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ORDINANCE NO.

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.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 2-18 (*Ballot Propositions*) is amended to create a new Article 1 that includes Section 2-18-1 (*Ballot Proposition Labeling*) and reserves Sections 2-18-2 through 2-18-5.

Article 1. - Ballot Proposition Labeling.

PART 2. Chapter 2-18 (*Ballot Propositions*) is amended to add a new Article 2 to read:

Article 2. - Notice of Intent to File a Petition

§ 2-18-6 - Submission of Notice of Intent to File a Petition.

- (A) Any entity, group of individuals, or individual who intends to submit a petition for an election under City Charter Article IV (Initiative, Referendum, and Recall), referred to as “petitioners” for purposes of this Article, must submit a notice of intent as provided by this section.
- (B) The city clerk shall prescribe a form to be used for the notice of intent. Petitioners who are required to submit a notice of intent shall use the city clerk’s prescribed form for the notice of intent.

§ 2-18-7 - Information Required on Notice of Intent to File a Petition.

- (A) The notice of intent must include:
 - (1) The name, telephone number, and email address of at least one individual designated by petitioners whom the city clerk and the public may contact for information about the petition;

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- (2) The name of any political action committee formed by petitioners to support their petition efforts;
 - (3) A short, one-sentence description of the policy purpose of the proposed initiative, referendum, or recall;
 - (4) The proposed ordinance language, if applicable, and the proposed ballot language;
 - (5) A notarized sworn statement signed by at least one petitioner attesting to the accuracy of the information presented on the notice of intent; and
 - (6) Any other information prescribed by the city clerk on the form.

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§ 2-18-8 - Review of Notice of Intent to File a Petition and Issuance of Petition Form.

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- (A) Upon the filing of a notice of intent, the city clerk shall review the notice of intent to determine whether the notice complies with the requirements of this article.
 - (B) Within 10 business days of the city clerk's receipt of the notice of intent, the city clerk shall notify the petitioners in writing, using the email address provided in the notice of intent, of the acceptance or rejection or the notice of intent.
 - (C) If the notice of intent is accepted, the city clerk shall indicate in its notification the date by which petition signatures must be submitted to the city clerk for certification, which shall be the date of the expiration of the notice of intent as provided in Section 2-18-9(A), and note that a 30-day extension may be granted, per Section 2-18-9(B).
 - (D) The city clerk shall assign a unique identifier to each notice of intent, and post the notice of intent on a web page maintained by the city clerk containing other City election information.
 - (E) Along with the written notification of the acceptance of the petitioner's notice of intent, the city clerk shall issue the petitioners a prescribed petition form to be used for collecting signatures, which shall contain:

- 82 (1) Columns for the information required by Chapter 277 of the Texas Election
83 Code;
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85 (2) The information provided by petitioners on the notice of intent, with the
86 exception of the notarized sworn statement;
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88 (3) The unique identifier assigned by the city clerk to the notice of intent; and
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90 (4) Any other information prescribed by the city clerk on the form.
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92 **§ 2-18-9 - Expiration of Notice of Intent to File a Petition.**
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- 94 (A) A notice of intent expires 180 days after the date the city clerk sends the
95 written notification to the petitioner that the notice of intent was accepted.
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97 (B) Upon written request of the petitioners, submitted to the city clerk not later
98 than the 10th day before the expiration of the notice of intent, the city clerk shall
99 grant a one-time extension for an additional 30 days.
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101 **§ 2-18-10 – Validity of Signatures on Initiative, Referendum, and Recall Petitions.**
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103 (A) A signature on the petition must:
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- 105 (1) Comply with the requirements in Chapter 277 of the Texas Election Code;
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107 (2) Be submitted no later than the final expiration date of the notice of intent, as
108 provided in Section 2-18-9 (Expiration of Notice of Intent); and
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110 (3) Be submitted on the petition form issued by the city clerk under Subsection 2-
111 18-8(E).
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113 **§§ 2-18-11 – 2-18-15. – Reserved.**
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115 **PART 3.** Chapter 2-18 (*Ballot Propositions*) is amended to add new Article 3 to read:
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117 **Article 3. – Reconciliation of Conflicting Amendments to City Code or City**
118 **Charter.**
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120 **§ 2-18-16 – Reconciliation.**
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- (A) If the provisions of two or more amendments to the City Code approved at the same election are inconsistent, the amendment receiving the highest number of votes shall prevail over the inconsistent provisions in the remaining amendment or amendments.
- (B) If the provisions of two or more amendments to the City Charter approved at the same election are inconsistent, the amendment receiving the highest number of votes shall prevail over the inconsistent provisions in the remaining amendment or amendments.

PART 4. This ordinance takes effect on _____, 2024.

PASSED AND APPROVED

_____, 2024

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Kirk Watson
Mayor

APPROVED: _____
Deborah Thomas
Interim City Attorney

ATTEST: _____
Myrna Rios
City Clerk