

Redistricting Update

Written by Administrator

Monday, 23 January 2012 14:04 - Last Updated Friday, 27 January 2012 13:18

Redistricting Update: New Order from SA Three-Judge Panel

January 20, 2012

This afternoon, the Republican Party of Texas (RPT) was informed that the three-judge federal panel in San Antonio has issued an order for a status conference on February 1st. As the ordered status conference is the [same date](#) on which the recently extended filing deadlines are supposed to end, the RPT is concerned that delaying a status conference until this date will place the April 3rd unified Primary Election in jeopardy. This may also put in jeopardy the Democratic and Republican State Conventions which are scheduled in June. Therefore, the Republican Party of Texas has instructed its lawyers to file a motion with the panel to reconsider a status conference at such a late date and to request that the status conference be moved up so that the possibility of an April 3rd primary can be maintained.

As a note to our candidates, county chairs, precinct chairs and Republican activists - until we receive a ruling on our anticipated motion to reconsider, we suggest everybody continue with plans toward an April 3rd Primary. However, everyone should now be on notice that there is a possibility that this date could be moved

AUSTIN - Today, the United States Supreme Court [issued an opinion](#) which vacated the orders implementing Texas redistricting maps prepared by the Western District of Texas three-judge panel. The opinion also remanded the case back to the Western District of Texas three-judge panel for further proceedings consistent with the Supreme Court's opinion.

This opinion means that currently there are no district lines for State House, State Senate and Congressional districts. By vacating the three-judge panel's order, the Supreme Court did not reinstitute the legislative maps drawn by the Texas Legislature in 2011. Rather, the opinion states that the three-judge panel is to issue new Texas redistricting maps in a manner consistent with the guidance found in the Supreme Court opinion as to what factors should be considered in drawing these new maps.

The Republican Party of Texas interprets this opinion as meaning that the three-judge panel exceeded its authority by altering district lines where there had not been established a probable

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basis for constitutional or legal challenge. However, as a note of caution – today's opinion by the Supreme Court did not order the enactment of maps and lines drawn by the Texas Legislature in 2011. The opinion still allows the three-judge panel to make some alterations to the legislatively drawn maps.

In addition, it should be noted that when the Western District three-judge panel issues new maps for the 2012 elections - these maps are "interim" only. Final maps for Texas redistricting still have to be cleared under Section 5 of the Voting Rights Act, which will take place in front of a Washington D.C. federal panel. At this time, we do not know exactly when new lines will be published by the Western District federal panel, nor do we know where the district lines will actually be.

The RPT applauds the good news that the Supreme Court acted relatively quickly, and that the Justices acted in time to allow for an April unified primary. To keep the current election schedule, it is incumbent upon the Western District three-judge panel to also act expeditiously and redraw the maps in the next week or so. We are hoping that they will do so.

In commenting on the Supreme Court decision, RPT Chairman **Steve Munisteri** stated, "We are pleased that the Supreme Court recognized that the Western District three-judge panel exceeded its authority in drawing lines for our elected officials. The opinion stated very clearly that the Legislature's intent and judgment is an important consideration and "*starting point*

" in the process of judicially redrawing maps and that the Legislature's intent should not be overlooked. I am especially pleased that the Supreme Court apparently took notice of the Republican Party of Texas' advisory which we filed last week and our subsequently filed brief in support of that advisory. In those documents, we alerted the Court to the fact that an expeditious decision was needed in order to maintain our current April 3rd primary schedule, to prevent havoc with our elections, and to protect the parties' State Conventions as well. Again, we would like to thank

Chris Ward

and the law firm of

Yetter Coleman LLP

who did a fabulous job in providing a brief pro bono on a quick turnaround."

Munisteri continued, "I am hopeful that the Western District three-judge panel will issue new maps in time for us to maintain our current April 3rd primary. Until the panel issues new orders, we will not know how many legislative districts will likely be Republican and how many will be Democrat. Thus, any conclusion as to the overall result of today's ruling by the Supreme Court

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will have to be withheld until that time. In the meantime, the RPT will continue to advocate for an election schedule that will allow an early April primary."

The Republican Party of Texas also issues the following advisory to all of our county chairmen, precinct chairmen and party activists. At this time, it is not known with certainty whether the April 3rd primary schedule will hold. The timely decision by the Supreme Court today makes it possible for the April 3rd primary schedule to hold, but we will not know this for certain until we get further guidance from the three-judge panel in San Antonio. As soon as we receive additional information from that panel relative to this issue, the State Party will issue an advisory through our [website](#) , [social media](#) , and email database.

[Click here](#) to read the full Supreme Court decision.

[Click here](#) to read the RPT advisory brief submitted to the Supreme Court.