A JOINT RESOLUTION

Proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, further providing for duties of Governor, election procedure, tie or contest, for Lieutenant Governor and for election and registration laws and providing for ranked-choice voting.

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

Section 1. The following integrated amendments to the Constitution of Pennsylvania are proposed in accordance with Article XI:

(1) That section 2 of Article IV be amended to read:

§ 2. Duties of Governor; election procedure; tie or contest. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives, through the process of ranked-choice voting as defined in section 15 of Article VII. The returns of every election for Governor shall be sealed up and
transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both Houses of the General Assembly. [The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.]

(2) That section 4 of Article IV be amended to read:

§ 4. Lieutenant Governor.

A Lieutenant Governor shall be chosen jointly with the Governor [by the casting by each voter of a single vote applicable to both offices], for the same term, and subject to the same provisions as the Governor; he shall be President of the Senate. As such, he may vote in case of a tie on any question except the final passage of a bill or joint resolution, the adoption of a conference report or the concurrence in amendments made by the House of Representatives.

(3) That section 6 of Article VII be amended to read:

§ 6. Election and registration laws.

All laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the State, except as provided in section 15 of this article and except that laws regulating and requiring the registration of electors may be enacted to apply to cities only, provided that such laws be uniform for cities of the same class, and except further, that the General Assembly shall by general law, permit the use of voting machines, or other mechanical devices for
registering or recording and computing the vote, at all
elections or primaries, in any county, city, borough,
incorporated town or township of the Commonwealth, at the option
of the electors of such county, city, borough, incorporated town
or township, without being obliged to require the use of such
voting machines or mechanical devices in any other county, city,
borough, incorporated town or township, under such regulations
with reference thereto as the General Assembly may from time to
time prescribe. The General Assembly may, from time to time,
prescribe the number and duties of election officers in any
political subdivision of the Commonwealth in which voting
machines or other mechanical devices authorized by this section
may be used.

(4) That Article VII be amended by adding a section to read:
§ 15. Ranked-choice voting.
(a) Contests for all elected offices in the Commonwealth
shall be conducted by ranked-choice voting with the following
exceptions:
(1) President of the United States.
(2) Vice President of the United States.
(3) Any judicial office in this Commonwealth, as specified
under Article V, except for judges of the courts of common pleas
and magisterial district judges.
(b) The following shall apply to a ranked-choice voting
ballot:
(1) In a contest conducted by ranked-choice voting with
three or more qualified candidates, including qualified write-
ins, the ballot shall allow voters to rank candidates in order
of choice.
(2) If feasible, the ballot shall allow voters to rank as
many choices as there are qualified candidates. If the voting
equipment cannot feasibly accommodate a number of rankings on
the ballot equal to the number of qualified candidates, the
ballot may limit the number of choices a voter may rank to the
maximum number allowed by the equipment, but the ballot must
allow the voter to rank at least six choices.

(3) The ballot shall not interfere with a voter's ability to
rank a write-in candidate.

(c) The following shall apply to ranked-choice voting
tabulation:

(1) With respect to single-winner tabulation, in a contest
for exactly one office conducted by ranked-choice voting,
tabulation shall proceed in rounds. Each round shall proceed
sequentially with each ballot counting as one vote for the
highest-ranked continuing candidate on that ballot. The
following shall apply:

(i) If two or fewer continuing candidates remain, the
candidate with the fewest votes shall be defeated, the candidate
with the greatest number of votes shall be elected and
tabulation shall be complete.

(ii) If more than two continuing candidates remain, the
continuing candidate with the fewest votes shall be defeated,
and a new round shall begin in accordance with subparagraph (i).

(2) With respect to multiwinner tabulation, in a contest for
more than one office conducted by ranked-choice voting,
tabulation shall proceed in rounds. If, in the initial
tabulation, the number of continuing candidates is less than or
equal to the number of offices to be elected, all continuing
candidates shall be elected and tabulation shall be complete.
Otherwise, each round shall proceed sequentially until
Tabulation shall be complete. The following shall apply:

(i) Each ballot shall count, at its current transfer value, for the highest-ranked continuing candidate on that ballot. If the sum of the number of elected candidates and the number of continuing candidates is equal to the sum of one and the number of offices to be elected, the candidate with the fewest votes shall be defeated, all other continuing candidates shall be elected and tabulation shall be complete.

(ii) If at least one continuing candidate has more votes than the election threshold for the contest, each candidate shall be elected. Each ballot counting for an elected candidate shall be assigned a new transfer value by multiplying the ballot's current transfer value by the surplus fraction for the elected candidate, rounded down to four decimal places and ignoring any remainder. Each candidate elected under this subsection shall be deemed to have a number of votes equal to the election threshold for the contest in all future rounds. A new round shall begin in accordance with subparagraph (i).

(iii) If no candidate is elected under subparagraph (ii), the continuing candidate with the fewest votes shall be defeated, and a new round shall begin under subparagraph (i).

(d) With respect to inactive ballots, in a round of tabulation in a contest conducted by ranked-choice voting, a ballot that does not contain a highest-ranked continuing candidate shall not count for a candidate. Instead, the ballot shall be counted as an over-vote, abstention or exhausted ballot.

(e) In a contest conducted by ranked-choice voting, the secretary may modify the tabulation to include batch elimination. If the tabulation includes batch elimination, any
time that the continuing candidate with the fewest votes would be defeated, each continuing candidate in the elimination batch shall be simultaneously defeated instead. A continuing candidate shall be in the elimination batch if the number of elected and continuing candidates with more votes than that candidate is greater than the number of offices to be elected and it is mathematically impossible for that candidate to be elected for any of the following reasons:

(1) The candidate has fewer votes than any other continuing candidate.

(2) The candidate could never win because the candidate's current vote total plus all votes that could possibly be transferred to the candidate in future rounds would not be enough to equal or surpass the continuing candidate with the next highest current vote total.

(3) The candidate has a lower current vote total than a continuing candidate who is described under paragraph (2).

(4) The candidate could never win because the number of ballots with any highest-ranked continuing candidate, on which that candidate is ranked at any ranking order, is smaller than the following:

(i) For contests for exactly one office, the current vote total of the continuing candidate with the greatest number of votes.

(ii) For contests for more than one office, the current vote total of any of the top "x" continuing candidates with the highest current vote totals, where "x" is the number of offices to be elected.

(f) If two or more candidates are tied with the fewest votes, and tabulation cannot continue until the candidate with
the fewest votes is defeated, the candidate to be defeated shall be determined by lot. Election officials may resolve prospective ties between candidates prior to tabulation after all votes are cast.

(g) The secretary may make any changes to the ranked-choice voting ballot and tabulation process necessary to preserve the secrecy of the ballot and ensure the integrity and smooth functioning of the election, provided that ranked-choice voting shall still be used with the smallest number of changes made to achieve that purpose.

(h) Election boards with mechanical, electronic or other devices for sorting and counting ballots and tabulating results shall implement the provisions of this section immediately. Election boards may modify the form of ballots and the method of sorting, counting and invalidating ballots and the tabulating and recounting of votes with respect to offices elected by ranked-choice voting, provided that any modification made substantially conforms to the requirements under the election laws of this Commonwealth.

(i) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Abstention." A ballot that does not contain a highest-ranked continuing candidate and either more than one ranking order contains the same candidate or one or more ranking orders did not contain any candidate.

"Continuing candidate." A candidate that has not been defeated or elected.

"Election board." The election officers required to conduct general, municipal, special and primary elections in an election.
district in accordance with the election laws of this Commonwealth.

"Election district." A district, division or precinct established in accordance with the election laws of this Commonwealth, within which all qualified electors vote at one polling place.

"Election threshold." The number of votes sufficient for a candidate to be elected in a multiwinner contest. The election threshold shall be calculated by dividing the total number of votes counting for continuing candidates in the first round by the sum of one plus the number of offices to be filled, rounding up to four decimal places.

"Exhausted ballot." A ballot that does not contain a highest-ranked continuing candidate and is not an abstention or an over-vote.

"Highest-ranked continuing candidate." The candidate assigned to the highest-ranking order that:

(1) is not a skipped ranking;
(2) does not follow two or more consecutive skipped rankings;
(3) does not contain an elected or defeated candidate;
(4) does not contain more than one candidate; or
(5) does not follow a ranking order that contains more than one candidate.

"Inactive ballots." All ballots that do not contain a highest-ranked continuing candidate, including abstentions, over-votes and exhausted ballots.

"Over-vote." A ballot that does not contain a highest-ranked continuing candidate because the highest-ranking order that is neither a skipped ranking nor contains an elected or defeated
candidate contains more than one candidate or follows a ranking order that contains more than one candidate.

"Ranking order." The number available to be assigned by a voter to a candidate to express the voter's choice for that candidate. The number "1" is the highest-ranking order, followed by "2" and then "3" and so on.

"Round." An instance of the sequence of voting tabulation delineated under subsection (c).

"Secretary." The Secretary of the Commonwealth.

"Skipped ranking." An instance where a voter has left a ranking order unassigned but ranks a candidate at a subsequent ranking order.

"Surplus fraction." A number equal to the quotient of the difference between an elected candidate's vote total and the election threshold, divided by the candidate's vote total, rounded down to four decimal places, ignoring any remainder.

"Transfer value." The proportion of a vote that a ballot will contribute to its highest-ranked continuing candidate. Each ballot shall begin with a transfer value of "1." If a ballot contributes to the election of a candidate under subsection (c)(2)(ii), it shall receive a new transfer value.

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these
proposed constitutional amendments, the Secretary of the
Commonwealth shall proceed immediately to comply with the
advertising requirements of section 1 of Article XI of the
Constitution of Pennsylvania and shall transmit the required
advertisements to two newspapers in every county in which such
newspapers are published in sufficient time after passage of
these proposed constitutional amendments. The Secretary of the
Commonwealth shall submit the proposed constitutional amendments
under section 1 of this resolution to the qualified electors of
this Commonwealth as a single ballot question at the first
primary, general or municipal election which meets the
requirements of and is in conformance with section 1 of Article
XI of the Constitution of Pennsylvania and which occurs at least
three months after the proposed constitutional amendments are
passed by the General Assembly.