

United States District Court
Southern District of Texas

ENTERED

October 13, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

TERRY PETTEWAY, *et al.*,

§

Plaintiffs,

§

§

VS.

§

3:22-CV-57

§

GALVESTON COUNTY, TEXAS,

§

et al.,

§

§

Defendants.

§

§

ORDER


In its findings of fact and conclusions of law issued today, the court held that the 2021 commissioners-court precinct map adopted by the Galveston County Commissioners Court on November 12, 2021, violates § 2 of the Voting Rights Act. Dkt. 250. The enacted map denies Black and Latino voters the equal opportunity to participate in the political process and the opportunity to elect a representative of their choice to the commissioners court. Accordingly, the court permanently enjoins the defendants from administering, enforcing, preparing for, or in any way permitting the nomination or election of county commissioners from the commissioners-court precinct map as currently configured. The plaintiffs are the prevailing parties and judgment is hereby entered in their favor.

Having failed to comply with § 2 of the Voting Rights Act, the commissioners court must adopt another plan in time for the 2024 election, which means before November 11, 2023—the statutory opening date for candidate filing. So the court orders the following remedial proceedings:

1. By **October 20, 2023**, the defendants shall file with the court a revised redistricting plan with sufficient supporting expert analysis establishing that it complies with § 2 of the Voting Rights Act. Along with these materials, the defendants may include a memorandum of law of no more than 10 pages.
2. By **October 27, 2023**, the plaintiffs may file objections to the defendants' revised plan and, if desired, proposed alternative plans with supporting expert analysis. The plaintiffs' *consolidated* objections shall be no more than 10 pages.
3. The court will conduct an in-person remedial hearing on **November 1, 2023, at 2 p.m.** to decide which redistricting plan will be ordered into effect.
4. If the defendants fail or prefer not to submit a revised plan, they are ordered to implement the illustrative plan presented by Anthony Fairfax on August 10, 2023 (PX-339), on or before **November 1, 2023**, and use that plan for all future elections until the commissioners court adopts a different plan.

The court refrains from deciding attorneys' fees until the plaintiffs seek such relief under Fed. R. Civ. P. 54(d).

Signed on Galveston Island this 13th day of October, 2023.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE