

Adding a Weekend Day to Early Voting

LULAC v. Texas

(Xavier Rodriguez, W.D. Tex. 5:06-cv-1046)

The League of Latin American Citizens (LULAC) and three voters filed a federal complaint in the Western District of Texas on December 1, 2006, challenging the elimination of weekend early voting for a runoff special congressional election to be held on December 12, the holiday celebrating the Virgin of Guadalupe, “a feast of special significance to the Mexican American population of the United States.”¹ With their complaint, the plaintiffs filed a motion for a temporary injunction.²

The runoff election was for district 23, which the Supreme Court held on June 28 violated section 2 of the Voting Rights Act.³ On remand, because primary elections had already been held for the districts that the Supreme Court decided were improperly drawn, a three-judge court in the Eastern District of Texas ordered special open elections for newly court-drawn districts to be held at the same time as the November 7 general election.⁴ Because candidates would not have been winnowed by a primary election, the court ordered that Texas hold a runoff election for any special congressional race in which no candidate received a majority of votes.⁵

Western District of Texas Judge Xavier Rodriguez transferred the December 1 case to the Eastern District of Texas three-judge court on the day that the case was filed.⁶ Four days later, Judge Rodriguez reconsidered and accepted the case back.⁷ On that same day, he ordered that counties including parts of district 23 have the discretion to extend early voting by one day to include Saturday, December 9.⁸

On December 5, Judge Rodriguez dismissed the case as settled.⁹ On May 22, 2007, Judge Rodriguez awarded the plaintiffs \$19,562.50 in attorney fees and costs.¹⁰

1. Complaint, *LULAC v. Texas*, No. 5:06-cv-1046 (W.D. Tex. Dec. 1, 2006), D.E. 1.

2. Motion, *id.* (Dec. 1, 2006), D.E. 2.

3. *LULAC v. Perry*, 548 U.S. 399 (2006).

4. Special Election Order, *LULAC v. Perry*, No. 2:03-cv-354 (E.D. Tex. Aug. 4, 2006), D.E. 336, 2006 WL 3069542; *see LULAC v. Perry*, 457 F. Supp. 2d 716 (E.D. Tex. 2006).

5. Special Election Order, *supra* note 4, at 2; *see Carlos Guerra, Stunning Election Results Are Product of a Convolved Contest*, San Antonio Express-News, Dec. 14, 2006, at 1B.

6. Order, *LULAC*, No. 5:06-cv-1046 (W.D. Tex. Dec. 1, 2006), D.E. 3.

7. Order, *id.* (Dec. 5, 2006), D.E. 7.

8. Order, *id.* (Dec. 5, 2006), D.E. 8.

9. Order, *id.* (Dec. 5, 2006), D.E. 9.

10. Opinion, *id.* (May 22, 2007), D.E. 15.