

*The Commonwealth of Massachusetts*

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INITIATIVE PETITION OF GREGORY D. DENNIS AND OTHERS.

OFFICE OF THE SECRETARY.

BOSTON, JANUARY 1, 2020.

Steven T. James  
*Clerk of the House of Representatives*  
State House  
Boston, Massachusetts 02133

Sir: - I herewith transmit to you, in accordance with the requirements of Article XLVIII of the Amendments to the Constitution, "An Initiative Petition for a Law to Implement Ranked-Choice Voting in Elections," signed by ten qualified voters and filed with this department on or before December 4, 2019, together with additional signatures of qualified voters in the number of 111,268, being a sufficient number to comply with the Provisions of said Article.

Sincerely,

WILLIAM FRANCIS GALVIN  
*Secretary of the Commonwealth.*

AN INITIATIVE PETITION.

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth, as amended, the undersigned qualified voters of the Commonwealth, ten in number at least, hereby petition for the enactment into law of the following measure:

**HOUSE . . . . . No. 4301**

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**The Commonwealth of Massachusetts**

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

An Act Initiative Petition for a law to implement ranked-choice voting in elections.

*Be it enacted by the People, and by their authority, as follows:*

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

4           “Ranked-choice voting” means, in the case of elections and primaries for which ballots  
5 are prepared in accordance with section 43A of chapter 54, a method of casting and tabulating  
6 ballots more particularly described in sections 2A and 2B of chapter 50.

7           SECTION 2. Section 2 of said chapter 50 is hereby amended by adding the following  
8 sentence to the end of said section:—

9           The determination of the person receiving the highest number of votes for an office in a  
10 ranked-choice voting election or primary shall be governed by sections 2A and 2B of chapter 50.

11           SECTION 3. Said chapter 50 is hereby further amended by inserting after section 2 the  
12 following section 2A:—

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

15           "Active preference" means a vote assigned to the highest continuing ranking on a  
16 continuing ballot.

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

19           (a) The candidate cannot be elected because the candidate's active preference total in a  
20 round of 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 is not enough to surpass the candidate with  
23 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           "Concluded ballot" means a ballot that does not rank any continuing candidate, contains  
27 an overvote at the highest continuing ranking, or contains two or more sequential skipped  
28 rankings before its highest continuing ranking.

29           "Continuing ballot" means a ballot that is not a concluded ballot.

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

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

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

36 "Overvote" means a circumstance in which a voter ranks more than one candidate at the  
37 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 one is the highest ranking, ranking number  
40 two 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 ranking not assigned on a ballot by a voter to any candidate,  
44 in the circumstance where a lower ranking is assigned on a ballot by a voter to a candidate.

45 SECTION 4. Said chapter 50 is hereby further amended by inserting after section 2A the  
46 following section 2B:—

47 Section 2B. The following applies for determining the results of ranked-choice voting  
48 elections and primaries.

49 1. Except as provided in subsection 2 below pertaining to ties, the following procedures  
50 are used to determine the person receiving the highest number of votes, for purposes of section 2  
51 of chapter 50, in an election or primary for any office elected by ranked-choice voting.  
52 Tabulation must proceed in rounds. In a round, the number of active preferences for each  
53 continuing candidate must be counted. A continuing ballot counts as one active preference for its

54 highest-ranked continuing candidate for that round. A concluded ballot is not counted for any  
55 continuing candidate. The round ends with one of the following:

56         A. In the first round only, if a candidate receives greater than fifty percent of all active  
57 preferences counted in the first round for all candidates, such candidate is determined to be the  
58 person receiving the highest number of votes and the tabulation shall end.

59         B. Otherwise, if there are more than two continuing candidates, the last-place candidate is  
60 defeated, or the last-place candidates are defeated in batch elimination, and a new round begins.

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

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

71         3. For the purposes of determining the percentage of the entire vote cast in the  
72 commonwealth for an office to be filled by all the voters of the commonwealth, as provided in  
73 the definition of “political party” in Section 1 of chapter 50, the number of votes cast for a party's  
74 candidate for an applicable office elected by ranked-choice voting shall be the number of active

75 preferences credited to that candidate after the initial counting in the first round described in  
76 subsection 1 above.

77 SECTION 5. Section 1 of chapter 53 of the General Laws is hereby amended by striking  
78 out the second sentence and inserting in place thereof the following sentence:—

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

85 SECTION 6. Section 2 of said chapter 53 is hereby amended by striking out the second  
86 sentence and inserting in place thereof the following two sentences:—

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

91 SECTION 7. Chapter 54 of the General Laws is hereby further amended by inserting  
92 after section 43A the following section 43B:—

93 Section 43B. All elections and primaries for which ballots are prepared in accordance  
94 with section 43A and for which only one person is to be elected shall, for the purposes of section

95 2 of chapter 50, use ranked-choice voting to determine the person receiving the highest number  
96 of votes for an office, except as follows:

97 (a) Ranked-choice voting shall not be used for the election of presidential electors.

98 (b) Ranked-choice voting shall not be used for offices described and elected in  
99 accordance with section 4 of chapter 34 and section 14E of chapter 71.

100 (c) Ranked-choice voting shall not be used in a particular election or primary for offices  
101 in which there are two or fewer candidates, as reported by the state secretary pursuant to section  
102 49 of chapter 54.

103 SECTION 8. Section 77 of chapter 54 of the General Laws is hereby amended by striking  
104 the phrase “marking a cross (X) in the square at the right of the name of each candidate for  
105 whom he intends to vote” and inserting in place thereof the following phrase: “marking the ballot  
106 in a manner prescribed by the state secretary by regulation”.

107 SECTION 9. Section 78 of chapter 54 of the General Laws is hereby amended by striking  
108 the phrase “mark a cross (X) in the square at the right of the names of the group of candidates for  
109 said offices for whom he desires to vote” in the third sentence and inserting in place thereof the  
110 following phrase: “mark the ballot in a manner prescribed by the state secretary by regulation”.

111 SECTION 10. Chapter 54 of the General Laws is hereby further amended by inserting  
112 after section 105A the following section 105B:—

113 Section 105B. For all elections or primaries using ranked-choice voting under section  
114 43B, the state secretary shall establish a central tabulation facility for the purpose of tabulating

115 active preferences after the first round of counting is completed pursuant to sections 33H and  
116 105.

117 In the case of an election or primary where the person receiving the highest number of  
118 votes is not determined under paragraph 1A of section 2B of chapter 50, and notwithstanding any  
119 provision any general, special, or local law to the contrary, the record of all ballots cast in the  
120 elections or primaries shall be delivered to the central tabulation facility established under this  
121 section as follows:

122 A. For ballots counted under section 33H, the city or town clerk shall deliver the cast vote  
123 records, meaning a data record of each ranking marked of each ballot cast, whether in electronic,  
124 paper or other form, by secure means as established and approved by the state secretary by  
125 regulation, or otherwise as described in section 105A. For ballots that are not included in the  
126 cast vote records, such as a ballot that is rejected by a computer or counting unit, or that is  
127 mutilated so that it cannot be inserted in a computer or counting unit, the ballots shall be entered  
128 into the cast vote records in a manner that can be observed by two inspectors of different  
129 political parties, so as to be delivered in the full cast vote record.

130 B. For ballots counted under section 105, notwithstanding the requirements to place all  
131 election material in a locked facility, the city or town clerk shall deliver all cast ballots including  
132 absentee ballots by secure means as established and approved by the state secretary by  
133 regulation, or otherwise as described in section 105A.

134 For the central tabulation facility designated under this section, the state secretary shall  
135 appoint the following election officers: a warden, a deputy warden, a clerk and deputy clerk and  
136 as many inspectors and deputy inspectors as the state secretary determines are necessary.



137           Each chair of a state committee may appoint in writing a person the chair considers to be  
138 a computer expert to monitor the electronic counting of ballots at the central tabulation facility.  
139 The expert shall be assigned by the presiding officer to a position within the center that will  
140 enable the expert to observe all operations.

141           The state secretary shall be the presiding officer at the central tabulation facility and shall  
142 assign to the election officers such duties as will ensure the accurate and complete tabulation of  
143 the ballots in accordance with rules and regulations for the operation of such tabulation center  
144 promulgated by the office of the state secretary.

145           Through means established by the state secretary, the rankings shown on each ballot for  
146 each election or primary subject to tabulation under this section shall be converted into a  
147 machine readable form. The converted ballots shall then be entered in a computer the state  
148 secretary considers capable of conducting the tabulation process described in section 2B of  
149 chapter 50. Upon completion of all rounds of tabulation, the state secretary, or an election  
150 officer designated by the state secretary, shall publicly and in the presence of the other election  
151 officers, audibly and distinctly, announce the number of active preferences cast for each  
152 continuing candidate in each round for each office being tabulated at the central tabulation  
153 facility. The state secretary shall further examine all original and all additional copies of the  
154 records and make them part of the records of such election or primary, and shall certify and attest  
155 copies of the records of votes for the several candidates in each round of tabulation.

156           SECTION 11. Section 135 of said chapter 54 is hereby amended by adding the following  
157 paragraph after the seventh paragraph of said section:—

158           In the case of state-wide or district-wide recounts, as described in the preceding two  
159 paragraphs, in elections or primaries subject to ranked-choice voting and where ballots are to be  
160 or have been tabulated in a central tabulation facility pursuant to section 105B, the time for filing  
161 a petition for a recount shall be extended to on or before five o'clock post meridian on the third  
162 day following the announcement of the results of tabulation conducted pursuant to section 105B  
163 if the time for filing otherwise provided in this section would have otherwise already expired by  
164 such extended date.

165           SECTION 12. The state secretary shall promulgate by October 1, 2021, regulations  
166 consistent with this act and that ensure that ballots using ranked-choice voting shall be simple  
167 and easy to understand. In addition, the state secretary shall conduct a voter education campaign  
168 to familiarize voters with ranked-choice voting.

169           SECTION 13. This act applies to elections and primaries held on or after January 1,  
170 2022.

FIRST TEN SIGNERS

<u>NAME</u>	<u>RESIDENCE</u>	<u>CITY OR TOWN</u>
Gregory D. Dennis	19 Wheaton Road	Arlington
Deborah Otis	87 Athelstane Road, #1	Newton
Jordan Berg-Powers	18 Townsend Street, Apt 1	Worcester
Susan A. Chalifoux-Zephir	900 West Street	Leominster
Cristina Crawford	100 Prospect Street	Sherborn
Rebecca J. Downing	172 Sycamore Street	Holyoke
Shelli A. Pereira	10 North Ogden Street	Fall River
Tanisha M. Sullivan	79 Milton Ave	Boston
Gladys Vega	116 Clark Avenue	Chelsea
Thomas William Peake	55 Holyoke Street	Easthampton

CERTIFICATE OF THE ATTORNEY GENERAL.

September 4, 2019

Honorable William Francis Galvin  
*Secretary of the Commonwealth*  
One Ashburton Place, Room 1705  
Boston, Massachusetts 02108

RE: Initiative Petition No. 19-10: Petition for a Law to implement ranked-choice voting in elections

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

MAURA HEALEY,  
*Attorney General.*

## Summary of 19-10.

This proposed law would implement a voting system known as “ranked-choice voting,” in which voters rank one or more candidates by order of preference. Ranked-choice voting would be used in primary and general elections for all Massachusetts statewide offices, state legislative offices, federal congressional offices, and certain other offices beginning in 2022. Ranked-choice voting would not be used in elections for president, county commissioner, or regional district school committee member.

Under the proposed law, votes would be counted in a series of rounds. In the first round, if one candidate received more than 50 percent of the first-place votes, that candidate would be declared the winner and no other rounds would be necessary. If no candidate received more than 50 percent of the first-place votes, then the candidate or candidates who received the fewest first-place votes would be eliminated and, in the next round, each vote for an eliminated candidate would instead be counted toward the next highest-ranked candidate on that voter’s ballot. Depending on the number of candidates, additional rounds of counting could occur, with the last-place candidate or candidates in each round being eliminated and the votes for an eliminated candidate going to the voter’s next choice out of the remaining candidates. A tie for last place in any round would be broken by comparing the tied candidates’ support in earlier rounds. Ultimately, the candidate who was, out of the remaining candidates, the preference of a majority of voters would be declared the winner.

Ranked-choice voting would be used only in races where a single candidate is to be declared the winner and not in races where more than one person is to be elected.

Under the proposed law, if no candidate received more than 50 percent of first-place votes in the first round, the rounds of ballot-counting necessary for ranked-choice voting would be conducted at a central tabulation facility. At the facility, voters’ rankings would be entered into a computer, which would then be used to calculate the results of each round of the counting process. The proposed law provides that candidates in a statewide or district election would have at least three days to request a recount.

The Secretary of State would be required to issue regulations to implement the proposed law and conduct a voter education campaign about the ranked-choice voting process. The proposed law would take effect on January 1, 2022.