

HOUSE No. 3485

The Commonwealth of Massachusetts

PRESENTED BY:

Solomon Goldstein-Rose

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 election modernization.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>	<i>1/18/2017</i>

HOUSE No. 3485

By Mr. Goldstein-Rose of Amherst, a petition (accompanied by bill, House, No. 3485) of Solomon Goldstein-Rose relative to election modernization. Election Laws.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to election modernization.

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 51 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out, in line 1, the word “eighteen” and inserting
3 in place thereof the following figure:- 14.

4 SECTION 2. Chapter 51 of the General Laws is hereby amended by inserting after
5 section 1F the following section:-

6 Section 1G. Notwithstanding any general or special law to the contrary, a comprehensive
7 and secure database shall be maintained by the secretary of the commonwealth of all registered
8 voters in the commonwealth. All Massachusetts citizens with known addresses shall, at the time
9 they reach the voting age, be automatically registered to vote at the address associated with them.
10 Online and in-person methods shall be available for citizens to update or change their voter
11 registration or affiliate with a party. Data shall be coordinated with other states so that a person
12 who has moved out of state shall be automatically de-registered. Students shall have the option to

13 remain registered at their home address or re-register at their school address, and if that address
14 is in another state data shall likewise be coordinated to prevent duplicate registrations.

15 SECTION 3. Chapter 51 of the General Laws is hereby amended by inserting after
16 section 34 the following section:-

17 Section 34A. Any eligible voter who reached the voting age too soon before an election
18 to have been automatically registered and mailed a ballot, or who believes they are eligible to
19 vote but for any reason is not currently on the registered voter list or was not mailed a ballot,
20 shall be allowed to provisionally register in-person at a polling place or ballot drop-off location
21 on election day, and to cast a ballot. Such ballots shall be set aside and counted after the
22 eligibility of each voter is verified. There shall be no deadline for registering to vote for any
23 election in Massachusetts.

24 SECTION 4. Chapter 54 of the General Laws is hereby amended by inserting after
25 section 25A the following section:-

26 Section 25A½. Notwithstanding any general or special law to the contrary, all registered
27 voters in the commonwealth shall be required to cast a ballot in the November general election.
28 A fee of \$50 shall be added to the voter's state tax liability for each election that voter did not
29 mail in or drop off a ballot on time. Nothing shall impede a voter's right to complete and return a
30 ballot that does not include any actual votes for candidates.

31 SECTION 5. Chapter 54 of the General Laws is hereby amended by inserting after
32 section 58A the following section:-

33 Section 58B. Notwithstanding any general or special law to the contrary, ballots for the
34 November general election in Massachusetts shall be mailed to each registered voter 3 weeks
35 before the date of the election. Colleges and similar institutions shall ensure that ballots
36 addressed to a person’s voting address are delivered to them, even if the voting address is not the
37 usual form of mailing address for a college student.

38

39 Voters shall complete their ballots according to instructions provided and mail ballots
40 back to the secretary of the commonwealth or to whatever local entities are designated by the
41 secretary of the commonwealth, or shall drop off completed ballots in person at one of any drop-
42 off locations which shall be provided by town or city clerks’ offices, at least 1 in each
43 municipality.

44 Drop-off locations shall be available throughout the 3 weeks preceding the day of the
45 election, and during the election day itself. All ballots dropped off or postmarked by 8:00 PM on
46 election day shall be counted. Extra ballots shall be available at drop-off locations on election
47 day, and voters may complete and submit a ballot in person on election day; if that voter has
48 already submitted a ballot for that election, the previous ballot shall be discarded and not
49 counted.

50 SECTION 6. Chapter 54 of the General Laws is hereby amended by adding the following
51 section:-

52 Section 163. (a) Notwithstanding any general or special law to the contrary, for the
53 election of Governor, Lieutenant Governor, all other statewide constitutional officers, members
54 of the General Court, county sheriffs, Governor’s councillors, district attorneys, clerks of courts,

55 registers of probate, registers of deeds, county commissioners, county treasurers, U.S.
56 Representatives, and U.S. Senators, a ranked choice system of voting shall be used on all ballots.
57 These positions shall all be elected in the appropriate year on the November general election
58 ballot. There shall be no state primary election. No party designation, nor designation of
59 incumbency, nor any statement associated with a candidate, shall appear on any state ballot.

60 (b) Notwithstanding any general or special law to the contrary, candidates for the election
61 of offices in subsection (a) shall qualify to appear on the ballot by the collection of a certain
62 number of certified signatures of registered voters in each candidate's district, signed in the
63 aggregate by not less than the following number of voters: for State Representative, 300; for
64 State Senator in General Court, 800; For Governor and Lt. Governor, Attorney General, United
65 States senator, and presidential electors, 20,000 for State Secretary, State Treasurer, and State
66 Auditor, 7000; for Representative in Congress, 3500; for councillor, district attorney, clerk of
67 courts, register of probate, register of deeds, county commissioner, sheriff, and county treasurer,
68 2500; clerk of courts, register of probate, register of deeds, county commissioner, sheriff, and
69 county treasurer, in Barnstable, Berkshire, Franklin, and Hampshire counties, 750; and for any
70 such offices in Dukes and Nantucket counties, 50.

71 (c) Notwithstanding any general or special law to the contrary, no more than 100
72 signatures of voters shall be required on nomination papers for such town office or regional
73 district school committee elected district-wide. At a first election to be held in a newly
74 established ward, the number of signatures of voters upon a nomination paper of a candidate who
75 is to be voted for only in such ward shall be at least 100.

76 (d) All ballots shall list all candidates for each position in randomized order. Ballots shall
77 be set up to allow voters to indicate their preference of candidates in ranked order – for example,
78 writing a “1” next to their first choice candidate, a “2” next to their second choice, and so on.
79 Voters shall not be required to rank all candidates for a position.

80 (e) Votes shall be counted by assigning each candidate 1 vote for each time they appear
81 as first choice on a ballot, $\frac{1}{2}$ of a vote for each time they appear as a second choice on a ballot,
82 $\frac{1}{3}$ of a vote for each time they appear as a third choice on a ballot, and so on. Candidates shall
83 receive no votes from ballots on which they were not ranked at all. The candidate with the
84 greatest number of votes shall win the election. In the case of multiple-seat districts, the top
85 several candidates, equal to the number of seats elected by the district, shall be elected.

86 SECTION 7. The General Laws are hereby amended by inserting after chapter 54 the
87 following chapter:-

88 Chapter 54B.

89 PROPORTIONAL OR PREFERENTIAL VOTING FOR

90 MEMBERS OF CONGRESS AND THE GENERAL COURT

91 Section 1. Notwithstanding any general or special law to the contrary, for the purpose of
92 electing certain representatives following the 2020 decennial census, the General Court shall
93 divide the commonwealth into 53 house districts, each of which shall elect 3 members to the
94 state house of representatives; 13 senate districts, each of which shall elect 3 members to the
95 state senate; and a number of U.S. House districts according to the United States Constitution,
96 which shall be arranged so that each district elects 3 members to the United States House, and if

97 the number of U.S. Representatives Massachusetts is entitled to is not divisible by 3, then the
98 remainder shall be elected at-large by the whole Commonwealth.

99 Section 2. Official ballots shall be used in all elections by proportional representation
100 under this chapter. On each ballot shall be printed or stamped the designation of the district in
101 which it is to be used. The surnames of the candidates shall be printed in a heavier type than the
102 first names of the candidates. Except that the names of candidates shall appear in the spaces
103 indicated therefor, and that the spaces left for the office to be filled, the date of the election, and
104 the designation of the district, shall be properly filled in, the official ballots for each office shall
105 be in form substantially as follows, the first sentence under the heading being printed in
106 prominent bold-faced type:

107 DIRECTIONS TO VOTERS

108 Ballot for (Office to be filled in)

109 Election for General Court and Congressional District, District of _____

110 (Month and Day) , 20

111 Mark your choices with figures, not crosses.

112 Put the figure 1 opposite your first choice; the figure 2 opposite your second choice; the
113 figure 3 opposite your third choice, and so on. You may mark as many choices as you please.

114 Do not put the same figure opposite more than one name. If you spoil this ballot, return it
115 for cancellation to the election officer in charge of the ballots and get another from the election
116 officer.

117 Candidates for (Office to be filled in) Order of Choice

118

119

120

121 (Space for voters to write in additional names)

122 Candidates' party or political designation or designations shall never appear on any state

123 ballot.

124 Section 3. The ballots used in elections by proportional representation shall be printed in
125 as many lots as there are candidates for the office. In the first lot the names of the candidates
126 shall appear in the alphabetical order of their surnames. In the second lot the names shall appear
127 in the same order except that the first name in the first lot shall be placed last. In each succeeding
128 lot the order shall be the same as that of the lot preceding, except that the first name in that
129 preceding lot shall be placed last. Sets of ballots to be used in the several precincts shall be made
130 up by combining ballots from the different lots in regular rotation, so that no 2 successive voters
131 shall receive ballots from the same lot, and so that each candidate's name shall appear first and in
132 each other position substantially the same number of times on the ballots used.

133 Section 4. Ballots shall be counted and the results determined under the supervision of
134 the director of the count, according to the following:-

135 (a) Valid and Invalid Ballots.- The ballots in each ballot box shall be examined for
136 validity and those which are found to be invalid or blank shall be separated from the rest. The
137 number of valid ballots from each precinct and the total number of valid ballots shall be

138 recorded. If a ballot does not clearly show which candidate the voter prefers to all others, or if it
139 contains any word, mark or other sign apparently intended to identify the voter, it shall be set
140 aside as invalid. Every ballot not thus invalid shall be counted according to the intent of the
141 voter, so far as that can be clearly ascertained, whether marked according to the directions
142 printed on it or not. No ballot shall be held invalid because it is marked in ink or pencil different
143 from that supplied at the voting place, or because the names of candidates thereon for whom the
144 voter did not mark a choice have been stricken out. A single cross on a ballot on which no figure
145 1 appears shall be considered equivalent to the figure 1. If a ballot contains both figures and
146 crosses, the order of the choice shown by the figures shall be taken as the voter's intention in so
147 far as the order is clearly indicated. If the consecutive numerical order of the figures on a ballot
148 is broken by the omission of 1 or more figures, the smallest number marked shall be taken to
149 indicate the voter's first choice, the next smallest his second, and so on, without regard to the
150 figure or figures omitted.

151 (b) Votes shall be counted by assigning each candidate 1 vote for each time they appear
152 as first choice on a ballot, $\frac{1}{2}$ of a vote for each time they appear as a second choice on a ballot,
153 $\frac{1}{3}$ of a vote for each time they appear as a third choice on a ballot, and so on. Candidates shall
154 receive no votes from ballots on which they were not ranked at all. The candidate with the
155 greatest number of votes shall win the election. In the case of multiple-seat districts, the top
156 several candidates, equal to the number of seats elected by the district, shall be elected.

157 SECTION 8. Chapter 55 of the General Laws, as appearing in the 2014 Official Edition,
158 is hereby amended by inserting after section 5C the following section:-

159 Section 5D. (a) Notwithstanding any general or special law to the contrary, any candidate
160 for Governor, Lieutenant Governor, all other statewide constitutional offices, Representative or
161 Senator in the General Court, county sheriff, Governor’s council, district attorney, clerk of
162 courts, register of probate, register of deeds, county commissioner, county treasurer, U.S.
163 Representative, or U.S. Senator, shall be entitled to spend money provided by the commonwealth
164 in any legal way for the support of their candidacy. No other money may be solicited, accepted,
165 or spent, and the candidate may not spend their own money for campaign purposes. Registered
166 political parties, c(4) nonprofit organizations, and Political Action Committees, may not make
167 monetary contributions but may make in-kind contributions worth no more than \$500 total per
168 candidate per calendar year. No other entity may contribute resources of any kind, except for
169 announcements of endorsements, to any candidate or committee. No person, committee,
170 corporation, or other entity except for candidate committees shall be allowed to pay for,
171 purchase, arrange, reserve, or otherwise run any ad in any medium in the Commonwealth that
172 includes the name of any candidate or potential candidate for office. Nothing shall prevent the
173 unrestricted right of any entity to run genuine issue ads on any substantive matter, provided the
174 content is true and not misleading. The State Ethics Commission, Office of Campaign and
175 Political Finance, and other appropriate entities may create methods to enforce these provisions.

176 (b) Public financing shall be available to all candidates in the following manner: every
177 registered voter shall be entitled to \$50 per calendar year provided by the Commonwealth
178 directly to the committee of any candidate, or combination of candidates, that each voter shall
179 direct. Voters may donate all, none, or some of the \$50 each year, and may donate any amount to
180 any candidate up to the total allowance of \$50. Donations may be directed online or by phone

181 and the process to direct donations shall be made accessible by the Office of Campaign and
182 Political Finance.

183 (c) In addition, any candidate making less than \$60,000 per year who has to leave a job or
184 miss paid work hours in order to campaign shall be entitled to compensation from the
185 Commonwealth.

186 (d) The Office of Campaign and Political Finance shall adopt regulations to carry out this
187 section.