HOUSE . . . . No. 02742

The Commonwealth of Massachusetts

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PRESENTED BY:

Carl M. Sciortino, Jr.

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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 providing cities or towns with a local option to use instant runoff voting in municipal elections.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
Carl M. Sciortino, Jr.	*34th Middlesex*
Jennifer E. Benson	*37th Middlesex*
Carolyn C. Dykema	*8th Middlesex*
Denise Provost	*27th Middlesex*
Benjamin Swan	*11th Hampden*

HOUSE . . . . No. 02742

By Mr. Sciortino of Medford, a petition (accompanied by bill, House, No. 2742) of Swan and others relative to cities or towns with a local option to use instant runoff voting in municipal elections Joint Committee on Election Laws.

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven

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An Act providing cities or towns with a local option to use instant runoff voting in municipal 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. Chapter 50 of the General Laws, as appearing in the 2006 Official Edition, is

2 hereby amended by inserting after section 8 the following new section:--

3 Section 9. Option of local government to adopt Instant Runoff Voting for municipal elections.

4 (a) Any city or town may choose to adopt the Instant Runoff Voting method, as defined in

5 section

6 (b). Any city or town may adopt this section to use Instant Runoff Voting for the election of any

7 or all of the following offices: Mayor, City Council, Alderman, Selectman, or School

8 Committee. Instant Runoff Voting would be the method used for all primaries and elections for

9 those approved offices when three or more candidates have qualified to have their names printed

10 on the ballot. Ballots shall allow the voter to mark the voter's first choice in the same manner as

11 that for offices not elected by Instant Runoff Voting. The provisions of this section may be

12 adopted in any city or town by the manager or mayor in a city having a Plan D or Plan E form of

13 charter, with the approval of the city council or board of aldermen, or the town council or board

14 of selectmen of a town.

15 (b) Instant Runoff Voting is defined as a method of casting and tabulating votes that simulates

16 the ballot counts that would occur if all voters participated in a series of runoff elections with one

17 candidate eliminated after each round of counting. In elections using the Instant Runoff Voting

18 method, voters may rank the candidates in order of preference equal to the total number of

19 candidates for each office. A voter may rank a write-in candidate. In all such elections, the count

20 shall proceed in the following manner:

21 (1) The initial round of counting shall be a count of the first choices marked on each ballot. If

22 any candidate receives a majority of the first choices, that candidate shall be deemed and

23 declared elected

24 (2) If no candidate receives a majority of first choices, there shall be a second round of counting.

25 The last-place candidate shall be eliminated, and all the continuing ballots shall be recounted.

26 Each continuing ballot shall be counted as one vote for that ballot's highest ranked advancing

27 candidate.

28 (3) If no candidate receives a majority at the second round of counting, there shall be a third

29 round of counting. The last-place candidate shall be eliminated, and all the continuing ballots

30 shall be recounted. Each continuing ballot shall be counted as one vote for that ballot's highest

31 ranked advancing candidate.

32 (4) The process of eliminating the last-place candidates and recounting all the continuing ballots

33 shall continue until one candidate receives a majority of the votes in a round. The candidate who

34 receives a majority of the votes in a round shall be deemed and declared to be elected.

35 (5) When a ballot becomes an exhausted ballot it shall not be counted in that round or any

36 subsequent round.

37 (6) If there are not sufficient second and lower choices for any candidate to receive a majority,

38 the candidate with the highest number of votes shall be deemed and declared to be elected.

39 (7) No candidate who has been eliminated can be elected, no matter how many second and lower

40 ranked choices might otherwise have become votes for that candidate in a later round.

41 (c) Ballots shall allow the voter to mark the voter's first choice in the same manner as that for

42 offices not elected by Instant Runoff Voting.

43 (d) Sample ballots illustrating voting procedures shall be posted in or near the voting booth, and

44 shall be included in the instruction packet for absentee ballots. Directions to voters shall conform

45 substantially to the following:

46 "Vote for your first-choice candidate by marking the number '1' next to that candidate's name.

47 In addition to your first choice candidate, you may rank additional candidates in order of

48 preference. Ranking additional candidates will not affect your first-choice candidate. Indicate

49 your second choice by marking the number '2' by that candidate's name, your third choice by

50 marking the number '3,' and so on for as many candidates as you wish. Do not mark the same

51 number beside more than one candidate. Do not skip numbers."

52 (e) The secretary of the commonwealth shall adopt and promulgate regulations consistent with

53 this section, which regulations shall ensure that ballots shall be simple and easy to understand.

54 Consistent with section 32 of chapter 54 of the general laws, the secretary of the commonwealth

55 shall ensure that any city and town adopting this section has voting technology capable of

56 accommodating instant runoff balloting.