

SUBJECT: Entitling certain candidates to a runoff after a frontrunner withdraws

COMMITTEE: Elections — favorable, without amendment

VOTE: 6 ayes — Smith, Burrows, Capriglione, DeAyala, E. Morales, Swanson
3 nays — Bucy, Manuel, Vo

SENATE VOTE: On final passage (March 29) — 26 - 5

WITNESSES: For — Suzanne Harp (*Registered, but did not testify*: Alan Vera, Harris County Republican Party Ballot Security Committee; Joey Bennett, Secure Democracy USA; Robert L. Green, Travis County Republican Party Election Integrity Committee for Legislation; and six individuals)

Against — (*Registered, but did not testify*: Paul Sugg, Harris County Commissioners Court; Birk Wilkison, Texas Democratic Party; Susana Carranza; Joanne Richards)

On — Christina Adkins, Texas Secretary of State

BACKGROUND: Under Election Code sec. 2.023(a), a candidate for nomination can not withdraw from the runoff primary election after 5 p.m. on the third day after the state canvass.

Some have suggested that voters who voted for a withdrawing candidate should have the opportunity to choose between the other candidates with the remaining highest number of votes.

DIGEST: SB 747 would amend Election Code sec. 172.059(a) to prohibit a candidate for nomination from withdrawing from the runoff primary election after 5 p.m. of the fifth day, rather than the third day, after the last day on which the state canvass could be conducted for the election.

If the runoff candidate who received the most votes withdrew from the election, the candidate who received the third highest number of votes in

the general primary election would be entitled to a place on the runoff ballot.

The bill would take effect September 1, 2023, and would apply only to an election ordered on or after the effective date.