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Sent: Thursday, February 02, 2012 11:56 AM

To: john@cuc.org

Subject: Urban Counties News, February 2, 2012: April 3 Primaries Appear to be In Doubt - CORRECTED

CORRECTED DATE IN 1ST PARAGRAPH

February 2, 2012

To All Urban Counties:

The April 3 primary election date previously set by the federal district court in San Antonio appears to be in serious doubt after the court issued an order this morning setting a hearing on FEBRUARY 15 to discuss all issues regarding an interim plan. Although there is still a small chance unified primaries may occur on April 3, or that the presidential primaries only may occur on that date, those chances are remote.

Last week the San Antonio court directed the parties to present the court with agreed interim maps for there to be a possibility of the court keeping the April 3 unified primaries. Although that directive has not been rescinded by the court, media reports indicate that a settlement is unlikely.

Yesterday the federal district court in Washington DC hearing claims against the legislatively drawn maps under Section 5 of the Voting Rights Act issued a memorandum informing all parties that it did not anticipate rendering a decision in the next 30 days. A decision of the DC court would assist the San Antonio court, which has been directed by the US Supreme Court to consider Section 5 claims when drawing interim maps. The San Antonio court has not heard evidence on Section 5 claims (it has heard only Section 2 and constitutional claims), and is wrestling with how to proceed in light of the directive of the US Supreme Court.

The next critical date is February 6, which is the deadline set by the court for the parties to agree to interim maps. In the absence of an agreement, the court could issue an order directing split primaries.

If split primaries are ordered, it is likely the presidential primary will proceed separately from other offices. If the court does not order split primaries, then a new election schedule will not likely be known until after February 15.

Please do not hesitate to contact me if you have questions regarding this or any other matter.

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