HOUSE DOCKET, NO. 2739 FILED ON: 1/21/2011

HOUSE . . . . . No. 1984

The Commonwealth of Massachusetts

PRESENTED BY:

Ellen Story

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 primary elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ellen Story	*3rd Hampshire*
Denise Provost	*27th Middlesex*
Peter V. Kocot	*1st Hampshire*
Emily Lewis	*19 Salem Place* *Amherst, MA 01002*
Susan Lantz	*74 Lyman Road* *Northampton, MA 01060*

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HOUSE . . . . . No. 1984

By Ms. Story of Amherst, a petition (accompanied by bill, House, No. 1984) of Ellen Story, Denise Provost, Peter V. Kocot and others relative to voting by the instant runoff voting method, so-called, in primary elections. Election Laws.

The Commonwealth of Massachusetts

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

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 2 of chapter 50 of the General Laws , as appearing in the 2008 Official Edition , is hereby amended by striking out the third sentence and inserting in place thereof the following:-

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

"Vote for your first-choice candidate by marking the number '1' next to that candidate's name. In addition to your first choice candidate, you may rank additional candidates in order of preference. Ranking additional candidates will not affect your first-choice candidate. Indicate your second choice by marking the number '2' by that candidate's name, your third choice by marking the number '3', and so on for as many candidates as you wish. Do not mark the same number beside mo re than one candidate. Do not skip numbers."

The secretary of the commonwealth shall adopt and promulgate regulations consistent with this section, which regulations shall ensure that ballots shall be simple and easy to understand. As soon as practicable, the secretary of the commonwealth shall ensure that all voting equipment in the commonwealth is capable of effecting Instant Runoff Voting. In

23 addition, the secretary of the commonwealth shall conduct a voter education campaign to
24 familiarize voters with Instant Runoff Voting.

25

26 SECTION 2. Section 1 of said chapter 50 is hereby amended, by inserting after the
27 definition of "federal act" the following definition: -

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

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

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

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

42 (4) If no candidate receives a majority at the second round of counting, there shall be
43 a 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
51 or any subsequent round. "Exhausted ballot" means a ballot on which there are no choices
52 marked other than choices for eliminated candidates.

53 (7) If there are not sufficient second and lower choices for any candidate to receive a
54 majority, the candidate with the highest number of votes shall be deemed and declared to be
55 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.