

BILL ANALYSIS

Senate Research Center
88R1635 SGM-D

S.B. 921
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the past, there have been disputes as to whether the term "majority" in the Texas Election Code authorizes the use of preferential voting, also known as instant runoff or alternative voting, in elections requiring a majority of votes cast for a candidate to win. Opinions issued by the secretary of state and attorney general, relying on the code's language, legislative action and court opinions, have concluded that the law does not. S.B. 921 simply formalizes these opinions into statute by clarifying what the majority vote requires, and prohibiting the use of a preferential voting system in elections for public office.

As proposed, S.B. 921 amends current law relating to the determination of a majority vote in certain elections.

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 Subchapter B, Chapter 2, Election Code, by adding Section 2.0215, as follows:

Sec. 2.0215. DETERMINATION OF MAJORITY VOTE. (a) Defines "preferential voting system."

(b) Requires a candidate, in an election requiring a majority vote to be elected to a public office, to receive more than half of the votes as originally cast. Prohibits a majority from being determined by using a preferential voting system to reassign votes.

SECTION 2. Amends Section 2.022(b), Election Code, as follows:

(b) Provides that certain sections, including Section 2.0215, supersede a law outside Subchapter B (Runoff Election) to the extent of any conflict.

SECTION 3. Effective date: September 1, 2023.