

**HOUSE . . . . . No. 677**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Mindy Domb and Joanne M. Comerford***

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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 adoption of the accompanying bill:

An Act relative to the implementation of the charter for the city known as the town of Amherst.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/13/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>8/23/2023</i>

**HOUSE . . . . . No. 677**

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By Representative Domb of Amherst and Senator Comerford, a joint petition (accompanied by bill, House, No. 677) of Mindy Domb and Joanne M. Comerford (by vote of the town) relative to providing for ranked-choice voting in the city know as the town of Amherst. Election Laws. [Local Approval Received.]

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 777 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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

An Act relative to the implementation of the charter for the city known as the town of Amherst.

*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. Notwithstanding the provisions of chapters 50 through 54 of the general  
2 laws, or any other general or special law to the contrary, the City known as the Town of Amherst  
3 is hereby authorized to use ranked choice voting in municipal elections only.

4           SECTION 2. For purposes of this act, the following words and phrases shall have the  
5 meanings respectively ascribed to them in this section:

6           (a) The words, “Continuing candidate” shall mean a candidate who has been neither  
7 eliminated nor elected.

8 (b) The words “Exhausted ballot” shall mean a ballot that is not counted for any  
9 continuing candidate because it does not rank any continuing candidates or because the voter’s  
10 intent cannot be determined.

11 (c) The words “Highest continuing ranking” shall mean the highest ranking on a voter’s  
12 ballot for a continuing candidate.

13 (d) The word “overvote” shall be the result if a voter ranks more than one (1) candidate at  
14 the same ranking.

15 (e) The words “Ranked-choice voting” shall mean an election method in which voters  
16 rank candidates in order of their preference in a contest for an elected office. The calculation of  
17 election results occurs in rounds in which votes, or fractions thereof, are distributed to candidates  
18 according to the preferences marked on each ballot.

19 (f) The word “Ranking” shall mean the number assigned by a voter to a candidate to  
20 express the voter’s preference for that candidate. Ranking number one (1) is the highest ranking.

21 (g) The words “Repeat candidate ranking” shall mean when a voter ranks the same  
22 candidate at multiple rankings for the contest being counted.

23 (h) The word “Round” shall mean an instance of the sequence of ranked choice voting  
24 tabulation steps established in Section 4.

25 (i) The words “Skipped ranking” shall mean when a voter leaves a ranking blank and  
26 ranks a candidate at a subsequent ranking.

27 (j) The word “Surplus” shall mean the total number of votes cast for an elected candidate  
28 in excess of the threshold.

29 (k) The word “Threshold” shall mean the minimum number of votes required to win a  
30 seat.

31 (l) The words, “Transfer value” shall mean the proportion of a vote that will contribute to  
32 the next ranked continuing candidate on a ballot, according to the weighted inclusive Gregory  
33 method. Each vote begins with a transfer value of one (1).

34 SECTION 3. Notwithstanding the provisions of applicable provisions of chapters 53 and  
35 54 of the general laws, Ranked-choice voting ballots for use in the Town of Amherst municipal  
36 elections shall be prepared according to a format meeting the below requirements and otherwise  
37 consistent with state law.

38 a) For each contest, the ballot must allow a voter to mark rankings for at least the smaller  
39 of (i) the number of seats plus two or (ii) the total number of declared candidates plus legally  
40 required write-in candidate spaces.

41 b) The ballot must indicate the number of seats to be filled for each contest.

42 c) The ballot must comply with all otherwise applicable provisions of the General Laws  
43 and the regulations promulgated thereunder.

44 SECTION 4. Notwithstanding the provisions of section 2 of chapter 50 of the general  
45 laws, for the purposes of this act, votes shall be tallied as follows:

46 a) Each contest on the ballot will be tabulated in rounds in which votes, or fractions  
47 thereof, are distributed to candidates according to the preferences marked on each ballot. A  
48 ranked choice voting procedure will be employed in which a voter's lower ranked choice may not  
49 impact the likelihood of a higher ranked choice being elected and in which the order of the

50 ballots may not affect the outcome. In each contest, no voter's ballot will have a total vote value  
51 greater than one (1).

52           b) The Town Clerk, subject to review by the Board of Registrars, shall determine the  
53 number of valid ballots thereafter used to calculate the threshold at each round.

54           i. If a candidate's total vote count equals or surpasses the threshold, that candidate  
55 must be declared elected.

56           ii. That candidate's surplus must then be distributed according to the highest  
57 continuing ranking on each ballot that contributed to that candidate's vote count,  
58 according to each ballot's transfer value.

59           iii. If no continuing candidate's total vote count equals or surpasses the threshold  
60 after the first distribution, then the continuing candidate with the lowest vote count must  
61 be eliminated, and the eliminated candidate's votes must be transferred according to the highest  
62 continuing ranking on the eliminated candidate's ballots. Votes from exhausted ballots will not  
63 be transferred.

64           iv. The process set forth in sections 3(b)(i)-(iii) shall be repeated until the number of  
65 elected candidates equals the number of seats to be filled or the number of continuing candidates  
66 equals the number of seats yet to be filled. In the latter case, the remaining continuing candidates  
67 must be declared elected, at which point the election for that contest will be complete.

68           c) The Town Clerk, subject to review by the Board of Registrars will establish a method  
69 of tiebreaking that will be used when ties occur in this procedure. The results of any such

70 tiebreaking events must be recorded and reused in the event of a recount. The method for  
71 tiebreaking may be amended from time to time, but shall not be amended during the course of an  
72 election, including any and all recounts.

73 d) When a skipped ranking or repeat candidate ranking is encountered on a ballot, that  
74 vote shall count towards the highest continuing ranking. In the case of an overvote involving two  
75 or more continuing candidates, the overvote candidates and all subsequently ranked candidates  
76 will be disregarded. If any vote cannot be advanced because no further continuing candidates are  
77 ranked on that ballot, that ballot shall be declared exhausted for that contest.

78 SECTION 5: If any part of this Act is declared unconstitutional by a court of competent  
79 jurisdiction, the remaining parts shall survive in full force and effect. If a conflict arises between  
80 this Act and any other provision of law, the policies and purposes of this Act shall govern.

81 SECTION 6: This Act shall take effect immediately upon its approval; provided,  
82 however, that it shall be applicable only to municipal elections occurring on or after the 120th  
83 day from the date of enactment.