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

REFERRED TO STATE GOVERNMENT, FEBRUARY 21, 2013

AN ACT

Amending the act of June 3, 1937 (P.L.1333, No.320), entitled "An act concerning elections, including general, municipal, special and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections," further providing for election of presidential electors, for meeting of electors and duties and for filling of vacancies existing in presidential electors.

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

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

Section 1501. Election of Presidential Electors.--(a) At the general election to be held in the year 1940, and every fourth year thereafter, there shall be elected by the qualified electors of the Commonwealth, persons to be known as electors of President and Vice-President of the United States, and referred
to in this act as presidential electors, equal in number to the whole number of senators and representatives to which this State may be entitled in the Congress of the United States.

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

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

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

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

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

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

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

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

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