

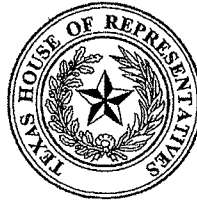
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OPINION COMMITTEE

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COMMITTEE ON ELECTIONS
Texas House of Representatives

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RQ-0151-KP

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February 22, 2017

The Honorable Ken Paxton
Attorney General of Texas
209 W. 14th Street
Austin, Texas 78701

Dear General Paxton,

As Chair of the House Committee on Elections, I respectfully request a formal opinion from you regarding the following questions:

- (1) Is a signature on a petition filed in connection with a candidate's application for a place on the ballot rendered invalid by the mere fact that the signer's printed name does not exactly match the signer's voter registration, if the validity of the signature can otherwise be verified by public records?
- (2) What evidence must an election official consider in verifying a signature for validity under Section 141.063, Texas Election Code?

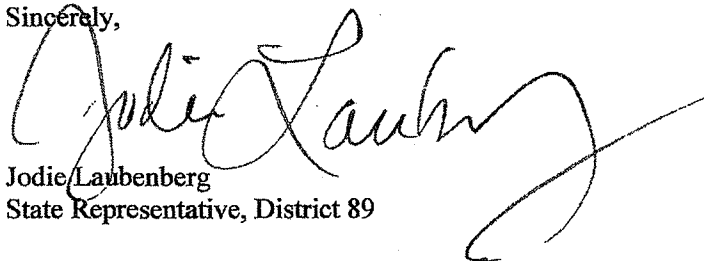
Texas Election Code Section 141.063(a), most recently amended in 1997, provides that a signature on a petition is valid if: "the signer, at the time of signing, is a registered voter of the territory from which the office sought is elected. . . ." TEX. ELEC. CODE § 141.063(a)(1). Section 141.063(a)(2) further states that a signature is valid if the petition includes the following information with respect to each signer: "(A) the signer's residence address; (B) the signer's date of birth or the signer's voter registration number and, if the territory from which signatures must be obtained is situated in more than one county, the county of registration; (C) the date of signing; and (D) the signer's printed name." *Id.* § 141.063(a)(2). "The use of ditto marks or abbreviations does not invalidate a signature if the required information is reasonably ascertainable." *Id.* § 141.063(c).

Regarding review of an independent's petition, the Texas Election Code provides an election official with two methods from which to choose to determine whether petition signatures are valid if under 1,000 signatures are required: (1) review and validate each signature; or (2) accept the affidavit of the circulator supporting each part of the petition signatures that the circulator witnessed. *Id.* § 141.065. Should an

election official undertake a review to validate each signature, the Texas Supreme Court in *In re Bell*, 91 S.W.3d 784 (2002) stated that it was an abuse of discretion to invalidate a signature due to an omission of information required under section 141.063 where the voter's registration was readily verifiable based upon the information provided. By this letter, I ask for guidance relating to an election official's duties under this statutory and legal framework.

I appreciate your assistance in this matter. Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jodie Laubenberg". The signature is written in a cursive style with a large, sweeping flourish at the end.

Jodie Laubenberg
State Representative, District 89