



January 24, 2023

To: House Committee on Elections

From: Elaina Rudder, Research Analyst

Re: Runoff Elections

PRIMARY AND GENERAL ELECTION RUNOFFS

In certain state elections, if a candidate does not win an absolute majority of the votes or a certain plurality of the votes, then a runoff election is required. A runoff election, or “runoff,” is a second election held to determine a winner when no candidate in the first election received a majority or plurality of the votes. Generally, the two candidates who received the highest number of votes cast in the first election are placed on the ballot in a runoff election.

Runoffs can be held for both primary elections and general elections but are most common in primary elections. This memorandum provides information about runoff elections for state offices and statewide offices in both primary elections and general elections. [Note: Some states require runoff elections for county and municipal offices or when an election results in a tie.]

Runoffs in Primary Elections

Alabama

Alabama law requires a primary runoff election if no candidate for office receives a majority of all of the votes cast in a primary election, and there were more than two candidates for such office. The primary runoff election is held on the fourth Tuesday following the primary election. The chair of the state executive committee is required to certify to the Secretary of State the names of the two candidates of the party to receive the highest number of votes in the first primary election and who are to be voted for in the second primary election. Votes in the second primary can be cast only for those two candidates.¹

A person may vote in the primary runoff election only if such person:

- Voted in the first primary election; and

¹ [Ala. Code § 17-13-18](#)

- Voted in the same political party for which the runoff is being held.²

Arkansas

Arkansas law states a preferential primary election is required whenever a political party must select party nominees as candidates at any general election.³ The preferential primary election is the only election held for the political party if one of the following conditions is met:

- There are no races in which three or more candidates qualify for the same office;
- All nominations have been determined at the preferential primary election; or
- All nominations have been determined by withdrawal of candidates.⁴

A candidate who receives a majority of the votes cast in a preferential primary election is declared the party nominee.⁵ If no candidate receives a majority of the votes, the names of the two candidates who received the highest numbers of votes are placed on the general primary ballot.⁶

Preferential primary elections are held either:

- On the Tuesday four weeks before the general primary election, for years in which the office of the Governor appears on the ballot at the general election; or
- On the first Tuesday after the first Monday in March, for years in which the office of President of the United States appears on the ballot at the general election.⁷

The general primary election is held either:

- On the third Tuesday in June preceding the general election, for years in which the office of Governor appears on the ballot at the general election; or
- On the Tuesday four weeks after the preferential primary election, for years in which the office of President of the United States appears on the ballot at the general election.⁸

2 [Ala. Code § 17-13-7.1](#)

3 [Ark. Code Ann. § 7-7-202\(a\)](#)

4 [Ark. Code Ann. § 7-7-202\(c\)](#)

5 [Ark. Code Ann. § 7-7-304\(f\)\(1\)](#)

6 [Ark. Code Ann. § 7-7-304\(f\)\(2\)](#)

7 [Ark. Code Ann. § 7-7-203\(b\)](#). Certain filing date provisions in § 7-7-203(c) were found to be unconstitutional in *Libertarian Party of Arkansas v. Thurston*, No. 4:19-CV-00215-KGB, 2022 WL 4627292 (E.D. Ark. Sept. 30, 2022)

8 [Ark. Code Ann. § 7-7-203\(a\)](#)

Georgia

In Georgia, a candidate must receive a majority of the votes cast to be nominated for public office in a primary election. If no candidate receives a majority of the votes cast, the law requires a runoff election to be held on the 28th day after the day of the preceding primary election.⁹ Only electors who are duly registered to vote and not subsequently deemed disqualified to vote in the runoff for that particular office are entitled to vote in the runoff.¹⁰

Mississippi

Mississippi law requires a primary runoff election to be held three weeks after the primary election if no candidate in the primary election received a majority of the votes cast. The two candidates who received the highest number of votes shall have their names placed on the ballot for the primary runoff election.¹¹

North Carolina

Under North Carolina law, nominations in primary elections are determined by a substantial plurality of the votes cast.¹² A substantial plurality for a candidate seeking a single office is defined as a number of votes that exceeds the product of total votes cast for all candidates multiplied by 30.0 percent.¹³ If an insufficient number of candidates receive a substantial plurality of the votes cast in a primary, a second primary election is required.¹⁴

If a second primary is required, it is held seven weeks after the first primary election. However, if a second primary is required for the office of U.S. senator or member of the U.S. House of Representatives, the second primary is held ten weeks after the first primary election.¹⁵ North Carolina law states there is no third primary election; the candidate who receives the highest number of votes in the second primary is nominated.¹⁶

Although registration of voters between the dates of the first and second primary is prohibited, a person who becomes eligible to vote during such time may register and vote on the day of the second primary.¹⁷

Oklahoma

A runoff primary election is held in Oklahoma when no candidate receives a majority of all votes cast for all candidates for the office and of the same party. The primary runoff election

9 [Ga. Code Ann. § 21-2-501\(a\)\(1\)](#). The law authorizes a postponement by court order.

10 [Ga. Code Ann. § 21-2-501\(a\)\(5\)](#)

11 [Miss. Code Ann. §§ 23-15-191, 23-15-305](#)

12 [N.C.G.S. § 163-111\(a\)](#)

13 [N.C.G.S. § 163-111\(a\)\(1\)](#)

14 [N.C.G.S. § 163-111\(b\)](#)

15 [N.C.G.S.A. § 163-111\(e\)](#)

16 [N.C.G.S.A. § 163-111\(f\)](#). In case of a tie, a party executive committee decides.

17 [N.C.G.S.A. § 163-111\(e\)](#)

is held on the fourth Tuesday of August in the same year as the primary election, which is held on the last Tuesday in June.¹⁸

South Carolina

South Carolina law requires a second primary to be held two weeks after the first primary when no candidate for office receives a majority of the votes cast. At the second primary, the two candidates who received the largest number of votes in the first primary and who do not withdraw their candidacy are placed on the ballot. In all second primaries, the candidate who receives the largest number of votes cast is declared the nominee for the office, even if such candidate did not receive a majority of the votes cast.¹⁹

South Dakota

In South Dakota, if no candidate for U.S. Senate, U.S. House of Representatives, or Governor in a race involving three or more candidates receives 35.0 percent of the votes of the candidate's party, a runoff election is held ten weeks from the date of the first primary election. The candidates in the runoff election are the two candidates who received the highest number of votes at the first election. The candidate receiving the highest number of votes at the runoff election is nominated as the candidate for the party.²⁰

Texas

In Texas, a runoff election is required if no candidate for a particular office receives the votes necessary to be elected in an election requiring a majority vote.²¹ A runoff election must be ordered no later than the fifth day after the date of the final canvass of the main election is completed.²² The candidates in a runoff election are either the candidates who received the highest and second highest number of votes or who tie for the highest number of votes cast in the first primary election.²³ Runoff elections in Texas are held not earlier than the 20th day or later than the 45th day after the date the final canvass of the main election is completed.²⁴

18 [Okla. Stat. Ann. Tit. 26, §§ 1-102, 1-103](#)

19 [S.C. Code Ann. § 7-13-50](#)

20 [SDCL § 12-6-51.1](#)

21 [Tex. Elec. Code Ann. § 2.021](#)

22 [Tex. Elec. Code Ann. § 2.024](#)

23 [Tex. Elec. Code Ann. § 2.023](#)

24 [Tex. Elec. Code Ann. § 2.025\(a\)](#)

Other Runoff Elections

Georgia

In Georgia, a candidate must receive a majority of the votes cast to be elected to public office in a general election. If no candidate receives a majority of the votes cast, a runoff election shall be held on the 28th day after the day of holding the preceding general election.²⁵

The *Georgia Constitution* provides that a runoff election is a continuation of the general election. Therefore, only persons who were eligible to vote in the general election can vote in a runoff election, and only votes cast for the candidates on the runoff ballot are to be counted.²⁶

Louisiana

Louisiana's electoral system has been described by the Louisiana Secretary of State as a majority-vote primary paired with a plurality-vote general election.²⁷ In primary elections, all qualified candidates for the office are placed on the primary ballot.²⁸ If one of the qualified candidates receives a majority of votes cast in the primary election, then such candidate is elected to office.²⁹ If no candidate receives a majority of the votes cast in the primary election, then a general election is held. The candidates on the general election ballot are those who received the highest number of votes in the primary election.³⁰ The number of candidates placed on the general election ballot is twice the number of persons remaining to be elected to the office.³¹ In the general election, the candidate who receives the most votes cast is elected to office.³²

Primary elections in Louisiana are held either:

- On the third to last Saturday in October of an election year when the Governor is on the ballot; or
- On the first Tuesday after the first Monday in November of an election year when members of Congress are on the ballot.³³

General elections in Louisiana are held either:

25 [Ga. Code Ann. § 21-2-501\(a\)\(1\)](#). The law authorizes a postponement by court order.

26 [Ga. Const. art II, § II, para. II](#).

27 Louisiana Secretary of State, "[How Are Statewide and Local Candidates Elected?](#)" accessed January 24, 2023.

28 [La. Stat. Ann. § 18:470\(A\)\(3\)\(a\)](#)

29 [La. Stat. Ann. § 18:511](#)

30 [La. Stat. Ann. § 18:481](#)

31 [La. Stat. Ann. § 18:482](#)

32 [La. Stat. Ann. § 18:512](#)

33 [La. Stat. Ann. § 18:402](#)

- On the fifth Saturday after the third to last Saturday in October of an election year when the Governor is on the ballot; or
- On the fifth Saturday after the first Tuesday after the first Monday in November of an election year when members of Congress are on the ballot.³⁴

34 *Id.*