

## **BILL ANALYSIS**

Senate Research Center  
88R4278 SGM-D

S.B. 747  
By: Hughes  
State Affairs  
3/10/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, if a candidate withdraws from the primary runoff after the initial primary, the remaining candidate is declared the winner of the primary and placed on the ballot in the general election. In this case, voters have no choice in a runoff as to who will be the party's nominee.

Under S.B. 747, if one candidate withdraws from the runoff early enough to be replaced on the runoff ballot, the ballot will be changed to include the remaining runoff qualifier and the candidate who received the third most votes in the primary. This way voters will get to choose which candidate they prefer.

As proposed, S.B. 747 amends current law relating to the withdrawal of a candidate in a runoff primary election.

### **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 Section 2.023(a), Election Code, to create an exception under Section 172.059 (Withdrawal From Runoff Primary).

SECTION 2. Amends Section 172.059, Election Code, by amending Subsections (a) and (c) and adding Subsection (d), as follows:

(a) Prohibits a candidate for nomination from withdrawing from the runoff primary election after 5 p.m. of the 21st day, rather than 3rd day, after the state canvass under Section 172.120 (State Canvass Relating to Candidates Who Filed an Application for a Place on the Ballot in Accordance With the General Requirements).

(c) Provides that the candidate who received the third highest number of votes in the general primary election, if a runoff candidate withdraws from the election on or before 5 p.m. of the 21st day after the state canvass, is entitled to a place on the runoff ballot.

(d) Provides that the remaining candidate, if a runoff candidate withdraws after 5 p.m. of the 21st day after the state canvass, is the nominee and the runoff election for that office is not held.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.