

Recommendation: Elections for citizen-initiated Charter changes and initiatives held on municipal general election dates

Background

The 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 a *"Limit on citizen-initiated changes to the City Charter to November elections with a stated preference of holding elections on presidential election years."*

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 1/30/2024. It was adopted/rejected by a X-X vote.

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

This recommendation requires City Council to select the earliest municipal general election date when it orders an election for Charter changes or citizen-initiated initiatives. The City of Austin has its municipal general elections every two years, matching the presidential and "midterm" Congressional election cycle.

For citizen-initiated Charter changes, Local Government Code 9.004 (b) already affords City Council the ability to select either the soonest of the next municipal general election or the presidential election:

(b) The ordinance ordering the election shall provide for the election to be held on the first authorized uniform election date prescribed by the Election Code or on the earlier of the date of the next municipal general election or presidential general election. The election date must allow sufficient time to comply with other requirements of law and must occur on or after the 30th

day after the date the ordinance is adopted.

This recommendation binds Council to selecting the soonest of these two higher turnout elections. Additionally, there are no limitations from state statute or the Texas Constitution preventing Austin's Charter from placing the same requirement on citizen-initiated initiatives.

In consultation with City Law, the working group recommends the following language for for the ordinance ordering the election of this charter change:

If Proposition __ is approved by a majority of voters voting in the election, the City Charter is amended to read as follows:

ARTICLE IV.- INITIATIVE, REFERENDUM, ~~[AND]~~ RECALL, AND CITIZEN-INITIATED CHARTER AMENDMENTS.

§ 4.-COUNCIL CONSIDERATION AND SUBMISSION TO VOTERS.

(A) _____ When the council receives an authorized initiative petition certified by the city clerk to be sufficient, the council shall either:

(1) ~~[(a)]~~ Pass the initiated ordinance without amendment within 10 days after the date of the certification to the council; or

(2) ~~[(b)]~~ Order an election and submit said initiated ordinance without amendment to a vote of the qualified voters of the city at the next available general municipal election date that allows sufficient time to comply with other requirements of law ~~[a regular or special election to be held on the next allowable election date authorized by state law after the certification to the council]~~.

(B) _____ When the council receives an authorized referendum petition certified by the city clerk to be sufficient, the council shall reconsider the referred ordinance, and if upon such reconsideration such ordinance is not repealed, it shall be submitted to the voters at a regular or special election to be held on the next allowable election date authorized by state law after the date of the certification to the council.

(C) When the council receives an authorized charter-amendment petition certified by the city clerk to be sufficient, the council shall submit said proposed charter amendment to a vote of the qualified voters of the city at the next available general municipal election date that allows sufficient time to comply with other requirements of law

(D) Special elections on initiated or referred ordinances shall not be held more frequently than once each six months, and no ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two years from the date of such election.

For comparison purposes, we provide the current Charter language for the affection section below.

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(b) Order an election and submit said initiated ordinance without amendment to a vote of the qualified voters of the city at a regular or special election to be held on the next allowable election date authorized by state law after the certification to the council.

When the council receives an authorized referendum petition certified by the city clerk to be sufficient, the council shall reconsider the referred ordinance, and if upon such reconsideration such ordinance is not repealed, it shall be submitted to the voters at a regular or special election to be held on the next allowable election date authorized by state law after the date of the certification to the council.

Special elections on initiated or referred ordinances shall not be held more frequently than once each six months, and no

ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two years from the date of such election.

Policy Reasons for the Recommendation

This recommendation helps increase the total number and diversity of Austinites participating in citizen-initiated Charter changes and initiatives by requiring City Council to order elections on higher turnout dates.

City of Austin Turnout 2012-Present

Election Date	Turnout
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May

May 6, 2023	8.54%
May 7, 2022	7.69%
May 1, 2021	22.44%
May 7, 2016	17.43%
May 12, 2012	10.70%

Average 13.36%

Non-MGE November

November 2, 2021	17.66%
November 5, 2019	13.70%
November 5, 2013	14.35%

Average 15.24%

Municipal General Election

November 8, 2022	47.75%
November 3, 2020	70.89%
November 6, 2018	60.50%
November 8, 2016	64.56%
November 4, 2014	40.40%
November 6, 2012	60.34%

Average 57.41%

Estimated Fiscal Budgetary Impact for the Recommendation

The recommendations substantially reduces the likelihood of costly standalone elections resulting from citizen-initiated petitions, such as the May 2023 election.

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

The recommendation amends Article IV of the Charter.

Proposed Ballot Language

“Shall the City Charter be amended to provide that citizen-initiated initiative elections and citizen-initiated charter amendment elections must be held on the City’s next available municipal general election date that allows sufficient time to comply with other requirements of law?”

Alternative Implementation Options

There are no alternative implementation options that would consistently bind Council to select municipal general elections for citizen-initiated ordinance or Charter change petitions.