

Georgia Shepherd

Subject: Urban Counties News, March 1, 2012: Redistricting Court Issues Primary Election Schedule

From: John Dahill [mailto:john@cuc.org]

Sent: Thursday, March 01, 2012 4:11 PM

To: john@cuc.org

Subject: Urban Counties News, March 1, 2012: Redistricting Court Issues Primary Election Schedule

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To All Urban Counties:

Today the 3-judge panel in San Antonio overseeing the consolidated redistricting lawsuits issued a schedule for the 2012 general primary and primary runoff elections. I have been working with county elections administrators and the political parties this week to address elections administrators' concerns about the schedule, and am pleased to report the schedule adopted by the court contains all the provisions we felt were necessary for counties to comply with the May 29 primary date and the July 31 runoff date.

A copy of the court's order is attached.

Some highlights in the order:

- The filing period for all federal, state, county, and local offices will be reopened beginning March 2 and ending 6:00 p.m. March 9. Applications previously submitted after December 19, 2011 but before March 2, 2012 will be deemed submitted as of March 2, 2012, unless later withdrawn by the candidate.
- Precinct chairs will be elected on the July 31 runoff date, and have an application filing deadline of June 1, 2012. We informed the court of the elections administrators' preference for this process in order to avoid a filing period in late March after the completion of voter precinct revisions.
- If the maps issued by the court earlier this week require revision of voter precincts by county commissioners courts, those revisions must be approved on or before March 20.
- Publication requirements normally applicable when voter precinct revisions occur have been waived at counties' request.
- The MOVE Act deadline for filing overseas ballots is April 14, and that date remains. Elections administrators previously told the court they could meet that deadline if maps were issued prior to March 3.
- Voter registration certificates must be mailed on or before April 25. We requested this date to allow elections administrators to focus on ballot preparation prior to the April 14 MOVE Act deadline for ballots.

Not included in the order is a waiver of 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. The Justice Department appeared before the court last month and took the position that the court had no authority to grant such a waiver. The Justice Department did commit to expeditiously review precinct boundary changes.

It is unknown whether there will be any further delays in the 2012 primaries. The San Antonio court has not issued its legal justification for the maps issued earlier this week, as required by the Supreme Court. Once issued, one or more parties may attempt to challenge the current maps through an appeal. Earlier this week, one subset of the plaintiffs

filed an advisory with the Washington, D.C., federal court hearing the Section 5 litigation and asserting that the new interim maps suffer from the same problems as the maps approved by the Texas Legislature. Further, a decision by the D.C. court soon (the trial concluded in January) could require the San Antonio court to make further revisions to the 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.

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