

HOUSE No. 691

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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:

1 SECTION 1. Section 1 of chapter 50 of the General Laws, as appearing in the 2004
2 Official Edition, is hereby amended by inserting, above paragraph 1 “Alderman” the following
3 paragraph:— “Advancing candidate” shall mean a candidate who has not been eliminated.

4 SECTION 2. Said section 1 of chapter 50, as so appearing, is hereby further amended by
5 inserting, below paragraph 6 “City election”, but above paragraph 7 “Convention,” the following
6 paragraph:— “Continuing ballot” shall mean a ballot that an election official has not eliminated.

7 SECTION 3. Said section 1 of chapter 50, as so appearing, is hereby further amended by
8 inserting, below paragraph 10 “Election officer”, but above paragraph 11 “Family member,” the
9 following paragraph:— “Exhausted ballot” shall mean a ballot on which there are no choices
10 marked other than choices for eliminated candidates.

11 SECTION 4. Said section 1 of chapter 50, as so appearing, is hereby further amended by
12 inserting, below paragraph 12 “federal act” but above paragraph 13 “listing board,” the following
13 paragraph:— “Instant runoff voting” shall mean a method of casting and tabulating votes that

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

17 SECTION 5. Section 2 of said chapter 50 is hereby amended by striking out the third
18 sentence and inserting the following:

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

26 SECTION 6. Chapter 54 of the General Laws, as so appearing, is hereby amended by
27 adding after section 77A the following section:

28 Section 77B. (a) The purpose of this section shall be to require a majority of votes for
29 election to the offices of United States representative.

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

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

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

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

43 (3) 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 (4) The process of eliminating the last-place candidates and recounting all the continuing
48 ballots shall continue until one candidate receives a majority of the votes in a round. The
49 candidate who receives a majority of the votes in a round shall be deemed and declared to be
50 elected.

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

53 (6) 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.

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

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

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

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

69 (f) The secretary of the commonwealth shall adopt and promulgate regulations consistent
70 with this section, which regulations shall ensure that ballots shall be simple and easy to
71 understand.

72 (1) The state shall begin using instant runoff voting at the November 2008 general state
73 election.

74 (2) Consistent with section 48 of chapter 54 of the general laws, the secretary of the
75 commonwealth shall conduct a voter education campaign to familiarize voters with instant runoff
76 voting.

77 (3) Consistent with section 32 of chapter 54 of the general laws, the secretary of the
78 commonwealth shall ensure that a city and town has voting technology capable of
79 accommodating instant runoff balloting.

80 (4) In accordance with section 60 of chapter 56 of the general laws, if an election official
81 fails to comply with the laws under this section; the secretary of the commonwealth may order
82 the local official to comply with the law.