HOUSE DOCKET, NO. 413 FILED ON: 1/12/2017

HOUSE . . . . . No. 377

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

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 to promote better voting practices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Jay R. Kaufman	*15th Middlesex*	*1/12/2017*
Jennifer E. Benson	*37th Middlesex*	*1/24/2017*
William N. Brownsberger	*Second Suffolk and Middlesex*	*2/1/2017*
Mike Connolly	*26th Middlesex*	*2/1/2017*
Lori A. Ehrlich	*8th Essex*	*2/3/2017*
Dylan Fernandes	*Barnstable, Dukes and Nantucket*	*2/3/2017*
Sean Garballey	*23rd Middlesex*	*2/3/2017*
Carmine L. Gentile	*13th Middlesex*	*1/26/2017*
Solomon Goldstein-Rose	*3rd Hampshire*	*1/25/2017*
Jonathan Hecht	*29th Middlesex*	*1/27/2017*
Mary S. Keefe	*15th Worcester*	*2/2/2017*
Elizabeth A. Malia	*11th Suffolk*	*2/3/2017*
Denise Provost	*27th Middlesex*	*1/24/2017*
Thomas M. Stanley	*9th Middlesex*	*2/3/2017*
José F. Tosado	*9th Hampden*	*1/31/2017*

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HOUSE . . . . . No. 377

By Mr. Kaufman of Lexington, a petition (accompanied by bill, House, No. 377) of Jay R. Kaufman and others relative to the method of casting and tabulating votes and further regulating election practices. Election Laws.

The Commonwealth of Massachusetts

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

An Act to promote better voting practices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 50 of the General Laws is hereby amended, by inserting after the definition of "Primary" the following definition:—

"Ranked Choice Voting", a method of casting and tabulating votes that simulates the ballot counts that would occur if all voters participated in a series of runoff elections with one candidate eliminated after each round of counting. In elections using the Ranked Choice Voting method, voters may rank the candidates in order of preference. In all such elections, the count shall proceed in the following manner:

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

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

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

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

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

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

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

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

SECTION 2. Section 2 of said chapter 50 is hereby amended by striking out the third sentence and inserting in place thereof the following:—

This section shall not apply to nominations and elections by the Ranked Choice Voting method.

SECTION 3. Section 78 of chapter 54 of the General Laws is hereby amended by striking out the third sentence.

SECTION 4. Chapter 54 is hereby further amended by inserting after section 78A the following section 78B:—

(a) Ranked Choice Voting, as defined in section 1 of chapter 50, shall be the method used for all elections by ballot, including all general elections and primary elections and caucuses, to the following offices when three or more candidates have qualified to have their names printed on the ballot for those offices: governor, lieutenant governor, attorney general, secretary of the commonwealth, state treasurer, state auditor, and representative and senator in the general court.

(b) In elections using the Ranked Choice Voting method, voters may rank the candidates in order of preference.

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

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

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

(e) The secretary of the commonwealth shall adopt and promulgate regulations consistent with this section, which regulations shall ensure that ballots shall be simple and easy to understand. As soon as practicable, the secretary of the commonwealth shall ensure that all voting equipment in the commonwealth is capable of effecting Ranked Choice Voting. In addition, the secretary of the commonwealth shall conduct a voter education campaign to familiarize voters with Ranked Choice Voting.