

SENATE No. 2331

Senate, September 9, 2019 -- Substituted by amendment by the Senate (Senator Humason) as a new draft for Senate, No. 2229.

The Commonwealth of Massachusetts

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

An Act amending the home rule charter of the city of Easthampton.

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 1-7 of Article 1 of the charter of the city of Easthampton which is
2 on file in the office of the archivist of the commonwealth pursuant to section chapter of chapter
3 43B of the General Laws is hereby amended by inserting after the definition of “Multiple
4 Member Body” the following definition:-

5 Ranked Choice Voting – The words “ranked choice voting” shall mean an election
6 system in which voters rank the candidates for an office in order of preference; provided,
7 however, that ranked choice voting shall only apply to a ballot on which there are not less than 2
8 candidates. Each voter shall cast a single vote by ranking candidates in order of preference,
9 indicating the voter’s first choice, second choice, third choice and continuing until the voter has
10 assigned a single numerical ranking to each candidate on the ballot or until the voter chooses to
11 stop ranking. If 1 candidate receives at least 50 per cent of the first choice votes cast for the
12 office in the election, that candidate shall be declared the winner. If no candidate receives at least
13 50 per cent of the first choice votes cast in the first round, an instant runoff shall automatically

14 occur. In an instant runoff, the candidate receiving the least number of votes in the prior round
15 shall be deemed the withdrawn candidate and shall be withdrawn from the election. The highest
16 ranked non-withdrawn candidate of each voter shall be the voter's first choice vote and such first
17 choice vote shall be used in calculating the total number of votes for each remaining non-
18 withdrawn candidate. The instant runoff process shall be repeated until a candidate shall have
19 received at least 50 per cent of the total first choice votes cast for the office in the election and, at
20 such time, the winner shall be declared. A ranked choice voting ballot shall not interfere with a
21 voter's ability to rank at least 1 write-in candidate.

22 SECTION 2. Section 3-1 of Article 3 of said charter is hereby amended by striking out
23 subsection (b) and inserting in place thereof the following subsection:

24 (b) Term of Office - The term of office of the mayor shall be 4 years and shall begin on
25 the first Monday of January following the biennial city election at which the mayor was chosen
26 and shall continue until a successor has been qualified.

27 SECTION 3. Article 7 of said charter is hereby amended by inserting after section 7-1 the
28 following section:-

29 SECTION 7-1.1 – ELECTION OF MAYOR BY RANKED CHOICE VOTING

30 Notwithstanding any general or special law to the contrary, the election for the office of
31 mayor shall be conducted using ranked choice voting as defined in Section 1-7 of Article 1.

32 SECTION 4. Said Article 7 is hereby further amended by inserting after section 7-1 the
33 following section:-

SECTION 7-1.2 - ELECTION OF DISTRICT CITY COUNCILOR BY RANKED
CHOICE VOTING:-

Notwithstanding any general or special law to the contrary, elections for the office of district city councilor shall be conducted using ranked choice voting as defined in Section 1-7 of Article 1.

SECTION 5. To implement ranked choice voting, the president of the city council of the city of Easthampton shall appoint an ad hoc committee to draft a proposed ordinance establishing the ballot format and the procedural rules for casting and counting ranked choice voting votes. The committee shall also be tasked with establishing an implementation budget. The ad hoc committee shall consist of the city clerk or the city clerk's designee, 1 member of the board of registrars of voters, 2 members of the city council and 3 registered voters of the city.

General provisions for ranked choice voting elections shall be specified by the proposed ordinance; provided, however, that a voter's lower ranked choices shall not impact the likelihood of a voter's higher ranked choices being elected. To the extent possible, a ranked choice voting ballot shall allow voters to rank as many choices as there are candidates. If the voting equipment is unable to accommodate a number of rankings on the ballot equal to the number of candidates, the board of registrars of voters may limit the number of choices a voter may rank to the maximum number allowed by the voting equipment. A ranked choice voting ballot shall not interfere with a voter's ability to rank at least 1 write-in candidate.

The ad hoc committee shall present its proposed ordinance to the city council for its review and adoption, subject to amendment by the city council and approval by the mayor

pursuant to the procedural requirements for ordinances under the charter of the city of Easthampton.

The adopted and approved ordinance shall become effective for the first regular biennial city election after voter acceptance of section 3 or section 4 pursuant this act, subject to funding in accordance with the implementation budget; provided, however, that the budget limitation shall be applicable only for the first biennial election following such voter acceptance and ranked choice voting shall be implemented by the second regular biennial city election following such voter acceptance.

SECTION 6. Sections 2 to 4, inclusive, shall each be placed on the ballot for acceptance by the voters of the city of Easthampton at the annual city election and shall be considered as separate ballot questions. The city solicitor shall prepare and include a summary of the questions to be printed on the ballot and instructions to the voters on: (i) how ranked choice voting is conducted; and (ii) the right of the voter to vote for or against each ballot question separately.

SECTION 7. Sections 1 and 5 shall take effect upon acceptance by the voters of either section 3 or 4 pursuant to this act but shall not be implemented for an election that may occur within 45 days after approval of any such ballot question.

SECTION 8. If accepted by the voters pursuant to this act, section 2 shall take effect beginning with the regular city election held in 2021.