

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**FILED**

DEC 16 2011

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                      DEPUTY CLERK

SHANNON PEREZ, ET AL.,  
*Plaintiffs*

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§  
§

VS.

Civil Action No. 11-CV-360-OLG-JES-XR  
[Lead Case]

STATE OF TEXAS, ET AL.,  
*Defendants.*

§  
§  
§

MEXICAN AMERICAN  
LEGISLATIVE CAUCUS, (MALC)  
*Plaintiff,*

§  
§  
§  
§

VS.

Civil Action No. 11-CV-361 OLG-JES-XR  
[Consolidated Case]

STATE OF TEXAS, ET AL.,  
*Defendants.*

§  
§  
§

TEXAS LATINO REDISTRICTING  
TASK FORCE, ET AL.,  
*Plaintiffs,*

§  
§  
§  
§

VS.

Civil Action No. 11-CV-490-OLG-JES-XR  
[Consolidated Case]

RICK PERRY,  
*Defendant.*

§  
§  
§

MARGARITA V. QUESADA, ET AL.,  
*Plaintiffs,*

§  
§  
§

VS.

Civil Action No. 11-CV-592-OLG-JES-XR  
[Consolidated Case]

RICK PERRY, ET AL.,  
*Defendants.*

§  
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§



Secretary of State's office as well as numerous county election officers including those in Dallas, Harris, Travis and Bexar counties. The Court appreciates the good faith and diligence of all of those who have fashioned this recommendation.

The following schedule is contingent upon this Court entering redistricting plans for Texas House, Senate and Congress on or before February 1, 2012. It should be carefully noted, however, that nothing in this Order should be construed as an assurance or prediction that new redistricting plans will have been ordered by February 1, 2012. This Court has no control over the timing of decisions by other courts that are involved in this process.

### **Residency**

Therefore, it is ORDERED that for the 2012 elections to the Texas House of Representatives and Texas Senate a person must be a resident of the district the person seeks to represent from February 1, 2012 until the date of the General Election, and,

It is further ORDERED that an incorrect precinct, district or place designation on an application for a place on the ballot shall not render the application invalid if the designation is corrected on or before February 1, 2012 at 6 p.m. If a previously filed application indicated a district, precinct or place designation specifying a particular map to which that designation applied, or if the application did not specify a district, precinct, or place designation, and one is required for the office sought, the application shall be rejected if not amended to correct such designation prior to 6 p.m. February 1, 2012. Any petition submitted in lieu of filing fee must contain valid signatures of registered voters of the territory from which the office sought is elected in the number

required by the Texas Election Code, and must be submitted to the appropriate filing authority no later than 6:00 p.m., February 1, 2012.

An application for a place on the ballot for the office of precinct chair shall not be invalid if filed more than 90 days before the end of the filing period.

### **Schedule for Reopened Filing Period and General Primary**

The Court hereby adopts and orders this procedure with respect to the 2012 Primary Election for federal, state, county and local offices. All those dates, deadlines or requirements not specifically adjusted by this order remain as required under state or federal law:

- a. Subsections (c)-(m) of this Court's Order of November 7, 2011 (Docs. 57 and 489) are vacated. Ballot drawings and delivery of candidate lists as provided for in that order are not required until after the close of the reopened filing period as set forth below.
- b. The first day to file an application for a place on the Primary Ballot during the reopened filing period as described in Texas Election Code § 172.023(b) shall be at a future date to be determined by this Court.
- c. An application for a place on the general primary election ballot during the reopened filing period must be filed not later than 6 p.m. on February 1, 2012 as described in Texas Election Code § 172.023(a). All amendments to previously filed applications with respect to office, precinct, place or any other material detail must be completed

by this time. Candidates, and not filing authority election staff, may amend their applications by replacing the whole page of such application that requires changes. Each submitted page must contain the signature of the candidate and the date it was signed. Political parties that make their nominations by convention and do not hold a primary election may accept applications until 6:00 p.m., February 1, 2012.

Applications filed with the incorrect authority are deemed to have been timely received by the correct authority if the authority who received the application was the correct authority at the time the application was originally filed. Applications filed with the incorrect authority shall be forwarded to the correct authority without delay.

- d. The last day a vacancy for an unexpired term in an office of the state or county government may occur and appear on the primary ballot, as described in Texas Election Code § 202.004(a), is January 27, 2012.
- e. The deadline for the county chair (or secretary of the county executive committee) to post a notice on the bulletin board used for posting notices of the commissioners court's meetings, containing the address at which the county chair and secretary of the county executive committee will be available to receive applications on the last day for filing an application, as described in Texas Election Code § 172.022, is January 31, 2012.
- f. If a candidate withdraws, dies or is declared ineligible by February 2, 2012, the name is omitted from the primary ballot as described Texas Election Code §§ 172.057 & 172.058.

- g. The deadline for a state chair to deliver a certified list of statewide and multi-county district candidates to each county chair, as described in Texas Election Code § 172.028(b), is February 2, 2012.
- h. The deadline for a write-in candidate for the office of county or precinct chair to file a declaration of write-in, as described in Texas Election Code § 171.0231(d), is February 1, 2012.
- i. The deadline for the state or county chair, as applicable, to receive applications for a place on the general primary election ballot for an unexpired term for a vacancy in an office of the state or county government that occurs on or before January 27, 2012, as described in Texas Election Code § 202.004(b) is February 1, 2012.
- j. The deadline for a county executive committee to conduct a drawing for candidate order on the ballot at the county seat (unless the committee provides by resolution that the primary committee is to conduct drawing), as described in Texas Election Code § 172.082(c), is February 3, 2012.
- k. The deadline by which the state chair shall deliver the chair's list to the secretary of state, and each county chair shall deliver a copy of the chair's list to the county clerk, the state chair, and the Secretary of State as described in Texas Election Code § 172.029(c), is February 2, 2012.
- l. If changes in county election precinct boundaries are necessary to give effect to a redistricting plan under Article III, Section 28, of the Texas Constitution, each commissioners court shall order the changes on or before January 31, 2012, as described in Texas Election Code § 42.032. The requirements of Texas Election

Code § 42.036 are suspended for an order of a commissioner's court adopted to comply with this section of this Court's Order.

- m. The first day of the period for a voter to submit an application for an early ballot by mail for the general primary, or for both the general primary and the runoff primary election, as described in Texas Election Code §§ 84.001(d), (e) & 84.007, shall be February 11, 2011.
- n. On or before February 13, 2012, the registrar shall issue a voter registration certificate to each voter in the county whose registration is effective on the preceding November 14 and whose name does not appear on the suspense list, as described in Texas Election Code § 14.001.
- o. **The 2012 General Primary Election shall be held on April 3, 2012.** All deadlines and dates specified as changed in this Order, or in previously issued orders in this action shall be observed as provided for in the Texas Election Code.
- p. The deadline for runoff primary candidates to withdraw from the runoff ballot, as described in Section 172.059, Election Code is 5 p.m. April 10, 2012.
- q. The local canvass of the general primary for county and precinct offices by the county executive committee, as described in Texas Election Code §§ 172.116(b) and 172.084(b) shall occur on or before April 11, 2012.
- r. The deadline for county chairs to submit canvassed returns for statewide and district offices to the state party chair as described in Texas Election Code §§ 67.007(d) and 172.119(b) is Noon, April 12, 2012.

- s. The deadline for the state executive committees to conduct the canvass of statewide and district offices with potential runoffs, and certify these candidates to county chairs as described in Texas Election Code §§ 172.120 and 172.121, is 5 p.m., April 14, 2012.
- t. The ballot drawing conducted by county executive committee for all offices on the primary runoff ballot, as described in Texas Election Code §§ 172.084(b) and (c) shall occur no later than 9 a.m., April 16, 2012.
- u. The first day of the period for a voter to submit an application for an early ballot by mail for the runoff primary, as described in Texas Election Code §§ 84.001(d), (e) & 84.007, shall be April 6, 2011.
- v. County and Senatorial District Conventions, as described in Texas Election Code § 174.063, shall be held on either April 14 or April 21, 2012 as determined by the State Chair of each political party.
- w. **The 2012 General Primary Runoff Election shall be held on June 5, 2012.**

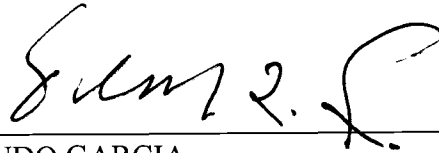
Therefore, it is ORDERED that the 2012 elections for federal, state, county and local officers shall proceed as required under state and federal law except as provided above. The State of Texas through the Secretary of State shall deliver an exact duplicate of this order to all election officials and 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.

Nothing in this order shall be construed by the Court or the parties as a waiver of the positions of each party with respect to the schedule or conduct of the upcoming election. The



parties' positions as stated at the December 13, 2011 hearing are expressly reserved. Additionally, the Republican and Democratic parties have agreed that it is necessary to have a primary early enough in April to allow them to conduct their statutorily required conventions as previously planned.

SIGNED this 16 day of December, 2011.



ORLANDO GARCIA  
UNITED STATES DISTRICT JUDGE

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