

APPENDIX 3

Perez v. Perry, No. 5:11-cv-360
(W.D. Tex. Nov. 4, 2011)
ORDER

FILED

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

NOV 04 2011

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

SHANNON PEREZ, ET AL.,
Plaintiffs

VS.

STATE OF TEXAS, ET AL.,
Defendants.

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

MEXICAN AMERICAN
LEGISLATIVE CAUCUS, (MALC)
Plaintiff,

VS.

STATE OF TEXAS, ET AL.,
Defendants.

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

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

VS.

RICK PERRY,
Defendant.

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

MARGARITA V. QUESADA, ET AL.,
Plaintiffs,

VS.

RICK PERRY, ET AL.,
Defendants.

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

JOHN T. MORRIS,
Plaintiff,

VS.

STATE OF TEXAS, ET AL.,
Defendants.

Civil Action No. 11-CV-615-OLG-JES-XR
[Consolidated Case]

EDDIE RODRIQUEZ, ET. AL.,
Plaintiffs,

VS.

RICKY 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

ORDER

The Court is entertaining various issues pertaining to redistricting of the United States House of Representatives, the Texas House of Representatives and the Texas State Senate. In order to provide the Court time to enter necessary orders, the following relief is hereby granted:

Residency

Section 7, Article III, of the Texas Constitution, requires that a person seeking election to the Texas House of Representatives must be a resident of the district the person seeks to represent for one year prior to the person's election as a representative.

Section 6, Article III, of the Texas Constitution, provides the same requirement for a candidate for the Texas State Senate.

Section 23, Article III, of the Texas Constitution, provides that a senator or representative who removes his or her residence from the district for which elected vacates the office of senator or representative.

Since the composition of House and Senate districts in which candidates might offer themselves are uncertain until the Court enters an order pertaining to the districts of the offices described above, and to be fair to the present officeholders, potential candidates and the citizens of Texas, the court finds it necessary to modify the foregoing residence requirements.

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 December 15, 2011 until the date of the General Election, and it is,

It is further ORDERED that an incorrect precinct designation on an application for a place on the ballot shall not render the application invalid if the designation is corrected on or before December 19, 2011.

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

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. The deadline for county chairs and state chairs to post notice of the dates of the candidate filing period in a public place in a building in which the chair has an office, as described in Texas Election Code § 141.040 is November 11, 2011.
- b. The first day to file an application for a place on the Primary Ballot as described in Texas Election Code § 172.023(b) shall be November 28, 2011.
- c. An application for a place on the general primary election ballot must be filed not later than 6 p.m. on December 15, 2011 as described in Texas Election Code § 172.023(a)
- 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 December 10, 2011.
- 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 December 14, 2011.

- f. If a candidate withdraws, dies or is declared ineligible by December 16, 2011, the name is omitted from the primary ballot as described Texas Election Code §§ 172.057 & 172.058.
- g. The deadline for state chair to deliver certified list of statewide and multi-county district candidates to each county chair, as described in Texas Election Code § 172.028(b), is December 19, 2011.
- h. 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 December 19, 2011.
- 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 December 10, 2011, as described in Texas Election Code § 202.004(b) is December 19, 2011.
- j. The deadline for county executive committee to conduct drawing for candidate order on ballot at the county seat (unless committee provides by resolution that primary committee is to conduct drawing), as described in Texas Election Code § 172.082(c), is December 20, 2011.
- k. The deadline 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 December 22, 2011.

- 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 before December 13, 2012, as described in Texas Election Code § 42.032.
- m. On or before January 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.

Therefore, it is ORDERED that for the 2012 elections for federal, state, county and local officers 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. The political parties shall deliver this order and notice thereof to county party chairs without delay.

SIGNED this 4 day of November, 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

-and-

Xavier Rodriguez
United States District Judge
Western District of Texas