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

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

SHANNON PEREZ, ET AL., *Plaintiffs*	§	
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.*	§	

JOHN T. MORRIS, *Plaintiff,* VS. STATE OF TEXAS, ET AL., *Defendants.*	§ § § § § § § § § § § § §	Civil Action No. 11-CV-615-OLG-JES-XR [Consolidated Case]
EDDIE RODRIGUEZ, ET. AL., *Plaintiffs,* VS. RICK PERRY, ET. AL. *Defendants.*	§ § § § § § § § § § §	Civil Action No. 11-CV-635-OLG-JES-XR [Consolidated Case]
WENDY DAVIS, ET AL., Plaintiffs VS. RICK PERRY, ET AL., Defendants.	§ § § § § § § § §	Civil Action No. 11-CV-788-OLG-JES-XR [Lead Case]

AMENDED ORDER REGARDING ELECTION SCHEDULE

The Court has entered redistricting plans for the 2012 elections for the United States House of Representatives, the Texas House of Representatives and the Texas State Senate. It is necessary to make certain adjustments to the election schedule and other provisions of the Texas Election Code for the 2012 elections. Accordingly, the following relief is hereby granted.

Residency

It is ORDERED that for the 2012 elections to the Texas House of Representatives and Texas Senate, a person must be a continuous resident of the district the person seeks to represent from April 9, 2012 until the date of the General Election.

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 March 9, 2012, at 6:00 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 6:00 p.m., March 9, 2012. Any petition submitted in lieu of filing fee or otherwise required for judicial office 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., March 9, 2012. Any petition signatures collected in lieu of filing fee for congressional or legislative races from registered voters in the appropriate territory shall be deemed valid even if the petition contains an incorrect district number. The lack of a district number altogether shall invalidate a petition. Candidates who filed during the prior filing period in late 2011 who still wish to seek the same office need not re-file their applications, assuming no information contained therein has subsequently been rendered inaccurate.

Notwithstanding the provisions of the foregoing paragraph or any other provision of this Order, at a Democratic Party's County Executive Committee (committee) meeting on or before

March 26, 2012, the committee shall decide whether Democratic precinct chairs in that county shall be elected at the July 31 runoff election, or at the Democratic Party's County or Senatorial District Convention on the date set by the Democratic Party's State Executive Committee through a process established by their Party's Rules. A Democratic Party's committee choosing to elect its precinct chairs by convention shall allow any person who is properly filed for the office of Democratic precinct chair in the correct precinct in which they reside by the time of the convention to be considered a candidate for the office.

All Republican County Executive Committees, and any Democratic Party's committee choosing the July 31 runoff option, shall elect precinct chairs according to the following procedures: The election for the office of precinct chair will be held concurrently with the July 31, 2012 runoff, with a plurality vote required for election. Candidates for precinct chair may file, amend, or withdraw their application for a place on the ballot no later than 6:00 p.m., June 1, 2012. The county chair shall be responsible for posting notice of this filing deadline on the county party's website and via electronic mail to any distribution list maintained by the county party. An application for the office of precinct chair may be filed, amended, or withdrawn by the candidate using the official forms prescribed by the Secretary of State via facsimile or electronic mail. The office of precinct chair shall not be included in the official ballot drawing prescribed below, but the list of candidates for that office must be forwarded by the county chair, in the order of filing, to the authority responsible for preparing the ballot in each county no later than 6:00 p.m., June 4, 2012. Furthermore, 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 and the election of county and precinct party chairs. The reopened filing period applies to all races for federal, state and county officers and the election of county and precinct party chairs. All those dates, deadlines or requirements not specifically adjusted by this order remain as required under state or federal law. Because the time period for the 2012 Primary Election includes shortened deadlines, a few of the deadlines necessarily fall on a weekend, notwithstanding § 1.006 of the Texas Election Code. Unless stated otherwise, § 1.006 of the Texas Election Code is superseded for purposes of this order.

a. Subsections (c)-(m) of this Court's Order of November 7, 2011 (Dkt. Nos. 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 March 2, 2012. Any applications and petitions received by county judges, county chairs, state chairs, or the Secretary of State after December 19, 2011 but before March 2, 2012 will be deemed submitted as of March 2, 2012, unless later withdrawn by the candidate.

c. An application for a place on the general primary election ballot during the reopened filing period must be filed not later than 6:00 p.m. on March 9, 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 notarized 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., March 9, 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 on which 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 March 5, 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 March 8, 2012.

f. If a candidate withdraws, dies or is declared ineligible by March 12, 2012, the name is omitted from the primary ballot as described in Texas Election Code §§ 172.057 and 172.058.

g. The deadline for the 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 March 12, 2012.

h. The deadline for a write-in candidate for the office of county chair to file a declaration of write-in, as described in Texas Election Code § 171.0231(d), is March 9, 2012. No write-in candidates for precinct chair will be accepted.

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 March 5, 2012, as described in Texas Election Code § 202.004(b), is March 9, 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 the drawing), as described in Texas Election Code § 172.082(c), is March 12, 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 March 12, 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 March 20, 2012, notwithstanding Texas Election Code § 42.032. The requirements of Texas Election

Code §§ 42.035 and 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 election, as described in Texas Election Code §§ 84.001(d) and (e) and § 84.007, shall be waived. Unless previously rejected as prematurely filed under earlier orders of this Court by the early voting clerk, applications received before the date of this Order and denominated for the Primary Election or for both the Primary and Primary Runoff Elections shall be deemed to have been received on March 30, 2012.

n. On or before April 25, 2012, the registrar shall issue a voter registration certificate to each voter in the county whose registration will be effective as of the date issued and whose name does not appear on the suspense list, as described in Texas Election Code § 14.001.

o. The early voting clerk shall mail general primary ballots to voters subject to the MOVE Act requirements on or before April 14, 2012.

p. Because of insufficient time between the mailing of voter registration certificates as described in Texas Election Code § 14.001 and the beginning of early voting, the registrar is required to comply with Texas Election Code §14.023 regarding the issuance of a confirmation notice in accordance with Texas Election Code § 15.051 on or before July 2, 2012. The deadline for entering the voter's name on the suspense list due to an undelivered renewal certificate pursuant to Texas Election Code §14.021 shall be July 3, 2012.

q. **The 2012 General Primary Election shall be held on May 29, 2012.** Early voting by personal appearance for the General Primary Election shall begin on May 14, 2012 and end on May 25, 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.

r. The deadline for runoff primary candidates to withdraw from the runoff ballot, as described in Texas Election Code § 172.059, is 9:00 a.m., June 11, 2012.

s. 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 June 6, 2012. The political parties are ordered to make any necessary modifications to their Party Rules to give this section effect.

t. 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 12:00 noon, June 7, 2012.

u. 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 June 9, 2012.

v. The ballot drawing conducted by county executive committees for all offices on the primary runoff ballot, as described in Texas Election Code §§ 172.084(b) and (c), shall occur no later than 9:00 a.m., June 12, 2012.

w. 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) and (e) and § 84.007, shall be June 1, 2012.

x. The early voting clerk shall mail runoff ballots on or before June 16, 2012.

y. **The 2012 General Primary Runoff Election shall be held on July 31, 2012. Early voting by personal appearance in the General Primary Runoff election shall begin on July 23, 2012 and end on July 27, 2012.**

z. Section 2.025, Texas Election Code, requiring that a runoff election be held no earlier than the 20th nor later than the 45th day after the final canvass of the main election, is waived for the purposes of any municipal, school, or other political subdivision election held on May 12, 2012. The requirements of any home-rule city charter relating to runoff election dates are also suspended to allow for compliance with this Order.

aa. The last day on which minor party chairs may submit petitions and precinct convention lists to the Secretary of State and to the appropriate county clerk (or other county election officer) for placement on the ballot is June 29, 2012. Texas Election Code §§ 181.005(a), 181.006(b)(3), 182.003, 182.004.

bb. The deadline for independent candidates, including candidates for U.S. President, to file applications and petitions is June 29, 2012. See Texas Election Code §§ 142.006, 192.032(c). The provisions of Texas Election Code § 142.009 are waived to the extent they are incompatible with this order.

cc. Texas Election Code § 32.0511(b)(1) is waived to allow for student clerks to be appointed who are currently enrolled in school, but who may be on summer break and out of school at the time the election occurs.

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 a 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 19th day of March, 2012.

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