

Little Less Corruption a federal case as trial judge weighs decision

Plaintiffs sued city to force
an election on campaign
finance reform initiative

Trial and Election

U.S. District Court judge Sam Sparks will decide whether to order the city to hold a charter-amendment election on campaign finance reform. Austinites for a Little Less Corruption seeks to add new language to the City Charter to, among other things, limit contributors from giving a candidate more than \$100 per election cycle (three years), restrict candidates from taking more than \$15,000 per election cycle from sources other than Austin citizens, and prohibit candidates from asking for or accepting contributions until 180 days before elections. Voluntary campaign limits of \$75,000 for campaigns, plus \$50,000 for runoffs, would be set for both mayoral and council elections. Expenditures by labor unions, corporations and associations would be restricted. Knowing violators forfeit elective office.

If ordered, the election would be held on a uniform election date, possibly in November. The Electric Utility Department is making a list of charter amendments needed as well. Consultants Metzler & Associates have recommended that general manager Milton Lee be given purchasing authority of \$1 million and city manager Jesus Garza have purchasing authority of \$2 million without council approval. At present, the council must authorize amounts of more than \$38,000. Other possible charter amendments include an independent board of governance for the electric utility, and single-member districts, an item often mentioned on the campaign trail.

When Brent White started a petition drive in September 1995 to reform campaign financing for Austin's city council elections, he didn't foresee the day he would be sitting in federal court. That's how it worked out. **Austinites for a Little Less Corruption v. City of Austin** seeks to force the city to hold an election to allow voters to amend the **City Charter** and reduce the flood of money influencing elections. This year's council races cost contributors \$1.6 million so far, and final reports are not in yet. Plaintiffs' attorney **Hugh Lowe** of **Osborne Lowe Helman & Smith** took the case free for the **American Civil Liberties Union of Texas**. The city hired **Renea Hicks** of **George Donaldson & Ford** at \$200 an hour under an agreement capped at \$38,000. City attorney **Andy Martin** plans to ask for more money at the July 10 council meeting. Assistant attorney general **Chris Edwards** intervened to defend the constitutionality of a state law requiring voter registration numbers on ballot-measure petitions. Appeals courts have ruled the numbers are not needed on petitions to get independent parties or candidates on the ballot. The case landed in court after city clerk **Elden Aldridge**, in a report to the city council Oct. 24, ruled that petitions containing some 27,000 signatures fell 1,471 short of the 15,964 registered voters needed. Names without voter registration numbers were counted if the names otherwise met Aldridge's criteria. The city spent \$22,860 to verify petitions, almost \$13,000 of it for overtime. Clerks worked for 24 straight days, including nights and weekends, poring over printouts of some 330,000 registered voters. No one thought to use more efficient technology.

Costs became a key issue in the June 25-26 trial before U.S. District Court judge **Sam Sparks**. Plaintiff **Brian Rodgers** testified he and others reviewed the names struck by the city clerk, using the public-access computers at the voter registrar's office. They found 1,745 of these were registered voters. Computer consultant **Kevin E. Hite** testified the city could have used a cheaper and far more accurate means to check petitions. He said the city could have bought or leased four personal computers and a high-speed modem, installed an ISDN telephone line, and hooked into the voter registrar's database at a cost of approximately \$5,000. Then four operators could have checked the entire 27,000 names in a single eight-hour day, he said. **Travis County** tax assessor-collector and voter registrar **Nelda Wells Spears** testified she would have allowed city clerks to use public-access terminals in her offices to verify signatures, but no one asked. She said voter registration numbers were not needed. Deputy city clerk **Betty Brown** testified she spent 130 to 150 hours on the only personal computer with a modem in the city office (an antiquated, 2400 baud modem) to check certain signatures the clerks could not validate with printouts. **Ann McGeehan**, deputy assistant secretary of state for elections, testified the city clerk's instructions to accept signatures without voter registration numbers was contrary to state law. Lowe criticized Aldridge's instructions as well, saying they were stricter than necessary simply because signatures were to be validated without voter registration numbers, in effect a way of requiring the numbers. Sparks will decide the case later. He ordered the attorneys to file briefs by July 4. Once voters approve a charter amendment, the charter cannot be amended for two years. If Sparks orders the election, it will affect the city's plans to amend the charter for other reasons, such as the electric utility. (See sidebar.) *