

HOUSE No. 725

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas and Dylan A. Fernandes

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 ensuring municipal power over whether elections are reformed.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/17/2023</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/17/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/20/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/30/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/31/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/19/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/22/2023</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/22/2023</i>
<i>Samantha Montaña</i>	<i>15th Suffolk</i>	<i>2/27/2023</i>

HOUSE No. 725

By Representatives Vargas of Haverhill and Fernandes of Falmouth, a petition (accompanied by bill, House, No. 725) of Andres X. Vargas, Dylan A. Fernandes and others relative to municipal elections. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 843 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act ensuring municipal power over whether elections are reformed.

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 44A of chapter 43 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the word “inclusive,” in line 7, the
3 following words:- and section 103R of chapter 54.

4 SECTION 2: Section 77 of chapter 54 of the General Laws is hereby amended by striking
5 the phrase “marking a cross (X) in the square at the right of the name of each candidate for
6 whom he intends to vote” and inserting in place thereof the following phrase: “marking the ballot
7 in a manner prescribed by the state secretary”.

8 SECTION 3: Said chapter 54 is hereby further amended by inserting after section 103Q
9 the following section:-

10 Section 103R. (a) Notwithstanding any other general or special law to the contrary, in any
11 city or town that accepts this section, a local election may be conducted using ranked choice
12 voting in which voters rank the candidates for an office in order of preference. Ranked choice
13 voting elections may be used for elections with a single winning candidate or multiple winning
14 candidates. Ranked choice voting elections shall be tabulated in rounds using the single
15 transferable vote method. Winning thresholds shall be calculated based on the number of
16 countable votes and the number of seats to be filled.

17 General provisions for a single-winner election and a multiple-winner election shall be
18 specified by ordinance or by-law; provided, however, that a voter's lower ranked choice shall not
19 impact the likelihood of a voter's higher ranked choice of being elected. The ordinance or by-law
20 shall be enacted by the municipality's legislative body and the body shall request the input of the
21 registrar of voters and town clerk or city election commissioners. The ordinance shall specify, at
22 a minimum: (i) the method of calculating the winning threshold; (ii) how candidates with the
23 fewest votes shall be eliminated before a subsequent round of the tally; (iii) how a vote for
24 eliminated candidates shall be transferred to the voter's next valid choice; (iv) how a tie shall be
25 resolved; (v) how a ballot that skipped a ranking or is otherwise mismarked shall be counted; and
26 (vi) how a vote above the winning threshold for a candidate shall be transferred to an alternate
27 choices in a multiple-winner election. Preliminary elections for local offices shall not be held in a
28 city or town that has accepted this section.

29 (b) This section may be accepted by: (i) approval of a ballot measure submitted to the
30 voters by the governing body of the city or town at a regular or special election; (ii) ordinance or
31 by-law; or (iii) charter amendment.

32 (c) A city or town that accepts this section shall conduct a voter education and outreach
33 campaign to familiarize voters with ranked choice voting.

34 (d) The ballot shall not interfere with a voter's ability to rank at least 1 write-in
35 candidate.

36 (e) Not sooner than 4 years after acceptance of this section, a city or town that has
37 accepted this section may return to its prior voting method by: (i) approval of a ballot measure
38 submitted to the voters by the governing body of the city or town at a regular or special election;
39 (ii) ordinance or by-law; or (iii) charter amendment.

40 SECTION 4. Chapter 51 of the General Laws is hereby amended by inserting after
41 section 1F the following section:- Section 1G. Every citizen 16 or 17 years of age, who is a
42 resident in the city or town where he or she claims the right to vote at the time he or she registers,
43 and who has complied with the requirements of this chapter, may have his or her name entered
44 on the list of voters in a city or town accepting this section in the manner provided in section 4 of
45 chapter 4, and may vote therein in any election for officers in such city or town.