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ELECTIONS - TEXAS

In re Rodriguez

Court of Appeals of Texas, Beaumont - August 1, 2013 - S.W.3d - 2013 WL 3945990

Potential candidates and school board were embroiled in fairly complex litigation in both state and federal court concerning redistricting, cancelled/rescheduled elections, and pre-clearance complexities when – yep, you guessed it – the Supreme Court declared unconstitutional section 4(b) of the Voting Rights Act.

Plaintiffs insisted that the court enforce its earlier decision requiring that a school board election originally scheduled for May be held in November. School board and plaintiffs then proposed competing redistricting plans in light of the Supreme Court's *Shelby County* decision.

The court said, "Hold your proverbial horses." "The parties ask this Court to make decisions in this proceeding about a potential November 2013 election, but requests and challenges to a November 2013 election are pending in federal and state district courts, and the parties cannot predict when those cases will be resolved. Relators' issues relate to an election on some future date, not a past May 2013 date. As the parties' claims remain subject to on-going litigation in both federal and state courts, we refrain from exercising any mandamus authority and do not address the merits of the parties' claims at this time. Accordingly we deny the motion and dismiss the mandamus petition without prejudice."

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