

# **Bond Case Briefs**

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## **BALLOT INITIATIVES - TEXAS**

### **In re Williams**

**Supreme Court of Texas - August 19, 2015 - S.W.3d - 2015 WL 4931372**

Referendum proponents petitioned for writ of mandate challenging wording of ballot question.

The Supreme Court of Texas held that:

- Ballot question on referendum for repeal of ordinance had to be phrased so a “No” vote meant to repeal the ordinance, but
- Referring to ordinance as city’s “Equal Rights Ordinance” was not improperly politically slanted.

Upon a referendum for the repeal of a city ordinance, a city charter provision stating that ballots used when voting upon proposed and referred ordinances shall set forth upon separate lines the words “For the Ordinance” and “Against the Ordinance” imposed a ministerial duty for the city to phrase the ballot question so that a “NO” or “AGAINST” vote meant to repeal the ordinance and a “YES” or “FOR” vote meant to maintain the ordinance, even though the city charter was preempted to the extent that it purported to require the specific words “For the Ordinance” and “Against the Ordinance.”

The heading of the ballot question on a referendum for the repeal of a city ordinance was not improperly politically slanted in referring to the ordinance as the city’s “Equal Rights Ordinance,” where the ordinance itself contained the words “Equal Rights” in a heading, and the subject of the ordinance was discrimination in city employment, city services, city contracts, public accommodations, private employment, and housing.