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PRESS RELEASE

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Judge denies plaintiffs' requests in lawsuit against city

Kerrville (April 25, 2024) – A Federal Judge in San Antonio, Justice Xavier Rodriguez, issued an order today denying a motion for both a temporary restraining order and a preliminary injunction against the City of Kerrville. The named plaintiffs in the motion filed April 17, 2024 were LIA Network, Terri Hall and Rachel Vickers.



In their lawsuit, the plaintiffs make a number of different allegations that the City of Kerrville's Ordinance 2024-03 ("the Peddlers and Solicitors Ordinance") and Ordinance No. 2023-20 (the "Electioneering Ordinance") violate the First Amendment. After a hearing with the parties earlier this week, the Judge issued today's order.

In his order, Judge Rodriguez denied all of the plaintiffs' requests. In brief, the Judge found that the plaintiffs did not establish standing or the right to challenge the ordinances. In order to establish standing, the Judge wrote in part that the plaintiffs needed to show an injury and that the injury resulted from the City's conduct. The Judge found that the plaintiffs failed to do that.

As to the City's voting site regulations, the Judge wrote that the City showed a compelling state interest for these regulations, that is, the "right to vote freely for a candidate of one's choice, which is the essence of a democratic society." Thus, the City's electioneering rules, which allow for unrestricted areas for candidates and their supporters to engage voters, are also intended to prevent harassment between persons, which has occurred in the past.

After hearing about the ruling, Mayor Judy Eychner said that in her mind, it was clear that both ordinances were intended to balance the rights of different persons, such as homeowners, door-to-door sales persons, canvassers going door-to-door for political or religious purposes, candidates, their supporters, and voters.

"I am pleased with the ruling," Eychner said. "I am also saddened that the City needed to spend money and resources responding to the suit."

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