

Judge rips city and orders Nov. 4 election on campaign finance

A Stinging Decision

The 12-page decision written by U.S. District Court judge Sam Sparks uses the word "draconian" to describe how the city verified 27,600 signatures on petitions filed by Austinites for a Little Less Corruption. He reviles the city for defending its actions in court. "Perhaps the most infuriating aspect of this lawsuit is the utter waste of taxpayer money," Sparks wrote. Keying into testimony that the city clerk's office could have bought or leased computers and a high-speed ISDN modem for \$5,000 and then checked the entire 27,600 signatures in one, eight-hour day, Sparks wrote, "It boggles the mind that the city clerk's office spent \$22,860.25 of taxpayer money to verify a single petition when that money could have been better spent bringing the city clerk's office into the computer age...And, throwing good money after bad, the city unsuccessfully defended this lawsuit and must now pay the plaintiff's attorneys' fees." The plaintiff's legal fees are set by the court. The city contract authorized \$55,000 for George Donaldson & Ford to defend the lawsuit.

Sparks also harshly criticized the requirement in state law that voter registration (VR) numbers be included in petitions. He wrote, "In short, the VR number is useless, unreasonable, irrational and unconstitutional." Plaintiff Linda Curtis says, "The real significance of this decision goes beyond putting this petition on the ballot in Austin. It reduces the time and money involved in petitioning in the state of Texas for initiative and referendum. So it will greatly ease the way for charter revisions in home-rule cities across the state."

If you care how city elections are financed, then dig out that tattered, orange voter-registration card and prepare to trudge to the polls Nov. 4. U.S. District Court judge **Sam Sparks** has ordered the city to call an election for a campaign finance proposition on the next available ballot, or by Sept. 29 show cause why not. Mayor **Kirk Watson** tells **In Fact** he expects the election Nov. 4. "We have a ruling," he says. "Let's go for it." Nov. 4 is the next uniform election date; 14 state constitutional amendments are already on the ballot. Sparks' Sept. 12 decision is filled with scathing criticism of how city clerk **Elden Aldridge** verified the petitions that **Austinites for a Little Less Corruption** presented Sept. 30, 1996. (See sidebar.) The group seeks to add language to the **City Charter** to, among other things, limit candidate contributions to \$100 per contributor 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. If voters approve the campaign finance measure, the **Texas Constitution** bars another City Charter amendment for two years, says assistant city attorney **John Steiner**. The city must scramble to get any other charter amendments on the Nov. 4 ballot, including items to help the electric utility be more competitive or to change how city council members are elected. The city must call the Nov. 4 election no later than Oct. 5, Steiner says.

A **Charter Review Commission** was established Aug. 14 to study options to replace the at-large system of electing council members, and make recommendations for a charter amendment. The nine members were appointed Sept. 4 and have not met. The mayor says he will not seek to amend the charter for a new council-election method on Nov. 4. But he will seek voter approval Nov. 4 for an "enabling mechanism," with safeguards, to permit a later referendum on council-election methods despite the two-year blackout. The electric utility has long recommended charter amendments, such as allowing procurement procedures more appropriate for a proprietary business in a competitive market, and authorizing the city council to establish a governing board for the electric utility. The council has not voted on such recommendations. The **Our City, Our Choice** petition being circulated by **Texas Campaign for the Environment** (TCE) will be hurt by a Nov. 4 election. As reported by **In Fact** No. 109, TCE wants to amend the City Charter to require voter approval before building facilities outside the city or guaranteeing the debt to do so. TCE director **Todd Main** says getting 16,000 signatures in time to make the Nov. 4 ballot is unlikely. "We will be meeting this week and going through our options," Main says. Meanwhile, the people who have worked for two years to get the campaign-finance measure on the ballot are rejoicing. Plaintiff **Brent White**, whose original petition was called **No More Corruption!** (**In Fact** No. 10), says, "No way, no how. I don't think I would have done this if I had thought it would take this long." **Linda Curtis**, a veteran petitioner and a plaintiff in this case, says the grass-roots group will now work to get people to vote for the proposed reforms. White says Austinites for a Little Less Corruption doesn't have a plan to raise the money to educate voters. "We'll just pray for a whole lot of free media," he says. ✪