

Recommendation: Maintain the Current Petition and Initiative Signature Requirements

Background

City Council Resolution 20230309-025 establishing the 2024 Charter Review Commission emphasized City Council's intent to utilize "higher voter participation" for Charter Amendments, a motivation that also appears to also animate Council's thinking with regard to elections to consider referendums and initiatives.

The Charter Review Commission established the Petition Process Working Group on October 2nd, 2023. Its membership consisted of Commissioners Cowles, Dwyer, Greenberg, McGivern and Van Maanen.

This recommendation was presented to the full Commission on XX/XX/XXXX. It was adopted/rejected by a X-X vote.

Reasoning of the Proposal

This recommendation would maintain current ballot initiative requirements. Texas Local Government Code § 9.004 states that *"governing body of a municipality...shall submit a proposed charter amendment to the voters for their approval at an election if the submission is supported by a petition signed by a number of qualified voters of the municipality equal to at least five percent of the number of qualified voters of the municipality or 20,000, whichever number is the smaller."* Current Austin City Charter Article IV, § 3 states that a petition or initiative process *"is subject to the requirements prescribed by state law for a petition to initiate an amendment to this Charter, and shall be in the form and validated in the manner prescribed by state law for a petition to initiate an amendment to this Charter."*

A recommendation was presented to the full Commission on XX/XX/XXXX and was adopted by a X-X vote that would submit to voters proposed ballot language limiting citizen petition and initiative elections to general municipal election dates, so as to increase the total number and diversity of Austinites participating in those elections. Such an amendment would be an important tool in avoiding petition and initiative elections considered by smaller electorates that are less representative of Austin residents.

It is the opinion of the City Law Department that city charter amendment elections may not necessarily be limited to municipal general election dates under State law. Consequently, this could result in some charter amendment elections falling on the next uniform election date, thereby resulting in the high likelihood of much lower voter turnout for those elections.

Imposing a higher signature threshold for referendums and initiatives while permitting charter amendment elections to move forward with a lower signature requirement (as required by state law) will incentivize those wishing to make changes to city law to do so through the charter amendment process.

Policy Reasons for the Recommendation

Leaving the referendum and initiative signature threshold in line with the charter amendment signature threshold would avoid creating an incentive for would-be-petitioners to utilize the charter amendment process for matters that would be better suited for a referendum or initiative process. Encouraging a more regular use of the petition and/or initiative process would allow Austin voters to limit those elections to general municipal election dates, resulting in these items considered by electorates more representative of the broader population of Austin residents.

Estimated Fiscal Budgetary Impact for the Recommendation

The recommendation has no fiscal impact, as it maintains the current charter language and election practices.