

Federal court rejects Texas redistricting maps

Written by April Castro, AP

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AUSTIN, Texas (AP) -- Texas cannot proceed with elections under new redistricting maps without a trial, a Washington-based federal court ruled Tuesday, saying the state used an inadequate analysis to determine whether new districts discriminate against minorities.

In a brief ruling, the court agreed with the U.S. Department of Justice that the GOP-led Legislature used an improper standard for measuring minority voting strength. The order clears the way for a trial and all but guarantees the 2012 elections will be conducted with temporary, court-drawn maps

The temporary maps, being drawn by a San Antonio court, are expected to boost Democratic efforts to regain control over Congress. That's because the maps will likely protect minority seats and provide a lifeline to at least one Democratic incumbent who had been imperiled.

The San Antonio court, considering a parallel legal fight over the maps, already has pushed back the start of the candidate filing period to Nov. 28.

The legal fight centers around a requirement in the 1965 federal Voting Rights Act that certain states with a history of discrimination, including Texas, be granted "preclearance" before changes in voting practices can be enacted.

The legal standard is whether proposed changes have the purpose or effect of diminishing voting rights based on race or color.

The Justice Department contends Texas' legislative and congressional maps are retrogressive, meaning minority voters' ability to elect their candidates of choice is diminished.

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The state, represented by Attorney General Greg Abbott, contends the plans are legal and will withstand court scrutiny.

"The Texas House and congressional maps actually increase the number of districts where minority voters can control the outcome of an election," Abbott spokeswoman Lauren Bean said.

But the Justice Department says the analysis used by the state is inadequate because it looks only at demographic statistics, rather than taking into account historical election data, such as turnout.

In Tuesday's ruling, a three-judge panel agreed that Texas "used an improper standard or methodology to determine which districts afford minority voters the ability to elect their preferred candidates of choice."

District boundaries are redrawn every 10 years to reflect changes in census data. This year, Texas received four new congressional seats - increasing the delegation from 32 to 36 - because of a population surge fueled by Hispanics.

"Today's ruling supports what leaders of the Mexican American Legislative Caucus have been saying for months - the Republican Leadership discriminated against minorities by seeking to grow their political influence in the halls of Congress and the Texas House while ignoring the demographic reality of those responsible for our state's population growth," said Democratic Rep. Trey Martinez Fischer, chairman of the Mexican American Legislative Caucus, which argued against the maps.

The state argues that the proposed congressional plan increases the number of minority districts from eight to 10.

Using a more detailed analysis, the U.S. says the proposed congressional map does not

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change the number of effective minority districts, which it says was already at 10 under the previous maps.

Attorneys have said the type of analysis used as the standard will be a key factor in the case.

The decision also provides a lifeline to Democratic Rep. Lloyd Doggett, the one incumbent imperiled by the map drawn by the Texas' Legislature and signed into law by Republican Gov. Rick Perry. First elected in 1995, Doggett had been drawn into a district that deeply diluted his Austin base and stretched south into the heart of heavily-Hispanic San Antonio. In that district, he faced a potentially bruising primary challenge against state Rep. Joaquin Castro, a rising star among Texas Democrats with deep roots in San Antonio, where his twin brother, Julian Castro, is the mayor.

"The real losers in this process are the voters," said Boyd Richie, chairman of the Texas Democratic Party. "Texas voters are seeing Republican discrimination and obstructionism at all levels but don't know which Republicans they'll have a chance to vote against this election cycle.

"This entire process could have been avoided if Republicans would have drawn maps based on demographics rather than their own shallow political ambitions."

In the proposed map for the 150-member Texas House, the Justice Department argues that minority districts are reduced from 50 to 45. The state has asserted that the number of minority districts would increase from 41 to 42.

The court also rejected a proposed map for the Texas Senate.{jcomments on}

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