

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**No. **59** Session of  
2021

INTRODUCED BY A. WILLIAMS, JANUARY 20, 2021

REFERRED TO STATE GOVERNMENT, JANUARY 20, 2021

## 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 dates of elections and primaries and special  
12 elections, further providing for municipal primary and  
13 officers to be nominated and providing for authorization of  
14 ranked choice voting in municipal elections conducted during  
15 November.

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

18 Section 1. Section 604 of the act of June 3, 1937 (P.L.1333,  
19 No.320), known as the Pennsylvania Election Code, is amended to  
20 read:

21 Section 604. Municipal Primary; Officers to be Nominated.--  
22 There shall be a Municipal primary preceding each municipal  
23 election which shall be held on the third Tuesday of May in all  
24 odd-numbered years. Candidates for all offices to be filled at  
25 the ensuing municipal election shall be nominated at the

1 Municipal primary, unless otherwise provided in section 604.1.

2 Section 2. The act is amended by adding a section to read:

3 Section 604.1. Authorization of Ranked Choice Voting in

4 Municipal Elections Conducted During November.--(a) (1)

5 Notwithstanding any other provision of this act, the governing

6 body of a municipality may, by ordinance or resolution, as

7 appropriate, authorize the use of the ranked choice voting

8 method in municipal elections conducted during November, for any

9 of its municipal offices in accordance with the provisions of

10 this section, provided that the governing body eliminates the

11 use of municipal primaries for the same offices under section

12 604.

13 (2) The authorization described in paragraph (1) must occur

14 not later than one hundred eighty (180) days prior to the

15 election for which the ranked choice voting method will be

16 utilized.

17 (3) The ranked choice voting method may only be authorized

18 for municipal elections conducted during November in which three

19 or more candidates have been nominated or designated for a

20 municipal office.

21 (b) (1) For municipal offices subject to the ranked choice

22 voting method, the ballot shall be simple and easy to understand

23 and allow a voter to rank candidates for an office in order of

24 choice. A voter may include not more than one write-in candidate

25 among the voter's ranked choices for each office. If feasible,

26 ballots shall be designed so that a voter may mark the voter's

27 first choices in the same manner as that for offices not elected

28 by the ranked choice voting method.

29 (2) Instructions on the ballot shall conform substantially

30 to the following specifications, although subject to

1 modification, based on ballot design and voting machine:  
2 Vote for candidates by indicating your first-choice  
3 candidates in order of preference. Indicate your first choice  
4 by marking the number "1" beside a candidate's name, your  
5 second choice by marking the number "2" beside a candidate's  
6 name, your third choice by marking the number "3" beside a  
7 candidate's name and so on, for as many choices as you wish.  
8 You may choose to rank only one candidate of your first-  
9 choice candidate. Do not mark the same number beside more  
10 than one candidate. Do not skip numbers.

11 (3) A sample ballot for a municipal office subject to the  
12 ranked choice voting method shall illustrate the voting  
13 procedure for the ranked choice voting method. A sample ballot  
14 shall be included with each absentee ballot.

15 (4) The county board of elections for the municipality where  
16 the ranked choice voting method is authorized by the governing  
17 body shall insure that the necessary voting system, vote  
18 tabulation system or other similar or related equipment are  
19 available to accommodate the ranked choice voting method.

20 (5) The ranked choice voting method shall not be implemented  
21 in a municipal election conducted during November until the  
22 Secretary of the Commonwealth determines that the ballots and  
23 voting equipment are updated to accommodate the ranked choice  
24 voting method.

25 (c) The following procedure shall apply in determining the  
26 winner in a municipal election conducted during November for an  
27 office subject to the ranked choice voting method:

28 (1) The first choice marked on each ballot shall be counted  
29 initially by election officials. If one candidate receives a  
30 majority of the votes cast, excluding blank and void ballots,

1 that candidate shall be declared elected.

2 (2) If no candidate receives a majority of first-choice  
3 votes cast at the end of the initial count, the candidate  
4 receiving the fewest first-choice votes shall be eliminated.  
5 Each vote cast for the eliminated candidate shall be transferred  
6 to the candidate who was the voter's next choice on the ballot.

7 (3) Candidates with the fewest votes shall continue to be  
8 eliminated, with the votes for those candidates transferred to  
9 the candidate who was the voters' next choice on the ballot.

10 (4) If a ballot has no more available choices ranked on it,  
11 that ballot shall be declared exhausted. Where a ballot skips  
12 one or more numbers, that ballot shall be declared exhausted  
13 when the skipping of numbers is reached. A ballot with the same  
14 number for two or more candidates shall be declared exhausted  
15 when these double numbers are reached.

16 (5) In the case of a tie between candidates for last place  
17 and elimination occurring at any stage in the tabulation, the  
18 tie shall be resolved so as to eliminate the candidate who  
19 received the least number of votes at the previous stage of  
20 tabulation. In the case of a tie to which a previous stage does  
21 not apply, or the previous stage was also a tie, the tie shall  
22 be resolved in accordance with the provisions of section 1418.  
23 If the tie occurs when there are only two candidates remaining,  
24 the tie shall be resolved in accordance with the provisions of  
25 section 1418.

26 (d) Notwithstanding the requirements for filing nomination  
27 petitions for primary elections under Article IX, each candidate  
28 for the offices to be filled at municipal elections conducted  
29 during November for which the ranked choice voting method is  
30 authorized shall file nomination petitions in accordance with

1 the following:

2 (1) No candidate shall be required to be an enrolled member  
3 of any party in order to qualify for the ballot or circulate  
4 nomination petitions for an office to be filled at municipal  
5 elections conducted during November for which the ranked choice  
6 voting method is authorized.

7 (2) Each candidate shall circulate and file the nomination  
8 petition with the Secretary of the Commonwealth in an amount of  
9 time consistent with the number of days permitted for  
10 circulation and filing of nomination petitions under Article IX  
11 and on a form prescribed by the Department of State.

12 (3) Each candidate shall obtain the minimum number of  
13 signatures for the office to be filled as required under section  
14 912.1 and by electors who are registered to vote within the  
15 election district referred to in the nomination petition,  
16 regardless of whether the signing elector is an enrolled member  
17 of any party.

18 (e) A governing body that authorizes the ranked choice  
19 voting method in accordance with this section shall conduct a  
20 voter education campaign on the ranked choice voting system to  
21 familiarize voters with the ballot design, method of voting and  
22 advantages of determining a majority winner in a single  
23 election. The governing body shall use public service  
24 announcements and seek other media cooperation to the maximum  
25 extent practicable.

26 (f) All municipal elections conducted during November in  
27 which the ranked choice voting method is authorized by this  
28 section shall be subject to all the other provisions of this act  
29 and all other applicable laws relating to elections, so far as  
30 is applicable and not inconsistent with this section.

1 (g) As used in this section, the following words and phrases  
2 shall have the meanings given to them in this subsection:

3 "Continuing candidate" means a candidate who has not been  
4 defeated or elected.

5 "Ranked choice voting method" means a method of casting and  
6 tabulating votes that simulates the ballot counts that would  
7 occur if all voters participated in a series of runoff  
8 elections, whereby the voters rank candidates according to the  
9 order of their choice and, if no candidate has received a  
10 majority of votes cast, then the candidate with the fewest first  
11 choice votes is eliminated and the remaining candidates advance  
12 to another counting round. In every round, each ballot is  
13 counted as one vote for the highest-ranked continuing candidate.

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