THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 729 Session of 2023

INTRODUCED BY A. WILLIAMS AND CAPPELLETTI, JUNE 2, 2023

REFERRED TO STATE GOVERNMENT, JUNE 2, 2023

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," in dates of elections and primaries and special
12 elections, further providing for municipal primary and
13 officers to be nominated and providing for authorization of
14 ranked choice voting in municipal elections.

15 The General Assembly of the Commonwealth of Pennsylvania

16 hereby enacts as follows:

17 Section 1. Section 604 of the act of June 3, 1937 (P.L.1333,

18 No.320), known as the Pennsylvania Election Code, is amended to

19 read:

20 Section 604. Municipal Primary; Officers to be Nominated.--

21 There shall be a Municipal primary preceding each municipal

22 election which shall be held on the third Tuesday of May in all

23 odd-numbered years. Candidates for all offices to be filled at

24 the ensuing municipal election shall be nominated at the

1 Municipal primary, unless otherwise provided in section 604.1.

2   Section 2. The act is amended by adding a section to read:

3   Section 604.1. Authorization of Ranked Choice Voting in

4 Municipal Elections.--(a) (1) Notwithstanding any other

5 provision of this act, the governing body of a municipality may,

6 by ordinance or resolution, as appropriate, authorize the use of

7 the ranked choice voting method in elections conducted during

8 the municipal primary and in the municipal election, for any of

9 the governing body's municipal offices in accordance with the

10 provisions of this section.

11   (2) The authorization described in paragraph (1) must occur

12 not later than one hundred eighty (180) days prior to the

13 election for which the ranked choice voting method will be

14 utilized.

15   (b) (1) For municipal offices subject to the ranked choice

16 voting method, the ballot shall be simple and easy to understand

17 and allow a voter to rank candidates for an office in order of

18 choice. A voter may include not more than one write-in candidate

19 among the voter's ranked choices for each office. If feasible,

20 ballots shall be designed so that a voter may mark the voter's

21 first choices in the same manner as that for offices not elected

22 by the ranked choice voting method.

23   (2) Instructions on the ballot shall conform substantially

24 to the following specifications, although subject to

25 modification, based on ballot design and voting machine:

26   Vote for candidates by indicating your first-choice

27   candidates in order of preference. Indicate your first choice

28   by marking the number "1" beside a candidate's name, your

29   second choice by marking the number "2" beside a candidate's

30   name, your third choice by marking the number "3" beside a

1 candidate's name and so on, for as many choices as you wish.

2 You may choose to rank only one candidate of your first-

3 choice candidate. Do not mark the same number beside more

4 than one candidate. Do not skip numbers.

5 (3) A sample ballot for a municipal office subject to the

6 ranked choice voting method shall illustrate the voting

7 procedure for the ranked choice voting method. A sample ballot

8 shall be included with each absentee ballot.

9 (4) The county board of elections for the municipality where

10 the ranked choice voting method is authorized by the governing

11 body shall ensure that the necessary voting system, vote

12 tabulation system or other similar or related equipment are

13 available to accommodate the ranked choice voting method.

14 (5) The ranked choice voting method shall not be implemented

15 in a municipal election until the Secretary of the Commonwealth

16 determines that the ballots and voting equipment are updated to

17 accommodate the ranked choice voting method.

18 (c) The following procedure shall apply in determining the

19 winner in a municipal election for an office subject to the

20 ranked choice voting method:

21 (1) The first choice marked on each ballot shall be counted

22 initially by election officials. If one candidate receives a

23 majority of the votes cast, excluding blank and void ballots,

24 that candidate shall be declared elected.

25 (2) If no candidate receives a majority of first-choice

26 votes cast at the end of the initial count, the candidate

27 receiving the fewest first-choice votes shall be eliminated.

28 Each vote cast for the eliminated candidate shall be transferred

29 to the candidate who was the voter's next choice on the ballot.

30 (3) Candidates with the fewest votes shall continue to be

1 eliminated, with the votes for those candidates transferred to

2 the candidate who was the voters' next choice on the ballot.

3   (4) If a ballot has no more available choices ranked on it,

4 that ballot shall be declared exhausted. Where a ballot skips

5 one or more numbers, that ballot shall be declared exhausted

6 when the skipping of numbers is reached. A ballot with the same

7 number for two or more candidates shall be declared exhausted

8 when these double numbers are reached.

9   (5) In the case of a tie between candidates for last place

10 and elimination occurring at any stage in the tabulation, the

11 tie shall be resolved so as to eliminate the candidate who

12 received the least number of votes at the previous stage of

13 tabulation. In the case of a tie to which a previous stage does

14 not apply, or if the previous stage was also a tie, the tie

15 shall be resolved in accordance with the provisions of section

16 1418. If the tie occurs when there are only two candidates

17 remaining, the tie shall be resolved in accordance with the

18 provisions of section 1418.

19   (d) Notwithstanding the requirements for filing nomination

20 petitions for primary elections under Article IX, each candidate

21 for the offices to be filled at municipal elections for which

22 the ranked choice voting method is authorized shall file

23 nomination petitions in accordance with the following:

24   (1) No candidate shall be required to be an enrolled member

25 of any party in order to qualify for the ballot or circulate

26 nomination petitions for an office to be filled at municipal

27 elections for which the ranked choice voting method is

28 authorized.

29   (2) Each candidate shall circulate and file the nomination

30 petition with the Secretary of the Commonwealth in an amount of

1 time consistent with the number of days permitted for

2 circulation and filing of nomination petitions under Article IX

3 and on a form prescribed by the Department of State.

4 (3) Each candidate shall obtain the minimum number of

5 signatures for the office to be filled as required under section

6 912.1 and by electors who are registered to vote within the

7 election district referred to in the nomination petition,

8 regardless of whether the signing elector is an enrolled member

9 of any party.

10 (e) A governing body that authorizes the ranked choice

11 voting method in accordance with this section shall conduct a

12 voter education campaign on the ranked choice voting system to

13 familiarize voters with the ballot design, method of voting and

14 advantages of determining a majority winner in a single

15 election. The governing body shall use public service

16 announcements and seek other media cooperation to the maximum

17 extent practicable.

18 (f) All municipal elections in which the ranked choice

19 voting method is authorized by this section shall be subject to

20 all the other provisions of this act and all other applicable

21 laws relating to elections, so far as is applicable and not

22 inconsistent with this section.

23 (g) As used in this section, the following words and phrases

24 shall have the meanings given to them in this subsection unless

25 the context clearly indicates otherwise:

26 "Continuing candidate" means a candidate who has not been

27 defeated or elected.

28 "Ranked choice voting method" means a method of casting and

29 tabulating votes that simulates the ballot counts that would

30 occur if all voters participated in a series of runoff

1 elections, whereby the voters rank candidates according to the

2 order of their choice and, if no candidate has received a

3 majority of votes cast, the candidate with the fewest first-

4 choice votes is eliminated and the remaining candidates advance

5 to another counting round. In every round, each ballot is

6 counted as one vote for the highest-ranked continuing candidate.

7   Section 3. This act shall take effect in 60 days.