

FREQUENTLY ASKED QUESTIONS

Regarding Federal Court Orders Issued In Redistricting Litigation

Updated: March 7, 2012

Below are some questions that are intended to provide guidance with respect to the various federal court orders:

1. What is the new filing period?

Except for the office of precinct chair, the new filing period is March 2, 2012 through March 9, 2012 at 6 p.m. The filing period for precinct chairs is March 2, 2012 through June 1, 2012 at 6 p.m.

2. Does the new filing period only apply to primary candidates or does it apply to Independent and Minor Party Candidates as well?

It applies to all types of candidates: primary, independent, minor party and write-in candidates for county chair.

3. What if a candidate filed between the regular filing period and before the new filing period of March 2-9, 2012?

Any applications and petition received by the Secretary of State, county judges, county chairs, or state chairs after December 19, 2011 but before March 2, 2012 will be deemed submitted as of March 2, 2012, unless later withdrawn by the candidate. If the filing authority previously rejected such an application due to timeliness, the filing authority needs to take an affirmative action to determine whether the candidate wishes to continue as a candidate or the candidate must withdraw his/her filing.

4. What if a precinct chair has already filed or files prior to the 90th day before the new filing deadline?

The federal court order specifically states that such a filing (where a precinct chair files too early) would not be invalid.

5. What is the special process for electing precinct chairs?

In addition to a different filing period, the precinct chairs will only appear on the July 31st primary runoff ballot, where they will be elected by a plurality vote (i.e., no runoff).

6. If a candidate wishes to withdraw or file for a different office with a different filing fee, is the candidate entitled to a refund?

The candidate is entitled to a refund pursuant to the federal court order issued on December 14, 2012.

7. How does a candidate file in an office other than the one in which they previously-filed?

The candidate may withdraw and file a new, sworn application, or they may simply file a new application without first withdrawing. (See court order for additional details.) If you filed with a petition, a change in the type of office you are running for (not just the precinct, district, or place number) would require circulating a new petition or submitting a filing fee.

8. If a candidate filed an application with a filing fee or a petition in lieu of filing fee to the wrong party chair, what procedure should be used to forward the application to the correct authority?

The chair shall determine the authority with whom the application should have been filed and forward the application without delay. If, at the time the mistaken filing is discovered, the filing fee has not been deposited in the party's primary account, the candidate's check or money order may be submitted to the correct authority along with the candidate's original application for a place on the ballot. If the filing fee was deposited in the party's primary account, the party chair shall write a check from the account for the amount of the filing fee and forward it to the appropriate party chair, along with the candidate's original application for a place on the ballot. If the application for a place on the primary ballot was accompanied by a petition in lieu of filing fee, the chair shall forward the petition along with the application for a place on the ballot to the appropriate authority.

9. What if a candidate has already filed and wants to run in the same office?

Per the March 1, 2012 federal court order, candidates who filed during the prior filing period in late 2011 who still wish to seek the same office need not re-file their applications, assuming no information contained therein has subsequently been rendered inaccurate.

10. To which office(s) does the modified residency requirement that requires a candidate to reside in the district from April 9, 2012 until the November 2012 General Election apply?

The modified residency requirement only applies to the offices of state senator and state representative.

11. Which candidates will be allowed to correct their precinct, district or place designation (with sworn new pages) during the new filing period of March 2 to March 9, 2012, and how would such a correction be made?

This new requirement will apply to all candidates.

12. What is the last day that an independent candidate or a minor party may file petitions to be placed on the November General Election ballot?

The deadline is 5:00 p.m. on June 29, 2012.

13. If I'm a County Chair with no office, where do I post my notices?

The notice of the filing period must be posted in a building in which the chair has an office. If none, then you should post it on the bulletin board used for posting notice of the commissioners court's meeting, in the same manner in which the notice for the last day of filing must be posted.

14. What is the deadline for the county commissioners court to make any necessary changes to their county election precinct boundaries?

March 20, 2012, and the notice requirements in Sections 42.035 and 42.036 are suspended.

15. What is the new deadline to issue voter registration certificates?

On or before April 25, 2012, the county voter registrar shall issue a voter registration certificate to each voter in the county whose registration will be effective as of the date issued and whose name does not appear on the suspense list.

16. What are the timelines to apply for a ballot by mail, to register to vote and vote early in person?

You may find the link for these important dates at:

<http://www.sos.state.tx.us/elections/voter/2012dates.shtml>

For any additional questions regarding the federal court orders, you may contact the Office of the Secretary of State at 1-800-252-VOTE(8683).