

STATE OF TEXAS §
COUNTY OF COLLIN §
COUNTY OF DENTON §
CITY OF PLANO §

CERTIFICATION OF CITY SECRETARY

I, Lisa C. Henderson, City Secretary of the City of Plano, Texas do hereby certify that the 919 petition pages filed in nine (9) separate submissions with my office on January 16, 2015 and January 20, 2015, were not prepared, signed and verified as required by the Plano City Charter and Texas Election Code. Because the petition pages and signatures contained therein fail to meet the requirements of the Plano City Charter for submission of a referendum petition, which requires compliance with the law as discussed herein and signatures equal in number to twenty percent of the number of votes cast at the last regular City election, i.e. 3,822 valid signatures, the petition pages fail to meet the requirements for presentation to City Council to consider repealing or placing the item on the ballot.

The petition pages and/or signatures submitted failed to satisfy the requirements of the Plano City Charter and the Texas Election Code as set out below.

A. False Information and Failure to Attach Ordinance to Petition Pages.

Petitioners failed to properly prepare and verify the petition pages in accordance with the Plano City Charter requirement for referendum petitions because they requested repeal of an ordinance different than the Equal Rights Policy passed by City Council on December 8, 2014 and failed to attach a copy of the ordinance to the petition(s). Specifically,

- i. petitioners failed to request a referendum on an ordinance passed by the City Council. A significant number of the petition pages contained false information regarding the Equal Rights ordinance requirements. In this regard, Four Hundred and Forty-Two (442) petition pages referenced a policy that authorized males declaring their identity as female to enter the women's restroom. The Equal Rights Ordinance passed by the Plano City Council on December 8, 2014 expressly excluded regulation of restrooms. By making false representations, the Equal Rights petition pages asked signees to repeal an ordinance different than the one that City Council approved which is ineffective to require a vote on the issue pursuant to the Plano City Charter (See form attached hereto as Exhibit "A"); and

- ii. a copy of the ordinance was not attached to any of the petition(s) as required by the Plano City Charter.

Petitioners submitted only 1,114 verifiable signatures on petition pages that did not include the false information referenced in A.(i) (See form attached hereto as Exhibit "B"). However, as noted above, they lacked a copy of the ordinance as an attachment as required by the Plano City Charter.

In addition to the above referenced deficiencies with the petition pages themselves, every signature on each of the 919 petition pages was deficient in information required by the Texas Election Code. As a result, there were no valid signatures on any petition page(s) as set out below.

B. Failure to Comply with Mandatory Texas Election Code Requirements.

There was a failure by petitioners to properly prepare, sign and verify the petition pages as required to submit a petition for referendum in accordance with the Plano City Charter because there was a lack of compliance with the Texas Election Code.

Compliance with the Texas Election Code is required by the Plano City Charter, and as a result, the signatures do not meet the requirements to be presented to the City Council for referendum. While there were multiple deficiencies with signatures failing to meet the provisions contained in the requirements set out in B(iii) and (iv) below, every signature failed to comply with B(v). The petitioners also failed to comply with B(vi) as set out in Section A, C and D herein.

The Texas Election Code sets out the mandatory requirements for petition signatures. The following are required:

- i. signature in signer's own handwriting;
- ii. the signer's printed name;
- iii. the signer's residence address,
- iv. the date of signing,
- v. the signer's date of birth; or voter registration number and county of registration if the city is in more than one county (the City of Plano is in more than one county, that being Collin and Denton Counties); and
- vi. compliance with any other applicable requirements prescribed by law. Other requirements prescribed by law relevant to the petition pages are found in the Plano City Charter and Texas Government Code.

C. Petition Supplementation Improper.

The Texas Election Code prohibits petition supplementation on or after the date it is received. Petition pages were submitted at nine different times on two separate days and in three different formats.

D. Notary Inconsistencies.

There was an additional failure by petitioner to properly verify the petition pages in that many did not comply with the Plano City Charter requirement regarding verification of the petitions, as it requires proper notarization and there were multiple instances of failure to comply with the notary requirements in the Texas Government Code.

Because the petitioners failed to properly prepare, sign, verify and submit the petition pages to the City in accordance with the Plano City Charter and Texas Election Code, the submitted signatures and pages fail to meet the requirements of the Plano City Charter for submission of a referendum petition to the City Council.

WITNESS MY HAND AND SEAL OF THE CITY OF PLANO, TEXAS THIS THE 20 DAY OF FEBRUARY, 2015.



Lisa C. Henderson, City Secretary

City of Plano, Texas



EXHIBIT A

EXHIBIT B

