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TO: Mayor Watson and Austin City Council:
FROM: Bill Aleshire
SUBJECT: March 9th Council Agenda Item 25

Several Democrats on the Austin City Council, rightfully, criticize Republicans for undermining the ability of voters to control their government. Then, these Democrats turn right around, with unabashed hypocrisy, and do the same damned thing. Supporting an anti-democracy Austin City Charter amendment to make it even harder for voters to propose ordinances by initiative petition is an example of that hypocrisy.

And it is stupid. Austin City Charter, Article IV, section 1 says, “The people of the city reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance....” Then, the Charter adopts that exact same standard for petitioning an *ordinance* as state law does for initiating a *charter amendment*. “Any initiated ordinance may be submitted to the council by a petition signed by qualified voters of the city equal in number to the number of signatures required by state law to initiate an amendment to this Charter.” Texas Local Government Code section 9.004 requires Council to put a *charter amendment* on the ballot if the petition is signed by qualified voters “equal to at least five percent of the number of qualified voters of the municipality or 20,000, whichever number is the smaller.” So, Democrats on the Austin City Council want to make it harder for Austin voters to get a mere ordinance on the ballot than state law requires to get a Charter amendment on the ballot?

The Austin argument that petitioned elections are costing a lot of money is specious, because if an election is happening anyway, the cost to the City of an additional voter-petitioned ballot item is zero. In addition, the Council always has the option to adopt the petitioned-ordinance instead of calling an election. So, a petitioned ballot item, occurring when November city council elections are held, costs nothing. Once the May 2023 election was called for Prop A, the cost of Prop B election—that Mayor Watson used as an excuse for the petition-signature-requirement change—is zero. The May 2022 no-knock marijuana ordinance election—a measure favored by the majority of the City Council but didn’t adopt—did not cost taxpayers money because there was a Texas Constitutional amendment (homestead exemption) election anyway. The May 2021 petitioned camping ordinance Prop B election cost zero, because there was already a series of Charter amendments on that ballot (e.g., strong Mayor, firefighters binding arbitration).

Here’s some good advice, Council: Don’t do it.