

HOUSE No. 685

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to voting by the Instant Runoff Voting method..

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 78 of chapter 54 of the General Laws, as appearing in the 2004

2 Official Edition, is hereby amended by striking out the third sentence.

3 SECTION 2. Said chapter 54 is hereby further amended by inserting after section 78A

4 the following section 78B:—

5 (a) Definitions. The following terms as used in this section shall, unless the context
6 requires otherwise, have the following meanings:—“Instant Runoff Voting”, a method of casting
7 and tabulating votes that simulates the ballot counts that would occur if all voters participated in
8 a series of runoff elections with one candidate eliminated after each round of
9 counting.“Advancing candidate”, a candidate who has not been eliminated.“Continuing ballot”, a
10 ballot that is not an exhausted ballot.“Exhausted ballot”, a ballot on which there are no choices
11 marked other than choices for eliminated candidates.(b) The purpose of this section shall be to
12 require a majority of votes for election to the offices of governor, lieutenant governor, attorney
13 general, secretary of the commonwealth, state treasurer, and state auditor.(c) Instant Runoff
14 Voting shall be the method used for all elections to the following offices when three or more

15 candidates have qualified to have their names printed on the ballot for those offices: governor,
16 lieutenant governor, attorney general, secretary of the commonwealth, state treasurer, and state
17 auditor.(d) In elections using the Instant Runoff Voting method, voters may rank the candidates
18 in order of preference. In all such elections, the count shall proceed in the following manner:(1)
19 The initial round of counting shall be a count of the first choices marked on each ballot. If any
20 candidate receives a majority of the first choices, that candidate shall be deemed and declared
21 elected.(2) If no candidate receives a majority of first choices, there shall be a second round of
22 counting. The last-place candidate shall be eliminated, and all the continuing ballots shall be
23 recounted. Each continuing ballot shall be counted as one vote for that ballot's highest ranked
24 advancing candidate.(3) If no candidate receives a majority at the second round of counting,
25 there shall be a third round of counting. The last-place candidate shall be eliminated, and all the
26 continuing ballots shall be recounted. Each continuing ballot shall be counted as one vote for that
27 ballot's highest ranked advancing candidate.(4) The process of eliminating the last-place
28 candidates and recounting all the continuing ballots shall continue until one candidate receives a
29 majority of the votes in a round. The candidate who receives a majority of the votes in a round
30 shall be deemed and declared to be elected.(5) When a ballot becomes an exhausted ballot it
31 shall not be counted in that round or any subsequent round.(6) If there are not sufficient second
32 and lower choices for any candidate to receive a majority, the candidate with the highest number
33 of votes shall be deemed and declared to be elected.(7) No candidate who has been eliminated
34 can be elected, no matter how many second and lower ranked choices might otherwise have
35 become votes for that candidate in a later round.(e) Ballots shall allow the voter to mark the
36 voter's first choice in the same manner as that for offices not elected by Instant Runoff Voting.(f)
37 Sample ballots illustrating voting procedures shall be posted in or near the voting booth, and

38 shall be included in the instruction packet for absentee ballots. Directions to voters shall conform
39 substantially to the following: "Vote for your first-choice candidate by marking the number '1'
40 next to that candidate's name. In addition to your first choice candidate, you may rank additional
41 candidates in order of preference. Ranking additional candidates will not affect your first-choice
42 candidate. Indicate your second choice by marking the number '2' by that candidate's name,
43 your third choice by marking the number '3,' and so on for as many candidates as you wish. Do
44 not mark the same number beside more than one candidate. Do not skip numbers." (g) The
45 secretary of the commonwealth shall adopt and promulgate regulations consistent with this
46 section, which regulations shall ensure that ballots shall be simple and easy to understand. As
47 soon as practicable, the secretary of the commonwealth shall ensure that all voting equipment in
48 the commonwealth is capable of effecting Instant Runoff Voting. In addition, the secretary of the
49 commonwealth shall conduct a voter education campaign to familiarize voters with Instant
50 Runoff Voting.