



LAW DEPARTMENT MEMORANDUM

To: Mayor and Council

From: Anne L. Morgan, City Attorney

Date: February 8, 2021

Subject: Ballot Language for Citizen-Initiated Charter Amendments and Ordinances

This memo serves as back up to the ordinances ordering special elections for special called meetings scheduled for tomorrow. The Council asked us to provide proposed ballot language with potential alternative options for consideration. This memo provides those options.

It is the responsibility of Council to determine the ballot language. TEX. ELEC. CODE § 52.072(a). In regards to the charter amendments, Council must place amendments on the ballot in such a manner that the amendment does not contain more than one subject. TEX. LOC. GOV'T CODE § 9.004(d). Finally, Council must determine the order in which the propositions appear on the ballot. TEX. ELEC. CODE § 52.095(a). This memo provides ballot language options for each petition based on the order in which they were filed with the City Clerk's Office.

Austinites for Progressive Reform Petition – Charter Amendments

The petition submitted by Austinites for Progressive Reform includes amendments to the charter on these topics: 1) moving mayoral elections to coincide with presidential elections, 2) adopting ranked choice voting for city elections, if allowed by state law, 3) changing to a “mayor-council” form of government and adding a geographic council district, and 4) creating a “Democracy Dollars” voluntary public campaign finance program.

Potential ballot language for amendment to change date of mayoral elections:

Option 1

“Shall the City Charter be amended to elect the mayor at the general election in presidential election years?”

Option 2

“Shall the City Charter be amended to transition the election for mayor from gubernatorial election years to presidential election years, providing that the mayor elected in 2022 will serve a 2-year term and then mayoral elections will occur on the same date as presidential elections starting in 2024?”

Potential ballot language for amendment to create ranked choice voting for city elections:

“Shall the City Charter be amended to provide for the use of ranked choice voting in city elections, if such voting is permitted by state law?”

Potential ballot language for amendment to change from a council-manager form of government and adding a geographic council district:

“Shall the City Charter be amended to change the form of city government from ‘council-manager’ to ‘mayor-council,’ which will eliminate the position of city manager and designate an elected mayor as the chief administrative and executive officer of the city, with veto power over all legislation; and create an additional single-member district to maintain an 11-member city council?”

As noted above, it is the responsibility of Council to place the items on the ballot such that each question relates to a single subject. The addition of a council district could be considered a separate subject from the role and authority of the mayor. The following proposed ballot language provides for two questions:

“Shall the City Charter be amended to change the form of city government from ‘council-manager’ to ‘mayor-council,’ which will eliminate the position of city manager and designate an elected mayor as the chief administrative and executive officer of the city with veto power over all legislation?”

And:

“Shall the City Charter be amended to provide for an additional geographic council district which will result in 11 council members elected from single member districts?”

Potential ballot language for amendment to voluntary public campaign finance program:

Option 1

“Shall the City Charter be amended to adopt a public campaign finance program, which requires the city clerk to provide up to two \$25 vouchers to every registered voter who may contribute them to candidates for city office who meet the program requirements?”

Option 2

“Shall the City Charter be amended to repeal and replace the current public campaign finance program that provides limitations on campaign expenditures to adopt an alternative public campaign finance program that does not have expenditure limitations and that requires the city clerk to provide up to two \$25 vouchers to every registered voter who may contribute them to candidates for city office who meet the program requirements?”

Austin Firefighters Association Petition – Charter Amendment

Potential ballot language for amendment regarding binding arbitration:

“Shall the City Charter be amended to give the Austin Firefighters Association, Local 975 of the International Association of Fire Fighters, unilateral authority to require the City to participate in binding arbitration of all issues in dispute with the Association if the City and the Association reach impasse in collective bargaining negotiations?”

Save Austin Now Petition – City Code Amendment

Potential ballot language for amendment to prohibit certain activities:

Option 1

“Shall an ordinance be adopted that creates a criminal offense and a penalty to camp in public areas without a permit; solicit aggressively, or solicit in specified areas, or solicit during certain times in all public areas; or to sit, lie, or sleep outdoors in certain public areas even if not obstructing the right-of-way?”

Option 2

“Shall an ordinance be adopted that would create a criminal offense and a penalty for anyone sitting or lying down on a public sidewalk or sleeping outdoors in and near the Downtown area and the area around the University of Texas campus; create a criminal offense and penalty for solicitation, defined as requesting money or another thing of value, at specific hours and locations or for solicitation in a public area that is deemed aggressive in manner; create a criminal offense and penalty for anyone camping in any public area not designated by the Parks and Recreation Department?”

Please feel free to contact me with any questions or concerns you might have.

CC: Spencer Cronk, City Manager