

# HOUSE . . . . . No. 680

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act implementing voting by the instant runoff method for special elections..

*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 77 of Chapter 54 of the General Laws as appearing in the 2000  
2   Official Edition is hereby amended by inserting after the letter "E", in the first sentence, the  
3   following words:- and section seventy-eight B".

4           SECTION 2. Section 78 of chapter 54 of the General Laws as appearing in the 2000  
5   Official Edition is hereby amended by striking out the third sentence.

6           SECTION 3. Chapter 54 is hereby further amended by inserting after section 78A the  
7   following section 78B:—

8           (a) Definitions.

9           The following terms as used in this section shall, unless the context requires otherwise,  
10   have the following meanings:—

11           “Instant Runoff Voting” means a method of casting and tabulating votes that simulates  
12   the ballot counts that would occur if all voters participated in a series of runoff elections with one  
13   candidate eliminated after each round of counting.

14 “Advancing candidate” means a candidate who has not been eliminated.

15 “Continuing ballot” means a ballot that is not an exhausted ballot.

16 “Exhausted ballot” means a ballot on which there are no choices marked other than  
17 choices for eliminated candidates.

18 (b) The purpose of this section shall be to require a majority of votes for special elections  
19 to the offices of governor, lieutenant governor, attorney general, secretary of the commonwealth,  
20 state treasurer, state auditor, representative and senator in general court, and United States  
21 senator and United States representative.

22 (c) Instant Runoff Voting shall be the method used for special elections to the following  
23 offices: governor, lieutenant governor, attorney general, secretary of the commonwealth, state  
24 treasurer, state auditor, representative and senator in general court, and United States senator and  
25 United States representative.

26 (d) In elections using the Instant Runoff Voting method, voters may rank the candidates  
27 in order of preference. In all such elections, the count shall proceed in the following manner:

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

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

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

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

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

(6) 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.

(7) 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.

(8) A ballot skipping one number in sequence shall be counted for the voter's next clearly indicated choice. A ballot skipping two or more numbers in sequence shall be declared an exhausted ballot when the second skipping of numbers is reached. Ballots with two or more of the same number marked for a single seat shall be declared exhausted when the duplicate ranking is reached unless only one of the candidates with the duplicate ranking is an advancing candidate.

(9) In the event of a tie that affects the outcome of the election, the tie shall be broken by comparing the votes of the tied candidates in the previous rounds of counting, starting with the count immediately preceding the round in which the tie occurs. If one of the tied candidates had more votes than the remaining tied candidates in the preceding round or an earlier round of counting, then that candidate shall advance or be declared elected, and the others shall be eliminated. If the candidates were tied in each preceding round, the tie shall be resolved in accordance with the general election laws of Massachusetts.

(e) 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.

(f) 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 more than one candidate. Do not skip numbers."

(g) 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

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