

SIGNATURE THRESHOLDS FOR INITIATIVES, REFERENDA AND RECALL

Referral from public comment: We considered two referrals together:

- Whether the Charter's requirements for the public rights of referendum and initiative should be modified.
- Whether the Charter's requirements for recall should be modified.

Action: recommend reducing the initiative and referendum signature thresholds only.

Recommendation: Note deletions and additions in text below.

3.01. Referendum

E. Number of signatures. A referendum petition shall be deemed sufficient if signed by qualified electors in an amount equal to fifteen percent or more of the number of voters who voted in the most recent election that included the election of the office of mayor, including at least ten percent of the number of voters in each council district who voted in the most recent election that included the election of the office of mayor. The city clerk shall determine the number of voters who voted in the most recent election that included the election of the office of mayor both city-wide and per district.

3.02. Initiatives

F. Number of signatures. An initiative petition shall be deemed sufficient if signed by qualified electors in an amount equal to fifteen percent or more of the number of voters who voted in the most recent election that included the election of the office of mayor, including at least ten percent of the number of voters in each council district who voted in the most recent election that included the election of the office of mayor. The city clerk shall determine the number of voters who voted in the most recent election that included the election of the office of mayor both city-wide and per district.

3.03. Recall.

G. Number of signatures.

[1] For mayor. A recall petition shall be deemed sufficient if signed by qualified electors in an amount equal to thirty-three and one third percent or more of the number of voters who voted in the most recent election that included the election of the office of mayor, including at least fifteen percent of the number of voters in each council district who voted in the most recent election that included the election of the office of mayor. The city clerk shall determine the number of voters who voted in the most recent election that included the election of the office of mayor both city-wide and per district.

[2] For councilor. A recall petition shall be deemed sufficient if signed by qualified electors in an amount equal to thirty-three and one third percent or more of the number of voters who voted in the most recent election that included the election of the office of mayor in the district from which the councilor was elected. -The city clerk shall determine the number of voters who voted in the most recent election that included the election of the office of mayor in the district from which the councilor was elected.

COMMENTARY:

On Initiatives and Referenda

Having access to initiative and referendum rights allows voters to own the ballot's provisions upon which they may vote, in cases where their representatives are not responsive in prioritizing specific voter priorities or have acted despite the voters and their priorities.

The National Civic League's Model City Charter, 9th Edition states that the percentage of signatures required for voters to be able to put a Ballot Initiative or a Referendum on the ballot "should not be too easy nor too burdensome". The document recommends the signature requirement for Initiatives and Referenda to be equal in number to at least 5 to 10% of the total number of registered voters who voted in the last regular election. The city of Albuquerque's signature requirement for initiatives and referenda is 20%, whereas the city of Las Cruces' is 15%. A study of initiative and referenda signature requirement thresholds shows a range most commonly occurring between 2% and 15%.*

We recommend changing the signature requirement threshold for initiatives and referenda from 33.3% to 15%. We also recommend keeping the signature requirement threshold per district at 10%.

[*http://www.iandrinstute.org/docs/A_Comparison_of_Statewide_LandR_Processes.pdf](http://www.iandrinstute.org/docs/A_Comparison_of_Statewide_LandR_Processes.pdf)

On Recalls

The Model City Charter report recommends the signature requirement threshold be higher for recalls than for initiatives or referenda. When an elected official is not responsive to the voters and their priorities, the voters do have a recourse to address this issue, and that is electing a different representative the next time that representative is up for re-election. Therefore, we do not recommend changing the signature requirement threshold for recalls.

We recommend keeping the signature requirement threshold for recalls at 33.3%, as well as keeping the signature requirement threshold per district at 15%.