

Topics For Next Time

The below set of topics represent policy questions that the Charter Review Commission (CRC) did not have enough time to adequately explore but may be of interest to the City Council or future CRCs. The topics are listed in *alphabetical* order.

“Democracy Dollars”

The 2018 Charter Revision Commission recommended the creation of a system of publicly-financed City Council campaign contribution vouchers. According to the 2018 CRC:

The purpose of the Democracy Dollars program is to ensure that all people of Austin have equal opportunity to participate in political campaigns and are heard by candidates, to strengthen democracy, to fulfill the purposes of single-member districts, to enhance candidate competition, and prevent corruption.

In the May 2021 Austin election, a similar public campaign finance voucher proposal received 43% of the cast votes in favor.

An updated version of the proposal that addresses the community concerns raised during the May 2021 election may gain widespread community support.

Independent Ethics Commission

The current CRC discussed Commissioner Betsy Greenberg’s Independent Ethics Commission proposal. Many CRC members expressed an interest in reviewing the design and function of the City’s overall ethics apparatus. At the same time, Commissioners voiced concerns about being able to meet the CRC’s report deadline and tackling such a complex topic that was not specifically mentioned in the City Council resolution creating the 2024 CRC.

A future CRC could be constituted with a clear mandate and ample time to allow a proper consideration of an Independent Ethics Commission.

Limit on Aggregate Campaign Contributions Outside of Austin (“Zip Code Envelope”)

Article III § 8 A.3 of the Charter states:

No candidate and his or her committee shall accept an aggregate contribution total of more than \$30,000.00 per election, and \$20,000.00 in the case of a runoff election, from sources other than natural persons eligible to vote in a postal zip code completely or partially within the Austin city limits. The amount of the contribution limit shall be modified each year with the adoption of the budget to increase or decrease in accordance with the most recently published federal government Bureau of Labor Statistics Indicator, Consumer Price Index (CPI-W U.S. City Average) U.S. City Average. The most recently published Consumer Price Index on May 13, 2006, shall be used as a base of 100 and the adjustment thereafter will be to the nearest \$1,000.00.

This provision was challenged in Court by former City Council member Don Zimmerman but survived. From the opinion issued by the Fifth Circuit U.S. Court of Appeals:

Zimmerman next challenges the district court's determination with respect to the aggregate limit. The district court held that Zimmerman lacked standing to challenge the aggregate limit because he had not established a sufficient injury-in-fact traceable to that limit. We agree.

Both the body of the opinion and news commentary about the case¹ indicate that this Charter provision may need to be reviewed. The goal would be to protect the concept of the zip code envelope but establish a data-driven threshold that more clearly evidences its legal rationality.

Local News Media Vouchers

As the internet transformed the economics of advertising over the past two decades, local newspapers have shrunk or shuttered. Advocates and academics have developed different ideas to help provide local news as a public good. Two nascent efforts in Seattle and Washington, D.C. settled on using publicly-financed vouchers to fund local

¹ For example, see "Lawsuit Against Austin's Campaign Rules Could Succeed", Polo Rocha, Texas Tribune, 7/30/2015. Access URL:

<https://www.texastribune.org/2015/07/30/observers-say-zimmerman-lawsuit-against-austin-cou/>

From the story: "The city's contribution limits, most observers agreed, is the rule that's most likely to stay in place. But the provision most at risk of being struck down, they said, is one allowing candidates to raise a total of \$36,000 from those who can't vote in Austin. Buck Wood, an Austin election law attorney, says that rule 'may not survive.'"

news outlets. For example, the proposed “Local News Funding Act” in D.C. would create a permanent funding stream and independent board to administer a voucher program in support of local news outlets covering local news stories. A policy area to watch for future CRCs.

Metropolitan Planning Organization Representation

This past November, Houston voters passed a petitioned charter change that requires the city to participate in regional planning organizations (e.g. H-GAC) only if its voting privileges are proportional to its population. Like Houston, Austin is burdened with representation challenges at its regional planning organization (CAMPO). For example, while Austin constitutes roughly 48% of the population in CAMPO, the City of Austin itself only receives 4 of 22 seats (18%) on CAMPO’s policy-making body, the Transportation Policy Board. Houston may inspire similar calls for change in Austin.

Referendum Timing

The charter requires that a referendum petition must be submitted “prior to the effective date of any ordinance which is subject to referendum.” In practice, this greatly limits the practical use of referendum to check City Council ordinances that may be out of step with the typical Austinite.