


In the United States District Court
for the
Western District of Texas

FILED

DEC 14 2011

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

SHANNON PEREZ, ET. AL. §
 §
v. § SA-11-CV-360
 §
RICK PERRY, ET. AL. §

ORDER

The following relief is hereby granted:

Residency

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 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 a date to be determined later by the Court, and

It is further ORDERED that an incorrect precinct, district, or office designation on an application for a place on the ballot shall be accepted by the filing authorities and shall not render the application invalid if the designation is amended or corrected on or before a date to be later

determined by the Court.

Schedule

- a. The filing deadline for all federal, state, county, and local offices is extended until 6:00 p.m. on December 19, 2011. The court will reopen the filing period at a later date at which time applications may be filed, amended, or withdrawn.
- b. Any filing fees paid by any candidate, which are not refundable under State law, will be refundable to individuals who withdraw their application.
- c. Any applications filed during the filing period to end on December 19, 2011, may be amended pursuant to deadlines established later by this Court with respect to office, precinct, place, or any other material detail, or the application may be withdrawn by the candidate, with refund of any filing fee.
- d. 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 a later date to be determined by the Court, as described in Texas Election Code § 42.032.
- e. The Republican Party of Texas and the Texas Democratic Party may accept applications for the Texas House of Representatives, Texas State Senate, and U.S. House of Representatives. The applicant needs to list his or her lawful residence on such application and the district he or she believes is the appropriate designation

for the office they sought. Any applications filed shall be amended during the re-opened filing period to include the appropriate district number of the ultimately implemented redistricting plan in order to be valid.

- f. This Court's Orders of November 7, 2011 (Docs. 57 and 489) are vacated to the extent of any conflict with this Order.
- g. For the purposes of elections held in 2012, Section 163.006, Election Code (requiring changes in Party Rules to be filed with the Secretary of State by the 30th day prior to the convening of precinct conventions) is suspended to allow the Republican and Democratic Parties to make emergency changes to their rules to comply with this and future Orders of this Court.

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.

Nothing in this order shall be construed by the Court or the parties as a waiver of the positions of each party with respect to the schedule or conduct of the upcoming election. The parties' positions as stated at the December 13, 2011 hearing are expressly reserved.

The parties are ordered to appear at a hearing concerning the election schedule on January 12, 2012 at 10:00 a.m. unless otherwise directed in a later order.

It is so ORDERED.

SIGNED this 14 day of December, 2011.



ORLANDO L. 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