

Recommendation:

Background

City Council Resolution 20230309-025 establishing the 2024 Charter Review Commission indicated City Council's intent to hold an election in November 2024 to allow voters to decide on several important changes to the charter including *"changes to petition requirements for initiative and referendum or City Charter amendments including (...) Use of a durable signature threshold that utilizes a percentage of the total number of registered voters in the City."*

Among the reasons cited for this change, the Resolution stated:

"WHEREAS, in November 2012, voters approved a Charter amendment to change the number of required signatures for initiative and referendum petitions to be equal to the number of signatures required by state law to initiate a Charter amendment: 5% of qualified voters or 20,000, whichever number is smaller, and this change resulted in petitioners needing fewer than half the number of signatures than before;"

and

"WHEREAS, in 2012, when the change was made, 20,000 signatures was 4% of qualified voters, but this fixed number represents a steadily decreasing percentage of Austin voters as the City's population continues to grow;"

and

"WHEREAS, an October 2019 report by the City Auditor regarding citizen initiatives to amend the City Code noted that most peer cities require more signatures for citizen initiatives than Austin and that only Austin provides for a set number of signatures required or a percentage requirement, whichever is smaller".

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.

Substance of the Proposed Amendments, Revisions or Repeals to the Charter

This recommendation creates a durable signature threshold for the approval of citizen initiative and referendum petitions at 5% of qualified Austin voters and aligns those changes to the same threshold for changes to the City Charter, pending changes to state law.

The Charter Review Commission recommends creating Article IV, § 11, titled “Changes to the City Charter,” and adding the following language:

“In the event Texas Local Government Code 9.004 is amended to permit the city to affirmatively choose between setting the petition signature threshold required for initiating a charter amendment election to either a fixed number of qualified voters or a percentage of qualified voters without regard to which option is lower, then the threshold to amend the charter will be five percent of the number of qualified voters in the city. The intention of this section is that the signature threshold for petition initiatives will never be higher than the threshold for voter-initiated amendments to the City Charter.”

The Commission further recommends deleting instances of the phrase “by state law” from Article IV, § 1 and Article IV, § 2.

Policy Reasons for the Recommendation

If made permissible by state law, this recommendation will provide a durable threshold for the approval of petitions that retains its value over time by accounting for the continued growth of Austin’s population.

A 5% threshold aligns Austin’s petition requirements at or below the requirements of peer cities in Texas, and represents a reasonable compromise between the current threshold, which has become artificially low in comparison to Austin’s growing population, and the historical threshold of 10% that existed prior to 2012.

The contingent wording of this recommendation will ensure that the signature thresholds for changes to the charter and changes to municipal code remain aligned.

Estimated Fiscal Budgetary Impact for the Recommendation

If made permissible by state law, the recommendation will reduce the likelihood of costly initiative and referendum elections.

Impact of the Recommendation on Existing City Laws, Rules, Practices and Procedures

The recommendation requires one addition and two amendments to Article IV of the Charter. Additionally, City staff and Council may need to develop or change procedures and/or ordinances to harmonize their processes in accordance with the Charter recommendation.

Proposed Ballot Language

“Shall the city increase the number of signatures required to validate petitions for citizen-initiated changes to the charter and municipal code from 20,000 to 5% of qualified voters, if made permissible under state law?”

Alternative Implementation Options

Given that this proposal directly conflicts with current City Charter language, no alternative implementation options are available.