

**HOUSE . . . . . No. 691**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Alice K. Wolf**

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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 relative to instant runoff voting in congressional elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice K. Wolf	25th Middlesex
Tom Sannicandro	7th Middlesex
Ellen Story	3rd Hampshire
Carl M. Sciortino, Jr.	34th Middlesex
Jay R. Kaufman	15th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE HOUSE, NO. 713 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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### AN ACT RELATIVE TO INSTANT RUNOFF VOTING IN CONGRESSIONAL 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 1 of chapter 50 of the General Laws, as appearing in the 2004 Official  
2 Edition, is hereby amended by inserting, above paragraph 1 “Alderman” the following paragraph:—  
3 “Advancing candidate” shall mean a candidate who has not been eliminated.

4           SECTION 2. Said section 1 of chapter 50, as so appearing, is hereby further amended by inserting, below  
5 paragraph 6 “City election”, but above paragraph 7 “Convention,” the following paragraph:—  
6 “Continuing ballot” shall mean a ballot that an election official has not eliminated.

7           SECTION 3. Said section 1 of chapter 50, as so appearing, is hereby further amended by inserting, below  
8 paragraph 10 “Election officer”, but above paragraph 11 “Family member,” the following paragraph:—  
9 “Exhausted ballot” shall mean a ballot on which there are no choices marked other than choices for  
10 eliminated candidates.

11          SECTION 4. Said section 1 of chapter 50, as so appearing, is hereby further amended by inserting, below  
12 paragraph 12 “federal act” but above paragraph 13 “listing board,” the following paragraph:— “Instant  
13 runoff voting” shall mean a method of casting and tabulating votes that simulates the ballot counts that  
14 would occur if all voters participated in a series of runoff elections with one candidate eliminated after  
15 each round of counting. In elections using the Instant Runoff Voting method, voters may rank the  
16 candidates in order of preference.

17          SECTION 5. Section 2 of said chapter 50 is hereby amended by striking out the third sentence and  
18 inserting the following:

19 This section shall not apply to nominations and elections by ballot at primaries, caucuses or general  
20 elections for the United States House of Representatives. The Instant Runoff Voting method, as defined in  
21 section 1 of chapter 50 shall be the method used for all primaries and elections for the following offices  
22 when three or more candidates have qualified to have their names printed on the ballot: United States  
23 House of Representatives. Ballots shall allow the voter to mark the voter's first choice in the same manner  
24 as that for offices not elected by Instant Runoff Voting.

25 SECTION 6. Chapter 54 of the General Laws, as so appearing, is hereby amended by adding after section  
26 77A the following section:

27 Section 77B. (a) The purpose of this section shall be to require a majority of votes for election to the  
28 offices of United States representative.

29 (b) Instant Runoff Voting shall be the method used for all elections to the following offices when three or  
30 more candidates have qualified to have their names printed on the ballot for those offices: United States  
31 house of representative.

32 (c) In elections using the Instant Runoff Voting method, voters may rank the candidates in order of  
33 preference equal to the total number of candidates for each office. A voter may rank a write-in candidate.  
34 In all such elections, the count shall proceed in the following manner:

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

37 (2) If no candidate receives a majority of first choices, there shall be a second round of counting. The last-  
38 place candidate shall be eliminated, and all the continuing ballots shall be recounted. Each continuing  
39 ballot shall be counted as one vote for that ballot's highest ranked advancing candidate.

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

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

46 (5) When a ballot becomes an exhausted ballot it shall not be counted in that round or any subsequent  
47 round.

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

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

52 (d) Ballots shall allow the voter to mark the voter's first choice in the same manner as that for offices not  
53 elected by Instant Runoff Voting.

54 (e) Sample ballots illustrating voting procedures shall be posted in or near the voting booth, and shall be  
55 included in the instruction packet for absentee ballots. Directions to voters shall conform substantially to  
56 the following:

57 "Vote for your first-choice candidate by marking the number '1' next to that candidate's name. In  
58 addition to your first choice candidate, you may rank additional candidates in order of preference.  
59 Ranking additional candidates will not affect your first-choice candidate. Indicate your second choice by  
60 marking the number '2' by that candidate's name, your third choice by marking the number '3,' and so on  
61 for as many candidates as you wish. Do not mark the same number beside more than one candidate. Do  
62 not skip numbers."

63 (f) The secretary of the commonwealth shall adopt and promulgate regulations consistent with this  
64 section, which regulations shall ensure that ballots shall be simple and easy to understand.

65 (1) The state shall begin using instant runoff voting at the November 2008 general state election.

66 (2) Consistent with section 48 of chapter 54 of the general laws, the secretary of the commonwealth shall  
67 conduct a voter education campaign to familiarize voters with instant runoff voting.

68 (3) Consistent with section 32 of chapter 54 of the general laws, the secretary of the commonwealth shall  
69 ensure that a city and town has voting technology capable of accommodating instant runoff balloting.

70 (4) In accordance with section 60 of chapter 56 of the general laws, if an election official fails to comply  
71 with the laws under this section; the secretary of the commonwealth may order the local official to  
72 comply with the law.