

SENATE No. 406

The Commonwealth of Massachusetts

PRESENTED BY:

Adam G. Hinds

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 promoting access to democracy in Massachusetts.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|----------------------------|---|------------------|
| <i>Adam G. Hinds</i> | <i>Berkshire, Hampshire, Franklin and Hampden</i> | |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> | <i>1/31/2019</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> | <i>2/8/2019</i> |
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | <i>2/8/2019</i> |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>2/11/2019</i> |

SENATE No. 406

By Mr. Hinds, a petition (accompanied by bill, Senate, No. 406) of Adam G. Hinds, Mindy Domb, Julian Cyr, Sal N. DiDomenico and others for legislation to promote access to democracy in Massachusetts. Election Laws.

The Commonwealth of Massachusetts

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

An Act promoting access to democracy in Massachusetts.

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 44A of chapter 43 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in line 7, the words “section forty-four G”
3 and inserting in place thereof the words “sections 44G and 103R”.

4 SECTION 2. Section 77 of chapter 54 of the General Laws, as appearing in the 2016
5 Official Edition, is hereby amended by striking out, in line 5, the words “section thirty three E”
6 and inserting in place thereof the words “sections 33E and 103R.”

7 SECTION 3. Chapter 54 of the General Laws is hereby amended by inserting after
8 section 103Q the following section:-

9 Section 103R. Ranked Choice Voting in city or town elections

10 (a) Notwithstanding any other general or special law to the contrary, any city or town
11 may conduct a local election using ranked choice voting in which voters rank the candidates for

an office in order of preference. Ranked choice voting elections may be used for single-winner elections, such as mayor, or for elections that elect multiple candidates to office, such as city council. Ranked choice voting elections are tabulated in rounds using the single transferable vote method. Winning thresholds shall be calculated based on the number of countable votes and the number of seats to be filled. General provisions for either single-winner elections or multiple-winner elections shall be specified by ordinance, provided that a voter's lower ranked choices shall not harm the likelihood of a voter's higher ranked choices becoming elected. Such ordinances shall be enacted by the municipality's legislative body, be it a city council, board of aldermen, board of selectmen, or town meeting, and the body shall request the input of the community's registrars of voters and town clerk or city election commissioners. The ordinance shall specify at a minimum the method of calculating winning thresholds, how candidates with the fewest votes shall be eliminated before a subsequent round of the tally, how votes for eliminated candidates shall be transferred to the voter's next valid choice, how ties shall be dealt with, how ballots that skip a ranking or otherwise are mismarked shall be counted, and in the case of multi-seat contests, how surplus votes above the winning threshold for a candidate shall be transferred to alternate choices. Preliminary elections shall not be held in cities and towns using ranked choice voting for all offices that would otherwise require preliminary elections.

(b) A voting method authorized by this section may be adopted by any of the following:

(1) By approval of a ballot measure submitted to the voters by the governing body of the city or town at a regular or special election; or

(2) By initiative ordinance or charter amendment

33 (c) Any city or town using a ranked choice voting method shall conduct a voter education
34 and outreach campaign to familiarize voters with ranked choice voting

35 (d) A ranked choice voting ballot shall allow voters to rank as many choices as there are
36 candidates. In the event that the voting equipment cannot feasibly accommodate a number of
37 rankings on the ballot equal to the number of candidates, town registrars of voters or city election
38 commissioners may limit the number of choices a voter may rank to the maximum number
39 allowed by the equipment. In a single-winner race with 3 or more candidates, this limit shall
40 never be less than 3. In a multi-winner race, this limit shall never be less than the number of seats
41 to be elected.

42 (e) The ballot shall not interfere with a voter's ability to rank at least 1 write-in candidate.
43 For the purposes of this section, a mark for an unqualified write-in candidate shall not be
44 considered a mark for a candidate.

45 (f) After 4 years, a city or town which has adopted ranked choice voting may choose to
46 return to its prior voting method by any of the following:

47 (1) Approval of a ballot measure submitted to the voters by the governing body of the
48 city or town at a regular or special election; or

49 (2) An initiative ordinance or charter amendment.

50 SECTION 4. Section 7 of chapter 4 of the General Laws, as appearing in the 2016
51 Official Edition, is hereby amended by inserting, in line 92, after the word "October", the
52 following words:- "the first Tuesday following the first Monday in November."

SECTION 5. Section 1 of chapter 51 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- A person otherwise qualified to vote for national or state officers shall not, by reason of a change of residence within the commonwealth, be disqualified from voting for such national or state officers in the city or town from which the person has removed residence until the expiration of 6 months from such removal, provided further, that a person having changed residence shall be eligible to register under section 34A.

SECTION 6. Section 3 of said chapter 51, as so appearing, is hereby amended, by inserting, after the word, "registration" in lines 7 and 16, the following words:- , or in accordance with the provisions of section 34A.

SECTION 7. Chapter 51 of the General Laws, as amended by Chapter 111 of the Acts of 2014, is hereby further amended by inserting after section 34 the following section:-

Section 34A. (a) An individual who is eligible to vote may register on any day during a voting period, including the day of an election and the early voting period set forth in section 25B of chapter 54 of the General Laws, by appearing in person at the polling place for the precinct in which the individual maintains residence on election day, or by appearing in person at an early voting site for the city or town in which the individual maintains residence during the early voting period, during the hours it is open for voting, by completing a registration application in a form prescribed by the state secretary which complies with identity requirements of 42 U.S.C. section 15483, by presenting to the appropriate election official proof of residency and by making a written oath which shall be as follows: I certify that I: am a citizen of the United States; am at least 18 years old; am not under guardianship or otherwise prohibited from voting;

am not temporarily or permanently disqualified by law because of corrupt practices in respect to elections; have read and understand this statement: I further understand that giving false information is a felony punishable by not more than 5 years imprisonment or a fine of not more than \$10,000, or both.

(b) For purposes of this section, the term “proof of residence” shall mean 1 of the following, so long as it includes the name of the applicant and the address from which the applicant is registering:

(i) a valid photo identification including, but not limited to, a Massachusetts’ driver’s license or other state-issued identification card; or

(ii) other documentation demonstrating the name and address where the applicant maintains residence and seeks to register including, but not limited to, a copy of a current utility bill, bank statement, government check, residential lease agreement, wireless telephone statement, paycheck, other government document or correspondence, a current student fee statement or other document from a post-secondary educational institution that verifies the student’s current address.

(c) Upon meeting the identity requirements of subsection (a), production of proof of residence, and the making of an oath sufficient to support registration, the ballot clerk or designee of the ballot clerk shall permit the applicant to vote on the day of an election or the early voting period and the registrar or designee of the registrar shall place the applicant’s name and address on the annual register of voters as soon as reasonably practicable following the date of the election or the early voting period as prescribed by the state secretary. Any person who registers to vote on the day of an election or during the early voting period in accordance with

97 this section shall, absent disqualification, be registered to vote at all subsequent primaries and
98 elections.

99 (d) The state secretary shall make available, to the election officers, to the extent
100 possible, at each polling place, access to the central registry of voters set forth in section 47C.
101 For the purposes of this section, a printed copy of all voters registered to vote in that precinct as
102 of the last day of the registration period, as required by sections 55 and 60, shall be sufficient.

103 (e) A registered voter shall not re-register on the day of an election or the early voting
104 period for the exclusive purpose of altering the party affiliation of that voter.

105 (f) The state secretary shall adopt regulations to implement the relevant provisions of this
106 chapter.

107 (h) Upon credible information or allegation of illegal voter registration, or credible
108 information or allegation of illegal multiple voting, there shall be an investigation upon the
109 merits of said information or allegation by the attorney general, or by the district attorney having
110 jurisdiction over the municipality in which the alleged illegal registration or illegal multiple
111 voting occurred. Nothing in this subsection shall be construed as excluding enforcement of this
112 section by any means otherwise provided by law.

113 (i) Violations of this section shall be punishable under sections 8, 26 and 27, of chapter
114 56.