

One man's "mob rule" is 12 million Texas voters' right to petition for a public vote. Vote NO on HB 2595.

House Bill 2595 passed the Texas House on May 8th with a voice vote, with no discussion after the author called Texans' right to petition "mob mentality". If passed, HB 2595 would shatter Texans' most fundamental local control; the right to petition for a public vote. Petition rights for Texans in home rule cities was passed by Texas voters via a constitutional amendment for home rule in 1912.

HB 2595 gives the subject of the petition – the municipality -- not only the right, but the duty, to deny a public vote on an otherwise duly qualified petition if the city decides the petition *might* limit **any person's use of private (real) property for economic gain**.

A variety of lobbies and special interests are piling on this bill. They simply want to stop ALL petitioning for ballot measures in Texas. The Denton "frack ban" has already been settled with the passage of House Bill 40. Therefore, HB 2595 is a power grab – grabbing the only real check and balance that ordinary citizens have on their local governments.

Unintended or intended consequences of HB 2595?

- Historically it is Texas courts that decide whether a petition is valid or not – after passage by a public vote. Since most ballot measures fail, HB 2595 is a litigator's dream. Who pay the legal bills? The cities will, with public dollars.
- HB 2595 gives municipal government a pass to ignore their citizenry.

Typical Initiatives and referendums span the political spectrum:

Texans have used I&R as a last resort to circumvent unresponsive city councils to propose ordinances (initiatives), to reverse City Council decisions (referendum) and to petition for charter amendments. Examples are: balanced budget amendments, city tax reforms, shopping mall and sports stadium referendums, anti-discrimination ordinances, development density in sensitive watersheds, smoking bans, red light camera bans, minimum wage initiatives and election reforms such as geographic representation.

HB 2595 inserts this ambiguous and over-broad language into our current petition law -- that a municipality may not:

accept for verification, certification or other approval of a petition requesting enactment or repeal of an ordinance or charter provision, if the proposed enactment or repeal would restrict the right of any person to use or access the person's private property that would limit the use of real property for economic gain.

Examples of how HB 2595 would harm all Texans:

Example 1: Your city council decides to spend \$100 million of public funds to support a sports stadium. Once petitioners have spent enumerable hours and dollars collecting signatures to challenge this decision and submits the signatures, the city can keep it off the ballot if it believes the property owner's use of their property for economic gain would be impeded. And, if it is not kept off the ballot, the property owner who feels harmed can sue the city.

Example 2: Your city has unwisely decided to subsidize a luxury shopping mall (a true story in the city of Austin). HB 2595 would allow the mall developer to sue the city for "violating" his "property rights" for even allowing a public vote.

Example 3: Citizens want to do set backs (spatial buffers) for abortion clinics, porn or liquor stores because their city has refused to do so. None of these are going to make it to the ballot because one can and will argue that this could impinge on the use of his or her "property for economic gain."

Who supports the right to petition?

In polls 70%+ of the citizenry state their clear support for the right to petition for I&Rs, which is likely why ballot measures also help increase voter turnout.

*Texans have enjoyed the right to petition their local government for 103-years.
Don't fix what ain't broke!*

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