

Defendant.

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and/or misfeasance. As such, Plaintiffs seek a declaration from the Court that the City of Granbury is without the legal authority to enter an order calling for any recall elections (“Recall Election Order”). At the time of this filing, the City of Granbury has not yet passed any Recall Election Order. In the event the City of Granbury intends to enter a Recall Election Order, then Plaintiffs would seek to prohibit such action by way of the issuance of a temporary restraining order and/or temporary injunction, the purpose of which is to give the Court sufficient time to determine the validity or invalidity of each Recall Petition.

DISCOVERY-CONTROL PLAN

1. Plaintiffs intend to conduct discovery under Level 3 of Texas Rule of Civil Procedure 190.4 and ask that the Court enter an order setting forth a suitable discovery control plan.

2. Pursuant to Texas Rule of Civil Procedure 47(c)(5), Plaintiffs only seek non-monetary relief, plus attorneys’ fees and costs of court.

PARTIES

3. Each Plaintiff is a resident of Hood County as well as a resident of the City of Granbury. Each Plaintiff currently holds office with the City Council for the City of Granbury. Plaintiff Jarratt is the Mayor, Place 1, Plaintiff Wadley is the Mayor Pro Tem, Place 3, and Plaintiff Overdier is the City Councilperson for Place 4.

4. Defendant the City of Granbury is a home rule city in Hood County, Texas. Under Section 17.024(b) of the Texas Civil Practice and Remedies Code, the City of Granbury may be served through its City Secretary, Carla Walker, at Granbury City Hall, 116 W Bridge Street, Granbury, Texas 76048, or wherever else she may be found.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this matter by virtue of the relief sought herein. Venue is mandatory in Hood County because all of the events occurred in Hood County and the subject matter of each Recall Petition is to require the City of Granbury to call and hold recall elections for each of the three (3) Plaintiffs and two (2) other Councilpersons of the Granbury City Council.

FACTUAL BACKGROUND

6. Plaintiff James “Jim” Jarratt (“Jarratt”) is the Mayor of the City of Granbury. His current term of office ends in November of 2028, and his office is referred to as Place 1. Plaintiff Bruce Wadley (“Wadley”) is the Mayor Pro Tem of the City of Granbury. His current term of office ends in November of 2027, and his office is referred to as Place 3. Plaintiff Gary “Skip” Overdier (“Overdier”) is a current member of the Granbury City Council. His current term of office ends in November of 2026, and his office is referred to as Place 4. City Councilperson Overdier is currently seeking re-election to Place 4 of the Granbury City Council,

and his election is set for November 3, 2026. His opponent is Janet Logson, who is one of the petition organizers and circulators of all five (5) Recall Petitions.

7. On July 13, 2026, five (5) Recall Petitions were filed with the Office of the City Secretary requesting the resignation or recall of the Mayor, Place 1, and four (4) other members of the Granbury City Council, Places 3, 4, 5 and 6. The Recall Petition directed towards Mayor James “Jim” Jarratt, Place 1, will be referred to herein as the “Jarratt Recall Petition.” The Recall Petition directed towards the Mayor Pro Tem Bruce Wadley, Place 3, will be referred to herein as the “Wadley Recall Petition.” The Recall Petition directed towards Gary “Skip” Overdier, who is the City Councilperson for Place 4, will be referred to herein as the “Overdier Recall Petition.” The Recall Petition directed towards Zeb Ullom, who is the City Councilperson for Place 5, will be referred to herein as the “Ullom Recall Petition.” The Recall Petition directed towards Greg Corrigan, who is the City Councilperson for Place 6, will be referred to herein as the “Corrigan Recall Petition.”

8. On September 8, 2026, after initially rejecting each of the Recall Petitions, the City Secretary certified each Recall Petition and forwarded them to the members of the Granbury City Council. On September 15, 2026, each affected Member of the Granbury City Council issued a written request for a hearing, as authorized by Section 4.08 of the Granbury City Charter. On September 28, 2026, a Special Meeting was held, whereby each Councilperson (except for the Mayor Pro

Tem, who had a prior commitment out of town) spoke, and at least five (5) citizens made public comments. None of the five (5) Members of the Granbury City Council resigned. As a result, unless and until this Court rules otherwise, the City of Granbury has a ministerial duty to enter a Recall Election Order and conduct an election this coming May of 2027.

9. However, each Plaintiff alleges that no Recall Election may be properly called on their respective Recall Petitions. As will be demonstrated herein, none of the Recall Petitions are valid.

10. The law surrounding a recall petition is clearly set forth in Section 4.07 of the City Charter for the City of Granbury, as well as Chapter 277 of the Texas Election Code. Section 4.07 of the Granbury City Charter states the following:

§ 4.07. Power of Recall.

The people of the City reserve the power to recall any member of the Council and may exercise such power by filing with the City Secretary a petition, signed by registered qualified voters of the City equal in number to at least fifteen percent (15%) of the qualified voters registered to vote at the last general city election, or by 200 registered qualified voters, whichever is greater, demanding the removal of a member of the City Council. The petition shall be signed and verified in the manner required by the form prescribed below. Such petition shall contain a statement of the specific acts of misfeasance and/or malfeasance for which the removal is sought, and one of the signers of each petition paper shall make an affidavit as prescribed below. The following form of petition and acknowledgment is herein prescribed:

“By our signatures affixed hereto, we hereby affirm that we seek the recall of _____, who holds the elected office of _____, for the

following specific grounds of misfeasance and/or malfeasance as prescribed in Section 4.07 of the Charter of the City of Granbury:

(reasons for recall)

“And we further affirm that the information given below is true and correct:

Voter Registration Number _____
Printed Name _____
Address _____
Signature _____

STATE OF TEXAS

COUNTY OF HOOD

“BEFORE ME, the undersigned authority, personally appeared, who, after being duly sworn by me sated [stated], upon his oath, that he circulated the above Petition; that he was personally present when each of the above signatures were affixed thereto; and that each person whose signature is affixed thereto, affirmed to him that the information provided by them was true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME this the
_____day of _____, 20_____.

Notary Public, State of Texas

My Commission Expires _____

See Section 4.07, Granbury City Charter.

11. In addition to Section 4.07 of the Granbury City Charter, Chapter 277 of the Texas Election Code applies to all election petitions filed under a law outside the Election Code except for a local option liquor election petition and candidates'

petitions. Thus, this statute applies to the five (5) Recall Petitions for the City of Granbury. More specifically, Chapter 277.001 of the Texas Election Code provides the following:

CHAPTER 277. PETITION PRESCRIBED BY LAW OUTSIDE CODE

277.001. APPLICABILITY OF CHAPTER. This chapter applies to a petition authorized or required to be filed under a law outside this code in connection with an election.

See Tex. Elec. Code, Section 277.001.

12. In addition, Chapter 277.002 of the Texas Election Code provides the following:

277.002. VALIDITY OF PETITION SIGNATURES.

- (a) For a petition signature to be valid, a petition must:
 - (1) contain in addition to the signature:
 - (A) the signer's printed name;
 - (B) the signer's:
 - (i) date of birth; or
 - (ii) 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 signer's residence address; and
 - (D) the date of signing; and
 - (2) comply with any other applicable requirements prescribed by law.
- (b) The signature is the only information that is required to appear on the petition in the signer's own handwriting.
- (c) The use of ditto marks or abbreviations does not invalidate a signature if the required information is reasonably ascertainable.
- (d) The omission of the state from the signer's residence address does not invalidate a signature unless the political subdivision from

which the signature is obtained is situated in more than one state. The omission of the zip code from the address does not invalidate a signature.

(e) A petition signature is invalid if the signer signed the petition earlier than the 180th day before the date the petition is filed.

(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.

See Tex. Elec. Code, Section 277.002. Construing each of the above-referenced laws together, Plaintiffs seek declaratory relief, whereby the Court finds that the following eight (8) rules apply to each of the Recall Petitions in this matter.

ARGUMENT AND AUTHORITIES

13. *First*, in order for a Recall Petition to be valid, a total number of 1370 registered voters are required to sign the Recall Petition. The number is derived from the above-quoted Section 4.07 of the Granbury City Charter, which states that a recall petition for a Councilperson must be signed by qualified electors of the City of Granbury in a number equal in number to at least fifteen percent (15%) of the qualified voters registered to vote in the last city general election. Given that the November 2025 Election had a total number of qualified voters amounting to nine thousand one hundred and thirty-three (9,133), fifteen percent (15%) of 9,133 rounded up equals one thousand three hundred and seventy (1,370) signatures of qualified electors in order to have a sufficient number of signatures to constitute a valid Recall Petition.

14. *Second*, if a signer of the Recall Petition is not a registered voter in the City of Granbury, then those specific signatures cannot be counted towards the total.

15. *Third*, if a signer's date of signature is missing or incomplete, then those signatures cannot be counted towards the total.

16. *Fourth*, in order for signatures on a Recall Petition to count towards the total number of required signatures, another person must personally observe the signer actually sign the Recall Petition. That person is called a circulator ("Circulator"), and their role is so important that the Granbury City Charter requires each Circulator to actually sign an affidavit--**and swear under oath, under penalty of perjury**--that they personally saw the signer sign the document. If it turns out that the Circulator did not actually see the signer sign the document, then none of those signatures count towards the total number of required signatures.

17. *Fifth*, if a Circulator fails to explain to a signer that the purpose of signing the Recall Petition is to order a recall election for a particular and identified member of the Granbury City Council, then those signatures cannot be counted towards the total either.

18. *Sixth*, an additional legal requirement for a Recall Petition is that it must actually identify "the specific acts of misfeasance and/or malfeasance for which the removal is sought." The grounds must be specific enough so that the specifically-targeted elected official knows how to defend against the alleged ground. For

example, if a Recall Petition is based upon a violation of the Texas Open Meetings Act, then it is incumbent upon the recall petition organizers to specify when, who and how a violation allegedly occurred. Failure to provide sufficient details of alleged malfeasance and/or misfeasance constitutes an illegal deprivation of each Plaintiff's constitutional and statutory and common law right to defend against the stated grounds for recall.

19. *Seventh*, to the extent that this Court finds that a specific Circulator has engaged in fraud, forgery, or other non-accidental defects discoverable through independent investigation, then all signatures purportedly verified by that specific Circulator may not be counted. As the Houston First Court of Appeals has explained, “a challenge to a candidate’s application may result in a review of the truthfulness of the application’s contents.” *Risner v. Harris County Rep. Party*, 444 S.W.3d 327, 341 (Tex. App.—Houston [1st Dist.] 2014, mand. denied). The same rule of equity and legal analysis applies to a review of each of the Plaintiffs’ Recall Petitions.

20. *Eighth*, under Section 4.07 of the Granbury City Charter, the only person who can qualify as a Circulator is a signer of a single page of a specific Recall Petition (“each petition paper”). Accordingly, any Circulator who purports to sign as a Circulator of multiple pages combined within a single Recall Petition has no authority to do so. All such signatures on all such pages cannot be counted towards the total.

CAUSES OF ACTION

A. Suit for Declaratory Judgment

21. Plaintiffs incorporate by reference all the preceding paragraphs above. Because the Granbury City Secretary has certified all five (5) Recall Petitions as having met the required threshold of 1,370 registered voter signatures, absent Court intervention, the Defendant City of Granbury now has a ministerial duty to call and hold a Recall Elections on the next uniform election date, which falls on May 1, 2027.

22. Pursuant to Section 37 of the Texas Civil Practice and Remedies Code, Plaintiffs seek the following declaratory and injunctive relief:

- i) Plaintiffs ask the Court to declare that such ministerial duty has not yet been triggered until the Texas Secretary of State's Office publishes the election timetable and schedule for the election of May of 2027;
- ii) Plaintiffs also ask the Court to declare that once the City of Granbury's ministerial duty is triggered, such duty can be satisfied by the City of Granbury entering an Order of Election *no later than* the deadline established by state law and announced by the Texas Secretary of State *and need not be declared any earlier*. Because that deadline is anticipated to fall on February 12, 2027, this will give this Court several months to determine the merits of this lawsuit.

23. Only a court of law has the jurisdiction and authority to determine whether each such Recall Petition is valid or not. If valid, then the Recall Elections should proceed. If invalid, then the Defendant City of Granbury does not have the legal authority to call and hold any Recall Elections next May of 2027. Accordingly, in addition to the foregoing requests for declaratory relief, each Plaintiff asks the Court to declare that their respective Recall Petitions are invalid for the following reasons:

iii) Some of the signers of the Recall Petitions are not registered voters and therefore their signatures do not count towards the threshold required number of 1,370 signatures;

iv) Some of the signers of the Recall Petitions do not have a date of signature and/or an incomplete date of signature and therefore their signatures do not count towards the threshold required number of 1,370 signatures;

v) One or more of the Circulators engaged in fraud, forgery, and other non-accidental defects, discoverable only through independent investigation, such that none of the signatures they purportedly collected may count towards the threshold required number of 1,370 signatures;

vi) One or more of the Circulators did not actually witness the signing of the Recall Petitions and therefore none of the signatures they purportedly collected may count towards the threshold required number of 1,370 signatures;

vii) One or more of the Circulators did not obtain wet signatures on each of the five (5) Recall Petitions, but instead obtained less than that number, choosing instead to make copies of the wet signatures and attach them to the Recall Petitions as if they were genuine originals, when in fact, they were not;

viii) One or more of the Circulators did not obtain wet signatures on each of the five (5) Recall Petitions, but instead manipulated such signatures digitally and placed them on the Recall Petitions, as if the actual signer signed more Recall Petitions than were actually signed;

ix) To the extent a specific Circulator engaged in these activities, and because they call into question the veracity of what actually occurred, such fraud, forgery and other non-accidental defects leave the Court with no choice but to disqualify all of the signatures purportedly gathered by each such Circulator;

x) That Section 4.07 of the Granbury City Charter only permits a Circulator to sign a single page (“each petition paper”) upon which they also signed, rather than multiple pages of a single Recall Petition, whether witnessed or not;

xi) That each Recall Petition fails to specify with sufficient certainty and description of each alleged ground of malfeasance and misfeasance; and

xii) other grounds as will be discovered in the near future after further investigation.

B. Application for Injunctive Relief

24. In the alternative, Plaintiffs incorporate by reference all the preceding paragraphs above and apply to this Court for a temporary restraining order and/or a temporary and/or mandatory and/or permanent injunction against the Defendant.

25. Plaintiffs have a valid cause of action against the Defendant, a probable right to the relief sought, and a probable, immediate, and irreparable injury in the interim, entitling Plaintiffs to a temporary restraining order and/or temporary and/or mandatory and/or final injunction in this matter. Accordingly, harm is imminent, and

if the Court does not issue injunctive relief, Plaintiffs will be immeasurably and irrevocably harmed without an adequate remedy at law in that the Defendant will, directly or indirectly, call and hold Recall Elections next year.

26. Therefore, in order to preserve the last, actual, peaceable, non-contested status which preceded the pending controversy, Plaintiffs request that this Court issue a temporary restraining order and/or a temporary and/or mandatory and/or permanent injunction against the Defendant City of Granbury, along with their respective officers, agents, servants, employees, representatives, assigns and/or any other person or entities acting on behalf of, or in concert or participation with, the Defendant, directly or indirectly, are hereby restrained from doing the following: the Defendant is prohibited, directly or indirectly, from entering a Recall Election Order, until this Court can rule of the merits of whether each Recall Petition is or is not valid.

27. Plaintiffs are prepared to post a reasonable bond in this matter.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court grant to each of them all of the relief requested as outlined above, and all such other and further relief to which Plaintiffs may justly entitled.

Respectfully submitted,

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