Senate Research Center
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S.B. 901
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recently in primary elections in Texas, candidates have filed for the same office for nomination by multiple parties. While a candidate is not allowed to advance, there has been the scenario where an ineligible candidate triggered a costly runoff election.

S.B. 901 amends the Texas Election Code to prohibit candidates from filing applications for a place on the general primary election ballot or for nomination by convention with more than one political party in the same voting year. If a candidate violates this rule, they will be declared ineligible for the general primary election ballot, nomination by convention, and for the succeeding general election as an independent candidate, a nominee of a political party, or a write-in candidate.

The Secretary of State is tasked with determining a candidate's ineligibility and must provide the candidate with written notice, informing them of their declared ineligibility and the requirement to withdraw from the general primary election. If the candidate refuses to withdraw, their name will be omitted from the ballot. The Secretary of State will be responsible for prescribing the procedures necessary to implement this section.

Additionally, S.B. 901 amends existing sections of the Texas Election Code to ensure that a candidate's name cannot be certified for the ballot if it is to be omitted under the new Section 162.0151 or if their application is invalid under other specified sections. This change aims to streamline the certification process and maintain the integrity of the election by preventing candidates who do not meet eligibility requirements from appearing on the ballot. S.B. 901 is set to take effect on September 1, 2025.

As proposed, S.B. 901 amends current law relating to the declaration of a candidate's ineligibility on the basis of filing an application for a place on the general primary election ballot or for nomination by convention with more than one political party.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 162, Election Code, by adding Section 162.0151, as follows:

Sec. 162.0151. CANDIDACY PROHIBITED. (a) Requires a candidate who files an application for a place on the general primary election ballot or for nomination by convention with more than one political party in the same voting year to be ineligible for:

(1) a place on the ballot for a general primary election;

(2) nomination by convention; and

(3) the succeeding general election as:

(A) an independent candidate;

(B) the nominee of a political party; or

(C) a write-in candidate.

(b) Requires a candidate's name to be omitted from the general primary election ballot of each political party with which the candidate filed an application for a place on the ballot if, not later than the 10th day after the date of the regular filing deadline for the general primary election, the Secretary of State (SOS) determines that the candidate is ineligible under Subsection (a).

(c) Requires SOS to provide written notice to a candidate declared ineligible under this section. Requires that the notice required under this subsection inform the candidate:

(1) of the candidate's ineligibility;

(2) that the candidate may withdraw from the general primary election under Section 172.052 (Withdrawal From General Primary); and

(3) if the candidate refuses to withdraw, the candidate's name is required to be omitted from the general primary election ballot.

(d) Requires SOS to prescribe any procedures necessary to implement this section.

SECTION 2. Amends Section 172.028(c), Election Code, as follows:

(c) Prohibits a candidate's name from being certified:

(1) if, before delivering the certification, the state chair learns that the name is to be omitted from the ballot under Section 162.0151 or Section 172.057 (Withdrawn, Deceased, or Ineligible Candidate's Name Omitted From General Primary Ballot); or

(2) makes no changes to this subdivisions.

SECTION 3. Amends Section 181.068(c), Election Code, as follows:

(c) Prohibits a presiding officer from certifying a candidate's name:

(1) creates this subdivision from existing text and makes a conforming change; or

(2) for an office for which the candidate's application is invalid under Section 141.033 (Filing Applications for More Than One Office Prohibited).

SECTION 4. Amends Section 182.007(c), Election Code, to make conforming changes.

SECTION 5. Effective date: September 1, 2025.