

107TH CONGRESS
1ST SESSION

H. R. 3232

To direct the Federal Election Commission to make grants to States which have adopted an instant runoff voting system for presidential elections, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 6, 2001

Mr. JACKSON of Illinois introduced the following bill; which was referred to the Committee on House Administration

A BILL

To direct the Federal Election Commission to make grants to States which have adopted an instant runoff voting system for presidential elections, 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 “Voting Equipment
5 Compatibility With Instant Runoff Voting Act of 2001”.

6 SEC. 2. FINDINGS.

7 Congress finds the following:

8 (1) In the three Presidential elections since
9 1988, most States have awarded their electoral votes

1 to a candidate who earned less than half the popular
2 vote in that State.

3 (2) In many elections, the majority of voters
4 split their votes between two similar candidates, let-
5 ting a third candidate supported by only a minority
6 of the electorate win the election.

7 (3) The principle of majority rule is violated
8 when the majority does not choose the winner of an
9 election.

10 (4) A simple solution to this problem of non
11 majority winners is to require the winner of an elec-
12 tion to earn a majority of votes.

13 (5) Instant runoff voting, as used in Ireland,
14 Australia, and London, requires the winner of an
15 election to earn a majority of votes. Voters rank can-
16 didates in case their favorite candidate is eliminated,
17 and the votes of the candidate's supporters count for
18 their second choice in a runoff round. This process
19 continues until one candidate earns a majority of
20 votes.

21 (6) There is increased interest in instant runoff
22 voting. For example, Alaskans in 2002 will vote on
23 whether to adopt instant runoff voting for Presi-
24 dential elections in 2004. In 1999, the New Mexico
25 Senate passed legislation providing for a ballot

1 measure under which voters would be allowed to im-
2 plement instant runoff voting for Presidential elec-
3 tions. In Vermont, legislation to enact instant runoff
4 voting for statewide offices, including the Presi-
5 dential race, has been endorsed by Common Cause,
6 the League of Women Voters, and the Grange. Addi-
7 tionally, the legislatures of States such as Maine,
8 Maryland, Minnesota, and Washington in 2001 de-
9 bated legislation to enact instant runoff voting for
10 Presidential elections, and the Speaker of the Cali-
11 fornia Assembly has introduced a bill to implement
12 instant runoff voting in elections to fill vacancies in
13 Congress.

14 (7) In order to conduct an instant runoff elec-
15 tion, voting equipment must be compatible with
16 ranked ballots.

17 (8) Consistent with the national underinvest-
18 ment in voting equipment, much of the Nation's vot-
19 ing equipment is not currently compatible with
20 ranked ballots.

21 (9) There are currently no Federal mandatory
22 minimum standards for voting equipment. Although
23 the Federal Election Commission has promulgated
24 voluntary standards, these voluntary standards do
25 not include compatibility with ranked ballots.

1 **SEC. 3. FUNDING FOR STATES IMPLEMENTING INSTANT**
2 **RUNOFF VOTING FOR PRESIDENTIAL ELEC-**
3 **TIONS.**

4 (a) **ESTABLISHMENT OF GRANT PROGRAM.**—There is
5 established a program under which the Federal Election
6 Commission (hereafter in this Act referred to as the
7 “Commission”) shall make grants to eligible States which
8 have adopted an instant runoff voting system for presi-
9 dential elections to defray the costs of administering such
10 a system, including the costs of purchasing voting equip-
11 ment, software, and other technology necessary for such
12 a system.

13 (b) **PLAN FOR PROGRAM.**—Not later than 60 days
14 after the date of the enactment of this Act, the Commis-
15 sion shall develop and make public a plan describing the
16 criteria to be used in the solicitation and approval of appli-
17 cations for grants under this Act and the criteria to be
18 used in overseeing the use of funds provided under such
19 grants, except that under such criteria the Commission
20 may not require a State to match any portion of the
21 amount awarded as a condition of eligibility.

22 (c) **ELIGIBILITY OF STATES.**—

23 (1) **IN GENERAL.**—A State is eligible to receive
24 a grant under the program under this section if it
25 submits to the Commission (in such form and man-
26 ner as the Commission may require) an application

1 containing such information and assurances as the
2 Commission may require.

3 (2) DEADLINE FOR APPLICATION.—The Com-
4 mission may not consider an application for a grant
5 under this section unless the application is sub-
6 mitted prior to the expiration of the 60-day period
7 which begins on the date the Commission makes
8 public the plan developed under subsection (b).

9 (3) DEADLINE FOR RESPONSE.—The Commis-
10 sion shall approve or reject an application submitted
11 under this subsection not later than 120 days after
12 receiving the application.

13 (4) CRITERIA FOR REJECTION.—The Commis-
14 sion may not reject an application submitted under
15 this subsection unless it finds that—

16 (A) the equipment, software, or other tech-
17 nology used to administer elections in the State
18 is not compatible with an instant runoff voting
19 system; or

20 (B) the State does not provide for appro-
21 priate education for voters, poll workers, and
22 election officials in the use of an instant runoff
23 voting system.

1 (d) CAP ON AMOUNT OF GRANT.—The amount of
2 any grant awarded to a State under the program under
3 this section may not exceed the product of—

4 (1) the number of residents in the State at the
5 time the grant is awarded (based on the most recent
6 decennial census); and

7 (2) \$12.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out the pro-
10 gram under this section—

11 (1) \$30,000,000 for fiscal year 2002; and

12 (2) such sums as may be necessary for fiscal
13 year 2003 and each succeeding fiscal year.

14 **SEC. 4. REQUIRING STATES TO USE VOTING EQUIPMENT**

15 **COMPATIBLE WITH INSTANT RUNOFF VOT-**

16 **ING FOR FEDERAL ELECTIONS.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law, each State shall administer elections for Fed-
19 eral office using voting equipment and technology which
20 is compatible with an instant runoff voting system.

21 (b) EFFECTIVE DATE.—Subsection (a) shall apply
22 with respect to the regularly scheduled general election for
23 Federal office held during 2004 and each succeeding elec-
24 tion for Federal office.

1 **SEC. 5. DEFINITIONS.**

2 (a) INSTANT RUNOFF VOTING SYSTEM.—In this Act,
3 the term “instant runoff voting system” means a system
4 for the election of candidates under which—

5 (1) voters may rank candidates on the ballot ac-
6 cording to the order of preference;

7 (2) runoff counts of candidates are conducted
8 in rounds;

9 (3) if in any round no candidate receives a ma-
10 jority of the votes cast, the candidate with the fewest
11 number of votes is eliminated and the remaining
12 candidates advance to the next round;

13 (4) in each round, a voter shall be considered
14 to have cast one vote for the candidate the voter
15 ranked highest on the ballot who has not been elimi-
16 nated; and

17 (5) the runoff counts are carried out automati-
18 cally at the time the votes are cast and tabulated.

19 (b) STATE.—In this Act, the term “State” includes
20 the District of Columbia, the Commonwealth of Puerto
21 Rico, American Samoa, Guam, and the United States Vir-
22 gin Islands.

23 **SEC. 6. RELATIONSHIP TO OTHER LAWS.**

24 Nothing in this Act may be construed to supersede
25 or conflict with the Voting Rights Act of 1965 (42 U.S.C.

1 1973aa et seq.) or the National Voter Registration Act
2 of 1993 (42 U.S.C. 1973gg et seq.).

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