

Begin forwarded message:

From: Jane Beard [REDACTED]
Date: April 07, 2016 10:05:36 AM
To: Robert Hanna <robhanna@mac.com>
Subject: Mr. Ryan Marrs

Robert,

I've run across something that I think presents an issue. Ryan Marrs failed to complete his candidate application. <http://www.abilenetx.com/home/showdocument?id=4790>

As you know, the City Charter provides that

At the time of his election to office, each councilman and the mayor shall be at least twenty-one years of age, shall be a citizen and qualified voter of the State of Texas and the city. At the time of his election to office each councilman and mayor shall have resided within the City of Abilene for at least twelve months. Three councilmen shall be residents of the area of the city north of the Texas and Pacific Railway Company main line, as located in the city on the effective date of this Charter, and the other three councilmen shall be residents of the area of the city south of such main line. The mayor may be a resident of any part of the city. Residence requirements shall be effective only as of the date of the election of each councilman, but a member of the council or the mayor ceasing to reside in the city shall immediately forfeit his office. Neither the mayor nor any member of the council shall hold any other office or employment under the city government while he is a member of said council; nor shall he hold any other paid employment under the city government within two (2) years thereafter unless such employment be an elective office." (emphasis mine)

You will see that Mr. Marrs left a blank on the "territory elected from" portion of the form. Since he failed to properly petition for a place on the ballot and the deadline for filing for a position on the ballot has passed, I don't think the City can now place him on the ballot. He failed to swear to his residency in the City. The letter to the candidates which accompanies their candidate information packet clearly states that the City

Secretary is not responsible for supervising candidate forms <http://www.abilenetx.com/home/showdocument?id=4576>:

It is the candidate's responsibility to become familiar with the laws applicable to campaigns and candidacy. The City Secretary should not be expected to judge or comment upon the timeliness or sufficiency of reports.

I think that there are at least two possible explanations for his failure to properly petition for a place on the ballot:

1. Oversight.
2. He is unsure of how to answer and is unwilling to swear falsely.

Mr. Marrs, who is 40 years of age, lists an address on Beechwood that is listed on the property rolls as the homestead of his brother and a woman. They appear to publicly also claim this address as their home (which it would have to be since they claim a homestead exemption). However, the family restaurant business still utilizes a mailing address in Hawley for some of their official filings, including their most recent franchise tax returns.(4309 Pr 4951, Hawley, TX 79525). That address is the former home address of Mr. Marr's parents who are now deceased. Call me a suspicious lawyer, but I think it is possible that Mr. Marrs claims the Beechwood address, but actually goes to sleep at night in the home place in Hawley. Mr. Marrs doesn't personally appear on the property tax rolls, although the LLC that owns Belle's Chicken House is in arrears in their personal business taxes. (Just FYI, his biography on his campaign facebook page discloses that he is still paying back the \$95,000 in payroll taxes that he didn't forward to the IRS!)

As you know, residency in Texas is a pretty fluid concept and difficult to determine without adjudication. Just because Mr. Marrs actually sleeps and eats in Jones County, doesn't automatically mean he doesn't have "residency" in Abilene. However, failure to properly fill out the candidate application to be placed on the ballot seems to disqualify him from a position on the ballot.

Jane Beard