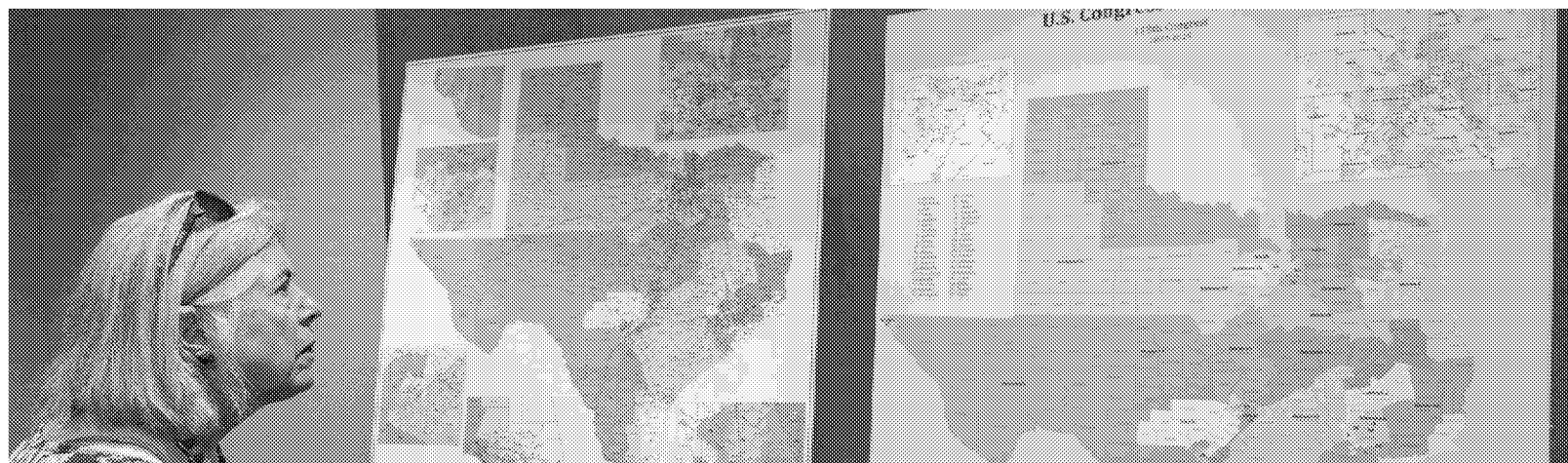


**State Defendants' Response to Plaintiff-Intervenors'
and TXNAACP Motion for Preliminary Injunction**

Exhibit I

<https://www.hks.harvard.edu/faculty-research/policy-topics/politics/explainer-understanding-mid-decade-redistricting-push-texas>

Document title:	Explainer: Understanding the mid-decade redistricting push in Texas Harvard Kennedy School
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Explainer: Understanding the mid-decade redistricting push in Texas

Powerful new techniques and a partisan environment are influencing congressional redistricting in Texas, an HKS expert explains.

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HOME / FACULTY & RESEARCH / POLICY TOPICS / POLITICS / EXPLAINER: UNDERSTANDING THE MID-DECADE REDISTRICTING PUSH IN TEXAS

August 22, 2025

Republicans in Texas have proposed a remapping of congressional districts that has sparked conflict with state Democrats. The move is unusual, coming mid-decade rather than after a census, which occurs every ten years. The proposed map could give Republicans five seats currently held by Democrats and is ramping up partisan tension, with California Democrats now seeking to shore up their advantage in retaliatory redistricting in their state.

We asked Benjamin Schneer—an associate professor of public policy who studies politics and political representation—to explain what issues were involved in the unusual redistricting push in Texas.

Q: What exactly is the redistricting effort in Texas, and why is it getting so much attention?

In June, President Trump floated the idea of a mid-decade redistricting in Texas. The governor of Texas, Greg Abbott, has called a special session in Texas where they are redrawing the congressional district maps. The very plainly stated goal is to try to add five Republican congressional seats that will be won in the 2026 congressional election. The thinking is that the midterm election nationwide is going to be very competitive. For Republicans to hold onto a majority in the House of Representatives, every seat they can win will be valuable. And, so, adding five seats in Texas may prove to be the margin

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This is a hot topic right now because it is somewhat unusual to do mid-decade or mid-cycle redistricting, especially when the idea seems to be floated by the president. Traditionally, redistricting takes place once a decade after the census. So, for example, Texas redrew their maps in 2021, and those maps have been in place for the 2022 and 2024 elections.

Q: Is that approach new?

I wouldn't say it's that new. It is particularly bold, but Republicans and Democrats have talked plainly about partisan gerrymandering for a long time.

Q: Has it ever not been partisan to redistrict?

This goes to the question of whether there has been gerrymandering since the country's founding. There have been instances throughout U.S. history where maps were drawn for a political purpose to advantage one party or another in elections. What's new about right now is the scale. Gerrymandering can be done more effectively now because we have fine-grained data on the population and on how people are likely to vote and computing techniques to design maps in clever ways. Put all that together with intense polarization and that creates a perfect storm where gerrymandering can flourish.

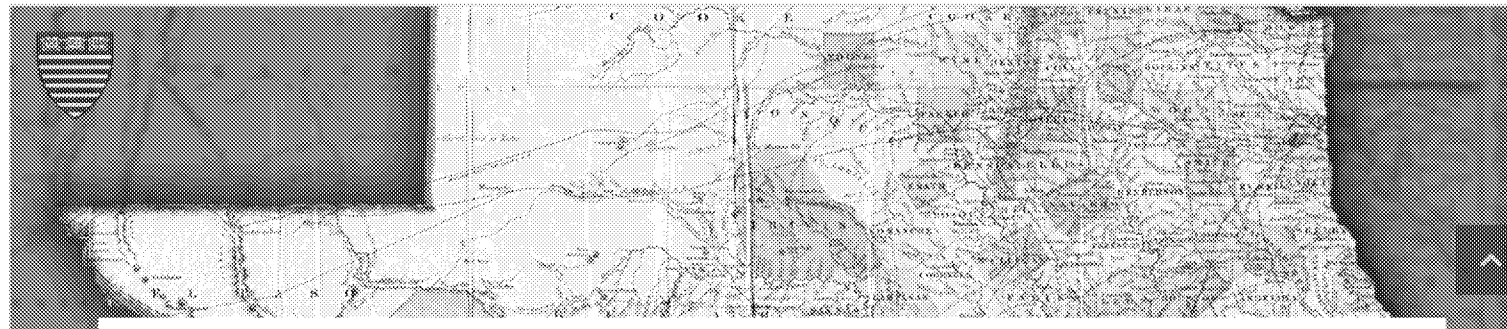
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Q: What is gerrymandering, and why is it legal?

One definition of gerrymandering is when district maps are being drawn to grant a group or party an undue advantage. The specific type of advantage could differ from context to context, but generally it's going to give political power to a particular group or party.

The Supreme Court has found that gerrymandering cuts against democratic principles. However, they have said it's too hard to identify what is and is not a partisan gerrymander. There are states that have specific anti-gerrymandering language in their state constitutions, but at the federal level, there's very little chance that partisan gerrymandering will be countered by the courts.



Gerrymandering in Texas

5:40

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Q: Is the proposed Texas map gerrymandered? How would that be determined?

The current congressional map of Texas is already one of the most extreme gerrymanders in the States, and the new map is even more gerrymandered.

Political scientists can simulate maps subject to the constraints in the state. If you were to simulate all these maps not paying any attention to partisanship, what are the chances of getting a map that wins a particular party a certain number of seats? You can compare the enacted map to the range of maps generated randomly without looking at partisanship. When you do that for the Texas map, many more seats are for Republicans than what you would get on average if you just were randomly generating maps.

In Texas and in most of the country, Democrats tend to be clustered in metropolitan areas. So, another telltale sign of gerrymandering is a map with districts reaching into areas that tend to be suburban or rural, where there are a decent number of Republican voters and then reaching into cities and picking out smaller numbers of Democratic voters in the cities. That's known as cracking: taking voters from one party and moving them into a district where there are not enough of them to win in the district.

Another geographic indicator of gerrymandering is what's known as packing. That would be where you give one party a district that they're definitely going to win but put as many voters of that party as possible into that district so their votes are wasted. If you put everyone in one district, then they're not able to help win in other districts.

Q: In your research, you outline a concept called durable majority gerrymandering. Can you explain what that is?

The idea is to be able to put a number on the additional chances that a party has of holding onto a



Q: In your research, you outline a concept called durable majority

gerrymandering. Can you explain what that is?

The idea is to be able to put a number on the additional chances that a party has of holding onto a majority in their state legislature due to the map that they've drawn, particularly compared to a neutral map. How much has a party increased their chances of holding onto power just through drawing this map? I developed this idea with a co-author, Max Palmer. The question we started with was, how would a party that was already a majority in a state legislature redraw their legislative districts to try to hold onto power despite a future electoral swing?

We developed tools to forecast elections and then compare the chances that a party would hold onto a majority in a neutrally drawn map that wasn't gerrymandered, in the actual map that the state produced, and in a map that was an optimal attempt at holding onto power. By comparing these three, you can see how the actual map stacks up in the ability of the majority to hold onto power with a majority in the state legislature despite any future electoral swing.

I would say the objective is slightly different for Texas in the congressional districting case. They're trying to just win as many seats as possible, whereas in the case of state legislative redistricting, they don't really care if you won 57% of the seats or 58% of the seats—you just want to get over 50%.

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“There have been instances throughout U.S. history where maps were drawn for a political purpose and to advantage one party or another in elections. What’s new about right now is the scale.”

Benjamin Schneer

Q: Is Texas using durable majority gerrymandering?

The way the concept of the durable majority gerrymander applies to Texas is that the map is drawn to continue to perform well for Republicans even if there are future vote swings that favor Democrats. So, for example, if in 2026 there's a swing from the 2024 election totals in Texas to, say, a 5 percentage point greater statewide vote for Democrats, Republicans will continue to hold on to maybe four or five of those new seats. The idea of durability is that it is impervious to swings against the party that drew the



The way the concept of the durable majority gerrymander applies to Texas is that the map is drawn to continue to perform well for Republicans even if there are future vote swings that favor Democrats. So, for example, if in 2026 there's a swing from the 2024 election totals in Texas to, say, a 5 percentage point greater statewide vote for Democrats, Republicans will continue to hold on to maybe four or five of those new seats. The idea of durability is that it is impervious to swings against the party that drew the map.

Q: What are potential solutions for making districting fairer?

Many states have already implemented solutions that help make districting fairer. States like California have independent redistricting commissions where essentially the process of map drawing is taken away from the state legislatures and vested in an independent body made up of some Republicans, some Democrats, and tie-breaking votes held by people not affiliated with either party. That's one approach that has proven generally to produce fairer maps.

Using the courts is another way. People have sued in states where there are fair districting principles. There are cases where a court might appoint a neutral arbiter or an independent map drawer. The idea is to take the map drawing out of the hands of the politicians in the legislature. Finally, there are cases where you can get partisan politicians in the state legislature to work on the map while still producing a fair outcome. One idea that I've worked on is related to parties taking turns having input into the map-drawing process. If you structure that the right way, you can produce fair outcomes.

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A woman views a U.S. Congressional District map as the Senate Special Committee on Congressional Redistricting meets to hear invited testimony on Congressional plan C2308 at the Texas State Capitol on August 6, 2025 in Austin, Texas. Photo by Brandon Bell/Getty Images.

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