

Petitions

December 2022
Election Law Seminar



What we will discuss

- Petition Signature Requirements
- Qualified Voter
- Verifying Signatures
- Notices



Chapter 277, Texas Election Code

- This chapter 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



Petition Signature Requirements



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]



- **NEW LAW:** House Bill 3107 (2021) amended Section 277.002 by adding Subsection (f): “The signer’s residence address and the address listed on the signer’s registration are not required to be the same if the signer is eligible to vote under Section 11.004 or 112.002.”
 - **NOTE:** This legislative change codifies SOS’s longstanding interpretation regarding petition signatures.



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, the petition must be signed 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 deleting the signature from the petition or by filing an affidavit with the receiving authority requesting that the signature be withdrawn 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 by the filing authority. 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]



Requirements for Candidate Petitions

- 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** [Secs. 141.062 & 141.063]
- [Candidacy for Local Political Subdivisions](#)



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.” [Secs. 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 to vote 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 may be counted on petitions.
 - **House Bill 3107 (2021) amended Section 277.0024 by adding Subsection (b): “The signature of a voter whose name appears on the list of registered voters with the notation ‘S’, or a similar notation, is considered valid if the voter: (1) is otherwise eligible to vote in the territory; and (2) provides a residence address located in the territory.”**



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 GENERAL 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



Handwriting

- 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 the voter's 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: 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 and one date in the middle, then the signatures after the middle would not be valid but the signatures above would be valid.



180 Day Rule

- Question: Can a petition circulator start gathering signatures in January for a petition that they'll file in October?
- Answer: Petition signatures are only valid for 180 days (6 months) from the date of signing. (Sec. 277.002(e)).



Withdrawal of Signature

- Question: Someone who signed a petition now wants to withdraw their signature. Can they do that?
- Answer: Maybe.
 - Before the petition is filed, a signer can submit an affidavit requesting that their signature be withdrawn, or the signer may delete their signature from the petition.
 - After the petition is filed, withdrawal is not possible. (Sec. 277.0022).



Signing for Another Voter

- Question: Can one voter sign for another?
- Answer: No. An authorized agent cannot sign a petition for another voter.
- This prohibition includes:
 - Spouses
 - Parents
 - Children
 - Power of attorney



Illegible Signatures

- Question: What if the signature is hard to read?
- Answer: 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.



Signature Comparison

- Question: Does the signature on the petition have to match the signature on the voter registration record?
- Answer: 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**: Horseracing petitions do require an exact match.



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 action 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.



Notices



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 the petition is 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, as well as any other language that 5% or more of the inhabitants in the county are origin of or descents.**



Questions?

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