A city ordinance requires that its mayor must have been continuously a resident of the city for at least five years at the time he or she takes office. The plaintiff, who is thinking about running for mayor in an election that will take place next year, will have been a resident of the city for only four and one-half years at the time the elected mayor would take office. Before he decides to run for mayor, the plaintiff wants to know whether he could lawfully assume that position if he were elected.

As a result, the plaintiff files suit in the local federal district court for a declaratory judgment that the city's five-year-residence requirement is unconstitutional and that he is entitled to a place on his political party's primary election ballot for mayor. He names the chairman of his political party as the sole defendant and does not join any election officials. The chairman responds by joining the plaintiff in requesting the court to declare the city's residence requirement invalid.

What should the court do in this case?

A. Issue the declaratory judgment, because a residency requirement of this type is a denial of the equal protection of the laws.

B. Issue the declaratory judgment, because the plaintiff will have substantially complied with the residency requirement.

C. Refuse to determine the merits of this suit, because there is no case or controversy.

D. Refuse to issue the declaratory judgment, because an issue of this kind involving only a local election does not present a substantial federal constitutional question.

Explanation:

Article III of the Constitution limits federal judicial power to **actual cases or controversies**—ie, disputes that are **capable of judicial resolution**. This case-or-controversy requirement is not met unless the plaintiff has **standing**—ie, a personal stake in the outcome of the case. To have standing, the plaintiff must allege three elements:

- **Injury-in-fact** – actual or imminent harm that is concrete and particularized
- **Causation** – the injury is fairly traceable to the defendant's challenged conduct
- **Redressability** – a favorable judicial decision will likely remedy or prevent the alleged injury

Here, the plaintiff sued to have the city's residency requirement invalidated. But he has not suffered actual or imminent harm since he has merely thought about running for mayor and any injury to him is purely hypothetical (no injury-in-fact). And even if the plaintiff could allege such harm, he still lacks standing because that injury would not be fairly traceable to the chairman of his political party (no causation). Therefore, there is no actual case or controversy, and the court should refuse to determine the merits of this suit.

(Choice A) The residency requirement triggers the equal protection clause since it discriminates against persons who have lived in the city for less than five years. But this does not create an actual case or controversy since the plaintiff still lacks standing.

(Choice B) The fact that the plaintiff will have "substantially complied" with the residency requirement if and when he runs for mayor is no basis for the court to declare the requirement invalid.

(Choice D) The plaintiff's suit *does* present a substantial federal constitutional question since it challenges the constitutionality of the city's residency requirement. As a result, the court has subject-matter jurisdiction to hear this suit. But it cannot adjudicate the suit because there is no case or controversy.
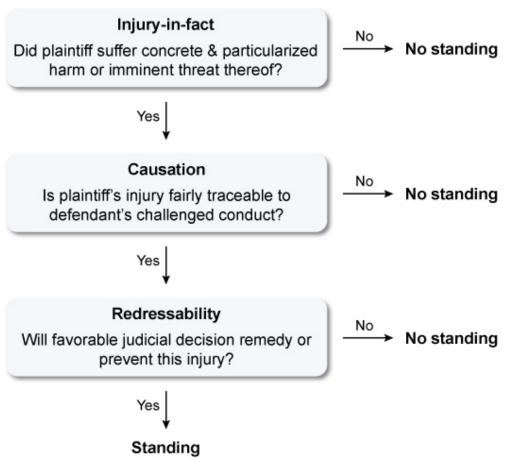
Educational objective:

Article III's case-or-controversy requirement is not met unless the plaintiff has standing—ie, suffered an injury-in-fact that was caused by the defendant's challenged conduct and is redressable by the courts.

References

- Lujan v. Defs. of Wildlife, 504 U.S. 555, 560–61 (1992) (holding that standing requires proof of an injury-in-fact, causation, and redressability).

Standing doctrine

Injury-in-fact

Did plaintiff suffer concrete & particularized harm or imminent threat thereof?

No → **No standing**

Yes ↓

Causation

Is plaintiff's injury fairly traceable to defendant's challenged conduct?

No → **No standing**

Yes ↓

Redressability

Will favorable judicial decision remedy or prevent this injury?

No → **No standing**

Yes ↓

Standing