HOUSE DOCKET, NO. 2736 FILED ON: 1/21/2011

# HOUSE . . . . . No. 1983

## The Commonwealth of Massachusetts

PRESENTED BY:

***Ellen Story***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to voting by the instant runoff voting method.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Ellen Story* | *3rd Hampshire* |
| *Denise Provost* | *27th Middlesex* |
| *Peter V. Kocot* | *1st Hampshire* |
| *Emily Lewis* | *19 Salem Place*<br>*Amherst, MA 01002* |
| *Susan Lantz* | *74 Lyman Road*<br>*Northampton, MA 01060* |

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# HOUSE . . . . . No. 1983

By Ms. Story of Amherst, a petition (accompanied by bill, House, No. 1983) of Ellen Story, Denise Provost and Peter V. Kocot relative to voting by the instant runoff voting method, so-called. Election Laws.

## The Commonwealth of Massachusetts

An Act relative to voting by the instant runoff voting method.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Section 78 of chapter 54 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the third sentence.

SECTION 2. Said chapter 54 is hereby further amended by inserting after section 78A the following section 78B:—

(a) Definitions.

The following terms as used in this section shall, unless the context requires otherwise, have the following meanings:—

"Instant Runoff Voting", a method of casting and tabulating votes that simulates the ballot counts that would occur if all voters participated in a series of runoff elections with one candidate eliminated after each round of counting.

"Advancing candidate", a candidate who has not been eliminated.

"Continuing ballot", a ballot that is not an exhausted ballot.

"Exhausted ballot", a ballot on which there are no choices marked other than choices for eliminated candidates.

(b) The purpose of this section shall be to require a majority of votes for election to the offices of governor, lieutenant governor, attorney general, secretary of the commonwealth, state treasurer, and state auditor.

(c) Instant Runoff Voting shall be the method used for all elections to the following offices when three or more candidates have qualified to have their names printed on the ballot for

20 those offices: governor, lieutenant governor, attorney general, secretary of the commonwealth,
21 state treasurer, and state auditor.

22 (d) In elections using the Instant Runoff Voting method, voters may rank the candidates
23 in order of preference. In all such elections, the count shall proceed in the following manner:

24 (1) The initial round of counting shall be a count of the first choices marked on each
25 ballot. If any candidate receives a majority of the first choices, that candidate shall be deemed
26 and declared elected.

27 (2) If no candidate receives a majority of first choices, there shall b e a second round of
28 counting. The last-place candidate shall be eliminated, and all the continuing ballots shall be
29 recounted. Each continuing ballot shall be counted as one vote for that ballot's highest ranked
30 advancing candidate.

31 (3) If no candidate receives a majority at the second round of counting, there shall be a
32 third round of counting. The last-place candidate shall be eliminated, and all the continuing
33 ballots shall be recounted. Each continuing ballot shall be counted as one vote for that ballot's
34 highest ranked advancing candidate.

35 (4) The process of eliminating the last-place candidates and recounting all the continuing
36 ballots shall continue until one candidate receives a majority of the votes in a round. The
37 candidate who receives a majority of the votes in a round shall be deemed and declared to be
38 elected.

39 (5) When a ballot becomes an exhausted ballot it shall not be counted in that round or any
40 subsequent round.

41 (6) If there are not sufficient second and lower choices for any candidate to r eceive a
42 majority, the candidate with the highest number of votes shall be deemed and declared to be
43 elected.

44 (7) No candidate who has been eliminated can be elected, no matter how many second
45 and lower ranked choices might otherwise have become votes for that candidate in a later round.

46 (e) Ballots shall allow the voter to mark the voter's first choice in the same manner as
47 that for offices not elected by Instant Runoff Voting.

48 (f) Sample ballots illustrating voting procedures shall be posted in or near th e voting
49 booth, and shall be included in the instruction packet for absentee ballots. Directions to voters
50 shall conform substantially to the following:

51 "Vote for your first-choice candidate by marking the number '1' next to that candidate's
52 name. In addition to your first choice candidate, you may rank additional candidates in order of
53 preference. Ranking additional candidates will not affect your first-choice candidate. Indicate

54 your second choice by marking the number ‘2’ by that candidate’s name, your third choice by
55 marking the number ‘3’, and so on for as many candidates as you wish. Do not mark the same
56 number beside more than one candidate. Do not skip numbers.”

57 (g) The secretary of the commonwealth shall adopt and promulgate regulations consistent
58 with this section, which regulations shall ensure that ballots shall be simple and easy to
59 understand. As soon as practicable, the secretary of the commonwealth shall ensure that all
60 voting equipment in the commonwealth is capable of effecting Instant Runoff Voting. In
61 addition, the secretary of the commonwealth shall conduct a voter education campaign to
62 familiarize voters with Instant Runoff Voting.