

.....  
(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To establish the total number of Representatives at a number that provides that the average number of constituents represented by a Member from any State is equal to 500,000 and to apportion Representatives among the States accordingly, and for other purposes.

\_\_\_\_\_  
**IN THE HOUSE OF REPRESENTATIVES**

Mr. CASTEN introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To establish the total number of Representatives at a number that provides that the average number of constituents represented by a Member from any State is equal to 500,000 and to apportion Representatives among the States accordingly, 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; FINDINGS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Equal Voices Act”.

6       (b) FINDINGS.—Congress finds the following:

1           (1) Our Nation’s founders intended the House  
2           of Representatives to be the chamber closest to the  
3           American people: “the People’s House”.

4           (2) The number of Representatives in Congress  
5           has been 435 since 1911 when the U.S. population  
6           was 92,228,531 (1910 U.S. Census). The U.S. pop-  
7           ulation has grown to more than three times that size  
8           to 331,449,281 in 2020 (2020 U.S. Census) while  
9           the size of the House has remained the same.

10          (3) Our electorate has changed significantly  
11          since the size of the House last grew in 1911. Prior  
12          to the passage of the 19th Amendment in 1920, the  
13          Civil Rights Act in 1957, and the Voting Rights Act  
14          in 1965, women and people of color faced barriers  
15          and in some cases, legal prohibitions, to voting.

16          (4) When the cap on the size of the House was  
17          statutorily set in 1929, the average Member of the  
18          House represented approximately 280,000 people,  
19          compared to approximately 762,000 people in 2020.

20          (5) Based on the 2020 Census, individuals in  
21          the State with the smallest population, Wyoming,  
22          had 1.3x more relative representation compared to  
23          the national average district size.

24          (6) Each Member of the House represents far  
25          more people on average than legislators in nearly all

1 developed and developing democracies, and is an  
2 outlier among other member countries of the Orga-  
3 nization for Economic Cooperation and Development  
4 (OECD), with nearly 3 times the citizen to rep-  
5 resentative ratio as Japan, the country with next  
6 largest district size.

7 (7) Representatives who serve fewer people are  
8 more likely to have contact with their constituents,  
9 receive higher marks for their constituent service,  
10 and better reflect the views of their districts.

11 **SEC. 2. ESTABLISHMENT OF NUMBER OF MEMBERS OF**  
12 **HOUSE OF REPRESENTATIVES.**

13 (a) METHOD FOR DETERMINATION OF NUMBER.—  
14 Section 22(a) of the Act entitled “An Act to provide for  
15 the fifteenth and subsequent decennial census and to pro-  
16 vide for apportionment of Representatives in Congress”,  
17 approved June 18, 1929 (2 U.S.C. 2a(a)), is amended—

18 (1) by striking “(a) On the first day” and in-  
19 serting “(a)(1) On the first day”;

20 (2) by striking “the then existing number of  
21 Representatives” and inserting “the number of Rep-  
22 resentatives determined under paragraph (2)”; and

23 (3) by adding at the end the following new  
24 paragraph:

1       “(2) The number of Representatives determined  
2 under this paragraph is, with respect to a regular decen-  
3 nial census of the population of the United States, a num-  
4 ber equal to—

5           “(A) the whole number of persons in all States  
6 (as shown in the statement under paragraph (1));  
7 divided by

8           “(B) 500,000,  
9 rounded to the nearest whole odd number.”.

10       (b) CONFORMING AMENDMENT.—The first section  
11 and section 2 of the Act entitled “An Act For the appor-  
12 tionment of Representatives in Congress among the sev-  
13 eral States under the Thirteenth Census”, approved Au-  
14 gust 8, 1911 (2 U.S.C. 2 note), are repealed.

15       (c) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply with respect to the first regular  
17 decennial census conducted after the date of the enact-  
18 ment of this Act and each subsequent decennial census.

19 **SEC. 3. OPTIONAL USE OF MULTI-MEMBER DISTRICTS.**

20       (a) OPTIONAL USE OF MULTI-MEMBER DIS-  
21 TRICTS.—

22           (1) IN GENERAL.—At its option, a State may  
23 establish a number of districts for the election of  
24 Representatives in Congress in the State that is less  
25 than the number of Representatives to which the

1 State is entitled, and may establish that Representa-  
2 tives shall be elected only from districts so estab-  
3 lished.

4 (2) EQUAL POPULATION PER REPRESENTA-  
5 TIVE.—In establishing the number of districts under  
6 paragraph (1), the State shall ensure that districts  
7 shall each have equal population per Representative  
8 as nearly as practicable, in accordance with the Con-  
9 stitution of the United States.

10 (3) CONFORMING AMENDMENT.—The Act enti-  
11 tled “An Act for the relief of Doctor Ricardo Vallejo  
12 Samala and to provide for congressional redis-  
13 tricting”, approved December 14, 1967 (2 U.S.C.  
14 2c), is amended by striking “In each State” and in-  
15 serting “Except as provided in section 2(b) of the  
16 Equal Voices Act, in each State”.

17 (b) EFFECTIVE DATE.—This section and the amend-  
18 ments made by this section shall apply with respect to the  
19 first regular decennial census conducted after the date of  
20 the enactment of this Act and each subsequent decennial  
21 census.

1 **SEC. 4. OPTIONAL USE OF RANKED CHOICE VOTING BY**  
2 **STATES OPTING TO USE MULTI-MEMBER DIS-**  
3 **TRICTS.**

4 (a) OPTIONAL USE OF RANKED CHOICE VOTING.—  
5 At its option, a State which establishes multi-Member dis-  
6 tricts for the election of Representatives in Congress in  
7 the State under section 3 may carry out such elections  
8 in the State under ranked choice voting as described in  
9 subsection (c).

10 (b) BALLOT DESIGN.—

11 (1) IN GENERAL.—Each State shall ensure that  
12 the ballot used in an ranked choice voting election  
13 under this section meets each of the following re-  
14 quirements:

15 (A) The ballot shall allow voters to rank  
16 candidates in order of choice.

17 (B) The number of candidates whom a  
18 voter may rank in the election, as determined  
19 under paragraph (2), shall be uniform for all  
20 voters in the election within the State

21 (C) The ballot shall include all qualified  
22 candidates for the election and (to the extent  
23 permitted under State law) options for voters to  
24 select write-in candidates.

25 (D) The ballot shall include such instruc-  
26 tions as the State considers necessary to enable

1 the voter to rank candidates and successfully  
2 cast the ballot under the system.

3 (2) DETERMINATION OF NUMBER OF CAN-  
4 DIDATES VOTER MAY RANK.—The number of can-  
5 didates a voter may rank in a ranked choice voting  
6 election shall be determined as follows:

7 (A) If feasible, the ballot shall permit vot-  
8 ers to rank a number of candidates in the elec-  
9 tion which is not fewer than the number of  
10 seats in the election plus 4.

11 (B) If the number of candidates in the  
12 election is less than the number of ranking pro-  
13 vided under subparagraph (A), the ballot shall  
14 permit voters to rank a number of candidates  
15 which is not fewer than the number of can-  
16 didates in the election, including write-in can-  
17 didates.

18 (C) If it is not feasible for the ballot to  
19 permit voters to rank as many candidates as re-  
20 quired under subparagraphs (A) or (B), the  
21 State may limit the number of candidates who  
22 may be ranked for each election on the ballot  
23 to a maximum feasible number established by  
24 the State, except that such number may not be  
25 less than 5 for any election on the ballot.

1 (c) TABULATION.—

2 (1) PROCESS FOR TABULATION.—In a ranked  
3 choice voting election under this section, each ballot  
4 cast in the election shall count at its current trans-  
5 fer value for the highest-ranked active candidate on  
6 the ballot. Tabulation shall proceed as described in  
7 paragraphs (2), (3), and (4).

8 (2) ELECTION OF CANDIDATES DURING TAB-  
9 ULATION; SURPLUS-TRANSFER ROUND.—If any ac-  
10 tive candidate has a number of votes greater than or  
11 equal to the election threshold, that candidate shall  
12 be designated as elected, and the surplus votes shall  
13 be transferred to other candidates as follows:

14 (A) Unless paragraph (4) applies, each bal-  
15 lot counting for an elected candidate shall be  
16 assigned a new transfer value by multiplying  
17 the ballot's current transfer value by the sur-  
18 plus fraction for the elected candidate, trun-  
19 cated after 4 decimal places.

20 (B) Each candidate elected under this  
21 paragraph shall be deemed to have a number of  
22 votes equal to the election threshold for the con-  
23 test in all future rounds, each ballot counting  
24 towards the elected candidate shall be trans-  
25 ferred at its new transfer value to its next-



1 ranked active candidate, and a new round shall  
2 begin.

3 (C) If two or more candidates have a num-  
4 ber of votes greater than the election threshold,  
5 the surpluses shall be distributed simulta-  
6 neously in the same round.

7 (3) ELIMINATION OF CANDIDATES DURING TAB-  
8 ULATION; ELIMINATION ROUND.—Unless paragraph  
9 (2) or paragraph (4) applies, the active candidate  
10 with the fewest votes is eliminated, each vote cast on  
11 a ballot for the eliminated candidate shall be count-  
12 ed for the next-ranked active candidate on the ballot,  
13 and a new round shall begin.

14 (4) COMPLETION OF TABULATION.—Tabulation  
15 in the election is complete if—

16 (A) the number of elected candidates is  
17 equal to the number of seats to be filled and  
18 any remaining votes in excess of the election  
19 threshold have been counted for each ballot's  
20 next-ranked active candidate; or

21 (B) the sum of the number of elected can-  
22 didates and the number of active candidates is  
23 less than or equal to the number of seats to be  
24 filled at any time.

25 (d) TREATMENT OF CERTAIN BALLOTS.—

1           (1) TREATMENT OF UNDERVOTES.—A ballot  
2       which is an undervote shall not be counted in any  
3       round of tabulation of ballots in an election under  
4       this section. For purposes of this paragraph, an  
5       “undervote” is a ballot for which the voter does not  
6       rank any of the candidates in the election.

7           (2) TREATMENT OF INACTIVE BALLOTS.—

8           (A) IN GENERAL.—A ballot which becomes  
9       an inactive ballot shall no longer count for any  
10      candidate for the remainder of the tabulation of  
11      ballots in an election under this section after  
12      the ballot becomes inactive.

13          (B) INACTIVE BALLOT DEFINED.—For  
14      purposes of this paragraph, an “inactive ballot”  
15      is a ballot on which—

16           (i) all of the ranked candidates on the  
17      ballot have become inactive; or

18           (ii) the voter ranks more than one  
19      candidate at the same ranking and all can-  
20      didates at a higher ranking have become  
21      inactive.

22          (3) TREATMENT OF SKIPPED OR REPEATED  
23      RANKINGS.—

24          (A) IN GENERAL.—A ballot which includes  
25      any skipped or repeated ranking shall remain

1 active and continue to be counted for the high-  
2 est-ranked active candidate in an election under  
3 this section.

4 (B) SKIPPED AND REPEATED RANKINGS  
5 DEFINED.—For purposes of this paragraph—

6 (i) a “skipped ranking” is a ranking  
7 a voter does not assign to any candidate  
8 while assigning a subsequent ranking to a  
9 candidate; and

10 (ii) a “repeated ranking” is a ranking  
11 for which the voter has assigned the same  
12 candidate that the voter assigned to an-  
13 other ranking.

14 (e) TREATMENT OF TIES BETWEEN CANDIDATES.—

15 (1) RESOLUTION BY LOT.—If a tie occurs be-  
16 tween candidates with the greatest number of votes  
17 or the fewest number of votes at any point in the  
18 tabulation of ballots under this part and the tabula-  
19 tion cannot proceed until the tie is resolved, the tie  
20 shall be resolved by lot or by such other method as  
21 may be provided under State law.

22 (2) RESOLUTION PRIOR TO TABULATION.—  
23 Prior to tabulation, the chief election official of the  
24 State may resolve prospective ties between can-

1 didates by lot or according to the method provided  
2 under State law, as described in subsection (a).

3 (3) USE DURING RECOUNT.— The result of the  
4 resolution of any tie shall be recorded and reused for  
5 purposes of any recount under State law.

6 (f) DEFINITIONS.—In this section, the following defi-  
7 nitions apply:

8 (1) The term “active candidate” means, with  
9 respect to any round of tabulation under this part,  
10 a candidate who has not been elected or eliminated,  
11 and who is not a withdrawn candidate.

12 (2) The term “election threshold” means the  
13 number of votes sufficient for a candidate to be  
14 elected in a multi-seat election. Such number is  
15 equal to the total votes counted for active candidates  
16 in the first round of tabulation, divided by the sum  
17 of one plus the number of seats to be filled, then in-  
18 creased by one, disregarding any fractions.

19 (3) The term “highest-ranked active candidate”  
20 means the active candidate assigned to a higher  
21 ranking than any other active candidate.

22 (4) The term “multi-seat election” means any  
23 primary election in which more than one candidate  
24 in the primary election will advance to the general  
25 election, any special election for more than one seat,

1       and any general election in which more than one  
2       Representative is elected at large or in a multi-mem-  
3       ber district.

4           (5) The term “ranking” means the number  
5       available to be assigned by a voter to a candidate to  
6       express the voter’s choice for that candidate, with  
7       “1” as the highest ranking and each succeeding  
8       positive number as the next highest ranking.

9           (6) The term “surplus fraction” means, with  
10      respect to an elected candidate as described in sub-  
11      section (c), the number obtained by subtracting the  
12      election threshold from the candidate’s vote total,  
13      then dividing that number by the candidate’s vote  
14      total, truncated after four decimal places.

15          (7) The term “transfer value” means the pro-  
16      portion of a vote that a ballot will contribute to its  
17      highest-ranked active candidate. Each ballot begins  
18      with a transfer value of 1. If a ballot contributes to  
19      the election of a candidate under subsection (c), the  
20      transfer value shall be the new transfer value as-  
21      signed under such subsection.

22          (8) The term “vote total” means, with respect  
23      to a candidate in a round of counting, the total  
24      transfer value of all ballots counting for the can-  
25      didate in the round.

1           (9) The term “withdrawn candidate” means a  
2       candidate who, prior to the date of the election, files  
3       or has an authorized designee file a signed letter of  
4       withdrawal from the election, in accordance with  
5       such rules as the chief election official of the State  
6       may establish.

7   **SEC. 5. COMMISSION TO RECOMMEND NUMBER OF MEM-**  
8                   **BERS OF HOUSE OF REPRESENTATIVES IN**  
9                   **EVENT OF SIGNIFICANT POPULATION**  
10                  **CHANGE.**

11       (a) ESTABLISHMENT.—If, with respect to a regular  
12   decennial census of the population of the United States,  
13   the number of Representatives determined under section  
14   22(a) of the Act entitled “An Act to provide for the fif-  
15   teenth and subsequent decennial census and to provide for  
16   apportionment of Representatives in Congress”, approved  
17   June 18, 1929 (2 U.S.C. 2a(a)), as amended by section  
18   2(a), is 15 percent greater or lesser than the number of  
19   Representatives determined under such section with re-  
20   spect to the previous regular decennial census, there shall  
21   be established in Congress a commission to carry out the  
22   duties described in subsection (d) with respect to the ap-  
23   portionment of Representatives resulting from that cen-  
24   sus.

25       (b) MEMBERSHIP.—

1           (1) APPOINTMENT.—A commission established  
2       under this section shall consist of 15 members ap-  
3       pointed as follows:

4                   (A) 5 members appointed by the Speaker  
5       of the House of Representatives.

6                   (B) 5 members appointed by the minority  
7       leader of the House of Representatives.

8                   (C) 2 members appointed by the majority  
9       leader of the Senate.

10                  (D) 2 members appointed by the minority  
11       leader of the Senate.

12                  (E) One member who shall serve as the  
13       Chair of the Commission, who shall be ap-  
14       pointed by the vote of a majority of the other  
15       members, of whom—

16                   (i) at least 2 shall be members ap-  
17       pointed by the Speaker of the House of  
18       Representatives;

19                   (ii) at least 2 shall be members ap-  
20       pointed by the minority leader of the  
21       House of Representatives;

22                   (iii) at least one shall be one of the  
23       members appointed by the majority leader  
24       of the Senate; and

1 (iv) at least one shall be one of the  
2 members appointed by the minority leader  
3 of the Senate.

4 (2) DEADLINE FOR APPOINTMENT.—The ap-  
5 pointing authorities under paragraph (1) shall ap-  
6 point the members of the commission not later than  
7 30 days after the President transmits to Congress  
8 the statement showing the number of Representa-  
9 tives to which each State is entitled under section  
10 22(a) of the Act entitled “An Act to provide for the  
11 fifteenth and subsequent decennial census and to  
12 provide for apportionment of Representatives in  
13 Congress”, approved June 18, 1929 (2 U.S.C.  
14 2a(a)), as amended by section 2(a).

15 (3) QUALIFICATIONS.—In appointing members  
16 of the commission, the appointing authorities under  
17 paragraph (1) shall prioritize the appointment of in-  
18 dividuals who are qualified to assess the appropriate  
19 number of Members of the House of Representatives  
20 because of their expertise or study of politics, gov-  
21 ernment, and related fields, and their demonstrated  
22 ability to work in a nonpartisan manner.

23 (4) VACANCY.—A vacancy in the commission  
24 shall be filled in the same manner as the original ap-  
25 pointment was made.



1           (5) COMPENSATION.—Members of the commis-  
2       sion—

3           (A) shall be paid the daily equivalent of  
4       the annual rate of basic pay payable for level V  
5       of the Executive Schedule for each day (includ-  
6       ing travel time) during which the member is en-  
7       gaged in the actual performance of duties vest-  
8       ed in the commission; and

9           (B) shall receive travel expenses, including  
10      per diem in lieu of subsistence, in accordance  
11      with applicable provisions under subchapter I of  
12      chapter 57 of title 5, United States Code.

13      (c) STAFF.—

14           (1) AUTHORITY TO APPOINT STAFF.—The chair  
15      of the commission may appoint, prescribe the duties  
16      and responsibilities of, and fix the pay of such staff  
17      as the chair considers appropriate to assist the com-  
18      mission in carrying out its duties, without regard to  
19      the provisions of title 5, United States Code, gov-  
20      erning appointments in the competitive service, and  
21      without regard to the provisions of chapter 51 and  
22      subchapter III of chapter 53 of such title relating to  
23      classification and General Schedule pay rates, except  
24      that no rate of pay fixed under this paragraph may

1       exceed the rate of pay for a member of the commis-  
2       sion.

3           (2) EXPERTS AND CONSULTANTS.—Section  
4       202(i) of the Legislative Reorganization Act of 1946  
5       (2 U.S.C. 4301(i)) shall apply with respect to the  
6       commission in the same manner as such section ap-  
7       plies with respect to a standing committee of the  
8       Senate.

9       (d) DUTIES.—With respect to a regular decennial  
10      census, the commission shall carry out the following du-  
11      ties:

12           (1) Analyzing the shifts in population among  
13      the States.

14           (2) Analyzing how the application of section  
15      22(a)(2) of the Act entitled “An Act to provide for  
16      the fifteenth and subsequent decennial census and to  
17      provide for apportionment of Representatives in  
18      Congress”, approved June 18, 1929 (2 U.S.C.  
19      2a(a)(2)), as added by section 2(a), will affect the  
20      ability of the House of Representatives to carry out  
21      its responsibilities in an effective manner.

22           (3) Recommending the optimal number of  
23      Members of the House and the optimal apportion-  
24      ment of Members among the States, taking into ac-  
25      count—

1 (A) shifts in population among the States;

2 (B) the need to reduce disparities in the  
3 size of congressional districts; and

4 (C) the need to ensure that historically  
5 under represented populations are not  
6 disenfranchised.

7 (e) POWERS.—

8 (1) HEARINGS AND OTHER ACTIVITIES.—For  
9 the purpose of carrying out its duties, the commis-  
10 sion may hold such hearings and undertake such  
11 other activities as the commission determines to be  
12 necessary to carry out its duties.

13 (2) AUTHORITY TO USE SUBPOENAS.—The  
14 commission may require by subpoena the attendance  
15 of such witnesses and the production of such books,  
16 papers, and documents, as it considers appropriate.

17 (3) ACCESS TO LEGISLATIVE BRANCH SERV-  
18 ICES.—The commission shall have access to the  
19 services of the Architect of the Capitol, the Govern-  
20 ment Accountability Office, the Congressional Budg-  
21 et Office, and the Congressional Research Service in  
22 the same manner and under the same terms and  
23 conditions as any standing committee of the House  
24 of Representatives or Senate.

1       (f) REPORT.—The commission shall submit a report  
2 to Congress containing its recommendations under sub-  
3 section (d)(3) not later than 6 months after the publica-  
4 tion of the regular decennial census of the population of  
5 the United States.

6       (g) TERMINATION.—A commission established under  
7 this section shall terminate 30 days after submitting the  
8 report under subsection (f).

9       (h) EFFECTIVE DATE.—This section shall apply with  
10 respect to the second regular decennial census conducted  
11 after the date of the enactment of this Act and each subse-  
12 quent decennial census.

13 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR PROVI-**  
14 **SION OF ADDITIONAL SPACE, FACILITIES,**  
15 **PERSONNEL, AND RESOURCES.**

16       There are authorized to be appropriated to the House  
17 of Representatives and the Architect of the Capitol for the  
18 fiscal year in which this Act is enacted and each suc-  
19 ceeding fiscal year such sums as may be necessary to pro-  
20 vide for any additional space, facilities, personnel, and  
21 other resources for the House which may be required as  
22 the result of the enactment of this Act.