

**HOUSE . . . . . No. 5293**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Tami L. Gouveia and Michael J. Barrett***

*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 in the Town of Concord.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>8/3/2022</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>8/8/2022</i>

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By Representative Gouveia of Acton and Senator Barrett, a joint petition (accompanied by bill, House, No. 5293) of Tami L. Gouveia and Michael J. Barrett (by vote of the town) relative to ranked choice voting in the town of Concord. Election Laws. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act relative to ranked choice voting in the Town of Concord.

*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 RANKED CHOICE VOTING

3 (a) The terms below shall have the following meanings in this section.

4 "Batch elimination," is the simultaneous defeat of multiple candidates for whom it is  
5 mathematically impossible to be elected.

6 "Concluded ballot," a ballot that does not rank any continuing candidate or contains an  
7 overvote at the highest-ranked continuing candidate.

8 "Continuing candidate," a candidate who has not been defeated or elected.

9 "Election threshold," the number of votes sufficient for a candidate to be elected in a  
10 multi-seat election. It is calculated by dividing the total number of votes counting for continuing

11 candidates in the first round by the sum of the number of seats to be elected and 1, disregarding  
12 any fractions, and then adding 1.

13 "Highest-ranked continuing candidate," the continuing candidate with the highest ranking  
14 on a voter's ballot. Where a ballot omits one or more rankings, the next highest ranking shall be  
15 used for determining the highest-ranked continuing candidate.

16 "Plurality voting," the voting system in which the candidate receiving the most votes is  
17 declared the winner, even if such candidate does not receive a majority of the votes cast in the  
18 election.

19 "Ranked choice voting," a method of casting and tabulating ballots in which voters rank  
20 candidates for office in order of preference.

21 "Last-place candidate," (i) the candidate with the lowest vote total in a round of the  
22 ranked-choice voting tabulation; or (ii) a candidate that is defeated in batch elimination.

23 "Overvote," a circumstance in which a voter ranks more than 1 candidate at the same  
24 ranking.

25 "Ranking," means the number or the numeric ranking assigned on a ballot by a voter to a  
26 candidate to express the voter's preference for that candidate. Ranking number 1 shall be the  
27 highest ranking, ranking number 2 shall be the next-highest ranking, and so on.

28 "Surplus fraction," the number equal to the difference between an elected candidate's  
29 vote total and the election threshold, divided by the candidate's vote total.

30           “Transfer value,” the proportion of a vote that a ballot will count to its highest-ranked  
31 continuing candidate. Each ballot shall begin with a transfer value of 1. If a ballot counts to the  
32 election of a candidate under subsection (d), it receives a lower transfer value.

33           (b) All town offices shall be elected by ranked choice voting, except for a single-seat  
34 office when the number of certified candidates is less than or equal to 2, or a multi-seat office  
35 when the number of certified candidates is less than or equal to the number of seats to be elected.  
36 Plurality voting shall be used when ranked choice voting cannot be conducted. Ranked choice  
37 voting elections shall be tabulated in rounds pursuant to this section.

38           (c) In any single-seat election with ranked choice voting, each round shall begin by  
39 counting the number of votes for each continuing candidate. Each ballot shall count as 1 vote for  
40 its highest-ranked continuing candidate. Concluded ballots shall not be counted for any  
41 continuing candidate. If no candidate receives a majority of the first-choice votes cast, an instant  
42 runoff shall be conducted. In each round of the instant runoff, the vote on each continuing ballot  
43 for each continuing candidate shall be counted. Each continuing ballot shall count as one vote  
44 for the highest-ranked continuing candidate on that continuing ballot. Each round shall end with  
45 1 of the following 2 outcomes:

46           (1) If there are more than 2 continuing candidates, the last-place candidate shall be  
47 defeated or the last-place candidates shall be defeated in batch elimination and a new round shall  
48 begin; or

49           (2) If there are 2 continuing candidates, the candidate with the fewest votes shall be  
50 defeated, the candidate with the most votes shall be elected, and tabulation shall be complete.

51 (d) In any multi-seat election with ranked choice voting, each round shall begin by  
52 counting the number of votes for each continuing candidate. Each ballot shall count for its  
53 highest-ranked continuing candidate. Concluded ballots shall not count for any continuing  
54 candidate. In the first round only, the election threshold shall then be calculated. If no candidate  
55 reaches the election threshold, an instant runoff shall be conducted. In each round of the instant  
56 runoff, the vote on each continuing ballot for each continuing candidate shall be counted at its  
57 current transfer value. Each continuing ballot shall count as one vote for the highest-ranked  
58 continuing candidate on that continuing ballot. Each round shall end with 1 of the following 3  
59 outcomes:

60 (1) If at least 1 continuing candidate has more votes than the election threshold, then all  
61 such candidates shall be elected. Each ballot counting for an elected candidate shall be assigned a  
62 new transfer value by multiplying the ballot's current transfer value by the surplus fraction for  
63 the candidate. Each elected candidate shall be deemed to have a number of votes equal to the  
64 election threshold in all future rounds. If the number of elected candidates is equal to the number  
65 of seats to be filled then tabulation is complete. Otherwise, a new round shall begin;

66 (2) If no continuing candidate has more votes than the election threshold and the sum of  
67 the number of elected candidates and continuing candidates is more than the sum of the number  
68 of seats to be elected and 1, the last-place candidate shall be defeated or the last-place candidates  
69 shall be defeated in batch elimination, and a new round shall begin; or

70 (3) Otherwise, the continuing candidate with fewest votes shall be defeated, all other  
71 continuing candidates shall be elected, and tabulation is complete.

72 (e) Batch elimination shall apply to the largest possible group of continuing candidates  
73 such that the sum of the votes of candidates in the group is less than the individual number of  
74 votes of every continuing candidate not in the group, and provided that the number of continuing  
75 candidates not in the group is at least 1 more than the remaining number of positions to elect.

76 (f) If there is a tie between the continuing candidates receiving the fewest votes in any  
77 round other than the first round, the candidate with the fewest votes in the prior round shall be  
78 defeated. If the continuing candidates remain tied, this process shall be repeated using the votes  
79 from the next closest previous round, until either one continuing candidate has fewer votes or  
80 there are no more previous rounds to examine.

81 (g) The Town Clerk may make any changes to the ranked choice voting ballot and  
82 tabulation process necessary to ensure the integrity and smooth functioning of the election,  
83 provided that ranked choice voting shall still be used and the fewest number of changes are made  
84 to achieve such purpose.

85 SECTION 2. This act shall take effect upon its passage, with the provision there are at  
86 least 64 days till the next election, to allow for proper implementation.