

Bond Case Briefs

Municipal Finance Law Since 1971

BALLOT INITIATIVE - ARKANSAS

Kimbrell v. Thurston

Supreme Court of Arkansas - December 3, 2020 - S.W.3d - 2020 Ark. 392 - 2020 WL 7136101

Voter brought action for writ of mandamus and declaratory and injunctive relief, challenging sufficiency of ballot titles of constitutional amendments that General Assembly proposed concerning term limits and process for submitting, challenging, and approving proposed initiated acts, constitutional amendments, and referenda.

The Circuit Court dismissed. Voter appealed.

The Supreme Court held that:

- Voter's appeal was moot, and
- No mootness exceptions applied.

Voter's appeal of dismissal of complaint seeking mandamus, declaratory, and injunctive relief as to allegedly insufficient ballot titles on constitutional amendments proposed by General Assembly was moot, where deadlines for both the election and certification of election results had occurred, voter did not request in his motion to expedite that his appeal be addressed before certification deadline, voter did not lodge appeal with Supreme Court until six days after election, and voter failed to seek a stay of certification from either the circuit court or Supreme Court.

Exception to mootness doctrine for issues that were capable of repetition yet evading review did not apply to allow Supreme Court to review moot appeal of dismissal of voter's action seeking mandamus, declaratory, and injunctive relief as to allegedly insufficient ballot titles on constitutional amendments proposed by General Assembly, where Court addressed the nearly identical issue presented in case in another case, and Court's opinion in other case was handed down before election.

Exception to mootness doctrine for issues raising considerations of substantial public interest which, if addressed, would prevent future litigation did not apply to allow Supreme Court to review moot appeal of dismissal of voter's action seeking mandamus, declaratory, and injunctive relief as to allegedly insufficient ballot titles on constitutional amendments proposed by General Assembly, where Court addressed and rejected the nearly identical issues presented in case in another case that Court handed down before election.