

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 894 Session of 2019

INTRODUCED BY A. WILLIAMS, OCTOBER 24, 2019

REFERRED TO STATE GOVERNMENT, OCTOBER 24, 2019

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 conducted during
 15 November.

16 The General Assembly of the Commonwealth of Pennsylvania
 17 hereby enacts as follows:

18 Section 1. Section 604 of the act of June 3, 1937 (P.L.1333,
 19 No.320), known as the Pennsylvania Election Code, is amended to
 20 read:

21 Section 604. Municipal Primary; Officers to be Nominated.--
 22 There shall be a Municipal primary preceding each municipal
 23 election which shall be held on the third Tuesday of May in all
 24 odd-numbered years. Candidates for all offices to be filled at
 25 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 Conducted During November.--(a) (1)

5 Notwithstanding any other provision of this act, the governing

6 body of a municipality may, by ordinance or resolution, as

7 appropriate, authorize the use of the ranked choice voting

8 method in municipal elections conducted during November, for any

9 of its municipal offices in accordance with the provisions of

10 this section, provided that the governing body eliminates the

11 use of municipal primaries for the same offices under section

12 604.

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

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

15 election for which the ranked choice voting method will be

16 utilized.

17 (3) The ranked choice voting method may only be authorized

18 for municipal elections conducted during November in which three

19 or more candidates have been nominated or designated for a

20 municipal office.

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

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

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

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

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

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

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

28 by the ranked choice voting method.

29 (2) Instructions on the ballot shall conform substantially

30 to the following specifications, although subject to

1 modification, based on ballot design and voting machine:
2 Vote for candidates by indicating your first-choice
3 candidates in order of preference. Indicate your first choice
4 by marking the number "1" beside a candidate's name, your
5 second choice by marking the number "2" beside a candidate's
6 name, your third choice by marking the number "3" beside a
7 candidate's name and so on, for as many choices as you wish.
8 You may choose to rank only one candidate of your first-
9 choice candidate. Do not mark the same number beside more
10 than one candidate. Do not skip numbers.

11 (3) A sample ballot for a municipal office subject to the
12 ranked choice voting method shall illustrate the voting
13 procedure for the ranked choice voting method. A sample ballot
14 shall be included with each absentee ballot.

15 (4) The county board of elections for the municipality where
16 the ranked choice voting method is authorized by the governing
17 body shall insure that the necessary voting system, vote
18 tabulation system or other similar or related equipment are
19 available to accommodate the ranked choice voting method.

20 (5) The ranked choice voting method shall not be implemented
21 in a municipal election conducted during November until the
22 Secretary of the Commonwealth determines that the ballots and
23 voting equipment are updated to accommodate the ranked choice
24 voting method.

25 (c) The following procedure shall apply in determining the
26 winner in a municipal election conducted during November for an
27 office subject to the ranked choice voting method:

28 (1) The first choice marked on each ballot shall be counted
29 initially by election officials. If one candidate receives a
30 majority of the votes cast, excluding blank and void ballots,

1 that candidate shall be declared elected.

2 (2) If no candidate receives a majority of first-choice
3 votes cast at the end of the initial count, the candidate
4 receiving the fewest first-choice votes shall be eliminated.
5 Each vote cast for the eliminated candidate shall be transferred
6 to the candidate who was the voter's next choice on the ballot.

7 (3) Candidates with the fewest votes shall continue to be
8 eliminated, with the votes for those candidates transferred to
9 the candidate who was the voters' next choice on the ballot.

10 (4) If a ballot has no more available choices ranked on it,
11 that ballot shall be declared exhausted. Where a ballot skips
12 one or more numbers, that ballot shall be declared exhausted
13 when the skipping of numbers is reached. A ballot with the same
14 number for two or more candidates shall be declared exhausted
15 when these double numbers are reached.

16 (5) In the case of a tie between candidates for last place
17 and elimination occurring at any stage in the tabulation, the
18 tie shall be resolved so as to eliminate the candidate who
19 received the least number of votes at the previous stage of
20 tabulation. In the case of a tie to which a previous stage does
21 not apply, or the previous stage was also a tie, the tie shall
22 be resolved in accordance with the provisions of section 1418.
23 If the tie occurs when there are only two candidates remaining,
24 the tie shall be resolved in accordance with the provisions of
25 section 1418.

26 (d) Notwithstanding the requirements for filing nomination
27 petitions for primary elections under Article IX of this act,
28 each candidate for the offices to be filled at municipal
29 elections conducted during November for which the ranked choice
30 voting method is authorized shall file nomination petitions in

1 accordance with the following:

2 (1) No candidate shall be required to be an enrolled member
3 of any party in order to qualify for the ballot or circulate
4 nomination petitions for an office to be filled at municipal
5 elections conducted during November for which the ranked choice
6 voting method is authorized.

7 (2) Each candidate shall circulate and file the nomination
8 petition with the Secretary of the Commonwealth in an amount of
9 time consistent with the number of days permitted for
10 circulation and filing of nomination petitions under Article IX
11 and on a form prescribed by the Department of State.

12 (3) Each candidate shall obtain the minimum number of
13 signatures for the office to be filled as required under section
14 912.1 and by electors who are registered to vote within the
15 election district referred to in the nomination petition,
16 regardless of whether the signing elector is an enrolled member
17 of any party.

18 (e) A governing body that authorizes the ranked choice
19 voting method in accordance with this section shall conduct a
20 voter education campaign on the ranked choice voting system to
21 familiarize voters with the ballot design, method of voting and
22 advantages of determining a majority winner in a single
23 election. The governing body shall use public service
24 announcements and seek other media cooperation to the maximum
25 extent practicable.

26 (f) All municipal elections conducted during November in
27 which the ranked choice voting method is authorized by this
28 section shall be subject to all the other provisions of this act
29 and all other applicable laws relating to elections, so far as
30 is applicable and not inconsistent with this section.

1 (g) As used in this section, the following words and phrases
2 shall have the meanings given to them in this subsection:

3 "Continuing candidate" means a candidate who has not been
4 defeated or elected.

5 "Ranked choice voting method" means a method of casting and
6 tabulating votes that simulates the ballot counts that would
7 occur if all voters participated in a series of runoff
8 elections, whereby the voters rank candidates according to the
9 order of their choice and, if no candidate has received a
10 majority of votes cast, then the candidate with the fewest first
11 choice votes is eliminated and the remaining candidates advance
12 to another counting round. In every round, each ballot is
13 counted as one vote for the highest-ranked continuing candidate.

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