

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2042 Session of  
2019INTRODUCED BY RABB, HILL-EVANS, FREEMAN, ROZZI, SCHLOSSBERG,  
KENYATTA, OTTEN, MADDEN AND SOLOMON, NOVEMBER 14, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 14, 2019

## A JOINT RESOLUTION

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

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

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

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

12 § 2. Duties of Governor; election procedure; tie or contest.

13 The supreme executive power shall be vested in the Governor,  
14 who shall take care that the laws be faithfully executed; he  
15 shall be chosen on the day of the general election, by the  
16 qualified electors of the Commonwealth, at the places where they  
17 shall vote for Representatives[.], through the process of  
18 ranked-choice voting as defined in section 15 of Article VII.

19 The returns of every election for Governor shall be sealed up

1 and transmitted to the seat of government, directed to the  
2 President of the Senate, who shall open and publish them in the  
3 presence of the members of both Houses of the General Assembly.  
4 [The person having the highest number of votes shall be  
5 Governor, but if two or more be equal and highest in votes, one  
6 of them shall be chosen Governor by the joint vote of the  
7 members of both Houses. Contested elections shall be determined  
8 by a committee, to be selected from both Houses of the General  
9 Assembly, and formed and regulated in such manner as shall be  
10 directed by law.]

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

12 § 4. Lieutenant Governor.

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

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

22 § 6. Election and registration laws.

23 All laws regulating the holding of elections by the citizens,  
24 or for the registration of electors, shall be uniform throughout  
25 the State, except as provided in section 15 of this article and  
26 except that laws regulating and requiring the registration of  
27 electors may be enacted to apply to cities only, provided that  
28 such laws be uniform for cities of the same class, and except  
29 further, that the General Assembly shall by general law, permit  
30 the use of voting machines, or other mechanical devices for

1 registering or recording and computing the vote, at all  
2 elections or primaries, in any county, city, borough,  
3 incorporated town or township of the Commonwealth, at the option  
4 of the electors of such county, city, borough, incorporated town  
5 or township, without being obliged to require the use of such  
6 voting machines or mechanical devices in any other county, city,  
7 borough, incorporated town or township, under such regulations  
8 with reference thereto as the General Assembly may from time to  
9 time prescribe. The General Assembly may, from time to time,  
10 prescribe the number and duties of election officers in any  
11 political subdivision of the Commonwealth in which voting  
12 machines or other mechanical devices authorized by this section  
13 may be used.

14 (4) That Article VII be amended by adding a section to read:  
15 § 15. Ranked-choice voting.

16 (a) Contests for all elected offices in the Commonwealth  
17 shall be conducted by ranked-choice voting with the following  
18 exceptions:

19 (1) President of the United States.

20 (2) Vice President of the United States.

21 (3) Any judicial office in this Commonwealth, as specified  
22 under Article V.

23 (b) The following shall apply to a ranked-choice voting  
24 ballot:

25 (1) In a contest conducted by ranked-choice voting with  
26 three or more qualified candidates, including qualified write-  
27 ins, the ballot shall allow voters to rank candidates in order  
28 of choice.

29 (2) If feasible, the ballot shall allow voters to rank as  
30 many choices as there are qualified candidates. If the voting

1 equipment cannot feasibly accommodate a number of rankings on  
2 the ballot equal to the number of qualified candidates, the  
3 ballot may limit the number of choices a voter may rank to the  
4 maximum number allowed by the equipment, but the ballot must  
5 allow the voter to rank at least six choices.

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

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

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

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

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

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

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

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

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

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

27 (e) In a contest conducted by ranked-choice voting, the  
28 secretary may modify the tabulation to include batch  
29 elimination. If the tabulation includes batch elimination, any  
30 time that the continuing candidate with the fewest votes would

1 be defeated, each continuing candidate in the elimination batch  
2 shall be simultaneously defeated instead. A continuing candidate  
3 shall be in the elimination batch if the number of elected and  
4 continuing candidates with more votes than that candidate is  
5 greater than the number of offices to be elected and it is  
6 mathematically impossible for that candidate to be elected for  
7 any of the following reasons:

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

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

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

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

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

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

28 (f) If two or more candidates are tied with the fewest  
29 votes, and tabulation cannot continue until the candidate with  
30 the fewest votes is defeated, the candidate to be defeated shall

1 be determined by lot. Election officials may resolve prospective  
2 ties between candidates prior to tabulation after all votes are  
3 cast.

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

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

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

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

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

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

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

30 (1) is not a skipped ranking;

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

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

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

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

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

21 "Secretary." The Secretary of the Commonwealth.

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

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

29 "Transfer value." The proportion of a vote that a ballot  
30 will contribute to its highest-ranked continuing candidate. Each



1 ballot shall begin with a transfer value of "1." If a ballot  
2 contributes to the election of a candidate under subsection (c)  
3 (2)(ii), it shall receive a new transfer value.

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

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