

Understanding the Process: How Texas Law Handles the Loss of a Primary Candidate

The passing of our uncontested County Commissioner candidate this past January left our community both grieving a dedicated public servant and asking a lot of practical questions about what happens next. Because this candidate was the only name on the March primary ballot for their party, many neighbors have noticed that the ballot didn't change, and some are wondering how a replacement will be chosen for November.

Lately, there's been some chatter on neighborhood apps and community forums suggesting that "the people are being cut out of the process" or that the upcoming selection is "undemocratic." It is completely understandable to feel uneasy when a traditional public election isn't the immediate next step. However, Texas law actually has a very strict, orderly, and representative process in place for this exact situation.

A Point of Clarification: Why Just One Party?

Some members of our community have raised questions about why only one political party is involved in this selection. To understand why this is the case, we have to look back to the standard candidate filing period in late 2025.

During that open window, other political parties simply chose not to field a candidate of their own for this race. Because this candidate ran unopposed across the board, the primary election effectively determined who would hold the seat.

When a primary nominee passes away, **the Texas Election Code mandates that the responsibility for executing the replacement process falls strictly on the specific political party that lost its candidate.** While the mechanics of this process are legally organized through the party, the role of County Commissioner itself is fundamentally a non-partisan duty. Once the process is complete, this replacement candidate will run to represent and serve *all* citizens in the precinct—not just members of one party. This statutory process is simply the state's mechanism to ensure our ballot isn't left blank in November.

Here is a clear, step-by-step breakdown of how the Texas Election Code (TEC) guides us through this transition.

Step 1: Why the Deceased Candidate Stayed on the March Ballot

You might wonder why we were voting for a candidate who had already passed away. Under **TEC § 172.058(a)**, if a primary candidate passes away after the official filing deadline closes, their name *cannot* be removed from the primary ballot.

Because they were the only candidate running, they posthumously won the primary election. According to **TEC § 172.058(b)**, this official win legally creates what is known as a "**Vacancy in Nomination**." This vacancy is the legal trigger that allows the political party to formally place a replacement candidate on the November ballot.

Step 2: Who Gets to Choose the Replacement?

This is where the concerns about democracy usually come up. The general public doesn't vote on the replacement in a new primary. Instead, Texas law hands the steering wheel to the **Precinct Executive Committee (PEC)** for that specific commissioner's precinct (**TEC § 171.071**).

Here is why this is still a deeply democratic process:

- The PEC is made up of the **precinct chairs** who live right here in our commissioner's precinct (**TEC § 171.072**).
- These precinct chairs aren't corporate insiders; they are our actual neighbors whom voters directly elected (or had the opportunity to vote for) during the March primary.
- *(Note: If a commissioner's precinct is small and contains fewer than three county election precincts, the responsibility defaults to the full County Executive Committee under **TEC § 171.073**).*

By utilizing these neighborhood chairs, the law ensures that the people choosing the new nominee are the very representatives our community just voted into office.

Step 3: The Summer Waiting Period

The party cannot simply rush out and pick a replacement immediately. The Texas Election Code forces everyone to take a breath and wait for the dust from the primary season to clear.

Under **TEC § 145.036(e)**, a vacancy cannot be filled until the newly elected precinct chairs officially take office. According to the political calendar outlined in **TEC § 171.022(c)**, the terms for these newly elected chairs begin 20 days after the primary runoff election. For the 2026 election cycle, that means the new committee cannot legally meet to select a replacement until **Monday, June 15, 2026**.

Step 4: The Voting Mechanics

Once the new neighborhood representatives take office this summer, the county party chair will call an official meeting. To ensure the process is fair and valid, the state imposes strict rules on how the vote is conducted:

- **Quorum:** A strict majority of the committee's total membership must physically be present to hold the vote (**TEC § 145.036(d)**).
- **The Vote:** The winning replacement candidate must secure a majority vote from the members present and voting (**TEC § 145.036(d)**).
- **Qualifications:** The replacement must meet all standard Texas legal requirements to hold office, including local residency rules (**TEC § 141.001**).

The Bottom Line: The law prevents a small faction from making a quick decision. It requires a true consensus among our elected neighborhood representatives.

Step 5: Getting on the November Ballot

Once the committee selects the new nominee, the final step is entirely administrative. The committee chair must fill out an official document called a **Certificate of Replacement Nomination** (**TEC § 145.037(a)**).

This certificate is hand-delivered directly to our local **County Clerk or Elections Administrator** (**TEC § 145.037(d)(2)**), who is responsible for printing the final ballots.

The absolute deadline to get this paperwork turned in is **5:00 PM on the 71st day before the general election** (**TEC § 145.037(e)**). For this year's election on November 3, 2026, that final deadline lands on **Monday, August 24, 2026**.

Your Turn to Step Up: Applications Open for Precinct 2 Commissioner and Precinct 204 Chair

Speaking of grassroots participation, there are two direct ways for local residents to get involved in this upcoming transition. The local party has officially opened the application process for both the vacant **Precinct 2 Commissioner** nomination and the open seat for **Republican Precinct 204 Chair**.

If you are a registered voter living in Precinct 2 and have a desire to serve all residents of our area as the next County Commissioner, or if you are a registered voter living within Precinct 204 who wants to serve as a vital neighborhood voice in local party leadership, now is the time to step forward.

The firm deadline to submit applications for both positions is **Friday, July 24, 2026**. This timeline ensures all applications are received and reviewed well in advance of the committee's formal voting sessions this summer. This is a prime opportunity to move past the sidelines and actively shape the future leadership of our county. If interested,

please contact John Irving, the incoming Bandera County GOP Chair at irving24usmc@gmail.com.

Final Thoughts

While it can certainly feel unusual not to have a secondary public election to fill a primary vacancy, the Texas Election Code is designed to balance practicality with representative democracy. The law ensures that our neighborhood's voice is still central to the decision, amplified through the local precinct chairs we chose at the ballot box. **The precinct chairs are your elected representatives in this process, and each of us has a direct line of input through them.** We will keep the community updated as the party committee prepares to meet this June.