

REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 11/03/2009

SUBMITTED TO: HB Charter Review Commission

SUBMITTED BY: Mark D. Bixby, Charter Review Commissioner *MDB*

SUBJECT: Amend section 703 (Initiative, Referendum, and Recall).

Statement of Issue: Population growth of the city makes it more challenging for grass-roots organizations to gather the required number of petition signatures to qualify ballot measures. This proposal retains the General Law percentage amount and time requirements, but changes the signature metric from the number of registered voters to the number of ballots cast in the previous general municipal election, resulting in a 26% decrease in the number of signatures required based on data from the 11/04/2008 election.

Recommended Action: Motion to:

Amend Huntington Beach charter section 703 to use the number of ballots cast in the last preceding general municipal election instead of the number of registered voters to determine whether initiative, referendum, and recall petitions have attained the percentage of valid elector signatures as specified by General Law to qualify for the ballot.

Alternative Action(s):

The recommended action above uses the “last preceding general municipal election” for simplicity. But turnout differences between presidential election years and non-presidential years will lead to wide fluctuations in the required number of signatures. Therefore I present the following alternative actions, either of which would serve to limit signature fluctuation:

1. Use the average number of ballots cast in the two preceding general municipal elections (one presidential, one non-presidential).
2. Use the number of Huntington Beach ballots cast in the last preceding presidential election.

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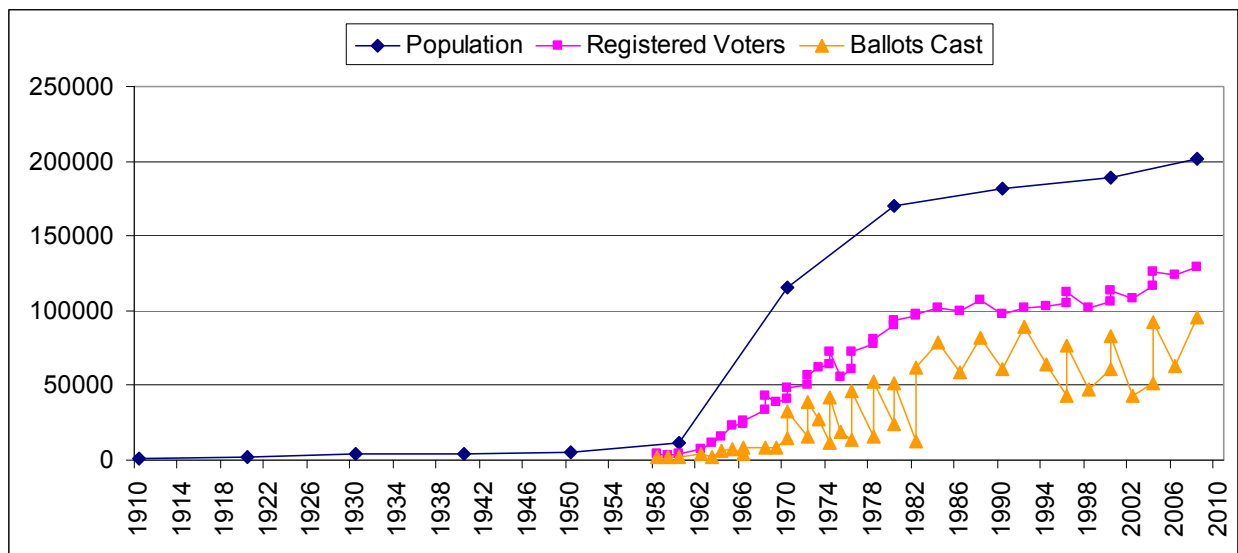
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Analysis:

The city's current initiative, referendum, and recall requirements follow General Law. Proponents of such measures must circulate petitions with specified deadlines for collecting voter signatures greater than or equal to 10% of registered voters in order to qualify for the ballot.

The number of registered voters tracks closely with city population, thus the number of required signatures increases as the city grows over time. Well-funded proponents can always pay for signature collection no matter how big the city grows, but true grass-roots organizations generally lack the resources to mount paid signature gathering campaigns, and may find initiative, referendum, and recall to be effectively out of reach.

The following graph charts city growth from 1910 to 2008. Population counts come from the US Census while election statistics come from the city clerk's archives. Election statistics prior to 04/07/1958 have been omitted for clarity. The graph shows that the first 50 years of the city were marked by very slow population growth, while the second 50 years ushered in explosive population growth which had been leveling off except for a slight uptick since 2000:



The 04/12/1960 general municipal election serves as the dividing line between the two growth eras. There were 4,043 registered voters and 2,457 ballots cast in that

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election. If one assumes that current General Law initiative, referendum, and recall requirements were in effect back in 1960 (and I do not know if that assumption is true), then a minimum of 405 signatures would have been required to qualify citizen-circulated petitions. That equates to an average of 3 signatures per day for initiatives and recalls, and 14 signatures per day for referendums. Those numbers would have been easily achievable for all-volunteer grass-roots organizations.

Now fast-forward to the present. Based on the 11/04/2008 general municipal (and presidential) election, a minimum of 12,920 signatures are required, which equates to an average of 72 signatures per day for initiatives, 431 signatures per day for referendums, and 81 signatures per day for recalls. That's approximately 32 times as difficult as compared to 1960 (based on the total number of signatures).

The following table summarizes the current and proposed signature requirements based on the 11/04/2008 election. The total number of signatures and the daily average across the entire collection period is provided for each measure type. However, a simple daily average may not be indicative of real-world conditions faced by all-volunteer grass-roots organizations. Most volunteers probably need to work for a living, and so can only collect signatures on weekends. Therefore I provide an alternative pair of daily averages which assumes that 80% of signatures are collected on weekends, and the remaining 20% are collected on weekdays. These alternative averages are for every Saturday and Sunday, plus every mid-week day during the collection period.

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|---|--|-----------------------------------|-------------------------------|
| 11/04/2008 election baseline | 129,193 registered voters 95,477 ballots cast | Current (registered voters) | Proposed (ballots cast) |
| Recall – 10% in 160 days | Total signatures required | 12,920 | 9,548 |
| | Daily avg | 81 | 60 |
| | Daily avg (80% Sat-Sun) | 225 | 167 |
| | Daily avg (20% Mon-Fri) | 23 | 17 |
| Referendum – 10% in 30 days | Total signatures required | 12,920 | 9,548 |
| | Daily avg | 431 | 319 |
| | Daily avg (80% Sat-Sun) | 1,034 | 764 |
| | Daily avg (20% Mon-Fri) | 130 | 96 |
| Initiative – 10% in 180 days (next general election) | Total signatures required | 12,920 | 9,548 |
| | Daily avg | 72 | 54 |
| | Daily avg (80% Sat-Sun) | 199 | 147 |
| | Daily avg (20% Mon-Fri) | 21 | 15 |
| Initiative – 15% in 180 days (forces special election) | Total signatures required | 19,379 | 14,322 |
| | Daily avg | 108 | 80 |
| | Daily avg (80% Sat-Sun) | 299 | 221 |
| | Daily avg (20% Mon-Fri) | 31 | 23 |

Note that the above table (and indeed all of the signature numbers everywhere in this document) does not reflect the real-world need to collect some percentage of additional signatures beyond the statutory requirements in order to provide breathing room for the inevitable invalid signatures (people not registered to vote, etc). So the actual signature gathering effort will be greater than listed above.

My proposal makes it easier to qualify initiatives, referendums, and recalls for the ballot, but I would not call new the requirements “easy”, nor should they be. I feel that I have the bar set low enough such that all-volunteer grass-roots organizations can still utilize these fundamental levers of democracy, but high enough such that only sober-minded measures will qualify.