



City of San Antonio

Legislation Details (With Text)

File #: 21-1612

Type: Staff Briefing - With Ordinance

In control: City Council A Session

On agenda: 2/11/2021

Title: Certification of the sufficiency of the signatures of the petition submitted regarding the repeal of the adoption of Texas Local Government Code, Chapter 174 that provides for Collective Bargaining for San Antonio Police Officers, and ordering a special election on May 1, 2021 for the registered voters of the City of San Antonio to consider the matter. [Tina J. Flores, City Clerk]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Draft Ordinance, 2. Staff Presentation, 3. Ordinance 2021-02-11-0089

Date	Ver.	Action By	Action	Result
2/11/2021	1	City Council A Session		

DEPARTMENT: Office of the City Clerk

DEPARTMENT HEAD: Tina J. Flores, City Clerk

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT:

Certify the results of the examination of the petition submitted to repeal the adoption of Chapter 174 of the Texas Local Government Code, which provides for collective bargaining for the San Antonio Police officers, and order a Special Election for May 1, 2021 on that matter.

SUMMARY:

This item will certify to Council the results of the examination of the petition submitted to place before the registered voters of the City of San Antonio, on the May 1, 2021 uniform election date, the possible repeal of the adoption of Texas Local Government Code, Chapter 174 that provides for collective bargaining for San Antonio Police Officers; and orders a special election on May 1, 2021 for the registered voters of the City of San Antonio to consider the matter.

BACKGROUND INFORMATION:

On Friday, January 8, 2021, the Office of the City Clerk received a Petition which reads as follows:

“Petition to repeal Chapter 174 of the Texas Local Government Code, which would eliminate collective bargaining applicable to the City of San Antonio’s Police Officers, pursuant to Chapter 174.053 of the Texas Local Government Code. This petition requests the City Council to conduct an election of registered voters to determine whether Chapter 174 shall be repealed in its entirety.”

Chapter 174 of the Local Government Code requires a total of 20,000 valid petition signatures from qualified voters of the City of San Antonio to initiate an election on the matter.

Upon submission of the petition pages, the Office of the City Clerk began the process of reviewing petition signatures in accordance with Section 277.002 of Texas Election Code, entitled Validity of Petition Signatures:

- (a) For a petition signature to be valid, a petition must:
 - (1) contain in addition to the signature:
 - (A) the signer's printed name;
 - (B) the signer's:
 - (i) date of birth; or
 - (ii) voter registration number and, if the territory from which signatures must be obtained is situated in more than one county, the county of registration;
 - (C) the signer's residence address; and
 - (D) the date of signing; and
 - (2) comply with any other applicable requirements prescribed by law.
- (b) The signature is the only information that is required to appear on the petition in the signer's own handwriting.
- (c) The use of ditto marks or abbreviations does not invalidate a signature if the required information is reasonably ascertainable.
- (d) The omission of the state from the signer's residence address does not invalidate a signature unless the political subdivision from which the signature is obtained is situated in more than one state. The omission of the zip code from the address does not invalidate a signature.
- (e) A petition signature is invalid if the signer signed the petition earlier than the 180th day before the date the petition is filed.

The Votec Elections Management and Compliance System (VEMACS) which is managed by the Bexar County Elections Office was used to verify petition signatures in accordance with the law.

It is determined that a sufficient number of valid signatures were submitted as required by State law to certify the petition.

ISSUE:

Chapter 174 requires the City Council to order the election for May 1, 2021 for the registered voters of the City of San Antonio to consider the matter if the City Clerk certifies that the petition was signed by at least the statutorily required minimum number of 20,000 qualified voters.

ALTERNATIVES:

None. Chapter 174 requires the City Council to order the election if the City Clerk certifies that the petition was signed by at least the statutorily required minimum number of 20,000 qualified voters.

FISCAL IMPACT:

The Office of the City Clerk hired temporary employees as well as utilized existing staff to verify the petitions.

RECOMMENDATION:

It is determined that a sufficient number of valid signatures were submitted as required by State law to certify the petition. The potential repeal of Chapter 174 will be placed before the voters on the next uniform election date, May 1, 2021. Chapter 174 requires the City Council to order the election for May 1, 2021.