

Supreme Court of Texas
August 19, 2015

In re Williams

No. 15-0581

Case Summary written by Kayla Hackerott, Staff Member.

PER CURIAM.

In *In re Woodfill*, No. 14-0667, 2015 WL 4498229, at *7 (Tex. 2015) (per curiam), this Court directed the Houston City Council to “comply with its ministerial duties and either repeal” the City of Houston’s Equal Rights Ordinance or “submit it to popular vote” after residents of the City of Houston filed a referendum petition challenging the ordinance. The Houston City Council ordered the ordinance be submitted to voters in the November 2015 election, but worded the issue as a vote on its repeal. The relators—two signers of the petition—argued that the City Charter requires an affirmative vote on the ordinance itself, not a vote on its repeal. The City challenged the Court’s jurisdiction to grant mandamus relief.

The Court held § 273.061 of the Texas Election Code grants jurisdiction to the Court to “issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the holding of an election.” The imminence of the election allowed this case within the narrow class of cases that did not need to first seek mandamus in the court of appeals, nor was additional briefing on the merits necessary.

Mandamus may issue to require public officials to execute ministerial acts to correct abuse of discretion of a public official. *Anderson v. City of Seven Points*, 806 S.W.2d 71, 793 (Tex. 1991). While cities have broad discretion in the wording of positions on a ballot, state and local laws can limit the discretion. *Dacus v. Parker*, No. 13-0047, 2015 WL 3653295, at *4 (Tex. 2015). The Court found § 5 of the Houston Charter “requires the vote to be on the ordinance itself rather than its repeal.” The Court held that because the Charter requires City Council to submit the ordinance, not its repeal, to a vote, and gives City Council no

discretion not to, this was a ministerial duty. Thus, the Court granted mandamus relief.