

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1270 Session of 2023

INTRODUCED BY SOLOMON, R. MACKENZIE, MADDEN, M. MACKENZIE, MOUL, CERRATO AND HILL-EVANS, MAY 31, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MAY 31, 2023

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 are to be voted on by electors of more than one county,
27 the Secretary shall create a list of such counties ordered by
28 number of registered electors able to vote for the office,
29 organized from most registered electors to least. Lots shall be
30 drawn to determine the order in which the names of candidates

1 are to appear upon the ballot in the county with the most
2 registered electors able to vote for the office. For each
3 successive county in the list, the order in which the names of
4 candidates are to appear shall be rotated such that the name of
5 the candidate listed first in the county with the greatest
6 number of registered electors eligible to vote for the office
7 shall appear last on the ballot in the county with the second-
8 most registered electors eligible to vote for the office, and
9 the name of the candidate listed second in the county with the
10 greatest number of registered electors eligible to vote for the
11 office shall appear first in the county with the second-most
12 registered electors eligible to vote for the office. The same
13 rotation of candidate names shall continue for each county in
14 the ordered list.

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

16 * * *

17 (b) On the back of each ballot shall be printed in prominent
18 type the words "Official Ballot," followed by the designation of
19 the election district for which it is prepared, the date of the
20 election and the facsimile signatures of the members of the
21 county board of elections. The names of candidates shall be
22 arranged under the title of the office for which they are
23 candidates, and shall be printed [thereunder in the order of the
24 votes obtained by the parties or bodies at the last
25 gubernatorial election, beginning with the party obtaining the
26 highest number of votes: Provided, however, That in the case of
27 parties or bodies not represented on the ballot at the last
28 gubernatorial election, the names of the candidates of such
29 parties shall be arranged alphabetically, according to the party
30 name or political appellation] as provided under section 1003.1.

1 In the case of offices for which two or more candidates are to
2 be voted for, the candidates of each party shall be arranged
3 together in the order of the number of votes obtained by them at
4 the primary, beginning with the candidates obtaining the highest
5 number of votes, and the candidates of each political body shall
6 be arranged in the order in which their names were placed in
7 their nomination paper. Under the title of such offices where
8 more than one candidate is to be voted for, shall be printed
9 "Vote for not more than" (the blank space to indicate
10 the number of candidates to be voted for the particular office.)
11 Opposite or under the name of each candidate shall be printed
12 the name or appellation of the political party or political body
13 nominating him, and at the right of such name or appellation
14 there shall be a square of sufficient size for the convenient
15 insertion of a cross (X) or check (✓) mark.

16 * * *

17 [(f) In order that each elector may have the opportunity of
18 designating his choice for all the candidates nominated by one
19 political party or political body, there shall be printed on the
20 extreme left of the ballot, and separated from the rest of the
21 ballot by a space of at least one-half inch, a list of the names
22 of all the political parties or political bodies represented on
23 such ballot which have nominated candidates to be voted for at
24 such election. Such names shall be arranged in the order of the
25 votes obtained at the last gubernatorial election by the
26 candidate for Governor of the parties or bodies nominating,
27 beginning with the party that received the highest number of
28 votes cast. Following the names of such political parties and
29 political bodies shall be the names of the parties and bodies
30 not represented on the ballot at the last gubernatorial

1 election, arranged alphabetically, according to the party name
2 or appellation. A square of sufficient size for the convenient
3 insertion of a cross mark shall be placed at the right of each
4 party name or appellation.]

5 * * *

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

7 Section 1003.1. Order of Candidates on the Ballot.--(a) For
8 elections to offices which are to be voted on by the electors of
9 only one county, immediately after the list of candidates to be
10 placed on the General Election ballot is finalized, the
11 Secretary of the Commonwealth or the county board, as the case
12 may be, shall fix a day for the casting of lots, in such manner
13 as may be prescribed by the Secretary of the Commonwealth or
14 county board, as the case may be, for the position of names upon
15 the primary ballots or ballot labels. The Secretary of the
16 Commonwealth shall give at least two days' notice by mail of
17 said date to all candidates whose petitions have been received
18 and filed in his office, and the county board shall give at
19 least two days' notice of said date by posting thereof in a
20 conspicuous place in its office, and by publication once in at
21 least two newspapers of general circulation published in the
22 county. All candidates may appear in person, or by agent duly
23 authorized by letter of attorney, signed and acknowledged by an
24 officer empowered to take acknowledgments. In the event of any
25 of said candidates not being present in person or by
26 representative at the time of casting of lots, it shall be the
27 duty of the Secretary of the Commonwealth or the county board,
28 as the case may be, to appoint some person to represent such
29 absentee. After said lots are cast, the Secretary of the
30 Commonwealth or the county board, as the case may be, shall

1 accordingly establish the order in which the names of said
2 candidates are to appear upon the ballots or ballot labels, and
3 certify the same for placing upon the official ballots or ballot
4 labels.

5 (b) For candidates to offices which are to be voted on by
6 electors of more than one county, the Secretary shall create a
7 list of such counties ordered by number of registered electors
8 able to vote for the office, organized from most registered
9 electors to least. Lots shall be drawn to determine the order in
10 which the names of candidates are to appear upon the ballot in
11 the county with the most registered electors able to vote for
12 the office. For each successive county in the list, the order in
13 which the names of candidates are to appear shall be rotated
14 such that the name of the candidate listed first in the county
15 with the greatest number of registered electors eligible to vote
16 for the office shall appear last on the ballot in the county
17 with the second-most registered electors eligible to vote for
18 the office, and the name of the candidate listed second in the
19 county with the greatest number of registered electors eligible
20 to vote for the office shall appear first in the county with the
21 second-most registered electors eligible to vote for the office.
22 The same rotation of candidate names shall continue for each
23 county in the ordered list.

24 Section 1303-E. Ballot order randomization study.

25 The board shall conduct a study regarding the feasibility of
26 implementing a precinct rotation system for the order of listing
27 candidates on the ballot in both primary and general elections
28 and for each type of office. By no later than six months after
29 the effective date of this section, the study shall be published
30 on the Joint State Government Commission's publicly accessible

1 Internet website and made available in electronic format to the
2 Office of the Governor and members of the General Assembly. The
3 report shall include any recommendations developed by the board
4 for the implementation of such a precinct rotation system or of
5 any similar alternative method of varying the order in which
6 candidates are listed on ballots so as to reduce or eliminate
7 any statistical advantages provided to a candidate on the basis
8 of ballot order.

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