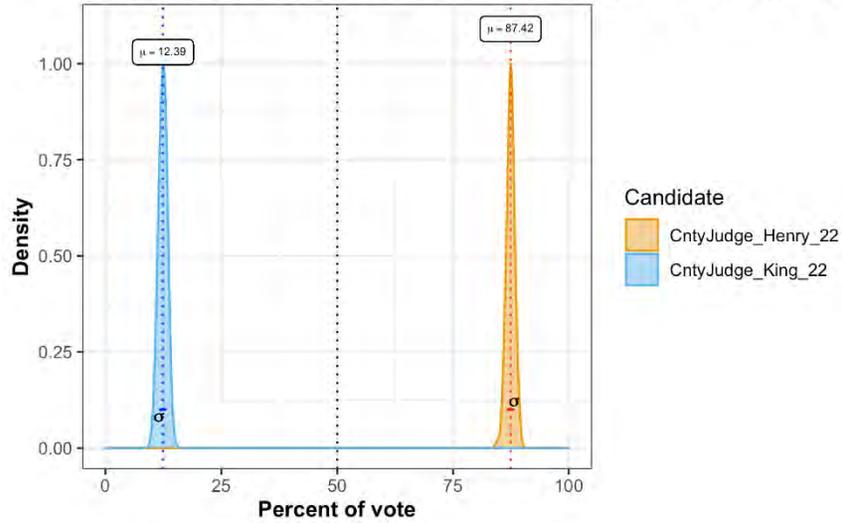
AG_Paxton_22 vs AG_Garza_22 for Blk_Vote22 voters (overlaid)



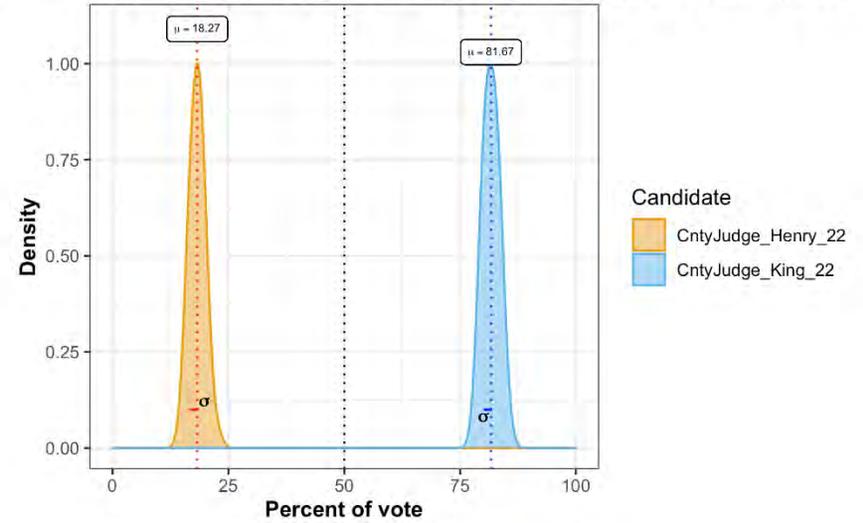
II. 2022 County Judge

Anglo and Non-Anglo (CVAP)

CntyJudge_Henry_22 vs CntyJudge_King_22 for White_20 vot

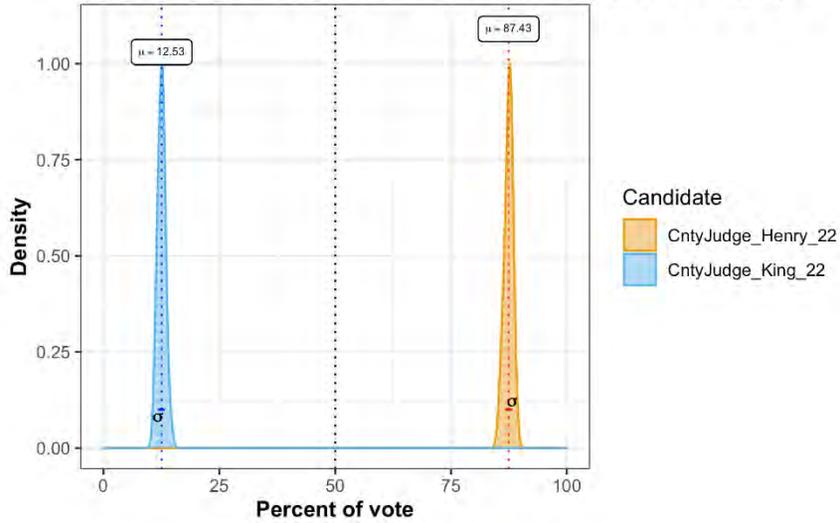


CntyJudge_Henry_22 vs CntyJudge_King_22 for AllElse_20 vc

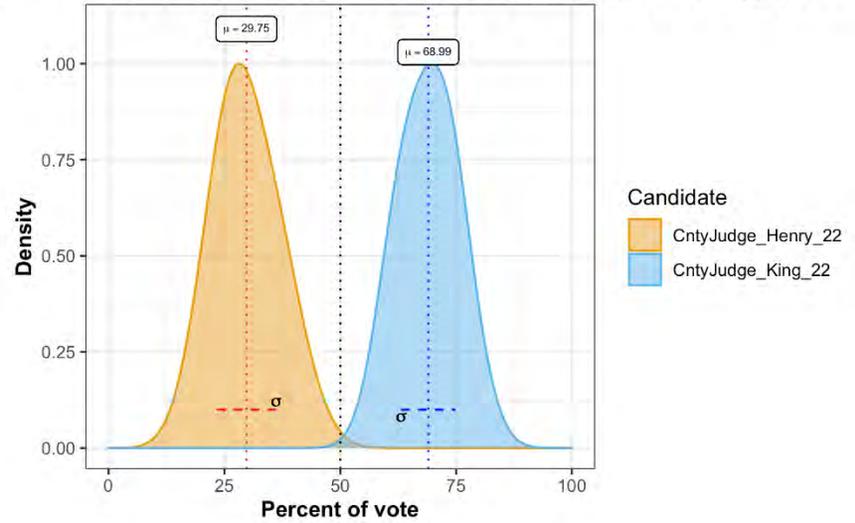


Anglo, Hispanic, and Black (CVAP)

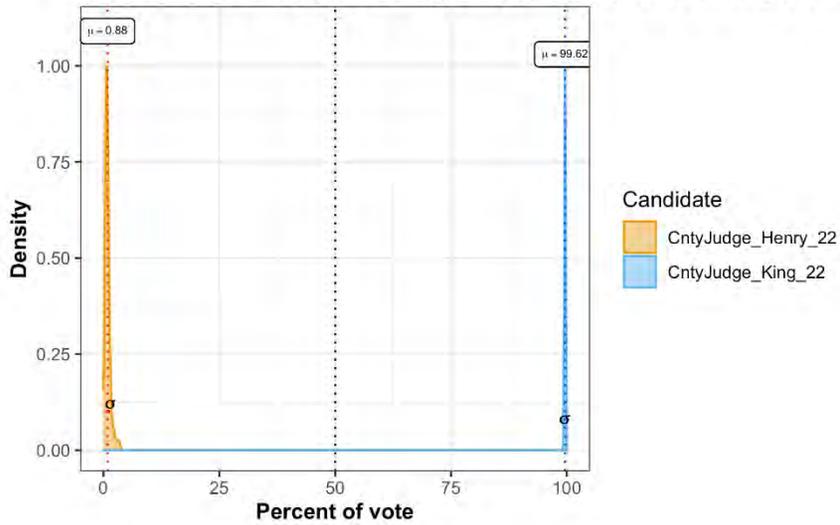
CntyJudge_Henry_22 vs CntyJudge_King_22 for Anglo_20 vot



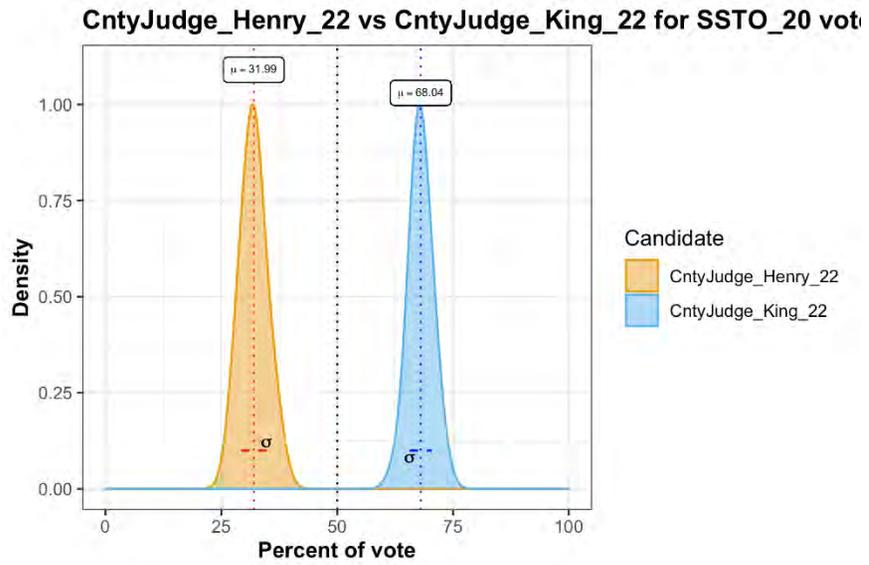
CntyJudge_Henry_22 vs CntyJudge_King_22 for Hisp_20 vote



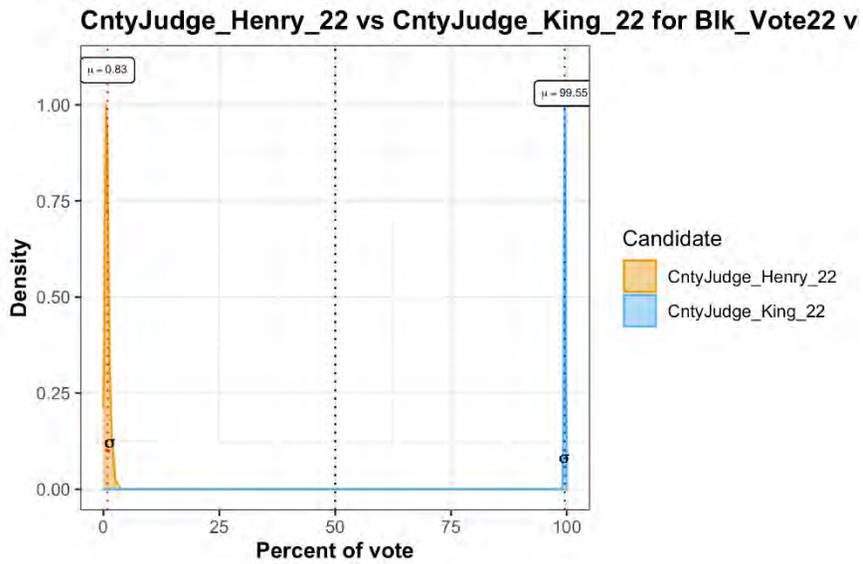
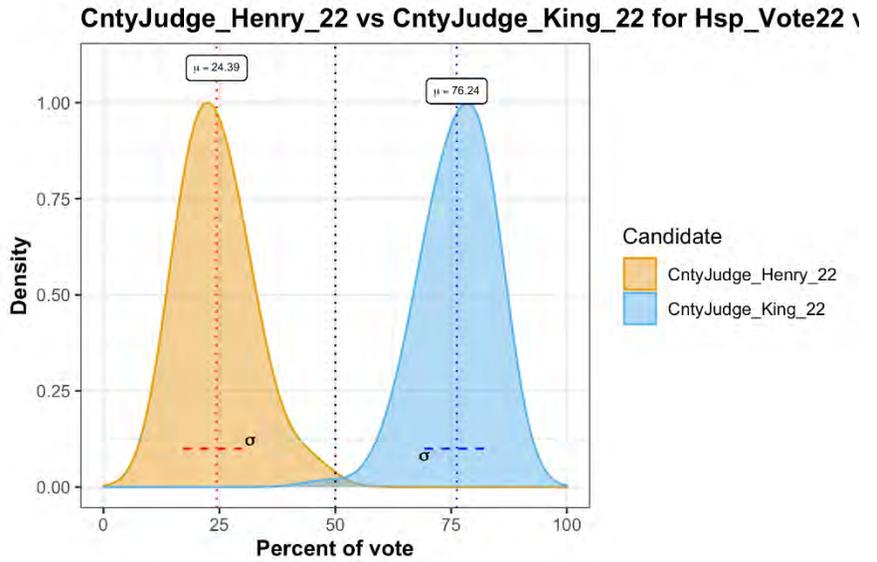
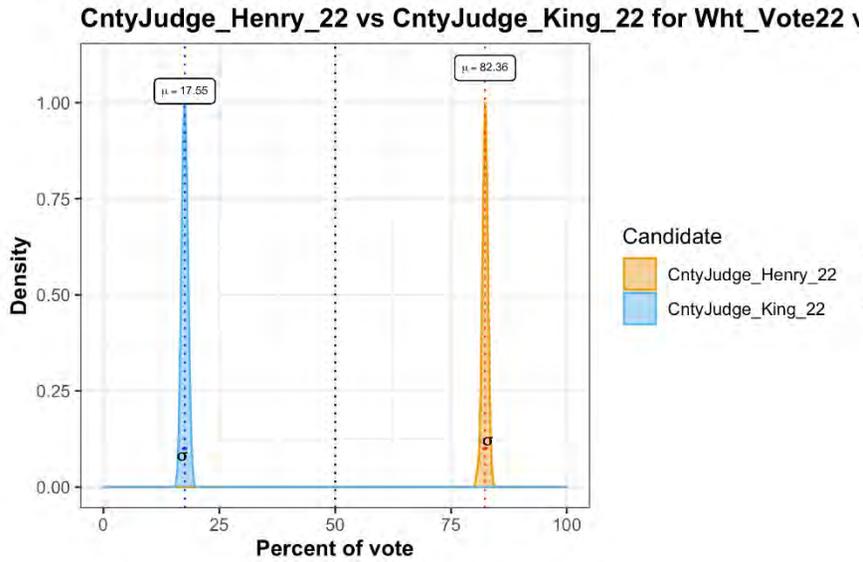
CntyJudge_Henry_22 vs CntyJudge_King_22 for Black_20 vot



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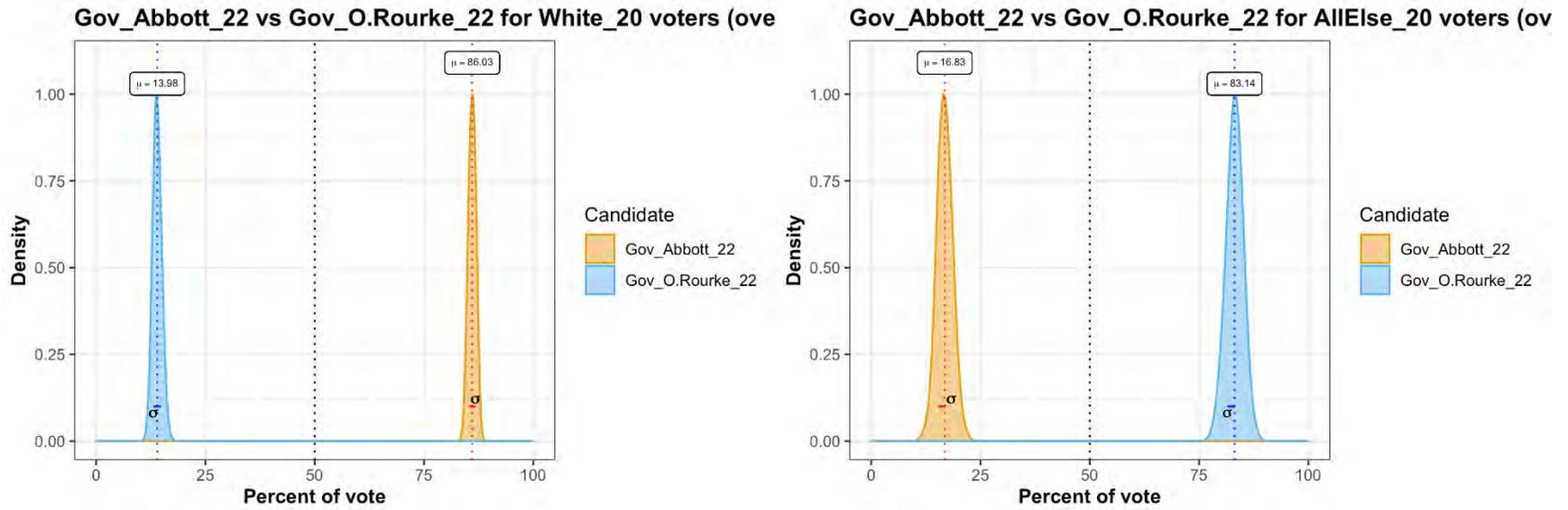


Anglo, Hispanic, and Black (Estimated Actual Vote)



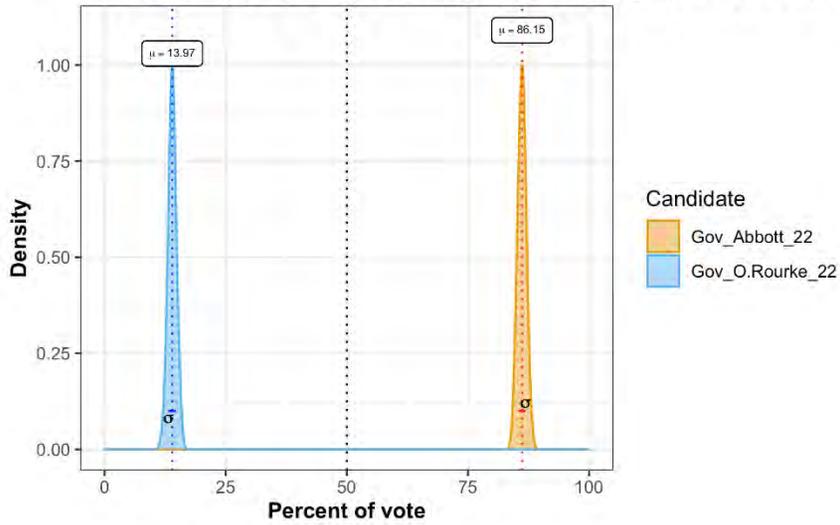
III. 2022 Governor

Anglo and Non-Anglo (CVAP)

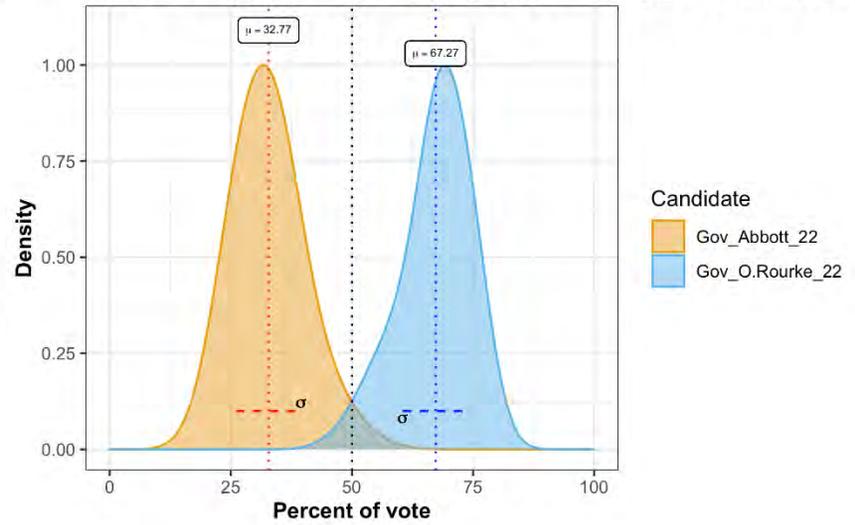


Anglo, Hispanic, and Black (CVAP)

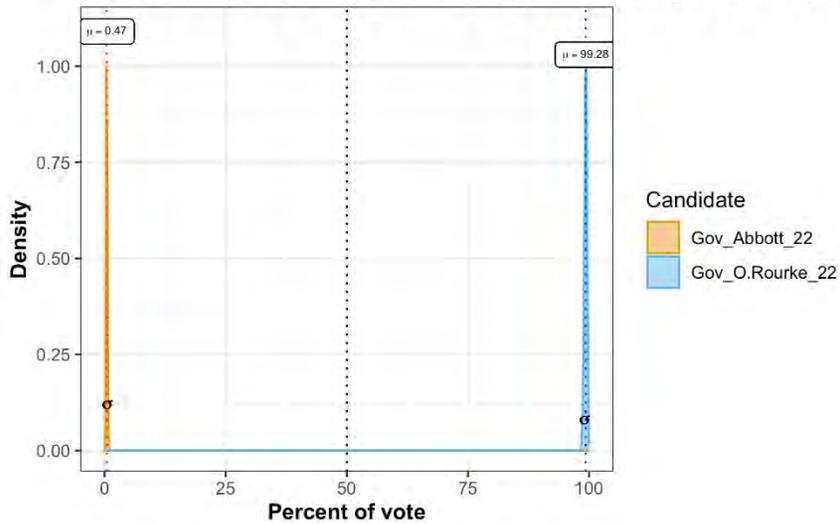
Gov_Abbott_22 vs Gov_O.Rourke_22 for Anglo_20 voters (overl



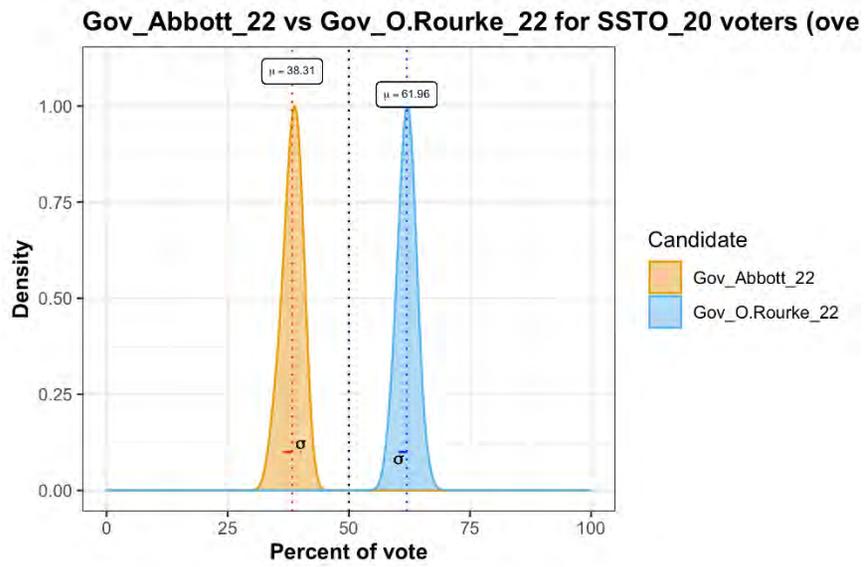
Gov_Abbott_22 vs Gov_O.Rourke_22 for Hisp_20 voters (overl



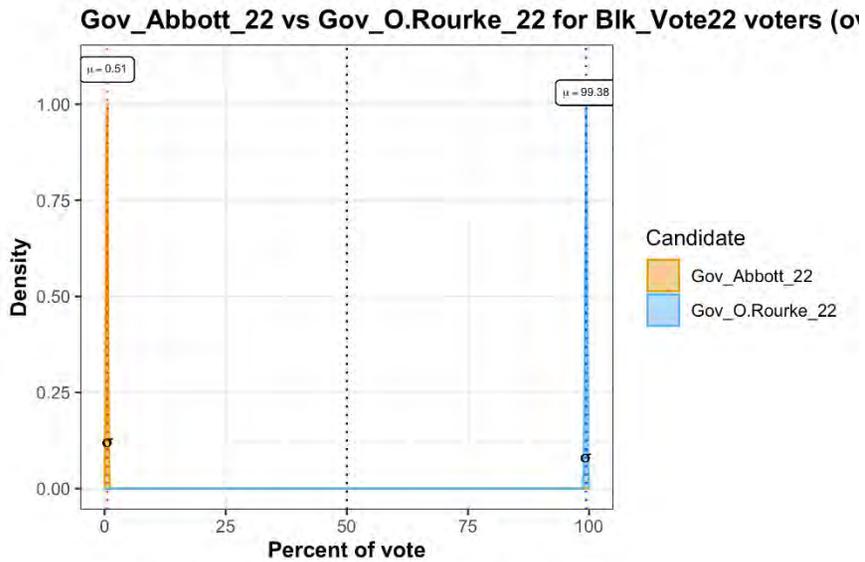
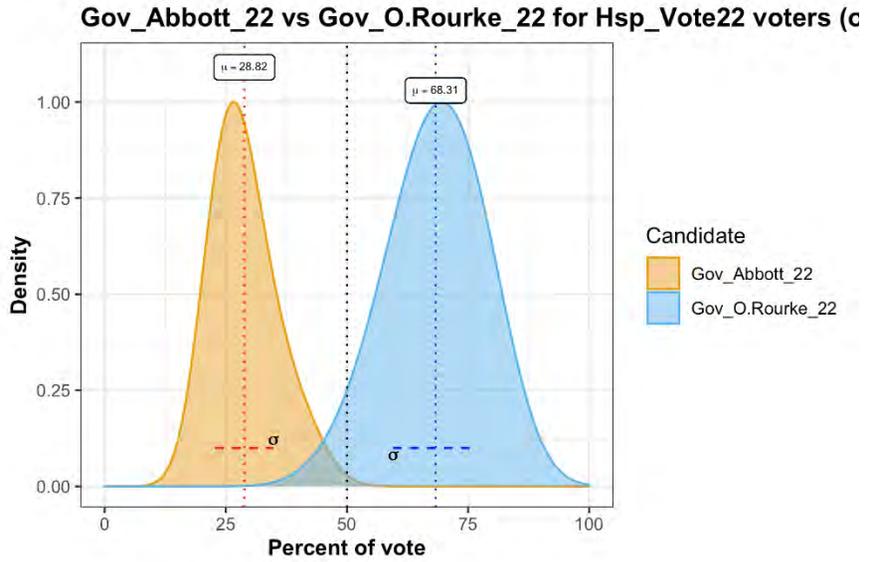
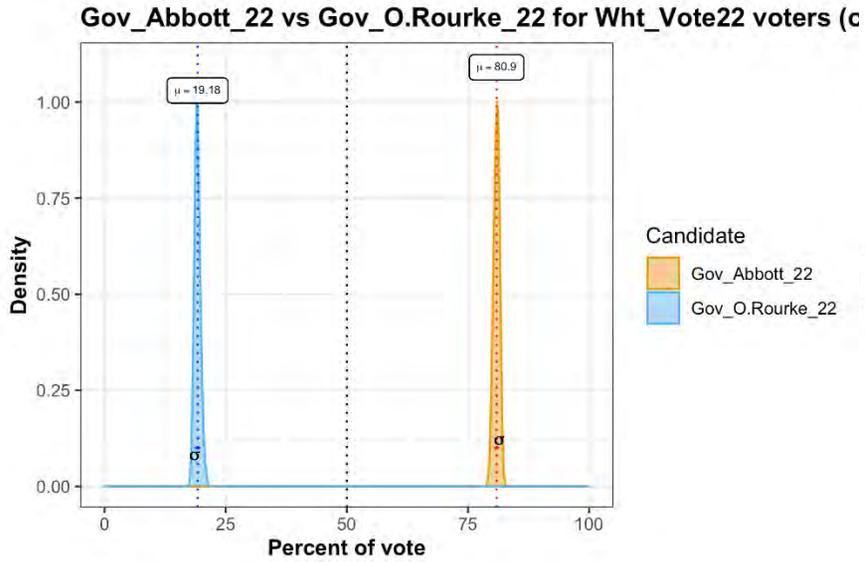
Gov_Abbott_22 vs Gov_O.Rourke_22 for Black_20 voters (overl



SSTO

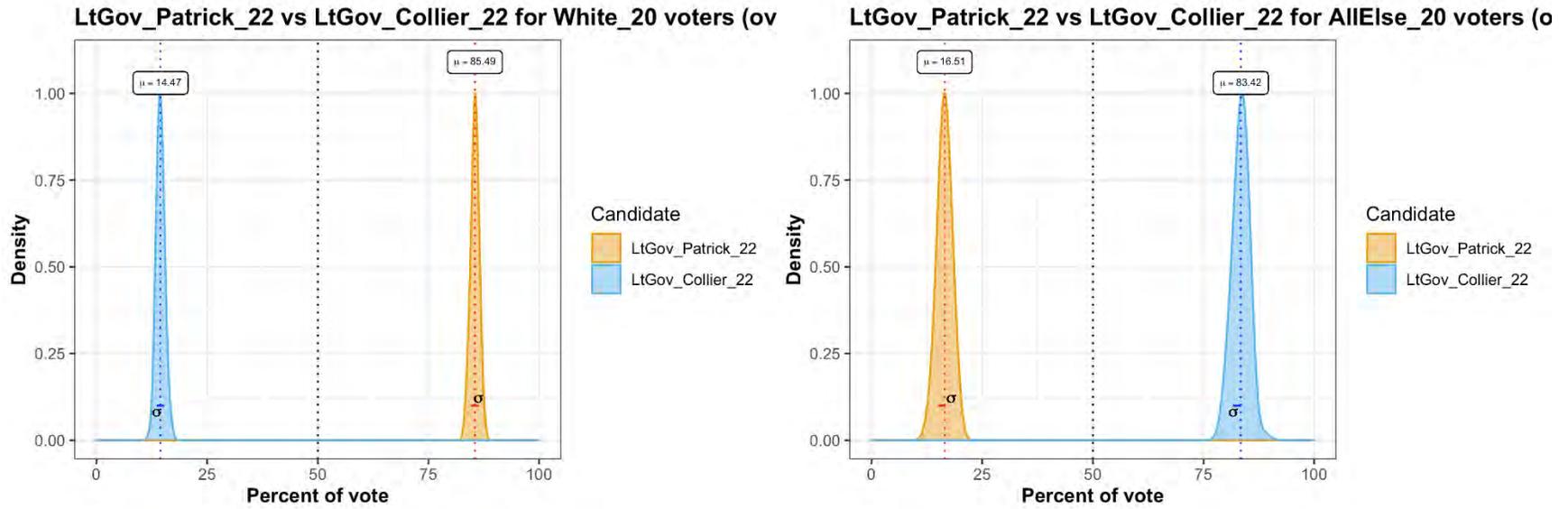


Anglo, Hispanic, and Black (Estimated Actual Vote)



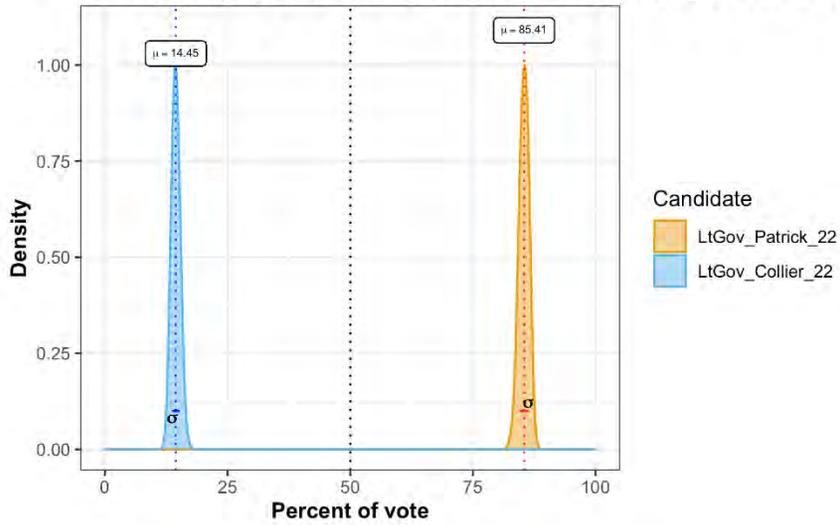
IV. 2022 Lt. Governor

Anglo and Non-Anglo (CVAP)

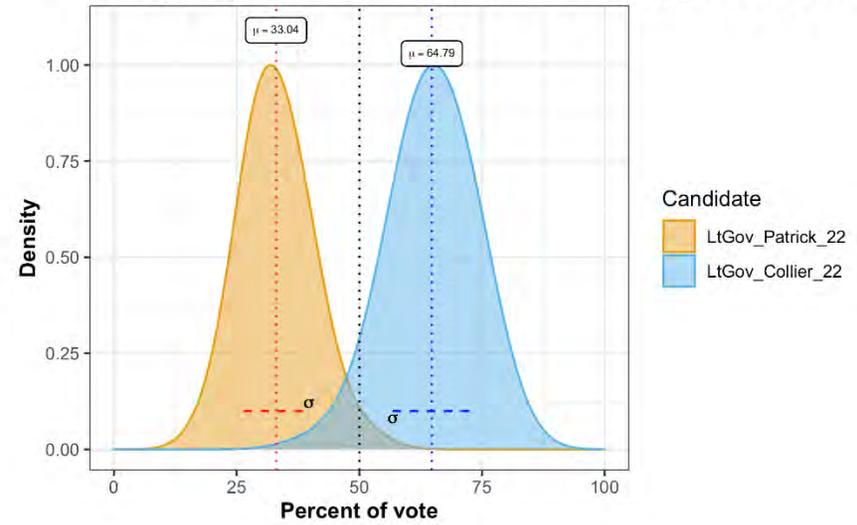


Anglo, Hispanic, and Black (CVAP)

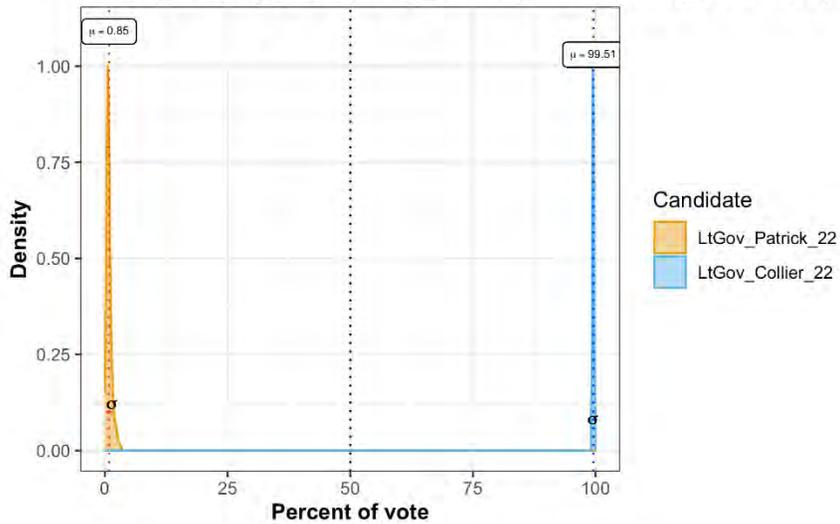
LtGov_Patrick_22 vs LtGov_Collier_22 for Anglo_20 voters (ov



LtGov_Patrick_22 vs LtGov_Collier_22 for Hisp_20 voters (ove

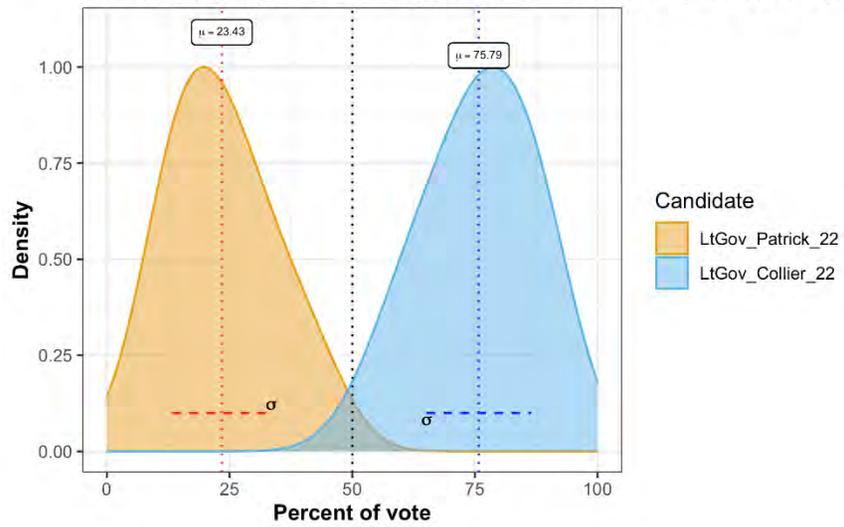


LtGov_Patrick_22 vs LtGov_Collier_22 for Black_20 voters (ov



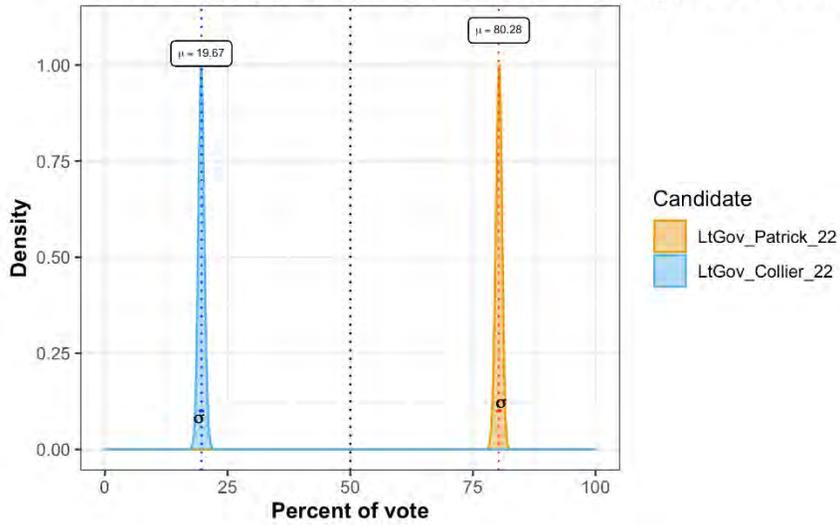
SSTO

LtGov_Patrick_22 vs LtGov_Collier_22 for SSTO_20 voters (ov

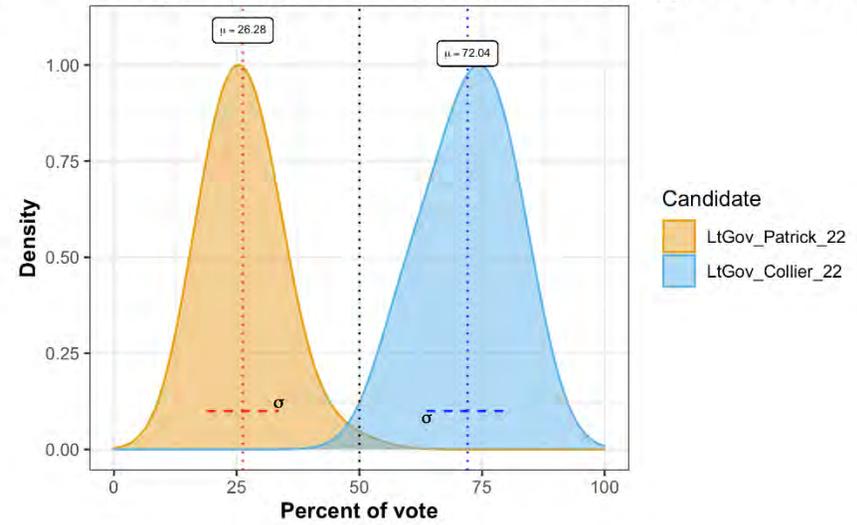


Anglo, Hispanic, and Black (Estimated Actual Vote)

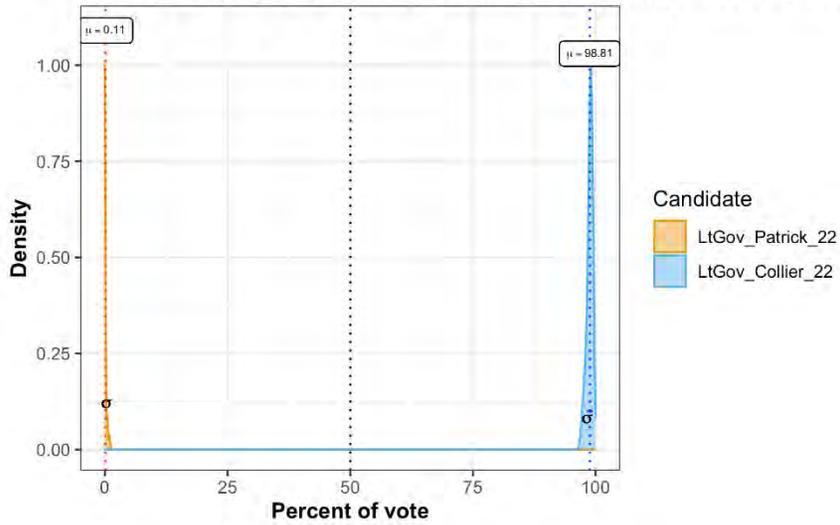
LtGov_Patrick_22 vs LtGov_Collier_22 for Wht_Vote22 voters (



LtGov_Patrick_22 vs LtGov_Collier_22 for Hsp_Vote22 voters (

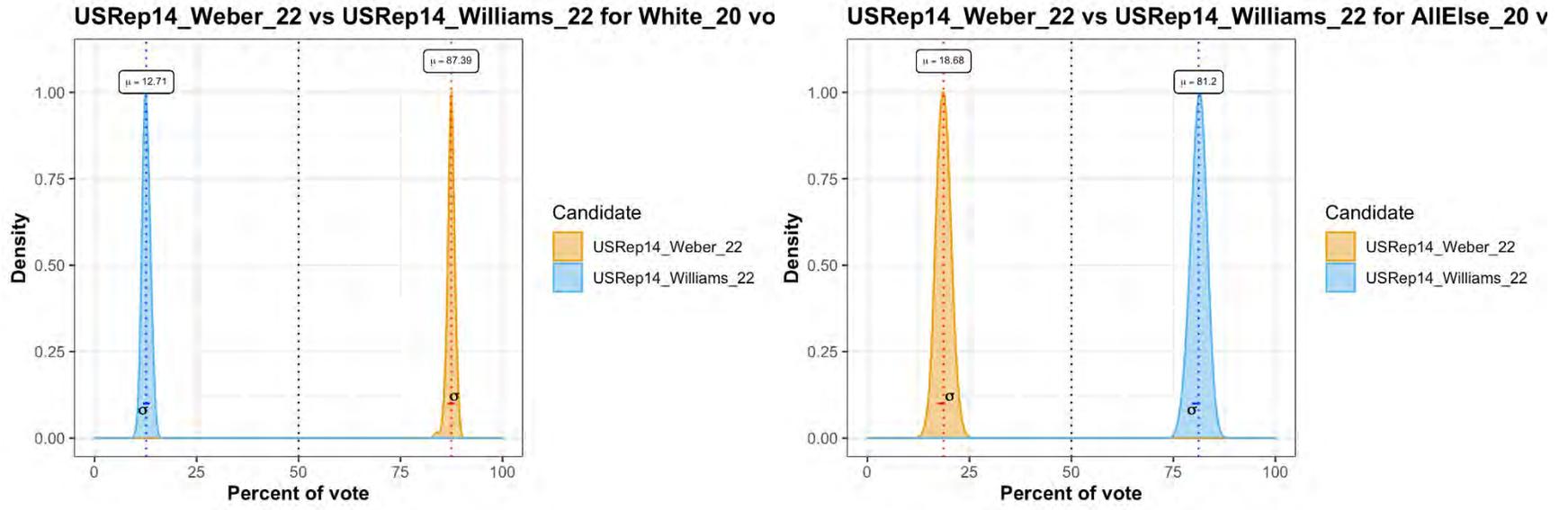


LtGov_Patrick_22 vs LtGov_Collier_22 for Blk_Vote22 voters (



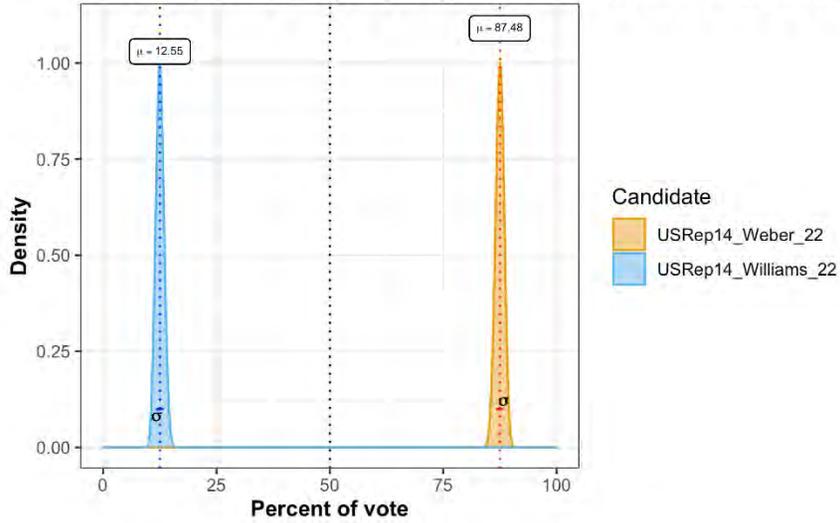
V. 2022 U.S. House of Reps, District #14

Anglo and Non-Anglo (CVAP)

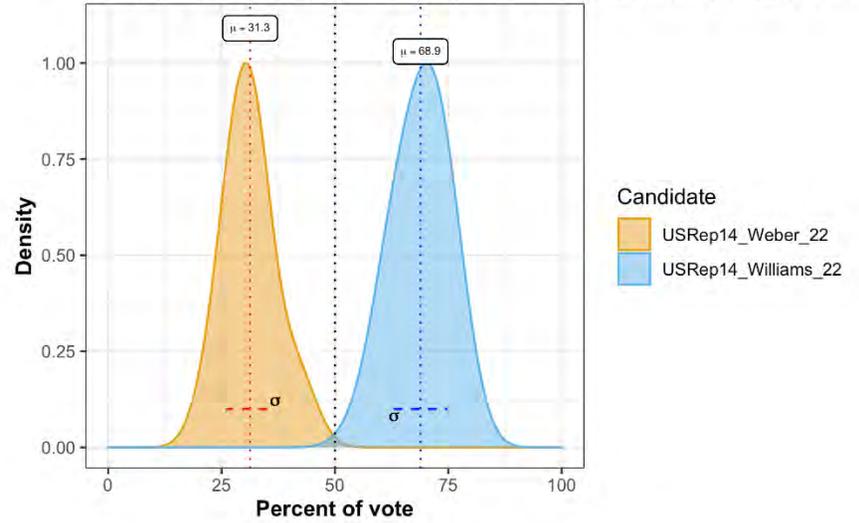


Anglo, Hispanic, and Black (CVAP)

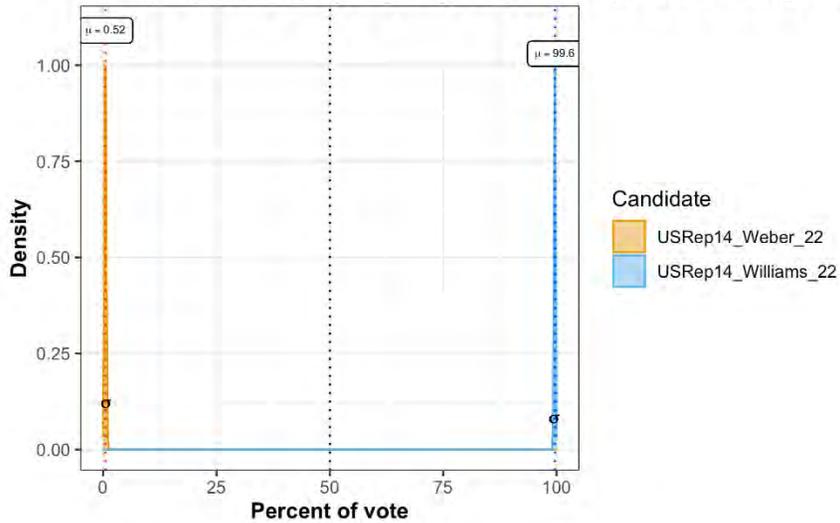
USRep14_Weber_22 vs USRep14_Williams_22 for Anglo_20 vc



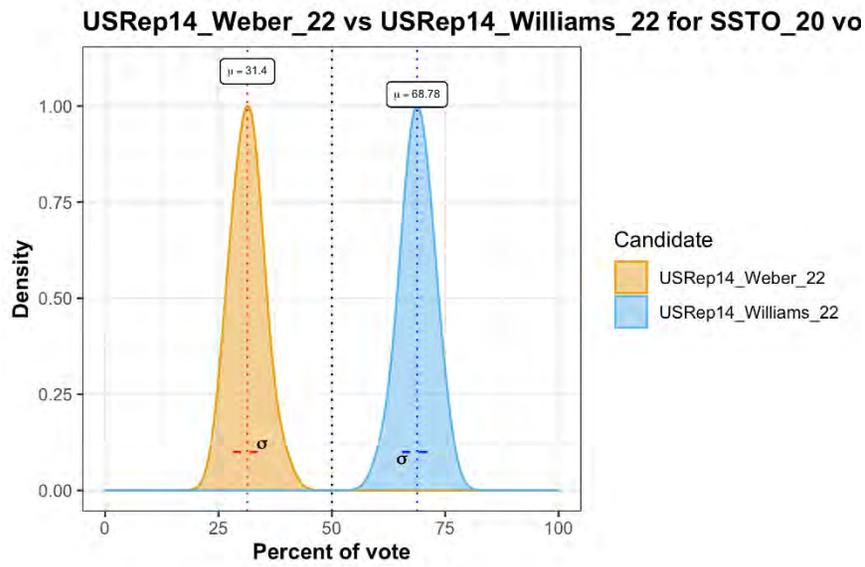
USRep14_Weber_22 vs USRep14_Williams_22 for Hisp_20 vote



USRep14_Weber_22 vs USRep14_Williams_22 for Black_20 vo

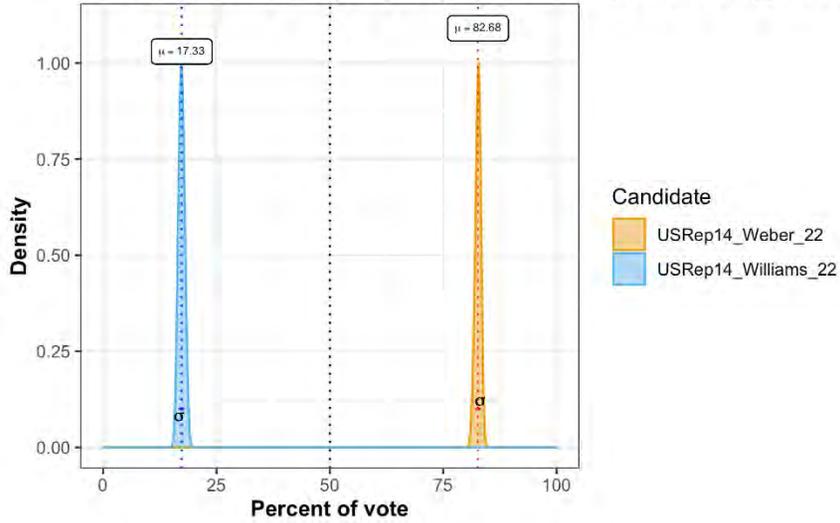


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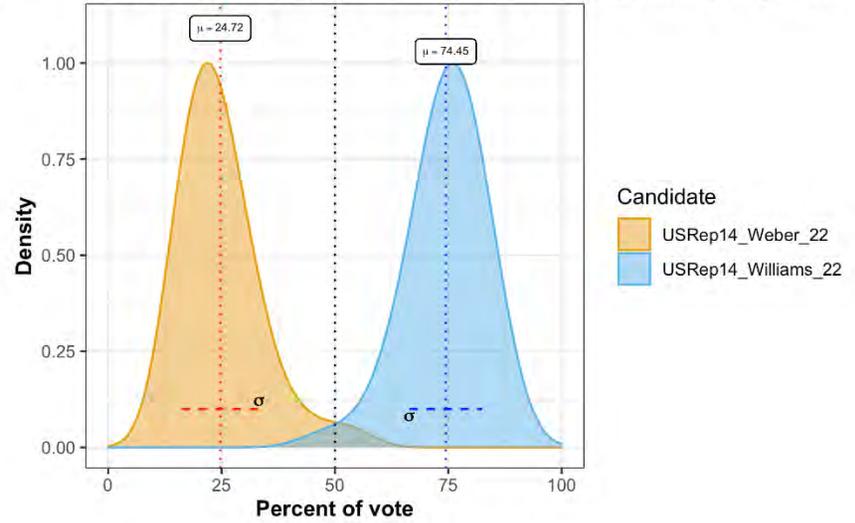


Anglo, Hispanic, and Black (Estimated Actual Vote)

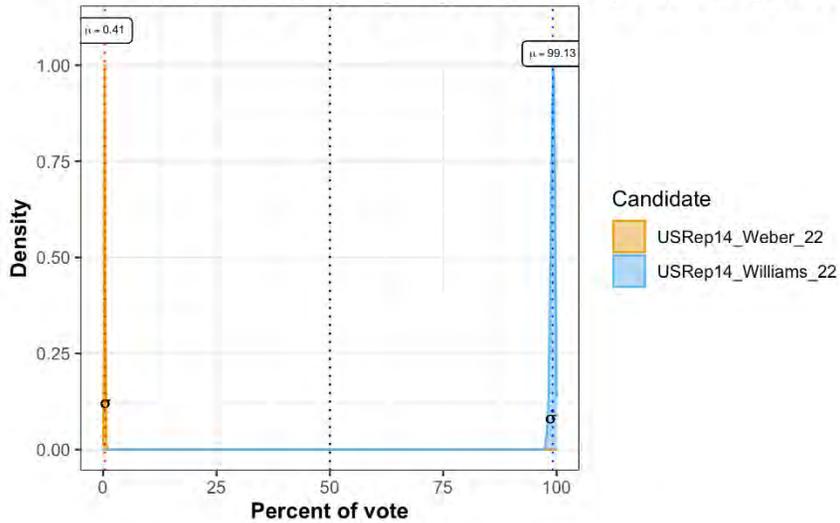
USRep14_Weber_22 vs USRep14_Williams_22 for Wht_Vote22



USRep14_Weber_22 vs USRep14_Williams_22 for Hsp_Vote22

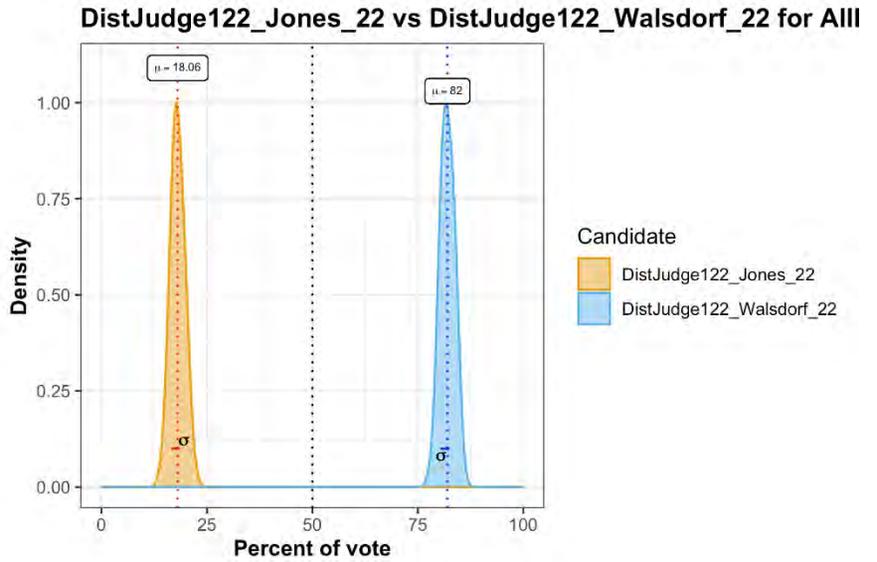
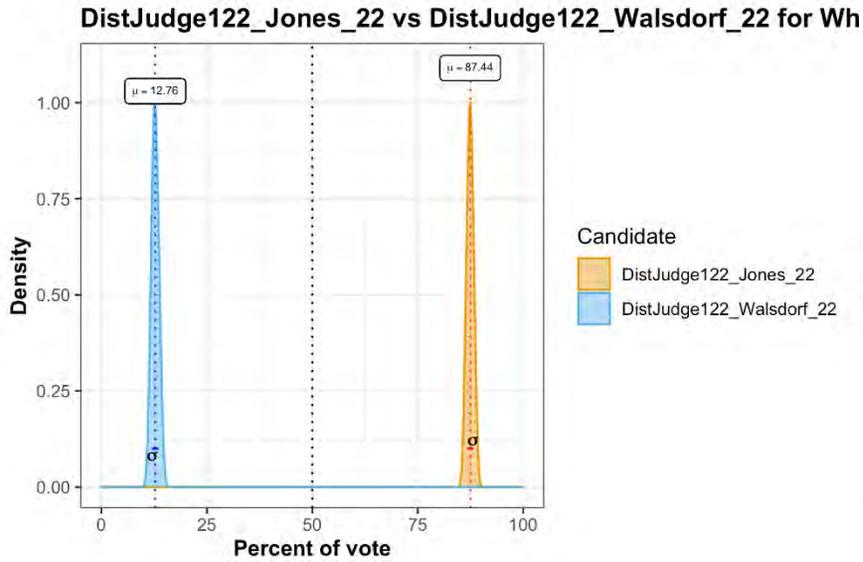


USRep14_Weber_22 vs USRep14_Williams_22 for Blk_Vote22



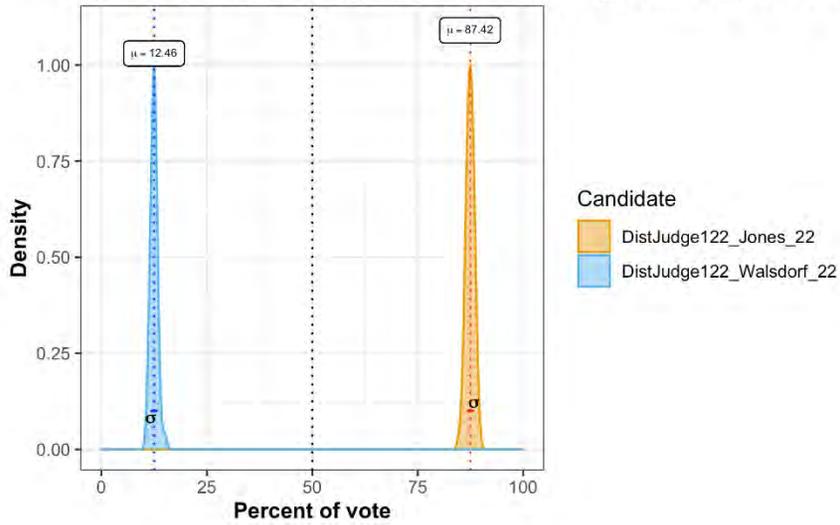
VI. 2022 District 122 Judge

Anglo and Non-Anglo (CVAP)

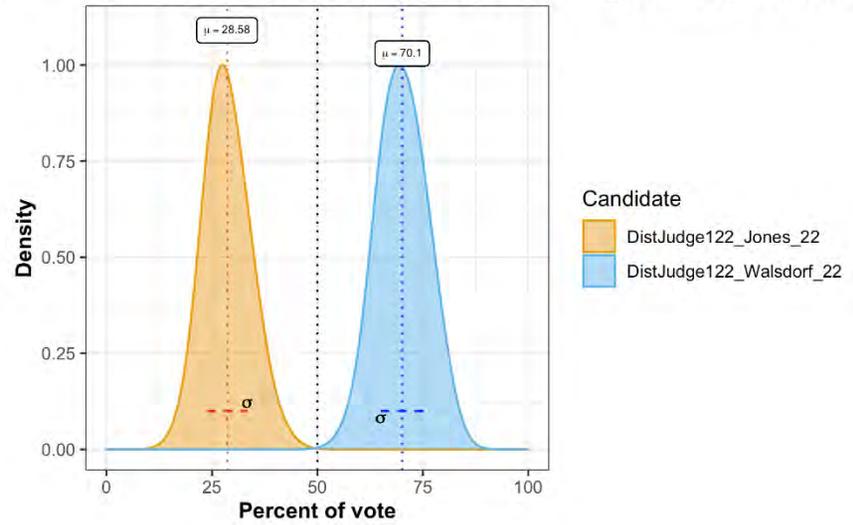


Anglo, Hispanic, and Black (CVAP)

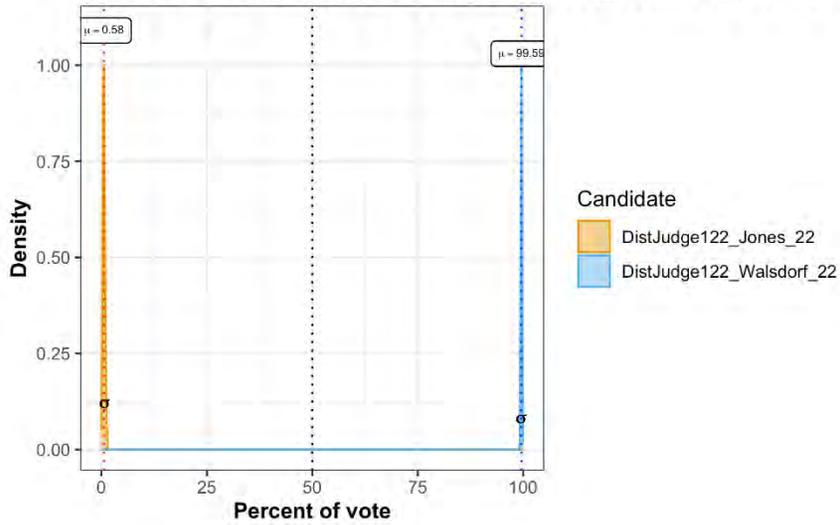
DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for An



DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for His

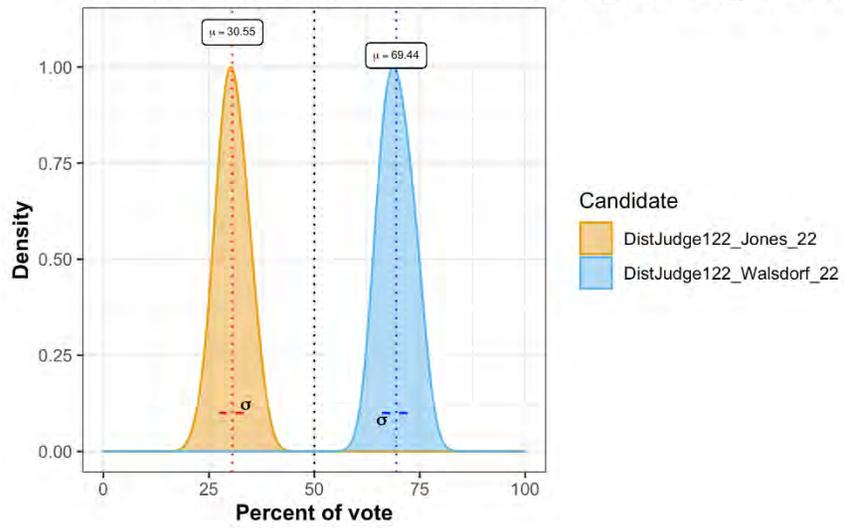


DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for Bla



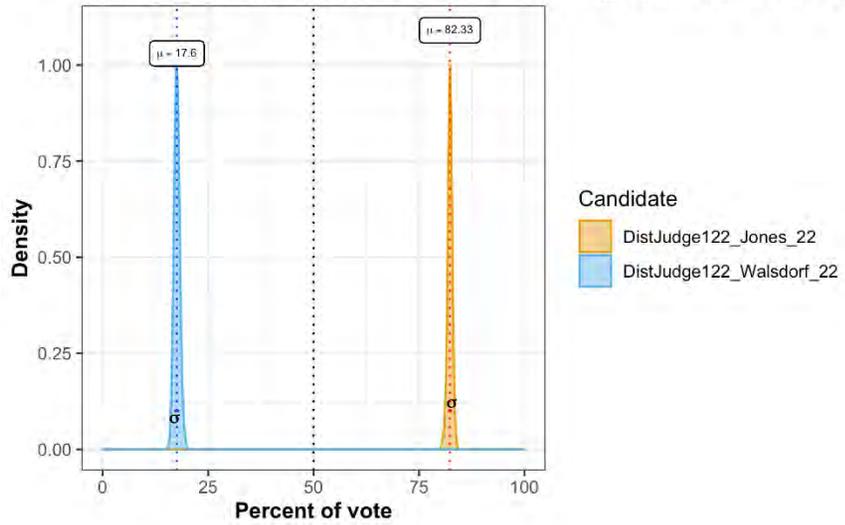
SSTO

DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for SS'

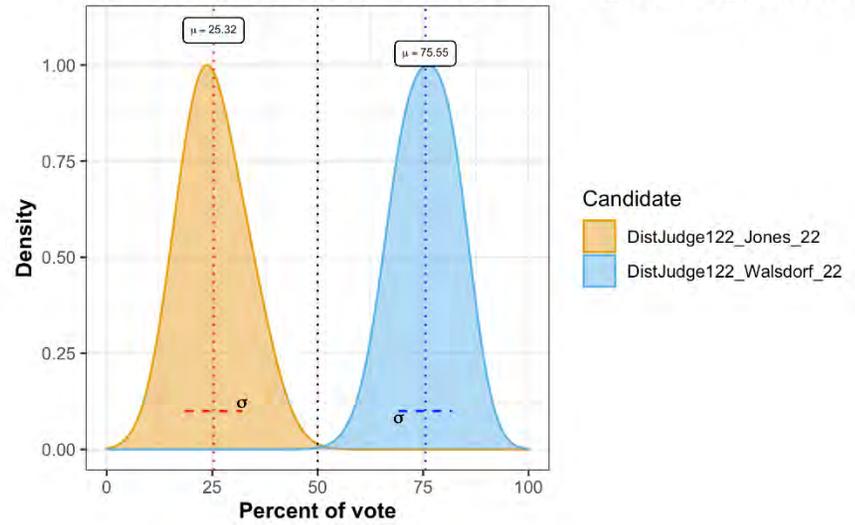


Anglo, Hispanic, and Black (Estimated Actual Vote)

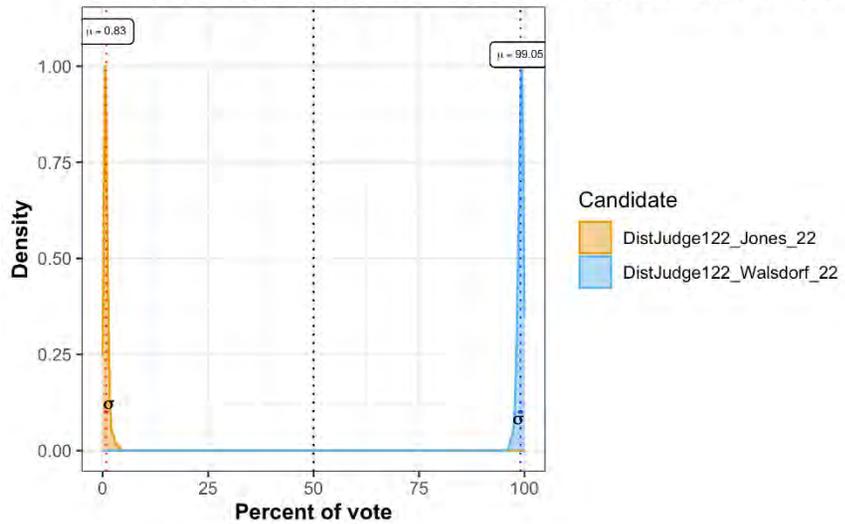
DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for Wh



DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for Hsi



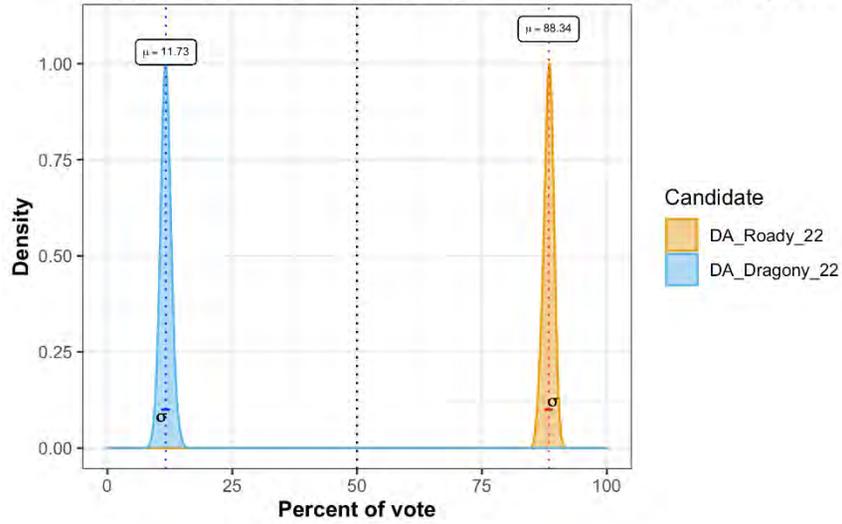
DistJudge122_Jones_22 vs DistJudge122_Walsdorf_22 for Blk



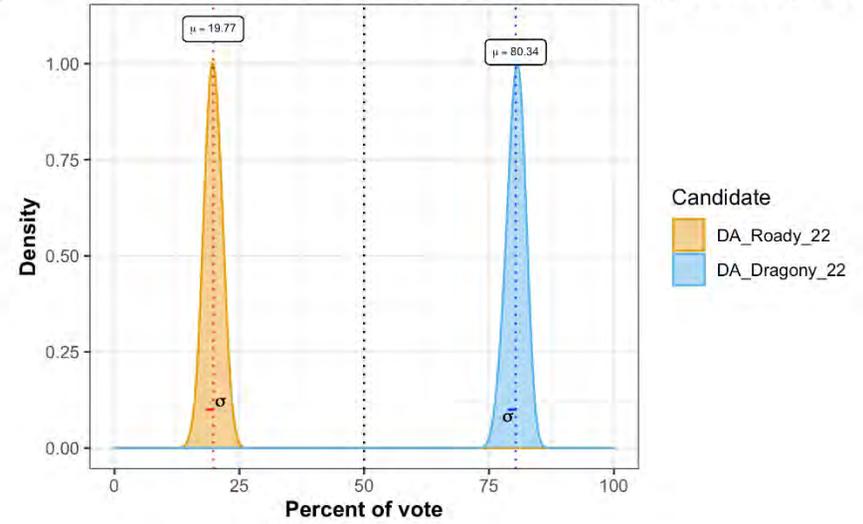
VII. 2022 District Attorney

Anglo and Non-Anglo (CVAP)

DA_Roady_22 vs DA_Dragony_22 for White_20 voters (overlap

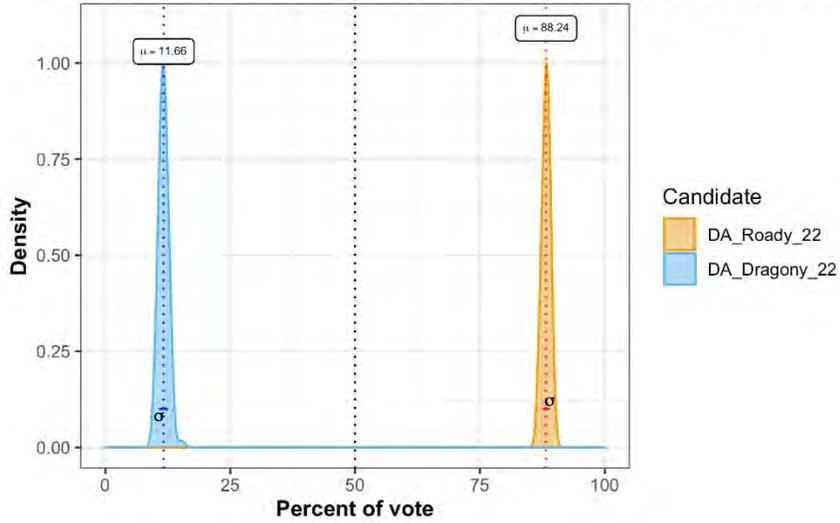


DA_Roady_22 vs DA_Dragony_22 for AllElse_20 voters (overla

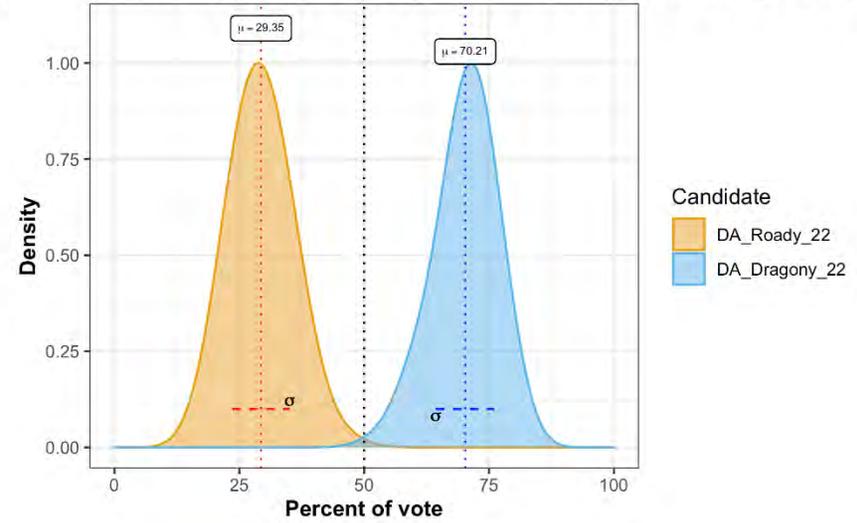


Anglo, Hispanic, and Black (CVAP)

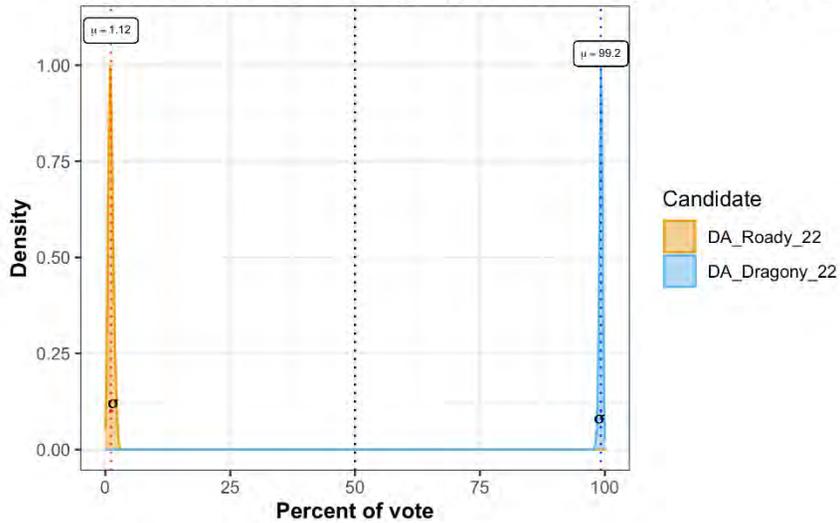
DA_Roady_22 vs DA_Dragony_22 for Anglo_20 voters (overlap:



DA_Roady_22 vs DA_Dragony_22 for Hisp_20 voters (overlap:

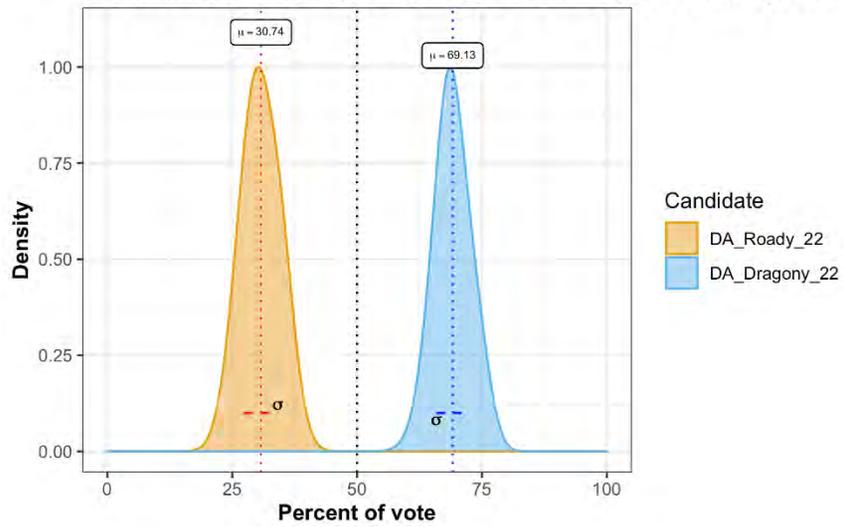


DA_Roady_22 vs DA_Dragony_22 for Black_20 voters (overlap:



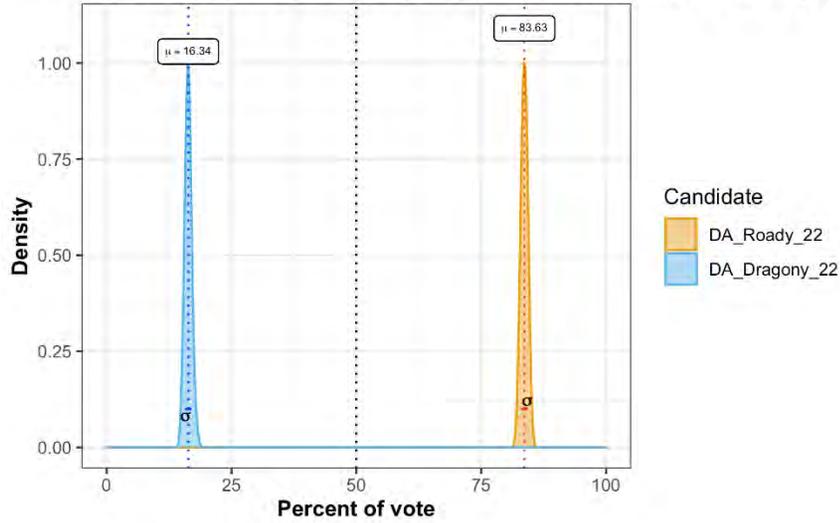
SSTO

DA_Roady_22 vs DA_Dragony_22 for SSTO_20 voters (overlap

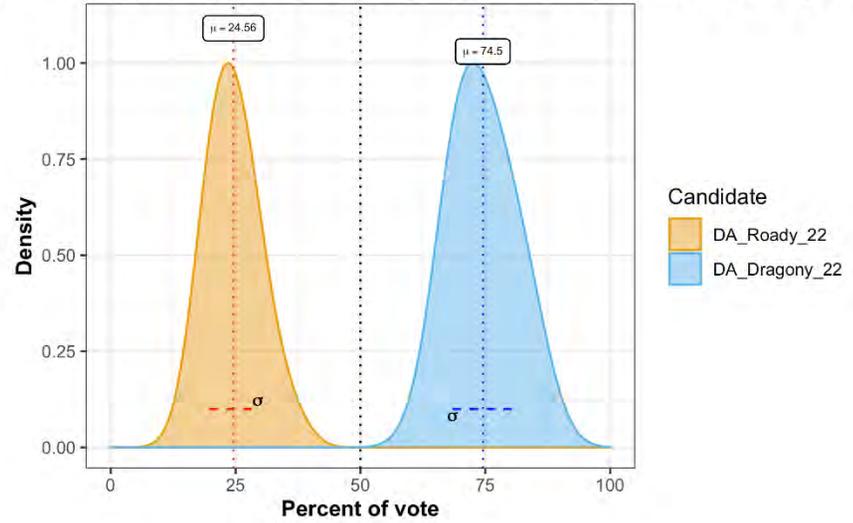


Anglo, Hispanic, and Black (Estimated Actual Vote)

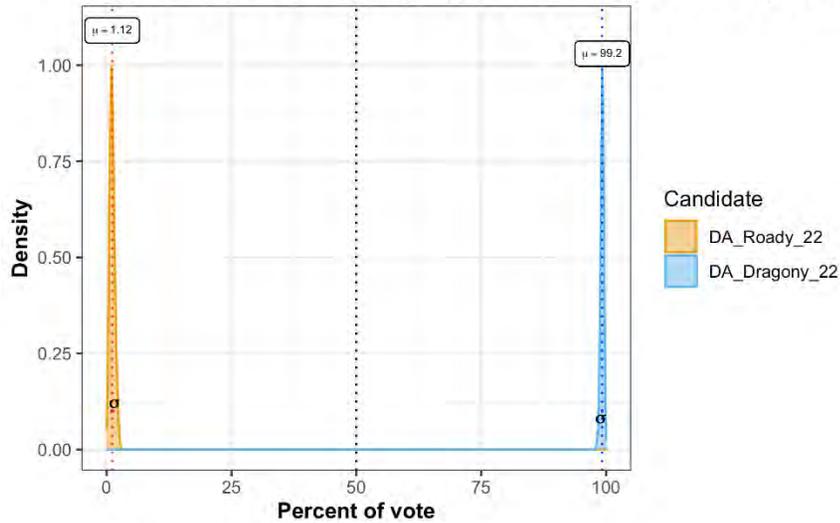
DA_Roady_22 vs DA_Dragony_22 for Wht_Vote22 voters (over



DA_Roady_22 vs DA_Dragony_22 for Hsp_Vote22 voters (over

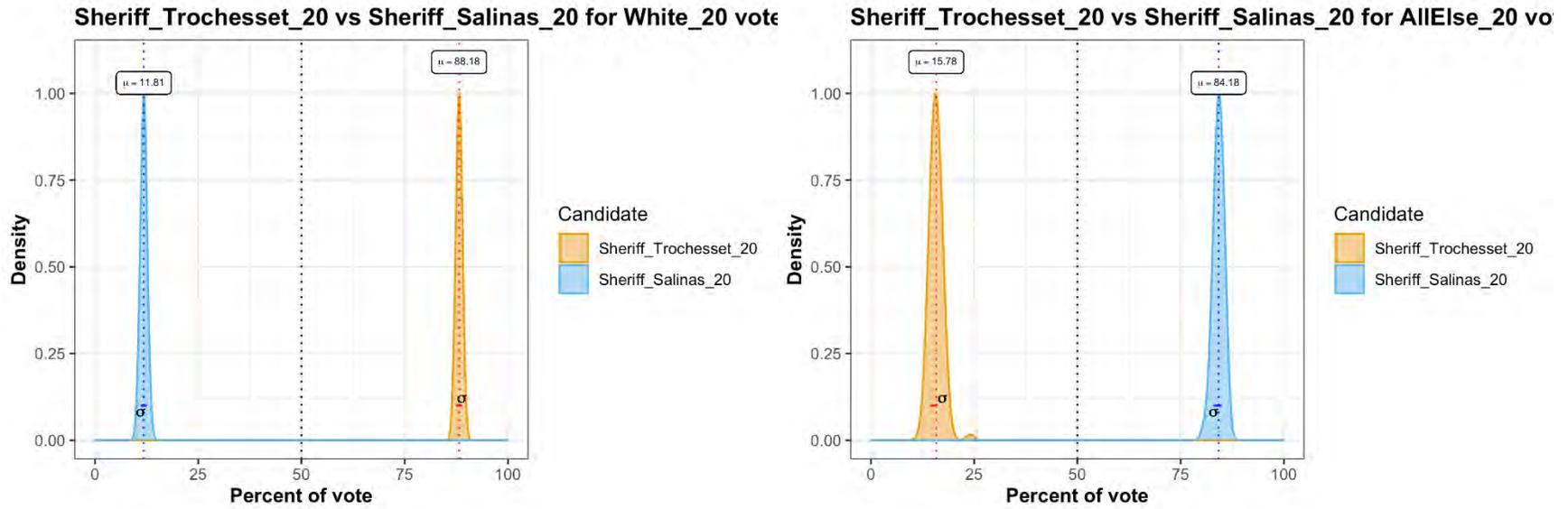


DA_Roady_22 vs DA_Dragony_22 for Black_20 voters (overlap



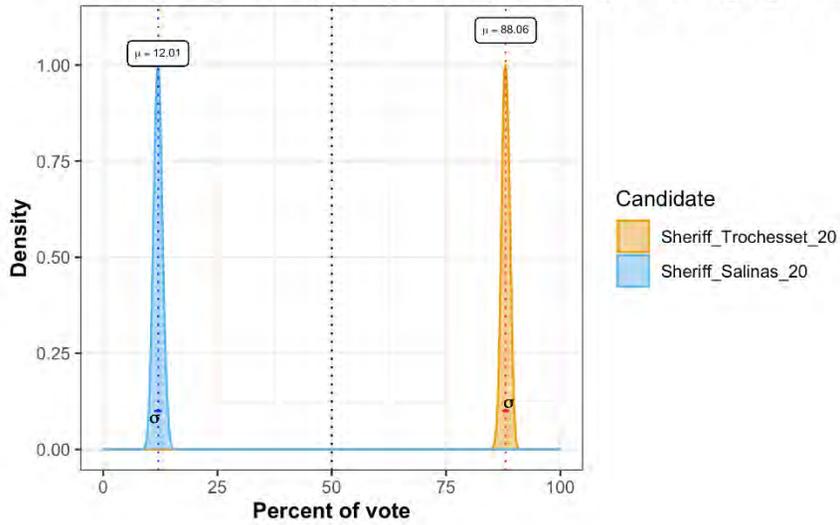
VIII. 2020 County Sheriff

Anglo and Non-Anglo (CVAP)

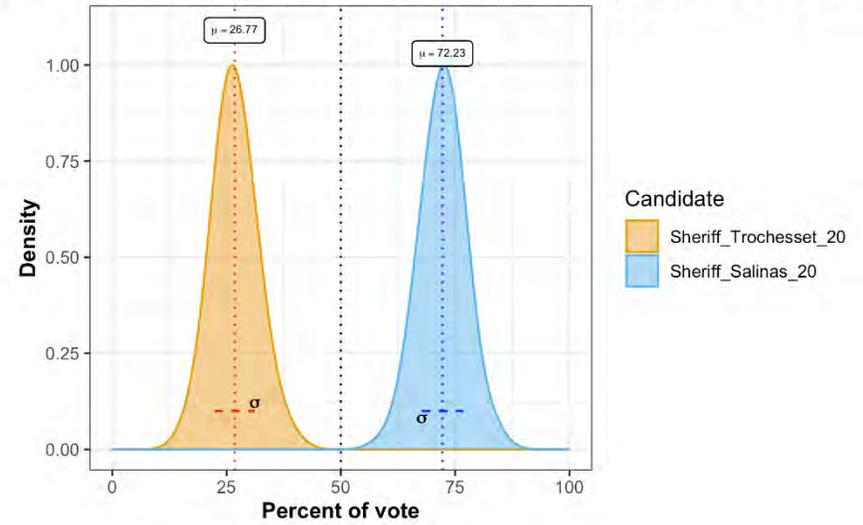


Anglo, Hispanic, and Black (CVAP)

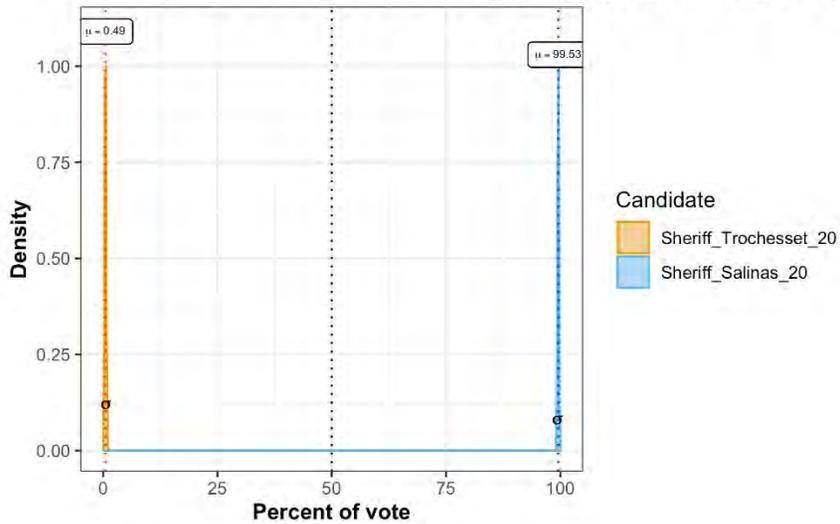
Sheriff_Trochesset_20 vs Sheriff_Salinas_20 for Anglo_20 vote



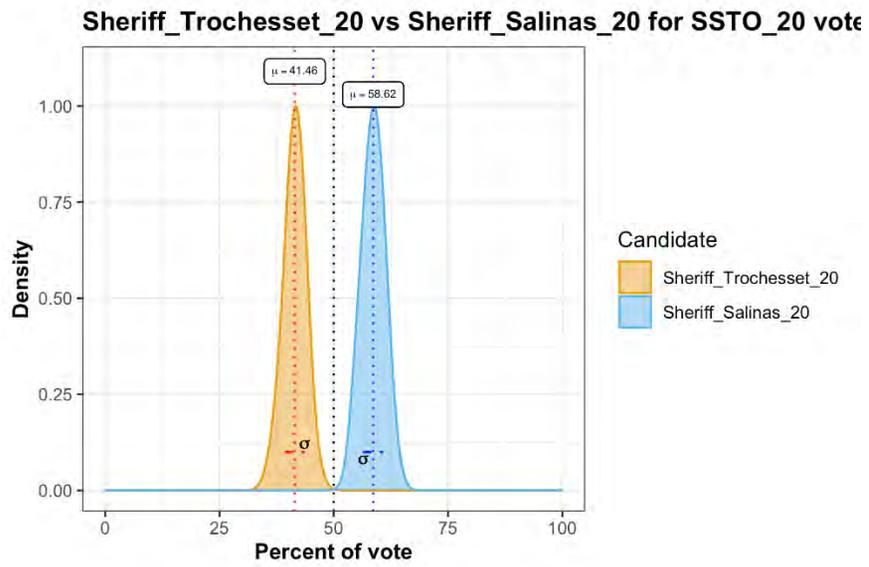
Sheriff_Trochesset_20 vs Sheriff_Salinas_20 for Hisp_20 voter



Sheriff_Trochesset_20 vs Sheriff_Salinas_20 for Black_20 vote

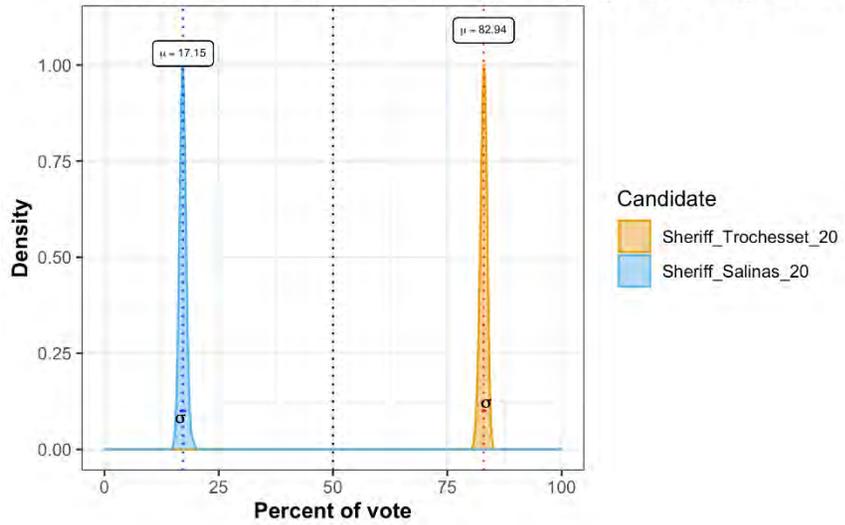


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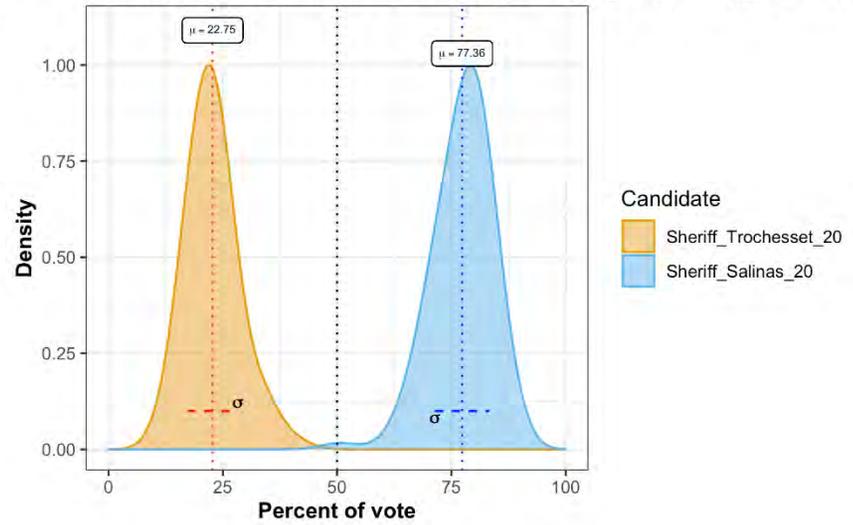


Anglo, Hispanic, and Black (Estimated Actual Vote)

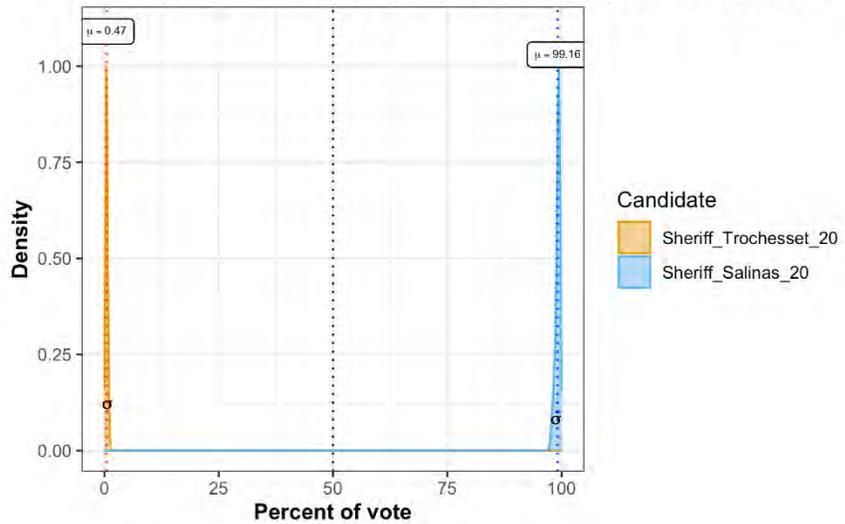
Sheriff_Trochesset_20 vs Sheriff_Salinas_20 for Wht_Vote20 v



Sheriff_Trochesset_20 vs Sheriff_Salinas_20 for Hsp_Vote20 v

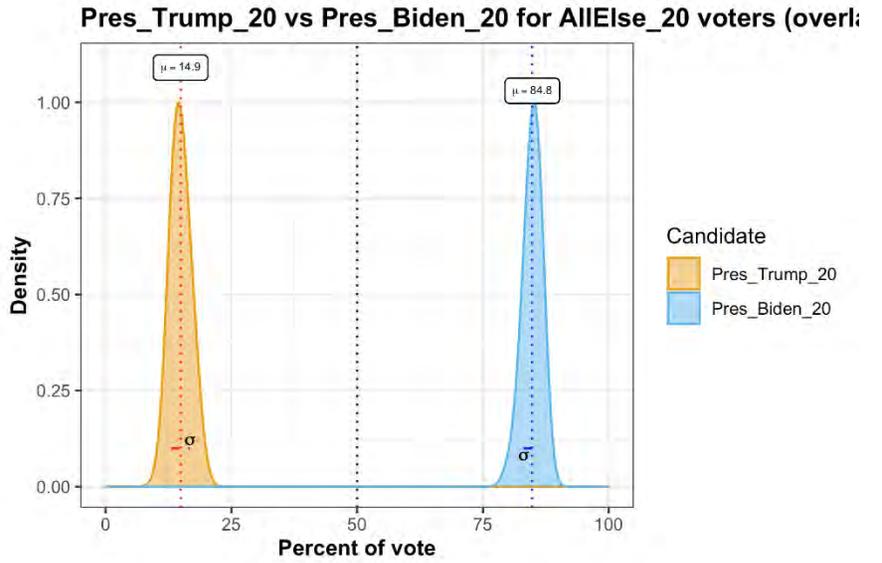
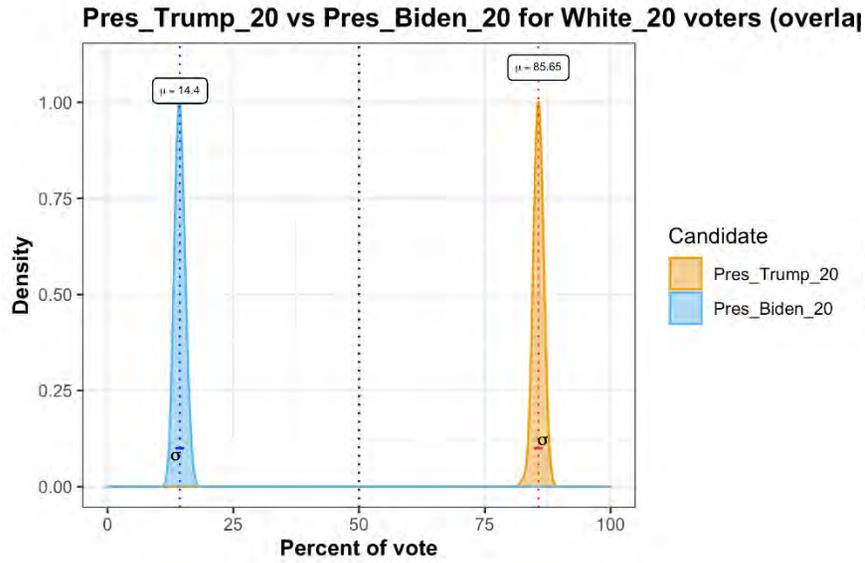


Sheriff_Trochesset_20 vs Sheriff_Salinas_20 for Blk_Vote20 v



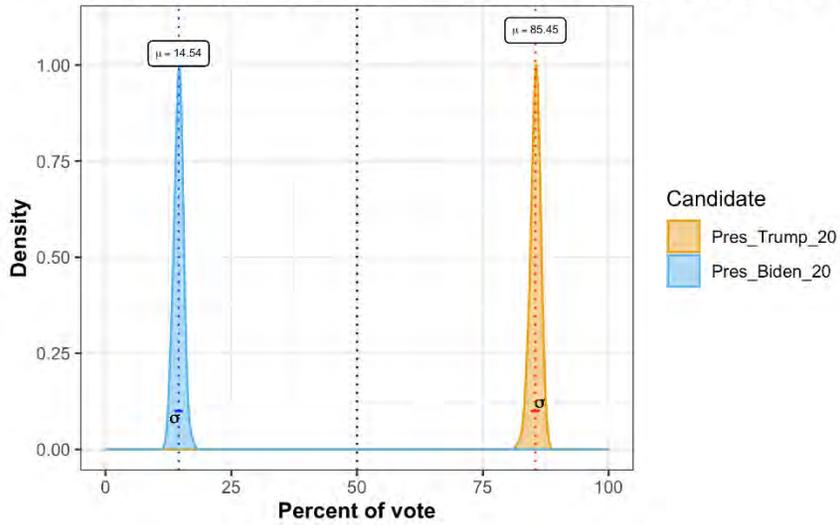
IX. 2020 President

Anglo and Non-Anglo (CVAP)

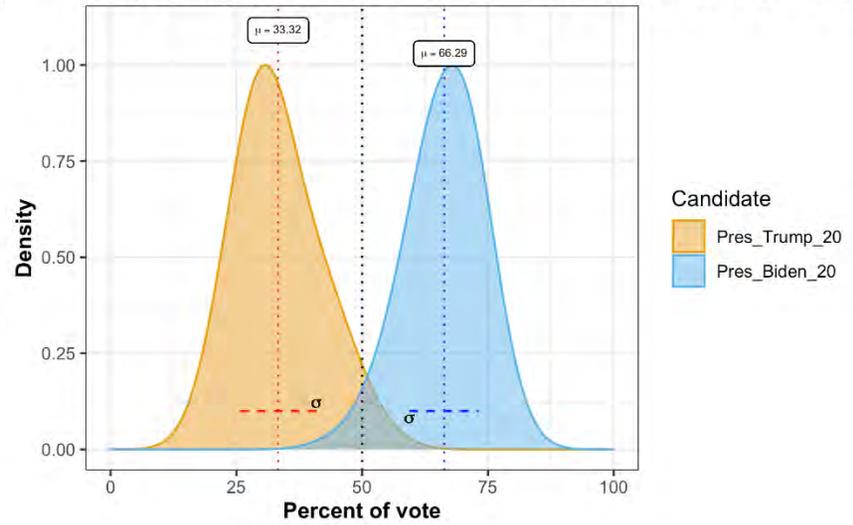


Anglo, Hispanic, and Black (CVAP)

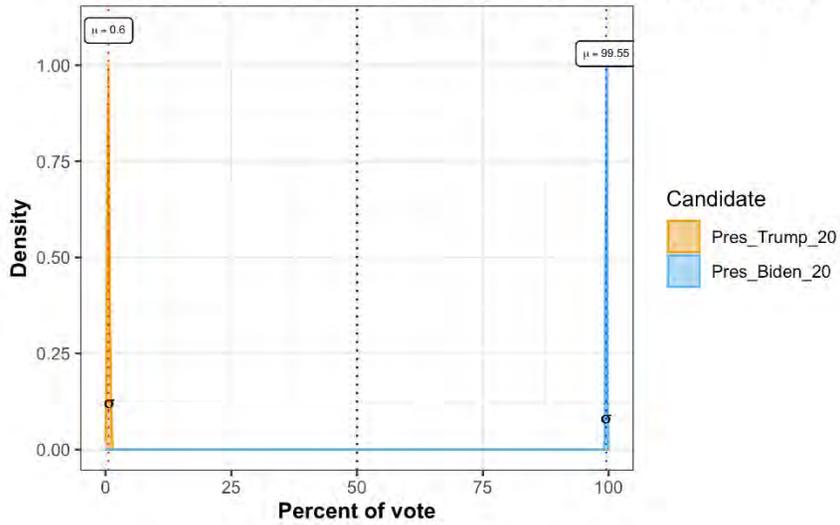
Pres_Trump_20 vs Pres_Biden_20 for Anglo_20 voters (overlap:



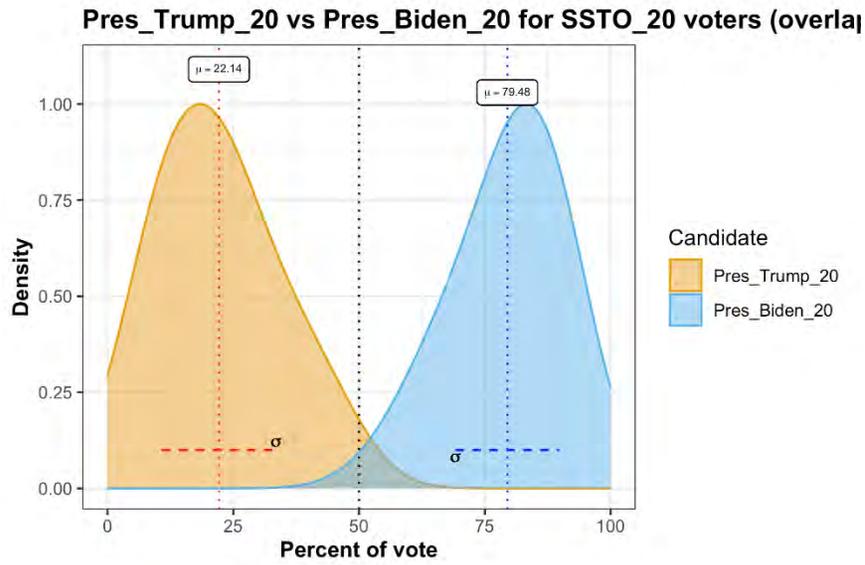
Pres_Trump_20 vs Pres_Biden_20 for Hisp_20 voters (overlap:



Pres_Trump_20 vs Pres_Biden_20 for Black_20 voters (overlap:

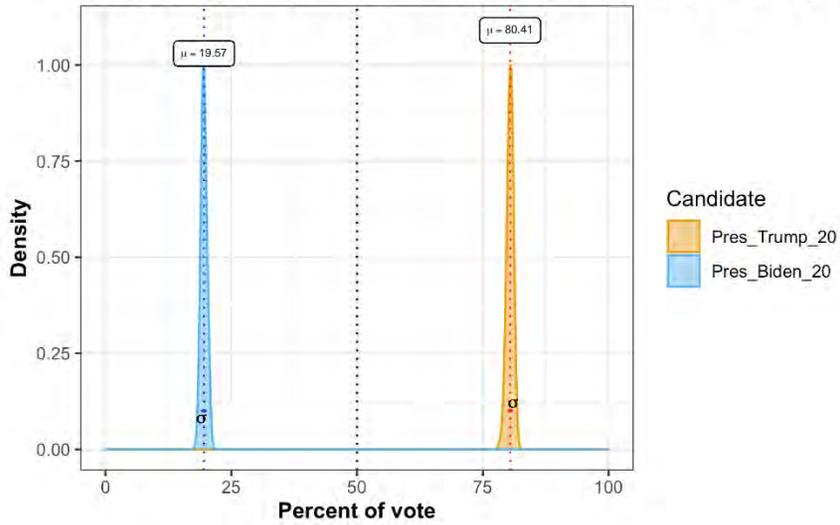


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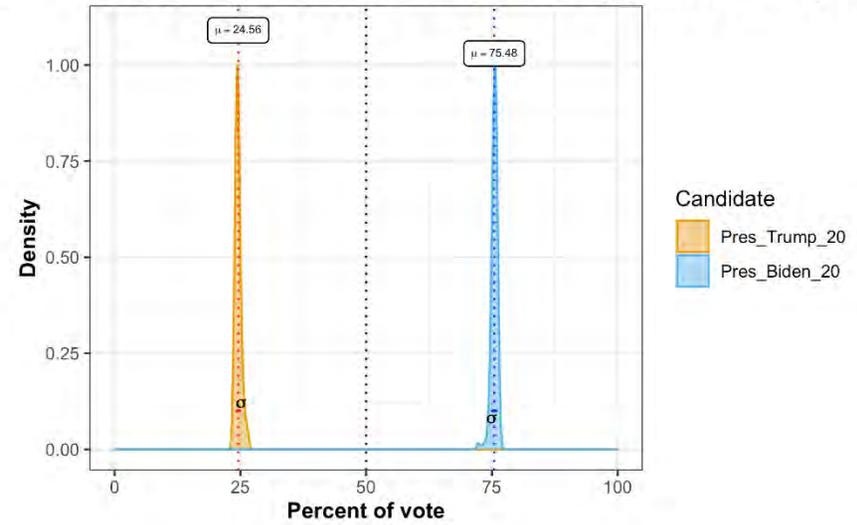


Anglo, Hispanic, and Black (Estimated Actual Vote)

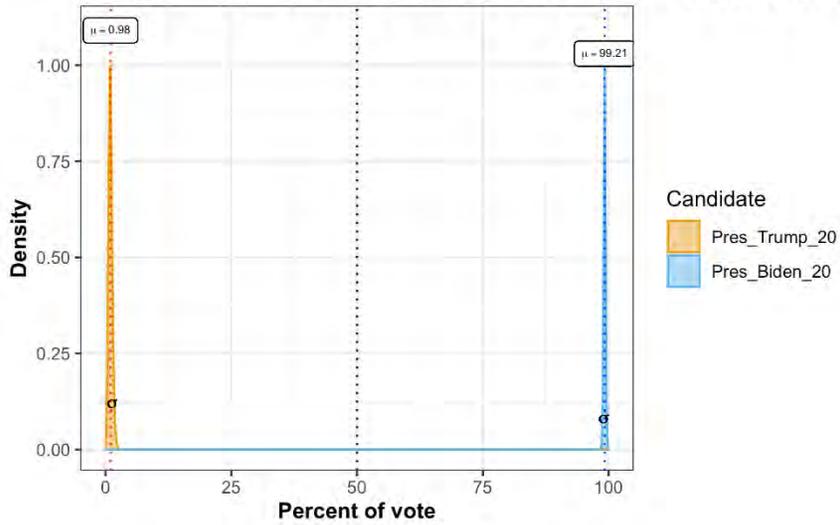
Pres_Trump_20 vs Pres_Biden_20 for Wht_Vote20 voters (over



Pres_Trump_20 vs Pres_Biden_20 for Hsp_Vote20 voters (over



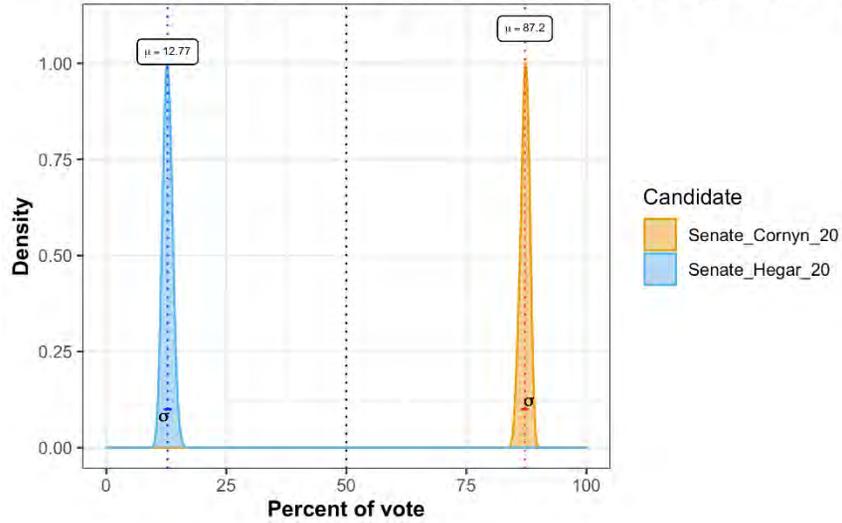
Pres_Trump_20 vs Pres_Biden_20 for Blk_Vote20 voters (over



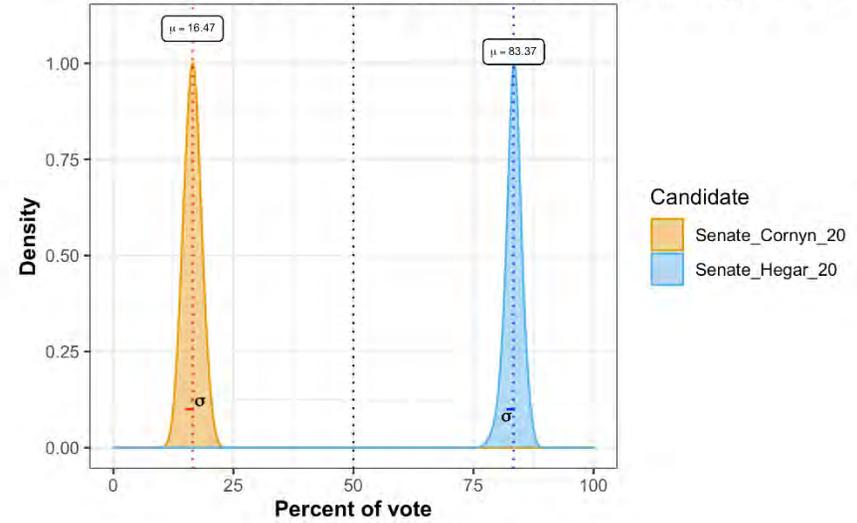
X. 2020 U.S. Senate

Anglo and Non-Anglo (CVAP)

Senate_Cornyn_20 vs Senate_Hegar_20 for White_20 voters (o

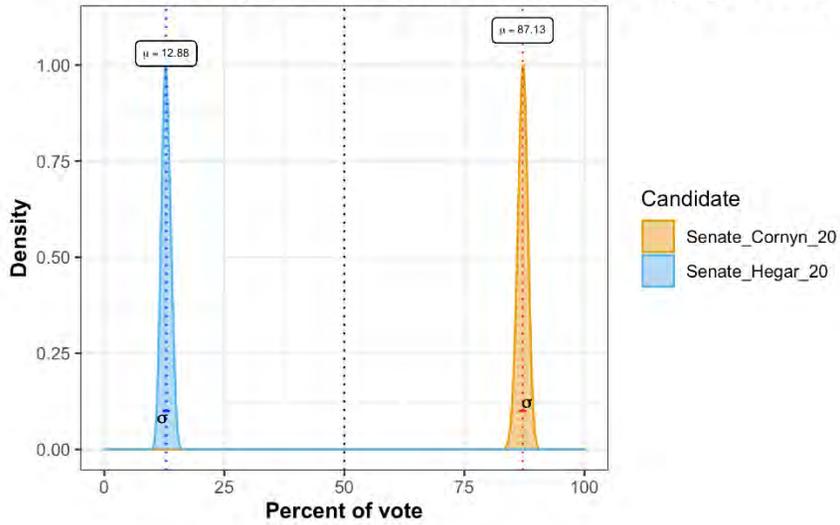


Senate_Cornyn_20 vs Senate_Hegar_20 for AllElse_20 voters (

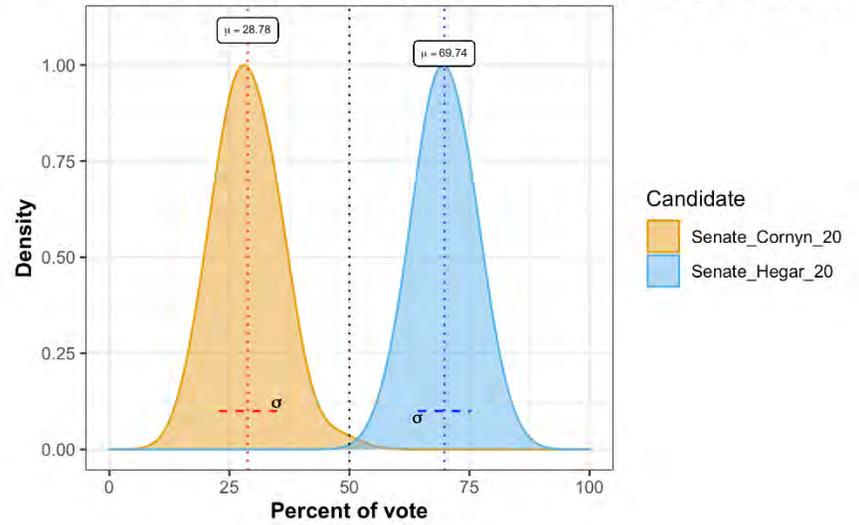


Anglo, Hispanic, and Black (CVAP)

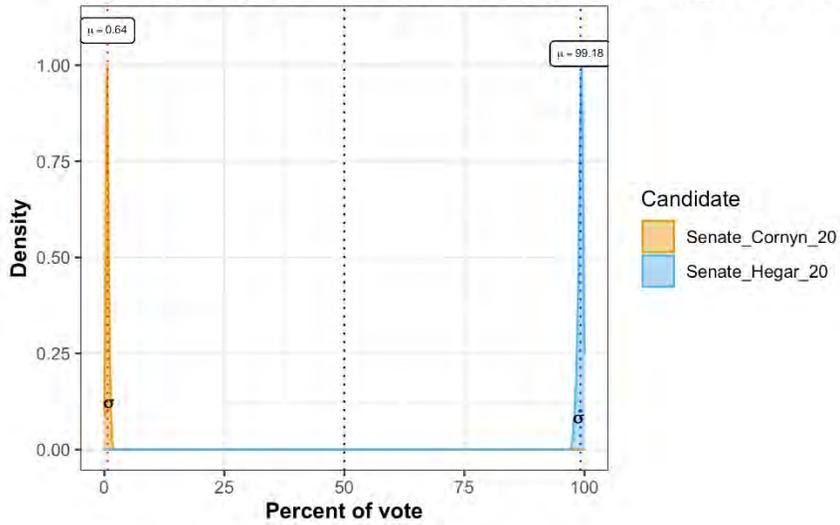
Senate_Cornyn_20 vs Senate_Hegar_20 for Anglo_20 voters (c



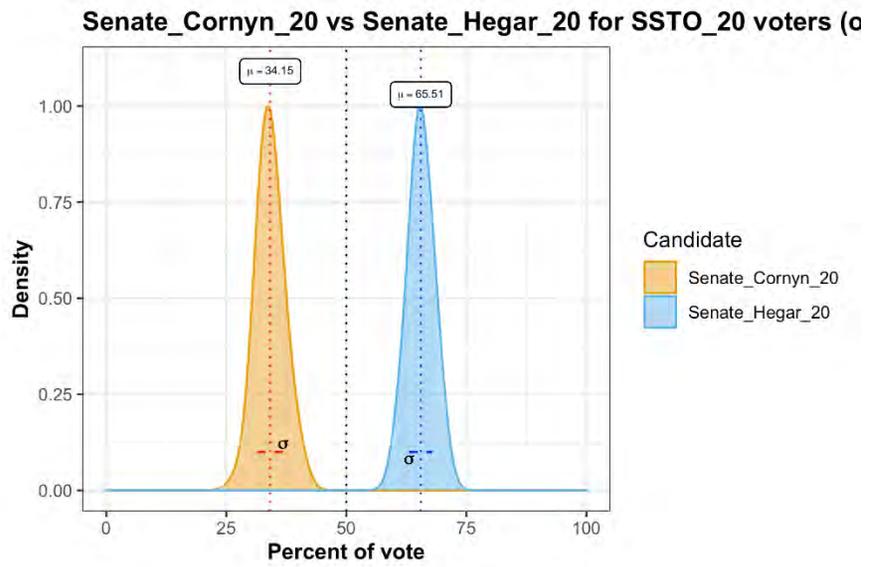
Senate_Cornyn_20 vs Senate_Hegar_20 for Hisp_20 voters (ov



Senate_Cornyn_20 vs Senate_Hegar_20 for Black_20 voters (o

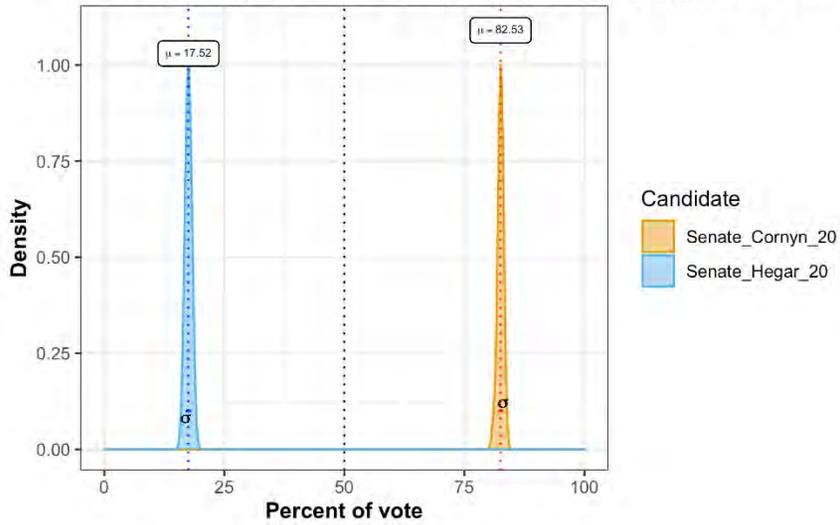


SSTO

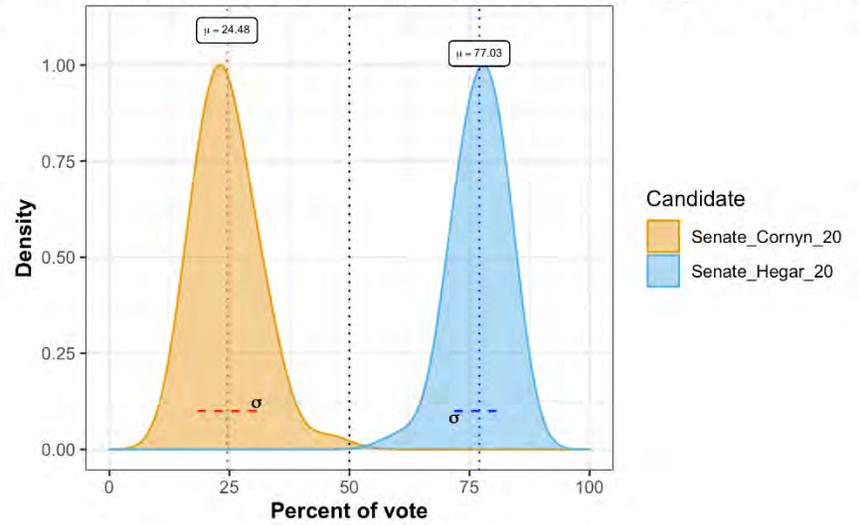


Anglo, Hispanic, and Black (Estimated Actual Vote)

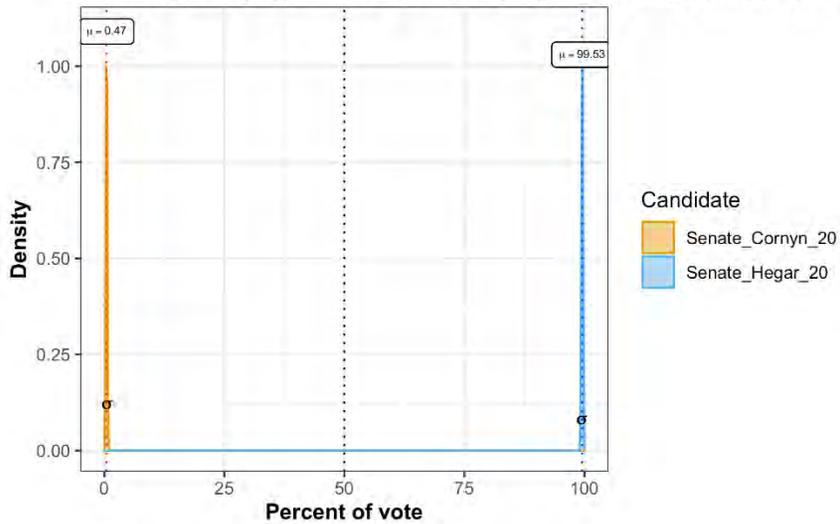
Senate_Cornyn_20 vs Senate_Hegar_20 for Wht_Vote20 voters



Senate_Cornyn_20 vs Senate_Hegar_20 for Hsp_Vote20 voters



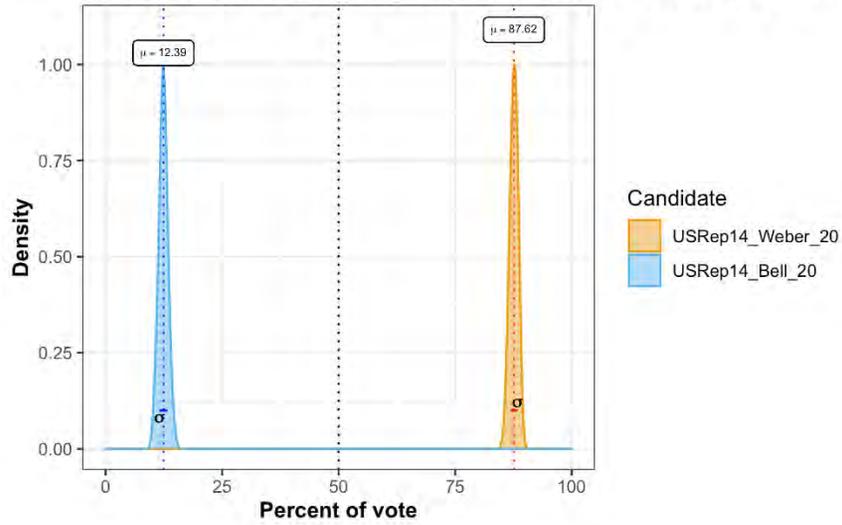
Senate_Cornyn_20 vs Senate_Hegar_20 for Blk_Vote20 voters



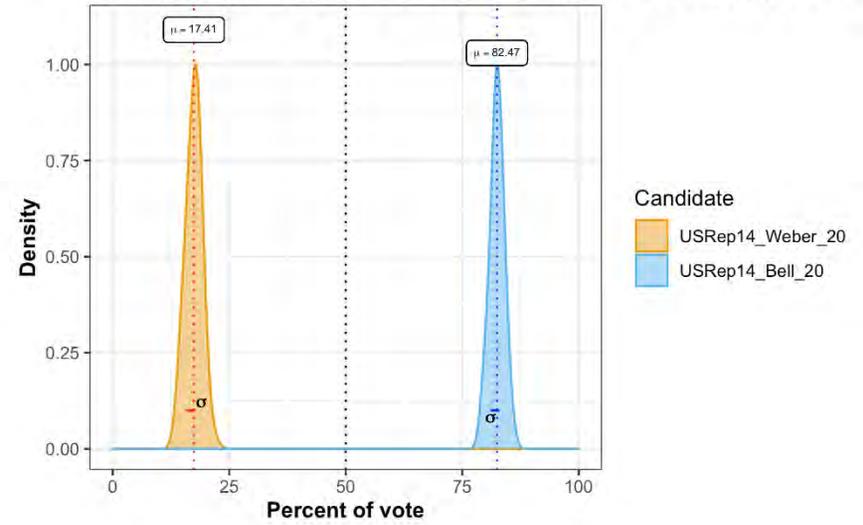
XI. 2020 U.S. House of Reps, District #14

Anglo and Non-Anglo (CVAP)

USRep14_Weber_20 vs USRep14_Bell_20 for White_20 voters

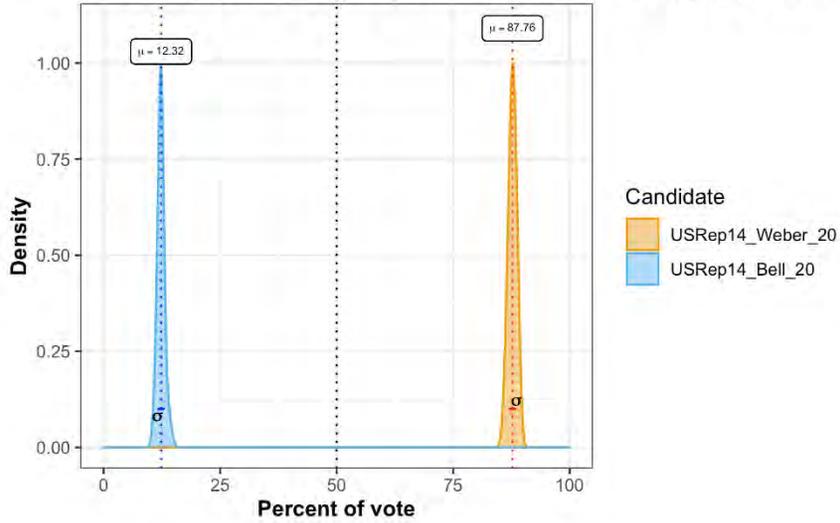


USRep14_Weber_20 vs USRep14_Bell_20 for AllElse_20 voters

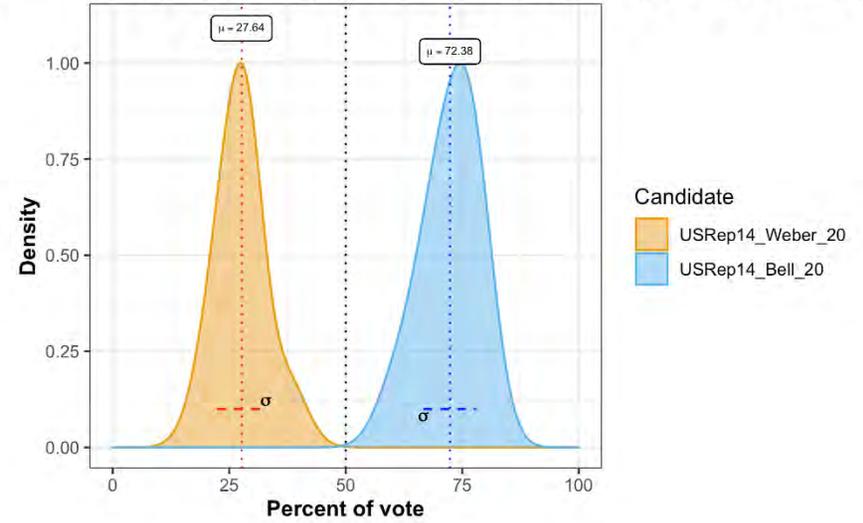


Anglo, Hispanic, and Black (CVAP)

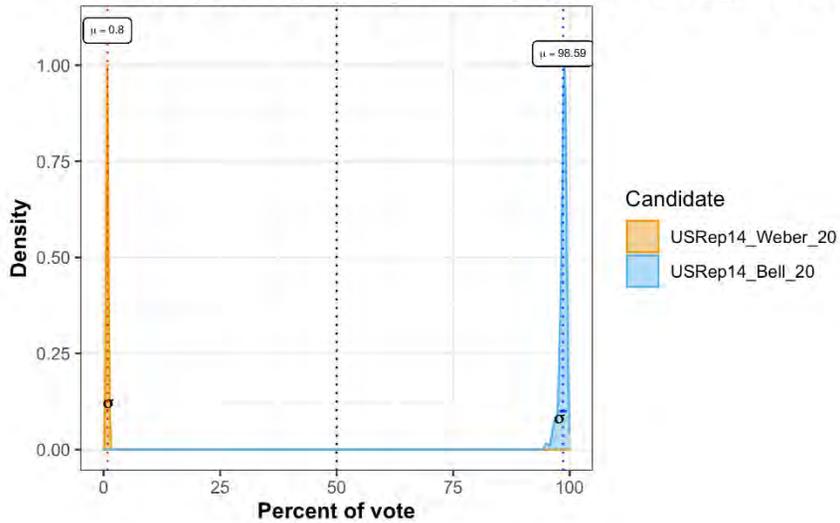
USRep14_Weber_20 vs USRep14_Bell_20 for Anglo_20 voters



USRep14_Weber_20 vs USRep14_Bell_20 for Hisp_20 voters (c

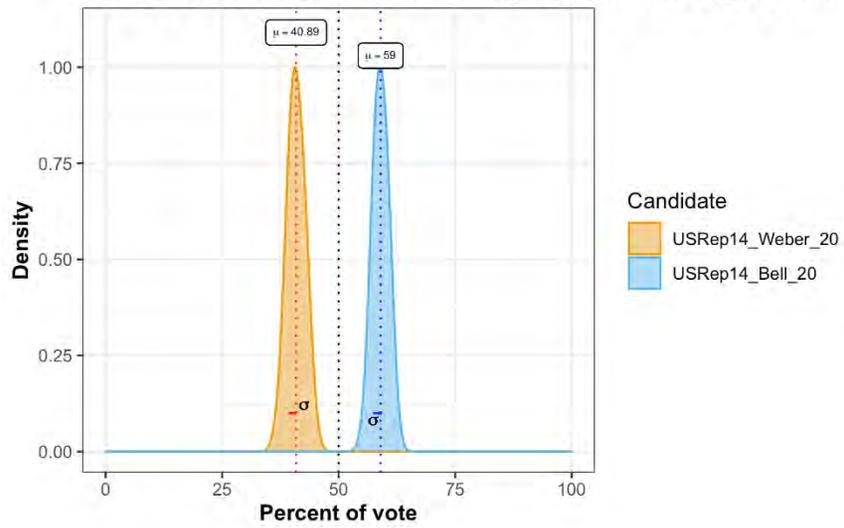


USRep14_Weber_20 vs USRep14_Bell_20 for Black_20 voters



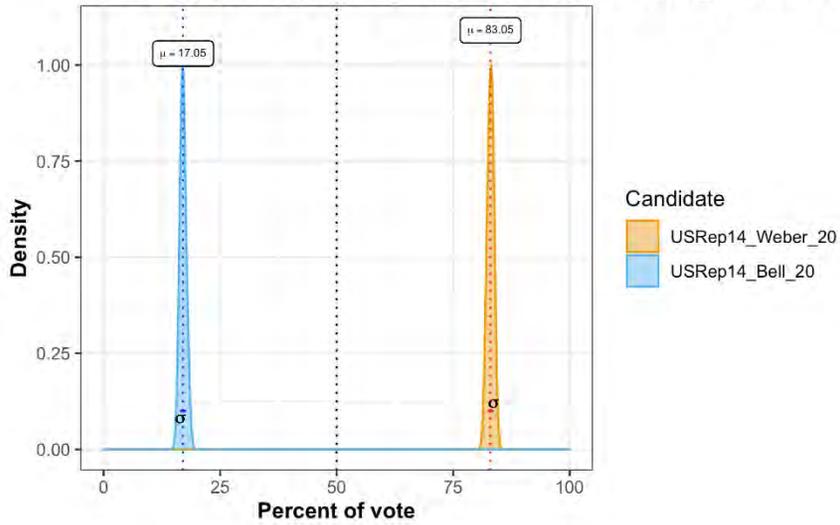
SSTO

USRep14_Weber_20 vs USRep14_Bell_20 for SSTO_20 voters

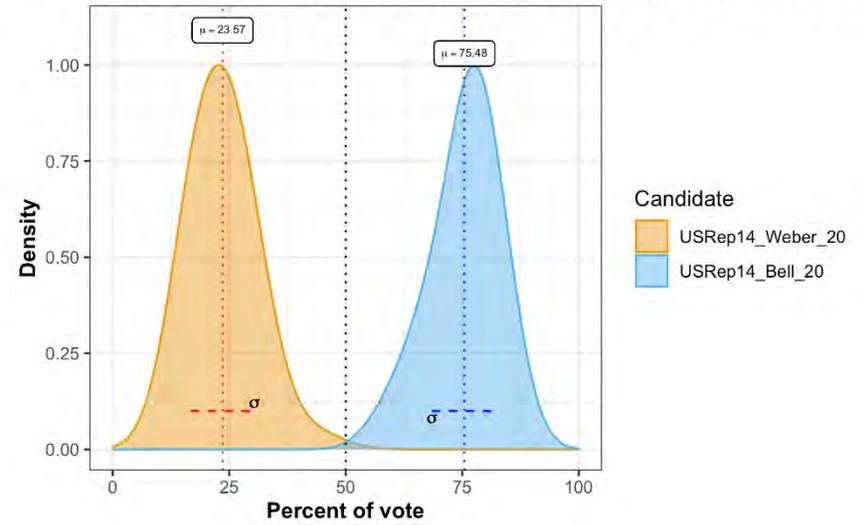


Anglo, Hispanic, and Black (Estimated Actual Vote)

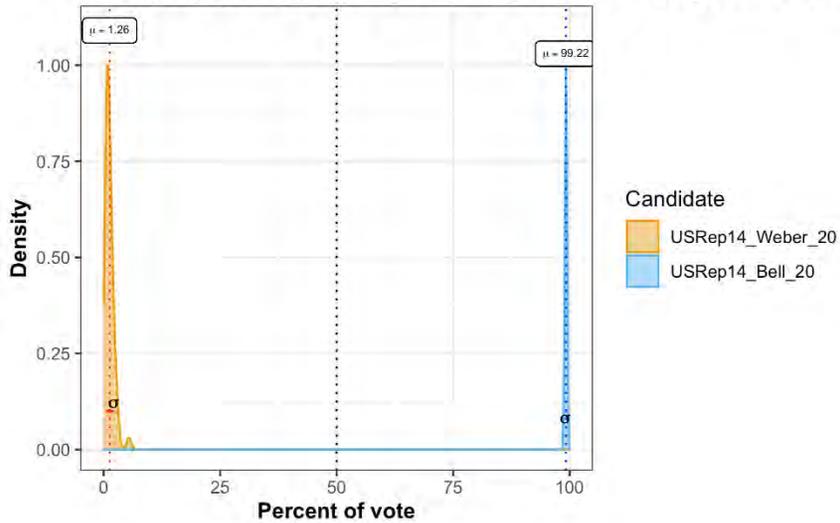
USRep14_Weber_20 vs USRep14_Bell_20 for Wht_Vote20 vote



USRep14_Weber_20 vs USRep14_Bell_20 for Hsp_Vote20 vote

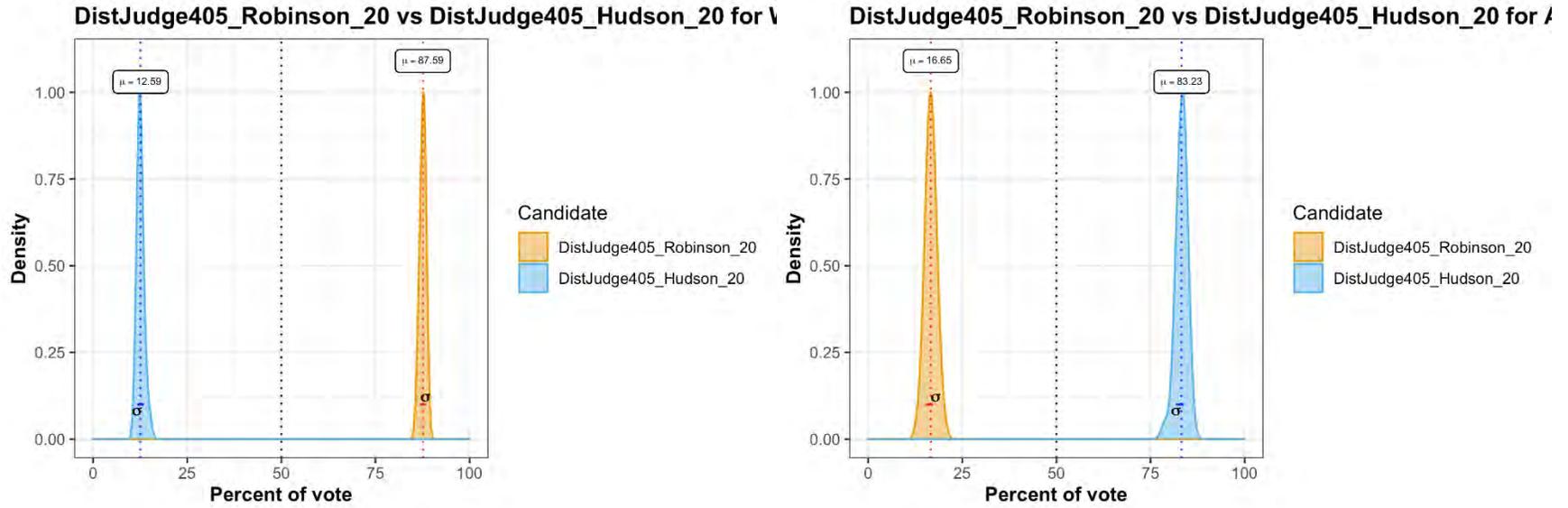


USRep14_Weber_20 vs USRep14_Bell_20 for Blk_Vote20 voter



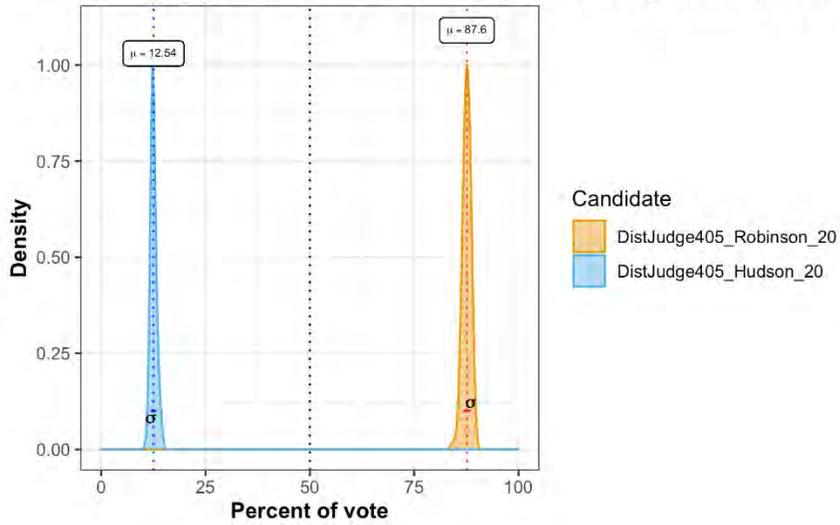
XII. 2020 District 405 Judge

Anglo and Non-Anglo (CVAP)

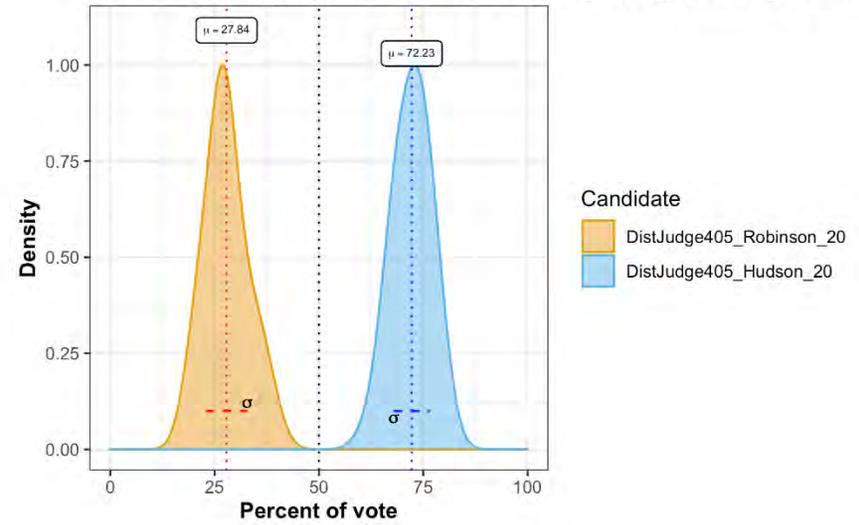


Anglo, Hispanic, and Black (CVAP)

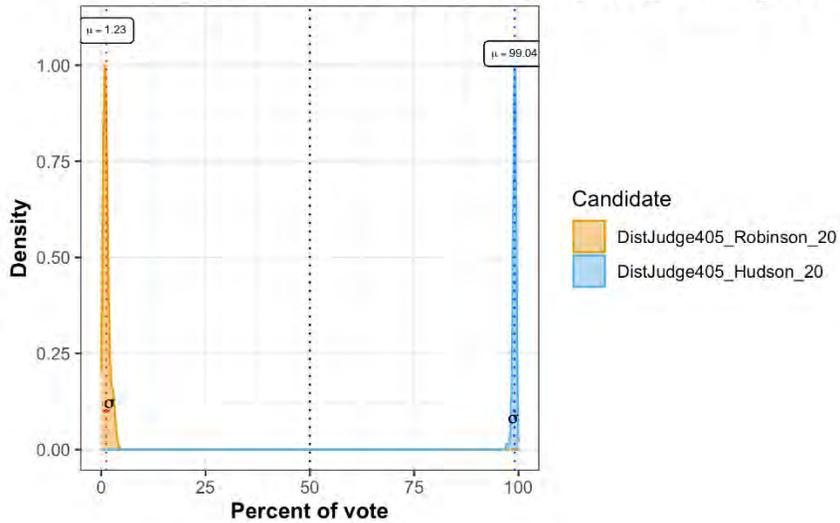
DistJudge405_Robinson_20 vs DistJudge405_Hudson_20 for I



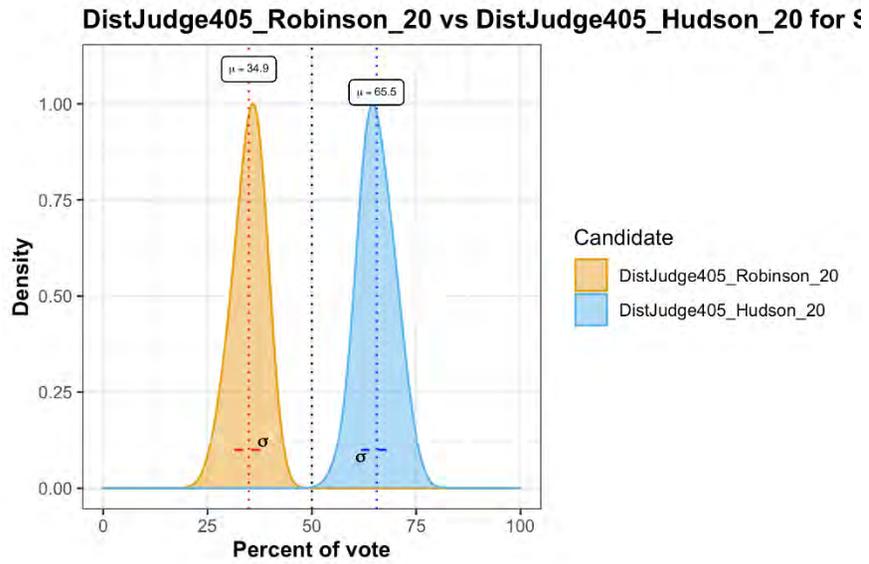
DistJudge405_Robinson_20 vs DistJudge405_Hudson_20 for H



DistJudge405_Robinson_20 vs DistJudge405_Hudson_20 for B

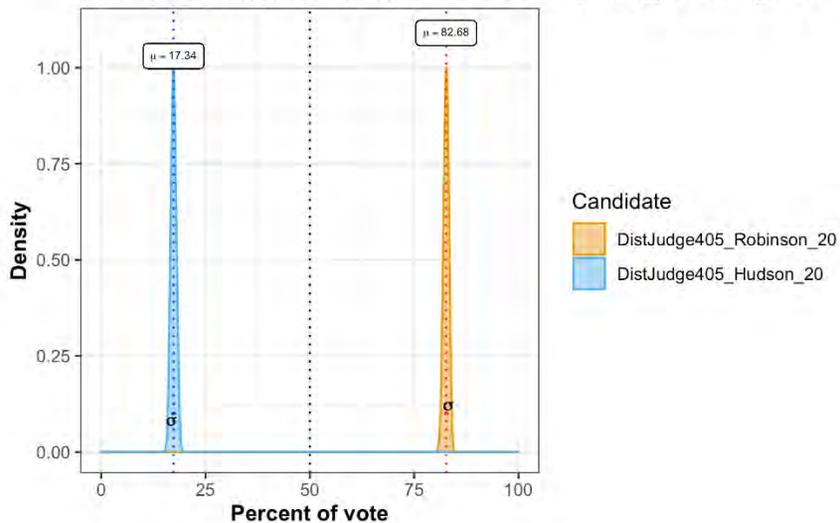


SSTO

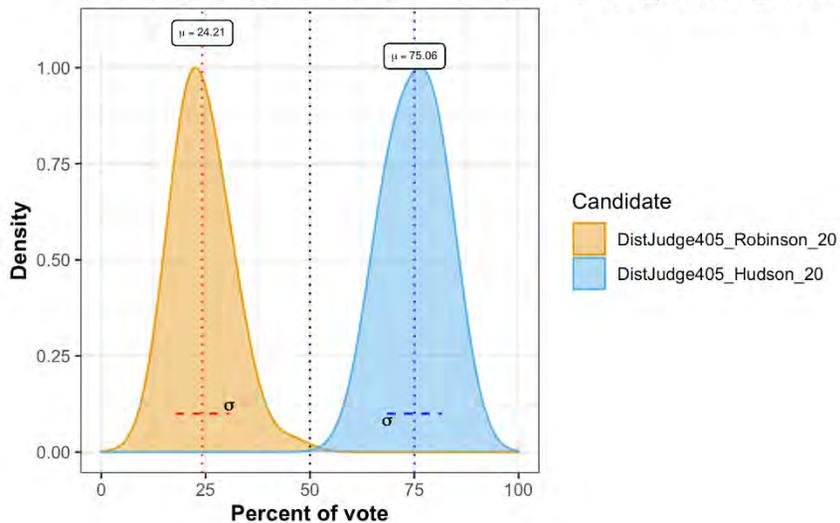


Anglo, Hispanic, and Black (Estimated Actual Vote)

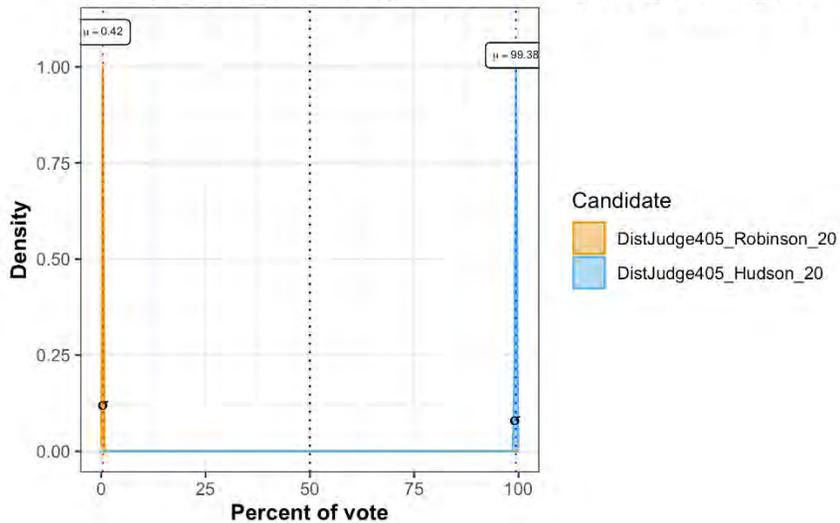
DistJudge405_Robinson_20 vs DistJudge405_Hudson_20 for v



DistJudge405_Robinson_20 vs DistJudge405_Hudson_20 for t

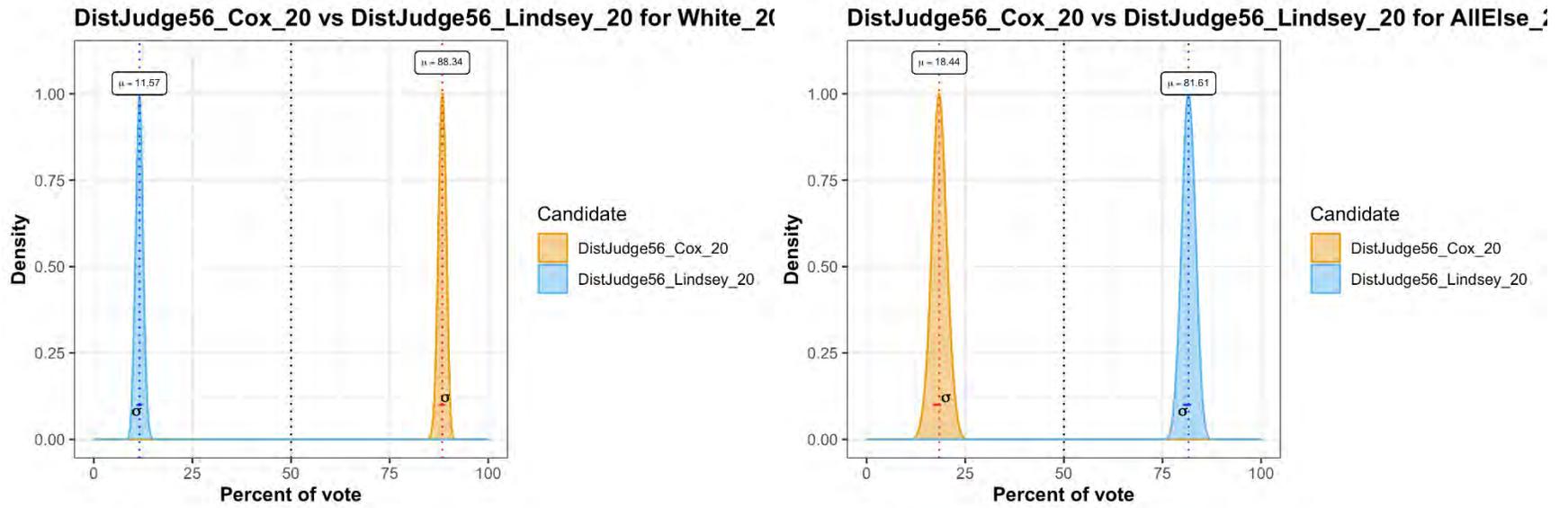


DistJudge405_Robinson_20 vs DistJudge405_Hudson_20 for e



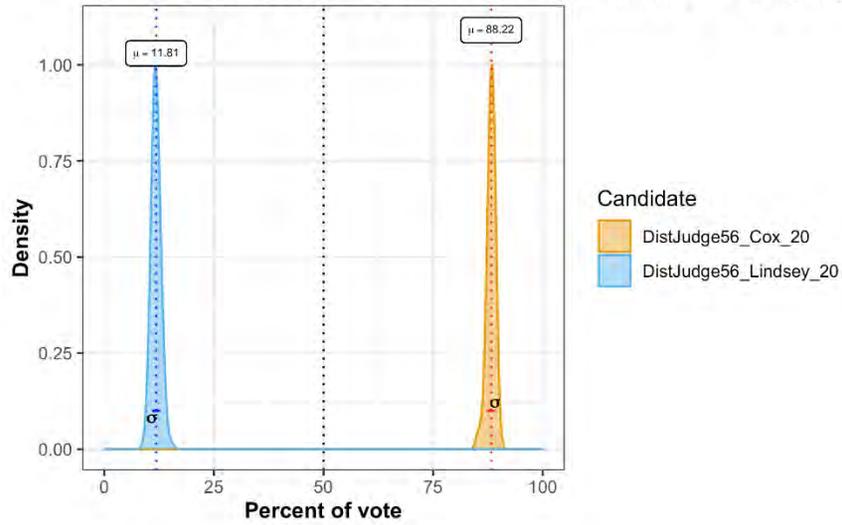
XIII. 2020 District 56 Judge

Anglo and Non-Anglo (CVAP)

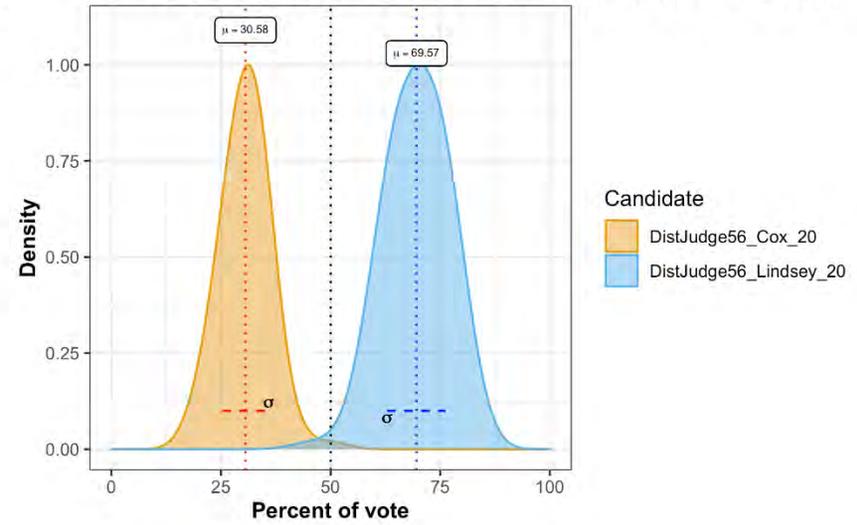


Anglo, Hispanic, and Black (CVAP)

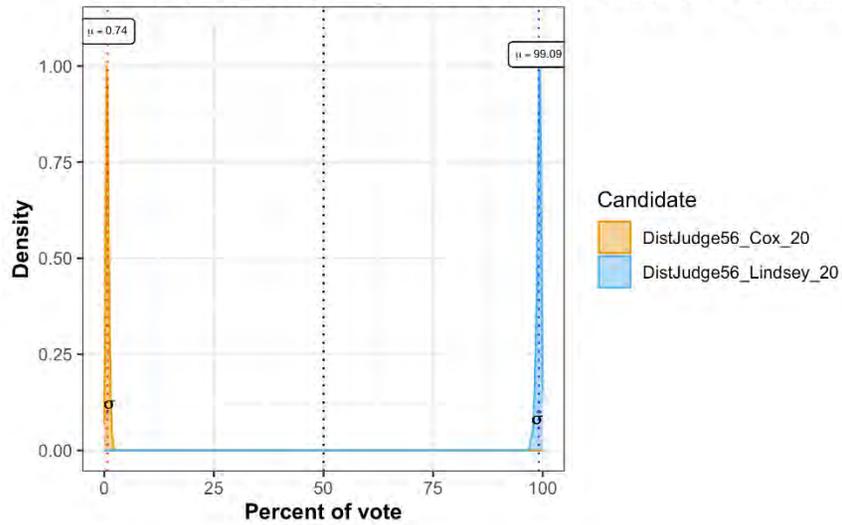
DistJudge56_Cox_20 vs DistJudge56_Lindsey_20 for Anglo_21



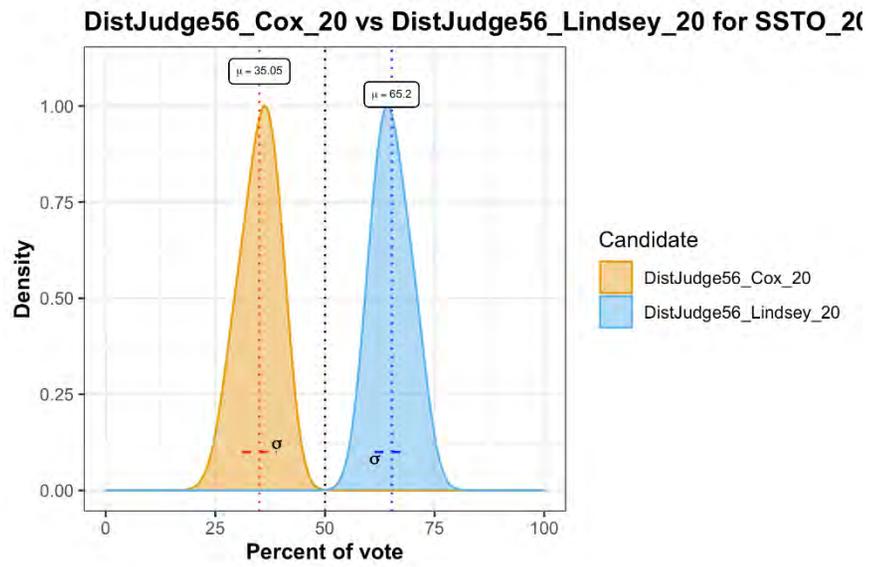
DistJudge56_Cox_20 vs DistJudge56_Lindsey_20 for Hisp_20



DistJudge56_Cox_20 vs DistJudge56_Lindsey_20 for Black_20

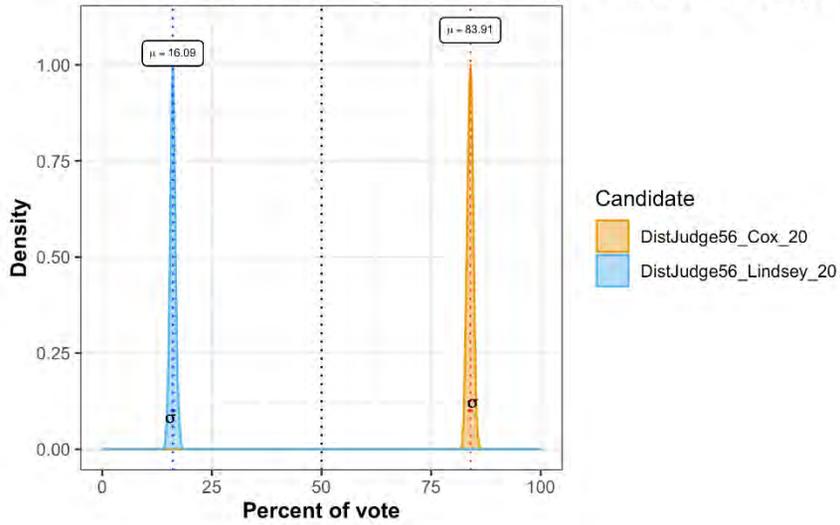


SSTO

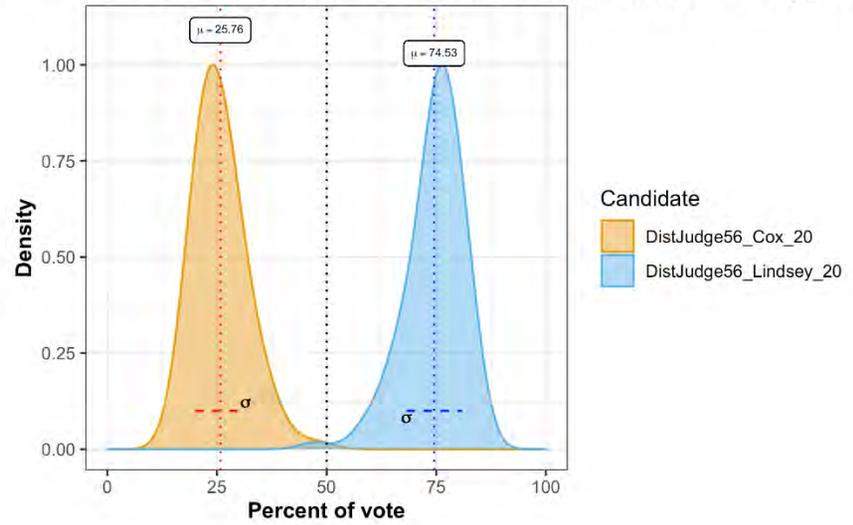


Anglo, Hispanic, and Black (Estimated Actual Vote)

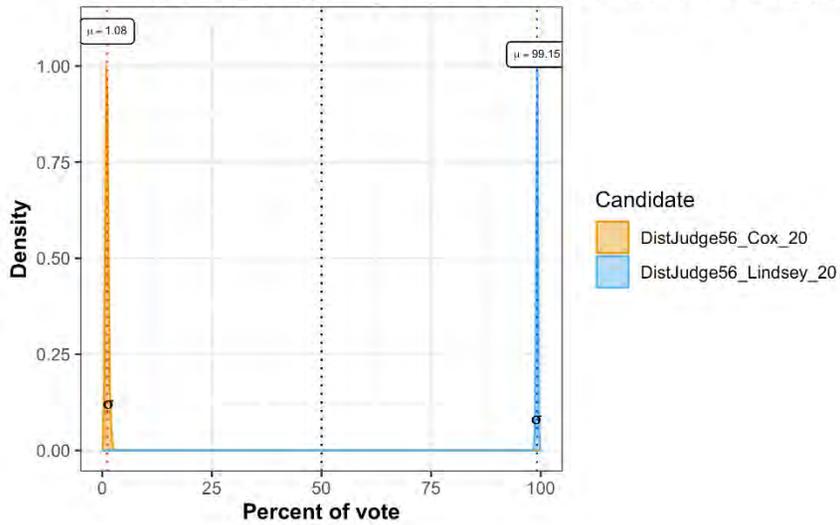
DistJudge56_Cox_20 vs DistJudge56_Lindsey_20 for Wht_Vot



DistJudge56_Cox_20 vs DistJudge56_Lindsey_20 for Hsp_Vot



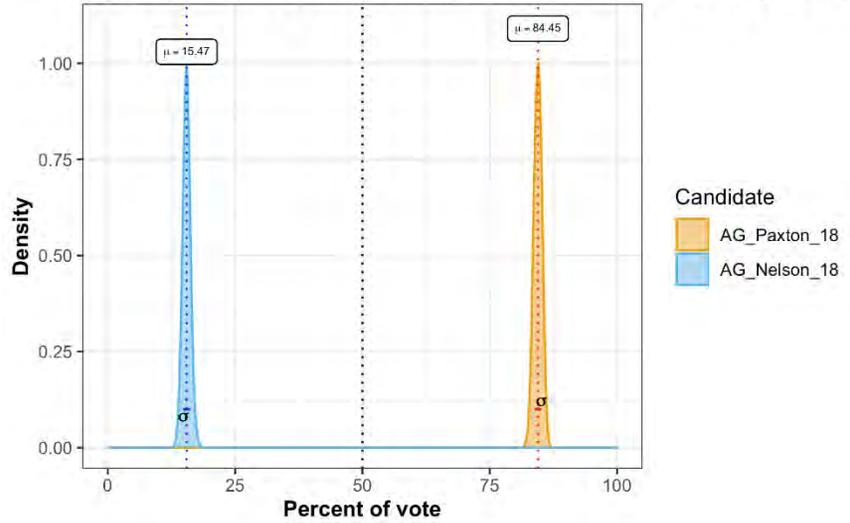
DistJudge56_Cox_20 vs DistJudge56_Lindsey_20 for Blk_Vot



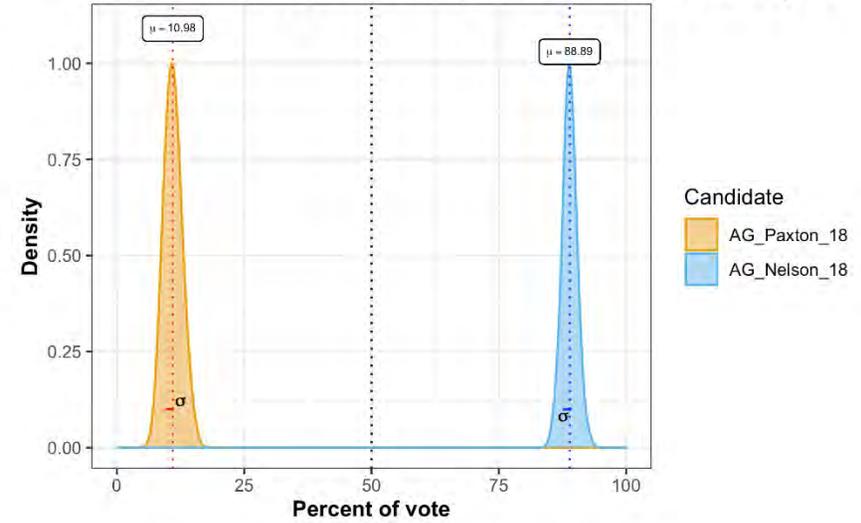
XIV. 2018 Attorney General

Anglo and Non-Anglo (CVAP)

AG_Paxton_18 vs AG_Nelson_18 for White_19 voters (overlap:

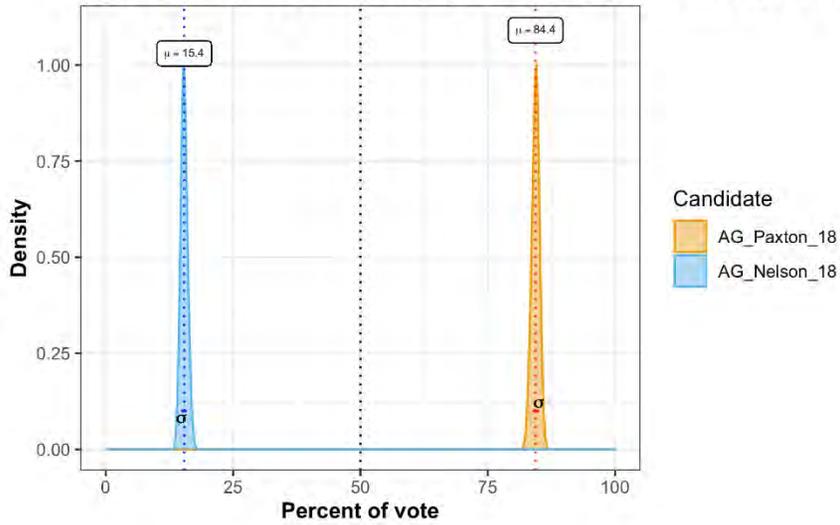


AG_Paxton_18 vs AG_Nelson_18 for AllElse_19 voters (overla

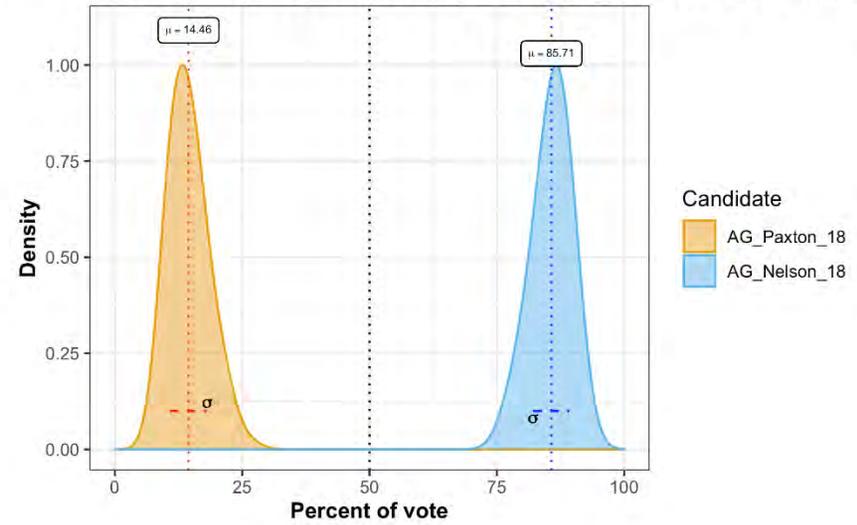


Anglo, Hispanic, and Black (CVAP)

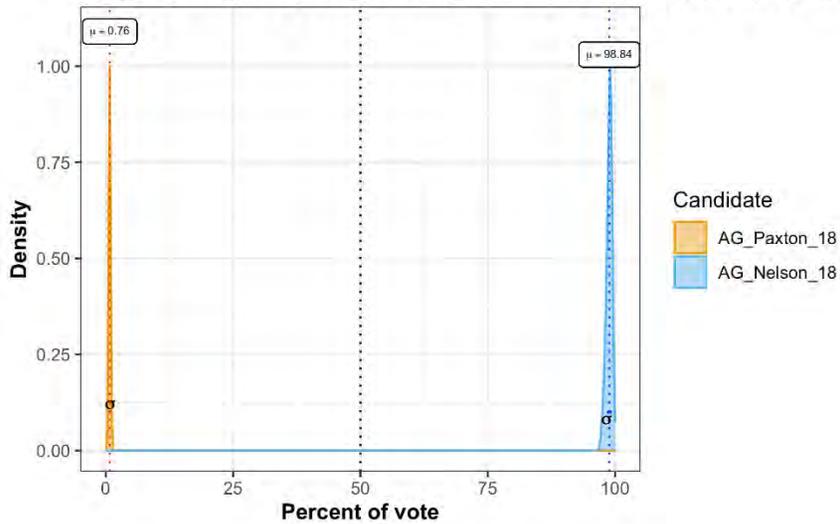
AG_Paxton_18 vs AG_Nelson_18 for Anglo_19 voters (overlap: 0%)



AG_Paxton_18 vs AG_Nelson_18 for Hisp_19 voters (overlap: 0%)

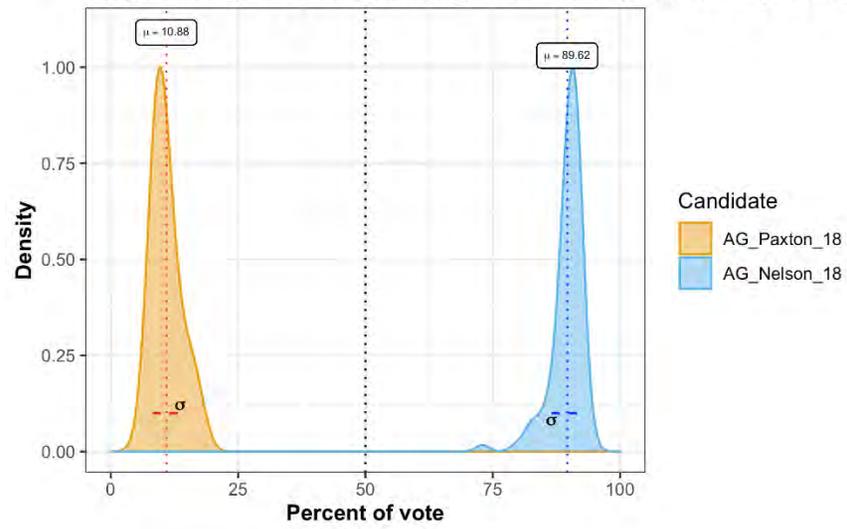


AG_Paxton_18 vs AG_Nelson_18 for Black_19 voters (overlap: 0%)



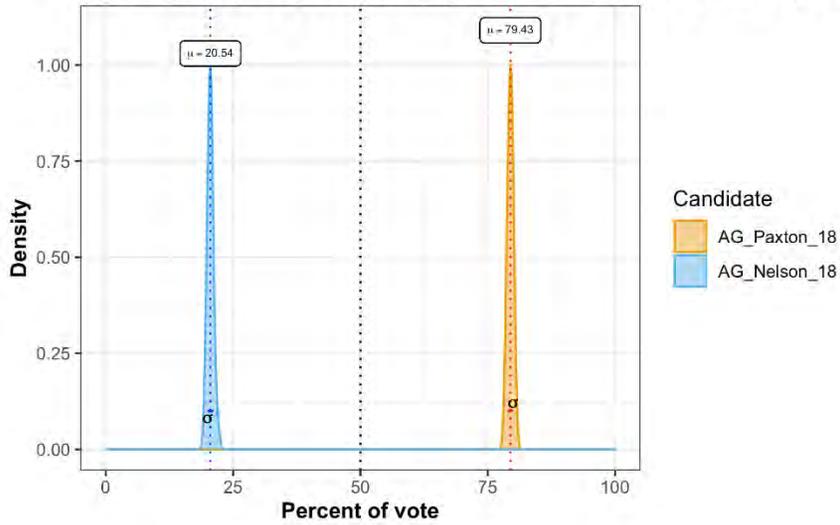
SSTO

AG_Paxton_18 vs AG_Nelson_18 for SSTO_18 voters (overlap:

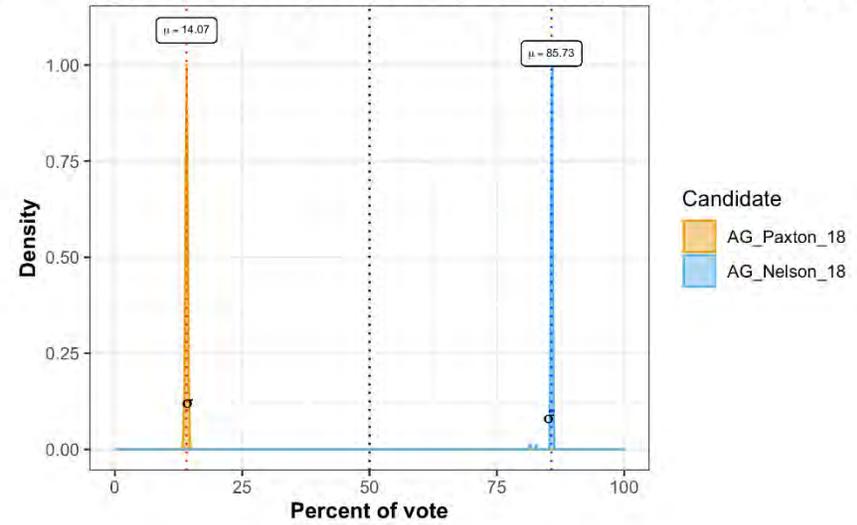


Anglo, Hispanic, and Black (Estimated Actual Vote)

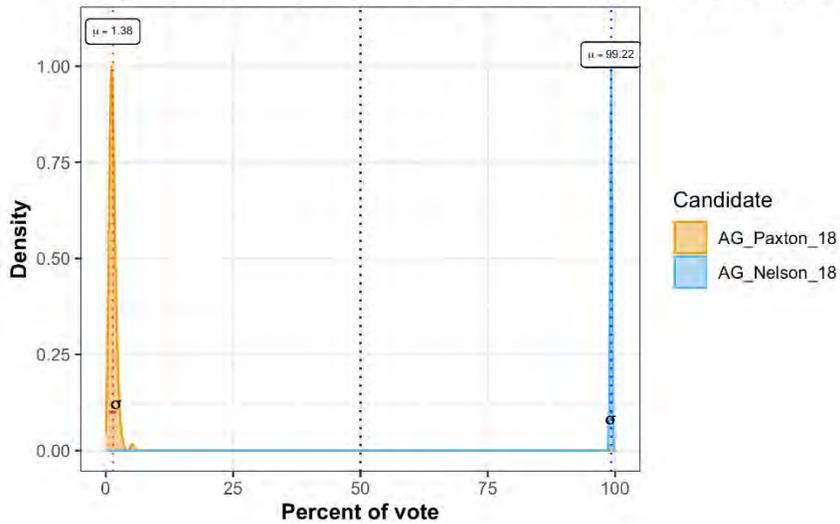
AG_Paxton_18 vs AG_Nelson_18 for Wht_Vote18 voters (overl



AG_Paxton_18 vs AG_Nelson_18 for Hsp_Vote18 voters (overl



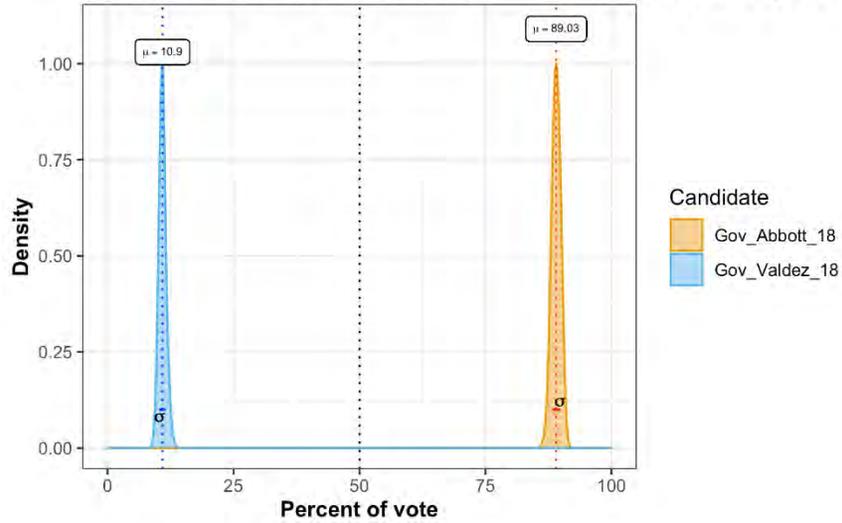
AG_Paxton_18 vs AG_Nelson_18 for Blk_Vote18 voters (overl



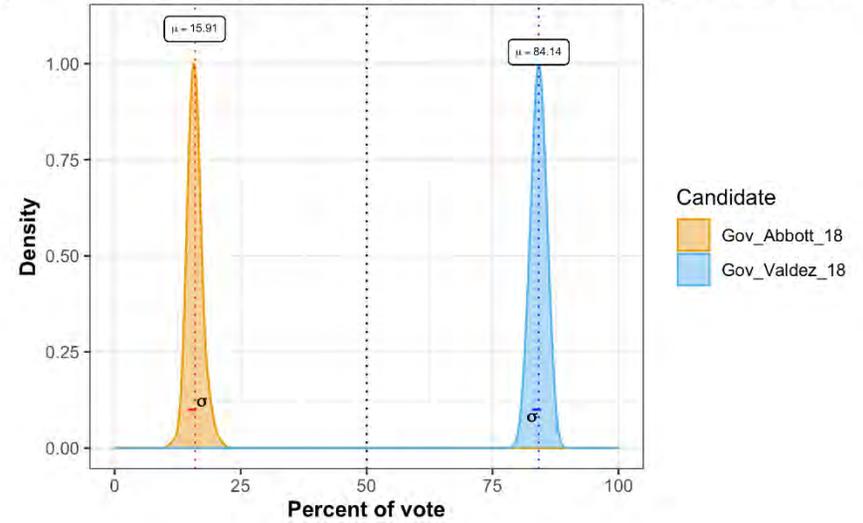
XV. 2018 Governor

Anglo and Non-Anglo (CVAP)

Gov_Abbott_18 vs Gov_Valdez_18 for White_19 voters (overlaid)

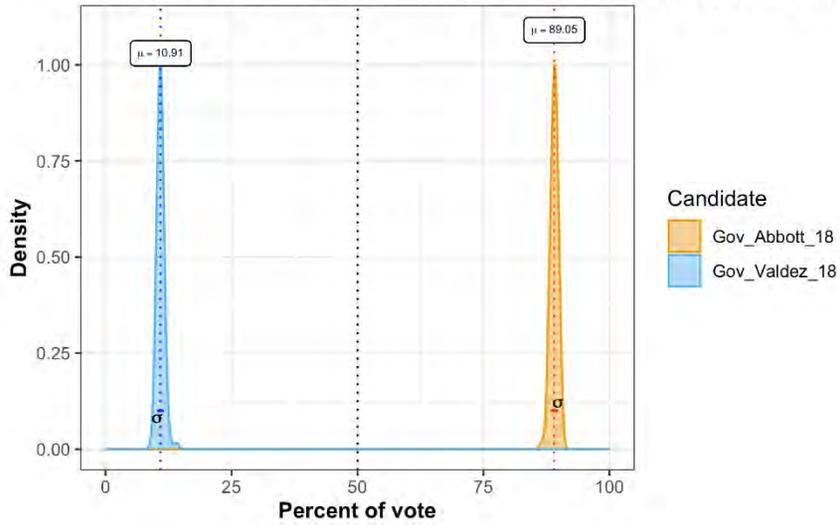


Gov_Abbott_18 vs Gov_Valdez_18 for AllElse_19 voters (overlaid)

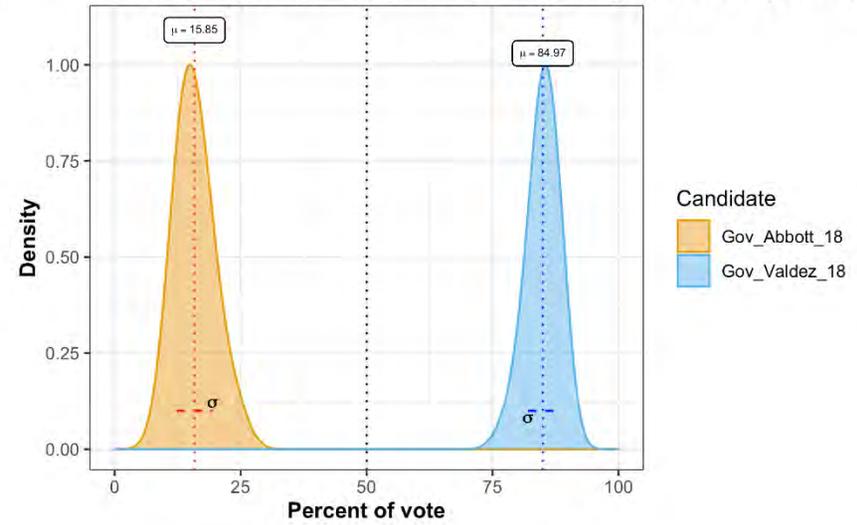


Anglo, Hispanic, and Black (CVAP)

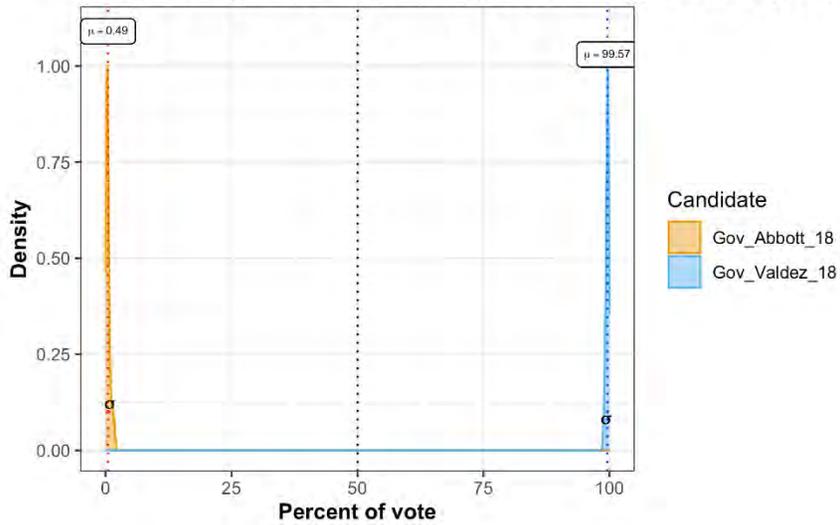
Gov_Abbott_18 vs Gov_Valdez_18 for Anglo_19 voters (overlap)



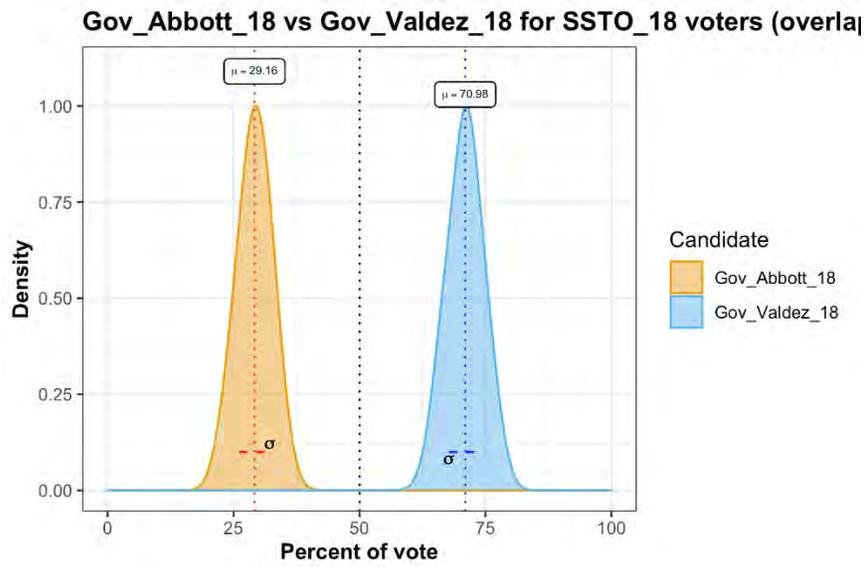
Gov_Abbott_18 vs Gov_Valdez_18 for Hisp_19 voters (overlap)



Gov_Abbott_18 vs Gov_Valdez_18 for Black_19 voters (overlap)

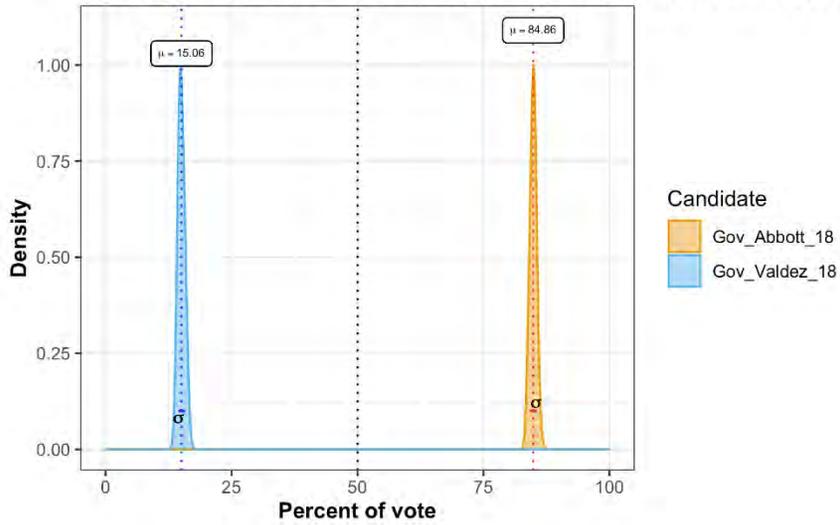


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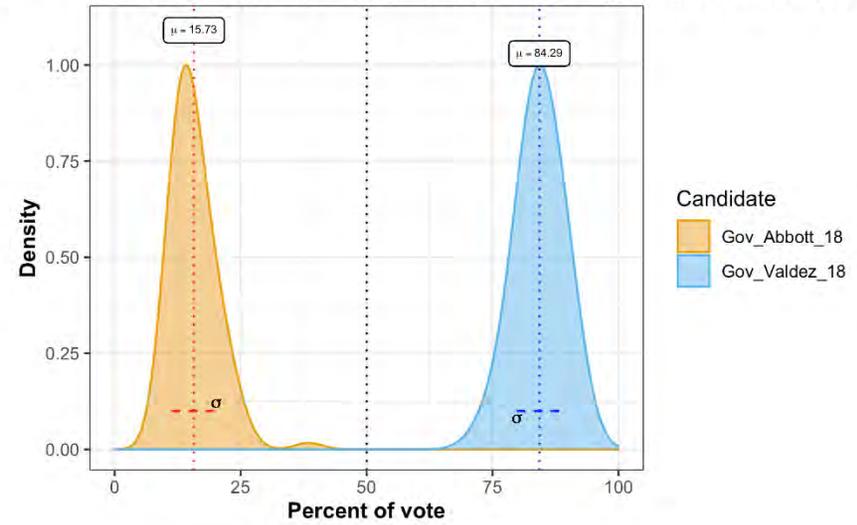


Anglo, Hispanic, and Black (Estimated Actual Vote)

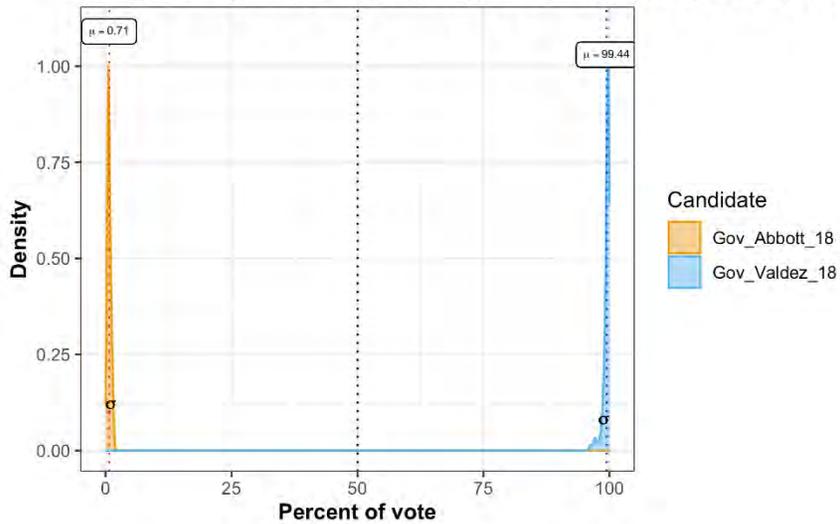
Gov_Abbott_18 vs Gov_Valdez_18 for Wht_Vote18 voters (ove



Gov_Abbott_18 vs Gov_Valdez_18 for Hsp_Vote18 voters (ove

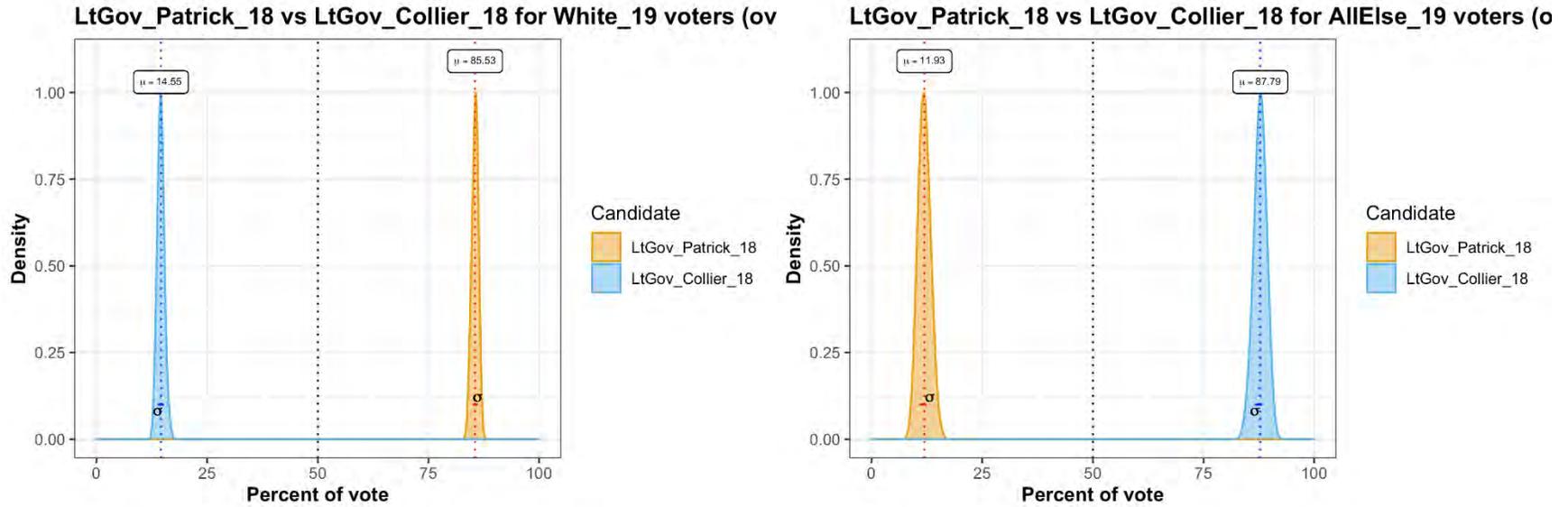


Gov_Abbott_18 vs Gov_Valdez_18 for Blk_Vote18 voters (over



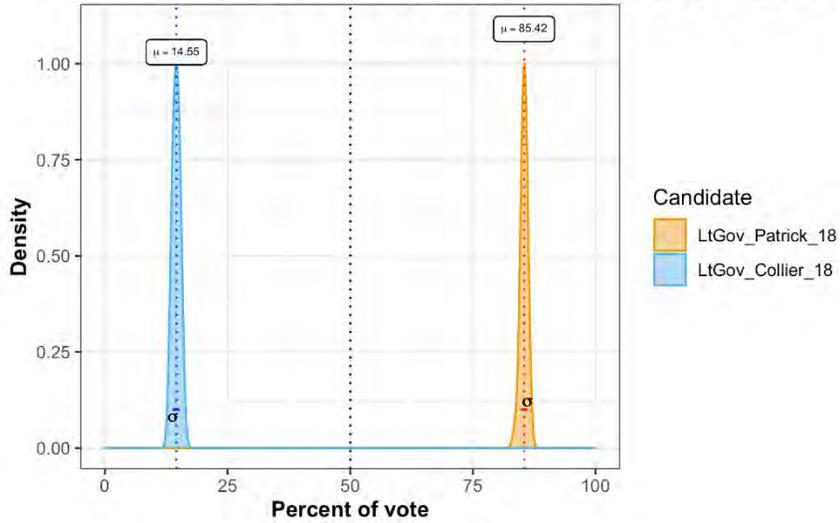
XVI. 2018 Lt. Governor

Anglo and Non-Anglo (CVAP)

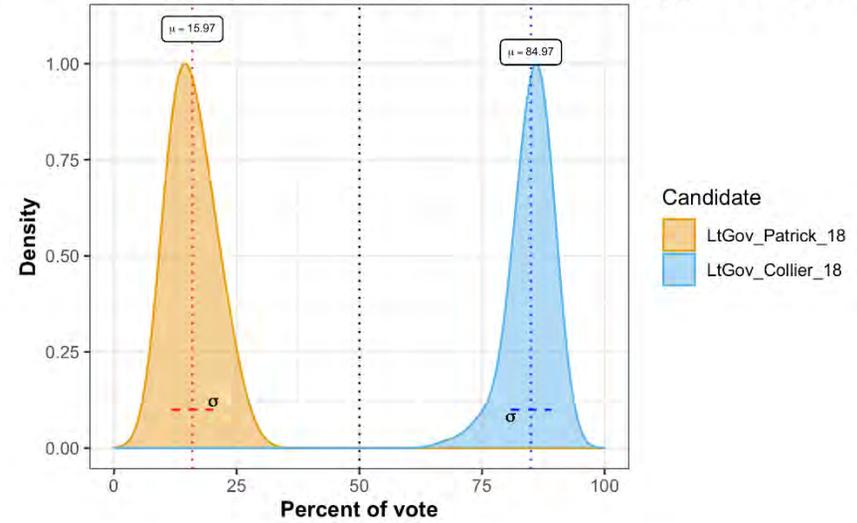


Anglo, Hispanic, and Black (CVAP)

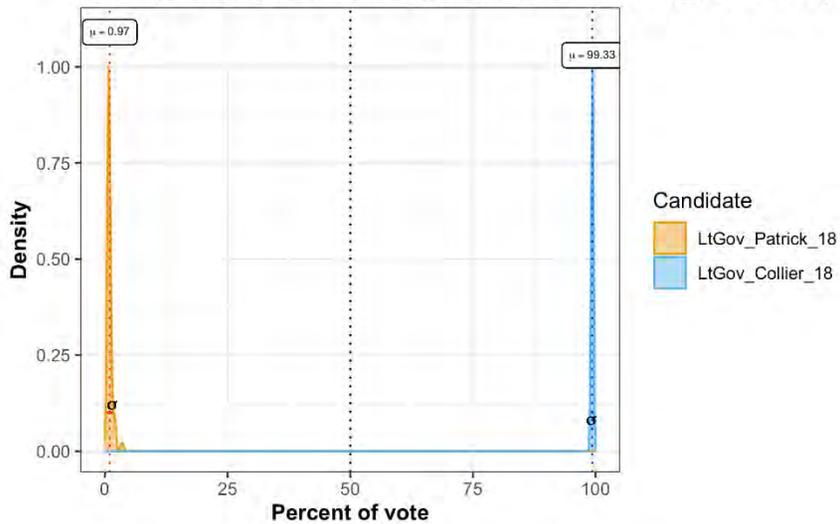
LtGov_Patrick_18 vs LtGov_Collier_18 for Anglo_19 voters (ov



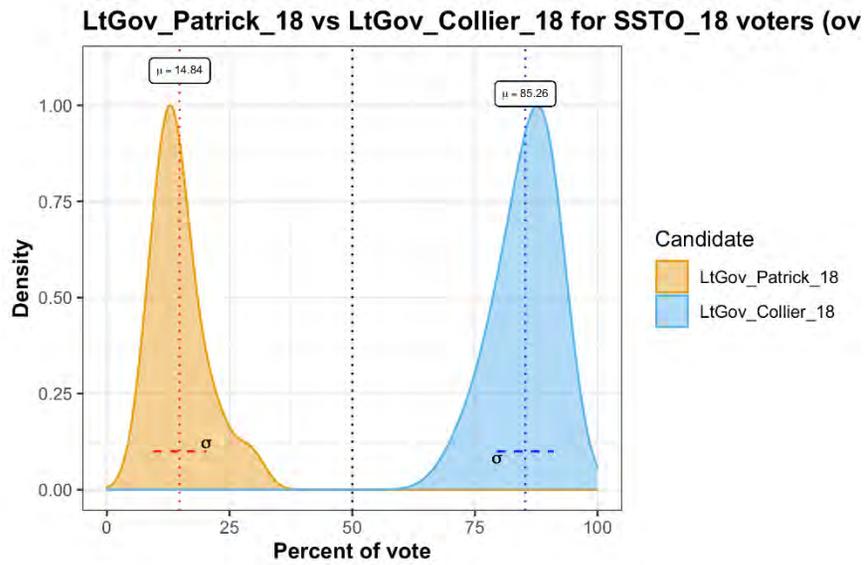
LtGov_Patrick_18 vs LtGov_Collier_18 for Hisp_19 voters (ove



LtGov_Patrick_18 vs LtGov_Collier_18 for Black_19 voters (ov

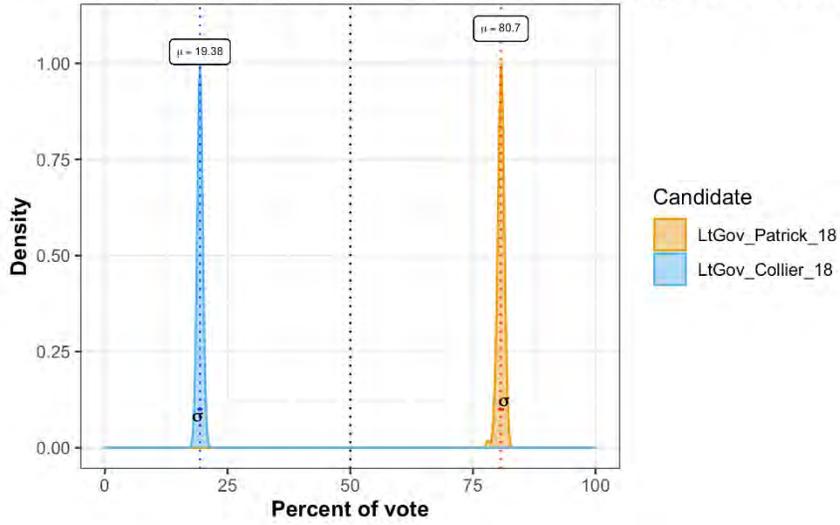


SSTO

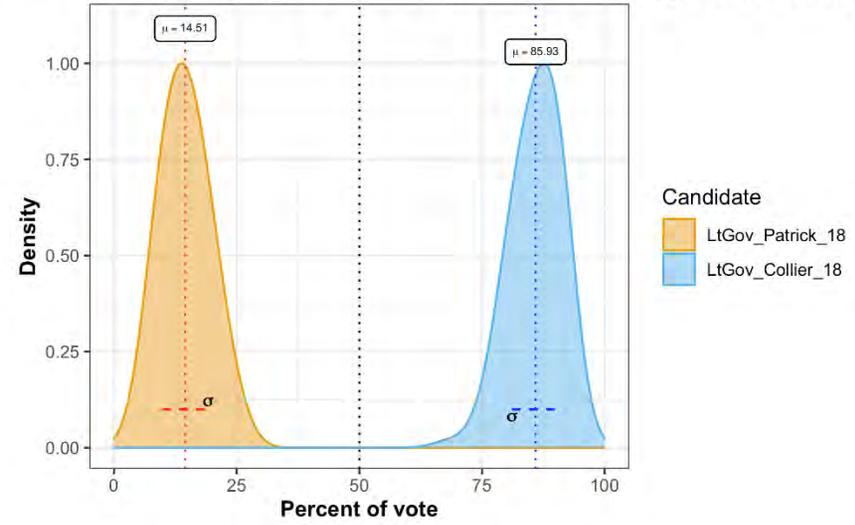


Anglo, Hispanic, and Black (Estimated Actual Vote)

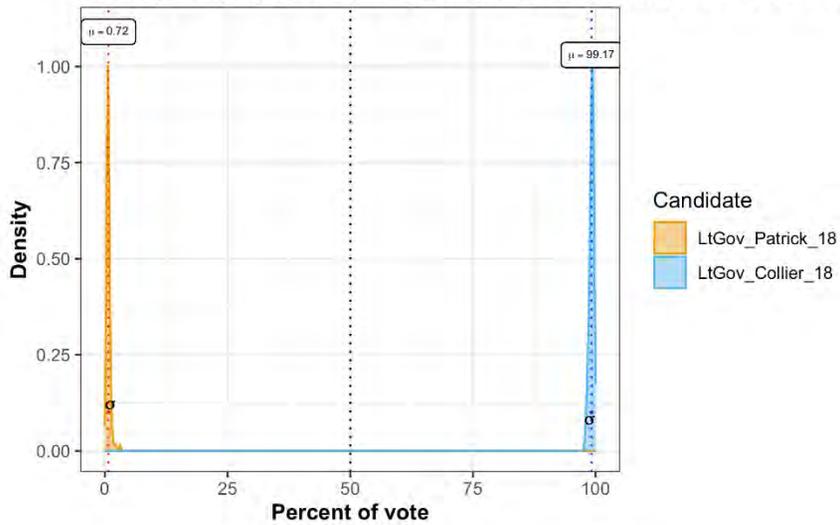
LtGov_Patrick_18 vs LtGov_Collier_18 for Wht_Vote18 voters (



LtGov_Patrick_18 vs LtGov_Collier_18 for Hsp_Vote18 voters (

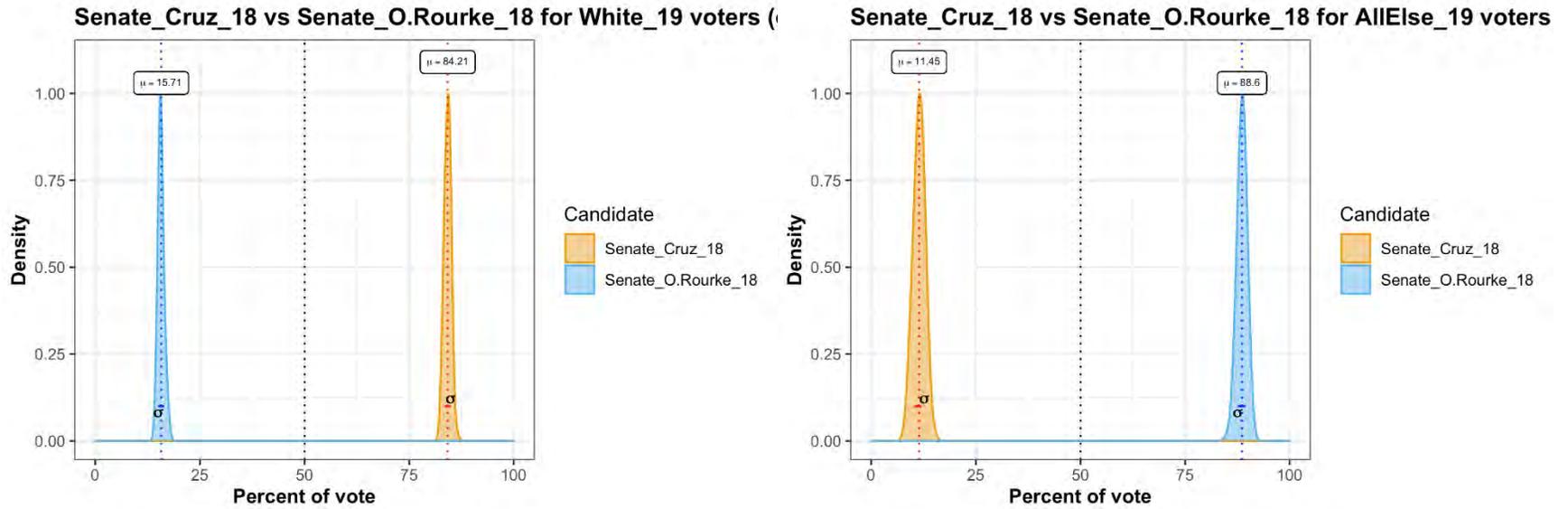


LtGov_Patrick_18 vs LtGov_Collier_18 for Blk_Vote18 voters (



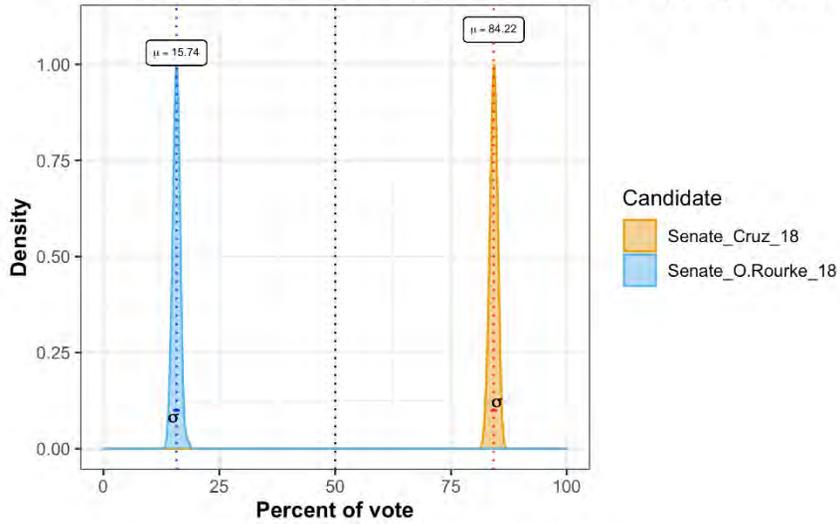
XVII. 2018 U.S. Senate

Anglo and Non-Anglo (CVAP)

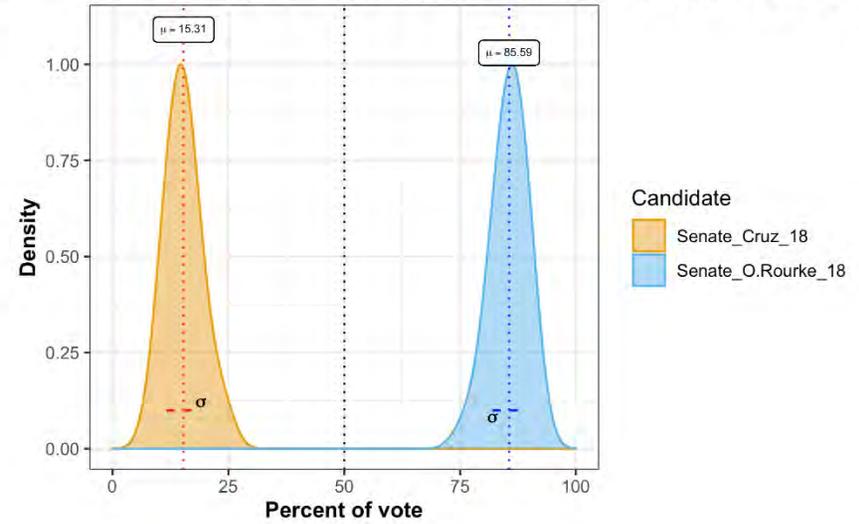


Anglo, Hispanic, and Black (CVAP)

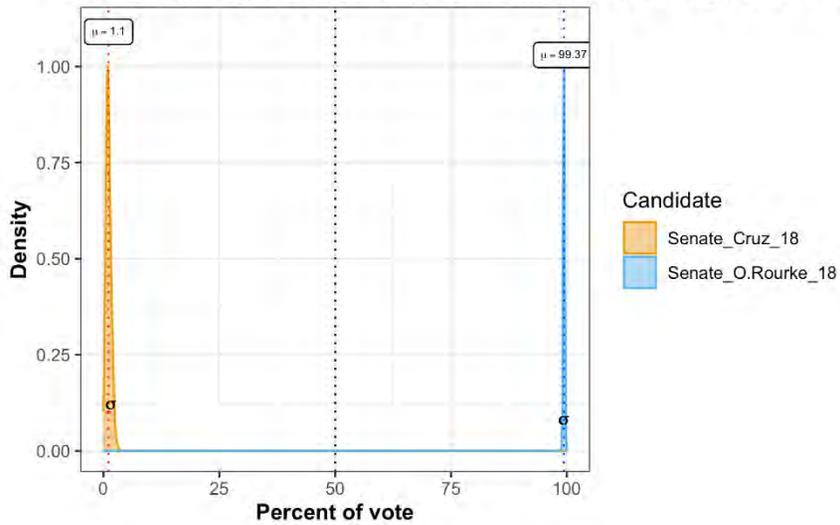
Senate_Cruz_18 vs Senate_O.Rourke_18 for Anglo_19 voters (



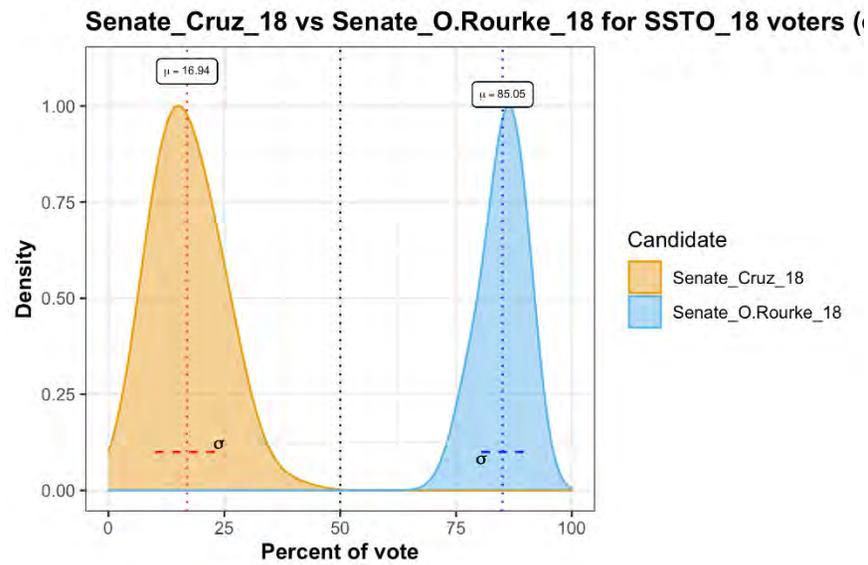
Senate_Cruz_18 vs Senate_O.Rourke_18 for Hisp_19 voters (o



Senate_Cruz_18 vs Senate_O.Rourke_18 for Black_19 voters (

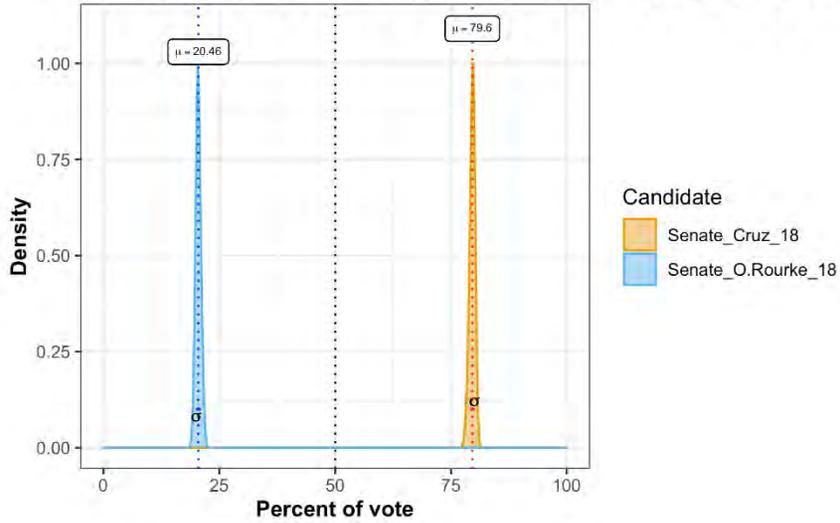


SSTO

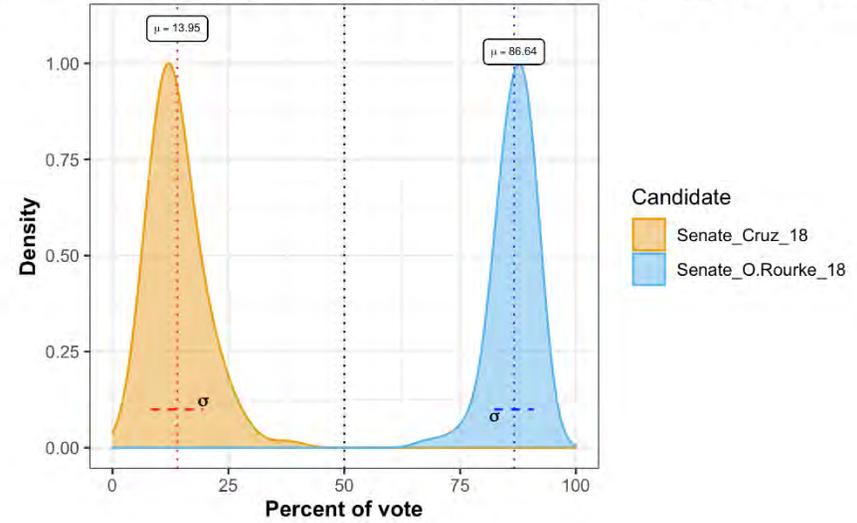


Anglo, Hispanic, and Black (Estimated Actual Vote)

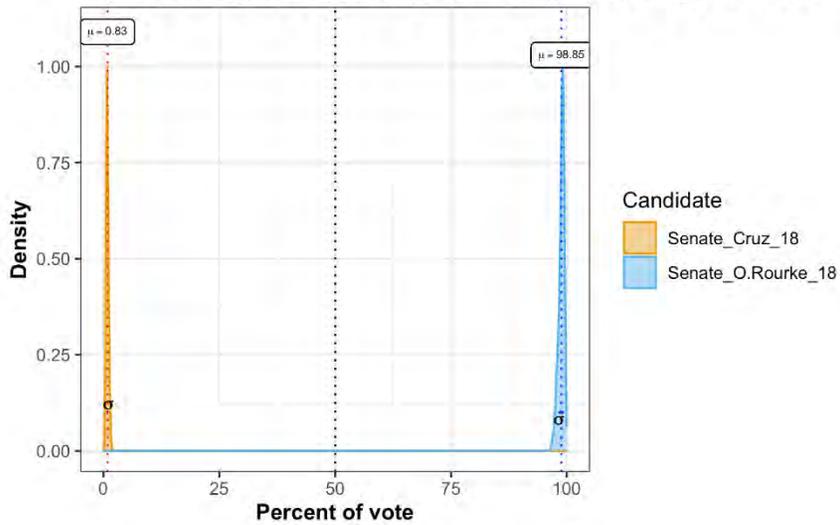
Senate_Cruz_18 vs Senate_O.Rourke_18 for Wht_Vote18 voter



Senate_Cruz_18 vs Senate_O.Rourke_18 for Hsp_Vote18 voter



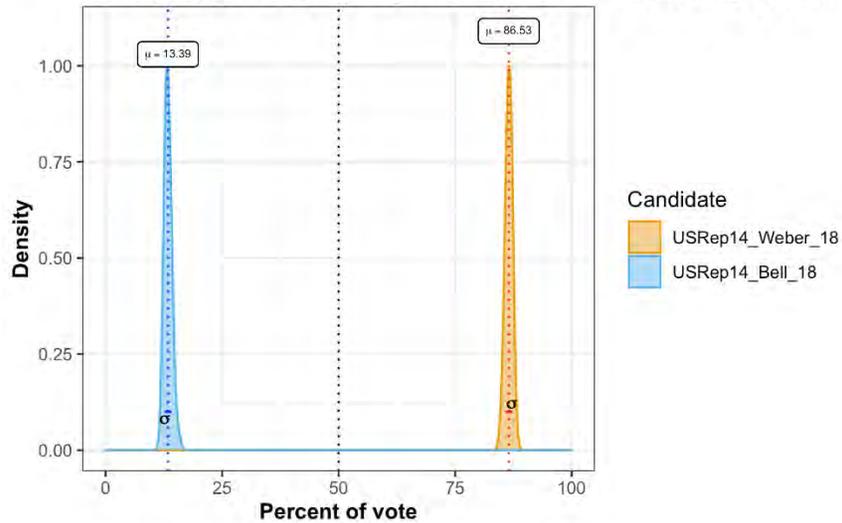
Senate_Cruz_18 vs Senate_O.Rourke_18 for Blk_Vote18 voters



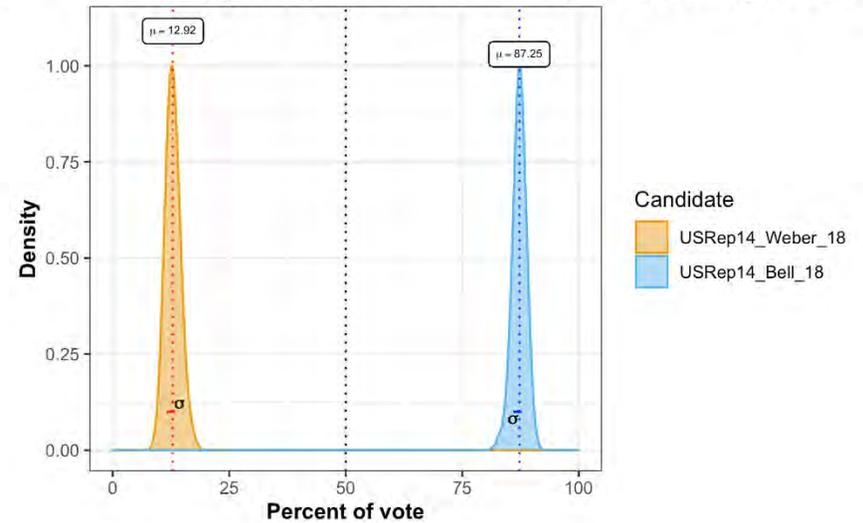
XVIII. 2018 U.S. House of Reps, District #14

Anglo and Non-Anglo (CVAP)

USRep14_Weber_18 vs USRep14_Bell_18 for White_19 voters

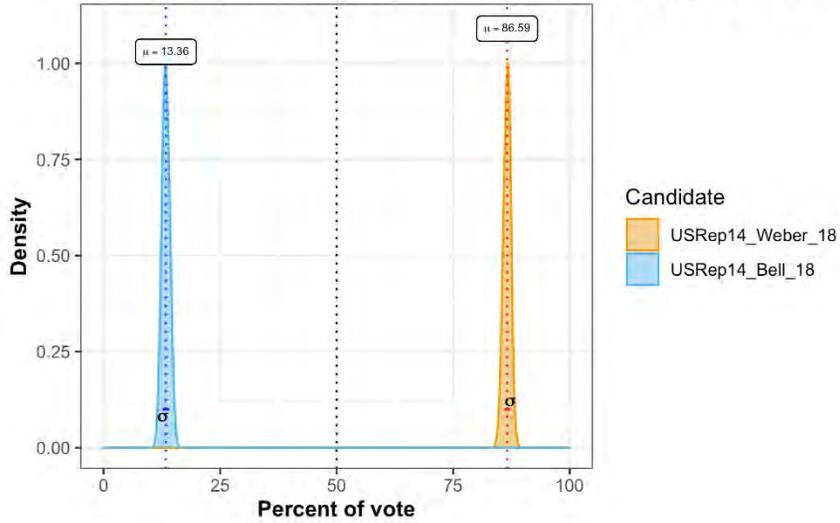


USRep14_Weber_18 vs USRep14_Bell_18 for AllElse_19 voters

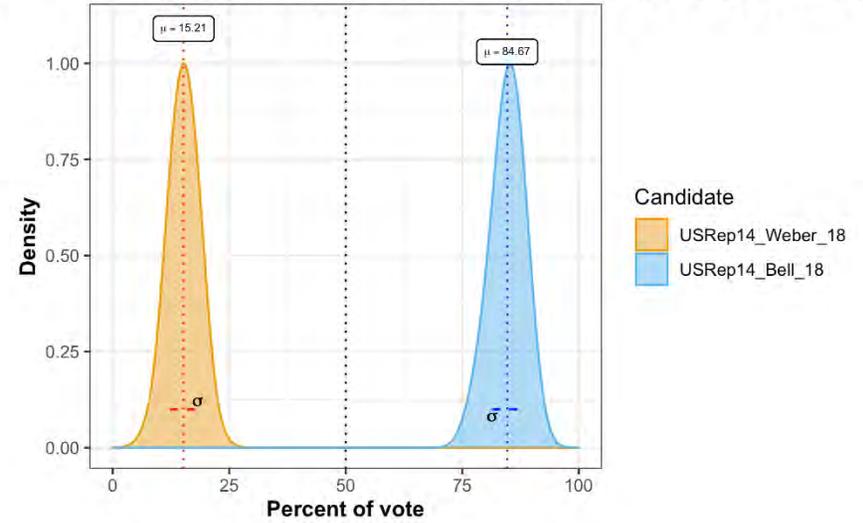


Anglo, Hispanic, and Black (CVAP)

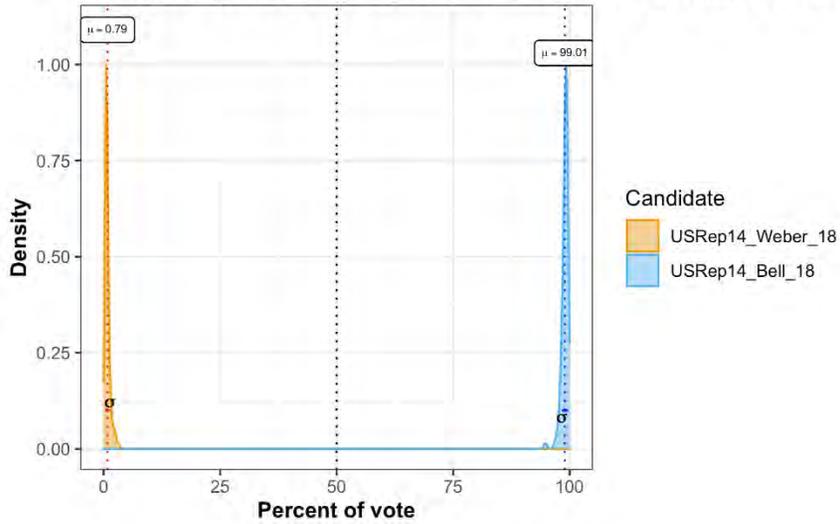
USRep14_Weber_18 vs USRep14_Bell_18 for Anglo_19 voters



USRep14_Weber_18 vs USRep14_Bell_18 for Hisp_19 voters (

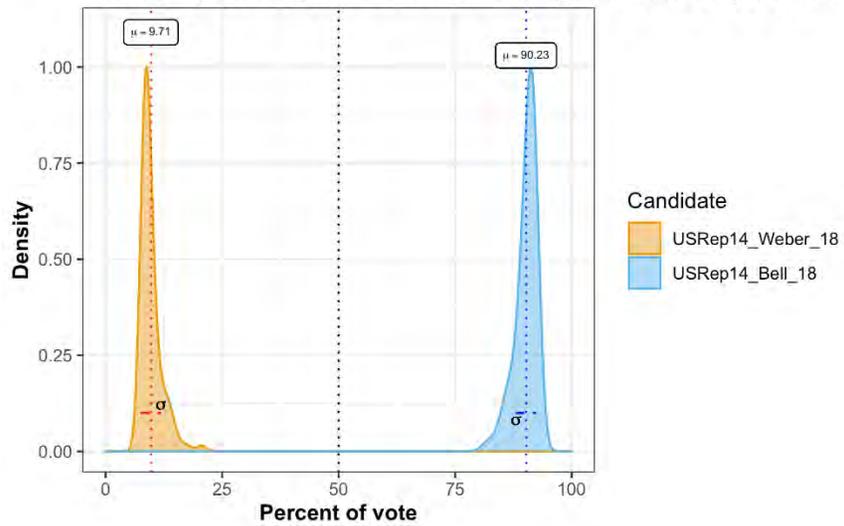


USRep14_Weber_18 vs USRep14_Bell_18 for Black_19 voters



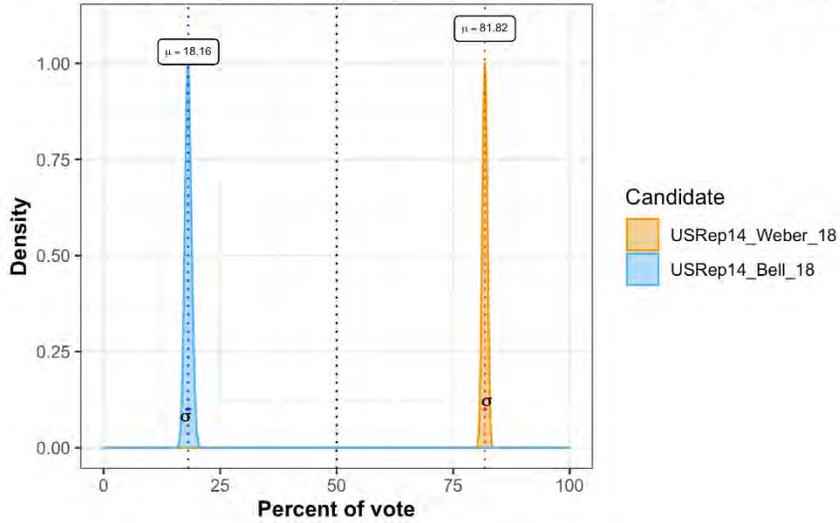
SSTO

USRep14_Weber_18 vs USRep14_Bell_18 for SSTO_18 voters

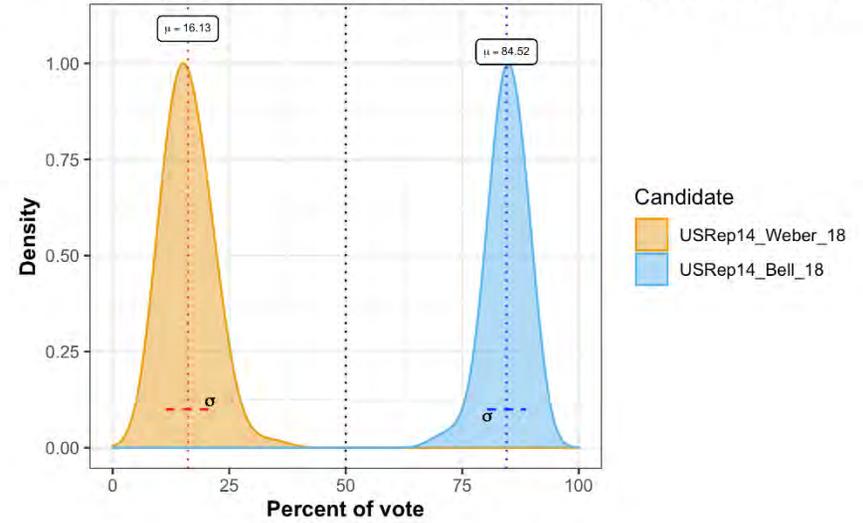


Anglo, Hispanic, and Black (Estimated Actual Vote)

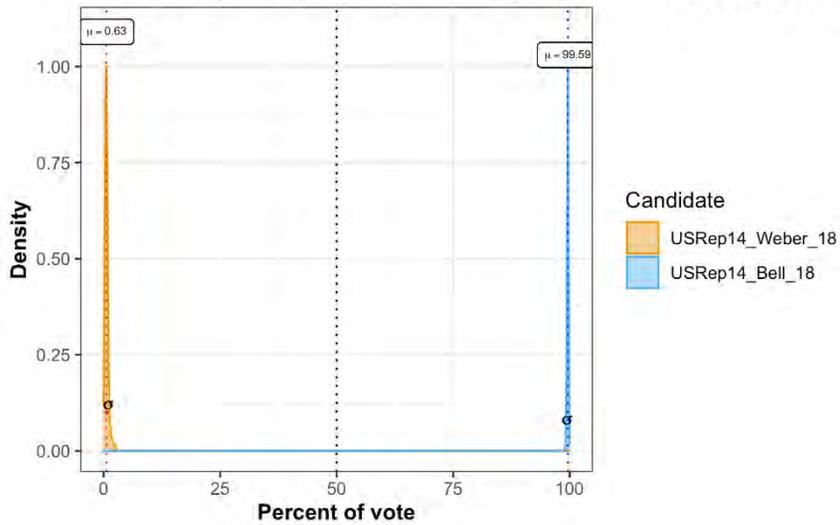
USRep14_Weber_18 vs USRep14_Bell_18 for Wht_Vote18 vote



USRep14_Weber_18 vs USRep14_Bell_18 for Hsp_Vote18 vote

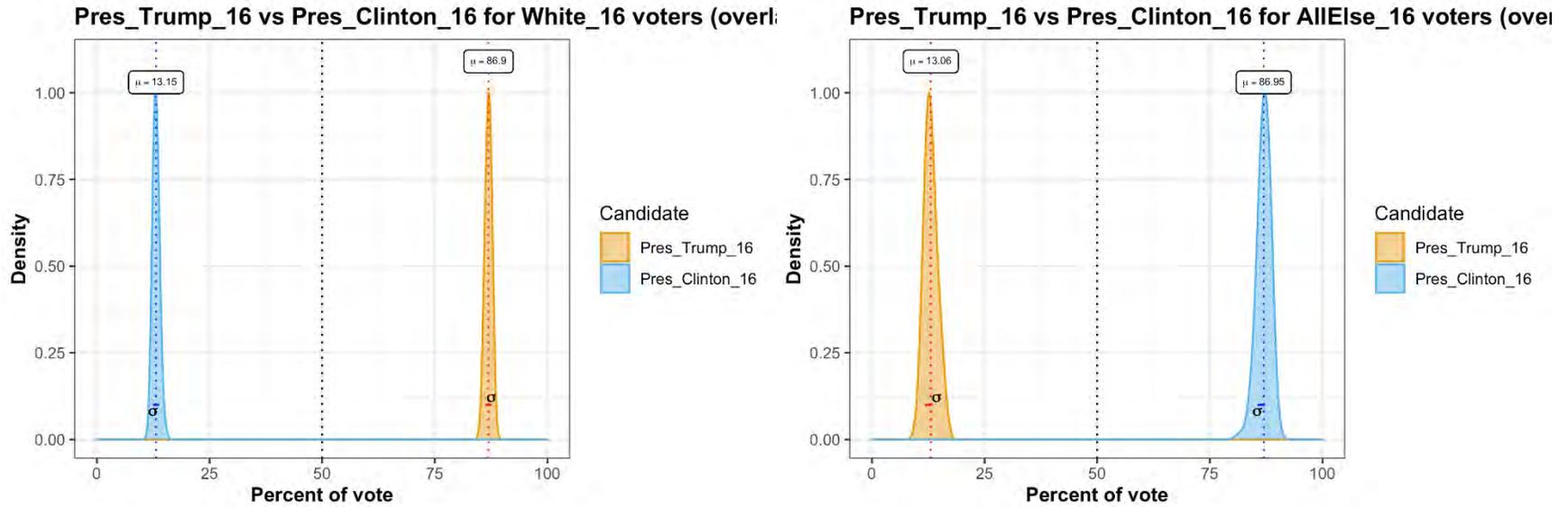


USRep14_Weber_18 vs USRep14_Bell_18 for Blk_Vote18 voter



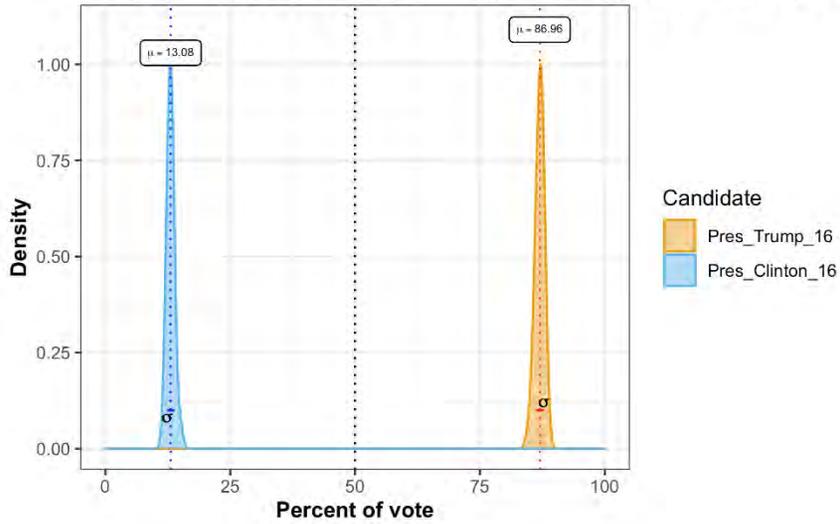
XIX. 2016 President

Anglo and Non-Anglo (CVAP)

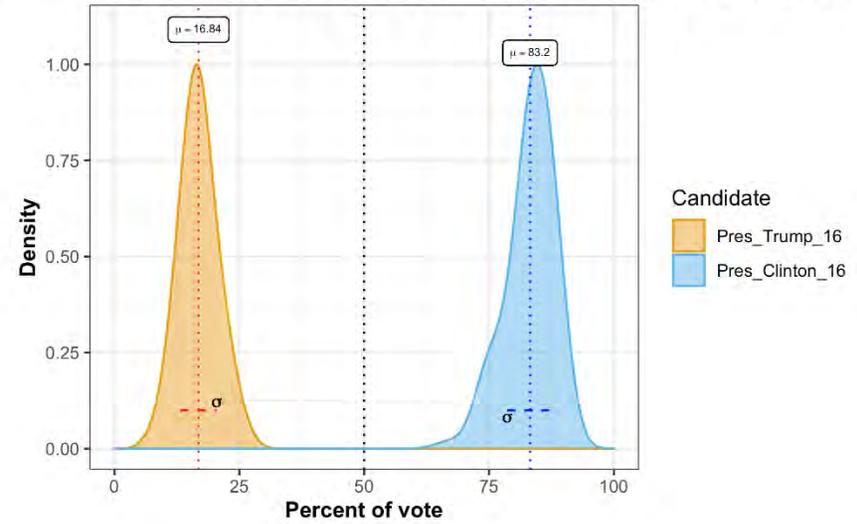


Anglo, Hispanic, and Black (CVAP)

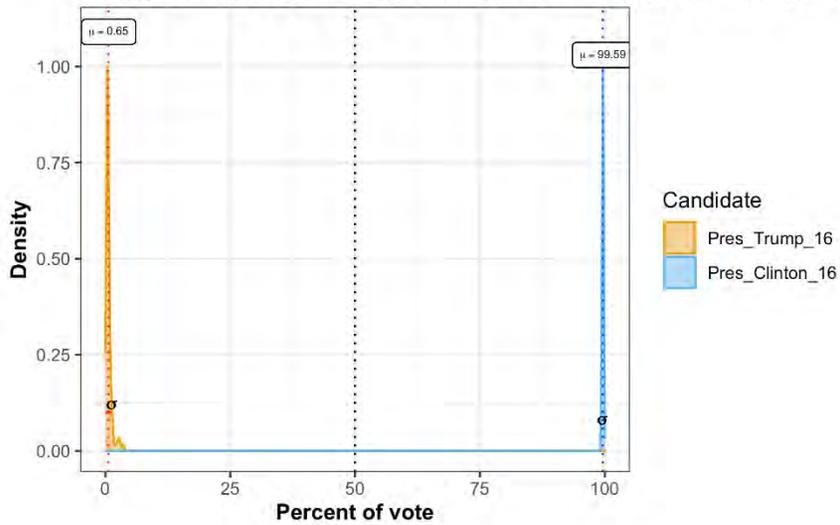
Pres_Trump_16 vs Pres_Clinton_16 for Anglo_16 voters (overl



Pres_Trump_16 vs Pres_Clinton_16 for Hisp_16 voters (overla

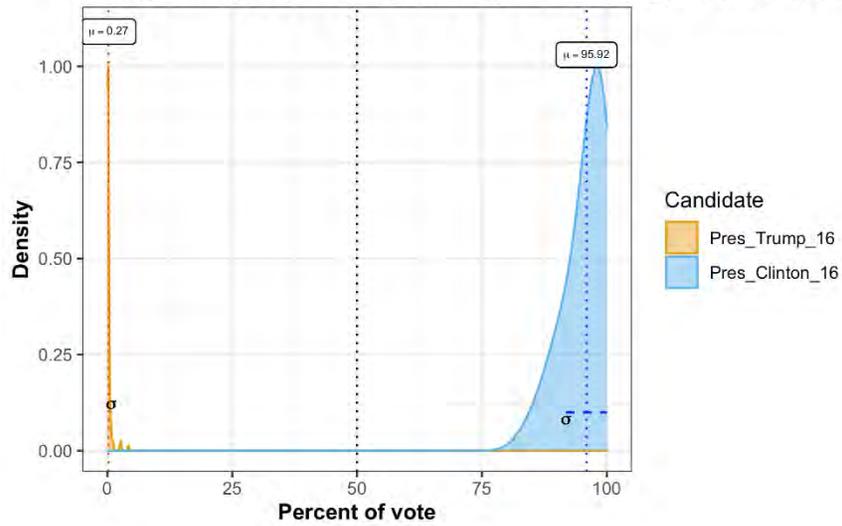


Pres_Trump_16 vs Pres_Clinton_16 for Black_16 voters (overl



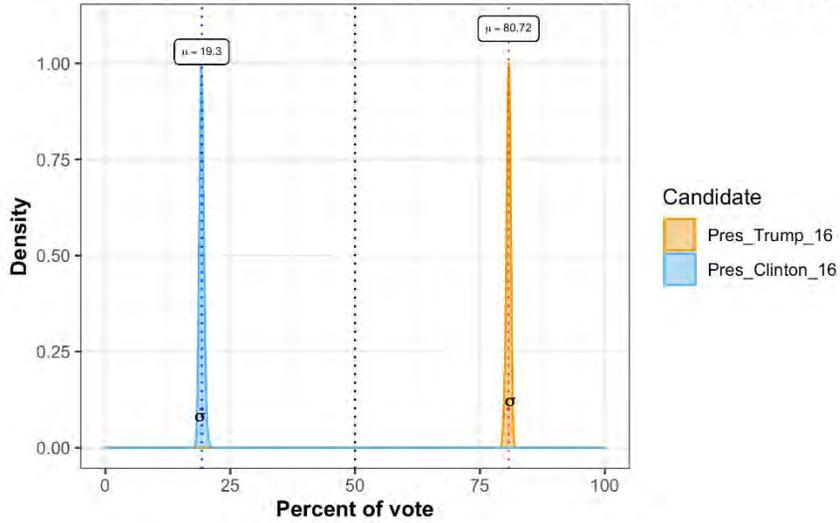
SSTO

Pres_Trump_16 vs Pres_Clinton_16 for SSTO_16 voters (overl

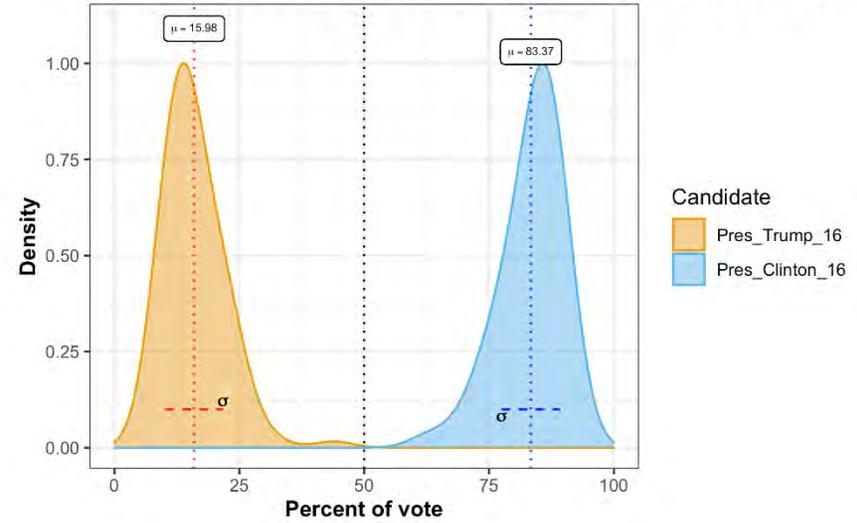


Anglo, Hispanic, and Black (Estimated Actual Vote)

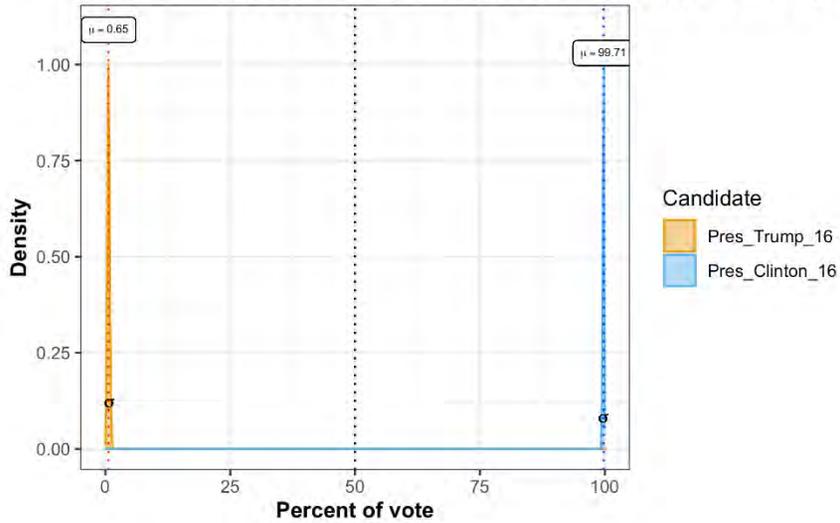
Pres_Trump_16 vs Pres_Clinton_16 for Wht_Vote16 voters (ov



Pres_Trump_16 vs Pres_Clinton_16 for Hsp_Vote16 voters (ov

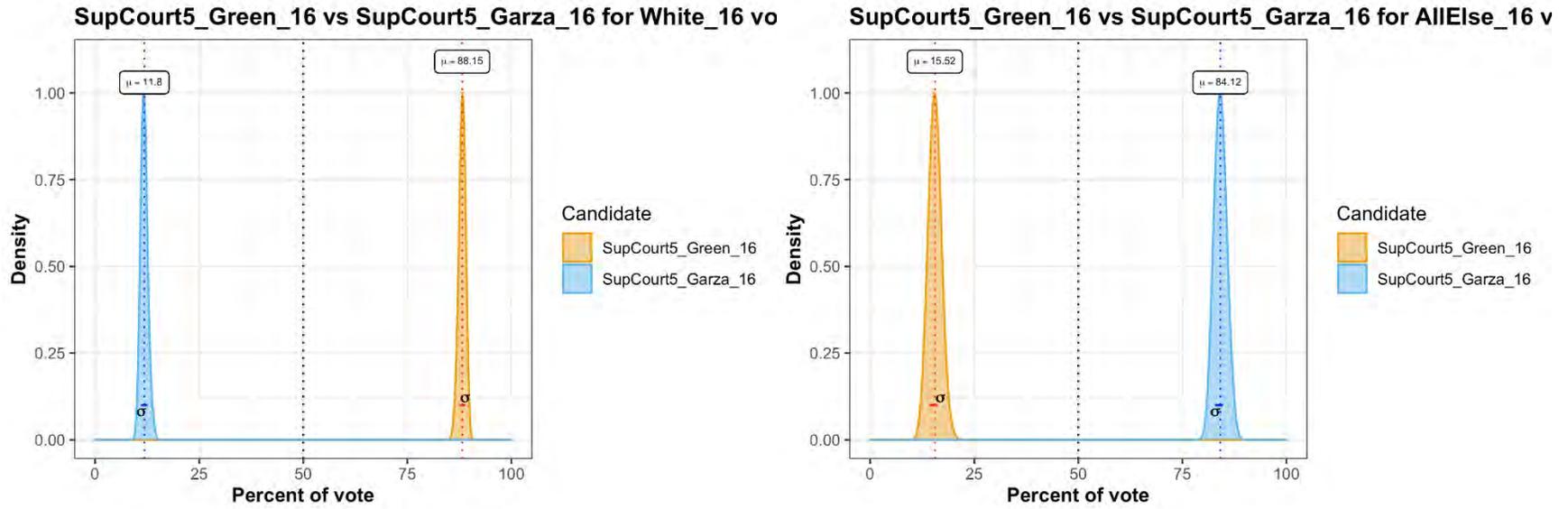


Pres_Trump_16 vs Pres_Clinton_16 for Blk_Vote16 voters (ove



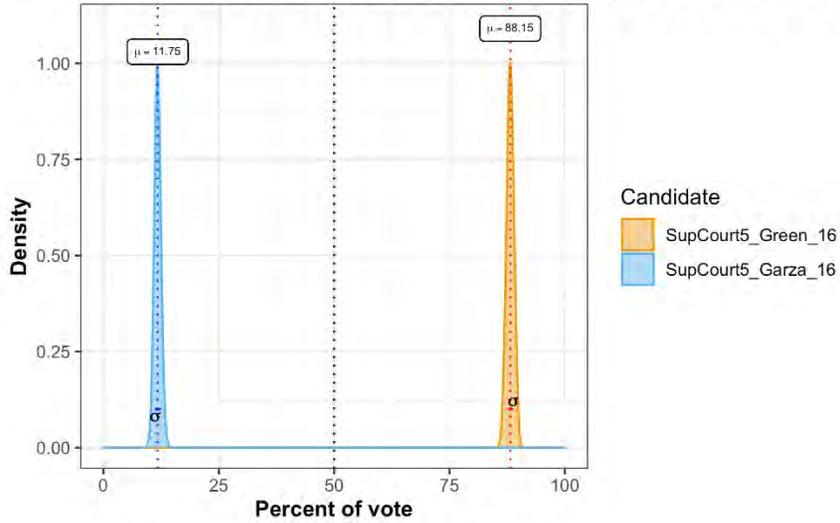
XX. 2016 Supreme Court Justice, Position #5

Anglo and Non-Anglo (CVAP)

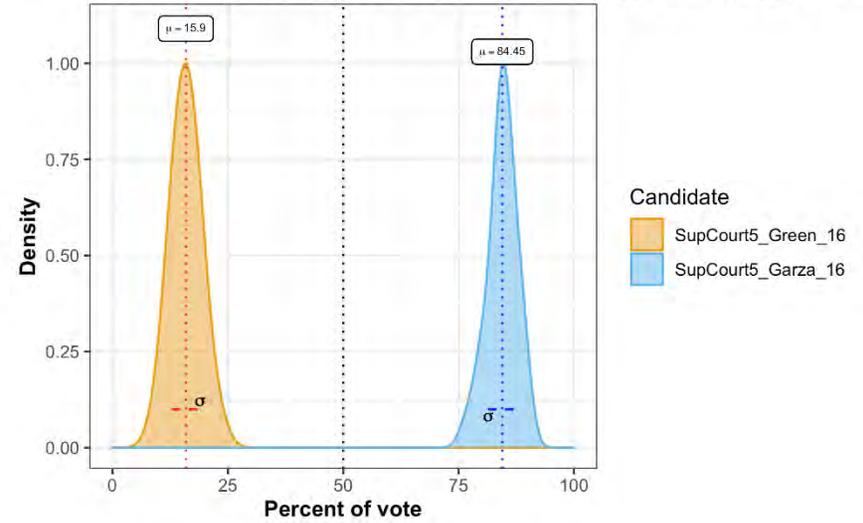


Anglo, Hispanic, and Black (CVAP)

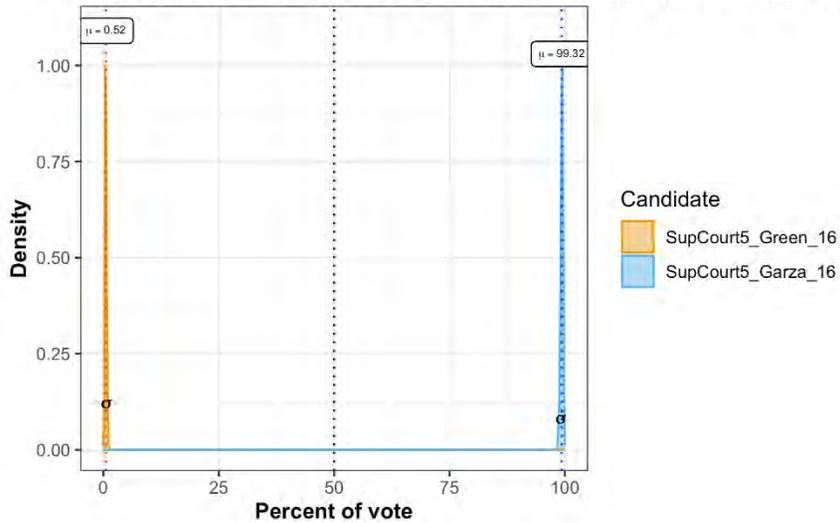
SupCourt5_Green_16 vs SupCourt5_Garza_16 for Anglo_16 vc



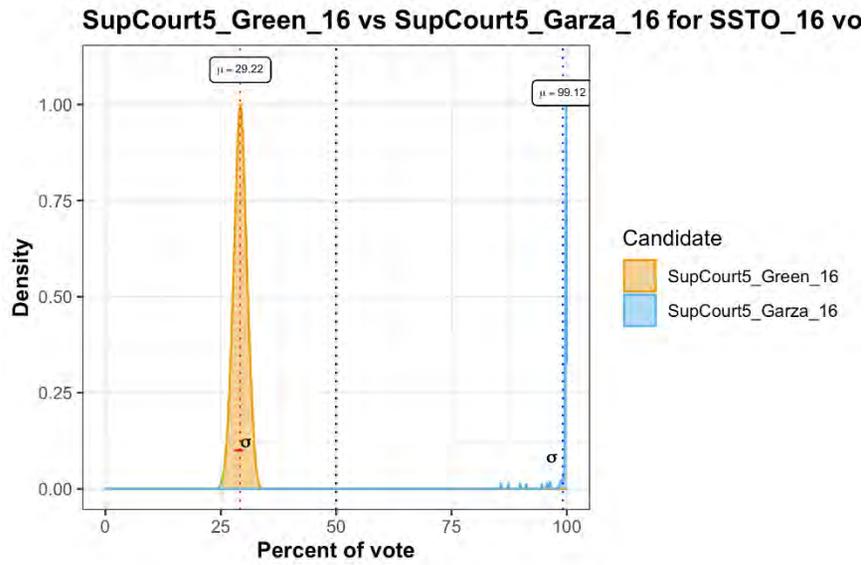
SupCourt5_Green_16 vs SupCourt5_Garza_16 for Hisp_16 vote



SupCourt5_Green_16 vs SupCourt5_Garza_16 for Black_16 vo

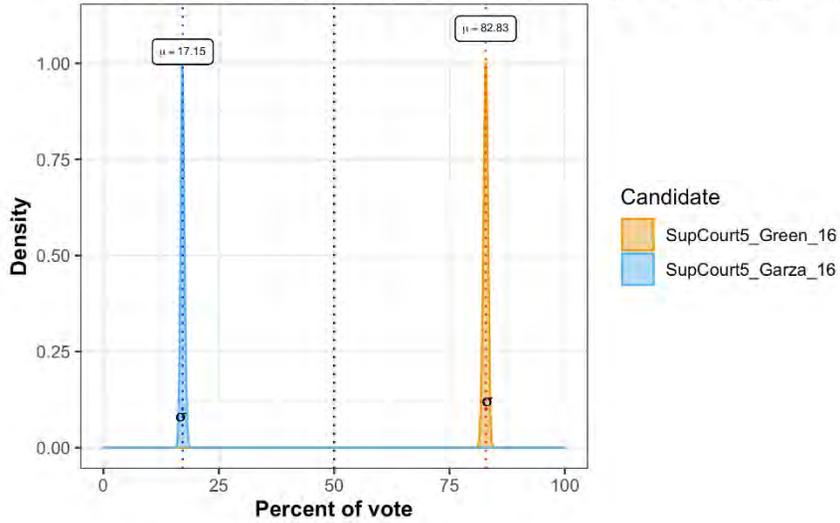


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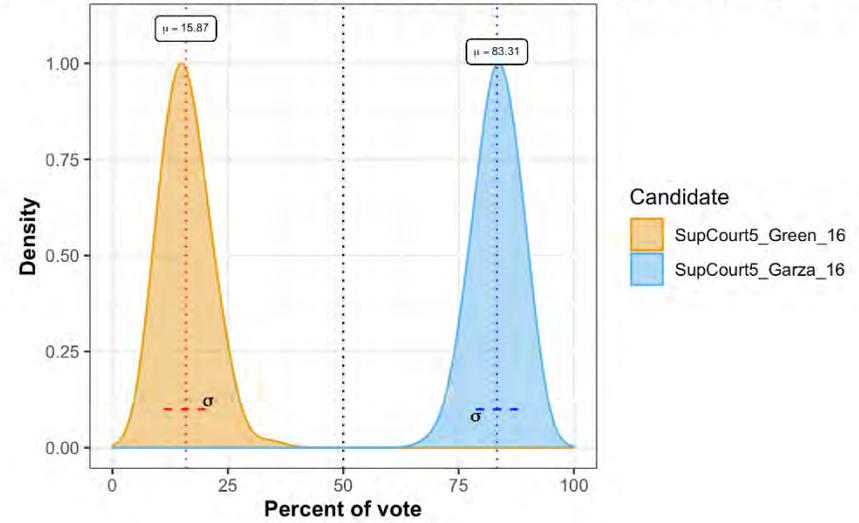


Anglo, Hispanic, and Black (Estimated Actual Vote)

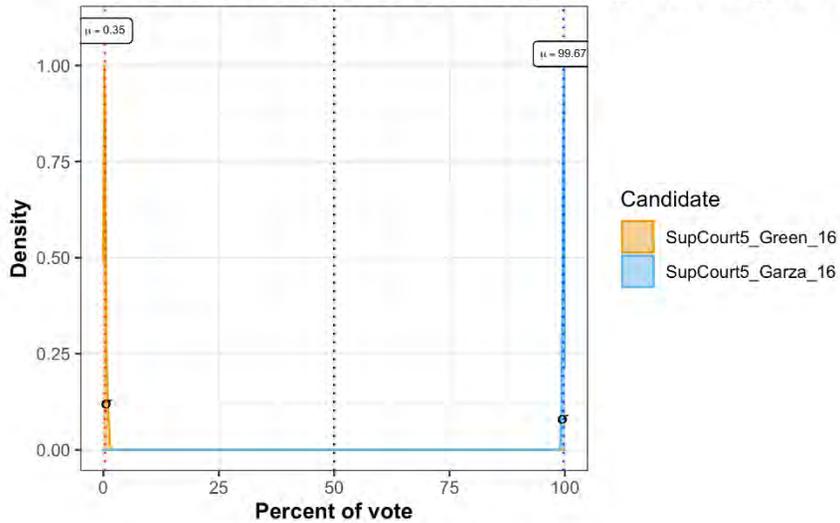
SupCourt5_Green_16 vs SupCourt5_Garza_16 for Wht_Vote16



SupCourt5_Green_16 vs SupCourt5_Garza_16 for Hsp_Vote16



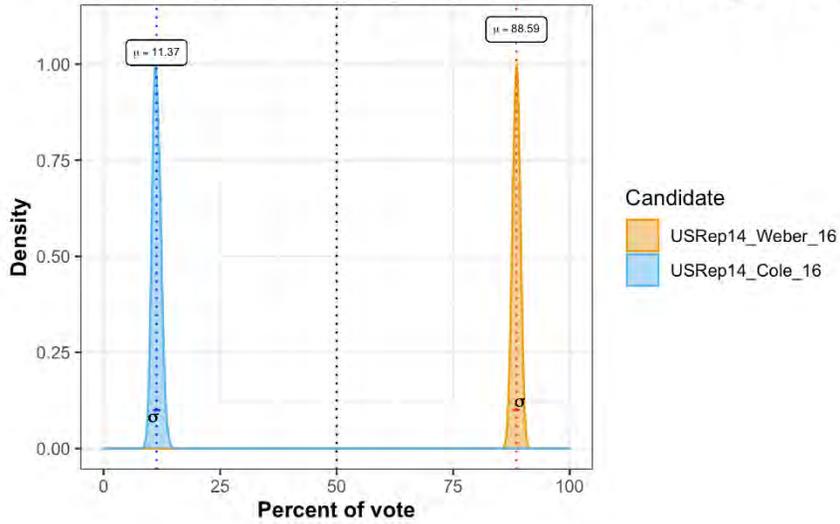
SupCourt5_Green_16 vs SupCourt5_Garza_16 for Blk_Vote16



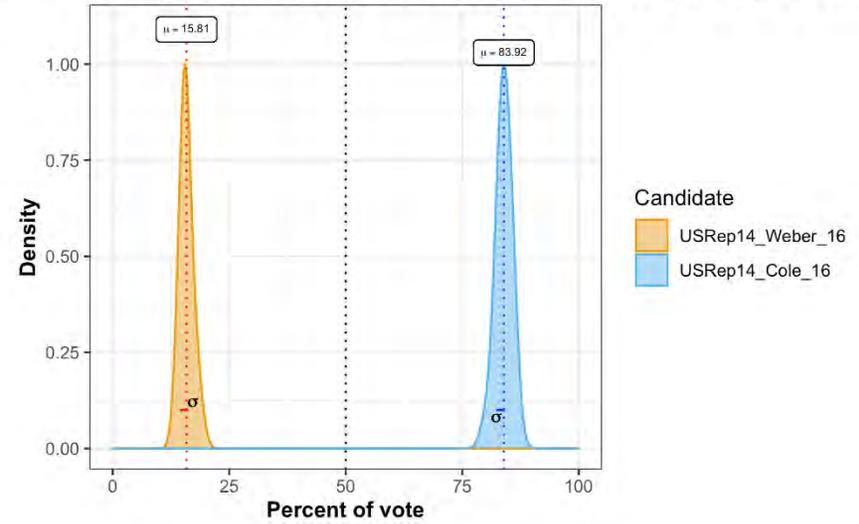
XXI. 2016 U.S. House of Reps, District #14

Anglo and Non-Anglo (CVAP)

USRep14_Weber_16 vs USRep14_Cole_16 for White_16 voters

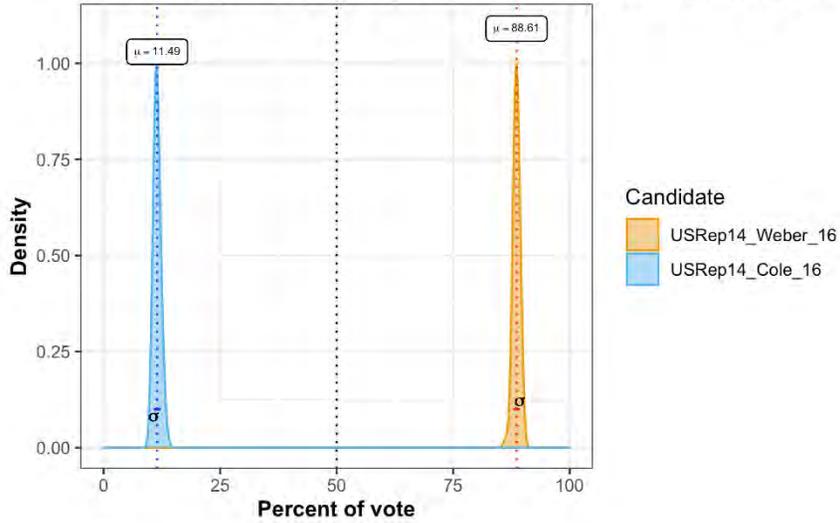


USRep14_Weber_16 vs USRep14_Cole_16 for AllElse_16 voter

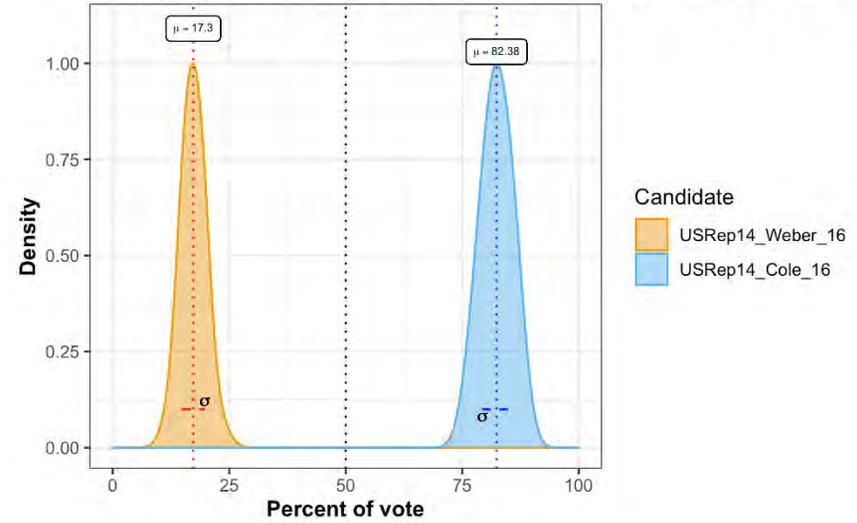


Anglo, Hispanic, and Black (CVAP)

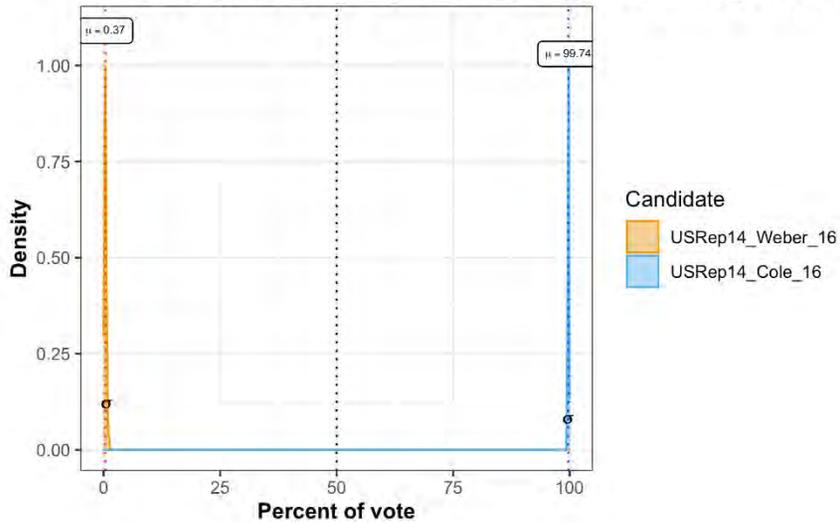
USRep14_Weber_16 vs USRep14_Cole_16 for Anglo_16 voters



USRep14_Weber_16 vs USRep14_Cole_16 for Hisp_16 voters (

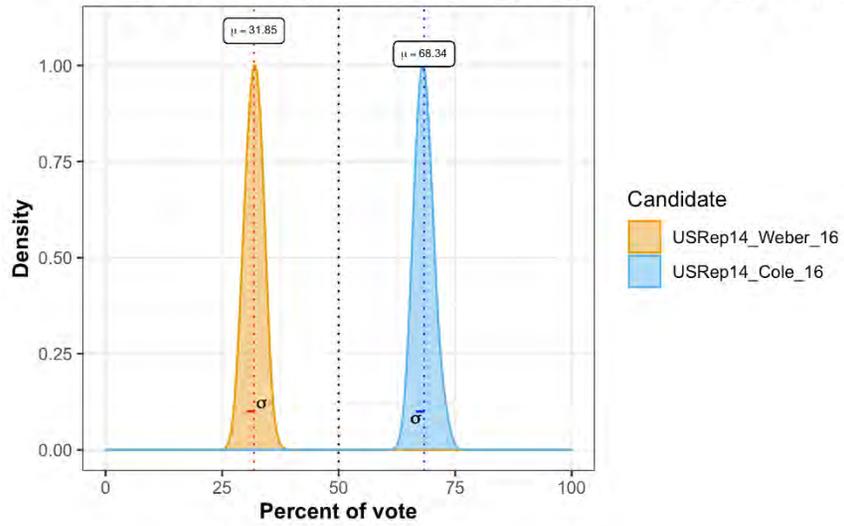


USRep14_Weber_16 vs USRep14_Cole_16 for Black_16 voters



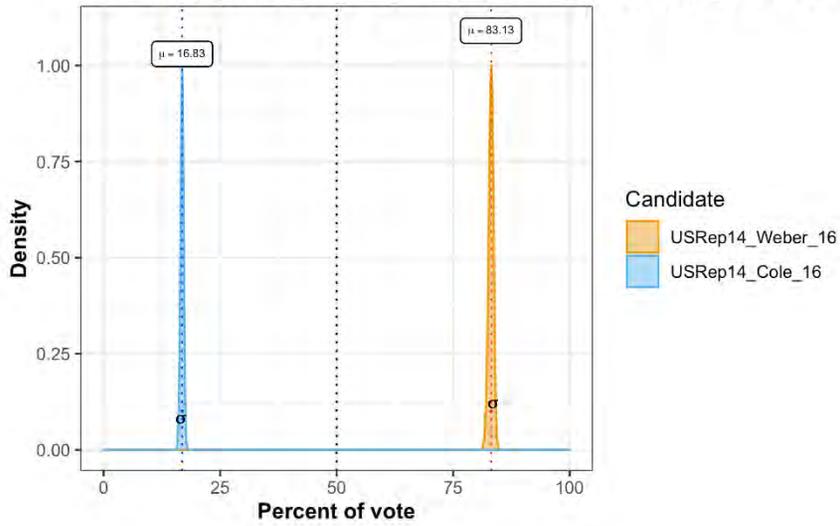
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USRep14_Weber_16 vs USRep14_Cole_16 for SSTO_16 voters

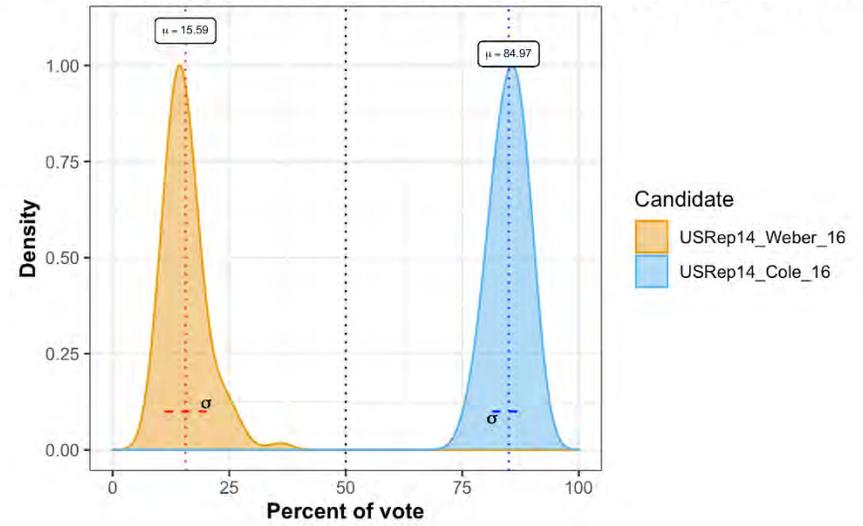


Anglo, Hispanic, and Black (Estimated Actual Vote)

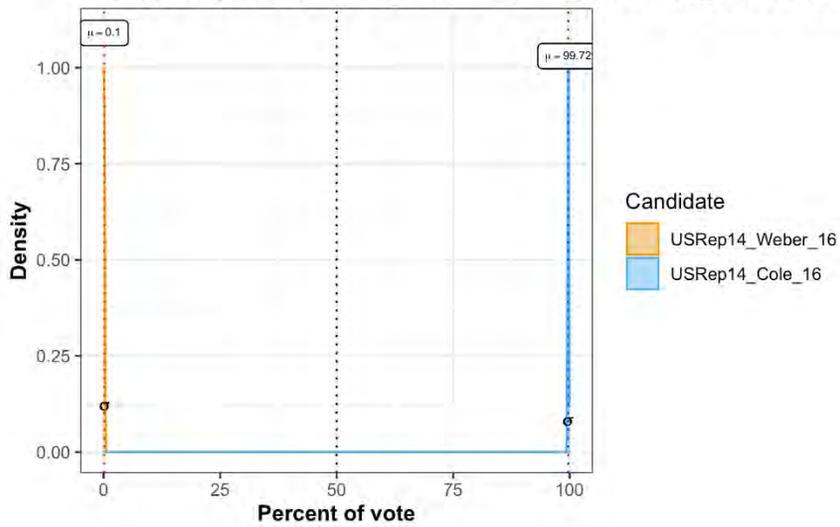
USRep14_Weber_16 vs USRep14_Cole_16 for Wht_Vote16 vote



USRep14_Weber_16 vs USRep14_Cole_16 for Hsp_Vote16 vote

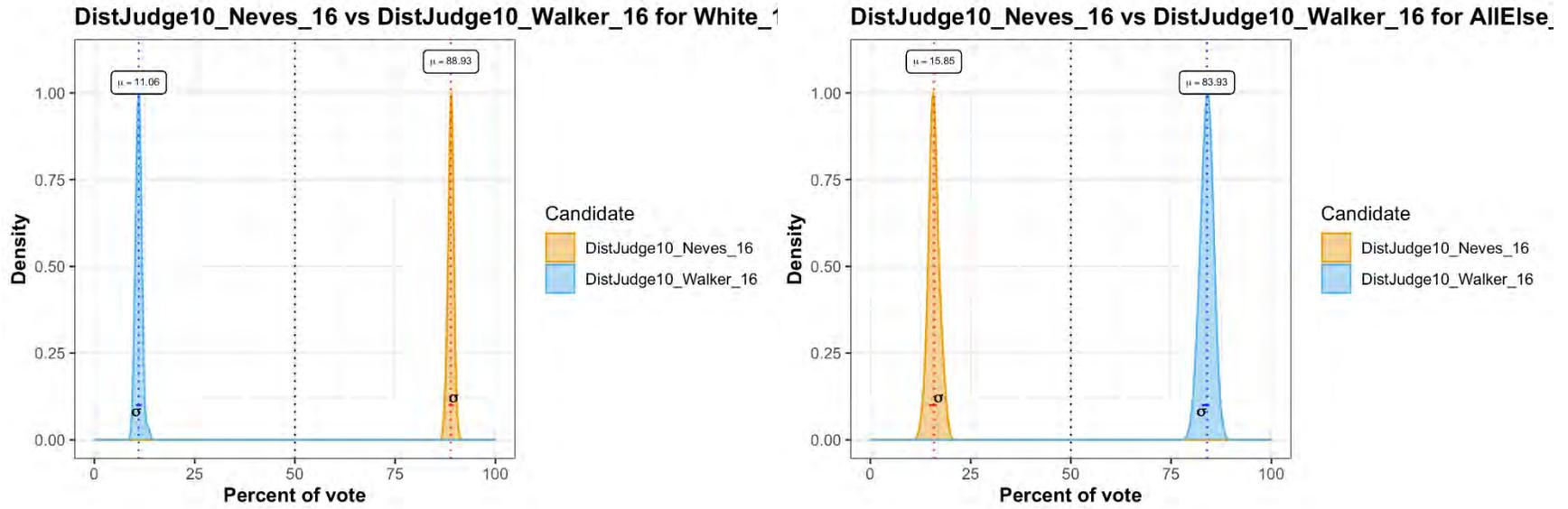


USRep14_Weber_16 vs USRep14_Cole_16 for Blk_Vote16 vote



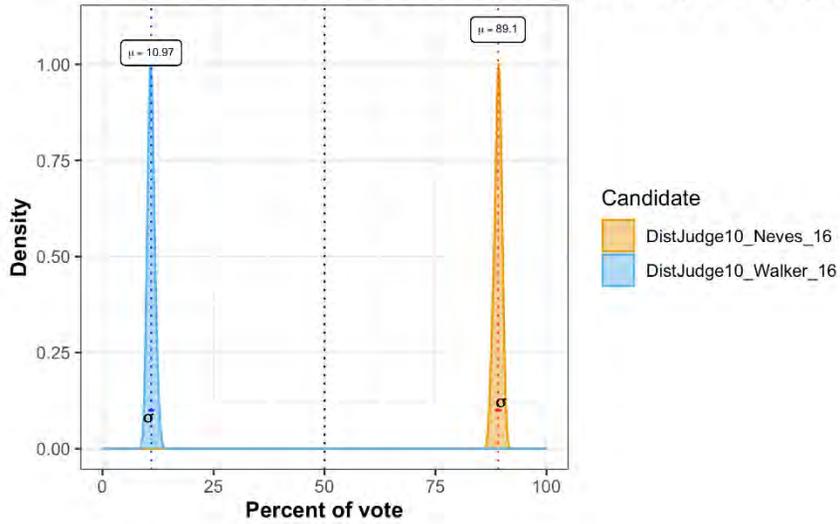
XXII. 2016 District 10 Judge

Anglo and Non-Anglo (CVAP)

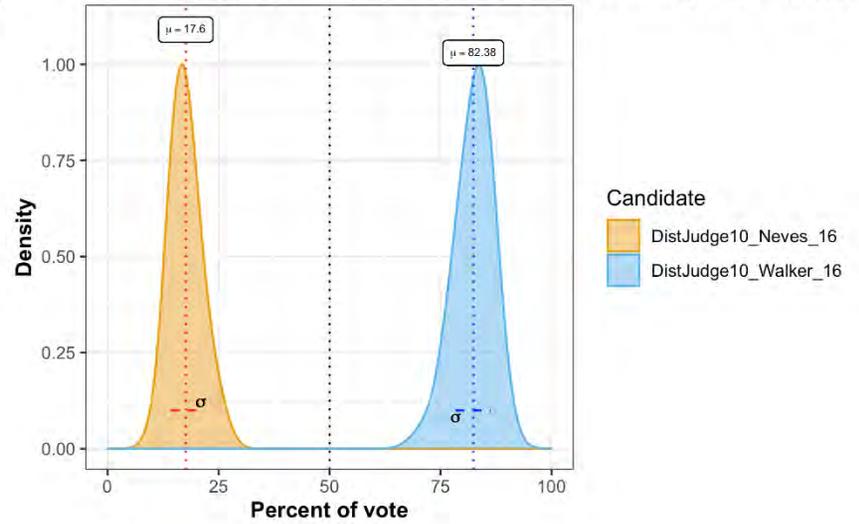


Anglo, Hispanic, and Black (CVAP)

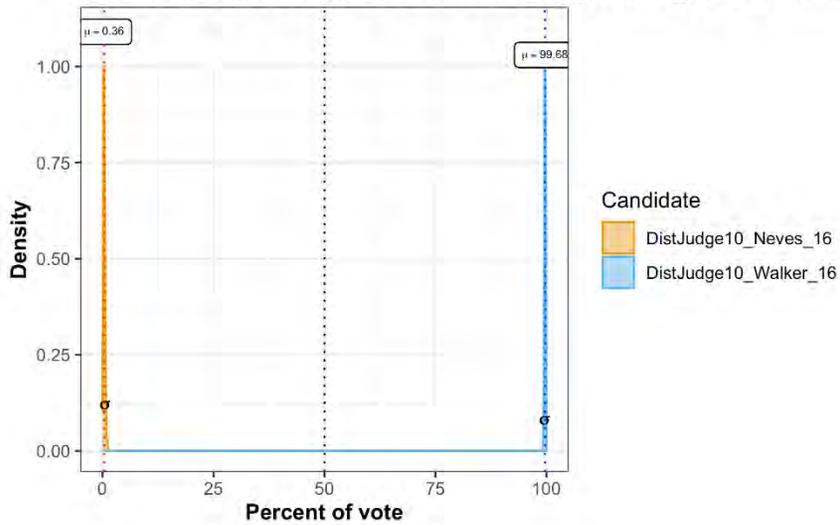
DistJudge10_Neves_16 vs DistJudge10_Walker_16 for Anglo_



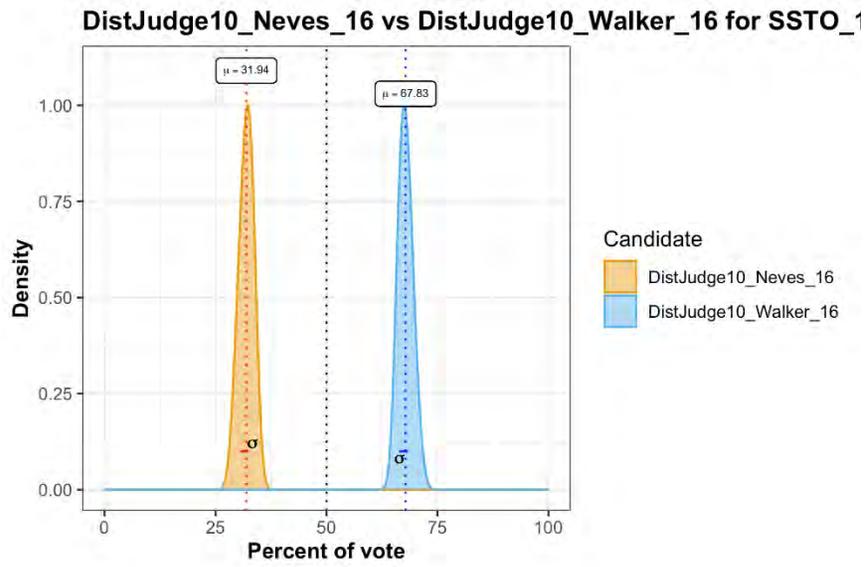
DistJudge10_Neves_16 vs DistJudge10_Walker_16 for Hisp_16



DistJudge10_Neves_16 vs DistJudge10_Walker_16 for Black_1

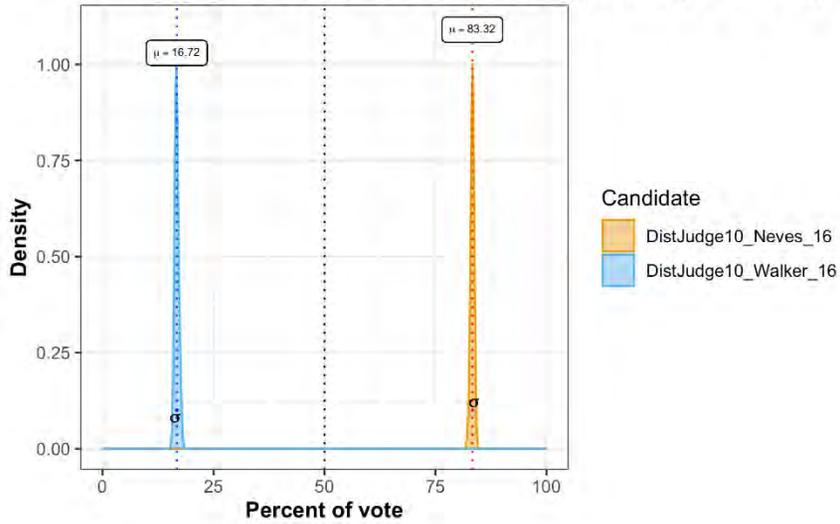


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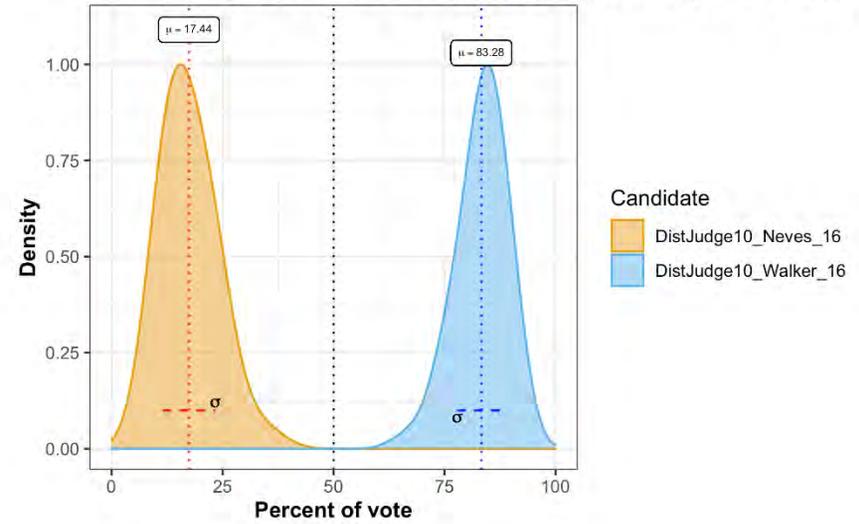


Anglo, Hispanic, and Black (Estimated Actual Vote)

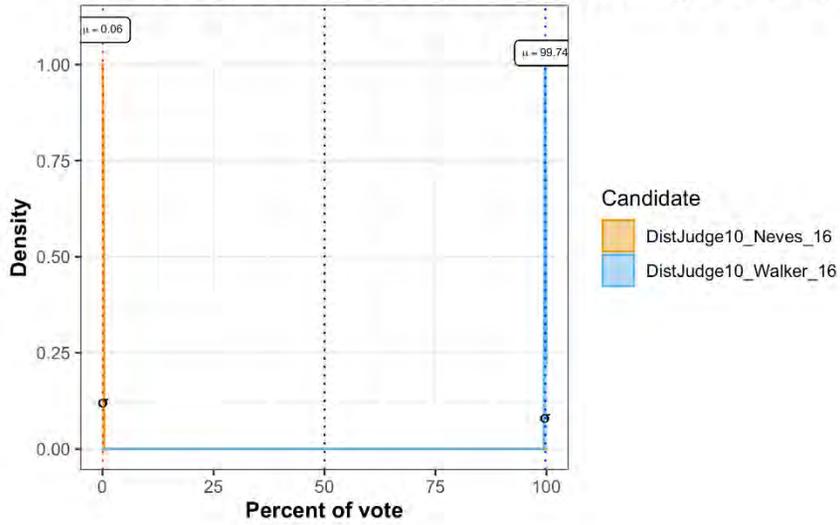
DistJudge10_Neves_16 vs DistJudge10_Walker_16 for Wht_Vc



DistJudge10_Neves_16 vs DistJudge10_Walker_16 for Hsp_Vc

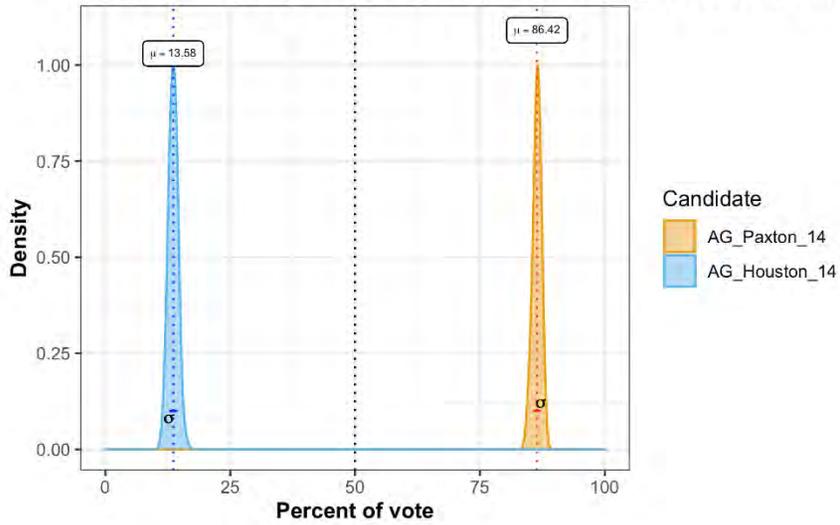


DistJudge10_Neves_16 vs DistJudge10_Walker_16 for Blk_Vot

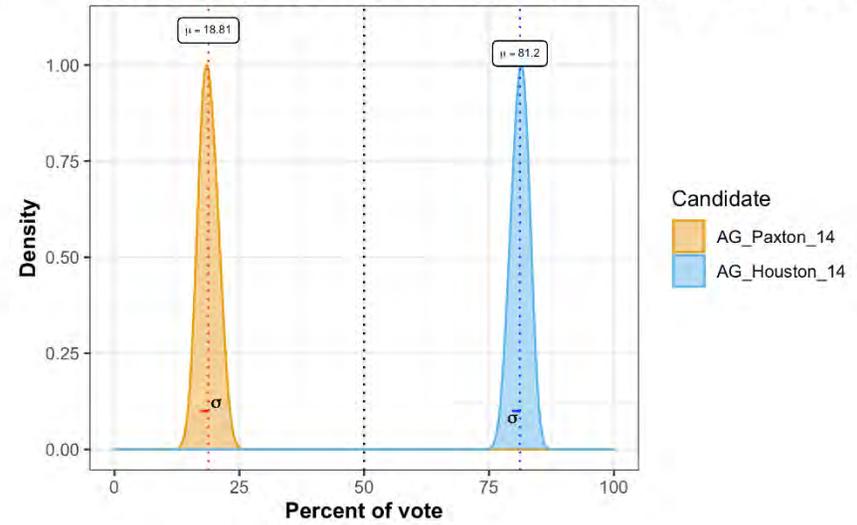


Anglo and Non-Anglo (CVAP)

AG_Paxton_14 vs AG_Houston_14 for White_16 voters (overl

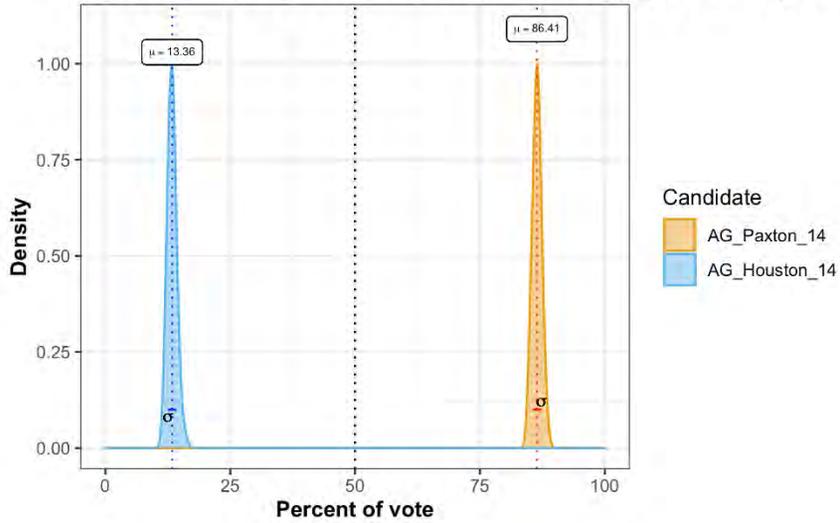


AG_Paxton_14 vs AG_Houston_14 for AllElse_16 voters (overl

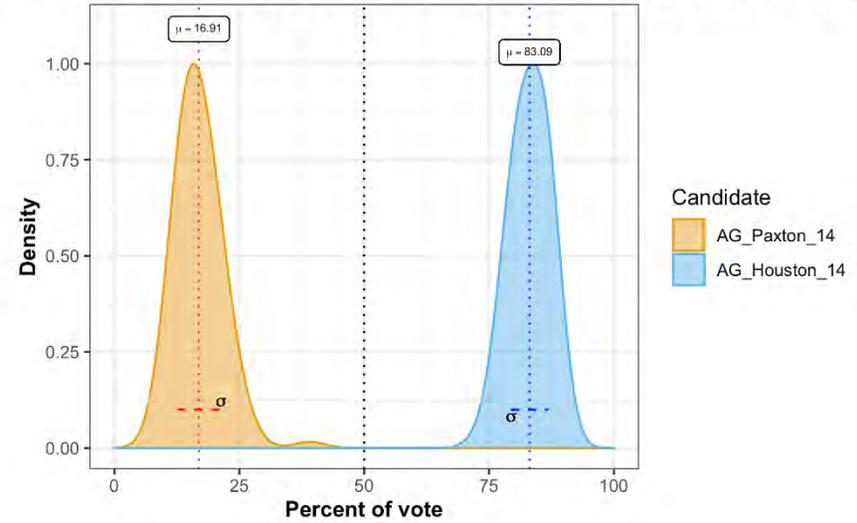


Anglo, Hispanic, and Black (CVAP)

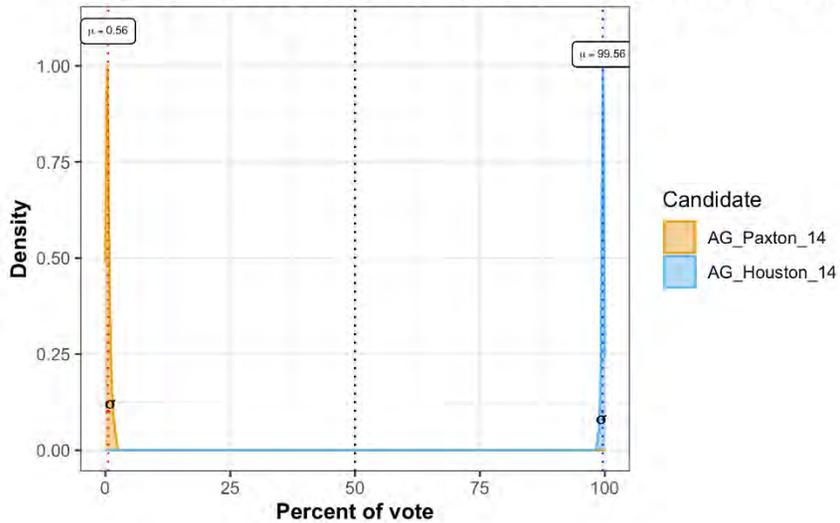
AG_Paxton_14 vs AG_Houston_14 for Anglo_16 voters (overlap



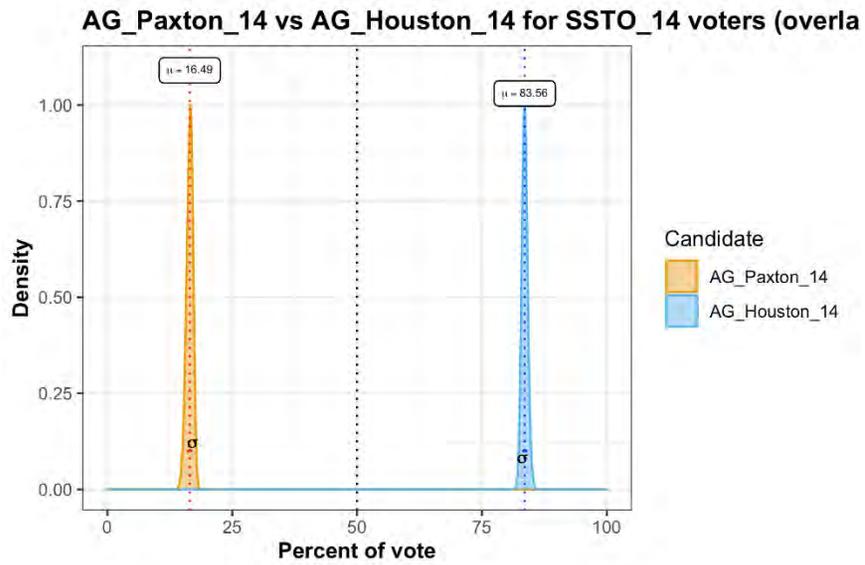
AG_Paxton_14 vs AG_Houston_14 for Hisp_16 voters (overlap



AG_Paxton_14 vs AG_Houston_14 for Black_16 voters (overlap

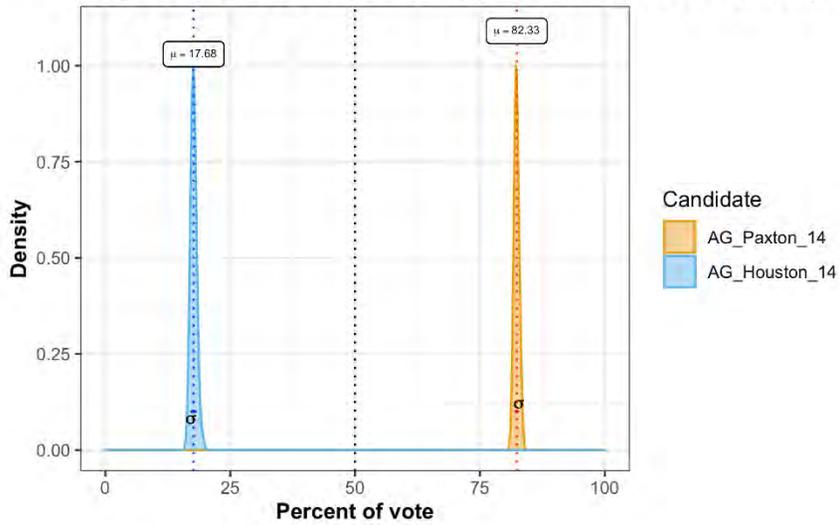


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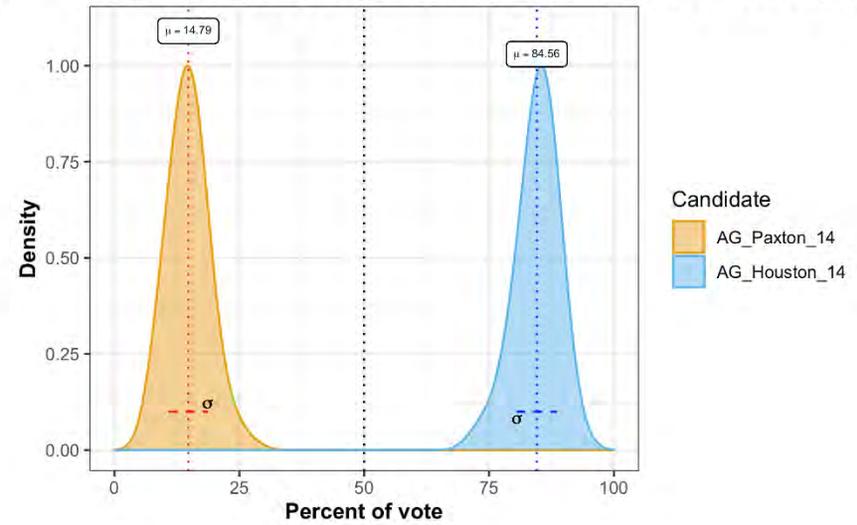


Anglo, Hispanic, and Black (Estimated Actual Vote)

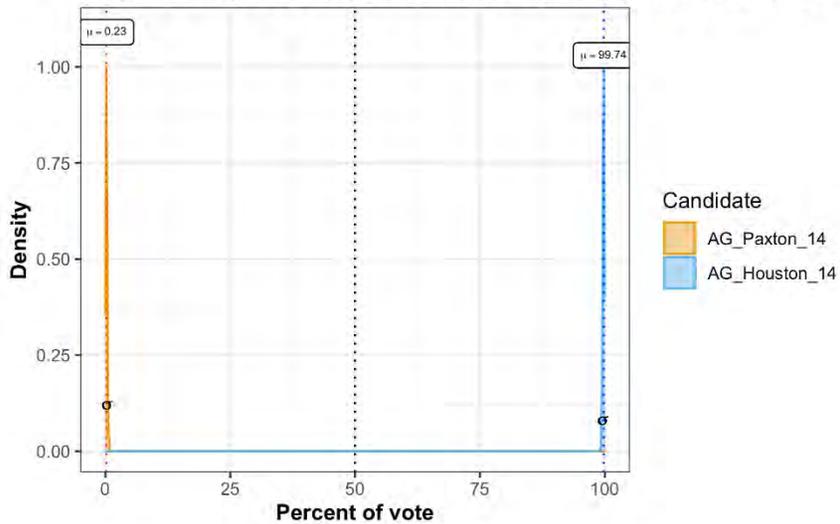
AG_Paxton_14 vs AG_Houston_14 for Wht_Vote14 voters (ove



AG_Paxton_14 vs AG_Houston_14 for Hsp_Vote14 voters (ove



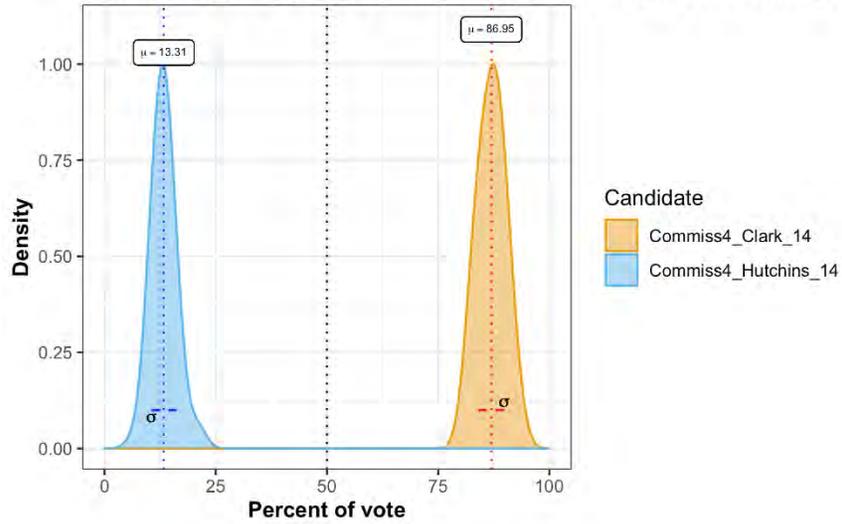
AG_Paxton_14 vs AG_Houston_14 for Blk_Vote14 voters (over



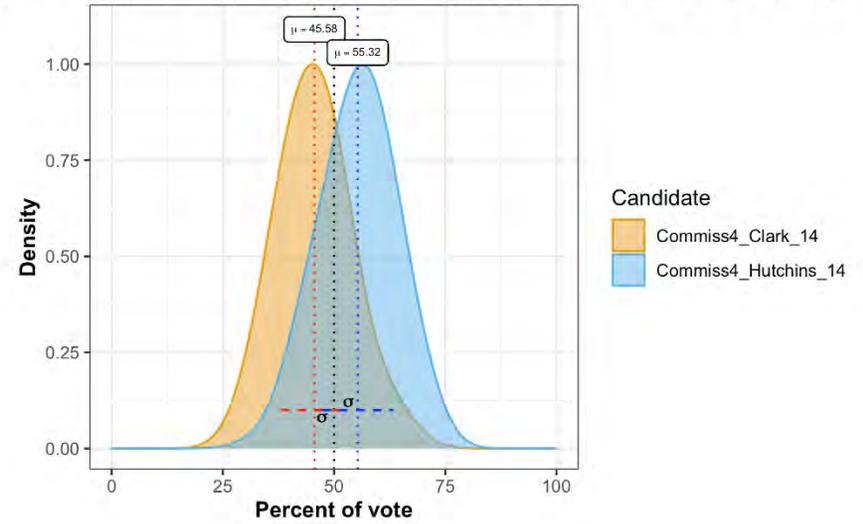
XXIV. 2014 County Commissioner, Precinct #4

Anglo and Non-Anglo (CVAP)

Commiss4_Clark_14 vs Commiss4_Hutchins_14 for White_16

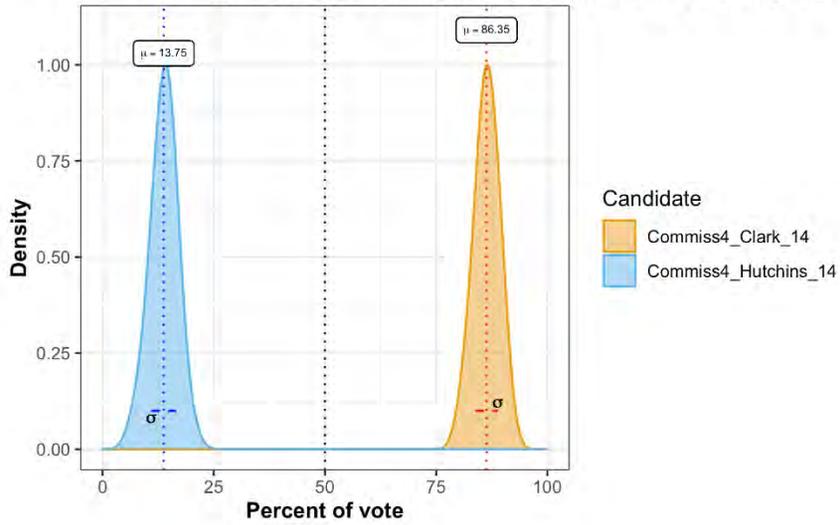


Commiss4_Clark_14 vs Commiss4_Hutchins_14 for AllElse_16

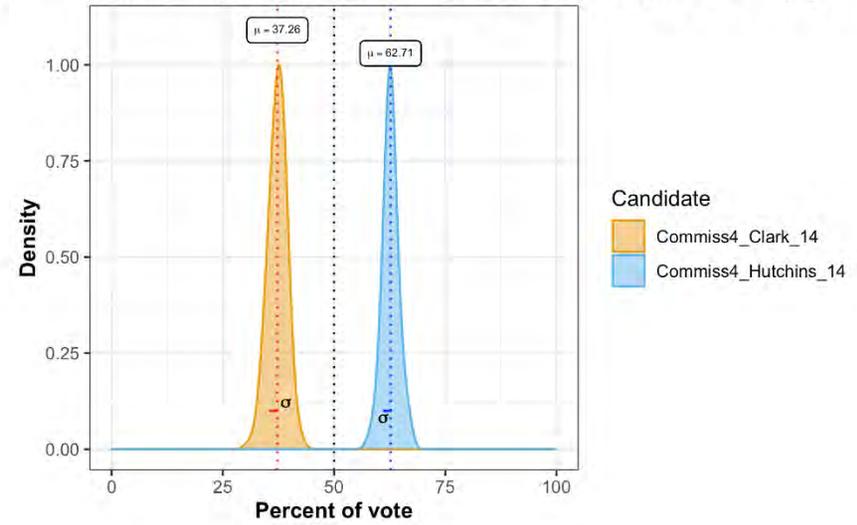


Anglo, Hispanic, and Black (CVAP)

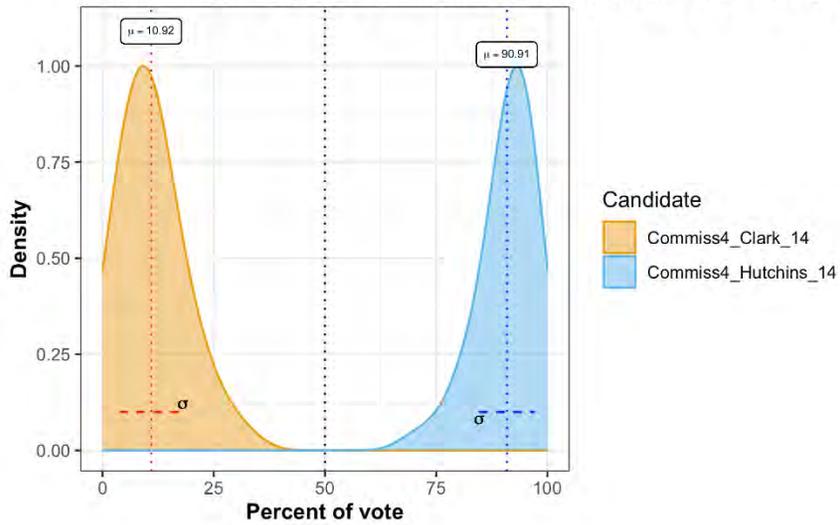
Commiss4_Clark_14 vs Commiss4_Hutchins_14 for Anglo_16



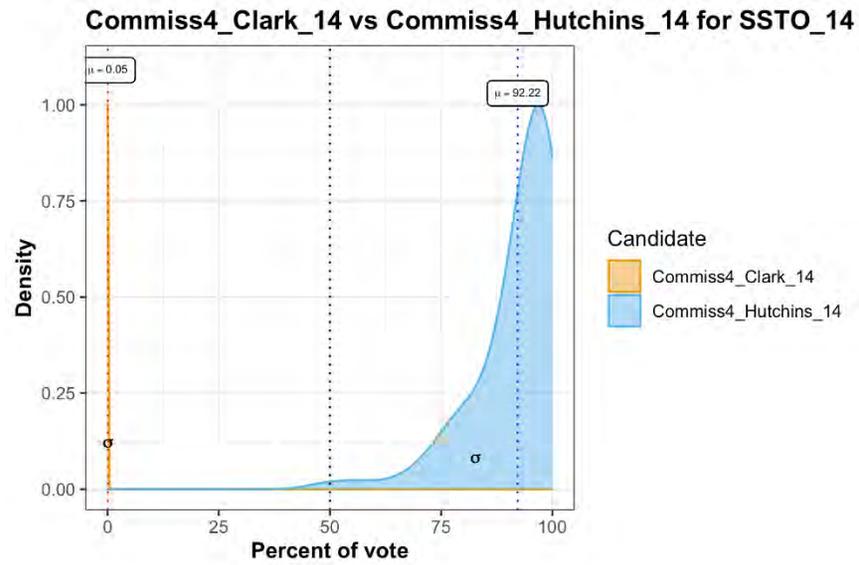
Commiss4_Clark_14 vs Commiss4_Hutchins_14 for Hisp_16 v



Commiss4_Clark_14 vs Commiss4_Hutchins_14 for Black_16 v

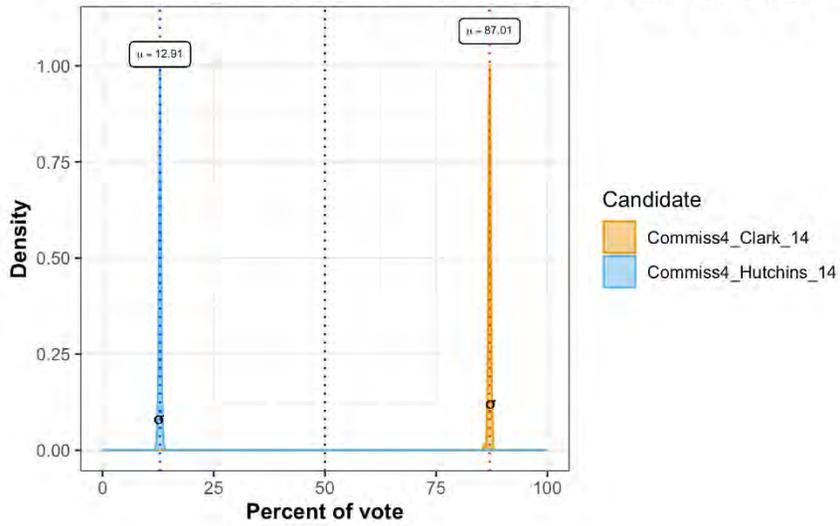


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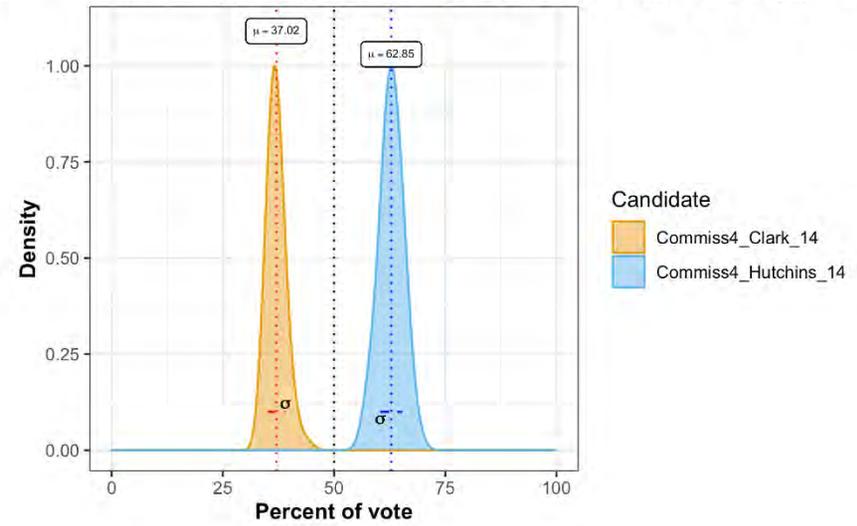


Anglo, Hispanic, and Black (Estimated Actual Vote)

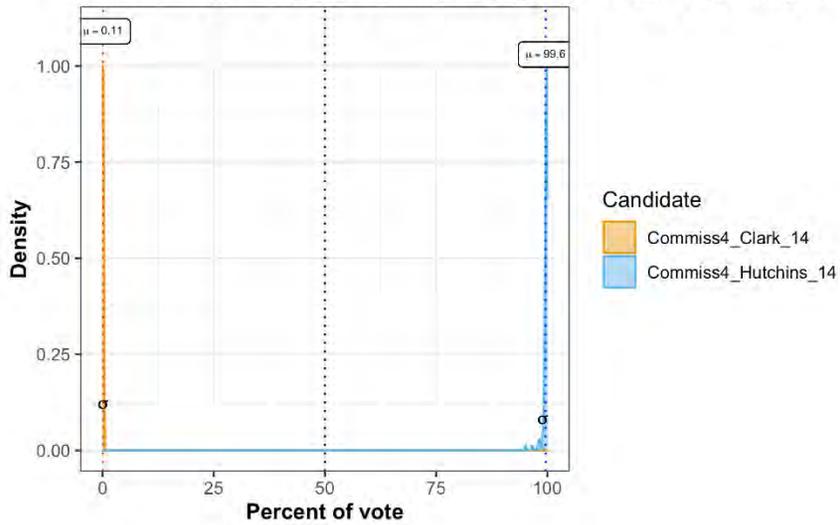
Commiss4_Clark_14 vs Commiss4_Hutchins_14 for Wht_Vote:



Commiss4_Clark_14 vs Commiss4_Hutchins_14 for Hsp_Vote:



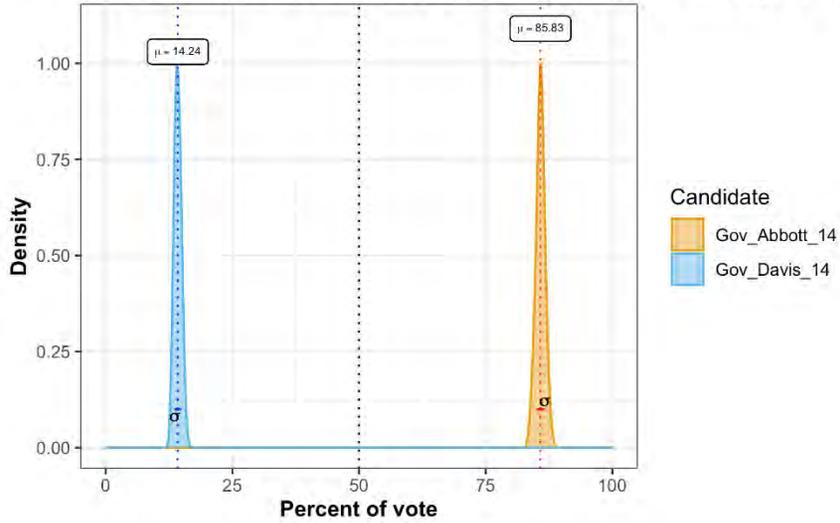
Commiss4_Clark_14 vs Commiss4_Hutchins_14 for Blk_Vote1:



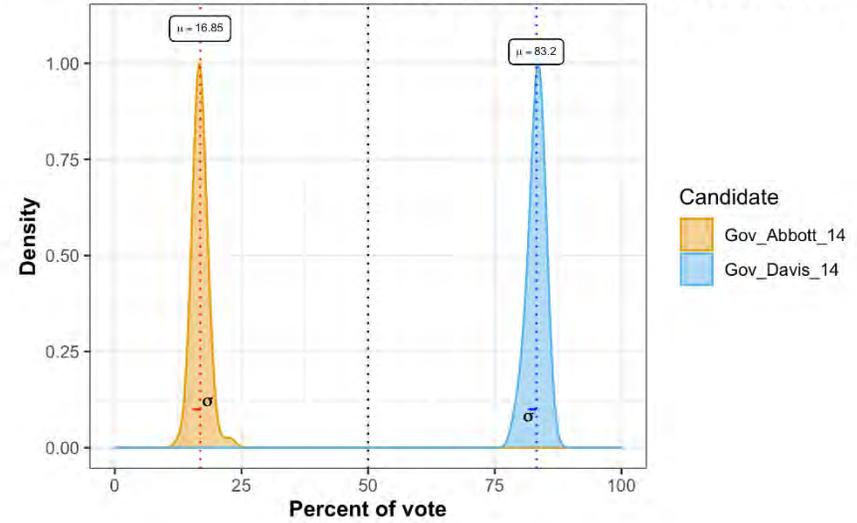
XXV. 2014 Governor

Anglo and Non-Anglo (CVAP)

Gov_Abbott_14 vs Gov_Davis_14 for White_16 voters (overlap)

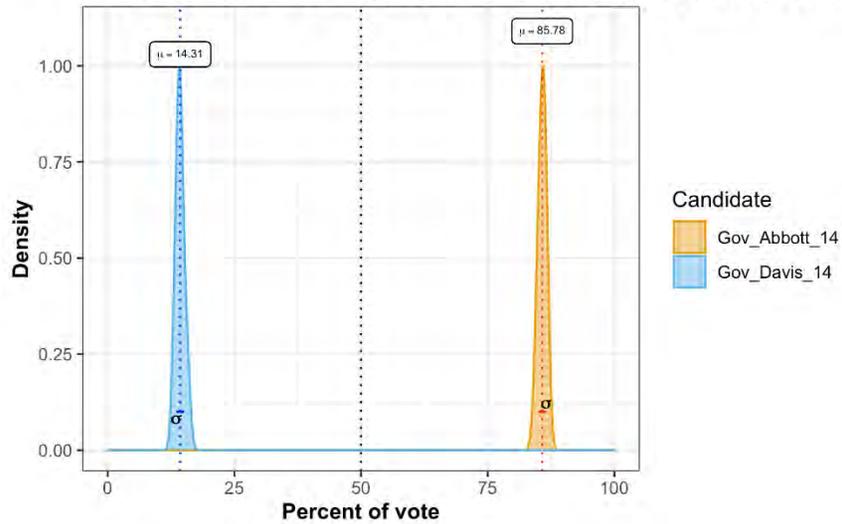


Gov_Abbott_14 vs Gov_Davis_14 for AllElse_16 voters (overla

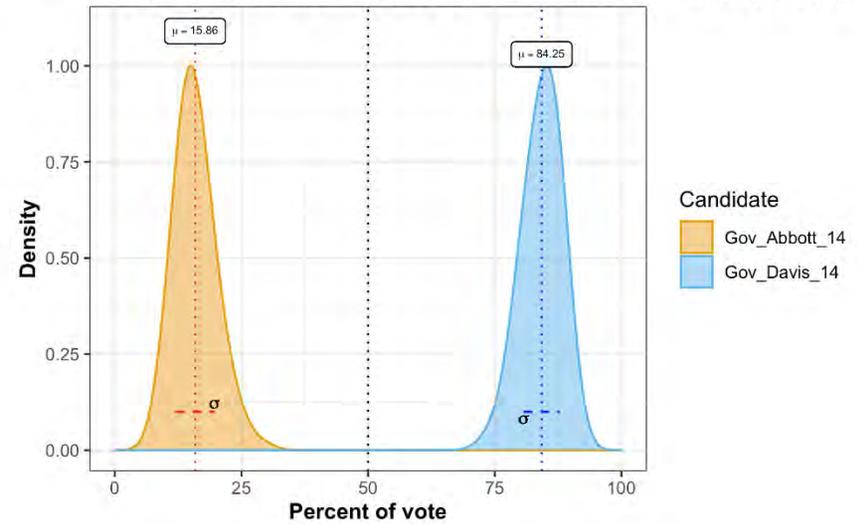


Anglo, Hispanic, and Black (CVAP)

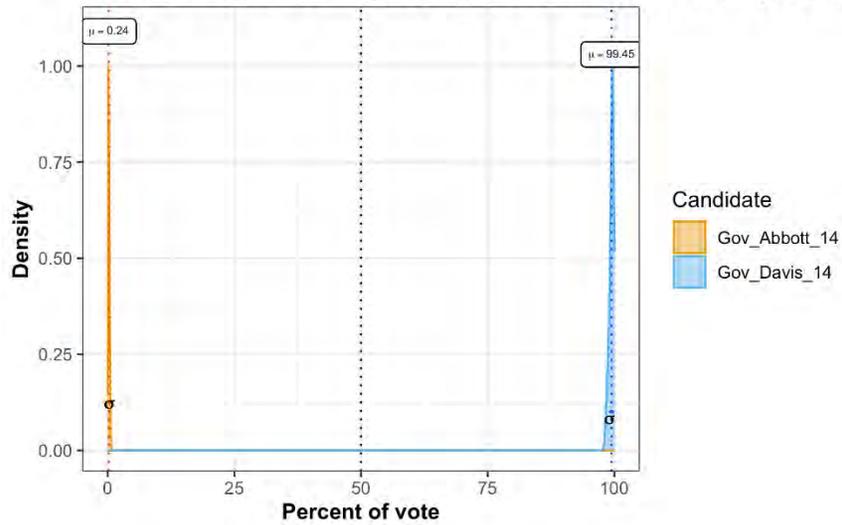
Gov_Abbott_14 vs Gov_Davis_14 for Anglo_16 voters (overlap



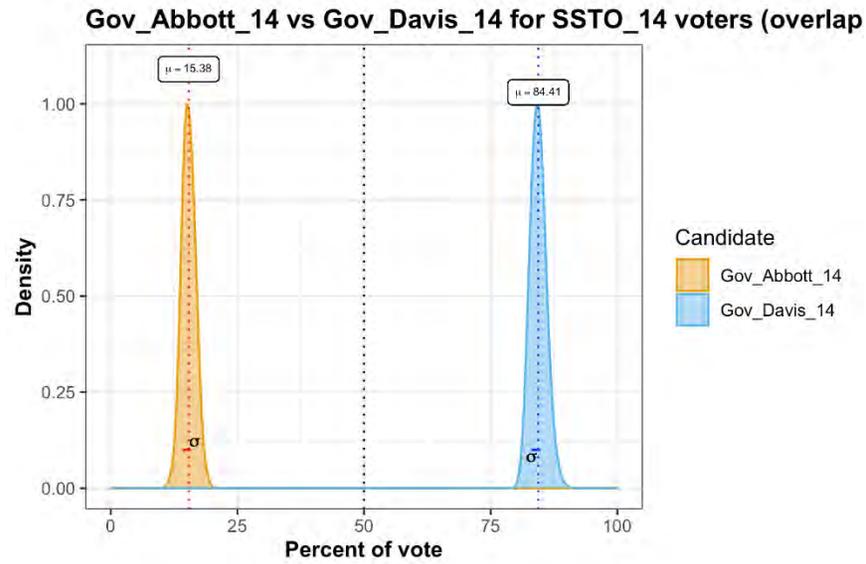
Gov_Abbott_14 vs Gov_Davis_14 for Hisp_16 voters (overlap:



Gov_Abbott_14 vs Gov_Davis_14 for Black_16 voters (overlap

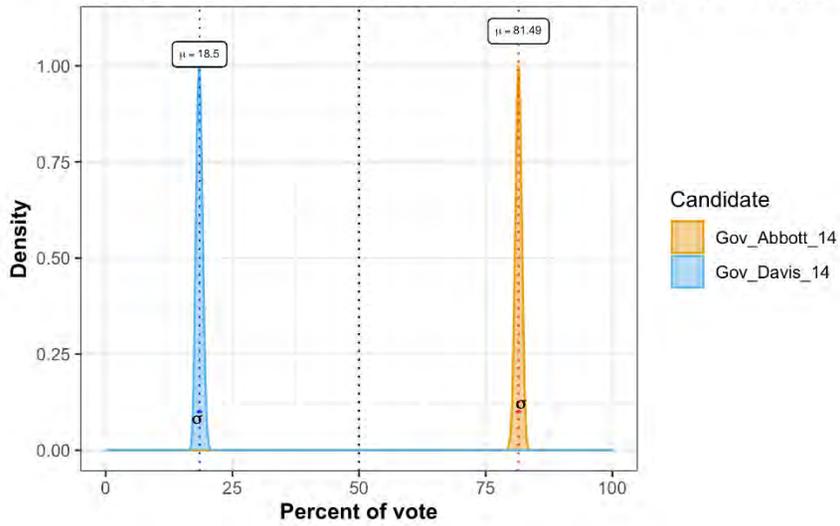


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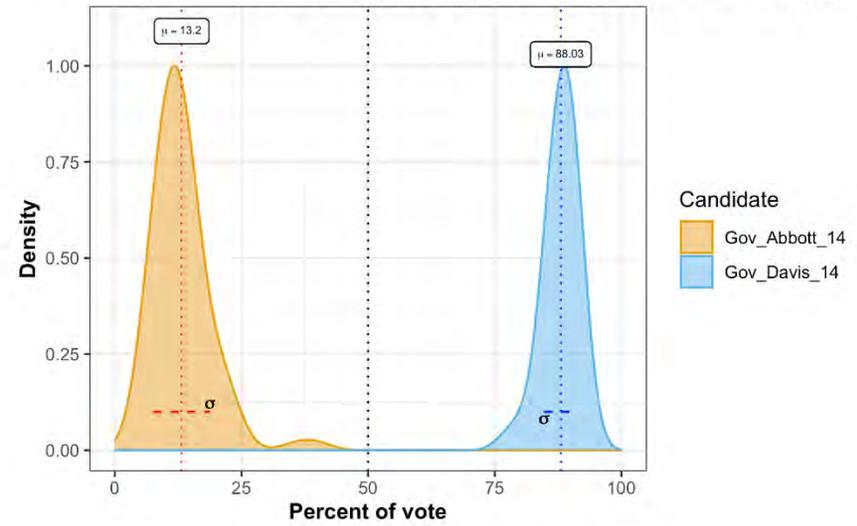


Anglo, Hispanic, and Black (Estimated Actual Vote)

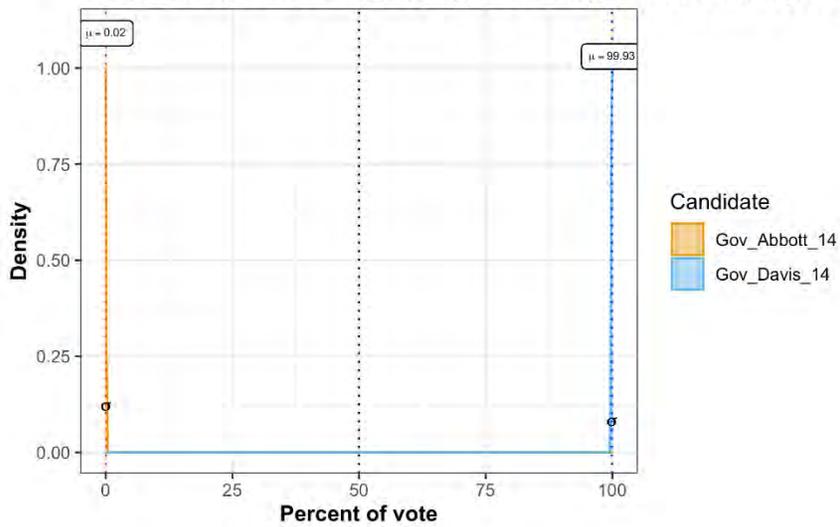
Gov_Abbott_14 vs Gov_Davis_14 for Wht_Vote14 voters (overl



Gov_Abbott_14 vs Gov_Davis_14 for Hsp_Vote14 voters (overl



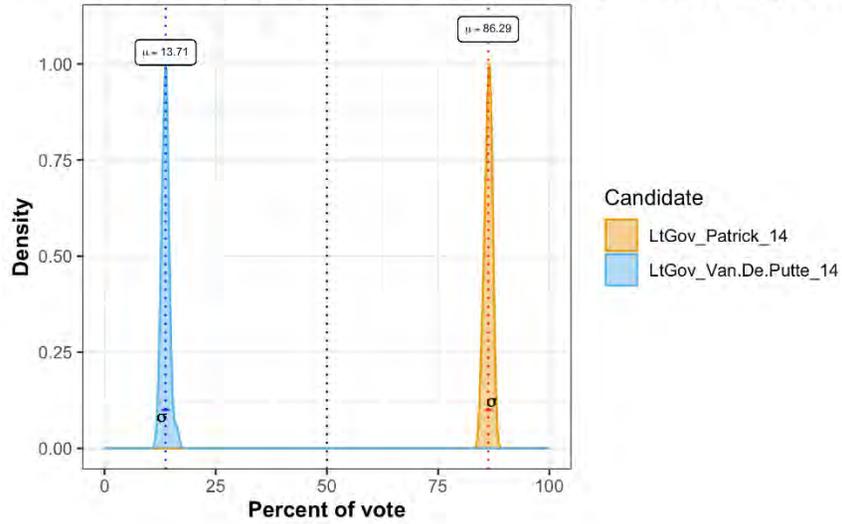
Gov_Abbott_14 vs Gov_Davis_14 for Blk_Vote14 voters (overl



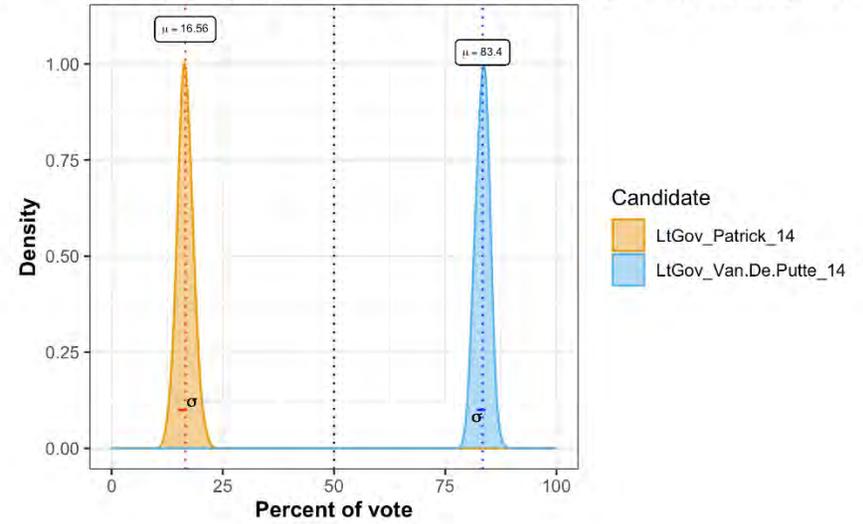
XXVI. 2014 Lt. Governor

Anglo and Non-Anglo (CVAP)

LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for White_16 vote

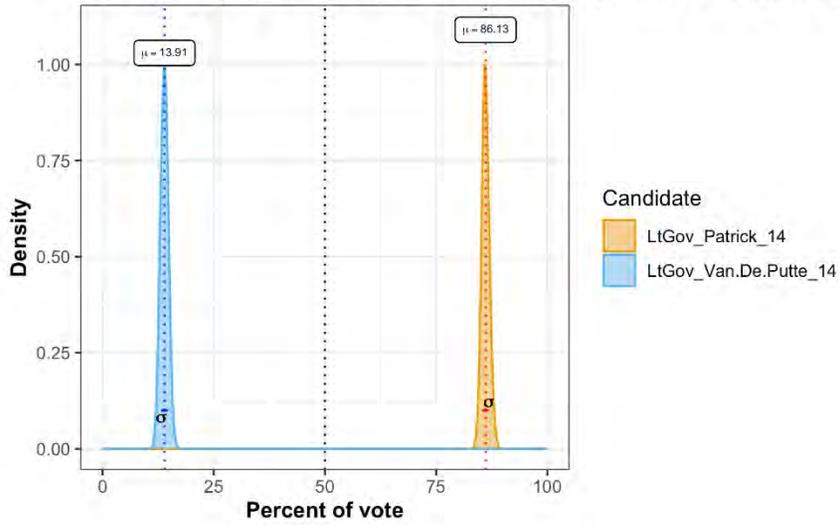


LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for AllElse_16 vo

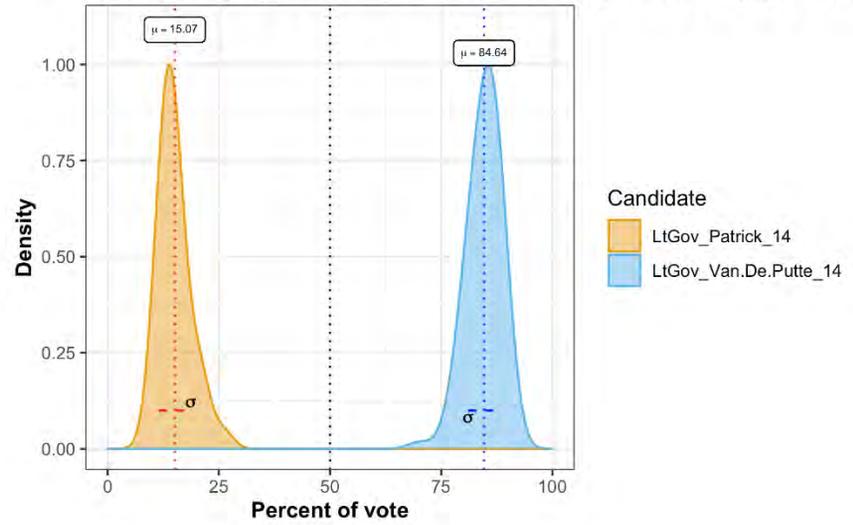


Anglo, Hispanic, and Black (CVAP)

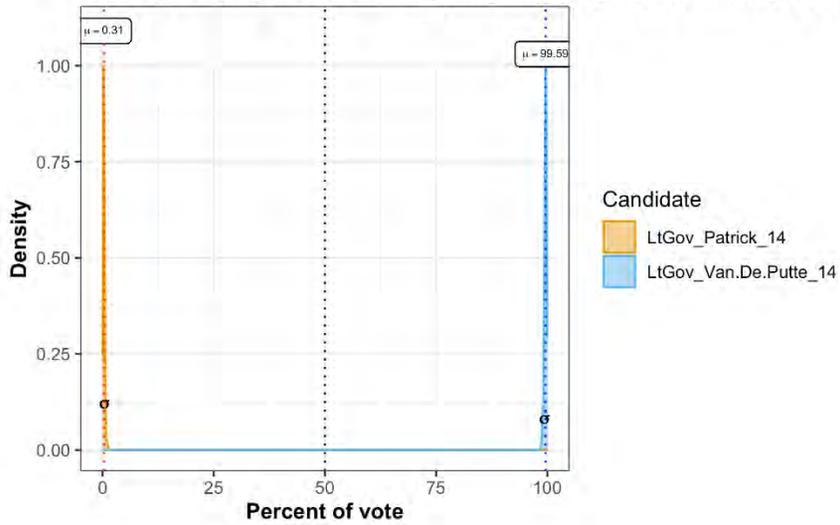
LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for Anglo_16 vot



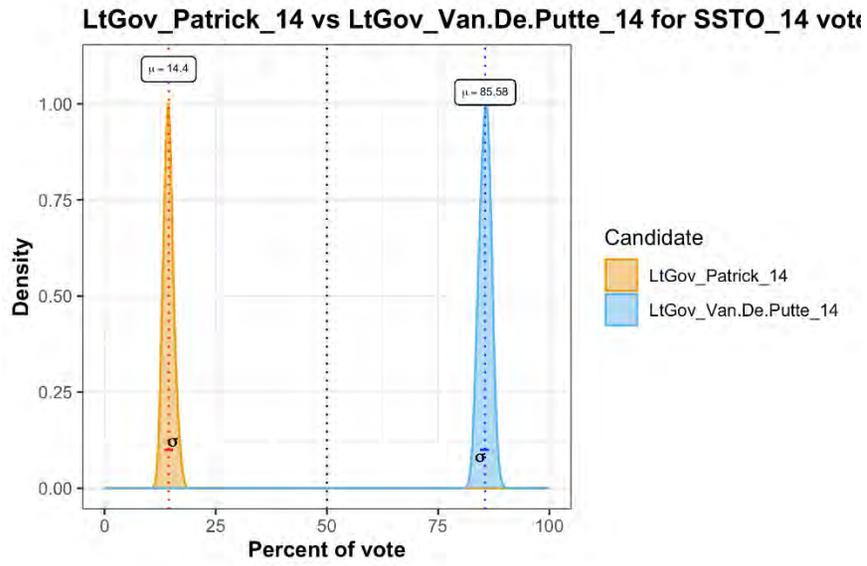
LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for Hisp_16 voter



LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for Black_16 vote

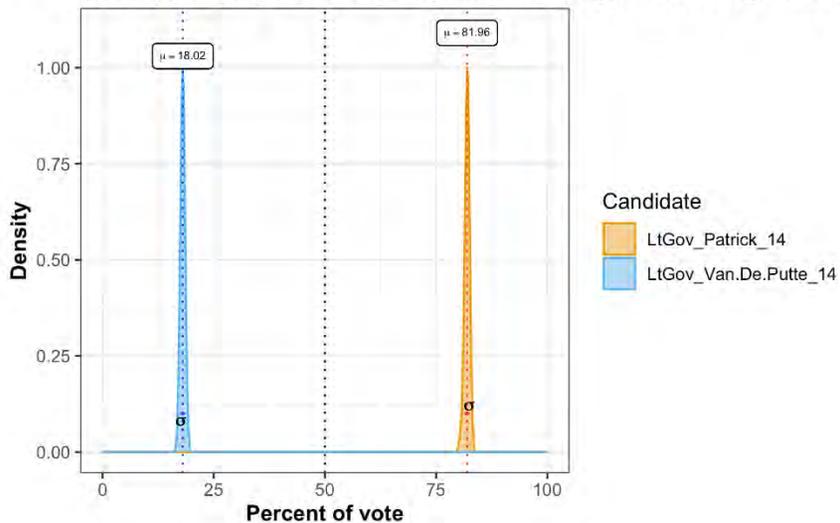


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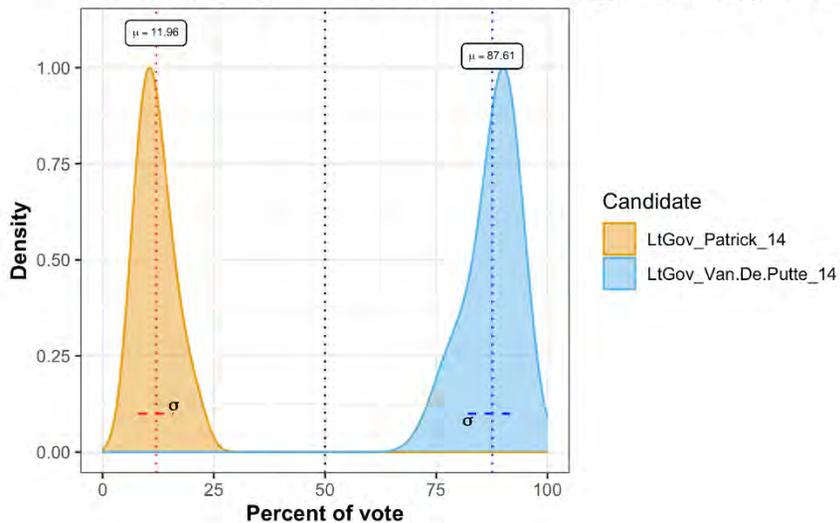


Anglo, Hispanic, and Black (Estimated Actual Vote)

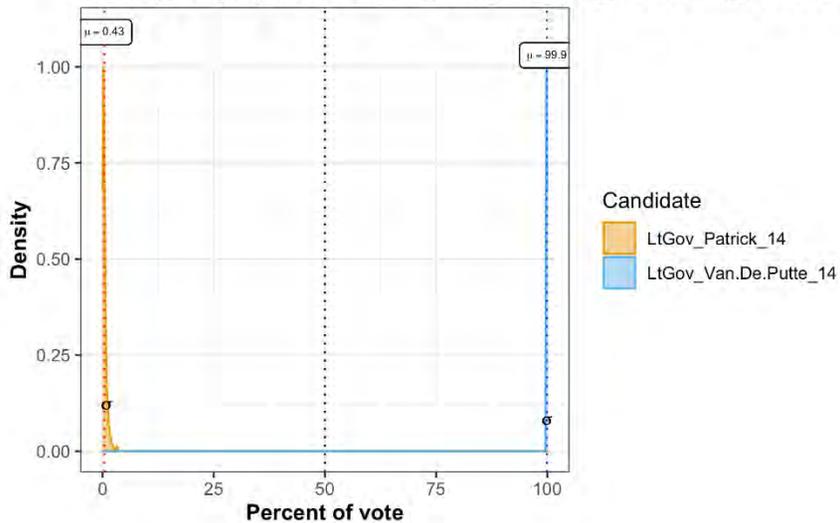
LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for Wht_Vote14 v



LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for Hsp_Vote14 v

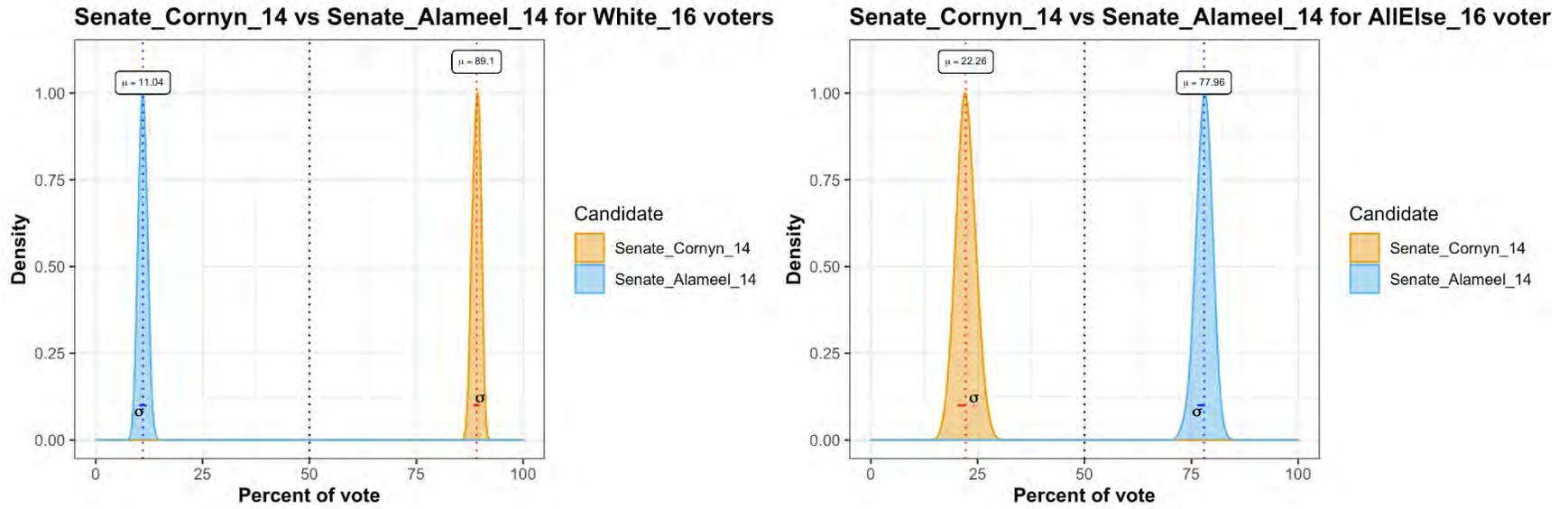


LtGov_Patrick_14 vs LtGov_Van.De.Putte_14 for Blk_Vote14 v



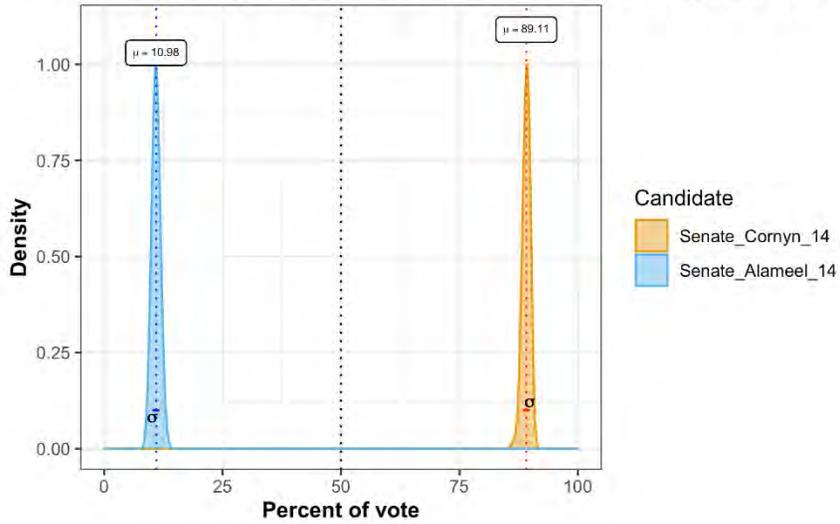
XXVII. 2014 U.S. Senate

Anglo and Non-Anglo (CVAP)

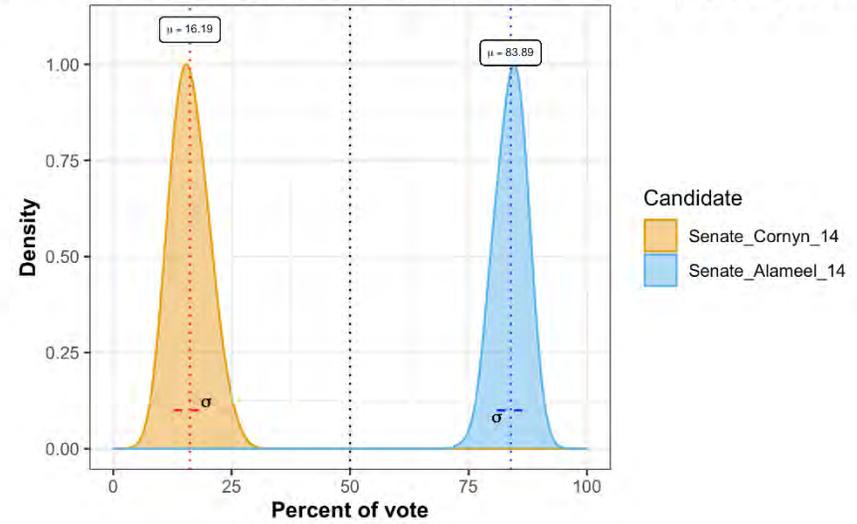


Anglo, Hispanic, and Black (CVAP)

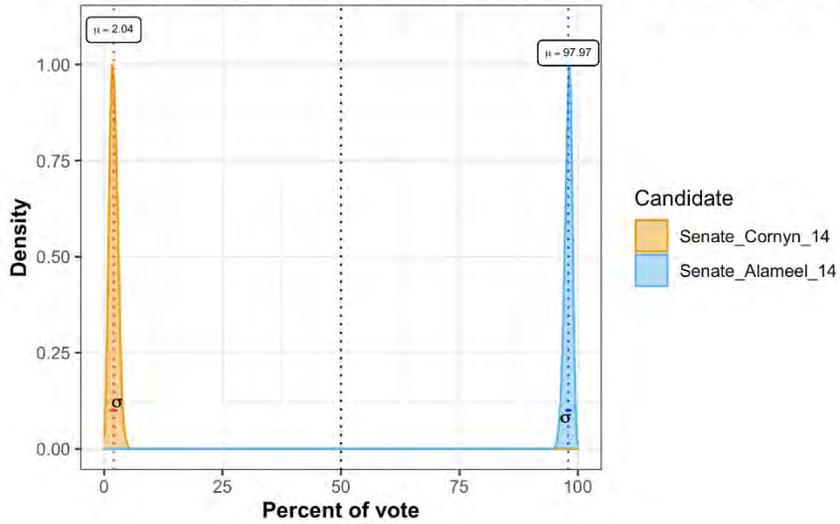
Senate_Cornyn_14 vs Senate_Alameel_14 for Anglo_16 voters



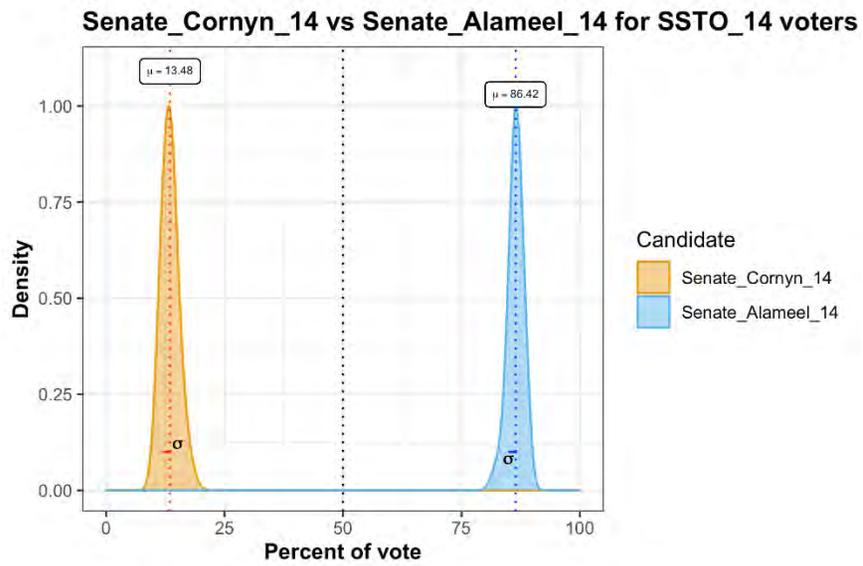
Senate_Cornyn_14 vs Senate_Alameel_14 for Hisp_16 voters (



Senate_Cornyn_14 vs Senate_Alameel_14 for Black_16 voters

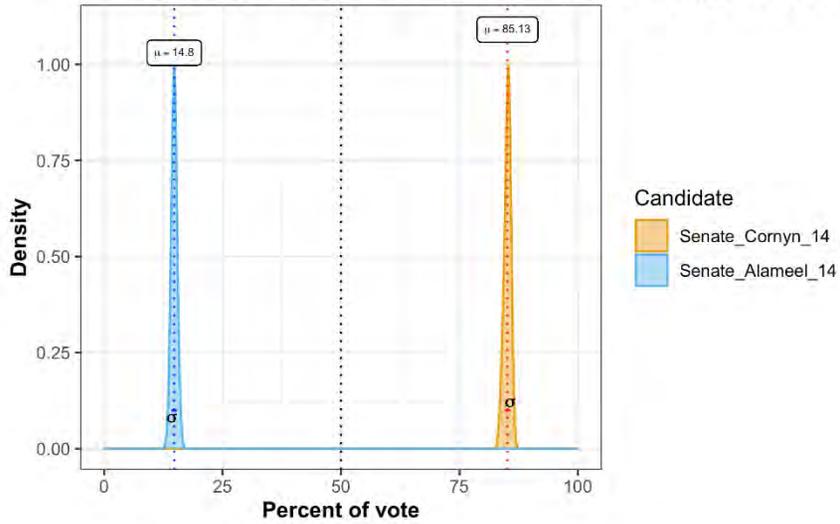


SSTO

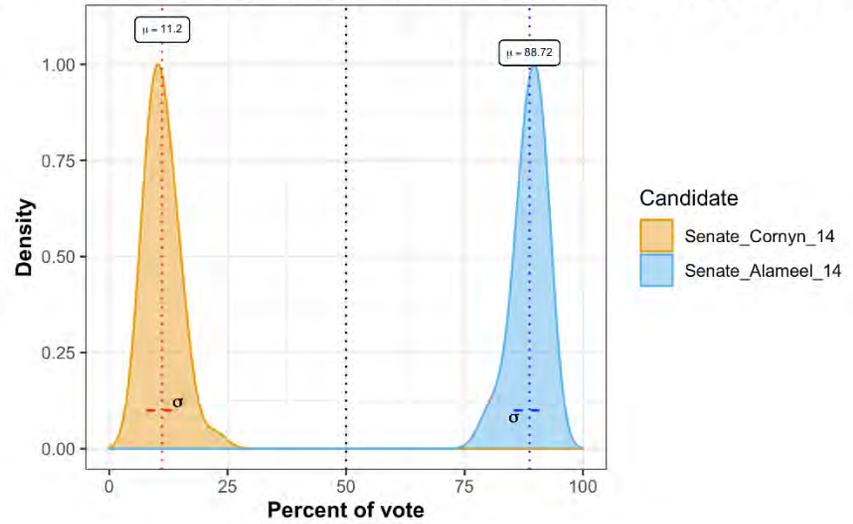


Anglo, Hispanic, and Black (Estimated Actual Vote)

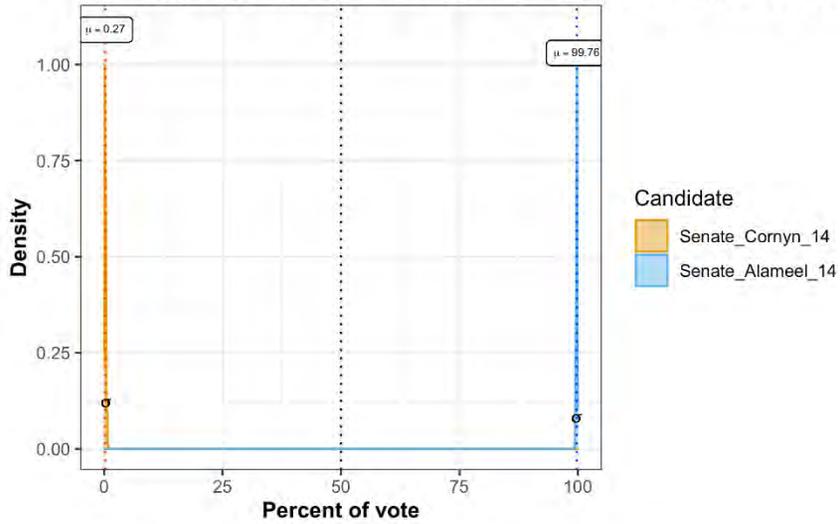
Senate_Cornyn_14 vs Senate_Alameel_14 for Wht_Vote14 vote



Senate_Cornyn_14 vs Senate_Alameel_14 for Hsp_Vote14 vote

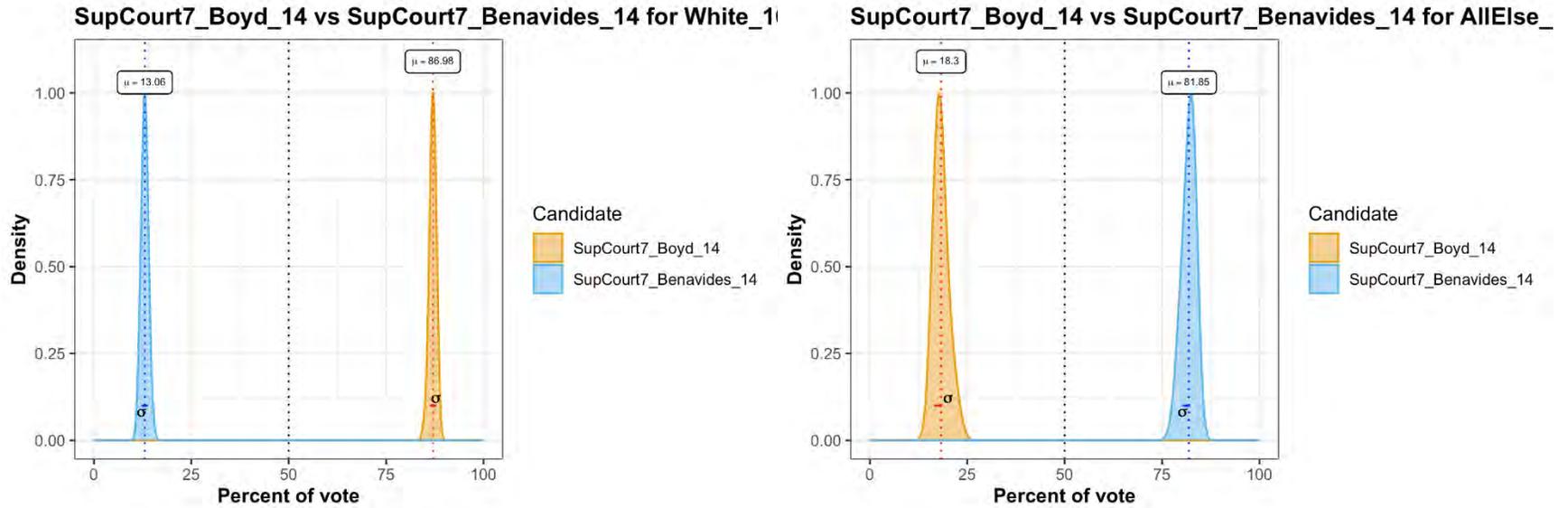


Senate_Cornyn_14 vs Senate_Alameel_14 for Blk_Vote14 vote



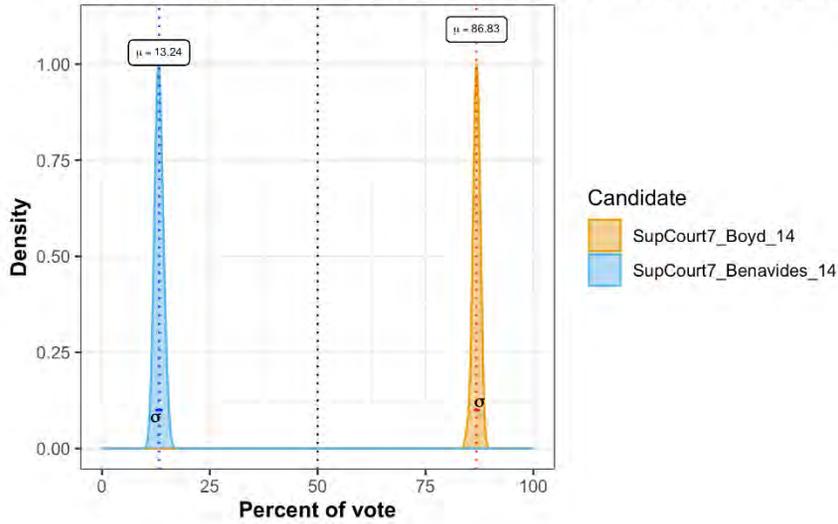
XXVIII. 2014 Supreme Court Justice, Position #7

Anglo and Non-Anglo (CVAP)

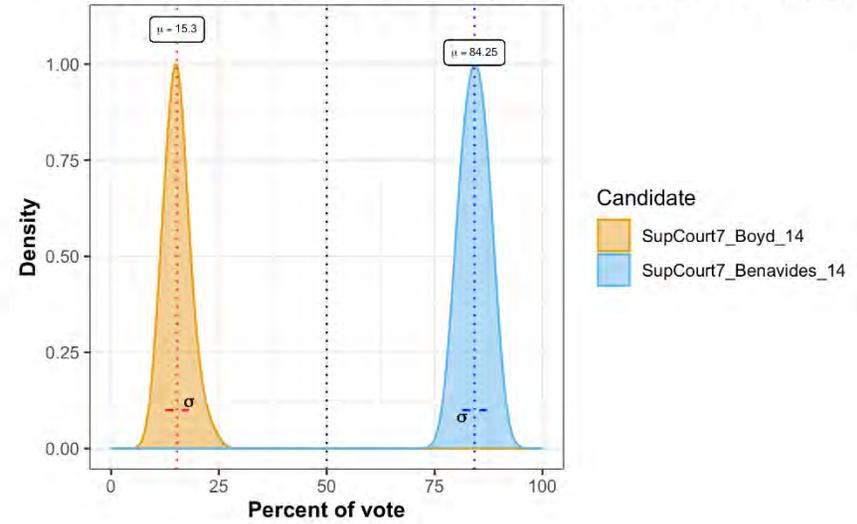


Anglo, Hispanic, and Black (CVAP)

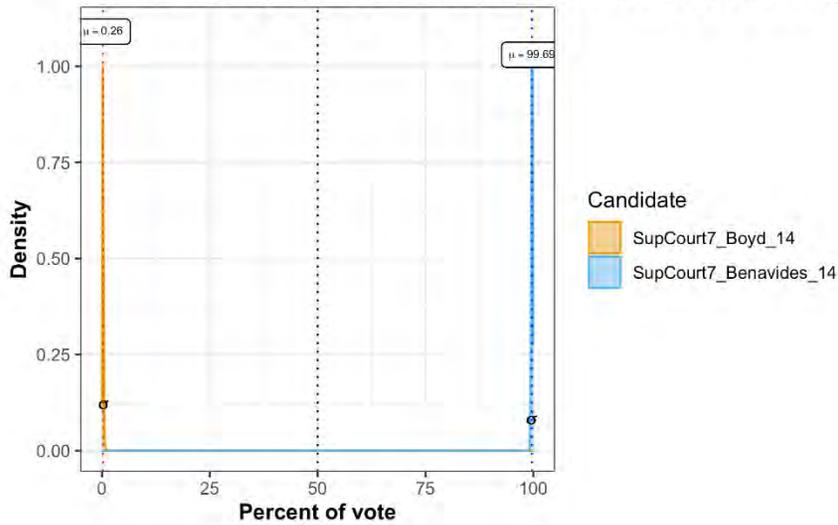
SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for Anglo_1



SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for Hisp_16

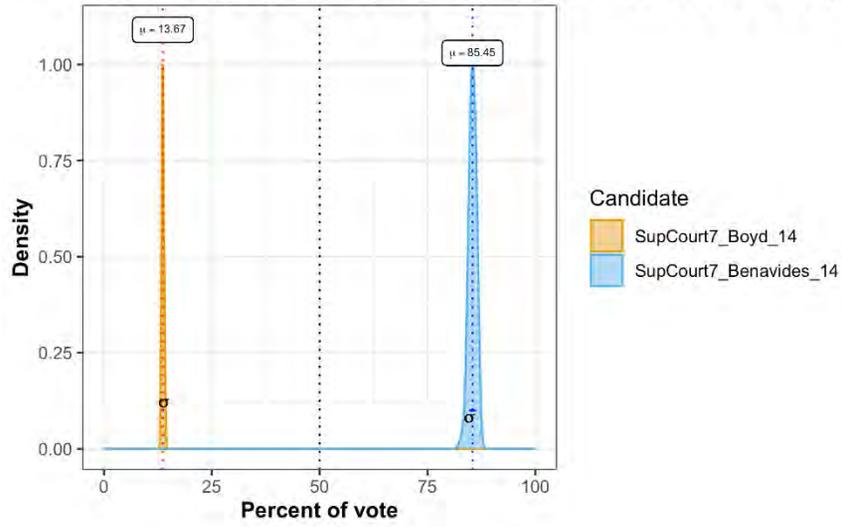


SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for Black_1



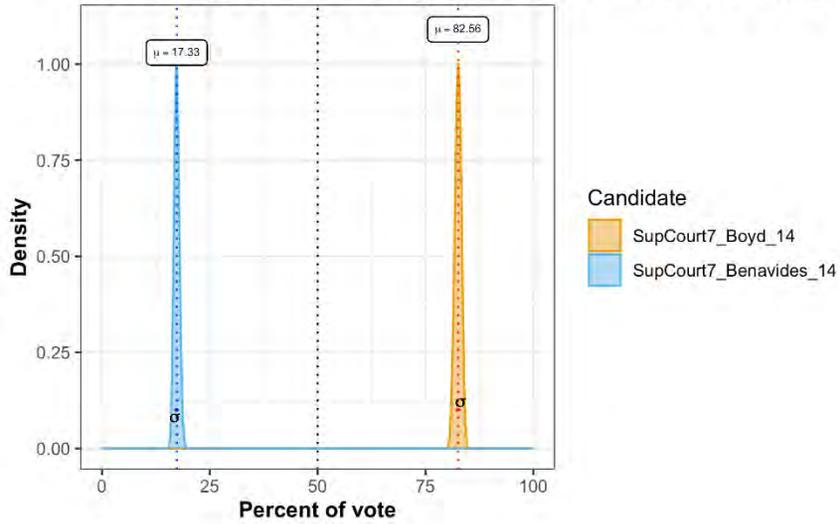
SSTO

SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for SSTO_1.

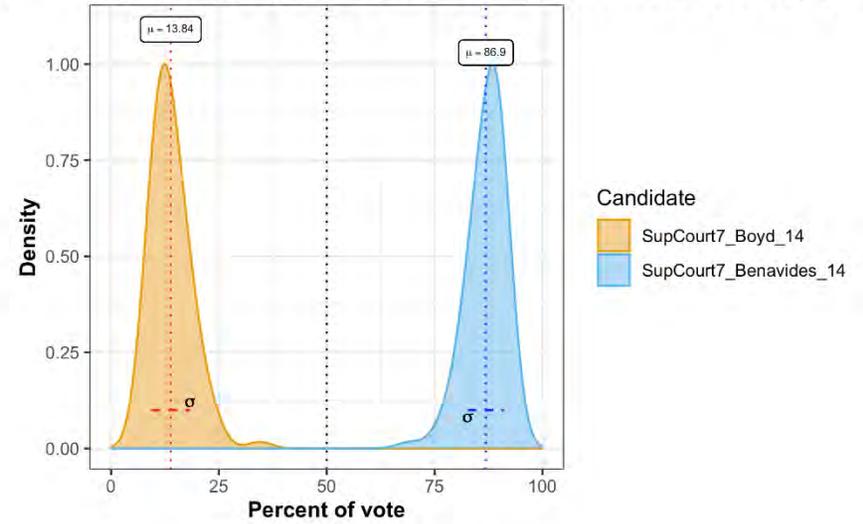


Anglo, Hispanic, and Black (Estimated Actual Vote)

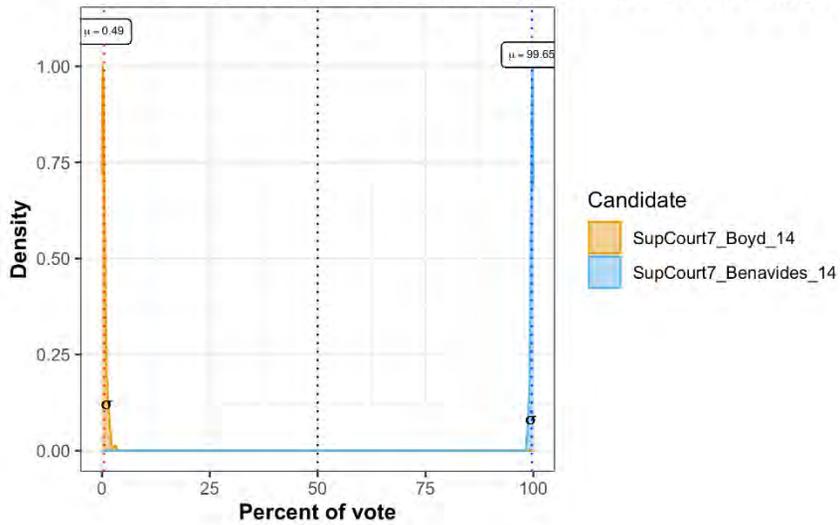
SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for Wht_Vot



SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for Hsp_Vot

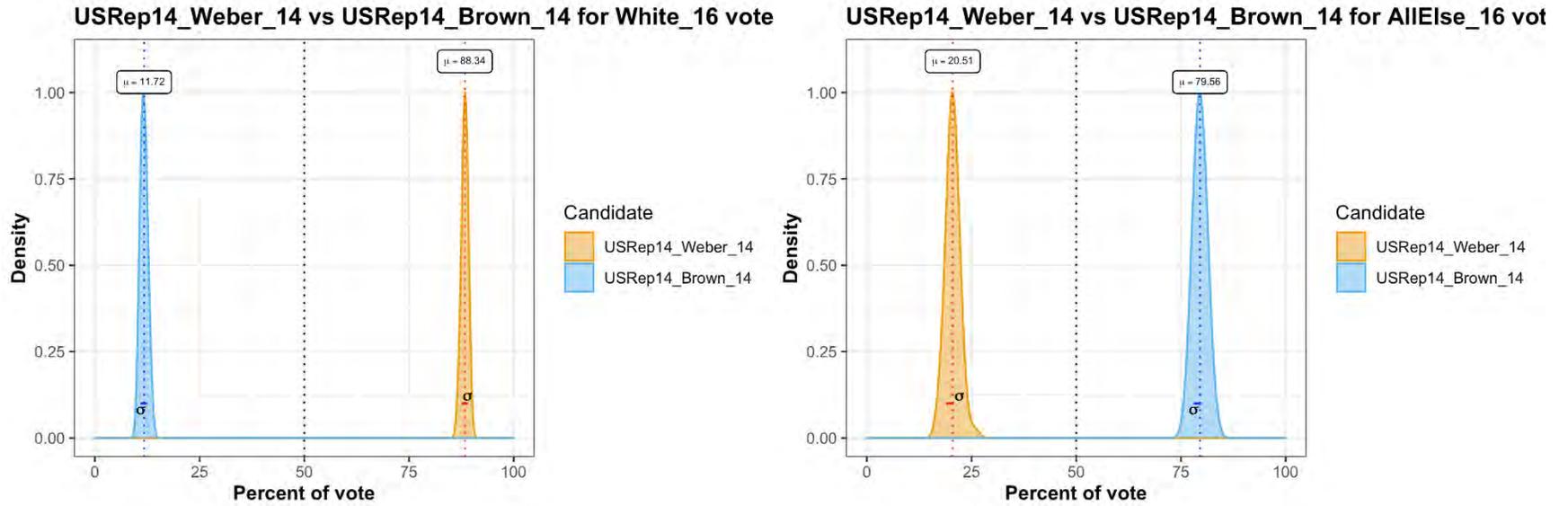


SupCourt7_Boyd_14 vs SupCourt7_Benavides_14 for Blk_Vot



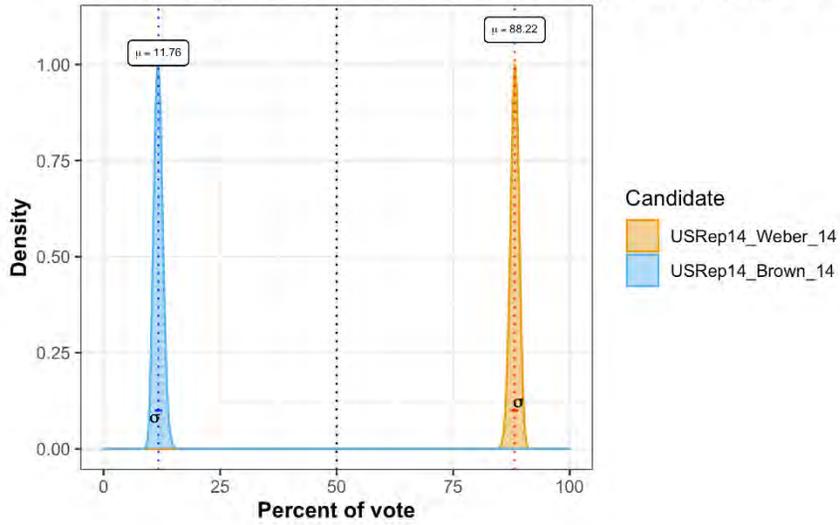
XXIX. 2014 U.S. House of Reps, District #14

Anglo and Non-Anglo (CVAP)

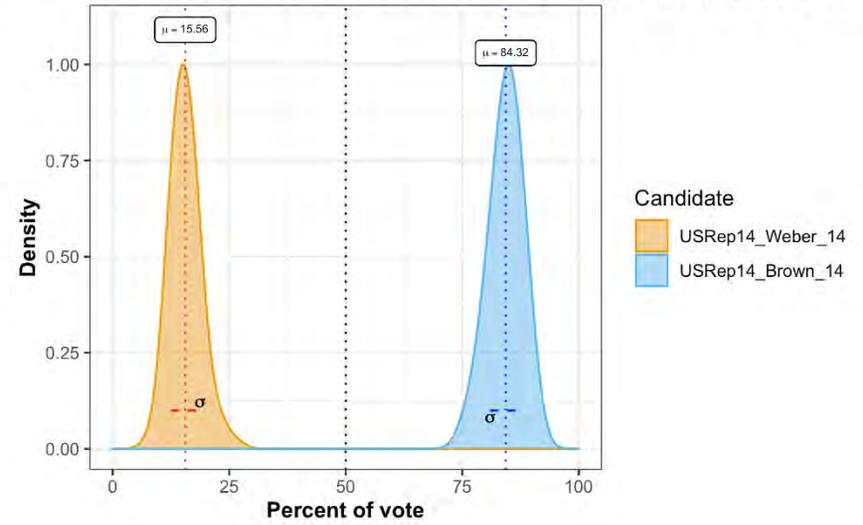


Anglo, Hispanic, and Black (CVAP)

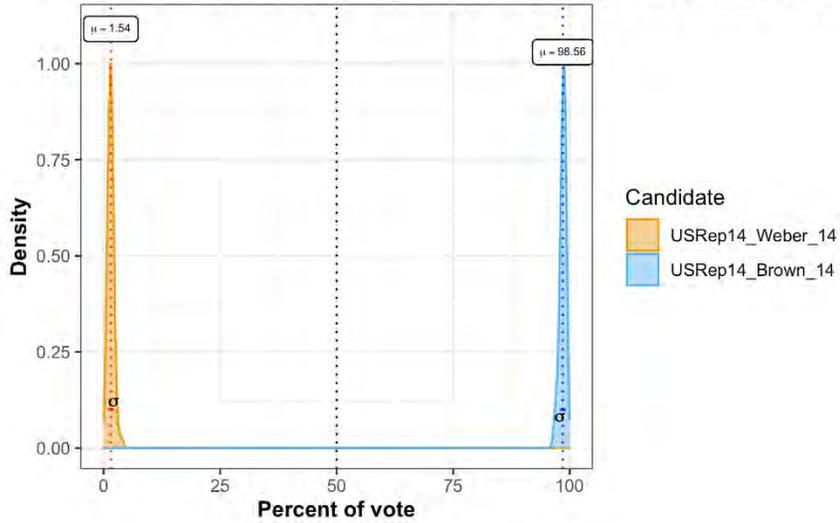
USRep14_Weber_14 vs USRep14_Brown_14 for Anglo_16 vote



USRep14_Weber_14 vs USRep14_Brown_14 for Hisp_16 voters:

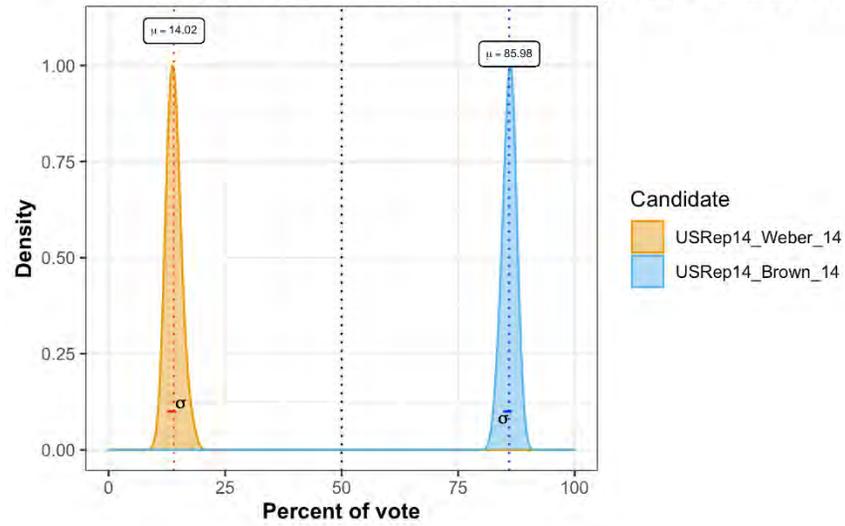


USRep14_Weber_14 vs USRep14_Brown_14 for Black_16 vote



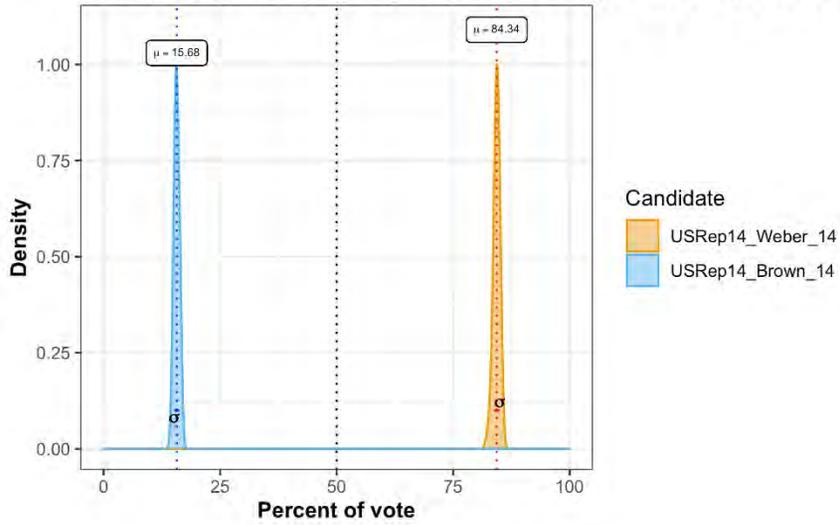
SSTO

USRep14_Weber_14 vs USRep14_Brown_14 for SSTO_14 vote

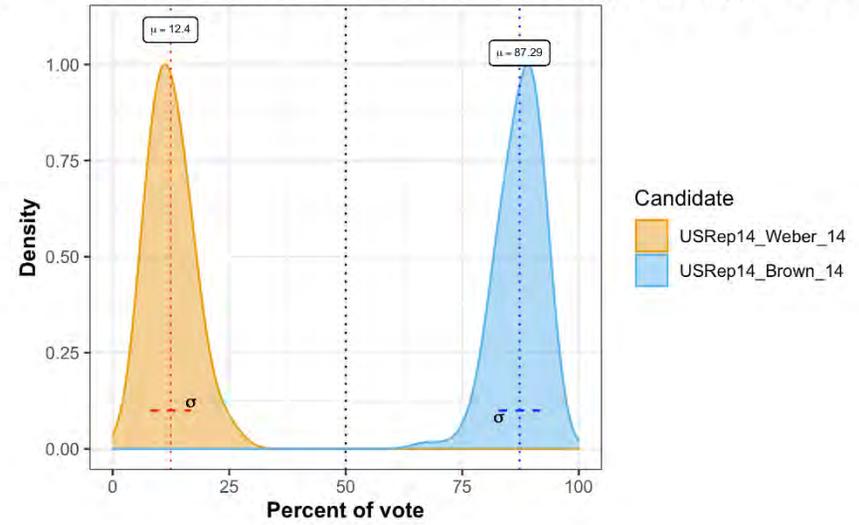


Anglo, Hispanic, and Black (Estimated Actual Vote)

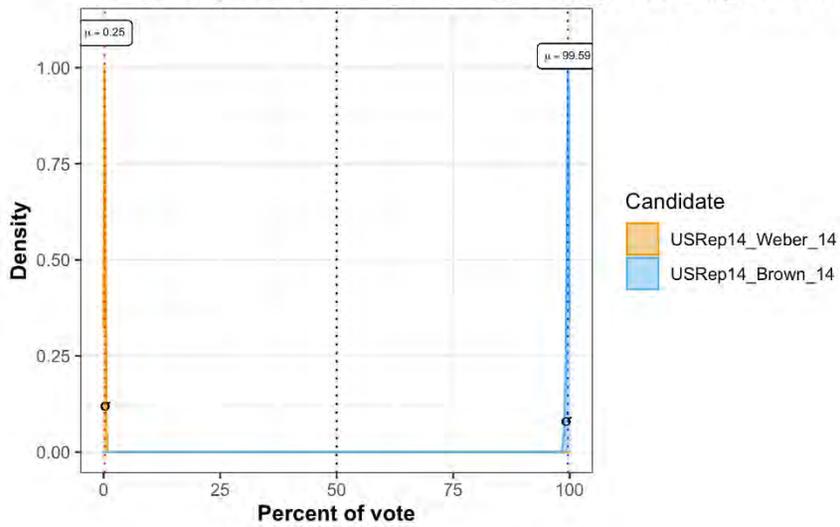
USRep14_Weber_14 vs USRep14_Brown_14 for Wht_Vote14 v



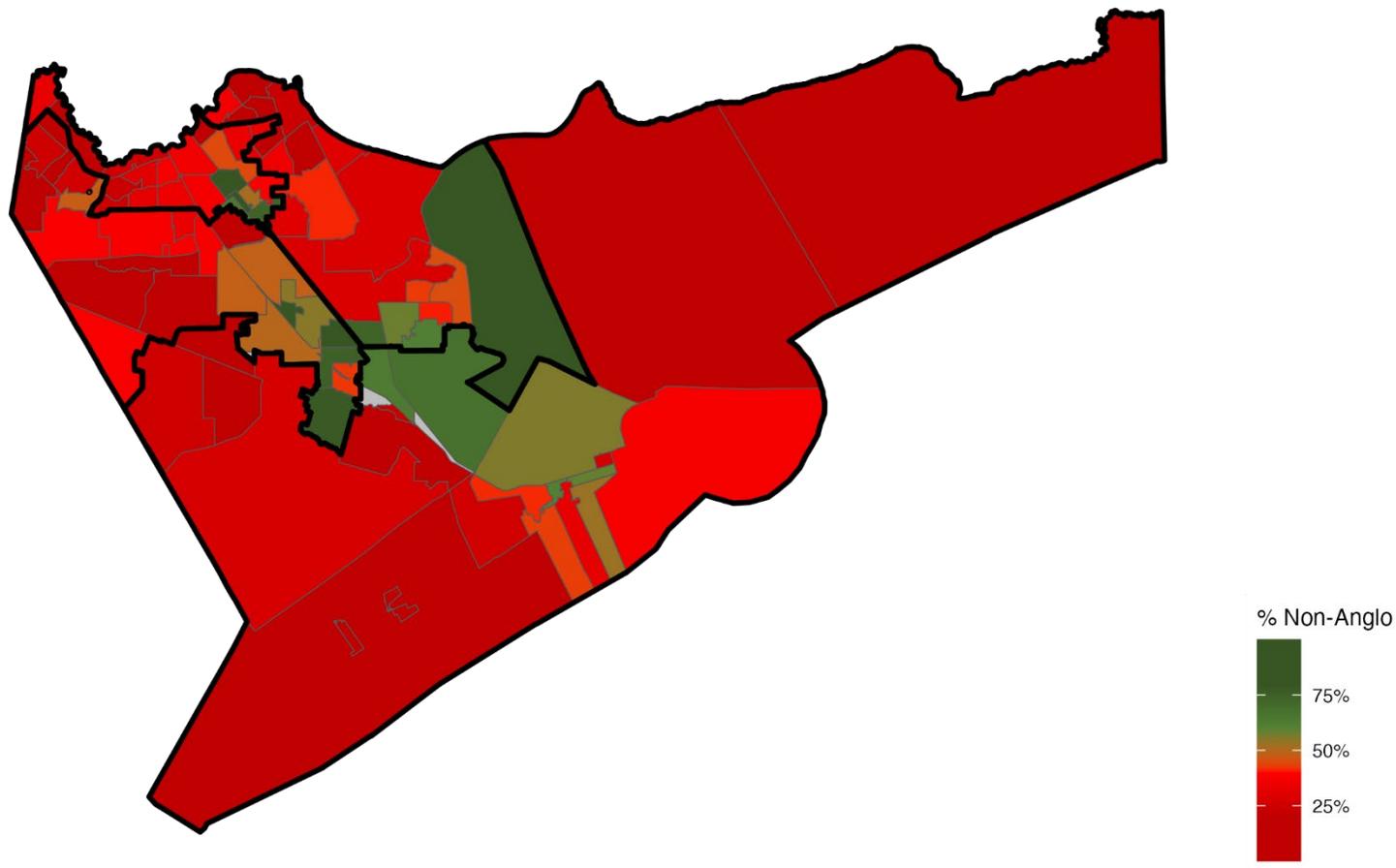
USRep14_Weber_14 vs USRep14_Brown_14 for Hsp_Vote14 v



USRep14_Weber_14 vs USRep14_Brown_14 for Blk_Vote14 v



Appendix D: Galveston County Adopted Map Racial Heatmap (2020 CVAP)



Appendix E1: Resume of Matt Barreto, PhD



MATT A. BARRETO – BARRETOM@UCLA.EDU

UNIVERSITY OF CALIFORNIA, LOS ANGELES, 3345 BUNCHE HALL, LOS ANGELES CA 90095 / 909.489.2955

EMPLOYMENT:

Professor, Political Science, University of California Los Angeles (2015 – present)
Professor, Chicana/o Studies, University of California Los Angeles (2015 – present)
Co-Founder & Faculty Director, Latino Policy & Politics Initiative (LPPI)
Co-Founder & Faculty Director, UCLA Voting Rights Project (VRP)

Dept. Political Science, University of Washington

Professor (2014 – 2015)

Associate Professor (2009 – 2014)

Assistant Professor (2005 – 2009)

Co-Founder & Director, Washington Institute for the Study of Ethnicity and Race

Founding Director, Center for Democracy and Voting Rights, UW School of Law

Affiliated Research Centers

Latino Policy & Politics Initiative (LPPI), University of California, Los Angeles

Chicano Studies Research Center (CSRC), University of California, Los Angeles

Center for the Study of Los Angeles (CSLA), Loyola Marymount University

PERSONAL:

Born: June 6, 1976
San Juan, Puerto Rico

High School: 1994, Washburn Rural HS, Topeka, KS

EDUCATION:

Ph.D., Political Science, June 2005

University of California – Irvine

Sub Fields: American Politics / Race, Ethnicity and Politics / Methodology

Thesis: Ethnic Cues: The Role of Shared Ethnicity in Latino Political Participation

Thesis Committee: Bernard Grofman (chair), Louis DeSipio, Katherine Tate, Carole Uhlaner

Thesis Awards: *Ford Foundation Dissertation Fellowship for Minorities, 04-05*

University of California President's Dissertation Fellowship, 04-05

University of California Institute for Mexico & the U.S. Dissertation Grant, 04-05

Master of Science, Social Science, March 2003

University of California – Irvine

Bachelor of Science, Political Science, May 1998

Eastern New Mexico University, Portales, NM

Minor: English. Cumulative GPA: 3.9, *Summa Cum Laude*

PUBLICATION RECORD

Google Scholar citation indices: Cites: 5,372 h-index: 37 i10-index: 65 i100-index: 13 Cites/year: 298

BOOK MANUSCRIPTS:

Barreto, Matt and Christopher Parker. nd. The Great White Hope: Donald Trump, Race, and the Crisis of American Politics. Under Contract, University of Chicago Press. *expected Fall 2023*

Barreto, Matt and Gary Segura. 2014. Latino America: How America's Most Dynamic Population is Poised to Transform the Politics of the Nation. Public Affairs Books. (Sept)

Barreto, Matt and David Leal, editors. 2018. Race, Class, and Precinct Quality in American Cities. Springer Press.

Christopher Parker and Matt Barreto. 2013. Change They Can't Believe In: The Tea Party and Reactionary Politics in America. Princeton University Press. *Winner: APSA Best Book Award for Race, Ethnicity, Politics, 2014*

Barreto, Matt. 2010. Ethnic Cues: The Role of Shared Ethnicity in Latino Political Participation. University of Michigan Press

PEER-REVIEWED ARTICLES

79. MA Barreto, M Cohen, L Collingwood, CW Dunn, S Waknin. 2022. "A Novel Method for Showing Racially Polarized Voting: Bayesian Improved Surname Geocoding" *New York University Review of Law & Social Change*.

78. MA Barreto, GR Sanchez, HL Walker. 2022. "Battling the Hydra: the disparate impact of voter ID requirements in North Dakota." *Journal of Race, Ethnicity, and Politics*, 1-22

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69. Gonzalez-O'Brien, Benjamin, Matt Barreto and Gabriel Sanchez. 2019. "They're All Out to Get Me! Assessing Inter-Group Competition Among Multiple Populations." *Politics, Groups and Identities*. 7(4).

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65. Gutierrez, Angela, Angela Ocampo, Matt Barreto, and Gary Segura. 2019. "Somos Más : How Racial Threat and Anger Mobilized Latino Voters in the Trump Era" *Political Research Quarterly*. 72(4)
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63. Barreto, Matt, Stephen Nuño, Gabriel Sanchez, and Hannah Walker. 2019. "Race, Class and Barriers to Voting in the 21st Century: The Unequal Impact of Voter ID Laws." *American Politics Research*
62. Barreto, Matt. 2018. "The cycle of under-mobilization of minority voters: A comment on 'Selective recruitment of voter neglect?'" *Journal of Race, Ethnicity, and Politics*. 3(1).
61. Ocampo, Angela, Karam Dana and Matt Barreto. 2018. "The American Muslim Voter: Community Belonging and Political Participation." *Social Science Research*. 69(4).
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57. Dana, Karam, Bryan Wilcox-Archuleta and Matt Barreto. 2017. "The Political Incorporation of Muslims in America: The Mobilizing Role of Religiosity in Islam." *Journal of Race, Ethnicity & Politics*.
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53. Barreto, Matt and Gary Segura 2015. "Obama y la seducción del voto Latino." *Foreign Affairs Latinoamérica*. 15:2 (Jul).
52. Barreto, Matt and Loren Collingwood 2015. "Group-based appeals and the Latino vote in 2012: How immigration became a mobilizing issue." *Electoral Studies*. 37 (Mar).
51. Collingwood, Loren, Matt Barreto and Sergio Garcia-Rios. 2014. "Revisiting Latino Voting: Cross-Racial Mobilization in the 2012 Election" *Political Research Quarterly*. 67:4 (Sep).
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49. Barreto, Matt and Sergio García-Rios. 2012. “El poder del voto latino en Estados Unidos en 2012” *Foreign Affairs Latinoamérica*. 12:4 (Nov).
48. Collingwood, Loren, Matt Barreto and Todd Donovan. 2012. “Early Primaries, Viability and Changing Preferences for Presidential Candidates.” *Presidential Studies Quarterly*. 42:1(Mar).
47. Barreto, Matt, Betsy Cooper, Ben Gonzalez, Chris Towler, and Christopher Parker. 2012. “The Tea Party in the Age of Obama: Mainstream Conservatism or Out-Group Anxiety?.” *Political Power and Social Theory*. 22:1(Jan).
46. Dana, Karam, Matt Barreto and Kassra Oskoi. 2011. “Mosques as American Institutions: Mosque Attendance, Religiosity and Integration into the American Political System.” *Religions*. 2:2 (Sept).
45. Barreto, Matt, Christian Grose and Ana Henderson. 2011. “Redistricting: Coalition Districts and the Voting Rights Act.” *Warren Institute on Law and Social Policy*. (May)
44. Barreto, Matt and Stephen Nuño. 2011. “The Effectiveness of Co-Ethnic Contact on Latino Political Recruitment.” *Political Research Quarterly*. 64 (June). 448-459.
43. Garcia-Castañón, Marcela, Allison Rank and Matt Barreto. 2011 “Plugged in or tuned out? Youth, Race, and Internet Usage in the 2008 Election.” *Journal of Political Marketing*. 10:2 115-138.
42. Barreto, Matt, Victoria DeFrancesco, and Jennifer Merolla. 2011 “Multiple Dimensions of Mobilization: The Impact of Direct Contact and Political Ads on Latino Turnout in the 2000 Presidential Election.” *Journal of Political Marketing*. 10:1
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40. Barreto, Matt, and Francisco Pedraza. 2009. “The Renewal and Persistence of Group Identification in American Politics.” *Electoral Studies*. 28 (Dec) 595-605
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38. Barreto, Matt, Sylvia Manzano, Ricardo Ramírez and Kathy Rim. 2009. “Immigrant Social Movement Participation: Understanding Involvement in the 2006 Immigration Protest Rallies.” *Urban Affairs Review*. 44: (5) 736-764
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36. Barreto, Matt, Stephen Nuño and Gabriel Sanchez. 2009. “The Disproportionate Impact of Voter-ID Requirements on the Electorate – New Evidence from Indiana.” *PS: Political Science & Politics*. 42 (Jan)
35. Barreto, Matt, Luis Fraga, Sylvia Manzano, Valerie Martinez-Ebers, and Gary Segura. 2008. “Should they dance with the one who brung ‘em? Latinos and the 2008 Presidential election” *PS: Political Science & Politics*. 41 (Oct).
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32. Barreto, Matt and David Leal. 2007. “Latinos, Military Service, and Support for Bush and Kerry in 2004.” *American Politics Research*. 35 (March): 224-251.
31. Barreto, Matt, Mara Marks and Nathan Woods. 2007. “Homeownership: Southern California’s New Political Fault Line?” *Urban Affairs Review*. 42 (January). 315-341.

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30. Barreto, Matt, Matt Streb, Fernando Guerra, and Mara Marks. 2006. "Do Absentee Voters Differ From Polling Place Voters? New Evidence From California." *Public Opinion Quarterly*. 70 (Summer): 224-34.
29. Barreto, Matt, Fernando Guerra, Mara Marks, Stephen Nuño, and Nathan Woods. 2006. "Controversies in Exit Polling: Implementing a racially stratified homogenous precinct approach." *PS: Political Science & Politics*. 39 (July) 477-83.
28. Barreto, Matt, Ricardo Ramírez, and Nathan Woods. 2005. "Are Naturalized Voters Driving the California Latino Electorate? Measuring the Impact of IRCA Citizens on Latino Voting." *Social Science Quarterly*. 86 (December): 792-811.
27. Barreto, Matt. 2005. "Latino Immigrants at the Polls: Foreign-born Voter Turnout in the 2002 Election." *Political Research Quarterly*. 58 (March): 79-86.
26. Barreto, Matt, Mario Villarreal and Nathan Woods. 2005. "Metropolitan Latino Political Behavior: Turnout and Candidate Preference in Los Angeles." *Journal of Urban Affairs*. 27(February): 71-91.
25. Leal, David, Matt Barreto, Jongho Lee and Rodolfo de la Garza. 2005. "The Latino Vote in the 2004 Election." *PS: Political Science & Politics*. 38 (January): 41-49.
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23. Barreto, Matt, Gary Segura and Nathan Woods. 2004. "The Effects of Overlapping Majority-Minority Districts on Latino Turnout." *American Political Science Review*. 98 (February): 65-75.
22. Barreto, Matt and Ricardo Ramírez. 2004. "Minority Participation and the California Recall: Latino, Black, and Asian Voting Trends 1990 – 2003." *PS: Political Science & Politics*. 37 (January): 11-14.
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20. Barreto, Matt. 2003. "National Origin (Mis)Identification Among Latinos in the 2000 Census: The Growth of the "Other Hispanic or Latino" Category." *Harvard Journal of Hispanic Policy*. 15 (June): 39-63.

Edited Volume Book Chapters

19. Barreto, Matt and Gary Segura. 2020. "Latino Reaction and Resistance to Trump: Lessons learned from Pete Wilson and 1994." In Raul Hinojosa and Edward Telles (eds.) Equitable Globalization: Expanding Bridges, Overcoming Walls. Oakland: University of California Press.
18. Barreto, Matt, Albert Morales and Gary Segura. 2019. "The Brown Tide and the Blue Wave in 2018" In Larry Sabato, Kyle Kondik, Geoffrey Skelley (eds.) The Blue Wave. New York: Rowman & Littlefield.
17. Gutierrez, Angela, Angela Ocampo and Matt Barreto. 2018. "Obama's Latino Legacy: From Unknown to Never Forgotten" In Andrew Rudalevige and Bert Rockman (eds.) The Obama Legacy. Lawrence, KS: University of Kansas Press.
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14. Barreto, Matt and Christopher Parker. 2015. "Public Opinion and Reactionary Movements: From the Klan to the Tea Party" In Adam Berinsky (ed.) New Directions in Public Opinion. 2nd edition. New York: Routledge Press.
13. Barreto, Matt and Gabriel Sanchez. 2014. "A 'Southern Exception' in Black-Latino Attitudes?." In Anthony Affigne, Evelyn Hu-Dehart, Marion Orr (eds.) Latino Politics en Ciencia Política. New York: New York University Press.

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12. Barreto, Matt, Ben Gonzalez, and Gabriel Sanchez. 2014. "Rainbow Coalition in the Golden State? Exposing Myths, Uncovering New Realities in Latino Attitudes Towards Blacks." In Josh Kun and Laura Pulido (eds.) Black and Brown in Los Angeles: Beyond Conflict and Coalition. Berkeley, CA: University of California Press.
11. Barreto, Matt, Loren Collingwood, Ben Gonzalez, and Christopher Parker. 2011. "Tea Party Politics in a Blue State: Dino Rossi and the 2010 Washington Senate Election" In William Miller and Jeremy Walling (eds.) Stuck in the Middle to Lose: Tea Party Effects on 2010 U.S. Senate Elections. Rowman & Littlefield Publishing Group.
10. Jason Morin, Gabriel Sanchez and Matt Barreto. 2011. "Perceptions of Competition Between Latinos and Blacks: The Development of a Relative Measure of Inter-Group Competition." In Edward Telles, Gaspar Rivera-Salgado and Mark Sawyer (eds.) Just Neighbors? Research on African American and Latino Relations in the US. New York: Russell Sage Foundation.
9. Grofman, Bernard, Frank Wayman and Matt Barreto. 2009. "Rethinking partisanship: Some thoughts on a unified theory." In John Bartle and Paolo Bellucci (eds.) Political Parties and Partisanship: Social identity and individual attitudes. New York: Routledge Press.
8. Barreto, Matt, Ricardo Ramírez, Luis Fraga and Fernando Guerra. 2009. "Why California Matters: How California Latinos Influence the Presidential Election." In Rodolfo de la Garza, Louis DeSipio and David Leal (eds.) Beyond the Barrio: Latinos in the 2004 Elections. South Bend, ID: University of Notre Dame Press.
7. Francisco Pedraza and Matt Barreto. 2008. "Exit Polls and Ethnic Diversity: How to Improve Estimates and Reduce Bias Among Minority Voters." In Wendy Alvey and Fritz Scheuren (eds.) Elections and Exit Polling. Hoboken, NJ: Wiley and Sons.
6. Adrian Pantoja, Matt Barreto and Richard Anderson. 2008. "Politics *y la Iglesia*: Attitudes Toward the Role of Religion in Politics Among Latino Catholics" In Michael Genovese, Kristin Hayer and Mark J. Rozell (eds.) Catholics and Politics. Washington, D.C: Georgetown University Press..
5. Barreto, Matt. 2007. "The Role of Latino Candidates in Mobilizing Latino Voters: Revisiting Latino Vote Choice." In Rodolfo Espino, David Leal and Kenneth Meier (eds.) Latino Politics: Identity, Mobilization, and Representation. Charlottesville: University of Virginia Press.
4. Abosch, Yishaiya, Matt Barreto and Nathan Woods. 2007. "An Assessment of Racially Polarized Voting For and Against Latinos Candidates in California." In Ana Henderson (ed.) Voting Rights Act Reauthorization of 2006: Perspectives on Democracy, Participation, and Power. Berkeley, CA: UC Berkeley Public Policy Press.
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RESEARCH AWARDS AND FELLOWSHIPS

June 2020	WK Kellogg Foundation UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$2,500,000 – 24 months
June 2020	Casey Family Foundation UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$900,000 – 18 months
Aug 2018	Provost Initiative for Voting Rights Research UCLA Latino Policy & Politics Initiative [With Chad Dunn]	\$90,000 – 24 months
April 2018	Democracy Fund & Wellspring Philanthropic UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$200,000 – 18 months
March 2018	AltaMed California UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$250,000 – 12 months
Dec 2017	California Community Foundation UCLA Latino Policy & Politics Initiative [With Sonja Diaz]	\$100,000 – 12 months
July 2013	Ford Foundation UW Center for Democracy and Voting Rights	\$200,000 – 12 months
April 2012	American Values Institute [With Ben Gonzalez] Racial Narratives and Public Response to Racialized Moments	\$40,000 – 3 months
Jan 2012	American Civil Liberties Union Foundation [With Gabriel Sanchez] Voter Identification Laws in Wisconsin	\$60,000 – 6 months
June 2011	State of California Citizens Redistricting Commission An Analysis of Racial Bloc Voting in California Elections	\$60,000 – 3 months
Apr 2011	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? A national conference on the political and social incorporation of American Muslims	\$50,000 – 18 months
Jan 2011	impreMedia [With Gary Segura] Latino public opinion tracking poll of voter attitudes in 2011	\$30,000 – 6 months
Oct 2010	National Council of La Raza (NCLR) [With Gary Segura] Measuring Latino Influence in the 2010 Elections	\$128,000 – 6 months
Oct 2010	We Are America Alliance (WAAA) [With Gary Segura] Latino and Asian American Immigrant Community Voter Study	\$79,000 – 3 months
May 2010	National Council of La Raza (NCLR) [With Gary Segura] A Study of Latino Views Towards Arizona SB1070	\$25,000 – 3 months
Apr 2010	Social Science Research Council (SSRC) [With Karam Dana] Muslim and American? The influence of religiosity in Muslim political incorporation	\$50,000 – 18 months
Oct 2009	American Association of Retired Persons (AARP) [With Gary Segura] Health care reform and Latino public opinion	\$25,000 – 3 months
Nov 2008	impreMedia & National Association of Latino Elected Officials (NALEO) [With Gary Segura] 2008 National Latino Post-Election Survey, Presidential Election	\$46,000 – 3 months

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RESEARCH GRANTS AND FELLOWSHIPS CONTINUED...

July 2008	National Association of Latino Elected Officials (NALEO) [With Gary Segura] Latino voter outreach survey – an evaluation of Obama and McCain	\$72,000 – 3 months
June 2008	The Pew Charitable Trusts, Make Voting Work Project [with Karin MacDonald and Bonnie Glaser] Evaluating Online Voter Registration (OVR) Systems in Arizona and Washington	\$220,000 – 10 months
April 2008	National Association of Latino Elected Officials (NALEO) & National Council of La Raza (NCLR), 2008 Latino voter messaging survey	\$95,000 – 6 months
Dec. 2007	Research Royalty Fund, University of Washington 2008 Latino national post-election survey	\$39,000 – 12 months
Oct. 2007	Brenan Center for Justice, New York University [with Stephen Nuño and Gabriel Sanchez] Indiana Voter Identification Study	\$40,000 – 6 months
June 2007	National Science Foundation, Political Science Division [with Gary Segura] American National Election Study – Spanish translation and Latino oversample	\$750,000 – 24 months
Oct. 2006	University of Washington, Vice Provost for Undergraduate Education Absentee voter study during the November 2006 election in King County, WA	\$12,000 – 6 months
Mar. 2006	Latino Policy Coalition Public Opinion Research Grant [with Gary Segura] Awarded to the Washington Institute for the Study of Ethnicity and Race	\$40,000 – 18 months
2005 – 2006	University of Washington, Institute for Ethnic Studies, Research Grant	\$8,000 – 12 months
Mar. 2005	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Conduct Exit Poll during Los Angeles Mayoral Election, Mar. 8 & May 17, 2005 Awarded to the Center for the Study of Los Angeles	\$30,000 – 6 months
2004 – 2005	Ford Foundation Dissertation Fellowship for Minorities	\$21,000 – 12 months
2004 – 2005	University of California President's Dissertation Fellowship	\$14,700 – 9 months
2004 – 2005	University of California Mexico-US (UC MEXUS) Dissertation Grant	\$12,000 – 9 months
Apr – 2004	UC Regents pre-dissertation fellowship, University of California, Irvine,	\$4,700 – 3 months
2003 – 2004	Thomas and Dorothy Leavey Foundation Grant [with Fernando Guerra] Awarded to the Center for the Study of Los Angeles	\$20,000 – 12 months
2002 – 2003	Ford Foundation Grant on Institutional Inequality [with Harry Pachon] Conducted longitudinal study of Prop 209 on Latino and Black college admittance Awarded to Tomás Rivera Policy Institute	\$150,000 – 12 months
2002 – 2003	Haynes Foundation Grant on Economic Development [with Louis Tornatzky] Knowledge Economy in the Inland Empire region of Southern California Awarded to Tomás Rivera Policy Institute	\$150,000 – 18 months
2001 – 2002	William F Podlich Graduate Fellowship, Center for the Study of Democracy, University of California, Irvine	\$24,000 – 9 months

RESEARCH UNDER REVIEW/WORKING PAPERS:

Barreto, Matt, and Christopher Parker. The Great White Hope: Donald Trump, Race, and the Crisis of American Politics. Under Contract, University of Chicago Press, *expected 2020*

Barreto, Matt and Christopher Parker. "The Great White Hope: Existential Threat and Demographic Anxiety in the Age of Trump." Revise and Resubmit.

Barreto, Matt, Natalie Masuoka, Gabe Sanchez and Stephen El-Khatib. "Religiosity, Discrimination and Group Identity Among Muslim Americans" Revise and Resubmit

Barreto, Matt, Gabe Sanchez and Barbara Gomez. "Latinos, Blacks, and Black Latinos: Competition, Cooperation, or Indifference?" Revise and Resubmit

Walker, Hannah, Matt Barreto, Stephen Nuño, and Gabriel Sanchez. "A comprehensive review of access to valid photo ID and the right to vote in America" [Under review]

Gutierrez, Angela, Angela Ocampo, Matt Barreto and Gary Segura. "From Proposition 187 to Donald Trump: New Evidence that Anti-Immigrant Threat Mobilizes Latino Voters." [Under Review]

Collins, Jonathan, Matt Barreto, Gregory Leslie and Tye Rush. "Racial Efficacy and Voter Enthusiasm Among African Americans Post-Obama" [Under Review]

Oskooii, Kassra, Matt Barreto, and Karam Dana. "No Sharia, No Mosque: Orientalist Notions of Islam and Intolerance Toward Muslims in the United States" [Under Review]

Barreto, Matt, David Redlawsk and Caroline Tolbert. "Framing Barack Obama: Muslim, Christian or Black?" [Working paper]

EXPERT REPORTS:

- Benton, Chelan, Yakima counties signature rejection, 2022-23, *Reyes et al. v. Chilton et al.*
- San Juan County, New Mexico 2022-23, *Navajo Nation v. San Juan County, NM*
- Texas Statewide redistricting, 2022, *LULAC v. Abbott* (on behalf of Mexican American Legislative Caucus)
- Texas Statewide redistricting, 2021-22, *Brooks v. Abbott* Senate District 10 (Tarrant County)
- Baltimore County Council, 2021-22, *NAACP v. Baltimore County*, (on behalf of NAACP and ACLU-MD)
- Maryland Office of Attorney General, 2021-22, racially polarized voting analysis as part of statewide redistricting
- Pennsylvania House Democrats, 2021-22, racially polarized voting analysis as part of statewide redistricting
- Washington State Senate Democrats, 2021-22, racially polarized voting analysis as part of statewide redistricting
- City of San Jose, 2021, racially polarized voting analysis as part of city redistricting
- Santa Clara County, 2021, racially polarized voting analysis as part of county redistricting
- Pennsylvania, 2020, *Boockvar v. Trump*, Expert for Intervenors, (Perkins Coie) related to voter intimidation
- Missouri, 2020, *Missouri NAACP vs. State of Missouri*, Expert for plaintiffs related to vote by mail
- Georgia, 2020, *Black Voters Matter vs. Raffensperger*, Expert for plaintiffs related to vote by mail
- New York, 2019, Expert for NYAG New York v. U.S. Immigration and Customs Enforcement 1:19-cv-08876
- North Carolina, 2019, Expert for Plaintiffs in North Carolina voter ID lawsuit, *NAACP v. Cooper*
- East Ramapo CSD, 2019, Expert for Plaintiffs in Section 2 VRA lawsuit, assessed polarized voting
- New York, 2018, Expert for Plaintiffs in Census Citizenship Lawsuit, *New York v. U.S. Dept of Commerce* (also an expert related cases: *California v. Ross* and *Kravitz v. Dept of Commerce*)
- Dallas County, TX, 2017, Expert for Defense in Section 2 VRA lawsuit, *Harding v. Dallas County*
- Kansas, 2016, Expert for Plaintiffs in Kansas voter registration lawsuit, *Fish v. Kobach* 2:16-cv-02105-JAR
- North Dakota, 2015, Expert for Plaintiffs in North Dakota voter ID lawsuit, *Brakebill v. Jaeger* 1:16-cv-00008-CSM
- Alabama, 2015, Expert for Plaintiffs in Alabama voter ID lawsuit, *Birmingham Ministries v. State of Alabama* 2:15-cv-02193-LSC
- Texas, 2014, Testifying Expert for Plaintiffs in Texas voter ID lawsuit, *Veasey v. Perry* 2:13-cv-00193
- Galveston County, TX Redistricting, 2013, Expert report for Dunn & Brazil, LLC, Demographic analysis, vote dilution analysis, and racially polarized voting analysis for Section 2 lawsuit Galveston County JP/Constable districting
- Pasadena, TX Redistricting, 2013, Expert report for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, and racially polarized voting analysis for Section 2 lawsuit within Pasadena School District
- Harris County, TX Redistricting, 2011, Testifying Expert for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, and racially polarized voting analysis for Section 2 lawsuit within Harris County
- Pennsylvania, 2012, Testifying Expert for ACLU Foundation of Pennsylvania in voter ID lawsuit, *Applewhite v. Commonwealth of Pennsylvania* No. 330 MD 2012
- Milwaukee County, WI, 2012, Testifying Expert for ACLU Foundation of Wisconsin in voter ID lawsuit, *Frank v. Walker* 2:11-cv-01128(LA)
- Orange County, FL, 2012, Consulting Expert for Latino Justice/PRLDEF, Racially polarized voting analysis in Orange County, Florida

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- Anaheim, CA, 2012, Consulting Expert for Goldstein, Demchak & Baller Legal, Racially polarized voting analysis for CVRA redistricting case Anaheim, CA
- Los Angeles County, CA, 2011, Consulting Expert for Goldstein, Demchak & Baller Legal, Racially polarized voting analysis for three redistricting cases in L.A.: Cerritos Community College Board; ABC Unified Schools; City of West Covina
- Harris County, TX Redistricting, 2011, Consulting Expert for Dunn & Brazil, LLC, Demographic analysis, voter registration analysis, for Section 5 objection within Harris County
- Monterey County, CA Redistricting, 2011, Consulting Expert for City of Salinas, Demographic analysis, creation of alternative maps, and racially polarized Voting analysis within Monterey County
- Los Angeles County Redistricting Commission, 2011, Consulting Expert for Supervisor Gloria Molina, Racially Polarized voting analysis within L.A. County
- State of California, Citizens Redistricting Commission, 2011, Consulting Expert, Racially Polarized Voting analysis throughout state of California
- Asian Pacific American Legal Center, 2011, Racially Polarized Voting analysis of Asian American candidates in Los Angeles for APALC redistricting brief
- Lawyers' Committee for Civil Rights and Arnold & Porter, LLP, 2010-12, Racially Polarized Voting analysis of Latino and Asian candidates in San Mateo County, concerning San Mateo County Board of Supervisors
- ACLU of Washington, 2010-11, preliminary analysis of Latino population patterns in Yakima, Washington, to assess ability to draw majority Latino council districts
- State of Washington, 2010-11, provided expert analysis and research for *State of Washington v. MacLean* in case regarding election misconduct and voting patterns
- Los Angeles County Chicano Employees Association, 2008-10, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (6 reports issued 08-10)
- Brennan Center for Justice and Fried, Frank, Harris, Shriver & Jacobson LLP, 2009-10 Amicus Brief submitted to Indiana Supreme Court, *League of Women Voters v. Rokita*, regarding access to voter identification among minority and lower resource citizens
- State of New Mexico, consulting expert for state in *AAPD v. New Mexico*, 2008,
- District of Columbia Public Schools (DCPS), statistical consultant for survey methodology of opinion survey of parents in DCPS district (for pending suit), 2008,
- Brennan Center for Justice, 2007-08, Amicus Brief submitted to U.S. Supreme Court, and cited in Supreme Court decision, *Crawford v. Marion County*, regarding access to voter identification among minority and lower-resource citizens
- Los Angeles County Chicano Employees Association, 2002-07, Racially Polarized Voting analysis of Latino candidates in L.A. County for VRA case, concerning L.A. County Board of Supervisors redistricting (12 + reports issued during 5 years)
- Monterrey County School Board, 2007, demographic and population analysis for VRA case
- Sweetwater Union School District, 2007-08, Racially Polarized Voting analysis, and demographic and population analysis for VRA case
- Mexican American Legal Defense Fund, 2007-08, Racially Polarized Voting analysis for Latino candidates, for City of Whittier city council races, for VRA case
- ACLU of Washington, 2008, preliminary analysis of voting patterns in Eastern Washington, related to electability of Latino candidates
- Nielsen Media Research, 2005-08, with Willie C. Velasquez Institute, assessed the methodology of Latino household recruitment in Nielsen sample

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**TEACHING
EXPERIENCE:**UCLA & UW 2005 – Present

- Minority Political Behavior (Grad Seminar)
- Politics of Immigration in the U.S. (Grad Seminar)
- Introduction to Empirical/Regression Analysis (Grad Seminar)
- Advanced Empirical/Regression Analysis (Grad Seminar)
- Qualitative Research Methods (Grad Seminar)
- Political Participation & Elections (Grad Seminar)
- The Voting Rights Act (Law School seminar)
- Research methodology II (Law School Ph.D. program seminar)
- U.S. Latino Politics
- Racial and Ethnic Politics in the U.S.
- Politics of Immigration in the U.S.
- Introduction to American Government
- Public Opinion Research
- Campaigns and Elections in the U.S.
- Presidential Primary Elections

Teaching Assistant

University of California, Irvine

2002 – 2005

- Intro to American Politics (K. Tate)
- Intro to Minority Politics (L. DeSipio)
Recognized as Outstanding Teaching Assistant, Winter 2002
- Statistics and Research Methods (B. Grofman)
Recognized as Outstanding Teaching Assistant, Winter 2003

**BOARD &
RESEARCH
APPOINTMENTS****Founding Partner**

Barreto Segura Partners (BSP) Research, LLC

2021 - Present**Founding Partner**

Latino Decisions

2007 – 2020**Board of Advisors**

American National Election Study, University of Michigan

2010 – 2017**Advisory Board**States of Change: Demographics & Democracy Project
*CAP, AEI, Brookings Collaborative Project*2014 – Present**Research Advisor**

American Values Institute / Perception Institute

2009 – 2014**Expert Consultant**

State of California, Citizens Redistricting Committee

2011 – 2012**Senior Scholar & Advisory Council**

Latino Policy Coalition, San Francisco, CA

2006 – 2008**Board of Directors**

CASA Latina, Seattle, WA

2006 – 2009**Faculty Research Scholar**

Tomás Rivera Policy Institute, University of Southern California

1999 – 2009

PHD STUDENTS

UCLA & UW

Committee Chair or Co-Chair

- Francisco I. Pedraza – University of California, Riverside (UW Ph.D. 2009)
- Loren Collingwood – University of California, Riverside (UW Ph.D. 2012)
- Betsy Cooper – Public Religion Research Institute, Washington DC (UW Ph.D. 2014)
- Sergio I. Garcia-Rios – Cornell University (UW Ph.D. 2015)
- Hannah Walker – Rutgers University (UW Ph.D. 2016)
- Kassra Oskooii – University of Delaware (UW Ph.D. 2016)
- Angela Ocampo – Arizona State University (UCLA Ph.D. 2018)
- Ayobami Laniyonu – University of Toronto (UCLA Ph.D. 2018)
- Bryan Wilcox-Archuleta – Facebook Analytics (UCLA 2019)
- Tyler Reny – Claremont Graduate University (UCLA 2020)
- Adria Tinin – Environmental Policy Analyst (UCLA Ph.D. 2020)
- Angie Gutierrez – University of Texas (UCLA Ph.D. 2021)
- Vivien Leung – Bucknell University (UCLA Ph.D. 2021)
- Marcel Roman – University of Texas (UCLA Ph.D. 2021)
- Shakari Byerly-Nelson – *in progress* (UCLA)

Committee Member

- Jessica Stewart – Emory University (UCLA Ph.D. 2018)
- Jonathan Collins – Brown University (UCLA Ph.D., 2017)
- Lisa Sanchez – University of Arizona (UNM Ph.D., 2016)
- Nazita Lajevardi – Michigan State University (UC San Diego Ph.D., 2016)
- Kiku Huckle – Pace University (UW Ph.D. 2016)
- Patrick Rock (Social Psychology) – (UCLA Ph.D. 2016)
- Raynee Gutting – Loyola Marymount University (Stony Brook Ph.D. 2015)
- Christopher Towler – Sacramento State University (UW Ph.D. 2014)
- Benjamin F. Gonzalez – San Diego State University (UW Ph.D. 2014)
- Marcela Garcia-Castañon – San Francisco State University (UW Ph.D. 2013)
- Justin Reedy (Communications) – University of Oklahoma (UW Ph.D. 2012)
- Dino Bozonelos – Cal State San Marcos (UC Riverside Ph.D. 2012)
- Brandon Bosch – University of Nebraska (UW Ph.D. 2012)
- Karam Dana (Middle East Studies) – UW Bothell (UW Ph.D. 2010)
- Joy Wilke – *in progress* (UCLA ABD)
- Erik Hanson – *in progress* (UCLA)
- Christine Slaughter – Princeton (UCLA Ph.D. 2021)
- Lauren Goldstein (Social Psychology) – *in progress* (UCLA)
- Barbara Gomez-Aguinaga – University of Nebraska (UNM Ph.D. 2020)
- Bang Quan Zheng – Florida International University (UCLA Ph.D. 2020)

Appendix E2: Resume of Michael Rios, MPP

MICHAEL RIOS

Phone: (909) 465-3947
michaelrios@uclavrp.org

3250 Public Affairs Building
Los Angeles, CA 90065

EDUCATION

Master of Public Policy Degree
University of California, Los Angeles
Luskin School of Public Affairs

June 2020

Bachelor of Arts, Political Science
University of California, Riverside
Magna Cum Laude

June 2017

WORK EXPERIENCE

UCLA Voting Rights Project
UCLA Latino Policy and Politics Initiative

- Data Scientist
- Research Analyst
- Policy Fellow

Feb. 2022 - Present
June 2021 - Feb. 2022
June 2019 - June 2021

RESEARCH EXPERIENCE

WHITE PAPERS:

- Riverside County Redistricting Memo (December 2021)
- UCLA VRP Report Urges Changes to Proposed Maps in Yolo County to Preserve the Strength of the Latino Vote (November 2021)
- Georgia: COVID-19 and Language Access Litigation (November 2020)
- Voting and Infection Prevention of COVID-19 (April 2020)

POLICY REPORTS:

- From Eligibility to the Ballot Box: Examining the Racial and Ethnic Voter Turnout Gaps in the U.S. and California (September 2022)
- Vote Choice of Latino Voters in the 2020 U.S. Senate Elections (July 2022)
- UCLA VRP Report Urges Orange County to Create Its First Latino-Majority District During the 2021 Redistricting Process (November 2021)
- Latino Voters in the 2021 Recall Election (September 2021)
- Opportunities and Challenges Facing California with the 2021 California Recall (July 2021)
- Latinas Exiting the Workforce: How the Pandemic Revealed Historic Disadvantages and Heightened Economic Hardship (August 2021)
- Analysis of New York State's Absentee Ballot Laws and Process and the Immediate Need for Absentee Ballot Reform (August 2020)

EXPERT CONSULTING ON VOTING RIGHTS:

- Petteway et al. v. Galveston County, Texas et al. (March 2022)
- Maryland Statewide Redistricting (March 2022)

- Baltimore County Branch of the National Association for the Advancement of Colored People, et al. v. Baltimore County, Maryland (February 2022)
- Navajo Nation, et al. v. San Juan County, New Mexico et al. (February 2022)
- Soto Palmer et al. v. Hobbs et al. (January 2022)
- Brooks et al. v. Abbott et al. (November 2021)
- Dallas County Commissioners Redistricting (November 2021)
- Harris County Commissioners Redistricting (November 2021)
- Fort Bend County Commissioners Redistricting (November 2021)
- Reyes et al. v. Chilton et al. (May 2021)
- Native American Rights Fund on access to absentee ballot dropboxes in Trump et al. vs. Cegavske (September 2020)
- Gabriel et al. v. Franklin County et al. (October 2020)
- Texas League of United Latin American Citizens v. Abbott (October 2020)

EXHIBIT 16

Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

February 13, 2023

VIA E-MAIL

Petteway Plaintiffs

Attn: Valencia Richardson

VRichardson@campaignlegalcenter.org

Re: Deficiencies in Plaintiffs' Discovery Responses and Document Production
***Petteway v. Galveston*, Case Nos. 3:22-cv-57, 3:22-cv-93, 3:22-cv-117 (S.D. Tex. 2022)**

Dear Ms. Richardson:

Defendants have had the opportunity to review the Petteway Plaintiffs' responses to Defendants' first set of interrogatories and document requests, as well as the documents you have produced to date.

Unfortunately, as discussed in more detail below, Defendants have identified several deficiencies in the responses and documents you provided that must be cured without delay. Additionally, as discussed below, we request that you: (1) provide an explanation about the manner in which your discovery responses and document production were prepared, and (2) confirm that you have either finished producing documents, or otherwise provide the date certain by which you anticipate your document production to be completed.

To facilitate the exchange of information within the time remaining for discovery, and to avoid involving the Court in resolving the glaring deficiencies in your discovery responses and document production, **Defendants request a written response by Friday, February 17 and a cure to the deficiencies identified below by Tuesday February 21.**

Problems with your Responses and Document Production

1. In response to several of Defendants' contention interrogatories, you provided answers that were both lacking in substance and entirely circular (because they referred Defendants back to your operative Complaint). Specifically:
 - a. Interrogatory 9: Defendants requested an explanation of the factual basis for your contention that ethnic Latino and African-American voting groups in Galveston County are cohesive voter groups. In Document Request No. 10, Defendants also asked you to identify and produce all documents supporting your contention. You simply referred Defendants back to Paragraphs 123 and 124 of your Second Amended Complaint.
 - b. Interrogatory 10: Defendants requested an explanation of the factual basis for your contention that ethnic Latino and African-American voting groups form a large and/or geographically compact majority in a single-member district in Galveston County. In Document Request No. 11, Defendants also asked you to identify and produce all documents supporting your contention. You simply referred Defendants back to Paragraph 59 and the included map of the Benchmark Commissioners Court Plan in your Second

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Amended Complaint.

- c. Interrogatory 14: Defendants requested an explanation of the factual basis for your contention that socioeconomic disparities exist between Black, Hispanic, and White residents of Galveston County (including by income, education, housing, employment, and health conditions or access to healthcare). In Document Request No. 19, Defendants also asked you to identify and produce all documents supporting your contention. You simply referred Defendants back to Paragraphs 155-159 of Plaintiff's Second Amended Complaint.
- d. Interrogatory 16: Defendants requested an explanation of the factual basis for your contention that the 2021 Redistricting Plan was enacted with a discriminatory purpose. In Document Request No. 21, Defendants also asked you to identify and produce all documents supporting your contention. You simply referred Defendants back to Paragraphs 55-118 of Plaintiffs' Second Amended Complaint.

Contention interrogatories are specifically permitted by Fed. R. Civ. P. 33(a)(2), which provides that "[a]n interrogatory is not objectionable merely because it asks for an opinion or contention that relates to fact or the application of law to fact." Accordingly, an interrogatory may reasonably ask for the material or principal facts which support a contention, including those asserted in pleadings. *See In & Out Welders, Inc. v. H&E Equip. Servs.*, No. 16-86-JWD-RLB, 2018 U.S. Dist. LEXIS 43407, at *18-20 (M.D. La. Mar. 16, 2018). Courts have uniformly required parties "to explain the factual bases for their contentions by providing the material facts upon which they will rely, but not a detailed and exhaustive listing of all of the evidence that will be offered." *Linde v. Arab Bank, PLC*, No. 04-2799, 2012 U.S. Dist. LEXIS 39518, 2012 WL 957970 (E.D.N.Y. Mar. 21, 2012) (citing cases). During the course of discovery, a party should be able to generally explain the factual basis for each of the allegations in its pleadings. *See Barkley v. Life. Ins. Co. of North America*, No. 07-1498, 2008 U.S. Dist. LEXIS 11928, 2008 WL 450138 (N.D. Tex. Feb. 19, 2008) (requiring answers to interrogatories seeking "the basis for each affirmative defense expressed in Defendant's Original Answer").

Based on the discovery that has occurred to date and the expert reports that Defendants have received, it is clear that your response to each of these requests is glaringly incomplete. You have had ample opportunity to review the thousands of documents Defendants and other Plaintiffs have produced to date. You have likewise collected and produced several documents to Defendants. You have deposed multiple witnesses in this litigation, including all but one member of the Galveston County Commissioners Court and several employees of Galveston County. You have retained and elicited reports from 10 different experts who have analyzed your theory of this case from every conceivable angle.

Unless you maintain that *none* of the documents that have been unearthed through discovery to date are relevant to the factual contentions in your lawsuit, you have a duty to supplement your responses to the interrogatories and document requests identified above. If you fail to supplement your responses and document production as required under Rules 33 and 34, Defendants are entitled to move the Court to compel your answers and seek appropriate sanctions under Rule 37. An "evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer or respond." Fed. R. Civ. P. 37(a)(4).

Privilege Log Deficiencies

2. In response to several of Defendants' discovery requests, you asserted the attorney-client privilege and/or the work-product doctrine over documents and information that would otherwise be

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responsive. *See* Interrogatory Nos. 7, 12-13; Document Request Nos. 5, 7-9, 13, 15, 17, 18, 20, and 22. However, you did not produce a privilege log to Defendants as part of your discovery responses. This is entirely inappropriate and contrary to both the Federal Rules of Civil Procedure and the Stipulation and Order you cited.

Fed.R.Civ.P. 26(b)(5) governs the production of privilege logs where discoverable information is withheld by a party on grounds of privilege. The Rule states that:

When a party withholds information otherwise discoverable under these rules by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.

Thus, a party asserting the attorney-client privilege or work-product doctrine must produce a privilege log containing sufficient information to allow a court or party to assess the applicability of those privileges. *Chemtech Royalty Assocs., L.P. v. United States*, No. 05-944-RET-DLD, 2009 U.S. Dist. LEXIS 27696, at *7 (M.D. La. Mar. 30, 2009). The privilege log must include an entry for each document that sets forth facts which “would suffice to establish each element of the privilege or immunity that is claimed.” *Id.* These log entries must be descriptive, and “not on conclusory invocations of the privilege or work-product rule, since the burden of the party withholding documents cannot be discharged by mere conclusory” assertions. *Golden Trade S.r.L. v. Lee Apparel Co.*, 1992 Dist. LEXIS 17739 at **12-13 (S.D.N.Y.1992).

Consistent with these requirements, the Stipulation and Order Regarding Discovery in this case (ECF 73) states in § II.D(1)(a) that:

For all documents withheld in whole based on privilege, the Parties agree to furnish logs which comply with the legal requirements under the Federal Rules of Civil Procedure. At minimum, the privilege log must contain a Bates range, the type of document, the date of the creation or last modification or transmission of the document, the author or authors of the document, the recipients of the document (including individuals copied or blind-copied, when such information is available), whether the document contains attachments, the privilege or privileges claimed, and the basis for the assertion of privilege or protection.

The Stipulation and Order does provide a narrow exception in § II.B for certain types of documents (e.g., read receipts, cache files, system data, duplicate copies, etc.). However, that exception is not intended to excuse a party in this litigation from *failing entirely* to produce a privilege log if it is asserting attorney-client privilege or the work-product doctrine. Indeed, § II.D(1)(b) makes clear that “if a Party preserves relevant documents, things, or ESI covered by § II.B in order to support a claim or defense in this case, the Party shall produce such information or identify it on a privilege log notwithstanding this subsection.”

Given that you have asserted the attorney-client privilege and/or the work-product doctrine over documents and information that would otherwise be responsive to several of Defendants’ discovery requests, you must produce a privilege log that gives Defendants a substantive opportunity to assess the attachment of privilege to each of the withheld documents. Failure to do so would be a

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clear and flagrant violation of the Rules and the Stipulation and Order in this case, and would entitle Defendants to seek redress from the Court.

Requests for Clarification

In addition to curing the deficiencies detailed above, Defendants are also requesting written explanation or confirmation of the following items:

3. In the course of responding to your discovery requests, Defendants provided you with a set calendar for their document production (which included a final deadline for all documents to be turned over). Accordingly, in the interest of fair notice, please state whether you have completed producing documents responsive to Defendants' discovery requests to date. If you have not completed your document production, then please provide a date certain by which you plan to finish making your production.
4. In the course of responding to your discovery requests, Defendants provided you with a list of custodians from whom documents were collected for production. Defendants also provided you with details about the manner in which documents were collected and reviewed for production (i.e. by way of an e-discovery platform through which all records were ingested and processed). Accordingly, in the interest of transparency, please provide Defendants with a list of the custodians you contacted to collect documents for production. Additionally, please describe the method by which documents were collected from those custodians and reviewed.

Defendants would be happy to meet and confer with you regarding the above deficiencies and clarifications at a time convenient. Otherwise, as indicated above, **Defendants request that you respond to this letter and cure the deficiencies identified herein by February 17 and February 21 respectively.**

Respectfully,

/s/ Dallin B. Holt
Dallin B. Holt
Attorney in Charge
Texas Bar No. 24099466
S.D. of Texas Bar No. 3536519
Shawn T. Sheehy*
dholt@holtzmanvogel.com
ssheehy@holtzmanvogel.com
HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIAK PLLC
15405 John Marshall Hwy
Haymarket, VA 2019
P: (540) 341-8808
F: (540) 341-8809

EXHIBIT 17

Holtzman Vogel

HOLTZMAN VOGEL BARAN TORCHINSKY & JOSEFIAK PLLC

February 13, 2023

VIA E-MAIL

NAACP and LULAC Plaintiffs

Attn: Sarah Chen

schen@texascivilrightsproject.org

**Re: Deficiencies in Plaintiffs' Discovery Responses and Document Production
Petteway v. Galveston, Case Nos. 3:22-cv-57, 3:22-cv-93, 3:22-cv-117 (S.D. Tex. 2022)**

Dear Ms. Chen:

Defendants have had the opportunity to review the NAACP Plaintiffs responses to Defendants' first set of interrogatories and document requests, as well as the documents you have produced to date.

Unfortunately, as discussed in more detail below, Defendants have identified several deficiencies in the responses and documents you provided that must be cured without delay. Additionally, as discussed below, we request that you: (1) provide an explanation about the manner in which your discovery responses and document production were prepared, and (2) confirm that you have either finished producing documents, or otherwise provide the date certain by which you anticipate your document production to be completed.

To facilitate the exchange of information within the time remaining for discovery, and to avoid involving the Court in resolving the glaring deficiencies in your discovery responses and document production, **Defendants request a written response by Friday, February 17 and a cure to the deficiencies identified below by Tuesday February 21.**

Problems with your Responses and Document Production

1. In response to Interrogatories No. 4, 5, and 7, you identified the existence of several communications involving members of the organizations in this litigation. However, you asserted First Amendment Privilege over the content of those communications, and accordingly withheld documents responsive to Request for Production Nos. 2, 9, 15, 16, and 17 on that basis. This is an unsubstantiated and overbroad assertion of that privilege.

The privilege arising out of the First Amendment is not absolute, as it only protects a party from compelled disclosure that would chill associational rights. *Roberts v. U.S. Jaycees*, 468 U.S. 609, 623 (1984). To determine whether the privilege applies, courts “apply a burden-shifting test that balances the interest in disclosure against the burden imposed on associational rights.” *Young Conservatives Found. v. Univ. of N. Tex.*, No. 4:20-CV-973-SDJ, 2022 U.S. Dist. LEXIS 132093, at *6 (E.D. Tex. Jan. 11, 2022) At the threshold, the party asserting the qualified privilege must make a prima facie showing of arguable First Amendment infringement. Specifically, the party must demonstrate a probability that disclosure of the information may expose its “members to economic reprisal, loss of employment, threat of physical coercion, [or] other manifestations of public hostility.” *Hastings v. N. E. Indep. Sch. Dist.*, 615 F.2d 628, 631 (5th Cir. 1980).

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The requisite proof may include, for example, “specific evidence of past or present harassment of members due to their associational ties, or of harassment directed against the organization itself.” *Buckley v. Valeo*, 424 U.S. 1, 74 (1976) (per curiam). The asserting party must likewise show that enforcement of the discovery requests will result in (1) harassment, membership withdrawal, or discouragement of new members, or (2) other consequences which objectively suggest an impact on, or chilling of, the members' associational rights. *La Union DEL Pueblo Entero v. Abbott*, No. SA-21-CV-00844-XR, 2022 U.S. Dist. LEXIS 222064, at *29 (W.D. Tex. Dec. 9, 2022).

These authorities indicate that your assertion of the First Amendment privilege in response to Defendants' interrogatories and document requests is woefully deficient. First, the assertion is unsubstantiated because you state that the disclosure of the communications identified will chill associational rights—but you do not offer *any* facts as part of your response to support the privilege claim. Second, the assertion is overbroad in that you have withheld the communications entirely, rather than redacting the portions that you claim would chill your members' First Amendment rights (e.g., their names). The First Amendment privilege is a qualified privilege requiring the Court to balance the need for the information against the alleged infringement of First Amendment rights. *NOW, Farmington Valley Chapter v. Sperry Rand Corp.*, 88 F.R.D. 272, 274-275 (D. Conn. 1980). You therefore bear the burden to substantiate how the requests chill speech, particularly when Plaintiffs have brought this lawsuit and have put their candidate preferences at issue in this case.

Accordingly, you must produce the communications that you have withheld and include redactions for the portions over which you are claiming First Amendment privilege. You must also produce an affidavit addressing specifically how disclosure of the redacted portions would infringe on Plaintiffs' First Amendment rights. For any documents that you continue to withhold, your affidavit must also detail how disclosure of any portion of those documents infringes upon Plaintiffs' First Amendment rights (even where Plaintiffs put their political preferences at issue in this case). Additionally, you must supplement your discovery responses with facts substantiating the privilege you are asserting. Failure to do so entitles Defendants to seek an order compelling the disclosure of the non-privileged portions of these communications.

2. In response to Interrogatory No. 8, you lodged an objection that Defendants' request lacks “any specification as to the nature of communications with Commissioner Stephen Holmes.” You raised the same objection in response to Request for Production No. 3. You therefore requested additional clarification from Defendants in order to respond to these requests.

To facilitate your response to this request, Defendants state that they seek all communications between Commissioner Holmes and you, your officers, and your members regarding the redistricting of Galveston County's Commissioners Court precincts during the period January 1, 2010 to the present. As stated in the interrogatory, this request includes all forms of written communication, voicemails, and messages to or from any address (whether physical or electronic, and including both official and personal addresses), as well as any calendar entries, notes, or other documents that discuss or relate to any such communications. To be clear, the request includes any responsive communications to or from the following email addresses:

stephen.holmes@co.galveston.tx.us; stephen.holmes@galvestoncountytexas.com;
commissionerholmes@verizon.net; commissionerholmes3@gmail.com; sdholmes1@aol.com.

3. In response to Defendants' multiple requests for you to identify and produce documents and data supporting the factual contentions in your lawsuit, you provided a list of documents and sources (all of which consist of publicly available information). Specifically:

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- a. Interrogatory No. 10 asked you to identify all documents and information upon which you or any of your experts relied in analyzing the issues in this case. Request for Production No. 5 asked you to produce those documents.
- b. Interrogatory No. 11 asked you to identify all documents and information that supports or contradicts your contention that distinct ethnic voter groups in Galveston County (such as Latinos and African-Americans) are cohesive. Request for Production No. 6 asked you to produce those documents.
- c. Interrogatory No. 12 asked you to identify all documents and information that that supports or contradicts your contention that distinct ethnic voters (including Latinos and African-Americans) form a large and/or geographically compact majority in a single-member district in Galveston County. Request for Production No. 7 asked you to produce those documents.
- d. Interrogatory No. 13 asked you to identify all data and documents relating to each of your contentions in this case, whether such they support or refute your claims. Request for Production No. 8 asked you to produce those documents.
- e. Interrogatory No. 16 asked you to identify any documents related to the socioeconomic condition of Galveston County residents and socioeconomic disparities between Black, Hispanic, and White residents (including by income, education, housing, employment, and health conditions or access to healthcare). Request for Production No. 11 asked you to produce those documents.
- f. Interrogatory No. 17 asked you to identify any documents related to any complaint of discrimination based on race or membership in a language minority group for Galveston County or any County agency or official during the period January 1, 2010 to the present. Request for Production No. 12 asked you to produce those documents.

Contention interrogatories are specifically permitted by Fed. R. Civ. P. 33(a)(2), which provides that “[a]n interrogatory is not objectionable merely because it asks for an opinion or contention that relates to fact or the application of law to fact.” Accordingly, an interrogatory may reasonably ask for the material or principal facts which support a contention, including those asserted in pleadings. *See In & Out Welders, Inc. v. H&E Equip. Servs.*, No. 16-86-JWD-RLB, 2018 U.S. Dist. LEXIS 43407, at *18-20 (M.D. La. Mar. 16, 2018). Courts have uniformly required parties “to explain the factual bases for their contentions by providing the material facts upon which they will rely, but not a detailed and exhaustive listing of all of the evidence that will be offered.” *Linde v. Arab Bank, PLC*, No. 04-2799, 2012 U.S. Dist. LEXIS 39518, 2012 WL 957970 (E.D.N.Y. Mar. 21, 2012) (citing cases). During the course of discovery, a party should be able to generally explain the factual basis for each of the allegations in its pleadings. *See Barkley v. Life. Ins. Co. of North America*, No. 07-1498, 2008 U.S. Dist. LEXIS 11928, 2008 WL 450138 (N.D. Tex. Feb. 19, 2008) (requiring answers to interrogatories seeking “the basis for each affirmative defense expressed in Defendant’s Original Answer”).

Based on the discovery that has occurred to date and the expert reports that Defendants have received, it is clear that your response to each of these requests is glaringly incomplete. You have had ample opportunity to review the thousands of documents Defendants and other Plaintiffs have produced to date. You have likewise collected and produced several documents to Defendants. You have deposed multiple witnesses in this litigation, including all but one member of the Galveston County Commissioners Court and several employees of Galveston County. You have retained and elicited reports from 10 different experts who have analyzed your theory of this case from every conceivable angle.

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Unless you maintain that *none* of the documents that have been unearthed through discovery to date are relevant to the factual contentions in your lawsuit, you have a duty to supplement your responses to the interrogatories and document requests identified above. If you fail to supplement your responses and document production as required under Rules 33 and 34, Defendants are entitled to move the Court to compel your answers and seek appropriate sanctions under Rule 37. An “evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer or respond.” Fed. R. Civ. P. 37(a)(4).

Privilege Log Deficiencies

4. In response to several of Defendants’ discovery requests, you asserted the attorney-client privilege and/or the work-product doctrine over documents and information that would otherwise be responsive. *See* Interrogatory Nos. 4, 10-18; Document Request Nos. 2, 5, 9, 10, 14-16. You also stated that such documents are “not required to be preserved or produced on a privilege log according to the Stipulation and Order Regarding Discovery, § II.B.1-4, II.D.1, ECF No. 73.” That assertion, however, is entirely inappropriate and contrary to both the Federal Rules of Civil Procedure and the Stipulation and Order you cited.

Fed.R.Civ.P. 26(b)(5) governs the production of privilege logs where discoverable information is withheld by a party on grounds of privilege. The Rule states that:

When a party withholds information otherwise discoverable under these rules by claiming that it is privileged or subject to protection as trial preparation material, the party shall make the claim expressly and shall describe the nature of the documents, communications, or things not produced or disclosed in a manner that without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.

Thus, a party asserting the attorney-client privilege or work-product doctrine must produce a privilege log containing sufficient information to allow a court or party to assess the applicability of those privileges. *Chemtech Royalty Assocs., L.P. v. United States*, No. 05-944-RET-DLD, 2009 U.S. Dist. LEXIS 27696, at *7 (M.D. La. Mar. 30, 2009). The privilege log must include an entry for each document that sets forth facts which “would suffice to establish each element of the privilege or immunity that is claimed.” *Id.* These log entries must be descriptive, and “not on conclusory invocations of the privilege or work-product rule, since the burden of the party withholding documents cannot be discharged by mere conclusory” assertions. *Golden Trade S.r.L. v. Lee Apparel Co.*, 1992 Dist. LEXIS 17739 at **12-13 (S.D.N.Y.1992).

Consistent with these requirements, the Stipulation and Order Regarding Discovery in this case (ECF 73) states in § II.D(1)(a) that:

For all documents withheld in whole based on privilege, the Parties agree to furnish logs which comply with the legal requirements under the Federal Rules of Civil Procedure. At minimum, the privilege log must contain a Bates range, the type of document, the date of the creation or last modification or transmission of the document, the author or authors of the document, the recipients of the document (including individuals copied or blind-copied, when such information is available), whether the

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document contains attachments, the privilege or privileges claimed, and the basis for the assertion of privilege or protection.

The Stipulation and Order does provide a narrow exception in § II.B for certain types of documents (e.g., read receipts, cache files, system data, duplicate copies, etc.). However, that exception is not intended to excuse a party in this litigation from *failing entirely* to produce a privilege log if it is asserting attorney-client privilege or the work-product doctrine. Indeed, § II.D(1)(b) makes clear that “if a Party preserves relevant documents, things, or ESI covered by § II.B in order to support a claim or defense in this case, the Party shall produce such information or identify it on a privilege log notwithstanding this subsection.”

Given that you have asserted the attorney-client privilege and/or the work-product doctrine over documents and information that would otherwise be responsive to several of Defendants’ discovery requests, you must produce a privilege log that gives Defendants a substantive opportunity to assess the attachment of privilege to each of the withheld documents. Failure to do so would be a clear and flagrant violation of the Rules and the Stipulation and Order in this case, and would entitle Defendants to seek redress from the Court.

Requests for Clarification

In addition to curing the deficiencies detailed above, Defendants are also requesting written explanation or confirmation of the following items:

5. In the course of responding to your discovery requests, Defendants provided you with a set calendar for their document production (which included a final deadline for all documents to be turned over). Accordingly, in the interest of fair notice, please state whether you have completed producing documents responsive to Defendants’ discovery requests to date. If you have not completed your document production, then please provide a date certain by which you plan to finish making your production.
6. In the course of responding to your discovery requests, Defendants provided you with a list of custodians from whom documents were collected for production. Defendants also provided you with details about the manner in which documents were collected and reviewed for production (i.e. by way of an e-discovery platform through which all records were ingested and processed). Accordingly, in the interest of transparency, please provide Defendants with a list of the custodians you contacted to collect documents for production. Additionally, please describe the method by which documents were collected from those custodians and reviewed.

Defendants would be happy to meet and confer with you regarding the above deficiencies and clarifications at a time convenient. Otherwise, as indicated above, **Defendants request that you respond to this letter and cure the deficiencies identified herein by February 17 and February 21 respectively.**

Respectfully,

/s/ Dallin B. Holt

Dallin B. Holt

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