

114TH CONGRESS  
2D SESSION

# H. R. 6349

To require that “None of the Above” be provided as an option in general elections for Federal office, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2016

Mr. GRAYSON introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To require that “None of the Above” be provided as an option in general elections for Federal office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “None of the Above  
5 Act”.

6 **SEC. 2. OPTION TO VOTE FOR “NONE OF THE ABOVE” IN**  
7 **GENERAL ELECTIONS FOR FEDERAL OFFICE.**

8 (a) IN GENERAL.—Notwithstanding any other provi-  
9 sion of law, any individual casting a ballot in a general

1 election for Federal office shall be given the opportunity  
2 to cast a vote for “None of the Above”.

3 (b) PLACEMENT.—On a ballot in a general election  
4 for Federal office, “None of the Above” shall appear as  
5 a separate line after the names of all other candidates in  
6 the election.

7 **SEC. 3. EFFECT OF “NONE OF THE ABOVE” RECEIVING**  
8 **GREATEST NUMBER OF VOTES CAST IN ELEC-**  
9 **TION.**

10 (a) ELECTIONS FOR HOUSE OF REPRESENTATIVES  
11 AND SENATE.—

12 (1) SPECIAL ELECTION REQUIRED.—If “None  
13 of the Above” receives the greatest number of votes  
14 cast in a general election for the office of Senator  
15 or the office of Representative in, or Delegate or  
16 Resident Commissioner to, the Congress—

17 (A) executive authority of the State in  
18 which the election is held shall issue a writ of  
19 election to hold a special election for such of-  
20 fice, at such time and in accordance with such  
21 procedures as the State may establish (subject  
22 to paragraph (2)); and

23 (B) absent the certification of the result of  
24 such a special election prior to the first day of  
25 the first Congress which begins after the date

1 of the election, a vacancy shall be considered to  
2 exist in the office as of such date.

3 (2) APPLICATION TO SPECIAL ELECTION OF  
4 CERTAIN RULES GOVERNING SPECIAL ELECTIONS IN  
5 EXTRAORDINARY CIRCUMSTANCES.—Section 26(b) of  
6 the Revised Statutes of the United States (2 U.S.C.  
7 8(b)) shall apply with respect to a special election  
8 held under paragraph (1) in the same manner as  
9 such section applies to special elections held in ex-  
10 traordinary circumstances, except that—

11 (A) any reference in such section to the  
12 date on which the Speaker of the House of Rep-  
13 resentatives announces that a vacancy exists  
14 shall be deemed to be a reference to the date  
15 of the general election for which “None of the  
16 Above” received the greatest number of votes;  
17 and

18 (B) notwithstanding subsection (b)(3)(A)  
19 of such section, the determination of the can-  
20 didates who will run in the special election held  
21 under paragraph (1) shall be made by such  
22 method as the State considers appropriate that  
23 will ensure that the State will hold the special  
24 election within the deadline required under sub-  
25 section (b)(2) of such section.

1           (3) STATE DEFINED.—In this subsection, the  
2 term “State” means each of the several States, the  
3 District of Columbia, the Commonwealth of Puerto  
4 Rico, American Samoa, Guam, the United States  
5 Virgin Islands, and the Commonwealth of the North-  
6 ern Mariana Islands.

7           (b) ELECTIONS FOR PRESIDENT AND VICE PRESI-  
8 DENT.—

9           (1) NEW ELECTION.—If “None of the Above”  
10 receives the greatest number of the aggregate votes  
11 cast in all States in the general election for the of-  
12 fices of President and Vice President held on the  
13 date established for the appointing of electors under  
14 section 1 of title 3, United States Code—

15                   (A) no electors of President and Vice  
16 President shall be considered to have been ap-  
17 pointed in any State on that date; and

18                   (B) the electors of President and Vice  
19 President shall be appointed in each State pur-  
20 suant to a special general election held 35 days  
21 after that date.

22           (2) TIMING FOR MEETING AND VOTE OF ELEC-  
23 TORS.—Section 7 of title 3, United States Code, is  
24 amended by inserting after “following their appoint-  
25 ment” the following: “(or, in the case of electors ap-

1 pointed pursuant to a special general election held  
2 under section 3(b) of the None of the Above Act, 3  
3 days after the date of such special election)”.  
4

5 (3) TIME FOR COUNTING OF ELECTORAL VOTES  
6 BY CONGRESS.—The first sentence of section 15 of  
7 title 3, United States Code, is amended by inserting  
8 after “meeting of the electors” the following: “(or,  
9 in the case of a meeting of the electors after a spe-  
10 cial general election held under section 3(b) of the  
11 None of the Above Act, on the 16th day of January  
12 succeeding the meeting)”.

13 (4) DETERMINATION OF CANDIDATES.—The de-  
14 termination of the candidates who will run in the  
15 special election held under paragraph (1)(B) in a  
16 State shall be made by such method as the State  
17 considers appropriate that will ensure that the State  
18 will hold the special election within the deadline re-  
19 quired under section 7 of title 3, United States Code  
20 (as amended by paragraph (2)).

21 (5) STATE DEFINED.—In this subsection, the  
22 term “State” means each of the several States and  
23 the District of Columbia.

24 **SEC. 4. EFFECTIVE DATE.**

25 This section shall apply with respect to general elec-  
tions for Federal office beginning with the first regularly

1 scheduled general election held after the date of the enact-  
2 ment of this Act.

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