

Texas Church Files Suit Against Election Law

An El Paso church and its pastor filed suit in federal court Thursday to have a Texas election law struck down as unconstitutional.

El Paso Mayor John Cook has been using the law to prevent churches from circulating petitions that seek to recall him from office. The Alliance Defense Fund (ADF) is representing the church, Jesus Chapel.

"Pastors and churches shouldn't live in fear of being punished by the government for exercising their constitutionally protected right to free speech," says ADF Senior Legal Counsel Joel Oster. "No law or government official can rob a faith group of its constitutionally protected rights just because that official would prefer not to be removed from office."

Cook has sued several other churches, ministries and ministry leaders in state court for distributing recall petitions against him. ADF attorneys are defending those parties as well.

The new federal lawsuit challenges a problematic section of the Texas Election Code that prohibits churches from participating in "the circulation and submission of a petition to call an election." The law, if violated, is punishable as a third-degree felony.

The lawsuit states that Jesus Chapel and its pastor, H. Warren Hoyt, "want to be able to fully participate as citizens within the community, including circulating petitions to hold recall elections, without fear of punishment arising from the enforcement of an unconstitutional state election law against them."

ADF attorneys are seeking an injunction that bars Cook from using the law to stop the church from circulating recall petitions. The suit also requests a declaration that the law itself is unconstitutional.

El Paso attorney Troy C. Brown is serving as local counsel in the lawsuit, *Hoyt v. City of El Paso*, filed with the U.S. District Court for the Western District of Texas.