

AN ORDINANCE 2017-11-30-0920

AMENDING THE CITY CODE OF SAN ANTONIO, TEXAS, CHAPTER 2, ARTICLE II, ENTITLED "CITY COUNCIL", DIVISION 1, ENTITLED "GENERALLY" TO ADD THE REQUIREMENT THAT CANDIDATES FILING FOR MUNICIPAL OFFICE PROVIDE ADDITIONAL DOCUMENTATION OF RESIDENCY IN THE DISTRICT FOR WHICH THEY ARE SEEKING OFFICE.

* * * *

WHEREAS, members of the San Antonio City Council are elected from 10 Districts, with the Mayor elected at large to Place 11; and

WHEREAS, state law requires candidates to possess certain elements of eligibility, including residency in the state for at least twelve months and in the territory from which the office is elected for six months before the filing deadline for a place on the ballot; and

WHEREAS, the City Charter requires a candidate to have lived within the boundaries of the District to which they seek election for at least six months before filing their application for a place on the ballot; and

WHEREAS, the issue of residency has long been a challenge to cities across the state, and most recently the City's 2017 General Election; and

WHEREAS, on July 28, 2017, Councilman Courage filed a City Council Consideration Request seeking to require candidates to provide additional documentation when filing for the office; and

WHEREAS, on November 1, 2017, the Governance Committee reviewed his request and directed staff to bring the item to the full Council for consideration and possible action to amend the City Code to require candidates for office to file the requested information when submitting an application for a place on the City Council ballot; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Code of San Antonio, Texas, Chapter 2, Article II, Division 1, Section 2-20 is amended to read as follows:

Division 1. – GENERALLY

Sec. 2-20. – Supplemental Documentation for Application for Place on Ballot.

(a) All applicants for a place on the ballot for an election of the San Antonio City Council, when submitting their application to the City Clerk, shall also submit an original of least two of the following documents showing a current address:

- (1) Valid voter registration certificate;
- (2) Current utility bill;

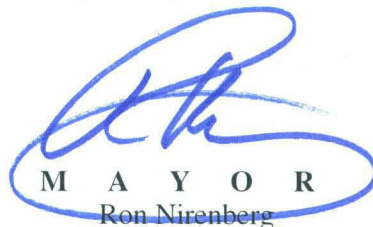
- (3) Current bank statement;
 - (4) Government check;
 - (5) Original paycheck;
 - (6) Other current government-issued document with name and address.
- (b) The City Clerk shall mark on a form created by the City, the type of supplemental documentation provided by each applicant when submitting their application for a place on the ballot.
- (c) The City Clerk shall make a photocopy of the original documents provided, and return the originals to the applicant. All copies shall be filed with the application of the candidate.
- (d) Each applicant must sign the form acknowledging the type of supplemental documentation that was provided, and that the documentation is now a public record, and subject to the Texas Public Information Act. If requested, copies of the documentation shall be provided by the City Clerk, with redactions to all information other than the applicant's name and address.
- (e) The City Clerk shall publish the form with the application on the City Clerk's election webpage.

Sections 2-21 through 2-25 of Division 1 remain reserved.

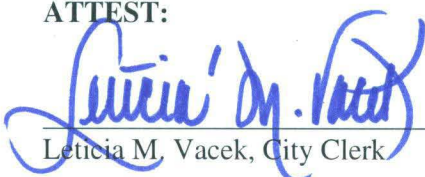
SECTION 2. The codifier of the City Code of San Antonio, Texas (the "Code") is authorized to make nonsubstantive changes in this ordinance and parts of this ordinance as necessary to embody the ordinance into a unified code. The codifier may organize the ordinance material into appropriate subdivisions; provide or change appropriate catchlines, headings, titles and numbers for sections and other subdivisions of the Code and make other nonsubstantive changes necessary to preserve the original meaning of the ordinance sections inserted into the Code; but in no instance shall the codifier make any change in the meaning or effect of ordinance material included in the Code.

SECTION 3. This ordinance is effective immediately upon the receipt of eight affirmative votes, or, in the event eight affirmative votes are not received, ten days after passage.


PASSED AND APPROVED this 30th day of November 2017.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


for Andrew Segovia, City Attorney

Agenda Item:	21						
Date:	11/30/2017						
Time:	11:01:49 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending the City Code regarding residency verification requirements for candidates for municipal election. [Leticia M. Vacek, City Clerk]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3	x					
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				x
Manny Pelaez	District 8		x				
John Courage	District 9		x			x	
Clayton H. Perry	District 10		x				

Residency Verification for Municipal Elections

Leticia M. Vacek, TRMC/CMC/MMC

City Clerk

November 30, 2017

City Council Meeting

ITEM #21

Summary

Councilman Courage requested that staff make recommendations regarding methods of documenting proof of residency for candidates filing for municipal election.

Said item was presented before the Governance Council Committee on November 1st.

Issue

- In accordance with Texas Election Code Sec. 141.032 and case law, the City Clerk does not have authority to determine residency
- The City Clerk “shall review [an] application to determine whether it complies with the requirements as to form, content, and procedure.”
- Supplemental documentation in support of the sworn attestation of residency may be accepted with a candidate’s filing paperwork and included on file with candidate’s application
- Supplemental documentation provided to the City Clerk will be subject to inspection or release through the Texas Open Records Act and would be redacted of any personal information as allowed by law

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Current Qualification Requirements

QUALIFICATIONS

UPCOMING ELECTIONS

ELECTIONS FAQS

OFFICIAL PAST RESULTS

ELECTIONS - CANDIDATE QUALIFICATIONS FOR CITY COUNCIL

- MUST be a citizen of the United States.
- MUST be at least 18 years old.
- MUST be a qualified voter of the City of San Antonio by the last day of the Application period.
- MUST NOT have been determined mentally incapacitated by a final judgment of a court.
- MUST NOT have been finally convicted of a felony (unless pardoned or otherwise released from the resulting disabilities).
- MUST have resided in Texas continuously for one year.
- MUST have resided in San Antonio continuously for at least one year prior to filing the Application.
- MUST have resided in the council district he or she hopes to represent at least six months prior to filing his or her Application for election and must continue to do so during his or her term of office. (*)

(*) - If your area was annexed into the City, you MUST have lived at your residence six months prior to annexation.

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Collaboration

City Clerk Vacek met with Councilman Courage and City Attorney Segovia to come up with the following recommendation:

- Request candidates submit 2 supplemental documents, from the list below, with their application:
 - Valid voter registration certificate
 - Copy of or original current utility bill
 - Copy of or original personal bank statement
 - Copy of or original government check
 - Copy of or original paycheck
 - Copy of or original government document with name and an address (original to be presented if it contains a photograph)

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Recommendation

- During the Governance Council Committee it was recommended that changes to the current state law regarding authority for residency enforcement and consequences be addressed through the next State Legislative Session.
- Amend the City Code to request candidates filing for office include 2 of the following supplemental documents showing a current address with their application for candidacy:
 - Valid voter registration certificate
 - Copy of or original current utility bill
 - Copy of or original personal bank statement
 - Copy of or original government check
 - Copy of or original paycheck
 - Copy of or original government document with name and an address (original to be presented if it contains a photograph)

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