HOUSE DOCKET, NO. 982 FILED ON: 1/19/2011

HOUSE . . . . . No. 214

The Commonwealth of Massachusetts

PRESENTED BY:

Alice K. Wolf

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 instant runoff voting in congressional elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice K. Wolf	*25th Middlesex*
Patricia D. Jehlen	☐ *[District]* ☐
Peter V. Kocot	*1st Hampshire*
George T. Ross	*2nd Bristol*
Cleon H. Turner	*1st Barnstable*
Frank I. Smizik	*15th Norfolk*
Denise Provost	*27th Middlesex*
William N. Brownsberger	☐ *[District]* ☐
Jay R. Kaufman	*15th Middlesex*
Carl M. Sciortino, Jr.	*34th Middlesex*
Ellen Story	*3rd Hampshire*

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HOUSE . . . . . No. 214

By Ms. Wolf of Cambridge, a petition (accompanied by bill, House, No. 214) of Alice K. Wolf and others directing the Secretary of the Commonwealth to promulgate regulations for the implementation of an "instant runoff voting" method of preference for candidates for Representative to the United States Congress. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *691* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to instant runoff voting in congressional 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 1 of chapter 50 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting before the definition of “Alderman” the following definition:-

“Advancing candidate” shall mean a candidate who has not been eliminated.

SECTION 2. Said section 1 of said chapter 50, as so appearing, is hereby further amended by inserting after the definition of “Convention” the following definition:-

“Continuing ballot” shall mean a ballot that an election official has not eliminated.

SECTION 3. Said section 1 of said chapter 50, as so appearing, is hereby further amended by inserting after the definition of “Election officer” the following definition:-

“Exhausted ballot” shall mean a ballot on which there are no choices marked other than choices for eliminated candidates.

SECTION 4. Said section 1 of said chapter 50, as so appearing, is hereby further amended by inserting after the definition of “Federal act” the following definition:-

14 “Instant runoff voting” shall mean a method of casting and tabulating votes that simulates
15 the ballot counts that would occur if all voters participated in a series of runoff elections with one
16 candidate eliminated after each round of counting. In elections using the Instant Runoff Voting
17 method, voters may rank the candidates in order of preference.

18 SECTION 5. Section 2 of said chapter 50, as so appearing, is hereby amended by striking
19 out the third sentence and inserting in place thereof the following:-

20 This section shall not apply to nominations and elections by ballot at primaries, caucuses
21 or general elections for the United States house of representatives. The Instant Runoff Voting
22 method, as defined in section 1 of chapter 50, shall be the method used for all primaries and
23 elections for the following offices when three or more candidates have qualified to have their
24 names printed on the ballot: United States house of representatives. Ballots shall allow the voter
25 to mark the voter’s first choice in the same manner as that for offices not elected by Instant
26 Runoff Voting.

27 SECTION 6. Chapter 54 of the General Laws is hereby amended by inserting after
28 section 77A the following section:-

29 Section 77B.

30 (a) The purpose of this section shall be to require a majority of votes for election to the
31 offices of United States representative.

32 (b) Instant Runoff Voting shall be the method used for all elections to the following
33 offices when three or more candidates have qualified to have their names printed on the ballot for
34 those offices: United States house of representative.

35 (c) In elections using the Instant Runoff Voting method, voters may rank the candidates
36 in order of preference equal to the total number of candidates for each office. A voter may rank a
37 write-in candidate. In all such elections, the count shall proceed in the following manner:

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

41 2) If no candidate receives a majority of first choices, there shall be a second round of
42 counting. The last-place candidate shall be eliminated, and all the continuing ballots shall be
43 recounted. Each continuing ballot shall be counted as one vote for that ballot’s highest ranked
44 advancing candidate.

45 3) If no candidate receives a majority at the second round of counting, there shall be a
46 third round of counting. The last-place candidate shall be eliminated, and all the continuing

47 ballots shall be recounted. Each continuing ballot shall be counted as one vote for that ballot's
48 highest ranked advancing candidate.

49 4) The process of eliminating the last-place candidates and recounting all the
50 continuing ballots shall continue until one candidate receives a majority of the votes in a round.
51 The candidate who receives a majority of the votes in a round shall be deemed and declared to be
52 elected.

53 5) When a ballot becomes an exhausted ballot it shall not be counted in that round or
54 any subsequent round.

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

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

60 (d) Ballots shall allow the voter to mark the voter's first choice in the same manner as
61 that for offices not elected by Instant Runoff Voting.

62 (e) Sample ballots illustrating voting procedures shall be posted in or near the voting
63 booth, and shall be included in the instruction packet for absentee ballots. Directions to voters
64 shall conform substantially to the following:

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

71 (f) The secretary of the commonwealth shall adopt and promulgate regulations consistent
72 with this section, which regulations shall ensure that ballots shall be simple and easy to
73 understand. As soon as practicable, the secretary of the commonwealth shall ensure that all
74 voting equipment in the commonwealth is capable of effecting Instant Runoff Voting. In
75 addition, the secretary of the commonwealth shall conduct a voter education campaign to
76 familiarize voters with Instant Runoff Voting.