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PRESS RELEASE

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Federal judge issues ruling in Liberty in Action's ongoing lawsuit against the City of Kerrville

Kerrville, Texas (Sept. 11, 2024) – U.S. Federal Judge Xavier Rodriguez issued a 32-page ruling on Tuesday denying most of the injunctive relief sought by The Liberty in Action Network, or We The People, Liberty in Action, and Terri Hall and Rachel Vickers, in their ongoing lawsuit against the City of Kerrville. The plaintiffs sued the city over an election ordinance passed by city council that placed limitations on electioneering within the Kathleen C. Cailloux Center parking lot. The plaintiffs also challenged the city over another ordinance that required permits for canvassers, solicitors, and peddlers, and which provided other limitations, all in an effort to protect the privacy and safety of city residents.



After a two-day hearing, Judge Xavier Rodriguez, of the Western District of Texas, San Antonio Division, refused to enjoin city rules which prohibit people from soliciting, peddling, or canvassing at residences where “No Trespassing” or “No Soliciting” signs are posted. The judge

also refused to enjoin city rules which prohibit people from soliciting, peddling, or canvassing at residences before 8 a.m. or after 8 p.m.

The judge did, however, enjoin the city's requirement that solicitors obtain a permit before engaging in solicitation in the city.

In addition, Judge Rodriguez recognized that the city provided ample evidence of past incidents of voter intimidation that motivated council to pass an ordinance addressing electioneering and other conduct at city-owned or city-controlled polling locations. The plaintiffs asked the judge to enjoin this entire ordinance, but the judge refused to do so. Instead, he upheld most of the provisions in this ordinance.

Judge Rodriguez did, however, enjoin the part of this ordinance which prohibited people from approaching voters in the parking lot at the polling place and speaking with them as they walk from their vehicles to the polling place. Judge Rodriguez noted that the city has recourse to other sections of this ordinance, as well as state law, which permit the city to prevent any disruption, assault, harassment, or intimidation of any voter trying to enter the voting site.

In response to the judge's ruling, City Manager Dalton Rice stated, "While the city is disappointed that the judge did not uphold each ordinance in its entirety, we are pleased that significant provisions of each ordinance remain in effect as we balance the rights of voters and electioneers."

Rice went on to say, "The Kerrville city council has worked hard to protect city residents' rights to be left in peace at their homes, to engage in the political process, and to vote without intimidation or harassment, and will continue to do so in the future."

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