

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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 SENATE OF THE UNITED STATES

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Mr. WELCH introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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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  
9 terms and conditions States must follow in administering  
10 elections for the offices of Senators and Representatives

1 in Congress because the authority granted to Congress  
2 under section 4 of article I of the Constitution of the  
3 United States gives Congress the power to enact laws gov-  
4 erning the time, place, and manner of elections for such  
5 offices.

6 **SEC. 2. REQUIRING RANKED CHOICE VOTING FOR ELEC-**  
7 **TION OF SENATORS AND REPRESENTATIVES.**

8 (a) IN GENERAL.—Title III of the Help America  
9 Vote Act of 2002 (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 SENATORS AND REP-**  
14 **RESENTATIVES**

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

17 “(a) RANKED CHOICE VOTING.—Each State shall  
18 carry out elections for the office of Senator and the office  
19 of Representative in Congress, including primary, special,  
20 and general elections for such office, using ranked choice  
21 voting, a system under which each voter may rank the can-  
22 didates for the office in the order of the voter’s preference,  
23 and ballots are tabulated, in accordance with this title.

24 “(b) BALLOT DESIGN.—

1           “(1) IN GENERAL.—Each State shall ensure  
2           that the ballot used in a ranked choice voting elec-  
3           tion under this subtitle meets each of the following  
4           requirements:

5                   “(A) The ballot shall allow voters to rank  
6                   candidates in order of choice.

7                   “(B) The number of candidates whom a  
8                   voter may rank in the election, as determined  
9                   under paragraph (2), shall be uniform for all  
10                  voters in the election within the State.

11                  “(C) The ballot shall include all qualified  
12                  candidates for the election and (to the extent  
13                  permitted under State law) options for voters to  
14                  select write-in candidates.

15                  “(D) The ballot shall include such instruc-  
16                  tions as necessary to accurately inform the  
17                  voter how to properly rank candidates and suc-  
18                  cessfully cast the ballot under the system.

19           “(2) DETERMINATION OF NUMBER OF CAN-  
20           DIDATES VOTER MAY RANK.—The ballot shall permit  
21           voters to rank at least five candidates or the number  
22           of candidates in the election, including write-in can-  
23           didates (to the extent permitted under State law),  
24           whichever is fewer.

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

2 “(a) PRIMARY ELECTIONS.—No State may hold a  
3 separate runoff primary election for the office of Senator  
4 or the office of Representative in Congress after the date  
5 established under State law for the primary election for  
6 such office.

7 “(b) GENERAL ELECTIONS.—No State may hold a  
8 separate runoff general election for the office of Senator  
9 or the office of Representative in Congress after the date  
10 established under section 25 of the Revised Statutes of  
11 the United States (2 U.S.C. 7) for the regularly scheduled  
12 general election for such office.

13 “(c) SPECIAL ELECTIONS.—No State may hold a  
14 separate runoff special election for the office of Senator  
15 or the office of Representative in Congress after the date  
16 established under State law for such special election for  
17 such office.

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

19 “(a) CONDITIONS FOR HOLDING NONPARTISAN  
20 BLANKET PRIMARY ELECTIONS.—A State may hold a  
21 nonpartisan blanket primary election for the office of Sen-  
22 ator or the office of Representative in Congress only if  
23 State law provides that at least 3 candidates advance to  
24 the subsequent general election.

25 “(b) RULE OF CONSTRUCTION.—Nothing in this title  
26 shall be construed to require a State to hold a primary

1 election for the office of Senator or the office of Represent-  
2 ative in Congress prior to the date established under sec-  
3 tion 25 of the Revised Statutes of the United States (2  
4 U.S.C. 7) for the regularly scheduled general election for  
5 such office, so long as the determination of the candidates  
6 who are elected to such office is based solely on the votes  
7 cast with respect to the election held on such date, as de-  
8 termined in accordance with the system of ranked choice  
9 voting under this title.

10 **“SEC. 324. APPLICATION TO DISTRICT OF COLUMBIA AND**  
11 **TERRITORIES.**

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

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

20 **“PART 2—TABULATION PROCESS**

21 **“SEC. 331. TABULATION PROCESS.**

22 “Except as provided in section 332, tabulation shall  
23 proceed in the following manner:

24 “(1) PROCESS FOR TABULATION.—Each ballot  
25 cast in the election shall count as one vote for the

1 highest-ranked active candidate on the ballot. Tab-  
2 ulation shall proceed in rounds as described in para-  
3 graphs (2) and (3).

4 “(2) ELIMINATION OF CANDIDATES DURING  
5 TABULATION.—If there are more than 2 active can-  
6 didates in a round of tabulation, the active candidate  
7 with the fewest votes is eliminated, each vote cast on  
8 a ballot for the eliminated candidate shall be count-  
9 ed for the next-ranked active candidate on the ballot,  
10 and a new round shall begin.

11 “(3) COMPLETION OF TABULATION; ELECTION  
12 OF CANDIDATE.—When there are two or fewer active  
13 candidates—

14 “(A) tabulation is complete; and

15 “(B) the candidate receiving the greatest  
16 number of votes shall be elected to the office of  
17 Senator or Representative in Congress (or, in  
18 the case of a primary election, shall advance to  
19 the general election for such office as provided  
20 under the law of the State involved).

21 “(4) TREATMENT OF CERTAIN BALLOTS.—

22 “(A) TREATMENT OF UNDERVOTES.—

23 “(i) IN GENERAL.—A ballot which is  
24 an undervote shall not be counted in any

1 round of tabulation of ballots in an election  
2 under this section.

3 “(ii) UNDERVOTE DEFINED.—For  
4 purposes of this subparagraph, an  
5 ‘undervote’ is a ballot for which the voter  
6 does not rank any of the candidates in the  
7 election.

8 “(B) TREATMENT OF INACTIVE BAL-  
9 LOTS.—

10 “(i) IN GENERAL.—A ballot which be-  
11 comes an inactive ballot shall no longer  
12 count for any candidate for the remainder  
13 of the tabulation of ballots in an election  
14 under this section after the ballot becomes  
15 inactive.

16 “(ii) INACTIVE BALLOT DEFINED.—  
17 For purposes of this paragraph, an ‘inac-  
18 tive ballot’ is a ballot on which—

19 “(I) all of the ranked candidates  
20 on the ballot have become inactive; or

21 “(II) the voter ranks more than  
22 one candidate at the same ranking  
23 and all candidates at a higher ranking  
24 have become inactive.

1                   “(C) TREATMENT OF SKIPPED OR RE-  
2                   PEATED RANKINGS.—

3                   “(i) IN GENERAL.—A ballot which in-  
4                   cludes any skipped or repeated ranking  
5                   shall remain active and continue to be  
6                   counted for the highest ranked active can-  
7                   didate in an election under this section.

8                   “(ii) SKIPPED AND REPEATED  
9                   RANKINGS DEFINED.—For purposes of this  
10                  paragraph—

11                  “(I) a ‘skipped ranking’ is a  
12                  ranking a voter does not assign to any  
13                  candidate while assigning a subse-  
14                  quent ranking to a candidate; and

15                  “(II) a ‘repeated ranking’ is a  
16                  ranking for which the voter has as-  
17                  signed the same candidate that the  
18                  voter assigned to another ranking.

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

21                  “In the case of a nonpartisan blanket primary elec-  
22                  tion, tabulation shall proceed in the following manner:

23                  “(1) PROCESS FOR TABULATION.—In the case  
24                  of a nonpartisan primary election—



1           “(A) each ballot cast in the election shall  
2           count as one vote for the highest ranked active  
3           candidate on that ballot; and

4           “(B) tabulation shall proceed in rounds as  
5           described in paragraphs (2) and (3).

6           “(2) ELIMINATION OF CANDIDATES DURING  
7           TABULATION.—If the number of active candidates is  
8           greater than the number of candidates to be ad-  
9           vanced to the general election, as provided under the  
10          law of the State involved, the active candidate with  
11          the fewest votes is eliminated, and votes for the  
12          eliminated candidate are counted for each ballot’s  
13          next-ranked active candidate.

14          “(3) COMPLETION OF TABULATION; ADVANCING  
15          OF CANDIDATES.—When the total number of active  
16          candidates is equal to or less than the number of  
17          candidates to be advanced to the general election, as  
18          provided under the law of the State involved—

19                 “(A) tabulation is complete; and

20                 “(B) all active candidates shall advance to  
21          the general election for such office.

22   **“SEC. 333. TREATMENT OF TIES BETWEEN CANDIDATES.**

23          “(a) RESOLUTION BY LOT.—If a tie occurs between  
24          candidates with the greatest number of votes or the fewest  
25          number of votes at any point in the tabulation of ballots



1 under section 331 or section 332 contained the highest  
2 number of votes for that candidate.

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

5 **“SEC. 341. PAYMENTS TO STATES TO IMPLEMENT RANKED**  
6 **CHOICE VOTING.**

7 “(a) PAYMENTS DESCRIBED.—

8 “(1) PAYMENTS.—Not later than June 1, 2025,  
9 the Commission shall make a payment to each State  
10 in the amount determined with respect to the State  
11 under paragraph (2).

12 “(2) AMOUNT DETERMINED ON BASIS OF NUM-  
13 BER OF REGISTERED VOTERS.—

14 “(A) IN GENERAL.—The amount deter-  
15 mined under this paragraph is the product of—

16 “(i) the number of individuals reg-  
17 istered to vote in elections for Federal of-  
18 fice in the State, based on the most re-  
19 cently available information on voter reg-  
20 istration in the State, as provided to the  
21 Commission by the State; and

22 “(ii) the per capita amount estab-  
23 lished by the Commission under subpara-  
24 graph (B).

1           “(B) PER CAPITA AMOUNT.—For purposes  
2 of this paragraph, the Commission shall estab-  
3 lish a separate, appropriate per capita payment  
4 amount for each State that may be not less  
5 than \$4 and not more than \$8, taking into ac-  
6 count any reasonable demonstrated or esti-  
7 mated costs associated with the use of ranked  
8 choice voting, including costs related to—

- 9                   “(i) voting equipment updates;  
10                   “(ii) election software updates or li-  
11 censes;  
12                   “(iii) voting system programming;  
13                   “(iv) ballot design and printing;  
14                   “(v) election official and poll worker  
15 training;  
16                   “(vi) processing, canvassing, cen-  
17 tralization, and tabulation;  
18                   “(vii) reporting and displaying pre-  
19 liminary and final election results;  
20                   “(viii) post-election audits and re-  
21 counts; and  
22                   “(ix) voter information, education,  
23 and engagement.

24           “(b) USE OF FUNDS.—A State shall use the payment  
25 made under subsection (a) to implement ranked choice

1 voting under this subtitle, including educating voters  
2 about ranked choice voting.

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

6 **“PART 4—CIVIL ENFORCEMENT**

7 **“SEC. 351. CIVIL ENFORCEMENT.**

8 “(a) CIVIL ENFORCEMENT.—

9 “(1) ACTIONS BY ATTORNEY GENERAL.—The  
10 Attorney General may bring a civil action for such  
11 relief as may be appropriate to carry out this sub-  
12 title.

13 “(2) AVAILABILITY OF PRIVATE RIGHT OF AC-  
14 TION.—

15 “(A) IN GENERAL.—Any person residing  
16 or domiciled in a State who is aggrieved by the  
17 failure of the State to meet the requirements of  
18 this subtitle may bring a civil action in the  
19 United States district court for the applicable  
20 venue for such relief as may be appropriate to  
21 remedy the failure.

22 “(B) NO AWARDING OF DAMAGES TO PRE-  
23 VAILING PARTY.—Except for an award of attor-  
24 ney’s fees under subsection (d), a court in a  
25 civil action under this subtitle shall not award

1           the prevailing party any monetary damages,  
2           compensatory, punitive, or otherwise.

3           “(3) DELIVERY OF COMPLAINT TO HOUSE AND  
4           SENATE.—In any action brought under this subtitle,  
5           a copy of the complaint shall be delivered promptly  
6           to the Clerk of the House of Representatives and the  
7           Secretary of the Senate.

8           “(4) EXCLUSIVE JURISDICTION AND APPLICA-  
9           BLE VENUE.—The district courts of the United  
10          States shall have exclusive jurisdiction to hear and  
11          determine claims arising under this subtitle. The ap-  
12          plicable venue for such an action shall be the United  
13          States District Court for the District of Columbia or  
14          the judicial district in which the capital of the State  
15          is located, as selected by the person bringing the ac-  
16          tion. In a civil action that includes a claim under  
17          this subtitle, with respect to an election for the office  
18          of Senator or the office of Representative in Con-  
19          gress held in a State, the United States District  
20          Court for the District of Columbia shall have juris-  
21          diction over any defendant who has been served in  
22          any United States judicial district in which the de-  
23          fendant resides, is found, or has an agent, or in the  
24          United States judicial district in which the capital of  
25          the State is located. Process may be served in any

1 United States judicial district where a defendant re-  
2 sides, is found, or has an agent, or in the United  
3 States judicial district in which the capital of the  
4 State is located.

5 “(5) USE OF 3-JUDGE COURT.—Any action  
6 arising under this subtitle shall be heard by a 3-  
7 judge district court convened pursuant to section  
8 2284 of title 28, United States Code.

9 “(6) REVIEW OF FINAL DECISION.—A final de-  
10 cision in an action brought under this section shall  
11 be reviewable on appeal by the United States Court  
12 of Appeals for the District of Columbia Circuit,  
13 which shall hear the matter sitting en banc. There  
14 shall be no right of appeal in such proceedings to  
15 any other court of appeals. Such appeal shall be  
16 taken by the filing of a notice of appeal within 10  
17 days of the entry of the final decision. A final deci-  
18 sion by the Court of Appeals may be reviewed by the  
19 Supreme Court of the United States by writ of cer-  
20 tiorari.

21 “(b) EXPEDITED CONSIDERATION.—In any action  
22 brought under this section, it shall be the duty of the dis-  
23 trict court, the United States Court of Appeals for the  
24 District of Columbia Circuit, and the Supreme Court of  
25 the United States (if it chooses to hear the action) to ad-

1 vance on the docket and to expedite to the greatest pos-  
2 sible extent the disposition of the action and appeal.

3 “(c) SPECIAL RULE IN CASE FINAL ADJUDICATION  
4 NOT EXPECTED WITHIN 3 MONTHS OF ELECTION.—

5 “(1) DUTY OF COURT.—If final adjudication of  
6 an action under this subtitle is not reasonably ex-  
7 pected to be completed at least 3 months prior to  
8 the next regularly scheduled primary election for the  
9 office of Senator or the office of Representative in  
10 Congress in the State, the district court shall order  
11 adjustments to the timing of the primary election  
12 and other related deadlines, as needed, to allow suf-  
13 ficient opportunity for adjudication of the matter in  
14 time for the next regularly scheduled general election  
15 for such office in the State.

16 “(2) PROHIBITING FAILURE TO ACT ON  
17 GROUNDS OF PENDENCY OF ELECTION.—The court  
18 may not refuse to take any action described in para-  
19 graph (1) on the grounds of the pendency of the  
20 next election held in the State or the potential for  
21 disruption, confusion, or additional burdens with re-  
22 spect to the administration of the election in the  
23 State.

24 “(d) ATTORNEY’S FEES.—In a civil action under this  
25 section, the court may allow the prevailing party (other



1 than the United States) reasonable attorney fees, includ-  
2 ing litigation expenses, and costs.

3 “(e) RELATION TO OTHER LAWS.—

4 “(1) RIGHTS AND REMEDIES ADDITIONAL TO  
5 OTHER RIGHTS AND REMEDIES.—The rights and  
6 remedies established by this section are in addition  
7 to all other rights and remedies provided by law, and  
8 neither the rights and remedies established by this  
9 section nor any other provision of this title shall su-  
10 percede, restrict, or limit the application of the Vot-  
11 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

12 “(2) VOTING RIGHTS ACT OF 1965.—Nothing in  
13 this title authorizes or requires conduct that is pro-  
14 hibited by the Voting Rights Act of 1965 (52 U.S.C.  
15 10301 et seq.).

16 “(f) LEGISLATIVE PRIVILEGE.—No person, legisla-  
17 ture, or State may claim legislative privilege under either  
18 State or Federal law in a civil action brought under this  
19 section or in any other legal challenge, under either State  
20 or Federal law, to laws and procedures enacted under this  
21 subtitle.

22 “(g) REMOVAL.—

23 “(1) IN GENERAL.—At any time, a civil action  
24 brought in a State court which asserts a claim for  
25 which the district courts of the United States have

1 exclusive jurisdiction under this subtitle may be re-  
2 moved by any party in the case, including an inter-  
3 venor, by filing, in the district court for an applica-  
4 ble venue under this section, a notice of removal  
5 signed pursuant to Rule 11 of the Federal Rules of  
6 Civil Procedure containing a short and plain state-  
7 ment of the grounds for removal. Consent of parties  
8 shall not be required for removal.

9 “(2) CLAIMS NOT WITHIN THE ORIGINAL OR  
10 SUPPLEMENTAL JURISDICTION.—If a civil action re-  
11 moved in accordance with paragraph (1) contains  
12 claims not within the original or supplemental juris-  
13 diction of the district court, the district court shall  
14 sever all such claims and remand them to the State  
15 court from which the action was removed.

## 16 “PART 5—DEFINITIONS

### 17 “SEC. 361. DEFINITIONS.

18 “In this subtitle, the following definitions apply:

19 “(1) ACTIVE CANDIDATE.—The term ‘active  
20 candidate’ means, with respect to any round of tab-  
21 ulation under this subtitle, a candidate who has not  
22 been eliminated, and who is not a withdrawn can-  
23 didate.

24 “(2) HIGHEST-RANKED ACTIVE CANDIDATE.—  
25 The term ‘highest-ranked active candidate’ means

1 the active candidate assigned to a higher ranking  
2 than any other active candidate.

3 “(3) NONPARTISAN BLANKET PRIMARY ELEC-  
4 TION.—The term ‘nonpartisan blanket primary elec-  
5 tion’ means a single, open primary election for the  
6 office of Senator or the office of Representative in  
7 Congress in which all candidates for the office are  
8 listed on the same primary election ballot, regardless  
9 of political party affiliation.

10 “(4) RANKING.—The term ‘ranking’ means the  
11 number available to be assigned by a voter to a can-  
12 didate to express the voter’s choice for that can-  
13 didate, with ‘1’ as the highest ranking and each suc-  
14 ceeding positive number as the next highest ranking.

15 “(5) WITHDRAWN CANDIDATE.—The term  
16 ‘withdrawn candidate’ means a candidate who, prior  
17 to the date of the election, files or has an authorized  
18 designee file a signed letter of withdrawal from the  
19 election, in accordance with such rules as the chief  
20 election official of the State may establish.”.

21 (b) CONFORMING AMENDMENT RELATING TO APPLI-  
22 CABILITY OF ENFORCEMENT PROVISIONS.—Section 401  
23 of the Help America Vote Act of 2002 (52 U.S.C. 21111)  
24 is amended by striking “sections 301, 302, and 303” and  
25 inserting “title III”.

1           (c) CLERICAL AMENDMENT.—The table of contents  
 2 of such Act is amended by adding at the end of the item  
 3 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. Treatment of ties between candidates.

“Sec. 334. 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—CIVIL ENFORCEMENT

“Sec. 351. Civil enforcement.

“PART 5—DEFINITIONS

“Sec. 361. Definitions.”.

4 **SEC. 3. NO EFFECT ON ELECTIONS FOR STATE AND LOCAL**  
 5 **OFFICE.**

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

9 **SEC. 4. SEVERABILITY.**

10           If any provision of this Act or any amendment made  
 11 by this Act, or the application of a provision of this Act  
 12 or an amendment made by this Act to any person or cir-

1 cumstance, is held to be unconstitutional, the remainder  
2 of this Act, and the application of the provisions to any  
3 person or circumstance, shall not be affected by the hold-  
4 ing.

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

6 This Act and the amendments made by this Act shall  
7 apply with respect to elections for Federal office held on  
8 or after January 1, 2027.