

3. Plaintiff seeks a declaratory judgment that Plan 1374C violates Sections 2 and 5 of the Voting Rights Act in that it is retrogressive and has the effect of diluting the voting strength of minority voters, including Latino voters of Texas. Plaintiff also seeks injunctive relief prohibiting the implementation of Plan 1374C. Specifically, Plaintiff seeks to enjoin Defendant State of Texas and its political subdivisions, from enforcing Plan 1374C by making preparations for the conduct of elections such as changes to county voting precincts, altering voting lists, calling, holding, or certifying of any elections for the United States House of Representatives, pursuant to Plan 1374C. Plaintiff also seeks an award of a reasonable attorneys fee and costs of litigation.

II. Jurisdiction

4. Jurisdiction of this Court is invoked pursuant to 42 U.S.C. § 1973c, 28 U.S.C. §§ 343a(3)& (4) and on 28 U.S.C. §§ 2201 & 2202. Plaintiff seeks attorney's fees and costs pursuant to 42 U.S.C. §§ 1973 1 (e) & 1988.

III. Plaintiff

5. Plaintiff, LULAC, consists of thousands of members throughout the United States and Puerto Rico. As such, it is the largest and oldest Hispanic Organization in the United States. LULAC seeks to advance economic conditions, political influence, health care, civil rights and promote educational attainment of Latinos. These goals are accomplished through community-based programs operating at LULAC member councils nation and statewide. In light of these objectives, LULAC is committed to enforcing the protections afforded by the Voting Rights Act for its members, as well as all citizens. LULAC has over six hundred councils in the State of Texas, with its

members residing in virtually all of the two hundred fifty four counties of the State. LULAC has litigated more voting rights cases than any other group or organization within the State of Texas.

IV. Defendants

6. Defendant State of Texas, including all agencies, branches of government, and political subdivisions, is a political subdivision subject to the provisions and requirements of Sections 2 and 5 of the Voting Rights Act, including the preclearance provisions of the Act.
7. Defendant Geoffrey S. Conner is sued in his official capacity as Secretary of State for the State of Texas. The Secretary of State is the chief election officer for the State of Texas and is responsible for overseeing elections in Texas.
8. Defendant Charles Soechting is sued in his official capacity as the Chairman of Democratic Party of Texas.
9. Defendant Tina Benkisar is sued in her official capacity as the Chairman of the Republican Party of Texas.

V. Facts

10. In March 2001, the 2000 decennial census was released for purposes of redistricting. According to the 2000 Census, Texas has a total population of 20,851,820 persons. The Mexican American population of Texas, according to the 2000 Census, is 6,669,666 or 32% of the total. The Mexican American voting age population of Texas, according to the 2000 Census, is about 29% of the total voting age population.
11. There are 32 United States House of Representative Districts in Texas.

12. In the current congressional redistricting plan (Plan 1151C), twelve (12) districts provide minority voters with the opportunity to elect candidates of their choice (Districts 10, 15, 16, 18, 20, 23, 24, 25, 27, 28, 29, and 30).
13. The redistricting plan adopted by the Legislature on October 12, 2003 (Plan 1374C) reduced the number of United States House of Representative districts that provide minority voters of Texas with an opportunity to elect candidates of their choice to nine (Districts 9, 16, 18, 20, 25, 27, 28, 29, 30).
14. Plan 1374C reduces the Spanish surname registration of District 15 to a level that historically has led to the election of the Anglo preferred candidates of choice. No replacement district is created in Plan 1374C for the elimination of District 15 as a Latino district. Plan 1374C accomplishes this retrogression by fracturing cohesive Hispanic voting population in Cameron County and Hidalgo County and inserting additional Anglo population from Central Texas.
15. Plan 1374C also fragments, or cracks cohesive Latino population in various counties of Texas, so as to reduce or eliminate the Latino communities' political strength. Specifically, Plan 1374C unnecessarily fragments cohesive Latino voters in Webb County, Hidalgo County, and Cameron County in such a way as to diminish Latino voter potential.
16. Plan 1374C eliminates a minority district in Dallas by scattering and dispersing cohesive minority voters among numerous districts (District 24). No replacement district is created in Plan 1374C for the elimination of District 24 as a minority district.

17. Plan 1374C eliminates a minority district in Travis County by splitting away the Travis County minority voters from their traditional political alliances and combining them with minority voters 300 miles away in Hidalgo County (District 10). No replacement district is created in Plan 1374C for the elimination of district 10 as a minority district.
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18. Plan 1374C eliminates a minority district in west Texas by dividing a cohesive Latino voter community in Webb County Texas and replacing it with sufficient white voters so as to reduce the Spanish surnamed registration rate of the district below 50%. (District 23). Plan 1374C purports to replace the reduction in minority districts created by the gerrymandering of district 23 by creating district 25 at over 50% Spanish surnamed registration. The creation of District 25 as a majority Spanish surnamed registration district is accomplished however, by unnecessarily fragmenting Latino voter communities in Hidalgo County, Cameron County and Travis County.
19. The Latino population of Texas is politically cohesive in that they usually vote as a block for candidates of their choice.
20. Elections in Texas are racially and ethnically polarized in that Anglos usually vote sufficiently as a block, in the absence of special circumstances, to defeat the preferred candidates of the Mexican American voters.
21. The redistricting plan adopted by the Legislature on October 12, 2003, Plan 1374C, is a retrogression of Latino and minority voting strength and in the totality of circumstances causes an inequality in the opportunity of minority voters to participate in the political process and to elect candidates of their choice.

22. The plan adopted by the State of Texas has not been precleared by the United States Department of Justice, nor by the United States District Court for the District of Columbia, as required by Section 5 of the Voting Rights Act.

23. At all time relevant hereto, Defendants acted under color of State law.

VI. Causes of Action

24. Redistricting Plan 1374C adopted by the Legislature for the election of the United States House of Representatives has not yet been precleared, as required by Section 5 of the Voting Rights Act and any attempt to implement the plan would violate the rights of Plaintiff and it's members, as protected by Section 5 of the Voting Rights Act, 42 U.S.C. §§ 1973, and 1973c.

25. Redistricting Plan 1374C adopted by the legislature for the election of United States House of Representatives from Texas dilutes minority voting strength in violation of Section 2 of the Voting Rights Act, 42 U.S.C. §1973.

VII. Attorneys' Fees

26. Plaintiff seeks an award of reasonable attorney's fees out-of-pocket expenses and costs in accordance with 42 U.S.C. §§ 1973 l(e) and 1988.

XIII. Prayer

WHEREFORE, Plaintiff respectfully prays that this Court enter Judgment granting Plaintiff.

A. A declaratory judgment that Plan 1374C has the effect of diluting the voting strength of Mexican American voters of Texas in violation of Plaintiff's and it's members rights as secured by Section 2 of the Voting Rights Act, 42 U.S.C. § 1973;

- B. A declaratory judgment that Plan 1374C may not be implemented and enforced unless and until precleared pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c;
- C. Preliminary and permanent injunctive relief prohibiting from calling, holding, supervising, or certifying any elections pursuant to Plan 1374C for the election of United States House of Representatives;
- D. Adjudge all costs against Defendants, including a reasonable attorney's fees and expenses;
- E. An order of this Court retaining jurisdiction over this matter until the Defendants and all its officers, their successors in office, agents, assigns, employees, attorneys and those persons acting in concert with them and or at their direction have complied with all orders and mandates of this Court; and
- F. Such other and further relief as the Court may deem just and proper.

DATED: November 7, 2003

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's First Amended Complaint has been served via facsimile to counsel of record on this 7th day of November 2003, as follows:

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