

**HOUSE . . . . . No. 646**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Ellen Story*

*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 relative to voting by the instant runoff voting method in primary elections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>1/7/2013</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>1/15/2013</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	

**HOUSE . . . . . No. 646**

By Ms. Story of Amherst, a petition (accompanied by bill, House, No. 646) of Ellen Story and others relative to voting by the instant runoff voting method, so-called, in primary elections. Election Laws.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1984 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
\_\_\_\_\_

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 2010  
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 “Vote for your first-choice candidate by marking the number ‘1’ next to that candidate’s  
14 name. In addition to your first choice candidate, you may rank additional candidates in order of  
15 preference. Ranking additional candidates will not affect your first-choice candidate. Indicate  
16 your second choice by marking the number ‘2’ by that candidate’s name, your third choice by

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

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

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

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

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

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

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

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

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

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

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

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