

ARGUED

JAN 9 - 2012

IN THE

Supreme Court of the United States

PERRY, GOVERNOR OF TEXAS, ET AL.,
Appellants,

v.

SHANNON PEREZ, ET AL.,

PERRY, GOVERNOR OF TEXAS, ET AL.,
Appellants,

v.

WENDY DAVIS, ET AL.,

PERRY, GOVERNOR OF TEXAS, ET AL.,
Appellants,

v.

SHANNON PEREZ, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

**MOTION FOR LEAVE TO FILE POST-ARGUMENT
SUPPLEMENTAL BRIEF AND POST-ARGUMENT
SUPPLEMENTAL BRIEF**

CHRISTIAN J. WARD
YETTER COLEMAN LLP
221 West Sixth Street
Suite 750
Austin, Texas 78701
(512) 533-0150
cward@yettercoleman.com

*Attorney for Appellant
Steve Munisteri*

Blank Page

**MOTION FOR LEAVE TO FILE POST-ARGUMENT
SUPPLEMENTAL BRIEF**

Pursuant to Supreme Court Rules 21, 25.5, and 25.6, appellant Steve Munisteri, chairman of the Republican Party of Texas, respectfully moves for leave to file a supplemental brief, after oral argument, pertaining to issues raised at oral argument in this case on January 9, 2012. At the argument, this Court raised the possibility of further delaying the Texas primary until possibly as late as June 26, 2012. *See* Argument Tr. 9:6-10:14, 58:3-5.

In response to the Court's questions, appellant moves to file the accompanying post-argument supplemental brief describing the legal, logistical, and practical problems with moving the Texas primary to any later than mid-April 2012. For the reasons described in the supplemental brief, delaying the primary would present insurmountable difficulties. These considerations were not discussed at oral argument.

CONCLUSION

For these reasons, appellant Munisteri requests that his motion for leave to file the accompanying post-argument supplemental brief be granted.

CHRISTIAN J. WARD
YETTER COLEMAN LLP
221 West Sixth Street
Suite 750
Austin, Texas 78701
(512) 533-0150
cward@yettercoleman.com

*Attorney for Appellant
Steve Munisteri*

Blank Page



**SUPPLEMENTAL BRIEF FOR
APPELLANT STEVE MUNISTERI**

Appellant Steve Munisteri, chairman of the Republican Party of Texas (RPT), respectfully writes to advise the Court regarding the challenges posed by any changes to the date of the 2012 General Primary election, in light of issues raised at oral argument in this case on January 9, 2012. At argument, the Court raised the possibility of further delaying the Texas primary, until possibly as late as June 26, 2012. Rescheduling the primary to such a late date—or even any later than mid-April—would pose significant, perhaps insurmountable, problems given the scheduling of RPT's 2012 state convention.

In addition to the general primary elections, the Republican Party of Texas conducts numerous nominating conventions statewide at the precinct, county, senatorial district, and state levels. These important conventions, authorized by Chapters 174 and 191, Texas Election Code, are conducted for the purpose of electing delegates to the Republican National Convention who represent Texas in selecting the Party's nominee for President of the United States, the election of Party officers and the State Republican Executive Committee by senatorial district caucus, adoption of Party Rules, and the Platform of the Republican Party of Texas. There are numerous deadlines imposed by the Texas Election Code, the Rules of The Republican Party of Texas, and the Rules of the Republican National Committee.

In Texas, each political party is required to hold a biennial state convention. The Republican Party of Texas and the Texas Democratic Party have scheduled their state conventions for June 7, 8, and 9, 2012, in Fort Worth, Texas and June 8 and 9,

2012, in Houston, Texas, respectively. The state conventions may be held in June or July of every even-numbered year, TEX. ELEC. CODE §§174.091, 174.092, but it is a practical impossibility to move the 2012 conventions from the early-June dates they are currently scheduled for. The scheduling and planning for a state convention is no small undertaking. The Republican Party of Texas state convention is one of the largest delegated political conventions in the United States, with 18,000 delegates and alternates. RULES OF THE REPUBLICAN PARTY OF TEXAS, Rule 23A(a)(3). There are only four cities in Texas with convention facilities equipped to handle a convention of this size, and the booking for these facilities is handled years in advance. The contract with the Fort Worth Convention Center for the 2012 Republican State Convention was signed nearly two years ago. Availability for this and similar convention centers is very limited, making any change to the date of the state convention practically impossible. Moreover, the Republican Party of Texas has already incurred \$605,461.00 in contractual obligations for this event with the Fort Worth Convention Center and hotels adjacent thereto necessary to conduct the convention. The Texas Democratic Party's state convention, while smaller in size, is subject to many of the same problems when faced with the prospect of any modification to its date or location. If there is one date in the 2012 primary and state presidential nominating convention schedule that cannot change, it is the date of the Republican and Democratic state conventions.

The Texas Election Code also sets forth dates for local level nominating conventions. Section 174.063 of the Election Code mandates that county and senatorial district conventions be held the third

Saturday after the general primary election day. TEX. ELEC. CODE §174.063. The normal general primary schedule places this date in late March, allowing time for lists of delegates and alternate delegates to be delivered to the state party, delegate registration and hotel accommodations to be conducted and administrative challenges of credentialing to be correctly conducted, as well as temporary organization of the convention to occur. *See, e.g.*, RULES OF THE REPUBLICAN PARTY OF TEXAS, Rule 32(a) (requiring resolutions and lists of delegates and alternate delegates from county/senatorial district conventions to be delivered to the State Chairman within five days); RULES OF THE REPUBLICAN PARTY OF TEXAS, Rule 33(B) (requiring state executive committee members within 20 days of the county/senatorial district conventions to recommend delegates from their districts to serve on state convention temporary credentials, organization, rules, and platform committees); RULES OF THE REPUBLICAN PARTY OF TEXAS, Rule 27(b) (requiring credentials challenges to be filed no later than 30 days following the date of the county/senatorial district conventions, and setting forth a review and appeal process requiring appeals of credentialing decisions made by the Republican State Officials Committee to be filed no later than ten days prior to the state convention with the temporary credentials committee). In short, the timeline between the Republican State Convention and the various county/senatorial district conventions is not subject to much, if any compression, to allow the processes leading to the convening of the state convention to be correctly conducted.

In short, for numerous legal, logistical, and practical reasons, moving the Texas primary to any date after mid-April 2012 would wreak further havoc with the state's electoral process and present insurmountable difficulties.

Respectfully submitted,

CHRISTIAN J. WARD
YETTER COLEMAN LLP
221 West Sixth Street
Suite 750
Austin, Texas 78701
(512) 533-0150
cward@yettercoleman.com

*Attorney for Appellant
Steve Munisteri*
