

134TH CONGRESS
1ST SESSION

H.R. 18

To establish ranked choice voting in elections for Representatives, Senators and the President of the United States.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17th, 2020

Ms. KYOUKO of New York (for herself, MR. JOHNSON, MR. SOMEONE, MR. MCKENNA, MR. NOAH, MR. LIGHTWOOD) introduced the following bill, which was subsequently referred to the House of Representatives.

A BILL

To establish ranked choice voting in elections for Representatives, Senators and the President of the United States.

Be it enacted by the Senate and the House of Representatives of the United States in America assembled,

SECTION 1. TITLE.

This Act may be cited as the “Electoral Reform and Democracy Act”.

SECTION 2. CONSTITUTIONAL AUTHORITY.

Congress finds that it has the authority to establish the manner of elections for the office of Senator in Congress and for the President of the United States that the Federal Election Commission must follow in administering elections pursuant to section 3 and 4 of the 28th Amendment to the United States Constitution.

SECTION 3. FINDINGS.

Congress finds as follows,

- (1) The current voting system used in our elections is First Past the Post, abbreviated to FPTP.
- (2) It is possible to win an election with a plurality but not a majority of the votes cast.
- (3) In August, two Senators were elected without a majority of votes cast. In September, a Democratic Senator was elected with only 41.7% of the overall vote.
- (4) Vote splitting and the spoiler effect leads to candidates to attack those who may often agree with themselves on a greater number of issues. This further amplifies the spoiler effect if the similar candidate does not drop out of the election.
- (5) Candidates may judge who is likely to win, and vote for the perceived alternative to the candidate who they do not wish to win the election, instead of the candidate they prefer.
- (6) The phenomenon of vote splitting incentivises party leaders to create undemocratic agreements to withdraw from ballots in certain districts.
- (7) This is an issue on both the left and the right, with Socialists and Democrats frequently splitting votes, and both Republicans and Libertarians frequently splitting votes.
- (8) The aforementioned problems with FPTP are greatly amplified in an electoral environment with four (4) major parties.

SECTION 4. AMENDING TITLE III OF THE HELP AMERICA VOTE ACT OF 2002.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (52 U.S.C. 21081 *et seq.*) is amended by adding at the end the following:

“Subtitle C—Ranked Choice Voting

“SEC. 321. REQUIRING THE USE OF RANKED CHOICE VOTING IN ELECTIONS FOR SENATORS AND THE PRESIDENT.

“(a) IN GENERAL.—The Federal Election Commission shall carry out elections for the office of Senator in Congress and for the office of the President by employing a system of ranked choice voting (also referred to as as instant runoff voting) under which each voter shall rank the candidates for the office in the order of the voter’s preference.

“(b) BALLOT DESIGN.—The Federal Election Commission shall ensure that the ballot or poll used in an election meets the following requirements:

“(1) The ballot should be simple and easy to understand.

“(2) The ballot shall include such instructions as the Federal Election Commission considers necessary to enable the voter to rank candidates and successfully cast the ballot under the system.

“(c) ELECTION IN CASE OF ONLY TWO CANDIDATES OR LESS.—Notwithstanding subsection (a) and (b), in the case of when only two candidates or less stand in an election for the office of Senator in Congress or for the office of the President, the Federal Election Commission shall be empowered to utilise a system of voting most practicable requiring a candidate to receive a number of votes greater than 50 percent of the number of ballots cast in an election to be elected.

“SEC. 322. ELECTION TABULATION AND CRITERIA.

“(a) IN GENERAL.—

“(1) DETERMINATION OF CANDIDATE’S NUMBER OF VOTES.—The number of votes received by a candidate in either the initial tabulation or in an additional round of tabulation shall be equal to the number of ballots on which that candidate is the highest ranked continuing candidate.

“(2) ELECTION CRITERIA.—Except as provided in section 321(c), a candidate shall be elected to the office of Senator in Congress if—

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

“(B) if the election official carries out additional rounds of tabulation under subsection (b), the candidate receives the greatest number of votes of the remaining continuing candidates (as described in such subsection).

“(b) PROCESS WHEN NO CANDIDATE ELECTED UNDER INITIAL TABULATION.—

“(1) ADDITIONAL ROUNDS OF TABULATION.—If, under the initial tabulation of ballots, no candidate is elected to office under the criteria described in subsection (a)(2)(A),

the Federal Election Commission shall carry out additional rounds of tabulation in accordance with paragraph (2) until only 2 continuing candidates remain.

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

“(A) the candidate receiving the fewest number of votes among all candidates shall be treated as a defeated candidate;

“(B) for each ballot cast for a defeated candidate, the Federal Election Commission shall determine the highest-ranked candidate on the ballot who is a continuing candidate; and

“(C) the vote cast on the ballot shall be transferred to, and added to the total number of votes received by, the highest-ranked continuing candidate determined under subparagraph (B).

“SEC. 323. TREATMENT OF TIES BETWEEN CANDIDATES.

“If a tie occurs between candidates with the greatest number of votes or the fewest number of votes at any point in the tabulation of ballots under this part and the tabulation cannot proceed until the tie is resolved, the tie shall be resolved in accordance with rules the Federal Election Commission shall promulgate.”

SECTION 5. IMPLEMENTATION

The provisions of this Act shall take effect on the 15th of the month following passage by both Houses of Congress.