

116TH CONGRESS  
1ST SESSION

# H. R. 4464

To establish the use of ranked choice voting in elections for the offices of Senator and Representative in Congress, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2019

Mr. RASKIN (for himself, Mr. BEYER, Mr. COHEN, Mr. COOPER, Mr. KENNEDY, Mr. KHANNA, Mr. MCGOVERN, Mr. MOULTON, Mr. PETERS, Ms. PINGREE, Miss RICE of New York, and Ms. PRESSLEY) introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To establish the use of ranked choice voting in elections for the offices of Senator and Representative in Congress, 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; FINDING OF CONSTITUTIONAL**  
4 **AUTHORITY.**

5 (a) **SHORT TITLE.**—This Act may be cited as the  
6 “Ranked Choice Voting Act”.

7 (b) **FINDING OF CONSTITUTIONAL AUTHORITY.**—  
8 Congress finds that it has the authority to establish the



1       “(b) BALLOT DESIGN.—Each State shall ensure that  
2 the ballot used in an election carried out using a system  
3 of ranked choice voting under this title meets each of the  
4 following requirements:

5           “(1) The ballot shall be simple and easy to un-  
6 derstand.

7           “(2) The ballot shall include all qualified can-  
8 didates for the election and (to the extent permitted  
9 under State law) options for voters to select write-  
10 in candidates. If feasible, the ballot shall permit vot-  
11 ers to rank every candidate in the election. If it is  
12 not feasible for the ballot to permit voters to rank  
13 every candidate, the State may limit the number of  
14 candidates who may be ranked on the ballot to not  
15 fewer than 6.

16           “(3) The ballot shall include such instructions  
17 as the State considers necessary to enable the voter  
18 to rank candidates and successfully cast the ballot  
19 under the system.

20 **“SEC. 322. PROHIBITING ADDITIONAL RUNOFF ELECTIONS.**

21       “(a) PRIMARY ELECTIONS.—No State may hold a  
22 runoff primary election for the office of Senator or the  
23 office of Representative in Congress after the date estab-  
24 lished under State law for the primary election for such  
25 office.

1       “(b) GENERAL ELECTIONS.—No State may hold a  
2 runoff general election for the office of Senator or the of-  
3 fice of Representative in Congress after the date estab-  
4 lished under section 25 of the Revised Statutes of the  
5 United States (2 U.S.C. 7) for the regularly scheduled  
6 general election for such office.

7       “(c) SPECIAL ELECTIONS.—No State may hold a  
8 runoff special election for the office of Senator or the of-  
9 fice of Representative in Congress after the date estab-  
10 lished by the State under State law for such special elec-  
11 tion for such office.

12 **“SEC. 323. TREATMENT OF PRIMARY ELECTIONS.**

13       “(a) CONDITIONS FOR HOLDING NONPARTISAN  
14 BLANKET PRIMARY ELECTIONS.—A State may hold a  
15 nonpartisan blanket primary election for the office of Sen-  
16 ator or the office of Representative in Congress only if  
17 State law provides that at least 3 candidates advance to  
18 the subsequent general election, or, if write-in candidates  
19 are allowed in the general election, at least 2 candidates  
20 advance.

21       “(b) RULE OF CONSTRUCTION.—Nothing in this title  
22 shall be construed to require a State to hold a primary  
23 election for the office of Senator or the office of Represent-  
24 ative in Congress prior to the date established under sec-  
25 tion 25 of the Revised Statutes of the United States (2

1 U.S.C. 7) for the regularly scheduled general election for  
2 such office, so long as the determination of the candidates  
3 who are elected to such office is based solely on the votes  
4 cast with respect to the election held on such date, as de-  
5 termined in accordance with the system of ranked choice  
6 voting under this title.

7 **“SEC. 324. APPLICATION TO DISTRICT OF COLUMBIA AND**  
8 **TERRITORIES.**

9 “(a) ELECTION OF DELEGATES AND RESIDENT COM-  
10 MISSIONER.—In this subtitle, the term ‘Representative’ in-  
11 cludes a Delegate or Resident Commissioner to the Con-  
12 gress.

13 “(b) APPLICATION TO NORTHERN MARIANA IS-  
14 LANDS.—This subtitle shall apply with respect to the  
15 Commonwealth of the Northern Mariana Islands in the  
16 same manner as this subtitle applies to a State.

17 **“PART 2—TABULATION PROCESS**

18 **“SEC. 331. TABULATION PROCESS.**

19 “(a) IN GENERAL.—

20 “(1) DETERMINATION OF CANDIDATE’S NUM-  
21 BER OF VOTES.—The number of votes received by a  
22 candidate in either the initial tabulation or in an ad-  
23 ditional round of tabulation shall be equal to the  
24 number of ballots on which that candidate is the  
25 highest ranked continuing candidate.

1           “(2) CRITERIA FOR ELECTION.—Except as pro-  
2           vided in section 332, a candidate shall be elected to  
3           the office of Senator or the office of Representative  
4           in Congress (or, in the case of a primary election,  
5           shall advance to the general election for such office  
6           as provided under the law of the State involved) if—

7                   “(A) the candidate receives a number of  
8                   votes greater than 50 percent of the number of  
9                   ballots cast in the election; or

10                   “(B) if the election official carries out ad-  
11                   ditional rounds of tabulation under subsection  
12                   (b), the candidate receives the greatest number  
13                   of votes of the remaining continuing candidates  
14                   (as described in such subsection).

15           “(b) PROCESS IN CASE NO CANDIDATE ELECTED  
16 UNDER INITIAL TABULATION.—

17                   “(1) ADDITIONAL ROUNDS OF TABULATION.—  
18           If, under the initial tabulation of ballots, no can-  
19           didate is elected to office (or, in the case of a pri-  
20           mary election, no candidate advances to the general  
21           election for such office) under the criteria described  
22           in subsection (a)(2)(A), the election official shall  
23           carry out additional rounds of tabulation in accord-  
24           ance with paragraph (2) until only 2 continuing can-  
25           didates remain.

1           “(2) TREATMENT OF BALLOTS IN ADDITIONAL  
2           ROUNDS.—In each additional round of tabulation  
3           carried out under this subsection—

4                   “(A) the candidate receiving the fewest  
5                   number of votes among all candidates (or, in  
6                   the case of a State which applies batch elimi-  
7                   nation under section 334, each candidate in the  
8                   batch elimination group) shall be treated as a  
9                   defeated candidate;

10                   “(B) for each ballot cast for a defeated  
11                   candidate, the election official shall determine  
12                   the highest-ranked candidate on the ballot who  
13                   is a continuing candidate; and

14                   “(C) the vote cast on the ballot shall be  
15                   transferred to, and added to the total number  
16                   of votes received by, the highest-ranked con-  
17                   tinuing candidate determined under subpara-  
18                   graph (B).

19   **“SEC. 332. SPECIAL RULES FOR NONPARTISAN BLANKET**  
20                   **PRIMARY ELECTIONS.**

21           “(a) DETERMINATION OF WINNING CANDIDATES.—  
22           In the case of a nonpartisan blanket primary election, a  
23           candidate for the office of Senator or the office of Rep-  
24           resentative in Congress shall be treated as a winning can-  
25           didate and shall advance to the general election for such

1 office if, during any round of tabulation carried out under  
2 this section, the candidate is a continuing candidate and  
3 the total number of winning and continuing candidates is  
4 equal to or less than the required number of winning can-  
5 didates with respect to the election, as provided under the  
6 law of the State involved.

7 “(b) TABULATION PROCESS.—

8 “(1) ADDITIONAL ROUNDS OF TABULATION.—

9 After the initial tabulation of ballots in a non-  
10 partisan blanket primary election, the election offi-  
11 cial shall carry out additional rounds of tabulation  
12 in accordance with paragraph (2) until the number  
13 of winning candidates is equal to the required num-  
14 ber of winning candidates with respect to the elec-  
15 tion, as provided under the law of the State involved.

16 “(2) TREATMENT OF BALLOTS IN ADDITIONAL  
17 ROUNDS.—In each additional round of tabulation  
18 carried out under this subsection—

19 “(A) the candidate receiving the fewest  
20 number of votes among all candidates (or, in  
21 the case of a State which applies batch elimi-  
22 nation under section 334, each candidate in the  
23 batch elimination group) shall be treated as a  
24 defeated candidate;



1           “(B) for each ballot cast for a defeated  
2 candidate, the election official shall determine  
3 the highest-ranked candidate on the ballot who  
4 is a continuing candidate; and

5           “(C) the vote cast on the ballot shall be  
6 transferred to, and added to the total number  
7 of votes received by, the highest-ranked con-  
8 tinuing candidate determined under subpara-  
9 graph (B).

10 **“SEC. 333. EXCLUSION OF INACTIVE BALLOTS.**

11           “‘In any round of tabulation of ballots under this  
12 part, including the initial tabulation of ballots, a vote shall  
13 not be counted for any candidate if it is cast on an inactive  
14 ballot.

15 **“SEC. 334. USE OF BATCH ELIMINATION.**

16           “(a) BATCH ELIMINATION DESCRIBED.—At the op-  
17 tion of the State, with respect to any candidate elimination  
18 round carried out under this subsection, a State may use  
19 batch elimination to treat multiple candidates as defeated  
20 candidates for purposes of the additional rounds of tabula-  
21 tion described in section 331(b)(2) or section 332(b)(2).  
22 A continuing candidate is in the elimination batch if it  
23 is mathematically impossible for that candidate to be a  
24 winning candidate in the election for any of the following  
25 reasons:

1           “(1) The candidate’s vote total in the initial  
2           tabulation of ballots plus all of the votes that could  
3           possibly be transferred to the candidate in the addi-  
4           tional rounds of tabulation would not be enough to  
5           equal or surpass the continuing candidate with the  
6           next highest vote total in the initial tabulation of  
7           ballots.

8           “(2) The candidate has a lower current vote  
9           total than a continuing candidate described in para-  
10          graph (1).

11          “(b) SPECIAL RULE FOR NONPARTISAN BLANKET  
12          PRIMARY ELECTIONS.—In the case of a nonpartisan blan-  
13          ket primary election for which tabulation is carried out  
14          in accordance with section 332, a candidate may not be  
15          in the elimination batch if the candidate’s vote total is one  
16          of the top \_\_\_\_\_ vote totals among all continuing can-  
17          didates, with the blank space filled in with the required  
18          number of winning candidates with respect to the election,  
19          as provided under the law of the State involved.

20          **“SEC. 335. TREATMENT OF TIES BETWEEN CANDIDATES.**

21          “‘If a tie occurs between candidates with the greatest  
22          number of votes or the fewest number of votes at any point  
23          in the tabulation of ballots under this part and the tabula-  
24          tion cannot proceed until the tie is resolved, the tie shall  
25          be resolved in accordance with State law.

1 **“SEC. 336. DETERMINATION OF VOTES CAST FOR CAN-**  
2 **DIDATES OF POLITICAL PARTIES FOR PUR-**  
3 **POSES OF ACCESS TO BALLOT IN FEDERAL**  
4 **ELECTIONS.**

5       “To the extent that a State takes into account the  
6 number of votes cast in an election for candidates of a  
7 political party in determining the right of candidates of  
8 the party to appear on the ballot in subsequent elections  
9 for Federal office in the State, the State shall determine  
10 the number of votes cast for a candidate solely on the basis  
11 of the initial tabulation of ballots in the election, and shall  
12 not take into account any additional round of tabulation  
13 under section 331(b) or section 332(b).

14 **“PART 3—PAYMENTS TO STATES TO IMPLEMENT**  
15 **RANKED CHOICE VOTING**

16 **“SEC. 341. PAYMENTS TO STATES TO IMPLEMENT RANKED**  
17 **CHOICE VOTING.**

18       “(a) PAYMENTS.—Not later than June 1, 2021, the  
19 Commission shall make a payment to the State in an  
20 amount equal to—

21               “(1) in the case of the District of Columbia, the  
22               Commonwealth of Puerto Rico, American Samoa,  
23               Guam, the United States Virgin Islands, and the  
24               Commonwealth of the Northern Mariana Islands,  
25               \$1,000,000; or

1           “(2) in the case of any other State, the sum of  
2           \$750,000 and the product of—

3                   “(A) the number of Representatives to  
4                   which the State is entitled under the reapportionment of Representatives resulting from the  
5                   regular decennial census conducted during  
6                   2020; and  
7                   2020; and

8                   “(B) \$250,000.

9           “(b) USE OF FUNDS.—A State shall use the payment  
10           made under subsection (a) to implement ranked choice  
11           voting under this subtitle, including educating voters  
12           about ranked choice voting, and to otherwise carry out  
13           elections for Federal office in the State.

14           “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
15           are authorized to be appropriated such sums as may be  
16           necessary for payments under this section.

17                   **“PART 4—DEFINITIONS**

18           **“SEC. 351. DEFINITIONS.**

19           “‘In this subtitle, the following definitions apply:

20                   “(1) The term ‘continuing candidate’ means,  
21                   with respect to an additional round of tabulation  
22                   conducted under section 331(b) or section 332(b), a  
23                   candidate who is neither a winning candidate nor a  
24                   candidate who is treated as a defeated candidate

1 under such section during the tabulation of ballots  
2 under such section.

3 “(2) The term ‘inactive ballot’ means, with re-  
4 spect to a round of tabulation under section 331 or  
5 section 332—

6 “(A) a ballot on which the voter does not  
7 rank any of the continuing candidates in order  
8 of preference;

9 “(B) a ballot on which the voter ranked  
10 more than one continuing candidate at the  
11 highest order of preference; or

12 “(C) a ballot on which the voter skips two  
13 or more consecutive numerical rankings prior to  
14 the ranking for the continuing candidate at the  
15 highest order of preference.

16 “(3) The term ‘nonpartisan blanket primary  
17 election’ means a single, open primary election for  
18 the office of Senator or the office of Representative  
19 in Congress in which all candidates for the office are  
20 listed on the same primary election ballot, regardless  
21 of political party affiliation.

22 “(4) The term ‘winning candidate’ means a  
23 candidate who was elected to office (or, in the case  
24 of a primary election, who advanced to the general  
25 election for such office as provided under the law of

1 the State involved) under the tabulation process ap-  
 2 plicable to the election under part 2 at any time dur-  
 3 ing the tabulation of ballots.”.

4 (b) CONFORMING AMENDMENT RELATING TO APPLI-  
 5 CABILITY OF ENFORCEMENT PROVISIONS.—Section 401  
 6 of such Act (52 U.S.C. 21111) is amended by striking  
 7 “sections 301, 302, and 303” and inserting “title III”.

8 (c) CLERICAL AMENDMENT.—The table of contents  
 9 of such Act is amended by adding at the end of the item  
 10 relating to title III the following:

“Subtitle C—Ranked Choice Voting

“PART 1—REQUIRING RANKED CHOICE VOTING FOR ELECTION OF  
 SENATORS AND REPRESENTATIVES

- “Sec. 321. Requiring ranked choice voting for election of Senators and Rep-  
 resentatives.
- “Sec. 322. Prohibiting additional runoff elections.
- “Sec. 323. Treatment of primary elections.
- “Sec. 324. Application to District of Columbia and Territories.

“PART 2—TABULATION PROCESS

- “Sec. 331. Tabulation process.
- “Sec. 332. Special rules for nonpartisan blanket primary elections.
- “Sec. 333. Exclusion of inactive ballots.
- “Sec. 334. Use of batch elimination.
- “Sec. 335. Treatment of ties between candidates.
- “Sec. 336. Determination of votes cast for candidates of political parties for  
 purposes of access to ballot in Federal elections.

“PART 3—PAYMENTS TO STATES TO IMPLEMENT RANKED CHOICE VOTING

- “Sec. 341. Payments to States to implement ranked choice voting.

“PART 4—DEFINITIONS

- “Sec. 351. Definitions.”.

1 **SEC. 3. NO EFFECT ON ELECTIONS FOR STATE AND LOCAL**  
2 **OFFICE.**

3 Nothing in this Act or in any amendment made by  
4 this Act may be construed to affect the manner in which  
5 a State carries out elections for State or local office.

6 **SEC. 4. SEVERABILITY.**

7 If any provision of this Act or any amendment made  
8 by this Act, or the application of a provision of this Act  
9 or an amendment made by this Act to any person or cir-  
10 cumstance, is held to be unconstitutional, the remainder  
11 of this Act, and the application of the provisions to any  
12 person or circumstance, shall not be affected by the hold-  
13 ing.

14 **SEC. 5. EFFECTIVE DATE.**

15 This Act and the amendments made by this Act shall  
16 apply with respect to elections for Federal office held on  
17 or after January 1, 2022.

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