

SUPREME COURT OF TEXAS

Greg Abbott, in His Official Capacity as Governor of the State of Texas; John Scott, in His Official Capacity as Secretary of State of Texas; and the State of Texas v. Mexican American Legislative Caucus, Texas House of Representatives; Roland Gutierrez; Sarah Eckhardt; Ruben Cortez, Jr.; and Tejano Democrats

No. 22-0008 (Tex. June 24, 2022) · No. No. 22-0008 · Decided June 24, 2022

SUMMARY

This is a dissenting opinion by Chief Justice Nathan L. Hecht in a direct appeal concerning constitutional challenges to Texas legislative redistricting maps enacted in 2021. The dissent argues that claims affecting the 2022 election were moot and claims concerning the 2024 election were not ripe, and therefore the case should have been dismissed for want of jurisdiction. It also cautions against resolving the merits of redistricting issues before the Legislature has acted and criticizes the majority for issuing an advisory opinion.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Chief Justice Nathan L. Hecht; Justice John P. Boyd; Justice Jeffery S. Blacklock
JURISDICTION	Texas
DECIDED	June 24, 2022
DOCKET	No. 22-0008
DISPOSITION	other
PROCEDURAL POSTURE	Direct appeal from the district court's interlocutory refusal to dismiss redistricting claims for lack of jurisdiction.
STANDARD OF REVIEW	Jurisdictional review of mootness and ripeness; the dissent characterized justiciability as a threshold jurisdictional issue and would not reach the merits absent a live, ripe controversy.
PRECEDENTIAL VALUE	Dissenting opinion; nonbinding
PARTIES	Greg Abbott, in his official capacity as Governor of the State of Texas, John Scott, in his official capacity as Secretary of State of Texas, The

State of Texas v. Mexican American Legislative Caucus, Texas House of Representatives, Roland Gutierrez, Sarah Eckhardt, Ruben Cortez, Jr., Tejano Democrats

TOPICS

redistricting election law mootness ripeness separation of powers

PRACTICE AREAS

constitutional law election law appellate procedure civil procedure

QUESTIONS PRESENTED

1. Whether claims seeking relief affecting the 2022 election cycle became moot after the election process had progressed and plaintiffs abandoned any request to disturb that cycle.
2. Whether challenges to the continued use of the 2021 redistricting maps in the 2024 election cycle were ripe when further redistricting was constitutionally required but had not yet occurred.
3. Whether the court should address the merits of constitutional redistricting claims when the plaintiffs lacked a live and ripe controversy.
4. Whether separation-of-powers principles counseled against issuing an advisory opinion concerning legislation that might not govern a future election.

HOLDINGS

1. The dissent concluded that the claims for relief affecting the 2022 election cycle were moot because plaintiffs no longer sought relief that would disrupt that election process.
2. The dissent concluded that claims concerning the 2024 election cycle were not ripe because future redistricting, including the maps that would govern that election, had not yet occurred and might not preserve the challenged districts.

KEY QUOTATIONS

“Plaintiffs’ claims for the 2022 election cycle are moot, and for the 2024 cycle, they are not yet ripe and may never even germinate.” (at 2)

“At this point, plaintiffs’ claims of injury are completely hypothetical, making the Court’s decision on their merits advisory and in violation of the Separation of Powers.” (at 2)

“The question is “whether a dispute has yet matured to a point that warrants decision. The central concern is whether the case involves uncertain or contingent future events that may not occur as anticipated, or indeed may not occur at all.”” (at 10)

FACTUAL BACKGROUND

Plaintiffs challenged HB 1 and SB 4, which reapportioned Texas House and Senate districts following the delayed release of the 2020 decennial census. They alleged that the laws were unconstitutional because they were enacted during a special session rather than the regular session and because the maps allegedly violated the constitutional county-line rule in Cameron County. By June 2022, the primary elections and runoffs were complete, plaintiffs no longer sought disruption of the 2022 election cycle, and any 2024 redistricting remained contingent on future legislative or other constitutional action.

PROCEDURAL HISTORY

Plaintiffs challenged Texas House and Senate redistricting statutes enacted in a 2021 special legislative session and sought declaratory and injunctive relief. A three-judge district court denied the defendants' plea to the jurisdiction and denied a temporary-injunction application. The defendants appealed directly to the Supreme Court of Texas. The dissent would have dismissed the claims for lack of jurisdiction because claims concerning the 2022 election were moot and claims concerning the 2024 election were unripe.

DISPOSITION

other

CASES CITED

- *Patterson v. Planned Parenthood of Hous. & Se. Tex., Inc.*, 971 S.W.2d 439, 442 (Tex. 1998)
- *Terrazas v. Ramirez*, 829 S.W.2d 712, 717 (Tex. 1991)
- *In re Khanoyan*, 637 S.W.3d 762, 764-766, 770 (Tex. 2022)
- *Tex. Ass'n of Bus. v. Tex. Air Control Bd.*, 852 S.W.2d 440, 444 (Tex. 1993)
- *Perry v. Del Rio*, 66 S.W.3d 239, 249, 255 (Tex. 2001)
- *Pickle v. Finley*, 44 S.W. 480, 481 (Tex. 1898)
- *Reg'l Rail Reorganization Act Cases*, 419 U.S. 102, 140 (1974)