

MAYOR'S OFFICE  
HOUSTON, TEXAS

\_\_\_\_\_, 2015

To the Honorable City Council of the City of Houston, Texas:

In accordance with the provisions of Article VII, Section 7 of the Charter of the City of Houston, I submit and introduce to you the Ordinance set out below with the request that it be passed finally on the date of its introduction. There exists a public emergency requiring such action and I accordingly request that you pass the same if it meets with your approval.

\_\_\_\_\_  
Mayor, City of Houston, Texas

City of Houston Ordinance No. 2015-\_\_\_\_\_

**AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 3, 2015, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF HOUSTON, TEXAS, A PROPOSITION TO AMEND THE CITY CHARTER TO REDUCE THE NUMBER OF TERMS OF ELECTIVE OFFICES TO NO MORE THAN TWO TERMS IN THE SAME OFFICE AND LIMIT THE LENGTH FOR ALL TERMS OF ELECTIVE OFFICE TO FOUR YEARS, BEGINNING IN JANUARY 2020; AND PROVIDING FOR TRANSITION; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, in October 2009, the City Council of the City of Houston ("the City") passed Ordinance No. 2009-981, establishing the City of Houston Term Limits Review Commission ("Term Limits Commission") to make recommendations regarding the Charter's length of terms, staggering of terms, and term limitations applicable to the Mayor, City Controller, and City Council; and

**WHEREAS**, in July 2010, the Term Limits Commission recommended to City Council in its final report that the terms of elective office be four years and that elected officials serve no more than two terms in the same office; and

**WHEREAS**, in the fall of 2014 and the first quarter of 2015, the City Council's Ad Hoc Charter Review Committee held a series of meetings to explore issues critical to the operation of the City's government and to craft recommendations to the Mayor regarding issues the Committee believed should be presented to voters as ballot propositions; and

**WHEREAS**, the Ad Hoc Charter Review Committee recommended to the Mayor that a ballot proposition be submitted to the voters of the City for a determination whether the City Charter should be amended to change term limits for elected officials to two, four-year terms, and to provide a transition wherein the new term limits would first be applicable to the City General Election to be held in November 2019; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

**Section 2.** That a special election (the "Election") shall be held in the City of Houston (the "City") on Tuesday, November 3, 2015, between the hours of seven o'clock a.m. and seven o'clock p.m., for the purpose of submitting to the qualified voters of the City a proposition to amend the City Charter to change term limits for City Elected Officials to two, four-year terms, and provide for transition to the new terms.

**Section 3.** That the Election will be held jointly with various other political subdivisions and conducted by the County Clerk of Harris County and the Election Administrators of Fort Bend and Montgomery Counties.

**Section 4.** That the City Secretary is hereby authorized to take all actions necessary to implement the terms of the election services contracts to be entered into between the City and Harris, Montgomery, and Fort Bend Counties.

**Section 5.** That the Election shall be held within the precincts to be established and at the polling places to be designated by Ordinance, subject to such changes as may be necessary.

**Section 6.** That the Election shall be held under the provisions of the Charter of the City of Houston, Texas, the Constitution and laws of the State of Texas and United States, and of this Ordinance. Only voters of the City of Houston, Texas, who are qualified under state and federal law shall be allowed to vote at the Election, and each voter shall vote at the polling place designated for the Election precinct in which such voter resides. Pursuant to Texas Local Government Code § 43.130(a) and as reflected in the Strategic Partnership Agreements with various entities approved by the City of Houston, qualified resident voters of areas previously annexed by the City of Houston and qualified voters of areas previously annexed by the City for limited purposes may vote on the ordinance.

**Section 7.** That the City Secretary is hereby authorized and directed to have prepared and provided the ballots for the Election and any other necessary supplies and services not provided for under the terms of the election services contracts to be entered into between the City and Harris, Fort Bend, and Montgomery Counties in accordance with the provisions of the Texas Election Code and other applicable law. On such ballots shall appear a proposition with a provision on such ballots to vote "Yes" or "No" as follows:

**CHARTER AMENDMENT - PROPOSITION NO. \_\_\_\_**

**[Relating to Term Limits for City Elective Office.]**

*Shall the City Charter of the City of Houston be amended to reduce the number of terms of elective offices to no more than two terms in the same office and limit the length for all terms of elective office to four years, beginning in January 2020; and provide for transition?*

Effective with the start of the elective process for the November, 2019 City General Election, the first paragraph of Article V, Section 5 of the City Charter of the City of Houston, and the entirety of Section 6a of such Article, shall be amended, respectively, to read as follows:

**"Section 5. Elections.**

A City General Election shall be held on the first Tuesday after the first Monday in November of every other odd-numbered year or such other day as may be prescribed by the general laws of the State of Texas. At each City General Election, the Mayor, the Council Members and the City Controller shall be elected for the terms of office next commencing. Such officers shall assume their offices on the second day of January next thereafter, shall perform the duties and discharge the obligations conferred and imposed by the provisions of this Charter, and shall hold their offices until their successors are elected and qualified, unless removed therefrom by impeachment or recall or otherwise as prescribed in this Charter."

**"Section 6a. Term of office; limitation of terms.**

(a) For the purposes of term limits, City elective offices are Mayor, City Controller, and City Council Member (either At-Large or District). The term of office for a City elective office shall be four years. Except as otherwise provided herein, no person shall be eligible to be elected to more than two four-year terms in the same City elective office.

(b) For positions to be elected at the City General Election to be held in November 2019, the eligibility of persons then holding City elective office to seek re-election to a City elective office shall be as follows:

1. A person serving his or her third two-year term shall not be eligible to seek election to that same office.
2. A person serving his or her first or second two-year term shall be eligible to seek one additional term of four years duration in that same office. A person having then served one additional term of four years duration shall not be eligible to seek re-election to the same office.

(c) In all City General Elections after the City General Election to be held in November 2019, a term to which a City elective officer was elected or appointed shall be counted only if the City elective officer served one-half or more of the term.

(d) Persons term limited under prior law shall continue to be term limited. Persons who served a single term prior to 2019 who are not serving in City elective office in 2019 and thus not subject to subsection (b), shall be eligible to serve one additional four-year term in the same City elective office.

(e) A prohibition against eligibility to seek election to a certain City elective office shall not bar a person from seeking election to another City elective office that such person has not previously held."

**Section 8.** That the voting at the Election shall utilize voting systems approved pursuant to the provisions of the Texas Election Code and/or the United States Department of Justice, as applicable ("an approved voting system").

**Section 9.** That the County Clerk of Harris County is designated as the Early Voting Clerk and to perform that function for City voters in Harris County who are qualified under state and federal law. The Elections Administrators for Fort Bend and Montgomery Counties are hereby designated as the Early Voting Clerks and to perform that function for City voters in their respective counties who are qualified under state and federal law; provided, however, that in the event the City is unable to execute a final agreement with Harris County, Fort Bend, or Montgomery County pursuant to Chapters 31 and 271, Texas Election Code, the Mayor is authorized to order any changes necessary to facilitate early voting by City voters of those Counties, who are qualified under state and federal law.

**Section 10.** That early voting by personal appearance shall utilize an approved voting system and shall be conducted at the following locations and times shown below, and at such other locations and hours as the City Council may hereafter designate:

### **Harris County Voters Only - Main Early Voting Polling Place**

Harris County Administration Building  
1001 Preston Street, 1<sup>st</sup> Floor  
Houston, TX 77002

#### **Hours for Early Voting by Personal Appearance Harris County Voters only**

Monday	October 19, 2015	8:00 a.m. - 4:30 p.m.
Tuesday	October 20, 2015	8:00 a.m. - 4:30 p.m.
Wednesday	October 21, 2015	8:00 a.m. - 4:30 p.m.
Thursday	October 22, 2015	8:00 a.m. - 4:30 p.m.
Friday	October 23, 2015	8:00 a.m. - 4:30 p.m.
Saturday	October 24, 2015	7:00 a.m. - 7:00 p.m.
Sunday	October 25, 2015	1:00 p.m. - 6:00 p.m.
Monday	October 26, 2015	7:00 a.m. - 7:00 p.m.
Tuesday	October 27, 2015	7:00 a.m. - 7:00 p.m.
Wednesday	October 28, 2015	7:00 a.m. - 7:00 p.m.
Thursday	October 29, 2015	7:00 a.m. - 7:00 p.m.
Friday	October 30, 2015	7:00 a.m. - 7:00 p.m.

### **Fort Bend County Voters Only - Main Early Voting Polling Place**

Rosenberg Annex  
4520 Reading Road  
Rosenberg, TX 77471

#### **Hours for Early Voting by Personal Appearance Fort Bend County Voters only**

Monday	October 19, 2015	8:00 a.m. - 5:00 p.m.
Tuesday	October 20, 2015	8:00 a.m. - 5:00 p.m.
Wednesday	October 21, 2015	8:00 a.m. - 5:00 p.m.
Thursday	October 22, 2015	8:00 a.m. - 5:00 p.m.
Friday	October 23, 2015	8:00 a.m. - 5:00 p.m.
Saturday	October 24, 2015	8:00 a.m. - 5:00 p.m.
Sunday	October 25, 2015	12:00 p.m. - 5:00 p.m.
Monday	October 26, 2015	8:00 a.m. - 5:00 p.m.
Tuesday	October 27, 2015	8:00 a.m. - 5:00 p.m.
Wednesday	October 28, 2015	8:00 a.m. - 5:00 p.m.

Thursday	October 29, 2015	7:00 a.m. - 7:00 p.m.
Friday	October 30, 2015	7:00 a.m. - 7:00 p.m.

**Montgomery County Voters Only - Main Early Voting Polling Place**

Lee G. Alworth Building  
207 West Phillips  
Conroe, Texas 77301

**Hours for Early Voting by Personal Appearance  
Montgomery County Voters only**

Monday	October 19, 2015	8:00 a.m. - 5:00 p.m.
Tuesday	October 20, 2015	8:00 a.m. - 5:00 p.m.
Wednesday	October 21, 2015	8:00 a.m. - 5:00 p.m.
Thursday	October 22, 2015	8:00 a.m. - 5:00 p.m.
Friday	October 23, 2015	8:00 a.m. - 5:00 p.m.
Saturday	October 24, 2015	8:00 a.m. - 5:00 p.m.
Monday	October 26, 2015	8:00 a.m. - 5:00 p.m.
Tuesday	October 27, 2015	8:00 a.m. - 5:00 p.m.
Wednesday	October 28, 2015	8:00 a.m. - 5:00 p.m.
Thursday	October 29, 2015	7:00 a.m. - 7:00 p.m.
Friday	October 30, 2015	7:00 a.m. - 7:00 p.m.

Additionally, each Early Voting Clerk, in his or her discretion, may establish one or more additional early voting locations throughout the City, and the City Secretary shall cause notice of all early voting locations and the hours of operation to be given as required by law.

**Section 11.** That, for the use of those voters who are entitled by law to vote early by mail, the Early Voting Clerk of the county of the voter's residence shall receive applications for early voting ballots to be voted by mail in accordance with the Election Code.

Applications for ballot by mail for the Election for City of Houston, Harris County residents should be mailed to:

Stan Stanart, Harris County Clerk  
P.O. Box 1148  
Houston, Texas 77251 - 1148

Applications for ballot by mail for the Election for City of Houston, Fort Bend County residents should be mailed to:

John Oldham, Elections Administrator  
Fort Bend County  
301 Jackson St., Suite 624  
Richmond, Texas 77469

Applications for ballot by mail for the Election for City of Houston, Montgomery County residents should be mailed to:

Suzy Harvey, Elections Administrator  
Montgomery County  
9159 Airport Road  
Conroe, Texas 77303

**Section 12.** That, in the event the Mayor shall, from time to time, find that additional matters require designation or substitution prior to the Election, the Mayor shall be authorized to make such substitutions or designations as may be necessary, giving such notice as the Mayor deems sufficient and to make such other provision for the orderly conduct of the Election as the Mayor may deem necessary.

**Section 13.** That, in accordance with all applicable federal and state law, the County Clerk of Harris County shall also provide to the voters Spanish, Vietnamese, and Chinese translations of all ballots where appropriate; and all other election materials shall be available and distributed in Spanish, Vietnamese, and Chinese as well as English, as required by applicable law. The Election Administrators of Fort Bend and Montgomery



Counties shall also provide Spanish translations of all ballots, and all other materials shall be available and distributed in Spanish as well as English.

**Section 14.** That this Ordinance shall constitute the election order for the Election and notices of the Election shall be given by publication and posting as required by the Texas Election Code and other applicable law.

**Section 15.** That if any portion or portions of the Proposition are determined, found or held to be violative of any provision of any state or federal constitution, statute, law, code or regulation, then it is the intention of the City Council that the remainder of such Proposition, if sufficient for the intended purpose and in accordance with applicable law, shall be severable from the portion deemed, found or held to be violative of any applicable law.

That if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, invalid, or unenforceable, neither the remaining portions of this Ordinance nor their application to other persons or sets of circumstances shall be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, invalidity or unenforceability of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 16.** That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall Annex of

the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

**Section 17.** That there exists a public emergency requiring this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Mayor of the City of Houston

*JAC*  
Prepared by Legal Dept. *Richard J. Hamblin*  
RVG: 08/04/2015 Senior Assistant City Attorney  
Requested by Honorable Annise Parker  
L.D. File No. 0421500122001