Reviewing Petitions

Webinar
Krystine N. Ramon
What we will discuss

• Petition Requirements
• Signatures
• Qualified Voter
• Verifying Signatures
• Notices
Chapter 277, Texas Election Code

• This section of the Election Code applies to all election petitions filed under a law outside the Election Code, except for local option liquor election petitions and candidate petitions.
Signatures
Signature Requirements

• For a petition signature to be valid, a petition must contain:
  – Signer's signature
  – Signer's printed name;
  – Signer’s residence address;
    • Street address OR address at which mail is received, if residence has no address;
    • City,
    • State (only required if territory is NOT wholly contained within Texas; and
    • Zip code (the omission of the zip code does not invalidate a signature).
  – Signer’s county of registration,
    • IF the territory from which signatures must be obtained is situated in more than
      one county.
  – Date of signing; AND
  – Signer’s date of birth OR voter registration number. [Sec. 277.002]
Signature Requirements

• **Handwriting**
  – The signer's signature is the ONLY information that is required to appear on the petition in the signer's own handwriting.
  – All other required information may be filled in by another person.

• **Ditto Marks & Abbreviations**
  – The use of ditto marks or abbreviations on a petition does not invalidate a signature if the required information is reasonably ascertainable.

• **180-Day Signature Timeframe**
  – A petition signature is invalid if the signer signed the petition earlier than the 180th day before the date the petition is filed. [Sec. 277.002]
  – [Petitions](#)
Candidate Petition Signature Requirements

• Signers of candidate petitions must be registered voters of territory of office sought,
  – OR have registration certificate that will be effective on election day.
• Signature
• Printed name
• Residence address
• Date of signing
• County of registration (If office sought is in more than one county)
• Date of birth OR VUID number [Sec. 141.062 & 141.063]
• Candidacy for Local Political Subdivisions
Virtual Signatures

- Signatures must be “wet” meaning no electronic signatures.
- Candidate Petition must be physically gathered.
- Other Petitions may be mailed to be signed and pieced together with an original signature; however, if there is a circulator requirement, that must be done in the presence of the signer.
- The petition needs to be physically gathered but the completed petition can be electronically filed.
Withdrawal of Signature

• **What does a withdrawal do?**
  – An effective withdrawal acts as if the signer never signed the petition.

• **How to withdraw a signature?**
  – A signer may withdraw the signature by filing an affidavit with the receiving authority requesting that the signature be withdrawn or deleting the signature from the petition.

• **Timeline of withdrawal?**
  – A signer may not withdraw the signature from a petition on or after the date the petition is filed.
  – A withdrawal affidavit filed by mail is considered filed at the time of its receipt. If the affidavit is received after the petition is filed, then the affidavit has no effect and the signature remains on the petition. [Sec. 277.0022]
Qualified Voters
Qualified Voter/Registered Voter

- References outside of the Election Code to “qualified voters” in the context of who is eligible to sign a petition mean “registered voters.” [Sec. 11.002 & 277.0021]

- A "registered voter" is defined as a person registered to vote in Texas whose registration is effective.

- A registration is effective 30 days after it has been submitted to the county voter registrar. [Secs. 1.005(16) and 13.143]
Suspense List Voters

• Computing the number of signatures
  – “S-list” or “Suspense list” voters are not included in calculating the number of signatures needed for a successful petition.

• Signing the petition
  – An S-list voter who meets the requirements voting in the territory is eligible to sign the petition if he or she still lives in the affected territory.
  – The signatures of qualified S-list voters are counted on petitions.
What about suspense voters?

Calculating Number Needed?
• When calculating the number of registered voters, suspense list voters are not included in that calculation. (Sec. 277.0024)
• Note: some petitions are based on turnout from a previous election instead of registered voters.

Deciding Which Signatures Count?
• However, suspense voters are eligible to sign petitions. If they still live in the applicable territory for the petition, their signatures are counted.
Supplementing a Petition

• GENERAL RULE
  – A petition may not be supplemented, modified, or amended after the date it is filed. [Sec. 277.0023]

• EXCEPTION TO THE RULE
  – If a petition is required to be filed by a specified deadline, the petitioner may file one supplementary petition BY THAT DEADLINE if:
    • The original petition contains a number of signatures that EXCEEDS the required minimum number by 10% or more AND
    • The original petition is received NOT LATER THAN THE 10TH DAY BEFORE the deadline. The receiving authority must notify the petitioner of the sufficiency of the original petition not later than the 5th regular business day after its receipt.
Questions and Answers
Question: Does everything have to be in the signer’s handwriting? The voter signed, but someone filled in/typed in the rest of the information.

Answer: The voter’s signature is the only thing that must be in their handwriting. If the voter is registered and the information is complete, it counts.
Ditto Marks & Abbreviations

- **Question:** Are ditto marks and abbreviations allowed? They’ve used them all down one page under city and state, and it looks funny.

- **Answer:** Ditto marks and abbreviations are allowed, so long as the information for each signature is ascertainable.
Missing Date

• Question: What if the date is missing by the signature? Is that signature valid?
• Answer: This will depend. If there is a date on the first signature and a date on the last signature, then the signatures in the middle would be valid. If there is no date on the first signatures, one date in the middle, then the signatures after the middle would not be valid, but above would be valid.
180 Day Rule

• **Question:** Petition circulator wants to know if they can start gathering signatures in January for a petition that they’ll file in October. Is that okay?

• **Answer:** Petition signatures are only valid for 180 days (6 months) from the date of signing. (Sec. 277.002(e)). Circulators should take this into account.
Withdrawal of Signature

• **Question:** Someone who signed a petition now wants to withdraw their signature. Can they do that?

• **Answer:** Maybe.
  - Before petition is filed, signer can submit affidavit requesting that signature is withdrawn, or they may delete their signature from petition.
  - After petition is filed, withdrawal is not possible. (Sec. 277.0022).
Can one voter sign for another?

• No. An authorized agent cannot sign a petition for another voter.

• This prohibition includes:
  – Spouses
  – Parents
  – Children
  – Power of attorney
What about voters with disabilities?

• Signature does not have to be legible, so long as printed name and other information are. [Sec. 1.011]

• Witness procedures:
  – Voter makes their mark (an X is sufficient) and witness signs for them.
  – Voter is unable to make their mark; witness states that fact.
  – Witness must place their own signature, printed name and residence address next to the witnessed voter’s signature.
  – Witnessing must be conducted in the presence of the person who cannot sign.
Does the signature have to match?

• No. Voter’s signature does not have to exactly match their name/signature as it appears on their voter registration, unless the law specifically requires it.

• Note: Local option petitions no longer require an exact match.

• Note: Horseracing petitions do require an exact match.
How much time to verify signatures?

• For a candidate petition:
• The petition is considered part of the application, and the review shall be completed as soon as practicable after the date the application is received by the authority. However, the petition is not considered part of the application for purposes of determining compliance with the requirements applicable to each document, and a deficiency in the requirements for one document may not be remedied by the contents of the other document. Unless the petition is challenged, the authority is only required to review the petition for facial compliance with the applicable requirements as to form, content, and procedure. [141.032 (c)]
How much time to verify signatures?

• For a measure:
• The review shall be completed as soon as practicable after the date the petition is received by the authority. However, should check the statute that gives authority for the measure to see if another date is given.
Qualifying Signatures
Cause for Rejection

- Doesn’t reside in the political subdivision
- No Signature
- Not a registered voter
- No VUID or DOB
- Signed more than 180 days before petition
- Cannot determine the date of signing
Is verification open to the public?

• No, unless an outside law specifically requires this.

• Note: If the governing body is required to accept or reject the petition, this must occur at an open meeting.
Candidate asks voter registrar staff to “pre-check” petition before filing.

• **No**, that is doing the work of the campaign. You can answer their questions, but checking signers’ registration status **before** filing is the candidate’s responsibility.
Notice

• Notify the candidate or petitioner that their petition was either accepted or rejected.
• Include in the notice the cause for rejection.
• Notify the governing body of whether the petition was either accepted or rejected for a measure. If accepted the governing body may order the election.
Notice

• If an election is ordered for a measure, the notice in the newspaper and anywhere else the notice is posted must contain the specific language of the measure to inform voters.
• The notice must be in English and Spanish, and/or any other language that 5% or more of the inhabitants in the county are origin of or descents.
Questions?

elections@sos.texas.gov