

**HOUSE . . . . . No. 2742**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Carl M. Sciortino, Jr.*

*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 adoption of the accompanying bill:

An Act providing cities or towns with a local option to use instant runoff voting in municipal elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>1/21/2011</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>2/3/2011</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/3/2011</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/3/2011</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>2/4/2011</i>

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By Mr. Sciortino of Medford, a petition (accompanied by bill, House, No. 2742) of Carl M. Sciortino, Jr. and others relative to cities or towns with a local option to use instant runoff voting in municipal elections. Election Laws.

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act providing cities or towns with a local option to use instant runoff voting in municipal 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. Chapter 50 of the General Laws, as appearing in the 2006 Official Edition,  
2 is hereby amended by inserting after section 8 the following new section:--

3 Section 9. Option of local government to adopt Instant Runoff Voting for municipal  
4 elections.

5 (a) Any city or town may choose to adopt the Instant Runoff Voting method, as defined  
6 in section

7 (b). Any city or town may adopt this section to use Instant Runoff Voting for the election  
8 of any or all of the following offices: Mayor, City Council, Alderman, Selectman, or School  
9 Committee. Instant Runoff Voting would be the method used for all primaries and elections for  
10 those approved offices when three or more candidates have qualified to have their names printed  
11 on the ballot. Ballots shall allow the voter to mark the voter’s first choice in the same manner as

12 that for offices not elected by Instant Runoff Voting. The provisions of this section may be  
13 adopted in any city or town by the manager or mayor in a city having a Plan D or Plan E form of  
14 charter, with the approval of the city council or board of aldermen, or the town council or board  
15 of selectmen of a town.

16 (b) Instant Runoff Voting is defined as a method of casting and tabulating votes that  
17 simulates the ballot counts that would occur if all voters participated in a series of runoff  
18 elections with one candidate eliminated after each round of counting. In elections using the  
19 Instant Runoff Voting method, voters may rank the candidates in order of preference equal to the  
20 total number of candidates for each office. A voter may rank a write-in candidate. In all such  
21 elections, the count shall proceed in the following manner:

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

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

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

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

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

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

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

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

46 (d) Sample ballots illustrating voting procedures shall be posted in or near the voting  
47 booth, and shall be included in the instruction packet for absentee ballots. Directions to voters  
48 shall conform substantially to the following:

49 "Vote for your first-choice candidate by marking the number '1' next to that candidate's  
50 name. In addition to your first choice candidate, you may rank additional candidates in order of  
51 preference. Ranking additional candidates will not affect your first-choice candidate. Indicate  
52 your second choice by marking the number '2' by that candidate's name, your third choice by

53 marking the number ‘3,’ and so on for as many candidates as you wish. Do not mark the same  
54 number beside more than one candidate. Do not skip numbers.”

55 (e) The secretary of the commonwealth shall adopt and promulgate regulations consistent  
56 with this section, which regulations shall ensure that ballots shall be simple and easy to  
57 understand. Consistent with section 32 of chapter 54 of the general laws, the secretary of the  
58 commonwealth shall ensure that any city and town adopting this section has voting technology  
59 capable of accommodating instant runoff balloting.