

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 electoral college, further providing for
12 election of presidential electors.

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

15 Section 1. Section 1501 of the act of June 3, 1937
16 (P.L.1333, No.320), known as the Pennsylvania Election Code, is
17 amended to read:

18 Section 1501. Election of Presidential Electors.--

19 (a) At the general election to be held in the year 1940, and
20 every fourth year thereafter, there shall be elected by the
21 qualified electors of [the] this Commonwealth, persons to be
22 known as electors of President and Vice-President of the United

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

5 (b) The total number of presidential electors to which the
6 Commonwealth is entitled shall be divided among the presidential
7 tickets on the general election ballot, based upon the popular
8 proportional share of the total Statewide ballots cast for each
9 presidential ticket. The allocation of a presidential ticket's
10 popular proportion of this Commonwealth's presidential electors
11 shall be in whole numbers and shall be made in the following
12 manner:

13 (1) The total number of ballots cast in this Commonwealth
14 for each presidential ticket at a general election shall be
15 divided by the total number of ballots cast for all presidential
16 tickets that receive votes at that general election; and the
17 proportion of a presidential ticket's popular vote, as
18 determined in this subsection, shall be multiplied by the number
19 of electoral votes to which this Commonwealth is entitled.

20 (2) The number of presidential electors that is attributable
21 to the ballots cast for any presidential ticket, as determined
22 in this section, shall be rounded to the nearest whole number,
23 subject to the following limitations:

24 (i) No presidential ticket shall receive any presidential
25 elector from this Commonwealth if its proportion of the total
26 ballots cast for all presidential tickets would reflect less
27 than a full presidential elector after rounding to the nearest
28 whole number.

29 (ii) If the sum of allocated presidential electors is
30 greater than the number of presidential electors to which this

1 Commonwealth is entitled, the allocation of presidential
2 electors to the presidential ticket receiving at least one
3 presidential elector and the fewest number of ballots cast shall
4 be reduced by whole presidential electors until only that number
5 of presidential electors to which this Commonwealth is entitled
6 has been allocated. This process shall be repeated to the
7 presidential ticket receiving at least one presidential elector
8 and the next fewest number of ballots cast until the total
9 number of presidential electors allocated to all presidential
10 tickets is equal to the total number of presidential electors to
11 which this Commonwealth is entitled.

12 (iii) If the sum of all presidential electors allocated
13 would be less than the number of presidential electors to which
14 this Commonwealth is entitled, the presidential ticket receiving
15 the greatest number of ballots cast shall receive any
16 unallocated presidential electors until all of the presidential
17 electors to which this Commonwealth is entitled have been
18 allocated.

19 (iv) If two or more presidential tickets receive the
20 identical total number of ballots cast for all presidential
21 tickets and the allocation of presidential electors to which
22 this Commonwealth is entitled cannot be proportionally allocated
23 in whole presidential electors to these presidential tickets,
24 the Secretary of the Commonwealth shall determine by lot in
25 accordance with section 1418 which of these presidential tickets
26 will have their number of presidential electors increased or
27 decreased by a whole presidential elector until all of the
28 presidential electors to which this Commonwealth is entitled
29 have been allocated.

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