

Subject: Urban Counties News, December 29, 2011: Changes to 2012 Court-Ordered Election Schedule Requested
Attachments: Doc 571 - 12 29 11 - Supplemental Joint Advisory.pdf; ATT5541937.htm

Subject: Urban Counties News, December 29, 2011: Changes to 2012 Court-Ordered Election Schedule Requested

December 29, 2011

To All Urban Counties:

Today the Texas Conference of Urban Counties, the Texas Association of Counties, and the County Judges and Commissioners Association of Texas filed a Supplementary Joint Advisory Memorandum with the San Antonio federal district court overseeing the consolidated redistricting lawsuits. Included with the Supplementary Memorandum is a proposed order that suggests changes to certain dates previously set by the court for county activities related to the 2012 primary election and runoff.

A copy of the Supplementary Memorandum and the proposed order are attached.

Based on conversations with county election officials, the county organizations have informed the court that the following amounts of time are needed in the various steps of implementing the redistricting plans issued by the court:

- After issuance of redistricting plans, counties need 1 - 3 weeks to prepare election precinct boundaries for adoption by commissioners courts.
- After approval of election precinct boundaries by commissioners courts, counties need 3 - 4 weeks to update voter registration information in order to be able to print voter certificates and ballots. Part of this delay is caused by the need to receive DOJ pre-clearance; much of the delay is due to the required manual entry of data.
- After updating voter registration information, counties need 2 - 3 weeks to print voter certificates and ballots. There are relatively few vendors for the printing of ballots, and that fact contributes to this time.

The county organizations have told the court that these timelines can be met only if the final maps are substantially similar to either (1) the maps approved by the Texas Legislature, or (2) the interim maps previously issued by the court. If the final maps differ substantially from both of those prior sets of maps, then counties may very likely need more time.

Based on the required time for each task, and with the caveat that the final maps must be issued no later than February 1 and substantially similar to one of the prior sets of maps, the county organizations have asked the court to revise its December 16 order with regard to the following activities:

- For changes in county election precinct boundaries, each commissioners court shall order the changes on or before February 20, 2012 (currently January 31, 2012); and
- On or before March 9, 2012 (currently February 13, 2012), the registrar shall issue voter registration certificates to each voter not on the suspense list.

Further, the requirements of the MOVE Act were not addressed specifically in the court's December 16 order. Based on the primary date of April 3 and the runoff date of June 5, the MOVE Act would require military absentee ballots be mailed no later than February 18 and April 21, respectively. The county organizations requested a waiver from compliance with the MOVE Act, and have requested that counties be permitted to mail military absentee ballots on or before March 9 for the primary and on or before May 4 for the runoff.

The county organizations have also asked the court to waive compliance with a provision of the Election Code that would require voter registrars to mail confirmation notices to voters for whom bad addresses are suspected no later than March 1. The county organizations have asked that date be moved back to July 1.

The county organizations have also requested the court to waive compliance with Section 5 of the Voting Rights Act with respect to precinct boundary changes made by a county to address the maps issued by the court. Section 5 requires counties to seek pre-clearance from the Department of Justice for changes to precinct boundaries. A waiver of compliance with Section 5 would permit counties to move more quickly in implementing precinct boundary changes.

Finally, the county organizations have asked the court to take further comment from counties, and issue further orders as may be required, in the event the final maps are substantially different than the prior sets of maps.

We will, of course, keep you informed of developments in this matter. In the meantime, please do not hesitate to contact me if you have questions.

John B. Dahill | General Counsel

Texas Conference of Urban Counties

500 W 13th St. | Austin TX 78701

P: 512.476.6174 | F: 512.476.5122

E: john@cuc.org | W: www.cuc.org