

HOUSE No. 5293

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>8/8/2022</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>8/8/2022</i>

HOUSE No. 5293

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.]

The Commonwealth of Massachusetts

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.

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

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

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

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

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

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

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

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

(3) Otherwise, the continuing candidate with fewest votes shall be defeated, all other 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.