

BryanNewDirections.com
508 E Pease, Bryan TX 77802
Anita Ramay, Treasurer

August 17, 2017

Mayor Andrew Nelson
Bryan City Council Members
Bryan City Secretary
300 S Texas Av
Bryan, TX 77803

Dear Mayor Nelson and Bryan City Council Members:

The purpose of this letter is to correct the record for the number of eligible voters on the petition sheets turned into the City Secretary on Aug 1, 2017 about 8:40am and to correct errors the petition with the additional petitions (attachment H). There were 211 voters (attachment G) that should have been counted and there are additional petition signers of 240 (attachment H). The total valid signatures are 1,370 plus 211 plus 240 equals 1,821 which is above the minimum of 1,741.

1. The City Secretary notified the Bryannewdirections.com (BNDC) of the petition status about 6:06 pm on Monday Aug 14,2017 (Email attachment A) some 14 days after the petition was turned in to her office about 8:40am on Aug 1, 2017 by Anita Ramay, Lee Roy Johnson and Mike Southerland. No details of why the petition failed were presented. The list of names rejected was not produced until Thursday, 8/17/2017 about 9:00am. Also, the city secretary allowed no time for correcting errors she identified. There is no statutory deadline since a Charter Amendment can be placed on the Nov 2017 or May 2018.
2. The certificate (attachment A, page A-2) did not provide any reason for the "insufficient" petition. Mrs. Stratta was not available until 3:00pm on 8/15/2017 to interview. At that time Anita Ramay and Mike Southerland visited her in her office along with a city attorney, to obtain details about the petition's rejection.
3. Then Mary Lynne Stratta provided us with the sheet at attachment B. This lists the general numbers of the deficiency but no signatures that were rejected nor any references, laws or ordinances for the rejection. After several questions, she said she used Texas Election Code 277.023 and 277.004 (attachment C) and the Bryan City Charter Sec. 10 and Sec. 36 (attachment D).
4. Bryan City Charter Sec. 10 does not address a city charter petition. It addresses only the submission of a city ordinance. A city ordinance is a subordinate law to the city charter laws. Sec. 36 of the charter directs a charter amendment to be in accordance the Act of the Third-third Legislature of the State of Texas but it does not reference any other part of the Bryan City Charter.

5. Therefore, the controlling legislation is Chapter 227 of the Election Code (attachment C), Chapter 9 of the Texas Local Government Code and the Texas Secretary of State guidance (attachment F).
6. The City Secretary struck signatures for not listing the voter ID. The Election Code para 277.002 (attachment C) allows the VUID or Date of birth for a valid signature. She struck other signatures for the circulators that are not registered voters in Bryan. There is no state requirement for circulators and Sec. 10 of the Charter does not control charter amendments. She struck other signatures for listing the wrong address on the petition. Attachment F, para G., 9. indicates that the VUID is not required by law and court rulings. Attachment F, para 10., for the Secretary of States Election Division says that if “a voter is a qualified voter of the territory, the voter is considered a qualified voter for petition purposes.” Also, attachment F, para F, allows that a petition that can be filed at any time can be pushed to the next election date allowing enough time for the election to be conducted in accordance with the law. A petition that cannot be placed on the Nov 2017 ballot can be placed on the next uniform election date in 2018.
7. The City Secretary took 14 days to review the petition, thus violating state law by taking more than 5 days to review the petition and render an opinion (attachment C, page C-1, Sec 277.0023 (b), last line). Again, there is no city policy or ordinance for processing and circulating a charter amendment petition so state law prevails.
8. “..... there seems to be a movement in various courts having jurisdiction in Texas to move away from a strict conformity review process that our office has always in the past advised petition reviewers to follow, and to move towards a less stringent review process to determine whether a signer is a qualified voter and eligible to sign the petition.” (attachment F, page F-4, para 9)
9. For the above listed reasons, Bryannewdirections.com PAC requests the attached recount of voters signing the petition be added and the additional 291 signatures, expecting at least 240 to be valid be reviewed and added to the total petition count. These two items will provide sufficient valid voters to have the petition certified. The filing deadline is Aug 21, 2017 5:00pm, there should be sufficient time to complete the process and put the Bryannewdirections.com charter amendments on the Nov 2017 ballot. Otherwise they can go on in the next uniform election date in 2018.

Sincerely,

Anita Ramay
Treasurer, BryanNewDirections.com
508 E Pease, Bryan TX 77802

Attachments - 8

- A. Email from Mary Lynne Strata Aug 14, 2017
- B. Petition Summary from City Secretary Office
- C. State Election Code Chapter 277
- D. Bryan City Charter Sec. 10 and Sec. 36
- E. Texas Local Government Code Chapter 9
- F. Texas Secretary of State Guidance on Petitions
- G. Corrections to the City review of the charter petitions - 110 pages total
- H. Additional Petitions - 71 pages total