



City of Austin

Recommendation for Action

File #: 24-5980, **Agenda Item #:** 24.

11/7/2024

Posting Language

Approve an ordinance amending City Code Chapter 2-18 (Ballot Propositions) to add provisions related to a requirement to file a notice of intent to file a petition for an election under City Charter Article IV, prescribing the use of forms for a notice of intent to file a petition and for the petition, and to add provisions regarding how to reconcile conflicting amendments to the City Code or the City Charter adopted at the same election.

Lead Department

Law Department.

Fiscal Note

This item has no fiscal impact.

For More Information:

Caroline Webster, Assistant City Attorney, 512-974-1353.

Additional Backup Information:

The 2024 Charter Review Commission (CRC) recommended an amendment to the City Charter to require a notice of intent to be filed by petitioners in advance of submitting their petition and that the petitions be gathered on a standardized form issued by the City Clerk. The CRC noted in its report that this could also be accomplished through an amendment to City Code, rather than by a Charter amendment. Staff agreed that amending City Code was the better option, as it allows for more flexibility in the event that any changes to the requirements of the notice or petition form need to be made in the future. The purpose of the notice of intent is to provide transparency through public disclosure of the intent to collect signatures for a petition, the identity of the person(s) initiating the petition and responsible for collecting petition signatures, and contact information for the petitioners, among other disclosures. These disclosures are commonly required in citizen-initiated petition policies in other cities. The notice must also include the name of any PAC established by the petitioners, a short description of the policy purpose of the proposed change, and the proposed ordinance language (if applicable) along with ballot language.

The notice serves to give the City Clerk advance notice that a petition will be filed, so the Clerk can ensure adequate staff and resources will be available to review the petition once it is filed. The Clerk will assign a unique identifier to the notice of intent. The notice will expire after 180 days, but petitioners will have an option to request a one-time 30-day extension. The petition form issued by the Clerk will include columns for the information required by Chapter 277 of the Texas Election Code, information from the notice of intent, including the unique identifier, and any other information prescribed by the Clerk.

In addition to the notice of intent and standardized petition form, the CRC also recommended an amendment to the City Charter to address the situation when multiple propositions appear on the same ballot, but those propositions conflict if both pass, making it impossible to implement both amendments or ordinances. Again, the CRC noted that this could be accomplished through an amendment to City Code rather than through a Charter amendment. Staff agreed and drafted the language used in the ordinance so that it echoes language used by the City of Houston that recently was approved by the Texas Supreme Court (*Hotze v. Turner*, Supreme Court of Texas. April 21, 2023, 672 S.W.3d 380, 66 Tex. Sup. Ct. 708.)

