

# MEMORANDUM

**TO:** Jessica Palvino, CRC Chair

**FROM:** JC Dwyer, CRC Commissioner

**CC:** Charter Review Commissioners, Charter Review Commission City Staff

**DATE:** 1/29/24

**RE:** Signature Threshold Proposal

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## Overview

The Petition Process Working Group seeks Commission discussion and possible action on two proposals related to the signature threshold for valid citizen initiative and referendum petitions.

One proposal would make no change to the current, de facto threshold of 20,000 qualified voters; the other would update this threshold to 5% of qualified voters. This memo argues for the Commission's support of the latter proposal and addresses several concerns that have been raised in the discussion to this point.

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## Do our appointers want this change?

Our Commission's [founding resolution](#), passed by Council in a [9-0 vote](#), declares Council's clear intent to hold a charter amendment election that includes "a durable signature threshold that utilizes a percentage of the total number of registered voters." This proposal is our opportunity to influence the contours of that threshold.

## Do "the people" want this change?

Among the respondents to our public survey who do not vote in every election:

- 44% believe there are too many elections; and
- 44% don't understand the proposals on the ballot.

More specifically, among those who do not vote on citizen-initiated proposals:

- 40% don't understand what they would do;
- 30% believe there are too many proposals; and
- 30% don't trust citizen-initiated proposals.

Insofar as voter participation may be considered a proxy for interest in the issues present on the ballot, standalone elections on citizen-initiated changes in Austin have consistently fared poorly.

Our most recent citizen-initiated election (May 2023) resulted in a voter participation rate of [just 10%](#), despite widespread media coverage and the significant engagement of organized groups. These issues are simply not a priority for most voters.

Certainly, the interest groups from whom our Commission has heard represent a segment of “the people” that is strongly engaged and passionate about public policy, just like every member of this Commission. But it’s important to remember that our passion is not necessarily shared by the median Austin voter, and that the practitioners who have provided their perspective and expertise to us have an incentive to support the status quo.

### **Won’t forcing petitioned changes onto November ballots sufficiently address these issues?**

Certainly, requiring petitioners to face a November electorate will increase the difficulty of passing their proposals, and so may incentivize them to invest only in proposals that are strongly aligned with public opinion.

However, passage is not the only reason why an interest group might petition for an election:

- Some groups may seek to place an item on the ballot simply to confuse and degrade support for a related ballot item, as arguably occurred in the May 2023 election.
- Some groups may seek to place a contentious item on the ballot in hopes of dividing, distracting and causing undue expense to groups aligned with the voting majority.
- Some groups may seek to drive their own voters to the polls with a measure that is not popular enough to pass, but is popular enough to affect the (re)election chances of a candidate appearing on the same ballot.

None of these scenarios would be appreciably affected by a move to November elections.

Finally, though a move to November elections would effectively “raise the price” for groups seeking passage of petitioned proposals, there is a question of dosage.

Raising the price of change on the front-end of the petition process - in addition to forcing proposals onto a November ballot - would more effectively keep bad actors from weaponizing this powerful tool for minoritarian ends.

### **If initiative and referendum changes are forced to November elections alongside Charter amendments, won’t the introduction of a higher signature threshold incent petitioners to instead seek changes to the City Charter itself?**

A 2019 City Auditor’s [report](#) found that “Most peer cities require more signatures for citizen initiatives than Austin. Only Austin has a set number of signatures required in addition to a percentage requirement.”

The selection of a 5% threshold aligns Austin at or below the threshold requirements of peer cities in Texas, including Fort Worth (20%) Houston (15%), Dallas (10%), San Antonio (10%) and El Paso (5%). All of these cities must also contend with the state requirement of 20,000 signatures for Charter changes.

Pending additional research, it is unclear whether these requirements have had an impact on the relative rate of initiative vs charter elections in these cities.

**Will this change unreasonably impede the work of local grassroots organizations to enact petitioned changes?**

First, the size or funding sources of an organized group do not by themselves convey public legitimacy or correlate to the quality of their ideas. “Grassroots” groups are prevalent across the ideological spectrum, and their ideas may be serious or frivolous, popular or unpopular.

Austin has a strong, capable tradition of direct democracy that predates the current signature threshold. The 1992 Save Our Springs petition, often cited as a seminal event in Austin grassroots organizing, successfully gathered [35,000](#) signatures (or [~10%](#) of registered voters) at a time when the required signature threshold was [27,000](#).

Representatives of Equity Action, currently one of our most prominent grassroots groups, have indicated in testimony to our commission that they are already unlikely to pursue future citizen initiative petitions, even under the current threshold.

Today, a 5% threshold would require [~27,000](#) qualified signatures (ironically the same number required in 1992). This is a reasonable compromise between the current threshold of 20,000 (currently equivalent to [~3.7%](#) of qualified voters and falling), and the pre-2012 threshold of [10%](#), under which significant citizen-initiated changes to the Austin code were still practicable.

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