
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1178 Session of
2023

INTRODUCED BY RABB, SOLOMON, VENKAT, MADDEN, PROBST, WAXMAN,
KHAN, ISAACSON, SMITH-WADE-EL, GREEN, N. NELSON AND OTTEN,
AUGUST 8, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, AUGUST 8, 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 county boards of elections, further providing
12 for powers and duties of county boards; in dates of elections
13 and primaries and special elections, providing for
14 authorization of ranked choice voting in municipal elections;
15 in nomination of candidates, further providing for which
16 candidates nominated; in ballots, further providing for form
17 of official primary ballot; in electronic voting systems,
18 further providing for election day procedures and the process
19 of voting; in preparation for and conduct of primaries and
20 elections, further providing for method of marking ballots
21 and depositing same in districts in which ballots are used
22 and for count and return of votes in districts in which
23 ballots are used; and, in returns of primaries and elections,
24 further providing for persons receiving highest number of
25 votes to be declared elected.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. Section 302(k) of the act of June 3, 1937
29 (P.L.1333, No.320), known as the Pennsylvania Election Code, is

1 amended to read:

2 Section 302. Powers and Duties of County Boards.--The county
3 boards of elections, within their respective counties, shall
4 exercise, in the manner provided by this act, all powers granted
5 to them by this act, and shall perform all the duties imposed
6 upon them by this act, which shall include the following:

7 * * *

8 (k) To receive from district election officers the returns
9 of all primaries and elections, to canvass and compute the same
10 using ranked choice voting as provided under section 604.1 in a
11 county, city, borough, township, school district or other
12 municipality or incorporated district contained in any county
13 that has chosen to use the ranked choice voting method of
14 computation, and to certify, no later than the third Monday
15 following the primary or election, the results thereof to the
16 Secretary of the Commonwealth, as may be provided by law, and to
17 such other authorities as may be provided by law. The
18 certification shall include the number of votes received in each
19 election district by each candidate for the General Assembly.

20 * * *

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

22 Section 604.1. Authorization of Ranked Choice Voting in
23 Municipal Elections.--(a) (1) Notwithstanding any other
24 provision of law, the governing body of a county, city, borough,
25 township, school district or other municipality or incorporated
26 district contained in any county may, by ordinance or resolution
27 or ballot initiative, authorize the use of the ranked choice
28 voting method in elections conducted during the municipal
29 primary and in the ensuing municipal election for any of its
30 offices in accordance with the provisions of this section.

1 (2) The authorization described in paragraph (1) must occur
2 not later than one hundred eighty (180) days prior to the
3 election for which the ranked choice voting method will be
4 utilized.

5 (b) (1) For offices subject to the ranked choice voting
6 method, the ballot shall be simple and easy to understand and
7 allow a voter to rank candidates for an office in order of
8 choice. A voter may include no more than one write-in candidate
9 among the voter's ranked choices for each office.

10 (2) With respect to the ballot used in a ranked choice
11 voting election:

12 (i) In a contest conducted by ranked choice voting, the
13 ballot shall allow voters to rank candidates in order of choice.

14 (ii) The ballot shall allow voters to rank as many choices
15 as there are qualified candidates, including qualified write-in
16 candidates, except as provided in this section. If the voting
17 equipment cannot accommodate a number of rankings on the ballot
18 equal to the number of qualified candidates, the Secretary of
19 the Commonwealth may limit the number of choices a voter may
20 rank on a ballot to the maximum number allowed by the equipment.
21 If multiple types of voting equipment are used in an election
22 for the same office, the Secretary of the Commonwealth shall
23 ensure that every ballot allows voters to rank the same number
24 of candidates.

25 (iii) Instructions on the ballot must conform substantially
26 to the following specifications, subject to usability testing
27 and modification based on ballot design and voting system:

28 Vote by indicating your first-choice candidate and ranking
29 additional candidates in order of preference. Indicate your
30 first choice by marking the number "1" beside a candidate's

1 name, your second choice by marking the number "2" beside a
2 candidate's name, your third choice by marking the number "3"
3 beside a candidate's name, and so on. Rank as many choices as
4 you wish. Indicating second and later preferences will not
5 count against your first choice. Do not skip numbers, and do
6 not mark the same number beside more than one candidate.

7 (c) In a contest for one office conducted by ranked choice
8 voting, each ballot shall count as one vote for the highest-
9 ranked active candidate on that ballot. Tabulation shall proceed
10 in rounds, with each round proceeding sequentially as follows:

11 (1) If two or fewer active candidates remain, the candidate
12 with the greatest number of votes is elected and tabulation is
13 complete.

14 (2) If more than two active candidates remain, the active
15 candidate with the fewest votes is defeated, votes for the
16 defeated candidate are transferred to each ballot's next-ranked
17 active candidate, and a new round shall begin under paragraph
18 (1).

19 (d) In a contest for more than one office conducted by
20 ranked choice voting, each ballot shall count, at its current
21 transfer value, for the highest-ranked active candidate on that
22 ballot. Tabulation shall proceed in rounds. Each round proceeds
23 sequentially, until tabulation is complete, as follows:

24 (1) If the number of elected candidates or the sum of the
25 number of elected candidates and the number of active candidates
26 is less than or equal to the number of seats to be filled, then
27 all active candidates are designated as elected, and tabulation
28 is complete. Otherwise, the tabulation shall proceed under
29 paragraph (2).

30 (2) If an active candidate has a number of votes greater

1 than or equal to the election threshold for the contest, the
2 candidate shall be designated as elected. Each ballot counting
3 for an elected candidate shall be assigned a new transfer value
4 by multiplying the ballot's current transfer value by the
5 surplus fraction for the elected candidate, truncated after the
6 fourth decimal place. Each candidate elected under this
7 paragraph shall be deemed to have a number of votes equal to the
8 election threshold for the contest in each future round and a
9 new round shall begin under paragraph (1).

10 (3) If no candidate is elected under paragraph (2), the
11 candidate with the fewest votes is defeated and votes for the
12 defeated candidates shall be transferred at their current
13 transfer value to each ballot's next-ranked active candidate and
14 a new round shall begin under paragraph (1).

15 (e) If, in a round of counting conducted under subsection
16 (d), two or more candidates have a number of surplus votes
17 greater than the election threshold for the contest, the
18 surpluses shall be distributed in rounds in which the largest
19 surplus is distributed first, with any ties resolved by lot. The
20 Secretary of the Commonwealth may modify the procedure to
21 distribute surplus votes simultaneously in the same round, if
22 the modification is made prior to the election.

23 (f) (1) In any round of tabulation in a contest conducted
24 by ranked choice voting, an inactive ballot shall not count for
25 any candidate. A ballot shall be inactive if any of the
26 following applies:

27 (i) The ballot does not contain any active candidates and is
28 not an undervote.

29 (ii) The ballot has reached an overvote.

30 (iii) The ballot has reached two consecutive skipped

1 rankings.

2 (2) An undervote shall not count as an active or inactive
3 ballot in any round of tabulation.

4 (g) (1) In a contest conducted by ranked choice voting, the
5 Secretary of the Commonwealth may modify the tabulation to
6 include batch elimination. If the tabulation includes batch
7 elimination, in any round that is eligible for batch elimination
8 where the active candidate with the fewest votes would be
9 defeated, each active candidate in the elimination batch shall
10 be simultaneously defeated instead. An active candidate is in
11 the elimination batch if the number of elected and active
12 candidates with more votes than the candidate is greater than
13 the number of offices to be elected, and it is mathematically
14 impossible for the candidate to be elected for any of the
15 following reasons:

16 (i) The candidate could not win because the candidate's
17 current vote total plus all votes that could possibly be
18 transferred to the candidate in future rounds would not be
19 enough to equal or surpass the active candidate with the next
20 higher current vote total.

21 (ii) The candidate has a lower current vote total than an
22 active candidate in subparagraph (i).

23 (2) Rounds eligible for batch elimination are either:

24 (i) The first round of tabulation.

25 (ii) A round consisting solely of eliminating one or more
26 write-in candidates.

27 (h) If two or more candidates are tied with the fewest votes
28 and tabulation cannot continue until the candidate with the
29 fewest votes is defeated, the defeated candidate shall be
30 determined by lot. Election officials may resolve prospective

1 ties between candidates prior to tabulation after all votes are
2 cast.

3 (i) The Secretary of the Commonwealth shall promulgate rules
4 or guidance to facilitate the release of unofficial preliminary
5 round-by-round results and unofficial preliminary cast vote
6 records as soon as feasible after the polls close and at regular
7 intervals thereafter until the counting of ballots is complete.
8 The following shall apply:

9 (1) Unofficial preliminary round-by-round results shall be
10 clearly labeled as preliminary and, to the extent feasible,
11 shall include the percent of ballots counted to date.

12 (2) Unofficial preliminary cast vote records shall be:

13 (i) clearly labeled as preliminary and, to the extent
14 feasible, shall include the percent of ballots counted to date;

15 (ii) published online in a publicly accessible, electronic
16 format; and

17 (iii) published in a manner consistent with the need to
18 maintain voter privacy.

19 (3) In adopting rules or guidance under this subsection, the
20 Secretary of the Commonwealth shall consult with and allow for
21 input from county clerks, local election officials and national
22 and State party representatives.

23 (4) In addition to any other information required by law to
24 be reported with final results, the Secretary of the
25 Commonwealth shall make public:

26 (i) The total number of votes each candidate received in
27 each round of the official tabulation, including votes for
28 withdrawn candidates.

29 (ii) The total number of ballots that became inactive in
30 each round because the ballots did not contain any active

1 candidates, reached an overvote or reached two consecutive
2 skipped rankings, reported as separate figures.

3 (iii) The cast vote records in a publicly accessible,
4 electronic format and by precinct, published in a manner
5 consistent with the need to maintain voter privacy.

6 (j) The Secretary of the Commonwealth shall promulgate rules
7 necessary to implement this act.

8 (k) As used in this section, the following words and phrases
9 shall have the meanings given to them in this subsection unless
10 the context clearly indicates otherwise:

11 "Active candidate." A candidate who has not been defeated or
12 elected.

13 "Election threshold." The number of votes sufficient for a
14 candidate to be elected in a multiwinner contest, calculated by
15 dividing the total number of votes counting for active
16 candidates in the first round by the sum of one plus the number
17 of offices to be filled, rounding up to the nearest whole
18 number.

19 "Highest-ranked active candidate." The active candidate
20 assigned to a higher ranking than any other active candidate.

21 "Inactive ballots." Ballots that do not count for any
22 candidate for any of the reasons under subsection (f)(1).

23 "Overvote." An instance in which a voter has ranked more
24 than one candidate at the same ranking.

25 "Ranking." The number available to be assigned by a voter to
26 a candidate to express the voter's choice for the candidate,
27 beginning with the number "1" as the highest ranking.

28 "Round." An instance of the sequence of voting tabulation
29 beginning with subsection (c)(1) for single winner contests or
30 subsection (d)(1) for multiwinner contests.

1 "Skipped ranking." A voter has left a ranking unassigned but
2 ranks a candidate at a subsequent ranking.

3 "Surplus fraction." A number equal to the quotient of the
4 difference between an elected candidate's vote total and the
5 election threshold, divided by the candidate's vote total,
6 rounded up to four decimal places.

7 "Transfer value." The proportion of a vote that a ballot
8 will contribute to the ballot's highest-ranked active candidate,
9 with each ballot beginning with a transfer value of 1.

10 "Undervote." A ballot that does not contain any candidates
11 at any ranking in a particular contest.

12 Section 3. Sections 922, 1002(a) introductory paragraph,
13 1112-A(b) (2) and (3) and 1215(b) and (c) of the act are amended
14 to read:

15 Section 922. Which Candidates Nominated.--Candidates of the
16 various political parties for nomination, except for the office
17 of President of the United States, and except in a county, city,
18 borough, township, school district or other municipality or
19 incorporated district contained in any county, using ranked
20 choice voting as described in section 604.1, who receive a
21 plurality of votes of their party electors in the State, or in
22 the political district, as the case may be, at the primary
23 election, together with the candidates for the office of
24 presidential elector nominated as herein provided, shall be
25 candidates of their respective parties, and it shall be the duty
26 of the proper county boards to print their names upon the
27 official ballots and ballot labels at the succeeding election:
28 Provided, That when a candidate for nomination shall have died
29 before or on the day of the primary election and shall
30 nevertheless receive a plurality of votes of his party electors

1 cast for the office for which he sought nomination, then no
2 candidate shall have been nominated for the office at such
3 primary and a substituted nomination may be made in the manner
4 hereinafter provided.

5 Section 1002. Form of Official Primary Ballot.--(a) [At]
6 Except in elections when ranked choice voting is used as
7 described in section 604.1, at primaries separate official
8 ballots shall be prepared for each party which shall be in
9 substantially the following form:

10 * * *

11 Section 1112-A. Election Day Procedures and the Process of
12 Voting.--* * *

13 (b) In an election district which uses an electronic voting
14 system which utilizes paper ballots or ballot cards to register
15 the votes, the following procedures will be applicable for the
16 conduct of the election at the election district:

17 * * *

18 (2) At primary elections, except when ranked choice voting
19 is used as described in section 604.1, the voter shall vote for
20 the candidates of his choice for nomination, according to the
21 number of persons to be voted for by him, for each office by
22 making a cross (X) or check (ü) mark or by making a punch or
23 mark sense mark in the square opposite the name of the candidate
24 or by otherwise indicating a selection associated with the
25 candidate, or he may so indicate on the ballot that the voter is
26 electing to write in the name of a person for the particular
27 office, and insert the identification of the office in question
28 and the name of any person not already listed as a candidate for
29 that office, and such indication and insertion shall count as a
30 vote for that person for such office.

1 (3) At all other elections, except when ranked choice voting
2 is used as described in section 604.1, the voter shall vote for
3 the candidates of his choice for each office to be filled,
4 according to the number of persons to be voted for by him for
5 each office, by making a cross (X) or check (ü) mark or by
6 making a punch or mark sense mark in the square opposite the
7 name of the candidate, or by otherwise indicating a selection
8 associated with the candidate, or he may so indicate on the
9 ballot that the voter is electing to write in the name of a
10 person for the particular office, and insert the identification
11 of the office in question and the name of any person not already
12 listed as a candidate for that office, and such indication and
13 insertion shall count as a vote for that person for such office.

14 * * *

15 Section 1215. Method of Marking Ballots and Depositing Same
16 in Districts in Which Ballots are Used.--* * *

17 (b) At primaries, the elector shall prepare his ballot in
18 the following manner: He shall vote for the candidates of his
19 choice for nomination or election, according to the number of
20 persons to be voted for by him, for each office, by making a
21 cross (X) or check (✓) mark in the square opposite the name of
22 the candidate, or he may insert by writing or stamping in the
23 blank space provided therefor, any name not already printed on
24 the ballot, and such insertion shall count as a vote without the
25 making of a cross (X) or check (✓) mark. In districts in which
26 paper ballots or ballot cards are electronically tabulated,
27 stickers or labels may not be used to mark ballots. In a county,
28 city, borough, township, school district or other municipality
29 or incorporated district contained in any county using ranked
30 choice voting, ballots shall be marked as described in section

1 604.1.

2 (c) At elections, the elector shall prepare his ballot in
3 the following manner: He may vote for the candidates of his
4 choice for each office to be filled according to the number of
5 persons to be voted for by him for each office, by making a
6 cross (X) or check (✓) mark in the square opposite the name of
7 the candidate, or he may insert by writing or stamping in the
8 blank spaces provided therefor, any name not already printed on
9 the ballot, and such insertion shall count as a vote without the
10 making of a cross (X) or check (✓) mark. In districts in which
11 paper ballots or ballot cards are electronically tabulated,
12 stickers or labels may not be used to mark ballots. If he
13 desires to vote for every candidate of a political party or
14 political body, except its candidates for offices as to which he
15 votes for individual candidates in the manner hereinafter
16 provided, he may make a cross (X) or check (✓) mark in the
17 square opposite the name of the party or political body of his
18 choice in the party column on the left of the ballot, and every
19 such cross (X) or check (✓) mark shall be equivalent to and be
20 counted as a vote for every candidate of a party or political
21 body so marked, including its candidates for presidential
22 electors, except for those offices as to which he has indicated
23 a choice for individual candidates of the same or another party
24 or political body, by making a cross (X) or check (✓) mark
25 opposite their names in the manner hereinabove provided, as to
26 which offices his ballot shall be counted only for the
27 candidates which he has thus individually marked,
28 notwithstanding the fact that he made a mark in the party
29 column, and even though in the case of an office for which more
30 than one candidate is to be voted for, he has not individually

1 marked for such office the full number of candidates for which
2 he is entitled to vote. If he desires to vote for the entire
3 group of presidential electors nominated by any party or
4 political body, he may make a cross (X) or check (✓) mark in the
5 appropriate square at the right of the names of the candidates
6 for President and Vice-President of such party or body. If he
7 desires to vote a ticket for presidential electors made up of
8 the names of persons nominated by different parties or political
9 bodies, or partially of names of persons so in nomination and
10 partially of names of persons not in nomination by any party or
11 political body, or wholly of names of persons not in nomination
12 by any party or political body, he shall insert, by writing or
13 stamping, the names of the candidates for presidential electors
14 for whom he desires to vote in the blank spaces provided
15 therefor under the title of the office "Presidential Electors."
16 In case of a question submitted to the vote of the electors, he
17 may make a cross (X) or check (✓) mark in the appropriate square
18 opposite the answer which he desires to give. In a county, city,
19 borough, township, school district or other municipality or
20 incorporated district contained in any county using ranked
21 choice voting, ballots shall be marked as described in section
22 604.1.

23 * * *

24 Section 4. Section 1222 of the act is amended by adding a
25 subsection to read:

26 Section 1222. Count and Return of Votes in Districts in
27 Which Ballots are Used.--

28 * * *

29 (a.1) In a county, city, borough, township, school district
30 or other municipality or incorporated district contained in any

1 county using ranked choice voting, each ballot shall be
2 transported securely to the elections department as described in
3 section 1225(a) and processed as described in section 604.1.

4 * * *

5 Section 5. Section 1417 of the act is amended to read:

6 Section 1417. Persons Receiving Highest Number of Votes to
7 Be Declared Elected.--Except as otherwise provided by law, the
8 persons receiving the highest number of votes for any office at
9 any election shall be declared elected to such office, up to the
10 number required by law to be elected thereto. In elections using
11 ranked choice voting as described in section 604.1, the person
12 receiving the highest number of votes is to be determined at the
13 completion of the ranked choice voting calculation.

14 Section 6. This act shall take effect in 180 days.