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Nichols v. City of Rehoboth Beach

United States District Court, D. Delaware - December 14, 2015 - Slip Copy - 2015 WL 8751180

Resident Jackie Nichols ("Nichols") brought suit against the City of Rehoboth Beach ("Rehoboth"), alleging federal and state constitutional violations arising from a special election to authorize the issuance \$52,500,000 of general obligation bonds of Rehoboth to finance an ocean outfall project.

Specifically, Nichols challenged the constitutionality of the residency requirements contained in the section of the Rehoboth Charter that governs voting procedures for Special Elections to authorize the borrowing of money.

The District Court ruled in favor of the Rehoboth, finding that Nichols lacked standing to maintain her suit.

"The court agrees with Defendants that Nichols lacks standing. Initially, the court agrees with Defendants that Nichols is not contesting the expenditure of tax funds, but the legality of the Special Election. Second, the court notes that Nichols suffered no particularized injury as a result of the Special Election. Nichols is a property owner in the city and had the right to vote in the Special Referenda Election. Thus, she lacks the concrete personal injury necessary to bring suit. As a result, the court lacks the subject matter jurisdiction to hear this action. Therefore, the complaint must be dismissed."