

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LEAGUE OF UNITED LATIN
AMERICAN CITIZENS, ET AL.

§

vs.

§

CIVIL ACTION NO. 2:03-CV-354

RICK PERRY, ET AL.

§

Consolidated

ORDER

The Court orders that:

(1) ***Constraints on the maps.*** The smallest unit of area shall be the voting precinct, as presently established by law, which shall be of equal population within a county and not differ in population from county to county by more than necessary to accommodate counties of low population.

(a) **Equipopulous.** The population of each district shall not differ from that of any of the other districts by more than a factor of 0.0001 or the margin of error of the census count, whichever is less.

(b) **Aligned.** Only counties with a population of more than a factor of between 0.1 and 1/3, initially 1/3 unless or until amended by the State Legislature, of the average population of a congressional district, may be split between districts, unless a larger number of counties must be split to meet the specification (a) above, and a smaller number of counties shall be split if specification (a) can be met.

(c) **Contiguous.** Districts must be contiguous, so that there is always at least one continuous line of points connecting any two points within the district, and no connection between parts consists only of a line or point.

(d) **Simply connected.** Districts must be simply connected, so that any continuous loop of

points within the district may be shrunk to a point within the district without crossing boundary lines. This means no holes in districts, and no surrounding of one district by another.

(e) **Compact.** Districts shall be maximally compact, resulting from a running time of at least 6 and not to exceed 24 hours, adjusted for improvements in processor speed, with compactness defined by minimizing the value of $p^2/4\pi A$, where p = perimeter and A = area of the district, with all other values remaining constant or improving. For an area bounded by a circle the value of this expression is 1.

(2) **Procedures.** District maps shall be generated and finally adopted mechanically with minimal human intervention using a computer program.

(a) The software to be used initially shall be the TARGET software already developed, but may be modified or replaced at the discretion of the State Legislature thereafter. But source code for the production version of any computer redistricting software and the database shall be made accessible for downloading from the web site of the State for public examination and comment, and to be shared with other states and communities, at no cost other than storage media.

(b) The State shall establish and maintain adequate safeguards to insure that no unauthorized alterations are made in the software or interventions made in the running of it that might bias the output. As soon as feasible, a version of the present database containing only information needed to satisfy the public constraints established herein or by act of the State Legislature shall be prepared, and made the only database accessible to the redistricting program during the generation of maps for official selection.

(c) A commission or jury, hereinafter called the "Commission", consisting of at least twelve and not more than 23 individuals, initially the Texas Legislative Council unless or until the State Legislature shall provide otherwise, shall supervise the redistricting process.

(d) Initially, and thereafter during one month every two years prior to each Congressional election, and after the most recent decennial census results are available, the Commission shall cause to be randomly generated at least twice as many maps as there are members of the Commission.

(e) Each Commission member shall have the right to reject or strike one map from among the maps randomly generated during the current redistricting session.

(f) One map shall be selected at random from among the randomly generated maps that remain after strikes, and that map shall become the district map for the next election without amendment or debate.

(g) The biannual schedule of redistricting may revert to a decennial schedule after 2010, if the State Legislature so enacts.

Judge presiding

Date

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The Court declares the following standard of proof:

A method of producing and adopting district maps will be deemed to violate Equal Protection if the mean predicted outcome of the candidate pool from which a randomly selected candidate map is drawn differs by one or more from a norm defined as follows:

1. A statistically large enough pool of maps, probably at least 20, is generated at random, to produce a standard pool.
2. Using voting history data, a prediction is made of the outcome of the election for each map in the standard pool and averaged to yield a pool mean, which is the norm.

Judge presiding

Date

PETITIONER IN INTERVENTION'S VERIFICATION

I have read the above-and-foregoing pleadings, and do hereby declare and affirm that all the allegations of fact contained therein are true and correct and within my personal knowledge.

Signed and executed July 12, 2006

JON ROLAND, Petitioner in Intervention

Jurat

Jon Roland, a person known or lawfully identified to me, appeared before me in the County of Travis, State of Texas, and stated in my presence his intention to verify the above and foregoing pleadings, on this 12th day of July, 2006. Wherefore witness my hand and seal of office.

NOTARY PUBLIC
TRAVIS COUNTY, TEXAS

Printed Name of Notary: _____

My Commission Expires: _____

CERTIFICATE OF SERVICE

I hereby certify that this 12th day of July 2006, I served a copy of the foregoing Application for Leave to file Petition in Intervention on all counsel of record by United States mail, first-class, postage prepaid to:

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Jon Roland, *Petitioner in Intervention*

Exhibit B

Example of TARGET-generated map

The attached map was generated using the TARGET program October 17, 2003, with the settings that the map be constrained only to be equipopulous, aligned, contiguous, simply-connected, and compact. It was run for only a few minutes. It is not offered as a proposed map, because any map not blindly selected at random from a pool of randomly generated maps is suspect as having been selected in an improper manner. The boundaries within split counties are a bit rough, especially for Bexar County, but they would be smoothed by running the session longer. It would probably not be possible to find the file that was generated and run it through REDAPPL to produce a legal description of the districts, since changes in the structure of the database and REDAPPL have not been matched by revisions of TARGET to maintain compatibility. However, even in this state, most persons can recognize it as looking more like a map should if no partisan considerations are applied.

Exhibit C

Video recording of interview with Texas Legislative Council staff and demonstration of the use of the TARGET software, October 16, 2003. Offered with leave from the Court to defer distribution until the Court and each party indicates the formats they can read. Also available online at <http://www.constitution.org/reform/us/tx/redistrict/cnpr.htm>