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November 15, 2021

MEMORANDUM

TO: TFOGS Implementation Work Group

FROM: Michael Haas

DATE: November 15, 2021

RE: Referendum Resolution and Options

This memorandum provides background regarding the advisory referenda held in April 2021 as well as options for moving forward under the resolution adopted by the Common Council which authorized advisory and binding referendum elections related to recommendations of the TFOGS Final Report.

Advisory Referenda Background

As you are aware, the Final Report of the Task Force on the Structure of City Government was issued on November 20, 2019. The Report included the following nine recommendations related to the Common Council:

1. Madison should transition to a full-time Common Council.
2. Madison should reduce the size of the Common Council to ten (10) members elected concurrently with the Mayor.
3. Madison should increase Common Council member pay to 80% of the area median income for a single parent with two children (approximately \$67,000).
4. Madison should maintain geographic aldermanic representation.
5. Madison should increase aldermanic terms to four (4) years.
6. Madison should impose term limits of twelve (12) consecutive years.
7. Madison should increase Council leadership terms to two (2) years if the Council terms are increased to four (4) years.
8. That any structural changes to the Council take place at the election immediately following redistricting.

9. That any changes to the size of the Council or the terms of its members be made by charter ordinance subject to binding referendum of the electors.

Following additional deliberations, the Task Force Implementation Work Group developed several referendum election questions which it recommended that the Common Council authorize. Those questions which were considered at a Committee of the Whole meeting and by the Council. On January 5, 2021, the Council adopted a resolution authorizing four advisory referendum questions for the 2021 Spring Election ballot ([Legistar File 62930](#)). The resolution also directed that

. . . after the Spring 2021 election, the Task Force Implementation Workgroup should collaborate with the Mayor's Office to evaluate the results of the Advisory Referendum and take the necessary steps to prepare a resolution that, if approved by the Common Council, would place binding referendum questions related to the structure of Madison's government on the Spring 2022 election ballot.

The Council deliberated at length regarding whether the referendum questions should be advisory or binding and directed that they be posed as advisory questions. While Alders may have had various reasons for supporting the referenda as advisory questions, there appeared to be a general consensus that the Council could obtain useful information from the public, similar to a Citywide survey, which the Council could evaluate and consider before framing questions for a binding referendum.

Advisory Referenda Results

Following are the advisory referendum questions that appeared on the 2021 Spring Election ballot as well as the election results:

1. Beginning with the 2023 Spring Election, SHOULD the City of Madison transition to a full-time Common Council with each Common Council Member earning between fifty percent (50%) to eighty percent (80%) of the Adjusted Median Income for Dane County for a single parent with two children (approximately \$45,000 to \$71,000) per year?

Yes 42% No 58%

2. Beginning with the 2023 Spring Election, SHOULD the size of the City of Madison Common Council be reduced?

16%

Beginning with the 2023 Spring Election, SHOULD the size of the City of Madison Common Council be increased?

13%

SHOULD the size of the City of Madison Common Council remain the same?

70%

3. Beginning with the 2023 Spring Election, SHOULD City of Madison alderpersons be elected to four (4) year terms?

Yes 45% No 55%

4. Beginning with the 2023 Spring Election, if the City transitions to a full-time Common Council SHOULD the City of Madison alderpersons be subject to term limits of twelve (12) consecutive years?

Yes 71% No 29%

Assessing the results purely at face value, they would indicate that the majority of Madison voters prefer that the position of Alder remain part-time, the size of the Council remain the same, Alder terms remain as two years, and 12-year term limits be imposed if the Council transitions to full-time. However a definite interpretation of the results may be difficult due to the number of issues posed and what assumptions voters may have had about the possible interplay between the results of the various questions.

Status and Options

The resolution authorizing the advisory referendum election directed the Implementation Workgroup to work with the Mayor's Office to evaluate the results and prepare a resolution that, if approved by the Common Council, would place binding referendum questions related to the structure of City government on the ballot for the Spring Election in April 2022.

The Workgroup may consider and recommend various options related to this resolution. For example, it may make no recommendation to the Council, it may recommend that the Council not authorize any further referendum election, or it may recommend adoption of a resolution that outlines binding referendum questions for the 2022 Spring Election. Those questions may be the same as the advisory referendum questions or they may be different questions related to the structure of City government.

The Workgroup and the Council should keep in mind two factors if they choose to authorize another referendum election. First, changing the number of Alders on the Council and the length of Alder terms can only be achieved by a binding referendum. This is because MGO § 3.01, which establishes the size of the Council and the length of terms, was enacted as a Charter Ordinance through a binding referendum in 1987.

Changing the position of Alder to full-time and imposing term limits do not require a binding referendum. Those changes could be made by made by amendments to the ordinances and administrative policies. If decisions to change the Council to full time and to impose term limits are made by a binding referendum, they may be amended or repealed in the future only by another binding referendum.

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Second, in order to ensure that referendum questions appear on the ballot for the April 5, 2022 Election, the questions must be provided to the County Clerk at least 70 days in advance, which is January 25, 2022. The remaining Council meetings before that date are November 18th, December 7th, January 4th and January 18th. The Council could also hold another Committee of the Whole meeting to discuss the topic if it wishes. The County Clerk will not finalize ballots for the April election until after the Spring Primary on February 15, 2022 and could agree to accept referendum questions after January 25, 2022, but is only required to do so if the City submits the questions by that date.

I am glad to discuss any questions regarding this summary.