

EXHIBIT B

Waller County, Texas Submission of
Redistricting for Election Precincts

Waller County, Texas

Submission of Redistricting Plan
For Election Precincts
Under Section 5 of the Voting Rights Act

April 20, 2012

**BICKERSTAFF HEATH
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April 20, 2012

By Federal Express

The Honorable T. Christian Herren, Jr.
Chief, Voting Section
Civil Rights Division
United States Department of Justice
Room 7254-NWB
1800 G Street, NW
Washington, DC 20006

RE: Submission under Section 5 of the Voting Rights Act of the Waller County, Texas 2011 Redistricting of Election Precincts - Expedited Consideration Requested

Dear Mr. Herren:

On behalf of Waller County, Texas (hereinafter, "County"), I hereby submit the following changes affecting voting for consideration pursuant to 42 U.S.C. § 1973c.

Waller County seeks preclearance of its March 7, 2012 order adopting proposed changes to its election precincts. The changes to the election precincts are necessary to comply with Texas Election Code chapter 42, which governs the configuration of election precincts.

Waller County requests expedited consideration, as the federal district court hearing the redistricting challenges to the State of Texas' plans has ordered that the Texas party primaries be held on May 29, 2012, and the County will need to use the new election precincts for the political party primary elections. See Order of March 1, 2012, *Perez v. Texas* (copy attached as Exhibit A), ¶ q.

In compliance with 28 C.F.R. Part 51, I am supplying the following information on behalf of Waller County, Texas:

WALLER COUNTY ELECTION PRECINCTS

SECTION 51.27

(a) A copy of any ordinance, enactment, order, or regulation embodying the change affecting voting for which section 5 preclearance is being requested.

A copy of the Waller County Commissioners Court order of March 7, 2012 adopting the boundary changes for its election precincts is attached to this submission as **Exhibit B**.¹

(b) A copy of any ordinance, enactment, order, or regulation embodying the voting standard, practice, or procedure that is proposed to be repealed, amended, or otherwise changed.

A copy of the Commissioners Court order adopting the existing election precincts is attached to this submission as **Exhibit C**.

(c) A statement that identifies with specificity each change affecting voting for which section 5 preclearance is being requested and that explains the difference between the submitted change and the prior law or practice. If the submitted change is a special referendum election and the subject of the referendum is a proposed change affecting voting, the submission should specify whether preclearance is being requested solely for the special election or for both the special election and the proposed change to be voted on in the referendum.

The change alters the boundaries of the County's election precincts. As explained in the preamble to the Commissioners Court order adopting the changes, the modifications in the boundaries were necessary to comply with Chapter 42 of the Texas Election Code after changes were made to the County's commissioner and justice precincts, and to take into account changes to the single-member council district boundaries in the City of Katy, which is partially located in the County. A map showing the current election precincts is found at **Exhibit D**, and a map of the proposed election precincts is attached as **Exhibit E**, including maps of each individual election precinct. A summary of the changes to election precincts, including numbering changes and territorial changes, is included in **Exhibit F**.

(d) The name, title, mailing address, and telephone number of the person making the submission. Where available, a telefacsimile number and an email address for the person making the submission also should be provided.

The person making the submission is Sydney W. Falk, Jr. at the law firm of Bickerstaff Heath Delgado Acosta LLP, 3711 S. MoPac Expressway, Building

¹ The Commissioners Court initially adopted an election precinct plan on December 8, 2011. That plan included changes to election precincts required by TEX. ELEC. CODE chapter 42 to respond to changes in county commissioner and justice precincts, and to the Texas Legislature's congressional plan. The State's congressional plan has been challenged in federal district court (*Perez v. Texas* and consolidated cases; see **Exh. A** for the styles and case numbers), and the district court has entered interim plans for the Texas house, senate and congressional districts. The interim congressional plan, unlike the State's plan, does not split Waller County; the difference between the Commissioners Court's adoption of election precincts on March 7, 2012 is de-creation of an election precinct that would have been required under chapter 42 to take into account the State's congressional district line in the County.

One, Suite 300, Austin, Texas 78746, phone (512) 472-8021 and fax (512) 320-5638. Mr. Falk may be contacted by email at sfalk@bickerstaff.com.

(e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different.

The name of the submitting authority is Waller County, Texas.

(f) If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.

Not applicable.

(g) Identification of the person or body responsible for making the change and the mode of decision (e.g., act of State legislature, ordinance of city council, administrative decision by registrar).

The changes to the election precincts were adopted by the Waller County Commissioners Court by order dated March 7, 2012.

(h) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.

Chapter 42 of the Texas Election Code imposes requirements on the configuration of county election precincts. Section 42.001 requires election precincts to be compact and contiguous. Section 42.005(a) provides that election precincts may not contain territory from more than one of any of the following: county commissioners precincts; county justice precincts; congressional districts; state representative (house) districts; state senate districts; State Board of Education districts; and wards in cities having more than 10,000 population. Section 42.006 places constraints—maximum and minimum—on the number of registered voters an election precinct may have. Section 42.007 prohibits an election precinct from containing unincorporated areas and also incorporated areas of a city having 10,000 total population or more. Changes in county election precinct boundaries ordinarily are to take effect on the first day of the first even-numbered voting year following the voting year in which the change is ordered. TEX. ELEC. CODE ANN. §42.033(a). However, the federal district court hearing challenges to Texas' plans for state house, state senate and congressional districts suspended the October 1, 2011 deadline for county adoption under Chapter 42, and later set a March 20, 2012 deadline. (See Exhibit A for copy of the court's order setting party primary date; see Order at ¶ q.) Texas Election Code section 42.032 calls for each county to make such changes in response to redistricting.

Waller County seeks preclearance of the election (voting) precincts it has modified pursuant to Texas Election Code Chapter 42.

(i) The date of the adoption of the change affecting voting.

The changes to election precincts were adopted by the Commissioners Court of Waller County, Texas, by order dated March 7, 2012.

(j) The date on which the change is to take effect.

The order will be effective when preclearance is obtained.

The County will need to use the new precincts for the Texas political party primary elections currently set for May 29, 2012 by order of the federal court hearing the challenges to the Texas statewide districting plans. See Order, Exhibit A, at ¶ q. *Accordingly, the County has requested expedited consideration of this submission.*

(k) A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.

The change has not yet been enforced or administered.

(l) Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.

The change affects only those election precincts that have been modified or created by the County as identified in its March 7, 2012, order. All other election precincts remain unchanged. A summary of the changes to election precincts, including numbering changes and territorial changes, is included in Exhibit F.

(m) A statement of the reasons for the change.

The changes to election precinct boundaries were required for the County to comply with the requirements of Chapter 42 of the Texas Election Code in response to changes to the County's commissioner and justice precincts (those changes have been precleared; see Submission No. 2011-3609) and to changes to the single-member council districts of the City of Katy, which lies partially in the County (in the southeastern portion of the County). The County Judge, County Election Consultant, and County Commissioners worked with redistricting counsel to develop a proposed set of changes to the County's election precincts, primarily to bring them into compliance with the requirements of Texas Election Code Chapter 42. Exhibit F contains a brief description of the changes to the election precincts.

(n) A statement of the anticipated effect of the change on members of racial or language minority groups.

The proposed changes to election precincts are not expected to have any adverse effect on members of racial or language minority groups. It is important to note that all county officers except the political party election precinct chair are elected at the county commissioner or justice precinct level or at-large in a county-wide election. The political party election precinct chair is not elected from the entire population of the precinct as only the persons voting in that party's primary in that election precinct are eligible to participate in the election of that officer. Thus, in no instance is a county official's election determined or made easier or more difficult by the configuration, population, or demographics of any particular election precinct or precincts.

(o) A statement identifying any past or pending litigation concerning the change or related voting practices.

There is no current or pending litigation concerning the configurations of election precincts or the locations of polling places. In 2008, the County entered a Consent Decree with the United States regarding county voter registration practices.²

(p) A statement that the prior practice has been precleared (with the date) or is not subject to the preclearance requirement and a statement that the procedure for the adoption of the change has been precleared (with the date) or is not subject to the preclearance requirement, or an explanation of why such statements cannot be made.

The prior redistricting plan for election precincts was precleared on September 24, and October 3, 2002. Copies of the prior preclearance letters are attached hereto as Exhibit G.

SECTION 51.28

(a) Demographic information

(1) Total and voting age population of the affected area before and after the change, by race and language group.

Population data on the new election precincts is attached as Exhibit H. The County understands, however, that as voting precincts do not themselves constitute election units,³ detailed population data on voting precincts may not be

² A copy of the decree was previously provided to the Department as Exhibit I of the County's preclearance submission for commissioner and justice precincts, Submission No. 2011-3609.

³ The only official elected at the voting precinct level is the political party voting precinct chair. That person, however, is not elected from the entire population of the precinct as only the persons voting in that party's primary in that precinct are eligible to participate. All other county officials are elected at the county commissioner or justice precinct level or at large.

as relevant as it would be in other contexts. If additional information is required, please contact us.

(2) The number of registered voters for the affected area by voting precinct before and after the change, by race and language group.

Data on registration by race is not collected or available in Texas, although it is possible to determine the approximate number of persons who are registered voters who have Spanish surnames. This information for Waller County, maintained and reported by the Texas Secretary of State for existing election precincts, is attached as Exhibit I.

(3) Any estimates of population, by race and language group, made in connection with the adoption of the change.

No census blocks were split in the proposed plan. Accordingly, it was not necessary to make any estimates in connection with the adoption of the change.

(b) Maps

Maps are attached to this submission as exhibits and are also provided on CD for your convenience and review.

(1) The prior and new boundaries of the voting unit or units.

The change does not affect the boundaries of voting units (i.e., commissioner or justice precincts). Changes to those units have been precleared. See Submission No. 2011-3609.

(2) The prior and new boundaries of voting precincts.

Maps depicting the current and the newly-adopted election precincts are attached hereto as Exhibits D and E, respectively. These maps reveal the character of the changes to those election precincts that have been modified. In addition, Exhibit F contains a brief description of the changes to the election precincts.

(3) The location of racial and language minority groups.

Maps showing the location of relative concentrations of Hispanic and African-American residents (total population) within the County are attached as Exhibit J.

(4) Any natural boundaries or geographical features that influenced the selection of boundaries of the prior or new units.

All of the adjustments to the boundaries of the territories constituting the county election precincts are based on 2010 Census geography as depicted on the latest

TIGER files available from the Census Bureau. The precise boundaries of the census blocks utilized to build the election precincts in many instances follow highways, county roads, city streets, and other geographic features, all as depicted in the 2010 TIGER files and as further depicted in the attached map of the proposed election precincts at Exhibit E.

(5) The location of prior and new polling places.

The change does not affect polling places. The County will make changes to polling locations as required for compliance with Texas Election Code chapter 43, and submit them for preclearance separately.

(6) The location of prior and new voter registration sites.

The change does not affect voter registration.

Additional maps and demographic information

(c) Annexations

Not applicable.

(d) Election returns

Election returns for the past ten (10) years have already been provided to your office under separate cover as Exhibit M to the request for preclearance of the County's newly-adopted commissioner and justice precincts (Submission 2011-3609), which was precleared by your office on November 7, 2011.

(e) Language usage

Not applicable.

(f) Publicity and participation

Notice of consideration and proposed adoption of changes to the County's election precincts was posted as required by the Texas Open Meetings Act. Copies of applicable agendas⁴ are provided in Exhibit K.

⁴ As noted previously (*see note 1, supra*), the Commissioners Court initially adopted election precinct changes on December 8, 2011, but adopted a slightly modified plan on March 7, 2012, when the interim congressional plan entered by the federal district court hearing the challenges to the Texas Legislature's state house, state senate and congressional lines did not split the County, as had the Legislature's plan, and so permitted a plan with one fewer election precincts.

The usual requirement that counties publish notice of revised election precincts in a local newspaper or, if there is none, by posting on the courthouse bulletin board, see Tex. Elec. Code §§ 42.035, 42.036, were suspended by order of the federal district court hearing the Voting Rights Act challenges to the State of Texas' statewide redistricting plans. See Order, Exhibit A, ¶ 1.

(1) Copies of newspaper articles discussing the proposed change.

There were no newspaper articles discussing the proposed changes to election (voting) precincts.

(2) Copies of public notices that describe the proposed change and invite public comment or participation in hearings and statements regarding where such public notices appeared; (e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups).

Copies of the agendas and minutes of the Commissioners Court meetings at which the changes were discussed and/or adopted are attached as Exhibit K.

(3) Minutes or accounts of public hearings concerning the proposed change.

Minutes of the Commissioners Court meetings at which the proposed changes to the election precincts were discussed and/or adopted are attached as Exhibit K.

(4) Statements, speeches, and other public communications concerning the proposed change.

There were no statements, speeches, or other public communications concerning the proposed changes.

(5) Copies of comments from the general public.

No comments were received from the general public.

(6) Excerpts from legislative journals containing discussion of a submitted enactment, or other materials revealing its legislative purpose.

Not applicable.

(g) Availability of the Submission

Attached as Exhibit L is a copy of the public notice which will be posted at the Waller County Courthouse stating the availability of the preclearance submission for public inspection. A complete duplicate copy of the submission will be

available for public inspection during normal business hours at the Waller County Courthouse, Hempstead, Texas.

(h) Minority Group Contacts

Minority group contacts who may be familiar with the proposed changes or who have been active in the redistricting process are included in Exhibit M.

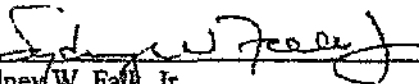
It has been the purpose of this submission to provide available relevant information that will be helpful to the Department without unduly burdening the record. Please let me know if there is any underlying data or other information that the Department would find helpful when reviewing this submission.

Thank you for your assistance and consideration.

Respectfully submitted,

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ATTORNEYS FOR WALLER COUNTY, TEXAS


By: Sydney W. Falls, Jr.

cc: Hon. Glen Beckendorff, Waller County Judge

**Exhibits to Submission under Section 5 of the Voting
Rights Act of the Waller County, Texas
Redistricting of Election Precincts**

- A March 1, 2012 Order from *Perez v. Texas*
- B Order Adopting Proposed Plan
- C Order Adopting Existing Plan
- D Map of Current Boundaries (Benchmark)
- E Map of Proposed Boundaries (Draft Plan A Revised – Adopted March 7, 2012)
- F Brief Description of Election Precinct Changes
- G Prior Preclearance Letters
- H Demographics for Proposed Plan (Draft Plan A Revised – Adopted March 7, 2012)
- I Spanish Surname Registered Voter Chart
- J Maps (Hispanic and African American Populations)
- K Agendas and Minutes of Meetings of Commissioners Court
- L Notice of Availability of Submission for Review (English and Spanish)
- M Minority Group Contacts

A

Residency

It is ORDERED that for the 2012 elections to the Texas House of Representatives and Texas Senate, a person must be a continuous resident of the district the person seeks to represent from April 9, 2012 until the date of the General Election.

It is further ORDERED that an incorrect precinct, district or place designation on an application for a place on the ballot shall not render the application invalid if the designation is corrected on or before March 9, 2012, at 6:00 p.m. If a previously filed application indicated a district, precinct, or place designation specifying a particular map to which that designation applied, or if the application did not specify a district, precinct, or place designation, and one is required for the office sought, the application shall be rejected if not amended to correct such designation prior to 6:00 p.m., March 9, 2012. Any petition submitted in lieu of filing fee or otherwise required for judicial office must contain valid signatures of registered voters of the territory from which the office sought is elected in the number required by the Texas Election Code, and must be submitted to the appropriate filing authority no later than 6:00 p.m., March 9, 2012. 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.

Notwithstanding the provisions of the foregoing paragraph or any other provision of this Order, the election for the office of precinct chair will be held concurrently with the July 31, 2012 runoff, with a plurality vote required for election. Candidates for precinct chair may file, amend, or withdraw their application for a place on the ballot no later than 6:00 p.m., June 1, 2012. The county chair shall be responsible for posting notice of this filing deadline on the county party's

website and via electronic mail to any distribution list maintained by the county party. An application for the office of precinct chair may be filed, amended, or withdrawn by the candidate using the official forms prescribed by the Secretary of State via facsimile or electronic mail. The office of precinct chair shall not be included in the official ballot drawing prescribed below, but the list of candidates for that office must be forwarded by the county chair, in the order of filing, to the authority responsible for preparing the ballot in each county no later than 6:00 p.m., June 4, 2012. Furthermore, an application for a place on the ballot for the office of precinct chair shall not be invalid if filed more than 90 days before the end of the filing period.

Schedule for Reopened Filing Period and General Primary

The Court hereby adopts and orders this procedure with respect to the 2012 Primary Election for federal, state, county and local offices. The reopened filing period applies to all races for federal, state and county officers. All those dates, deadlines or requirements not specifically adjusted by this order remain as required under state or federal law. Because the time period for the 2012 Primary Election includes shortened deadlines, a few of the deadlines necessarily fall on a weekend, notwithstanding § 1.006 of the Texas Election Code. Unless stated otherwise, § 1.006 of the Texas Election Code is superseded for purposes of this order.

- a. Subsections (c)-(m) of this Court's Order of November 7, 2011 (Dkt. Nos. 57 and 489) are vacated. Ballot drawings and delivery of candidate lists as provided for in that order are not required until after the close of the reopened filing period as set forth below.
- b. The first day to file an application for a place on the Primary Ballot during the reopened filing period as described in Texas Election Code § 172.023(b) shall be

March 2, 2012. Any applications and petitions received by 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.

- c. An application for a place on the general primary election ballot during the reopened filing period must be filed not later than 6:00 p.m. on March 9, 2012 as described in Texas Election Code § 172.023(a). All amendments to previously filed applications with respect to office, precinct, place or any other material detail must be completed by this time. Candidates, and not filing authority election staff, may amend their applications by replacing the whole page of such a application that requires changes. Each submitted page must contain the notarized signature of the candidate and the date it was signed. Political parties that make their nominations by convention and do not hold a primary election may accept applications until 6:00 p.m., March 9, 2012. Applications filed with the incorrect authority are deemed to have been timely received by the correct authority if the authority who received the application was the correct authority at the time the application was originally filed. Applications filed with the incorrect authority shall be forwarded to the correct authority without delay.
- d. The last day on which a vacancy for an unexpired term in an office of the state or county government may occur and appear on the primary ballot, as described in Texas Election Code § 202.004(a), is March 5, 2012.
- e. The deadline for the county chair (or secretary of the county executive committee) to post a notice on the bulletin board used for posting notices of the commissioners court's meetings, containing the address at which the county chair and secretary of

the county executive committee will be available to receive applications on the last day for filing an application, as described in Texas Election Code § 172.022, is March 8, 2012.

- f. If a candidate withdraws, dies or is declared ineligible by March 12, 2012, the name is omitted from the primary ballot as described in Texas Election Code §§ 172.057 and 172.058.
- g. The deadline for the state chair to deliver a certified list of statewide and multi-county district candidates to each county chair, as described in Texas Election Code § 172.028(b), is March 12, 2012.
- h. The deadline for a write-in candidate for the office of county or precinct chair to file a declaration of write-in, as described in Texas Election Code § 171.0231(d), is March 9, 2012.
- i. The deadline for the state or county chair, as applicable, to receive applications for a place on the general primary election ballot for an unexpired term for a vacancy in an office of the state or county government that occurs on or before March 1, 2012, as described in Texas Election Code § 202.004(b), is March 9, 2012.
- j. The deadline for a county executive committee to conduct a drawing for candidate order on the ballot at the county seat (unless the committee provides by resolution that the primary committee is to conduct the drawing), as described in Texas Election Code § 172.082(c), is March 12, 2012.
- k. The deadline by which the state chair shall deliver the chair's list to the Secretary of State, and each county chair shall deliver a copy of the chair's list to the county clerk,

the state chair, and the Secretary of State as described in Texas Election Code § 172.029(c), is March 12, 2012.

- l. 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 on or before March 20, 2012, notwithstanding Texas Election Code § 42.032. The requirements of Texas Election Code §§ 42.035 and 42.036 are suspended for an order of a commissioner's court adopted to comply with this section of this Court's Order.
- m. The first day of the period for a voter to submit an application for an early ballot by mail for the general primary, or for both the general primary and the runoff election, as described in Texas Election Code §§ 84.001(d) and (e) and § 84.007, shall be March 30, 2012. Unless previously rejected as prematurely filed under earlier orders of this Court by the early voting clerk, applications received before the date of this Order and denominated for the Primary Election or for both the Primary and Primary Runoff Elections shall be deemed to have been received on March 30, 2012.
- n. On or before April 25, 2012, the 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, as described in Texas Election Code § 14.001.
- o. The early voting clerk shall mail general primary ballots to voters subject to the MOVE Act requirements on or before April 14, 2012.

- p. Because of insufficient time between the mailing of voter registration certificates as described in Texas Election Code § 14.001 and the beginning of early voting, the registrar is required to comply with Texas Election Code §14.023 regarding the issuance of a confirmation notice in accordance with Texas Election Code § 15.051 on or before July 2, 2012. The deadline for entering the voter's name on the suspense list due to an undelivered renewal certificate pursuant to Texas Election Code §14.021 shall be July 3, 2012.
- q. The 2012 General Primary Election shall be held on May 29, 2012. All deadlines and dates specified as changed in this Order, or in previously issued orders in this action, shall be observed as provided for in the Texas Election Code.
- r. The deadline for runoff primary candidates to withdraw from the runoff ballot, as described in Texas Election Code § 172.059, is 9:00 a.m., June 11, 2012.
- s. The local canvass of the general primary for county and precinct offices by the county executive committee, as described in Texas Election Code §§ 172.116(b) and 172.084(b), shall occur on or before June 6, 2012. The political parties are ordered to make any necessary modifications to their Party Rules to give this section effect.
- t. The deadline for county chairs to submit canvassed returns for statewide and district offices to the state party chair as described in Texas Election Code §§ 67.007(d) and 172.119(b) is 12:00 noon, June 7, 2012.
- u. The deadline for the state executive committees to conduct the canvass of statewide and district offices with potential runoffs, and certify these candidates to county chairs as described in Texas Election Code §§ 172.120 and 172.121, is June 9, 2012.

- v. The ballot drawing conducted by county executive committees for all offices on the primary runoff ballot, as described in Texas Election Code §§ 172.084(b) and (c), shall occur no later than 9:00 a.m., June 12, 2012.
- w. The first day of the period for a voter to submit an application for an early ballot by mail for the runoff primary, as described in Texas Election Code §§ 84.001(d) and (e) and § 84.007, shall be June 1, 2012.
- x. The early voting clerk shall mail runoff ballots on or before June 16, 2012.
- y. The 2012 General Primary Runoff Election shall be held on July 31, 2012.
- z. Section 2.025, Texas Election Code, requiring that a runoff election be held no earlier than the 20th nor later than the 45th day after the final canvass of the main election, is waived for the purposes of any municipal, school, or other political subdivision election held on May 12, 2012. The requirements of any home-rule city charter relating to runoff election dates are also suspended to allow for compliance with this Order.
- aa. The last day on which minor party chairs may submit petitions and precinct convention lists to the Secretary of State and to the appropriate county clerk (or other county election officer) for placement on the ballot is June 29, 2012. Texas Election Code §§ 181.005(a), 181.006(b)(3), 182.003, 182.004.
- bb. The deadline for independent candidates, including candidates for U.S. President, to file applications and petitions is June 29, 2012. See Texas Election Code §§ 142.006, 192.032(c). The provisions of Texas Election Code § 142.009 are waived to the extent they are incompatible with this order.

Therefore, it is ORDERED that the 2012 elections for federal, state, county, and local officers shall proceed as required under state and federal law except as provided above. The State of Texas through the Secretary of State shall deliver a 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.

SIGNED this 1st day of March, 2012.



ORLANDO 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

Ms. Jocelyn Samuels
Acting Assistant Attorney General
U.S. Department of Justice
August 9, 2013
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List of Exhibits:

- EXHIBIT A** Waller County Ordinance No. 2013-001 (the “Ordinance”) and Host Agreement between Waller County and Pintail Landfill, LLC (the “Host Agreement”)
- EXHIBIT B** Waller County, Texas Submission of Redistricting for Election Precincts
- EXHIBIT C** TCEQ Federal Funding: U.S. Environmental Protection Agency Grant Awards; Legislative Budget Board Fiscal Size-Up 2012-2013 Biennium, excerpt
- EXHIBIT D** Pintail Landfill Waller County, Texas TCEQ Permit Application and Pintail Landfill Transfer Station, Type V Registration Application
- EXHIBIT E** Waller County, Texas Public Information Request Grant Information
- EXHIBIT F** Notification Letter from TCEQ
- EXHIBIT G** Notification Letter from TCEQ regarding Preliminary Decision
- EXHIBIT H** 2010 United States Census Bureau, block data
- EXHIBIT I** United States Census Bureau, City of Hempstead Quick Facts and City of Prairie View Quick Facts
- EXHIBIT J** PVAMU Enrollment Statistics, Fall 2012
- EXHIBIT K** HGAC Closed Landfill Inventory Maps
- EXHIBIT L** Fall 2013 news articles

B

ORDER NO. 2012-001

**THE STATE OF TEXAS §
 §
THE COUNTY OF WALLER §**

WALLER COUNTY ORDER APPROVING THE RECONFIGURATION OF COUNTY ELECTION PRECINCTS; DIRECTING THE COUNTY'S REDISTRICTING CONSULTANT TO SUBMIT THE ADOPTED ELECTION PRECINCTS PLAN FOR PRECLEARANCE UNDER SECTION 5 OF THE FEDERAL VOTING RIGHTS ACT; PROVIDING FOR AN EFFECTIVE DATE; AND DIRECTING THAT REQUIRED NOTICES BE GIVEN.

WHEREAS, on August 31, 2011, Waller County (the "County") adopted reconfigured commissioner precincts in order to comply with the "one-person, one-vote" (equal population) principle established by the U.S. Constitution, after population imbalances were revealed by the 2010 Census; and

WHEREAS, on August 31, 2011, the County adopted reconfigured justice precincts; and

WHEREAS, the Legislature of the State of Texas adopted redistricting plans establishing new boundaries for districts for the Texas House of Representatives, the Texas Senate and the State Board of Education, and for the state's congressional districts; and

WHEREAS, there are pending in federal district courts Voting Rights Act challenges to the Legislature's state house, state senate and congressional districting plans; and

WHEREAS, the federal district court hearing those challenges issued an order suspending the obligations of counties under Texas Election Code chapter 42 to make changes to existing election precincts until further notice of the court; and

WHEREAS, the federal district court hearing those challenges has since proposed interim districting plans for state house, state senate and congressional districts pending resolution of the challenges to the Legislature's plans on the merits; and

WHEREAS, the interim plan for congressional districts proposed by the federal district court contains a congressional district which includes some but not all of Waller County; and

WHEREAS, Chapter 42 of the Texas Election Code provides that county election precincts may not contain territory from more than one of each of the following types of territorial units: a commissioner precinct, a justice precinct, a state representative district, a state senatorial district, a State Board of Education district, a congressional district, or, for cities with a population 10,000 or more, city council ward, except under certain circumstances; and

WHEREAS, Chapter 42 of the Texas Election Code provides that a county with a population of fewer than 100,000, which includes the County, a county election precinct must

contain at least 50 but not more than 5000 registered voters; and

WHEREAS, Chapter 42 of the Texas Election Code provides that the effective date for changes to county election precincts shall be the first day of the first even-numbered voting year following the voting year in which the change is ordered, except under certain circumstances; and

WHEREAS, Chapter 42 of the Texas Election Code provides that, after adoption of reconfigured election precincts, certain notices be given; and

WHEREAS, the Commissioners Court of Waller County has determined that, because of districting changes, and growth and shifts in population and numbers of registered voters in the County's election precincts, the County's election precincts require reconfiguration under Chapter 42 of the Texas Election Code; and

WHEREAS, the County engaged the law firm of Bickerstaff Heath Delgado Acosta LLP to act as the County's redistricting consultant, including advising and assisting the County in the preparation and preclearance of a revised plan for elections precincts in compliance with applicable state and federal law; and

WHEREAS, the Commissioners Court finds the attached election precincts plan to be in the best interest of the County and its citizens, and believes the proposed election precincts to be in compliance with all state and federal requirements;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE COMMISSIONERS COURT OF WALLER COUNTY, TEXAS:

A. That, under the authority of Chapter 42 of the Texas Election Code, the configurations and boundaries for the County's election precincts are hereby amended, and the election precincts plan depicted on the map attached hereto as **Exhibit A** defining new election precincts, as such new election precincts are further described in the tables attached hereto as **Exhibit B** reporting population and demographic data for such election precincts, is hereby adopted and designated to define the County's election precincts from and after the Effective Date; that **Exhibits A and B** are incorporated by reference in and made a part of this Order, and shall be kept on file in the County Clerk's Office; and, further, that the County's redistricting consultant is hereby authorized and directed to submit the adopted plan for new election precinct configurations and boundaries to the United States Department of Justice for preclearance under the Section 5 of the Voting Rights Act.

B. That this Order respecting reconfigured election precincts shall take and be given effect upon the later of its preclearance under Section 5 of the Voting Rights Act or January 1, 2012 ("Effective Date"), and that thereafter the adopted election precincts shall be used in all elections for Waller County officers and other elections administered by the County, subject to the provisions of Chapter 42 of the Texas Election Code or its successor statute, as applicable, until such time as a subsequent lawfully-enacted election precincts plan shall be adopted to

replace this plan in whole or part and has been precleared under Section 5 or its successor statute, as applicable.

C. That the County Election Consultant is hereby directed to make and provide the notices concerning the adoption of the reconfigured election precincts required to be made or provided by the Commissioners Court under Chapter 42, sections 42.054 and 42.035(a) of the Texas Election Code.

D. That the County Clerk is hereby directed to deliver to the Secretary of State a copy of the notice concerning election precinct changes required by Texas Election Code section 42.035(a), as required by Texas Election Code section 42.035(d).

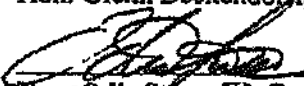
BE IT SO ORDERED.

Adopted on this 7th day of March, 2012.

WALLER COUNTY, TEXAS



Hon. Glenn Beckendorff, County Judge



Hon. Odis Styers III, Commissioner, Precinct 1



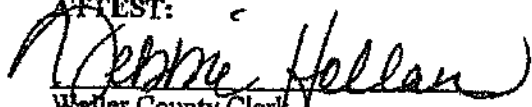
Hon. Frank Pokluda, Commissioner, Precinct 2



Hon. Sylvia Cedillo, Commissioner, Precinct 3

Hon. Stan Kitzman, Commissioner, Precinct 4
(ABSENT)

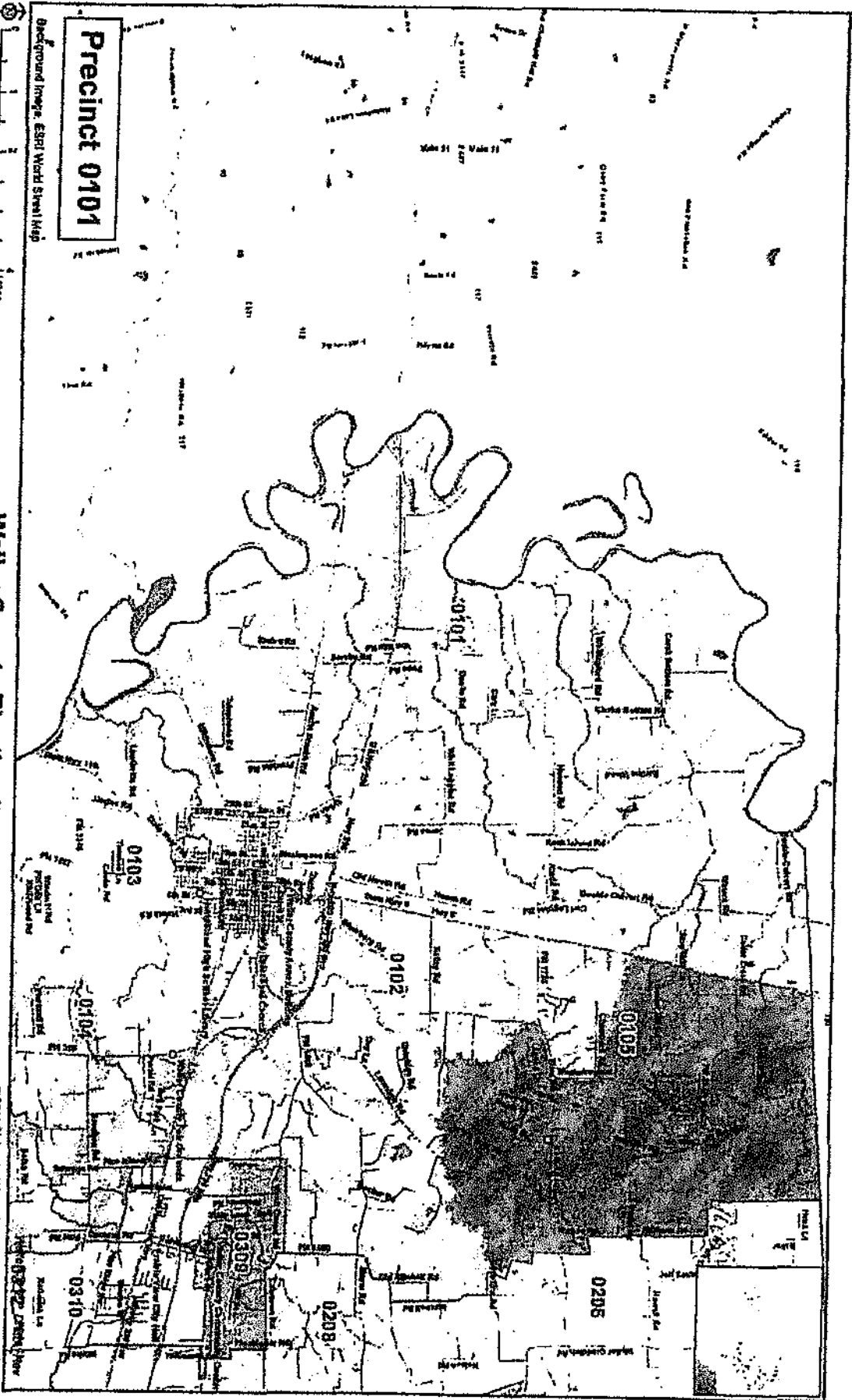
ATTEST:



Waller County Clerk

EXHIBIT A

Election Precincts Plan Map



Precinct 0101

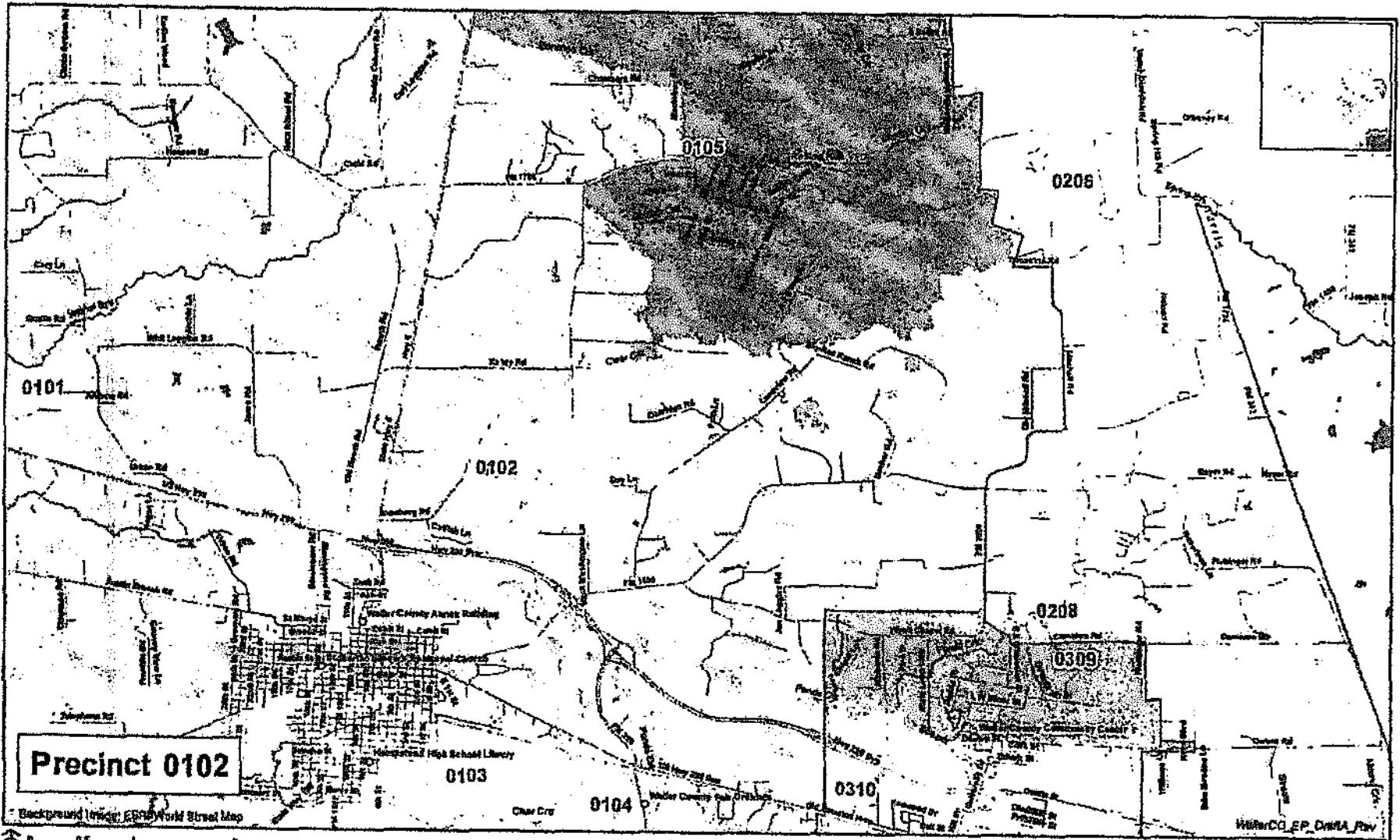
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Coordinate System: GCS North American 1983
Datum: North American 1983; Created: 11/10/2011

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Data Source: Risks, Vialer and other
Mapers Obtained from the 2010
Thermaplex Inc., U.S. Census Bureau





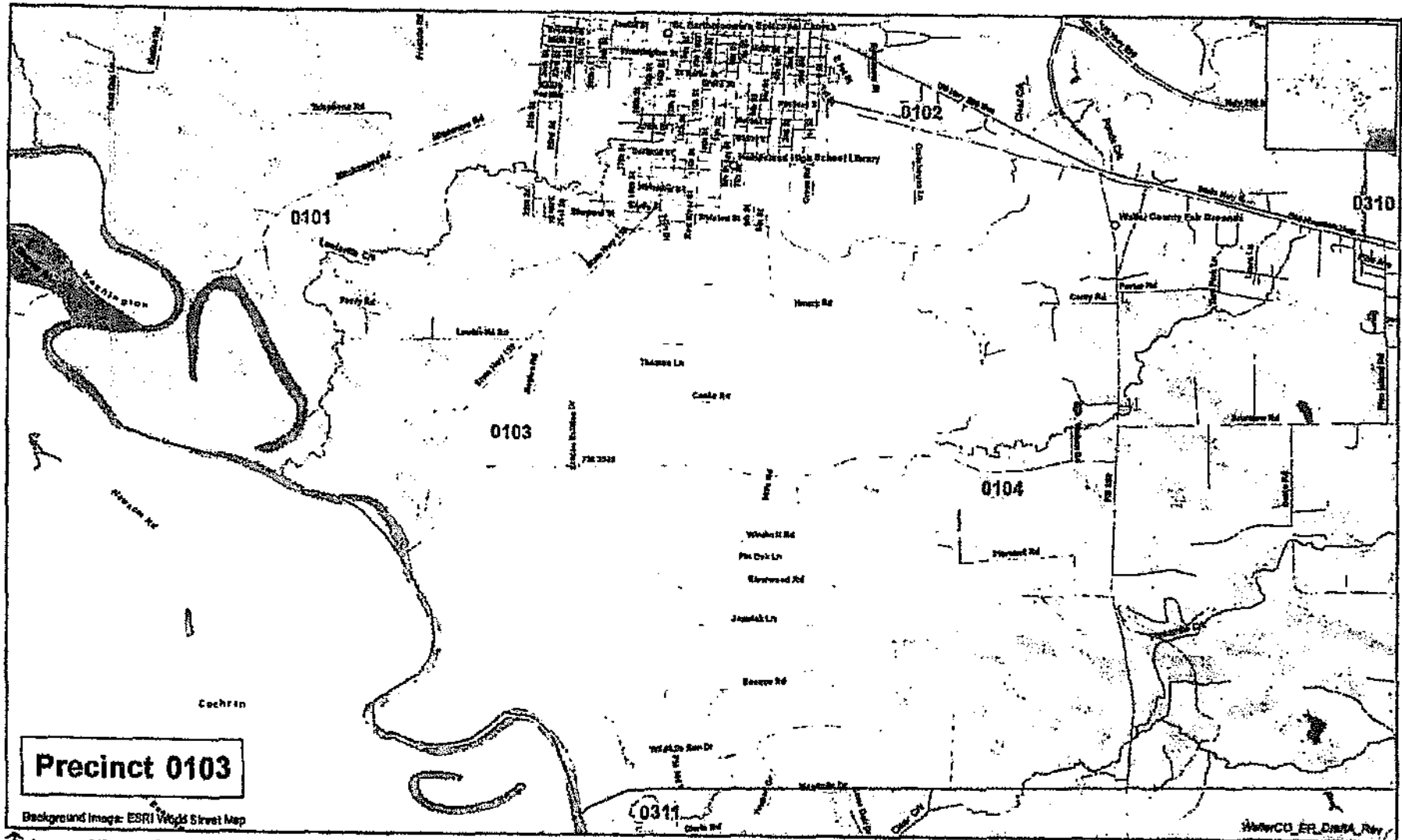
Precinct 0102

Background Image: ESRI World Street Map
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Precinct 0103

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 Datum: North American 1983; Created: 11/10/2011

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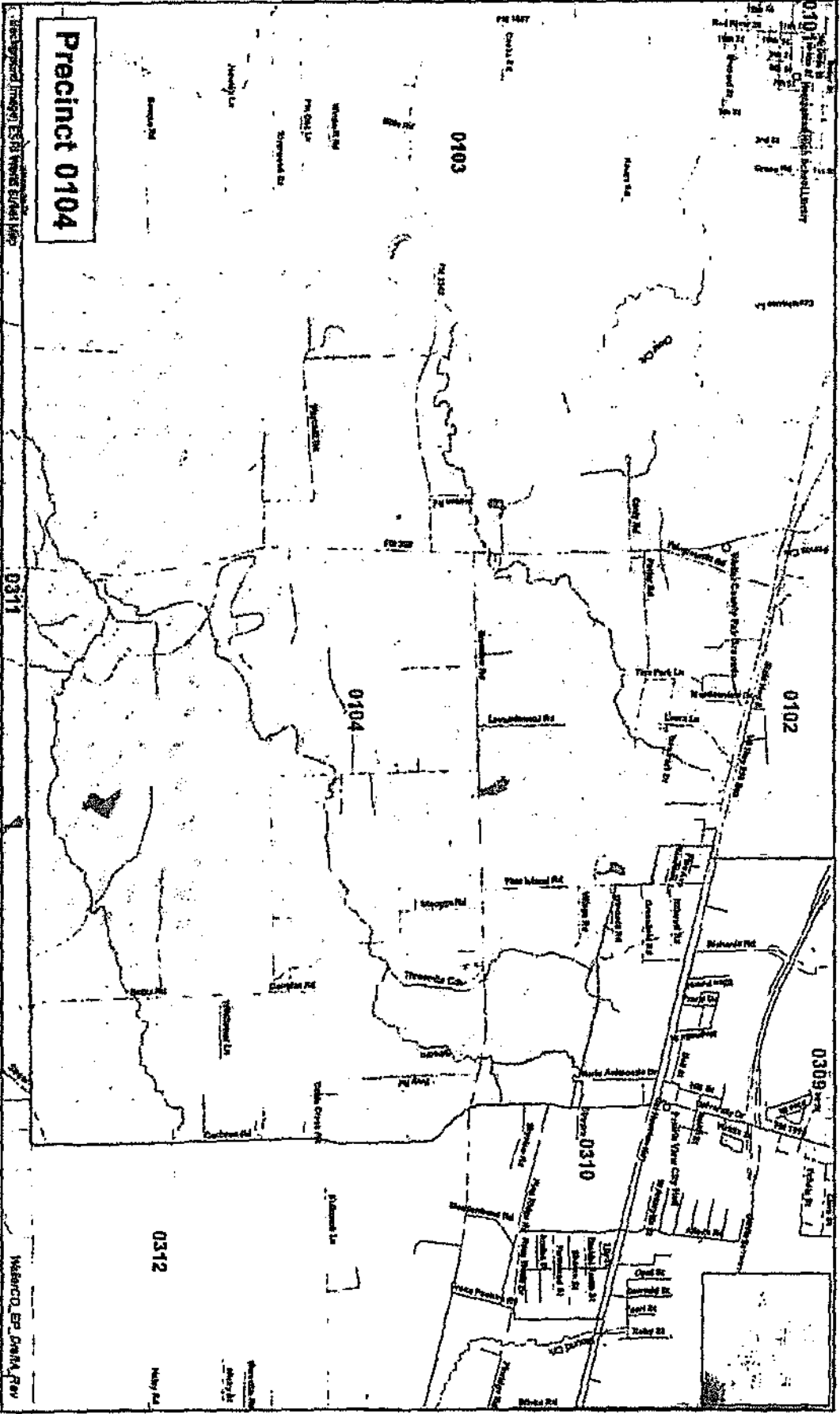


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Precinct 0104

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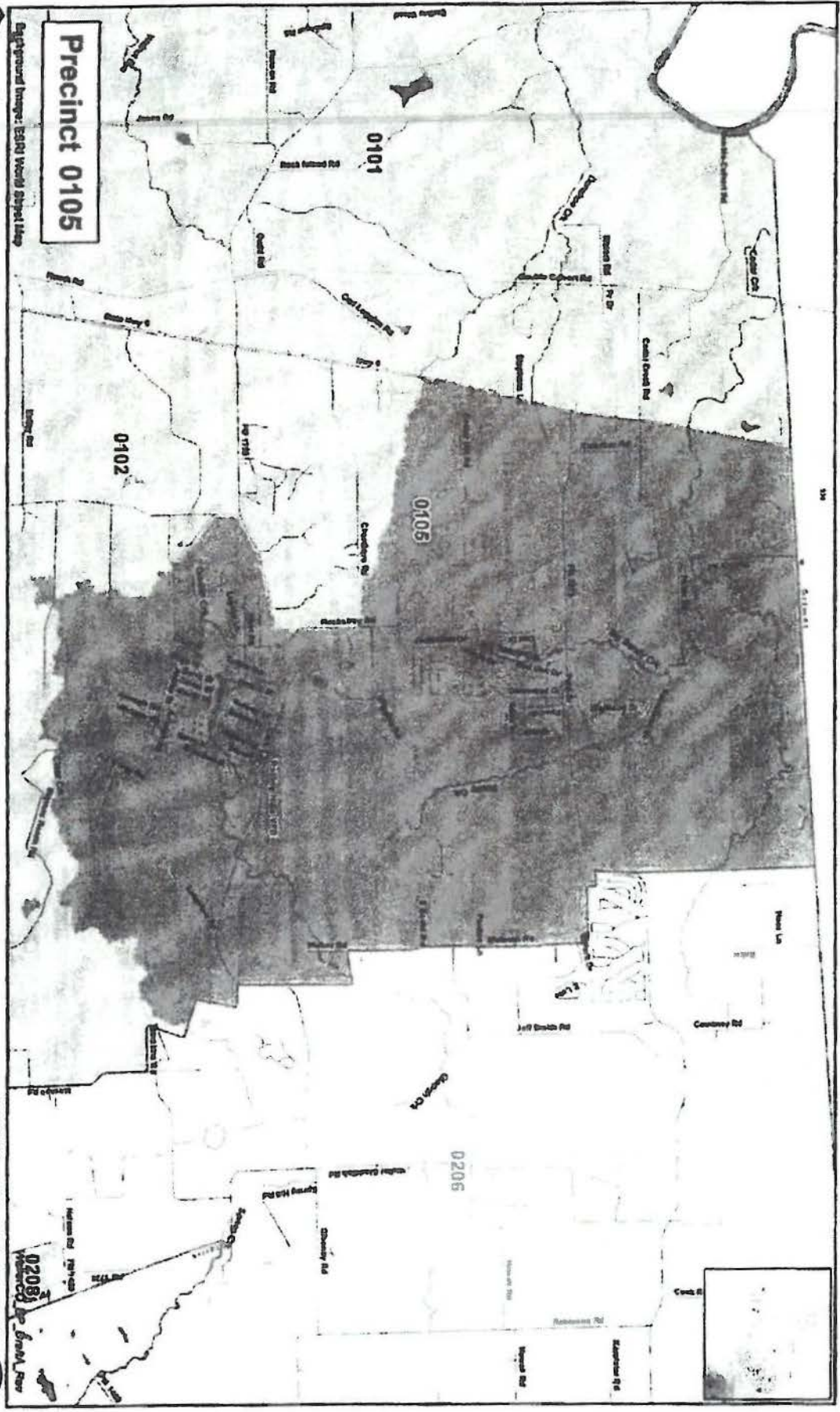
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Data Source: Roads, Water and other
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Coordinate System: GCS North American 1983
Datum: North American 1983; Contour: 1/10/2011

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Data Source: Rosch, Miller and other
Surveys obtained from the 2010
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Precinct 0105

Background Image: ESRI World Street Map

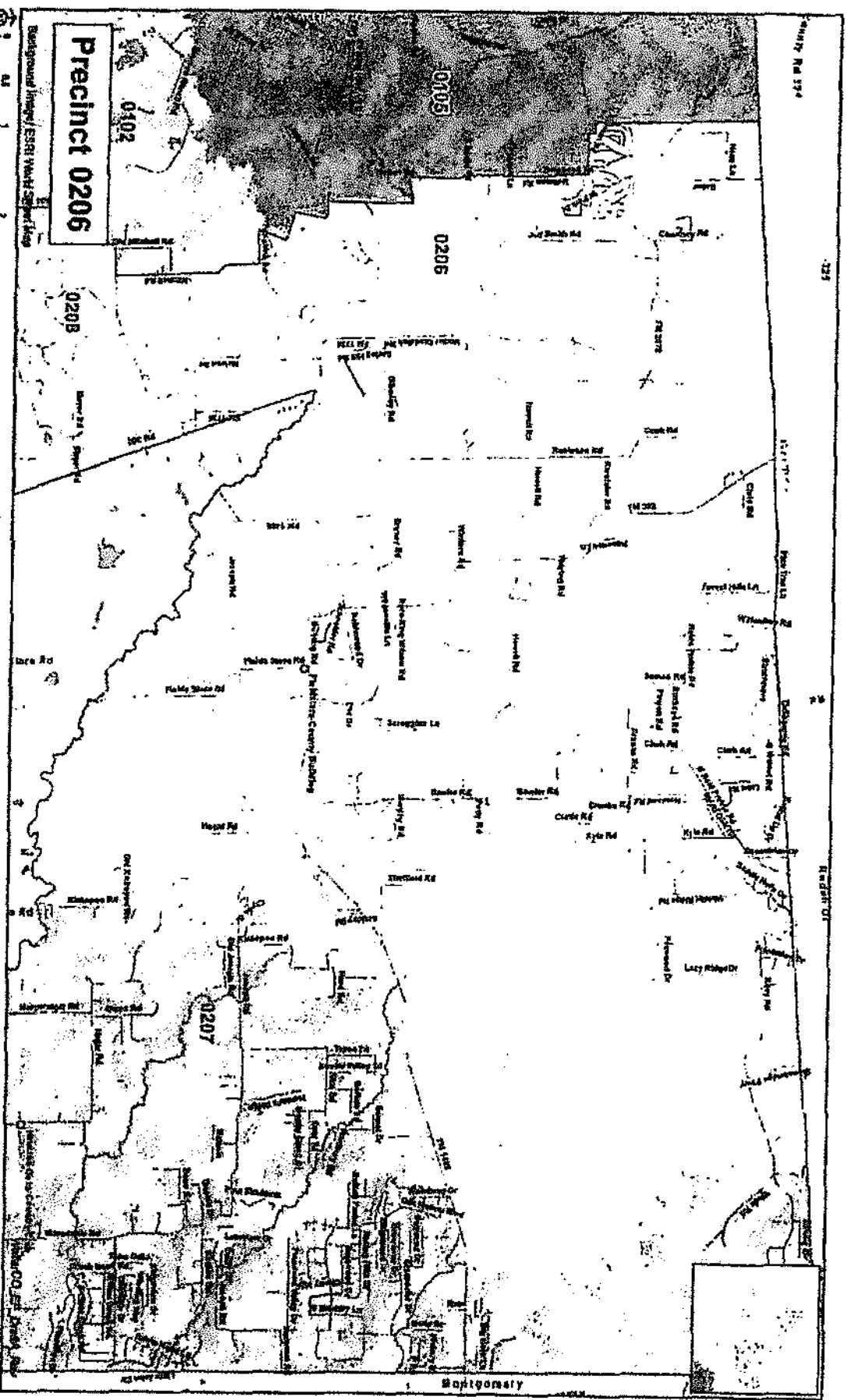
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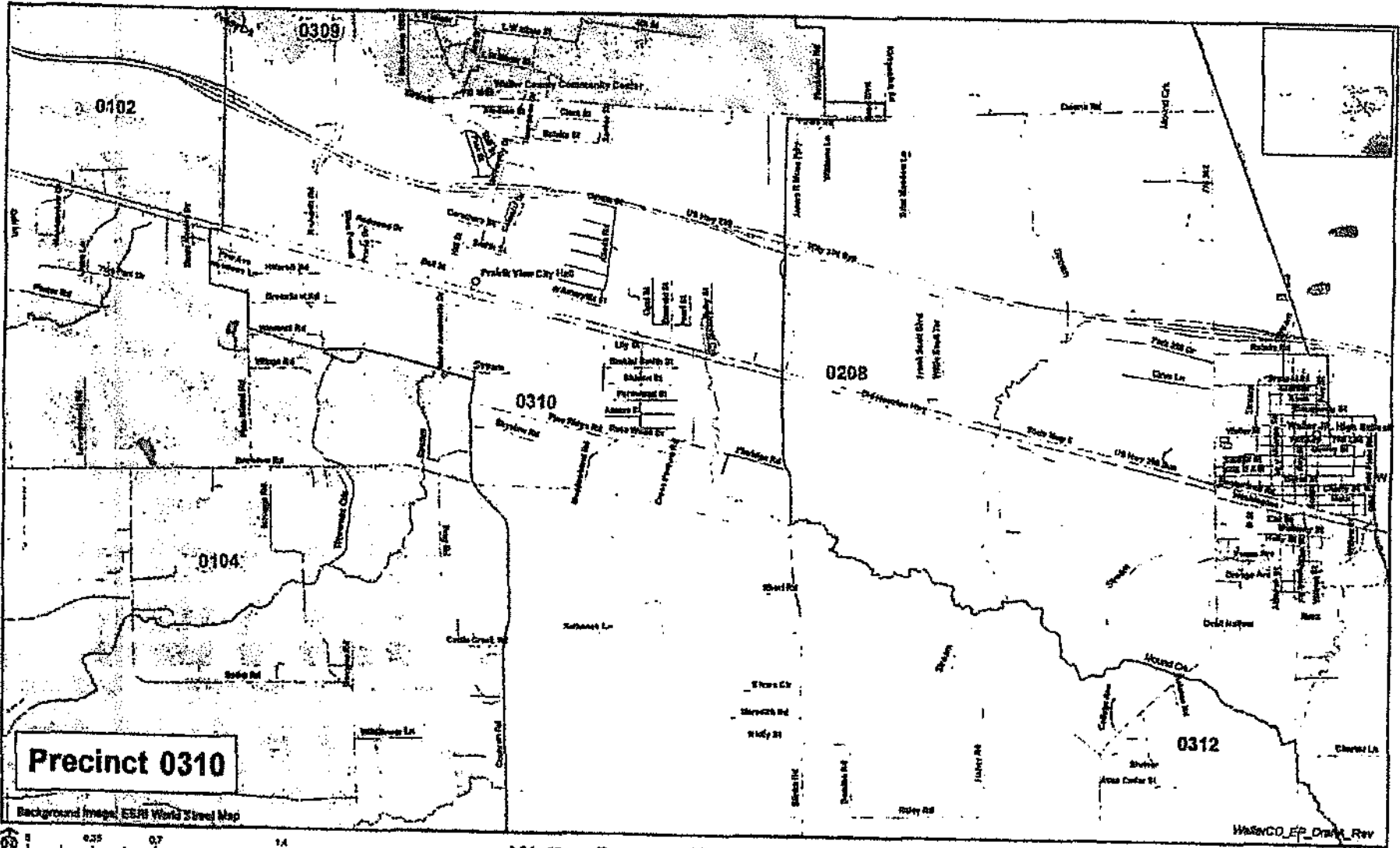


Coordinate System: GCS North American 1983
Datum: North American 1983; Created: 11/19/2011

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Data Source: Populac, Year and other
Features obtained from the 2010
Tigerline files, U.S. Census Bureau



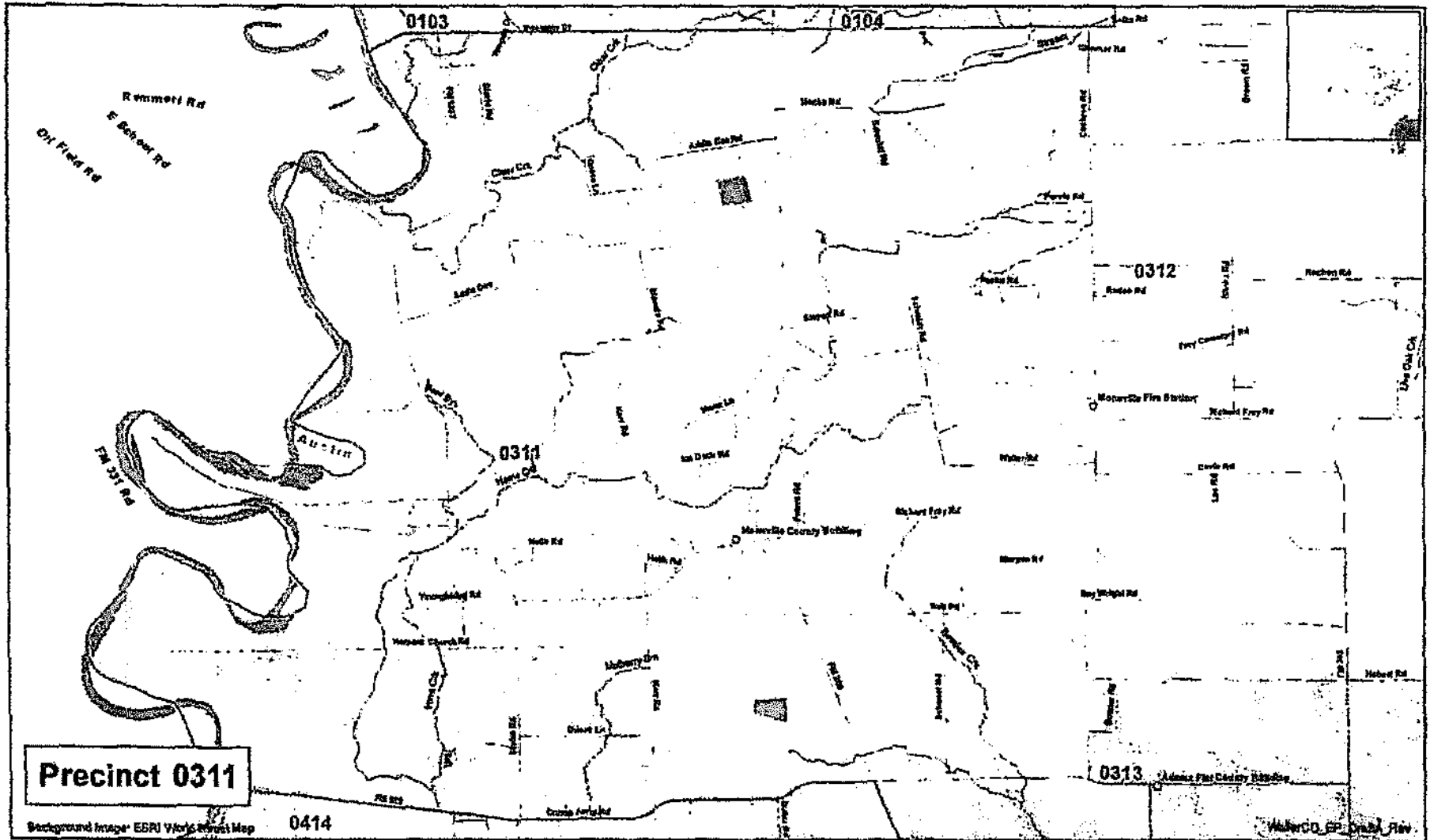


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Coordinate System: GCS North American 1983
 Datum: North American 1983; Created: 11/10/2011

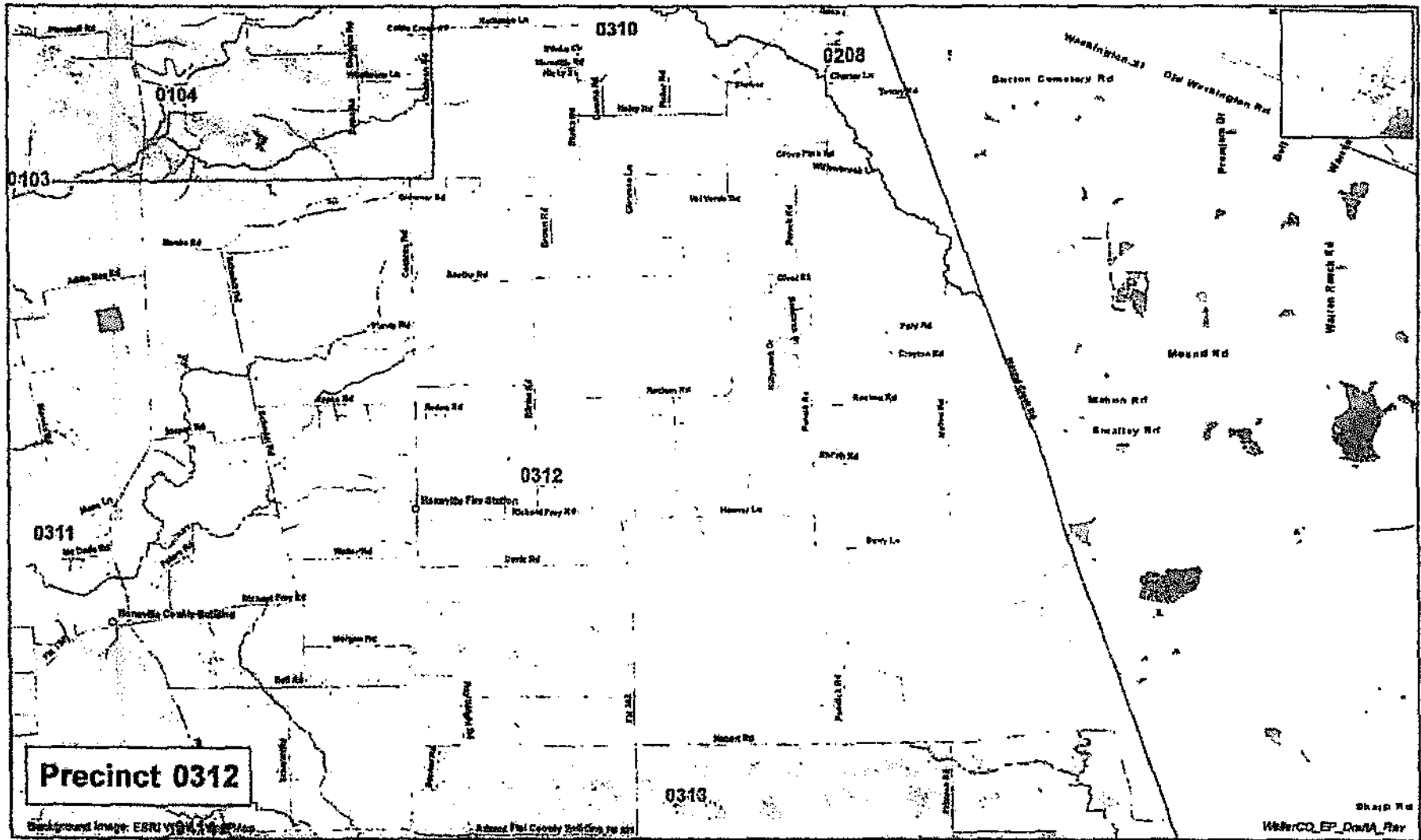


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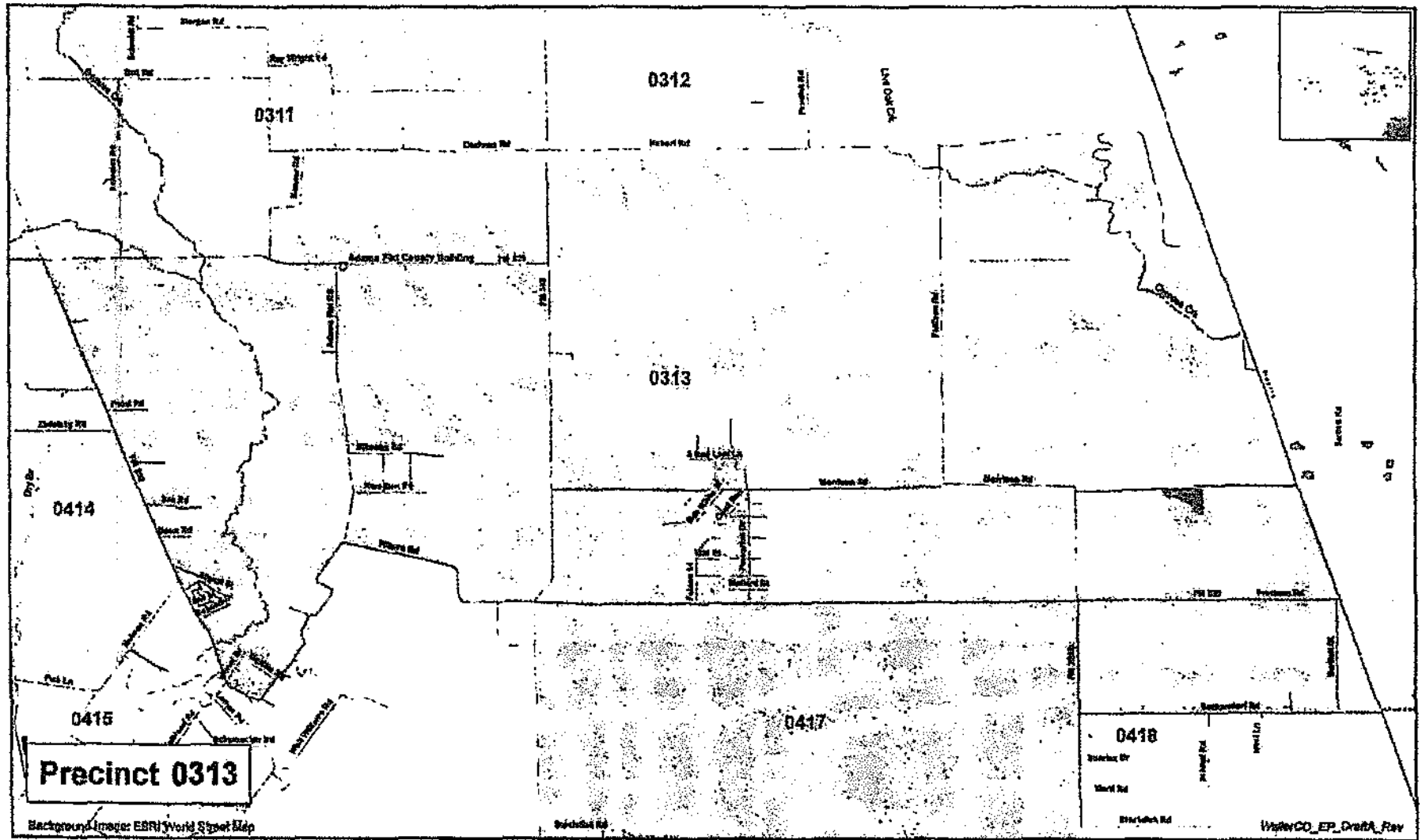
Precinct 0312

Background Image: ESRI VLM 4.0
 Coordinate System: GCS North American 1983
 Datum: North American 1983, Created: 11/10/2011

**Waller County Election Precincts
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Precinct 0313

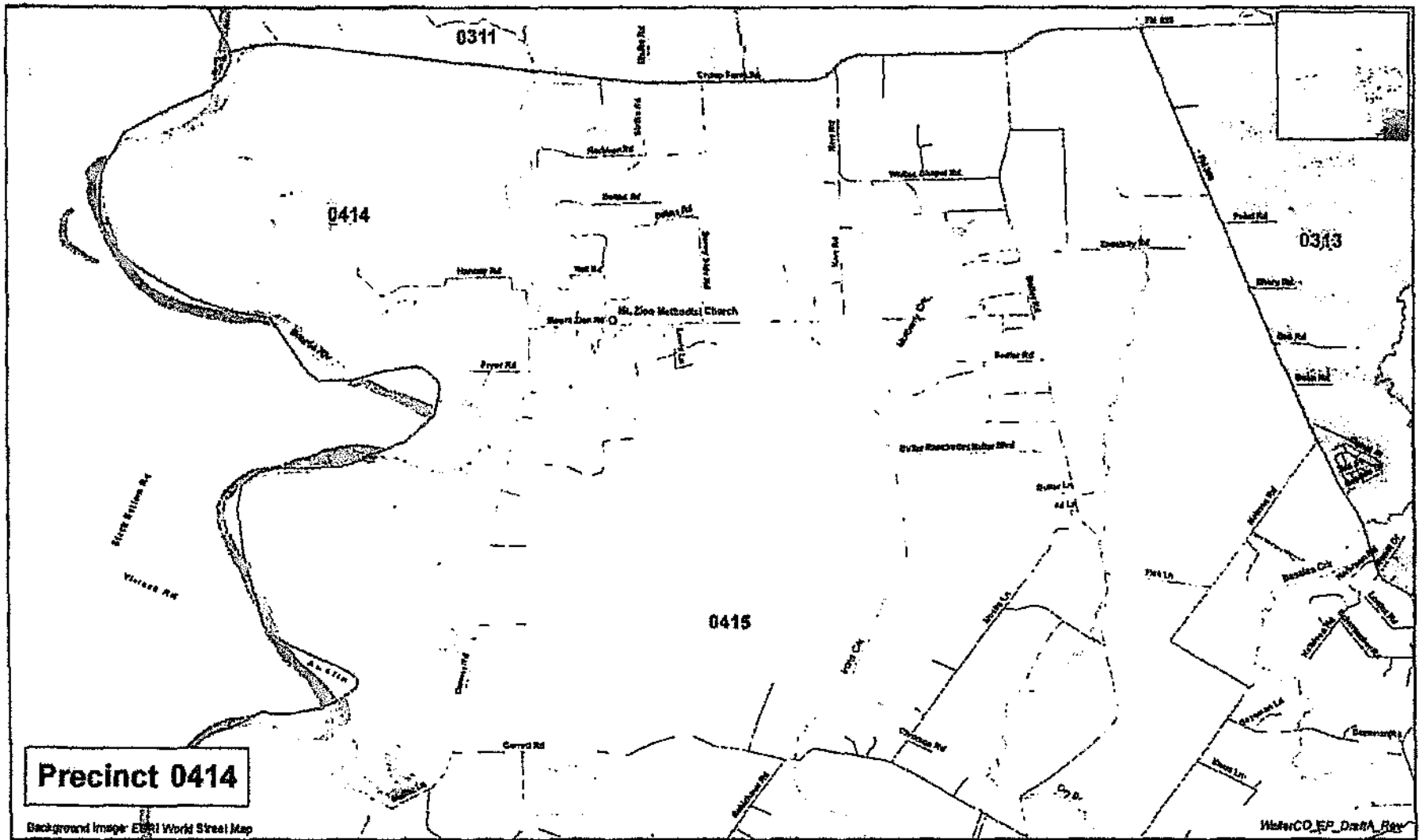
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 Datum: North American 1983; Created: 11/10/2011

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Precinct 0415

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Waller County Election Precincts

Draft Plan A Revised

Summary 2010 Census Total and Voting Age Population

District	Persons	Hispanic % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Black % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
0101	3,170	37.53%	42.85%	17.06%	0.18%	1.78%
0102	2,709	30.20%	29.84%	37.90%	0.95%	1.51%
0103	2,125	27.76%	31.82%	38.54%	0.47%	1.80%
0104	1,242	40.80%	41.82%	16.14%	0.08%	1.93%
0105	1,098	18.26%	75.00%	3.89%	0.47%	2.88%
0206	3,828	24.88%	70.88%	1.91%	1.19%	1.40%
0207	4,593	19.57%	83.22%	1.40%	0.33%	1.48%
0208	2,788	29.57%	48.88%	19.23%	0.43%	1.88%
0309	3,524	3.32%	1.35%	90.25%	0.34%	1.73%
0310	2,343	16.33%	12.01%	69.57%	0.30%	1.75%
0311	1,286	39.18%	50.00%	9.78%	0.24%	0.79%
0312	2,368	31.21%	64.83%	2.96%	0.83%	0.88%
0313	1,217	68.45%	30.57%	4.86%	0.68%	1.73%
0414	712	46.17%	25.00%	26.98%	0.28%	0.88%
0415	2,214	38.57%	56.72%	6.72%	0.38%	1.63%
0416	3,445	63.20%	24.85%	18.80%	0.35%	1.91%
0417	2,223	36.08%	17.50%	44.71%	0.49%	1.21%
0418	1,251	31.02%	68.61%	0.72%	0.64%	1.12%
0419	0	0.00%	0.00%	0.00%	0.00%	0.00%
0420	1,156	17.47%	78.39%	0.81%	1.04%	1.55%
Totals	43,206	29.02%	44.59%	24.38%	0.48%	1.89%

Ideal Size = 43,206 / 0 = 1,728 per district.

Total Maximum Deviation = 184.22% - (-184.22%) = 368.44%

Some percentages may be subject to rounding error.

District	Total VAP*	Hispanic % of Total VAP	Non-Hispanic Asian % of Total VAP	Non-Hispanic Black % of Total VAP	Non-Hispanic Asian % of Total VAP	Non-Hispanic Other % of Total VAP
0101	2,304	31.89%	48.13%	17.01%	0.28%	1.61%
0102	1,974	26.09%	32.57%	39.88%	0.88%	1.82%
0103	1,518	22.20%	37.42%	38.41%	0.53%	1.49%
0104	928	34.23%	47.89%	16.88%	0.11%	1.73%
0105	811	14.30%	78.78%	4.07%	0.62%	2.22%
0206	2,880	21.19%	74.48%	2.03%	0.98%	1.33%
0207	3,436	10.89%	86.27%	1.25%	0.38%	1.22%
0208	1,946	24.53%	53.87%	20.08%	0.88%	1.88%
0309	3,485	3.33%	1.32%	93.29%	0.34%	1.72%
0310	1,906	12.79%	12.05%	72.58%	0.29%	1.31%
0311	961	31.84%	86.09%	11.12%	0.31%	0.82%
0312	1,786	25.98%	70.14%	3.01%	0.48%	0.48%
0313	857	69.38%	43.08%	5.48%	0.70%	1.40%
0414	502	38.24%	25.68%	30.08%	0.40%	0.40%
0415	1,893	31.48%	57.41%	9.38%	0.47%	1.24%
0416	2,381	47.58%	31.22%	19.44%	0.30%	1.49%
0417	1,638	32.64%	21.62%	44.21%	0.62%	1.11%
0418	844	29.36%	68.72%	0.47%	0.59%	0.88%
0419	0	0.00%	0.00%	0.00%	0.00%	0.00%
0420	870	15.85%	81.26%	0.57%	1.16%	1.18%
Totals	32,549	23.83%	47.48%	25.84%	0.56%	1.38%

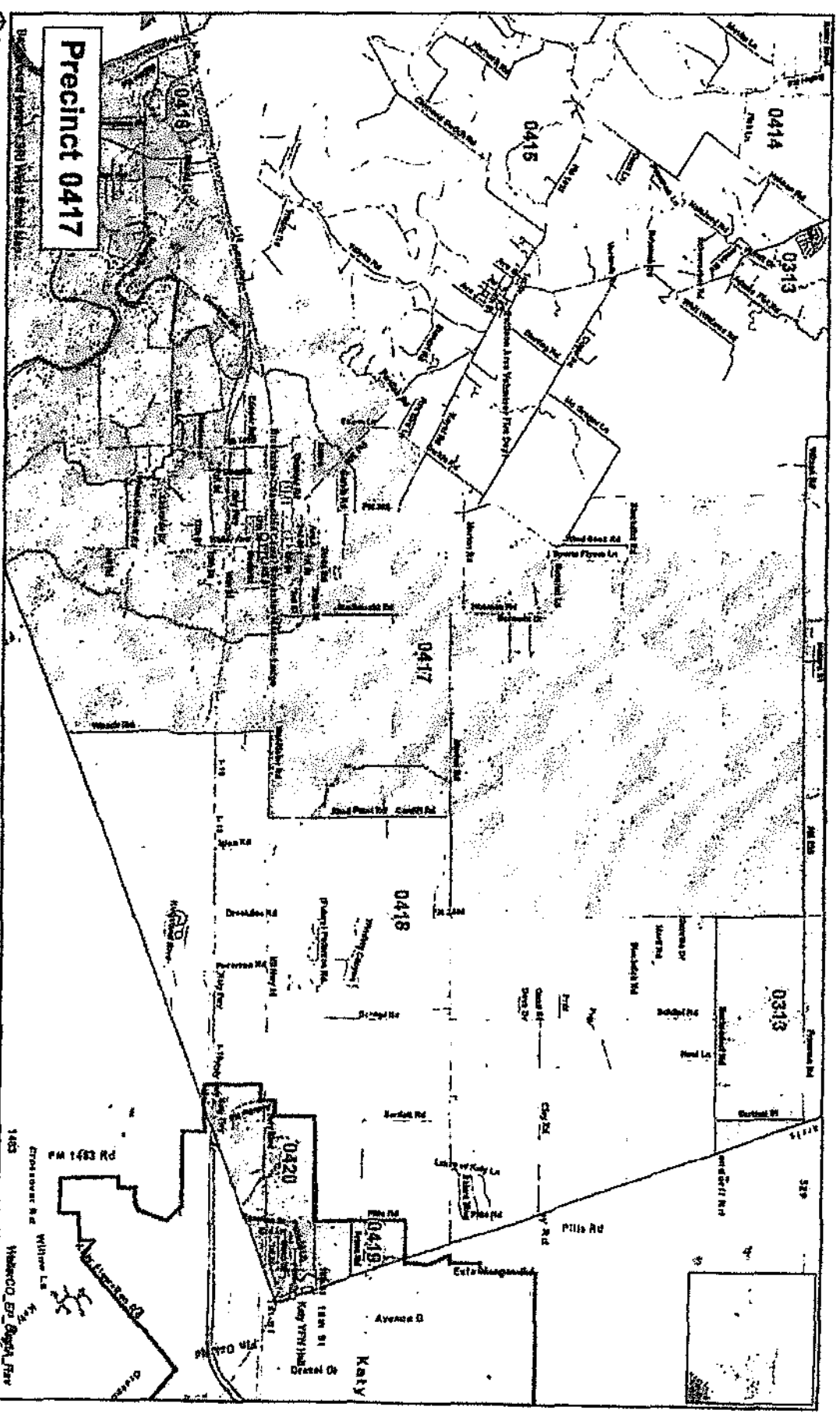
*Voting Age Population

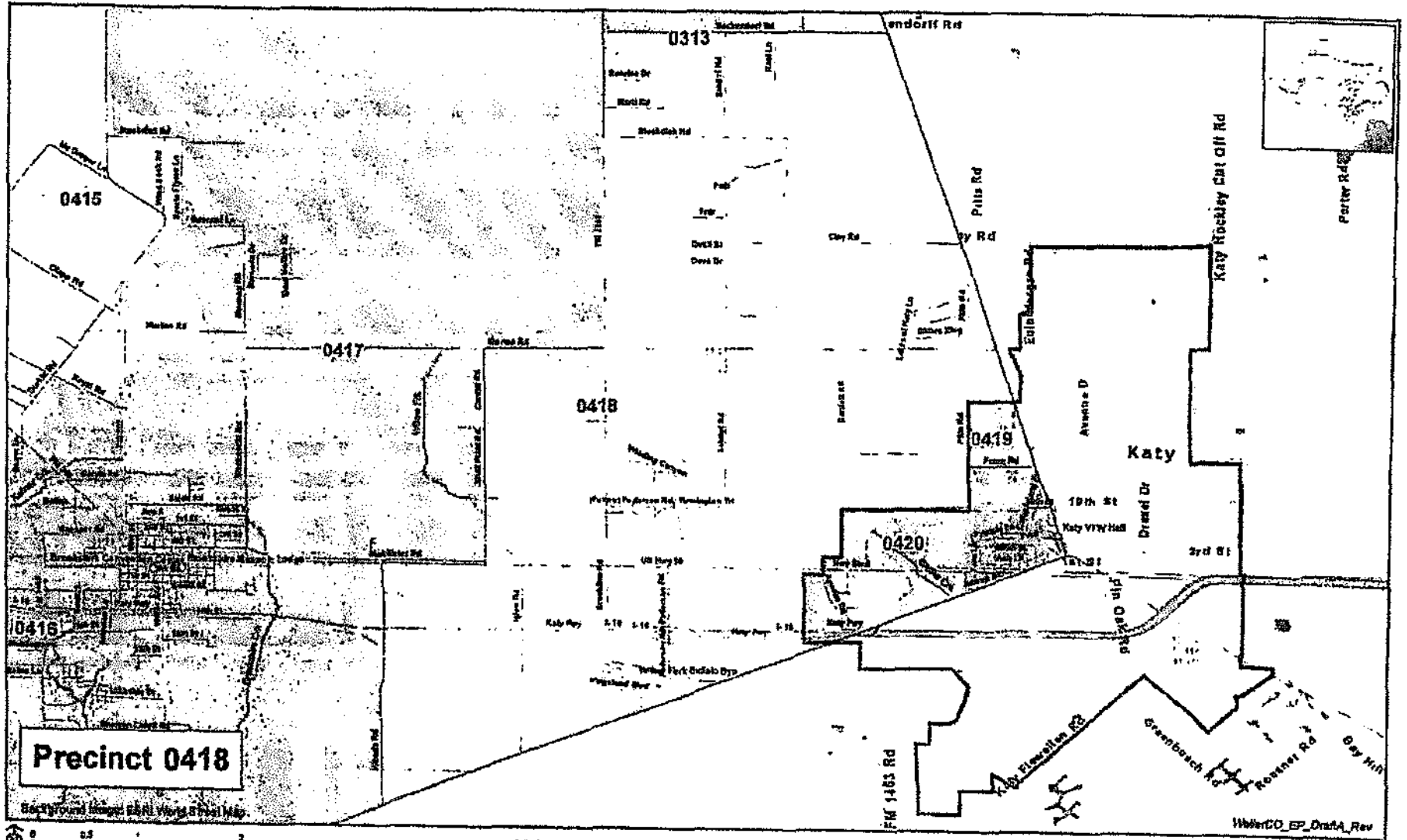
Some percentages may be subject to rounding error.

Coordinate System: GCS North American 1983
Datum: North American 1983; Contour: 11/10/2011

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Waller County Election Precincts Draft Plan A Revised

Dated: 2010 Census Total and Voting Age Population

District	Precinct	Population	% of Total Precinct	% of Total District	Male	Female	White	Black	Hispanic	Asian	Other	Age 18+	Age 18-24	Age 25-34	Age 35-44	Age 45-54	Age 55-64	Age 65+									
1	001	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100									
	002	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100									
	2	001	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100								
		002	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100								
		3	001	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100							
			002	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100							
			4	001	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100						
				002	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100						
				5	001	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100					
					002	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100					
					6	001	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100				
						002	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100				
						7	001	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100			
							002	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100			
							8	001	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100		
								002	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100		
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									10	001	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100
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11										001	1,000	100%	100%	500	500	100%	0%	0%	0%	0%	800	100	100	100	100	100	100
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