

BILL ANALYSIS

Senate Research Center

C.S.S.B. 747
By: Hughes
State Affairs
3/21/2023
Committee Report (Substituted)

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.

(Original Author's/Sponsor's Statement of Intent)

C.S.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 fifth, rather than 3rd, day after the last day on which the state canvass is authorized to be conducted for the election under Section 172.120(b) (relating to requiring the state chair to conduct the state canvass for the general primary election by certain dates), rather than 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) Entitles the candidate who received the third highest number of votes in the general primary election to a place on the runoff ballot if a runoff candidate withdraws from the election on or before 5 p.m. of the fifth day after the last day on which the state canvass is authorized to be conducted for the election.

(d) Redesignates existing text as Subsection (d). Provides that the remaining candidate is the nominee and the runoff election for that office is not held if a runoff candidate withdraws after 5 p.m. of the fifth day after the last day on which the state canvass is authorized to be conducted for the election.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.