





Representatives, the Texas House of Representatives and the Texas State Senate, the following relief is hereby granted.

**Relief related to party convention and rules changes**

The Court hereby adopts and orders the following with respect political party rules changes necessary to accommodate political conventions held prior to the 2012 General Primary Election for federal, state, county and local offices for those parties required to nominate candidates by primary election. All those dates, deadlines or requirements not specifically adjusted by this order remain as required under state or federal law except insofar as they are in conflict with rules properly adopted by a political party in order to comply with this order's terms:

- a. County and Senatorial District Conventions, as described in Texas Election Code § 174.063, shall be held as determined by the State Chair of each political party.
- b. A registered voter shall, for the purposes of participating in political party conventions, execute an oath of affiliation with a political party in a form substantially similar to that prescribed in Section 162.007(b), Texas Election Code, except that Sections 162.001 (b) and 162.008 (a) with regard to the timing of the oath shall be waived. Notwithstanding the requirement in Section 162.008, Texas Election Code that a member of a county executive committee must administer the oath of affiliation, the oath may additionally be administered by a member of a state executive committee, a member of a temporary or permanent credentials committee of a convention, or any other such person designated by a temporary or permanent convention chairman. The oath may also be executed in writing using a form to be

prescribed by a state executive committee or a State Chair. A written record must be maintained of every person executing an oath under this section and provided to the chief elections officer in each county for the purposes of marking party affiliation on the precinct lists of registered voters for use in the general primary and runoff primary elections. In addition, the certificate prescribed under Section 162.009, Texas Election Code, must be provided to each person executing the oath of affiliation.

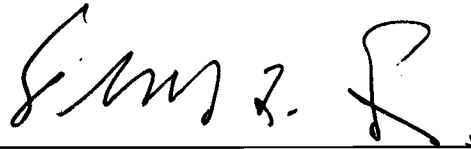
- c. The procedure described in Section 172.125, Texas Election Code, shall be followed for both the general primary and runoff primary elections. The voter registrar shall enter on the list of registered voters a notation beside each voter's name indicating the political party's conventions a voter has participated in, if any, from the lists provided by the political parties. An election officer at a polling place, using the marked list of registered voters, shall determine whether the name of a voter offering to vote is noted on the list as having participated in another party's conventions. If the voter's name is so noted, the voter may not be accepted for voting at the runoff unless the voter executes an affidavit stating that the voter did not vote in the primary or participate in a convention of another party during the same voting year.
- d. Sections 163.006, 191.007, and 191.008, Texas Election Code, are suspended for the purposes of modifications to party rules made pursuant to this order.
- e. The requirement to hold precinct conventions under Subchapter B, Chapter 174, Texas Election Code, is suspended, as are Sections 172.1111, 174.065 (c) and 174.068, Texas Election Code. The state executive committee of each political party

shall prescribe rules providing for the selection of participants in county and senatorial district conventions.

f. The political parties shall modify their Rules to give this order effect.

Therefore, it is ORDERED that the 2012 political convention process shall proceed as required under state and federal law except as provided for above. The State of Texas through the Secretary of State shall deliver an exact duplicate of this order to all election officials and county chairs, to the extent possible, within three days. The order shall also be posted by the Secretary of State on its website and the official election calendar as posted on the Secretary of State's website shall be updated to reflect the terms of this order.

SIGNED this 28<sup>th</sup> day of February, 2012.



ORLANDO GARCIA  
UNITED STATES DISTRICT JUDGE  
WESTERN DISTRICT OF TEXAS

And on behalf of:

JERRY E. SMITH  
UNITED STATES CIRCUIT JUDGE  
U.S. COURT OF APPEALS, FIFTH CIRCUIT

XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE  
WESTERN DISTRICT OF TEXAS