

108TH CONGRESS
2D SESSION

H. R. 5293

To require States to conduct general elections for Federal office using an instant runoff voting system, to direct the Election Assistance Commission to make grants to States to defray the costs of administering such systems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

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

A BILL

To require States to conduct general elections for Federal office using an instant runoff voting system, to direct the Election Assistance Commission to make grants to States to defray the costs of administering such systems, 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 “Majority Vote Act of
5 2004”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) In some general elections the majority of
2 voters split their votes between two similar can-
3 didates letting a third candidate, supported only by
4 a minority of the electorate, win the election, thus
5 denying the will of a majority of the voters.

6 (2) In other general elections the majority of
7 voters split their votes between two dissimilar can-
8 didates, letting a third candidate, supported by an
9 even smaller minority of the electorate, determine
10 the election victor, and again denying the will of a
11 majority of the voters.

12 (3) The simple plurality winner system used in
13 most general elections for Federal office creates an
14 incentive for candidates to engage in negative cam-
15 paigning.

16 (4) The principle of majority rule is violated
17 when the majority does not choose the winner of an
18 election, and denies the winner a mandate to govern.

19 (5) A simple solution to this problem of non
20 majority winners is to require the winner of an elec-
21 tion to earn a majority of votes.

22 (6) Instant runoff voting, as used in Utah Re-
23 publican Party primaries, Ireland, Australia, and
24 London, requires the winner of an election to earn
25 a majority of votes. Voters rank candidates in case

1 their favorite candidate is eliminated, and the votes
2 of the candidate's supporters count for their second
3 choice in a runoff round. This process continues
4 until one candidate earns a majority of votes.

5 (7) By allowing voters to rank candidates, rather
6 than choose just one, candidates are encouraged
7 to engage in positive campaigning in order to receive
8 a higher ranking from their opponents' supporters.

9 (8) There is increased interest in instant runoff
10 voting. For example, the system has been approved
11 for use by voters in San Francisco, California, beginning
12 with the 2004 municipal elections. In 1999,
13 the New Mexico Senate passed legislation providing
14 for a ballot measure under which voters would be allowed
15 to implement instant runoff voting for Presidential
16 elections. In Vermont, legislation to enact instant
17 runoff voting for statewide offices, including
18 the Presidential race, has been endorsed by Common
19 Cause, the League of Women Voters, and the
20 Grange. Additionally, the legislatures of States such
21 as Maine, Maryland, Minnesota, and Washington in
22 2001 debated legislation to enact instant runoff voting
23 for Presidential elections, and the Speaker of the
24 California Assembly has introduced a bill to imple-

1 ment instant runoff voting in elections to fill vacan-
2 cies in Congress.

3 (9) In order to conduct an instant runoff elec-
4 tion, voting equipment must be compatible with bal-
5 lots that allow voters to rank candidates.

6 (10) A majority of states currently conduct two-
7 round runoff elections in some of their statewide,
8 county, and municipal elections. Two-round elections
9 cost the states millions of dollars each year and re-
10 sult in severe drop-offs in voter turnout. Voting
11 equipment that is compatible with ranked ballots will
12 give states, counties, and municipalities the option of
13 saving millions of dollars and boosting voter turnout
14 by consolidating two-round runoffs into one election.

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

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

1 (13) The operation of our current voting and
2 election system is run by approximately 13,000 sepa-
3 rate and unequally administered voting jurisdictions.

4 (14) National polls have shown that the Amer-
5 ican people support a voting system that is unitary.

6 **SEC. 3. REQUIRING USE OF INSTANT RUNOFF VOTING FOR**
7 **GENERAL ELECTIONS FOR FEDERAL OFFICE.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law, each State shall conduct general elections for
10 Federal office held in the State during 2008 and each suc-
11 ceeding year using an instant runoff voting system, and
12 shall ensure that the voting equipment and technology
13 used to conduct the elections is compatible with such a
14 system.

15 (b) DEFINITIONS.—In this Act, the following defini-
16 tions apply:

17 (1) The term “Federal office” has the meaning
18 given such term in section 301(3) of the Federal
19 Election Campaign Act of 1971 (2 U.S.C. 431(3)).

20 (2) The term “instant runoff voting system”
21 means a system for the election of candidates under
22 which—

23 (A) runoff counts of candidates are con-
24 ducted in rounds;

1 (B) voters may rank candidates on the bal-
 2 lot according to the order of preference;

3 (C) if in any round no candidate receives
 4 a majority of the votes cast, the candidate with
 5 the fewest number of votes is eliminated and
 6 the remaining candidates advance to the next
 7 round;

8 (D) in each round, a voter shall be consid-
 9 ered to have cast one vote for the candidate the
 10 voter ranked highest on the ballot who has not
 11 been eliminated; and

12 (E) the runoff counts are carried out auto-
 13 matically at the time the votes are cast and tab-
 14 ulated.

15 (3) The term “State” includes the District of
 16 Columbia, the Commonwealth of Puerto Rico, Amer-
 17 ican Samoa, Guam, and the United States Virgin Is-
 18 lands.

19 **SEC. 4. GRANTS TO STATES TO DEFRAY COSTS OF ADMIN-**
 20 **ISTERING INSTANT RUNOFF VOTING SYSTEM.**

21 (a) ESTABLISHMENT OF GRANT PROGRAM.—There is
 22 established a program under which the Election Assist-
 23 ance Commission (hereafter in this Act referred to as the
 24 “Commission”) shall make grants to eligible States to de-
 25 fray the costs of administering an instant runoff voting

1 system, including the costs of purchasing voting equip-
2 ment, software, and other technology necessary for such
3 a system.

4 (b) PLAN FOR PROGRAM.—Not later than 60 days
5 after the date of the enactment of this Act, the Commis-
6 sion shall develop and make public a plan describing the
7 criteria to be used in the solicitation and approval of appli-
8 cations for grants under this Act and the criteria to be
9 used in overseeing the use of funds provided under such
10 grants, except that under such criteria the Commission
11 may not require a State to match any portion of the
12 amount awarded as a condition of eligibility.

13 (c) ELIGIBILITY OF STATES.—

14 (1) IN GENERAL.—A State is eligible to receive
15 a grant under the program under this section if it
16 submits to the Commission (in such form and man-
17 ner as the Commission may require) an application
18 containing such information and assurances as the
19 Commission may require.

20 (2) DEADLINE FOR APPLICATION.—The Com-
21 mission may not consider an application for a grant
22 under this section unless the application is sub-
23 mitted prior to the expiration of the 60-day period
24 which begins on the date the Commission makes
25 public the plan developed under subsection (b).

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

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

8 (A) the equipment, software, or other tech-
9 nology used to administer elections in the State
10 is not compatible with an instant runoff voting
11 system; or

12 (B) the State does not provide for appro-
13 priate education for voters, poll workers, and
14 election officials in the use of an instant runoff
15 voting system.

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

19 (1) the number of residents in the State at the
20 time the grant is awarded (based on the most recent
21 decennial census); and

22 (2) \$12.

23 (e) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out the pro-
25 gram under this section—

- 1 (1) \$500,000,000 for fiscal year 2005; and
- 2 (2) such sums as may be necessary for fiscal
- 3 year 2006 and each succeeding fiscal year.

4 **SEC. 5. RELATIONSHIP TO OTHER LAWS.**

5 Nothing in this Act may be construed to supersede
6 or conflict with the Voting Rights Act of 1965 (42 U.S.C.
7 1973aa et seq.) or the National Voter Registration Act
8 of 1993 (42 U.S.C. 1973gg et seq.).

9 **SEC. 6. SEVERABILITY.**

10 If any provision of this Act or amendment made by
11 this Act, or the application of a provision or amendment
12 to any person or circumstance, is held to be unconstitu-
13 tional, the remainder of this Act and amendments made
14 by this Act, and the application of the provisions and
15 amendment to any person or circumstance, shall not be
16 affected by the holding.

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