THE RIGHT TO PETITION: Voters’ Source of Power to take back our towns.
“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
Thanks to the founders of the Texas initiative and referendum movement starting in the late 1800s – during the rural populist reform era -- 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:

- **CITY CHARTER AMENDMENTS:** Petition requirements set by state law—“at least five percent of the number of qualified voters of the municipality or 20,000, whichever number is the smaller in 180 days”.
  
  Examples:
  - Austinites for a Little Less Corruption, campaign finance reform, 1997. (passed 72%).
  - Geographic Representation & Citizens Redistricting Commission (Austin, 2012, passed 60%).

- **INITIATIVES:** A city ordinance. Petition requirements adopted by a public vote as a charter amendment proposed either by city council or citizens via petition.
  
  Examples:
  - Uber Lift petition, Austin, 2016 (failed 44%).
  - Austin’s Prop J (CodeNEXT) the right to vote on land development code (failed 48%).

- **REFERENDUMS:** A public vote to revoke Council decision. Petition requirements adopted by a public vote as a charter amendment proposed either by city council or citizens via petition.
  
  Examples:
  - Stopping funding for “emergency” baseball stadium, Austin (1995, passed, 63%).
  - Dallas Trinity Toll Road, to stop toll road (2007, failed 47%).
  - Overturning Houston’s human rights ordinance (2015, passed, 61%).

- **RECALLS:** To remove elected city officials (Mayor or City Council members). Though the numbers vary, requirements set by city or citizens petition of 10% of registered voters is standard, according to the Texas Municipal League.

* Home rule cities in Texas are 5,000 or more in population 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 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)
Why Referendums are so rare:

- Most municipalities have made the right to vote to reverse a Council decision nearly impossible. Why? City officials hate that their decisions can be vetoed by the voters.

- This is why San Antonio gives petitioners just 40 days to collect signatures of 10% of the registered voters (approx. 70,000 signatures.)

- AND the City of Austin flat out denies referendum petitions...with a twist – see next slide.
The Right to Referendum is denied Austin voters.

- Referendum, the right to vote on reversing a Council decision, IS THE citizen’s check and balance on City Hall.

- Language remains in the city charter that allows the Council to compress the period between passage of an ordinance and its enactment, so there is no time to gather signatures.

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

1. The $1 billion “mistake on the lake”, the unnecessary Water Treatment Plant #4 (2010). Later developers who insisted on it admitted it was a mistake.

2. The Domain luxury shopping mall subsidies (2003), an over $50 million, 20-year subsidy, a so-called “economic development 380 agreement”.

3. Austin’s gargantuan $2.3 billion biomass energy deal (2008) that costs $54M per year with NO electricity produced via a supposedly unbreakable 20-year contract!

San Antonio Petition Rules – Initiatives & Referendum

- **REFERENDUM** (public votes to reverse Council decisions: remember Prop A?): 40 days, 10% of registered voters, CANNOT do on “appropriating money, levying taxes, or fixing public utility rates, or any ordinance submitted by the council of its own initiative to a vote of the electors.” *(FAR TOO LATE FOR VISTA RIDGE)* Note: Prop A, petitioned for in 2018, would have eased these requirements, but failed at the polls. Corporate and developer interests, with Mayor Nirenberg led a $2 million challenge to Props A, B & C. Prop A was defeated.

- **INITIATIVE** (a citizen’s ordinance): Same rules as above, EXCEPT no petition window. In other words, you can petition for as long as you want.
NEVER THE END!

Citizens unite to take back our towns. Start by joining the League of Independent Voters and establishing a local chapter.