

# **Bond Case Briefs**

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## **BALLOT INITIATIVE - MISSOURI**

### **State ex rel. Dienoff v. Galkowski**

**Missouri Court of Appeals, Eastern District, Division Four - January 27, 2014 - S.W.3d - 2014 WL 280372**

County resident petitioned for mandamus and injunctive relief, challenging the language of ballot initiative proposing a tax increase for the benefit of ambulance district. Following a hearing, the Circuit Court and rewrote ballot initiative, which, as modified, was defeated at a municipal election. Ambulance district appealed.

The Court of Appeals held that:

- Public interest exception to mootness doctrine would be invoked to review trial court's authority to rename and rewrite ballot initiative;
- Trial court lacked required statutory authority to do so; and
- Comprehensive Emergency Medical Services Systems Act allowed ambulance district's board of directors discretion in drafting ballot language proposing general tax increases.

Appellate court would invoke public interest exception to mootness doctrine to address underlying issue of whether, in absence of statutory guidance, trial court had authority to re-word a ballot question, later defeated at an election, proposing a tax increase for ambulance district. Issue was of general public interest and importance, the controversy was likely to recur, and issue of trial court's authority to rewrite a ballot question approved by ambulance district's board of director's and submitted to county election authority could evade appellate review if appellate court did not exercise its discretion to review the issue in present case.

Trial court lacked the required statutory authority, on county resident's petition for injunctive relief, to rename and rewrite municipal ballot initiative for a tax increase to benefit ambulance district on basis that the title and ballot language were "impermissibly biased."

Exclusion of specific guidance in the Comprehensive Emergency Medical Services Systems Act with respect to ballot questions proposing tax increases, especially in light of legislature's specific instructions with respect to other tax-related ballot questions, was an intentional act by the legislature to allow ambulance district's board of directors discretion in drafting ballot language proposing general tax increases.