

Recommendation: Alphabet rotation for proposition lettering

Background

City Council Resolution 20230309-025 establishing the 2024 Charter Review Commission indicated City Council's intent to hold an election in November 2024 to allow voters to decide on several important changes to the charter including an *"Alternative proposition lettering or numbering system to prevent voter confusion."*

The Charter Review Commission established the *Initiative, Charter, and Referendum Mechanics Working Group* ("Mechanics") on October 2nd, 2023. Its membership consisted of Commissioners Altamirano, Botkin, and Ortega. The Working Group was supported by Ms. Caroline Webster of the City of Austin Law Department.

This recommendation was presented to the full Commission on 01/30/2024. It was adopted/rejected by a X-X vote.

Substance of the Proposed Amendments, Revisions or Repeals to the Charter

This recommendation requires ballot proposition labels increment through the alphabet until its completion. When sufficient propositions are ordered for an election to go past the last letter of the alphabet ("Z"), then the ballot proposition label resets back to the first letter of the alphabet ("A"). For example, if the next available ballot proposition label is the letter "X", but six propositions are ordered for the election, then the ballot labeling would reset to "A".

Additional labeling approaches were considered, including a mix of letters and numbers, but only the recommended change is clearly allowed by state law. As City legal staff indicated to the Mechanics Work Group, adding a number to our letter would risk suit since the law only allows a letter or a number and reserves numbers for State props. Election Code Section 52.095(b) states that:

(b) Each political subdivision's proposition on the ballot shall be assigned a unique number or letter on the ballot as follows:

(1) except as provided by Subdivision (2), for each proposition on the ballot, the authority ordering the election shall assign a letter of the alphabet to the measure that corresponds to its order on the ballot; and

(2) for each proposition on the ballot to be voted on statewide, the authority ordering the election shall assign a number to the measure that corresponds to its order on the ballot.

The Charter Review Commission recommends that a new paragraph be added to Article III, § 5 “BALLOTS” as follows:

Ballot propositions will use the next available letter of the alphabet, starting with the letter that follows the last letter used by municipal ballot propositions from the previous municipal election. Once the last letter of the alphabet is used, then ballot propositions will reset to the first letter to the alphabet. If the count of ballot propositions for a municipal election exceeds the remaining letters of the alphabet, then ballot propositions labels will reset to the first letter of the alphabet without utilizing the remaining letters of the alphabet. If a municipal election features more than 26 ballot propositions, then starting with the 27th proposition, double-letters will be used as the proposition label.

Policy Reasons for the Recommendation

This recommendation reduces the likelihood of voter confusion by expanding the possible characters used to brand City propositions.

Estimated Fiscal Budgetary Impact for the Recommendation

The recommendation has no fiscal impact.

Impact of the Recommendation on Existing City Laws, Rules, Practices and Procedures

The recommendation requires an update of Article III § 5 of the Charter to create a new requirement that proposition labeling utilize the full alphabet before resetting.

Proposed Ballot Language

“Shall proposition labels be rotated incrementally through the entire alphabet before resetting to the first letter?”

Alternative Implementation Options

City Council could opt to pass a Resolution or Ordinance directing the City Clerk to implement alphabet rotation for proposition labeling.