

## School-Bond Opposition Dilution

*Duke v. Lawson*

*(Charles Everingham IV, E.D. Tex. 2:11-cv-246)*

Voters opposing a school bond filed a federal complaint to enjoin the opening of school facilities for early voting. A magistrate judge denied the plaintiffs immediate relief, so the plaintiffs voluntarily dismissed the case.

*Subject:* Voting procedures. *Topics:* Poll locations; early voting.

Five voters opposing a school bond filed a federal action during early voting on the bond, claiming that the school district's opening up school facilities for early voting diluted the votes of bond opponents.<sup>1</sup> The school bond election was set to coincide with a May 14, 2011, municipal election for an overlapping municipality.<sup>2</sup> Early voting was set for May 2 through 10.<sup>3</sup> The complaint, which sought a temporary restraining order, was filed on May 5.<sup>4</sup>

The case was referred to Magistrate Judge Charles Everingham IV, pursuant to a standing order.<sup>5</sup> On May 9, Judge Everingham heard and denied the plaintiffs' motion.<sup>6</sup> The plaintiffs voluntarily dismissed the action on May 16.<sup>7</sup>

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1. Complaint, *Duke v. Lawson*, No. 2:11-cv-246 (E.D. Tex. May 5, 2011), D.E. 1.

2. *See id.* at 4.

3. *See id.* at 3.

4. Docket Sheet, *id.* (May 5, 2011) (D.E. 1, 6).

5. Order, *id.* (May 6, 2011), D.E. 2.

Judge Everingham retired on October 1, 2011. General Order Appointing U.S. Magistrate Judge Roy S. Payne, No. 11-14 (E.D. Tex. Oct. 3, 2011), [txed.uscourts.gov/sites/default/files/goFiles/GO-11-14.pdf](http://txed.uscourts.gov/sites/default/files/goFiles/GO-11-14.pdf).

6. Minutes, *Duke*, No. 2:11-cv-246 (E.D. Tex. May 9, 2011), D.E. 7.

7. Order, *id.* (May 18, 2011), D.E. 9; Notice, *id.* (May 16, 2011), D.E. 8.