

HOUSE No. 684

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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:

1 SECTION 1. Section 2 of chapter 50 of the General Laws, as appearing in the 2004
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, and state auditor.
9 Ballots shall allow the voter to mark the voter’s first choice in the same manner as that for
10 offices not elected by Instant Runoff Voting. Sample ballots illustrating voting procedures shall
11 be posted in or near the voting booth, and shall be included in the instruction packet for absentee
12 ballots. Directions to voters shall conform substantially to the following:

13

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.”

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

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28 SECTION 2. Section 1 of said chapter 50 is hereby amended, by inserting after the
29 definition of “federal act” the following definition:-

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

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

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

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

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

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

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

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

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