

**HOUSE . . . . . No. 01984**

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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 bill:

An Act relative to voting by the instant runoff voting method in primary elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Emily Lewis</i>	<i>19 Salem Place</i> <input type="checkbox"/> <i>Amherst, MA 01002</i>
<i>Susan Lantz</i>	<i>74 Lyman Road</i> <input type="checkbox"/> <i>Northampton, MA 01060</i>

# HOUSE . . . . . No. 01984

By Ms. Story of Amherst, a petition (accompanied by bill, House, No. 1984) of Kocot and others relative to voting by the instant runoff voting method, so-called, in primary elections Joint Committee on Election Laws.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to voting by the instant runoff voting method in primary elections.

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

1 SECTION 1. Section 2 of chapter 50 of the General Laws , as appearing in the 2008 Official  
2 Edition , is hereby amended by striking out the third sentence and inserting in place thereof the  
3 following:-  
4 This section shall not apply to nominations and elections by ballot at primaries or caucuses. The  
5 Instant Runoff Voting method, as defined in section 1 of chapter 50 shall be the method used for  
6 all primary elections and caucuses for the following offices when three or more candidates have  
7 qualified to have their names printed on the ballot: governor, lieutenant governor, attorney  
8 general, secretary of the commonwealth, state treasurer, and state auditor. Ballots shall allow the  
9 voter to mark the voter’s first choice in the same manner as that for offices not elected by Instant  
10 Runoff Voting. Sample ballots illustrating voting procedures shall be posted in or near the

11 voting booth, and shall be included in the instruction packet for absentee ballots. Directions to  
12 voters shall conform substantially to the following:

13 “Vote for your first-choice candidate by marking the number ‘1’ next to that candidate’s name.  
14 In addition to your first choice candidate, you may rank additional candidates in order of  
15 preference. Ranking additional candidates will not affect your first-choice candidate. Indicate  
16 your second choice by marking the number ‘2’ by that candidate’s name, your third choice by  
17 marking the number ‘3’, and so on for as many candidates as you wish. Do not mark the same  
18 number beside more than one candidate. Do not skip numbers.”

19 The secretary of the commonwealth shall adopt and promulgate regulations consistent with this  
20 section, which regulations shall ensure that ballots shall be simple and easy to understand. As  
21 soon as practicable, the secretary of the commonwealth shall ensure that all voting equipment in  
22 the commonwealth is capable of effecting Instant Runoff Voting. In addition, the secretary of  
23 the commonwealth shall conduct a voter education campaign to familiarize voters with Instant  
24 Runoff Voting.

25

26 SECTION 2. Section 1 of said chapter 50 is hereby amended, by inserting after the definition of  
27 “federal act” the following definition: -

28 “Instant Runoff Voting”, a method of casting and tabulating votes that simulates the ballot  
29 counts that would occur if all voters participated in a series of runoff elections with one  
30 candidate eliminated after each round of counting. In elections using the Instant Runoff Voting  
31 method, voters may rank the candidates in order of preference. In all such elections, the count  
32 shall proceed in the following manner:

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

36 (2) If no candidate receives a majority of first choices, there shall be a second round of  
37 counting. The last-place candidate shall be eliminated, and all the continuing ballots shall be  
38 recounted. "Continuing ballot" means a ballot that is not an exhausted ballot.

39 (3) Each continuing ballot shall be counted as one vote for that ballot's highest ranked  
40 advancing candidate. "Advancing candidate" means a candidate who has not been eliminated.

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

45 (5) The process of eliminating the last-place candidates and recounting all the continuing  
46 ballots shall continue until one candidate receives a majority of the votes in a round. The  
47 candidate who receives a majority of the votes in a round shall be deemed and declared to be  
48 elected.

49 (6) When a ballot becomes an exhausted ballot it shall not be counted in that round or any  
50 subsequent round. "Exhausted ballot" means a ballot on which there are no choices marked  
51 other than choices for eliminated candidates.

52 (7) If there are not sufficient second and lower choices for any candidate to receive a  
53 majority, the candidate with the highest number of votes shall be deemed and declared to be  
54 elected.

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