

DATE: February 8, 2019

TO: Texas City Charter Review Committee

FROM: Don R. Edmonds

SUBJECT: Memorandum report on the petition requirements for Initiative, Referendum, and Recall processes in the Texas City charter and a comparison to other such provisions in certain randomly selected home rule cities in the Houston-Galveston area.

Introduction

The Texas City charter has an expansive description of the processes that govern the rights of its citizens to petition the Commission to initiate an ordinance, to require a referendum on an ordinance adopted by the Commission, or to remove (recall) a member of the Commission. These rights, in the state of Texas, are unique to home rule cities and more than 90% of home rule cities have charters that provide for the exercise of "I, R & R". However the petition requirements vary considerably.

Statewide, there are essentially three approaches to petition requirements: (a) a petition must include no less than a certain number of signatures based on a specified percentage of registered voters in the city; or (b) a petition must include no less than a certain number of signatures based on a percentage of registered voters who actually voted in the last city election; or (c) or some combination of the above.

The Texas City charter devotes four Articles (V, VI, VII and VIII) to these processes, which can be summarized as follows:

Initiative – 10% of voters in last election, with no less than 100 signers

Referendum – 20% of voters in last election, with no less than 150 signers

Recall – 50% of voters in last election, with no less than 100 signers

For the purpose of comparison, there follows a summary of charter provisions for I, R & R currently in effect in a randomly selected number of gulf coast cities.

I, R & R Processes Based on Voters in Last Election

Houston Initiative – 10% of voters in last election

Referendum – 15% of voters in last election

Recall – 25% of voters in last election

La Marque Initiative – 25% of voters in last election

Referendum – 25% of voters in last election

Recall – 51% of voters in last election

Bellaire Initiative – 25% of voters in last election

Referendum – 25% of voters in last election

Recall – 51% of voters in last election, with no less than 200 signers

Tomball Initiative – 30% of the average number of voters in the last three elections,
with no less than 250 signers

Referendum – 30% of the average number of voters in the last three elections,
with no less than 250 signers

Recall – 30% of voters in the last election, with no less than 175 signers

Bay City Initiative – 10% of voters in last election, with no less than 1,000 signers

Referendum – 10% of voters in last election, with no less than 1,000 signers

Recall – 20% of voters in last election, with no less than 1,500 signers

I, R & R Processes Based on Total Number of Registered Voters

Galveston Initiative – 10% of registered voters in city

Referendum – 10% of registered voters in city

Recall – 10% of registered voters in city

Pasadena Initiative – 30% of registered voters in city

Referendum – 20% of registered voters in city

Recall – 20% of registered voters in city

Beaumont Initiative – 5% of registered voters in city

Referendum – 5% of registered voters in city

Recall – 5% of registered voters in city

Friendswood Initiative – 10% of registered voters in the city

Referendum - 10% of registered voters in the city

Recall – 10% of registered voters in the city

Combination of I, R & R Processes

Baytown Initiative – 1,000 registered voters in city

Referendum – 1,000 registered voters in city

Recall – 51% of voters in last election, with no less than 700 signers

Summary

The Texas City I, R & R provisions are unusual in several ways. First the petition requirement in each case varies considerably. And the “bar” for a recall petition is notably high. The result is that it’s two and-a-half times more difficult for its citizens to secure a petition for a referendum than it is to petition for an initiative; and it’s five times as difficult for its citizens to secure a petition for recall than it is to secure a petition for initiative.

It seems to me that the Committee should take a close look at the logic of the current provisions and consider lowering the “bar” on recall petitions.