

Court-Ordered County Precinct Lines While Preclearance Is Pending

Vasquez-Lopez v. Medina County
(Orlando L. Garcia, W.D. Tex. 5:11-cv-945)

Eighteen days before the beginning of a ballot-qualification period, a federal complaint challenged postcensus county redistricting as not precleared pursuant to section 5 of the Voting Rights Act. Thirteen days later, the district judge approved a districting plan proposed by the parties, and later the judge awarded the plaintiffs \$35,546.93 in attorney fees and costs.

Subject: District lines. *Topics:* Section 5 preclearance; malapportionment; attorney fees.

A federal complaint filed on November 10, 2011, in the Western District of Texas, eighteen days before the beginning of a ballot-qualification period for Medina County elections for county commissioners and justices of the peace, sought to enjoin a districting plan established after the 2010 census that had not yet received preclearance pursuant to section 5 of the Voting Rights Act.¹ With their complaint, the plaintiffs—two voters—filed a motion for a temporary restraining order.²

On the day that the complaint was filed, Judge Orlando L. Garcia granted the plaintiffs a temporary restraining order.³ Five days later, he ordered briefing on various issues, including, “If Medina County’s proposed redistricting plans are not precleared before November 28, 2011, an interim court-ordered plan will be necessary for the 2012 elections to proceed in a timely fashion.”⁴

On November 22, the plaintiffs and the county reported that they had agreed on a proposed court-ordered plan.⁵ Judge Garcia approved the plan on the following day.⁶ On May 22, 2012, Judge Garcia awarded the plaintiffs \$35,546.93 in attorney fees and costs.⁷

1. Complaint, *Vasquez-Lopez v. Medina County*, No. 5:11-cv-945 (W.D. Tex. Nov. 10, 2011), D.E. 2; *see* Voting Rights Act of 1965, Pub. L. No. 89-110, § 5, 79 Stat. 437, 439, *as amended*, 52 U.S.C. § 10304 (requiring preclearance of changes to voting procedures in jurisdictions with a certified history of discrimination).

2. Temporary-Restraining-Order Motion, *Vasquez-Lopez*, No. 5:11-cv-945 (W.D. Tex. Nov. 10, 2011), D.E. 1.

3. Temporary Restraining Order, *id.* (Nov. 10, 2011), D.E. 3.

4. Order at 2, *id.* (Nov. 15, 2011), D.E. 5.

5. Joint Submission, *id.* (Nov. 22, 2011), D.E. 8.

6. Order, *id.* (Nov. 23, 2011, filed Nov. 25, 2011), D.E. 9; *see* Order, *id.* (Dec. 8, 2011, filed Dec. 9, 2011), D.E. 11 (approving agreed election precincts).

7. Order, *id.* (May 22, 2012, filed May 23, 2012), D.E. 18; *see* Fee Motion, *id.* (Dec. 21, 2011), D.E. 12.