HOUSE DOCKET, NO. 568 FILED ON: 1/18/2011

HOUSE . . . . . No. 198

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

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 passage of the accompanying:

An Act relative to voting by the instant runoff voting method in primaries..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jay R. Kaufman	*15th Middlesex*
Peter V. Kocot	*1st Hampshire*
Ellen Story	*3rd Hampshire*

HOUSE DOCKET, NO. 568 FILED ON: 1/18/2011

HOUSE . . . . . No. 198

By Mr. Kaufman of Lexington, a petition (accompanied by bill, House, No. 198) of Jay R. Kaufman, Peter V. Kocot and Ellen Story relative to voting by the instant runoff voting method in primaries. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *648* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to voting by the instant runoff voting method in primaries..

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 2 of chapter 50 of the General Laws as appearing in the 2008
2 Official Edition is hereby amended by striking out the third sentence and inserting in place
3 thereof the following:—

4 This section shall not apply to nominations and elections by ballot at primaries or
5 caucuses. The Instant Runoff Voting method, as defined in section 1 of chapter 50 shall be the
6 method used for all primary elections and caucuses for the following offices when three or more
7 candidates have qualified to have their names printed on the ballot: governor, lieutenant
8 governor, attorney general, secretary of the commonwealth, state treasurer, state auditor, and
9 representative and senator in general court. Ballots shall allow the voter to mark the voter's first
10 choice in the same manner as that for offices not elected by Instant Runoff Voting. Sample
11 ballots illustrating voting procedures shall be posted in or near the voting booth, and shall be
12 included in the instruction packet for absentee ballots. Directions to voters shall conform
13 substantially to the following:

14 "Vote for your first-choice candidate by marking the number '1' next to that candidate's
15 name. In addition to your first choice candidate, you may rank additional candidates in order of
16 preference. Ranking additional candidates will not affect your first-choice candidate. Indicate
17 your second choice by marking the number '2' by that candidate's name, your third choice by

18 marking the number '3,' and so on for as many candidates as you wish. Do not mark the same
19 number beside more than one candidate. Do not skip numbers."

20 The secretary of the commonwealth shall adopt and promulgate regulations
21 consistent with this section, which regulations shall ensure that ballots shall be simple and easy
22 to understand. As soon as practicable, the secretary of the commonwealth shall ensure that all
23 voting equipment in the commonwealth is capable of effecting Instant Runoff Voting. In
24 addition, the secretary of the commonwealth shall conduct a voter education campaign to
25 familiarize voters with Instant Runoff Voting.

26 SECTION 2. Section 1 of chapter 50 of the General Laws as appearing in the 2008
27 Official Edition is hereby amended by inserting after the definition of "federal act" the following
28 definition:—

29 "Instant Runoff Voting" means a method of casting and tabulating votes that simulates
30 the ballot counts that would occur if all voters participated in a series of runoff elections with one
31 candidate eliminated after each round of counting. In elections using the Instant Runoff Voting
32 method, voters may rank the candidates in order of preference. In all such elections, the count
33 shall proceed in the following manner:

34 (1) The initial round of counting shall be a count of the first choices marked on each
35 ballot. If any candidate receives a majority of the first choices, that candidate shall be deemed
36 and declared elected.

37 (2) If no candidate receives a majority of first choices, there shall be a second round of
38 counting. The last-place candidate shall be eliminated, and all the continuing ballots shall be
39 recounted. "Continuing ballot" means a ballot that is not an exhausted ballot.

40 (3) Each continuing ballot shall be counted as one vote for that ballot's highest ranked
41 advancing candidate. "Advancing candidate" means a candidate who has not been eliminated.

42 (4) If no candidate receives a majority at the second round of counting, there shall be a
43 third round of counting. The last-place candidate shall be eliminated, and all the continuing
44 ballots shall be recounted. Each continuing ballot shall be counted as one vote for that ballot's
45 highest ranked advancing candidate.

46 (5) The process of eliminating the last-place candidates and recounting all the
47 continuing ballots shall continue until one candidate receives a majority of the votes in a round.
48 The candidate who receives a majority of the votes in a round shall be deemed and declared to be
49 elected.

50 (6) When a ballot becomes an exhausted ballot it shall not be counted in that round or
51 any subsequent round. "Exhausted ballot" means a ballot on which there are no choices marked
52 other than choices for eliminated candidates.

(7) If there are not sufficient second and lower choices for any candidate to receive a majority, the candidate with the highest number of votes shall be deemed and declared to be elected.

(8) No candidate who has been eliminated can be elected, no matter how many second and lower ranked choices might otherwise have become votes for that candidate in a later round.