



City of San Antonio

Agenda Memorandum

File Number:17-6125

Agenda Item Number: 21.

Agenda Date: 11/30/2017

In Control: City Council A Session

DEPARTMENT: City Clerk

DEPARTMENT HEAD: Leticia M. Vacek

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT: Residency verification in municipal elections

SUMMARY:

This item recommends the City Code be amended to request all candidates filing for office provide supplemental documents showing their current address with their application for a place on the ballot.

BACKGROUND INFORMATION:

The City Charter, Article II, Section 4 requires that candidates for office reside within the boundaries of a council district for at least 6 months prior to filing as a candidate. Disputes concerning a candidate's residency have been raised.

On July 28, 2017, Councilman John Courage filed a Council Consideration Request requesting that staff investigate and make recommendations regarding additional methods of verifying residency of candidates filing to run in a municipal election.

Currently, the Texas Election Code Sec. 141.032 provides that the local Authority or the City Clerk "shall review [the] application to determine whether it complies with the requirements as to form, content, and procedure." Case law has established that the City Clerk does not have the authority to deny an application for candidacy based on questions regarding residency. Instead, residency of a candidate is a question of fact to be determined in state courts.

ISSUE:

This action would require an amendment to the City Code. Only City Council has the authority to change the City Code.

ALTERNATIVES:

City Council may decide to leave the current filing requirements in place.

FISCAL IMPACT:

No fiscal impact is anticipated.

RECOMMENDATION:

Staff recommends amending the City Code to request that candidates filing for office include two of the following documents showing their current address with their application for candidacy:

- Valid voter registration certificate
- Copy of or original current utility bill
- Copy of or original 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 required if it contains a photograph)

Such documentation will be accepted by the City Clerk along with a candidate's application for a place on the ballot. Documents provided to the City Clerk would be subject to inspection or release through the Texas Open Records Act and will be redacted of any personal information as allowed by law.

The Governance Council Committee heard this matter on November 1, 2017 and referred it to full City Council for consideration.