

SENATE No. 414

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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 to use of ranked choice voting in elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/22/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/22/2019</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>1/22/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/22/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>1/24/2019</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>	<i>1/28/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/28/2019</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/28/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/29/2019</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/29/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/29/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/29/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/30/2019</i>
<i>Sonia Chang-Diaz</i>	<i>Second Suffolk</i>	<i>1/30/2019</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>1/31/2019</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>1/31/2019</i>

<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/31/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/31/2019</i>
<i>Adam G. Hinds</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>	<i>1/31/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>1/31/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/31/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>2/1/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/1/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/1/2019</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/1/2019</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/7/2019</i>

SENATE No. 414

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 414) of Jason M. Lewis, Rebecca L. Rausch, Mike Connolly, Tami L. Gouveia and other members of the General Court for legislation to use of ranked choice voting in elections. Election Laws.

The Commonwealth of Massachusetts

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

An Act to use of ranked choice voting in 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 is hereby amended, by
2 inserting after the definition of “Primary” and prior to the definition of “Registrars”, the
3 following definition:- “Ranked choice voting” shall mean, in the case of elections and primaries
4 for which ballots are prepared in accordance with section 43A of chapter 54, a method of casting
5 and tabulating ballots in which voters rank candidates in order of preference, tabulation proceeds
6 in sequential rounds in which last-place candidates are defeated and the candidate with the most
7 votes in the final round is elected.

8 SECTION 2. Section 2 of said chapter 50 is hereby amended by adding the following
9 sentence to the end of said section:- The determination of the person receiving the highest
10 number of votes for an office in a ranked choice voting election shall be governed by sections 2A
11 and 2B of chapter 50.

12 SECTION 3. Said chapter 50 is hereby further amended by inserting after section 2 the
13 following sections:-

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

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

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

19 (a) The candidate shall not be elected because the candidate's active preference total in a
20 round of the ranked choice voting tabulation plus the total of all continuing ballots that could
21 possibly be transferred to the candidate in future rounds from candidates with fewer active
22 preferences or an equal number of active preferences would not be enough to surpass the
23 candidate with the next-higher active preference total in the round; or

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

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

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

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

30 "Inactive ballot" means a ballot that does not rank any continuing candidate, contains an
31 overvote at the highest continuing ranking, or contains 2 or more sequential skipped rankings
32 before its highest continuing ranking.

33 "Last-place candidate" means (a) the candidate with the lowest active preference total in a
34 round of the ranked choice voting tabulation, and (b) any other candidate that is subject to batch
35 elimination.

36 "Overvote" means a circumstance in which a voter has ranked more than 1 candidate at
37 the same ranking.

38 "Ranking" means the number assigned on a ballot by a voter to a candidate to express the
39 voter's preference for that candidate. Ranking number 1 is the highest ranking, ranking number 2
40 is the next-highest ranking and so on.

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

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

45 Section 2B. The following shall apply for determining the results of ranked choice voting
46 elections.

47 (a) Procedures. Except as provided in subsection 2, the following procedures are used to
48 determine the person receiving the highest number of votes, for purposes of section 2 of chapter
49 50, in an election for an office elected by ranked choice voting. Tabulation must proceed in
50 rounds. In each round, the number of active preferences for each continuing candidate must be

51 counted. Each continuing ballot counts as 1 active preference for its highest-ranked continuing
52 candidate for that round. Inactive ballots are not counted for any continuing candidate. The round
53 then ends with 1 of the following 2 potential outcomes.

54 (1) If there are more than 2 continuing candidates, the last-place candidate, or candidates,
55 is defeated and a new round begins.

56 (2) If there are 2 or fewer continuing candidates, the candidate with the most active
57 preferences is determined to be the person receiving the highest number of votes.

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

66 (c) Effect on the definition of political party. For the purposes of determining the
67 percentage of the entire vote cast in the commonwealth for an office to be filled by all the voters
68 of the commonwealth, as provided in the definition of “political party” in section 1 of chapter 50,
69 the number of votes cast for a party's candidate for an applicable office elected by ranked choice
70 voting shall be the number of active preferences credited to that candidate after the initial
71 counting in the first round described in subsection 1.

72 SECTION 4. Section 1 of chapter 53 of the General Laws is hereby amended by striking
73 out the second sentence and inserting in place thereof the following:- A party that makes 1 or
74 more nominations shall be entitled to have the name of each of its candidates printed on the
75 ballot to be used at the ensuing election; but, unless the nomination is made in a primary for
76 which ballots are prepared in accordance with section 43A of chapter 54 or in several caucuses
77 held in more than 1 ward or in more than 1 precinct or group of precincts by direct plurality vote,
78 a certificate of nomination must be filed as provided in section 5.

79 SECTION 5. Section 2 of said chapter 53 is hereby amended by striking out the second
80 sentence and inserting in place thereof the following:-

81 All nominations and elections in primaries for which ballots are prepared in accordance
82 with section 43A of chapter 54 shall use ranked choice voting for determining the person
83 receiving the highest number of votes. All nominations and elections in caucuses shall be by
84 direct plurality vote.

85 SECTION 6. Chapter 54 of the General Laws is hereby further amended by inserting
86 after section 43A the following section:-

87 Section 43B. All elections for which ballots are prepared in accordance with section 43A
88 and for which only 1 person is to be elected shall, for the purposes of section 2 of chapter 50, use
89 ranked choice voting for determining the person receiving the highest number of votes for an
90 office other than presidential electors. The election of presidential electors shall be by direct
91 plurality vote.

92 SECTION 7. Section 77 of chapter 54 of the General Laws is hereby amended by striking
93 the phrase “marking a cross (“X”) in the square at the right of the name of each candidate for

94 whom he intends to vote” and inserting in place thereof the following phrase: “marking the ballot
95 in a manner prescribed by the secretary of the commonwealth”.

96 SECTION 8. Section 78 of chapter 54 of the General Laws is hereby amended by striking
97 the phrase “mark a cross (“X”) in the square at the right of the names of the group of candidates
98 for said offices for whom he desires to vote” in the third sentence and inserting in place thereof
99 the following phrase: “mark the ballot in a manner prescribed by the secretary of the
100 commonwealth”.

101 SECTION 9. The secretary of the commonwealth shall adopt and promulgate regulations
102 consistent with this act, which regulations shall ensure that ballots using ranked choice voting
103 shall be simple and easy to understand. As soon as practicable, the state secretary shall ensure
104 that all voting equipment in the commonwealth is capable of effecting ranked choice voting. In
105 addition, the state secretary shall conduct a voter education campaign to familiarize voters with
106 ranked choice voting.

107 SECTION 10. This act applies to elections held on or after January 1, 2022.