# HOUSE . . . . . . . . . . . . . . . . . No. 719

## The Commonwealth of Massachusetts

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PRESENTED BY:

### _Andres X. Vargas and Adrian C. Madaro_

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_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 ranked choice voting.

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PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| _Andres X. Vargas_ | _3rd Essex_ | _1/14/2019_ |
| _Adrian C. Madaro_ | _1st Suffolk_ | _3/19/2019_ |
| _Mike Connolly_ | _26th Middlesex_ | _1/22/2019_ |
| _Tami L. Gouveia_ | _14th Middlesex_ | _1/22/2019_ |
| _Maria Duaime Robinson_ | _6th Middlesex_ | _1/22/2019_ |
| _Jack Patrick Lewis_ | _7th Middlesex_ | _1/22/2019_ |
| _Daniel M. Donahue_ | _16th Worcester_ | _1/22/2019_ |
| _Denise Provost_ | _27th Middlesex_ | _1/23/2019_ |
| _Jason M. Lewis_ | _Fifth Middlesex_ | _1/23/2019_ |
| _Lori A. Ehrlich_ | _8th Essex_ | _1/23/2019_ |
| _Steven Ultrino_ | _33rd Middlesex_ | _1/24/2019_ |
| _Julian Cyr_ | _Cape and Islands_ | _1/24/2019_ |
| _Natalie M. Higgins_ | _4th Worcester_ | _1/25/2019_ |
| _Christine P. Barber_ | _34th Middlesex_ | _1/28/2019_ |
| _Aaron Vega_ | _5th Hampden_ | _1/28/2019_ |
| _David Allen Robertson_ | _19th Middlesex_ | _1/28/2019_ |
| _Dylan A. Fernandes_ | _Barnstable, Dukes and Nantucket_ | _1/28/2019_ |
| _Sean Garballey_ | _23rd Middlesex_ | _1/28/2019_ |

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|---|---|---|
| Natalie M. Blais | 1st Franklin | 1/28/2019 |
| Carmine Lawrence Gentile | 13th Middlesex | 1/28/2019 |
| Tram T. Nguyen | 18th Essex | 1/28/2019 |
| Elizabeth A. Malia | 11th Suffolk | 1/28/2019 |
| Mary S. Keefe | 15th Worcester | 1/29/2019 |
| Christina A. Minicucci | 14th Essex | 1/29/2019 |
| Peter Capano | 11th Essex | 1/29/2019 |
| Michael J. Barrett | Third Middlesex | 1/29/2019 |
| Mathew J. Muratore | 1st Plymouth | 1/29/2019 |
| Thomas M. Stanley | 9th Middlesex | 1/29/2019 |
| Kenneth I. Gordon | 21st Middlesex | 1/29/2019 |
| Lindsay N. Sabadosa | 1st Hampshire | 1/29/2019 |
| Jennifer E. Benson | 37th Middlesex | 1/29/2019 |
| Sarah K. Peake | 4th Barnstable | 1/29/2019 |
| Denise C. Garlick | 13th Norfolk | 1/30/2019 |
| Jay D. Livingstone | 8th Suffolk | 1/30/2019 |
| James B. Eldridge | Middlesex and Worcester | 1/30/2019 |
| Tommy Vitolo | 15th Norfolk | 1/30/2019 |
| Bud L. Williams | 11th Hampden | 1/30/2019 |
| Kay Khan | 11th Middlesex | 1/30/2019 |
| Edward F. Coppinger | 10th Suffolk | 1/30/2019 |
| Michelle M. DuBois | 10th Plymouth | 1/30/2019 |
| Michelle L. Ciccolo | 15th Middlesex | 1/30/2019 |
| Sal N. DiDomenico | Middlesex and Suffolk | 1/31/2019 |
| Daniel R. Carey | 2nd Hampshire | 1/31/2019 |
| Alan Silvia | 7th Bristol | 1/31/2019 |
| James Arciero | 2nd Middlesex | 1/31/2019 |
| Paul Brodeur | 32nd Middlesex | 2/1/2019 |
| Sonia Chang-Diaz | Second Suffolk | 2/1/2019 |
| Marjorie C. Decker | 25th Middlesex | 1/31/2019 |
| Mindy Domb | 3rd Hampshire | 1/31/2019 |
| Nika C. Elugardo | 15th Suffolk | 1/31/2019 |
| William C. Galvin | 6th Norfolk | 1/31/2019 |
| Carlos González | 10th Hampden | 2/1/2019 |
| James K. Hawkins | 2nd Bristol | 1/31/2019 |
| Stephan Hay | 3rd Worcester | 1/31/2019 |
| Jonathan Hecht | 29th Middlesex | 1/31/2019 |
| Russell E. Holmes | 6th Suffolk | 2/1/2019 |
| Patricia D. Jehlen | Second Middlesex | 2/1/2019 |

| | | |
|---|---|---|
| *John J. Lawn, Jr.* | *10th Middlesex* | *2/1/2019* |
| *David Henry Argosky LeBoeuf* | *17th Worcester* | *1/31/2019* |
| *Paul W. Mark* | *2nd Berkshire* | *2/1/2019* |
| *Liz Miranda* | *5th Suffolk* | *1/31/2019* |
| *Brian W. Murray* | *10th Worcester* | *2/1/2019* |
| *Rebecca L. Rausch* | *Norfolk, Bristol and Middlesex* | *2/1/2019* |
| *David M. Rogers* | *24th Middlesex* | *1/31/2019* |
| *Jon Santiago* | *9th Suffolk* | *1/31/2019* |

By Messrs. Vargas of Haverhill and Madaro of Boston, a petition (accompanied by bill, House, No. 719) of Andres X. Vargas and others relative to the use of ranked choice voting in certain elections. Election Laws.

## The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-First General Court**
**(2019-2020)**

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An Act relative to ranked choice voting.

*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.

2        Section 1 of chapter 50 of the General Laws is hereby amended, by inserting after the

3    definition of "Primary" and prior to the definition of "Registrars", the following definition:—

4        "Ranked Choice Voting" shall mean, in the case of elections and primaries for which

5    ballots are prepared in accordance with section 43A of chapter 54, a method of casting and

6    tabulating ballots in which voters rank candidates in order of preference, tabulation proceeds in

7    sequential rounds in which last-place candidates are defeated and the candidate with the most

8    votes in the final round is elected.

9        SECTION 2.

10        Section 2 of said chapter 50 is hereby amended by adding the following sentence to the

11    end of said section:—

12      The determination of the person receiving the highest number of votes for an office in a

13      Ranked Choice Voting election shall be governed by sections 2A and 2B of chapter 50.

14      SECTION 3.

15      Said chapter 50 is hereby further amended by inserting after section 2 the following

16      section 2A:—

17      Section 2A. As used in this section and section 2B, unless the context otherwise

18      indicates, the following terms have the following meanings:

19      "Active preference" means the highest continuing ranking on a continuing ballot.

20      "Batch elimination" means the simultaneous defeat of multiple candidates because, with

21      respect to such candidates, either of the following applies:

22      (a) The candidate cannot be elected because the candidate's active preference total in a

23      round of the Ranked Choice Voting tabulation plus the total of all continuing ballots that could

24      possibly be transferred to the candidate in future rounds from candidates with fewer active

25      preferences or an equal number of active preferences would not be enough to surpass the

26      candidate with the next-higher active preference total in the round; or

27      (b) The candidate has a lower active preference total than a candidate described in

28      subparagraph (a).

29      "Continuing ballot" means a ballot that is not an inactive ballot.

30      "Continuing candidate" means a candidate who has not been defeated.

31      "Highest continuing ranking" means the highest ranking on a voter's ballot for a

32   continuing candidate.

33      "Inactive ballot" means a ballot that does not rank any continuing candidate, contains an

34   overvote at the highest continuing ranking, or contains two or more sequential skipped rankings

35   before its highest continuing ranking.

36      "Last-place candidate" means (a) the candidate with the lowest active preference total in a

37   round of the Ranked Choice Voting tabulation, and (b) any other candidate that is subject to

38   batch elimination.

39      "Overvote" means a circumstance in which a voter has ranked more than one candidate at

40   the same ranking.

41      "Ranking" means the number assigned on a ballot by a voter to a candidate to express the

42   voter's preference for that candidate. Ranking number one is the highest ranking, ranking number

43   two is the next-highest ranking and so on.

44      "Round" means an instance of the sequence of voting tabulation steps established in

45   subsection 1 of section 2B.

46      "Skipped ranking" means a circumstance in which a voter has left a ranking blank and

47   ranks a candidate at a subsequent ranking.

48      SECTION 4.

49      Said chapter 50 is hereby further amended by inserting after section 2A the following

50   section 2B:—

51    Section 2B. The following shall apply for determining the results of Ranked Choice

52    Voting elections.

53    1. Procedures. Except as provided in subsection 2, the following procedures are used to

54    determine the person receiving the highest number of votes, for purposes of section 2 of chapter

55    50, in an election for an office elected by Ranked Choice Voting. Tabulation must proceed in

56    rounds. In each round, the number of active preferences for each continuing candidate must be

57    counted. Each continuing ballot counts as one active preference for its highest-ranked continuing

58    candidate for that round. Inactive ballots are not counted for any continuing candidate. The round

59    then ends with one of the following two potential outcomes.

60    A. If there are more than two continuing candidates, the last-place candidate, or

61    candidates, is defeated and a new round begins.

62    B. If there are two or fewer continuing candidates, the candidate with the most active

63    preferences is determined to be the person receiving the highest number of votes.

64    2. Ties. If two or more last-place candidates are tied and batch elimination does not

65    apply, the last-place candidate who was credited with the fewest active preferences in the prior

66    round shall be declared defeated. If two or more of such tied candidates were tied in the prior

67    round also, the second tie shall be decided by referring similarly to the standing of candidates, in

68    terms of active preferences, in the second-prior round. This principle shall be applied

69    successively as many times as may be necessary, a tie shown in any prior round being decided by

70    referring to the standing of the tied candidates in the round immediately preceding the round in

71    which the tie exists. Any tie not otherwise provided for shall be decided by lot.

72    3. Effect on the definition of political party. For the purposes of determining the

73    percentage of the entire vote cast in the commonwealth for an office to be filled by all the voters

74    of the commonwealth, as provided in the definition of "political party" in Section 1 of chapter

75    50, the number of votes cast for a party's candidate for an applicable office elected by Ranked

76    Choice Voting shall be the number of active preferences credited to that candidate after the

77    initial counting in the first round described in subsection 1.

78    SECTION 5.

79    Section 1 of chapter 53 of the General Laws is hereby amended by striking out the second

80    sentence and inserting in place thereof the following:—

81    A party that makes one or more nominations shall be entitled to have the name of each of

82    its candidates printed on the ballot to be used at the ensuing election; but, unless the nomination

83    is made in a primary for which ballots are prepared in accordance with section 43A of chapter 54

84    or in several caucuses held in more than one ward or in more than one precinct or group of

85    precincts by direct plurality vote, a certificate of nomination must be filed as provided in section

86    five.

87    SECTION 6.

88    Section 2 of said chapter 53 is hereby amended by striking out the second sentence and

89    inserting in place thereof the following:—

90    All nominations and elections in primaries for which ballots are prepared in accordance

91    with section 43A of chapter 54 shall use Ranked Choice Voting for determining the person

92    receiving the highest number of votes.  All nominations and elections in caucuses shall be by

93    direct plurality vote.

94        SECTION 7.

95        Chapter 54 of the General Laws is hereby further amended by inserting after section 43A

96    the following section 43B:—

97        Section 43B. All elections for which ballots are prepared in accordance with section 43A

98    and for which only one person is to be elected shall, for the purposes of section 2 of chapter 50,

99    use Ranked Choice Voting for determining the person receiving the highest number of votes for

100    an office other than presidential electors.  The election of presidential electors shall be by direct

101    plurality vote.

102        SECTION 8.

103        Section 77 of chapter 54 of the General Laws is hereby amended by striking the phrase

104    "marking a cross (X) in the square at the right of the name of each candidate for whom he

105    intends to vote" and inserting in place thereof the following phrase: "marking the ballot in a

106    manner prescribed by the state secretary".

107        SECTION 9.

108        Section 78 of chapter 54 of the General Laws is hereby amended by striking the phrase

109    "mark a cross (X) in the square at the right of the names of the group of candidates for said

110    offices for whom he desires to vote" in the third sentence and inserting in place thereof the

111    following phrase: "mark the ballot in a manner prescribed by the state secretary".

112        SECTION 10.

113        The state secretary shall adopt and promulgate regulations consistent with this act, which

114      regulations shall ensure that ballots using Ranked Choice Voting shall be simple and easy to

115      understand. As soon as practicable, the state secretary shall ensure that all voting equipment in

116      the commonwealth is capable of effecting Ranked Choice Voting. In addition, the state secretary

117      shall conduct a voter education campaign to familiarize voters with Ranked Choice Voting.

118      SECTION 11.

119      This act applies to elections held on or after January 1, 2022.