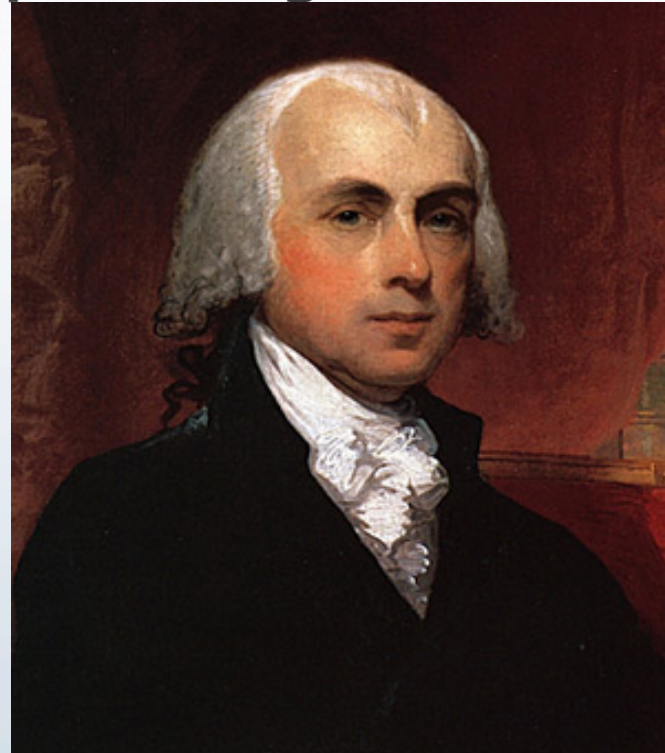
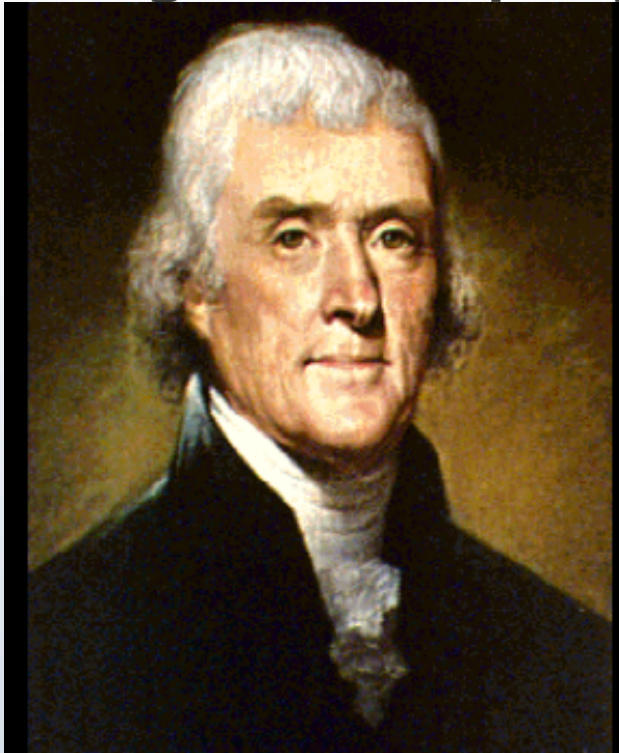


**THE RIGHT TO
PETITION:
Voters' Source of
Power to
take back their towns.**

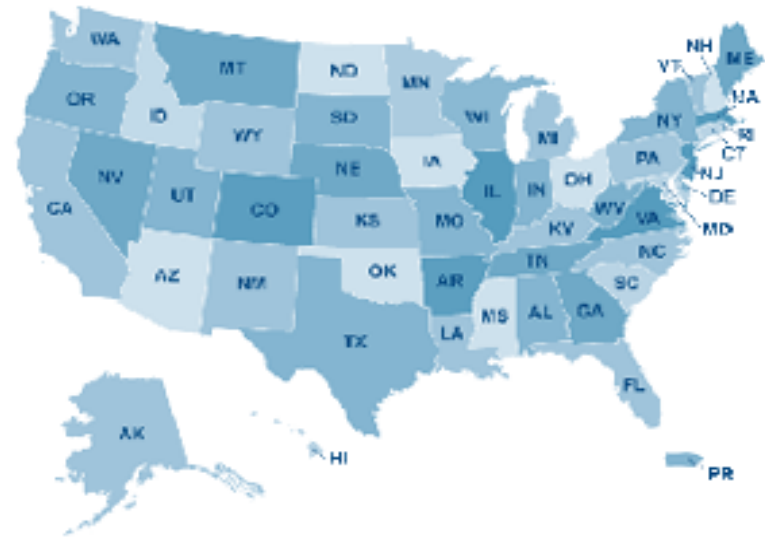
Jefferson & Madison, the original advocates of the right of the people to petition government.



"As the people are the only legitimate fountain of power, and it is from them that the constitutional charter, under which several branches of government hold their power, is derived, it seems strictly consonant for the republican theory to recur to the same original authority...whenever it may be necessary to enlarge, diminish, or new-model the power of government" James Madison, Federalist 49

Though 24 states have
statewide petition
rights, Texas allows
petitions at the
municipal level only.

BASIC FACTS



Thanks to the founders of the Texas initiative and referendum movement starting in the late 1800s -- Rev. A. B. Francisco of Milano, Rev. B. F. Foster of Galveston and Erath County Judge Thomas B. King – Texas voters secured their right to petition at the municipal level as part of the constitutional amendment for home rule passed in 1913. (Legislation for statewide I&R failed in 1905.)

Reference: Initiative and Referendum Almanac, M. Dane Waters.

The 1913 Texas constitutional amendment gave Texans in home rule cities* the right to petition for:

- **CHARTER AMENDMENTS:** to insert into the city charter provisions that cannot be changed without a public vote. Therefore, this can be used to set petition rules for all petitions. *Ex: Austinites for a Little Less Corruption in 1997 (passed 72%) , Stop Domain Subsidies 2008 (failed 48%) 10-1 in 2012 (passed 60%).*
- **INITIATIVES:** a public vote on city ordinances proposed by the people. *EX: the Save Our Springs initiative in Austin in 1992 to protect Barton Springs (passed 64%), Uber 2016 (failed 44%)*
- **REFERENDUMS:** a public vote to revoke a Council decision. *EX: the 1995 Austin "emergency" baseball stadium (passed 63%), 2007 Dallas Trinity Toll Road (failed narrowly), 2016 Houston city's human rights ordinance (passed).*
- **RECALLS:** a public vote to remove elected officials.

* Home rule cities in Texas are 5,000 or more and have a city charter. Approx. 19 million Texans live in home rule cities. That's 71% of Texans -- out of 27.6 million total in population.

Rules for Municipal Charter Amendments Via Petition

- Rules governed by state law.
- Signatures required of five percent (5%) of registered voters at the time of filing, but no more than 20,000, with 180-day collection period.
- What's required?
 - Date signed
 - Signature
 - Printed name
 - Address of current residence
 - City
 - County
 - Date of Birth (or VUID number on their registration)

Austin's Petition Rules

- Initiative and referendum petition rules are the same as required by state law for charter amendment petitions -- 5% of registered voters must sign, capped at 20,000, 180 days. (Reference: Austin City Charter, passed in 2012 by voters)
- To the City of Austin's credit, there is an admission on its website that Referendum is impossible because:
"Austin's city charter requires that a referendum petition must be submitted "prior to the effective date of any ordinance which is subject to referendum." Because most ordinances that are passed by the City Council have an immediate effective date, this requirement can generally not be met."
- Prior to 1997, the City Council did not make use of the above language to essentially stop the citizens from petitioning for referenda.
- Recall petition rules require that 10% of the voters sign the petition, the average for most Texas cities. (Reference: Texas Municipal League). Obstacle is a required notary not required on any other petitions.
- Reference <http://austintexas.gov/departments/petitions>

Two Roads



#1: Bringing the non-partisan independents into the Austin political scene. *We established a Specific Purpose Political Action Committee – IndyAustin – to help.*

#2: IndyAustin will assist Austinites on petitions headed for the May or November ballot 2018. We need lots of help from Austin residents and organizations.

What Austin gets:

- a new regime for citizens petitions bringing about *real local control – control by the citizens, and*
- *recognition for non-aligned independent voters – just because we don't have a party, doesn't mean we don't exist!*

Petition Drives Now Underway!

- A charter amendment to guarantee the right to referendum, establishing a petition “window”. (This slide show focuses on this “mother of all petitions”. We’ll explain.)
- An initiative to secure Austin’s regulatory regime on billboard signage – also now at *SignOnAustin.org*.
- A petition calling for a public vote on CodeNext – a massive overhaul of the city’s land development code.



The Right to Referendum

- It is THE citizen's check and balance on City Hall.
- Last time used in Austin – 1995 – the “emergency” baseball stadium. Citizens won, defeating the stadium expenditure (\$10M) by a 2 to 1 margin, after much embarrassment to the city.

Too bad it couldn't be used to stop these boondoggles:

1. The \$1 billion “mistake on the lake”, the unnecessary Water Treatment Plant #4 (2010).
2. The Domain luxury shopping mall subsidies (2003), an over \$50 million, 20-year subsidy (an economic development “380 agreement”) passed by Council with just 2 weeks notice;
3. Or the gargantuan \$2.3 billion biomass energy deal (2008) that costs us \$54M per year for NO electricity via an unbreakable 20-year contract!

Austin Petition for the Right to Referendum

We, the undersigned, petition the Austin City Council for a public vote to secure the right to petition for voter referendum. The right to voter referendum – to reverse or uphold a City Council decision -- is guaranteed by the Texas constitution. The city of Austin, on its own website states that its petition requirements “generally cannot be met” due to a clause that allows the City Council to eliminate the time window for collection of signatures. This proposed charter amendment, for which we, the undersigned call upon the Austin City Council to place on the ballot for a public vote, is as follows:

§ 2. - POWER OF REFERENDUM.

The people reserve the power to approve or reject at the polls any ordinance enacted by the council which is subject to the initiative process under this Charter, except an ordinance which is enacted for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and which is adopted by the favorable votes of eight (8) or more of the councilmembers. A group of least five (5) registered voters of the City of Austin may make application to the city clerk within 30 days of the enactment of such ordinance, and file an intention to circulate a petition for referendum that identifies the proposed ordinance to be circulated. A petition signed by qualified voters of the city equal in number to the number of signatures required by state law to initiate an amendment to this Charter may be filed with the city clerk within 180 days of filing an intent to circulate a petition requesting that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified as sufficient by the city clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

This petition is posted on the IndyAustin.org home page.

How can you help?

- Sign the petitions and circulate them amongst your friends and family in the city of Austin. (Only registered voters in the city can sign.)
- Get involved. There are many ways for you do to so – contact us. We also appreciate your creativity and passion to get the job done.
- Donate!

Invite IndyAustin's petition wagon to your community. Contact us at *IndyAustin.org*



Happy Petition Trails, Austin!

Graphic designed by Elisabeth.co

NEVER THE END!

**Citizens unite to take
back our towns!**