IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

SHANNON PEREZ, ET AL.,	§	
	§	
Plaintiffs	§	
	§	
v.	§	**CIVIL ACTION NO.**
	§	**11-CA-360-OLG-JES-XR**
STATE OF TEXAS, ET AL.	§	**CONSOLIDATED ACTION**
	§	**[Lead case]**
Defendants	§	

TEXAS LATINO REDISTRICTING TASK FORCE ADVISORY REGARDING CLAIMS

Plaintiffs Texas Latino Redistricting Task Force, *et al*. ("Latino Task Force") file this Advisory to notify the Court of "which claims they are pursuing with regard to the 2013 Plans, linking specific claims to specific districts." (Dkt. 1352)

In its order on Plan C185 (Dkt. 1339), the Court found that the 2011 Congressional Plan was marred by intentional vote dilution, vote dilution in effect and *Shaw* violations and that Plaintiffs continue to suffer from those violations in the 2013 plan. *See, e.g.* Dkt. 1339 at 4-5 ("Specifically, Plaintiffs contended, and this Court finds, that Plaintiffs continue to be harmed by violations of the VRA and Fourteenth Amendment in CD23, CD27, and CD35."). In addition, the Court ordered that the plaintiffs are not precluded "from introducing additional hypothetical districts in the 2013 plan trial phase" to support their section 2 results claims against the 2011 Congressional Plan in the DFW region (at 71-72 n. 67) and in Harris County (at 159).

In its order on Plan H283 (Dkt. 1365), the Court deferred consideration of plaintiffs' 2011 House Plan § 2 results claims until the 2013 Plan trial. *See, e.g.* Dkt. 1365 at 40 ("In sum, Plaintiffs' § 2 results claims are not moot, but Plaintiffs failed to prove them with regard to Plan

H283. . . Plaintiffs may bring their results claims with regard to the 2013 plan."). Furthermore, the Court recognized that intentional vote dilution in the 2011 House Plan is carried forward in the 2013 plan. *See, e.g.* Dkt. 1365 at 40.

Finally, the Latino Task Force Plaintiffs have unique claims against the State's changes to the Court's interim boundaries for HD90 in Tarrant County. *See* Dkt. 891 at 17. ("The [State's] changes to HD 90 result in a decrease in the SSVR of HD 90 from 51.1% to 50.1%. . . . Plan H358 also uses race as a predominant factor to allocate Latino voters into and out of HD 90.")

Because their claims against the 2011 House and Congressional Plans are carried forward into the 2013 Plan phase, and the Latino Task Force Plaintiffs have unique claims against the State's changes to HD90 in H358, the Latino Task Force Plaintiffs will pursue the following section 2 and/or Fourteenth Amendment claims against Plans C235 and H358:

- In Plan C235, the State's failure to create nine Latino opportunity districts violates section 2 and the Fourteenth Amendment statewide.
- In Plan C235 CD 23 intentionally minimizes Latino voting strength in violation of section 2 and the Fourteenth Amendment and violates the Fourteenth Amendment through race-based redistricting prohibited by the *Shaw v. Reno* line of cases;
- In Plan C235 the exclusion of Nueces County from the South Texas configuration of congressional districts impairs the ability to draw the seven Latino opportunity districts in South and West Texas as required by section 2 and is the result of intentional discrimination;
- In Plan C235 the Dallas-Fort Worth configuration of districts intentionally minimizes Latino voting strength in violation of section 2 and the Fourteenth Amendment and violates the Fourteenth Amendment through race-based redistricting prohibited by the *Shaw v. Reno* line of cases;
- In Plan H358, the State's failure to create the required number of Latino opportunity districts creates a statewide violation of section 2 and the Fourteenth Amendment.
- In plan H358, the State's failure to draw in South Texas violates section 2 and the Fourteenth Amendment;

- In plan H358, the State's elimination of HD33, a Latino opportunity district in Nueces County, violates section 2 and the Fourteenth Amendment;

- In plan H358, the State's weakening of HD117 violates section 2 and the Fourteenth Amendment;

- In plan H358, the State packed Latino voters in El Paso County to minimize their electoral influence in violation of section 2 and the Fourteenth Amendment;

- In plan H358, the State packed Latino voters in Harris County to minimize their electoral influence in violation of section 2 and the Fourteenth Amendment; and

- The State's violations of the Fourteenth Amendment demand the equitable relief of "bail-in" under section 3 (c) of the Voting Rights Act.

DATED: April 24, 2017

Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2017, I served a copy of the foregoing document on all counsel who are registered to receive NEFs through this Court's CM/ECF system. All attorneys who are not registered to receive NEFs have been served via email.

/s/ Nina Perales
Nina Perales