

No. 26-0843

In the Supreme Court of Texas

In re the Hon. Derreck Rose, Wilma Green, and Diane Merchant,
Relators

Original Emergency Proceeding

**RESPONSE TO ORIGINAL EMERGENCY
PETITION FOR WRIT OF MANDAMUS**

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TABLE OF CONTENTS

INDEX OF AUTHORITIES	4
IDENTITY OF PARTIES AND COUNSEL	7
STATEMENT OF THE CASE	9
STATEMENT OF JURISDICTION	10
ISSUES RESTATED	10
MANDAMUS RECORD	11
INTRODUCTION	12
STATEMENT OF FACTS	13
A. Prior precinct boundaries	14
B. 2026 Primaries and Candidates	15
C. This proceeding	16
ARGUMENT.....	16
I. Relators are not entitled to mandamus relief	17
A. The Texas Elections Code only grants jurisdiction over violations of clearly fixed duties required by law	17
B. Relators' delay does not warrant mandamus relief.....	21
II. The County's redistricting does not violate equal protection	21
III. The Texas Constitution authorizes the County's districting, and the Texas Election Code does not prohibit it	24
A. The Constitution expressly authorizes mid-cycle redistricting	24
B. The Texas Election Code does not prohibit the County's mid-cycle redistricting	26
i. Section 172.001 governs nomination methods, not precinct boundaries.....	27
ii. The Texas Constitution and statutes contemplate and authorize mid-cycle redistricting	29

iii.	Section 42.033(c) concerns county election precincts and does not prohibit the County's redistricting	31
C.	Relators' interpretation leads to absurd results and is inconsistent with governing precedent.....	34
D.	The County's redistricting complies with all applicable legal requirements.....	35
IV.	Staggered election delays do not violate equal protection.....	37
CONCLUSION AND PRAYER.....		39

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INDEX OF AUTHORITIES

Cases

<i>Anderson v. City of Seven Points</i> , 806 S.W.2d 791 (Tex. 1991)	18
<i>Avery v. Midland County</i> , 290 U.S. 474 (1968)	37
<i>Bonsmara Nat'l Beef Co. v. Hart of Tex. Cattle Feeders, L.L.C.</i> , 603 S.W.3d 385 (Tex. 2020)	33
<i>Bullock v. Carter</i> , 405 U.S. 134 (1972)	22
<i>Carr v. Brazoria Cnty.</i> , 341 F. Supp. 155 (S.D. Tex. 1972)	37
<i>Gray v. Sanders</i> , 372 U.S. 368 (1963)	22, 23
<i>Honts v. Shaw</i> , 975 S.W.2d 816 (Tex. App.—Austin 1998, no pet.)	31
<i>In re Anthony</i> , 642 S.W.3d 588 (Tex. 2022) (per curiam)	18
<i>In re Dall. Cnty.</i> , 697 S.W.3d 142 (Tex. 2024)	23
<i>In re Geomet Recycling, L.L.C.</i> , 578 S.W.3d 82 (Tex. 2019)	17
<i>In re Hotze</i> , 643 S.W.3d 413 (Tex. 2022)	20
<i>In re Khanoyan</i> , 637 S.W.3d 762 (Tex. 2022)	39

<i>In re Link</i> , 45 S.W.3d 149 (Tex. App.—Tyler 2000, no pet.)	17
<i>In re Republican Party of Tex.</i> , 605 S.W.3d 47 (Tex. 2020) (per curiam)	18
<i>In re Rogers</i> , 690 S.W.3d 296 (Tex. 2024) (per curiam)	18
<i>In re Rogers</i> , 728 S.W.3d 717 (Tex. 2026) (per curiam)	17, 19, 21
<i>In re Walker</i> , 683 S.W.3d 400 (Tex. 2024) (per curiam)	21
<i>Jackson v. Tarrant Cnty.</i> , 158 F.4th 471 (5th Cir. 2025)	19, 37, 38, 39
<i>Love v. Wilcox</i> , 119 Tex. 256, 28 S.W.2d 515 (1930)	18
<i>McCraw v. Vickers</i> , 717 S.W.2d 738 (Tex. App.—San Antonio 1986, writ ref’d n.r.e)	26
<i>Pate v. El Paso Cnty.</i> , 400 U.S. 806 (1970)	37
<i>Pate v. El Paso Cty.</i> , 337 F. Supp. 95 (W.D. Tex. 1970)	37
<i>Petteway v. Galveston Cnty.</i> , 111 F.4th 596 (5th Cir. 2024) (en banc)	17
<i>Petteway v. Henry</i> , 738 F.3d 132 (5th Cir. 2013)	17
<i>PHI, Inc. v. Tex. Juv. Just. Dep’t</i> , 593 S.W.3d 296 (Tex. 2019)	33

<i>Pub. Integrity All., Inc. v. City of Tucson</i> , 836 F.3d 1019 (9th Cir. 2016)	22
<i>Smith v. Allwright</i> , 321 U.S. 649 (1944)	22
<i>State v. Rigsby</i> , 17 Tex. Civ. App. 171, 43 S.W. 271 (Tex. App.—Houston 1897, writ ref’d)	24
<i>Tex. Gen. Land Off. v. SaveRGV</i> , 24-0237, 2026 Tex. LEXIS 598 (Tex. June 19, 2026)	27
<i>Turner v. Allen</i> , 254 S.W. 630 (Tex. Civ. App. 1923, writ dismiss’d w.o.j.)	26
<i>Williams v. Castleman</i> , 112 Tex. 193, 247 S.W. 263 (1922)	<i>passim</i>
<u>Constitution, Statutes and Rules</u>	
Tex. Const. art. V, § 18	<i>passim</i>
Tex. Const. art. XVI	37
Tex. Elec. Code § 1.005	27, 31
Tex. Elec. Code § 15.001	31
Tex. Elec. Code § 42.002	36
Tex. Elec. Code § 42.031	32, 36
Tex. Elec. Code § 42.033	<i>passim</i>
Tex. Elec. Code § 172.001	27, 28
Tex. Elec. Code § 273.061	<i>passim</i>
Tex. Local Gov’t Code § 81.021	30, 34, 35
Tex. Gov’t Code § 22.002	10
Tex. R. App. P. 52.3	9, 20

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Real Parties in Interest

Voters of Galveston County, Texas

STATEMENT OF THE CASE

Nature of the Proceeding	This is an original petition for mandamus relief brought under Texas Elections Code § 273.061.
Respondents	Galveston County, Texas Galveston County Commissioners Court Galveston County Judge Mark Henry Galveston County Commissioner Darrell Apfell Galveston County Commissioner Joe Giusti Galveston County Commissioner Hank Dugie Galveston County Commissioner Robin Armstrong Galveston County Clerk Dwight D. Sullivan
No Underlying Proceeding	Relators have not filed any underlying proceeding, and do not state any compelling reason for not having first presented their Petition to a court of appeals, which shares concurrent jurisdiction with this Court. Tex. R. App. P. 52.3(f).
Action from which Relator Seeks Relief	June 29, 2026 adoption unifying precinct boundaries for three offices in Galveston County Commissioners Court

STATEMENT OF JURISDICTION

This Court has discretion to issue a writ of mandamus agreeable to the principles of law. Tex. Gov't Code § 22.002(a). However, as explained in more detail below, Respondents dispute Relators' claim that this Court has jurisdiction over this original proceeding under the Texas Elections Code § 273.061.

ISSUES RESTATED

1. Whether equal protection rights under the state and federal constitutions prohibit a County from ever changing precinct boundaries between a primary and general election, including here, where all elected officials ran unopposed.
2. Whether the Texas Election Code prohibits a County from adopting new precinct boundaries between the primary and general elections.
3. Whether equal protection rights under the state and federal constitutions prohibit staggered voting to achieve partisan redistricting.

MANDAMUS RECORD

Respondents supplement the record with the following:

- Appendix 1 2026 March Primaries
- Appendix 2 June 29, 2026 Commissioners' Court Special Meeting
Agenda Packet
- Appendix 3 Prior maps (filed in *Petteway v. Galv. Cnty.*, No. 3:13-cv-
00308 and Nos 3:33-cv-0057 before the U.S. District
Court for the Southern District of Texas)
- Appendix 4 2024 Election Results

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INTRODUCTION

Relators contend precinct boundaries can never be redrawn between a primary and general election if a candidate for an altered precinct is on the November ballot, because some voters or candidates will be denied the opportunity to participate in the primary. Yet, Galveston County voters had access to a primary election, and Relators do not contend that any candidate was excluded from filing or ballot access restriction was imposed. Relators' alleged injury is a change in constituency, not a denial of voting rights.

To be clear, the County held primary elections in March 2026. Each of the two County Commissioner and three JP candidates ran unopposed in their primary election; each is also unopposed in the November general election. Appendix 1. As such, regardless of Relators' Petition, all primary nominees will hold their respective offices before and after November.

The limits Relators seek are not imposed by law. Article V, Section 18 of the Texas Constitution expressly authorizes precinct redivision "from time to time," which necessarily includes periods between elections unless otherwise limited. No statute restricts the authority to redistrict commissioner, justice of the peace ("JP"), or constable precinct boundaries to a particular time period.

Practically, there are many reasons why a county's commissioners may adopt changed precinct boundaries between a primary and general election. They may

want to increase partisan performance (as here), address new laws, or comply with population requirements. Relators are not entitled to mandamus relief: they bypassed lower courts with no explanation, waited over 30 days after the map's enactment to file here, challenge a discretionary act rather than a ministerial duty, and request a judicial prohibition that conflicts with staggered voting in Texas. The Court should deny their Petition.

STATEMENT OF FACTS

On June 8, 2026, the Galveston County Commissioners' Court passed a resolution recognizing its responsibility to draw precinct boundaries for the County's JP, constable, and commissioner offices. Appendix G to Pet. at 1 (PDF p.153). The Court had redistricted the commissioner precincts in 2021, but had not changed the JP and Constable precincts since 2013. *Id.* The County resolved to reexamine precinct boundaries for these offices on three bases:

1. to ensure compliance with the law,
2. keeping in mind the 2020 census results, and
3. to improve Republican candidate performance.

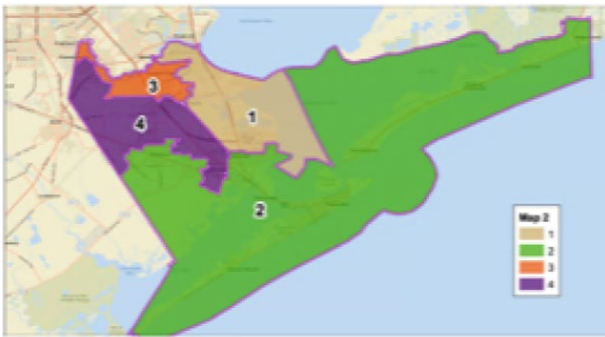
Id. The County scheduled a special meeting to consider these new boundaries. Appendix 2 at 1-11. An open and public meeting was held, and the County's elected Commissioners unanimously voted to adopt a single precinct map for the County's JPs, Constables, and Commissioners ("2026 Map"). Appendix B to Pet. at 2-3 (PDF

pp.122-23). The Commissioners determined “that the interests of the people of the county are best served” by this change. *Id.* The new map took effect immediately. *Id.*

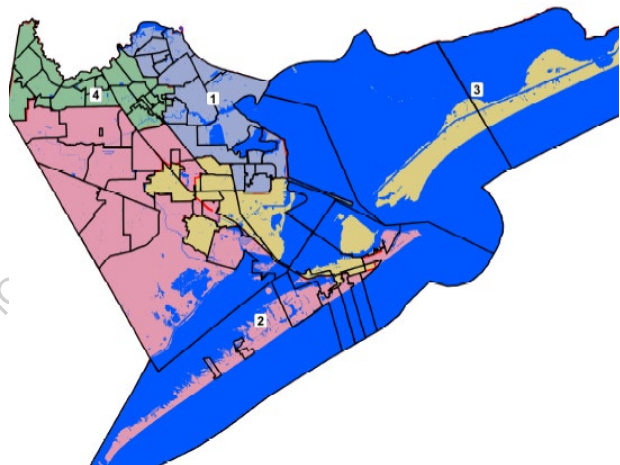
A. Prior precinct boundaries

Before the 2026 Map was adopted, the County had two maps, one for commissioners, and one for JPs and Constables:

2021 Commissioners Precincts



2013 JP/Constables Precincts



Appendix 3.

Each of these offices has four elected officials. Appendix 3 at 1-2. Elections for two of the County’s commissioners (precincts 1 and 3) were held under the 2021 Map in November 2024. Appendix 4 at 1, 3.

B. 2026 Primaries and Candidates

In March 2026, primary elections were held for two Commissioner and three JP candidates for election in November 2026.¹ Appendix 1. Not one of the Commissioner or JP positions up for election in November had an opponent in the primaries. *Id.*; Appendix J to Pet. at 8-9, 19 (PDF pp.176-77, 187).

The 2026 Map resulted in the precinct three and four constables and JPs switching precincts. Before the 2026 Map was adopted, the office holders were:

Precinct	Commissioner	JP
1	Apffel, Darryl (R)	Rikard, Gregory (R)
2	Guisti, Joe (R)	Apffel, Blake (R)
3	Dugie, Hank (R)	Billy Williams (D)
4	Armstrong, Robin (R)	McCumber, Kathleen (R)

Following the map's adoption, due to the residence of the office holders and operation of state law, the office holders are:

Precinct	Commissioner	JP
1	Apffel, Darryl (R)	Rikard, Gregory (R)
2	Guisti, Joe (R)	Apffel, Blake (R)
3	Dugie, Hank (R)	McCumber, Kathleen (R)
4	Armstrong, Robin (R)	Billy Williams (D)

¹ No Constable is up for election this year.

Five offices are up for election this November—two commissioners (precincts two and four), and three JPs (precincts one, two, and three). Appendix 1; Appendix J to Pet. at 8-9, 19 (PDF pp.176-77, 187).

JP Kathleen McCumber was not up for election in precinct four, and she will finish the last two years of her term as JP of precinct three. Appendix 1; Appendix 2 at 5. JP Billy Williams, who ran unopposed in the Democratic primary for JP of precinct three, will now run in the general election for JP of precinct four. *Id.* As Relators note in their Petition, the deadline for write-in candidates is August 17, 2026.

C. This Proceeding

Rather than seek relief in a trial or appellate court, Relators filed their Petition here, 35 days after the 2026 Map was adopted. They ask to completely bar its use, which would affect all elections this November, even though Relators' complaint concerns only two JP offices that switched precincts.

ARGUMENT

Relators ask the Court to order the November elections take place under replaced maps. Pet. at 32. This would include commissioner elections which, if the mandamus petition were granted, would take place under a map that Relator

Williams and others challenged in federal court.²

I. Relators are not entitled to mandamus relief

Mandamus is an extraordinary remedy available only in limited circumstances, and only when there is manifest and urgent need. *In re Rogers*, 728 S.W.3d 717, 719-20 (Tex. 2026) (per curiam) (“*Rogers II*”). Courts will not grant mandamus relief unless (1) there is a clear abuse of discretion, and (2) the relator has no adequate remedy by appeal. *In re Geomet Recycling, L.L.C.*, 578 S.W.3d 82, 91 (Tex. 2019) (orig. proceeding). Courts will not issue mandamus relief if the relator’s requested relief depends on genuinely disputed material facts. *Id.* (citing, inter alia, *Dick v. Kazen*, 292 S.W.2d 913, 915-16 (Tex. 1956)).

A. The Texas Elections Code only grants jurisdiction over violations of clearly fixed duties required by law.

Relators filed this proceeding under the Texas Elections Code, which states “[t]he supreme court or a court of appeals may issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the holding of an election....” Tex. Elec. Code § 273.061(a). Mandamus will not issue without a “clearly fixed” duty “required by the law” *In re Link*, 45 S.W.3d 149, 151-52 (Tex.

² The County has been mired in voting rights litigation for the past twenty years. *See Petteway v. Galveston Cnty.*, 111 F.4th 596 (5th Cir. 2024) (en banc) (reversing district court order requiring a political coalition district); *see also Petteway v. Henry*, 738 F.3d 132, 134 (5th Cir. 2013) (plaintiffs were not prevailing parties in lawsuit against County). Relators appear to claim the federal lawsuit challenging the now-replaced 2021 map prohibits the County from redistricting. Pet.at 28 n.7. They are plainly wrong, or redistricting cases would never become moot.

App.—Tyler 2000, no pet.). There must be a clearly violated obligation under a statute or the constitution for jurisdiction to attach. *In re Republican Party of Tex.*, 605 S.W.3d 47, 48 (Tex. 2020) (per curiam) (finding no jurisdiction where obligation was contractual). Relators cite cases involving the Court’s grant of mandamus relief, each of which involved a clear, ministerial duty. *See In re Rogers*, 690 S.W.3d 296, 300-02 (Tex. 2024) (per curiam) (“*Rogers I*”) (board may place language on a ballot that it determines “hews more closely than relators’ proposed measure” but cannot “keep an otherwise qualified petition off the ballot entirely”); *Anderson v. City of Seven Points*, 806 S.W.2d 791, 793 (Tex. 1991) (mayor had ministerial duty to order an election when a petition with sufficient signatures was filed); *Love v. Wilcox*, 119 Tex. 256, 260, 28 S.W.2d 515, 517 (1930) (duty to allow relator to participate in Democratic primary even though he previously supported Republican candidates).

Mandamus is generally unavailable to compel public officials to perform acts involving discretion. *See Anderson*, 806 S.W.2d at 793. That is because, in a mandamus related to election proceedings, courts “must be careful to avoid undue interference with the electoral process and the people’s right to self-governance, including their choice of candidates.” *In re Anthony*, 642 S.W.3d 588, 590 (Tex. 2022) (per curiam) (retired candidate need not list an “occupation” on their application and the city secretary had “no discretion to reject” the application”).

Relators’ Petition challenges the Commissioners’ Court decision to consider

and adopt new commissioner, JP, and constable precinct boundaries. As discussed below, the Texas Constitution places the power to redistrict—including determining the facts supporting redistricting and the timing of redistricting—squarely within the discretion of commissioners’ courts. *See infra* (discussing *Williams v. Castleman*, 112 Tex. 193, 199, 247 S.W. 263, 266-67 (1922)); *see also Jackson v. Tarrant Cnty.*, 158 F.4th 571, 577 (5th Cir. 2025) (discretion is guaranteed to legislative bodies to choose when to redistrict, and what districting criteria to use).

The County held primary elections in March. Relators do not claim a ministerial duty was violated, or that any candidate applied and was denied the right to participate in the primaries.³ There is no clear or specific ministerial duty under a constitution or Texas statute that Relators seek to enforce. Instead, they contend their equal protection rights have been violated. But a claimed constitutional violation does not mean a ministerial duty (such as ordering an election or placing a candidate on the ballot) has been violated. Otherwise, any public official’s discretionary acts relating to elections would be subject to mandamus.

Relators cite *Rogers I* but not *Rogers II*, where this Court denied mandamus relief because the parties genuinely disputed a material fact (whether the ballot application signatures were valid and met legal requirements). *Rogers II*, 728

³ As discussed below, Plaintiffs’ on-cycle and off-cycle election argument is circular at best, and leads to the unsupportable conclusion that none of Texas’ 254 counties’ commissioner precincts could change between primary and general elections.

S.W.3d at 719. Rather than appeal, the relator filed a mandamus proceeding a week after his requested injunction was denied. *Id.* at 719-20 (where “any factual dispute could have been resolved in the ordinary—albeit expedited—course, it would be improper for this Court to be the first to decide this factual dispute in Relator’s favor”).

Mandamus is not the appropriate vehicle for their complaints. The best course for a party seeking an injunction, as Relators apparently seek here, “is a lawsuit filed in district court, not an original mandamus petition filed directly in the Supreme Court.” *In re Hotze*, 643 S.W.3d 413, 414 n.1 (Tex. 2022) (Blacklock, J., concurring) (Court denied mandamus relief after election). Expedited review is available in lower courts, where parties may develop an evidentiary record, and there are mechanisms to address any delay in such review. *Id.*

While Section 273.061 provides an avenue for original mandamus proceedings in this Court, those are reserved for “rare cases.” *Id.* The statute “is not an automatic free pass to the Supreme Court for litigants who would rather not bother with lower court litigation” for “parties who have not even attempted to traverse the normal pathway through the lower courts,” as Relators have not. *Id.*⁴ The Court should deny Relators’ request for mandamus.

⁴ If there is concurrent jurisdiction between this Court and a court of appeals, “the petition must be presented first to the court of appeals unless there is a compelling reason not to” that the relator explains. Tex. R. App. P. 52.3(f). Relators do not explain why they filed here first.

B. Relators' delay does not warrant mandamus relief.

Courts also require “unusual dispatch” in elections cases,

...the sort of speed not reasonably demanded of parties and lawyers when interests less compelling than our society's need for smooth and uninterrupted elections are at stake.

Rogers II, 728 S.W.3d at 719. Relators claim it was not until a hearing on July 28, 2026 that they became aware the 2026 Map would be used in the November election. But the order adopting the map clearly states it will “take effect immediately.” Appendix B to Resp. at 2-3 (PDF pp.122-23). Despite this, Relators did not file this proceeding until 36 days after the 2026 Map's adoption. Their delay in pursuing mandamus in an election matter is unexplained, as is their choice to skip over the court of appeals. *See In re Walker*, 683 S.W.3d 400, 402-03 (Tex. 2024) (per curiam) (denying mandamus relief where petition was not brought promptly). Relators' Petition should be denied.

II. The County's redistricting does not violate equal protection.

Relators argue the 2026 Map violates voters' equal protection rights by denying the opportunity to vote in, or declare candidacy for, primary elections. Pet. at 15. They claim four harms:

1. some voters “who will vote in the general election” for commissioners and JPs will not have participated in the corresponding primary election,
2. for a person newly added to a precinct, they did not have the opportunity to declare candidacy for that precinct's March primaries,
3. some who voted in a primary cannot support their preferred candidate in

the general election, and

4. the “nullifi[cation]” of primary votes “for all the precincts up for election this year.”

Pet. at 17. Relators cite basic, fundamental voting rights law, including “one person, one vote.” See *Gray v. Sanders*, 372 U.S. 368, 381 (1963); *Bullock v. Carter*, 405 U.S. 134, 143, 149 (1972) (statute requiring candidates to pay hefty filing fee imposed barriers on candidate access to primary ballot and did not withstand strict scrutiny); *Smith v. Allwright*, 321 U.S. 649, 664 (1944) (Texas Democratic party may not exclude Black voters).

Relators ignore an important gap between these unassailable rights and their claimed harms: they cite no authorities to support their posited prohibition upon different precinct boundaries in primary and general elections.

The Ninth Circuit examined and rejected a similar argument. In Tucson, voters participated in a primary election and an at-large general election under different boundaries. *Pub. Integrity All., Inc. v. City of Tucson*, 836 F.3d 1019, 1026-27 (9th Cir. 2016). The plaintiff argued voting boundaries must be completely aligned for primary and general elections. *Id.* at 1023. The court recognized the same basic principles Relators cite here, including that “primaries and general elections have an obvious and strong interconnection.” *Id.* at 1026. But recognizing the significance of primaries “does not mean that primaries and general elections must be identically structured and administered.” *Id.* Instead, “decades of jurisprudence” allows voting

restrictions in primaries, such as only allowing registered party members to vote in a primary, which “would be unconstitutional in the general election.” *Id.* (collecting cases). That is because primaries and general elections serve different functions. *Id.*

Public Integrity also addressed *Gray v. Sanders*, a case Relators cite in arguing for identical geographical boundaries in primary and general elections. *Id.* at 1025 (citing *Gray*, 372 U.S. at 370-71). *Gray*, a vote dilution case, found Georgia’s unit system improperly weighted votes in rural counties more heavily than other counties. *Id.* at 1025-26 (citing *Gray*, 372 US at 379-80). *Gray* “did not hold that the same geographical unit must apply to both primary and general elections.” *Id.* at 1026. Instead, Tucson’s hybrid election system imposed “no constitutionally significant burden on voters’ rights to vote.” *Id.* at 1028. Here, Relators claim no weighting of votes, discrimination, or obstacles to voting, and offer no rationale for their broad conclusion that primary votes for all precinct elections were “nullified.” Pet. at 17. Essentially, Relators contend no candidate can run in a general election if they have not participated in the primary under the same precinct boundary. That ignores a world of practical problems local governments face. *See, e.g., In re Dall. Cnty.*, 697 S.W.3d 142 (Tex. 2024) (denying challenge to appointment of new Fifteenth Court of Appeals Justices and discussing real-world considerations that may arise such as when candidates withdraw). Where appointment is constitutional, so is post-primary districting.

III. The Texas Constitution authorizes the County's districting, and the Texas Election Code does not prohibit it.

Relators contend Galveston County's redistricting "violates the Election Code's requirement that a primary election be held for each corresponding general election county officer election." Pet. at 18. According to Relators, redrawing precinct boundaries after the primary means the general election will include offices for which there was no corresponding primary election. This argument rests on a fundamental misreading of the Election Code and ignores the constitutional and statutory provisions that authorize and govern mid-cycle redistricting.

A. The Constitution expressly authorizes mid-cycle redistricting.

The Texas Constitution grants commissioners' courts the authority to divide counties into JP and constable precincts "from time to time, for the convenience of the people." Tex. Const. Art. V, § 18. Case law has been clear that this grant of authority is not limited to ten-year increments, odd-numbered years or to periods outside election cycles. Indeed, Texas courts have long recognized that commissioners courts possess broad discretion to alter precinct boundaries, even during the terms of sitting officers. *See Williams*, 247 S.W. at 265; *see also State v. Rigsby*, 17 Tex. Civ. App. 171, 174, 43 S.W. 271, 273 (Tex. App.—Houston 1897, writ ref'd) (no Constitutional provision or statute prohibits changing precinct boundaries within officers' terms).

Relators acknowledge the authority given to commissioners' courts under the Constitution, and though they cite *Williams*, they do not explain its holding. *Williams* involved a challenge to a commissioners' court appointing a second JP. *Williams*, 247 S.W. at 263. The Court explained that under Section 18, Article 5, commissioners' courts may determine the number of JP precincts, divide the county into them, and determine the facts necessary to effect that power, such as whether the county's population justified a second JP. *Id.* at 266. The question in *Williams* became *when* or "what time" the commissioners "had authority to divide or redivide a county into" JP precincts, and whether they had to wait until the United States census issued. *Id.* The answer was clear: the Constitution grants commissioners courts the authority to exercise that power "'from time to time', which means it has a potential existence at all times, and the division, redivision or redetermination may be made at any time." *Id.* The Court rejected the argument that, since JP terms are for two years, their precincts cannot change during those terms, explaining that the "language of the Constitution expresses no such limitation" and to construe it as such would be to improperly insert a "proviso" into the Constitution that the "court cannot read into it." *Id.* Instead, "the language 'from time to time, for the convenience of the people,' clearly means that the convenience of the people, as judged by the court, shall control in determining the time when a division is proper." *Id.* ("'from time to time' repels the idea that it was the purpose to fix any particular time"); *accord*,

McCraw v. Vickers, 717 S.W.2d 738, 743 (Tex. App.—San Antonio 1986, writ ref’d n.r.e); *Turner v. Allen*, 254 S.W. 630, 636-37 (Tex. Civ. App. 1923, writ dismiss’d w.o.j.) (election contest where commissioners redistricted between primary and general elections dismissed for lack of jurisdiction).⁵ The Court refused to write a prohibition upon the commissioners’ power “unless the Constitution expressly so stated, which is not the case.” *Id.* at 267. The findings of the commissioners’ court, when treated as a court of general jurisdiction “when acting within the sphere of [its] powers” is not subject to collateral attack, absent fraud. *Id.* at 268.

In short, commissioners’ courts are given wide authority to redistrict for the good of their community. There are no findings that would invalidate the redistricting order, and no statute to preclude its effectiveness.

B. The Texas Election Code does not prohibit the County’s mid-cycle redistricting.

Relators contend the Election Code’s requirement for political parties to nominate candidates through primary elections somehow means no precinct

⁵ Relators cite *Williams* as providing grounds for a legislative limit on commissioners’ court powers. But legislative power over state offices is not the same as those reserved to county commissioners’ courts over county precincts. *See Williams*, 247 S.W. at 266 (stating commissioners’ courts are “the constitutional agency to divide the county into justice precincts” which “evidences a specific purpose to remove the entire subject from the domain of State action”). The Elections Code does not limit the time in which commissioners’ courts may redistrict JP or commissioner precincts.

boundaries may change between the primary and general elections. Their conclusion finds no support in the text of the Election Code or in Texas case law.

i. Section 172.001 governs nomination methods, not precinct boundaries.

Relators contend an unbreakable link exists between primary and general elections, a contention unsupported by Texas law.

Primary elections are conducted by political parties under this section, not by the County. *See* Tex. Elec. Code § 1.005(14). The purpose of the primary is to select each party's nominee for a particular office. *Id.* Section 172.001 states “a political party's nominees in the general election for offices of state and county government...must be nominated by primary election.” Tex. Elec. Code § 172.001. Contrary to Relators' inferences, Section 172.001 establishes the **method** by which major political parties select nominees. It does not prescribe territorial boundaries for general elections, or freeze precinct boundaries in place once a primary occurs, or proscribe county commissioner's constitutionally derived authority to change precinct boundaries.⁶

The purpose of a general election, which is administered by the County, is to elect an officeholder to an office from among the nominees. The offices of JP and commissioner are defined by the Texas Constitution, not by particular boundaries,

⁶ A Court must give meaning, first and foremost, to the text of the Texas Constitution so as to give full effect to the enactment by the people. *Tex. Gen. Land Off. v. SaveRGV*, Nos 24-0237, 24-0407, 24-0457, 2026 Tex. LEXIS 598, *26 (Tex. June 19, 2026).

and Section 172.001 mentions “offices” without specific reference to a boundary. Tex. Const. art. V, § 18(c). Neither the Constitution nor the Elections Code bind the two geographic boundaries together. In fact, the Texas Constitution suggests otherwise. When the boundaries of a precinct change after the primary but before the general election, the nominees selected by each party remain the nominees for the office (e.g., commissioner or JP) to which they were nominated. The offices themselves continue to exist. What changes is the geographic territory from which the officeholder will be elected, which is determined by their precinct of residence under the new boundaries. Tex. Const. art. V, § 18(c).

Here, the JP and Commissioner candidates ran unopposed in the primary, and that election resulted in party nominees for the general election. Per Texas law, those nominees remain the nominees of their respective parties. The fact that the geographic composition of the precincts has changed does not void the nominations or prevent those nominees from competing in the November general election under the new precinct configuration. The legal requirement for a primary election has been satisfied, and Section 172.001 is not violated.

Relators’ contention that post-primary boundary changes mean “the precinct in which the general election is held will not be the same as the precinct in which the primary was held” therefore goes too far, and conflates the office for which a candidate runs with the geographic boundary from which the office is elected. They

cite no authority holding that a change in precinct boundaries after the primary invalidates the nomination, or prevents a general election—that is, they provide no support for the bridge they ask this Court to erect.

ii. The Texas Constitution and statutes contemplate and authorize mid-cycle redistricting.

The Texas Constitution addresses changes to precincts and regulates impacts on offices and officeholders. Article V, Section 18(c) of the Texas Constitution provides that when JP or constable precincts change:

...each Justice and Constable in office on the effective date of the change, or elected to a term of office beginning on or after the effective date of the change, shall serve in the precinct in which the person resides for the term to which each was elected or appointed, even though the change in boundaries places the person's residence outside the precinct for which he was elected or appointed...

Tex. Const. art. V, § 18(a). This contemplates precinct boundaries changing during officers' terms and election cycles—hence the express language addressing officers “elected to a term of office beginning on or after the effective date of the change.”

Id. Moreover, his language plainly applies to candidates elected *after* redistricting has occurred—including candidates who were nominated in a primary held before the redistricting. The constitutional text does not condition this authority on whether a primary election has already occurred or carve out any blackout period between primary and general elections.

Similarly, when a commissioners court changes the boundaries of commissioner or JP precincts, an election for that office occurring that order “but before the effective date of the change in boundaries shall be held in the precincts **as they will exist**” on their effective date. Tex. Local Gov’t Code § 81.021(a) (emphasis added). This statute expressly addresses elections occurring after redistricting is ordered and it directs that such elections “shall be held in the precincts as they will exist”—e.g., under the new boundaries, even if the new boundaries have not become effective. Tex. Local Gov’t Code § 81.021(a). This statute bars a commissioner or JP election under old precinct boundaries once a change is adopted, regardless of whether effectiveness is delayed.

A person who has resided in the area included in a new precinct for the period required for eligibility to hold office is not made ineligible on the ground that the precinct has not existed for that period.

Id. In other words, the law does not require that a precinct have a stable existence throughout the election cycle. What matters is the candidate’s residence in the area now included in the precinct in which he or she will serve. *See id.* These provisions make clear that the Texas Constitution and statutes anticipate that precinct boundaries may change *during* an election cycle, and they prescribe how such changes affect sitting officers and candidates. Far from prohibiting mid-cycle redistricting, the Constitution and statutes affirmatively accommodate it, and

regulate how it operates. Relators' claim that the Election Code prohibits boundary changes between the primary and general election is incorrect as a matter of law.

iii. Section 42.033(c) concerns county election precincts and does not prohibit the County's redistricting.

Relators argue the Legislature must have "necessarily" meant to preclude post-primary changes to JP, Constable or Commissioner precinct boundaries after a party nominates its candidate in a primary. Pet. at 21. They cite no statute in support. Instead, they liken their conclusion to "other statutory provisions" (*id.*) governing county election precincts and polling places. *See* Tex. Elec. Code § 1.005(2) (defining election precincts as those established under Chapter 42). County election precincts are those listed on voter registration cards. *Id.* § 15.001(a)(4). County election precincts must "be served by a single polling place located *within the boundary of the precinct.*" *Honts v. Shaw*, 975 S.W.2d 816, 821 (Tex. App.—Austin 1998, no pet.) (quoting Tex. Elec. Code § 43.001). These statutes do not limit the number of polling places in Galveston County to four; rather, they establish election precincts to ensure polling places are available to votes throughout each county. Relators cite statutes concerning changed election precinct boundaries (which may affect a polling location). Their argument is over before it begins: by citing statutory restrictions on **county election precincts**, and admitting no similar statute exists to restrict JP or Commissioner or Constable precincts, it is clear the Legislature chose not to impose the restrictions Relators ask this Court to impose.

Regardless, Relators' comparison to election precinct boundaries does not invalidate the County's redistricting of JP, Commissioner, and Constable precincts. The Elections Code requires that commissioners assess election precinct boundaries "[d]uring March or April of each odd-numbered year," and they "shall order a boundary change" before May 1 to cure any noncompliance. Tex. Elec. Code § 42.031. Beyond this, an election precinct boundary change will not take effect between the general and primary elections for state and county officers unless certain exceptions apply. Tex. Elec. Code § 42.033. Relators concede that changes made under the Texas Constitution are an exception. Yet, they contend this exception must be read narrowly to only allow changes that are not on the ballot in the current election cycle. This interpretation is unsupported and, given the makeup of county precincts, cannot withstand scrutiny.

First, Relators' proposed interpretation contradicts the plain language of both the statute and the Texas Constitution. Section 42.033(c)(1) does not limit itself to "off-cycle" commissioner precincts; it applies to any "boundary change made under Article V, Section 18, of the Texas Constitution." Tex. Elec. Code § 42.033. Article V, Section 18 grants commissioners courts the authority to divide counties into both JP precincts and commissioner precincts "from time to time." Tex. Const. Art. V, § 18. When the Commissioners Court exercises that constitutional authority and

changes precinct boundaries, the exception in section 42.033(c)(1) applies, regardless of whether some of those precincts happen to be on the ballot that year.

Secondly, Relators' proposed reading would render the exception meaningless in most redistricting cycles. But Texas citizens can expect the law to be enforced as it is plainly written. The statute's plain language must be applied, and Relators' request to add words and conditions where the legislature did not should be rejected. *See Bonsmara Nat'l Beef Co. v. Hart of Tex. Cattle Feeders, L.L.C.*, 603 S.W.3d 385, 391-92 (Tex. 2020) (separation of powers requires courts to "be sticklers...about not rewriting statutes under the guise of interpreting them"); *PHI, Inc. v. Tex. Juv. Just. Dep't*, 593 S.W.3d 296, 303 (Tex. 2019) (people "should be able to rely on the plain language of a statute to mean what it says"). After the decennial census, commissioners courts must redistrict to comply with population-equality requirements, and all four commissioner precincts are affected by any countywide redistricting plan. If the exception applied only to precincts not on the ballot, it would never apply to a comprehensive redistricting plan adopted in an even-numbered year. Moreover, Relators' suggestion that two precinct boundaries can change without impacting other precincts defies reality. Texas counties have four commissioner precincts. A boundary change affecting two precincts will necessarily carry over into the other two. Under Relators' argument, modification of **any** boundaries is impossible. But Commissioners' courts may redistrict JP and commissioner

precincts at any time pursuant to their constitutional authority, and elections occurring after redistricting must proceed under the new boundaries. *See supra* (discussing Tex. Local Gov't Code § 81.021). The Court should not adopt Relators' interpretation, which negates constitutional authority without an express statutory basis.

C. Relators' interpretation leads to absurd results and is inconsistent with governing precedent.

Relators' proposed rule—that precinct boundaries **must** remain unchanged between the primary and general election—would produce absurd results. Under Relators' theory, if a county discovered its precinct boundaries violated constitutional population-equality requirements after the primary, that county would be powerless to correct the violation before the general election. It would be forced to choose between conducting an unconstitutional election or seeking emergency judicial relief to redraw boundaries and possibly re-run the primary—a remedy Relators do not propose here. Similarly, under Relators' interpretation, any emergency requiring precinct boundary changes—such as a natural disaster rendering portions of a precinct uninhabitable, or a court order mandating immediate redistricting—would be foreclosed if it arose between the primary and general election. The Election Code does not impose such an inflexible rule, and this Court should not read one into the statute. While commissioners courts must comply with specific statutory deadlines and procedural requirements, nothing in the Election

Code or the Constitution establishes a per se prohibition on mid-cycle redistricting that affects precincts on the ballot. The only expression is that commissioner can redistrict “from time to time,” providing very broad authority.

D. The County’s redistricting complies with all applicable legal requirements.

The Galveston County Commissioners Court adopted the 2026 precinct boundaries pursuant to its constitutional authority under Article V, Section 18 of the Texas Constitution. The redistricting order was passed unanimously by the Commissioners Court after proper notice and a public meeting. The order expressly states that the Commissioners Court “determined that the interests of the people of the county are best served by changing the existing Commissioners, Constables, and Justices of the Peace Precinct Boundaries.” Appendix B to Resp. at 2-3 (PDF pp.122-23). The new boundaries took effect immediately, as authorized by law. Tex. Local Gov’t Code § 81.021. Under Article V, Section 18(c), each JP and constable elected in November 2026 “shall serve in the precinct in which the person resides,” even though the boundaries changed after the primary. Tex. Const. art. V, § 18(c). Under Local Government Code section 81.021, the November election “shall be held in the precincts as they will exist” on the effective date of the new boundaries—which is now. Tex. Local Gov’t Code § 81.021. The candidates who were nominated in the March primary remain eligible to take office and will serve in the precincts where they reside under the new configuration. This is precisely the outcome the Texas

Constitution prescribes: each officer serves in the precinct in which he or she resides, even when boundary changes occur mid-cycle or mid-term. Tex. Const. Art. V, § 18(c).

Relators overstate the content of Tex. Elec. Code § 42.002, when they proposed that “county election precincts ‘are the election precincts’ for *both the primary and general* countywide elections.” Pet. at 21. Nowhere does section 42.002 suggest or imply that it describes a single election cycle. *See* Tex. Elec. Code § 42.002. The statute simply lists situations where county election precincts are used, which include, among other things, a general election or a primary election. *See id.* Irrespective of Relators’ statements, consistent with section 42.002, county election precincts were used in the 2026 primary election in March and will be used in the general election in November.

The Texas Election Code’s deadline provisions are likewise satisfied. Section 42.031 requires commissioners courts to review *election precinct* boundaries during March or April of odd-numbered years (or even-numbered years, at the court’s discretion) and to order necessary changes before May 1. Tex. Elec. Code § 42.031. The deadline in section 42.031 governs *routine election precinct* boundary reviews, not redistricting undertaken pursuant to the commissioners court’s constitutional authority under Article V, Section 18. Tex. Elec. Code § 42.031; Tex. Const. art. V, § 18. Again, section 42.033(c)(1) expressly permits boundary changes between the

primary and general election when made “under Article V, Section 18, of the Texas Constitution.” Tex. Elec. Code § 42.033. The County’s redistricting falls squarely within that exception.

IV. Staggered election delays do not violate equal protection.

Staggered elections are permissible in Texas, even in the context of redistricting. *Pate v. El Paso Cty.*, 337 F. Supp. 95 (W.D. Tex. 1970), *aff’d mem.*, 400 U.S. 806 (1970). *Pate* involved Tex. Const. art. XVI, 65, which provided for staggered elections for County Commissioners, and a redistricting plan. *Id.* at 96; *see also Avery v. Midland County*, 290 U.S. 474 (1968). The plaintiffs alleged staggered terms under the Constitution violated the one man, one vote rule. *Pate*, 337 F. Supp. at 96. The court rejected this contention, stating “[t]he prohibition of the equal protection clause goes no further than the arbitrary and invidious discrimination.” *Id.* at 97. The Supreme Court affirmed. *Pate v. El Paso Cnty.*, 400 U.S. 806 (1970). In a recent opinion, the Fifth Circuit noted that the Supreme Court’s affirmance of *Pate* is binding. *Jackson v. Tarrant Cnty.*, 158 F.4th 471, 591-92 (5th Cir. 2025). *Pate* was soon followed by *Carr v. Brazoria Cty.*, where the court found that a two-year postponement of the franchise for transferred voters did not violate the Fourteenth Amendment. *Carr v. Brazoria Cnty.*, 341 F. Supp. 155, 163 (S.D. Tex. 1972); *see also Public Integrity*, 836 F.3d at 1027 (no constitutional violation where

“[u]ltimately, every voter has an equal opportunity to vote in their own ward’s primary every four years and in the general election every two years”).

Jackson, which involved partisan redistricting, also discussed redistricting with Texas’ staggered elections. *Jackson*, 158 F.4th at 581-82. Redistricting was completed mid-cycle, and the Fifth Circuit explained that, because County Commissioners serve staggered terms, redistricting shuffled voters among precincts with different election cycles. *Id.* at 578-79. Some voters who previously resided in precincts scheduled to elect a County Commissioner in 2026 were reassigned to precincts that will not hold such elections until 2028, while others moved in the opposite direction. *Id.* at 579-80. The court explained that, to the extent those challenging redistricting argued discrimination “between those voters who will wait only two or four years between County Commissioner elections and those who will have to wait six years,” the argument “it borders on frivolous.” *Id.* at 592. That is because:

[e]very redistricting in a staggered system produces that effect; treating it as a constitutional violation would convert every routine redistricting in a staggered system into a matter of strict scrutiny.

Id. The court concluded:

[n]othing in the Constitution forbids a jurisdiction from adopting a staggered election system. Nothing in the Constitution forbids a jurisdiction from redistricting mid-cycle. And nothing in the Constitution forbids a jurisdiction from combining the two—even when the practical result is that some voters must wait a bit longer to cast their

ballots. The Constitution protects the right to vote, not the right to vote on a particular timetable.

Id. at 595.

This Court noted staggered elections in the context of redistricting. *In re Khanoyan*, 637 S.W.3d 762 (Tex. 2022). It also noted that the vast majority of courts that considered this issue have held that a temporary deferral of a voter's ability to vote due to the redistricting of a staggered-term legislative body does not violate the voter's constitutional rights. *Id.* at 767 (collecting cases).

Relators' argument that there was no opportunity to challenge JP McCumber in a primary is therefore incorrect: the opportunity to declare candidacy against JP McCumber existed two years ago when she ran for election, and will come up again in another two years. Relator's position that a delayed vote violates equal protection is against the vast weight of authority across the country as this Court discussed in *Khanoyan*. As noted in *Jackson*, the argument "borders on frivolous." *Jackson*, 158 F.4th at 592.

CONCLUSION AND PRAYER

Galveston County's post-primary redistricting is not unconstitutional or prohibited under Texas law. Respondents ask that the Court deny Relators' petition in full.

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COUNSEL FOR
RESPONDENTS

CERTIFICATION

I certify that I have reviewed this Response, and I conclude that every factual statement therein is supported by competent evidence included in the appendix or record.

/s/ Joseph R. Russo, Jr.

CERTIFICATE OF COMPLIANCE

I certify that, excepting those portions of the brief listed in Rule 9.4(i)(1) and relying on the word count feature of the program used to prepare this document, there are 6,485 words in this document.

/s/ Joseph R. Russo, Jr.

CERTIFICATE OF SERVICE

I certify that on August 10, 2026, a copy of the foregoing was served pursuant to TRAP 9.5 upon the following counsel:

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No. 26-0843

In the Supreme Court of Texas

In re the Hon. Derreck Rose, Wilma Green, and Diane Merchant,
Relators

Original Emergency Proceeding

**APPENDIX TO THE RESPONSE TO ORIGINAL EMERGENCY
PETITION FOR WRIT OF MANDAMUS**

Appendix 1 2026 March Primaries

Appendix 2 June 29, 2026 Commissioners' Court Special Meeting
Agenda Packet

Appendix 3 Prior maps (filed in *Petteway v. Galv. Cnty.*, No. 3:13-cv-
00308 before the U.S. District Court for the Southern
District of Texas)

Appendix 4 2024 Election Results



GALVESTON COUNTY, TX

2026 JOINT PRIMARY ELECTION



Official Results

MY FAVORITE RACES

Last Updated

★ (5)

📅 Wednesday, June 3, 2026, 12:08:25 PM (2 months ago)

Show Contests



County Commissioner, Precinct No. 2 (Vote For -1)



Votes

REP

Joe Giusti

7,005

Vote Cast

7,005



County Commissioner, Precinct No. 4 (Vote For -1)



Votes

REP

Robin Armstrong

7,114

Vote Cast

7,114



Justice of the Peace, Precinct No. 2 (Vote For -1)



Votes

REP

D. Blake Apffel

10,220

Vote Cast

10,220



Justice of the Peace, Precinct No. 1 (Vote For -1)



Votes

REP

Greg Rikard

6,998

Vote Cast

6,998

★

Justice of the Peace, Precinct No. 3 (Vote For -1)

DEM

Billy A. Williams, Jr

Votes

3,795

Vote Cast

3,795

TOTAL

23.69%

Ballots Cast

58,399

Registered Voters

246,538

REPORTS

Summary csv

Comma separated file showing total votes received.

Download

Detail xls

Precinct level details for election results. Contains votes received by choice in each contest for all participating precincts.

Download

Detail xml

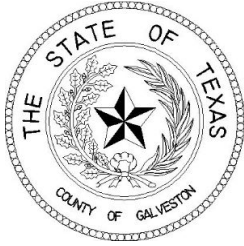
Precinct level details for election results. Contains votes received by choice in each contest for all participating precincts.

Download

Detail txt

Precinct level details for election results. Contains votes received by choice in each contest for all participating precincts.

Download



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT

SPECIAL MEETING

AGENDA

722 Moody
County Courthouse
Galveston, TX 77550
(409) 766-2244

Mark Henry
County Judge

Darrell Apffel
Commissioner, Precinct 1

Joe Giusti
Commissioner, Precinct 2

Hank Dugie
Commissioner, Precinct 3

Robin Armstrong, MD
Commissioner, Precinct 4

Monday, June 29, 2026

9:30 AM

CALDER MEETING LOCATION

174 Calder Rd., Room 100
League City, Texas 77573
SPECIAL MEETING

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

Call to Order

Public Comment

Action Agenda

County Judge

1. Consideration of an order establishing new commissioners, constables, and justices of the peace precinct boundaries

Adjourn

Appearances before Commissioners Court

A speaker whose subject matter as submitted relates to an identifiable item of business on this agenda will be requested by the County Judge or other presiding court members to come to the podium where they will be limited to three minutes (3). A speaker whose subject matter as submitted does not relate to an identifiable item of business on this agenda will be limited to three minutes (3) and will be allowed to speak before the meeting is adjourned. Please arrive prior to the meeting and sign in with the County Clerk.

Executive Sessions

The Galveston County Commissioners Court may recess into closed meeting (Executive Session) on any item listed on this agenda if the Executive Session is authorized under the Open Meetings Act pursuant to one or more the following exceptions: Tex. Gov't Code §§ 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding a prospective gift or donation), 551.074 (personnel matters), 551.0745 (personnel matters affecting County advisory body), 551.076 (deliberation regarding security devices or security audits), and/or 551.087 (deliberations regarding economic development negotiations). The Presiding Officer of the Commissioners Court shall announce the basis for the Executive Session prior to recessing into Executive Session. However, the Commissioners Court may only enter into the Executive Session on any agenda item for which a separate Executive Session has not been separately posted if, prior to conducting the Executive Session, a majority of the Commissioners Court votes to go into Executive Session. This motion requirement does not apply to any agenda item that has been previously noticed to constitute or include an Executive Session.

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GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT

722 Moody
County Courthouse
Galveston, TX 77550
(409) 766-2244

1.

Consideration of an order establishing new commissioners, constables, and justices of the peace precinct boundaries

Approval History

Seq #	Approver	Action	Action Date
1	Veronica Van Horn	Approve	6/23/26 10:32 am
2	Dianna Martinez	Approve	6/23/26 12:10 pm

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GALVESTON COUNTY COMMISSIONERS COURT
ORDER ESTABLISHING NEW COMMISSIONER, CONSTABLES, AND JUSTICES OF
THE PEACE PRECINCT BOUNDARIES

On this, the 29th day of June 2026, the Commissioners Court of Galveston County, Texas, convened a specially scheduled meeting with the following members thereof present

Mark A. Henry, County Judge
Darrell Apffel, County Commissioner, Precinct No. 1
Joe Giusti, County Commissioner, Precinct No. 2
Hank Dugie, County Commissioner, Precinct No. 3
Robin Armstrong, MD, County Commissioner, Precinct No. 4

When the following proceedings were had, to wit:

An Order approving a redistricting plan for Galveston County Commissioners' Court
Precincts (Districts)

WHEREAS, pursuant to the Constitution and Laws of the State of Texas, and other laws, the Galveston County Commissioners' Court desires to divide the Commissioners, Constables, and Justices of the Peace Precinct Boundaries; and,

WHEREAS, the Galveston County Commissioners' Court has determined that the interests of the people of the county are best served by changing the existing Commissioners, Constables, and Justices of the Peace Precinct Boundaries; and,

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS' COURT OF GALVESTON COUNTY, TEXAS, that Commissioners, Constables, and Justices of the Peace Precincts are hereby composed as depicted on the attached map, affixed hereto as "Exhibit A," and fully adopted and incorporated in this Order. It is further ordered by the Court that this Redistricting Order shall take effect immediately.

Upon the Motion of _____ and **Seconded by** _____ the above Redistricting Plan, passed with _____ votes in favor thereof and _____ votes against.

Passed and approved this _____ day of June, 2026

Galveston County

Attest:

Mark Henry, County Judge

Dwight D. Sullivan, County Clerk

Galveston_Final2 (Proposed Commissioner & JP Precincts)

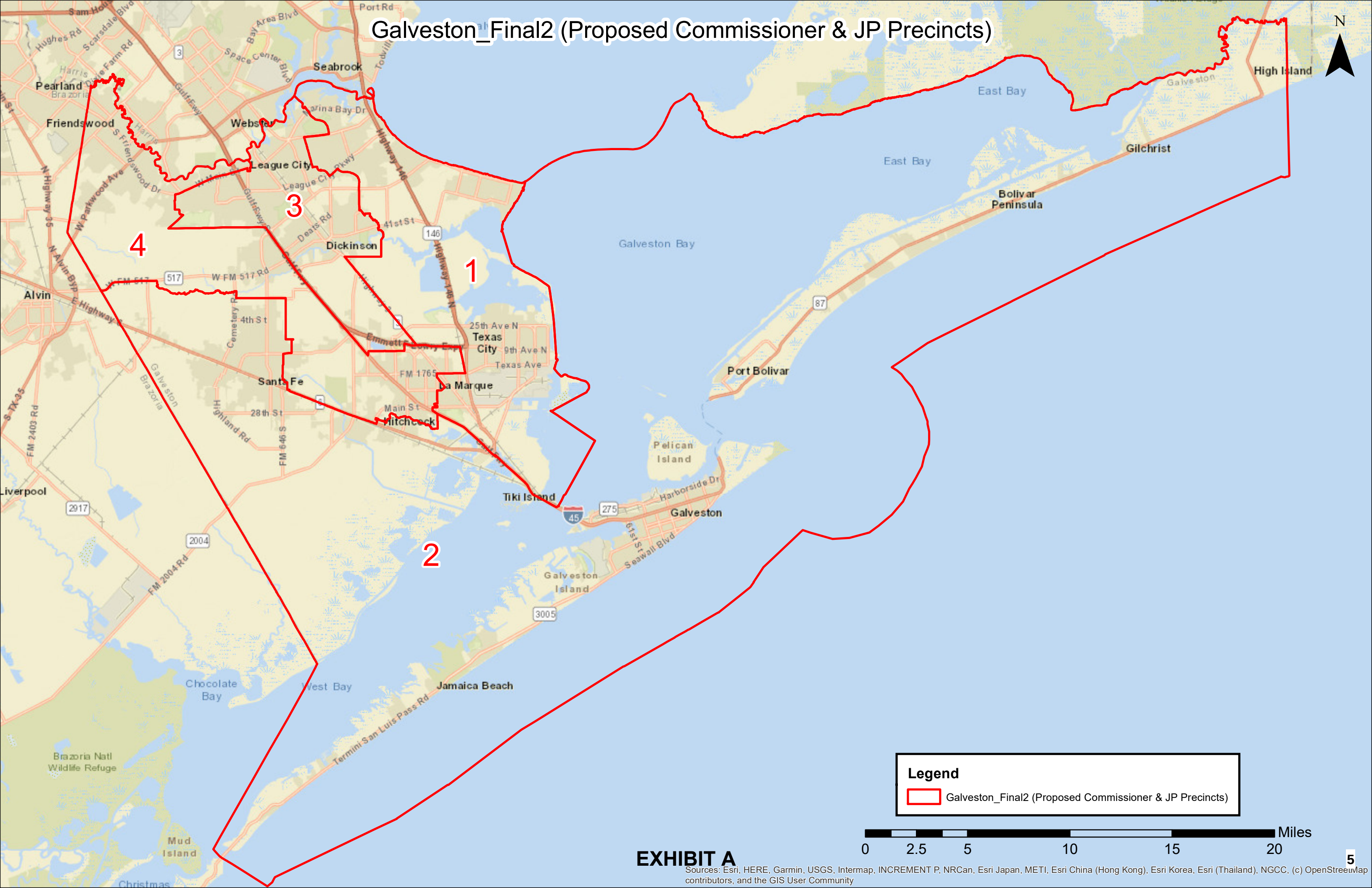
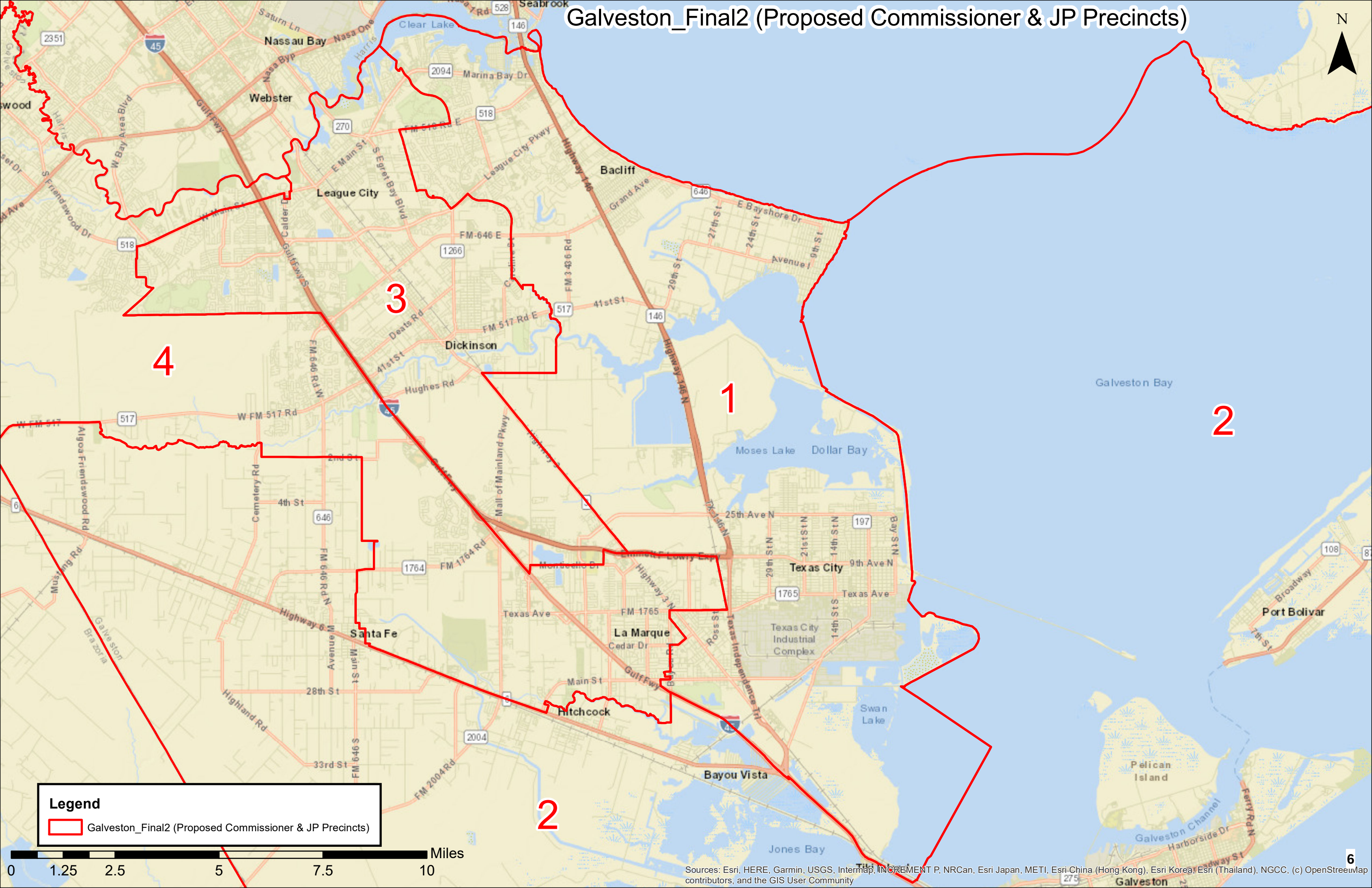


EXHIBIT A

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Galveston_Final2 (Proposed Commissioner & JP Precincts)

N



Legend

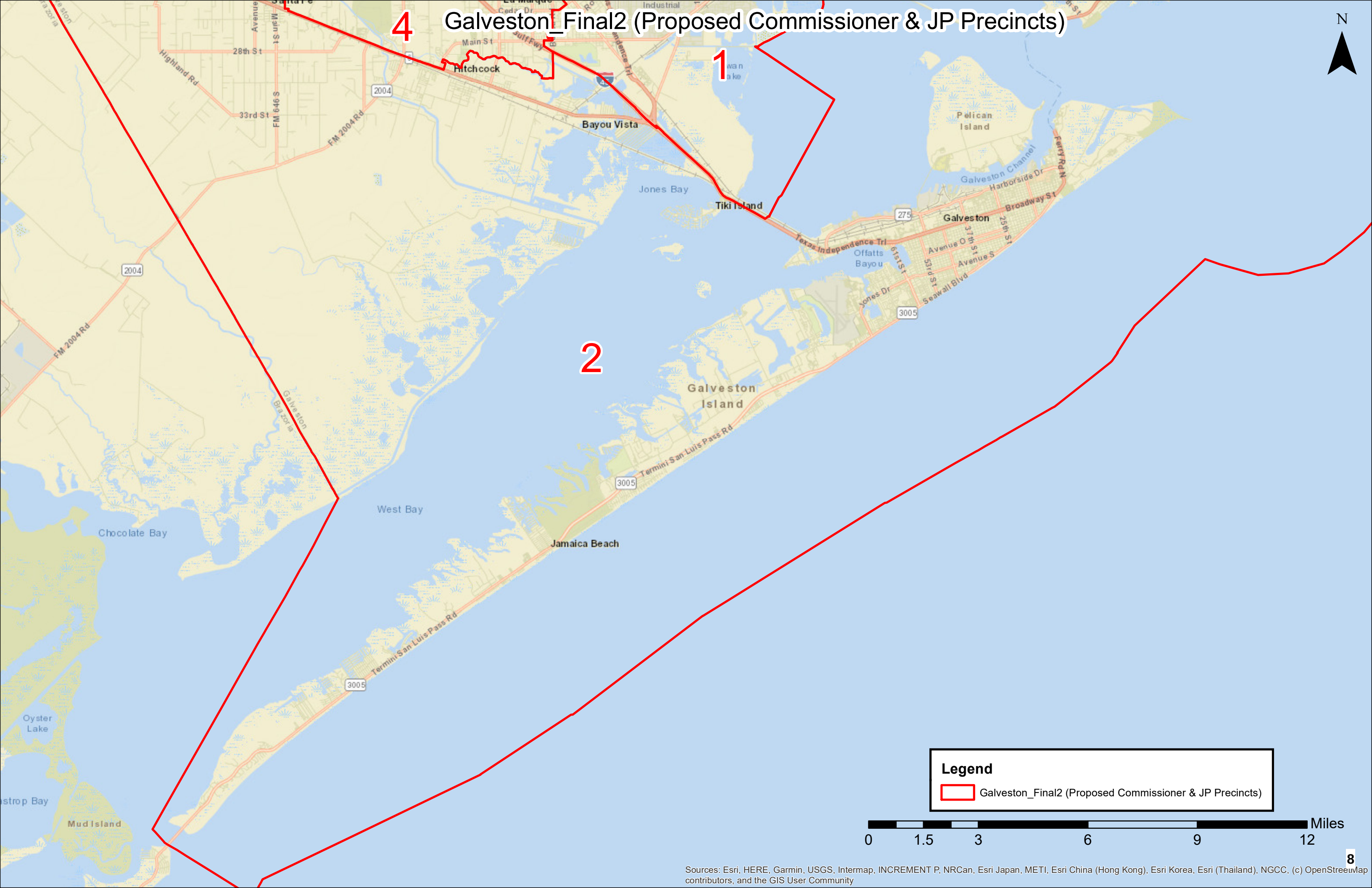
Galveston_Final2 (Proposed Commissioner & JP Precincts)

Miles

0 1.25 2.5 5 7.5 10

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

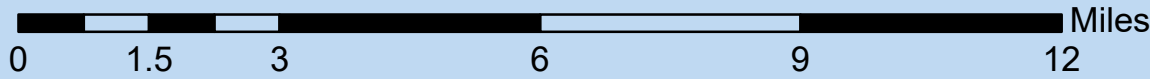




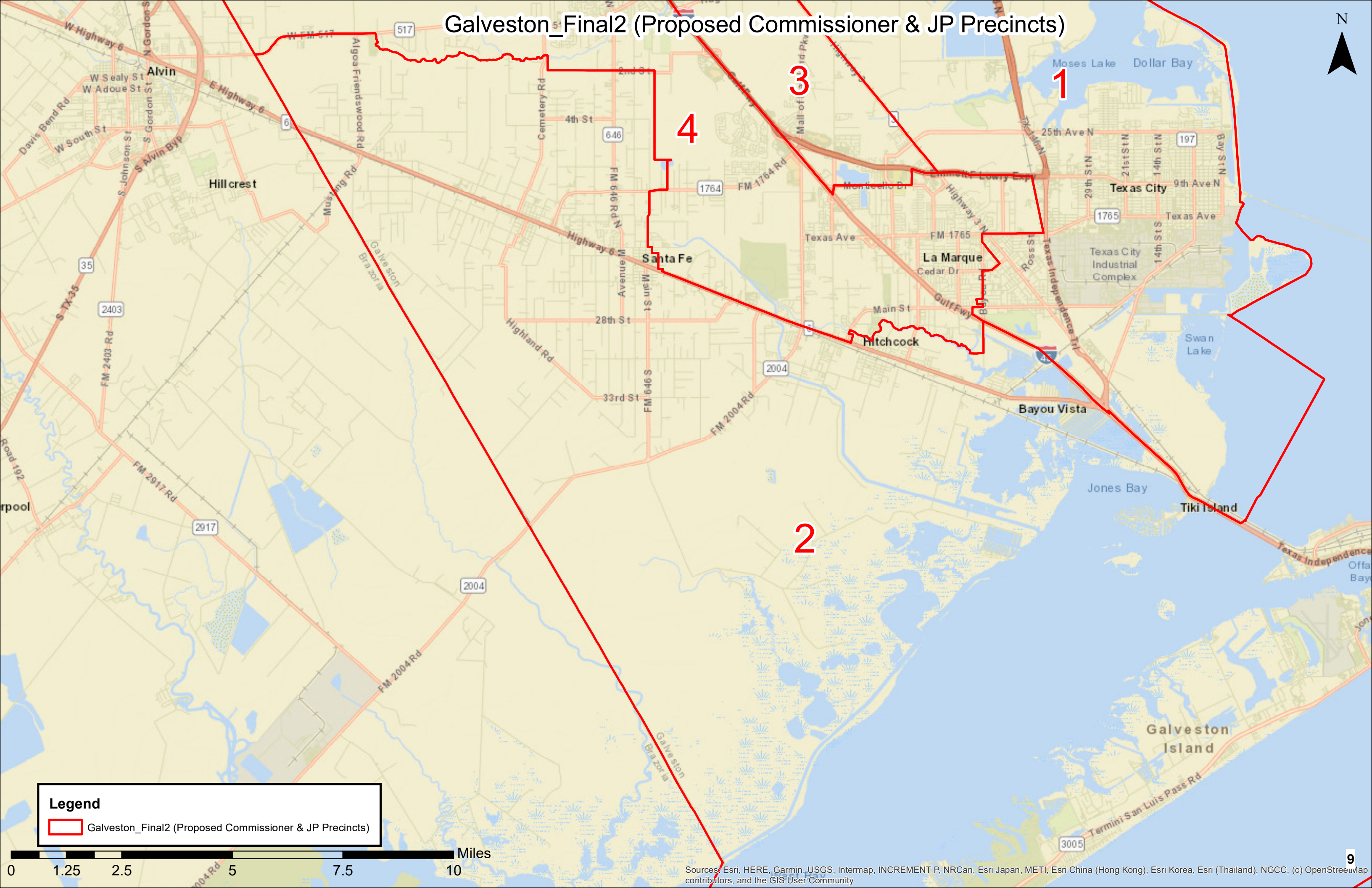
Galveston_Final2 (Proposed Commissioner & JP Precincts)

Legend

Galveston_Final2 (Proposed Commissioner & JP Precincts)



Galveston_Final2 (Proposed Commissioner & JP Precincts)



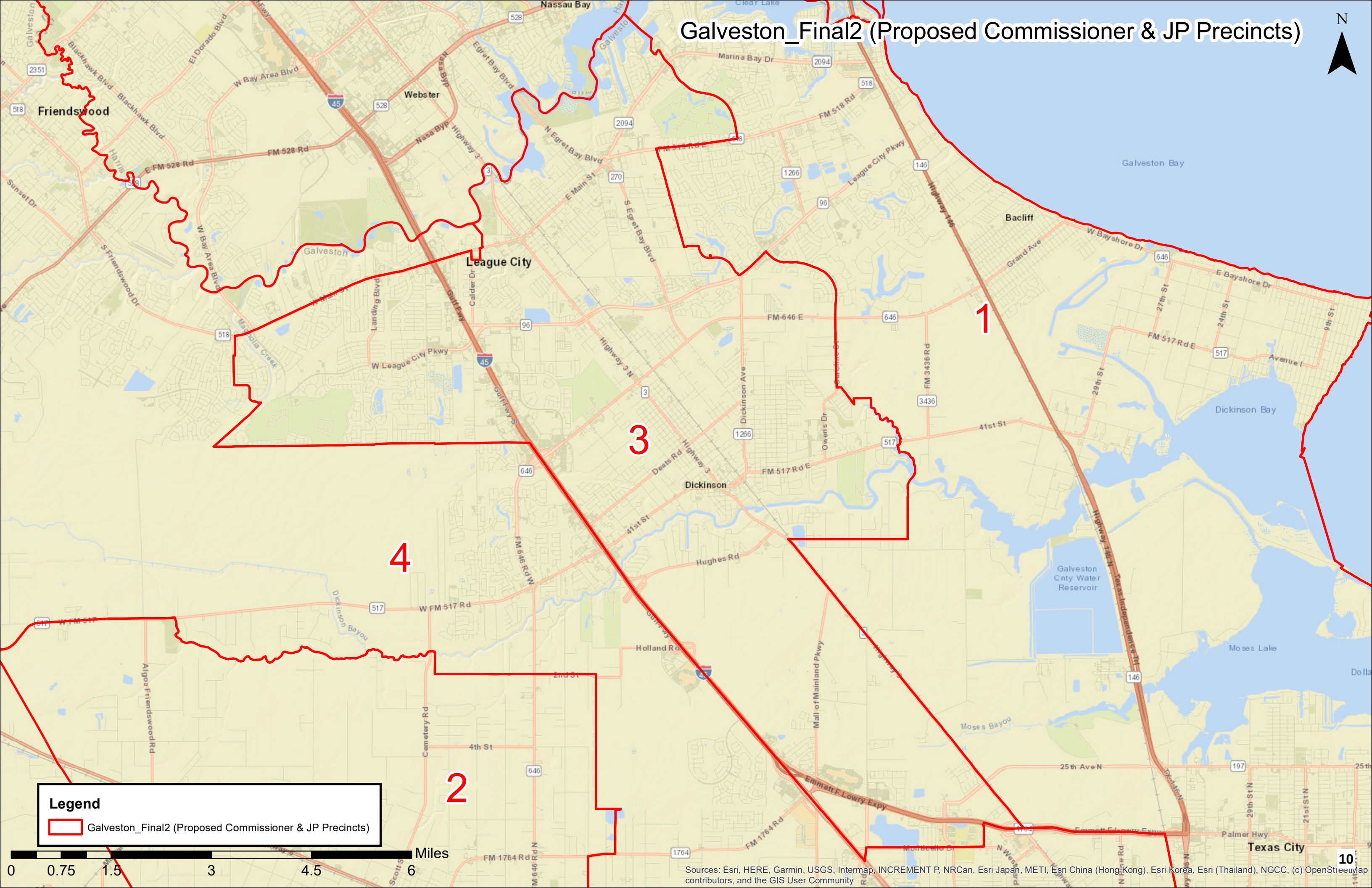
Legend

 Galveston_Final2 (Proposed Commissioner & JP Precincts)

Miles

0 1.25 2.5 5 7.5 10

Galveston_Final2 (Proposed Commissioner & JP Precincts)

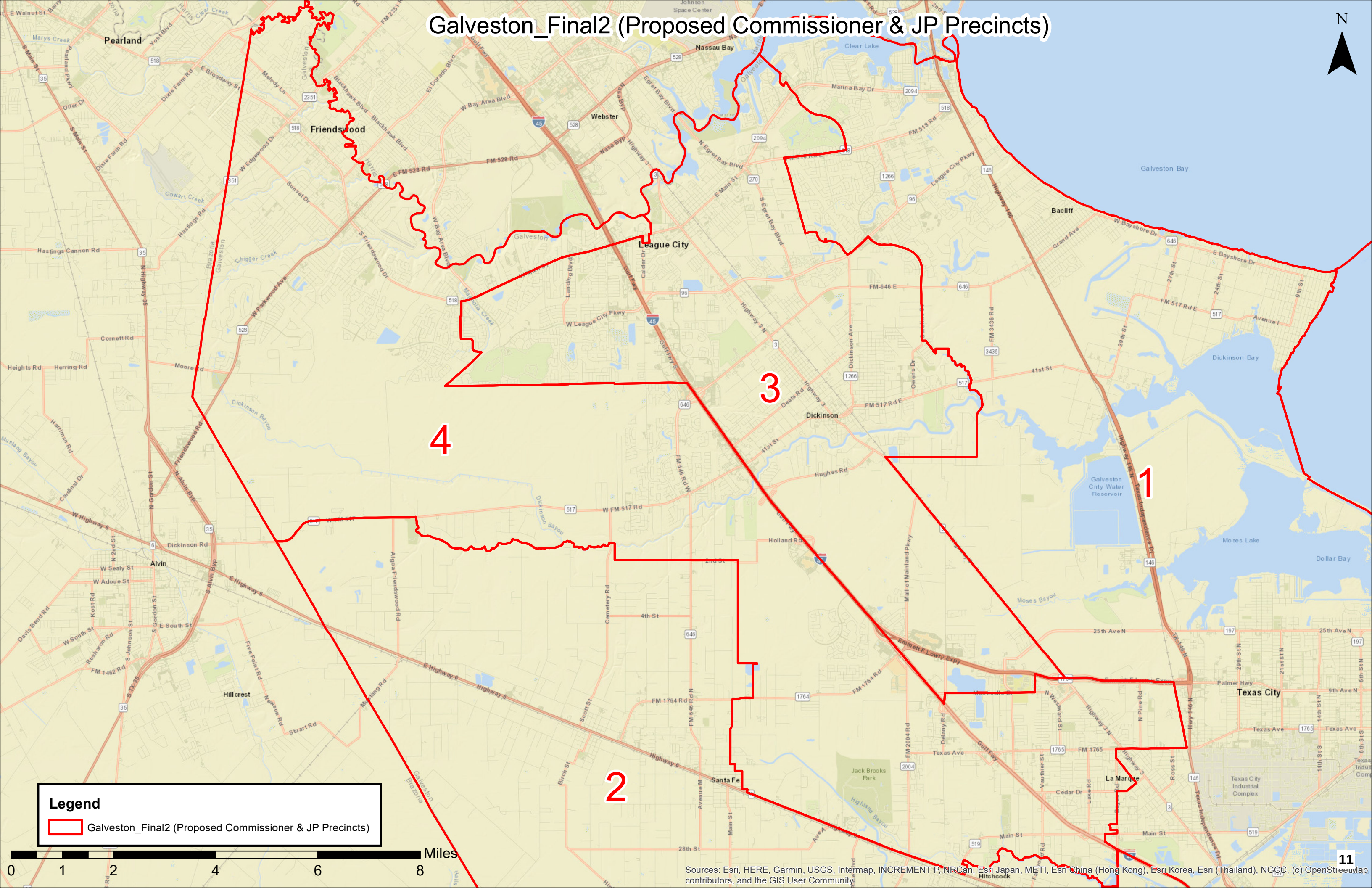


Legend

Galveston_Final2 (Proposed Commissioner & JP Precincts)



Galveston_Final2 (Proposed Commissioner & JP Precincts)



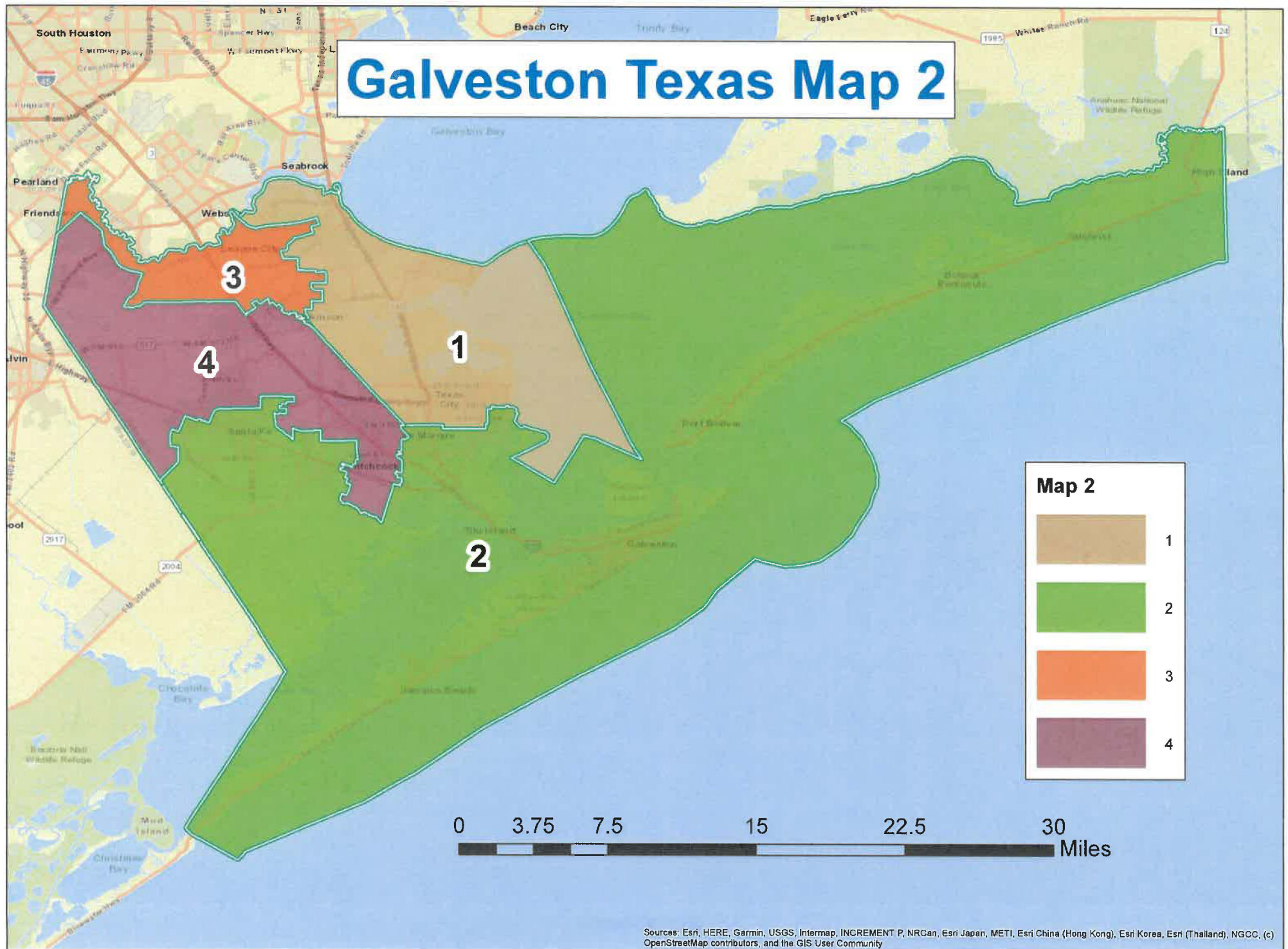
Legend

 Galveston_Final2 (Proposed Commissioner & JP Precincts)

Miles

0 1 2 4 6 8

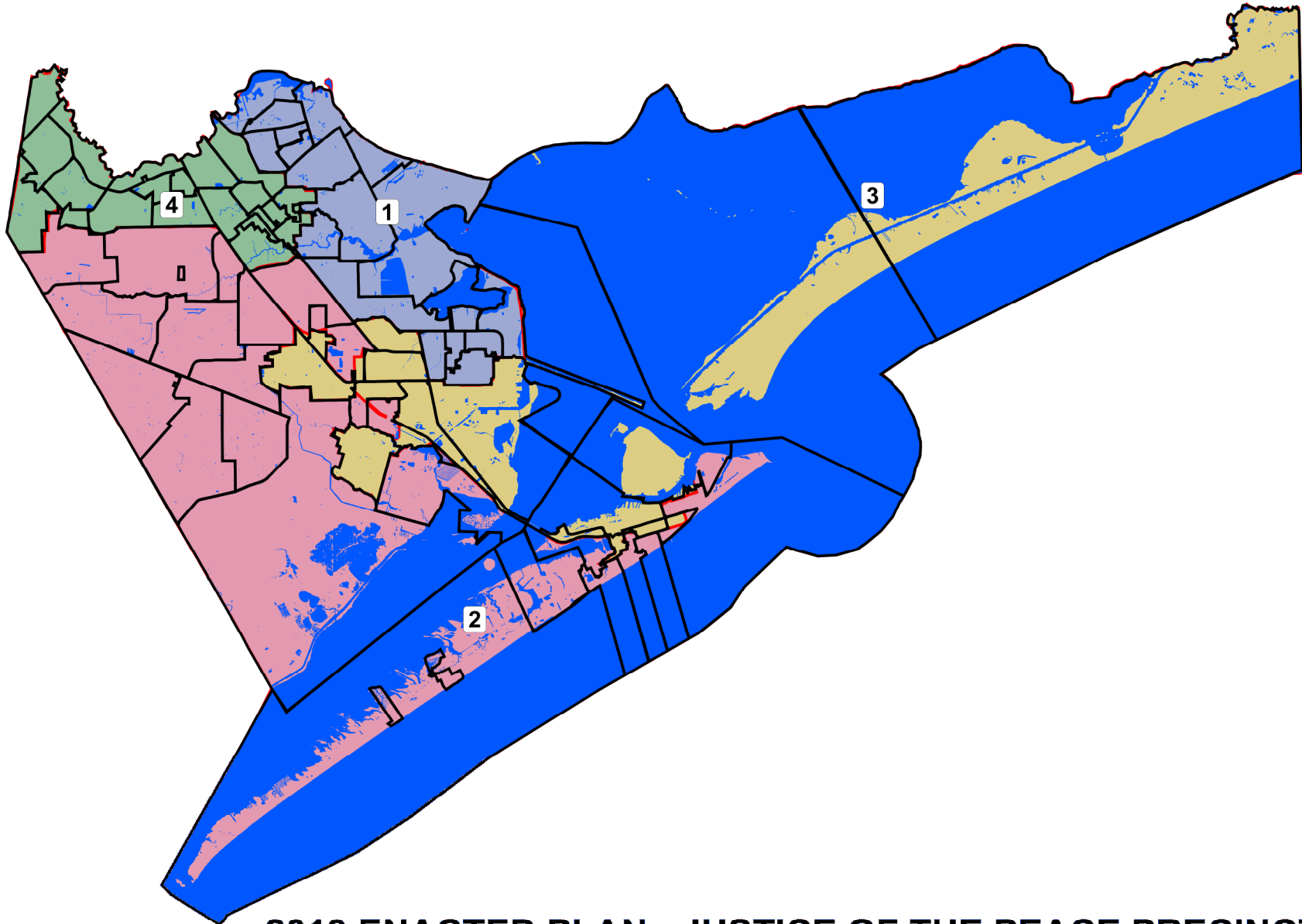
Galveston Texas Map 2



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan (METI), Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

MAP 1

COUNTY OF GALVESTON



2013 ENACTED PLAN - JUSTICE OF THE PEACE PRECINCTS

GALVESTON COUNTY, TX

2024 NOVEMBER 5TH GENERAL ELECTION



Unofficial Results



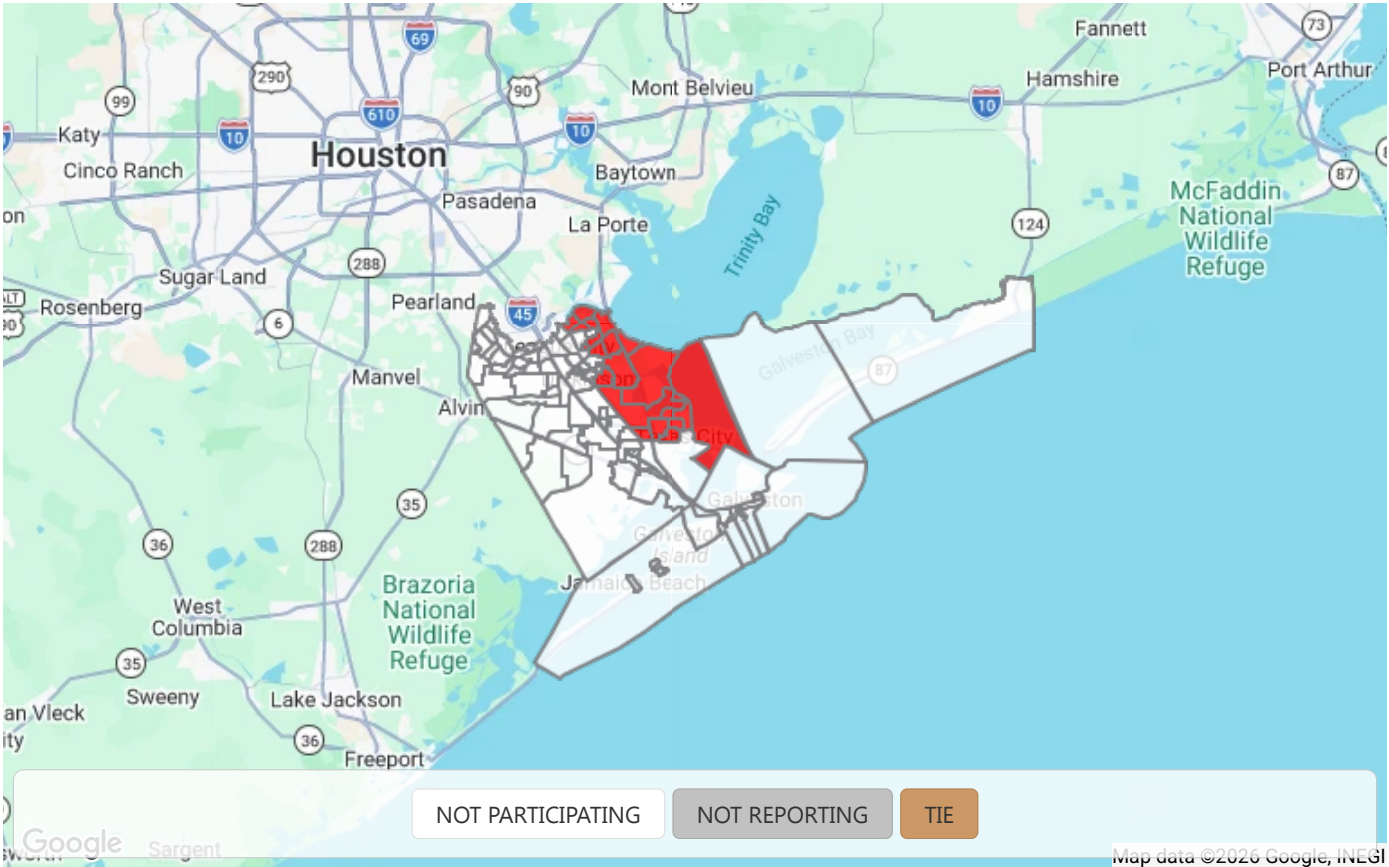
COUNTY COMMISSIONER PRECINCT 1

(VOTE FOR: 1)

Last Updated

★ (0)

📅 Friday, December 13, 2024, 9:44:51 AM (2 years ago)



NOT PARTICIPATING

NOT REPORTING

TIE

Results

Vote types

Party / Candidate

Votes

REP

Darrell Apffel

27,841

100.00%

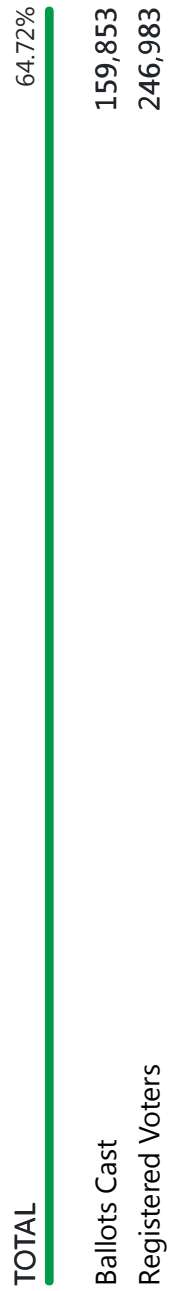
Vote Cast

27,841

← Previous Contest:
County Tax Assessor-Collector

Next Contest: →
County Commissioner Precinct 3

VOTER TURNOUT



REPORTS

- Summary csv
Comma separated file showing total votes received. 
- Detail xls
Precinct level details for election results. Contains votes received by choice in each contest for all participating precincts. 
- Detail xml
Precinct level details for election results. Contains votes received by choice in each contest for all participating precincts. 
- Detail txt
Precinct level details for election results. Contains votes received by choice in each contest for all participating precincts. 

VOTE CENTERS REPORTING



Vote Centers Reported: 49/49

GALVESTON COUNTY, TX

2024 NOVEMBER 5TH GENERAL ELECTION



Unofficial Results



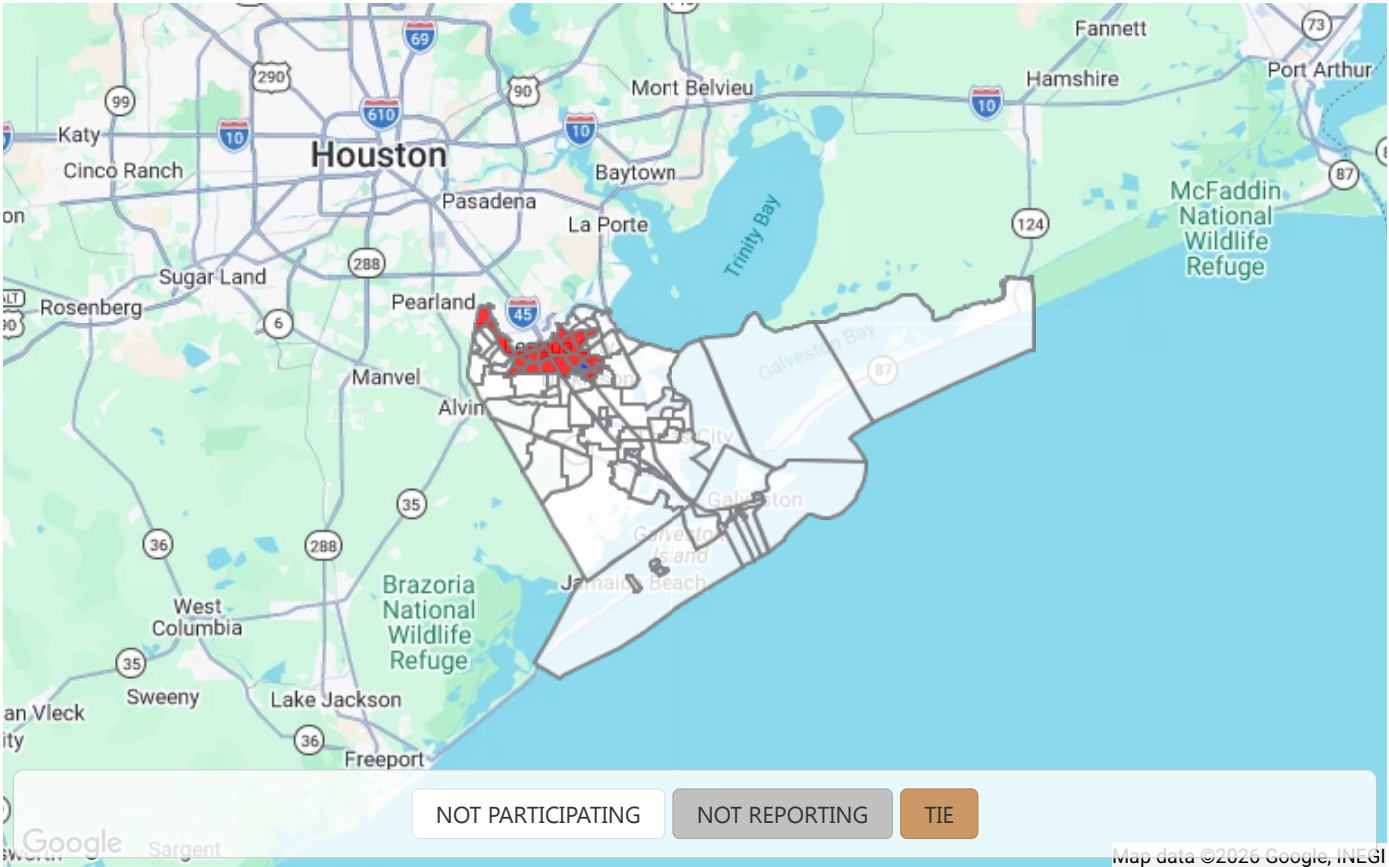
COUNTY COMMISSIONER PRECINCT 3

(VOTE FOR: 1)

Last Updated

★ (0)

📅 Friday, December 13, 2024, 9:44:51 AM (2 years ago)



Results

Vote types

Party / Candidate		Votes
REP	Hank Dugie	26,782
		68.83%
DEM	Stephen D. Holmes	12,126
		31.17%

← Previous Contest:
County Commissioner Precinct 1

Vote Cast38,908

Next Contest: →
Justice of the Peace Precinct 4

VOTER TURNOUT

TOTAL64.72%

Ballots Cast159,853

Registered Voters246,983

REPORTS

Summary csv
Comma separated file showing total votes received.

Detail xls
Precinct level details for election results. Contains votes received by choice in each contest for all participating precincts.

Detail xml
Precinct level details for election results. Contains votes received by choice in each contest for all participating precincts.

Detail txt
Precinct level details for election results. Contains votes received by choice in each contest for all participating precincts.

VOTE CENTERS REPORTING



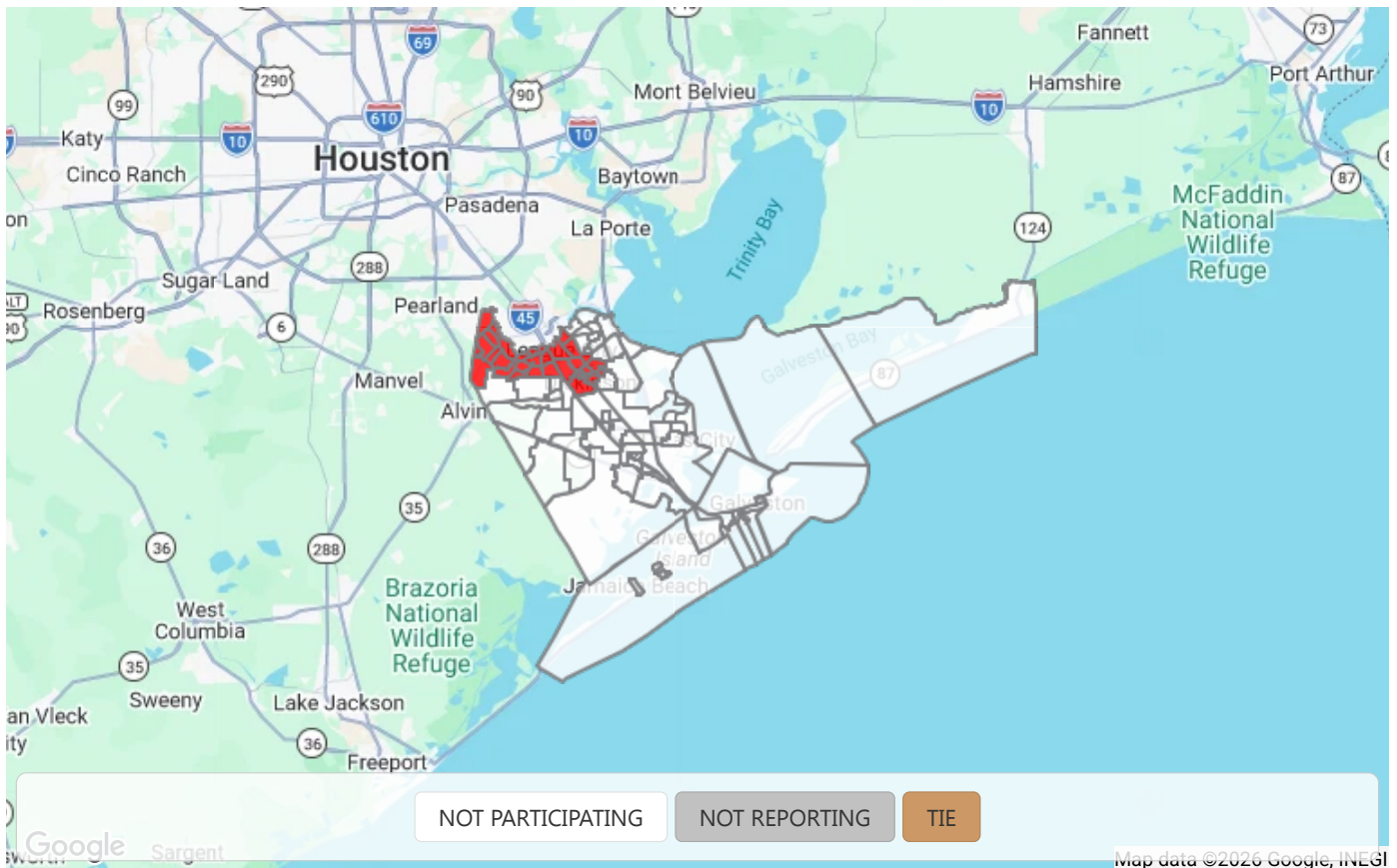
Vote Centers Reported: 49/49



(VOTE FOR: 1)

★ (0)

📅 Friday, December 13, 2024, 9:44:51 AM (2 years ago)



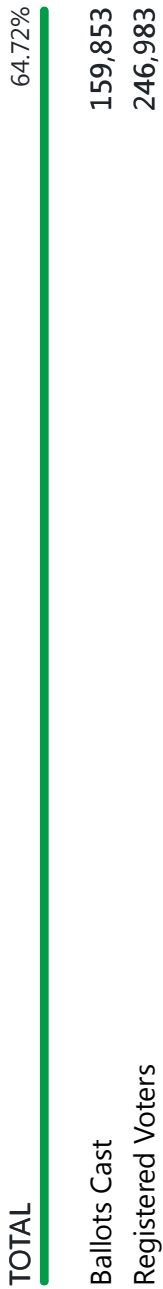
Vote types

Party / Candidate		Votes
REP	Kathleen M. McCumber	40,254
		100.00%
Vote Cast		40,254

← Previous Contest:
County Commissioner Precinct 3

Next Contest: →
County Constable Precinct 1

VOTER TURNOUT



REPORTS

- Summary csv
Comma separated file showing total votes received. 
- Detail xls
Precinct level details for election results. Contains votes received by choice in each contest for all participating precincts. 
- Detail xml
Precinct level details for election results. Contains votes received by choice in each contest for all participating precincts. 
- Detail txt
Precinct level details for election results. Contains votes received by choice in each contest for all participating precincts. 

VOTE CENTERS REPORTING



Vote Centers Reported: 49/49

Automated Certificate of eService

This automated certificate of service was created by the eFiling system.
The filer served this document via email generated by the eFiling system
on the date and to the persons listed below:

Kathaleen Rhoads on behalf of Joseph Russo, Jr.

Bar No. 24002879

krhoads@greerherz.com

Envelope ID: 118414795

Filing Code Description: Response to Petition

Filing Description: Response to Petition for Writ of Mandamus

Status as of 8/10/2026 11:49 AM CST

Associated Case Party: Honorable DereckRose

Name	BarNumber	Email	TimestampSubmitted	Status
Scott Brazil		scott@brazilanddunn.com	8/10/2026 11:40:13 AM	SENT
Chad Dunn		chad@brazilanddunn.com	8/10/2026 11:40:13 AM	SENT
Angie Olalde		aolalde@greerherz.com	8/10/2026 11:40:13 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Gwen Kelly		gwen@brazilanddunn.com	8/10/2026 11:40:13 AM	SENT
Mark P.Gaber		mgaber@campaignlegal.org	8/10/2026 11:40:13 AM	SENT
Valencia Richardson		vrichardson@campaignlegal.org	8/10/2026 11:40:13 AM	SENT
Simone Leeper		sleeper@campaignlegal.org	8/10/2026 11:40:13 AM	SENT
Bernadette Reyes		bernadette@uclavrp.org	8/10/2026 11:40:13 AM	SENT
Neil G.Baron		neil@ngbaronlaw.com	8/10/2026 11:40:13 AM	SENT

Associated Case Party: Galveston County, Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Joseph R.Russo, Jr.		jrusso@greerherz.com	8/10/2026 11:40:13 AM	SENT
Joseph M.Nixon		jnixon@publicinterestlegal.org	8/10/2026 11:40:13 AM	SENT
Jewel Lightfoot		jlightfoot@publicinterestlegal.org	8/10/2026 11:40:13 AM	SENT
J. Christian Adams		jadams@publicinterestlegal.org	8/10/2026 11:40:13 AM	ERROR