

No. A-____

IN THE SUPREME COURT OF THE UNITED STATES

TRAVIS COUNTY AND THE CITY OF AUSTIN, TEXAS,
Applicants-Appellants,

v.

RICK PERRY, Governor of Texas, *et al.*,
Respondents-Appellees.

**On Appeal from the United States District Court
for the Eastern District of Texas**

**TRAVIS COUNTY AND AUSTIN'S REPLY TO STATE DEFENDANTS'
OPPOSITION TO STAY AND TO EMERGENCY INJUNCTION**

DAVID A. ESCAMILLA
Travis County Attorney
P. O. Box 1748
Austin, Texas 78767

RENEA HICKS
Counsel of Record
Law Office of Max Renea Hicks
800 Norwood Tower
114 West 7th Street
Austin, Texas 78701
(512) 480-8231

DAVID ALLAN SMITH
City Attorney of Austin
P. O. Box 1088
Austin, Texas 78767-1088

*Counsel for Travis County and
the City of Austin, Texas*

January 15, 2004

To the Honorable Antonin Scalia, Associate Justice of the United States and Circuit Justice for the Fifth Circuit:

Seeking to buttress its speculation that voter registration cards “may” have been printed and mailed by January 10, 2004, *see* State Response at 34, the state cites an Austin-area television news report that, using the new districts of Plan 1374C, Travis County is sending its voters their registration cards “beginning this week.” State Response at 35 n.14. This is wrong, insofar as it indicates that Travis County voters already are being given their new congressional district numbers.

Voter registration cards have not yet been printed for, or mailed to, the registered voters in Travis County who live where the newly-numbered congressional districts under Plan 1374C would be different than the congressional districts as they are numbered under the current congressional plan, Plan 1151C. *See* attached Declaration of Dusty Knight, Chief Operating Officer of the Travis County Tax Assessor-Collector’s Office, ¶ 2. Thus, a stay that establishes Plan 1151C as the congressional districting plan to be used in the 2004 elections will not cause the voter confusion the state insinuates it would cause.

Respectfully submitted,

DAVID A. ESCAMILLA
Travis County Attorney
P. O. Box 1748
Austin, Texas 78767

DAVID ALLAN SMITH
City Attorney of Austin
P. O. Box 1088
Austin, Texas 78767-1088
January 15, 2004

RENEA HICKS
Counsel of Record
Law Office of Max Renea Hicks
800 Norwood Tower
114 West 7th Street
Austin, Texas 78701
(512) 480-8231

*Counsel for Travis County and
the City of Austin, Texas*

No. A-____

IN THE SUPREME COURT OF THE UNITED STATES

TRAVIS COUNTY AND THE CITY OF AUSTIN, TEXAS,
Applicants-Appellants,

v.

RICK PERRY, Governor of Texas, *et al.*,
Respondents-Appellees.

**On Appeal from the United States District Court
for the Eastern District of Texas**

DECLARATION OF DUSTY KNIGHT

1. My name is Dusty Knight. I am the Chief Operating Officer of the Travis County Tax Assessor-Collector's Office. I am one of the principal county officials responsible for the distribution of voter registration cards.

2. Travis County has not yet begun printing and sending voter registration cards to registered voters in the county who would be in a differently-numbered congressional district under Plan 1374C than they are under Plan 1151C.

3. The vendor for the county who will be doing the printing and mailing of the voter registration cards identified in ¶ 2, above, will not begin the printing and mailing of those cards until directed by the appropriate county official.

4. These matters are within my personal knowledge, gained in part from my official position with the County.

I declare under penalty of perjury that the foregoing statements are true and correct.

Signed this ____ day of January, 2004.

Dusty Knight