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BOND ELECTION - TEXAS

Noteware v. Turner

Court of Appeals of Texas, Houston (1st Dist.) - May 21, 2019 - S.W.3d - 2019 WL 2180635

Election contest was brought against city, challenging sufficiency of ballot language setting out a pension obligation bond measure.

The District Court granted city's plea to the jurisdiction and dismissed the action. Plaintiff appealed.

The Court of Appeals held that:

- Election contest was moot, and
- The "capable of repetition, yet evading review" exception to the mootness doctrine did not apply.

Election contest against city challenging ballot language setting out a bond measure was moot, where city followed statutory procedure for issuing bonds, bonds were approved by Attorney General and registered by Comptroller of Public Accounts, bonds were issued and sold based on city's ability to repay bonds without violating revenue cap in its charter, taxes to finance the bonds were levied, and sinking fund was created.

The "capable of repetition, yet evading review" exception to the mootness doctrine did not apply to plaintiff's election contest against city, challenging sufficiency of ballot language setting out a bond measure, where plaintiff presented no evidence that a similar discrepancy between language of proposed proposition and the ballot language would occur in the future, or could not be challenged and litigated fully.

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