

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

LULAC OF TEXAS, MEXICAN §
AMERICAN BAR ASSOCIATION OF §
HOUSTON, TEXAS (MABAH), ANGIE §
GARCIA, BERNARDO J. GARCIA, §
ELVIRA RIOS, ROGER ROCHA, §
ROSARIO VERA, and RAYMUNDO §
VELARDE, §
PLAINTIFFS §

SA 08 CA 0389 FB

v. §

STATE OF TEXAS and §
TEXAS DEMOCRATIC PARTY §
DEFENDANTS §

ORDER

The Plaintiffs' Motion for Temporary Restraining Order was heard by the Court on May 19, 2008. Plaintiffs alleged that the Defendants have and will continue to enforce changes in voting covered by Section 5 of the Voting Rights Act, 42 U.S.C. §1973c without the required federal approval or preclearance, mandated by Section 5. The Defendants do not dispute that rules changing the manner in which its nominating conventions are held for the 2008 elections have not been submitted or precleared, but argue that Section 5 does not require such changes to be submitted and approved prior to implementation. The Defendants are wrong.

The Supreme Court has clearly set out the standard for evaluating coverage under the Act with respect to political parties. When a political party operates nominating elections and conventions under authority of the State, changes in those procedures are covered changes under the Act. *Morse v. Republican Party of Virginia*, 517 U.S. 186

(1996). In Texas, the Democratic Party conducts nominating elections and conventions and they do so under authority of the State, as articulated in clear Texas statutes. Moreover, the Department of Justice has adopted regulations regarding Section 5 that clearly designate these changes as covered under the Act.

Therefore, based on the arguments of the parties, pleadings and evidence presented to the Court, it is the opinion of the Court that Plaintiffs' Motion for Temporary Restraining Order should and is hereby GRANTED.

It is therefore ORDERED that the Defendants, their representatives, agents, successors in office, and employees are hereby enjoined from any further enforcement of the rules adopted by the Democratic Party for conduct of the nominating conventions associated with the 2008 primary election and from any further enforcement of the current illegal conduct of primary nominating conventions, unless and until Section 5 preclearance is secured, and it is further ORDERED that the Defendants proceed with the nominating conventions only pursuant to a delegate allocation and selection system that is fair and equal and that has been approved, in compliance with the Voting Rights Act.

ENTERED THIS ____ DAY OF MAY, 2008.

HONORABLE FRED BIERY
UNITED STATES DISTRICT JUDGE