HOUSE DOCKET, NO. 2026 FILED ON: 2/18/2011

HOUSE . . . . . No. 3350

The Commonwealth of Massachusetts

PRESENTED BY:

Alice K. Wolf

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 providing a local option for instant runoff voting in city or town elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice K. Wolf	*25th Middlesex*
Carl M. Sciortino, Jr.	*34th Middlesex*
Denise Provost	*27th Middlesex*
George T. Ross	*2nd Bristol*
Frank I. Smizik	*15th Norfolk*
William N. Brownsberger	☐ *[District]* ☐
Gailanne M. Cariddi	*1st Berkshire*
Ellen Story	*3rd Hampshire*
Kate Hogan	*3rd Middlesex*
Paul McMurtry	*11th Norfolk*

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HOUSE . . . . . No. 3350

By Ms. Wolf of Cambridge, a petition (accompanied by bill, House, No. 3350) of Alice K. Wolf and others for legislation to provide a local option for instant runoff voting in city or town elections. Election Laws.

The Commonwealth of Massachusetts

An act providing a local option for instant runoff voting in city or town elections.

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 77 of chapter 54 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 5, the words "section thirty-three E" and inserting in place thereof the following words:- sections 33E and 103P 1/2.

SECTION 2. Said chapter 54, as so appearing, is hereby further amended by inserting after section 103P the following section:-

Section 103P 1/2 . (a) The following terms as used in this section shall, unless the context requires otherwise, have the following meanings:

"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.

"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 1 candidate eliminated after each round of counting.

(b) Any city or town which accepts the provisions of this section may adopt instant runoff voting for a regular annual or biennial city or town election as specified in this section. Notwithstanding any other general or special law to the contrary, any city or town may conduct any local election using instant runoff voting in which voters rank the candidates for an office in order of preference.

21 (c) In elections using instant runoff voting, voters may rank the candidates in order of
22 preference. In all such elections, the count shall proceed in the manner set forth in this
23 subsection. The initial round of counting shall be a count of the first choices marked on each
24 ballot. If any candidate receives a majority of the first choices, that candidate shall be deemed
25 and declared elected. If no candidate receives a majority of first choices, there shall be a second
26 round of counting. The last-place candidate shall be eliminated, and all the continuing ballots
27 shall be recounted. Each continuing ballot shall be counted as 1vote for that ballot's highest
28 ranked advancing candidate. If no candidate receives a majority at the second round of counting,
29 there shall be a third round of counting. The last-place candidate shall be eliminated, and all the
30 continuing ballots shall be recounted. Each continuing ballot shall be counted as 1vote for that
31 ballot's highest ranked advancing candidate. The process of eliminating the last-place candidates
32 and recounting all the continuing ballots shall continue until 1 candidate receives a majority of
33 the votes in a round. The candidate who receives a majority of the votes in a round shall be
34 deemed and declared to be elected. When a ballot becomes an exhausted ballot it shall not be
35 counted in that round or any subsequent round. If there are not sufficient second and lower
36 choices for any candidate to receive a majority, the candidate with the highest number of votes
37 shall be deemed and declared to be elected.

38 No candidate who has been eliminated may be elected, no matter how many second and
39 lower ranked choices might otherwise have become votes for that candidate in a later round.

40 (d) Instant runoff voting elections may be used for any single-winner elections or for any
41 elections that elect multiple candidates to office. In an election in which more than 1 candidate
42 is to be elected to an office in a multiple-seat district or on a governing body that includes
43 multiple at-large seats, a local government may conduct a ranked voting election using the single
44 transferable vote method, in which a winning threshold is calculated based on the number of
45 seats to be filled and the number of votes cast so that no more than the correct number of
46 candidates can win. The ballots shall be counted in rounds, with surplus votes transferred from
47 winning candidates and candidates with the fewest votes eliminated according to the
48 methodology established by ordinance, until the number of candidates remaining equals the
49 number of seats to be filled. Such ordinances shall be enacted by the municipality’s legislative
50 body, be it a city council, board of alderman, board of selectmen, or town meeting, and the body
51 shall request the input of the community’s registrars of voters and town clerk or city election
52 commissioners. The ordinance shall specify at a minimum the method of calculating winning
53 thresholds, how candidates with the fewest votes shall be eliminated before a subsequent round
54 of the tally, how votes for eliminated candidates shall be transferred to the voter's next valid
55 choice, how ties shall be dealt with, how ballots that skip a ranking or otherwise are miss-marked
56 shall be counted, and in the case of multi-seat contests, how surplus votes above the winning
57 threshold for a candidate shall be transferred to alternate choices. Cities and towns using instant
58 runoff voting need not have preliminary elections, and their ordinance may abolish such
59 elections. A city or town election may also be conducted pursuant to this subsection using the

60 principles of instant runoff voting specified in subsection (d) to ensure that each elector has equal
61 voting power and that an elector's lower ranking of a candidate does not count against the
62 candidate to whom the elector gave the highest rank.

63 (e) Ballots shall allow the voter to mark the voter's first choice in the same manner as that
64 for offices not elected by instant runoff voting.

65 (f) Sample ballots illustrating voting procedures shall be posted in or near the voting
66 booth, and shall be included in the instruction packet for absentee ballots. Directions to voters
67 shall conform substantially to the following statement: "Vote for your first-choice candidate by
68 marking the number "1" next to that candidate's name. In addition to your first choice candidate,
69 you may rank additional candidates in order of preference. Ranking additional candidates will
70 not affect your first-choice candidate. Indicate your second choice by marking the number "2" by
71 that candidate's name, your third choice by marking the number "3", and so on for as many
72 candidates as you wish. Do not mark the same number beside more than 1 candidate. Do not skip
73 numbers."

74 (g) The secretary of the commonwealth shall adopt and promulgate regulations
75 consistent with this section. The regulations shall ensure that ballots are simple and easy to
76 understand. The state secretary shall ensure that all voting equipment in the commonwealth is
77 capable of effecting instant runoff voting. In addition, the secretary of the commonwealth shall
78 conduct a voter education campaign to familiarize voters with instant runoff voting.