

HOUSE No. 664

The Commonwealth of Massachusetts

PRESENTED BY:

Simon Cataldo and Carmine Lawrence Gentile

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 adoption of the accompanying bill:

An Act relative to ranked choice voting in the town of Concord.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Simon Cataldo</i>	<i>14th Middlesex</i>	<i>1/11/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/11/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/27/2023</i>

HOUSE No. 664

By Representatives Cataldo of Concord and Gentile of Sudbury, a petition (accompanied by bill, House, No. 664) of Simon Cataldo, Carmine Lawrence Gentile and Michael J. Barrett (by vote of the town) relative to ranked choice voting in the town of Concord. Election Laws. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 5293 OF 2021-2022.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**
—————

An Act relative to ranked choice voting in the town of Concord.

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.

2 RANKED CHOICE VOTING

3 (a) The terms below shall have the following meanings in this section.

4 "Batch elimination," is the simultaneous defeat of multiple candidates for whom it is
5 mathematically impossible to be elected.

6 "Concluded ballot," a ballot that does not rank any continuing candidate or contains an
7 overvote at the highest-ranked continuing candidate.

8 "Continuing candidate," a candidate who has not been defeated or elected.

9 “Election threshold,” the number of votes sufficient for a candidate to be elected in a
10 multi-seat election. It is calculated by dividing the total number of votes counting for continuing
11 candidates in the first round by the sum of the number of seats to be elected and 1, disregarding
12 any fractions, and then adding 1.

13 "Highest-ranked continuing candidate," the continuing candidate with the highest ranking
14 on a voter's ballot. Where a ballot omits one or more rankings, the next highest ranking shall be
15 used for determining the highest-ranked continuing candidate.

16 “Plurality voting,” the voting system in which the candidate receiving the most votes is
17 declared the winner, even if such candidate does not receive a majority of the votes cast in the
18 election.

19 “Ranked choice voting,” a method of casting and tabulating ballots in which voters rank
20 candidates for office in order of preference.

21 "Last-place candidate," (i) the candidate with the lowest vote total in a round of the
22 ranked-choice voting tabulation; or (ii) a candidate that is defeated in batch elimination.

23 "Overvote," a circumstance in which a voter ranks more than 1 candidate at the same
24 ranking.

25 "Ranking," means the number or the numeric ranking assigned on a ballot by a voter to a
26 candidate to express the voter's preference for that candidate. Ranking number 1 shall be the
27 highest ranking, ranking number 2 shall be the next-highest ranking, and so on.

28 “Surplus fraction,” the number equal to the difference between an elected candidate’s
29 vote total and the election threshold, divided by the candidate’s vote total.

30 “Transfer value,” the proportion of a vote that a ballot will count to its highest-ranked
31 continuing candidate. Each ballot shall begin with a transfer value of 1. If a ballot counts to the
32 election of a candidate under subsection (d), it receives a lower transfer value.

33 (b) All town offices shall be elected by ranked choice voting, except for a single-seat
34 office when the number of certified candidates is less than or equal to 2, or a multi-seat office
35 when the number of certified candidates is less than or equal to the number of seats to be elected.
36 Plurality voting shall be used when ranked choice voting cannot be conducted. Ranked choice
37 voting elections shall be tabulated in rounds pursuant to this section.

38 (c) In any single-seat election with ranked choice voting, each round shall begin by
39 counting the number of votes for each continuing candidate. Each ballot shall count as 1 vote for
40 its highest-ranked continuing candidate. Concluded ballots shall not be counted for any
41 continuing candidate. If no candidate receives a majority of the first-choice votes cast, an instant
42 runoff shall be conducted. In each round of the instant runoff, the vote on each continuing ballot
43 for each continuing candidate shall be counted. Each continuing ballot shall count as one vote
44 for the highest-ranked continuing candidate on that continuing ballot. Each round shall end with
45 1 of the following 2 outcomes:

46 (1) If there are more than 2 continuing candidates, the last-place candidate shall be
47 defeated or the last-place candidates shall be defeated in batch elimination and a new round shall
48 begin; or

49 (2) If there are 2 continuing candidates, the candidate with the fewest votes shall be
50 defeated, the candidate with the most votes shall be elected, and tabulation shall be complete.

51 (d) In any multi-seat election with ranked choice voting, each round shall begin by
52 counting the number of votes for each continuing candidate. Each ballot shall count for its
53 highest-ranked continuing candidate. Concluded ballots shall not count for any continuing
54 candidate. In the first round only, the election threshold shall then be calculated. If no candidate
55 reaches the election threshold, an instant runoff shall be conducted. In each round of the instant
56 runoff, the vote on each continuing ballot for each continuing candidate shall be counted at its
57 current transfer value. Each continuing ballot shall count as one vote for the highest-ranked
58 continuing candidate on that continuing ballot. Each round shall end with 1 of the following 3
59 outcomes:

60 (1) If at least 1 continuing candidate has more votes than the election threshold, then all
61 such candidates shall be elected. Each ballot counting for an elected candidate shall be assigned a
62 new transfer value by multiplying the ballot's current transfer value by the surplus fraction for
63 the candidate. Each elected candidate shall be deemed to have a number of votes equal to the
64 election threshold in all future rounds. If the number of elected candidates is equal to the number
65 of seats to be filled then tabulation is complete. Otherwise, a new round shall begin;

66 (2) If no continuing candidate has more votes than the election threshold and the sum of
67 the number of elected candidates and continuing candidates is more than the sum of the number
68 of seats to be elected and 1, the last-place candidate shall be defeated or the last-place candidates
69 shall be defeated in batch elimination, and a new round shall begin; or

70 (3) Otherwise, the continuing candidate with fewest votes shall be defeated, all other
71 continuing candidates shall be elected, and tabulation is complete.

72 (e) Batch elimination shall apply to the largest possible group of continuing candidates
73 such that the sum of the votes of candidates in the group is less than the individual number of
74 votes of every continuing candidate not in the group, and provided that the number of continuing
75 candidates not in the group is at least 1 more than the remaining number of positions to elect.

76 (f) If there is a tie between the continuing candidates receiving the fewest votes in any
77 round other than the first round, the candidate with the fewest votes in the prior round shall be
78 defeated. If the continuing candidates remain tied, this process shall be repeated using the votes
79 from the next closest previous round, until either one continuing candidate has fewer votes or
80 there are no more previous rounds to examine.

81 (g) The Town Clerk may make any changes to the ranked choice voting ballot and
82 tabulation process necessary to ensure the integrity and smooth functioning of the election,
83 provided that ranked choice voting shall still be used and the fewest number of changes are made
84 to achieve such purpose.

85 SECTION 2. This act shall take effect upon its passage, with the provision there are at
86 least 64 days till the next election, to allow for proper implementation.