

Bond Case Briefs

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REFERENDA - TEXAS

In re Dallas HERO

Supreme Court of Texas - September 11, 2024 - S.W.3d - 2024 WL 4143401

Organizers of citizen petition drive which resulted in placement of three proposed city charter amendments on upcoming election ballot filed petition for writ of mandamus challenging three other proposed city charter amendments submitted by city council, which organizers contended would effectively nullify their proposed amendments.

The Supreme Court held that:

- Individual organizer had interest in electoral process sufficient to confer standing;
- Ballot language for council-initiated propositions was misleading; and
- Appropriate remedy for misleading ballot language was removal of council-initiated propositions from ballot.

Individual had interest in electoral process sufficient to confer standing to file petition for writ of mandamus challenging three proposed city charter amendments submitted by city council based on allegation that those proposed amendments would effectively nullify three other proposed city charter amendments submitted by citizens, where individual signed petitions for citizen-initiated propositions and individual alleged that ballot language of council-initiated propositions was misleading because it omitted effect those propositions would have on citizen-initiated propositions.

Voter who signed initiative petition for election to amend city charter has interest in valid execution of charter amendment election distinct from that of general public, for standing purposes, when there is colorable basis for arguing that another proposition on same ballot would have effect of negating proposition voter signed; invasion of that interest is no less distinct or particularized when allegedly misleading or confusing ballot language is located in separate proposition that otherwise duplicates same substantive measure.

Ballot language for three proposed city charter amendments submitted by city council omitted certain chief features that reflected their character and purpose, and thus language was misleading; each of three council-initiated propositions would, if approved by voters, conflict with three other proposed city charter amendments submitted by citizens, yet ballot language did not acknowledge conflicting character of those propositions so that voters could attempt to avoid dilemma by casting consistent votes, nor did it inform voters of conflict provisions council included in its propositions for purpose of resolving conflict between propositions in favor of council-initiated propositions.

Appropriate remedy for misleading ballot language for three proposed city charter amendments submitted by city council which were intended to nullify three other city charter amendments submitted by citizens was to remove council-initiated propositions from ballot; directing city to remove those propositions from ballot did not interfere with or delay upcoming election, but instead recognized that city could not confuse its voters by submitting converse of citizen-initiated propositions that were required to appear on ballot.

