NO. 12-25-00337-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN RE:	*§*	
TRAVIS EDWARDS,	*§*	***ORIGINAL PROCEEDING***
RELATOR	*§*	

MEMORANDUM OPINION

Travis Edwards filed this original proceeding to challenge his removal from the Republican primary ballot by Respondent Abraham George, Chairman of the Republican Party of Texas (RPT). We deny the writ.

FACTUAL BACKGROUND

On December 1, 2025, Edwards submitted a candidate application for United States Representative District 5, including a petition in lieu of the $3,125 filing fee, to the RPT in Austin, Texas. December 8 was the filing deadline. He alleges that he received "confirmation

that his application was in order with RPT personnel multiple times[.]" Edwards also provides a screenshot from December 8 of the Texas Secretary of State's website that lists him as a candidate. In a December 10 letter, Chairman George stated the following, in pertinent part:

> We also received your signature petitions in lieu of the required filing fee. Following a review of these signature petitions, the amount of valid signatures fell short of the required amount. Unfortunately, your application has been rejected and you will not appear on the ballot as a candidate in the 2026 Republican Primary Election.

Edwards contacted Chairman George, but states that he was told nothing could be done and Chairman George had to "follow the law." This original proceeding followed. Chairman George and Real Party in Interest Congressman Lance Gooden, the incumbent United States Representative for District 5, filed responses to the mandamus petition.

PREREQUISITES TO MANDAMUS

Mandamus is an extraordinary remedy. ***In re Sw. Bell Tel. Co., L.P.***, 235 S.W.3d 619, 623 (Tex. 2007) (orig. proceeding). Mandamus will issue only to correct a clear abuse of discretion for which the relator has no adequate remedy by appeal. ***In re Prudential Ins. Co. of Am.***, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). Section 273.061 of the Texas Election Code authorizes the supreme court and courts of appeals to issue writs of mandamus to compel the performance of any duty imposed by law in connection with holding an election or political party convention. TEX. ELEC. CODE ANN. § 273.061(a) (West Supp. 2024); ***In re Lopez***, 593 S.W.3d 353, 356 (Tex. App.—Tyler 2018, orig. proceeding). The purpose of mandamus is to compel a public official, which includes the Republican Party Chairman, to perform a particular duty or refrain from an unauthorized act. *See* ***Turner v. Pruitt***, 161 Tex. 532, 342 S.W.2d 422, 423 (1961); ***Lopez***, 593 S.W.3d at 356; *see also* TEX. ELEC. CODE ANN. § 161.009 (West 2020). "In a mandamus relating to an election proceeding, we must be careful to avoid undue interference with the electoral process and the people's right to self-governance, including their choice of candidates." ***In re Anthony***, 642 S.W.3d 588, 589 (Tex. 2022) (per curiam) (orig. proceeding).

ENTITLEMENT TO MANDAMUS

Edwards asserts that Chairman George lacks legal authority to refuse his application and that such refusal is "contrary to state law under the Election Code and case law." He contends

that Chairman George "failed his ministerial duty to examine Relator's application within the fifth business day of its submission and notify Relator of the deficiency, though required to do so by section 141.032(e) or even as soon as practicable under 172.0222(c) of the Texas Election Code." Edwards seeks a writ of mandamus ordering Chairman George to accept his application, allow a time to cure the application, or allow him to pay the application fee.[1]

Applicable Law

To be entitled to a place on the general primary election ballot, a candidate must make an application accompanied by either the filing fee or a petition in lieu of the filing fee. TEX. ELEC. CODE ANN. § 172.021(a)-(b) (West 2020). A valid petition must (1) be timely filed with the appropriate authority; (2) contain valid signatures in the number required by the Election Code; and (3) comply with any other applicable requirements for validity. ***Id***. §§ 141.062(a) (West 2020); 172.025 (West 2020) (number of petition signatures required).

The authority with whom the application is filed shall review the application to determine whether it complies with the requirements as to form, content, and procedure that it must satisfy for the candidate's name to be placed on the ballot. ***Id***. §§ 141.032(a) (West Supp. 2024); 172.0222(a) (West 2020). Review shall be completed not later than the fifth day after the date the application is received by the authority, except as follows:

> *If an application is accompanied by a petition*, the petition is considered part of the application, and the *review shall be completed as soon as practicable* after the date the application is received by the authority. However, the petition is not considered part of the application for purposes of determining compliance with the requirements applicable to each document, and a deficiency in the requirements for one document may not be remedied by the contents of the other document. Unless the petition is challenged, the authority is only required to review the petition for facial compliance with the applicable requirements as to form, content, and procedure.

Id. §§ 141.032(b)-(c) (emphasis added); § 172.0222(c), (e). If an application does not comply with the applicable requirements, the authority shall reject the application and immediately deliver to the candidate written notice of the reason for the rejection. ***Id***. §§ 141.032(e);

[1] We note that mootness is not an issue in this case. The balloting materials for voting by mail shall be mailed to voters on or before the forty-fifth day before election day, i.e., January 17, 2026. *See* TEX. ELEC. CODE ANN. § 86.004(b) (West 2020); *see* ***Garmon v. Tolbert***, 614 S.W.3d 190, 194 (Tex. App.—Tyler 2020, pet. denied); *see also* ***In re Lopez***, 593 S.W.3d 353, 357-58 (Tex. App.—Tyler 2018, orig. proceeding) ("Because the March 6 primary ballots have already been mailed to voters, any issues regarding the validity of Brandt's application are moot and no longer justiciable, and we are now without subject-matter jurisdiction to grant any meaningful relief to Lopez"). Our decision in this case well precedes that date.

172.0222(g). A determination that an application complies with the applicable requirements does not preclude a subsequent determination that the application does not comply. ***Id***. §§ 141.032(d); 172.0222(f). After the filing deadline, (1) a candidate may not amend an application or a petition in lieu of a filing fee submitted with the candidate's application; and (2) the authority with whom the application is filed may not accept an amendment to an application or an amendment to a petition in lieu of a filing fee submitted with the candidate's application. ***Id***. §§ 172.0222(i); 141.062(c); *see* ***id***. § 141.032(g).

It is the intent of the legislature that application of the Election Code and the conduct of elections be uniform and consistent throughout Texas to reduce the likelihood of fraud in the conduct of elections, protect the secrecy of the ballot, promote voter access, and ensure that all legally cast ballots are counted. ***Id***. § 1.0015 (West 2022). Election officials and other public officials shall strictly construe the provisions of the Election Code to effect this intent. ***Id***. § 1.003 (a-l) (West 2022).

Analysis

We first address Congressman Gooden's contention that Edwards is not entitled to mandamus relief because he failed to make a written demand for performance before filing this original proceeding. "In addition to showing that an election official had a legal duty to perform a non-discretionary act, a relator must also show he made a demand for performance on the election official and the election official refused to perform." ***In re Dominguez***, 621 S.W.3d 899, 904 (Tex. App.—El Paso 2021, orig. proceeding); ***In re Cercone***, 323 S.W.3d 293, 297 (Tex. App.—Dallas 2010, orig. proceeding). Here, Edwards states that he contacted Chairman George, to no avail. But there is no indication that Edwards made a formal demand that Chairman George accept his petition as is, allow him to cure the defects in his petition, or accept the fee in lieu of the petition.

But even had he made such a demand, Edwards cannot show that Chairman George had a legal duty to perform. Edwards relies on a single case, ***In re Francis***, 186 S.W.3d 534 (Tex. 2006), to support his position that he should be afforded an opportunity to "cure any deficiency by either obtaining additional signatures or paying the $3,125 filing fee." There, Francis filed his application and petition with the RPT four days before the filing deadline. ***Francis***, 186 S.W.3d at 537. The State Chair's appointee assured Francis that the RPT would review the documents before the January 2 filing deadline. ***Id***. The RPT completed its review on December 30 and

notified Francis that his filings were in order. ***Id***. at 537-38. Three days later, thirty minutes before the filing deadline, counsel for another candidate notified RPT officials about the omission of "Place 8" from several pages of Francis's petition. ***Id***. at 538. On January 6, the RPT Chair rejected the challenge and certified Francis as a candidate. ***Id***. On January 9, the trial court signed a temporary injunction ordering the RPT to "decertify" Francis and enjoined the RPT from listing him as a candidate. ***Id***. After unsuccessfully seeking mandamus relief in the court of appeals, Francis filed an emergency petition for writ of mandamus with the Texas Supreme Court. ***Id***.

Although the Court agreed that "omission of any statutorily required information on a petition renders signatures on that petition invalid," it rejected the proposition that invalid signatures cannot be cured. ***Id***. at 539. The Court held that:

> …when a challenge is made based on facial defects a party chair overlooked and approved when they could have been cured, the trial court must abate the challenge and allow the candidate that opportunity [to cure]. Candidates should have the same opportunity to cure as a proper review before the filing deadline would have allowed them … facial defects should exclude a candidate from the ballot only when a proper review by the party chair would have led to the same result.

Id. at 541. The Court explained that access to the ballot lies at the very heart of a constitutional republic and abatement (1) ensures that the punishment fits the crime, (2) places the duty of a party chair in its proper role, and (3) advances the interests of those in whose name elections are conducted—the people. ***Id***. at 542. But the Court placed limitations on its holding:

> First, it concerns only facial defects that are apparent from the four corners of a candidate's filings; it does not reach forgery, fraud, or other non-accidental defects discoverable only by independent investigation. Second, it concerns only early filings that allow time for corrections after the state chair's review; no additional time will be available for candidates who file at the last minute so that review cannot be completed before the filing deadline. Third, it does not allow political parties or candidates to ignore statutory deadlines; it allows candidates only the time that the Election Code was designed to give them. Fourth, it concerns only defective filings that have erroneously been approved; it does not change what the Election Code says party chairs should and must reject. Finally, it does not absolve candidates of the need for diligence and responsibility in their filings; party chairs must only notify them of defects, not do their work for them.

Id. at 542-43. Accordingly, the Court concluded that the trial court erred in finding that the Election Code mandated a temporary injunction, noting that (1) although Francis's petition contained invalid signatures, he proved that he could have replaced them within 24 hours; (2) Francis did not do so before the filing deadline only because the Party Chair inadvertently

overlooked them; and (3) the Election Code did not provide that Francis must be excluded from the ballot as a penalty. ***Id***. at 543.

Francis, however, predates the current version of the Election Code. The Code now provides that a candidate may not amend, and the authority with whom the application is filed may not accept an amendment to, an application or a petition in lieu of a filing fee submitted with the application after the filing deadline. TEX. ELEC. CODE ANN. §§ 141.032(g); 141.062(c); 172.0222(i); *see* ***In re Falgout,*** No. 03-17-00852-CV, 2017 WL 6757065, at *1 (Tex. App.—Austin [3rd Dist.] Dec. 22, 2017, orig. proceeding) (mem. op.) ("in 2011, the legislature amended the election code to specifically bar a would-be candidate from amending an application or an accompanying petition after the filing deadline"); ***Risner v. Harris Cty. Republican Party***, 444 S.W.3d 327, 343 (Tex. App.—Houston [1st Dist.] 2014, no pet.) (subsection (g) prohibits trial court from "granting a candidate an opportunity to file an amended application and from requiring a party chair to accept an amended application after the filing deadline"); ***In re Wilson***, 421 S.W.3d 686, 689 (Tex. App.—Fort Worth 2014, orig. proceeding) ("it appears that the legislature has foreclosed the opportunity to cure any defects in an application or petition discovered after the filing deadline").[2] "[W]hen interpreting an amendment to a statute, we presume that the legislature intends to change the law." ***Risner***, 444 S.W.3d at 343. In ***Risner***, the First Court explained as follows:

> Here, the statute was amended by House Bill 1135. Nothing in the legislative history of the bill contradicts the presumption that the legislature intended to change the law. The analysis of the House Committee Report states that the bill "amends the Election Code to prohibit a candidate for public office from amending an application for a place on the ballot ... and to prohibit the authority with whom the application or petition is filed from accepting an amendment to the application or petition after the filing deadline." In addition, according to the bill analysis of the bill as engrossed, the bill "amends current law relating to an application to run for political office." Because we must presume that the legislature was aware of the aforementioned case law, which only allowed a candidate to file an amendment to his or her application for a position on the ballot after the filing deadline if the candidate obtained a court decision entitling the candidate to file such an amendment, we conclude that the legislative history, indicating that the amendment to

[2] One appellate court concluded that the 2011 amendments failed to address the issue of prematurely filed applications and "did not eliminate courts' equitable powers with regard to the election code." ***In re Ramirez***, No. 13-18-00031-CV, 2018 WL 774840, at *4-5 (Tex. App.—Corpus Christi Feb. 2, 2018, orig. proceeding) (mem. op.). In rejecting a challenge that a premature application was untimely, that court noted that its disposition "is tailored narrowly to the specific and narrow issue presented and is informed by the procedural underpinnings of the case, the urgencies presented by the election schedule, and the specific arguments and evidence presented[.]" ***Id***. at *6. We do not follow ***Ramirez***, as it is limited to its specific set of facts.

> section 141.032 "amends current law," supports the presumption that the legislature intended to change the existing law.

Id. (quoting House Committee on Elections, Bill Analysis, Tex. H.B. 1135, 82d Leg., R.S. (2011), Senate Committee on State Affairs, Bill Analysis, Tex. H.B. 1135, 82d Leg., R.S. (2011)). Moreover, the Texas Supreme Court recognized that in previous election cases, it "granted equitable relief to extend to the candidate an opportunity to cure a deficient application or petition after the filing deadline" but the "Legislature has since made clear that candidates may not amend their applications once the filing deadline passes." ***Anthony***, 642 S.W.3d at 591 (citing Section 141.032(g)).[3] Because we presume the Legislature is aware of relevant case law when it enacts or modifies statutes and because our objective in construing a statute is to give effect to legislative intent, we decline to follow ***Francis***. *See* ***Interest of D.T.***, 625 S.W.3d 62, 71 (Tex. 2021).

Once Edwards filed a petition along with his application, the RPT was required to facially review Edwards's application as soon as practicable after the date it received the application. *See* TEX. ELEC. CODE ANN. §§ 141.032(c), 172.0222(e). The assurances Edwards states he received and the listing of Edwards as a candidate on the Texas Secretary of State website suggest that the RPT reviewed the petition for facial compliance with the applicable requirements as to form, content, and procedure. According to Chairman George, Congressman Gooden challenged Edwards' petition. Thus, the RPT was authorized to further investigate. *See* ***id***. §§ 141.032(c) (emphasis added); § 172.0222(e); *see also* ***Wilson***, 421 S.W.3d at 689 (when incumbent justice of the peace challenged validity of certain signatures on opponent's petition, Democrat Party Chair was authorized to further review said petition). The RPT's initial determination that Edwards's application complied with the applicable requirements did not preclude a subsequent determination that the application did not comply. TEX. ELEC. CODE ANN.

[3] The Texas Supreme Court recently declined to address this issue but stated that these provisions do not "address either amendment or cure of a petition submitted *in addition to* a filing fee," which was at issue in ***Walker***. ***In re Walker***, 683 S.W.3d 400, 404 (Tex. 2024) (per curiam) (orig. proceeding) (emphasis original). Thus, the Court concluded that "no statute has clearly superseded our cases requiring that a candidate in circumstances like these be given an opportunity to cure defects in a petition submitted in addition to a filing fee." ***Id***. ***Walker*** is further distinguishable because, unlike in the present case, in response to Walker's challenge, Devine provided twenty-three additional signatures, which he "collected *before* the filing deadline and contends are non-duplicative and sufficient to cure the deficiencies relator alleges." ***Id***. (emphasis added). We do not apply ***Walker*** because the case before us does not involve a petition submitted in addition to a filing fee.

§§ 141.032(d), 172.0222(f). And the plain language of the statute prohibits both the filing of, and the acceptance of, an amended application or petition after the filing deadline. ***Id***. §§ 141.032(g); 141.062(c); 172.0222(i). Such is the case here, and we would be impermissibly reading into the statute by ordering Chairman George to either accept Edwards's defective petition or allow Edwards time to cure his application after the deadline. *See* ***State Office of Risk Mgmt. v. Martinez***, 539 S.W.3d 266, 270 (Tex. 2017) (appellate court construes statute according to plain language); ***In re Strban***, No. 12-21-00049-CV, 2021 WL 2371418, at *3 (Tex. App.—Tyler June 9, 2021, orig. proceeding) (mem. op.) (words excluded from statute must be presumed to have been excluded for a purpose; courts should not insert words in a statute except to give effect to clear legislative intent).

We further decline to order Chairman George to accept the filing fee in place of Edwards's petition. The Third Court of Appeals addressed a candidate's contention that the election code does not explicitly state that "a filing fee may not be presented or accepted after the filing deadline," and rejected her "conclusion that the code allows her to pay the fee after the deadline." ***Falgout***, 2017 WL 6757065, at *2. The Third Court explained that, under the Election Code, if a candidate's payment of the filing fee is returned for insufficient funds, the application must be returned as incomplete. ***Id***. (citing TEX. ELEC. CODE ANN. § 172.021(b–1)). "If the deadline has not passed, the candidate may resubmit the application with a new payment from a different source, but if the payment is returned for insufficient funds after the deadline has passed, 'the application is not considered to be timely filed, and the authority receiving the application shall inform the applicant that the application was not valid.'" ***Id***. (citing TEX. ELEC. CODE ANN. § 172.021(b-1), (b-2)). Reading the applicable provisions of the election code as a whole and in context with each other, the Third Court concluded that the "legislature intended to bar a candidate from amending her application in any way after the filing deadline, including by late filing a fee due to a defect in the petition filed in lieu of the filing fee[.]" ***Id***. (internal citations omitted). We agree and conclude that Edwards cannot pay the fee now that the deadline passed.

As the Third Court of Appeals recognized in ***Falgout***, this is a harsh result. *See* ***id***. But, for the reasons discussed above, the Election Code simply forecloses the relief that Edwards seeks. Accordingly, we cannot grant mandamus relief under the circumstances of this case.

DISPOSITION

Having concluded that Edwards is not entitled to mandamus relief, we ***deny*** the petition for writ of mandamus. All pending motions are ***overruled as moot***.

BRIAN HOYLE
Justice

Opinion delivered December 23, 2025.
Panel consisted of Worthen, C.J., Hoyle, J., and Davis, J.

COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

DECEMBER 23, 2025

NO. 12-25-00337-CV

TRAVIS EDWARDS,
Relator
V.

CHAIRMAN ABRAHAM GEORGE,
Respondent

ORIGINAL PROCEEDING

ON THIS DAY came to be heard the petition for writ of mandamus filed by Travis Edwards; who is the relator in appellate cause number 12-25-00337-CV. Said petition for writ of mandamus having been filed herein on December 12, 2025, and the same having been duly considered, because it is the opinion of this Court that the writ should not issue, it is therefore CONSIDERED, ADJUDGED and ORDERED that the said petition for writ of mandamus be, and the same is, hereby **denied**.

Brian Hoyle, Justice.
Panel consisted of Worthen, C.J., Hoyle, J. and Davis, J.