

From: Celeste Landry
To: [SoS Rulemaking](#)
Subject: comments on proposed rules for ranked voting
Date: Friday, June 22, 2018 4:52:40 PM
Attachments: [Cambridgecouncil2017official.pdf](#)
[US HR 3057.pdf](#)
[180622 rank voting rules changes SoS.docx](#)

Dear Secretary Williams,

Thank you for the opportunity to provide comments on the proposed rules, particularly the rules on ranked voting -- both instant-runoff voting (IRV) and single transferable vote (STV).

In the attached comments, I'm speaking for myself and not on behalf of any organization although my involvement in some organizations has provided me with the knowledge on which I base these comments.

The bulk of the comments are in Suggestion #5. I suggested an entire rewrite of the section, changing the layout and some of the content. Single-winner (IRV) tabulation differs from multi-winner (STV) ranked tabulation. Many people confuse the two. In fact, Aspen had a problem with its ranked voting election in 2009 because the town didn't plan an STV election for its two-winner contest.

I have attached 2 documents plus my comments (which are also copied below). I refer to the elections results for Cambridge's 2018 city council STV election a couple of times when I make points. You may also want to read House Resolution 3057 starting on page 10 where they talk about STV.

Colorado has a long history with ranked voting. Boulder was the second city in the US to adopt STV. Bucklin Voting, another type of ranked voting, is named after James Bucklin of Grand Junction (and sometimes called the Grand Junction system). It was first used in Grand Junction in 1909 and subsequently adopted in more than 60 cities, including Pueblo, Colorado Springs, Denver and Fort Collins. Rather than eliminating candidates, it adds second-round votes to the first-round votes if no candidate achieves a majority in the first round.

Sincerely,
Celeste Landry

Comments on
Working Draft of Proposed Rules
Office of the Colorado Secretary of State
Election Rules
8 CCR 1505-1
June 15, 2018

Submitted by Celeste Landry
June 22, 2018

Suggestion #1
Page 2

Amendments to Rule 1.1.24:

Line 10 – (b) Digitally recorded and counted by the touch screen device, commonly referred to
Line 11 – as a Direct Recording Electronic (DRE) device.

- On page 2, line 10 replace “and counted” with “and tabulated to the extent possible”
Reasoning: Votes on ranked ballots are not completely tabulated until all the data from all the ballots for that contest are entered. This phrasing would also allow for other voting methods that aren't counted in the traditional first-past-the-post way but which may be adopted by jurisdictions in the future.

Suggestion #2a

This suggested change was *not proposed* in these rule changes, but it would go on page 34:
Rule 21.4.7 Ballot Definition Subsystem

(c) The voting system must accommodate single-SHEET ~~page~~ ballots (races on one face or both faces) and two-SHEET ~~page~~ paper ballots (races on three or four faces).

Reasoning: People are used to pages being numbered on both the front and back of a sheet of paper. Perhaps “single ballot cards” would be preferable to “single-sheet ballots.”

Suggestion #2b

Why not use the word “contest” instead of “race”?

Reasoning: “Contest” is used in the definition of ballot style in Rule 1.1.7 and in many other locations in the rules.

Suggestion #3

Page 43

Amendments to Rule ~~21.4.15~~ 21.4.13:

Line 10 – (13) Vote Count. The total number of votes for each choice.

- On page 43, change line 10 to read “The total number of votes for each choice TABULATED TO THE EXTENT POSSIBLE.”

Reasoning: Similar to Suggestion #1.

Suggestion #4

Page 44

Amendments to Rule 21.5:

Line 14 – (12) Post-election audit;

- Change to “(12) Post-election RISK-LIMITING audit;”

Reasoning: Similar changes were made in Rules 11 and 21 to ensure that all certified voting systems be compatible with risk-limiting audits.

Suggestion #5

Starting on Page 49, line 6

Amendments to Rule 26: Ranked Voting Method

Line 6 – 26.1 DEFINITIONS. AS USED IN THIS RULE, UNLESS STATED OTHERWISE:

- 26.1.1 GENERAL DEFINITIONS
 - a. “ACTIVE BALLOT” MEANS A BALLOT PROPERLY MARKED AND COUNTED FOR EITHER A WINNING CANDIDATE OR A CONTINUING CANDIDATE
 - b. [insert proposed 26.1.1]
 - c. [insert proposed 26.1.2]
 - d. “EXHAUSTED BALLOT” MEANS EITHER A BALLOT MARKED FOR CANDIDATES WHO HAVE ALL BEEN ELIMINATED OR A BALLOT WHICH IS NOT COUNTED DUE TO AN OVERVOTE, SKIPPED RANKING OR DUPLICATE RANKING
 - e. [insert proposed 26.1.3]
 - f. [insert proposed 26.1.4]
 - g. “RANKED VOTING METHOD” MEANS A METHOD OF CASTING AND TABULATING VOTES THAT ALLOWS ELECTORS TO RANK THE CANDIDATES FOR AN OFFICE IN ORDER OF PREFERENCE AND USES THESE PREFERENCES TO DETERMINE THE WINNER OF THE ELECTION. “RANKED VOTING METHOD” INCLUDES INSTANT-RUNOFF VOTING FOR SINGLE-WINNER CONTESTS AND SINGLE TRANSFERABLE VOTE FOR MULTI-WINNER CONTESTS. [Most of this language is from CRS 1-1-104 (34.4). Can eliminate proposed 26.6.1 AND 26.7.1]
 - a. [insert proposed 26.1.5]
 - b. [edit proposed 26.1.10 as follows] “WINNING CANDIDATE” MEANS A CANDIDATE WHO IS ELECTED EITHER AFTER RECEIVING AT LEAST 50 PERCENT PLUS ONE VOTE IN AN INSTANT-RUN-OFF ELECTION, OR AFTER REACHING THE WINNING THRESHOLD REQUIRED IN A SINGLE-TRANSFERABLE VOTE 36 ELECTION. OR DUE TO BEING THE ONLY REMAINING CONTINUING CANDIDATE AVAILABLE TO FILL THE REMAINING VACANT SEAT.
 - c. [insert proposed 26.1.11]

26.1.2 DEFINITIONS FOR MULTI-WINNER RANKED VOTING

- a. [insert proposed 26.1.6]
- b. [insert proposed 26.1.7]
- c. [insert proposed 26.1.8]
- d. [insert proposed 26.1.9]

• 26.2 CONDUCTING A RANKED VOTING ELECTION

26.2.1 [edit proposed 26.2 as follows] A LOCAL GOVERNMENT MAY ONLY CONDUCT A RANKED VOTING ELECTION IF THE NUMBER OF CANDIDATES, INCLUDING QUALIFIED WRITE-IN CANDIDATES, IS GREATER THAN ONE PLUS THE NUMBER OF SEATS TO BE FILLED THERE ARE THREE OR MORE CANDIDATES WHO HAVE QUALIFIED FOR THE BALLOT FOR THAT OFFICE, OR WHEN THERE IS A COMBINATION OF AT LEAST TWO CANDIDATES WHO HAVE QUALIFIED FOR THE BALLOT FOR THAT OFFICE PLUS AT LEAST ONE QUALIFIED WRITE-IN CANDIDATE.

26.2.2 [insert proposed 26.3]

26.2.3 [insert all of proposed 26.4 including subsections]

26.2.4 [insert proposed 26.5]

26.2.5 [insert proposed 26.6.7 and delete proposed 26.7.6]

26.2.6 [insert proposed 26.9.2]

26.2.7 [insert proposed 26.9.3]

• 26.3 TABULATION OF INSTANT-RUNOFF ELECTIONS

26.3.1 [insert proposed 26.6.2]

26.3.2 [edit proposed 26.3 as follows] DURING THE SECOND ROUND OF TABULATION, THE CANDIDATE WITH THE FEWEST FIRST-CHOICE RANKS IN THE FIRST ROUND IS ELIMINATED AND THE ELIMINATED CANDIDATE'S VOTES ARE TRANSFERRED TO EACH BALLOT'S NEXT-RANKED CONTINUING CANDIDATE. IF THE NEXT RANKING IS BLANK, THE BALLOT IS EXHAUSTED AND NOT COUNTED IN FUTURE ROUNDS.

(a) IF, AFTER RECEIVING THE TRANSFERRED VOTES, A CONTINUING CANDIDATE RECEIVES OVER 50 PERCENT OF THE VOTES CAST ON ACTIVE BALLOTS, THAT CANDIDATE IS THE WINNING CANDIDATE AND NO FURTHER ROUNDS WILL TAKE PLACE.

(b) IF NO CANDIDATE HAS OVER 50 PERCENT OF THE VOTES CAST ON ACTIVE BALLOTS AFTER THE SECOND ROUND, THE DESIGNATED ELECTION OFFICIAL MUST REPEAT THE PROCESS 16 DESCRIBED IN RULE ~~26.6.3~~ 26.3.2, UNTIL THERE IS A WINNING CANDIDATE.

26.3.3 [insert proposed 26.6.4]

26.3.4 [edit proposed 26.6.5 as follows] IN ANY ROUND, IF TWO OR MORE CANDIDATES TIE FOR THE LOWEST NUMBER OF VOTES, THE ELIMINATED CANDIDATE MUST BE CHOSEN BY LOT, UNLESS THE CANDIDATES MAY BE ELIMINATED SIMULTANEOUSLY UNDER RULE ~~26.6.4~~ 26.3.3.

26.3.5 [insert proposed 26.6.6]

• 26.4 TABULATION OF SINGLE TRANSFERABLE VOTE ELECTIONS

26.4.1 [insert proposed 26.7.2 and its subsections]

26.4.2 [edit proposed 26.7.3 as follows and delete 26.7.3 (a) and (b)] DURING THE SECOND ROUND, IF A CANDIDATE EXCEEDS THE WINNING THRESHOLD, TRANSFER THE SURPLUS VOTES AS DESCRIBED IN RULE 26.4.3. IF NO CANDIDATE EXCEEDS THE WINNING THRESHOLD, THE CONTINUING CANDIDATE WHO RECEIVED THE FEWEST FIRST-CHOICE VOTES IN THE FIRST ROUND IS ELIMINATED AND THAT CANDIDATE'S VOTES ARE TRANSFERRED TO EACH BALLOT'S NEXT-HIGHEST-RANKED CONTINUING CANDIDATE.

Reasoning: We always transfer surplus votes before we eliminate any candidates in STV. See the Cambridge election results.

(a) [edit proposed 26.7.3 (c)] AFTER ALL VOTES ARE TRANSFERRED FROM THE SURPLUS VOTES AND FROM THE BALLOTS OF ELIMINATED CANDIDATES, EACH WINNING CANDIDATE'S SURPLUS VOTES ARE TRANSFERRED; IF THE NUMBER OF WINNING CANDIDATES IS EQUAL TO THE NUMBER OF SEATS TO BE FILLED, NO FURTHER ROUNDS WILL TAKE PLACE.

(b) [edit proposed 26.7.3 (d)] AFTER ALL VOTES ARE TRANSFERRED FROM THE SURPLUS VOTES AND FROM THE BALLOTS OF ELIMINATED CANDIDATES EACH WINNING CANDIDATE'S SURPLUS VOTES ARE TRANSFERRED; IF THE NUMBER OF WINNING CANDIDATES IS LESS THAN THE NUMBER OF SEATS TO BE FILLED, THE DESIGNATED ELECTION OFFICIAL MUST CONDUCT ADDITIONAL ROUNDS UNTIL ALL SEATS ARE FILLED.

(c) [insert proposed rule 26.7.5]

26.4.3 [replace all of 26.7.4 including subsections as follows] TO ~~TRANSFER~~ CALCULATE A WINNING CANDIDATE'S SURPLUS VOTES IN ANY ROUND, THE DESIGNATED ELECTION OFFICIAL MUST:

- (a) DETERMINE HOW MANY SURPLUS VOTES A WINNING CANDIDATE HAS
- (b) A WINNING CANDIDATE MAY ACHIEVE A SURPLUS OF VOTES IN EACH ROUND AS VOTES ARE TRANSFERRED FROM ELIMINATED CANDIDATES AND AS SURPLUS VOTES OR FRACTIONS OF VOTES ARE TRANSFERRED FROM OTHER WINNING CANDIDATES.
- (c) IF TWO OR MORE WINNING CANDIDATES HAVE THE SAME NUMBER OF SURPLUS VOTES IN ANY ROUND, THE DESIGNATED ELECTION OFFICIAL MUST FIRST TRANSFER THE SURPLUS VOTES OF THE CANDIDATE CHOSEN BY LOT.
- (d) CALCULATE THE SURPLUS FRACTION FOR THE WINNING CANDIDATE, TABULATE THE NUMBER OF BALLOTS WITH A RANKING FOR THE NEXT-HIGHEST RANKED CONTINUING OR OTHER WINNING CANDIDATE ON EVERY BALLOT FOR THE WINNING CANDIDATE, MULTIPLY EACH OF THOSE VOTES CAST BY THE WINNING CANDIDATE'S SURPLUS FRACTION AND ADD THE RESULTING TRANSFER VALUE TO ANY CONTINUING CANDIDATE'S TOTAL.

- 26.5 [insert 26.8 and its subsections]

- 26.6 [insert proposed 26.9.1]

- 26.7 [insert proposed 26.10]

26.7.1 [edit proposed 26.10.1 as follows] IN A COORDINATED ELECTION, IF ALL WINNING CANDIDATES ARE DETERMINED IN THE FIRST ROUND OF TABULATION, THE COUNTY CLERK MUST CONDUCT A RISK-LIMITING AUDIT UNDER RULE 25.2. IN ALL OTHER CASES, THE AUDIT BOARD MUST VERIFY THE ACCURACY OF THE VOTING SYSTEM'S TABULATION OF THE RANKED VOTING CONTEST BY HAND COUNTING THREE PERCENT OF THE BALLOTS THE VOTES IN AT LEAST ONE PRECINCT, OR IN ONE PERCENT OF ALL PRECINCTS IN WHICH CONTAINED THE RANKED VOTING CONTEST APPEARED ON THE BALLOT, WHICHEVER IS GREATER.

Reasoning: Because you need all the ballots in a single transferable vote election in order to verify the result, the auditors are only checking the voting system's tabulation for a sample and may get a different result from the reported all-ballots reported result. By focusing on precincts, you can get skewed data. In Cambridge, some precincts strongly supported certain candidates so the audited ballots should be randomly drawn. We want to audit some percentage of the ballots; maybe one percent of the ballots is enough, though I suggested three percent.

26.7.2 [insert all of proposed 26.10.2]

26.7.3 [edit proposed 26.10.3 as follows] THE DESIGNATED ELECTION OFFICIAL MUST CONVENE A PUBLIC MEETING ON THE TENTH DATE AFTER ELECTION DAY TO RANDOMLY SELECT BY LOT THE ~~BALLOTS PRECINCT OR PRECINCTS~~ TO BE AUDITED. THE DESIGNATED ELECTION OFFICIAL MUST POST NOTICE OF THE PUBLIC MEETING AT LEAST SEVEN CALENDAR DAYS IN ADVANCE. THE NOTICE MUST INCLUDE A DESCRIPTION OF THE RANDOM SELECTION LOT METHOD. THE DESIGNATED ELECTION OFFICIAL MUST GIVE NOTICE OF AND SUBMIT TO THE SECRETARY OF STATE A LIST OF THE ~~BALLOTS PRECINCTS~~ RANDOMLY SELECTED FOR AUDIT BY 5:00 P.M. ON THE TENTH DAY AFTER ELECTION DAY.

The proposed fractional transfer method is considered the best method for transferring votes, but it requires a computer to do the numerous calculations. Cambridge transfers whole votes; they can and are required to do recounts by hand. Cambridge uses the Cincinnati method for transferring surplus votes. Boulder used its own particular method from 1917 to 1947 when it conducted city council elections using single transferable vote.

NOTE: It is not feasible to hand tabulate single transferable vote contests if you use the fractional method unless you have only a handful of ballots or very few rounds! We'll need to come up with a different audit method.

26.7.4 [insert proposed 26.10.4] CONDUCTING THE AUDIT

- (a) [insert proposed 26.10.4 (a) and delete proposed 26.10.4 (b)]

(b) [renumber proposed 26.10.4 (c) as follows] FOR EACH RANKED VOTING CONTEST, THE AUDIT BOARD MUST HAND COUNT THE BALLOTS CAST, FOLLOWING THE COUNTING METHOD SET FORTH IN RULE ~~26.6~~ 26.3 FOR INSTANT-RUNOFF-VOTING CONTESTS, AND IN RULE ~~26.7~~ 26.4 FOR SINGLETRANSFERABLE ~~VOTING~~ VOTE CONTESTS.

26.7.5 [insert 26.10.5 with the following edits] THE DESIGNATED ELECTION OFFICIAL MUST REPORT THE RESULTS OF THE AUDIT TO THE SECRETARY OF STATE BY MAIL, FAX, OR EMAIL BY 5:00 P.M. ON THE LAST DAY TO CANVASS. THE AUDIT REPORT MUST CONTAIN:

- (A) THE NUMBER OF BALLOTS AUDITED FOR EACH RANKED VOTING CONTEST;
- (B) THE VOTING SYSTEM'S TABULATION OF THE RANKED VOTING CONTESTS ~~FOR THE RANDOMLY SELECTED PRECINCTS;~~
- (C) THE AUDIT BOARD'S HAND COUNT OF THE RANKED VOTING CONTESTS ~~FOR THE RANDOMLY SELECTED PRECINCTS;~~
- (D) THE AUDIT BOARD'S STATEMENT THAT ITS HAND COUNT CONFIRMED THE VOTING SYSTEM'S TABULATION OR AN EXPLANATION FOR ANY DISCREPANCIES IDENTIFIED; AND
- (E) THE SIGNATURES OF THE AUDIT BOARD, THE CANVASS BOARD MEMBERS WHO OBSERVED THE AUDIT, AND THE DESIGNATED ELECTION OFFICIAL.

26.7.6 [insert 26.10.6]

--- the end of comments ---

2017 Cambridge City Council - Official Results (Nov 17, 2017)

Official Final	1st	Simmons surplus	Siddiqui surplus	under 50	Lenke transfer	Pillai transfer	Santos transfer	D'Ambrosio transfer	Benjamin transfer	Levy transfer	Volmar transfer
Candidate	Count	2nd Count	3rd Count	4th Count	5th Count	6th Count	7th Count	8th Count	9th Count	10th Count	11th Count
Simmons, Denise	2616	-363	2253	0	2253	0	2253	0	2253	0	2253
Siddiqui, Sumbul	2532	0	2532	-279	2253	0	2253	0	2253	0	2253
McGovern, Marc	1880	63	1943	16	1959	9	1968	1	1969	5	1974
Devereux, Jan	1699	38	1737	30	1767	2	1769	3	1772	7	1779
Toomey, Tim	1619	46	1665	5	1670	15	1685	4	1689	6	1695
Zondervan, Quinton	1565	7	1572	37	1609	0	1609	4	1613	13	1626
Mallon, Alanna	1329	12	1341	31	1372	3	1375	5	1380	4	1384
Carlone, Dennis	1176	13	1189	22	1211	4	1215	0	1215	7	1222
Kelley, Craig	1092	21	1113	10	1123	6	1129	0	1129	1	1130
Toner, Paul	980	12	992	10	1002	8	1010	4	1014	2	1016
Harding, Richard	836	57	893	12	905	2	907	1	908	0	908
Geburu, Sam	787	21	808	19	827	2	829	2	831	4	835
Tierney, Sean	779	9	788	6	794	5	799	1	800	3	803
Sivongxay, Vatsady	740	18	758	50	808	2	810	5	815	10	825
Musgrave, Adriane	580	5	585	3	588	4	592	2	594	4	598
Okamoto, Nadya	550	8	558	7	565	8	573	1	574	15	589
Burgin, Josh	392	1	393	3	396	7	403	0	403	3	406
Volmar, Gwen	248	4	252	4	256	3	259	2	261	3	264
Levy, Ilan	246	3	249	2	251	0	251	13	264	5	269
Benjamin, Ron	242	11	253	1	254	3	257	2	259	2	261
D'Ambrosio, Olivia	216	4	220	2	222	4	226	2	228	3	231
Santos, Jeffrey	147	2	149	4	153	5	158	1	159	9	168
Pillai, Hari	107	2	109	5	114	1	115	0	115	-115	0
Lenke, Dan	54	2	56	0	56	3	59	-59	0	0	0
Moree, Gregg	46	1	47	0	47	-47	0	0	0	0	0
Sutton, Bryan	45	2	47	0	47	-47	0	0	0	0	0
Write-In	21	1	22	0	22	-22	0	0	0	0	0
Exhausted	0	0	0	0	0	20	20	6	26	9	35
Total valid ballots	22524	0	22524	0	22524	0	22524	0	22524	0	22524
Quota = 2253											
Invalid ballots	72										
Total ballots	22596										

2017 Cambridge City Council - Official Results (Nov 17, 2017)

Official Final	Burgin transfer		Musgrave transfer		Okamoto transfer		Gebru transfer		Tierney transfer		Sivongxay transfer		Harding transfer		Toner transfer		Order	Round
Candidate	12th Count		13th Count		14th Count		15th Count		16th Count		17th Count		18th Count		19th Count		Elected	
Simmons, Denise	0	2253	0	2253	0	2253	0	2253	0	2253	0	2253	0	2253	0	2253	1	1st
Siddiqui, Sumbul	0	2253	0	2253	0	2253	0	2253	0	2253	0	2253	0	2253	0	2253	2	1st
McGovern, Marc	38	2090	91	2181	43	2224	29	2253	0	2253	0	2253	0	2253	0	2253	3	15th
Devereux, Jan	40	1919	34	1953	80	2033	74	2107	98	2205	48	2253	0	2253	0	2253	4	17th
Toomey, Tim	22	1801	12	1813	18	1831	31	1862	95	1957	46	2003	250	2253	0	2253	7	18th
Zondervan, Quinton	10	1768	28	1796	67	1863	82	1945	71	2016	237	2253	0	2253	0	2253	5	17th
Mallon, Alanna	29	1511	122	1633	63	1696	130	1826	306	2132	121	2253	0	2253	0	2253	6	17th
Carlone, Dennis	23	1314	18	1332	41	1373	47	1420	60	1480	226	1706	151	1857	234	2091	8	19th
Kelley, Craig	32	1197	28	1225	28	1253	44	1297	89	1386	87	1473	129	1602	397	1999	9	19th
Toner, Paul	30	1082	25	1107	14	1121	32	1153	154	1307	75	1382	121	1503	-1503	0		
Harding, Richard	22	995	21	1016	19	1035	136	1171	73	1244	104	1348	-1348	0	0	0		
Gebru, Sam	24	909	38	947	61	1008	-1008	0	0	0	0	0	0	0	0	0		
Tierney, Sean	31	875	127	1002	38	1040	105	1145	-1145	0	0	0	0	0	0	0		
Sivongxay, Vatsady	7	922	30	952	125	1077	92	1169	53	1222	-1222	0	0	0	0	0		
Musgrave, Adriane	13	639	-639	0	0	0	0	0	0	0	0	0	0	0	0	0		
Okamoto, Nadya	13	679	39	718	-718	0	0	0	0	0	0	0	0	0	0	0		
Burgin, Josh	-441	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Volmar, Gwen	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Levy, Ilan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Benjamin, Ron	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
D'Ambrosio, Olivia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Santos, Jeffrey	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Pillai, Hari	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Lenke, Dan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Moree, Gregg	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Sutton, Bryan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Write-In	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Exhausted	107	317	26	343	121	464	206	670	146	816	278	1094	697	1791	872	2663		
Total valid ballots	0	22524	0	22524	0	22524	0	22524	0	22524	0	22524	0	22524	0	22524		
Quota = 2253		40		229		27		8		22		34		99			gap	
Invalid ballots																		
Total ballots																		

neither Carlone nor Kelley reach Quota

115TH CONGRESS
1ST SESSION

H. R. 3057

To establish the use of ranked choice voting in elections for Representatives in Congress, to require each State with more than one Representative to establish multi-member Congressional districts, to require States to conduct Congressional redistricting through independent commissions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2017

Mr. BEYER (for himself, Mr. RASKIN, and Mr. KHANNA) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the use of ranked choice voting in elections for Representatives in Congress, to require each State with more than one Representative to establish multi-member Congressional districts, to require States to conduct Congressional redistricting through independent commissions, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Fair Representation Act”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
Sec. 2. Finding of Constitutional authority.

TITLE I—RANKED CHOICE VOTING

Sec. 101. Requiring ranked choice voting for election of Representatives.

“Subtitle C—Ranked Choice Voting

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

- “Sec. 321. Requiring ranked choice voting for election of Representatives.
“Sec. 322. Application to District of Columbia and Territories.
“Sec. 323. Treatment of States not holding primary elections prior to date
of general election.

“PART 2—TABULATION PROCESS

- “Sec. 331. Tabulation for single-seat Congressional elections.
“Sec. 332. Tabulation for multi-seat Congressional elections.
“Sec. 333. Exclusion of inactive ballots.
“Sec. 334. Treatment of ties between candidates.

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

- “Sec. 341. Payments to States to implement ranked choice voting.
Sec. 102. Applicability of enforcement provisions of Help America Vote Act of
2002.
Sec. 103. Effective date.

TITLE II—MULTI-MEMBER DISTRICTS

- Sec. 201. Requiring use of multi-member districts in certain States.
Sec. 202. Requiring certain States to elect all Representatives at large.
Sec. 203. Establishing minimum number of candidates in general election.
Sec. 204. Conforming amendments.
Sec. 205. Effective date.

TITLE III—REQUIREMENTS FOR CONGRESSIONAL REDISTRICTING

Subtitle A—General Requirements

- Sec. 301. Limit on Congressional redistricting after an apportionment.
Sec. 302. Requiring Congressional redistricting to be conducted through plan of
independent State commission.

Subtitle B—Independent Redistricting Commissions

- Sec. 311. Independent redistricting commission.
 Sec. 312. Establishment of selection pool of individuals eligible to serve as members of commission.
 Sec. 313. Criteria for redistricting plan by independent commission; public notice and input.
 Sec. 314. Establishment of related entities.

Subtitle C—Role of Courts in Development of Redistricting Plans

- Sec. 321. Enactment of plan developed by 3-judge court.
 Sec. 322. Special rule for redistricting conducted under order of Federal court.

Subtitle D—Administrative and Miscellaneous Provisions

- Sec. 331. Payments to States for carrying out redistricting.
 Sec. 332. Civil enforcement.
 Sec. 333. State apportionment notice defined.

TITLE IV—GENERAL PROVISIONS

- Sec. 401. No effect on elections for State and local office.
 Sec. 402. Severability.
 Sec. 403. Effective date.

1 **SEC. 2. FINDING OF CONSTITUTIONAL AUTHORITY.**

2 Congress finds that it has the authority to establish
 3 the terms and conditions States must follow in carrying
 4 out Congressional redistricting after an apportionment of
 5 Members of the House of Representatives and in admin-
 6 istering elections for the House of Representatives be-
 7 cause—

8 (1) the authority granted to Congress under ar-
 9 ticle I, section 4 of the Constitution of the United
 10 States gives Congress the power to enact laws gov-
 11 erning the time, place, and manner of elections for
 12 Members of the House of Representatives; and

13 (2) the authority granted to Congress under
 14 section 5 of the fourteenth amendment to the Con-
 15 stitution gives Congress the power to enact laws to

1 enforce section 2 of such amendment, which requires
2 Representatives to be apportioned among the several
3 States according to their number.

4 **TITLE I—RANKED CHOICE**
5 **VOTING**

6 **SEC. 101. REQUIRING RANKED CHOICE VOTING FOR ELEC-**
7 **TION OF REPRESENTATIVES.**

8 (a) IN GENERAL.—Title III of the Help America
9 Vote Act of 2001 (52 U.S.C. 21081 et seq.) is amended
10 by adding at the end the following new subtitle:

11 **“Subtitle C—Ranked Choice Voting**
12 **“PART 1—REQUIRING RANKED CHOICE VOTING**
13 **FOR ELECTION OF REPRESENTATIVES**

14 **“SEC. 321. REQUIRING RANKED CHOICE VOTING FOR ELEC-**
15 **TION OF REPRESENTATIVES.**

16 “(a) RANKED CHOICE VOTING.—Each State shall
17 carry out elections for the office of Representative in Con-
18 gress, including primary, special, and runoff elections for
19 such office, using a system of ranked choice voting under
20 which each voter shall rank the candidates for the office
21 in the order of the voter’s preference, in accordance with
22 this title.

23 “(b) BALLOT DESIGN.—Each State shall ensure that
24 the ballot used in an election carried out using a system

1 of ranked choice voting under this title meets each of the
2 following requirements:

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

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

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

18 **“SEC. 322. APPLICATION TO DISTRICT OF COLUMBIA AND**
19 **TERRITORIES.**

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

24 “(b) APPLICATION TO NORTHERN MARIANA IS-
25 LANDS.—This subtitle shall apply with respect to the

1 Commonwealth of the Northern Mariana Islands in the
2 same manner as this subtitle applies to a State.

3 **“SEC. 323. TREATMENT OF STATES NOT HOLDING PRIMARY**
4 **ELECTIONS PRIOR TO DATE OF GENERAL**
5 **ELECTION.**

6 “Nothing in this title shall be construed to require
7 a State to hold a primary election for the office of Rep-
8 resentative in Congress prior to the date established under
9 section 25 of the Revised Statutes of the United States
10 (2 U.S.C. 7) for the regularly scheduled general election
11 for such office, so long as the determination of the can-
12 didates who are elected to such office is based solely on
13 the votes cast with respect to the election held on such
14 date, as determined in accordance with the system of
15 ranked choice voting under this title.

16 **“PART 2—TABULATION PROCESS**

17 **“SEC. 331. TABULATION FOR SINGLE-SEAT CONGRES-**
18 **SIONAL ELECTIONS.**

19 “(a) IN GENERAL.—

20 “(1) DETERMINATION OF CANDIDATE’S NUM-
21 BER OF VOTES.—In a single-seat election, the num-
22 ber of votes received by a candidate shall be equal
23 to the sum of—

1 “(A) the number of ballots cast in the elec-
2 tion on which the candidate was the highest-
3 ranked candidate; and

4 “(B) the number of votes transferred to
5 the candidate under subsection (b)(2).

6 “(2) CRITERIA FOR ELECTION.—In the case of
7 a single-seat election, a candidate shall be elected to
8 the office of Representative in Congress (or, in the
9 case of a primary election, shall advance to the gen-
10 eral election for such office as provided under the
11 law of the State involved) if—

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

15 “(B) if the election official carries out an
16 additional round of tabulation under subsection
17 (b), the candidate receives the greatest number
18 of votes of the 2 remaining continuing can-
19 didates (as described in such subsection).

20 “(b) PROCESS IN CASE NO CANDIDATE ELECTED
21 UNDER INITIAL TABULATION.—

22 “(1) ADDITIONAL ROUNDS OF TABULATION.—
23 If, under the initial tabulation of ballots in a single-
24 seat election, no candidate is elected to office (or, in
25 the case of a primary election, no candidate ad-

1 vances to the general election for such office) under
2 the criteria described in subsection (a)(2)(A), the
3 election official shall carry out additional rounds of
4 tabulation in accordance with paragraph (2) until
5 only 2 continuing candidates remain.

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

9 “(A) the candidate receiving the fewest
10 number of votes among all candidates (or, in
11 the case of a State which applies batch elimi-
12 nation under paragraph (3), each candidate in
13 the batch elimination group) shall be treated as
14 a defeated candidate;

15 “(B) for each ballot cast for a defeated
16 candidate, the election official shall determine
17 the highest-ranked candidate on the ballot who
18 is a continuing candidate; and

19 “(C) the vote cast on the ballot shall be
20 transferred to, and added to the total number
21 of votes received by, the highest-ranked con-
22 tinuing candidate determined under subpara-
23 graph (B).

24 “(3) PERMITTING STATE TO USE BATCH ELIMI-
25 NATION TO DETERMINE MULTIPLE DEFEATED CAN-

1 DIDATES.—At the option of the State, with respect
2 to any additional round of tabulation carried out
3 under this subsection, a State may use batch elimi-
4 nation to treat multiple candidates as defeated can-
5 didates for purposes of paragraph (2) if such can-
6 didates may be placed in a batch elimination group
7 described as follows:

8 “(A) If a candidate is in the group, the
9 group includes each candidate who has received
10 a total number of votes which is less than or
11 equal to the total number of votes received by
12 the candidate.

13 “(B) The total number of votes received by
14 all candidates in the group is less than the
15 number of votes received by any candidate who
16 is not in the group.

17 “(C) At least 2 candidates are not in the
18 group.

19 “(c) DEFINITIONS.—In this section—

20 “(1) the term ‘continuing candidate’ means,
21 with respect to an additional round of tabulation
22 conducted under subsection (b), a candidate who is
23 not treated as a defeated candidate during the tab-
24 ulation of ballots under this section; and

25 “(2) the term ‘single-seat election’ means—

1 “(A) a general election in which one Rep-
2 resentative shall be elected; or

3 “(B) a primary election in which one can-
4 didate shall advance to the general election.

5 **“SEC. 332. TABULATION FOR MULTI-SEAT CONGRESSIONAL**
6 **ELECTIONS.**

7 “(a) IN GENERAL.—

8 “(1) DETERMINATION OF CANDIDATE’S NUM-
9 BER OF VOTES.—In the case of a multi-seat election,
10 the number of votes received by a candidate shall be
11 equal to the sum of—

12 “(A) the number of ballots cast in the elec-
13 tion on which the candidate was the highest-
14 ranked candidate, based on the initial tabula-
15 tion of ballots; and

16 “(B) the number of votes transferred and
17 added with respect to the candidate under sub-
18 section (b).

19 “(2) CRITERIA FOR ELECTION.—In the case of
20 a multi-seat election, a candidate shall be considered
21 to be a winning candidate and shall be elected to one
22 of the offices of Representative in the Congressional
23 district (or, in the case of a primary election, shall
24 advance to the general election for such offices as
25 provided under the law of the State involved) if—

1 “(A) the candidate receives a number of
2 votes greater than the multi-seat election
3 threshold, as determined under this section; or

4 “(B) the candidate is a continuing can-
5 didate and the total number of winning and
6 continuing candidates is equal to or less than
7 the required number of winning candidates with
8 respect to the election.

9 “(b) PROCESS IN CASE OF INSUFFICIENT NUMBER
10 OF WINNING CANDIDATES.—

11 “(1) ADDITIONAL ROUNDS OF TABULATION.—

12 “(A) IN GENERAL.—If under the initial
13 tabulation of ballots in a multi-seat election, the
14 number of winning candidates is less than the
15 required number of winning candidates with re-
16 spect to the election and there is at least one
17 continuing candidate, the election official shall
18 carry out additional rounds of tabulation in ac-
19 cordance with this subsection until the number
20 of winning candidates is equal to such required
21 number of winning candidates.

22 “(B) ADDITIONAL ROUNDS DESCRIBED.—
23 The additional rounds of tabulation under this
24 subsection are as follows:

1 “(i) Surplus vote tabulation rounds
2 under which surplus votes cast for winning
3 candidates are transferred to other can-
4 didates, as described in paragraph (2).

5 “(ii) Candidate elimination rounds
6 under which votes cast for defeated can-
7 didates are transferred to other candidates,
8 as described in paragraph (3).

9 “(2) SURPLUS VOTE TABULATION ROUNDS.—

10 “(A) TRANSFER OF PERCENTAGE OF WIN-
11 NING CANDIDATE’S VOTES TO NEXT-HIGHEST
12 RANKED CANDIDATE.—Under a surplus vote
13 tabulation round carried out under this para-
14 graph, the election official shall transfer to, and
15 add to the total number of votes received by,
16 each continuing candidate a number of votes
17 equal to the product of—

18 “(i) the surplus vote allocation per-
19 centage for the winning candidate who has
20 received the greatest number of votes as of
21 the beginning of the surplus vote tabula-
22 tion round (as determined under subpara-
23 graph (B)), excluding any candidate from
24 whom surplus votes have been transferred

1 in any previous surplus vote tabulation
2 round under this paragraph; and

3 “(ii) the number of ballots cast for
4 such winning candidate on which such con-
5 tinuing candidate was the highest-ranked
6 continuing candidate, as determined by the
7 election official.

8 “(B) DETERMINATION OF NUMBER OF
9 VOTES RECEIVED BY CANDIDATE AS OF BEGIN-
10 NING OF ROUND.—For purposes of clause (i) of
11 subparagraph (A), the number of votes received
12 by a candidate as of the beginning of a surplus
13 vote tabulation round under this paragraph
14 shall be determined by taking into account—

15 “(i) the transfer of surplus votes to
16 the candidate in a previous surplus tabula-
17 tion round under this paragraph (if any),
18 and

19 “(ii) the transfer of votes to the can-
20 didate in a candidate elimination round
21 carried out under paragraph (3) (if any).

22 “(C) ONE-TIME TRANSFER.—After trans-
23 ferring votes cast with respect to a winning
24 candidate during a surplus vote tabulation
25 round under this paragraph, the election official

1 may not make any subsequent transfer of any
2 of such candidate's votes during any subsequent
3 surplus vote tabulation round under this para-
4 graph.

5 “(D) SURPLUS VOTE ALLOCATION PER-
6 CENTAGE DEFINED.—In this paragraph, the
7 term ‘surplus vote percentage’ means, with re-
8 spect to a winning candidate, an amount (ex-
9 pressed as a percentage) equal to—

10 “(i) the difference between the total
11 number of votes received by the candidate,
12 as determined under subsection (a)(1), and
13 the multi-seat election threshold; divided
14 by

15 “(ii) the total number of votes re-
16 ceived by the candidate, as determined
17 under subsection (a)(1),
18 rounded to 4 decimal places.

19 “(3) CANDIDATE ELIMINATION ROUNDS.—

20 “(A) TRANSFER OF VOTES CAST FOR
21 ELIMINATED CANDIDATES.—Subject to sub-
22 paragraph (C), the election official shall carry
23 out candidate elimination rounds under this
24 paragraph as follows:

1 “(i) The candidate receiving the few-
2 est number of votes among all candidates
3 as of the beginning of the round, after tak-
4 ing into account the transfer of surplus
5 votes in any surplus vote tabulation round
6 carried out under paragraph (2) and the
7 transfer of votes cast for defeated can-
8 didates under any previous candidate elimi-
9 nation round carried out under this para-
10 graph (or, in the case of a State which ap-
11 plies batch elimination under subparagraph
12 (B), each candidate in the batch elimi-
13 nation group), shall be treated as a de-
14 feated candidate.

15 “(ii) For each ballot cast for a de-
16 feated candidate, the election official shall
17 determine the highest-ranked candidate on
18 the ballot who is a continuing candidate.

19 “(iii) The vote cast on the ballot shall
20 be transferred to, and added to the total
21 number of votes received by, the highest-
22 ranked continuing candidate determined
23 under clause (ii).

24 “(B) PERMITTING STATE TO USE BATCH
25 ELIMINATION TO DETERMINE MULTIPLE DE-

1 FEATED CANDIDATES.—At the option of the
2 State, with respect to any candidate elimination
3 round carried out under this subsection, a State
4 may use batch elimination to treat multiple can-
5 didates as defeated candidates for purposes of
6 subparagraph (A) if such candidates may be
7 placed in a batch elimination group described as
8 follows:

9 “(i) If a candidate is in the group, the
10 group includes each continuing candidate
11 who has received a total number of votes
12 (after taking into account the transfer of
13 surplus votes in any surplus vote tabula-
14 tion round carried out under paragraph (2)
15 and the transfer of votes cast for defeated
16 candidates under any previous candidate
17 elimination round carried out under this
18 paragraph) which is less than or equal to
19 the total number of votes received by the
20 candidate (after taking into account such
21 transfer).

22 “(ii) The total number of votes re-
23 ceived by all candidates in the group (after
24 taking into account such transfers of
25 votes) is less than the number of votes re-

1 ceived by any other continuing candidate
2 (after taking into account such transfer).

3 “(iii) The total number of votes re-
4 ceived by all candidates in the group (after
5 taking into account such transfers of
6 votes) is less than the multi-seat election
7 threshold.

8 “(iv) The number of continuing can-
9 didates who are not in the group is equal
10 to or greater than the difference between
11 the number of candidates who have been
12 elected to office under the criteria de-
13 scribed in subsection (a)(2) and the num-
14 ber of Representatives to be elected from
15 the district.

16 “(C) CANDIDATE ELIMINATION ROUND
17 PERMITTED ONLY IF NO SURPLUS VOTE TAB-
18 ULATION ROUND POSSIBLE.—The election offi-
19 cial may not carry out a candidate elimination
20 round under this paragraph unless, as of the
21 beginning of the candidate elimination round,
22 there are no winning candidates from whom
23 surplus votes may be transferred under a sur-
24 plus vote tabulation round under paragraph (2).

25 “(c) OTHER DEFINITIONS.—In this section—

1 “(1) the term ‘continuing candidate’ means,
2 with respect to an additional round of tabulation
3 conducted under subsection (b), a candidate who is
4 neither a winning candidate nor a candidate who is
5 treated as a defeated candidate under such sub-
6 section during the tabulation of ballots under this
7 section;

8 “(2) the ‘required number of winning can-
9 didates’ with respect to an election means—

10 “(A) in the case of a general election, the
11 number of Representatives to be elected in the
12 Congressional district involved, or

13 “(B) in the case of a primary election, the
14 number of candidates required to advance to
15 the general election for the offices of Represent-
16 atives as provided under the law of the State
17 involved;

18 “(3) the term ‘multi-seat election’ means—

19 “(A) a general election in which more than
20 one Representative shall be elected, or

21 “(B) a primary election in which more
22 than one candidate shall advance to the general
23 election (without regard to the number of Rep-
24 resentatives who shall be elected in that general
25 election);

1 “(4) the term ‘multi-seat election threshold’
2 means, with respect to an election, an amount equal
3 to—

4 “(A) the number of ballots cast in the elec-
5 tion; divided by

6 “(B) the sum of one plus the required
7 number of winning candidates required with re-
8 spect to the election,
9 rounded up to 4 decimal places; and

10 “(5) the term ‘winning candidate’ means a can-
11 didate who was elected to office (or, in the case of
12 a primary election, who advanced to the general elec-
13 tion for such office as provided under the law of the
14 State involved) under the criteria described in sub-
15 section (a)(2) at any time during the tabulation of
16 ballots under this section.

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

18 “(a) INITIAL TABULATION.—In the initial tabulation
19 of ballots under section 331 or section 332, a ballot shall
20 be treated as an inactive ballot, and no vote on the ballot
21 shall be counted for any candidate, if—

22 “(1) the voter does not rank any candidates on
23 the ballot in order of preference;

24 “(2) the voter ranks more than one candidate
25 at the highest order of preference; or

1 “(3) the voter skips two consecutive numerical
2 rankings prior to the numerical ranking for the can-
3 didate the voter ranks at the highest order of pref-
4 erence.

5 “(b) ADDITIONAL ROUNDS OF TABULATION.—

6 “(1) SINGLE-SEAT ELECTIONS.—In any addi-
7 tional round of tabulation conducted with respect to
8 a single-seat election under section 331(b), if a vote
9 cast for a defeated candidate is cast on an inactive
10 ballot, no vote on the ballot may be transferred to
11 a continuing candidate under section 331(b).

12 “(2) MULTI-SEAT ELECTIONS.—In any addi-
13 tional round of tabulation conducted with respect to
14 a multi-seat election under section 332(b)—

15 “(A) if a vote cast for the winning can-
16 didate is cast on an inactive ballot, no portion
17 of the surplus vote on such ballot may be trans-
18 ferred to a continuing candidate under any sur-
19 plus vote tabulation round described in para-
20 graph (2) of section 332(b); and

21 “(B) if a vote cast for a defeated candidate
22 is cast on an inactive ballot, the vote may not
23 be transferred to any continuing candidate
24 under any candidate elimination round de-
25 scribed in paragraph (3) of section 332(b).

1 “(3) INACTIVE BALLOT DEFINED.—In this sub-
2 section, the term ‘inactive ballot’ means, with re-
3 spect to an additional round of tabulation under sec-
4 tion 331 or section 332—

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

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

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

15 **“SEC. 334. TREATMENT OF TIES BETWEEN CANDIDATES.**

16 “(a) ESTABLISHMENT OF RANDOM SELECTION AL-
17 GORITHM.—For each election for Representative in Con-
18 gress, the appropriate election official shall establish and
19 publish a random selection algorithm prior to the tabula-
20 tion of ballots under section 331 and section 332.

21 “(b) DESIGNATION OF WINNING CANDIDATE.—If a
22 tie occurs between candidates with the greatest number
23 of votes or the fewest number of votes at any point in
24 the tabulation of ballots under section 331 or section 332
25 and the tabulation cannot proceed until the tie is resolved,

1 the candidate whose name is selected pursuant to the ran-
2 dom selection algorithm established for that round under
3 subsection (a) shall be considered to have the greatest
4 number of votes among such candidates.

5 **“PART 3—PAYMENTS TO STATES TO IMPLEMENT**
6 **RANKED CHOICE VOTING**

7 **“SEC. 341. PAYMENTS TO STATES TO IMPLEMENT RANKED**
8 **CHOICE VOTING.**

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

12 “(1) in the case of the District of Columbia, the
13 Commonwealth of Puerto Rico, American Samoa,
14 Guam, the United States Virgin Islands, and the
15 Commonwealth of the Northern Mariana Islands,
16 \$1,500,000; or

17 “(2) in the case of any other State, the sum of
18 \$1,000,000 and the product of—

19 “(A) the number of Representatives to
20 which the State is entitled under the reappor-
21 tionment of Representatives resulting from the
22 regular decennial census conducted during
23 2020; and

24 “(B) \$500,000.

1 “(b) USE OF FUNDS.—A State shall use the payment
2 made under subsection (a) to implement ranked choice
3 voting under this subtitle and to otherwise carry out elec-
4 tions for Federal office in the State.

5 “(c) NO EFFECT ON REQUIREMENTS PAYMENTS.—
6 The receipt or use of the payment made under this section
7 shall not effect a State’s eligibility for or use of a require-
8 ments payment made under part 1 of subtitle D of title
9 II.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated such sums as may be
12 necessary for payments under this section.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 of such Act is amended by adding at the end of the item
15 relating to title III the following:

“Subtitle C—Ranked Choice Voting

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

“Sec. 321. Requiring ranked choice voting for election of Representatives.

“Sec. 322. Application to District of Columbia and Territories.

“Sec. 323. Treatment of States not holding primary elections prior to date of
general election.

“PART 2—TABULATION PROCESS

“Sec. 331. Tabulation for single-seat Congressional elections.

“Sec. 332. Tabulation for multi-seat Congressional elections.

“Sec. 333. Exclusion of exhausted ballots.

“Sec. 334. Treatment of ties between candidates.

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

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