

**HOUSE . . . . . No. 03350**

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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 bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Gailanne Cariddi</i>	<i>1st Berkshire</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>

# HOUSE . . . . . No. 03350

By Ms. Wolf of Cambridge, a petition (accompanied by bill, House, No. [BILL NUMBER]) of Carl M. Sciortino, Jr. and others for legislation to provide a local option for instant runoff voting in city or town elections. Election Laws.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:*

1

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

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

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

9 “Advancing candidate”, a candidate who has not been eliminated.

10 “Continuing ballot”, a ballot that is not an exhausted ballot.

11 “Exhausted ballot”, a ballot on which there are no choices marked other than choices for  
12 eliminated candidates.

13 “Instant runoff voting”, a method of casting and tabulating votes that simulates the ballot counts  
14 that would occur if all voters participated in a series of runoff elections with 1 candidate  
15 eliminated after each round of counting.

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

21 (c) In elections using instant runoff voting, voters may rank the candidates in order of preference.  
22 In all such elections, the count shall proceed in the manner set forth in this subsection. The  
23 initial round of counting shall be a count of the first choices marked on each ballot. If any  
24 candidate receives a majority of the first choices, that candidate shall be deemed and declared  
25 elected. If no candidate receives a majority of first choices, there shall be a second round of  
26 counting. The last-place candidate shall be eliminated, and all the continuing ballots shall be  
27 recounted. Each continuing ballot shall be counted as 1 vote for that ballot's highest ranked  
28 advancing candidate. If no candidate receives a majority at the second round of counting, there  
29 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 1 vote 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 lower  
39 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 for  
64 offices not elected by instant runoff voting.

65 (f) Sample ballots illustrating voting procedures shall be posted in or near the voting booth, and  
66 shall be included in the instruction packet for absentee ballots. Directions to voters shall  
67 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 consistent with  
75 this section. The regulations shall ensure that ballots are simple and easy to understand. The  
76 state secretary shall ensure that all voting equipment in the commonwealth is capable of effecting

77 instant runoff voting. In addition, the secretary of the commonwealth shall conduct a voter  
78 education campaign to familiarize voters with instant runoff voting.