

HOUSE No. 719

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas and Adrian C. Madaro

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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>

<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>

<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>

HOUSE No. 719

By Messrs. Vargas of Haverhill and Madaro of Boston, a petition (accompanied by bill, House, No. 719) of Andres X. Vargas and others relative to the use of ranked choice voting in certain elections. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to ranked choice voting.

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 Section 1 of chapter 50 of the General Laws is hereby amended, by inserting after the
3 definition of “Primary” and prior to the definition of “Registrars”, the following definition:—

4 “Ranked Choice Voting” shall mean, in the case of elections and primaries for which
5 ballots are prepared in accordance with section 43A of chapter 54, a method of casting and
6 tabulating ballots in which voters rank candidates in order of preference, tabulation proceeds in
7 sequential rounds in which last-place candidates are defeated and the candidate with the most
8 votes in the final round is elected.

9 SECTION 2.

10 Section 2 of said chapter 50 is hereby amended by adding the following sentence to the
11 end of said section:—

12 The determination of the person receiving the highest number of votes for an office in a
13 Ranked Choice Voting election shall be governed by sections 2A and 2B of chapter 50.

14 SECTION 3.

15 Said chapter 50 is hereby further amended by inserting after section 2 the following
16 section 2A:—

17 Section 2A. As used in this section and section 2B, unless the context otherwise
18 indicates, the following terms have the following meanings:

19 "Active preference" means the highest continuing ranking on a continuing ballot.

20 "Batch elimination" means the simultaneous defeat of multiple candidates because, with
21 respect to such candidates, either of the following applies:

22 (a) The candidate cannot be elected because the candidate's active preference total in a
23 round of the Ranked Choice Voting tabulation plus the total of all continuing ballots that could
24 possibly be transferred to the candidate in future rounds from candidates with fewer active
25 preferences or an equal number of active preferences would not be enough to surpass the
26 candidate with the next-higher active preference total in the round; or

27 (b) The candidate has a lower active preference total than a candidate described in
28 subparagraph (a).

29 "Continuing ballot" means a ballot that is not an inactive ballot.

30 "Continuing candidate" means a candidate who has not been defeated.

31 "Highest continuing ranking" means the highest ranking on a voter's ballot for a
32 continuing candidate.

33 "Inactive ballot" means a ballot that does not rank any continuing candidate, contains an
34 overvote at the highest continuing ranking, or contains two or more sequential skipped rankings
35 before its highest continuing ranking.

36 "Last-place candidate" means (a) the candidate with the lowest active preference total in a
37 round of the Ranked Choice Voting tabulation, and (b) any other candidate that is subject to
38 batch elimination.

39 "Overvote" means a circumstance in which a voter has ranked more than one candidate at
40 the same ranking.

41 "Ranking" means the number assigned on a ballot by a voter to a candidate to express the
42 voter's preference for that candidate. Ranking number one is the highest ranking, ranking number
43 two is the next-highest ranking and so on.

44 "Round" means an instance of the sequence of voting tabulation steps established in
45 subsection 1 of section 2B.

46 "Skipped ranking" means a circumstance in which a voter has left a ranking blank and
47 ranks a candidate at a subsequent ranking.

48 SECTION 4.

49 Said chapter 50 is hereby further amended by inserting after section 2A the following
50 section 2B:—

51 Section 2B. The following shall apply for determining the results of Ranked Choice
52 Voting elections.

53 1. Procedures. Except as provided in subsection 2, the following procedures are used to
54 determine the person receiving the highest number of votes, for purposes of section 2 of chapter
55 50, in an election for an office elected by Ranked Choice Voting. Tabulation must proceed in
56 rounds. In each round, the number of active preferences for each continuing candidate must be
57 counted. Each continuing ballot counts as one active preference for its highest-ranked continuing
58 candidate for that round. Inactive ballots are not counted for any continuing candidate. The round
59 then ends with one of the following two potential outcomes.

60 A. If there are more than two continuing candidates, the last-place candidate, or
61 candidates, is defeated and a new round begins.

62 B. If there are two or fewer continuing candidates, the candidate with the most active
63 preferences is determined to be the person receiving the highest number of votes.

64 2. Ties. If two or more last-place candidates are tied and batch elimination does not
65 apply, the last-place candidate who was credited with the fewest active preferences in the prior
66 round shall be declared defeated. If two or more of such tied candidates were tied in the prior
67 round also, the second tie shall be decided by referring similarly to the standing of candidates, in
68 terms of active preferences, in the second-prior round. This principle shall be applied
69 successively as many times as may be necessary, a tie shown in any prior round being decided by
70 referring to the standing of the tied candidates in the round immediately preceding the round in
71 which the tie exists. Any tie not otherwise provided for shall be decided by lot.

72 3. Effect on the definition of political party. For the purposes of determining the
73 percentage of the entire vote cast in the commonwealth for an office to be filled by all the voters
74 of the commonwealth, as provided in the definition of “political party” in Section 1 of chapter
75 50, the number of votes cast for a party's candidate for an applicable office elected by Ranked
76 Choice Voting shall be the number of active preferences credited to that candidate after the
77 initial counting in the first round described in subsection 1.

78 SECTION 5.

79 Section 1 of chapter 53 of the General Laws is hereby amended by striking out the second
80 sentence and inserting in place thereof the following:—

81 A party that makes one or more nominations shall be entitled to have the name of each of
82 its candidates printed on the ballot to be used at the ensuing election; but, unless the nomination
83 is made in a primary for which ballots are prepared in accordance with section 43A of chapter 54
84 or in several caucuses held in more than one ward or in more than one precinct or group of
85 precincts by direct plurality vote, a certificate of nomination must be filed as provided in section
86 five.

87 SECTION 6.

88 Section 2 of said chapter 53 is hereby amended by striking out the second sentence and
89 inserting in place thereof the following:—

90 All nominations and elections in primaries for which ballots are prepared in accordance
91 with section 43A of chapter 54 shall use Ranked Choice Voting for determining the person

92 receiving the highest number of votes. All nominations and elections in caucuses shall be by
93 direct plurality vote.

94 SECTION 7.

95 Chapter 54 of the General Laws is hereby further amended by inserting after section 43A
96 the following section 43B:—

97 Section 43B. All elections for which ballots are prepared in accordance with section 43A
98 and for which only one person is to be elected shall, for the purposes of section 2 of chapter 50,
99 use Ranked Choice Voting for determining the person receiving the highest number of votes for
100 an office other than presidential electors. The election of presidential electors shall be by direct
101 plurality vote.

102 SECTION 8.

103 Section 77 of chapter 54 of the General Laws is hereby amended by striking the phrase
104 “marking a cross (X) in the square at the right of the name of each candidate for whom he
105 intends to vote” and inserting in place thereof the following phrase: “marking the ballot in a
106 manner prescribed by the state secretary”.

107 SECTION 9.

108 Section 78 of chapter 54 of the General Laws is hereby amended by striking the phrase
109 “mark a cross (X) in the square at the right of the names of the group of candidates for said
110 offices for whom he desires to vote” in the third sentence and inserting in place thereof the
111 following phrase: “mark the ballot in a manner prescribed by the state secretary”.

112 SECTION 10.

113 The state secretary shall adopt and promulgate regulations consistent with this act, which
114 regulations shall ensure that ballots using Ranked Choice Voting shall be simple and easy to
115 understand. As soon as practicable, the state secretary shall ensure that all voting equipment in
116 the commonwealth is capable of effecting Ranked Choice Voting. In addition, the state secretary
117 shall conduct a voter education campaign to familiarize voters with Ranked Choice Voting.

118 SECTION 11.

119 This act applies to elections held on or after January 1, 2022.