

Special Report

Citizen Initiatives

October 2019



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. To propose a new law, petitioners in Austin must collect either signatures from 20,000 voters or 5% of voters, whichever number is smaller. Twenty-thousand signatures is currently about 3% of Austin voters and will continue to be a lower percentage as the city grows.

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Cover: Close-up of pen signing a petition, <https://daily.jstor.org/whats-with-all-the-petitions>

Objective

The objective of this special request was to determine:

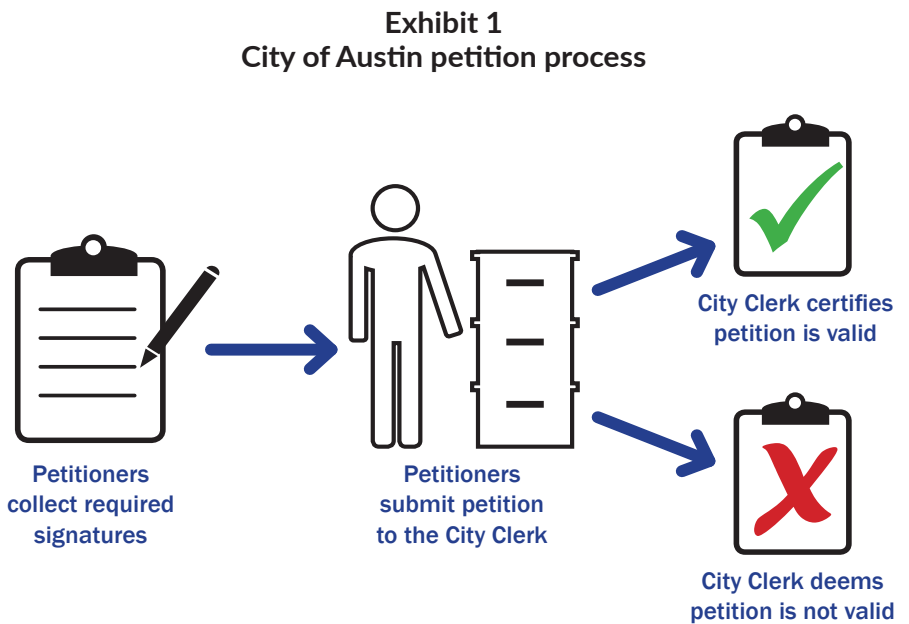
- What are the requirements for citizen-initiated petitions in Austin?
- When were the current requirements for citizen-initiated petitions established and what was the context, including population and number of registered voters?
- Have there been any recommendations to change the requirements since 2012?
- How many citizen-initiated petitions have Austin residents submitted in the last five years? What was the participation, outcomes, and in cases where a special election was required, what was the cost of that election?
- How do rules for citizen initiatives in the City of Austin compare to rules for peer cities regarding the number of required signatures, general processes, and any applicable state legal requirements?

What We Learned

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. To propose a new law, petitioners in Austin must collect either signatures from 20,000 voters or 5% of voters, whichever number is smaller. Twenty-thousand signatures is currently about 3% of Austin voters and will continue to be a lower percentage as the city grows.

What are the requirements for citizen-initiated petitions in Austin?

A citizen-initiated petition is a collection of signatures from local voters that supports a particular issue. As shown in Exhibit 1, petitioners collect signatures and submit the petition to the City Clerk. The City Clerk confirms petitioners collected the minimum number of signatures required and that the signatures meet certain legal requirements. A petition is considered valid once the City Clerk confirms it meets the necessary requirements. A petition that does not meet the necessary requirements is deemed invalid.



SOURCE: OCA review of requirements for citizen-initiated petitions in Austin, September 2019

There are four types of citizen-initiated petitions in Austin.

- Initiative petitions allow voters to propose a new ordinance.
- Referendum petitions allow voters to propose repealing ordinances before they take effect.
- Recall petitions allow voters to propose removing a mayor or a member of the city council.
- Charter amendment petitions allow voters to propose changing the City Charter.

Exhibit 2 below shows the signature requirements for all four petition types. Except for recall petitions, petitioners must collect signatures from 20,000 qualified voters or 5% of qualified voters, whichever number is smaller, in order for the petition to be formally considered by City Council. Only signatures collected within 180 days before submitting the petition to the City Clerk are considered valid. Qualified voters are registered voters with a confirmed residential address.

Exhibit 2
Signature requirements for citizen-initiated petitions in Austin

Type of petition	Purpose of petition	Required number of signatures
Initiative	Propose a new ordinance or law	5% of qualified voters in the city or 20,000, whichever is smaller
Referendum	Propose to repeal an ordinance before it takes effect	5% of qualified voters in the city or 20,000, whichever is smaller
Recall	Propose to remove a mayor or member of the city council	10% of qualified voters from the whole city if the petition proposes recall of the mayor, or 10% of qualified voters from the relevant council member's district if the petition proposes recall of a council member
Charter Amendment	Propose changes to the City Charter	5% of qualified voters in the city or 20,000, whichever is smaller

SOURCE: OCA review of requirements for citizen-initiated petitions in Austin, September 2019

Once the City Clerk confirms a petition is valid, City Council must act on the petition. The required action depends on the type of petition. For example, when Council receives a valid initiative petition, Council has the option to adopt the proposed ordinance or call an election so voters may decide whether to adopt the ordinance.

Exhibit 3
Required actions for valid citizen-initiated petitions

Type of petition	Required action if petition is valid
Initiative	Council must adopt the ordinance as written or call an election so voters can consider the ordinance
Referendum	Council must repeal the ordinance or call an election so voters can consider repeal of the ordinance
Recall	The named mayor or council member must resign within 5 days or the city council must order an election to be held in the named council member's district or to be held citywide in the case of a mayoral recall
Charter Amendment	The City must hold an election on the proposed charter amendment

SOURCE: OCA review of process for citizen-initiated petitions in Austin, September 2019

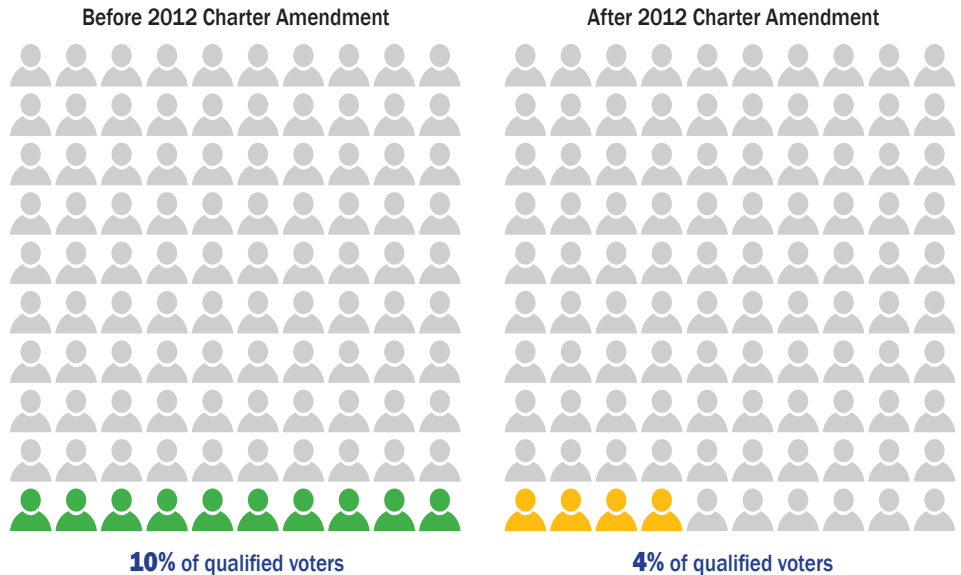
When were the current requirements for citizen-initiated petitions established in Austin and what was the context, including population and number of registered voters?

State law outlines the requirements for citizen-initiated charter amendments. Article IV of the City Charter outlines the requirements for citizen initiative, referendum, and recall petitions. The requirements for citizen initiatives and referendum petitions were last revised in November 2012 when local voters approved an amendment to the City Charter.

Before that change, both initiative and referendum petitions required signatures from 10% of qualified voters. Now the number of required

signatures for initiative and referendum petitions is 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. When the change was made in 2012, 20,000 signatures was 4% of qualified voters. As shown in Exhibit 4, this change resulted in petitioners needing fewer than half the number of signatures than before.

Exhibit 4
Petitioners need fewer signatures for initiative & referendum petitions than before



SOURCE: OCA analysis of changes to signature requirements for citizen initiative and referendum petitions in Austin, September 2019

The requirements for recall and charter amendment petitions were not changed with this amendment.

Have there been any recommendations to change the requirements since 2012?

The requirements for petitions initiated by citizens have remained unchanged since 2012. However, the City Council established the 2018 Charter Review Commission to advise the Council on revisions to the City Charter. In May 2018, this Commission recommended changes to referendum and recall petitions. These recommendations were to:

- allow petitioners to submit a referendum petition on an ordinance up to 180 days after the passage of the ordinance,
- require petitioners to file a letter of intent with the City Clerk before collecting signatures for a referendum petition, and
- increase the percentage of voters needed for a recall petition from 10% of registered voters in the district to 20%.

These proposed changes to referendum and recall petitions were not included in the November 2018 election and therefore were not implemented.

How many citizen-initiated petitions have Austin residents submitted in the last five years? For these petitions, what was the participation, outcomes, and in cases where a special election was required, what was the cost of the election?

Austin residents submitted six citizen-initiated petitions in the last five years. Five were initiative petitions and one was a recall petition. The recall petition was invalid because it did not meet the legal requirements.

All five initiative petitions were valid petitions with more than the required 20,000 signatures. Elections were held for three of the five initiatives and all three initiatives failed. Residents will vote on the other two initiatives in the upcoming November 2019 election.

The initiative in 2016 required a special election where voters only considered the citizen initiative. According to data from the City Clerk, the total cost of the special election for this initiative was \$645,000. The initiatives in 2018 were considered in the November 2018 general election. According to data from the City Clerk, the total cost of the general election was \$547,000. However, according to the City Clerk, there is no way to determine the cost of each initiative voted on in an election. According to data from the City Clerk, the estimated total cost of the November 2019 election is expected to be \$500,000. Similar to the 2018 election, the costs of including the initiatives in this election is unknown.

Exhibit 5 Austin residents submitted five initiative petitions in the last five years

Petition	Year Submitted	Valid Signatures*	Election Date	Votes on Initiative	Total Cost of Election	Election Outcome
Petition 1	2016	25,384	May 2016 (Special Election)	88,317	\$645,000	Failed
Petition 2	2018	21,911	Nov. 2018	290,482	\$547,000	Failed
Petition 3	2018	25,790	Nov. 2018	326,758		Failed
Petition 4	2019	24,481	Nov. 2019	TBD (Nov. 2019)	\$500,000 (estimated)	TBD (Nov. 2019)
Petition 5	2019	26,441	Nov. 2019	TBD (Nov. 2019)		TBD (Nov. 2019)

*Estimates provided by the City Clerk's Office.

SOURCE: OCA review of past citizen initiatives in Austin, September 2019

How do rules for citizen initiatives in the City of Austin compare to rules for peer cities regarding the number of required signatures, general processes, and any applicable state legal requirements?

Compared to cities reviewed, only Austin has a number of signatures required threshold (20,000 signatures) in addition to a percentage requirement. As Austin's population increases, the 20,000-signature requirement becomes an even-smaller proportion of the voting population.

In the last several years, initiative petitions have been the most common type of citizen-initiated petition submitted in Austin. We compared the rules and requirements for initiative petitions in Austin to select peer cities. We found Austin requires a lower number of signatures for initiative petitions than all other Texas cities reviewed except for El Paso. As shown in Exhibit 6, Austin petitioners need to collect 20,000 signatures for a valid petition, while petitioners in most other Texas cities need about 40,000 to 90,000 signatures for a valid petition. Although El Paso requires fewer signatures, petitioners need to complete an extra step to place a proposal on the ballot. El Paso's City Council has 30 days after validation of an initiative petition to place the proposed ordinance on its agenda. If El Paso's City Council chooses not to pass the ordinance as written, petitioners must collect the minimum required signatures again to put the ordinance to a citywide vote.

Exhibit 6 Austin requires fewer signatures for initiative petitions than most Texas cities reviewed

City	2018 Population	Initiative signature requirement	Number of signatures required as of 2018*
Austin, Texas	967,629	5% of qualified voters or 20,000, whichever is smaller	20,000 (5% of qualified voters is 32,887)
Houston, Texas	2,325,502	15% of the total vote cast for mayor at any city general election held within the three years next preceding the date of the filing of such petition	40,331
Dallas, Texas	1,345,047	10% of qualified voters from the latest county voter registration list	65,750
San Antonio, Texas	1,532,233	10% of qualified voters from last regular municipal election	78,415
Fort Worth, Texas	895,008	20% registered voters	90,000
El Paso, Texas	682,669	5% voters who cast ballots in last election	8,839

*The number of signatures required in Austin, Fort Worth, and El Paso were confirmed with the respective City Clerk Offices. The number of required signatures in Houston, Dallas, and San Antonio came from a *Community Impact* article titled "Austin has the weakest threshold for citizen-initiated ordinances of any major Texas city," published July 17, 2019.

SOURCE: OCA analysis of signature requirements for citizen initiatives in Austin and peer cities, September 2019

Austin also requires a lower number of signatures for initiative petitions than all out-of-state cities reviewed except for Denver, CO. The Appendix details signature requirements for all cities reviewed. Compared to cities reviewed, only Austin has a number of signatures required threshold (20,000 signatures) in addition to a percentage requirement. Because 5%

of qualified voters in Austin is about 32,887 voters, petitioners in Austin only need 20,000 signatures to submit a petition.¹ This is equivalent to about 3% of Austin's population. As Austin's population increases, the 20,000-signature requirement becomes an even-smaller proportion of the voting population.

Other requirements for citizen initiatives varied across cities. For example, all the out-of-state cities reviewed require petitioners to inform the city of an intent to circulate an initiative petition. This is not required in Austin and is not common in other Texas cities reviewed.

The number of days petitioners have to collect signatures also varied across the cities reviewed. Austin allows petitioners 180 days to collect signatures for initiative petitions. Houston allows 30 days and Dallas allows 60 days. The other three Texas cities reviewed did not specify the number of days allowed.

The Appendix includes a more detailed summary of the peer city review.

¹ As of 2018, there were about 657,745 qualified voters.

Why We Did This Report

This report responds to a request from Mayor Adler and Council Member Harper-Madison regarding questions about citizen-initiated petitions in Austin and comparable cities.

Scope

The project scope included citizen-initiated petitions in Austin and comparable cities in the last five years (2015-2019).

Methodology

To complete this special request, we performed the following steps:

- researched the current requirements for citizen-initiated initiative, referendum, recall, and charter amendment petitions in Austin, including when current requirements were established;
- selected peer cities in Texas and elsewhere in the U.S. based on a related article in the *Community Impact* newspaper and OCA's standard list of peer cities;
- researched and collected peer city requirements and processes for citizen-initiated petitions;
- compared Austin's citizen-initiated petition requirements and processes with those in peer cities;
- interviewed the Austin City Clerk about the petition process and past petitions in Austin;
- researched the number of citizen-initiated ballot items that have been included in elections from 2015 through 2019 in Austin;
- contacted peer cities for number of registered voters and/or other metrics used for calculating valid petitions; and
- analyzed Austin's and peer cities' populations and petition requirements to determine the thresholds for putting an item on the ballot.

Project Type

Special request projects conducted by the Office of the City Auditor are considered non-audit projects under Government Auditing Standards and are conducted in accordance with the ethics and general standards (Chapters 1-3).

Appendix

Texas Peer City Comparison					
City	Petition Type	Required to submit an intent to file petition?	Signature requirement	Number of signatures needed	Timeframe for collecting signatures
Austin	Initiative	No	5% of qualified voters or 20,000, whichever is smaller	20,000	180 days
	Referendum	No	5% of qualified voters or 20,000, whichever is smaller	20,000	180 days
	Recall	No	10% of qualified voters from district or 10% of qualified voters citywide if for mayoral recall	Varies	180 days
	Charter Amendment	No	5% of qualified voters or 20,000, whichever is smaller	20,000	180 days
Houston	Initiative	No	15% of the total vote cast for mayor at any city general election held within the three years next preceding the date of the filing of such petition	40,331	30 days
	Referendum	No	10% of the total vote cast for mayor at any city general election held within the three years next preceding the date of the filing of such petition	26,887	Prior to ordinance taking effect or within 30 days of publication
	Recall	No	25% of the total vote cast for mayor at any city general election held within the three years next preceding the date of the filing of such petition	Varies	30 days
	Charter Amendment	No	5% of qualified voters or 20,000, whichever is smaller	20,000	180 days
Dallas	Initiative	Yes	10% of qualified voters from the latest county voter registration list	65,750	60 days
	Referendum	Yes	10% of qualified voters from the latest county voter registration list	65,750	60 days
	Recall	Yes	15% of the number of voters who, on the date of the last preceding general municipal election, were entitled to vote for the place occupied by the member sought to be removed	Varies	60 days
	Charter Amendment	No	5% of qualified voters or 20,000, whichever is smaller	20,000	180 days
San Antonio	Initiative	No	10% of qualified voters from last regular municipal election	78,415	None specified
	Referendum	No	10% of qualified voters from last regular municipal election	78,415	None specified
	Recall	No	10% of qualified voters from last regular municipal election in the district or 10% of qualified voters citywide if for mayoral recall	varies	None specified
	Charter Amendment	No	5% of qualified voters or 20,000, whichever is smaller	20,000	180 days
Fort Worth	Initiative	No	20% registered voters	90,000	None specified
	Referendum	No	20% registered voters	90,000	None specified
	Recall	No	20% registered voters in district or citywide if for mayor	varies	None specified
	Charter Amendment	No	5% of qualified voters or 20,000, whichever is smaller	20,000	180 days

Texas Peer City Comparison (continued)					
City	Petition Type	Required to submit an intent to file petition?	Signature requirement	Number of signatures needed	Timeframe for collecting signatures
El Paso	Initiative	No	5% voters who cast ballots in last election	8,839	None specified
	Referendum	N/A	A referendum election may be called by the City Council when a collective bargaining agreement between the City and an employee organization so provides	N/A	N/A
	Recall	Yes	20% of total votes cast in election of the officer whose recall is sought	varies	60 days
	Charter Amendment	No	5% of qualified voters or 20,000, whichever is smaller	18,972	180 days

Other Peer City Comparison – Initiative Petitions Only					
City	Petition Type	Required to submit an intent to file petition?	Signature requirement	Number of signatures needed	Timeframe for collecting signatures
Denver, Colorado	Initiative	Yes	2% of the total number of active registered electors as of January 1 each odd-numbered year	8,265	None specified
Portland, Oregon	Initiative	Yes	9% of the number of electors registered on the date of the primary election immediately preceding the date the prospective petition is filed. No more than 15% of voters can be required	37,638	2 years
Seattle, Washington	Initiative	Yes	10% of the total number of votes cast for the office of Mayor at the last preceding municipal election	21,769	180 days
San Diego, California	Initiative	Yes	3% of registered voters at the last general city election to initiate an ordinance for consideration by Council; 10% for direct submission of a measure to the people (must declare which % at time of filing with clerk)	10%: 71,646 3%: 21,494	180 days Must wait 21 days from date of publication in newspaper to begin circulating
San Jose, California	Initiative	Yes	8% of people eligible to vote according to last report of registration filed by the County Registrar of Voters to put to a vote at a Special Election; 5% of people eligible to vote for consideration at next general election	8%: 36,345 5%: 22,716	None specified

The Office of the City Auditor was created by the Austin City Charter as an independent office reporting to City Council to help establish accountability and improve City services. Special requests are designed to answer specific questions to assist Council in decision-making. We do not draw conclusions or make recommendations in these reports.

Team

Katie Houston, Audit Manager
Maria Stroth, Auditor-in-Charge
Francis Reilly

City Auditor

Corrie Stokes

Deputy City Auditor

Jason Hadavi

Office of the City Auditor

phone: (512) 974-2805

email: AustinAuditor@austintexas.gov

website: <http://www.austintexas.gov/auditor>



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@AustinAuditor

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