No. 23-0767

In the Supreme Court of Texas

SHANA ELLIOTT AND LAWRENCE KALKE,
Petitioners,

v.

CITY OF COLLEGE STATION, TEXAS; KARL MOONEY, IN HIS OFFICIAL CAPACITY AS MAYOR OF THE CITY OF COLLEGE STATION; AND BRYAN WOODS, IN HIS OFFICIAL CAPACITY AS THE CITY MANAGER OF THE CITY OF COLLEGE STATION
Respondents.

From the Court of Appeals Sixth Appellate District of Texas at Texarkana, Case No. 06-22-00078-CV

REPLY IN SUPPORT OF PETITION FOR REVIEW

ROBERT HENNEKE
rhenneke@texaspolicy.com
CHANCE WELDON
cweldon@texaspolicy.com
CHRISTIAN TOWNSEND
ctownsend@texaspolicy.com
TEXAS PUBLIC POLICY FOUNDATION
901 Congress Avenue
Austin, Texas 78701
Telephone: (512) 472-2700
Facsimile: (512) 472-2728

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INTRODUCTION

The City of College Station's (the City's) response is more telling for what it does not dispute, than for what it does. The City does not dispute that this case marks the first time in Texas history that a Texas court has applied the federal political question doctrine to a provision of the Texas Bill of Rights. Nor does the City dispute that the lower court engaged in this radical departure without addressing the unique text, structure, and history of the constitutional provision at issue. These undisputed issues warrant review.

Rather than address these issues, the City's response attempts to confuse the Court by misrepresenting the record in this case, and by raising a host of arguments not raised in this Petition or addressed by the lower court. As explained below, these arguments fail as a matter of law. But even if these arguments were colorable—and they are not—the lower court's decision would still warrant review. The decision below introduces a radical concept into Texas jurisprudence: the idea that a provision of the Texas Bill of Rights can be held nonjusticiable. If review is not granted, that decision will become circuit precedent, citable as persuasive authority in every court in this state. Review is necessary.

ARGUMENT

I. Petitioners Injuries are not "Imaginary."

Rather than address the issues presented by Petitioners, the overwhelming majority of City's brief is dedicated to a proposition not

reached below—*i.e.*, that Petitioners are allegedly not harmed by the ordinances that they challenge, and therefore this makes a poor vehicle for review. But this approach is not only contrary to law, it also requires the City to misrepresent Petitioners' claims, ignore the plain-text of its own ordinances, and affirmatively disclaim the sworn testimony of the City's own designated witness.

Petitioners' claims are straightforward. Petitioners argue that the City regulates their property without providing any representation in violation of Article 1, Section 2 of the Texas Constitution. CR 8–9. The undisputed facts show that this injury is present and ongoing.

It is undisputed that Petitioners are homeowners in the City's Extraterritorial Jurisdiction (ETJ)—a five-mile buffer around the City where property owners are subject to various City fees and regulations, but receive no services and cannot vote. CR 8.

It is also undisputed that Petitioners would like to do ordinary things with their homes like put up yard signs and build new driveways. CR 4–5. These are not hypothetical desires. For example, one Petitioner testified that he is planning to build a mother-in-law suite on his property and would like to connect that home to the street with a driveway. CR 47. Petitioners testified that the sole reason they have not engaged in these activities is that that they are plainly restricted by the challenged ordinances. CR 43, 47.

Contrary to the City's unsupported suggestions, the application of these ordinances to Petitioners' homes is clear. With regard to signage, Section 7.5 of the City's Unified Development Ordinance provides that: "*All* off-premise and portable signs *shall* be prohibited *within the Extraterritorial Jurisdiction* of the City of College Station." CR: 156 (emphasis added).

At deposition, City Manager Bryan Woods confirmed that the words in the City's ordinance mean what they say.

> Q: [Attorney for Petitioners] it says: (Reading) "All off-premise signs and portable signs shall be prohibited."
> What does that mean?
>
> A: [Mr. Woods] All off-premise and portable signs shall be prohibited.
>
> Q: Okay. So, if my clients want to put up an off-premise or portable sign, is that prohibited under the text of this ordinance?
>
> A: In the text of this ordinance, yes.

CR: 74.

Similarly, College Station's driveway ordinance applies a host of restrictions to "*all* streets, sidewalks, and driveways. . . *within the extraterritorial jurisdiction of the City*." CR: 116 (emphasis added).

As with the sign ordinance, the City Manager agreed that the City's driveway ordinance applies to Petitioners' properties in the ETJ.

> Q: [Mr. Weldon] Okay. So, it applies to the ETJ, correct?
>
> A: [Mr. Woods] It applies to: (Reading) The entire subdivided and unsubdivided portion of the city, the extraterritorial jurisdiction by the city as established by a Texas Local Government Code.

CR: 75.

When asked again, he reiterated the point:

> Q: So, can you point to anything in this ordinance that says that it does not apply to the ETJ?
>
> A: No, I can't.
>
> Q: Okay. Because on its face this applies in the ETJ, correct?
>
> A: As I stated previously, Section 2 [the driveway ordinance] covers the city and the ETJ, yes.

CR: 75. [1]

Despite this evidence, the City insists that Petitioners injuries are merely hypothetical because "it is uncontroverted that the City does not *enforce* the challenged regulations against residential lots located in its

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[1] The City objects to Petitioners' reliance on Mr. Woods' testimony. Resp. Brief at p.5, FN3. But Mr. Woods is a named defendant in this case and the official charged with enforcement of the challenged ordinances. CR 73. His testimony is the sole piece of evidence the City cites to claim that the ordinances do not apply to Petitioners' property. Resp. Brief at p.5. The City may not present Mr. Woods' interpretation and application of its ordinances as dispositive, and then object to Petitioners' use of his statements regarding the interpretation and application of those same ordinances.

ETJ." Resp. Brief at p.5 (emphasis added). But nothing in the record supports that assertion. To the contrary, City's witness testified that the challenged ordinances apply to Petitioners (CR 74, 75), that he has a duty to enforce them, (CR 73), and that nothing would prevent him, or any other city official from enforcing the ordinances tomorrow. (CR 72).

At best, Mr. Woods testified that he had "found no record of any such enforcement." CR 72. But Mr. Woods' alleged inability to find recent records of enforcement against Petitioners does not render Petitioners' injuries imaginary or hypothetical. When a party is "'subject to the terms of the Ordinance' . . . it is not 'unadorned speculation' to conclude that the Ordinance will be enforced against [them]." See *Pennell v. San Jose*, 485 U.S. 1, 7-8 (1988) (internal citations omitted).

These are not long-forgotten laws about cattle rustling or spitting on sidewalks. The sign ordinance was passed in 2011 and (with brief exceptions during COVID) has been regularly enforced. *City of College Station Reminding Local Businesses of Business Sign Ordinance, Educating Before Citing*, KRHD 25 (July 13, 2021), https://tinyurl.com/4eta2mtk; Andy Krauss, *City of College Station Begin Enforcing its Sign Ordinance Again*, (July 14, 2021), https://tinyurl.com/24z4zu7. The driveway ordinance was updated as recently as 2017, and the City's website has explicit instructions for how property owners should comply. *Residential Building*, City of College

Station, https://tinyurl.com/mrxh4s98. In such circumstances, it is not mere "speculation" that the ordinances will be applied.

Moreover, even if the ordinances are seldom enforced—a fact not established in the record—that would not eliminate Petitioners' injuries. The very existence of an ordinance restricting property use acts "in terrorem" effectively discouraging the use of the property. *Austin v. Austin City Cemetery Ass'n*, 28 S.W. 528, 530 (Tex. 1894). Any potential purchaser of the property who does any research will reasonably presume that those uses prohibited by city ordinance cannot be conducted on the property, thus reducing its value. These are real, *current*, injuries of the kind that are typically resolved by declaratory judgments. See *Sw. Elec. Power Co. v. Lynch*, 595 S.W.3d 678, 685 (Tex. 2020).

The City's contrived litigation posture, (which, tellingly, has never included a stipulation that it will *not* enforce the challenged ordinances against Petitioners) does not render these injuries "imaginary." *FCC v. Fox TV Stations, Inc.*, 567 U.S. 239, 256 (2012) ("the Government's assurance it will elect not to [enforce the law] is insufficient to remedy the constitutional violation.").

II. The City's Standing and Ripeness Arguments Are Red-Herrings.

With this background in mind, the City's standing and ripeness arguments are easily dismissed. Indeed, neither of the lower courts in this case adopted the City's arguments.

"Texas's standing test parallels the federal test for Article III standing." *Meyers v. JDC/Firethorne, Ltd.*, 548 S.W.3d 477, 485 (Tex. 2018). To establish standing, a plaintiff must allege: (1) a personal injury; (2) that is fairly traceable to the challenged regulation; and (3) likely to be redressed by the requested relief. *Id.* When the plaintiff is the object of the regulation he challenges, these three criteria are easily met because "there is ordinarily little question that the action or inaction has caused him injury, and that a judgment preventing or requiring the action will redress it." *Contender Farms, L.L.P. v. United States Dep't of Agric.*, 779 F.3d 258, 264 (5th Cir., 2015). In such circumstances, the plaintiff need not await enforcement to challenge the restriction on his rights. The "increased regulatory burden" of being subject to the challenged law "typically satisfies the injury in fact requirement." *Id.* at 266.

Here, as noted above, Petitioners are the objects of the regulations they challenged. Those regulations apply to Petitioners' properties on their face, and the City official tasked with enforcing those regulations agreed that there is nothing that would prevent their enforcement tomorrow. Petitioners therefore have standing. Indeed, despite what is now five rounds of briefing, the City has not pointed to a single case—*not one*—where property owners that were subject to a land-use ordinance lacked standing to challenge it.

The same is true as to ripeness. In the land-use context, a request for declaratory relief is ripe once there is a live, concrete dispute about

the way the property can be used. *Sw. Elec. Power Co. v. Lynch*, 595 S.W.3d 678, 684-85 (Tex. 2020). Here, Petitioners allege that the City lacks constitutional authority to regulate their properties—full stop. The City affirmatively rejects that claim. Indeed, the challenged "ordinance[s] here prohibit[] precisely the use [Petitioners] intended to make of th[eir] propert[ies], and nothing in the ordinance[s] suggest[] any exceptions would be made." *Hallco Tex., Inc. v. McMullen Cty.*, 221 S.W.3d 50, 60 (Tex. 2006). In such circumstances, a property owner's claim is ripe. *Id.* Petitioners need not violate the law and risk enforcement before seeking declaratory relief. *Sw. Elec. Power Co*, 595 S.W.3d at 685 ("The UDJA is intended as a means of determining the parties' rights when a controversy has arisen but before a wrong has been committed.") (brackets omitted).

The City's wholly manufactured standing dispute is not a basis to deny review in this case.

III. The Lower Court's Opinion Conflicts With Other Texas Courts.

To the extent the City finally addresses the lower court's actual opinion, the City argues that review is not needed because Texas courts have previously rejected Article 1, Section 2 challenges on the merits, and there is therefore no "actual conflict between the court of appeals' opinion and other Texas opinions." City Br. p. 20.

But this ignores the distinction between a judicial holding that Article section 2 is satisfied on the merits, and the lower court's holding here that courts may not apply Article 1, Section 2 *at all*. In previous cases, Texas courts have held that the government structures at issue in those cases were sufficiently "republican" to survive review because the plaintiffs had some right to vote—the very test Petitioners seek to apply here. See, e.g., *Bonner v. Belsterling*, 104 Tex. 432, 438 (1911) (rejecting on the merits a federal "republican form of government" challenge to recall elections, because the people were allowed to vote); *Walling v North Central Texas Municipal Water Authority*, 359 S.W.2d 546, 549 (Tex. App.—Eastland 1962, writ ref'd n.r.e.) (per curiam) (rejecting Article 1, Section 2 challenge on the merits, because plaintiffs were allowed to vote in "an election held by the towns in the District [which] favored the issuance of [the challenged] bonds."). By contrast, under the lower court's ruling here, none of those decisions could have made it to the merits. Indeed, even if the Texas legislature established a King of Austin, wherein the powers of the mayor were passed through primogeniture, under the lower court's decision, no person could challenge that monarchy as unrepublican under Article 1, Section 2.

Such a decision is in conflict with the Texas jurisprudence and warrants full briefing in front of this Court.

IV. The City's New Hypothetical Arguments on the Merits do not Preclude Review

Finally, the City argues that review is unnecessary because Senate Bill 2038 – a law which went into effect *after* the lower court published its decision and which is currently being challenged – alleviates any harm from the City's regulation without representation because it allegedly provides a process for Petitioners to remove themselves from the City's ETJ. Resp. Br. at p.14–15.

But whether the complex procedures of SB 2038 are sufficient to make ETJs constitutional—a point Petitioners dispute—is a merits question. It is irrelevant to whether this Court should take this case.

The lower court held that Article 1, Section 2 of the Texas Constitution is nonjusticiable. If that is true, then neither Petitioners, nor anyone else can reach the question of whether SB 2038 renders ETJ's sufficiently republican to pass constitutional muster.

CONCLUSION

Despite the City's attempts to argue other issues, the sole issue at this stage is whether the decision below presents "question[s] of law that [are] important to the jurisprudence of the state." Tex. Gov. Code § 22.001(a). That burden is met.

Here, the lower court held for the first time in Texas history that a provision of the Texas Bill of Rights is nonjusticiable under the Federal political question doctrine—a doctrine designed for the federal

constitution. It did so to a Texas constitutional provision that not only differs from the text of any federal provision, but also from the text of every state constitution. Appendix 1. If federal law can be applied in lockstep to this provision of the Bill of Rights, then it can be applied to any provision in our constitution. But see, *LeCroy v. Hanlon*, 713 S.W.2d 335, 339 (Tex. 1986) ("Our constitution has independent vitality, and this court has the power and duty to protect the additional state guaranteed rights of all Texans.").

Merits briefing on this important issue is appropriate.

Respectfully submitted,

/s/Chance Weldon
ROBERT HENNEKE
TX Bar No. 24046058
rhenneke@texaspolicy.com
CHANCE WELDON
TX Bar No. 24076767
cweldon@texaspolicy.com
CHRISTIAN TOWNSEND
TX Bar No. 24127538
ctownsend@texaspolicy.com
TEXAS PUBLIC POLICY FOUNDATION
901 Congress Avenue
Austin, Texas 78701
Telephone:(512) 472-2700
Facsimile: (512) 472-2728

CERTIFICATE OF COMPLIANCE

Pursuant to Tex. R. App. P. 9.4, I certify that this reply in support of petition for review contains 2,366 words. This is a computer-generated document created in Microsoft Word, using 14-point typeface for all text, except for footnotes which are in 12-point typeface. In making this certificate of compliance, I am relying on the word count provided by the software used to prepare the document.

/s/Chance Weldon
CHANCE WELDON

CERTIFICATE OF SERVICE

I certify that, on February 15, 2024, I electronically served a copy of this reply on counsel of record listed below:

Allison S. Killian
akillian@olsonllp.com
John J. Hightower
jhightower@olsonllp.com
Olson & Olson, LLP
2727 Allen Parkway, Suite 600
Houston, Texas 77019

Adam C. Falco
afalco@cstx.gov
College Station City Attorney's Office
P.O. Box 9960
1101 Texas Ave.
College Station, Texas 77842

/s/ Chance Weldon
CHANCE WELDON

APPENDIX

1. Constitution Comparison

Appendix 1

STATE:	CONSTITUTIONAL TEXT: REGARDING POWER OF PEOPLE TO CHOOSE THEIR OWN FORM OF GOVERNMENT (NO LIMITATION LANGUAGE)	LOCATION OF TEXT IN STATE CONSTITUTION:	WHETHER STATE CONSTITUTION MENTIONS "REPUBLICAN" ELSEWHERE:
Alabama	That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient.	Art. I § 2	Mentioned as a requirement for voting in the 55th Amendment to Section 181 of the Alabama Constitution
Alaska	All political power is inherent in the people. All government originates with the people, is founded upon their will only, and is instituted solely for the good of the people as a whole.	Art. I § 2	No Mention
Arizona	All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.	Art. 2 § 2	
Arkansas	All political power is inherent in the people and government is instituted for their protection, security and benefit; and they have the right to alter, reform or abolish the same, in such manner as they may think proper.	Art. 2 § 1	No Mention
California	N/A		
Colorado	Sec. 1. Vestment of political power. All political power is vested in and derived from the people; all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole. Sec. 2. People may alter or abolish form of government - proviso. The people of this state have the sole and exclusive right of governing themselves, as a free, sovereign and independent state; and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness, provided, such change be not repugnant to the constitution of the United States.	Art. II § 1–2	No Mention
Connecticut	All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that have at all times an undeniable and indefeasible right to alter their form of government in such manner as they may think expedient.	Decl. of Rights. § 2	No Mention
Delaware	Through Divine goodness, all people have by nature the rights of worshiping and serving their Creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and in general of obtaining objects suitable to their condition, without injury by one to another; and as these rights are essential to their welfare, for due exercise thereof, power is inherent in them; and therefore all just authority in the institutions of political society is derived from the people, and established with their consent, to advance their happiness; and they may for this end, as circumstances require, from time to time, alter their Constitution of government.	Preamble	Mentioned in Art. 1 § 16 on right of assembly (Section 16. Although disobedience to laws by a part of the people, upon suggestions of impolicy or injustice in them, tends by immediate effect and the influence of example not only to endanger the public welfare and safety, but also in governments of a republican form contravenes the social principles of such governments, founded on common consent for common good; yet the citizens have a right in an orderly manner to meet together, and to apply to persons intrusted with the powers of government, for redress of grievances or other proper purposes, by petition, remonstrance or address.)
Florida	All political power is inherent in the people. The enunciation herein of certain rights shall not be construed to deny or impair others retained by the people.	Art. I § 1	No Mention
Georgia	All government, of right, originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Public officers are the trustees and servants of the people and are at all times amenable to them.	Art. II § II ppg I	No Mention
Hawaii	All political power of this State is inherent in the people and the responsibility for the exercise thereof rests with the people. All government is founded on this authority.	Art. 1 § 1	No Mention
Idaho	All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform or abolish the same whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the legislature.	Art. I § 2	Art. IX § 1 SECTION 1. LEGISLATURE TO ESTABLISH SYSTEM OF FREE SCHOOLS. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common schools.
Illinois	N/A		No Mention
Indiana	TO THE END, that justice be established, public order maintained, and liberty perpetuated; WE, the People of the State of Indiana, grateful to ALMIGHTY GOD for the free exercise of the right to choose our own form of government, do ordain this Constitution.	Preamble	No Mention
Iowa	All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.	Art. I § 2	No Mention
Kansas	All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit. No special privileges or immunities shall ever be granted by the legislature, which may not be altered, revoked or repealed by the same body; and this power shall be exercised by no other tribunal or agency.	Bill of Rights § 1	No Mention
Kentucky	All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may deem proper.	Bill of Rights § 4	Bill of Rights - Section 2. Absolute and arbitrary power denied. Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.
Louisiana	All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state.	Art. I § 1	No Mention
Maine	All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.	Art. I § 2	No Mention
Maryland	That all Government of right originates from the People, is founded in compact only, and instituted solely for the good of the whole; and they have, at all times, the inalienable right to alter, reform or abolish their Form of Government in such manner as they may deem expedient.	Decl. of Rights Art. 1	No Mention

Massachusetts	The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquility their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.	Preamble	Bill of Rights - Article 3 - as Amended by article 11 "As the public worship of God and instructions in piety, religion and morality, promote the happiness and prosperity of a people and the security of a republican government; -- therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses: and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society, a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society: -- and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law." [See Amendments, Arts. XLVI and XLVIII, The Initiative, section 2, and The Referendum, section 2].
Michigan	All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.	Art. I § 1	No Mention
Minnesota	Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform government whenever required by the public good.	Art. I Bill of Rights § 1	Art. XIII - Section 1. Uniform system of public schools.The stability of a republican form of government depending mainly upon the intelligence of the people, it is the duty of the legislature to establish a general and uniform system of public schools. The legislature shall make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state.
Mississippi	Sec. 5. All political power is vested in, and derived from, the people; all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Sec. 6. The people of this state have the inherent, sole, and exclusive right to regulate the internal government and police thereof, and to alter and abolish their constitution and form of government whenever they deem it necessary to their safety and happiness; Provided, Such change be not repugnant to the constitution of the United States.	Art. 3 § 5–6	No Mention
Missouri	That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.	Art. 1 § 1	No Mention
Montana	Sec. 1. All political power is vested in and derived from the people. All government ofright originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Sec. 2. The people have the exclusive right of governing themselves as a free, sovereign, and independent state. They may alter or abolish the constitution and form of government whenever they deem it necessary.	Art. II § 1–2.	No Mention
Nebraska	To secure these rights, and the protection of property, governments are instituted among people, deriving their just powers from the consent of the governed.	Art. 1 § 1	No Mention
Nevada	Purpose of government; paramount allegiance to United States. All political power is inherent in the people[.] Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it. But the Paramount Allegiance of every citizen is due to the Federal Government in the exercise of all its Constitutional powers as the same have been or may be defined by the Supreme Court of the United States; and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith or perform any act tending to impair[,] subvert, or resist the Supreme Authority of the government of the United States. The Constitution of the United States confers full power on the Federal Government to maintain and Perpetuate its existance [existence], and whensoever any portion of the States, or people thereof attempt to secede from the Federal Union, or forcibly resist the Execution of its laws, the Federal Government may, by warrant of the Constitution, employ armed force in compelling obedience to its Authority.	Art. 1 § 2	No Mention
New Hampshire	N/A		No Mention
New Jersey	All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.	Art. I § 2	No Mention
New Mexico	All political power is vested in and derived from the people: all government of right originates with the people, is founded upon their will and is instituted solely for their good.	Art. II § 2	No Mention
New York	N/A	N/A	No Mention
North Carolina	Sec. 2. All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole. Sec. 3. The people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering or abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right shall be exercised in pursuance of law and consistently with the Constitution of the United States.	Art. I § 2–3	No Mention

North Dakota	All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require.	Art. I § 2	
Ohio	Right to alter, reform, or abolish government, and repeal special privileges. - §2 All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the General Assembly.	Art. I § 2	No Mention
Oklahoma	All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare; and they have the right to alter or reform the same whenever the public good may require it: Provided, such change be not repugnant to the Constitution of the United States.	Art. 2 § 1	No Mention
Oregon	We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.	Art. I § 1	No Mention
Pennsylvania	All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.	Art. I § 2	Constitution of 1776 - Decl. of Rights - V. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family, or soft of men, who are a part only of that community, And that the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish government in such manner as shall be by that community judged most conducive to the public weal.
Rhode Island	In the words of the Father of his Country, we declare that ''the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.''	Art. I § 1	No Mention
South Carolina	All political power is vested in and derived from the people only, therefore, they have the right at all times to modify their form of government.	Art. I § 1	No Mention
South Dakota	All political power is inherent in the people, and all free government is founded on their authority, and is instituted for their equal protection and benefit, and they have the right in lawful and constituted methods to alter or reform their forms of government in such manner as they may think proper. And the state of South Dakota is an inseparable part of the American Union and the Constitution of the United States is the supreme law of the land.	Art. VI § 26	Art. VIII - §1. Uniform system of free public schools. The stability of a republican form of government depending on the morality and intelligence of the people, it shall be the duty of the Legislature to establish and maintain a general and uniform system of public schools wherein tuition shall be without charge, and equally open to all; and to adopt all suitable means to secure to the people the advantages and opportunities of education.
Tennessee	That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; for the advancement of those ends they have at all times, an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.	Art. I § 1	No Mention
Texas	All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.	Art. I § 2	
Utah	All political power is inherent in the people; and all free governments are founded on their authority for their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require.	Art. I § 2	No Mention
Vermont	That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a part only of that community; and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.	Ch. 1 Art. 7	No Mention
Virginia	That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.	Art. I § 3	No Mention
Washington	All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.	Art. I § 1	No Mention
West Virginia	Government is instituted for the common benefit, protection and security of the people, nation or community. Of all its various forms that is the best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and indefeasible right to reform, alter or abolish it in such manner as shall be judged most conducive to the public weal.	Art. III § 3	No Mention
Wisconsin	All people are born equally free and independent, and have certain inherent rights; among these are life, liberty and the pursuit of happiness; to secure these rights, governments are instituted, deriving their just powers from the consent of the governed.	Art. I § 1	No Mention
Wyoming	All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.	Art. 1. § 1	Art.1 - § 7 Absolute, arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.

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Name	BarNumber	Email	TimestampSubmitted	Status
Yvonne Simental		ysimental@texaspolicy.com	2/15/2024 1:09:28 PM	SENT
Robert Henneke		rhenneke@texaspolicy.com	2/15/2024 1:09:28 PM	SENT
Christian Townsend		ctownsend@texaspolicy.com	2/15/2024 1:09:28 PM	SENT
Chance DWeldon		cweldon@texaspolicy.com	2/15/2024 1:09:28 PM	SENT

Associated Case Party: City of College Station, Texas

Name	BarNumber	Email	TimestampSubmitted	Status
John Hightower	9614200	jhightower@olsonllp.com	2/15/2024 1:09:28 PM	SENT
Adam Falco	24055464	afalco@cstx.gov	2/15/2024 1:09:28 PM	SENT
Allison Killian	24099785	akillian@olsonllp.com	2/15/2024 1:09:28 PM	SENT