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Conroe city secretary will not invalidate 2 election applications that violated state law, letter states

By **Catherine Dominguez**, Staff writer
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The Conroe Tower is seen in 2023. Conroe mayoral hopeful Councilman Todd Yancey and Mayor Pro Tem incumbent Curt Maddux and might be ineligible to appear on the ballot after their applications were notarized and filed without the men appearing in person, a violation of state law.
Jason Fochtman, Houston Chronicle / Staff photographer

Conroe mayoral hopeful Council Member Todd Yancey and Mayor Pro Tem incumbent Curt Maddux might be ineligible to appear on the ballot after their applications were notarized and filed without the men appearing in person, a violation of state law.

The Texas Secretary of State's Office confirmed Monday that, according to law, personal appearance is required for the notarization process.

In a letter sent to the Houston Chronicle and city council members late Friday, City Secretary Soco Gorjon said applications for city council can be accepted in "many different ways" and the procedure used for Maddux and Yancey has been in place by the city for many years.

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"I am not invalidating the applications based on this technicality," Gorjon said.

She said she was advised that it is not in the public interest to invalidate applications on this basis, because public offices should be decided by "fair and vigorous" elections, according to case law provided by Interim City Attorney Mike Garner

Gorjon stated she contacted the Texas Secretary of State's Office, and it was recommended that "the city of Conroe notarize documents with elected officials as specified by code rather than the city of Conroe's standard operating procedures that were in place."

According to the applications obtained by the Houston Chronicle, Maddux's and Yancey's applications were notarized at 8 a.m. Jan. 17 by Administrative Assistant Pamela Brown and signed by Gorjon as the city's filing officer.

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City Administrator Gary Scott said Gorjon instructed Brown to notarize the applications. Brown declined to comment.

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Gorjon confirmed that Maddux and Yancey were not present when the applications were notarized and filed. Maddux and Yancey did not respond to requests for comment.

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Yancey is running for mayor against Kristin Wilkinson-Guardino and former Council Member Duke Coon. Maddux is seeking a second term for Place 2 and is facing Shana Arthur and Betty Coren Avery.

Filing for the May 4 election began Jan. 17 and ended Feb. 16.

"Both Todd and Curt left their signed applications on their desk and I was instructed to pick them up and receipt them at 8 am on January 17, 2024," Gorjon said in a March 1 email.

Scott said that while most city staff report to him, the city secretary reports to the City Council. Also, state law gives the city secretary full authority over acceptance or rejection of applications for public office as the municipality's election authority.

"Any discussion or corrective action would rest on the council," Scott said.

He said he will instruct Garner to notify all city staff with notary responsibilities to follow all statutory legal requirements. "I take it seriously and our staff should as well," he said.

Council Member Marsha Porter said she learned of the application issue late Thursday.

"I received an email from Mike Garner late last night officially confirming that we had election ballot issues," she said. "I swore an oath to uphold the law, as did all members of council. I will uphold the law. I hope that all my fellow City Council members feel the same the way."

Council Member Harry Hardman said that "it is a shame that my fellow councilmen have caused this issue, but the election process is a sacred part of our democracy, and it should be strictly followed and respected."

The council will meet Wednesday.

Scott said state law allows challenges to applications for a place on the ballot until the 50th day before the May 4 election, which is March 15.

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By **Catherine Dominguez**

Catherine Dominguez is a Houston Chronicle reporter who covers Montgomery County, including the city of Conroe and Conroe ISD.

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