

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2335 Session of 2022

INTRODUCED BY R. MACKENZIE, SOLOMON, HERRIN, MOUL, PICKETT,
ROTHMAN, ROWE, TOPPER AND ZIMMERMAN, FEBRUARY 9, 2022

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 9, 2022

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 nomination of candidates, further providing
12 for casting of lots for position of names upon the primary
13 ballots or ballot labels and notice to candidates; in
14 ballots, further providing for form of official election
15 ballot and providing for order of candidates on the ballot;
16 and, in Pennsylvania Election Law Advisory Board, providing
17 for ballot order randomization study.

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

20 Section 1. Sections 915 and 1003(b) and (f) of the act of
21 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania
22 Election Code, are amended to read:

23 Section 915. Casting of Lots for Position of Names Upon the
24 Primary Ballots or Ballot Labels; Notice to Candidates.--
25 Immediately after the last day fixed for filing of such

1 nomination petitions with them, the Secretary of the
2 Commonwealth or the county board, as the case may be, shall fix
3 a day for the casting of lots, in such manner as may be
4 prescribed by the Secretary of the Commonwealth, or county
5 board, as the case may be, for the position of names upon the
6 primary ballots or ballot labels. The Secretary of the
7 Commonwealth shall give at least two (2) days notice by mail of
8 said date to all candidates whose petitions have been received
9 and filed in his office, and the county board shall give at
10 least two (2) days notice of said date by posting thereof in a
11 conspicuous place in its office, and by publication once in at
12 least two newspapers of general circulation published in the
13 county. All candidates may appear in person, or by agent duly
14 authorized by letter of attorney, signed and acknowledged by an
15 officer empowered to take acknowledgments. In the event of any
16 of said candidates not being present in person or by
17 representative at the time of casting of lots, it shall be the
18 duty of the Secretary of the Commonwealth or the county board,
19 as the case may be, to appoint some person to represent such
20 absentee. After said lots are cast, the Secretary of the
21 Commonwealth or the county board, as the case may be, shall
22 accordingly establish the order in which the names of said
23 candidates are to appear upon the primary ballots or ballot
24 labels, and certify the same for placing upon the official
25 primary ballots or ballot labels. For candidates to offices
26 which shall be voted on by electors of more than one county, a
27 new set of lots shall be cast for each county in which electors
28 are to vote for the same office. The Secretary of the
29 Commonwealth shall accordingly establish the order in which the
30 names of said candidates are to appear upon the primary ballots

1 or ballot labels in each county and certify the same for placing
2 upon the official primary ballots or ballot labels.

3 Section 1003. Form of Official Election Ballot.--

4 * * *

5 (b) On the back of each ballot shall be printed in prominent
6 type the words "Official Ballot," followed by the designation of
7 the election district for which it is prepared, the date of the
8 election and the facsimile signatures of the members of the
9 county board of elections. The names of candidates shall be
10 arranged under the title of the office for which they are
11 candidates, and shall be printed [thereunder in the order of the
12 votes obtained by the parties or bodies at the last
13 gubernatorial election, beginning with the party obtaining the
14 highest number of votes: Provided, however, That in the case of
15 parties or bodies not represented on the ballot at the last
16 gubernatorial election, the names of the candidates of such
17 parties shall be arranged alphabetically, according to the party
18 name or political appellation] printed as provided under section
19 1003.1. In the case of offices for which two or more candidates
20 are to be voted for, the candidates of each party shall be
21 arranged together in the order of the number of votes obtained
22 by them at the primary, beginning with the candidates obtaining
23 the highest number of votes, and the candidates of each
24 political body shall be arranged in the order in which their
25 names were placed in their nomination paper. Under the title of
26 such offices where more than one candidate is to be voted for,
27 shall be printed "Vote for not more than" (the blank
28 space to indicate the number of candidates to be voted for the
29 particular office.) Opposite or under the name of each candidate
30 shall be printed the name or appellation of the political party

1 or political body nominating him, and at the right of such name
2 or appellation there shall be a square of sufficient size for
3 the convenient insertion of a cross (X) or check (✓) mark.

4 * * *

5 [(f) In order that each elector may have the opportunity of
6 designating his choice for all the candidates nominated by one
7 political party or political body, there shall be printed on the
8 extreme left of the ballot, and separated from the rest of the
9 ballot by a space of at least one-half inch, a list of the names
10 of all the political parties or political bodies represented on
11 such ballot which have nominated candidates to be voted for at
12 such election. Such names shall be arranged in the order of the
13 votes obtained at the last gubernatorial election by the
14 candidate for Governor of the parties or bodies nominating,
15 beginning with the party that received the highest number of
16 votes cast. Following the names of such political parties and
17 political bodies shall be the names of the parties and bodies
18 not represented on the ballot at the last gubernatorial
19 election, arranged alphabetically, according to the party name
20 or appellation. A square of sufficient size for the convenient
21 insertion of a cross mark shall be placed at the right of each
22 party name or appellation.]

23 * * *

24 Section 2. The act is amended by adding sections to read:

25 Section 1003.1. Order of Candidates on the Ballot.--(a) For
26 elections to offices which are to be voted on by the electors of
27 only one county, immediately after the list of candidates to be
28 placed on the General Election ballot is finalized, the
29 Secretary of the Commonwealth or the county board, as the case
30 may be, shall fix a day for the casting of lots, in such manner

1 as may be prescribed by the Secretary of the Commonwealth or
2 county board, as the case may be, for the position of names upon
3 the primary ballots or ballot labels. The Secretary of the
4 Commonwealth shall give at least two days notice by mail of said
5 date to all candidates whose petitions have been received and
6 filed in his office, and the county board shall give at least
7 two days notice of said date by posting thereof in a conspicuous
8 place in its office, and by publication once in at least two
9 newspapers of general circulation published in the county. All
10 candidates may appear in person, or by agent duly authorized by
11 letter of attorney, signed and acknowledged by an officer
12 empowered to take acknowledgments. In the event of any of said
13 candidates not being present in person or by representative at
14 the time of casting of lots, it shall be the duty of the
15 Secretary of the Commonwealth or the county board, as the case
16 may be, to appoint some person to represent such absentee. After
17 said lots are cast, the Secretary of the Commonwealth or the
18 county board, as the case may be, shall accordingly establish
19 the order in which the names of said candidates are to appear
20 upon the ballots or ballot labels, and certify the same for
21 placing upon the official ballots or ballot labels.

22 (b) For elections to offices which are to be voted on by the
23 electors of more than one county, a new set of lots shall be
24 cast for each county in which electors are to vote for the same
25 office. The Secretary shall accordingly establish the order in
26 which the names of said candidates are to appear upon the
27 ballots or ballot labels in each county, and certify the same
28 for placing upon the official ballots or ballot labels.

29 Section 1303-E. Ballot order randomization study.

30 The board shall conduct a study regarding the feasibility of

implementing a precinct rotation system for the order of listing
candidates on the ballot in both primary and general elections
and for each type of office. By no later than six months after
the effective date of this section, the study shall be published
on the Joint State Government Commission's publicly accessible
Internet website and made available in electronic format to the
Office of the Governor and members of the General Assembly. The
report shall include any recommendations developed by the board
for the implementation of such a precinct rotation system or of
any similar alternative method of varying the order in which
candidates are listed on ballots so as to reduce or eliminate
any statistical advantages provided to a candidate on the basis
of ballot order.

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