

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 538 Session of 2013

INTRODUCED BY PILEGGI, SCARNATI, WARD, ALLOWAY, MENSCH,
EICHELBARGER, RAFFERTY, FOLMER, ERICKSON, GREENLEAF,
TOMLINSON, BROWNE AND YAW, FEBRUARY 21, 2013

REFERRED TO STATE GOVERNMENT, FEBRUARY 21, 2013

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," further providing for election of presidential
12 electors, for meeting of electors and duties and for filling
13 of vacancies existing in presidential electors.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Sections 1501, 1502 and 1503 of the act of June
17 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election
18 Code, are amended to read:

19 Section 1501. Election of Presidential Electors.--(a) At
20 the general election to be held in the year 1940, and every
21 fourth year thereafter, there shall be elected by the qualified
22 electors of the Commonwealth, persons to be known as electors of
23 President and Vice-President of the United States, and referred

1 to in this act as presidential electors, equal in number to the
2 whole number of senators and representatives to which this State
3 may be entitled in the Congress of the United States.

4 (b) The number of presidential electors to be allocated to
5 each nominee for the Office of President of the United States
6 shall be calculated as follows:

7 (1) The nominee for the Office of President of the United
8 States who wins the plurality of the Statewide popular vote
9 shall be awarded two presidential electors.

10 (2) The remaining presidential electors shall be divided
11 among nominees for President of the United States by multiplying
12 the number of remaining presidential electors by the percentage
13 of the Statewide popular vote received by a nominee for
14 President of the United States and rounding up to the nearest
15 whole number, subject to the following:

16 (i) If the total number of presidential electors allocated
17 to all candidates is greater than the number of available
18 electors, the number of presidential electors allocated to the
19 nominee with the smallest percentage of the Statewide popular
20 vote shall be reduced by one.

21 (ii) If necessary, the process in subclause (i) shall be
22 repeated, starting with the nominee for President of the United
23 States who finished next to last in the Statewide vote and
24 ending with the nominee for President who finished second in the
25 Statewide vote.

26 Section 1502. Meeting of Electors; Duties.--(a) The
27 electors chosen, as aforesaid, shall assemble at the seat of
28 government of this Commonwealth, at 12 o'clock noon of the day
29 which is, or may be, directed by the Congress of the United
30 States, and shall then and there perform the duties enjoined

1 upon them by the Constitution and laws of the United States.

2 (b) Each presidential elector shall cast his ballot in
3 accordance with the allocation established in section 1501(b).

4 Section 1503. Filling of Vacancies Existing in Presidential
5 Electors.--If any such presidential elector shall die, or for
6 any cause fail to attend at the seat of government at the time
7 appointed by law, the presidential electors present, who are of
8 the same political party as such deceased or absent presidential
9 elector, shall proceed to choose viva voce a person of the same
10 political party as such deceased or absent elector, to fill the
11 vacancy occasioned thereby, and immediately after such choice
12 the name of the person so chosen shall be transmitted by the
13 presiding officer of the college to the Governor, who shall
14 forthwith cause notice in writing to be given to such person of
15 his election; and the person so elected (and not the person in
16 whose place he shall have been chosen) shall be an elector and
17 shall, with the other electors, perform the duties enjoined on
18 them.

19 Section 2. This act shall take effect in 60 days.