

SUPREME COURT OF TEXAS

In re Marion Barnett

207 S.W.3d 326 (Tex. 2006) · No. No. 06-0275 · Decided April 21, 2006

SUMMARY

The Supreme Court of Texas considered whether Marion Barnett was eligible for placement on the ballot for Dallas Independent School District Trustee, District Six, despite listing his street address in the mailing-address field rather than the permanent-residence field of his application. The court held that the application, considered as a whole and together with undisputed voter-registration information, provided sufficient information to establish his residence in District Six. The court conditionally granted mandamus relief and ordered the respondents to certify Barnett and place his name on the ballot.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Texas
DECIDED	April 21, 2006
DOCKET	No. 06-0275
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding seeking a writ of mandamus requiring election officials to place Barnett's name on the ballot as a candidate for Dallas Independent School District Trustee, District Six.
STANDARD OF REVIEW	Whether election officials abused their discretion in rejecting the ballot application; mandamus relief requires a clear abuse of discretion and no adequate remedy by appeal.
PRECEDENTIAL VALUE	Published Texas Supreme Court opinion; precedential
PARTIES	Marion Barnett, Relator v. Dallas Independent School District, Nancy Bingham, Secretary of the Board of Trustees of the Dallas Independent School District

TOPICS

- ballot access
- election law
- election administration
- appellate procedure
- statutory interpretation

PRACTICE AREAS

Election law

Appellate procedure

Statutory interpretation

Remedies

QUESTIONS PRESENTED

1. Whether Barnett's ballot application satisfied the statutory residence-address requirement when his street address appeared in the mailing-address field rather than the permanent-residence-address field.
2. Whether election officials abused their discretion by rejecting the application despite the information in the application and undisputed public records establishing Barnett's residence in District Six.
3. Whether the Supreme Court of Texas should conditionally grant mandamus relief ordering respondents to place Barnett on the ballot.

HOLDINGS

1. A candidate's application contains sufficient residence information when, considered as a whole, the application and undisputed public records allow election officials to determine that the candidate resides in the district sought to be represented, even if the candidate places the street address in the mailing-address field rather than the permanent-residence-address field.
2. Respondents abused their discretion by rejecting Barnett's application because the application contained sufficient information, corroborated by undisputed public records, to determine that he resided in District Six.

KEY QUOTATIONS

“Having examined the four corners of the application, we hold that in this case Barnett provided sufficient information in his application to allow respondents to determine that he resides in District Six.” (207 S.W.3d at 329)

“Accordingly, without hearing oral argument, we conditionally grant the petition for writ of mandamus and order respondents to certify Barnett as a candidate in the upcoming election for DISD Trustee, District Six, and to place his name on the ballot.” (207 S.W.3d at 329)

FACTUAL BACKGROUND

Barnett timely applied to run for an unexpired term as Dallas Independent School District Trustee for District Six. In the permanent-residence-address field, he wrote only Dallas, Texas 75224, and placed his street address, 3912 Morning Frost Trail, in the adjacent mailing-address field. The application also included his name, date of birth, telephone numbers, voter registration number, and a sworn statement that he had lived in District Six for thirty-three years; undisputed voter-registration and property-tax records confirmed that he resided at the street address within District Six.

PROCEDURAL HISTORY

Barnett timely filed an application for a place on the ballot. The Dallas Independent School District and its board secretary rejected the application because the permanent-residence-address field stated only Dallas, Texas 75224,

while Barnett provided his street address in the adjacent mailing-address field. After Barnett submitted a corrected application, he sought mandamus relief in the Supreme Court of Texas. The Supreme Court conditionally granted the petition and ordered respondents to certify him and place his name on the ballot.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents were ordered to certify Barnett as a candidate in the upcoming election for DISD Trustee, District Six, and to place his name on the ballot. The writ would not issue unless respondents failed to comply with the order.

CASES CITED

- In re Bell, 91 S.W.3d 784, 787-88 (Tex. 2002)
- Culberson v. Palm, 451 S.W.2d 927, 929 (Tex. Civ. App.—Houston [14th Dist.] 1970, orig. proceeding) (per curiam)
- In re Jackson, 14 S.W.3d 843, 848 (Tex. App.—Waco 2000, orig. proceeding)
- Garcia v. Carpenter, 525 S.W.2d 160, 161 (Tex. 1975) (orig. proceeding)
- Canady v. Democratic Executive Committee of Travis County, 381 S.W.2d 321, 324 (Tex. 1964) (orig. proceeding)
- Baker v. Porter, 160 Tex. 488, 333 S.W.2d 594 (1960) (orig. proceeding)