

## 2020 Orange County Charter Review Commission (CRC)

### Subcommittee Proposal on the Citizen-Initiated Charter and Ordinance Amendment Process (Orange County Charter, Sec. 601)

Presented by Member Samuel Vilchez Santiago on May 31, 2019

#### Executive Summary

This document details CRC member Samuel Vilchez Santiago's proposal to establish a CRC subcommittee that evaluates (1) lowering the petition threshold for citizen-initiated Charter amendments and repeals from 10 percent of all registered voters per county district and (2) lowering the petition threshold for citizen-initiated Ordinance amendments, enactments and repeals from 7 percent of all registered voters per county district. Specifically, this proposal seeks the creation of a CRC subcommittee to study Section 601 of the Orange County Charter. In addition, this document specifies some of the reasoning behind this proposal, including the total number of registered voters per county district and the number of necessary signed petitions under the current and proposed language. It also includes a description of how difficult it is to place a charter/ordinance amendment-related ballot question through the citizen-initiated process, detailing potential costs and hours of work based on estimates. Finally, this document presents a brief summary of citizen-initiated charter and ordinance amendment processes in other similarly populated Florida counties, demonstrating Orange County's current petition threshold to be significantly higher than its counterparts.

#### Orange County Charter, Section 601

"Article VI - Initiative, Referendum and Recall

Sec. 601 - Initiative and Referendum

The power to propose amendment or repeal of this Charter, or to propose enactment, amendment or repeal of any county ordinance by initiative is reserved to the people of the county.

- A. *Charter*. A petition seeking to amend or repeal the Charter of Orange County shall be signed by **ten (10) percent** of the county electors in each commission district as of January 1 of the year in which the petition is initiated. No less than seventy-five (75) percent of the minimum number of required signatures shall be on petition forms approved by the supervisor of elections containing the comptroller's financial impact statement pursuant to section 602.E.2.
- B. *Ordinance*. A petition seeking to enact or repeal an ordinance shall be signed by **seven (7) percent** of the county electors in each commission district as of January 1 of the year in which petition is initiated. No less than seventy-five (75) percent of the minimum number of required signatures shall be on petition forms approved by the supervisor of elections containing the comptroller's financial impact statement pursuant to section 602.E.3

(Amended November 1988; Amended November 2016<sup>1</sup>).”

### **Practical Meaning of Orange County Charter Section 601**

#### **a. Number of needed petitions per county district:**

For voters to initiate a successful Charter or Ordinance amendment or repeal, they would have to collect the following amount of qualifying petitions from voters in each county commission<sup>2</sup>:

<b>County Commission District</b>	<b>Total number of registered voters<sup>3</sup></b>	<b>Petitions needed to propose a Charter amendment or repeal</b>	<b>Petitions needed to propose an Ordinance amendment, enactment or repeal</b>
		<b>Total number of petitions needed under <b>current 10%</b> threshold</b>	<b>Total number of petitions needed under <b>current 7%</b> threshold</b>
<b>District 1</b>	154,010	15,401	10,781
<b>District 2</b>	129,309	12,931	9,052
<b>District 3</b>	140,392	14,040	9,828
<b>District 4</b>	152,863	15,287	10,701
<b>District 5</b>	148,354	14,836	10,385
<b>District 6</b>	100,769	10,077	7,054
<b>County Total</b>	<b>825,697</b>	<b>82,572</b>	<b>57,801</b>

#### **b. Calculating the potential costs of citizen-initiated charter or ordinance amendment proposals:**

[According to the National Democratic Training Committee](#), a volunteer should be expected to knock on about 20 doors per hour, with an average 25% success rate. This means that a volunteer door-knocker is expected to talk to about 5 voters per hour. If we project a 60% success rate on petition gathering - a very optimistic projection for any campaign - then a volunteer is likely to obtain 3 signed qualifying petitions in one hour.

That means that in order to reach the 82,572 petitions to place a citizen-initiated charter amendment question on the ballot, the proposing party/team would need about 27,254

<sup>1</sup> Information highlighted in yellow represents what was amended on November 2016. For more information, please review the Orange County 2016 Charter Review Commission Final Report, pages 13 and 14.

<sup>2</sup> Based on [official voter registration numbers from the Orange County Supervisor of elections](#) as of May 1, 2019.

<sup>3</sup> As of May 1, 2019.

hours of work<sup>4</sup> without taking into account hours needed for planning and organizing purposes.

Let's now suppose that each volunteer gives 40 hours of their time to the petition gathering cause - another goal that most political operatives would probably deem as hard to achieve. If that's the case, the proposing party/team would need about 685 committed volunteers to gather enough petitions to place a charter amendment question on the ballot.<sup>5</sup> In other words, a successful petition gathering campaign for a charter amendment proposal is likely to require more volunteers than any Orange County political campaign in history.

Likely, this means that any successful petition gathering campaign will require paid canvassers. At the market rate of \$15 per hour per canvasser, the campaign would need about \$409,000 just to cover canvassing costs.<sup>6</sup> This is again without taking into account planning and organizing costs. In a best case scenario situation, a proposing party/team would implement a strategy that combines volunteers and paid canvassers, lower campaign costs. Yet, even in that case, the costs would still range in the hundreds of thousands of dollars.

As well, given the 7 percent petition threshold, those proposing citizen-initiated ordinance amendments face a similar situation. In fact, in order to gather 57,801 qualifying petitions, an ordinance amendment proposing party/team would need to spend about 19,267 hours door knocking,<sup>7</sup> requiring about 485 committed volunteers who spend at least 40 hours collecting petitions.<sup>8</sup> If instead of volunteers the proposing team/party utilizes paid canvassers, they are expected to spend about \$290,000 just to cover petition gathering efforts.<sup>9</sup> Once again, the petition gathering process appears too expensive for regular citizens to cost.

Thus, as currently established by the Orange County Charter, the citizen-initiated charter amendment process hinders true local citizen participation by making petition gathering campaigns costly, which often leads to overrepresentation of issues backed by economically affluent groups and individuals as well as outside interest groups that include unaccountable Political Action Committees (PACS).

### **Petition thresholds for citizen-initiated Home Rule Charter amendment proposals in other similarly populated<sup>10</sup> Florida counties**

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<sup>4</sup> 82,572 petitions divided by 3 petitions per hour estimate = 27,524

<sup>5</sup> 27,254 hours of work divided by 40 hours per volunteer = 681.35

<sup>6</sup> \$15 per hour times 27,254 hours required to collect all petitions = \$408,810

<sup>7</sup> 57,801 petitions divided by 3 petitions per hour estimate = 19,267

<sup>8</sup> 19,267 hours of work divided by 40 hours per volunteer = 481.68

<sup>9</sup> \$15 per hour times 19,267 hours required to collect all petitions = \$289,005

<sup>10</sup> Each of the presented counties has a total population that ranges from 800,000 to 1,400,000 inhabitants, compared to Orange County's estimated population of 1,400,000 people ([U.S. Census Bureau](https://www.census.gov)).

- **[Palm Beach County](#)**:<sup>11</sup> **7 percent** of the number of voters eligible to vote in the last general election (Sec. 6.3).
- **[Broward County](#)**: **7 percent** of the number of voters eligible to vote in the last general election (Sec. 7.01D4).
- **[Pinellas County](#)**: **10 percent** of the number of voters eligible to vote in the last general election (Sec. 6.02).
- **[Hillsborough County](#)**: **8 percent** of the votes cast in each of [the county commission] districts and the county as a whole in the last preceding election in which a President or presidential elections were chosen (Sec. 8.03).
- **[Jacksonville \(Duval County\)](#)**:<sup>12</sup> **5 percent** of the total number of registered voters in the city at the time of the last preceding general consolidated government election for first petition on a given proposed reform.

Orange County's current 10 percent petition thresholds for citizen-initiated home rule charter amendments or repeals ranks higher than other similarly populated counties in the state of Florida. This is yet another reason to consider an evaluation of Section 601 of the Orange County Charter.

### **Concluding Thoughts and Call for Further Research**

This document has highlighted some of the inadequacies of Orange County's current high thresholds for citizen-initiated charter and ordinance amendments or repeals to make it to the ballot for voters to decide. This document is primarily designed to serve as an initial step toward the potential change of Section 601 of the Orange County Charter, establishing a call for the creation of a 2020 CRC sub-committee to study this important issue that directly impacts our local democratic process. Some of the potential topics for further research include an evaluation of past CRC discussions on amending Section 601 of the County's charter, listening to groups that have gone through the amendment petition process, and prompting the Supervisor of Elections office to study past failed and successful local petition campaigns for charter/ordinance amendments or repeals. Lastly, and most importantly, such a subcommittee should also evaluate different potential petition thresholds (i.e. requiring 6% vs. 10% of voters to sign charter/ordinance amendment petitions for it to go on the ballot).

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<sup>11</sup> Click on hyperlinks to access each county's home rule charter document.

<sup>12</sup> The City of Jacksonville and Duval County merged in 1968, creating a single entity governing of all Duval County ([City of Jacksonville](#), 2019).