

By: Hughes  
(Leach)

S.B. No. 747

A BILL TO BE ENTITLED

AN ACT

relating to the withdrawal of a candidate in a runoff primary election.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2.023(a), Election Code, is amended to read as follows:

(a) Except as provided by Subsections (b) and (c) or Section 172.059, the candidates in a runoff election are the candidates who receive the highest and second highest number of votes in the main election or who tie for the highest number of votes.

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

(a) A candidate for nomination may not withdraw from the runoff primary election after 5 p.m. of the fifth ~~[3rd]~~ day after the last day on which the state canvass may be conducted for the election under Section 172.120(b) [~~172.120~~]

(c) If the runoff candidate who received the most votes cast withdraws from the election on or before 5 p.m. of the fifth day after the last day on which the state canvass may be conducted for the election, the candidate who received the third highest number of votes in the general primary election is entitled to a place on the runoff ballot.

(d) If a runoff candidate withdraws after 5 p.m. of the

1 fifth day after the last day on which the state canvass may be  
2 conducted for the election, the remaining candidate is the nominee  
3 and the runoff election for that office is not held.

4         SECTION 3. The changes in law made by this Act apply to an  
5 election ordered on or after the effective date of this Act. An  
6 election ordered before the effective date of this Act is governed  
7 by the law in effect when the election was ordered, and the former  
8 law is continued in effect for that purpose.

9         SECTION 4. This Act takes effect September 1, 2023.