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BALLOT INITIATIVE - TEXAS

In re Durnin

Supreme Court of Texas - March 2, 2021 - S.W.3d - 2021 WL 791079

Proponents of voter-initiated city ordinance regarding camping, sitting or lying down on public sidewalks, sleeping outdoors, and aggressively soliciting money petitioned for writ of mandamus to amend ballot language.

The Supreme Court held that word “anyone” was misleading and needed to be stricken from ballot proposition as ordinance contained several exceptions.

Word “anyone” was misleading and needed to be stricken from ballot proposition stating that proposed ordinance would create criminal offense for “anyone sitting or lying down on a public sidewalk or sleeping outdoors” in certain areas and “anyone camping in a public area not designated by the Parks and Recreation Department”; the proposed ordinance did not criminalize all instances of sitting or lying down on a sidewalk, proposition did not mention several exceptions, and proposed ordinance retained significant exception that prohibited police officer from citing a person for illegal camping before making a reasonable effort to advise camper of alternatives and contact someone with authority to provide transportation and services.

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